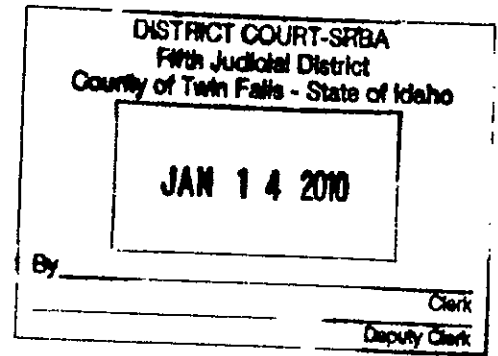




SUPPLEMENTAL DIRECTOR'S REPORT

REGARDING SUBCASE NOS. 75-69A, 75-69B, 75-69F, 75-69H, 75-69K, 75-69L, 75-69N, 75-69P, 75-69Q, 75-69S, 75-69W, 75-69X, 75-70A, 75-70B, 75-70F, 75-70H, 75-70K, 75-70L, 75-70N, 75-70P, 75-70Q, 75-70S, 75-70T, 75-70X, 75-70Y, 75-10061A, 75-10061B, 75-10061C, 75-10061J, 75-10061N, 75-10061R, 75-10061T, 75-10061X, 75-10061Y, 75-10061Z, 75-10061AA, 75-10061AC, 75-10061AE, 75-10061AM, 75-10062A, 75-10062C, 75-10062H, 75-10062L, 75-10062P, 75-10062R, 75-10062V, 75-10062W, 75-10062X, 75-10062Y, 75-10062AA, 75-10062AB, 75-10062AL, 75-10136A, 75-10136B, 75-10137A, 75-10137B, 75-10678, 75-14025, 75-14027, 75-14044, 75-14046, 75-14055, 75-14056, 75-14057, 75-14058, 75-14387, 75-14388, 75-14393, 75-14441, 75-14443, 75-14539, 75-14541, 75-14591, 75-14592, and 75-14593.

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Donald V. Shaff, Adjudication Bureau Chief**

January 11, 2010

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, and Special Master Dolan's March 25, 2009, *Amended Trial Schedule Order*, the Director of the Idaho Department of Water Resources ("IDWR" or "Department") submits this Supplemental Director's Report ("Report") regarding the Carmen Creek subcases listed above, setting forth the basis for the Department's recommendations. This report was prepared under the supervision of Gary Spackman, Interim Director, and Donald V. Shaff, Adjudication Bureau Chief.

The following Department employee has knowledge of the information contained in the Report: Greg Taylor, Northern Regional Office in Coeur d'Alene.

II. OVERVIEW

At issue in this case is how a series of overlapping water rights should be decreed among Carmen Creek water users.

III. FACTUAL BACKGROUND

In February of 1901, Thomas Palmer received a patent for the following 160 acres: S1/2NE1/4, NE1/4SE1/4 Section 3, SW1/4NW1/4 Section 2, T22N, R22E. A copy of the patent is attached as Exhibit A. A map showing the location of the patented property is attached as Exhibit B.

On May 9, 1902, a judgment was entered in Lemhi County District Court by Judge Joseph C. Rich in the case *McNutt v. Palmer*, an adjudication of the water rights on Carmen Creek. Copies of the judgment and land list from *McNutt v. Palmer* are attached as Exhibit C. In the judgment, Thomas Palmer was decreed water right numbers 75-69

and 75-70 to the above described patented land. *Judgment*, at 5. However, there is also a unique twist to the *McNutt v. Palmer* judgment. In addition to these rights, Thomas Palmer and a number of other upper Carmen Creek water users were to receive what is called exchange water. As is explained in the *Second Report of the Undersigned Arbitrators*, which was adopted in the judgment, the individuals at the upper reaches of Carmen Creek agreed to pay for a ditch to provide five individuals at the lower end of Carmen Creek with water from the Salmon River. *Second Report of the Undersigned Arbitrators*, at 3-5, attached as Exhibit D. In return for paying for the ditch, the five individuals at the lower end of Carmen Creek were to deed their Carmen Creek water rights to the upper Carmen Creek water users. *Id.* As such, each of the upper Carmen Creek water users received a proportional share of five water rights.

While the judgment and the report of the arbitrators do not explicitly state how much of the exchange water goes to each person, one historical letter in IDWR's files describes how the exchange water was split among the 15 water users. "The oldtimers say that this exchange water was divided into shares of 45 inches each; that of the 15 people named in paragraph 5, 13 have always been understood to be entitled to one full share of 45 inches, and the two remaining users, to one-half share each." Letter from Sherman F. Furey, Jr., to Department of Reclamation, dated August 4, 1964, attached as Exhibit E.

Looking at all this information together, the Department believes that Thomas Palmer was adjudicated the following combinations of priority dates and amounts of water in *McNutt v. Palmer* for his 160 acres:

<u>Priority Date</u>	<u>Rate</u>	<u>Source water rights</u>
1875	30 inches (0.60 cfs)	Exchange ¹
1882	15 inches (0.30 cfs)	Exchange ²
1888	20 inches (0.40 cfs)	75-69
1892	30 inches (0.60 cfs)	75-70

Ten years after the Carmen Creek adjudication, Thomas Palmer received a patent for additional lands in the Carmen Creek area. In April of 1912, a patent for the new land was issued to Palmer as a sales cash entry. The new land was located within the NW1/4NE1/4 (Govt. Lot 2) of Section 3, T22N, R22E. A copy of the patent is attached hereto as Exhibit F. A map showing the new lands as they relate to the original patented place of use is attached as Exhibit G.

In 1913, the Department issued water right license 75-2025 to Thomas Palmer. The license was for 1.02 cfs to irrigate 51 acres within the new lands and part of the original homestead (Govt. Lot 2 and SW1/4NE1/4 of Section 3, T22N, R22E). The water right was licensed with a priority date of December 22, 1910. A copy of the license and a map showing the place of use is attached as Exhibit H.

IV. IDWR'S ORIGINAL RECOMMENDATIONS

At issue in this case is how the exchange water from the *McNutt v. Palmer* judgment should be distributed among the current owners of the Thomas Palmer lands. For ease of explanation, this report divides the current owners into two groups. The first

¹ This is Thomas Palmer's proportional share of the 1875 priority exchange water rights (75-51, 75-55, and 75-56).

² This is Thomas Palmer's proportional share of the 1882 priority exchange water rights (75-52, 75-53, 75-54, and 75-57).

group consists of the water users who agree with the Department's original recommendations. The Department originally recommended the exchange water rights only to the lands patented in 1901. This report refers to this group as the "Burns group".³ The second group consists of the water users who believe that there was an accomplished transfer of a portion of the exchange water right to lands in Govt. Lot 2 of Section 3, T22N, R22E. This report refers to this group as the "Fols group".⁴ A map showing the location of all the water users is attached as Exhibit I.

The Fols group objected to the Department's recommendation for their rights, as well as the rights of the Burns group. The Fols group argues that the exchange water should not have been recommended to the entire Burns group. They suggest that some of the exchange water was transferred to their property by an accomplished transfer pursuant to Idaho Code § 42-1425. They also suggest that some of the water users in the Burns group have forfeited their water rights.

The Department originally recommended the decreed rights to the Burns group because the *McNutt v. Palmer* judgment decreed water to only the original homestead. The lands owned by the Fols group were not patented until 1912 (well after the *McNutt v. Palmer* judgment) and the licensing file for 75-2025 shows that the lands occupied by the Fols group did not received decreed water back in 1912. Thus, the only way for the Fols group to be able to claim ownership of the exchange water would be if there had been an

³ The "Burns group" consists of Burns, Clementz, Ernest, Quinn, Jackson, Matejko, Rice, Hudson, Mattis, Mosher, Edmiston, Greenway/Cabigas, Yowell, Hershey, Eisenhower/Erwin, Tippet and Fadness.

⁴ The "Fols group" includes Fols, Pilkerton, Harling, Marcia, Dixon, Tutor.

accomplished transfer of the water rights. At the time of the original recommendations, the Department did not have evidence that a transfer had taken place.

Since the original recommendations, the Department has had a chance to investigate these rights further and has received additional information from the parties. Furthermore, late claims have been filed for property within the decreed place of use. After reviewing this information, the Department concludes that changes should be made to most of the Department's recommendations.

V. THE DEPARTMENT'S NEW RECOMMENDATIONS

The Department recommends that the Court adopt the following changes to the Carmen Creek water rights:

A. Decree rights 75-69 and 75-70

The Department has reevaluated its recommendation for the splits of 75-69 and 75-70. The Department continues to recommend the splits of 75-69 and 75-70 to the Burns group. However, the Department found it necessary to adjust the recommendations for two reasons. First, the Department discovered that it recommended some acreage that was not in the original decreed place of use. Thus, the Department is now recommending fewer acres for some claimants. This results in a corresponding decrease in water quantity for those claimants. Second, there have been late claims by water users within the original decreed place of uses and so the Department has taken late claims into consideration in determining the appropriate quantities. As such, the Department recommends that the Court decree the rights as follows:

Splits of Water Right 75-69 (1888 priority date) for 20 inches (.4 cfs)

Water Right #		Acres	CFS	Name
75	69 A	10.9	0.054	JOHN E ; BURNS, RUTH C
75	69 B	11.2	0.055	HUDSON, JAMES PAUL
75	69 F	2.6	0.013	TIPPETT, CATHLEEN ; TIPPETT, JAMES R
75	69 H	9.4	0.046	MATEJKO, GEORGE
75	69 K	6	0.03	MOSHER, FRANSICKA ; MOSHER, ROBERT D
75	69 L	8	0.039	RICE, LINDA ; RICE, RICK
75	69 N	1.7	0.008	ERNEST, JACQUELINE D ; ERNEST, ROBERT M
75	69 P	6.7	0.033	MATTIS, SHIRLEY J
75	69 Q	3.1	0.015	EDMISTON, RODNEY HUGH ; EDMISTON, SUSAN FRANCINE
75	69 S	2.1	0.01	CLEMENTZ, WILLIAM W
75	69 W	4.4	0.022	EISENHAUER, PHILLIP G ; ERWIN, SHELLEY L
75	69 X	4.5	0.022	HERSHEY, TERRY J ; HERSHEY, VERALYN E
75	14393	1.1	0.005	FADNESS, DANNY E ; FADNESS, ROBERTA V
75	14541	3.2	0.016	QUINN, JAMES R ; QUINN, ROWENA D
75	14591	5	0.025	YOWELL, STEVEN K
75	14593	1.4	0.007	CABIGAS, JOHNNY J ; GREENWAY, LANA J
Totals		81.3	0.4	

The claim numbers highlighted in yellow are late claims that were recently reported to the SRBA Court in the Fall 2009 Late Claim Report. The Department requests that the Court track these late claims with the other Carmen Creek water rights. Attached as Exhibit J are the amended director's reports for the non-highlighted water rights.

Splits of Water Right 75-70 (1892 priority date) for 30 inches (.6 cfs)

Water Right #			Acres	CFS	Name
75	70	A	10.9	0.073	BURNS, JOHN E ; BURNS, RUTH C
75	70	B	11.2	0.075	HUDSON, JAMES PAUL
75	70	F	2.6	0.017	TIPPETT, CATHLEEN ; TIPPETT, JAMES R
75	70	H	9.4	0.063	MATEJKO, GEORGE
75	70	K	6	0.04	MOSHER, FRANSICKA ; MOSHER, ROBERT D
75	70	L	8	0.054	RICE, LINDA ; RICE, RICK
75	70	N	1.7	0.011	ERNEST, JACQUELINE D ; ERNEST, ROBERT M
75	70	P	6.7	0.045	MATTIS, SHIRLEY J
75	70	Q	3.1	0.021	EDMISTON, RODNEY HUGH ; EDMISTON, SUSAN FRANCINE
75	70	S	8.4	0.056	JACKSON, DONNA K ; JACKSON, THOMAS M
75	70	T	2.1	0.014	CLEMENTZ, WILLIAM W
75	70	X	4.4	0.029	EISENHAUER, PHILLIP G ; ERWIN, SHELLEY L
75	70	Y	4.5	0.03	HERSHEY, TERRY J ; HERSHEY, VERALYN E
75	10678		1.4	0.009	CABIGAS, JOHNNY J ; GREENWAY, LANA J
75	14387		1.1	0.007	FADNESS, DANNY E ; FADNESS, ROBERTA V
75	14592		5	0.033	YOWELL, STEVEN K
75	14539		3.2	0.021	QUINN, JAMES R ; QUINN, ROWENA D
Totals			89.7	0.6	

As above, the highlighted claim numbers are late claims that were recently reported to the SRBA Court in the Fall 2009 Late Claim Report. The Department requests that the Court track these late claims with the other Carmen Creek water rights. Attached as Exhibit K are the amended director's reports for the non-highlighted water rights.

A handful of other errors have been brought to the Department's attention through the review process. The attached recommendations also fix these errors. The changes relate to described points of diversion.

B. Splits of Exchange Right

As stated above, the Department recommended the exchange water rights to the claimants within the Burns group because the exchange rights were decreed to the originally patented place of use. However, based upon additional investigation and

affidavits submitted, the Department believes its original recommendations should be changed. Affidavits have been submitted to the Department establishing an accomplished change in place of use for the exchange water rights prior to 1987.

The first relevant affidavit is from Robert Parmenter. A copy is attached as Exhibit L. According to the affidavit, Robert Parmenter is the son of Frank Parmenter, who purchased the Thomas Palmer lands in 1946. *Parmenter Affidavit*, ¶ 3. Robert Parmenter lived on the property from 1946 until 1965 or 1966. *Id.*, ¶ 4. He helped his father irrigate the land on the north side of Carmen Creek. *Id.*, ¶ 5. He remembers irrigating the ranch below the highest irrigation ditch on the north side of Carmen Creek. *Id.* The Department believes that irrigation ditch referred to by Robert Parmenter is the ditch now commonly referred to as the Parmenter or high ditch, which is the ditch that was dug for license 75-2025. Significantly, Robert Parmenter states that he remembers that his family diverted 45 inches of the most senior priority water rights in the high ditch. *Id.*, ¶ 6. The exchange water rights are the most senior water rights associated with these properties. He states that they used the water “exclusively on the lands on the north side of Carmen Creek from about 1948 to the mid-1960s.” *Id.* He states that they did not use any of the early priority water on lands located on the south side of Carmen Creek during his time on the ranch. *Id.*

The second relevant affidavit is from David McFarland. The copy is attached as Exhibit M. David McFarland has lived on Carmen Creek since 1949. *McFarland Affidavit*, ¶ 3. His father was water master on Carmen Creek during the late 1950’s to

early 1960s and David became water master in the 1980s.⁵ *Id.* David McFarland's affidavit states

It is my recollection and understanding that when my father was watermaster all 45 inches originally decreed to Thomas Palmer as exchange or transfer water from the Big Flat Ditch in the *McNutt v. Palmer* decree was delivered in the Parmenter Ditch or the point of diversion located on Carmen Creek in the NENE Section 35, Township 23 North, Range 22 East, Lemhi County. The exchange water rights have priority dates of 1875 and 1882. When I was watermaster on Carmen Creek in the 1980s this water (45 inches), was delivered exclusively in the Parmenter Ditch to lands on the north side of Carmen Creek.

McFarland Affidavit, ¶ 4. David McFarland further states:

During my time as watermaster all of the exchange water rights (45 inches) was delivered for irrigation use to lands served by the Parmenter Ditch on the north side of Carmen Creek, including acres in Lot 2, Section 3, Township 22 North, Range 22 East, Lemhi County.

McFarland Affidavit, ¶ 6

The Department accepts these affidavits as evidence that there was an accomplished transfer of the exchange water rights from their decreed place of use to lands north of Carmen Creek pursuant to Idaho Code § 42-1425.⁶ As such, the Department recommends the exchange water rights as follows:

⁵ Department records show David McFarland was water master from 1980 to 1989.

⁶ As the Department finalized this report, Ruth Burns submitted a number of affidavits with statements regarding historic use of water on their property. The affidavits of Bill Howell and Scoop Aldous, who lived near the land now owned by the Burns, state that the Burn's predecessor irrigated the property through the irrigation season until freezing. If true, this could be interpreted as meaning that there was no accomplished transfer of the exchange water. Mrs. Burns also submitted an affidavit from Robert Earnest, who states that he was told by Frank Parmenter that the property now owned by the Burns had the best water rights. These affidavits seemingly conflict with the affidavits of Robert Parmenter and David McFarland, which state that there was an accomplished transfer of water. While the Department has considered the additional affidavits submitted by Mrs. Burns, the Department gives more weight to the affidavit of Robert Parmenter, the son of the former property owner and a person with personal knowledge of the irrigation practices on the property, and to the affidavit of the former water master David McFarland, who oversaw water distribution along Carmen Creek.

Splits of the 1882 priority exchange water for 15 inches (.3 cfs)

Water Right #		Acres	CFS	Name	
75	10062	AA	3	0.011	CABIGAS, JOHNNY J ; GREENWAY, LANA J
75	10062	AB	8.4	0.03	JACKSON, DONNA K ; JACKSON, THOMAS M
75	10062	AL	5	0.018	YOWELL, STEVEN K
75	10062	C	11.2	0.04	HUDSON, JAMES PAUL
75	10062	H	4.1	0.015	TIPPETT, CATHLEEN ; TIPPETT, JAMES R
75	10062	L	2.3	0.008	PILKERTON, A C ; PILKERTON, LUELLA
75	10062	R	6	0.021	MOSHER, FRANSICKA ; MOSHER, ROBERT D
75	10062	V	1.9	0.007	HARLING, CHARLES E ; HARLING, MARY N
75	10062	X	6.7	0.024	MATTIS, SHIRLEY J
75	10062	Y	7.1	0.025	EDMISTON, RODNEY HUGH ; EDMISTON, SUSAN FRANCINE
75	10136	A	4.4	0.016	EISENHAUER, PHILLIP G ; ERWIN, SHELLEY L
75	10136	B	4.5	0.016	HERSHEY, TERRY J ; HERSHEY, VERALYN E
75	14027		2.9	0.01	TUTOR, LLOYD A ; TUTOR, SHERYL L
75	14046		1.7	0.006	DIXON, MARCI M
75	14057		1.6	0.006	MARCIA, TRACY
75	14058		9.5	0.034	FOLS, ALBERT C ; FOLS, ALVERA C
75	14388		4.4	0.016	FADNESS, DANNY E ; FADNESS, ROBERTA V
Totals		84.7	0.3		

Attached as Exhibit N are the amended director's reports for the water rights listed above.

Splits of the 1875 priority exchange water for 30 inches (.6 cfs)

Water Right #		Acres	CFS	Name	
75	10061	AA	7.1	0.056	EDMISTON, RODNEY HUGH ; EDMISTON, SUSAN FRANCINE
75	10061	AC	3	0.024	CABIGAS, JOHNNY J ; GREENWAY, LANA J
75	10061	AM	5	0.039	YOWELL, STEVEN K
75	10061	B	11.2	0.088	HUDSON, JAMES PAUL
75	10061	C	4.4	0.035	FADNESS, DANNY E ; FADNESS, ROBERTA
75	10061	J	4.1	0.032	TIPPETT, CATHLEEN ; TIPPETT, JAMES R
75	10061	N	2.3	0.018	PILKERTON, A C ; PILKERTON, LUELLA
75	10061	T	6	0.047	MOSHER, FRANSICKA ; MOSHER, ROBERT D
75	10061	X	1.9	0.015	HARLING, CHARLES E ; HARLING, MARY N
75	10061	Z	6.7	0.053	MATTIS, SHIRLEY J
75	10137	A	4.4	0.035	EISENHAUER, PHILLIP G ; ERWIN, SHELLEY L
75	10137	B	4.5	0.035	HERSHEY, TERRY J ; HERSHEY, VERALYN E
75	14025		2.9	0.023	TUTOR, LLOYD A ; TUTOR, SHERYL L
75	14044		1.7	0.013	DIXON, MARCI M
75	14055		1.6	0.013	MARCIA, TRACY
75	14056		9.5	0.075	FOLS, ALBERT C ; FOLS, ALVERA C
Totals		76.3	0.6		

Attached as Exhibit O are the amended director's reports for the water rights listed above.

Exchange water rights should no longer be recommended to water users on the south side of Carmen Creek because of the accomplished transfer. Thus, the Department recommends the following water rights now be disallowed: 75-14441 and 75-14443 (Rice); 75-10061R and 75-10062P (Matejko); 75-10061A and 75-10062A (Burns); 75-10061Y and 75-10062W (Ernest); 75-10061AE and 75-10062AC (Clementz). Attached as Exhibit P is the amended director's report for the disallowed water rights.

Splits of Licensed Right 75-2025

The Department does not recommend any changes to the recommendations for license 75-2025.

Forfeiture

The Fols group claims that Shirley Mattis, James Hudson and Thomas Jackson have forfeited their water rights. In support of their claims, the Fols group has submitted pictures showing the point of diversion in disarray, a 1995 letter from the Department to Mr. Hudson, and an affidavit from Bruce McFarland, a former water master.

The Department has accepted the affidavit of Robert Parmenter as establishing that exchange water was used on the Parmenter property north of Carmen Creek. As Mattis, Hudson and Jackson own property north of Carmen Creek that was formerly Parmenter property, the Department starts with the presumption that Mattis, Hudson and Jackson are entitled to exchange water and that the water rights could have been lost only through forfeiture.

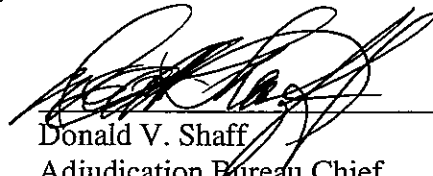
Forfeiture of water rights is governed by Idaho Code § 42-222(2), which provides that water rights may be lost if they are not applied to the beneficial use for which the rights were appropriated for five continuous years. The SRBA Court has held that the running of the forfeiture period of Idaho Code § 42-222 is tolled upon the filing of a claim. *Memorandum Decision and Order on Challenge; and Order of Partial Decree (Wood v. Troutt*, Subcase 65-05663B (Issued May 9, 2002). In this case, Mattis, Hudson and Jackson all filed their claims in 1990. Thus, the Department can only consider proof of forfeiture that predates 1990.

The pictures submitted to the Department by the Fols group do not predate 1990. The letter written by the Department to Mr. Hudson relates to work done by Mr. Hudson on his point of diversion in 1995 and does not establish non-use prior to 1990. Mr. Bruce McFarland became water master in “the early 2000s.” Affidavit of Bruce McFarland at ¶ 3, attached as Exhibit Q. He states, “When I was watermaster I never delivered water rights know as the ‘Exchange Water’ or ‘Homestead Water’ (1888 and 1892 priority) to James Hudson, Thomas Jackson, or Shirley Mattis.” *Id.* at ¶ 8. Since Mr. McFarland was not water master until 2000, his statements about actions he took when he was watermaster cannot be used to establish forfeiture. To find forfeiture, the party claiming forfeiture must present clear and convincing evidence that the water right has been forfeited. *Sagewillow, Inc. v. Idaho Dept. of Water Resources*, 138 Idaho 831, 70 P.3d 669 (2003). The Department does not find clear and convincing evidence that the Mattis, Hudson and Jackson rights have been forfeited.

VI. CONCLUSION

Given the new information, the Department believes that modifications to its original recommendations are necessary. The Department requests that the Court accept the attached amended director's report and issue decrees consistent with the reports.

Submitted this 11th day of January, 2010.



Donald V. Shaff
Adjudication Bureau Chief
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 13th day of January.

Document Served: Supplemental Director's Report Regarding Subcase Nos. 75-69A, 75-69B, 75-69F, 75-69H, 75-69K, 75-69L, 75-69N, 75-69P, 75-69Q, 75-69S, 75-69W, 75-69X, 75-70A, 75-70B, 75-70F, 75-70H, 75-70K, 75-70L, 75-70N, 75-70P, 75-70Q, 75-70S, 75-70T, 75-70X, 75-70Y, 75-10061A, 75-10061B, 75-10061C, 75-10061J, 75-10061N, 75-10061R, 75-10061T, 75-10061X, 75-10061Y, 75-10061Z, 75-10061AA, 75-10061AC, 75-10061AE, 75-10061AM, 75-10062A, 75-10062C, 75-10062H, 75-10062L, 75-10062P, 75-10062R, 75-10062V, 75-10062W, 75-10062X, 75-10062Y, 75-10062AA, 75-10062AB, 75-10062AL, 75-10136A, 75-10136B, 75-10137A, 75-10137B, 75-10678, 75-14025, 75-14027, 75-14044, 75-14046, 75-14055, 75-14056, 75-14057, 75-14058, 75-14387, 75-14388, 75-14393, 75-14441, 75-14443, 75-14539, 75-14541, 75-14591, 75-14592, and 75-14593.

Persons Served:

1. Original to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

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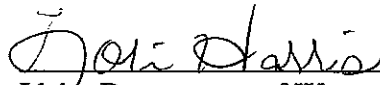
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Idaho Department of Water Resources

Exhibit A



The United States of America,

To all to whom these Presents shall come, Greeting:

Homestead Certificate No. 935

Application 7012

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Fairbury, Nebraska,

whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Thomas Palmer

has been established and duly commenced, in conformity to law, by the South half of the North East quarter and the North East quarter of the South East quarter of Section three and the South West quarter of the North West quarter of Section two in Township twenty-two North of Range twenty-two East of the 10th Meridian in Idaho containing one hundred and sixty acres.

according to the Official Plat of the Survey of 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 Thomas Palmer

the tract of Land above described: To have and to hold the said tract of Land with the appurtenances thereto unto the said Thomas Palmer and to his heirs and assigns 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 also subject to the right of the proprietor of a mine or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, 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, William McKinley, PRESIDENT OF THE UNITED STATES OF AMERICA, has caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

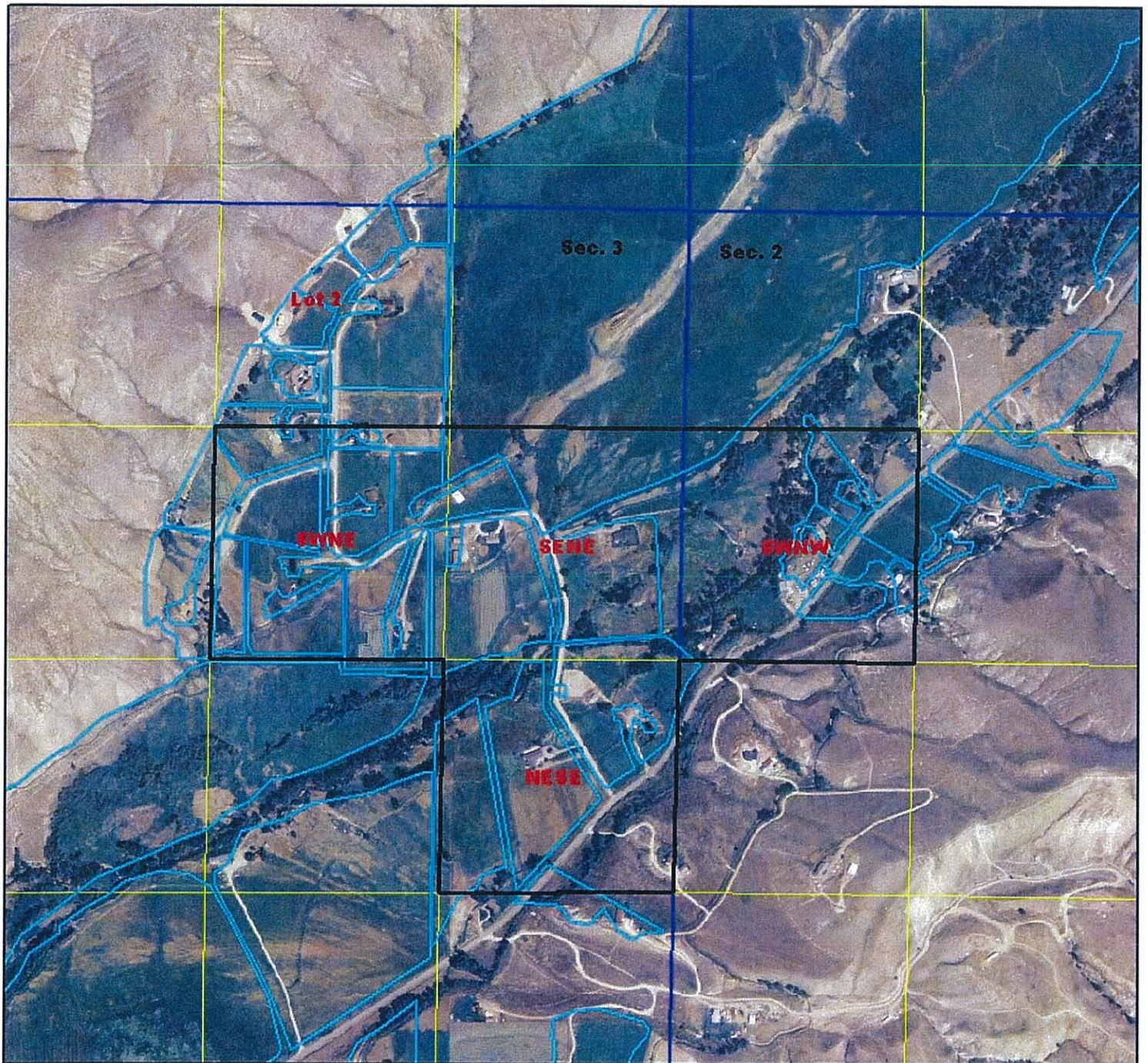
Given under my hand, at the City of Washington, the ninth day of February, in the year of our Lord one thousand eight hundred and one, and of the Independence of the United States the one hundred and twenty-fifth.

By the President, William McKinley
By L. M. McKim, Secretary
C. H. Brush, Recorder of the General Land Office

2/9/01

Exhibit B

Exhibit B



 **1901 Thomas Palmer Patent**

 **40 acre tract**

 **Sections**

**Created by Greg Taylor
August 22, 2009**

Exhibit C

Lemma
Name of stream - (1) Carmen creek
V 75-19
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

David McNutt, James McNutt, Neal McDevitt,
J. W. Birdseye, and Mary J. Birdseye, his wife,
Anna B. Davis, Anna B. Davis, as guardian of the
minor children of Caleb Davis, deceased, N. J.
McGree, Peter McKinney, Noel Sweeney, and Henry
Greber.

Plaintiffs.

-vs-

Thomas Palmer, John Palmer, John F. Ferguson,
Montraville White, Earnest R. Benedict, William
Young, A. J. Mathews, W. W. Slavin, F. P. McCracken,
William Smith, A. C. Mather, William Igou, and
O. L. Igou, partners, Theodore Batson, E. J. Clark,
John Dimock, H. H. Dahle, Robert Martin, John
Daniels, James B. Grant, and The Lemhi Placer
Mining Company, a corporation, Emma White, and Eliza
S. Mather.

Defendants.

Judgment.

This cause came on regularly for trial on the 11th day of October
1901, the parties appearing in person and their respective attorneys, a
jury having been expressly waived; and the Court having heard the
proofs of the respective parties, and the agreements and stipulations
of the parties and the report of Thomas Pyeatt, James H. Hockinsmith
and William Peterson, arbitrators which is a part of said written
agreement and stipulation, and considered the same, and the records
and papers in the cause, the evidence being closed and agreements of
counsel had thereon, the cause was submitted to the Court for consider
ation, and decision, and after due deliberation thereon the Court deli
vers, its findings and decision in writing, which is filed, and orders
that judgment be entered in accordance therewith.

Wherefore by reason of the law and the findings aforesaid, all
parties consenting, it is ordered, adjudged, and decreed:

75 0051

1. That the right and title of the plaintiff, David McNutt in and to
200 inches of the waters of Carmen creek in Lemhi County, Idaho is
here quieted his right thereto dating from May 1st, 1875, and he is
hereby adjudged to be the owner thereof subject to the rights of the
defendants and cross-complaints therein *and trusts* which they have under and by
virtue of the terms and conditions of the ~~written~~ agreement on file

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SCANNED
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herein, executed and entered into by and between said plaintiffs and said defendants and cross-complainants relative to the delivery to ~~xx~~ said plaintiffs of water from Salmon river for the irrigation of ~~the~~ ^{the} said farms. And said Davit McNutt is hereby ordered and directed to convey to defendants and cross-complainants his right to the use of said 200 inches of the waters of said creek, in accordance with the terms of said contract and the findings and report of James H. HeckenSmith, Thomas Pyeatt and William Peterson referees, on file herein.

75 0052

2. That the right and title of the plaintiff Henry Greber in and to 70 inches of the waters of said Carmen creek is hereby quieted his right thereto dating from May 1st, 1882, and he is hereby adjudged to be the owner thereof subject to the rights of the defendants and cross-complainants therein and thereto which they have under and by virtue of said written agreement and the report and findings of said referees and said Henry Greber is hereby ordered and directed to convey to defendants and cross-complainants his right to the use of said 70 inches of the waters of said creek, in accordance with the terms of said contract and the findings and report of said referees.

75 0053

3. That the right and title of the plaintiff, Niel Sweeney in and to 35 inches of the waters of said creek is hereby quieted, his right thereto dating from May 1st, 1882, and he is hereby adjudged to be the owner thereof subject to the rights of the defendants and cross-complainants therein and thereto under and by virtue of said written agreement and the findings and report of said referees. And said Niel Sweeney is hereby ordered and directed to convey to defendants and cross-complainants his right to the use of said 35 inches of the waters of said creek, in accordance with the terms of ~~xx~~ said contract and the findings and report of said referees.

75 0054

4. That the right and title of the plaintiff, Peter McKinney in and to 60 inches of the waters of said creek is hereby quieted, his right ~~the~~ thereto dating from May 1st, 1882, and he is hereby adjudged to be the owner thereof subject to the rights of the defendants and cross-complainants therein and thereto and by virtue of said ~~written~~ ^{written} agreement.

JUL 31 1896

agreement and the findings and report of said referees, and said Peter McKinney is hereby ordered and directed to convey to defendants and cross-complainants, his right to the use of said 60 inches of the water of said creek, in accordance with the terms of said contract and the findings and report of said referees.

75 0055 5. That the right and title of the plaintiff, Mary J. Birdseye in and to to 100 inches of the waters of said creek is hereby quieted, her right thereto dating from May 1st, 1875, and she and her successors in interest are hereby adjudged to be the owner thereof subject to the rights of the defendants and cross-complainants therein and thereto under, and by virtue of said written agreement and the findings and report of said referees, on file herein, and said Mary J. Birdseye and her successors in interest are hereby ordered and directed to convey to defendants and cross-complainants her and their right to the use of said 100 inches of the waters of said creek, in accordance with the terms of said contract and the findings and reports of said referees.

75 0056 6. That the right and title of the plaintiff Anna B. Davis individually and as guardian of the minor children of Caleb Davis, deceased, in and to 100 inches of the waters of said creek is hereby quieted, their right thereto dating from May 1st, 1875; and they are hereby adjudged to be the owners thereof subject to the rights of the defendants and cross-complainants therein and thereto under and by virtue of said written contract and the findings and report of said referees, and said Anna B. Davis is hereby ordered and directed to convey to defendants and cross-complainants their aforesaid right to the use of said 100 inches of the waters of said creek, in accordance with the terms of said contract and the findings and report of said referees.

JUL 31 1896
75 0057 7. That the right and title of George L. Sheup, M. M. McPherson, A. J. Macnab and Wm. H. Sheup as successors of the plaintiff N. J. McGree in and to 55 inches of the waters of said creek is hereby quieted, their right thereto dating from May 1st, 1882, and they are hereby adjudged to be the owners thereof subject to the rights of the defendants and cross-complainants therein and thereto under and by virtue of said

written contract and the findings and report of said referees, and said George L. Shoup, M. M. McPherson, A. J. Macnab and Wm. H. Sheup are hereby ordered and directed to convey to said defendants and cross-complainants their aforesaid right to the use of said 55 inches of the waters of said creek, in accordance with the terms of said contract and the findings and report of said referees.

75 0058
8. That the defendant and cross-complainant, Frank P. McGracken is entitled to have, and is hereby awarded the use of 30 inches, continuous flow, of the waters of Carman creek in Lemhi County, for the irrigation of his land described in the findings of fact, and that his right dates from May 1st, 1869, and the further right to the use of 15 inches of the waters of said creek, for domestic use and the irrigation of his land, described in said findings of fact, and that his right thereto dates from May 1st, 1896,

75 0060
9. That the defendant and cross-complainant, Emma White as administratrix of the estate of Montraville White, deceased, is entitled to have, and is hereby awarded the use of 70 inches of the waters of said creek, for domestic use and the irrigation of the land described in the findings of fact, as having been left by Montraville White at his death, for the benefit of the heirs of said Montraville White and that the right thereto dates from May 1st, 1874.

75 0061
10. That the defendant and cross-complainant, Emma White, is entitled to have and is hereby awarded, in her own right, the use of 20 inches, continuous flow, of the waters of said creek, for the irrigation of her land, described in the findings of fact, and that her right thereto dates from May 1st, 1874.

75 0062
11. That the defendant and cross-complainant, A. C. Mather is entitled to have and is hereby awarded the use of 125 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto dates from May 2nd, 1882.

75 0063
12. That the defendant and cross-complainant, William Smith is entitled to have and is hereby awarded the use of 80 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto

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dates from May 1st, 1884.

13. That the defendant and cross-complainant, John F. Ferguson is entitled to have and is hereby awarded, for the use of Mary R. Lund his grantee, the use of 75 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of her land, described in the findings of fact, and that the right thereto dates from May 1st, 1874,

14. That the defendant and cross-complainant, Hillard H. Dahle is entitled to have and is hereby awarded the use of 75 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and the right thereto dates from the 1st, day of May 1885.

15. That the defendant and cross-complainant, Wallace W. Slavin is entitled to have and is hereby awarded the use of 75 inches, continuous flow of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto dates from May 1st, 1885.

16. That the defendant and cross-complainant, John Dimock is entitled to have and is hereby awarded the use of 50 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto dates from May 1st, 1885.

17. That the defendant and cross-complainant, Eliza Mather is entitled to have and is awarded the use of 70 inches, continuous flow, of the waters of said creek, for the irrigation of her land, described in the findings of fact, and that her right thereto dates from May 1st, 1896.

18. That the defendant and cross-complainant, Thomas Palmer is entitled to have and is hereby awarded the use of 20 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto dates from May 1st, 1888; and the further use of 30 inches continuous flow, of the waters of said creek, for the irrigation of his said land, and that his right thereto dates from May 1st, 1892.

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19. That the defendant and cross-complainant, John Palmer is entitled to have and is hereby awarded the use of 100 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto dates from May 1st, 1888.

20. That the defendant and cross-complainant, Albert J. Mathews is entitled to have and is hereby awarded the use of 10 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, and that his right thereto dates from May 1st, 1890; and the further right to the use of 40 inches, continuous flow, of the waters of said creek, for the irrigation, of his said land, and the right thereto dates from May 1st, 1897.

21. That the defendant and cross-complainant, Peter McKinney is entitled to have and is hereby awarded the use of 50 inches, continuous flow, of the waters of said creek, for the irrigation of his land, known as his "Desert Lot" his right thereto dates from May 1st, 1896, and the further right to the use of 15 inches, continuous flow, of the waters of said creek, for the irrigation of that part of the S.W. 1/4 of the N.E. 1/4 lying above the "Carman creek" ditch so called, now under cultivation, and the right to convey said water to said land through his ditch which conveys water from said creek to his said desert lot. His right to the use of said 15 inches of water dates from May 1st, 1882.

22. That the defendant and cross-complainant, Earnest R. Benedict is entitled to have and is hereby awarded the use of 180 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, his right thereto dates from May 1st, 1882; and the further right to the use of 70 inches, continuous flow, of the waters of said creek, for the irrigation of his said land, and his right thereto dates from May 1st, 1892.

23. That the defendant and cross-complainant, Elwood D. Clark is entitled to have and is hereby awarded 15 inches, continuous flow, of the waters of said creek, for domestic use and the irrigation of his land, described in the findings of fact, his right thereto

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dates from May 1st, 1898; and to the further right to the use for domestic and irrigation purposes of all water furnished by springs on his said land.

18. That the defendant and cross-complainant, Ora L. And William L. Igeu are entitled to have and are hereby awarded the use of 70 inches continuous flow, of the waters of said creek, for domestic use and the irrigation of their land, described in the findings of fact, their right thereto dates from May 1st, 1885; and the further right to the use of 100 inches, continuous flow, of the waters of said creek, for the irrigating of their land, their right thereto dates from May 1st, 1892.

25. That the defendant and cross-complainant, The Lemhi Placer Mining Company is entitled to have and is hereby awarded the use of 500 inches, continuous flow, of the waters of said creek, for the working and washing of that portion of its placer mining ground lying near the two east forks of said Carman creek. Its right thereto dates from the year 1889. And to the further use of 2000 inches, continuous flow, of the waters of said creek, for the working and washing of its placer mining ground that lies and is situated on Kirtley creek in said County of Lemhi; said last named amount of water to be used from the 15th, day of October of each year and every year until the 15th, day of April of the succeeding year. The date of the appropriation for such use is October 15th, 1892. In case there is a surplus of water in said creek beyond the allotment to the other defendants and cross-complainants herein, then said rights shall not be limited to the dates above named but said company shall have the right to divert and use said 2000 inches of water at all times when such surplus of water may be flowing in the east branches of said creek, but in no case shall it interfere with the parties herein in their use of the waters hereby awarded to them.

26. That the dates aboved named are the dates of appropriation of said several amounts of water by the parties aforesaid and their grantors. And in case the amount of water in said creek at any time of the year be less than 2000 inches then the first appropriators shall have and are hereby given the first right to the use of the waters

JUL 31 1896

then in said creek to the amount herein allotted to them; the first in time of appropriation having the first right to such use.

27. The waters herein allotted shall be measured to the parties aforesaid, at the place of diversion, under a four inch pressure, and in case any of the parties hereby declared to be entitled to the use of the waters of Carman creek shall disagree in the measurement or diversion of said water, the Court or Judge thereof shall appoint a Commissioner for the purpose of measuring and regulating the diversion, of such water.

28. That each of the parties hereto to whom a right to the use of the waters of Carman creek is herein decreed be and they are hereby perpetually enjoined from using said water in any manner different or to any greater extent than herein found and declared, and a disobedience of this order shall be a contempt of Court and subject the party disobeying to punishment as for a contempt upon the application of any party injured by such acts of disobedience.

Each of the parties hereto shall pay his or her own costs in this action.

Dated May 9th, 1902.

Joseph C. Rich

Dist. Judge,

JUL 31 1906

① David McNutt et al,

vs

Thomas Palmer et al

75-D
The following described land is the land covered by
the allotment of Decree dated May 9, 1902.

Land of David McNutt,

S 1/2 SW 1/4, SW 1/4 SE 1/4, Section 29, NW 1/4 NW 1/4 Section 22, Township 23 North,
of Range 22 East of Boise Meridian, Also that certain lot pease or parcel of land
Beginning at the NE corner of that certain 40 acre tract of land described as the
NW 1/4 of ^{NE 1/4} Section 32, in Township 23 North of Range 22 East of Boise Meridian, and
running thence S. 11 rods and 24 links; Thence S. 84° W. 160 rods and 20 links;
Thence N. 27 rods and 12 links to the Section line between Sections 29 and 32 in
said Township; and thence east, along said Section line 160 rods to the place of
beginning.

Lemhi County, Idaho.

Land of James McNutt,

NW 1/4 NW 1/4, Section 29, SE 1/4 SE 1/4, Section 19, NE 1/4 NE 1/4, and Lot 6,
Section 30, Township 23 North, of Range 22 East of Boise Meridian, Lemhi County, Idaho.

Land of Neil McDevitt,

S 1/2 NW 1/4, N 1/2 SW 1/4, Section 29, Township 23 North, of Range 22 East of
Boise Meridian, Lemhi County, Idaho.

Land of Mary J. and J. W. Birdseye,

Beginning at a point 35 rods and 16 links South of the N. W. corner of Section 32,
Township 23, North of Range 22 East of Boise Meridian, and running thence N. 84° E.,
241 rods and 6 links to the east line of the N. W. 1/4 NE 1/4 of said section 32,
Thence S. 168 rods and 1 link, to a point 20 rods S. of the NE corner of the NW 1/4
of said section 32; Thence west 285 rods more or less to the Salmon River; Thence
down the Salmon River to the N. W. Corner of Lot No. 6 in Section 31, in said
Township; Thence E. to the N. E. corner of said lot No. 6; and thence N. along the
west line of the NW 1/4 NW 1/4 of said section 32, 44 rods and 9 links to the place
of beginning, Lemhi County, Idaho.

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Land of Anna B, Arthur, Edna,

Estella and Fred Davis,

Beginning at a point on the East line of the NW 1/4 of the SE 1/4, of Section 32, Township 23 North of Range 22 East of the Boise Meridian, 20 rods S. of the NE Corner of said NW 1/4 of the SE 1/4, of said Section 32, and running thence South 140 rods more or less to the S. E. corner of the SW 1/4 of the SE 1/4 of said Section 32; Thence west 350 rods more or less, to the Salmon River; Thence in a northerly direction along the Salmon River 140 rods more or less to a point thereon due west from the place of beginning being the S. W. corner of a tract of land owned by Mary J. Birdseye; Thence East along the south line of said tract of Mary J. Birdseye 280 rods more or less to the place of beginning.

Land of N. J. McGree,

SE 1/4 SE 1/4, and Lot No. 14 of Section 6, and the S 1/2 SW 1/4, of Section 5, Township 22 North of Range 22 East of the Boise Meridian, Lemhi County, Idaho.

Land of Peter McKinney,

SW 1/4 NE 1/4 S 1/2 NW 1/4, Section 5, SE 1/4 NE 1/4, Section 6, Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho.

Land of Henry Greber,

Lots 2, 3 & 4, Section 5, Lot 1, Section 6, Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho

Land of Neal Sweeney,

N 1/2 SW 1/4, Section 5, and the NE 1/4 SE 1/4 and Lot 12, Section 6, Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho.

JUL 31 1996

✓ Land of Peter McKinney,

W 1/2 SE 1/4, Section 5, NW 1/4 NE 1/4, Section 8 Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho.

✓ Land of Thomas Palmer,

S 1/2 NE 1/4, NE 1/4 SE 1/4, Section 3, and the SW 1/4 NW 1/4, Section 2, Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho.

✓ Land of John Palmer,

E 1/2 NW 1/4, NE 1/4 SW 1/4 and NW 1/4 NE 1/4, Section 10, Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho.

J. F. ?

✓ Land of F. J. Ferguson,

E 1/2 NE 1/4, Section 9, and the NW 1/4 NW 1/4, Section 10, Township 22 North, Range 22 East of Boise Meridian, Lemhi County, Idaho.

Land of Montraville, White,

SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 9, Township 22 North Range 22 East of Boise Meridian, Lemhi County, Idaho.

✓ Land of Emma White,

NE 1/4 SE 1/4, Section 9, Township 22 North of Range 22 East of Boise Meridian, Lemhi County, Idaho.

✓ Land of Ernest R. Benedict,

SW 1/4, Section 24, W 1/2 NW 1/4 Section 25, E 1/2 NE 1/4 and SE 1/4, Section 26, and the NE 1/4 Section 35, Township 23 North, Range 22 East Boise Meridian, Lemhi County, Idaho.

✓ Land of Albert J. Matthews,

S 1/2 NE 1/4, NE 1/4 NE 1/4. Section 17, and the SE 1/4 SE 1/4, Section 8, Township 22 North of Range 22 East, Boise Meridian, Lemhi County, Idaho.

JUL 21 1996

✓ Land of Wallace W. Slavin,
E 1/2 NW 1/4 and Lot 2 and NW 1/4 NE 1/4, Section 17, Township 22 North, Range 22
East Boise Meridian, Lemhi County, Idaho.

✓ Land of P. P. McCracken,
W 1/2 NW 1/4 Section 17, Township 22 North Range 22 East of Boise Meridian and
the SW 1/4 SW 1/4, Section 8, and Lots 10 and 12 Section 7, Township 22 North
of Range 22 East Boise Meridian, Lemhi County, Idaho.

✓ Land of William Smith,
NW 1/4 Section 8, Township 22 North, Range 22 East of Boise Meridian, Lemhi County
Idaho.

✓ Land of A. C. Mather,
S 1/2 SW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, Section 35, Township 23 North of Range
22 East of Boise Meridian, Lemhi County, Idaho.

✓ Land of Ora L. and William M. Igou,
N 1/2 SW 1/4, SW 1/4, SW 1/4, SW 1/4 NW 1/4, Section 30, and the W 1/2 NW 1/4,
Section 31, Township 23 North of Range 23 East of Boise Meridian, and the SE 1/4
SE 1/4, Section 25, Township 23 North of Range 22 East of Boise Meridian. SE 1/4,
SW 1/4, SW 1/4, SE 1/4, Section 30, the NE 1/4 NW 1/4, NW 1/4 NE 1/4, Section 31,
Township 23 North of Range 23 East, Boise Meridian, Lemhi County, Idaho.

✓ Land of Elwood D. Clark Unpatented.

✓ Land of James B. Grant and the Lemhi Placer Mining Company a corporation, Placer
mining ground situated on or near the East Forks of Carman Creek, Lemhi County,
Idaho.

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✓ Land of Eliza S. Mather,

SE 1/4 SE 1/4, Section 34 Township 23 North of Range 22 East of Boise Meridian,
and the lots 3 and 4 of Section 2 and Lot 1, of Section 3 Township 22 North of
Range 22 East of Boise Meridian, all in Lemhi County, Idaho.

✓ Land of John Dimock,

S 1/2 SW 1/4, NW 1/4 SW 1/4, SW 1/4 SE 1/4, Section 9, Township 22 North of Range
22 East of Boise Meridian, Lemhi County, Idaho.

✓ Land of Hillard H. Dahle,

W 1/2 SE 1/4, S 1/2 SW 1/4, Section 3, Township 22 North of Range 22 East of Boise
Meridian, Lemhi County, Idaho.

JUL 31 1996

State of Idaho,)
County of Lemhi,) ss

I, W. G. Smith Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for Lemhi County, do hereby certify that the within and foregoing, described land is the land covered by and for which water was allotted by Decree Dated May 9th, 1902, as shown by the findings of fact and conclusions of law filed herein in the above entitled action.

In witness whereof I have hereunto set my hand and affixed the seal of said Court this 24th day of June A. D. 1904.

/s/ W. G. Smith

Clerk

JUL 31 1905

Exhibit D

SECOND REPORT OF THE UNDERSIGNED ARBITRATORS.

WHEREAS, by a certain agreement, in writing, bearing date the 20th day of June, 1900, made and entered into by and between Ernest R. Benedict, A.C.Mather, Eliza Mather, Cra L.Igou, William Igou, Elwood B. Clark, Theodore Batson, Thomas Palmer, John Palmer, Hilliard H. Dahle, Henry Lund, Mary Lund, Montraville White, John Dimock, Albert J. Mathews, John Daniels, Wallace W. Slavin, Frank P. McCracken, William Smith and Robert Martin, parties of the first part, designated as the Carman Creek people, and David McNutt, Mary J. Birdseye, and J.W. Birdseye, her husband, Anna B. Davis, Henry Griebner, Neil Sweeney, George L. Shoup, by M.M. McPherson, his Attorney in fact, Murdock E. McPherson, A/J. Macnab, William H. Shoup and Peter McKinney, parties of the second part, designated as the "Big Flat people", providing for the construction of an irrigating ditch from Salmon River in Lemhi County, Idaho, to a point intersecting a ditch known as "the CARMAN CREEK ditch" owned by McNutt, Birdseye and Davis, in consideration for the conveyance of certain rights in the waters of Carman Creek, it was agreed to refer the following matters and subjects, with reference to said ditch and conveyance of water, to the award and determination of the undersigned, to wit: to award, order and determine the following:

- A To determine whether the river ditch is completed according to the above named specifications, and whether low enough to admit at the head thereof, two feet of water at low water season.
- b To decide and determine by whom said ditch shall be maintained
- c If it is determined that the Carman Creek people shall maintain said ditch, then to decide and determine how long they shall so maintain it.
- d To determine how many inches of the waters of Carman Creek each of said Big Flat people heretofore appropriated and used, and are entitled to convey.

- ✓
- e To decide and determine when said Big Flat people shall convey their aforesaid right, title and interest in and to said waters of Carman Creek, to said Carman Creek people.

and to determine who of the Carman Creek people, are entitled to a conveyance from the Big Flat people of their interests in the waters of Carman Creek, after completing said River ditch.

Now, we the said Arbitrators, or Referees, having taken upon ourselves, the burden of said reference, and having examined the premises, and heard and duly considered all the allegations and evidence of the said parties, of, and concerning the said matters of difference and subjects so referred as aforesaid, do make and publish this our decision in writing of and concerning said matters, as follows:

1. That E.R. Benedict, Theodore Batson, Elwood D. Clark, Hilliard H. Dahle, John Dimock, John Daniels, Ora L. Igou, William Igou, Albert J. Mathews, Robert Martin, Peter McKinney, A.C. Mather, Thomas Palmer, John Palmer, Wallace Slavin and William Smith, engaged in the work of constructing a ditch from Salmon River in Lemhi County, to a point on the Big Flat, where the same will intersect the Carman Creek ditch, now owned by McNutt, Birdseye and Davis, and completed a ditch from said Salmon River, to said point on the Carman Creek ditch aforesaid, strictly according to the terms of said contract, to wit: said ditch terminates at the point intended by said contract: is six feet wide on the bottom: ten feet wide on top: two feet deep, and on an even grade of five feet to the mile, and low enough at the head, to admit water, two feet in depth at low water season, and has a suitable head gate.

2. We decide and determine, that the aforesaid "Carman Creek people", to wit: those who engaged in the construction of said ditch, shall maintain said ditch, in its present form, for a period of one year from this date, and at the expiration of one year from this date, said ditch shall belong to, and be the property of said "Big Flat people" to be maintained thereafter, at their own expense, except as to Mary J. Birdseye and Anna B. Davis, who shall be relieved from the expense of maintaining

✓
said ditch, by said persons, who constructed the same, for a period of five years, according to the terms of a contract, existing between them

3. We decide and determine, that the Big Flat people appropriated and used 620 inches of the waters of Carman Creek, as follows:

David McNutt, 200 inches, appropriated May 1st 1875,

Mary J. Birdseye, 100 inches, appropriated May 1st 1875.

Anna B. Davis, and her Children, 100 inches, appropriated May 1st 1875

Henry Griebner, 70 inches, appropriated May 1st 1882

Neil Sweeney, 35 inches, appropriated May 1st, 1882

George L. Shoup

M. M. McPherson

James Macnab, and

William H. Shoup

} 55 inches, appropriated May 1st 1882

Peter McKinney, 60 inches appropriated May 1st 1882,

and they are entitled to convey the same to the aforesaid individuals who constructed said River ditch, according to the terms of said contract.

4. That said David McNutt, Henry Griebner, Neil Sweeney, George L. Shoup, M. M. McPherson, A. J. Macnab, William H. Shoup, Peter McKinney, shall, at the expiration of one year from this date, convey to the aforesaid persons, who constructed said River ditch, the following number of inches of the waters of Carman Creek, heretofore used by them, to wit :

David McNutt, 200 inches

Henry Griebner, 70 inches

Neil Sweeney, 35 inches

Peter McKinney, 60 inches

George L. Shoup, M. M. McPherson

James Macnab, and William H. Shoup

} 55 inches

Provided that said river ditch is kept in repair as herein provided.

And that Mary J. Birdseye and Anna B. Davis, their heirs or assigns, shall at the expiration of five years from this date, convey to said persons who constructed said river ditch, the following number of inches of the water of Carman Creek, heretofore used by them, to wit:

Mary J. Birdseye, 100 inches

2512 11-10-00

Anna B. Davis, 100 inches

Provided that said river ditch is kept in such repair, for five years from this date, that it will deliver 200 inches of water from Salmon River, to the point where said river ditch intersects said Garman Creek ditch, in accordance with the terms of the private contract, entered into between said parties, of date June 20, 1900.

5. We hereby find and determine that the following named persons have paid their full share, or portion of the cost of construction of said river ditch, to wit: E.R. Benedict and Wallace W. Slavin, and that the following named persons are in arrear in the payment of their share or portion of the cost of construction of said river ditch, to the amounts set opposite their respective names, to wit:

Theodore Batson	\$10.31
Elwood D. Clark	30.92
Hilliard H. Dahle	18.56
John Dimock	32.00
John Daniels	286.22
Ora L. and William Igou	8.54
Albert J. Mathews	18.56
Robert Martin	1.82
Peter McKinney	.51
A.C. Mather	1.09
Thomas Palmer	28.53
John Palmer	18.55
William Smith	.51

6. That said E/R. Benedict, Wallace W. Slavin, Theodore Batson, Elwood D. Clark, Hilliard H. Dahle, John Dimock, John Daniels, Ora L., and William Igou, Albert J. Mathews, Robert Martin, Peter McKinney, A.C. Mather, Thomas Palmer, John Palmer and William Smith, are entitled to a conveyance of the waters of said Garman Creek, so appropriated and owned by said "Big Flat people" provided that all of said persons, except said Benedict and Slavin, pay the aforesaid sums, so due and owing by them, within the

thirty days, fixed by the contract, first herein referred to.

7. That the persons, named in paragraph 6 of this report, are each entitled to a conveyance from said David McNutt, Mary J. Birdseye, Anna B. Davis, Henry B. Griebner, Neil Sweeney, Peter McKinney, George L. Shoup, M. M. McPherson, A. J. Macnab, and William H. Shoup, of the 620 inches of the waters of Garman Creek, in accordance with the terms of said contract the right to the use of said water, dating from the times above stated, to wit: the date of the original appropriation.

8. We also find and determine that the benefit to the William Smith ranch, derived from the construction of said river ditch, is so much greater than the trifling amount of damage inflicted, that we award no damage to the owner thereof.

All of which is respectfully awarded and reported.

Dated October 7th 1901.

J. H. Hockenwith
Thomas Pyeatt
William Peterson } Referees.

Our charges for services:

<i>James H. Hockenwith</i>	<i>12 days at \$3.00</i>	<i>\$36.00</i>
<i>Thomas Pyeatt</i>	<i>12 days at \$3.00</i>	<i>\$36.00</i>
<i>William Peterson</i>	<i>12 days at \$3.00</i>	<i>\$36.00</i>

2^d Report of Referee

7th

*In the District Court of the Fifth
Judicial District of the State of
Idaho, in and for Lemhi County.*

Alfred M. Smith et al

PLAINTIFF.

Thomas Palmer

et al
DEFENDANT.

October 8th 1901

J. P. Colough
Clerk.

REPORT.

Exhibit E

LAW OFFICES
FUREY, FUREY & BENNETTS
ATTORNEYS AT LAW

JACK B. FUREY
JAMES R. BENNETTS
CHALLIS, IDAHO

August 4, 1964

SHERMAN F. FUREY, JR.
SALMON, IDAHO

RECEIVED
AUG 7 1964

Department of Reclamation
State House
Boise, Idaho

Department of Reclamation

Gentlemen:

Mr. Archie McFarland, Watermaster of Carmen Creek, has asked me to write you about certain water rights which are usually referred to as "exchange" water rights. On page 2 of the Decree sheet for Carmen Creek, you refer to them as follows:

"Rights below deeded to above water users.
An exchange of Carmen Creek water for Salmon
River water to irrigate the lands below"

As you may know, many years ago the ranchers at the lower end of Carmen Creek on what is referred to locally as the "Big Flat" transferred their Carmen Creek rights to upstream users in exchange for the building of a ditch which made it possible for the lower users to use Salmon River water. About 620 inches of this water was transferred.

At Mr. McFarland's request, I have examined the old file in the case of David McNutt, et al, plaintiffs, vs. Thomas Palmer, et al, defendants, and have noted the following:

1. The Judgment which was entered in this case on May 9, 1902, provides in the early paragraph for the quieting of title to water in various amounts in David McNutt and others (being the Big Flat people), and in each paragraph involving these rights, the following additional language appears:

"and he (McNutt) is hereby adjudged to be the owner thereof subject to the right of the defendants and cross-complainants therein (the upstream people) and thereto, under and by virtue of said written agreement and the findings and report of said referees.

JUL 31 1964

Department of Reclamation
August 4, 1964
Page 2

And said (McNutt and the others) is hereby ordered and directed to convey to defendants and cross-complainants his right to the use of said _____ inches of the waters of said creek in accordance with the terms of said contract and the findings and report of said referees."
(parenthasized material added)

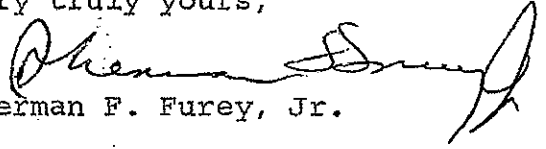
The old case file includes, among other things, a "Second Report of the Undersigned Arbitrators", in which the arbitrators list the upstream users among whom the 620 inches of exchange water was to be divided. I enclose a copy of this document, which was made from the original in the case file, and refer you particularly to paragraph 5, page 4, thereof.

The oldtimers say that this exchange water was divided into shares of 45 inches each; that of the 15 people named in paragraph 5, 13 have always been understood to be entitled to one full share of 45 inches, and the two remaining users, to one-half share each. This would make 14 shares of 45 inches, which comes to 630 total inches, which accounts for the 620 inches except the 10 inch discrepancy.

This information is forwarded to you because Mr. McFarland said that someone from your office at one time expressed interest in any information which would throw light on how these exchange water rights were to be distributed.

If we can furnish any other information, please don't hesitate to let us know.

Very truly yours,


Sherman F. Furey, Jr.

SFF:lg
Enclosure
cc: Mr. Archie McFarland

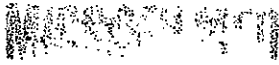

JUL 31 1966

Exhibit F

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 full payment has been made by the claimant THOMAS PALMER according to the provisions of the Act of Congress of April 24, 1920, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the LOT TWO OF SECTION THREE IN TOWNSHIP TWENTY-TWO NORTH OF RANGE TWENTY-TWO EAST OF THE BOISE MERIDIAN, IDAHO, CONTAINING FORTY AND THIRTY-SEVEN-HUNDREDTHS ACRES,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, 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, WILLIAM H. TAFT

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 TWENTY-NINTH

(SEAL)

day of APRIL In the year of our Lord one thousand nine hundred and TWELVE and of the Independence of the United States the one hundred and THIRTY-SIXTH

By the President:

By

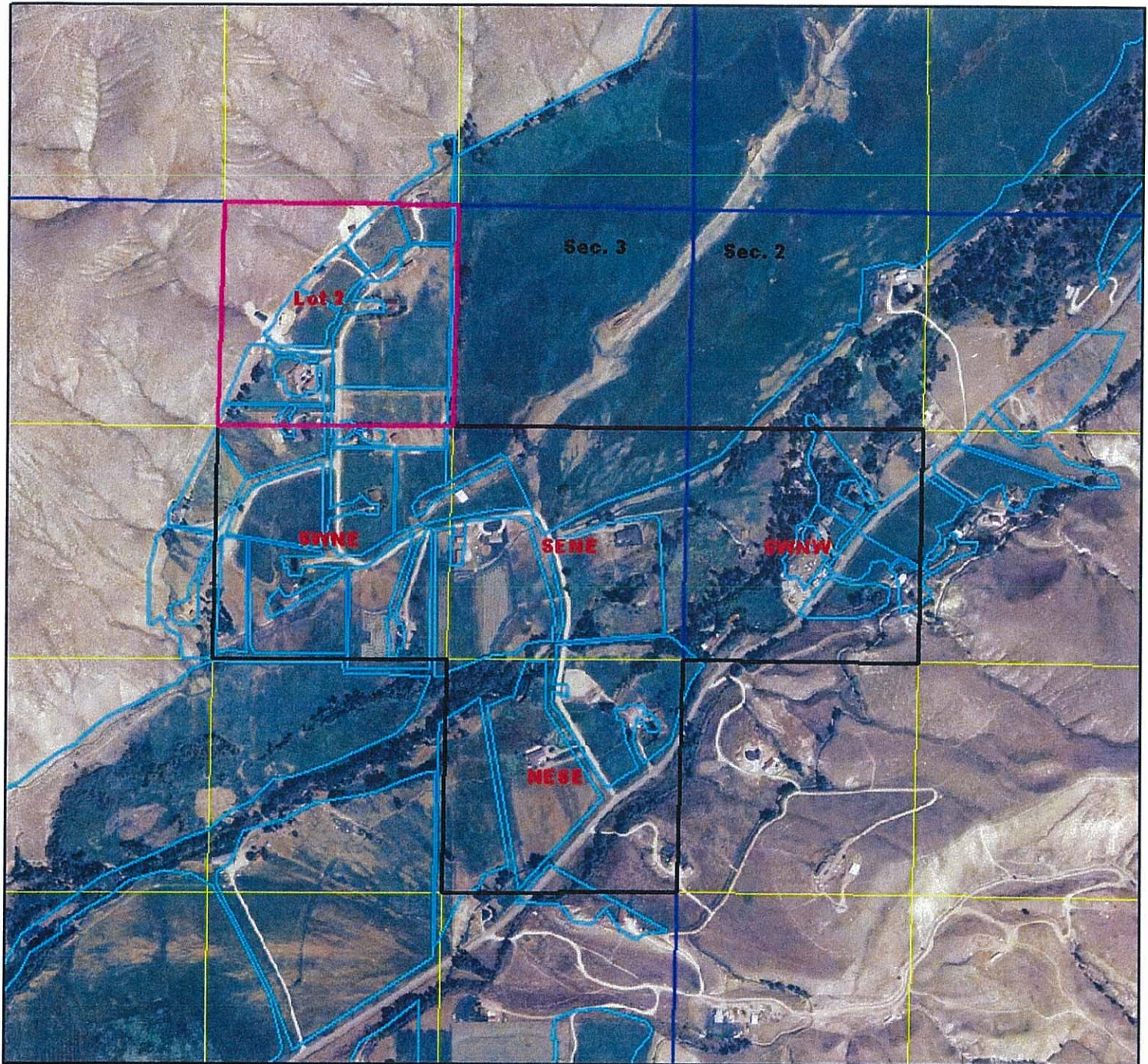
Wm. H. Taft
H. O. LeRoy Secretary,

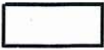
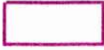
H. O. LeRoy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 262461

Exhibit G

Exhibit G



-  **1901 Thomas Palmer Patent**
-  **1912 Thomas Palmer Patent**
-  **40 acre tract**
-  **Sections**

Created by Greg Taylor
September 7, 2009

Exhibit H

County: Lemhi
Stream: Carmen creek
Amount: 1.02 sec. ft.
Use: Irr. & D.
Priority: 12-22-10.

STATE OF IDAHO

Water License No. 6981

WHEREAS, On the 22nd day of December, A. D. 1910, Thomas Palmer

of Salmon, County of Lemhi, State of Idaho, duly made application (No. 10090) to me for a permit to use 1.6 cubic feet per second of the waters of Carmen creek

County of Lemhi, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 7th day of January, A. D. 1911, Permit No. 6981 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 7th day of January, A. D. 1913, and for the application to beneficial use of said water on or before the 7th day of January, A. D. 1915, and,

WHEREAS, On the 6th day of April, A. D. 1912, Thomas Palmer

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 6981 dated February 15, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of water with date of priority of December 22, 1910, and

WHEREAS, On the 6th day of April, A. D. 1912, Thomas Palmer

the holder of said permit, duly made proof of the application to beneficial use of 1.02 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Thomas Palmer

of Salmon, County of Lemhi, State of Idaho, the holder and owner of said Permit No. 6981, a perpetual right, dating from December 22, 1910, to the use of 1.02 cubic feet per second of the waters of Carmen creek

in the County of Lemhi and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NE4 of NE4 Sec. 35, T. 23 N. R. 22 E. B. M.

and conducted to and upon 51 acres divided as follows: 20 acres in Lot 2 and 31 acres in the SW4 of NE4 Sec. 3, T. 22 N. R. 22 E. B. M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 15th day of February A. D., nineteen hundred and thirteen

A. E. Robinson,

(Seal)

State Engineer.

PERMIT N° 6981.

THOMAS PALMER, Applicant.

Map accompanying report on Completion of Works of Diversion and Application to Beneficial Use, made December 30, 1912, under instructions dated May 9, 1912,

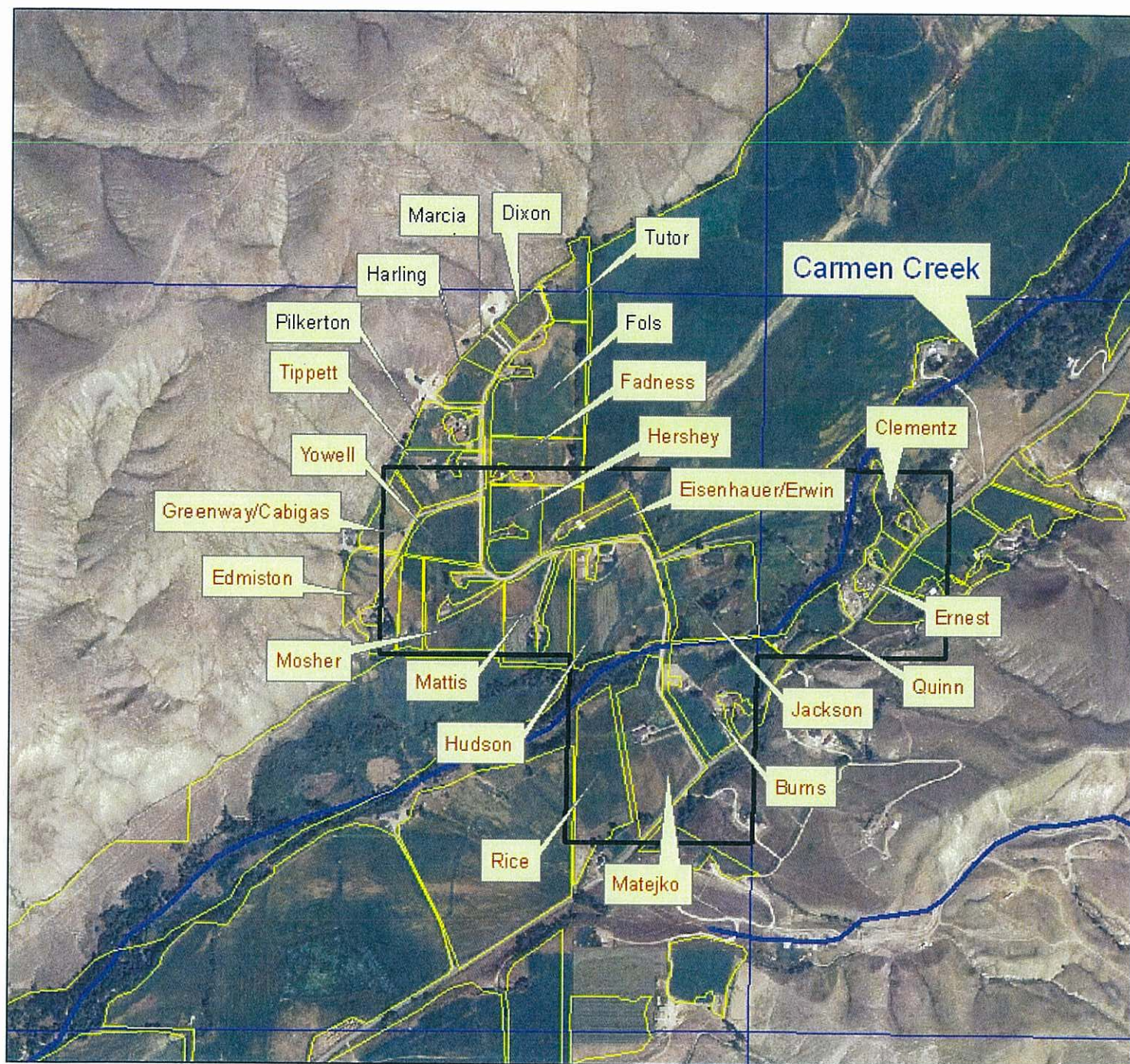
By

Scale: 1 in. = 1200 ft.



Exhibit I

Location of Carmen Creek Water Right Holders



Created by Greg Taylor
January 8, 2009



Fols Group in black lettering

Burns Group in red lettering

Exhibit J

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69A

NAME AND ADDRESS: RUTH C BURNS
PO BOX 264
CARMEN ID 83462

JOHN E BURNS
PO BOX 264
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.054 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.054 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S02 SWNW 0.40	T22N R22E S02 NWSW	1.30
	T22N R22E S03 SENE 1.50	T22N R22E S03 NESE	7.70

10.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 10.9 acres in a single irrigation season. Combined Right Nos.: 75-69A, 75-70A, and 75-14248.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69B

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.055 CFS

The rights listed below are limited to a total combined diversion rate of 0.45 cfs.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.055 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03	SENE 10.20	T22N R22E S03 NESE 1.00
	11.2 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69F

NAME AND ADDRESS: CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.013 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.013 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.40 T22N R22E S03 SWNE 2.70

4.1 ACRES TOTAL

This right is limited to the irrigation of 2.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J and 75-10062H.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69H

NAME AND ADDRESS: GEORGE MATEJKO
PO BOX 129
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.046 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 SENWNW Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.046 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 NESE 9.40

9.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 75-69H, 75-70H & 75-14431.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69K

NAME AND ADDRESS: FRANSICKA MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 NWNW Within LEMHI County
T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.030 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		

T22N R22E S03 SWNE 6.00

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 75-69K, 75-70K, 75-2025E, 75-10061T and 75-10062R.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69L

NAME AND ADDRESS: RICK RICE
PO BOX 285
CARMEN ID 83462

LINDA RICE
PO BOX 285
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.039 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.039 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

NESE 7.40

T22N R22E S03

SESE 0.60

8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 75-69L, 75-70L & 75-14442.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69N

NAME AND ADDRESS: JACQUELINE D ERNEST
PO BOX 132
CARMEN ID 83462

ROBERT M ERNEST
PO BOX 132
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.008 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 NWNENW Within LEMHI County
T22N R22E S2 SENWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.008 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S02 SWNW 1.70

1.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-69N and 75-70N.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69P

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.033 CFS

The rights listed below are limited to a total combined diversion rate of 0.27 cfs.

Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.033 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SWNE	6.40	T22N R22E S03	NWSE	0.30
---------------	------	------	---------------	------	------

STOCKWATER same as IRRIGATION

6.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.7 acres in a single irrigation season. Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69Q

NAME AND ADDRESS: RODNEY HUGH EDMISTON
PO BOX 155
CARMEN ID 83462

SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.015 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.015 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 4.00	T22N R22E S03 SENW	3.10

7.1 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y and 75-2025J.

This right is limited to the irrigation of 3.1 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69S

NAME AND ADDRESS: WILLIAM W CLEMENTZ
PO BOX 255
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.010 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.010 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S02 Lot 4 NWNW 0.10	T22N R22E S02 SWNW	2.00

2.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.1 acres in a single irrigation season. Combined Right Nos.: 75-69S and 75-70T.

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: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69W

NAME AND ADDRESS: PHILLIP G EISENHAUER
1306 W VISTA VIEW
WASHINGTON UT 84780

SHELLEY L ERWIN
1306 W VISTA VIEW
WASHINGTON UT 84780

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.022 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.022 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 1.90	T22N R22E S03 SENE 2.50	
	4.4 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-69W, 75-70X, 75-2025L, 75-10136A and 75-10137A.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-69X

NAME AND ADDRESS: VERALYN E HERSHEY
PO BOX 121
CARMEN ID 83462

TERRY J HERSHEY
PO BOX 121
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.022 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.022 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 4.50

4.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.5 acres in a single irrigation season. Combined Right Nos.: 75-69X, 75-70Y, 75-2025M, 75-10136B and 75-10137B.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14393

NAME AND ADDRESS: ROBERTA V FADNESS
PO BOX 286
CARMEN ID 83462

DANNY E FADNESS
PO BOX 286
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.005 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.005 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 3.10 T22N R22E S03 SWNE 1.30

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-10061C, 75-14225, 75-14387, 75-14388, 75-14389 & 75-14393

This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

Exhibit K

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70A

NAME AND ADDRESS: JOHN E BURNS
PO BOX 264
CARMEN ID 83462

RUTH C BURNS
PO BOX 264
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.073 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.073 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S02 SWNW 0.40	T22N R22E S02 NWSW	1.30
	T22N R22E S03 SENE 1.50	T22N R22E S03 NESE	7.70

10.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 10.9 acres in a single irrigation season. Combined Right Nos.: 75-69A, 75-70A & 75-14248.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70B

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.075 CFS

The rights listed below are limited to a total combined diversion rate of .45 cfs.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.075 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SENE

10.20

T22N R22E S03

NESE

1.00

11.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70F

NAME AND ADDRESS: JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.017 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.017 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.40	T22N R22E S03 SWNE 2.70	

4.1 ACRES TOTAL

This right is limited to the irrigation of 2.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J and 75-10062H.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70H

NAME AND ADDRESS: GEORGE MATEJKO
PO BOX 129
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.063 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County
T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.063 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 NESE 9.40

9.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9.4 acres in a single irrigation season. Combined Right Nos.: 75-69H, 75-70H & 75-14431.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70K

NAME AND ADDRESS: ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

FRANSICKA MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Within LEMHI County

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S03 SWNE 6.00

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 75-69K, 75-70K, 75-2025E, 75-10061T and 75-10062R.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70L

NAME AND ADDRESS: RICK RICE
PO BOX 285
CARMEN ID 83462

LINDA RICE
PO BOX 285
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.054 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.054 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	NESE	7.40	T22N R22E S03	SESE	0.60
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8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8 acres in a single irrigation season. Combined Right Nos.: 75-69L, 75-70L & 75-14442.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70N

NAME AND ADDRESS: ROBERT M ERNEST
PO BOX 132
CARMEN ID 83462

JACQUELINE D ERNEST
PO BOX 132
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.011 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNENW Within LEMHI County
T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.011 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S02 SWNW 1.70

1.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-69N and 75-70N.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70P

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.045 CFS

The rights listed below are limited to a total combined diversion rate of 0.27 cfs.
Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.045 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SWNE	6.40	T22N R22E S03	NWSE	0.30
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STOCKWATER same as IRRIGATION

6.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.7 acres in a single irrigation season. Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70Q

NAME AND ADDRESS: RODNEY HUGH EDMISTON
PO BOX 155
CARMEN ID 83462

SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.021 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.021 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 4.00	T22N R22E S03 SENW	3.10

7.1 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y and 75-2025J.

This right is limited to the irrigation of 3.1 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70S

NAME AND ADDRESS: THOMAS M JACKSON
PO BOX 47
CARMEN ID 83462

DONNA K JACKSON
PO BOX 47
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.056 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.056 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S03 SENE 8.40

8.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8.4 acres in a single irrigation season. Combined Right Nos.: 75-70S, 75-10062AB and 75-10705

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70T

NAME AND ADDRESS: WILLIAM W CLEMENTZ
PO BOX 255
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.014 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T22N R22E S2 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.014 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S02 Lot 4 NWNW 0.10	T22N R22E S02 SWNW	2.00

2.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.1 acres in a single irrigation season. Combined Right Nos.: 75-69S and 75-70T.

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: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70X

NAME AND ADDRESS: PHILLIP G EISENHAUER
1306 W VISTA VIEW
WASHINGTON UT 84780

SHELLEY L ERWIN
1306 W VISTA VIEW
WASHINGTON UT 84780

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.029 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.029 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 SWNE 1.90	T22N R22E S03 SENE 2.50	

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-69W, 75-70X, 75-2025L, 75-10136A and 75-10137A.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-70Y

NAME AND ADDRESS: TERRY J HERSHEY
PO BOX 121
CARMEN ID 83462

VERALYN E HERSHEY
PO BOX 121
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 4.50

4.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.5 acres in a single irrigation season. Combined Right Nos.: 75-69X, 75-70Y, 75-2025M, 75-10136B and 75-10137B.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10678

NAME AND ADDRESS: LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO CA 93010

JOHNNY J CABIGAS
1267 MOBIL AVE
CAMARILLO CA 93010

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.009 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.009 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SWNE

1.40

T22N R22E S03

SENE

1.60

3 ACRES TOTAL

Place of use does not include federal public lands

This right is limited to the irrigation of 1.4 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 3 acres in a single irrigation season. Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA 75-14593 and 75-10678.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14387

NAME AND ADDRESS: ROBERTA V FADNESS
PO BOX 286
CARMEN ID 83462

DANNY E FADNESS
PO BOX 286
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.007 CFS

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.007 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 3.10	T22N R22E S03 SWNE	1.30

4.4 ACRES TOTAL

This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-10061C 75-14225, 75-14387, 75-14388, 75-14389 & 75-14393.

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: BASIS OF CLAIM - Decreed

Exhibit L

**Attorneys for Albert & Alvera Fols, Charles & Mary Harling,
A.C. & Luella Pilkerton, Lloyd & Sheryl Tutor, Marci Dixon,
and Tracy Mascia**

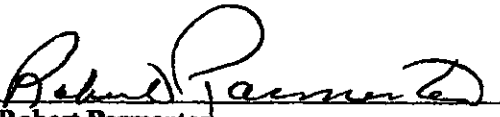
3. I moved onto the property once known as the "Palmer Ranch" in 1946 when my father, Frank Parmenter, purchased the property. After that we referred to the ranch as the "Parmenter Ranch".

4. I lived on the Parmenter Ranch with my family from 1946 until about 1965 or 1966.

5. During the time I lived on the ranch I personally helped my father irrigate the land on the north side of Carmen Creek. We grew mostly hay and pasture. I remember flood irrigating the ranch below the highest irrigation ditch on the north side of Carmen Creek. We irrigated all of the land located below the ditch for the entire length of the ditch. It is my recollection that the ditch was in place when my father purchased the ranch.

6. I also remember that we diverted the 45 inches of water associated with the ranch's most senior priority water rights at the high ditch. I also remember that we used this water exclusively on the lands on the north side of Carmen Creek from about 1948 until I left the ranch in the mid-1960s. We did not use any of this water on any land located on the south side of Carmen Creek during that time.

DATED this 7th day of November, 2008.


Robert Parmenter

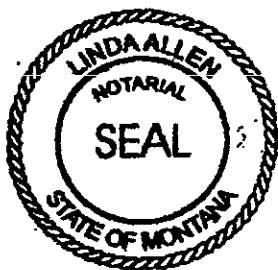
STATE OF MONTANA)
) ss.
County of Beaverhead)

On this 7th day of November, 2008, before me, a Notary Public for said County and State, personally appeared ROBERT PARMENTER, known or identified to me

MOTION TO FILE LATE OBJECTIONS

the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

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



Linda Allen
NOTARY PUBLIC FOR MONTANA
Residing at: Dillon
My commission expires: July 16, 2012

Exhibit M

**Attorneys for Albert & Alvera Fols, Charles & Mary Harling,
A.C. & Luella Pilkerton, Lloyd & Sheryl Tutor, Marci Dixon,
and Tracy Mascia**

In Re SRBA
Case No. 39576

**AFFIDAVIT OF DAVID M.
MCFARLAND**

DAVID M. MCFARLAND, being first duly sworn upon oath, deposes and states as follows:

2. My mailing address is P.O. Box 126, Carmen, Idaho 83462.

3. I have lived on Carmen Creek since 1949 where my family has operated a ranch. My father was watermaster on Carmen Creek during the late 1950s and early 1960s. I later became watermaster on Carmen Creek in the 1980s.

4. It is my recollection and understanding that when my father was watermaster all 45 inches originally decreed to Thomas Palmer as exchange or transfer water from the Big Flat Ditch in the *McNutt v. Palmer* decree was delivered in the Parmenter Ditch or the point of diversion located on Carmen Creek in the NENE Section 35, Township 23 North, Range 22 East, Lemhi County. The exchange water rights have priority dates of 1875 and 1882. When I was watermaster on Carmen Creek in the 1980s this water (45 inches), was delivered exclusively in the Parmenter Ditch to lands on the north side of Carmen Creek.

6. During my time as watermaster all of the exchange water rights (45 inches) was delivered for irrigation use to lands served by the Parmenter Ditch on the north side of Carmen Creek, including acres in Lot 2, Section 3, Township 22 North, Range 22 East, Lemhi County. When I was watermaster all of these acres served by the exchange water rights received a proportionate share of the water per acre, depending on the water available under the right at the time. It is my understanding that some of the lands that were irrigated are now claimed in the Snake River Basin Adjudication pursuant to water right claims filed by Al & Alvera Fols, Charles & Mary Harling, Tracy Mascia, Lloyd & Sheryl Tutor, A.C. & Luella Pilkerton, and Marci Dixon.

7. It was not until the 1990s, after the ranch known as the Parmenter Ranch was subdivided and renamed (Ajax Peak Subdivision), was any of the water identified above ever delivered through any other diversion other than the Parmenter Ditch. At that time in the 1990s, following a dispute among water users, Ron Carlson, acting on behalf of the Idaho Department

of Water Resources, ordered the Carmen Creek watermaster to deliver 8 inches of the exchange water rights through a separate ditch to lands on the south side of Carmen Creek. This was the first time that exchange water rights were ever delivered anywhere but in the Parmenter Ditch to my knowledge, both as a resident living on Carmen Creek since 1949 and as a watermaster in the 1980s.

DATED this 6th day of November, 2008.

David M. McFarland
DAVID M. MCFARLAND

STATE OF IDAHO)
) ss.
County of Lemhi)

On this 6th day of November, 2008, before me, a Notary Public for said County and State, personally appeared DAVID M. MCFARLAND, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

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

Steven R. Gott
NOTARY PUBLIC FOR IDAHO
Residing at: Salmon
My commission expires: 1-13-2010

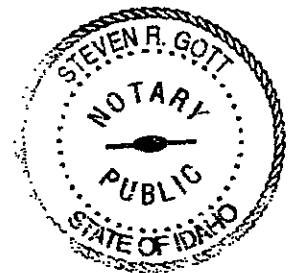


Exhibit A

75-69A
75-69B
75-69F
75-69H
75-69K
75-69L
75-69N
75-69P
75-69Q
75-69S
75-69W
75-69X
75-70A
75-70B
75-70F
75-70H
75-70K
75-70L
75-70N
75-70P
75-70Q
75-70S
75-70T
75-70X
75-70Y
75-10061A
75-10061AA
75-10061AE
75-10061AM

75-10061B
75-10061C
75-10061J
75-10061R
75-10061T
75-10061Y
75-10061Z
75-10062A
75-10062AB
75-10062AC
75-10062AL
75-10062C
75-10062H
75-10062P
75-10062R

75-10062W
75-10062X
75-10062Y
75-10136A
75-10136B
75-10137A
75-10137B
75-10678
75-14387
75-14388
75-14393
75-14441
75-14443

Exhibit N

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062AA

NAME AND ADDRESS: JOHNNY J CABIGAS
1267 MOBIL AVE
CAMARILLO CA 93010

LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO CA 93010

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.011 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.011 CFS
PLACE OF USE: <u>IRRIGATION in LEMHI County</u>		
T22N R22E S03	SWNE 1.40	T22N R22E S03 SENW 1.60

3 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 3 acres in a single irrigation season. Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA 75-14593 and 75-10678.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062AB

NAME AND ADDRESS: DONNA K JACKSON
PO BOX 47
CARMEN ID 83462

THOMAS M JACKSON
PO BOX 47
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SENE 8.40

8.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 8.4 acres in a single irrigation season. Combined Right Nos.: 75-70S, 75-10062AB and 75-1070S.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062AL

NAME AND ADDRESS: STEVEN K YOWELL
3509 BALLANCE CT
CHESAPEAKE VA 23321

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.018 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.018 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 5.00

5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5 acres in a single irrigation season. Combined Right Nos.: 75-2025G, 75-10061AM, 75-10062AL 75-14591 and 75-14592.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062C

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

The rights listed below are limited to a total combined diversion rate of 0.45 cfs.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.040 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03	SENE 10.20	T22N R22E S03 NESE 1.00

11.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062H

NAME AND ADDRESS: CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.015 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.015 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.40

T22N R22E S03

SWNE 2.70

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J and 75-10062H.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062L

NAME AND ADDRESS: A C PILKERTON
PO BOX 23
CARMEN ID 83462

LUELLA PILKERTON
PO BOX 34
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.008 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.008 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 2.30

2.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.3 acres in a single irrigation season. Combined Right Nos.: 75-2025D, 75-10062L and 75-10061N

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062R

NAME AND ADDRESS: FRANSICKA MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.021 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T22N R22E S2 NWNW Within LEMHI County

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.021 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 6.00

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 75-69K, 75-70K, 75-2025E, 75-10061T and 75-10062R.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062V

NAME AND ADDRESS: MARY N HARLING
PO BOX 283
CARMEN ID 83462

CHARLES E HARLING
PO BOX 283
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.007 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.007 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.90

1.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.9 acres in a single irrigation season. Combined Right Nos.: 75-2025F, 75-10062V, 75-10061X and 75-14233.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062X

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.024 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 0.27 cfs.

Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.024 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SWNE	6.40	T22N R22E S03	NWSE	0.30
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STOCKWATER same as IRRIGATION

6.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.7 acres in a single irrigation season. Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10062Y

NAME AND ADDRESS: RODNEY HUGH EDMISTON
PO BOX 155
CARMEN ID 83462

SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.025 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.025 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SWNE

3.10

T22N R22E S03

SENE

4.00

7.1 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y and 75-2025J.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10136A

NAME AND ADDRESS: PHILLIP G EISENHAUER
1306 W VISTA VIEW
WASHINGTON UT 84780

SHELLEY L ERWIN
1306 W VISTA VIEW
WASHINGTON UT 84780

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.016 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.016 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SWNE 1.90

T22N R22E S03

SENE 2.50

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-69W, 75-70X, 75-2025L, 75-10136A and 75-10137A.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10136B

NAME AND ADDRESS: VERALYN E HERSHEY
PO BOX 121
CARMEN ID 83462

TERRY J HERSHEY
PO BOX 121
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.016 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.016 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 4.50

4.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.5 acres in a single irrigation season. Combined Right Nos.: 75-69X, 75-70Y, 75-2025M, 75-10136B and 75-10137B.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14027

NAME AND ADDRESS: LLOYD A TUTOR
HC 60 BOX 52E12
ROUND MOUNTAIN NV 89045

SHERYL L TUTOR
HC 60 BOX 52E12
ROUND MOUNTAIN NV 89045

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.010 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.010 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE 1.20	T23N R22E S34	SWSE 1.70

2.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.9 acres in a single irrigation season. Combined Right Nos.: 75-14023, 75-14025, 75-14027 and 75-14029.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14046

NAME AND ADDRESS: MARCI M DIXON
PO BOX 221
CARMEN ID 83462-0221

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.006 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.006 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.70

1.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-14042, 75-14044, 75-14046 and 75-14048.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14057

NAME AND ADDRESS: TRACY MARCIA
PO BOX 80
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.006 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION: T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.006 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE	1.60	
	1.6 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 1.6 acres in a single irrigation season. Combined Right Nos.:75-14053, 75-14055, 75-14057 and 75-14059.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14058

NAME AND ADDRESS: ALVERA C FOLS
PO BOX 56
CARMEN ID 83462

ALBERT C FOLS
PO BOX 56
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.034 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.034 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 9.50

9.5 ACRES TOTAL

Right Nos. 75-14054, 75-14056, 75-14058 and 75-14060 are limited to the
irrigation of a combined total of 9.5 acres in a single irrigation season.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14388

NAME AND ADDRESS: ROBERTA V FADNESS
PO BOX 286
CARMEN ID 83462

DANNY E FADNESS
PO BOX 286
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.016 CFS

PRIORITY DATE: 05/01/1882

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.016 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 3.30 T22N R22E S03 SWNE 1.10

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-10061C 75-14225, 75-14387, 75-14388, 75-14389 & 75-14393.

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: BASIS OF CLAIM - Decreed

Exhibit O

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061AA

NAME AND ADDRESS: RODNEY HUGH EDMISTON
PO BOX 155
CARMEN ID 83462

SUSAN FRANCINE EDMISTON
PO BOX 155
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.056 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.056 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SWNE	3.10	T22N R22E S03	SENE	4.00
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7.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 7.1 acres in a single irrigation season. Combined Right Nos.: 75-69Q, 75-70Q, 75-10061AA, 75-10062Y and 75-2025J.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061AC

NAME AND ADDRESS: LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO CA 93010

JOHNNY J CABIGAS
1267 MOBIL AVE
CAMARILLO CA 93010

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.024 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.024 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SWNE

1.40

T22N R22E S03

SENE

1.60

3 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of 3 acres in a single irrigation season. Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA 75-14593 and 75-10678.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061AM

NAME AND ADDRESS: STEVEN K YOWELL
3509 BALLANCE CT
CHESAPEAKE VA 23321

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.039 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.039 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SWNE 5.00

5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5 acres in a single irrigation season. Combined Right Nos.: 75-2025G, 75-10061AM, 75-10062AL 75-14591 and 75-14592.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061B

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.088 CFS

The rights listed below are limited to a total combined diversion rate of 0.45 cfs.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T22N R22E S2 SENWNW Within LEMHI County
T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.088 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03	SENE	10.20	T22N R22E S03	NESE	1.00
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11.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061C

NAME AND ADDRESS: DANNY E FADNESS
PO BOX 286
CARMEN ID 83462

ROBERTA FADNESS
BOX 286
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.035 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.035 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 3.30 T22N R22E S03 SWNE 1.10

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-10061C 75-14225, 75-14387, 75-14388, 75-14389 & 75-14393.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061J

NAME AND ADDRESS: JAMES R TIPPETT
PO BOX 15
CARMEN ID 83462

CATHLEEN TIPPETT
PO BOX 15
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.032 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.032 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.50 T22N R22E S03 SWNE 2.60

4.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.1 acres in a single irrigation season. Combined Right Nos.: 75-69F, 75-70F, 75-2025C, 75-10061J and 75-10062H.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061N

NAME AND ADDRESS: LUELLA PILKERTON
PO BOX 34
CARMEN ID 83462

A C PILKERTON
PO BOX 23
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.018 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.018 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 2.30

2.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.3 acres in a single irrigation season. Combined Right Nos.: 75-2025D, 75-10061N and 75-10062L.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061T

NAME AND ADDRESS: ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

FRANSICKA MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN ID 83462-0213

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.047 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T22N R22E S2 NWNW Within LEMHI County
T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.047 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 6.00

6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6 acres in a single irrigation season. Combined Right Nos.: 75-69K, 75-70K, 75-2025E, 75-10061T and 75-10062R.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061X

NAME AND ADDRESS: MARY N HARLING
PO BOX 283
CARMEN ID 83462

CHARLES E HARLING
PO BOX 283
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.015 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.015 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.90

1.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.9 acres in a single irrigation season. Combined Right Nos.: 75-2025F, 75-10062V, 75-10061X and 75-14233.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10061Z

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.053 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 0.27 cfs.

Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T22N R22E S2 NWNW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.053 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 6.70

STOCKWATER same as IRRIGATION

6.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.7 acres in a single irrigation season. Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10137A

NAME AND ADDRESS: PHILLIP G EISENHAUER
1306 W VISTA VIEW
WASHINGTON UT 84780

SHELLEY L ERWIN
1306 W VISTA VIEW
WASHINGTON UT 84780

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.035 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.035 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03

SWNE

2.40

T22N R22E S03

SENE

2.00

4.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.4 acres in a single irrigation season. Combined Right Nos.: 75-69W, 75-70X, 75-2025L, 75-10136A and 75-10137A.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10137B

NAME AND ADDRESS: TERRY J HERSHEY
PO BOX 121
CARMEN ID 83462

VERALYN E HERSHEY
PO BOX 121
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.035 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.035 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 SWNE 4.50

4.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4.5 acres in a single irrigation season. Combined Right Nos.: 75-69X, 75-70Y, 75-2025M, 75-10136B and 75-10137B.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14025

NAME AND ADDRESS: LLOYD A TUTOR
HC 60 BOX 52E12
ROUND MOUNTAIN NV 89045

SHERYL L TUTOR
HC 60 BOX 52E12
ROUND MOUNTAIN NV 89045

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.023 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.023 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 1.20 T23N R22E S34 SWSE 1.70

2.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 2.9 acres in a single irrigation season. Combined Right Nos.: 75-14023, 75-14025, 75-14027 and 75-14029.

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

Place of use does not include federal public lands.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14044

NAME AND ADDRESS: MARCI M DIXON
PO BOX 221
CARMEN ID 83462-0221

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.013 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.013 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE	1.70	

1.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 75-14042, 75-14044, 75-14046 and 75-14048.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14055

NAME AND ADDRESS: TRACY MARCIA
PO BOX 80
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.013 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.013 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T22N R22E S03 Lot 2 NWNE	1.60	

1.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.6 acres in a single irrigation season. Combined Right Nos.: 75-14053, 75-14055, 75-14057 and 75-14059.

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: BASIS OF CLAIM - Decreed

01/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14056

NAME AND ADDRESS: ALVERA C FOLS
PO BOX 56
CARMEN ID 83462

ALBERT C FOLS
PO BOX 56
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.075 CFS

PRIORITY DATE: 05/01/1875

POINT OF
DIVERSION:

T23N R22E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.075 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S03 Lot 2 NWNE 9.50

9.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 9.5 acres in a single irrigation season. Combined Right Nos.: 75-14054, 75-14056, 75-14058 and 75-14060.

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: BASIS OF CLAIM - Decreed

Exhibit P

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
75-14441	LINDA RICE PO BOX 285 CARMEN ID 83462 RICK RICE PO BOX 285 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-14443	LINDA RICE PO BOX 285 CARMEN ID 83462 RICK RICE PO BOX 285 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10061R	GEORGE MATEJKO PO BOX 129 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10062P	GEORGE MATEJKO PO BOX 129 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10061A	RUTH C BURNS PO BOX 264 CARMEN ID 83462 JOHN E BURNS PO BOX 264 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10062A	RUTH C BURNS PO BOX 264 CARMEN ID 83462 JOHN E BURNS PO BOX 264 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10061Y	JACQUELINE D ERNEST PO BOX 132 CARMEN ID 83462 ROBERT M ERNEST PO BOX 132 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10062W	JACQUELINE D ERNEST PO BOX 132 CARMEN ID 83462 ROBERT M ERNEST PO BOX 132 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10061AE	WILLIAM W CLEMENTZ PO BOX 255 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.
75-10062AC	WILLIAM W CLEMENTZ PO BOX 255 CARMEN ID 83462	Disallowed	Recommended as accomplished transfer to other property.

Exhibit Q

Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for Albert & Alvera Fols, Charles & Mary Harling,
A.C. & Luella Pilkerton, Lloyd & Sheryl Tutor, Marci Dixon,
and Tracy Mascia

**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

Case No. 39576

)
) Subcase Nos. Exhibits A, B
)
)
)
)
)
)
)
)
)

**AFFIDAVIT OF BRUCE
MCFARLAND**

State of IDAHO)

County of Lemhi)

) ss

BRUCE MCFARLAND, being first duly sworn upon oath, deposes and states as follows:

1. I make the following affidavit upon my personal knowledge of the facts and
circumstances set forth herein below.

2. My mailing address is P.O. Box 124, Carmen, Idaho 83462.

AFFIDAVIT OF BRUCE MCFARLAND

3. I have lived on Carmen Creek my entire life where my family has operated a ranch. My father was watermaster on Carmen Creek during the late 1950s and early 1960s. I later became watermaster on Carmen Creek during the early 2000s.

4. When I was watermaster on Carmen Creek in the early 2000s I delivered 37 inches under the exchange water rights ("Exchange Water") 1875 and 1882 priority to the Parmenter Ditch or the point of diversion located on Carmen Creek in the NENE Section 35, Township 23 North, Range 22 East, Lemhi County, and the remaining 8 inches to a ditch for lands on the south side of Carmen Creek. It is my understanding that prior to the early 1990s, all 45 inches of the exchange water rights were delivered to the Parmenter Ditch.

6. During my time as watermaster 37 inches of the exchange water rights was delivered for irrigation use to lands served by the Parmenter Ditch on the north side of Carmen Creek, including acres in Lot 2, Section 3, Township 22 North, Range 22 East, Lemhi County. When I was watermaster all of these acres served by the 37 inches of the exchange water rights received a proportionate share of the water per acre. The amount of water that was delivered on a per acre basis depended upon the type of water year and how much water was available under the rights at the time.

7. It is my understanding that the some of the lands that were irrigated by the 37 inches of the exchange water rights that I delivered as watermaster are now claimed in the Snake River Basin Adjudication pursuant to water right claims filed by Al & Alvera Fols, Charles & Mary Harling, Tracy Mascia, Lloyd & Sheryl Tutor, A.C. & Luella Pilkerton, and Marci Dixon.

8. When I was watermaster I never delivered water rights known as the "Exchange Water" or "Homestead Water" (1888 and 1892 priority) to James Hudson, Thomas Jackson, or Shirley Mattis. I could not locate a viable point of diversion on Carmen Creek for those waters.

~~and it is my understanding that the lands owned by Mr. Hudson, Mr. Jackson, and Ms. Mattis do~~
~~not receive any Carmen Creek water for irrigation purposes.~~ 11/5/08
DNE

DATED this 5 day of November, 2008.

Bruce B. McFarland
BRUCE MCFARLAND

STATE OF IDAHO)

County of Lemhi)

ss.

On this 5th day of November, 2008, before me, a Notary Public for said County and State, personally appeared BRUCE MCFARLAND, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

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



Mary Ann Heiser
NOTARY PUBLIC FOR IDAHO
Residing at: Lemhi
My commission expires: 10/30/2013

Exhibit A

75-69A
75-69B
75-69F
75-69H
75-69K
75-69L
75-69N
75-69P
75-69Q
75-69S
75-69W
75-69X
75-70A
75-70B
75-70F
75-70H
75-70K
75-70L
75-70N
75-70P
75-70Q
75-70S
75-70T
75-70X
75-70Y
75-10061A
75-10061AA
75-10061AE
75-10061AM

75-10061B
75-10061C
75-10061J
75-10061R
75-10061T
75-10061Y
75-10061Z
75-10062A
75-10062AB
75-10062AC
75-10062AL
75-10062C
75-10062H
75-10062P
75-10062R

75-10062W
75-10062X
75-10062Y
75-10136A
75-10136B
75-10137A
75-10137B
75-10678
75-14387
75-14388
75-14393
75-14441
75-14443

Exhibit B

75-14019 Tutor
75-14021 Tutor
75-14025 Tutor
75-14027 Tutor

75-14038 Dixon
75-14040 Dixon
75-14044 Dixon
75-14046 Dixon

75-14049 Mascia
75-14051 Mascia
75-14055 Mascia
75-14057 Mascia

75-69M Harling
75-70M Harling
75-10061X Harling
75-10062V Harling

75-10061N Pilkerton
75-10062L Pilkerton

75-14050 Fols
75-14052 Fols
75-14056 Fols
75-14058 Fols