

Patrick Murphy
14 Blaze Tree Trail
North Fork, ID

Daryl Hull
15 Blaze Tree Trail
North Fork, ID

SS No. **278547**
This instrument was filed for record in the request
of Russell Kozacek
at 1:21 o'clock p.m. 12/21/2008
and duly filed and indexed in the records of Lemhi
County.
Tami J. Morton
County Clerk
By Theresa J. Morton Deputy
Fee 9.00
Return to _____

December 19, 2008

This agreement is a settlement agreement for the original SRBA Case No. 39576 Subcases 75-4126 and 75-10400. The parties involved in this case (Patrick Murphy, Daryl Hull, Russell Kozacek and Susan Kozacek) agree that water rights 75-4126 and 75-10400 originate from a live spring on property owned by Patrick Murphy and Daryl Hull and that the Point of Diversion for these water rights is located on Forest Service property below the southern boundary of Patrick Murphy's property. A stipulation to this agreement is that the property owners with water rights from said spring will have the ability to remove woody debris or beavers that may inhibit flow for winter time stock water rights from said spring above the point of diversion. The following is an agreement for the removal of fallen, woody debris, beaver dams, and beavers that inhibit transport of water from the springs on Daryl Hull and Patrick Murphy properties to the ditch on the U. S. Forest Service.

It is clear to all parties that this is not an ingress or egress easement, prescriptive easement, or ditch right of way. The water users from this ditch will only be allowed to enter the Hull and Murphy properties to remove fallen woody debris in the spring channel, beaver dams, and beavers which prevent or obstruct water from reaching the property owner's point of diversion. All work will be done by hand. No instream substrate will be removed, altered, or channelized. No live trees or riparian vegetation will be removed. No vehicular access will be allowed without prior permission. Reasonable attempts will be made to contact the landowners, Daryl Hull and Patrick Murphy, prior to entering their property.

This agreement is binding on the present and future owners of the properties involved in this agreement. Listed below are the current owners of properties involved in the original SRBA Case No. 39576 Subcase 75-4126 and 75-10400:

Russell Kozacek	Susan Kozacek	Patrick Murphy	Daryl Hull
Hughes Creek	Hughes Creek	Blaze Tree Trail	Blaze Tree Trail

Signd By:

Russell Kozacek

Date

12/30/2008

Susan Kozacek

Date

12/21/2008

Patrick Murphy

Date

1/05/2009 1/13/09

Daryl Hull

Date

12/30/2008 1/14/09

Notarial Certificate Attached to:

Title or Type of Document: Ditch and Water Right- Agreement

Signed by: Russ Kozacek

Dated: 1/12/09

State of Idaho

County of Lemhi

Subscribed and sworn (or affirmed) before me this 12 day of January, 2009



Brenda Clutson
Notary Public

Signed by: Patrick Murphy

Dated: 1/13/2009

State of Idaho

County of Lemhi

Subscribed and sworn (or affirmed) before me this 13 day of January, 2009



She DeBans
Notary Public

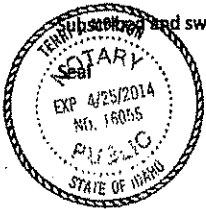
Signed by: Daryl Hall

Dated: 1/14/2009

State of Idaho

County of Lemhi

Subscribed and sworn (or affirmed) before me this 14th day of January, 2009



Lynn J. Morton
Notary Public

Notarial Certificate Attached to:

Title or Type of Document: Ditch and Waterright AgreementSigned by: Susan KozarekDated: 1/8/2009 Number of Pages: 2

State of

County of

Arizona ,
Pima , §

Subscribed and sworn (or affirmed) before me this

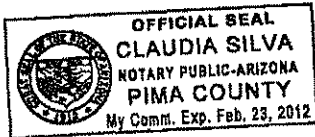
20

8th

day of

January .

(seal)

Claudia Silva
Notary Public