

12/07/2006

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

RIGHT NUMBER: 78-4099B

NAME AND ADDRESS: PAMELA J GALLI
PO BOX 469
RIGGINS ID 83549

CLIFFORD P GALLI
PO BOX 469
RIGGINS ID 83549

SOURCE: FOURMILE CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.560 CFS

PRIORITY DATE: 05/05/1900

POINT OF DIVERSION:

T19N R02E S6 NWNE Lot 2 Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.560 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S01	SWSE	38.00	T19N R01E S01	SESE	40.00
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78 ACRES TOTAL

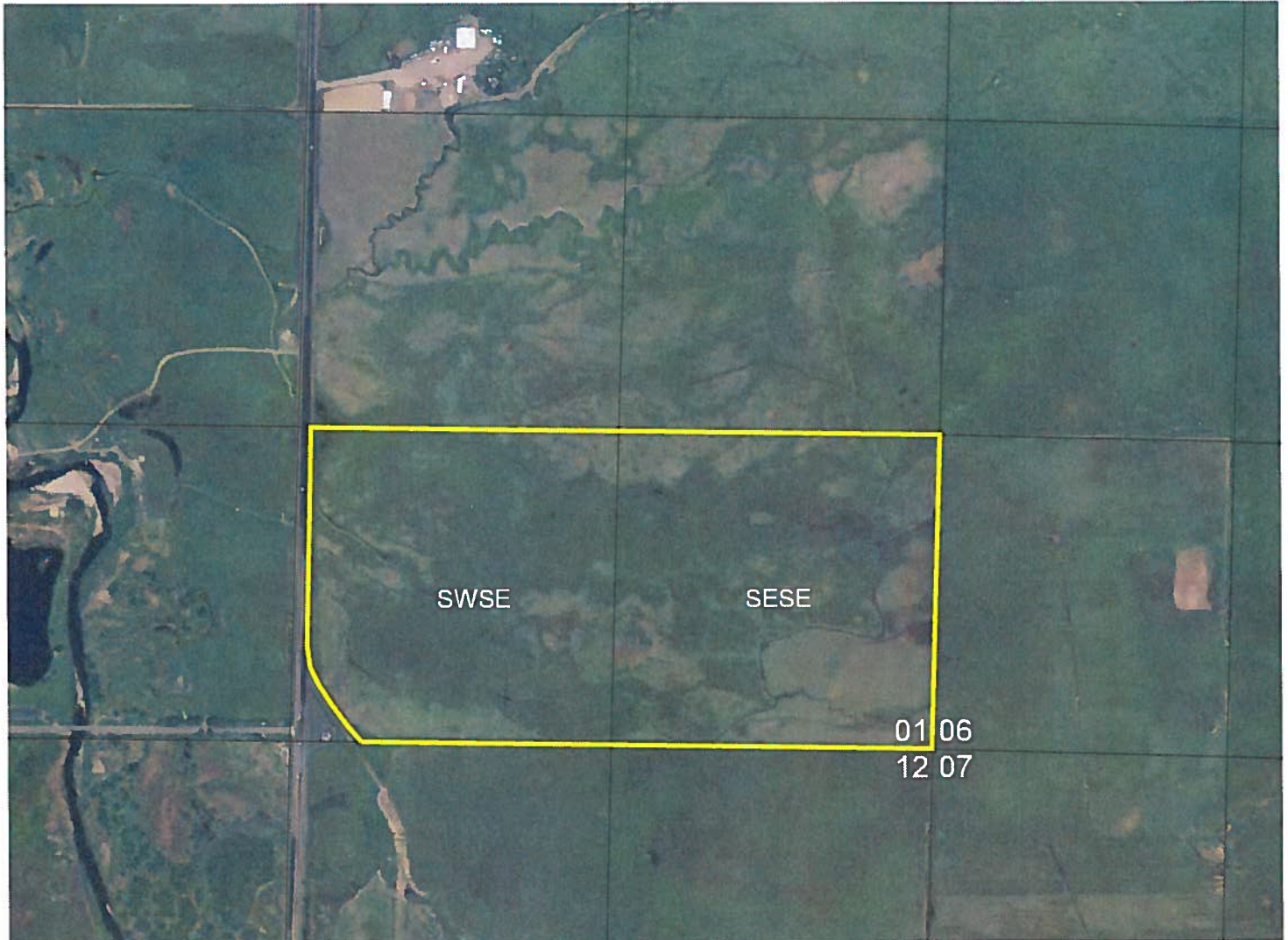
Right Nos. 78-4099B, 78-4100B and 78-4316B are limited to the irrigation of a combined total of 78 acres in a single irrigation season.

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 - Beneficial Use

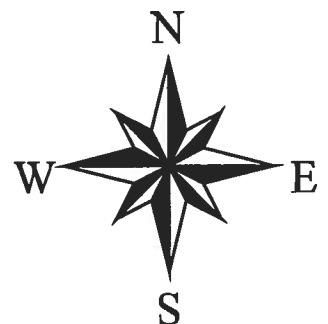
78-4099B 78-4100B & 78-4316B



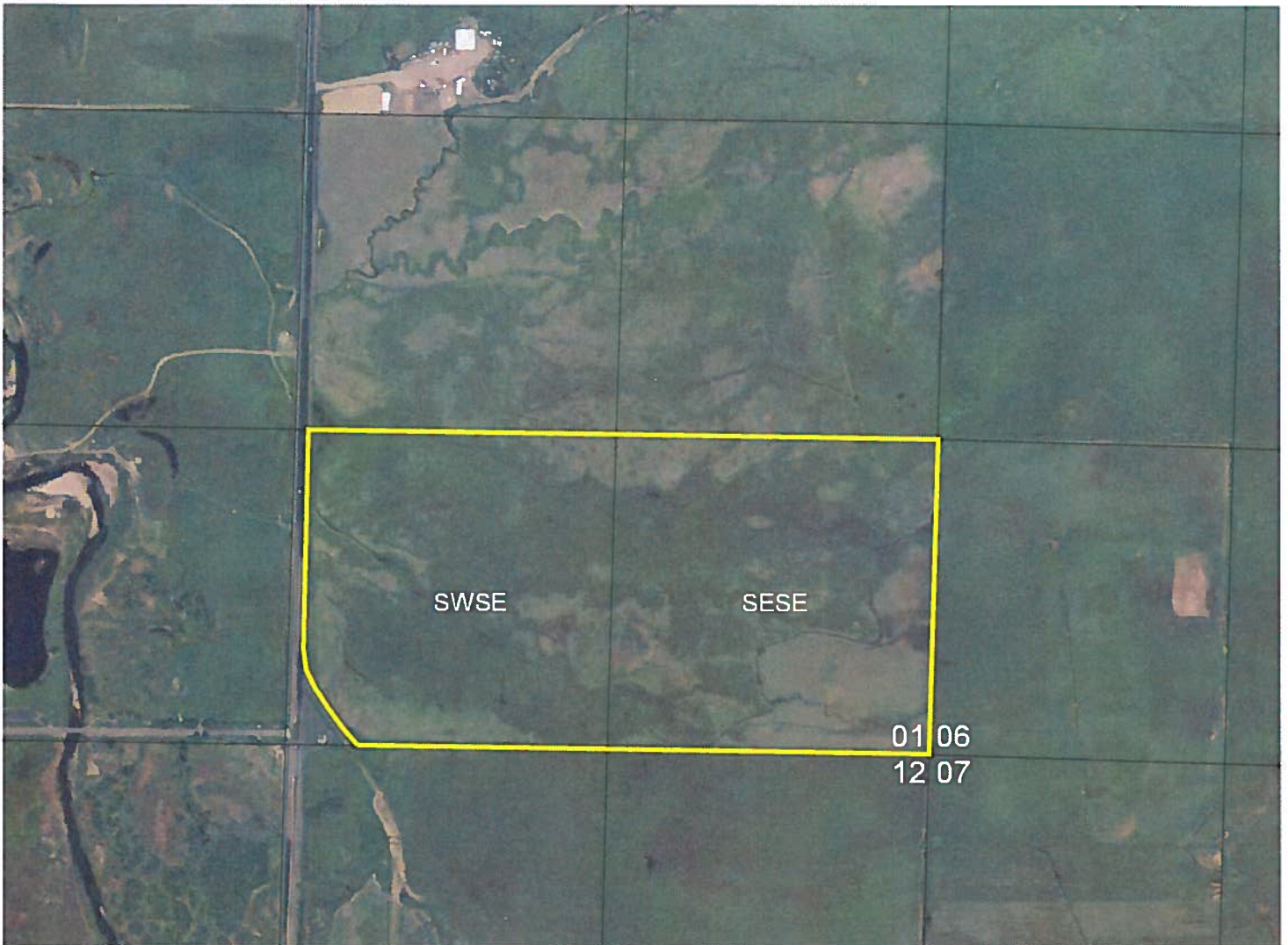
900 0 900 1800 Feet

T19N R01E S01

Map prepared by: Carter Fritschle
Date prepared: 12/07/06
2004 NAIP Photography
Idaho Department of Water Resources



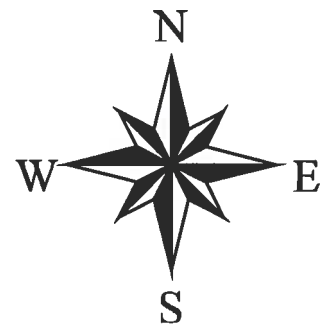
78-4099B 78-4100B & 78-4316B



900 0 900 1800 Feet

T19N R01E S01

Map prepared by: Carter Fritschle
Date prepared: 12/07/06
2004 NAIP Photography
Idaho Department of Water Resources



Evidence of Priority Date for 78-4099A, 78-4099B, 78-4316A and 78-4316B

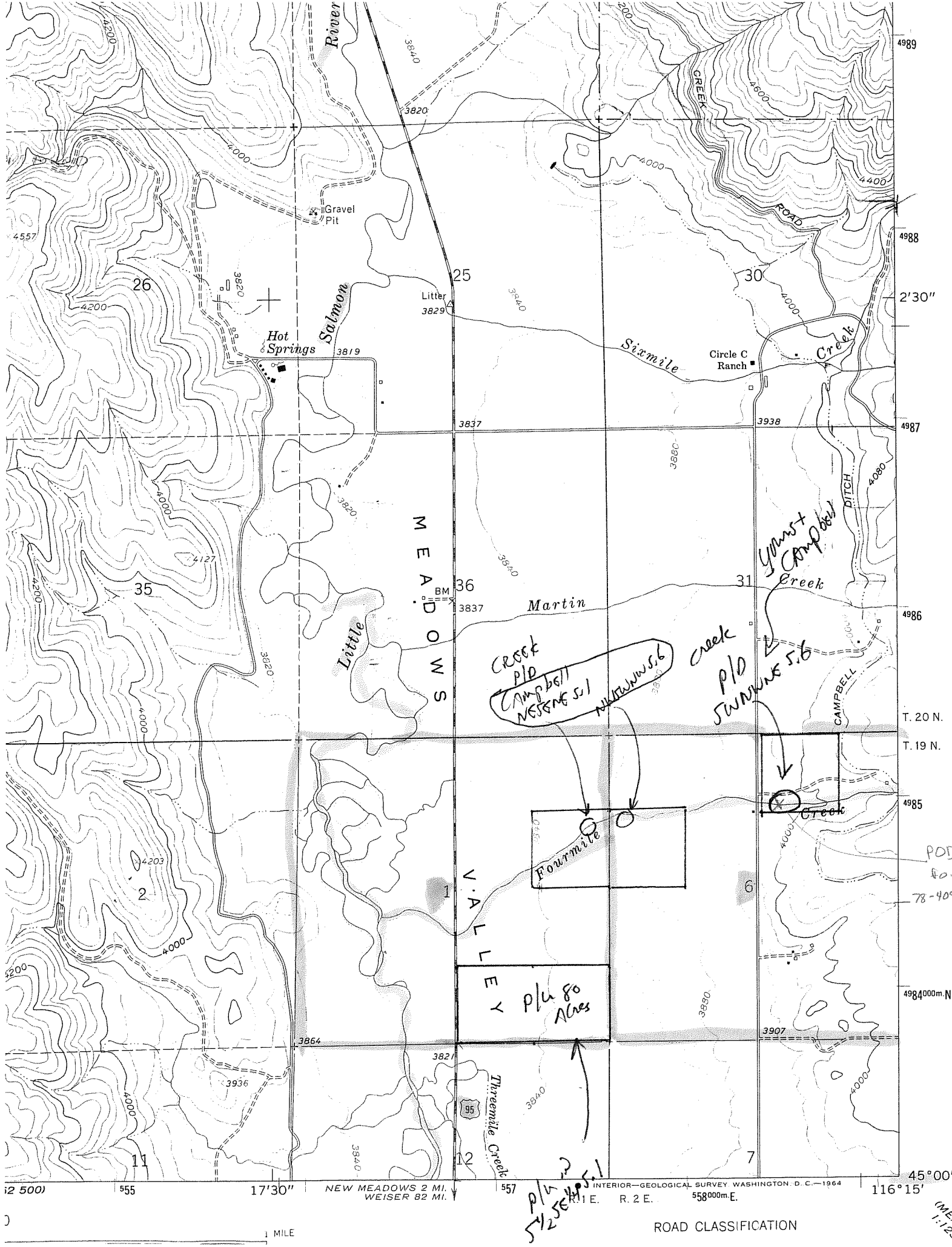
Jonathan McMahan sold the SE ¼ of Section 1 in 1918 stating on the deed that he was reserving ½ of 200 inches from the Smith Posted Notice, which was dated May 25, 1888. However, this also implies that he was conveying ½ of 200 inches of water from Fourmile Creek with a priority date of May 25, 1888. Even though the 1888 Posted Notice claimed only 150 inches, I think there is a strong case for the owner of the SE ¼ to assume that 100 inches of the 1888 water right was conveyed. The remaining 50 inches of the Posted Notice has not been claimed in the SRBA at this point in time.

Jonathan McMahan also filed a Posted Notice on May 5, 1900 claiming 250 inches for use on Lots 3 and 5 and the SENW of Section 6 and the SENE of Section 1. There is nothing in the 1918 deed to indicate any of this water was conveyed to the SE ¼ of Section 1.

However, the 1925 agreement between Edward and Lula McMahan and J.H. and Florence Abshire could possibly be construed as an exchange of water rights. This agreement states that Abshire, the owner of the SE ¼ of Section 1 shall have equal priority of rights in Fourmile Creek with McMahan, the owner of Lots 3 and 5 and the SENW of Section 6 and the SENE of Section 1.

I believe this is sufficient evidence to recommend the balance of the water needed to obtain a diversion rate per acre of 0.02 cfs for the land in the SE ¼ of Section with a 1900 priority date based on the McMahan Posted Notice.

CLF 12/06/06



NEW MEADOWS 2 MI.
WEISER 82 MI.

INTERIOR-GEOLOGICAL SURVEY WASHINGTON, D. C.—1964
1:12,500 R. 2 E. 558000m E.

ROAD CLASSIFICATION

ONE
1:12

Riggins Ida
Aug-I-79

Dept of Water Resorce,

Dear Sirs ;

Having made several trips to the Adams County Recorders office,Ive finally
Got a copy of the first Water rightf for the property described on my
application,

Please record these early filings by G.F. Smith and E.S.Smith-they carry
hthrough on all the land transactions to the present owners-Uorselves -

The Chain of title started with Smith -Mcmahan-Phillips -Abshire -Carrey----

These copys are the most important,so please record.

I dont know what else to do ,but if this is not addicut Ill try again ,

John Carrey

Riggins Ida 83549

John Carrey

RECEIVED
SEP 5 1975

Department of Water Resources
Western Regional Office

MICROFILMED
MAY 13 1987

THIS INDENTURE, Made this ----- day of March in the year of our Lord, One thousand nine hundred and eighteen (1918) between Jonathan McMahan and Caroline P. McMahan, his wife, of Meadows, County of Adams, State of Idaho, the parties of the first part, and Daisy Phillips and Mason Phillips, of New Meadows, County of Adams, State of Idaho, the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Two Thousand Five Hundred Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Adams, State of Idaho, to-wit:-

The South east Quarter of Section One (1) in Township Nineteen (19) North of Range One (1) East of Boise Meridian, containing 160 acres more or less, according to the Government Survey.

One-half of the Two hundred inches of water and water right from the waters of Four Mile Creek filed upon by G. F. Smith and E. S. Smith on May 25, 1888, and appropriated by them for irrigation of the above land (See Book 1 page 196 of records of Washington County, Idaho), is hereby conveyed to the grantees herein, but the remaining one-half thereof, to-wit:- one hundred inches is hereby expressly reserved by the grantors for use upon other lands. All ditches and ditch rights to carry water from Four Mile Ck. to above described land are hereby conveyed to grantees.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

JONATHAN McMAHAN (SEAL)
CAROL McMAHAN (SEAL)

MICROFILMED

MAY 13 1967

Documentary \$2.50
United States Internal Revenue
3/16/18 J.McM C.P.McM.

RECEIVED

SEP 5 1918

Department of Water Resources
Western Regional Office

State of Idaho
County of Adams

On this 16th day of March in the year 1918, before me F. D. Stover, a Notary Public in and for said county, personally appeared Jonathan McMahan and Caroline P. McMahan, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.

SEAL- F.D.Stover, Notary Public, State of Idaho.

F. D. Stover, Notary Public in and for said state.
Residing at New Meadows, Idaho.

Recorded at the request of J. McMahan at 48 minutes past 11 o'clock A.M. this 22nd day of March A. D. 1918.

E. C. Smith, Recorder.

I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody. IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 31st day of August 1918.

County of Adams

SE 1/4 Sec 1
19N 1E

B. 1215

Notice: Notice is hereby given that I the undersigned to hereby claim 150 inches

of the water flowing in four mile creek in Little Salmon Meadows, Washington County, Idaho, measured under a four inch pressure. The said water to be used for irrigating purposes, on the premises of the undersigned in Section One Tp 19_R 1 E B M. Said water to be diverted from said stream by means of a ditch tapping said creek and conveyed in said ditch to place of intended use, said ditch to be two feet and ten inches deep, said water to be diverted from said creek to a point on the South side of Creek and about one fourth mile Northeast from the N E Corner of the S E 1 of Sec. One Tp 19 N R 1 East. Said point of diversion being situate in Sec 6 Tp 19 N R 2 E B M.

Dated this 25th day of May 1888

G F Smith, Locator

By E S Smith

Filed for record at the request of E S Smith May 25th, 1888 at 10 minutes past 2 o'clock P M

James W Haworth

County Recorder

(Water Rights-1-196-)

Meadows, Idaho, June 4th, 1888

Notice is hereby given that the undersigned does hereby locate and claim five hundred (500) inches of the water running in this stream known as Little Salmon to be measured under a four inch pressure to be taken out and diverted at a point where this notice is posted which is situated about one mile South of the South line of Section 34 Thirty four Township one East of Boise Meridian, Salmon Meadows Washington County, Idaho, to be conducted by ditch (same to be one foot deep 5 feet wide on the bottom) in a northerly direction to my ranch in Salmon Meadows said Co. and Ter. and there to be used for irrigation purposes.

Located this 4 fourth day of June 1888

G W Clark

Filed for record at the request of R E Wilson at 10 o'clock A M June 11th 1888

James W Haworth,

County Recorder

(Water Rights-1-197-)

State of Idaho } ss
County of Adams }

I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody.
IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 31st day of August 1979

Gordon Haines
Clerk of the District Court
and County Recorder
Marlene Haines
Deputy

RECEIVED

SEP 5 1979

Department of Water Resources
Western Regional Office

RECORDED

MAY 13 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 7, 2006

RECEIVED

CLIFFORD GALLI
PO BOX 171
RIGGINS ID 83549-0171

SEP 18 2006

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #78-4099, 78-4100B, 78-4316B, 79-4129,
79-14010, Water Right #79-13602A and Decree #79-10303

Dear Claimant:

We have been advised your address has changed. Before we can change our records, however, we need your written confirmation this is your correct mailing address.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you may have, and return this letter by September 21, 2006.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claim(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

RECEIVED

SEP 21 2006

Department of Water Resources

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

RECEIVED

SEP 19 2006

WATER RESOURCES
WESTERN REGION

SS:region

#####

The address is correct as shown above or as otherwise changed.

Clifford Galli
Claimant Signature

208 628 3607
Telephone No.

SCANNED

SEP 18 2006

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO
SENDER
U.S.P.S. Form 3547

fee due 75 ¢

U.S. Postal Service
PS FORM 3547

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

GALL469 035492003 1706 18 08/25/06
FORM 3547

GALLI
PO BOX 171
RIGGINS ID 83549-0171



CLIFFORD P GALLI
PO BOX 469
RIGGINS ID 83549

78-4079
78-4100 B
78-4316 B

79-14010
79-4129
79-10303 P.D.

79-13602 A w/R

RECEIVED

SEP 19 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 21 2006

DEPARTMENT OF
WATER RESOURCES

SCANNED

SEP 18 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number 78-4099B
Date Received: 6/2/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PAMELA J GALLI
PO BOX 469
RIGGINS ID USA 83549

Phone: (208) 628-3607

CLIFFORD P GALLI
PO BOX 469
RIGGINS ID USA 83549

Phone: (208) 628-3607

2. Date of Priority: 04/01/1895

3. Source: FOURMILE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
19N	02E	6	SW	NW	NE	ADAMS	

5. Description of diverting works:

DIVERSION DAM & GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	01E	1	SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	80
						Total Acres	80

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 2/11/2004

SAME P/D AS IN 78-04316.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A78-04099, FEE PAID UNDER RECEIPT NO. M000054.
MM 08/16/1995.

15. Basis of Claim: Statutory Claim

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

RECEIVED
FEB 09 2004
WATER RESOURCES
WESTERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
#78-4099B		<u>NO</u>			
#78-4100B		<u>NO</u>			
#78-4316B		<u>NO</u>			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Allen L. Pieper
4230 S.W. 4th, New Plymouth, ID 83655
4. New Owner/Claimant(s) Clifford P. and Pamela J. Galli
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 469
City, State and ZIP Code Riggins, ID 83549
New Telephone Number (208) 628-3607
5. Date you acquired the property January 12, 2004

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

[Handwritten Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DB Date 2-9-04 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

COPY

For Value Received, ALLEN L. PIEPER, a single person when title aacquired title, now a married man, as his sole and separate property the grantor, does hereby grant, bargain, sell and convey unto CLIFFORD P. GALLI and PAMELA J. GALLI, husband and wife

the grantees, whose current address is P.O. Box 469, Riggins, ID 83549

the following described premises, in Adams County, Idaho, to-wit:

Township 19 North, Range 1 East, Boise Meridian, Adams County, Idaho
Section 1: S1/2SE1/4
SUBJECT TO THE HIGHWAY 95 RIGHT-OF-WAY

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that he will warrant and defend the same from all lawful claims whatsoever.

Date: JANUARY 12, 2004



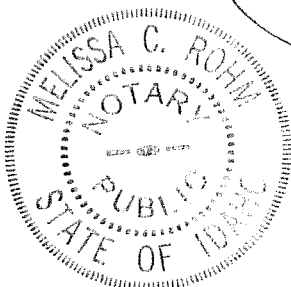
ALLEN L. PIEPER

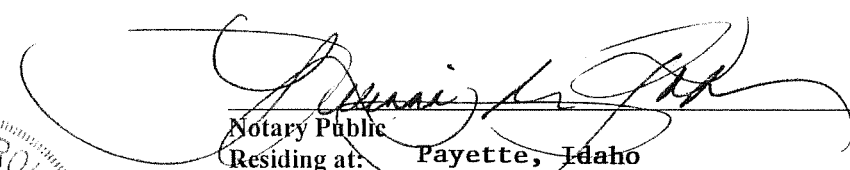
Instrument # 105276

COUNCIL, ADAMS, IDAHO
2004-01-14 10:34:18 No. of Pages: 1
Recorded for : TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 3.00
Ex-Officio Recorder Deputy 
Index to: DEED

STATE OF Idaho)
COUNTY OF Payette)

On this 12th day of JANUARY, in the year of 2004, before me, a Notary Public in and for said State, personally appeared ALLEN L. PIEPER known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.





Notary Public
Residing at: Payette, Idaho
Commission expires: 09/03/05

COPY

Previous
Deed to PieperWARRANTY DEED

THIS INDENTURE, made on this 20th day of January, 2000, by and between GAYLE HAGLER, a married woman dealing with her sole and separate property, joined by her husband, JIM HAGLER, of 5605 Adams Road, New Plymouth, ID 83655, hereinafter referred to as the Grantors, and ALLEN L. PIEPER, a single person, of 4230 SW 4th Avenue, New Plymouth, ID 83655, hereinafter referred to as the Grantee.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and for and in consideration of the parties' mutual participation in a Section 1031 Exchange under the terms of the Internal Revenue Code, and other good and valuable considerations to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantee, his heirs and assigns, all the following described real property situate in the County of Adams, State of Idaho, to wit:

X S4SEW of Section 1, Township 19 North, Range 1 East, Boise Meridian, Adams County, Idaho.

TOGETHER WITH all water rights associated therewith.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, his heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents they were well

WARRANTY DEED - 1

granted of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever. EXCEPT:

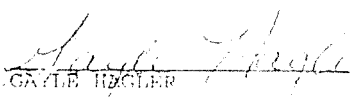
- 1) General taxes and assessments
2000: first half due December 20, 2000
second half due June 20, 2001;
- 2) Right of Way Deed granted to State of Idaho, recorded May 10, 1923 in Book 9 Deeds, page 474;
- 3) Ditch Easement, including terms and conditions, granted to State of Idaho, recorded July 2, 1937 in Book 3 Misc., page 548;
- 4) Easement, including terms and conditions, granted to State of Idaho, Idaho Transportation Board, recorded June 14, 1976 as Instrument #57547; and,
- 5) Irrigation Easement, with terms and conditions as set forth in Deed recorded November 13, 1991 as Instrument #81202; corrected in Deed recorded October 4, 1993 as Instrument No. 84865;

As additionally corrected by that Reciprocal Irrigation Easement and Correction Document recorded on January 21, 2000 as Adams County Instrument # 97398.

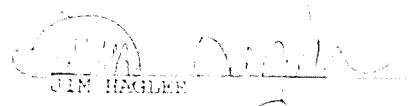
And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, his heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That this deed is given by Grantors to Grantee not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantee to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.


GAYLE HAGLER

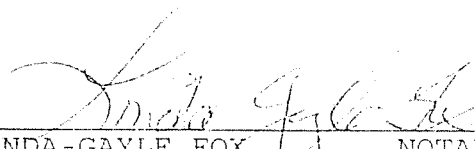
Joined by:

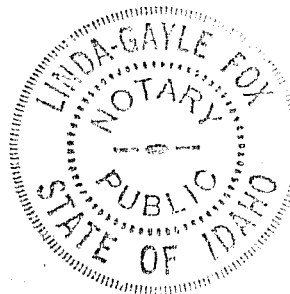

JIM HAGLER

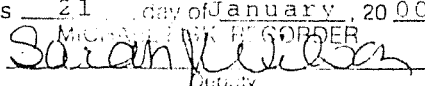
WARRANT DEED - 2

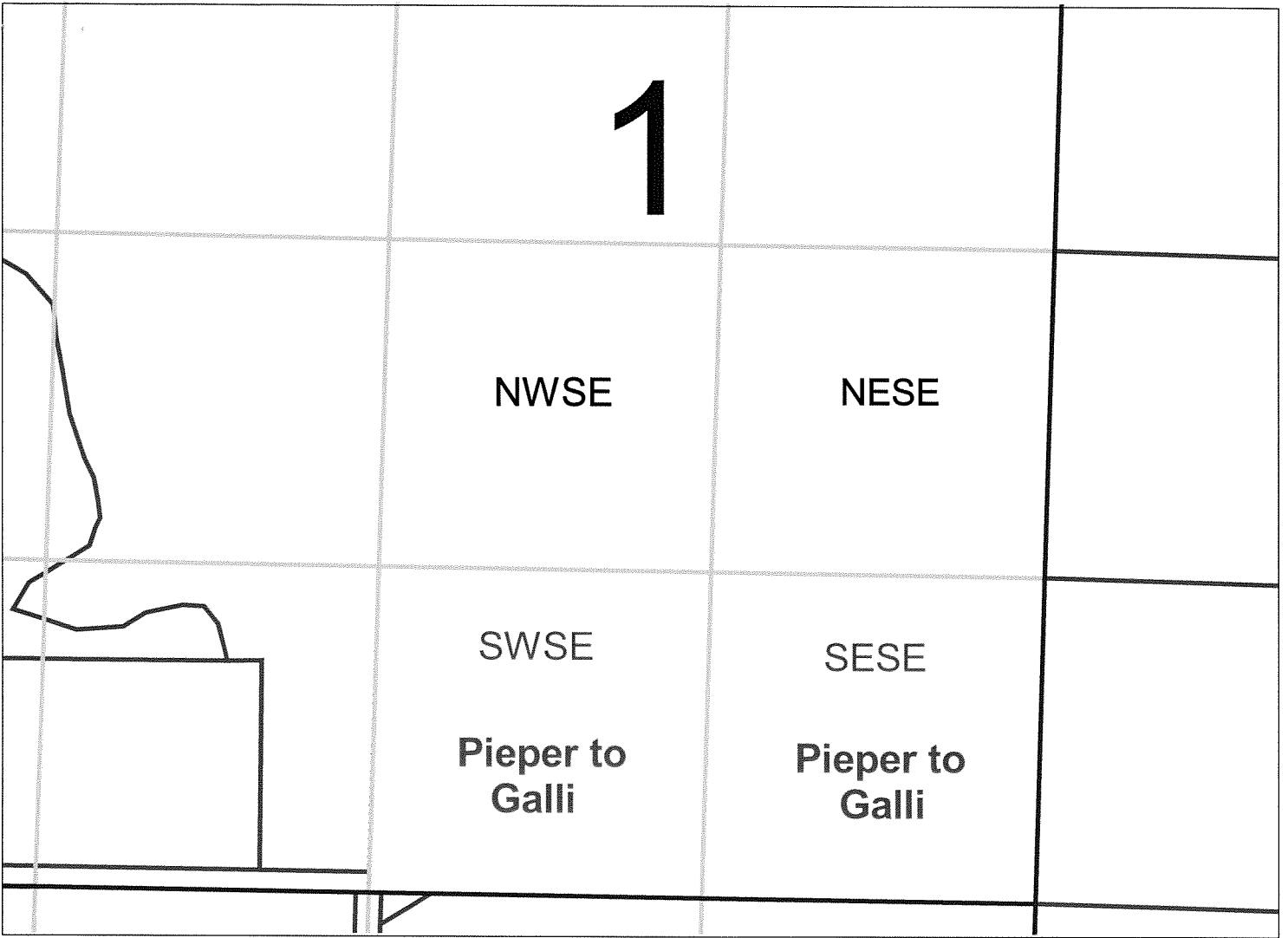
STATE OF IDAHO, COUNTY OF PAYETTE

On this 20TH day of JANUARY, 2000, before me, a notary public in and for the said State, GAYLE HAGLER AND JIM HAGLER, personally appeared identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


LINDA-GAYLE FOX NOTARY PUBLIC
RESIDING AT PARMA, IDAHO
COMM. EXPIRES 02/15/2002

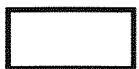


INSTRUMENT NO. 97399
State of Idaho)
County of Adams) ss.
Filed for record at the request of
Gayle Hagler
11 min past 1 o'clock P.M.
this 21 day of January, 2000
by 
Michael J. H. GORDER
Deputy
Fee \$ 9.00



78-4099B, 78-4100B, 78-4316B

19N 1E



Section lines



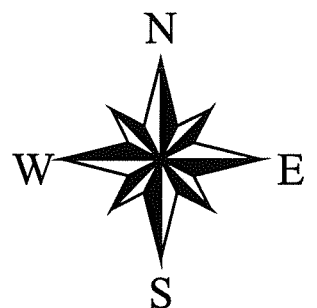
Galli property



QQ lines



Tax Lot Data



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A78-04099B**
Date Received: 6/ 2/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: GAYLE HAGLER 208-278-3111
Address: 5605 ADAMS RD
NEW PLYMOUTH ID 83655

2. Date of Priority: APR 1, 1895

3. Source: FOUR MILE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	6	SW	NW	NE		ADAMS

5. Description of diverting works:
DIVERSION DAM & GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.000		

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
19N	01E	1	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 80.0

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10. Place of Use: Continued

Total Acres 80.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 78-04316 & 04100

14. Remarks:
 SAME P/D AS IN 78-04316.
 THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
 CLAIM NO. A78-04099, FEE PAID UNDER RECEIPT NO. M000054.
 MM 08/16/1995.

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

AUG 07 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 19 Range 1 E
Section 1, S 1/2 ~~1/4~~ of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A78-04099, A78-04100, A78-04316
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): John Carrey
P.O. Box 168
Riggins, ID 83549
- ☐ New Owner/Claimant (Purchaser): Gayle Hagler
- ☐ New Mailing Address: 5605 Adams Rd
New Plymouth, ID 83655
- ☐ New Telephone Number: (208) 278 - 3111

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

80 A of T19 N R1E SEC. 1 S2 SE 1/4

- ☐ Attach proof of ownership, describe proof attached: Deed of Gift

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Gayle Hagler Date 8-3-95

- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 08/15/1995 By: PTT

Further Action Needed:

Split of ALL 3 claims

Further Action Taken

Date: 08/16/1995 By: PTT

Final Review and Data-Entry

Date: 08/16/1995 By: PTT

Claim Numbers of Split, if any:

A78-04099A, A78-04099B

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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DEED OF GIFT

RECEIVED

AUG 07 1995

WATER RESOURCES
WESTERN REGION

THIS INDENTURE, made on this 8 day of November, 1991, by and between JOHN H. CARREY and PEARL E. CARREY, husband and wife, of Riggins, Idaho, hereinafter referred to as the Grantors, and GAYLE HAGLER, as her sole and separate property, that portion of property shown by Gayle Hagler's name below, of 1909 Sunnyridge Road, Nampa, ID 83686, and DONNA MEDLEY, as her sole and separate property, that portion of property shown by Donna Medley's name below, of Box 413, Riggins, ID 83549, hereinafter referred to as the Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of the love and affection which the Grantors have and bear for the Grantees, their granddaughters, do by these presents give, grant, alien and confirm unto the Grantees, in and to the below described real property that portion of property shown by each of their names, to be held by the Grantees as their sole and separate property, with the real property being particularly described and being situate in Adams County, State of Idaho, to wit:

Donna Medley: N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, Township 19 North, Range 1 East, B.M.;
WHICH PROPERTY IS SUBJECT TO AN EASEMENT which shall benefit the Gayle Hagler Tract below described, wherein Gayle Hagler shall have an easement for purposes of water transmission to provide irrigation water from ditches on the Donna Medley Tract to benefit the Gayle Hagler Tract. This easement shall continue on all existing ditches in place and allow the Gayle Hagler Tract to be benefitted by the irrigation water which comes first onto the Donna Medley Tract and is partly used there and then is transported by virtue of said ditches Southward to the Gayle Hagler Tract. The Donna Medley Tract shall be benefitted by the right to enter upon the Donna Medley Tract for cleaning and care of the ditches that are in existence to make the water transmission as efficient as reasonably possible. The easement, which benefits Gayle Hagler's Tract and is a burden to the Donna Medley Tract, shall be permanent and run with the various parcels of land.

Furthermore, the Grantors intend to the extent they have established water rights for Four Mile Creek and runoff water that would come first onto Donna Medley's Tract, together with irrigation and stock water rights, shall be transferred one-half to each of the Grantees to benefit their respective parcels.

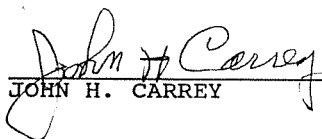
Gayle Hagler: S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, Township 19 North, Range 1 East, B.M.;

However, granting and reserving to Gayle Hagler, it being the intent of the Grantors, Carrey, to grant the property in trust to Gayle Hagler for the benefit of Gayle Hagler and Donna Medley, so long as either of the parties Carrey are living and to continue until the death of the last of the Carreys. The property shall not be divided or sold to any other person or persons during the period of trust, except it may by operation of law in the event of the death of the Grantees, be inherited by the respective children of Gayle Hagler or Donna Medley. So long as the trust shall continue the property shall not be subject to the claim of any creditor of either of the parties, Gayle Hagler or Donna Medley. At the time of the death of the second of the Grantors, then the trust indenture herein imposed on the property shall end and each of the Grantees shall have the authority to do with their portion of property as they desire. The easement which is a benefit to the Gayle Hagler Tract and a burden to the Donna Medley Tract shall, of course, continue whether or not the trust is in existence.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the said appurtenances unto the Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.


JOHN H. CARREY


PEARL E. CARREY

STATE OF IDAHO)
 ss
County of Idaho)

On this 8 day of November, 1991, before me, a Notary Public in and for said County and State, personally appeared JOHN H. CARREY and PEARL E. CARREY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged to me that they freely executed the same.

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

(NOTARY SEAL)


Notary Public for the State of
Idaho, Residing at Shawgville, Id
therein. My commission expires
March 24-1995

INSTRUMENT NO. 81202

State of Idaho }
County of Adams } ss.

Filed for record at the request of
Gayle Hagler

51 min. past 1 o'clock P.M.
this 13 day of November, 1991
Bk 44M of Deeds PG 002

MICHAEL FISK, RECORDER

by *Janice H. [Signature]* Deputy *Initialed*

Fee \$ 6.00

DEED OF GIFT

John H. & Pearl E. Carrey

to

Gayle Hagler

Donna Medley

November 8, 1991

OCT 22 1991

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number: A78-04099
Date Received: 6/02/1988
Receipt No: MO00054
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN CARREY
Address: P.O. BOX 168
RIGGINS, ID 835490000
208-628-3393

2. Date of Priority: APR 01, 1895

3. Source: FOUR MILE CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	02E	6	SW	NW	NE		ADAMS

5. Description of diverting works:
DIVERSION DAM & GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.000		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
19N	01E	1	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0

A78-04099

Page 1

Date: 06/09/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	01E	1	SE	SE	IRR	40.0
Section Acres						160.0
Total Acres						160.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
78-04316 & 04100

14. Remarks:
SAME P/D AS IN 78-04316.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39356

Ident. Number A78-04097

Date Received 6/2/88

Receipt Number 11000054

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Johns Carrey Phone (208) 628-3393

Mailing Address P.O. Box 168 Riggins Id. Zip 83549

2. Date of Priority (Only one (1) per claim) April 1, 1888

3. Source of water supply (a) Four Mile Creek
which is tributary to (b) Little Salmon River

4. a. Location of existing point of diversion is: Township 19N Range 2E Section 6,
SW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: _____

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

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

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

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Diversion dam & gravity flow ditch.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 2.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 320.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	1E	1													40	40	40	40	160

Total number of acres irrigated 160

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
78-4316 & 4100 or None ()

14. Remarks:

Same fl/d as in 78-04316

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OCT 22 1996

Last Name Johnson Ident No. 498-04470

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-04099
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) John H. Carey Date 6-2-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of June 19 88

SEAL

Notary Public Carter Fritschle

Residing at Eagle, Id.

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that i, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Carey Ident. Number 78-04099

~~MICROFILMED~~
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OCT 22 1996

Copies White-State, Yellow-Claimant



2.4 m 10. 28-4099

57 V
PLACE OF USE
RGE. IE

58 MICROFILMED
OCT 22 1996

5
POOR ORIGINAL
Produced by the Photo



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2004

CLIFFORD P GALLI
PAMELA J GALLI
PO BOX 469
RIGGINS ID 83549

Re: Notice of Claim to a Water Right No. 78-4099B, 78-4100B & 78-4316B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

August 18, 1995

KARL J. DREHER
DIRECTOR

GAYLE HAGLER
5605 ADAMS RD
NEW PLYMOUTH ID 83655

RE: Original Notice of Claim to a Water Right Nos.: A78-04099, A78-04100,
A78-04316

Renumbered Notice of Claim to a Water Right Nos.: A78-04099B, A78-04100B
A78-04316B

Dear Ms. Hagler:

We have received and processed a Change of Ownership for a portion of the "Original Notice of Claim to a Water Right" as referenced above. This change of ownership resulted in splits of the original claims.

The Deed of Gift submitted with the Change of Ownership indicated that the place of use claimed was divided between two new parties. When a portion of the original claim has been conveyed to another party, splitting the original right, the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only a portion of the original claim.

This office received a Change of Ownership form from only one of the parties mentioned in the Deed of Gift. The portions of the water right claims which are appurtenant to your property have been renumbered by adding a suffix to the claim numbers and the remaining portions of the claims remain in the name of the original claimant. The above-referenced "Renumbered" claim numbers are the portions of the original claims now in your name.

Enclosed are copies of the new claims for your records. Please refer to your new claim numbers when corresponding with this office.

*** Please note that these claims are based on statutory claims previously filed with the Department. These claims will require evidence supporting the claimed priority date before they may be recommended to the court for decree. Enclosed is a pamphlet which explains the requirements and sources of information. There is currently no deadline for submitting evidence of priority in your area, but this evidence will be required before the water right may be recommended to the court at a future date. ***

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OCT 22 1996

Page 2.
Hagler

If you have any questions or need additional information, please contact this office.

Sincerely,

Maria Minicucci
Sr. Water Agent, Adjudication Bureau

MM:m

Encl: Copies of claim nos. A78-04099B, A78-04100B, A78-04316B
"Evidence of Priority" pamphlet
"Idaho Water Rights - A Primer" pamphlet

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