

12/26/2006

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

RIGHT NUMBER: 78-4100B

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

CLIFFORD P GALLI
PO BOX 469
RIGGINS ID 83549

SOURCE: WASTE WATER TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 1.550 CFS

PRIORITY DATE: 04/01/1967

POINT OF DIVERSION:

T19N R01E S1 SWSE Within ADAMS County

T19N R01E S1 SESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/1 10/31	1.550 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.

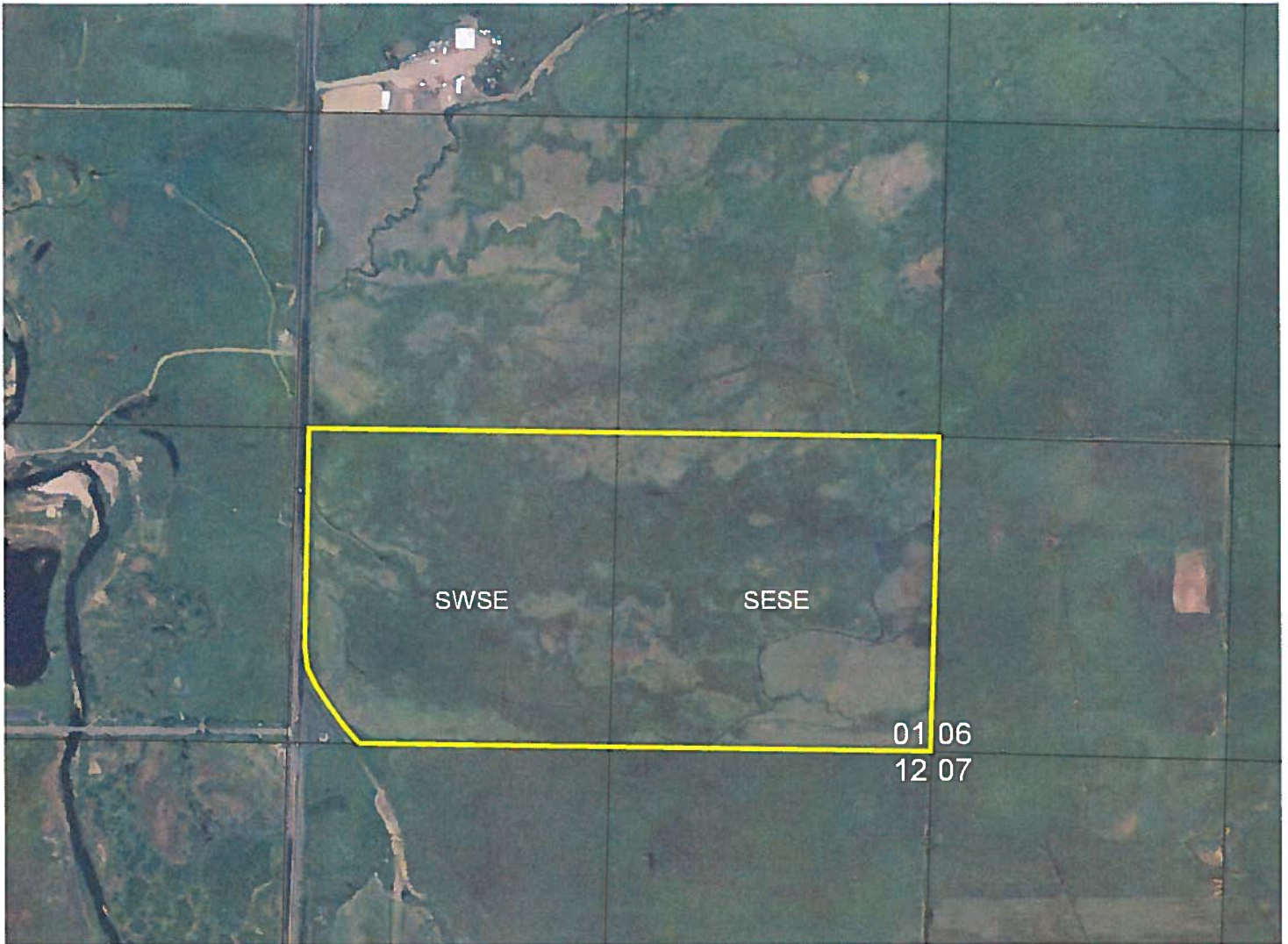
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

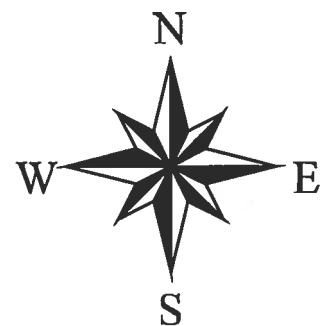
78-4099B 78-4100B & 78-4316B



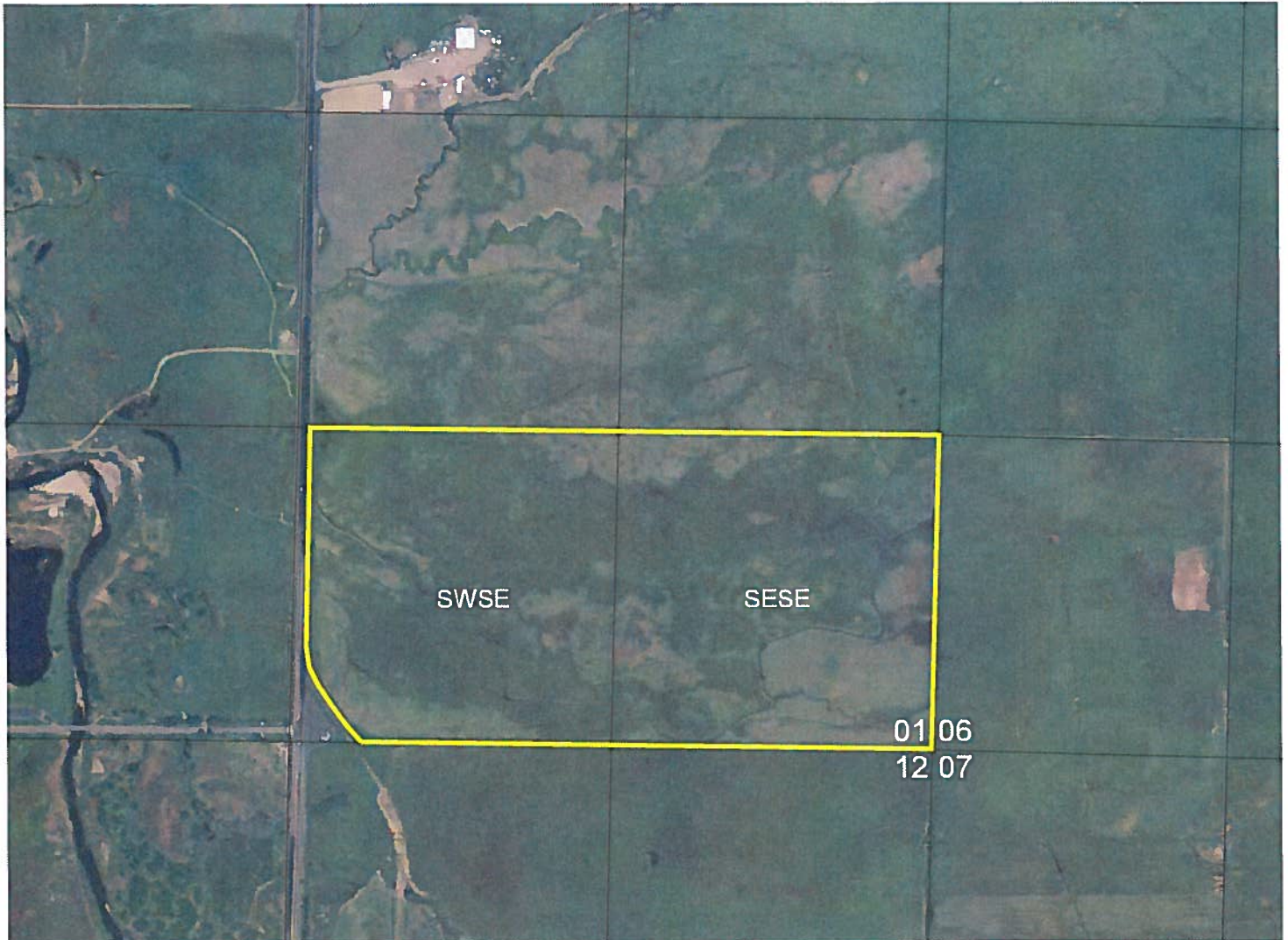
900 0 900 1800 Feet

T19N R01E S01

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

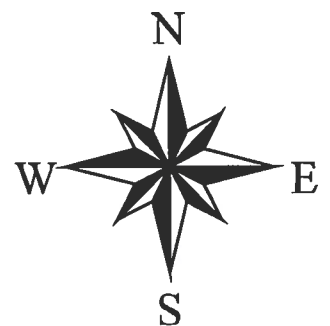


78-4099B 78-4100B & 78-4316B



900 0 900 1800 Feet

T19N R01E S01



78-4100A
78-4100B

December 21, 2006

Dear Mr. Carter Fritschle,

In regards to the 80 acres of land in New Meadows, Idaho, formally know as the Carey Place or Carey Ranch, previously owned by Johnny Carey of Riggins, Idaho. Cliff Galli, of Galli Ranch, living in Riggins, Idaho now owns these 80 acres.

I, Alvin Hall, of New Meadows, Idaho irrigated the above stated acres for Johnny Carey of Riggins, Idaho during the summers from 1967-1975 and used the wastewater in question. Wastewater is a must to irrigate this land through the later summer and early fall.

Alvin H. Hall

December 21, 2006

SCANNED

DEC 26 2006

Fritschle, Carter

From: Fritschle, Carter
Sent: Wednesday, December 20, 2006 2:00 PM
To: Cliff Galli (E-mail)
Subject: Water Rights near New Meadows

Cliff,

Attached are the preliminary recommendations for 78-4099B and 78-4316B. The ones for the 80 acres that we still show in the name of Donna Medley (78-4099A and 78-4316A) will be identical in the amount of water and acreage.

I hope you will be able to send the evidence for the waste water use either later today or by noon tomorrow.

Thanks, Carter



78-4099B



78-4316B

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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 1888 Posted Notice, thereby implying that he was conveying ½ of the 200 inches from the Smith 1888 Posted Notice for water from Fourmile Creek. 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 at this point in time.

Jonathan McMahan also filed a Posted Notice in 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



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,

A handwritten signature in cursive script that reads "Denise Buffington".

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. ***

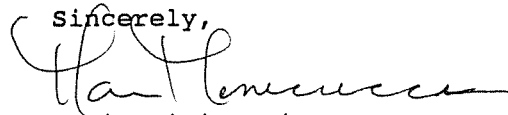
MICROFILMED

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

MICROFILMED
OCT 22 1996

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 78-4100B
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: 01/01/1920

3. Source: WASTE WATER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
19N	01E	1	NE SE	ADAMS	
19N	01E	1	SE SE	ADAMS	
19N	01E	1	SW SE	ADAMS	

5. Description of diverting works:

GRAVITY FLOW DITCH FOR COLLECTION & DISPERSAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1.55	

7. Total Quantity Appropriated is:
1.55 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

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A78-04100, 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

INSTRUMENT NO. **105276**
PAGE 1 OF 1

WARRANTY DEED

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

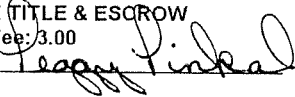
COUNCIL, ADAMS, IDAHO

2004-01-14 10:34:18 No. of Pages: 1

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

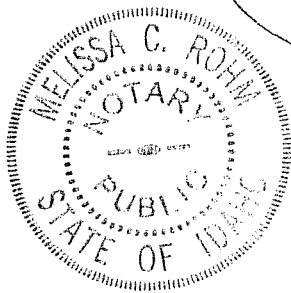
Fee: 3.00

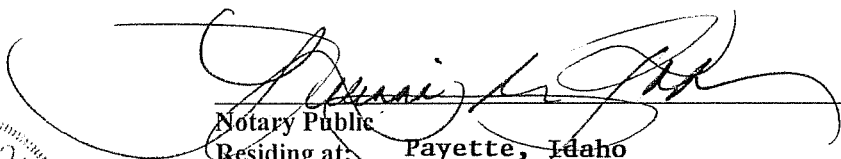
Ex-Officio Recorder Deputy 

Index to: DEED

STATE OF Idaho)
: ss
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

previous
deed to Pieper

97399

INSTRUMENT NO

PAGE 1 OF 3

WARRANTY 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:

S&SW 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

seized 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:

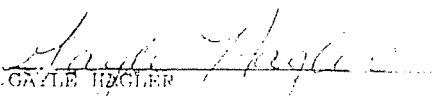
- 1) General taxes and assessments
2000: first half due December 20, 2000
second half due June 20, 2001;
- 2) Right of Way Deed granted to State of Idaho, recorded May 10, 1923 in Book 9 Deeds, page 474;
- 3) Ditch Easement, including terms and conditions, granted to State of Idaho, recorded July 2, 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.

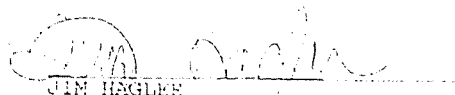
And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, his heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

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.


GALE HAGLER

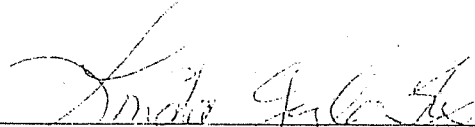
Joined by:

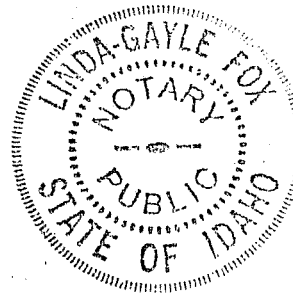

JIM HAGLER

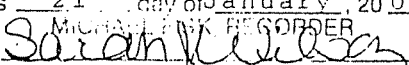
WARRANTY DEED - 2

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 P. K. RECORDER
Deputy
Fee \$ 9.00

1

NWSE

NESE

SWSE

SESE

Pieper to
Galli

Pieper to
Galli

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

19N 1E



Section lines



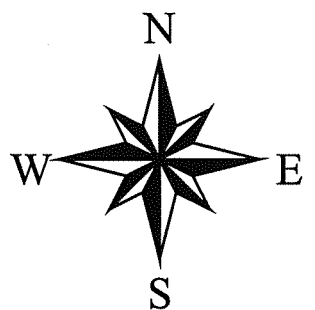
Galli property



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: **A78-04100B**
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: JAN 1, 1920

3. Source: WASTE WATER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	1		NE	SE		ADAMS
				SW	SE		ADAMS
				SE	SE		ADAMS

5. Description of diverting works:
GRAVITY FLOW DITCH FOR COLLECTION & DISPERSAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.550		

7. Total Quantity Appropriated is:
1.550 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

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OCT 22 1996

10. Place of Use: Continued

Section Acres 80.0

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:

78-04099 & 04316

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A78-04100, 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:

A78-04100A, A78-04100B

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

MICROFILMED

OCT 22 1996

INSTRUMENT NO.

81202

State of Idaho

County of Adams

ss

Filed for record at the request of

Gay S. Hagler

5 min past 1 o'clock P.M.

this 13 day of November 1991

Bk 44M of Deeds PG 002

MICHAEL FISK RECORDER

by

Fee \$ 0.00

Deputy

DEED BY GIFT

John H. & Pearl E. Carrey

to

Gay S. Hagler

Donna Medley

November 13, 1991

DEED OF GIFT

POOR ORIGINAL

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.

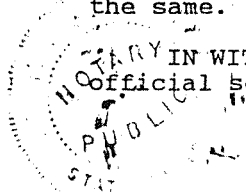
IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

John H. Carrey
JOHN H. CARREY

Pearl E. 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)

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

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: A78-04100
Date Received: 6/02/1988
Receipt No: M000054
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN CARREY
Address: P.O. BOX 168
RIGGINS, ID 83549 208-628-3393

2. Date of Priority: JAN 01, 1920

3. Source: WASTE WATER Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	1	NE	SE			ADAMS
			SW	SE			ADAMS
			SE	SE			ADAMS

5. Description of diverting works:
GRAVITY FLOW DITCH FOR COLLECTION & DISPERSAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.100		

7. Total Quantity Appropriated is:
3.100 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

A78-04100

Page 1

Date: 06/09/88

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OCT 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	01E	1	NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			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:
78-04099 & 04316

14. Remarks:

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 _____



POOR ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number

Date Received

Receipt Number

A78-04100

6/2/88

M000054

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John Carney Phone (208) 628-3393Mailing Address P.O. Box 168 Higgins, Id. Zip 835492. Date of Priority (Only one (1) per claim) JAN. 1, 19203. Source of water supply (a) wastewater
which is tributary to (b) Little Salmon River4. a. Location of existing point of diversion is: Township 19N Range 1E Section 1,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of AdamsAdditional points of diversion if any: SWSE & SESE S 1, T. 19 N., R. 1 E.

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.gravity flow ditch for collection and dispersal.

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OCT 22 1996

POOR ORIGINAL
(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

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

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.

[illegible]

Total number of acres irrigated 160

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. or None ()
 33-01099 & 04316

14. Remarks:

Last Name Ident No. A 17-09145

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____

Permit **POOR ORIGINAL**

Decree _____

If applicable provide IDWR Water Right Number 12-041100

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

document in the space below as _____ of _____

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 24th day of June 19 88

SEAL

Notary Public Carter Frotscher

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 _____

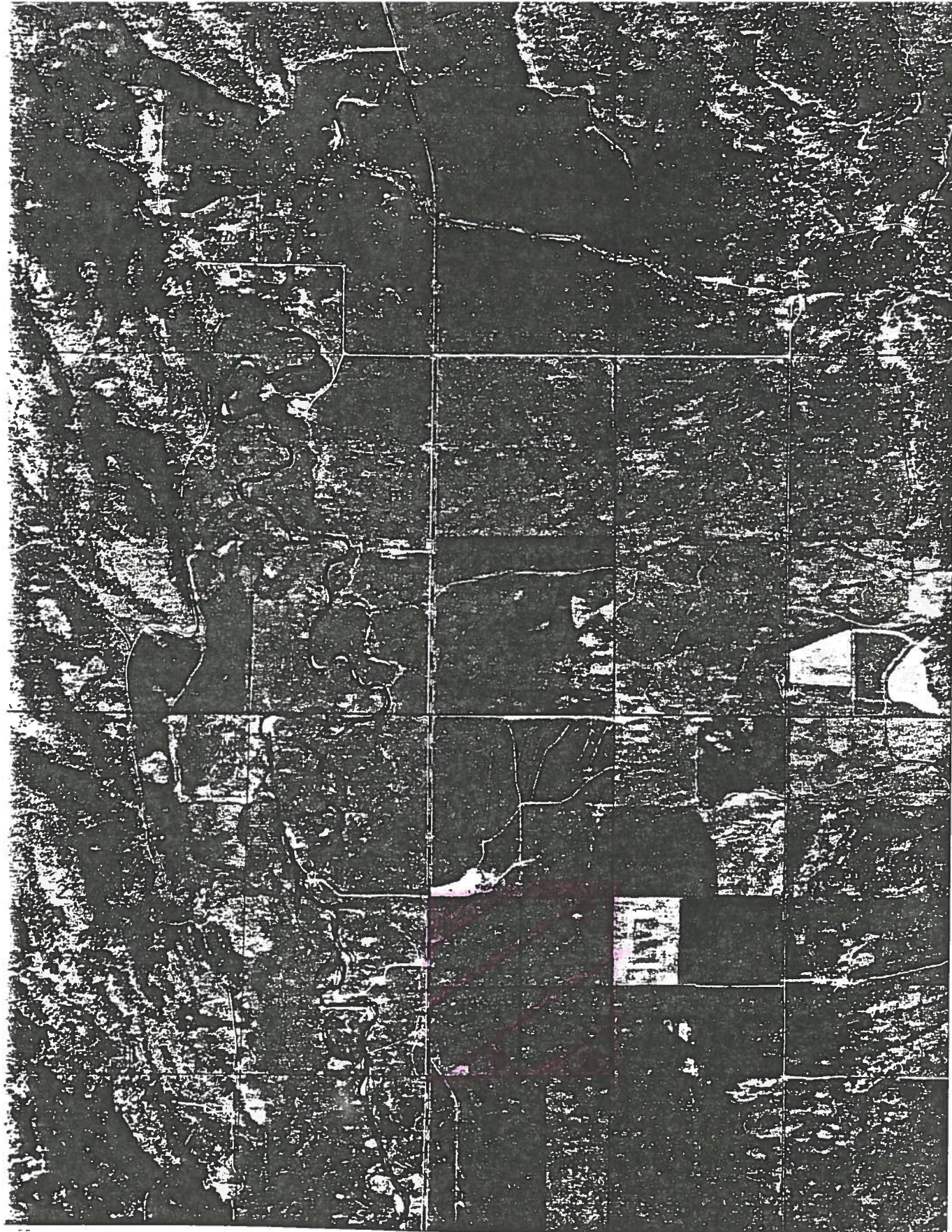
Address _____

Date _____

Last Name Carey Ident. Number 175-041100

~~MICROFILMED~~
OCT 22 1990

Copies White-State, Yellow-Claimant



488

2' 30"

487

486

485

484000m N

T. 20 N.

T. 19 N.

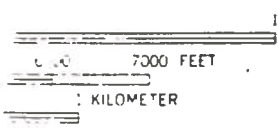
55

17' 30"

57

58

45° 00'



RGE. 1E

● - PTS. OF DIVERSION

□ - AREA OF WORK

POOR ORIGINAL

~~MICROFILMED~~
R6-15
OCT 22 1996

CLAIM NO. 98-4100

BALLY MTN. IDAHO