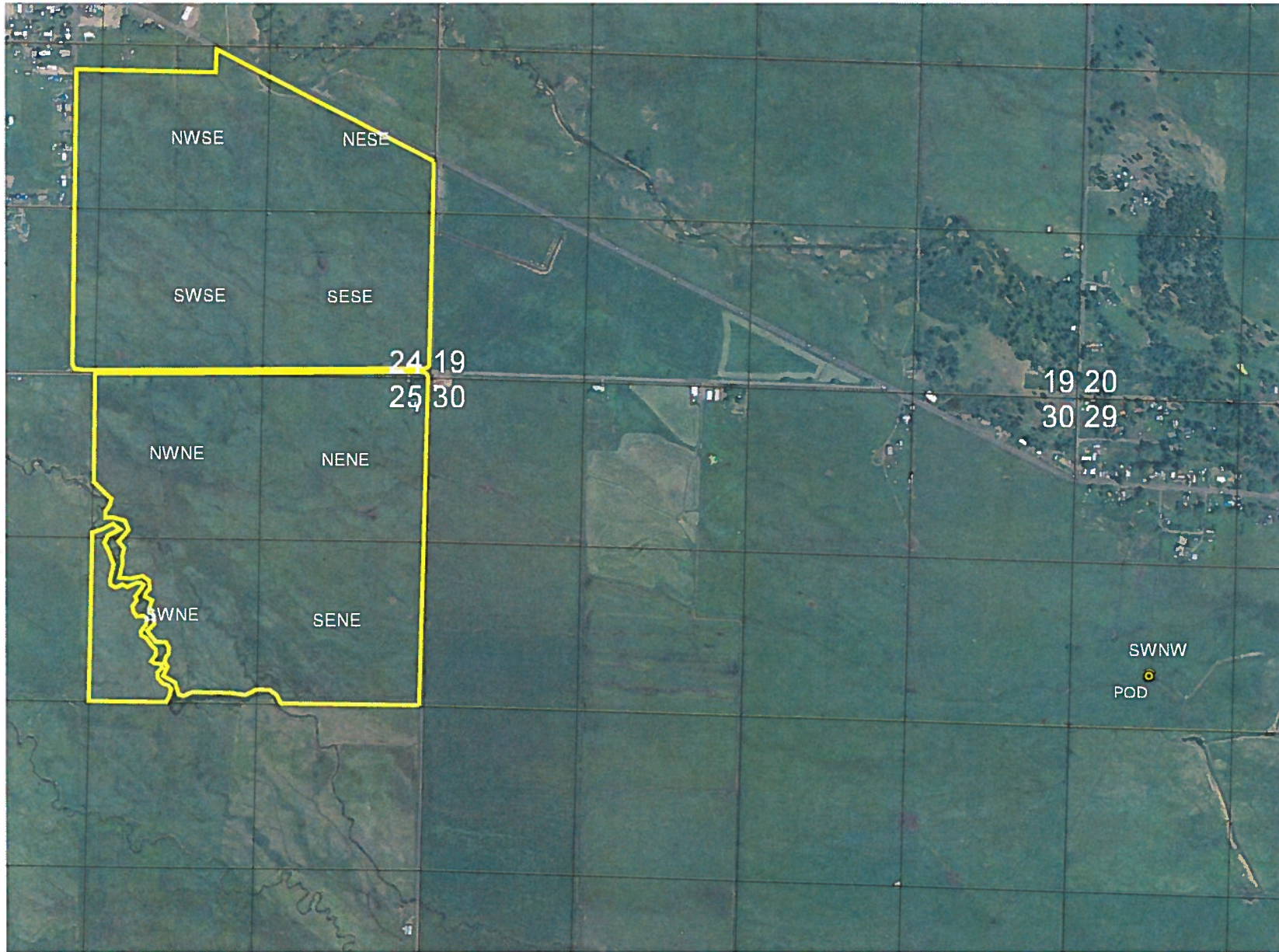


78-12128

**T19N R02E
S24 & S25**



800 0 800 1600 2400 3200 4000 Feet

Map prepared by: Carter Fritschle
Date prepared: 12/08/06
2004 NAIP Photography
Idaho Department of Water Resources

12/11/2007

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

RIGHT NUMBER: 78-12128

NAME AND ADDRESS: DAN HEARN
PO BOX 383
NEW MEADOWS ID 83654

MARY F HEARN
PO BOX 383
NEW MEADOWS ID 83654

SOURCE: CAMPBELL SWAMP

TRIBUTARY: SINKS

QUANTITY: 3.000 CFS

PRIORITY DATE: 06/01/1890

POINT OF
DIVERSION:

T19N R02E S29 SWNW 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	3.000 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T19N R01E S24 NESW	5.00	T19N R01E S24 SESW 5.50
	T19N R01E S24 NESE	23.00	T19N R01E S24 NWSE 35.00
	T19N R01E S24 SWSE	40.00	T19N R01E S24 SESE 39.00
	T19N R01E S25 NENE	40.00	T19N R01E S25 NWNE 39.00
	T19N R01E S25 SWNE	36.00	T19N R01E S25 SENE 39.00

301.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 301.5 acres in a single irrigation season.
Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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

Use of this right is combined with water from Brundage Water Users Association.

12/08/2006

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

RIGHT NUMBER: 78-12128
NAME AND ADDRESS: DAN HEARN
PO BOX 383
NEW MEADOWS ID 83654
MARY F HEARN
PO BOX 383
NEW MEADOWS ID 83654

SOURCE: CAMPBELL SWAMP TRIBUTARY: SINKS
QUANTITY: 3.000 CFS
PRIORITY DATE: 06/01/1890
POINT OF DIVERSION:

T19N R02E S29 SWNW 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	3.000 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S24	NESW	5.00	T19N R01E S24	SESW	5.50
T19N R01E S24	NESE	23.00	T19N R01E S24	NWSE	35.00
T19N R01E S24	SWSE	40.00	T19N R01E S24	SESE	39.00
T19N R01E S25	NENE	40.00	T19N R01E S25	NWNE	39.00
T19N R01E S25	SWNE	36.00	T19N R01E S25	SENE	39.00

301.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 301.5 acres in a single irrigation season.
Combined Right Nos.: 78-182, 78-12128, 78-12162 and 78-12165

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

Use of this right is combined with water from Brundage Water Users Association.

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

)
)
)
)

A. Subcase 78-12128

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dan and Mary Hearn

Address: P.O. Box 383

New Meadows, Idaho 83654

Daytime Phone: 208-347-2247

Name & Address of Attorney, if any:

Scott L. Campbell & Andrew J. Waldera

P.O. Box 829

Boise, Idaho 83701-0829

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan and Mary Hearn

Address: P.O. Box 383

New Meadows, Idaho 83654

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: that identified in the original SRBA claim.
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): The Department has no legal basis for recommending a place of use different than that identified in the original SRBA claim. Likewise, the Department has no legal basis for reducing the amount of irrigated acreage claimed.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

Andrew J. Waldera, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

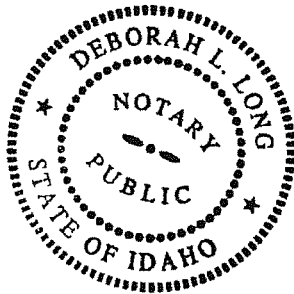
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

h Waldera
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 8, 2007



Deborah Long
Notary Public for Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/10/07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 8th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1 Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

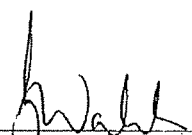
Name: Dan and Mary Hearn
Address: P.O. Box 383
New Meadows, Idaho 83654

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Idaho Department of Water Resources Receipt

Receipt ID C058882

Payment Amount \$358.00 Date Received 1/3/2002 9:29:52 AM Region State Status
Payment Type Check Check Number 159655

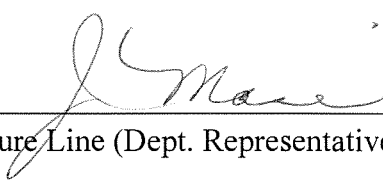
Payer MOFFATT THOMAS

Comment NOTICE OF CLAIM FOR DAN AND MARY HEARN SRBA CASE NUMBER 39576

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$358.00	ADJUDICATION FILING FEE	0337		41503	1155

RECEIVED
MAR 22 2002
WATER RESOURCES
WESTERN REGION


Signature Line (Dept. Representative)

Scott L. Campbell, ISB No. 2251
Angela D. Schaer, ISB No. 5436
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Boulevard, 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone: (208) 345-2000
Facsimile: (208) 385-5384
18-943.0

Attorneys for Claimants Dan and Mary Hearn

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

Case No. 78-12128

NOTICE OF APPEARANCE

NOTICE IS HEREBY given that Scott L. Campbell and Angela D. Schaer of the firm of Moffatt, Thomas, Barrett, Rock & Fields, Chtd., hereby enter their appearance as counsel on behalf of Dan and Mary Hearn.

DATED this 2nd day of January 2002.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell - Of the Firm

By Angela D. Schaer
Angela D. Schaer - Of the Firm
Attorneys for Claimants Dan and Mary Hearn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of January 2002, I caused a true and correct copy of the foregoing **NOTICE OF APPEARANCE** to be served by the method indicated below, and addressed to the following:

Director of Idaho Department of Water
Resources
Post Office Box 83720
Boise, Idaho 83720
Fax: (208) 327-5400

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Angela D. Schaer
Angela D. Schaer

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829208 345 2000
208 385 5384 Fax
208 385 5323 Direct**FACSIMILE****From:** Scott L. Campbell
Re: Dan & Mary Hearn
Water Right No. 78-12128**Date:** December 7, 2006
File No.: 18943.0**Number of pages being transmitted including the cover page: 2**
Please call fax operator at (208) 345-2000 if all pages are not received.

	Name	Organization	Fax No.	Voice No.
To:	Sally Sherman	Idaho Department of Water Resources	287-6700	287-4800

Message:

Sally,

Pursuant to our conversation, I have attached the revised page 2 of the claim for water right no. 78-12128.

Please call me if you have any questions. Thank you.

Scott

PLEASE DELIVER IMMEDIATELY

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us. Thank you.

SCANNED

DEC - 7 2006

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 _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

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

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

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	25	40	40	40	40													160
		24													40	28	40	40	148

Total number of acres irrigated 308

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.
78-00182, 78-00206, and 78-10192 or None (☐)

14. Remarks:

Claimant's predecessor was decreed water "to be diverted through the 'Mitchell Ditch,' for all of the water which now is or shall by them hereafter to be diverted into the 'Mitchell Ditch' from that portion of said 'Campbell Swamp' which lies north of the north bank of the 'Dryden East and West Drain' and north of the line thereof extended in its same course and direction;". That right was decreed in the case of Carey v. Dryden, Adams County Case No. 923, May 19, 1932. The water was used on the above-described place of use by claimant's immediate predecessor (at the least) and claimant. Place of use may have changed since decree. Claimant is claiming the current place of use under the "accomplished transfer" statute. (I.C. § 42-1425)

Last Name Dan and Mary F. Hearn Ident No. 78-12128

SCANNED

DEC - 7 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 78-12128
Date Received: 1/3/2002
Receipt No: C058882
Received By:

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

1. Name of Claimant(s): DAN HEARN Phone:
PO BOX 383
NEW MEADOWS ID USA 83654

MARY F HEARN Phone:
PO BOX 383
NEW MEADOWS ID USA 83654

2. Date of Priority: 06/01/1890

3. Source: CAMPBELL SWAMP Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4Lot	County	Type
19N	02E	29	SE NW	ADAMS	
19N	02E	29	NE NW	ADAMS	
19N	02E	29	NE SW	ADAMS	
19N	02E	29	NW SW	ADAMS	

5. Description of diverting works:

Water is taken from the Campbell Swamp (or Campbell Drain, as it is also known) and transported to the Mitchell Ditch, and from there it is applied to the place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.01	

7. Total Quantity Appropriated is:
0.01 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	02E	24	NE SE		IRRIGATION	40
			NW SE		IRRIGATION	28
			SW SE		IRRIGATION	40
			SE SE		IRRIGATION	40
					Section Acres	148
19N	02E	25	NE NE		IRRIGATION	40
			NW NE		IRRIGATION	40
			SW NE		IRRIGATION	40
			SE NE		IRRIGATION	40
					Section Acres	160
					Total Acres	308

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:

Claimants predecessor was decreed water "to be diverted through the Mitchell Ditch, for all of the water which now is or shall by them hereafter to be diverted into the Mitchell Ditch from that portion of said Campbell Swamp which lies north of the north bank of the Dryden East and West Drain and north of the line thereof extended in its same course and direction". That right was decreed in the case of Carey v. Dryden, Adams County Case No. 923, May 19, 1932. The water was used on the above-described place of use by claimants immediate predecessor (at the least) and claimant. Place of use may have changed since decree. Claimant is claiming the current place of use under the "accomplished transfer" statute. (I.C. 42-1425).

15. Basis of Claim: Decreed

RECEIVED

JAN -3 2002

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

Department of Water Resources

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 78-12128

Date Received

Receipt Number

1-3-02

C058882

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 22 2002

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Dan and Mary F. Hearn Phone () _____Mailing Address P.O. Box 383; New Meadows, ID Zip 836542. Date of Priority (Only one (1) per claim) 6/1/18903. Source of water supply (a) Campbell Swamp (or Drain)which is tributary to (b) Sinks4. a. Location of existing point of diversion is: Township 19N Range 2E Section 29,1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of AdamsAdditional points of diversion if any: See Attachment A

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. Water is taken from the Campbell Swamp (or Campbell Drain,
as it is also known) and transported to the Mitchell Ditch, and from there it is applied to the place of use.

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 _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

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

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	25	40	40	40	40													160
		24													40	28	40	40	148

Total number of acres irrigated 308

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.

78-00182, 78-00206, and 78-10192

or None (☐)

14. Remarks:

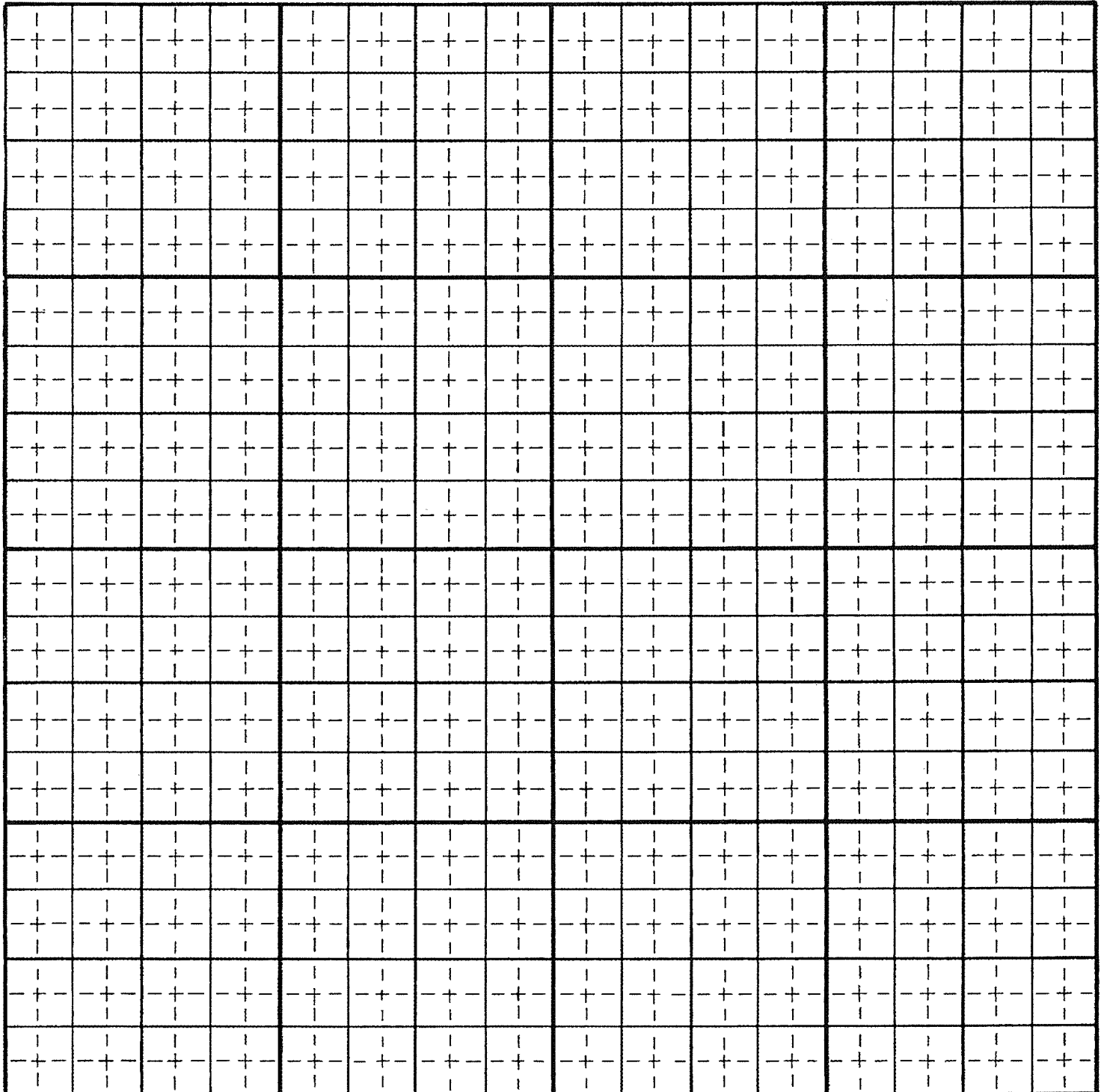
Claimant's predecessor was decreed water "to be diverted through the 'Mitchell Ditch,' for all of the water which now is or shall by them hereafter to be diverted into the 'Mitchell Ditch' from that portion of said 'Campbell Swamp' which lies north of the north bank of the 'Dryden East and West Drain' and north of the line thereof extended in its same course and direction;". That right was decreed in the case of Carey v. Dryden, Adams County Case No. 923, May 19, 1932. The water was used on the above-described place of use by claimant's immediate predecessor (at the least) and claimant. Place of use may have changed since decree. Claimant is claiming the current place of use under the "accomplished transfer" statute. (I.C. § 42-1425)

Last Name Dan and Mary F. Hearn Ident No. 78-12128

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Attachment B



Last Name Dan and Mary F. Hearn

Ident No. 78-12128

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 78-12128
Court Adams County Case Number 923 Decree Date May 19, 1932
Plaintiff vs Defendant Carey v. Dryden

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

Signature of Claimant (s) Dan Hearn

Date 10-5-01

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 _____

Title

of _____

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.

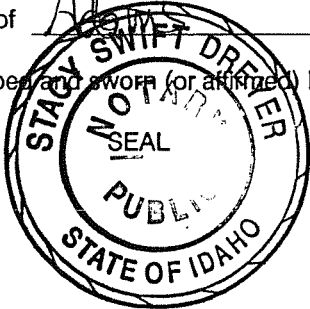
Subscribed and sworn (or affirmed) before me this

5th

day of

October

2001



Notary Public Stacy Swift Dryden

Residing at New Meadows

My Commission Expires 3-17-2005

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Scott L Campbell 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 Scott L Campbell

Address P.O. Box 829 Boise, Idaho 83701

Date 01/02/02

Last Name Dan and Mary F. Hearn

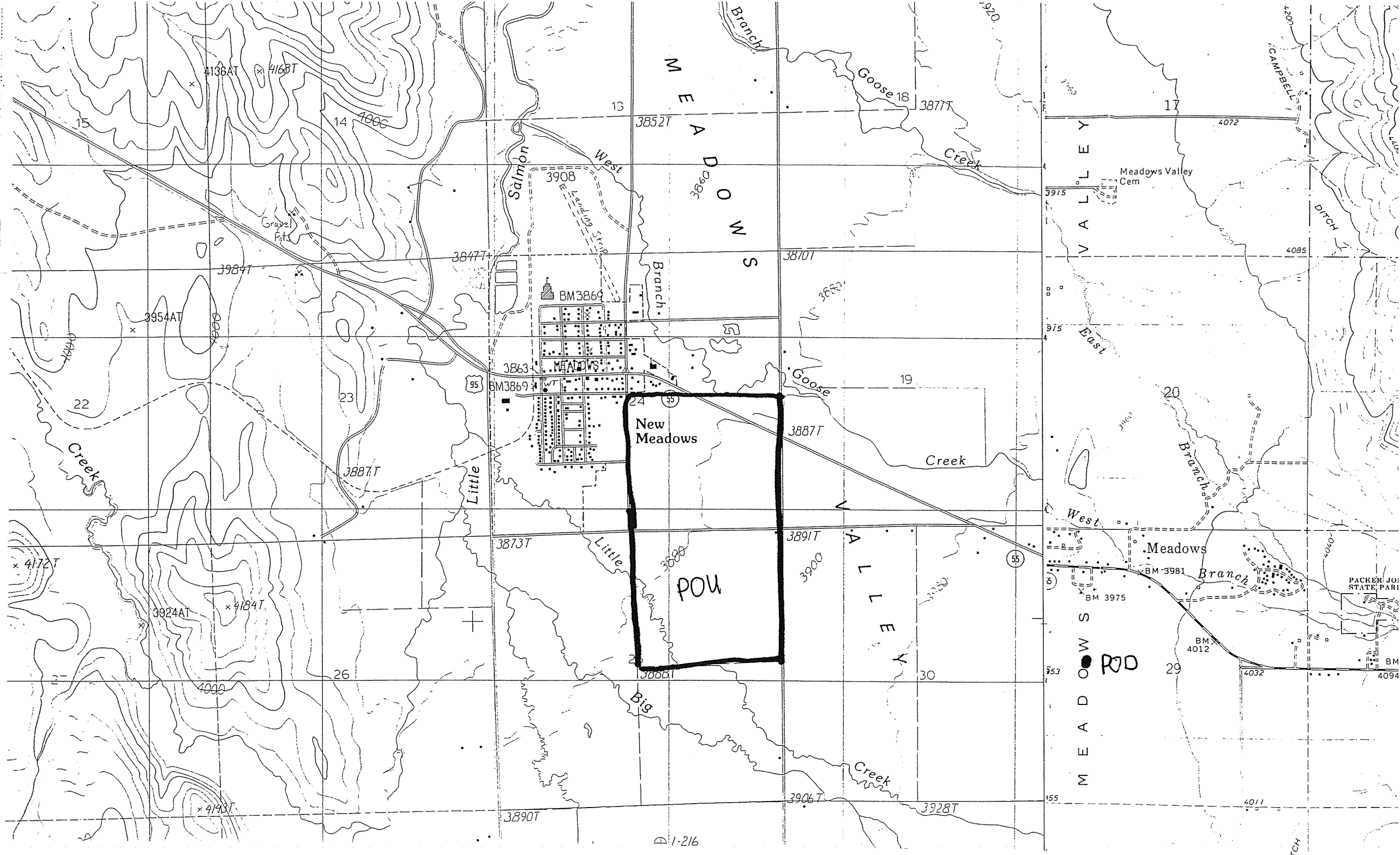
Ident. Number 78-12128

ATTACHMENT A

SRBA CLAIM NUMBER 78-12128

The location of the point of diversion is:

Township 19 North, Range 2 East, the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, and the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$.



State of Idaho

License and Certificate of Water Right

Water License No. 17040
Water District No. _____

Amount 1.6 sec. ft.
Priority 1-5-1929

THIS IS TO CERTIFY that Wm. Steckman,
of New Meadows, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 5, 19 29; that Permit No. 17040
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on June 27, 19 29, showing that said works
were completed on the 18th day of June, 19 29; and that on the 12th
day of July, 19 29,

Wm. Steckman

of New Meadows, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Campbell
Swamp, a tributary of _____, for the purpose of irrigation and
domestic use, under Use Permit No. 17040 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3601, on the 28th day of January, 19 30;

The right hereby confirmed dates from January 5, 19 29;

The Point of Diversion is located
in the SW ¼ NW ¼, Sec. 29, Tp. 19 N., R. 2 E., B.M. Adams County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.6
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
19 N	1 E	25	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 28th day of January, 19 30.

(SEAL)

GEO. H. CARTER
Commissioner of Reclamation

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. One miner inch per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. This amount of water (1.6 cu ft per sec.)
has been used for irrigation since 1890.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Another filing of 72 inches of the water
of Goose Creek was made in 1890. This
water has also been used annually in
conjunction with the Swamp water.

(Sign) Sam Steckman

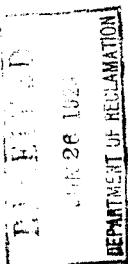
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Now, Macadams Adrian, County of Adams State of Idaho, on this 18th day of June A. D. 1929.

Geo. H. H. H. H.
Notary Public

My commission expires June 18, 1929

See Carey
Dry
Campbell Sw
rights dec
6-1-1890
date

78-182
NE 1/4 Sec
72.4 "
5-1-188
James Mitc



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 17040

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. J. A. Mitchell ^{59 years} New Meadows, Farmer.
New Meadows, Idaho.

Ques. 2. Are you acquainted with Wm. Slickman, the holder of Permit No. 17040? How long have you known him and where does he reside?

Ans. 17 years.
New Meadows, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17040, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Campbell Swamp, Sec 29, T. 19 N., R. 2 E., B. 1 M., Adams County.
Ditch 2' wide at bottom 3' wide at top.
1 1/2 miles long.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.6 sec. feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes on
all of Sec 29, T. 19 N., R. 1 E., B. 1 M.
All cultivated land. Some of it in grain
some in meadow + pasture

17040

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Black, alluvial soil - requires
one million inch per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. For many years last past I have
seen this water (116 sec. feet) applied
to the 116 1/4 of sec. 25.

(Signed) J. G. Mitchell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Ben-Haden, County of Adams, State of Idaho, on this 18th day of January, A. D. 1929

J. G. Mitchell
Notary Public

My commission expires Nov 15 1931



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 17040

Proof of Application of Water to Beneficial Use
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Walter White, 61 years, New Meadows
Farming, New Meadows, Idaho.

Ques. 2. Are you acquainted with Wm. Steadman, the holder of Permit No. 17040? How long have you known him and where does he reside?

Ans. 20 years, Meadows, Idaho

Ques. 3. Have you read or heard read said Permit No. 17040, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Campbell Swamp, in SW 1/4 NW 1/4 Sec 29
T19 N., R2E, B.M., Adams County
Ditch 2' wide at bottom, 3' at top
1 1/2 miles long

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.6 sec. feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and domestic purposes on
all of NW 1/4 Sec. 25, T19 N., R1E, B.M.
all cultivated land. Some of it in grain
some in meadow and pasture

17040

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Black alluvial soil - requires one
million inch per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. For many years last past I have
seen this water (1.6 sec. feet) applied
to the N.E. 1/4 of Sec. 25.

(Signed) Walter White

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Heppner County of Adams, State of Idaho, on this 18th day of June, A. D. 1929.

Walter White
Notary Public:

My commission expires Nov 15 1932



Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Adams } SS

Wm. Steckman, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 17040, and that his postoffice address is New Meadows State of Idaho

Second: That the name of the stream from which said water is to be diverted is.....

Campbell Creek
Third: That the point of diversion of said water is in the SW 1/4 NW 1/4 Sec. 29, T. 19 N., R. 26

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 7, 1929

Fifth: That the use for which said water is intended is irrigation + domestic

Sixth: That on the date above mentioned, the works constructed under said permit were ~~for~~ were not fully completed and consisted of the following:

I. Kind of works: ditches
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:.....

(a) Height of dam.....feet, length of dam at top.....feet, length of dam at bottom..... feet. Material used in construction.....

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width.....feet, height.....feet.

(d) Conduit.....width at bottom.....feet, width at water line.....
(State whether ditch, flume or pipe.)

feet, depth of water.....feet; diameter of pipe.....inches, average grade per mile is.....feet. Length of conduit is.....miles.

Seventh: That said works are capable of conducting to the place of intended use.....
.....second feet of water.

Eighth: That water appropriated under said permit is available for.....
of land described as follows: N. E. 1/4 Sec. 25, T. 19 N., R. 26

Ninth: Remarks: That

Wm. Steckman
(Sign here)

Subscribed and sworn to before me this 18th day of June, 1929

Geo. J. Mitchell
Notary Public.

My commission expires.....

17040

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 17040This proof is for Beneficial Use In Water District No. _____1. Name of applicant: Wm. Steckman2. Source of water supply: Campbell Swamp3. Location of point of diversion: Is in the SW 1/4 of Section 20T. 19 N. R. 2 E. County of ADAMS

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion consists of an open ditch to collect drainage from a swampy area. Ditch is 2 ft wide and 1 ft deep.*

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE 1/4 Sec. 25, T. 19 N., R. 1 E., B.M.

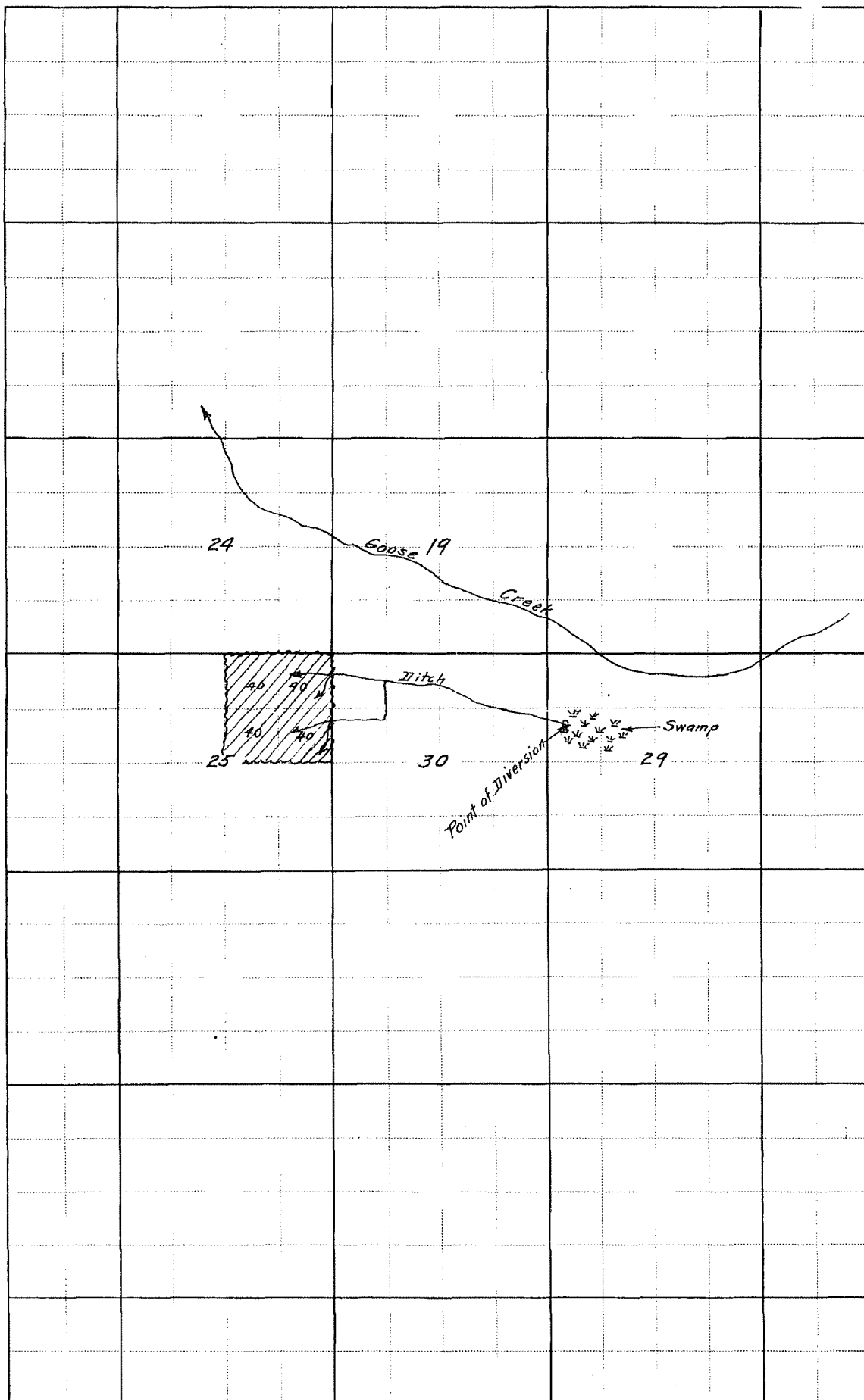
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Little Salmon River

Remarks: _____

This examination was made on the 12th day of July 1927(Signed) Frederick H. Tolman Examiner.

17040



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17040

Certified Copy

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JAN 18 2001

Department of Water Resources

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS.

THOMAS CAREY, whose name is)
sometimes written as)
"Thomas Carrey",)

Plaintiff,)

-vs-)

HOWARD DRYDEN and MINNIE)
DRYDEN, his wife; LOYAL E.)
CAMPBELL and MARY O. CAMPBELL,)
his wife; ALBERT CAMPBELL, and)
GEORGE WILSON, bachelor)

Defendants.)

Case # 923
D E C R E E

-----)

This cause came on regularly to be heard by the Court in open term at Council, Idaho on the 17 day of May, 1932. The plaintiff appeared by Carl H. Swanstrom, his attorney of record herein: and the defendants Howard Dryden and Albert Campbell appeared by George Donart, their attorney or record herein and the defendants Minnie Dryden, Loyal E. Campbell, Mary O. Campbell and George Wilson, who were on this day brought into this action as defendants herein by order of this Court, made appearance in open Court by George Donart, their attorney, and waived service of summons upon them and any and all further time for pleading to plaintiff's complaint on file herein and in open court consented that decree of this Court might be entered herein in accordance with the terms, conditions and provisions of a certain written stipulation heretofore duly made and signed by each of the parties hereto and filed herein.

Whereupon the Court having read and considered said stipulation and having found that same is just, equitable and according to law and being now fully advised in the law and the premises, orders, adjudges and decrees as follows to-wit:

MICROFILMED
JAN 20 2001

SCANNED
APR 10 2007

*Filed and entered 5-19-32
Marilyn Brown
Clerk*

1: That "Campbell Swamp" is a public body of water situate in Adams County, Idaho upon the following lands and premises, to-wit:

The East Half of the Northwest Quarter: the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 29, Township 19 North of Range 2 East, Boise Meridian.

That the defendants Loyal E. Campbell and Mary O. Campbell are the legal owners of the lands and premises wherein said swamp is situated and that the defendants Howard Dryden and Minnie Dryden have an interest in and to said lands by reason of contract of sale therefor and are now in possession thereof and are legally entitled to construct such drainage works in said swamp as will reasonably drain same and prevent its further growth, but subject to the conditions and limitations hereinafter contained

2: That the plaintiff, Thomas Carey and Jeanie Carey, his wife, are the owners of the

Southeast Quarter of Section 25, Township 19 North of Range 2 East, Boise Meridian.

3: That the defendant George Wilson is the owner of

The West Half of the Northeast Quarter: and the Southeast Quarter of Section 30, Township 19, North of Range 2 East, Boise Meridian.

4: That the defendants Loyal E. Campbell and Mary O. Campbell, Howard and Minnie Dryden are the owners of and are in possession of, among other lands

The East Half of the Southwest Quarter: the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 29, Township 19 North of Range 2 East, Boise Meridian.

5: That all of said lands hereinbefore described are arid in their nature, but when irrigated are highly productive and produce valuable crops of hay, grain and pasture, and that all of said lands have appurtenant water rights from the flow

78-2038
1.6 acs
1-5-1929 Priority
T19N R1E S25 NE 1/4
160 acres.

Possibly
of Sec 2
T19N R

MICROFILMED
JUN 20 2001

of water from said "Campbell Swamp" based upon appropriation and application thereof to beneficial purposes.

78-12128
6: That said Thomas Carey and Jeanie Carey be and they are hereby adjudged and decreed to be the owners of and entitled to a water right from said "Campbell Swamp" for beneficial use upon their land as hereinbefore described, to be diverted through the "Mitchell Ditch", for all of the water which now is or shall by them hereafter be diverted into the "Mitchell Ditch" from that portion of said "Campbell Swamp" which lies north of the north bank of the "Dryden East and West Drain" and north of the line thereof extended in its same course and direction, and as said "Mitchell Ditch" and said "Dryden East and West Drain" are platted and made to appear in that said memorandum of agreement made and entered into by all of the parties hereto on the 12th day of August, 1931 and filed for record in the office of the County Recorder of Adams County, Idaho on the 11th day of May, 1932 in Book 1 of Agreements at Page 487, reference to which said memorandum of agreement is hereby made and by this reference the same, together with all plats, maps or diagrams therein contained, is made a part hereof.

78-12129
That the said George Wilson is hereby adjudged and decreed to be the owner of a water right from said "Campbell Swamp" for beneficial uses upon his lands and premises as hereinbefore described for all of the water which now is or shall by him hereafter be diverted through the "Wilson Ditch" from that portion of said "Campbell Swamp" which lies south of the south bank of the "Dryden East and West Drain" and south of the line thereof extended in the same course or direction, and as said

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JUN 20 1981

"Dryden East and West Drain" and said "Wilson Ditch" are platted and made to appear in that said memorandum of agreement hereinbefore referred to.

78-12131
That the allocation of water from said swamp aforesaid hereby is made subject to the right of said defendants Howard Dryden and Minnie Dryden to divert from all or any portion of said swamp sufficient water therefrom through said "Dryden North and South Drain", the "Mitchell Ditch", the "Wilson Ditch" and the "Dryden East and West Drain", as platted and shown in said memorandum of agreement before mentioned, for the seasonal irrigation, by gravity flow only, of a tract of land heretofore irrigated from said swamp containing approximately twenty (20) acres and situate in

The Northwest Quarter of the Southwest Quarter
of Section 29, Township 19 North of Range 2
East, Boise Meridian

as heretofore has been irrigated from said swamp.

That, except as hereinbefore provided, all priority and rights to use of water from said swamp by the parties hereto shall be of equal date, namely of a priority of June 1st, 1890.

That for the purpose of constructing, repairing, maintaining, extending and rerouting the "Mitchell Ditch", the "Dryden East and West Drain", the "Dryden North and South Drain" and the "Wilson Ditch" and any and all other laterals, drains and ditches, as provided in said memorandum of agreement to be constructed, each of the parties hereto shall have easement in and right of way over, through and across said "Campbell Swamp".

That this action be and the same is dismissed as to the defendant Albert Campbell.

Done in open court at Council, Idaho this 19 day of

May, 1932.

I, Clerk of the District Court of the State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original on file in my office.

WITNESSED my hand and official seal this 12 day of January, 1932.

MICHAEL FISK

Clerk of the District Court
and County Recorder

A. O. Sutton
District Judge

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JAN 20 2001

Certified Copy

INSTRUMENT NO. 19211

RECEIVED

MEMORANDUM OF AGREEMENT

JAN 18 2001

Department of Water Resources

THIS AGREEMENT, Made and entered into on this 12th. day of August, 1931 by and between LOYAL E. CAMPBELL and MARY O. CAMPBELL, husband and wife, and HOWARD DRYDEN and MINNIE DRYDEN, husband and wife, of Meadows, Idaho, as parties of the first part; THOMAS CARREY and JEANIE CARREY, husband and wife, of New Meadows, Idaho, as parties of the second part, and GEORGE WILSON, a bachelor, of New Meadows, Idaho, as party of the third part, WITNESSETH:

THAT WHEREAS the parties of the first part are the owners of the following described lands and premises situate in Adams County, Idaho, to-wit:

East Half of Southwest Quarter of Northwest Quarter; Southeast Quarter of Northwest Quarter and the North Half of the Southwest Quarter of Section 29 in Township 19 North of Range 2 East, (and other lands not herein concerned)

AND WHEREAS there now is, and since prior to 1888 has been, a natural body of water or swamp, formerly called the "Cal White" swamp, and now commonly called the "Campbell Swamp", containing approximately 20 to 25 acres and situate near the center of the before described lands, which such swamp has been and now is the source and supply of a continuous flow of water in an undetermined amount, and which water has been and now is subject to location and appropriation for beneficial uses:

AND WHEREAS the parties of the second part are the owners of the following described lands and premises situate in Adams County, Idaho, to-wit:

The Southeast Quarter of Section 25 in Township 19 North of Range 2 East, B.M.

AND WHEREAS The party of the third part is the owner of the following described lands and premises situate in Adams County, Idaho, to-wit:

West Half of Northeast Quarter; and the Southeast Quarter of Section 30 in Township 19 North of Range 2 East, B. M. (containing 240 acres, more or less)

AND WHEREAS, The said parties of the first part have or claim a water right from said swamp sufficient for the irrigation of all that part of the Northwest Quarter of the Southwest Quarter, Section 29, Township 19 North of Range 2 East, B. M., which lies Westerly and Southerly from such swamp and which is capable of being irrigated from such swamp by waters conducted by gravity flow in open ditches, the area of such land capable of being so irrigated being herein estimated at approximately _____ acres:

AND WHEREAS, The parties of the second part have and claim a water right from such swamp, in an undetermined amount, for the supplemental irrigation of their said lands and premises, and heretofore have diverted water from such swamp by means of what is known as the "Mitchell Ditch" which runs from East to West across the Northerly edge or portion of such swamp, and by means of certain laterals or drains leading from such ditch out and into such swamp:

AND WHEREAS: The party of the third part has or claims a water right from such swamp, in an undetermined amount, for the supplemental irrigation of his lands and premises, before described, and has heretofore diverted water from such swamp by means of a ditch, hereinafter called the "Wilson Ditch" which leads into such swamp on its westerly side and intersects or taps a certain drain or lateral running from near the Northwest corner of said swamp in a southeasterly direction, which was constructed about 1925 by said Loyal E. Campbell, and which is hereinafter referred to as the "Campbell Ditch", at a point on said lateral 338 feet East and 87 feet South of the

JAN 20 2001

Southeast corner of the West Half of the Southwest Quarter of the Northwest Quarter, said Section 29, Township 19 North of Range 2 East, B. M. (the same being the Southeast corner of the Jeff Luce premises):

AND WHEREAS: The said first parties desire to have such swamp drained so far as practical, and for that purpose have just constructed a drain or lateral commencing on the said Campbell Ditch at a point thereon 50 feet southerly of the point where the said Wilson Ditch intersects the Campbell ditch, and running thence in an Easterly direction 337 feet, which drain or lateral is hereinafter referred to as the "Dryden East and West Drain", and which drain, at a point 337 feet East of said Campbell Ditch connects with a drain or lateral just constructed by first parties which heads near the South bank of the Mitchell ditch near the Northeast corner of such swamp and runs thence south or southwest along the Easterly edge of such swamp so as to connect with the East end of said Dryden East and West Drain, and is from that point continued in the same general direction so as to intersect the Campbell Ditch or drain further to the South and above the Wilson Ditch, which such drain just described is hereinafter referred to as the "Dryden North and South Drain":

AND WHEREAS The water, and the right to the use of the water from such swamp has never been adjudicated or allocated to the parties hereto, or to their lands, or to any persons or land, and the rights and priorities of the parties in and to such water and to the use thereof, and their right to ditches for drainage or diversion of such water, is not a matter of record and has never been determined, either by court decree, mutual agreement or otherwise:

AND WHEREAS, From time to time differences have arisen between the parties hereto as to their respective rights to drain such swamp, to divert and use the waters therefrom and as to other matters and things in connection with such swamp and the flow of water therefrom:

AND WHEREAS All of the parties hereto are now mutually desirous of adjusting and settling all of such differences and desire to fix and determine the rights of each of the parties hereto in and to the use of the waters of such swamp, and to adjust, determine and settle their respective rights of diversion and application of such water:

NOW, THEREFORE, In order that such swamp may be drained so far as the same can be reasonably done, and for the purpose of determining the respective rights of each of the parties hereto to the use of the flow of water from such swamp, and of their respective rights to enter into and upon the same for the purpose of constructing works of drainage and diversion therein,

IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

(1) That there is attached hereto a sketch or plat of said Campbell swamp, upon which is designated, among others, the following particulars, to-wit: the "Mitchell Ditch"; the "Campbell Ditch or Lateral"; the "Wilson Ditch"; the Dryden East and West Drain"; the "Dryden North and South Drain" and a proposed change in the location of the Mitchell Ditch and certain drains into such swamp, to be hereafter constructed by the second parties hereto, IT BEING DISTINCTLY UNDERSTOOD AND AGREED That the said appended plat or sketch is not an official or exact survey of such swamp or of such ditches and drains therein, but the same is in-

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cluded herein for the sole purpose of showing the general course and direction of the various ditches and drains used in connection with such swamp; the names of such ditches and drains as herein used, and to make this agreement more definite, certain and understandable, and subject to such limitations hereinbefore mentioned, such appended sketch or plat is by this reference made a part of this agreement.

(2) That the said Thomas Carrey and Jeanie Carrey, the said second parties herein, shall be and are entitled, for beneficial use upon their said lands and premises as hereinbefore described, to all of the water which now is or which by second parties can hereafter be diverted from that portion of the said Campbell Swamp which lies North of the North bank of said "dryden East and West Drain, and North of the line thereof, extended in the same course or direction; and except as hereinafter limited, the said first parties have granted and do hereby grant unto second parties the right to enter into and upon such portion of such swamp and construct and maintain therein such drains and other works of diversion as may be proper and necessary to divert such water into their (the Mitchell) ditch, and as will most effectually serve to drain such portion of such swamp.

(3) That the said George Wilson, the third party herein, shall be and is entitled, for beneficial use upon his said lands and premises, hereinbefore described, to all of the water which now is or which by third party can hereafter be diverted from that portion of said Campbell Swamp which lies South of the South bank of said Dryden East and West Drain, and South of the line thereof extended in its same course or direction: and except as hereinafter limited, the said first parties have granted and do hereby grant unto the third party the right to enter into and upon such portion of said swamp and construct and maintain therein such drains and other works of diversion as may be proper and necessary to divert such water into his (the Wilson) ditch, and as will most effectually serve to drain such portion of said swamp.

PROVIDED, HOWEVER, That there is hereby excepted from such allocation of water, and such grant of right of way for drains and works of diversion, so made and given to the Second and Third parties, and there is hereby expressly reserved unto the First Parties, their heirs, successors and assigns, for use on the following described lands, to-wit:

Northwest Quarter of the Southwest Quarter of Section 29 in Township 19 North of Range 2 East, B. M.

a sufficient amount of the flow of water from said swamp, to be diverted jointly from said Dryden North and South Drain and said Campbell and Wilson Ditches, and drained and taken from any part or portion of such swamp drained by said ditches, for the proper and necessary irrigation of such portion of said land as can be irrigated by gravity flow from such swamp, it being herein expressly understood and agreed that for that purpose the first parties herein, the heirs, successors and assigns, shall have a prior right and preference over both second and third parties in and to the use of such water for irrigation as shall be reasonably required in the irrigation of such portion of said land; and it is further expressly understood and agreed that first parties shall be entitled to such water only for the irrigation of such land, and none other, and when such water is not reasonably required for irrigation thereon, it shall be allowed to flow into and along the ditches and drains of said Second and Third parties for use on their lands as herein described.

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(4) For the purpose of making effective the terms and conditions of this agreement, and to make available to second parties the water herein allocated to them, the said first parties have given, and by these presents do hereby give, grant, and convey unto the second parties, their heirs, successors and assigns, a right, privilege, easement and right of way for the construction and maintenance of the following ditches, drains and works of diversion, to-wit:

(A) Right of way for the relocation of the Mitchell Ditch, so the same may be diverted from its present location in the Northeast portion of such swamp and re-located along the line of a regular curve from near the Northeast corner of such swamp South so that the same will follow, as nearly as may be, the lowest portion of such Northerly portion or edge of such swamp, and thence curving to the Northwest so that the same will be brought into the present line of such ditch opposite the Northwest corner of such swamp:

(B) Right of way for a drain, with permission to tap and take the flow of water (subject to the use herein-before reserved unto first parties) from the Dryden North and South Drain, which drain shall be constructed at the point where the Dryden North and South Drain and the Dryden East and West Drain intersect in such swamp, and from that point running in a Northwesterly direction across such swamp so as to connect, either directly with the Mitchell Ditch, or, with the Campbell Drain below the Wilson Ditch, and from that point on to the Mitchell Ditch through such portion of the Campbell Ditch:

(C) Right of way for a drain, commencing on the North side of the Mitchell Ditch at a point opposite or East of the Dryden North and South Drain, and running thence in a general Northerly direction to the North edge of such swamp:

(D) Right of way from the present or proposed line of said Mitchell Ditch for drains leading out into said Swamp in a southeasterly direction from the South side of such ditch and in such manner and in such location as will most likely serve to effectively drain that portion of such swamp.

All of the above drains and ditch changes to be made by second parties at their sole cost and expense and as soon as may reasonably be done. It is understood and agreed that if said drains and works of diversion, as hereinbefore specified, shall fail to properly divert the water from such portion of the swamp or shall fail to properly drain the same, other drains and laterals may be constructed by second parties in that portion of the swamp hereby allocated to them; the same to be located by mutual agreement between first and second parties, and in case of a disagreement as to ^{such} location, then the location to be determined by some competent and disinterested third party to be selected by first and second parties.

(5) There is hereby given and granted unto the Third Party and to his heirs, successors and assigns, right of way for the construction and maintenance of such ditches, drains and other works in his said portion of said Swamp as may be required to properly divert the waters therefrom, to be located and constructed in such manner as may hereafter be determined and agreed upon by and between said first and third parties.

(6) This agreement, when executed and acknowledged by the parties hereto, or their duly authorized agents or attorneys, shall have the force and effect of a decree of a court of competent jurisdiction, so far as the allocation of the water, and the right to use and divert water from said swamp for beneficial uses, are

JUN 20 2001

concerned.

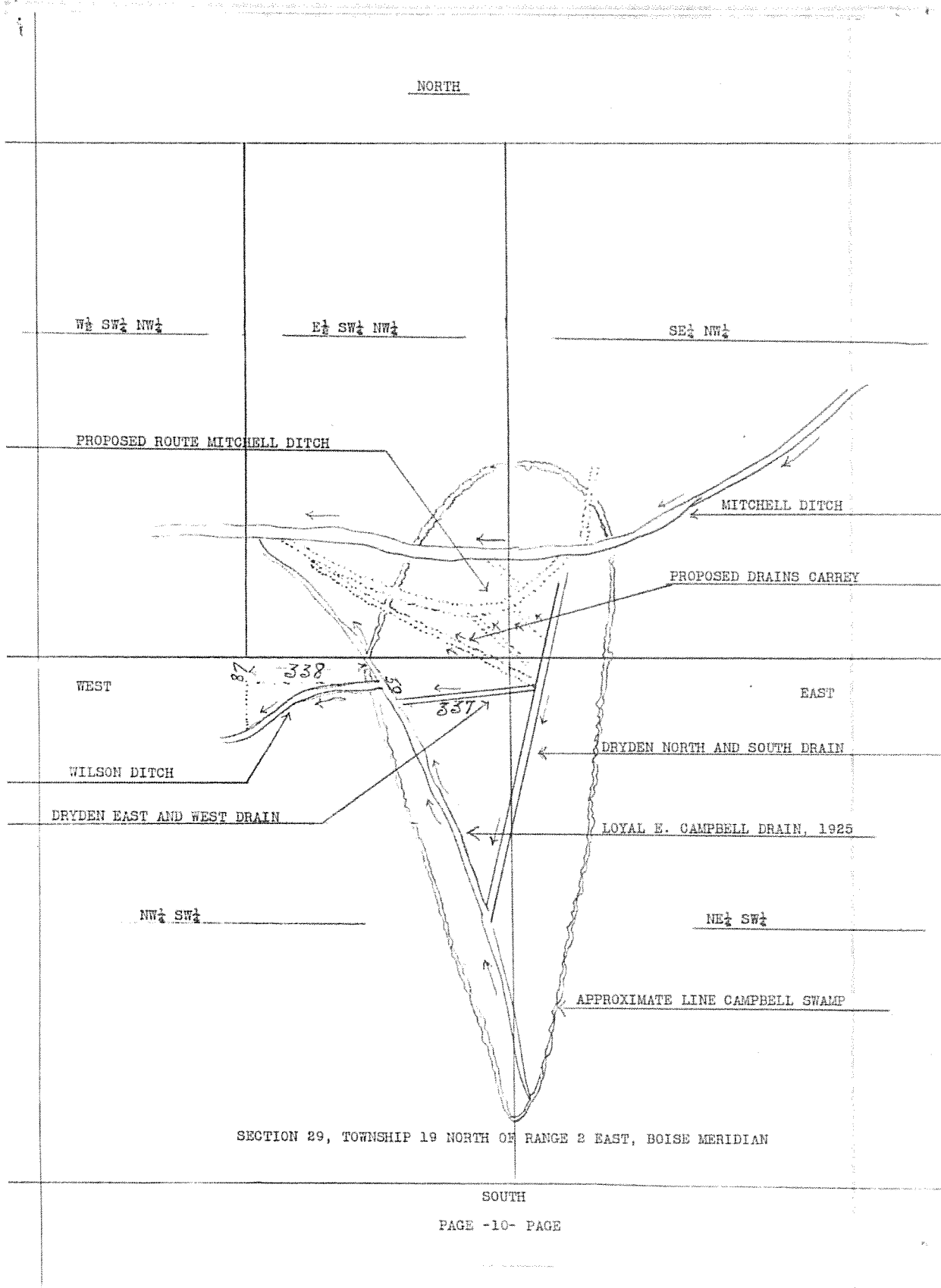
(7) This agreement, when signed and acknowledged by the parties hereto, or their duly athorized agents or attorneys, shall have the force and effect of a Deed of Conveyance from first parties to second and third parties, so far as easement and rights of way are concerned for the construction of the ditches, drains and works of diversion, and the maintenance thereof, as herein agreed and provided for.

(8) This agreement, when signed and acknowledged by the parties hereto, or their duly authorized agents or attorneys, shall run with the lands and premises herein described, and the water, and the right to divert and use the water of such swamp, as herein provided and agreed, shall become ^{an} appurtenance of the lands and premises of the parties hereto, as herein provided, and this agreement shall be binding upon, and all the rights and priviliges herein given, granted or taken, shall inure to the heirs, executors, administrators, successors and assigns of each and every of the parties hereto.

(9) The sketch or plat following this page, and which is numbered -10- is the 1 plat or sketch herein before referred to, which is appended hereto for the uses and purposes, only as hereinbefore mentioned.

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JUN 20 2001



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JUN 23 2001

IN WITNESS WHEREOF The parties to this agreement have hereunto set their hands and seals the day and year in this agreement first before written.

Loyal E. Campbell (Seal)
 Mary Campbell (Seal)
 Minnie Dryden (Seal)
 Howard Dryden (Seal)
 Thomas Carrey (Seal)
 Jeanie Carrey (Seal)
 George Wilson (Seal)
 By _____
 His _____

State of Idaho) ss
 County of Adams

On this 12th day of August, 1931, before me, Carl H. Swanstrom, a Notary Public for Idaho, personally appeared Howard Dryden, Minnie Dryden, Thomas Carrey and Jeanie Carrey, to me ^{known} to be four (4) of the individuals whose names are subscribed to the foregoing instrument and acknowledged to me, each for himself and not one for the other, 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 before written.

(NOTARIAL SEAL)

Carl H. Swanstrom
 Notary Public for Idaho residing at Council,
 Idaho.

State of Idaho) ss
 County of Adams

On this 26 day of December, 1931, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Loyal E. Campbell and Mary O. Campbell, to me known to be two (2) of the individuals whose names are subscribed to the within and foregoing instrument and acknowledged to me, each for himself and not one for the other, 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 before written.

(NOTARIAL SEAL)

Geo. S. Mitchell
 Notary Public for Idaho residing at
 New Meadows, Idaho.

State of Idaho) ss
 County of Adams

On this 21 day of Dec. 1931, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared George Wilson, to me known to be one of the individuals whose name is subscribed to the within and foregoing 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 before written.

(NOTARIAL SEAL)

Carl H. Swanstrom
 Notary Public for the State of Idaho
 Residing at Council in State and County
 aforesaid.

Recorded at the request of Carl H. Swanstrom at 40 minutes past 4 o'clock
 P. M. this 11 day of May, 1932.
 Fees \$7.80

Matilda Moser, Recorder.

MICROFILMED

JUN 20 2001

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