



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

November 26, 2003

CHERYL E Mac DONALD
4380 BISHOP CR
PO BOX 73555
FAIRBANKS AK 99707

RE: Water Right No. 78-260A

Dear Property Owner:

This office has received your Notice of Change of Water Right Ownership (copy enclosed), recently submitted. We also received check number 6427 in the amount of \$25; however, we are returning it to you, as the ownership change fee is *not required* for this particular water right. This water right has not yet been decreed by the SRBA Court. The ownership change is being processed and copies will be mailed upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

CHERYL E. MacDONALD
ADL 5118490 WK. 450-4112
4380 BISHOP CIRCLE 457-6660
P.O. BOX 73555
FAIRBANKS, AK 99707

89-7221/3252 6427

Date 11/15/03

Pay to the order of IDWR \$ 25.00

Twenty five & no Dollars

NORTHERN SCHOOLS
FEDERAL CREDIT UNION
1417 GILLAM WAY, SUITE 1
FAIRBANKS, ALASKA 99701

For water rights 78-260A

Cheryl Macdonald

211 6427

MADE CHECKS HERE

November 14, 2006

RECEIVED
NOV 15 2005
IDWR/North

Dept of Water Resources
1910 Northwest Blvd. Ste 210
Corur D Alene, ID 83814

Attn Kenneth Knoblock RE: 78-260A
Hat Creek Water Users

Names of Individuals using Hat Creek Water
Pollock, Id 83547

Chris Johnson &
Linda Hagedorn
Gen Del

23NOV 29 1670

Gary Solberg
PO Box 184

23NOV 20 8170

Irene Owen
PO Box 242

William Owen 23NOV 29 1060
BOT 195

Steve Fuzi Family
Gen Del

NO Friends?

Carol Hibbs
Homedale, ID
208.482.7724

23NOV 29 0022

CDM Enterprises
Gen Del

23NOV 20 7660

Dave Seibers
HC1 Box 820

NO 23NOV 20 9270

Jack Hubbard
HC1 Box 810

23NOV 20 8880
9520
9260

If this so not enough information for you, please let me know. We are wintering in
Yuma, Arizona.

Arlene Hubbard cell # 208-634-9508 or 928-342-3085
13469 E. 46th Street
Yuma, AZ 85367

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/19/2005

WATER RIGHT NO. 78-260

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELEANOR E AUBIN

Priority Date:
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
HAT CREEK	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	/	/	0.9 CFS	
Total Diversion			0.9 CFS	

Location of Point(s) of Diversion:

HAT CREEK||Sec.||Township|Range|County

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
23N	01E	20		NESE			SESE							
		21		SWSW			SESW							

Conditions of Approval:

1. WHEN FLOW OF WATER IN CREEK FALLS BELOW 135" OR 2.7 CFS. THEN 3 USERS ROTATE THE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.

Dates:

Licensed Date:

Decreed Date: 03/22/1929

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/19/2005

WATER RIGHT NO. 78-261

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM M HOWARD
Current Owner	BERT WEINHEIMER BEAR, ID

Priority Date:
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
HAT CREEK	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	/	/	0.9 CFS	
Total Diversion			0.9 CFS	

Location of Point(s) of Diversion:

HAT CREEK||Sec.||Township||Range||County

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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23N | 01E | 29 | | NENE | | NWNE | | SWNE | | SENE |

Conditions of Approval:

1. WHEN FLOW OF CREEK FALLS BELOW 135" OR 2.7 CFS. THEN THREE WATERUSERS ROTATE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.

Dates:

Licensed Date:

Decreed Date: 03/22/1929

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/19/2005

WATER RIGHT NO. 78-262

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LIZZIE HOXIE

Priority Date:
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
HAT CREEK	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	/	/	0.9 CFS	
Total Diversion			0.9 CFS	

Location of Point(s) of Diversion:

HAT CREEK||Sec.||Township|Range|County

Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
23N	01E	21		NESW										
				NESE			NWSE			SWSE				

Conditions of Approval:

1. WHEN FLOW OF CREEK FALLS BELOW 135" OR 2.7 CFS. THEN THREE USERS ROTATE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.

Dates:

Licensed Date:

Decreed Date: 03/22/1929

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

#3720

File 75C-1 78-3
Vol 6 p 1142

Eleanor E. Aubin, Plaintiff,

William M. Howard,
Bert Weinheimer and
Lizzie Horde,

THE ABOVE ENTITLED CAUSE coming on to be heard upon the appearance of the respective parties herein and the said parties having thereupon in Open Court stipulated and agreed concerning the matters in issue in said cause, which stipulation is now on file herein, and is hereby referred to, and each of the said parties being represented in Open Court by his attorney of record; and it having been stipulated and agreed in Open Court that no Findings of Fact need be made or entered, and that judgment shall be entered in accordance with the said stipulation, and the Court being fully advised;

That the plaintiff is the owner of the East half of the south east quarter of section Twenty, and the south half of the south west quarter of section Twenty-one (except the portion thereof ^{of 62 acres} deeded to Crofford Hoxie by a deed recorded in book 38 of deeds, page 501, records in the office of the County Recorder of Idaho County, Idaho), and of the north half of the north west quarter of section Twenty-eight, Township 23 N.R. 1 E.B.M.;

That the defendants, William M. Howard and Bert Weinheimer are the owners of the north east quarter of section Twenty-nine in said Township and Range.

That defendant Lizzie Hoxie is the owner of the north half of the south east quarter, the south west quarter of the south east quarter, the north east quarter of the south west quarter of section Twenty-one, said Township and Range; and twenty acres described in book 38 of deeds page 501, records of Idaho County, Idaho, as follows:

"Part of the south half of the south west quarter of section Twenty-one, bounded on the south by Hat Creek, on the north by the boundary line of the Hoxie ranch, and by boundary line marking a vacant Government forty; on the east by the boundary line of the Hoxie ranch, and the west-north by a fence which passes along the ridge of the north hill forming part of the Aubin Ranch, and extending to the ford on Hat Creek; said Ford being an old roadway now out of use; all in section 21, Township 23 North, Range One E.B.M.. "

That all of said lands are arid and that the owners of each of the above described tracts requires the use of forty-five miner's inches of waters of Hat Creek on their respective premises used continuously during the irrigation season except as hereinafter modified.

78 ~~0257~~ 0269
78 ~~0257~~ 0269
78 ~~0257~~ 0262

That each of the said owners have equal dates of priority to the use of said waters, and each shall be entitled to the use of one-third thereof, subject to the exception hereinafter set forth.

That each party shall continue to appropriate waters at the present point of diversion used by him.

That if and when the waters of Hat Creek do not flow in sufficient quantity to provide at least 135 miner's inches at the highest present point of diversion of any of the said owners and users, then on demand of either party the use of the waters of said Creek shall thereafter be had and rotated during the remainder of the year as follows:

In 1929 the first four days use shall be by Eleanor Aubin; the second four days use shall be by William M. Howard and Bert Weinheimer; the third four days use shall be by Lizzie Hoxie; and said rotation shall be followed for the remainder of the year.

In the year 1930 and years following, the party who was second during the preceding year shall be first, and the party who was third shall be second and the party who was first shall be third.

That nothing herein shall prevent the plaintiff, Eleanor E. Aubin from having the use for domestic purposes exclusively of waters from said Hat Creek, and that at least one miner's inch of water shall be permitted to reach the point of diversion of the plaintiff at her present point of diversion of her lower ditch by the house, for said purpose.

This Judgment, however, shall not be construed to restrict the right of plaintiff to take the water continuing down or coming into said Hat Creek below the point of diversion of the present ditch known as the Old Denny-Hinkley-Geer Ditch, which right is reserved and awarded to the plaintiff in addition to any other rights herein provided.

It is also adjudged that the said Denny-Hinkley-Geer Ditch shall be used and maintained as a Joint Ditch of the plaintiff and defendants Howard and Weinheimer, so far as it serves them both.

IT IS ALSO ORDERED AND ADJUDGED, that all ditches in which the said waters are diverted or conveyed shall be so maintained as not to inflict damage on either of the other parties hereto; and that this Court shall retain jurisdiction to prevent such damage and to award damages for any injuries suffered on account

of the failure so to maintain the said ditches, and award and regulation thereof to be upon proper petition and hearing.

IT IS ALSO ORDERED AND ADJUDGED, that the Court shall retain jurisdiction to appoint a water-master or other suitable person to regulate the use of said waters in accordance herewith, if the parties hereto cannot agree in carrying out the terms hereof and to make such appointment upon petition and notice and sufficient proof of necessity therefor.

IT IS ALSO ADJUDGED as a condition hereof, that the said parties hereto shall have a right of access along the route of the road heretofore used across the lands of the defendants, Howard and Weinheimer and through gates heretofore maintained thereon to go over the lands of the other parties hereto to the highway or county bridge adjacent to the lands of the remaining defendants; it being a condition of such use, however, that they shall close the gates when using said right-of-way and that loose stock shall be taken around the outside of the fence enclosing the orchard tracts now thereon; and that such use shall be in accordance with the use had prior to June, 1927.

This right of way shall not be construed to be a public but shall be a

private right of way, for the use only of the owners of said lands herein described. The provisions hereof shall be construed as appurtenant to the lands of the respective parties hereto as well as a burden thereon, and shall be binding upon any owners thereof.

Done in Open Court, at Grangeville, Idaho, this 22nd day of March, 1929.
No costs allowed either party.

Miles S. Johnson, Judge.

Entered and Filed Mch.22, 1929, Henry Telcher, Clerk of the District Court,
By W.N.Knox, Deputy

CLERK OF THE DISTRICT COURT
COUNTY OF IDAHO

Carl T. Reuter, Clerk of the District Court of the State of Idaho, in and for the County of Idaho, do hereby certify that the foregoing is a full, true and correct copy of the instrument it purports to be, together with the enclosures thereon in the case of _____, Plaintiff vs. _____, Defendant; as the same appears of record in my office in Book _____ Judgment Roll No. _____ page _____ thereof.

WITNESSES my hand and official seal this _____ day of _____ A.D., 19____, at Grangeville, Idaho. *Carl T. Reuter*
CARL T. REUTER, Clerk of District Court

By _____, Deputy

IN THE DISTRICT COURT OF THE TENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF IDAHO.

ELEANOR E. AUBIN

Plaintiff

vs.

WILLIAM M, HOWARD, BERT WEINHEIMER
and LIZZIE HOXIE,

Defendants

STIPULATION.

IT IS HEREBY STIPULATED between the parties hereto, as follows;

That the plaintiff is the owner of the East half of the southeast quarter of section 20, and the south half of the southwest quarter of section 21 (except the portion thereof deeded to Crofford Hoxie by a deed recorded in Book 38, Page 501, records in the office of the County Recorder of Idaho County) and of the North half of the Northeast quarter of Section 28, Township 23 N.R. 1 E.B.M.

That the defendants William M, Howard and Bert Weinheimer are the owners of the northeast quarter of Section 29 in said Township. 23N - 1E

That defendant Lizzie Hoxie is the owner of the North half of the southeast quarter, the southwest quarter of the southeast quarter of the southeast quarter, the north east quarter of the southwest quarter of section 21, said Township, and twenty acres described in Book 38 of deeds, at page 501, records of Idaho County, as follows; "Part of the south half of the southwest quarter of section 21, bounded on the south by Hat creek, on the north by the boundry line of the Hoxie ranch, and by boundary line marking a vacant Government forty; on the east by the boundary line of the Hoxie ranch, and on the west-north by a fence which passes along the ridge of the north hill forming part of the Aubin ranch and extending to the ford on Hat Creek, said ford being an old roadway now out of use, all in section 21, Township 23 North Range, one E.B.M.

That all said lands are arid and that the owners of each of the above described tracts requires the use of 45 miners inches of water of Hat Creek on their respective premises used continuously during the irrigation season except as hereinafter modified.

That each of the said owners have equal dates of priority to the use of said waters, subject to the exception herein set forth.

That each party shall continue to appropriate waters at the present point of diversion used by him.

That if and when the waters of Hat Creek do not flow in sufficient quantity to provide at least 135 miner,s inches at the highest point of diversion of any of the said owners. and users, then on demand of either party the use of the waters of said Creek shall thereafter be had and rotated during the remainder of the year as follows;

Each party shall be entitled to the exclusive use of the entire flow of said water for a period of four days, in the following manner; In 1929 the first four days use shall be by Eleanor Auburn; the second four days use shall be by Howard, and Weinheimer; the third four days use shall be by Lizzie Hoxie; and said rotation shall be followed for the remainder of the year. In 1930, and years following, the party who was second during the preceding year shall be first, and the party who was third shall be second, and the party who was first shall be third.

It is expressly stipulated that nothing herein shall prevent the plaintiff Auburn from having the use for domestic purpose exclusively of waters from said Hat Creek, and that at least one miner,s inch of water shall be permitted to reach the point of diversion of the plaintiff iff at her present point of diversion of her lower ditch by the house, for said purpose.

This stipulation, however, shall not be construed to restrict the right of the plaintiff to take the water continuing down or coming into said said Hat CREEK below the point of diversion of the present ditch known as the old Denny-Hinkley-Greer ditch, which right is reserved to the plaintiff in addition to any other rights herein provided.

It is also stipulated that the said Denny- Hinkley-Greer ditch shall be used and maintained as a joint ditch of the plaintiff and defendants Howard and Weinheimer so far as it serves them both.

It is also understood and agreed that all ditches in which ^{The} said

waters are diverted or conveyed shall be so maintained as not to inflict damage on either of the other parties hereto, and that this court shall retain jurisdiction to prevent such damage and to award damages for any injuries suffered on account of the failure so to maintain the said ditches, such award and regulation thereof to be upon proper petition and hearing.

It is also understood that the court shall retain jurisdiction to appoint a water-master or other suitable person to regulate the use of the said waters in accordance herewith if the parties hereto cannot agree in carrying out the terms hereof and to make such appointment upon petition and notice and sufficient proof of necessity therefore.

It is also understood as a condition hereof that the said parties hereto shall have the right of access along the route of the road heretofore used across the lands of the defendants Howard and Weinheimer and through gates heretofore maintained thereon to go over the lands of the other parties hereto to the highway or county bridge adjacent to the lands of the remaining defendants, it being a condition of such use, however, that they shall close the gates when using said right of way and that loose stock shall be taken around the outside of the fence enclosing the orchard tracts now thereon, and that such use shall be in accordance with the use had prior to June, 1927. This right of way shall not be construed to be a public but shall be a private right of way for the use only of the owners of said lands herein described.

The stipulations and conditions hereof shall be construed as appurtenant to the lands of the respective parties hereto as well as a burden thereof, and shall be binding upon any owners thereof. It is also agreed that findings shall not be made herein, and that judgement may be entered in accordance herewith, and no costs shall be awarded herein.

Dated at Grangeville

Idaho, this 22nd day

of March, 1929

A. S. Hardy

Attorney for Plaintiff,

George Donart

---B. Auger

Attorney for defendant Lizzie Hoxie.

Attorney for defendants William
Howard and Bert Weimeir,



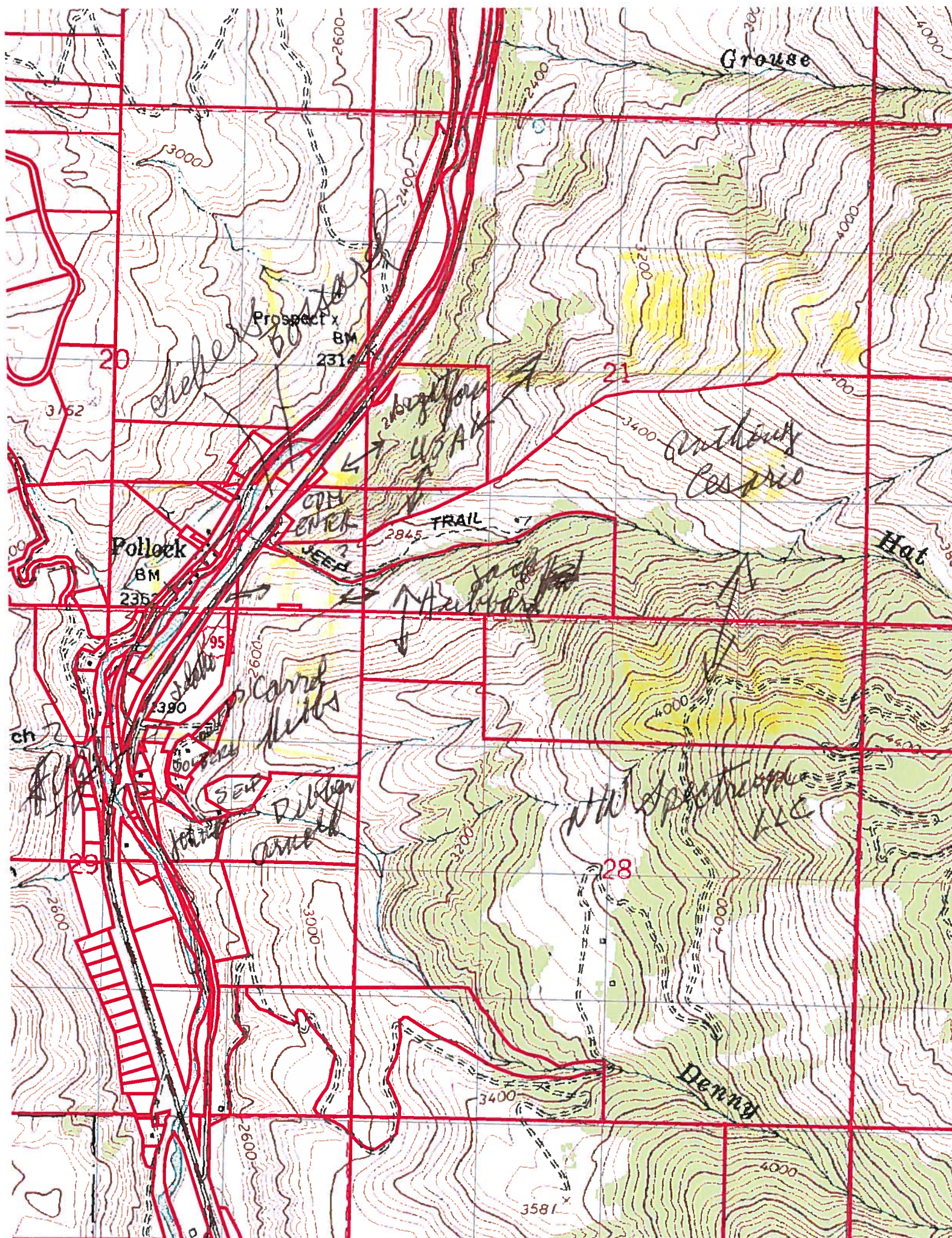
Stakes Bosard

N

CDM

HUBBARD

29 25



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: A78-00260A
Date Received: 9-19-1988
Receipt No: C000628 + C000261
Received By: CA

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HAT CREEK WATER USERS
Address: HC 1 BOX 810
POLLOCK, ID 83547
208-628-3758
2. Date of Priority: JUN 01, 1927
3. Source: HAT CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01E	20		SE	SE		IDAHO
		21	NE	SE	SW		IDAHO
			NW	SE	SW		IDAHO
5. Description of diverting works:
SEE REMARKS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.700		
STOCKWATER	01/01	12/31	0.070		
7. Total Quantity Appropriated is:
2.770 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 222.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE

A78-00260A

Page 1

Date: 09/19/88

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	20	SW	SE		IRR	5.0
			SE	SE		IRR	25.0
					Section Acres		30.0
		21	SW	SW		IRR	20.0
			SE	SW		IRR	3.0
					Section Acres		23.0
		29	NE	NE		IRR	9.0
			SW	NE		IRR	12.0
					Section Acres		21.0
					Total Acres		74.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

WHEN FLOW OF WATER IN CREEK FALLS BELOW 135" OR 2.7 CFS. THEN 3
USERS ROTATE THE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.
CONT. FROM ITEM 5.

DITCHES/HEADGATES-

1. 2' SQUARE BOX
2. 2' SQUARE BOX
3. CONCRETE W/ 12" PIPE & WATERMAN HEADGATE,
2' X 3' CONCRETE 3" PIPE INLET REDUCE TO 2"

ALL THE LANDS ABOVE ARE SANDY SOIL AND IT TAKES MORE THAN 1
MINERS INCH TO DEEP IT IRRIGATED. ALSO, OUR AREA CONSISTS OF A
LONGER IRRIGATING SEASON. OTHER PLACES COVERED BY THIS SAME
DECREE HAVE LOST THEIR RIGHT OF USE DUE TO HIGHWAY AND STATE LAND
SALES, AND DITCHES THAT CARRIED THE WATER WERE DESTROYED.
THIS IS THE COMBINED WATER RIGHT OF 78-0260, 78-0261 AND 78-0262.

CLAIM AMENDED 9-19-1988 TO INCLUDE 1 ACRE OF LAND NOW OWNED BY
WILLIAM HUBBARD FOR IRRIGATION AND STOCKWATER.

15. Basis of Claim: DECREED

Case Number:
Court :

Decree date:

ELEANOR E. AUBIN

Decree Plaintiff

vs

WILLIAM HOWARD ET. AL.

Decree 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: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of Hat Creek Water Users, that I have signed the foregoing

Title

Organization

document in the space below as Secretary of

Title

Hat Creek Water Users and that the statements contained in the foregoing document are true and correct.

Organization

Arlene Hubbard
Signature of Authorized Agent

Hat Creek Water Users
Title and Organization

9-19-88

Date

State of Idaho)

County of Ada)

SS.

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

of September 19 88

Carter Fritschle
Notary Public

Seal

~~Residing at~~ _____

~~My Commission Expires~~ _____

Carter Fritschle, Notary Public

Residing at Eagle, Idaho

My commission Expires March 21, 1994

A78-00260A

Page

3

Date: 09/19/88

MICROFILMED

OCT 05 1992

C4

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: A78-00260 A
Date Received: ~~5/11/1988~~ 5-10-8
Receipt No: C000628
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAT CREEK WATER USERS 208-628-3758
Address: HC 1 BOX 810
POLLOCK, ID 83547

2. Date of Priority: JUN 01, 1927

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	01E	20		SE	SE		IDAHO
		21	NE	SE	SW		IDAHO
			NW	SE	SW		IDAHO

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.700		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 219.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE

A78-00260A

Page 1

Date: 06/22/88

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	01E	20	SW	SE		IRR	5.0
			SE	SE		IRR	24.0
					Section Acres		29.0
		21	SW	SW		IRR	20.0
			SE	SW		IRR	3.0
					Section Acres		23.0
		29	NE	NE		IRR	9.0
			SW	NE		IRR	12.0
					Section Acres		21.0
					Total Acres		73.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

WHEN FLOW OF WATER IN CREEK FALLS BELOW 135" OR 2.7 CFS. THEN 3
USERS ROTATE THE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.
CONT. FROM ITEM 5.

DITCHES/HEADGATES-

1. 2' SQUARE BOX
2. 2' SQUARE BOX
3. CONCRETE W/ 12" PIPE & WATERMAN HEADGATE,
2' X 3' CONCRETE 3" PIPE INLET REDUCE TO 2"

ALL THE LANDS ABOVE ARE SANDY SOIL AND IT TAKES MORE THAN 1
MINERS INCH TO DEEP IT IRRIGATED. ALSO, OUR AREA CONSISTS OF A
LONGER IRRIGATING SEASON. OTHER PLACES COVERED BY THIS SAME
DECREE HAVE LOST THEIR RIGHT OF USE DUE TO HIGHWAY AND STATE LAND
SALES, PLUS DITCHES THAT CARRIED THE WATER WERE DESTROYED. *****
THIS IS THE COMBINED WATER RIGHT OF 78-0260, 78-0261 AND 78-0262.
(THIS CLAIM WILL HAVE TO BE RENUMBERED TO A78-00260A. C.L.F.)

15. Basis of Claim: DECREED

Water Right Number:

Case Number:

Court :

Decree date: 3/22/1929

A78-00260 A

Page 2

Date: 06/22/88

MICROFILMED

OCT 05 1992

ELEANOR E. AUBIN
Decree Plaintiff

vs WILLIAM HOWARD ET. AL.
Decree 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: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39356

Ident. Number A 78-00260 ADate Received 5-10-88Receipt Number 48807

C 628

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HAT CREEK WATER USERS Phone (208) 628-3758Mailing Address HC 1 BOX 810, POLLOCK Zip 835472. Date of Priority (Only one (1) per claim) 2.4. March 22, 1927 June, 19273. Source of water supply (a) HAT CREEK
which is tributary to (b) LITTLE SALMON RIVER4. a. Location of existing point of diversion is: Township 23 N Range 1 E Section 21,NE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, 2. NW, SE SW B.M., County of Sec. 21 T23N R1EAdditional points of diversion if any: 3. SE SE Sec. 20 T23N R1E

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.DitchesHeadgates 1. 2' sq. box2. 2' sq. box3. concrete w/12" pipe & Waterman headgate2'x3' concrete 3" pipe inlet reduce to 2"

MICROFILMED

Copied: White State, Idaho-Claimant
OCT 05 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.7 or 0.03
 For Irrigation purposes from 3/15 to 11/15 amount 0.02 or 0.02
 For Stockwater, Cattle 300 head purposes from 1/1 to 12/31 amount 0.07 or 0.07
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.77 (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.) Stockwater 300 head beef cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
23N	1E	20														5	24		29
		21											20	3					23
		29	9		12														21

Total number of acres irrigated 73

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

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

14. Remarks: All the lands above are sandy soil and it takes more than 1 miners
inch to keep it irrigated. Also, our area consists of a longer
irrigating season. Other places covered by this same decree have
lost their right of use due to highway and state land sells plus
ditches that carried the water were destroyed.

This is the combined water right of 78-0260,
78-0261 and 78-0262

Last Name HAT CREEK

Ident No. A78-00260 A

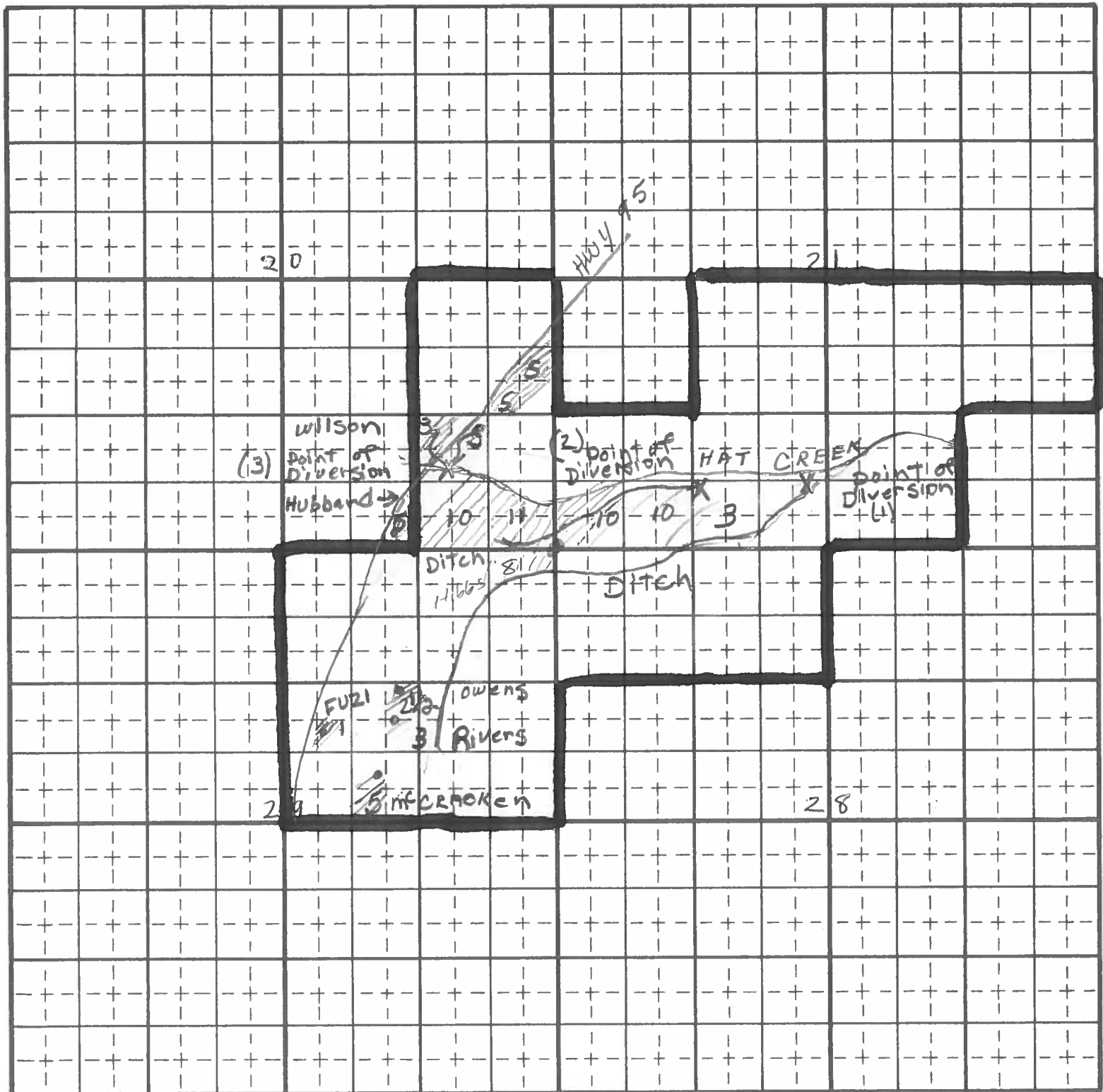
MICROFILMED
 Copies: _____ State, _____ Claimant

OCT 05 1992

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

Scale: 2 inches equals 1 mile

N



Last Name HAT CREEK

Ident No. A 78-00260 A Copies: White State, Yellow-Claimed

MICROFILMED

OCT 05 1992

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court IDAHO COUNTY DISTRICT Case Number _____ Decree Date March 22, 1929

Plaintiff vs Defendant Aubin V. Howard, Weinheimer & Hoxie

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 X 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) _____ Date _____

_____ Date _____

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

Title

of HAT CREEK WATER USERS _____, that I have signed the foregoing

Organization

document in the space below as Secretary _____ of HAT CREEK WATER USERS _____

Title

Organization

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

Signature of Authorized Agent Arlene Hubbard _____

Title and Organization Secretary _____ Date 5/10/88

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

Subscribed and sworn (or affirmed) before me this 10th day of May 19 88

SEAL

Notary Public Carter Futchle _____

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 HAT CREEK Ident. Number A78-00260A

Copy White State Yellow Claimant

OCT 05 1992

INTER-DEPARTMENT MEMO — 1

FROM Carter Fritschle

DATE 6-22-88

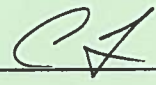
TO File A78-00260 (A78-00260A)

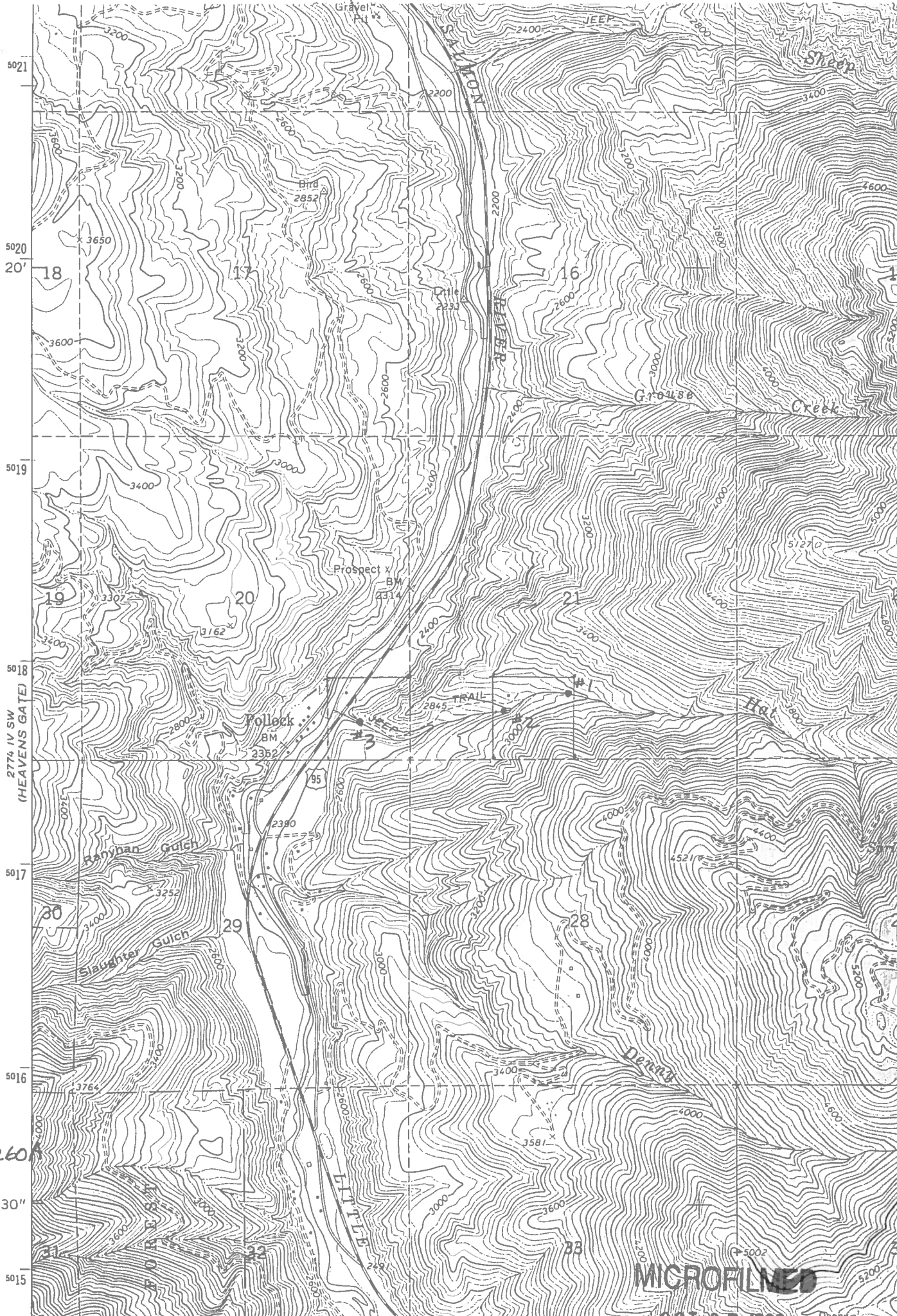
SUBJECT

Hat Creek Water Users stated they had the entire amounts of water rights 78-00260, 78-00261, and 78-00262 ~~Division~~. There appears to some disagreement to this from Howard and Mildred Bossart.

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OCT 05 1992


SIGNATURE



A78-00260

17'30"

MICROFILMED

Water Right Number - 78-00260

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

*** C - CURRENT OWNER ***

AUBIN

ELEANOR E.

1 -
2 -
3 -

City-
Phone -

State- Zip-

+ - - Priority Date - - +

00/00/0000

14

+ - - Region - - +

D - DECREED

+ - - Source - - +

HAT CREEK

+ - - Tributary - - +

LITTLE SALMON RIVER

+ - - Point of Diversion - - +

Stream Index (Blank if no Index Code)

+ - - Description

Period From

Water Use

Period To

Diversion Rate

Diversion Volume

Code

01 - IRRIGATION

0.900

+ - - Total Div. Rate - +

0.900

+ - - Total Div. Volume - +

+ - - Total Div. Capacity - +

+ - - Total Consumptive Use - +

+ - - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
23N	01E	20	NE SE			01	IRRIGATION	49 IDAHO
23N	01E	20	SE SE			01	IRRIGATION	49 IDAHO
23N	01E	21	SW SW			01	IRRIGATION	49 IDAHO
23N	01E	21	SE SW			01	IRRIGATION	49 IDAHO

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - -

WHEN FLOW OF WATER IN CREEK FALLS BELOW 135" OR 2.7 CFS. THEN 3

USERS ROTATE THE WATER. ALL USERS HAVE EQUAL PRIORITY DATES.

+ - -

Conditions of Approval - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - +

ELEANOR E. AUBIN

+ - - - Decree Defendant - - +

WILLIAM HOWARD ET. AL.

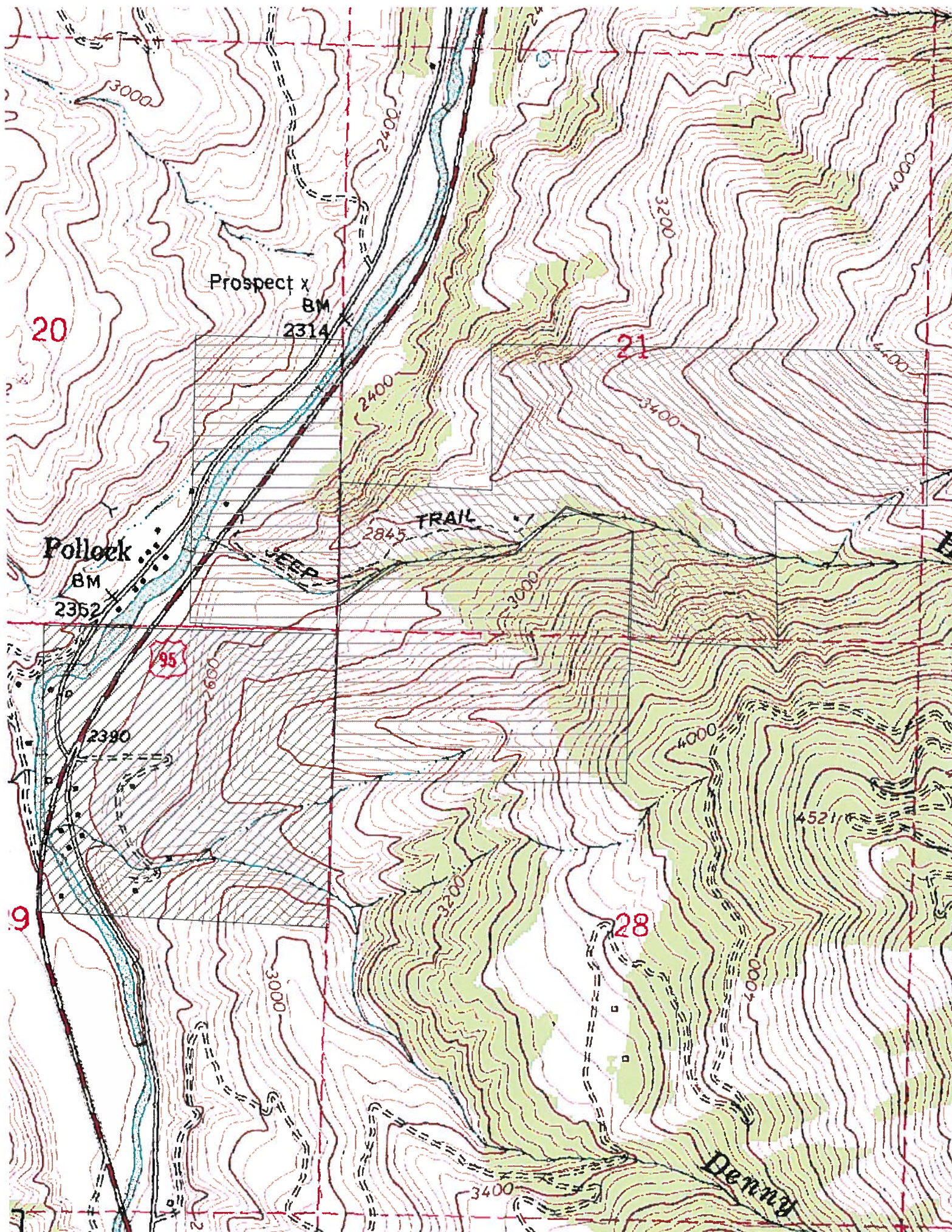
+ - - Decree Date - +

03/22/1929

Water right number -	78-00260	Adj. flag translation:	Standard Water Right Number	
+ - - Microfilm Rolls -				
+ - - Audit Fields -	05/06/80	05/01/88	CONVERT	
+ - -			Water Rights Dates and Flags Area	- - - - -
	Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000
	Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000
	Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000
	Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000
	Order Show Cause	- 00/00/0000	Receipt Number	-
	Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000
	Decree Date	- 03/22/1929		
			Field Exam Fee	-
			Swan Falls	-
			Temporary Right	- P
			DLE/Carey Act	-
			Water District	-
			Transfer/Amended	-

MICROFILMED

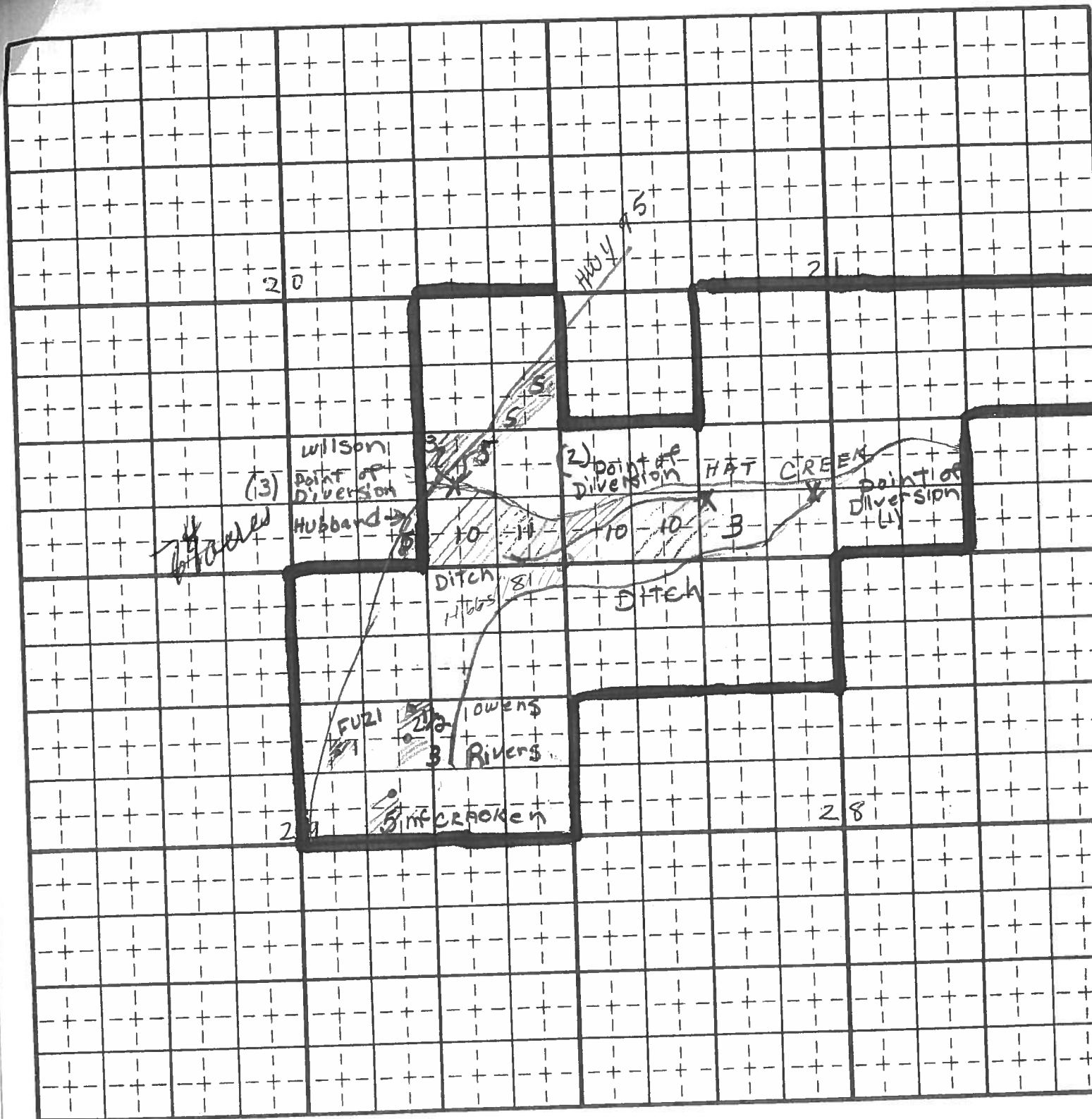
NOT IN 100%





Project: show clearly the point of diversion, place of use, section number, township, and range number.
 Scale: 2 inches equals 1 mile

N



Last Name HAT CREEK

Ident No. A 78-00260 A Copies: White State, Yellow County

MICROFILMED

OCT 05 1992

25 21
24 20

↑
N

CAROL
HIBBS

— WILLIAM OWEN
1 SOLBERG

— CHRIS
JOHNSON

11/17/2005

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

RIGHT NUMBER: 78-260A
NAME AND ADDRESS: HAT CREEK WATER USERS
HC 1 BOX 810
POLLOCK ID 83547
SOURCE: HAT CREEK TRIBUTARY: LITTLE SALMON RIVER
QUANTITY: 2.600 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 06/01/1927
POINT OF DIVERSION:

T23N R01E S20 SESE Within IDAHO County
T23N R01E S21 NESESW Within IDAHO County
T23N R01E S21 NWSESW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	2.580 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R01E S20	SWSE	5.0	T23N R01E S20	SESE	24.0
T23N R01E S21	SWSW	20.0	T23N R01E S21	SESW	3.0
T23N R01E S29	NENE	9.0	T23N R01E S29	NWNE	1.0
T23N R01E S29	SWNE	11.0			

STOCKWATER same as IRRIGATION

73 ACRES TOTAL

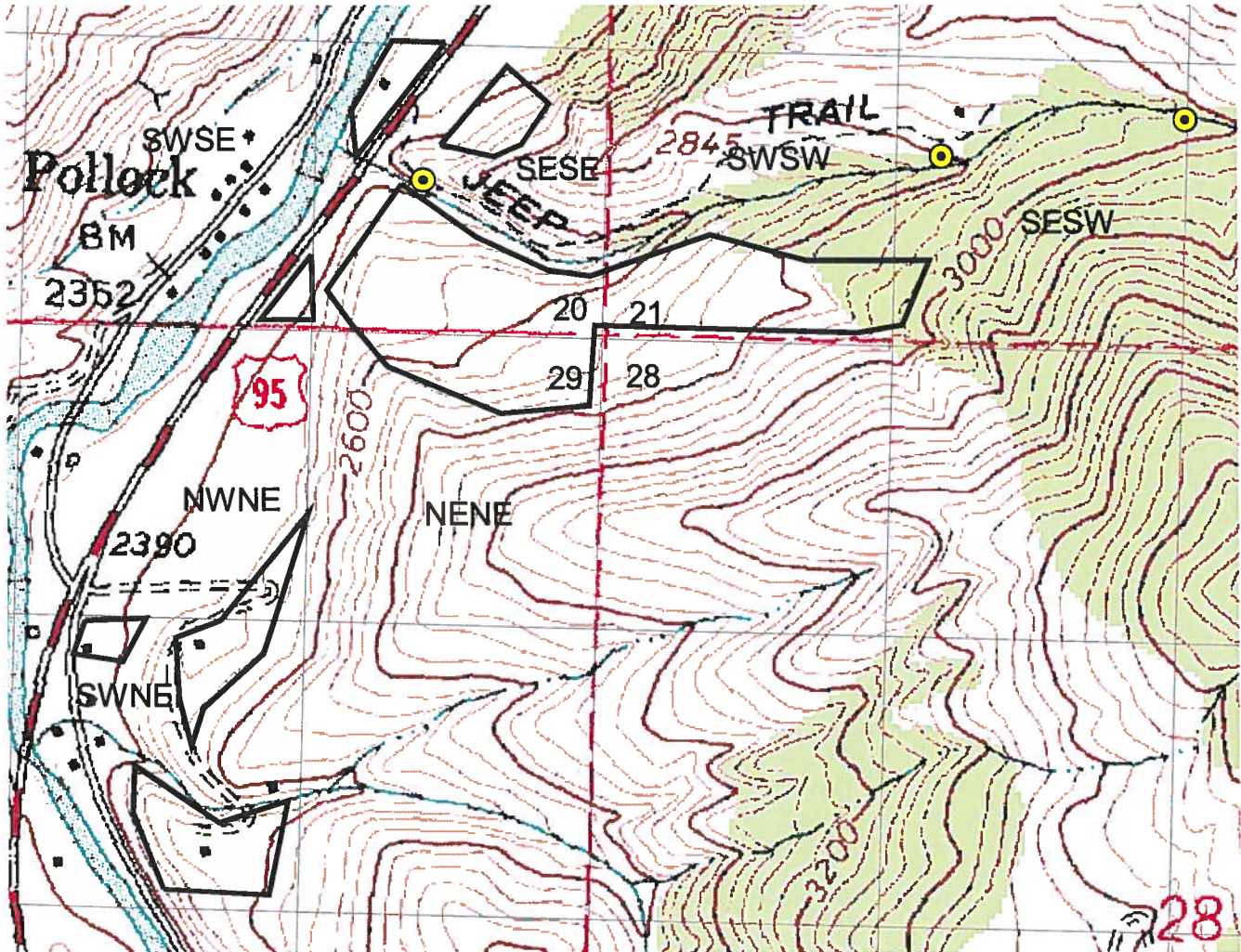
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

WHEN FLOW OF WATER IN CREEK FALLS BELOW 135" OR 2.7 CFS.
THEN THE USERS ROTATE THE WATER. ALL USERS HAVE EQUAL
PRIORITY DATES.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

78-260A



0 500 1000 Feet

Sections 20, 21 & 29
T23N R1E



● Point of Diversion

□ Place of Use

Map prepared on November 17, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 2, 2005

Hat Creek Water Users
HC 1 Box 810
Pollock, ID 83547

RE: 78-260A

On September 19, 1988, you submitted a Notice of Claim in the Snake River
Adjudication. Would you please supply us a list to the individuals who receiving water
from your organization?

Thank you,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', is written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

November 14, 2006

Dept of Water Resources
1910 Northwest Blvd. Ste 210
Corur D Alene, ID 83814

RECEIVED
NOV 15 2005
IDWR/North

Attn Kenneth Knoblock RE: 78-260A
Hat Creek Water Users

Names of Individuals using Hat Creek Water
Pollock, Id 83547

Chris Johnson &
Linda Hagedorn
Gen Del

Gary Solberg
PO Box 184

Irene Owen
PO Box 242

Steve Fuzi Family
Gen Del

Carol Hibbs
Homedale, ID
208.482.7724

CDM Enterprises
Gen Del

Dave Seibers
HC1 Box 820

Jack Hubbard
HC1 Box 810

If this so not enough information for you, please let me know. We are wintering in
Yuma, Arizona.
Arlene Hubbard cell # 208-634-9508 or 928-342-3085
13469 E. 46th Street
Yuma, AZ 85367

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

RECEIVED

NOV 25 2003

WATER RESOURCES
WESTERN REGION

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

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
78-260A	A78-00260X				

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) JACK & Arlene Hubbard
HCI Box 810 Pollock, Id 83547
4. New Owner/Claimant(s) CDM Enterprises, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 181
- City, State and ZIP Code Pollock, ID 83547
- New Telephone Number 208 628-3511
5. Date you acquired the property 5-20-03

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>78-260A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock	<u>0.07</u>	<u>300 head cattle</u>
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Cheryl MacDonald & /or Robert Derrick
(include title if applicable) CDM Ent.

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

For Office Use Only
 Received by DH Date 11-25-03 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

GRANTOR, JACK D. HUBBARD and ARLENE R. HUBBARD, trustees of the JACK D. HUBBARD FAMILY TRUST, dated November 15, 1997, of HC01 Box 810, Pollock, ID 83547, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to CDM ENTERPRISES, LLC., of P. O. Box 181, Pollock, ID 83547, as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit "A" attached hereto and hereby incorporated by this reference.

RESERVING UNTO THE GRANTOR FOR THE BENEFIT OF DAVID HUBBARD AN EASEMENT AND RIGHT TO CONNECT A 1/4 INCH GARDEN HOSE TO THE PRESENT WATER IRRIGATION SYSTEM FOR THE PURPOSE OF IRRIGATING HIS PROPERTY DURING THE SUMMER MONTHS AS LONG AS WATER IS AVAILABLE FROM SAID EXISTING SYSTEM. SAID RIGHT SHALL TERMINATE IF A NEW SYSTEM IS CONSTRUCTED OR DAVID HUBBARD VACATES THE ADJOINING PROPERTY.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

1. General taxes for the year 2003, which are a lien, not yet due and payable.
2. RIGHT OF WAY DEED STATE HIGHWAY to THE STATE OF IDAHO, recorded November 9, 1926, as Instrument No. 82620.
3. Easement to THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH CO., recorded August 31, 1932 as Instrument No. 99262.
4. Reservation and Exception regarding a spring, reservoir and pipeline as described in Warranty Deed recorded November 15, 1943 as Instrument No. 143384.
5. Livestock Easement in Warranty Deed recorded December 30, 1943 as Instrument No. 165560.
6. Warranty Deed to The State of Idaho recorded February 12, 1961 as Instrument No. 200775.
7. Warranty Deed to The State of Idaho, recorded February 19, 1961 as Instrument No. 200836.
8. Reservation regarding a pipeline in Warranty Deed recorded February 28, 1974 as Instrument No. 252982.

1 9. Reservation regarding a pipeline in Warranty Deed recorded
2 February 28, 1974 as Instrument No. 252984 and in Supplemental Deed
3 recorded February 28, 1974 as Instrument No. 252983.

4 10. All matters, covenants, conditions, restrictions, easements and
5 any rights, interests or claims which may exist by reason thereof,
6 disclosed by Record of Survey noted below, but deleting any
7 covenant, condition or restriction indicating a preference,
8 limitation or discrimination based on race, color, religion, sex,
9 handicap, familial status, or national origin to the extent such
10 covenants, conditions or restrictions violate 42 USC 3604(c).

11 Record of Surveys:

12 Recorded November 19, 1981 as Instrument No. 295337;

13 Recorded July 22, 1994, as Instrument No. 375482;

14 Recorded June 11, 1998 as Instrument No. 400328;

15 Recorded December 20, 1999 as Instrument No. 409765;

16 Recorded December 20, 1999 as Instrument No. 409778;

17 Recorded February 6, 2003 as Instrument No. 426772.

18 TO HAVE AND TO HOLD the said premises, with their appurtenances,
19 unto the said Grantees, their heirs and assigns forever. And the said
20 Grantors do hereby covenant to and with the said Grantees that they are
21 the owners in fee simple of said premises; that they are free from all
22 encumbrances, and that they will warrant and defend the same from all
23 lawful claims whatsoever, except general taxes for the year 2003, and
24 easements, reservations, restrictions and rights-of-way of record or in
25 use.

26 Except as otherwise expressly provided in this instrument, GRANTORS,
27 hereby declare pursuant to Title 5, Chapter 2 of the Idaho Code, that in
28 the event GRANTORS shall have permitted or suffered at any time prior to
the making of this instrument, any person or entity to possess, use or
occupy the above-described premises, or any portion thereof, for any
purpose, with or without the knowledge of GRANTORS, it was not the intent
of GRANTORS, by permitting or suffering such possession, use or
occupation, to thereby define property boundaries or ownership thereof.

29 In construing this deed, and where the context so requires, the
30 singular includes the plural and the masculine, the feminine and the
31 neuter.

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Township 23 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Sections 20 and 21: A parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 more particularly described as follows:

Commencing at the Southeast corner of Section 20, said Township and Range;

Thence West 1662.64 feet on the South section line to the point where said Section line intersects the center line of U.S. Highway 95 as now located under Federal Aid Project No. F-4113(16);

Thence N35°23'E, 1053.6 feet from said point of intersection on and along the center line of said highway to Station No. 381+50;

Thence S54°37'E, 100 feet to a point on the Easterly right of way line of U.S. Highway 95 opposite Survey Station No. 381+50, and the TRUE POINT OF BEGINNING,

Thence Northerly approximately 1038 feet on and along the Easterly right of way line to a 2" iron post set in concrete at Survey Station No. 391+88;

Thence East 33 feet to a point marked by a $\frac{1}{2}$ " pipe driven into the ground;

Thence Northeasterly 250 feet to a point marked by a $\frac{1}{2}$ " pipe driven into the ground, which point is 112 feet East of Highway Survey Station No. 394+50;

Thence Easterly approximately 1238 feet in a straight line from said point to a high point on the ridge North of Hat Creek, which ridge forms the boundary between property of Howard Dryden and Delbert Wicks;

Thence Southwesterly 2015 feet down the ridge North of Hat Creek to the Easterly right of way line of U.S. Highway 95 and the TRUE POINT OF BEGINNING.

LESS:

A parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20, more particularly described as follows:

BEGINNING at a point on the Easterly line of U.S. Highway 95, from which point the Southeast Corner of said Section 20 bears S39°43'E, 1346.6 feet;

Thence S35°23'W, 50.0 feet to the Right of Way Monument 384+50;

Thence S8°49'W, 111.8 feet to Right of Way Monument 383+50;

Thence S35°23'W, 250.24 feet along said Easterly line;

Thence S72°28'E, 104.8 feet along a ridge top;

Thence N35°23'E, 368.0 feet;

Thence N54°37'W, 150.0 feet to the TRUE POINT OF BEGINNING.

EXHIBIT A