STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS

$ 00.29[3]

MAILED FROM ZIP CODE

B.79 G.P.
79-4030 dis.
79-10482 R.D.

DEWARD L GILL
1405 ECHO AVE
PARMA ID 83660

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

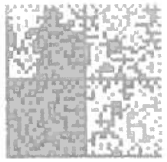
Return Service Requested

6.79 G.P.

79-4030

+78-10284-P.D.

PRESORTED
FIRST CLASS



PITNEY BOWES
02 1M $ 00.29[3]
0004227270 FEB 01 2007
MAILED FROM ZIP CODE 83702

RECEIVED
FEB 09 2007
DEPARTMENT OF
WATER RESOURCES

DONNA MEDLEY
PO BOX 413
RIGGINS ID 83549

83720-0098

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

REASON CHECKED

RETURNED TO SENDER

REASON CHECKED

RETURNED TO SENDER

FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004310839
$ 02.79⁰
OCT 27 2006
MAILED FROM ZIP CODE 83702

RECEIVED
NOV 06 2006
DEPARTMENT OF
WATER RESOURCES

79-403⁰

not at this address

return to sender

~~GAYLE HAGLER~~
~~C/O MELVIN GILL~~
~~PO BOX 386~~
~~LUCILLE ID 83542~~

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

FIRST CLASS
UNITED STATES POSTAGE
PITNEY BOWES
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0004310839 OCT 27 2006
MAILED FROM ZIP CODE 83702

RECEIVED
NOV 06 2006
DEPARTMENT OF
WATER RESOURCES

~~41-4040~~
41-4030

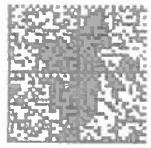
DONNA MEDLEY
PO BOX 413
RIGGINS ID 83549

[redacted]

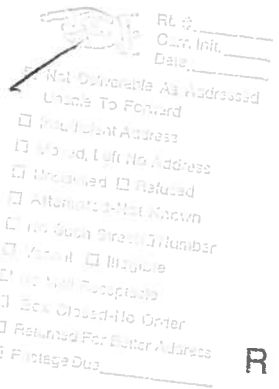
Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.63⁰
0004310839 AUG 22 2006
MAILED FROM ZIP CODE 83702



RECEIVED
AUG 2 9 2006
DEPARTMENT OF
WATER RESOURCES

79-4030

DONNA MEDLEY
PO BOX 413
RIGGINS, ID [redacted]

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 15, 1992

Deward Gill
1405 Echo Ave.
Parma ID 83660

RE: SRBA filings A79-04030 and A79-10482

Dear Mr. Gill:

Per our phone conversation, I have prepared and enclosed the following items pertaining to the above claims:

1. Change of Ownership forms on both claims, which will remove your daughters' names from the claims. Please sign as both the old owner and the new owner, and return both forms. This may seem like a trivial technicality, but it is necessary to document the file in case there are questions later. If you wish any other name to appear on the claims, you may add it next to your name on the "new owner" line. I have included copies of the claims for your reference.

2. A map of the area showing your property lines, the Cabin Creek diversion, and the location of the Main Spring. Please outline the approximate acres you irrigate from Cabin Creek. If there are any placement errors, please correct them. Return the map to me for acreage verification on claim A79-04030.

After I receive the map and Change of Ownership forms, I will do all the data entry on both claims and return copies for you to sign. If you will be in Boise in the near future and can stop by, we can finish this in one step. Otherwise, correspondence by mail will be fine.

If you are going to visit our office, please call ahead and schedule an appointment with me. I will be out of the office July 20-28.

Thank you for your cooperation. Please call me if you have any questions.

Sincerely,

Cindy Hodges

Cindy Hodges
Sr. Water Resource Agent

Enclosures

SCANNED
JAN 3 1 2008

MICROFILMED
OCT 0 6 1992

Dennis L. Albers
ATTORNEY AT LAW
P.O. BOX 314
GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
PHONE (208) 935-2161

GRANGEVILLE OFFICE
401 W. NORTH
PHONE (208) 983-2310

February 4, 1992

RECEIVED
FEB 06 1992
Department of Water Resources
Western Regional Office

Cindy Hodges
Water Resource Agent
Western Regional Office
2735 Airport Way
Boise, ID 83705

Dear Ms. Hodges:

Enclosed herewith please find a New Property Owner Form in relation to certain water rights claimed by Deward Gill on the attached form. You can see that this is a complicated order of the court dividing the water rights between Deward Gill and Melvin Gill. By way of explanation, Deward Gill gets a joint right in what is referred to as the Main Spring and the other right that was associated with Cabin Creek. He also has the right to stock water from Cow Creek as it passes the property that he receives.

Please contact Mr. Deward Gill directly in the event the form that he filed is insufficient for your purposes. Call me if I can answer any questions, as well.

Sincerely,

DENNIS L. ALBERS

DLA:law

Enclosures

cc: Deward Gill
Gayle Hagler
Donna Medley

80.00

Form No. 42-1409 (2) a 1/88

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

CIVIL CASE NUMBER: 39356

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

Ident. Number 79-4030

Date Received

Receipt Number

RECEIVED JUL 25 1988 Department of Water Resources Western Regional Office

RECEIVED JUL 22 1988 Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Melvin C. and/or Margaret L. Gill Phone (208) 628-3444

   Mailing Address P.O. Box Lucile, Idaho Zip 83542

2. Date of Priority (Only one (1) per claim) Jan. 23, 1902

3. Source of water supply (a) Cabin Creek

   which is tributary to (b) Cow Creek

4. a. Location of existing point of diversion is: Township 25N Range 1E Section 8,

   ____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, ____ B.M., County of Idaho

   Additional points of diversion if any:

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

   Township 25N Range 1E Section 5, SW 1/4 of SE 1/4 of SE 1/4,

   Govt. Lot ____ B.M., County of Idaho

   ending point is: Township 25N Range 1E Section 4, SW 1/4 of SE 1/4 of

   NW 1/4, Govt. Lot ____ B.M., County of Idaho

Delete instream flow

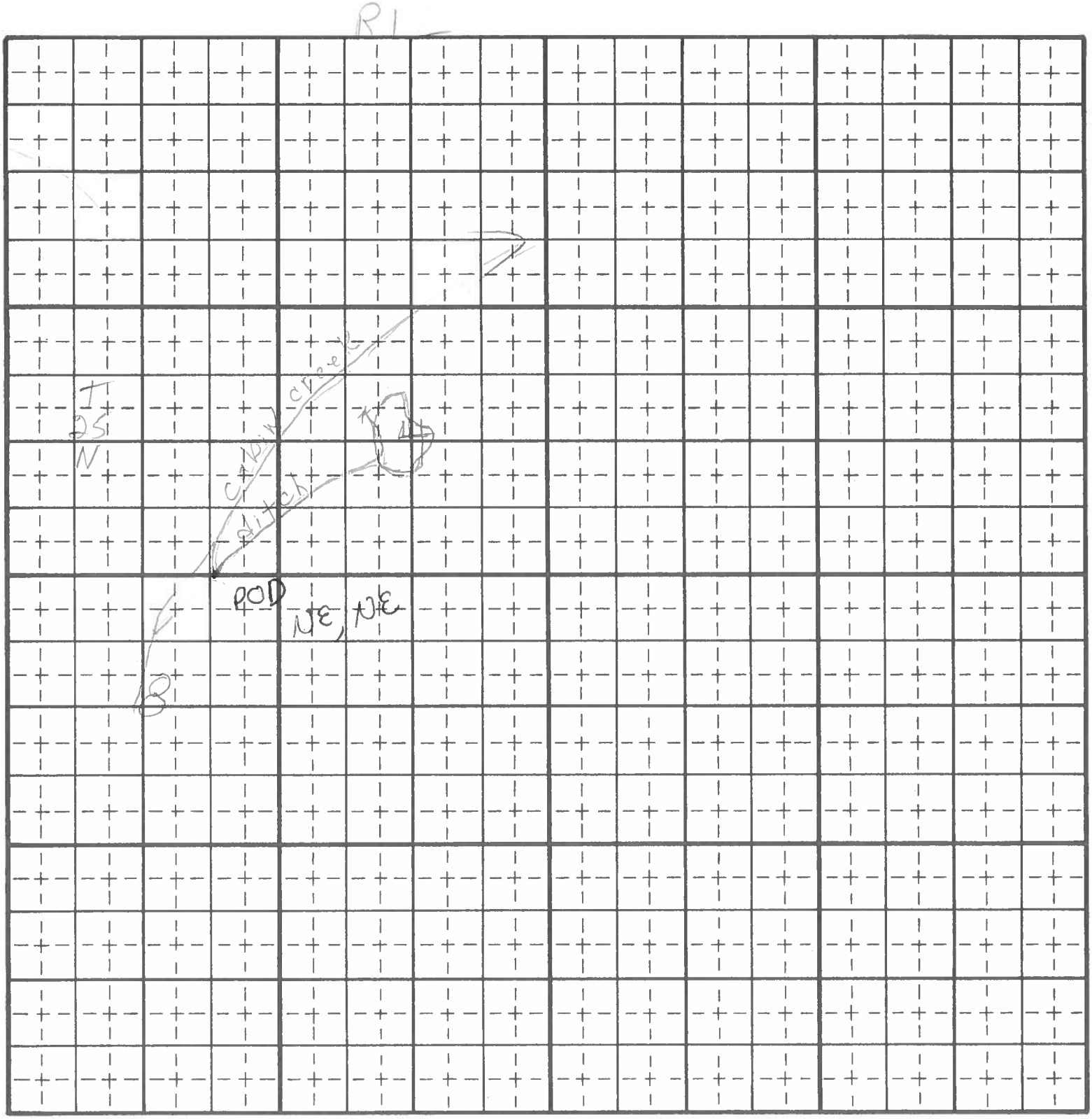
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Ditches

MICROFILMED OCT 06 1992

Copies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Gill Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
OCT 06 1992

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For Irrigation	purposes from Mar. 1	to Dec. 1	amount .60	or		
For Stockwater	purposes from Jan. 1	to Dec. 31	amount .05	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) .65 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is ~~1.05~~ .60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 head range cattle, 10 head horses

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	
~~25N~~	~~1E~~	~~4~~																	
25N	1E	4			5					10	10					5			30
25N	1E	4									S	S	S						

Total number of acres irrigated 30

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 ½ 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: Own one-half property described, permanetly lease other half

Last Name Gill Ident No. _____

Copies: White -State, Yellow-Claimant

MICROFILMED
OCT 06 1992

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 79-4030
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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

Signature of Claimant (s) Melvin C. Gill Date 7-19-88
Margaret L Gill Date 7-19-88

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 19 day of July 19 88

SEAL

Notary Public Otis Travis
Residing at Rigby
My Commission Expires 10-10-88
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 Gill Ident. Number _____

Copies: White-State, Yellow-Claimant

MICROFILMED
OCT 06 1992

CONVERSATION MEMORANDUM

DATE 8/26/88

FILE

NAME OF PARTY Hull, Melvin

EMPLOYEE L. Werner

See letter attached to claim 79-04123

RE: 79-4123 OK

Old

2.04 cfs

New

20 cfs take off stockwater

priority date: 1-1-1905

79-4030

old - George & Opal

1.24 cfs

Source Cow cr.

POD

POU

dog name

New

.65 cfs

Cabin cr

instream flow - delete

POU - ok on claim form

POD - 25N, 1E, S 8, NE, NE

79-4031 Old

George & Opal

0.51

Source - Stream

POD

delete S/D? NO other right should leave as is

New

0.44

primary crib

POD instream stock

No need to file on undeveloped spring

2 OK

3 OK

4 undeveloped spring

5 OK

6 OK

~~change note~~ ~~to members~~

4123	90.00
4030	80.00
4031	60.00
2	25 —
3	25 —
~~5~~	~~25~~ —
6	25 —

MICROFILMED
OCT 06 1992

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: A79-04030
Date Received: ~~9/22~~/1988 7/25
Receipt No: W000964
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN C. GILL 208-628-3444
   Address: PO BOX 386
   LUCILE, ID 83542
   AND/OR
   Name: MARGARET L. GILL 208-628-3444
   Address: PO BOX 386
   LUCILE, ID 83542

2. Date of Priority: JAN 23, 1902

3. Source: CABIN CREEK Trib. to: COW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
25N	01E	8	NE NE		IDAHO

5. Description of diverting works:
   DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.600		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   200 HEAD RANGE CATTLE, 10 HEAD HORSES

MICROFILMED
OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
25N	01E	4	SW	NE		IRR	5.0
			SE	NW		IRR	10.0
			NE	SW		IRR	10.0
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			NW	SE		IRR	5.0
						Section Acres	30.0
						Total Acres	30.0

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:
THE POD HAS CHANGED FROM THE PREVIOUS WATER RIGHT DUE TO INACCURATELY LOCATING DIVERSION WHEN FIRST FILED.
OWN 1/2 PROPERTY DESCRIBED, PERMANENTLY LEASE OTHER HALF.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
OCT 0 6 1992

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)
) SS.
County of _____)

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

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 0 6 1992

DENNIS L. ALBERS
Attorney at Law
P.O. Box 314
Grangeville, ID 83530
(208) 983-2310

STATE of IDAHO } ss.
County of Idaho
Recorded at request of
Dennis Albers
at 55 minutes past 8 o'clock A M.
this 7 day of Nov 1991
ROSE E. GEHRING Recorder
By Edith L. Anderson Deputy
Fees $5.00

Idaho County District Court
FILED
AT 8:40 O'CLOCK A M
NOV 07 1991
ROSE E. GEHRING
Clerk of District Court
By Leigh Zimmerm Deputy

360980

COMPUTER
INDEXED
TRACTED
FILMED
ASSESSOR

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

GAYLE HAGLER; DONNA MEDLEY; DEWARD GILL; and DOUBLE-O HYDRO, INC., an Idaho corporation, Plaintiffs, vs. MELVIN GILL and MARGARET GILL; DIAMOND T HYDRO, INC., an Idaho corporation; and UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE, Defendants.	Case No. CV-26403 JUDGMENT AND DECREE OF PARTITION

The court previously, on the 12th day of August, 1991, entered a Memorandum Opinion in the above-entitled matter, which Memorandum Opinion was intended to serve as the court's Findings of Fact and Conclusions of Law. That, based upon that Memorandum Opinion and those findings and those conclusions, the court now enters the following judgment and decree partitioning the property, which is the subject matter of the complaint in this action, between the plaintiffs, Gayle Hagler, Donna Medley and Deward Gill, and Double O Hydro, Inc., and the defendants, Melvin Gill and Margaret Gill, and Diamond T. Hydro, Inc. That, the property awarded and

partitioned to all the plaintiffs in such proportions and interests as now appear in the Idaho County records is as follows:

All the properties to the plaintiffs are located in Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho:

1) In Section 5, Lot 1 and the SE¼SE¼;

2) In Section 9, NW¼; W½NW¼NE¼; W½SW¼NE¼; and,

3) In Section 4, SW¼; W½W½SE¼; within Lot 4, S½NE¼, W½, SE¼; within Government Lot 3, E½SE¼.

Together with:

a) Road easement and right of way, hereinafter described in detail;

b) A right to a portion of the water in that spring known as the "Main Spring", hereinafter described; and,

c) General rights hereinafter described.

That the defendants, Melvin Gill and Margaret Gill, are entitled to the following property and it is partitioned to them.

I. In Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho:

1) In Section 3, that part of Lot 4 south of the Cow Creek Road; W½SW¼;

2) In Section 10, the NW¼NW¼;

3) In Section 4, E½SE¼; E½W½SE¼; and,

4) In Section 9, NE¼NE¼; E½NW¼NE¼; E½SW¼NE¼.

II. In Township 26 North, Range 1 East, Boise Meridian, Idaho County, Idaho:

In Section 32, the S½NW¼; NE¼SW¼; NE¼NW¼SW¼; NW¼SE¼SW¼; W½NW¼SE¼.

Together with:

a) Joint and shared rights in the "Main Spring" hereinafter described in detail;

b) Livestock access easement across the plaintiff's property hereinafter described in detail; and,

c) Those general rights hereinafter described.

Boundary Line:

The boundary line between the property assigned to plaintiffs and that assigned to defendants is described as follows:

Commencing at the SE corner of the W½W½NE¼, Section 9, Township 25 North, Range 1 East, Boise Meridian; thence North approximately 1 mile to the NE corner of the W½W½SE¼, Section 4, Township 25 North, Range 1 East, Boise Meridian.

General Rights:

The parcels of property to which the plaintiffs are entitled as set forth above and the parcels of property to which the defendants are entitled as set forth above are conveyed to those persons with all timber, mineral, geothermal and hunting rights associated with those properties and any water rights that are peculiar to said properties, except the Main Spring will be shared as mentioned hereinafter.

Easement for the plaintiffs, Gayle Hagler, Donna Medley and Deward Gill:

Plaintiffs are hereby awarded a road easement and right of way across the defendants' portion of the property above-described, which road provides access generally from the Cow Creek Road upon an existing roadbed for historical types of uses and the historical amount of use. Such road which first leaves the Cow Creek Road on other ownerships, then enters certain property awarded to Melvin Gill which shall be burdened with said easement. The easement begins within Lot 4 of Section 3, Township 25 North, Range 1 East,

Boise Meridian; thence proceeds southerly into the NW¼SW¼; thence westerly into Section 4, Township 25 North, Range 1 East, Boise Meridian in the E½SE¼; thence westerly into and through the E½W½SE¼, all in said section, township and range, which road is shown in Exhibit "A", attached hereto and hereby incorporated by this reference, and which road provides access to the property herein awarded to the plaintiffs lying west of the defendants' property.

The plaintiffs and their successors in interest shall have the option at their sole expense of improving the road without expanding the width thereof. Such road is shown on Exhibit "A", westward from the Clemens turn off, which turn off is circled on Exhibit "A" in black and leads from that turn off to the plaintiffs' east boundary line. In the event that the plaintiffs shall improve this portion of the road, the defendants or their successors in interest shall likewise be permitted to use the improvements without expense to the defendants. At all times the defendants shall have the joint use of any portion of the road that lays within the defendants' property and that use shall be in common with the plaintiffs' use thereof.

However as to the whole road both East and West of the Clemens turnoff, in the event that either owner, now or in the future, would cause injury or damage in excess of ordinary wear and tear to the road at any point in the road, the party causing damage must effect repairs at his own expense and place the road in as good a condition as it was before the damage.

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Furthermore, on the portion of the road lying East of the Clemens turnoff, the parties shall share in the reasonable costs of maintenance and improvements to keep the road in as good a condition and quality as the same now is. Any costs of significant expansion or material alteration in such road will be borne by the party incurring that expense, unless they agree otherwise to share such costs.

Division of Water Rights:

Defendants (Melvin) shall have the right to the water appropriated from the two smaller springs located on the parcel awarded to them. Plaintiffs (Deward) shall have the right to the water appropriated from Cabin Creek which is located on the parcel awarded to plaintiffs. In addition, there is a spring known as the "Main Spring" which wells up on the property awarded to the plaintiffs and then flows eastward and downhill onto the property awarded to the defendants, as is hereinafter mentioned. The parties shall share a right to the water in this Main Spring that originates on the plaintiffs' property generally in the SE¼,SW¼ of Section 4, Township 25 North, Range 1 East, Boise Meridian, and then flows easterly across the W½,SW½,SE¼; thence into the defendants' property initially within the E½,W½,SW¼, all in Section 4, Township 25 North, Range 1 East, Boise Meridian. Said spring water shall provide the plaintiffs' property with domestic stock water. Plaintiffs' water right shall be limited to reasonable in-stream stock water use for livestock that would be pastured on the plaintiffs' portion of property for a reasonable number of animal units, considering the size and

79-4031

79-4030

CERTIFIED COPY

character of that property. Defendants shall have the right to the remaining water from the spring. All of these rights are subject to further court determination in the Snake River Adjudication.

Stock Passage Easement for Defendants, Melvin Gill and Margaret Gill:

The defendants are entitled to have an easement across the plaintiffs' property for purposes of driving cattle to and from the defendants' summer pasture lying on U.S. Forest Service land even farther west of the plaintiffs' awarded property. Plaintiffs must designate a reasonable location for the easement which should be useful to the defendants and the least burdensome to the plaintiffs' property as is possible. The defendants or their successors must give notice to the plaintiffs prior to crossing with cattle and access is limited to actually driving the livestock once in the Fall and once in the Spring.

Additional Orders:

Each party shall take their property that is allocated to them subject to any easements and encumbrances of record as it relates to the existing record title of the property. This order and judgment shall incorporate an earlier agreement of parties to this lawsuit relating to the imposition of the actual tax imposed by Internal Revenue Service Lien recorded as Idaho County instrument #300365, which Stipulation was filed in the above-entitled matter on the 25th day of January, 1991 and both parties are ordered to comply with the terms of that Stipulation in all respects. Said stipulation is attached hereto and incorporated by this reference.

This judgment shall be binding on the heirs, executors, successors and assigns of each of the parties hereto as if in this judgment they were specifically mentioned and the orders and easements hereunder granted to the various parties shall run with the land and be easements appurtenant to the land, and may in the future be conveyed with the land to future owners thereof.

Reference is made again to Exhibit "A", which shows the boundary line earlier described herein between the properties allocated to the plaintiffs and the properties allocated to the defendants. Pursuant to the report of the majority of the referees, the court hereby orders that a partition fence be constructed along that boundary line to be completed by the 15th day of March, 1992. In advance of the building of the fence the parties must employ a competent surveyor to survey that line on the ground in its entirety and properly flag the line so that the fence can be built, it being the court's specific order that the surveyor is to survey only the dividing line and nothing further. The cost of surveying shall be equally split by the parties. Plaintiffs and defendants shall build such portion of the boundary fence as is allocated to them by Title 35, Idaho Code and use such Code as a minimum standard for the fence. The court reserves the right to make further orders concerning the surveying and the fencing as will be necessary to carry out the intent of the majority of the referees to complete the surveying and fencing work in a timely fashion. Both parties are ordered to pay their respective shares of the expense for surveying upon being billed by the provider of

those services, and again the court reserves the right to enforce this order by appropriate additional enforcement means.

It is hereby ordered that the costs incurred by the referees, and the fees for all referees for their services, should likewise be equally split by the parties, including the costs of any professional services incurred by the referees during the performance of their duties and their reasonable expenses incurred in this matter.

OTHER ORDERS:

Hollenbeak Mortgage:

Pursuant to previous order in the course of this lawsuit, the court now orders that any interest of Loren and Diane Hollenbeak to the property involved in this lawsuit be limited to a mortgage on that portion of the property assigned to Deward Gill in this judgment. Accordingly, the Real Estate Mortgage dated November 19, 1990 and recorded November 26, 1990 as instrument #356331, executed by Donna Medley, Gayle Hagler and Deward Gill in favor of Loren and Diane Hollenbeak, and any other documents conveying an interest to the Hollenbeaks in the property now held by Melvin and Margaret Gill shall be limited in their effect to the property assigned to the plaintiffs. The Hollenbeaks shall have no rights whatsoever to any portion of the property assigned to Melvin and Margaret Gill.

WITNESS: The Honorable Linda Copple Trout, District Judge, this 4th day of November, 1991.

/s/
LINDA COPPLE TROUT
District Judge

Clerk's Certificate of Mailing:

I, the undersigned, Deputy Clerk of the above entitled court, do hereby certify that a true and correct copy of the JUDGMENT AND DECREE OF PARTITION was mailed by regular first class mail, postage prepaid, at the U.S. Post Office this 7th day of November, 1991, to:

Dennis L. Albers
Attorney at Law
P.O. Box 314
Grangeville, ID 83530

Jeffrey A. Strother
Attorney at Law
P.O. Box 955
Boise, ID 83701

ROSE E. GEHRING, Clerk

By LEIGH ZIMMERMAN
Deputy Clerk

I [illegible] Court do hereby certify that the above and foregoing is a full, true and correct copy of the [illegible] on file in my office.
WITNESS my hand and official seal this 7th day of November 19 91
Rose E. Gehring Clerk
By Leigh Zimmerman Deputy

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
FEB 06 1992
Department of Water Resources
Western Regional Office

DATE OF CLOSING: 12/1/91

LEGAL DESCRIPTION OF PROPERTY: Township 25N Range 01E
Section 04, ____ 1/4 of ____ 1/4 of SW 1/4, Govt. Lot ____, BM.
Lot ____, Block, ____, Subdivision/Townsite ____.
If you have additional legal descriptions, please attach separate sheet. SEE ATTACHMENT

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 37-04030

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Melvin C. & Margaret L. Gill
PO Box 386
Lucille ID 83542

[ ] New Owner/Claimant (Purchaser): Deward L. Gill, Gayle G Hagler & Donna C. Medley (see attached for addresses)

[ ] New Mailing Address:

[ ] New Telephone Number: (208) 674-2004

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

[ ] Attach proof of ownership, describe proof attached: Court Order

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

[X] Signature of New Owner/Claimant(s) Deward L. Gill Date

Date

[ ] Signature of Former Owner/Claimant(s): Date

Date

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

Note: Data entry done 7/15/92 on change. More changes expected, so form not printed CJH

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 7/15/92 **By:** CJH
Further Action Needed:
Add'l C.O.O + amendments (solicited)
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

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

MICROFILMED
OCT 06 1992

DEWARD GILL PROPERTY

LEGAL DESCRIPTION;

Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho;

(1) In Section 5, Lot 1 and the SE1/4 SE1/4;

(2) In Section 9, NW1/4; W1/2 NW1/4 NE1/4; W1/2 SW1/4 NE1/4; and,

(3) In Section 4, SW1/4; W1/2 W1/2 SE1/4; within Lot 4, S1/2 NE1/4, W1/2, SE1/4; within Government Lot 3, E1/2 SE1/4.

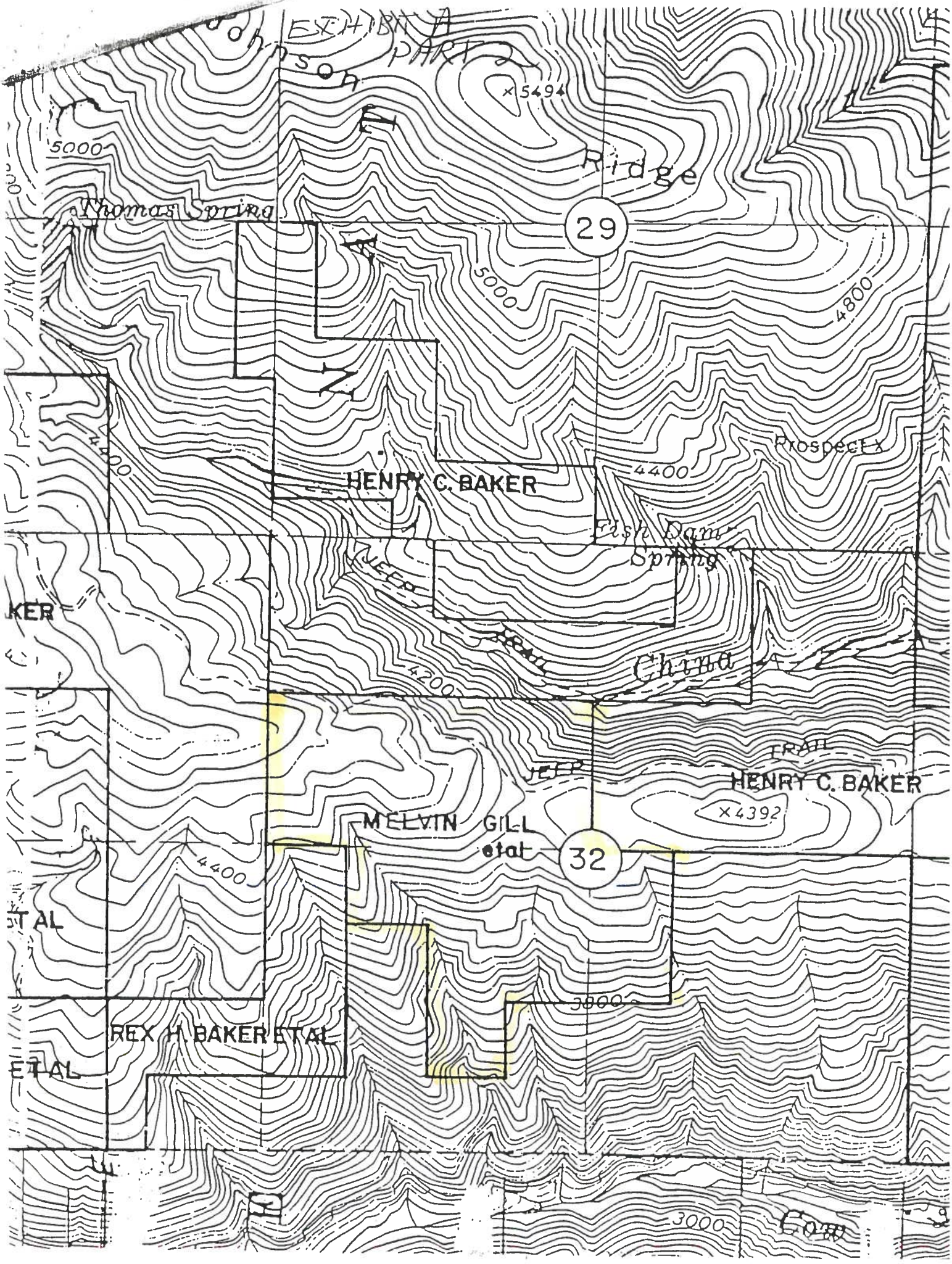
EXHIBIT A
PART 2
Ridge
Thomas Spring
29
5000
4800
4400
4200
HENRY C. BAKER
Prospect
Fish Dam Spring
Jeep
Trail
China
KER
HENRY C. BAKER
×4392
MELVIN GILL etal
32
4400
TAL
3800
REX H. BAKER ETAL
ETAL
3000
Cow

FILED January 25, 1991
3:05 P.M. LEWISTON, IDA
BY
RECEIVED BY
1990 NOV 26 AM 10: 10 DOCKETED
U.S. ATTORNEY' OFFICE

JEFFREY A. STROTHER
MEULEMAN & MILLER
960 Broadway Ave., Ste. 400
Boise, Idaho 83706
(208) 342-6066

Attorneys for Defendants

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

GAYLE HAGLER; DONNA MEDLEY; and DEWARD GILL, Plaintiffs, vs. MELVIN GILL and MARGARET GILL, and UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE, Defendants.	Case No. CV 26403 STIPULATION AND ORDER

The parties to this action, Deward Gill, Gayle Hagler and Donna Medley, through Dennis Albers, their attorney, and Melvin and Margaret Gill, through their attorney, Meuleman & Miller, and the United States of America, Internal Revenue Service (IRS) through the United States Attorney's office, stipulate:

1. The United States of America accepts service of process and submits to the jurisdiction of this court;

2. The real property described in the Amended Complaint is subject to the lien of the United States of America, Internal Revenue Service, recorded on October 4, 1982 as Document No. 300365 in the records of Idaho County, Idaho, until January 5, 1994. The property was made subject to said lien in the Estate of George Gill, Idaho County Case No. 14498.

3. Whatever the partition agreed upon by the parties or ordered by referees or the court, both parts of the divided property shall be subject to the lien described in paragraph 1 until January 5, 1994;

4. As between Deward Gill, Gayle Hagler and Donna Medley, on one side and Melvin and Margaret Gill on the other, whichever side commits any act that makes the amount secured by the lien payable must defend and indemnify the other against any loss resulting from their actions, including payment of the lien itself and all related costs, expenses and attorney fees. In the event of any litigation concerning this obligation, the prevailing party shall be entitled to reasonable attorney fees, costs and similar expenses;

5. Following entry of this order by the court, Deward Gill, Gayle Hagler and Donna Medley on one side, and Melvin and

Margaret Gill on the other shall execute such documents as are reasonably necessary to make the obligation described in paragraph 4 a covenant that will run with the land before and after the partition of the property

6. The provisions of this order shall be incorporated, to the extent reasonably necessary to protect the interests of the United States of America and of the remaining parties, into the final judgment decreeing the partition between the parties;

7. The United States of America need not make a further appearance in this litigation;

8. Any party, including the United States of America, may apply to the court for further orders enforcing the terms of this stipulation; and

9. That a true and correct photocopy of the IRS lien is attached hereto as Exhibit "A", which was recorded at the request of the Boise office of the IRS.

DATED this 30th day of November, 1990.

DEWARD GILL, GAYLE HAGLER & DONNA MEDLEY

By _____
Dennis Albers

MELVIN AND MARGARET GILL

MEULEMAN & MILLER

By _____
Jeffrey A. Strother

UNITED STATES OF AMERICA, INTERNAL REVENUE SERVICE

By Celeste Miller
Assistant United States Attorney
Celeste Miller

ORDER

IT IS SO ORDERED.

DATED this 25th day of ~~November~~ January, 1991.

Judge

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing STIPULATION AND ORD was mailed, postage prepaid, by the undersigned from Lewiston, Idaho, this 28th day of January, 1991, on:

Jeffrey Strother
960 Broadway Ave, Ste 400
Boise, ID 83706

Dennis Albers
P.O. Box 314
Grangeville, ID 83530-0314

BETTY J. WILSEY, CLERK

By: DeAnna Nesbitt
Deputy

SYSTEMS 300

300365

INDEXED
FILMED
Dacted

Department of the Treasury - Internal Revenue Service

Form 668-H
Oct 1978

Notice of Federal Estate Tax Lien Under Internal Revenue Laws

District	Serial Number	For Optional Use by Recording Office
BOISE		

Notice this is given under the provisions of section 6324B of the Internal Revenue Code that a lien exists in favor of the United States against the specific property described below for additional Federal estate tax imposed by section 2032A(c) due to the special valuation elected under section 2032A.

STATE of IDAHO } ss
County of Idaho
Recorded at request of IRS
at ... minutes past 11 o'clock A.M.
this 4 day of Oct 19 82
BOB J. WAITE Recorder
By Cheryl Wright Deputy
Fees $ 3.00
m/ Box 041
Boise, Idaho
83724

Name of Estate

Estate of George J. Gill

Name and address of agent designated by the qualified heirs for dealings with IRS regarding the specially valued property.

Melvin C. Gill
Lucille, ID 83542

Deward L. Gill
Box 2
Riggins, ID 83549

Date of Death	Decedent's Social Security Number	Amount of Additional Tax
01-05-79	519-28-9766	$ 26,683.74

Description of Property to Which Lien Attaches

NW¼NW¼, Section 10, T25N., R. 1 E., B.M., Idaho County, Idaho.
S½NW¼, NE¼SW¼, NE¼NW¼SW¼, NW¼SE¼SW¼, W½NW¼SE¼, Sec. 32, T. 26N., R. 1 E., B.M., Idaho County, Idaho.
Lot 1, SE¼SE¼, Less road, Sec. 5, T. 25N., R. 1 E., B.M., Idaho County, Idaho.
W½NE¼, SW¼NE¼, NW¼, Sec. 9, T. 25 N., R. 1 E., B.M., Idaho County, Idaho.
E½SE¼, Lot 3, S½NE¼ of Lot 4, W½ of Lot 4, SE¼ of Lot 4, S½ of Sec., Sec. 4, T 25N., R. 1 E., B.M., Idaho County, Idaho, less road.
Lot 4 South of road, W½ of SW¼, less road, Sec. 3, T. 25N., R 1 E., B.M., Idaho County, Idaho.

Place of Filing

COUNTY RECORDER, IDAHO COUNTY, IDAHO

This notice was prepared and signed at Boise, Idaho, on this,

the 31st day of August, 19 82

Signature	Title
KEITH E. FARRAR Keith E. Farrar	Chief, Technical & Office Compliance Group

Form 668-H (10-78)

Part 1 – To be kept by recording office

Exhibit A

...wnship No 25 North Range No 1 East of the Boi...

f F e E d D c C

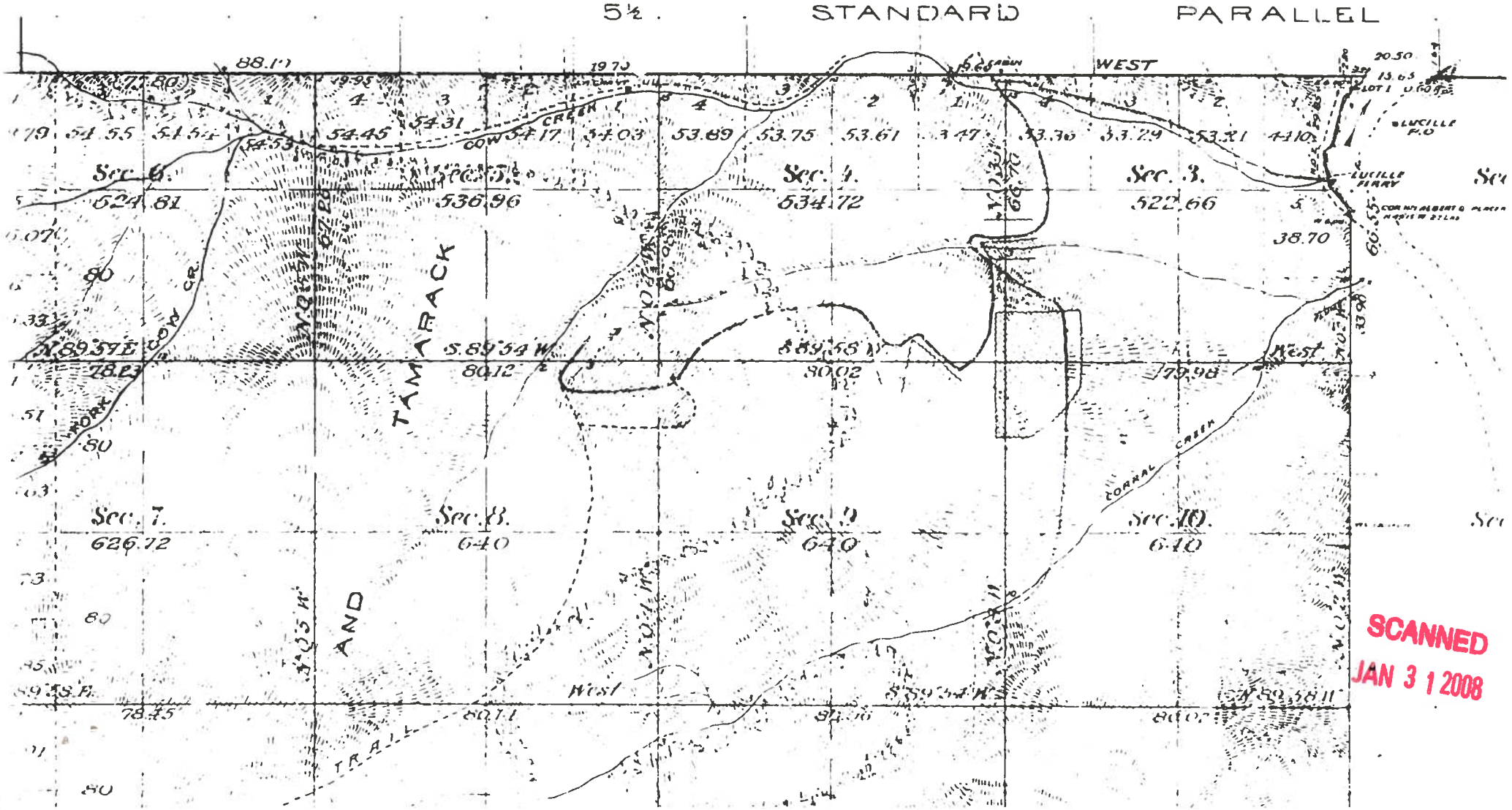
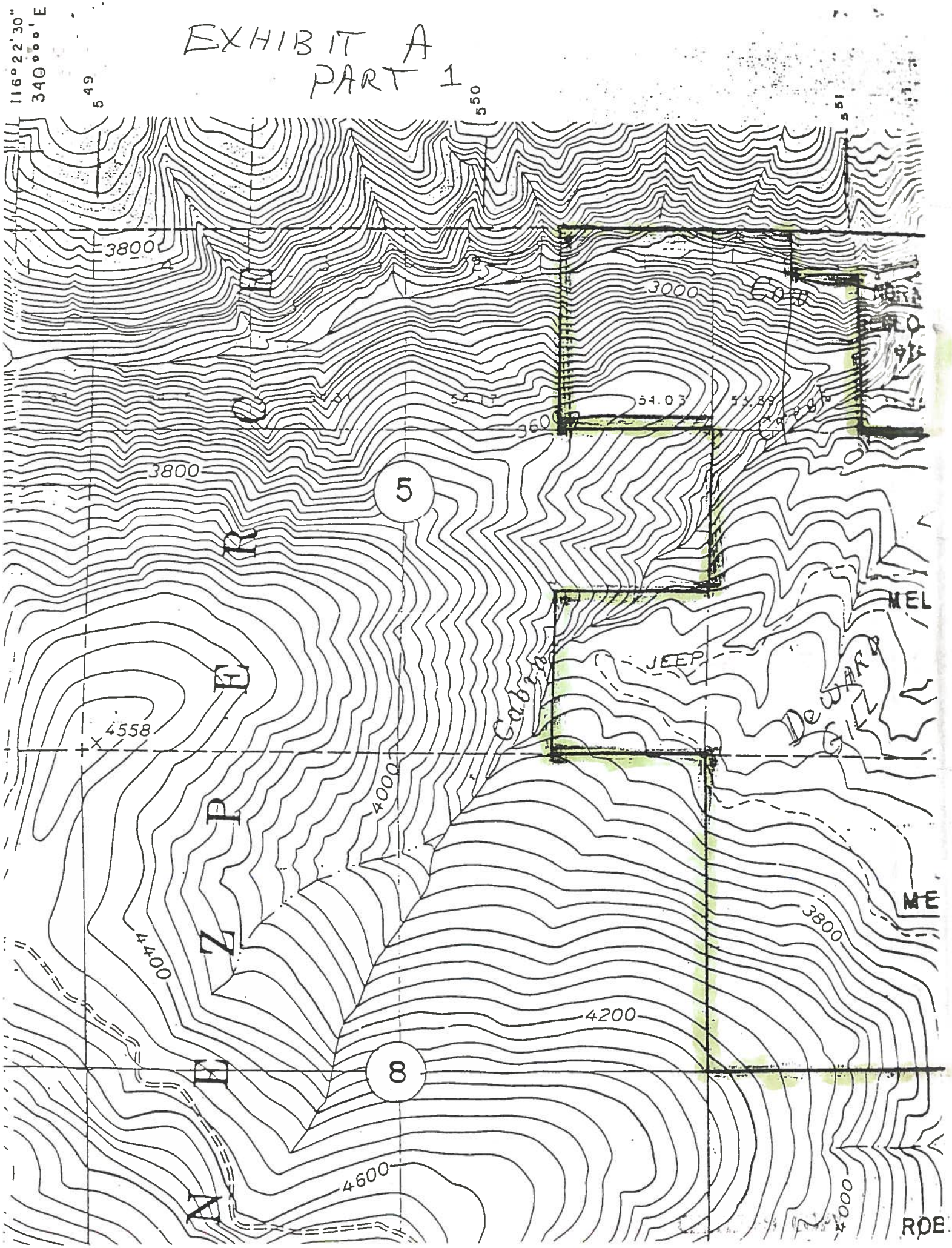
EXHIBIT A
PART 1