

04/08/2004

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

RIGHT NUMBER: 74-11

NAME AND ADDRESS: MC FARLAND LIVESTOCK CO INC
C/O TEX J KAUER
PO BOX 50
LEMHI ID 83465

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 1.600 CFS

PRIORITY DATE: 03/27/1911

POINT OF DIVERSION:

T15N R27E S2 NWSWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.600 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R27E S11	SWSW	29.1	T15N R27E S14	NWNW	29.6
T15N R27E S14	SWNW	18.6			

77.3 ACRES TOTAL

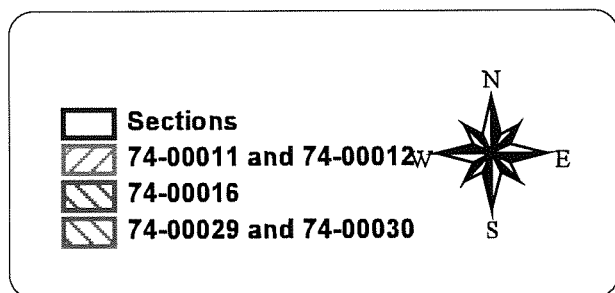
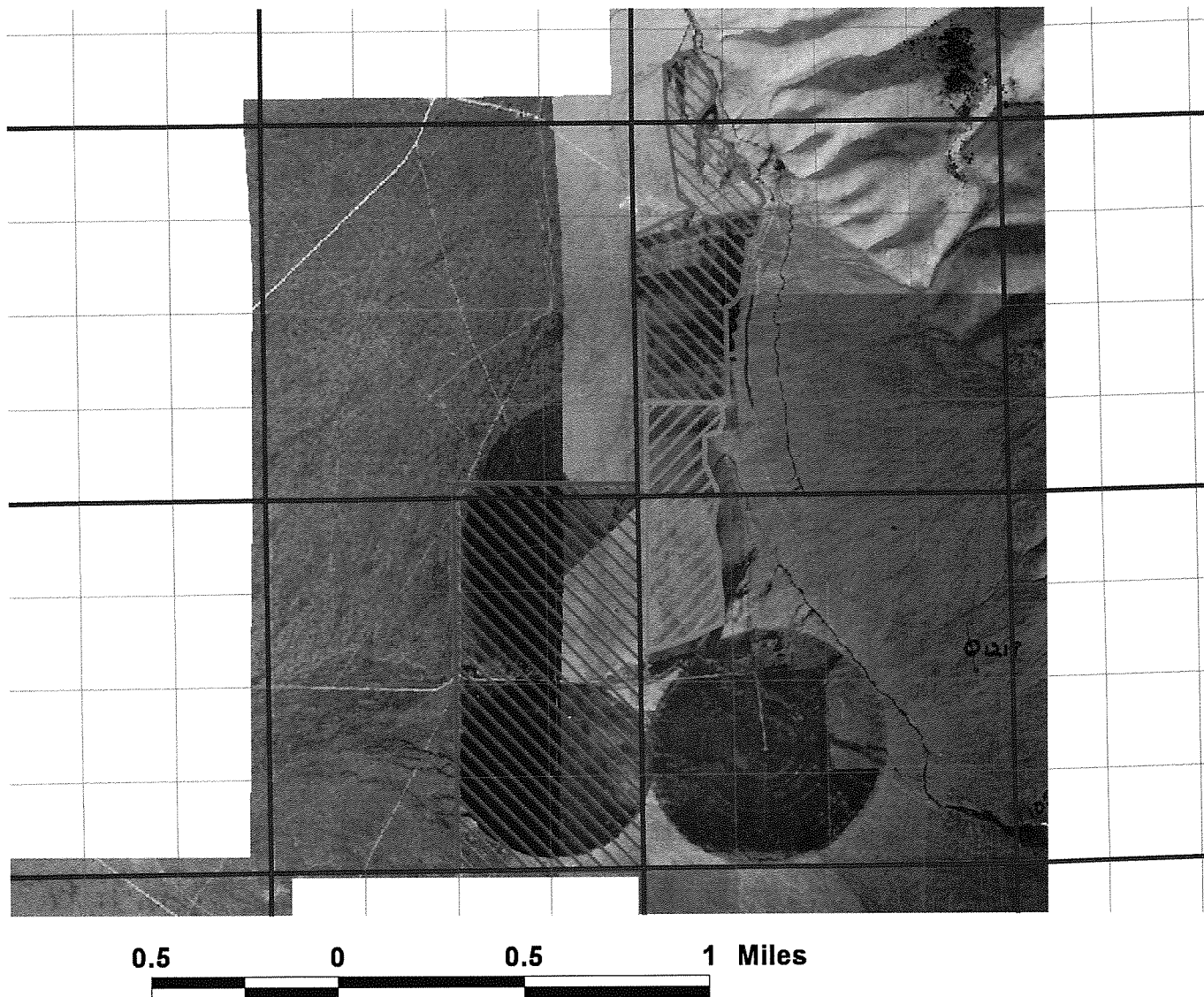
USE OF THIS RIGHT WITH RIGHT NO. 74-12 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 77.3 ACRES IN A SINGLE IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Idaho Dept. of Water Resources
Water Right Nos. 74-11, 74-12, 74-16, 74-29, 74-30
Mc Farland Livestock Co. Inc.

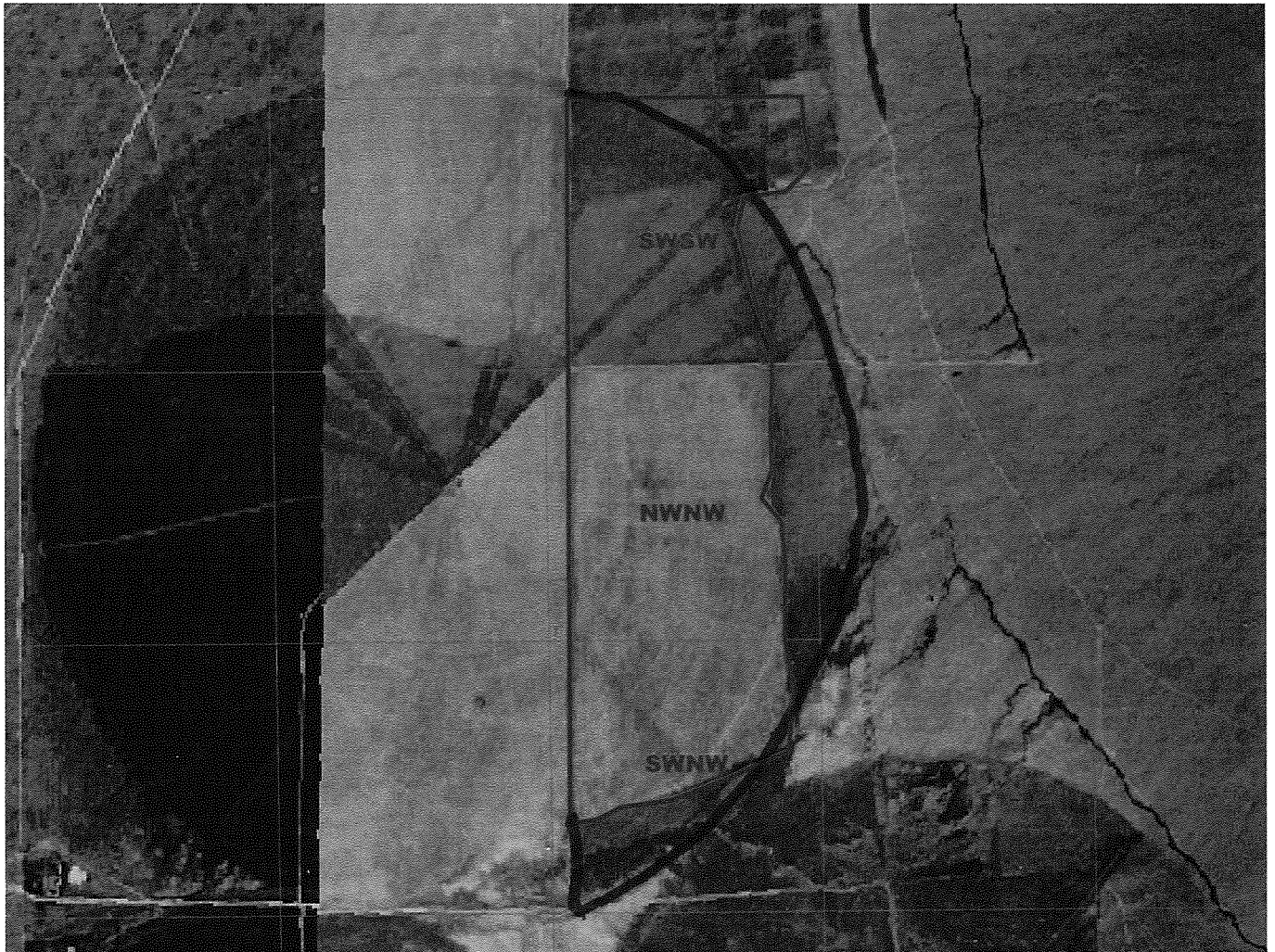


T15N R27E S02, S10,
S11, S14 and S15

GIS Presentation
Prepared by R. Brown
July 1, 2003
1993/94 Aerial Photography

Idaho Department of Water Resources

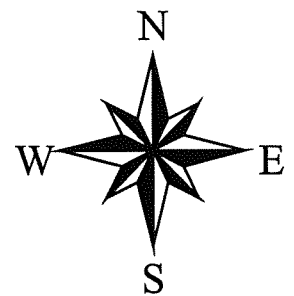
74-11



0.2 0 0.2 0.4 0.6 Miles

OK

T15N R27E S11 & S14



Prepared by Danni Smith
November 19, 2002
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-11

WATER RIGHT NUMBER: 74-11

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK CO INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	SCOTT L WHITWORTH C/O SCOTT L WHITWORTH WHITWORTH & HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	LYNN HARRINGTON HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432
Original Owner	JOHN E PHIPPS PO BOX 3048 TALLAHASSEE, FL 32303 (904)893-1226
Original Owner	DIXIE L WHITWORTH MAY, ID 83253
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464
Original Owner	FREDRICK C HIRSCHY BOX 147 MAY, ID 83253 (208)876-4432

ok

Priority Date: 03/27/1911 ✓

Basis: Decreed

Status: Active

Source

HAWLEY CREEK

Tributary

EIGHTEENMILE CREEK

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

1.600 CFS

Annual VolumeTotal Diversion:

1.600 CFS ✓

Location of Point(s) of Diversion

HAWLEY CREEK

SE1/4NW1/4

Sec. 2, Twp 15N, Rge 27E, B.M.

LEMHI County

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-11

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	11											29.0						29.0
15N	27E	14					30.0	19.0											49.0

Total Acres: 78

Conditions of Approval:Remarks:

1. General AC. IRR.=77.3. ✓
 CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER
 COURT-AUTHORIZED STIPULATION.
 CHANGED OWNERSHIP 12/29/95/JT/GT

Dates and Other Information:

Claim Received Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DEC 28 1995

Department of Water Resources
Eastern District Office

DATE OF CLOSING: 12/22/95

SEE ATTACHED WARRANTY DEED

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

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

☒ Water Right Number(s) 74-0011, 74-0012, 74-0016, 74-0025, 74-0027, 74-0028, 74-0029, 74-0030, 74-0332 AND 74-0333.
Assigned by IDWR: OK OK OK OK OK OK OK OK OK OK

☐ Name and Address of Former Owner/Claimant(s)(Seller): SCOTT L. WHITWORTH & DIXIE L. WHITWORTH, FREDERICK C. HIRSCHY & LYNN HARRINGTON HIRSCHY, P.O. BOX 147, MAY, IDAHO 83253

☒ New Owner/Claimant (Purchaser): MCFARLAND LIVESTOCK CO., INC., AN IDAHO CORPORATION

☒ New Mailing Address: P. O. BOX 50, LEMHI, IDAHO 83465

☒ New Telephone Number: (208) 768 - 2711

☒ 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: COPY OF RECORDED WARRANTY DEED

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

☒ Signature of New Owner/Claimant(s) Mcfarland Livestock Co Inc Tex Kauer, Pres Date 12/22/95
MCFARLAND LIVESTOCK CO., INC., TEX KAUER, PRES Date _____

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

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED

NOV 15 1996

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

WARRANTY DEED

I CERTIFY THIS
IS A TRUE AND
CORRECT COPY

THIS INDENTURE is made this 22nd day of December, 1995, by Frederick C. Hirschy and Lynn Harrington Hirschy, husband and wife and Scott L. Whitworth and Dixie L. Whitworth, husband and wife, the "Grantor", and McFarland Livestock Company, Inc., an Idaho Corporation, whose mailing address is P.O. Box 50 Lemhi, Idaho 83465, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lemhi County, Idaho:

Township Fifteen (15) North, Range Twenty-seven (27) East,
Boise Meridian;

Section Two (2): Southwest Quarter of the Southwest Quarter
(SW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section Three (3): Southeast Quarter of the Southeast Quarter
(SE $\frac{1}{4}$ SE $\frac{1}{4}$)

Section Ten (10): East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$)

Section Eleven (11): North Half of the Northwest Quarter
(N $\frac{1}{2}$ NW $\frac{1}{4}$), Southwest Quarter of the Northwest Quarter
(SW $\frac{1}{4}$ NW $\frac{1}{4}$), West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$)

Section Fourteen (14): Northwest Quarter (NW $\frac{1}{4}$), North half
of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Southeast Quarter of the
Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), South Half of the Southeast
Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$)

Section Fifteen (15): East Half (E $\frac{1}{2}$)

Section Twenty-three (23): North Half of the Northeast Quarter
(N $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest Quarter of the Northeast Quarter
(SW $\frac{1}{4}$ NE $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter
(NW $\frac{1}{4}$ SE $\frac{1}{4}$), Northeast Quarter of the Southwest Quarter
(NE $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter of the Northwest Quarter
(SE $\frac{1}{4}$ NW $\frac{1}{4}$).

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NOV 15 1996

Lemhi County, Idaho:

Township Sixteen (16) North, Range Twenty-seven (27) East,
Boise Meridian.

Section Thirty (30): The South Half of the Southeast Quarter
(S $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter
(SE $\frac{1}{4}$ SW $\frac{1}{4}$).

Section Thirty-one (31): The North Half of the Northeast
Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Northeast Quarter of the Northwest Quarter
(NE $\frac{1}{4}$ NW $\frac{1}{4}$), and Lot One (1).

Section Thirty-two (32): The Northwest Quarter of the
Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

SUBJECT TO the Easement Agreement dated September 4, 1968, between Floyd E. Skelton and Eva Skelton, husband and wife, Grantors and Lemhi Telephone Company, a corporation, Grantee, recorded March 3, 1969, in file of Agreements, under Instrument No. 110775, records of Lemhi County, Idaho.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Frederick C. Hirschy
Frederick C. Hirschy, Grantor

Lynn Harrington Hirschy
Lynn Harrington Hirschy, Grantor

Scott L. Whitworth
Scott L. Whitworth, Grantor

Dixie L. Whitworth
Dixie L. Whitworth, Grantor

STATE OF Idaho
County of Lemhi) SS.

On the 22nd day of December, 1995, before me, the undersigned, a notary public in and for said State, personally appeared FREDERICK C. HIRSCHY and LYNN HARRINGTON HIRSCHY, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Ernie J. Wiederrick
Notary Public for Idaho
Residing at Salmon
My Commission Expires: 1/10/98



State of Idaho)
County of Lemhi) SS No. **228563**
This instrument was filed for record at the request
of Lemhi Title
at 11:35 o'clock A.M. 12-22 1995
and duly filed and indexed in the records of Lemhi
County

Alberta Wiederrick
Ex-Officio Recorder
by Terri J. Morton Deputy
Fee 12.00

MICROFILMED
NOV 15 1996

STATE OF Idaho)
County of San Juan) ss.

On the 28th day of December, 1995, before me, the undersigned, a notary public in and for said State, personally appeared SCOTT L. WHITWORTH and DIXIE L. WHITWORTH, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



[Signature]
Notary Public for Idaho
Residing at Salmon
My Commission Expires: 1/10/98

G:\WPDATA\GAS\3522\KUER1313.WD.ajw

MICROFILMED
NOV 15 1996

Lemhi Title & Abstract Company

Title Insurances • Abstracts • Escrows

(208) 756-2977
FAX 756-6286

P.O. Box J
Salmon, Idaho 83467

DECEMBER 26, 1995

IDAHO DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DRIVE
IDAHO FALLS, IDAHO
83402-1718

DEAR SIRS:

ENCLOSED PLEASE FIND NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP ALONG WITH
CERTIFIED COPY OF WARRANTY DEED FROM WHITWORTH/HIRSCHY TO MCFARLAND LIVESTOCK
CO., INC. IF YOU NEED ANYTHING FURTHER KINDLY LET ME KNOW.

RECEIVED

DEC 28 1995

Department of Water Resources
Eastern District Office

SINCERELY,



ERIN ROBIE

MICROFILMED

NOV 15 1996

MARCH 9, 1993

WHITWORTH & HIRSCHY
C/O SCOTT L WHITWORTH
BOX 147
MAY ID 83253

RE: CHANGE IN OWNERSHIP FOR **A74**-00011, 00012, 00016,
00029, 00030, 00332, 00333, 00025, 00027, 00028, 01621,
01622, 01623, 01624, 01625, 02016, 02030, 02049, 02116A,
02116B, 02167, 02260, AND 02285

Dear Mr. Whitworth and Mr. Hirschy:

The request for Change in Ownership concerning your
Notices of Claim in the above reference has been
processed and the Notices modified to reflect you as the
new owners.

**Enclosed are typed Notices with your names shown as the
current owners. Review the forms and if there are other
corrections or questions, feel free to contact this
office.**

**If there are no questions or corrections, please keep
these Notices for your records.**

Respectfully submitted,

Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Copies of Notices

cc: Lemhi Title & Abstract Company: Erin Robie

MICROFILMED
APR 18 1994

Lemhi Title & Abstract Company

RECEIVED

MAR 1 1993

Title Insurance - Abstracts - Escrow - Department of Water Resources

OK D Salmon, Idaho 83467

FEBRUARY 24, 1993

RECEIVED

MAR 04 1993

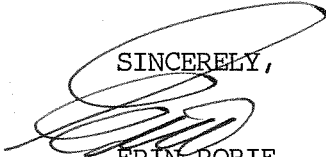
DEPARTMENT OF WATER RESOURCES
STATHOUSE MAIL
BOISE, IDAHO
83720-9000

Department of Water Resources
Eastern District Office

DEAR SIRs:

ENCLOSED PLEASE FIND NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
ALONG WITH ASSIGNMENT AND COPY OF RECORDED WARRANTY DEED ON THE
OXBOW RANCH, NEAR LEADORE, IDAHO. IF YOU HAVE ANY QUESTIONS
DON'T HESITATE TO GET IN TOUCH. OUR PHONE NUMBER IS 756-2977.

SINCERELY,


ERIN ROBIE

MICROFILMED

APR 18 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 04 1993

Department of Water Resources
Boise District Office

DATE OF CLOSING: 2/19/93

LEGAL DESCRIPTION OF PROPERTY: Township SEE COPY OF ATTACHED WARRANTY DEED Range DEED
Section , 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .

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

POOR ORIGINAL

☐ 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) SEE ATTACHED
Assigned by IDWR: all attachments file to 74-00011

☒ Name and Address of Former Owner/Claimant(s)(Seller): JOHN E. PHIPPS

☒ New Owner/Claimant (Purchaser): SCOTT L. & DIXIE . WHITWORTH, and FREDRICK C. & LYNN HARRINGTON

☐ New Mailing Address: HIRSCHY. WHITWORTH/HIRSCHY, BOX 147, MAY, IDAHO 83523

☐ New Telephone Number: (208) 876 - 4432

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
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: COPY OF RECORDED WARRANTY DEED

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

☐ Signature of New Owner/Claimant(s) Frederick C. Harrington, Lynn C. Harrington, Dixie . Whitworth, Scott L. Whitworth Date 2-19-93

☐ Signature of Former Owner/Claimant(s): John E. Phipps Date 2-18-93

By: George C. Petersen, Jr. Attorney in Fact for John Phipps.
(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

APR 18 1994

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

WARRANTY DEED

POOR ORIGINAL

COPY
Warranty Deed made this 17th day of February, 1993, between John E. Phipps, a married man, dealing with his sole and separate property, and Nancy P. Phipps, his wife, of County of Lemhi, State of Idaho, herein referred to as "Grantors," and Scott L. Whitworth and Dixie L. Whitworth, husband and wife, and Fredrick C. Hirschy and Lynn Harrington Hirschy, husband and wife, whose common mailing address is c/o Scott L. Whitworth, Whitworth & Hirschy, Box 147, May, Idaho 83253, herein referred to as "Grantees,"

W I T N E S S E T H :

That Grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantees and to their heirs and assigns forever, all the following described real estate located in the County of Lemhi, State of Idaho:

LEMHI COUNTY, IDAHO

Township Fourteen (14) North Range Twenty-Seven (27) E.B.M.

Section Four (4): Lots Three (3) and Four (4), the Southwest Quarter (SW $\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section Five (5): Lots One (1), Two (2), Three (3), and the Southeast Quarter (SE $\frac{1}{4}$), and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$)

ALSO:

Township Fourteen (14) North Range Twenty-Eight (28) E.B.M.

Section Four (4): Southwest Quarter (SW $\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
Section Five (5): Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$)
Section Six (6): Lot five (5) and the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section Seven (7): Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$)
Section Eight (8): South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$), and the North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$)
Section Nine (9): North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$)
Section Eighteen (18): North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$)
Section Twenty-Six (26): Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section Twenty-Seven (27): South Half ($S\frac{1}{2}$) and the South Half of the North Half ($S\frac{1}{2}N\frac{1}{2}$)
 Section Twenty-Nine (29): South Half ($S\frac{1}{2}$)
 Section Thirty (30): Southeast Quarter ($SE\frac{1}{4}$)
 Section Thirty-One (31): Northeast Quarter ($NE\frac{1}{4}$)
 Section Thirty-Two (32): Northwest Quarter ($NW\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$); the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$)
 Section Thirty-Three (33): South Half ($S\frac{1}{2}$)

ALSO:

Township Fifteen (15) North Range Twenty-Seven (27) E.B.M.

Section Two (2): Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$)
 Section Three (3): Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$)
 Section Ten (10): East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$)
 Section Eleven (11): North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$), West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$)
 Section Fourteen (14): Northwest Quarter ($NW\frac{1}{4}$), North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$)
 Section Fifteen (15): East Half ($E\frac{1}{2}$)
 Section Twenty-Three (23): North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$), Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$)
 Section Twenty-Seven (27): Southwest Quarter ($SW\frac{1}{4}$), the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$)
 Section Twenty-Eight (28): All
 Section Twenty-Nine (29): East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), and the East Half of the East Half ($E\frac{1}{2}E\frac{1}{2}$)
 Section Thirty-Two (32): East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$), Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$), East Half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$), East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$), Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$)
 Section Thirty-Three (33): Northeast Quarter ($NE\frac{1}{4}$), Northwest Quarter ($NW\frac{1}{4}$), Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), Southwest Quarter of the Southwest

Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$)
 Section Thirty-Four (34): Northwest Quarter (NW $\frac{1}{4}$) and the Northwest Quarter
 of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

ALSO:

Township Sixteen (16) North Range Twenty-Seven (27) E.B.M.

Section Thirty (30): South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), and the
 Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$)

Section Thirty-One (31): North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$),
 Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), and Lot One (1)

Section Thirty-Two (32): Northwest Quarter of the Northwest Quarter
 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)

SUBJECT TO all conditions, restrictions, reservations, easements, rights, rights-
 of-way, road rights-of-way, zoning ordinances and governmental regulations of record but
 together with all tenements, ditch and water rights, hereditaments, and appurtenances thereunto
 belonging and appertaining, including but not limited to the following:

Water rights as recorded in the appropriate records of the
 Department of Water Resources of the State of Idaho under the
 following identification numbers, namely,

A74-00011 (HAWLEY CREEK); A74-00012 (HAWLEY
 CREEK); A74-00016 (HAWLEY CREEK); A74-00029
 (HAWLEY CREEK); A74-00030 (HAWLEY CREEK); 74-00332
 (BULL CREEK); 74-00333 (BULL CREEK); 74-00025
 (HAWLEY CREEK); 74-00027 (HAWLEY CREEK); 74-00028
 (HAWLEY CREEK); 74-01621 (HAWLEY CREEK); 74-01622
 (CLEAR CREEK); A74-01623 (EIGHTEENMILE CREEK); 74-
 01624 (EIGHTEENMILE CREEK); 74-01625 (EIGHTEENMILE
 CREEK); 74-02016 (BEAR CREEK AND TENMILE CREEK);
 74-02030 (EIGHTEENMILE CREEK); A74-02049 (CLEAR
 CREEK); A74-02116A (CLEAR CREEK); 74-02116B
 (EIGHTEENMILE CREEK); A74-02167 (CLEAR CREEK); 74-
 02260 (POISON SPRINGS); 74-02285 (POISON CREEK)

All of Grantors' right title and interest in and to that certain lease
 with United States Department of Interior, Bureau of Land
 Management covering pasturing of cattle in allotment number
 06307 (Powderhorn area) from a term of 3/1/89 to 2/28/99 for
 3,684 cattle and horses (5,270 AUM's); together with any other
 right, title and/or interest that Grantors have, resulting from
 ownership of the above described real property tracts, in and to
 Bureau of Land Management lease properties situated within the
 County of Lemhi, State of Idaho.

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All of Grantors' title and interest in and to that certain lease with Forest Service within the area designated as the Salmon National Forest Range, covering pasturing and/or grazing of cattle under permit no. 4-34, covering a term of 6/1 through 10/30 for 428 head of cattle under allotments HES 543 On-Off, NTE 3 AUM's, Holly Creek C&H, D-4, Powderhorn C&H, D-4, and Powderhorn C&H, D-4, together with any other right, title and/or interest that Grantors have, resulting from ownership of the above described real property tracts, in and to Forest lease properties situated within the County of Lemhi, State of Idaho.

Grantors reserve the right to possession of premises for thirty (30) days after the dating of this deed for the purpose of removing livestock, machinery and other personal property, which thirty (30) day period shall include possession and use of the manager's house during said thirty (30) days, together with other buildings currently being used by Grantors; Grantees are hereby given the right to immediately take possession of the above described premises and further to have the immediate occupancy and use of all other houses and buildings not occupied by Grantors during said thirty (30) day period; and further after the deadline of said thirty (30) day period all remaining personal property not so removed shall become the property of Grantees.

Grantees shall reimburse Grantors at closing for all prepaid livestock grazing fees for farming and ranching year 1993 and thereafter.

The consideration for the sale of the real property also includes all squeeze chutes situated on the above described real property tracts, and all owned fuel tanks of Grantors situated on said tracts.

Said above described real property is further subject to the following liens and/or encumbrances, namely:

All taxes and assessments assessed against the above described real property for year 1993 and thereafter.

Easement agreement dated September 4, 1968, between Floyd E. Skelton and Eva Skelton, husband and wife, grantors and Lemhi Telephone Company, a corporation, grantee, recorded March 3, 1969, in File of Agreements under Instrument No. 110775, records of Lemhi County, Idaho.

The usual printed exceptions appearing in a standard title insurance policy issued by _____.

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with his sole and separate property, and **NANCY P. PHIPPS**, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



ANNETTE C. KIRKLAND
MY COMMISSION # CC 243927 EXPIRES
December 8, 1996
BONDED THRU THOY FAIN INSURANCE, INC.

Annette C. Kirkland

Notary Public for Florida Annette C. Kirkland

Residing at: Quincy, Florida

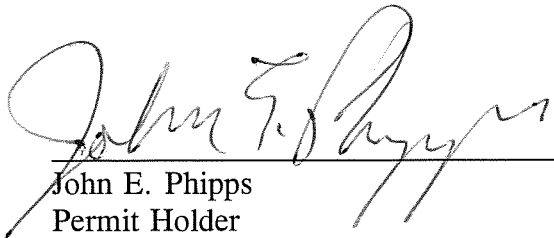
My Commission Expires: December 8, 1996

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby assigns all of his right, title and interest in and to all of those certain water rights as recorded in the appropriate records of the Department of Water Resources of the State of Idaho under the following identification numbers namely,

74-00011 (HAWLEY CREEK); A74-00012 (HAWLEY CREEK); A74-00016 (HAWLEY CREEK); A74-00029 (HAWLEY CREEK); A74-00030 (HAWLEY CREEK); 74-00332 (BULL CREEK); 74-00333 (BULL CREEK); 74-00025 (HAWLEY CREEK); 74-00027 (HAWLEY CREEK); 74-00028 (HAWLEY CREEK); 74-01621 (HAWLEY CREEK); 74-01622 (CLEAR CREEK); A74-01623 (EIGHTEENMILE CREEK); 74-01624 (EIGHTEENMILE CREEK); 74-01625 (EIGHTEENMILE CREEK); 74-02016 (BEAR CREEK AND TENMILE CREEK); 74-02030 (EIGHTEENMILE CREEK); A74-02049 (CLEAR CREEK); A74-02116A (CLEAR CREEK); 74-02116B (EIGHTEENMILE CREEK); A74-02167 (CLEAR CREEK); 74-02260 (POISON SPRINGS); 74-02285 (POISON CREEK),

to **Scott L. Whitworth and Dixie L. Whitworth**, husband and wife, and **Fredrick C. Hirschy and Lynn Harrington Hirschy**, husband and wife, whose common mailing address is c/o Scott L. Whitworth, Whitworth & Hirschy, Box 147, May, Idaho 83253.


John E. Phipps
Permit Holder


Nancy P. Phipps
Wife of Permit Holder

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APR 18 1994

STATE OF FLORIDA)
) ss.
County of Leon)

On this 17th day of February, 1993, before me, the undersigned, a Notary Public in and for the State of Florida, personally appeared JOHN E. PHIPPS and NANCY P. PHIPPS, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

(SEAL)



ANNETTE C. KIRKLAND
MY COMMISSION # CC 243927 EXPIRES
December 8, 1996
BONDED THRU TROY FAIN INSURANCE, INC.

Annette C. Kirkland
Notary Public for State of Florida Annette C. Kir
Residing at: Quincy, Florida
My Commission Expires: December 8, 1996

f:\forms\gcp\water\assign.

ASSIGNMENT - 2

UNRECORDED

APR 18 1994

5/89

Date Received _____

RECEIVED

JUN 4 1990

State of Idaho

Department of Water Resources

**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)****RECEIVED**

JUN 13 1990

Department of Water Resources

Eastern District Office

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

JOHN E. PHIPPS

(208) 523-4650

Name of Claimant

Phone Number

485 "E" Street

Idaho Falls, Idaho 83402

Mailing Address

City

State

Zip

Lemhi

May 10, 1990

County(s) where place of use is located

Date claim originally due

A74-00011, A74-00012, A74-00029, A74-00030, A74-00016, A74-00332, A74-00333
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

SEE EXHIBIT "A" ATTACHED HERETO

Claimant requests an extension to June 30, 19 90

John E. Phipps Signature John E. Phipps June 12, 19 90 Date of request

George C. Petersen, Jr., Attorney
in fact for John E. Phipps

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 30, 19 90

Signed this 20 day of June, 19 90

DAVID B. SHAW
Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

DEC 14 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: 3956
Ident. No. A74-00011

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

Please type or print clearly:

Name of claimant(s) JOHN E. PHIPPS

Mailing Address
(including zip code) P.O. Box 3048
Tallahassee, FL 32303

Phone Number (904) 893- 1226 *OE/gp*

MICROFILMED

DEC 14 1992