

WATER RIGHT NUMBER: 74-15714 V1

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-15714 V1

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. This right is a split from former right 74-412 .
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. C18 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.
5. Water rights 74-411, 74-15714 and 74-15715 provide for the diversion of 1.0 cfs that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			08/18/2006	rbrown	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-15714 V1

Summary	8/18/2006 1:09:46 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	8/18/2006 1:21:02 PM	rbrown	Updated PLS for Active POU
POD	8/18/2006 1:04:46 PM	rbrown	Updated shape
POU	8/18/2006 1:07:02 PM	rbrown	Updated shape for Active POU
POU	8/18/2006 1:07:19 PM	rbrown	Updated PLS for Active POU
POU	8/18/2006 1:20:47 PM	rbrown	Updated shape for Active POU

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-15715 V1

WATER RIGHT NUMBER: 74-15715 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	JANETTE S PETERSON PO BOX 58 LEADORE, ID 83464 (208)768-2497
Current Owner	ALLEN F RUGGLES 1019 LEE CREEK RD LEADORE, ID 83464
Current Owner	VIRGINIA M RUGGLES 1019 LEE CREEK RD LEADORE, ID 83464
Directors Report Owner	KENNETH J PETERSON PO BOX 58 LEADORE, ID 83464 (208)768-2497
Current Owner	AARON F RUGGLES 1019 LEE CREEK RD LEADORE, ID 83464
Current Owner	JAMIN K RUGGLES 1019 LEE CREEK RD LEADORE, ID 83464

Priority Date: 03/25/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG EIGHTMILE CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.330 CFS	
	<u>Total Diversion:</u>	0.330 CFS	

Location of Point(s) of Diversion

BIG EIGHTMILE CREEK	SW1/4NW1/4	Sec. 33, Twp 16N, Rge 25E, B.M.
LEMHI County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	25E	20	X			X									X				X
16N	25E	21					X	X	X	X	X	X	X	X					

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 74-15715 V1

Conditions of Approval:

1. Water rights 74-411, 74-15714 and 74-15715 provide for the diversion of 1.0 cfs that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.
2. This right is a split from former right 74-412 .
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
4. C18 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.
5. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			08/18/2006	rbrown	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	8/18/2006 1:10:27 PM	rbrown	Updated shape
POU	8/18/2006 1:23:57 PM	rbrown	Updated PLS for Active POU
POU	8/18/2006 1:23:37 PM	rbrown	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-15715 V1

Summary 8/18/2006 1:28:43 PM rbrown

(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
(No) 5. Does this right have any combined use limits with other rights?
(Yes) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(Yes) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

Water Supply Bank:

01/26/2004

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

RIGHT NUMBER: 74-412
NAME AND ADDRESS: HARVEY E PETERSON
PO BOX 46
LEADORE ID 83464
SOURCE: BIG EIGHTMILE CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.660 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 03/25/1887
POINT OF DIVERSION:

T16N R25E S33 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.660 CFS

PLACE OF USE: STOCKWATER Within LEMHI County

T16N R25E S20	NENE	T16N R25E S20	SENE
T16N R25E S20	NESE	T16N R25E S20	SESE
T16N R25E S21	NWNW	T16N R25E S21	SWNW
T16N R25E S21	SENW	T16N R25E S21	NESW
T16N R25E S21	NWSW	T16N R25E S21	SWSW
T16N R25E S21	SESW	T16N R25E S28	NWNW
T16N R25E S29	NENE		

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

This right and right 74-411 provide for the diversion of 1.0 cfs that shall always be allowed to be diverted through the headgate of the ditch known as the "Schoonover-Freeman-Seamour" ditch.

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Decreed

COPY

**AFFIDAVIT TO CORRECT
LEGAL DESCRIPTION**

STEVEN R. GOTT, certifies that he is the Vice President of Alliance Title & Escrow Corp., under whose supervision a Warranty Deed was prepared for Kenneth J. Peterson and Janette S. Peterson, husband and wife, to Aaron F. Ruggles and Virginia M. Ruggles, husband and wife, and Allen F. Ruggles and Jamin K. Ruggles, husband and wife, recorded July 7, 2005 as Instrument No. 263591, and Real Estate Mortgage recorded as Instrument No. 263592, all records of Lemhi County, Idaho;

WHEREAS, the legal description contained in said document contained a typographical error, which it is the purpose of this Affidavit to reform and correct; and

WHEREAS, Idaho Code Section 55-816 permits the recording of Affidavits affecting the description of real property as part of the record title of said real property;

NOW THEREFORE, on the aforementioned instrument, the legal description is corrected to read as follows:

SEE ATTCHED EXHIBIT "A"

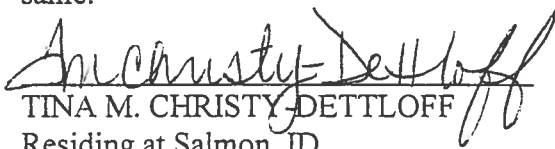
Dated this 1st day of November, 2005.

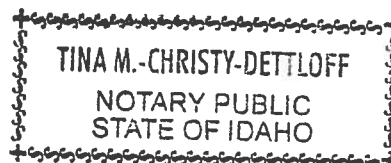
Alliance Title & Escrow


Steven R. Gott

STATE OF IDAHO
COUNTY OF LEMHI

On this 1st day of November, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven R. Gott, known or identified to me to be the person who executed the within instrument as Vice President of the Corporation on behalf of said Corporation and acknowledged to me that such Corporation executed the same.

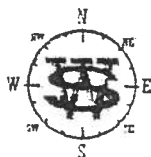

TINA M. CHRISTY-DETTLOFF
Residing at Salmon, ID
Comm. Expires: 2/23/2010



State of Idaho) 265006
County of Lemhi) SS No. 265006
This instrument was filed for record at the request
of Alliance Title
as 11:00 AM on 11-2 2005
and duly filed and indexed in the records of Lemhi
County. Terri J. Norton
Deputy Recorder
By Brenda Clutts Deputy
Fee 6.00
Return to AT

74-15714

285085



WADE SURVEYING

Global Positioning Service



Land Surveying and Planning

104 S. Warpath St.
Salmon, Idaho 83467

Phone: (208)-756-3070

November 1, 2005

A parcel of land located in Section 20, 21, 28 and 29, T. 16 N., R. 25 E., Boise Meridian, Lemhi County, Idaho, More particularly described as follows:

Commencing at the W1/4 Corner of Section 8 of said T. 16 N., R. 25 E., from which the NW Corner of said Section 8 bears N 00°16'03"W a distance of 2648.81 ft., the Basis Of Bearing of this description, run thence S 18°25'45"E a distance of 8403.36 ft. to a point in an existing fence intersection and the POINT OF BEGINNING;

Thence the following courses and distances along a fence line;

N 89°12'31"E	2643.51 ft.;	N 87°18'32"E	2639.45 ft.;
S 00°48'59"E	2793.90 ft.;	S 24°27'55"W	1666.19 ft. to

a point on the centerline of Lee Creek Road;

Thence 422.53 ft. along said centerline a curve to the left having a central angle of 15°58'43", a radius of 1515.08 ft. and a chord bearing of N 66°54'30"W for a distance of 421.16 ft.;

Thence S 10°40'00"W a distance of 126.03 ft. to a point in the fence;

Thence the following courses and distances along said fence line;

S 05°38'40"W	2444.04 ft.;	S 88°46'58"W	2646.86 ft.;
N 00°02'29"W	3003.42 ft.;	N 00°10'05"W	983.99 ft.;
N 89°44'58"W	1321.36 ft.;	N 00°07'37"W	2603.68 ft. to

the POINT OF BEGINNING.