

12/16/2004

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

RIGHT NUMBER: 74-15503

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: UNNAMED STREAM

TRIBUTARY: AGENCY CREEK

QUANTITY:

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/20/1930

POINT OF DIVERSION:

T19N R25E S8 NENWSW Begin of Stream Flow Within LEMHI County
T19N R25E S17 SENENW End of Stream Flow Within LEMHI 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

PLACE OF USE: STOCKWATER Within LEMHI County

T19N R25E S08	NESW	T19N R25E S08	NWSW
T19N R25E S08	SESW	T19N R25E S17	NENW

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.

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

EXPLANATORY MATERIAL:

BLM Ident No. 7404682124

3/11
12/21/04

☐ PPD? ☐ PD? ☐ Adm? ☐ Prob? ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA **NCAF** NOTICE of CLAIM for Water
Case No. 39576 7415503 (IDWR number)
Right number:

NAME and ADDRESS United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657 OtherRight and date:

S O U R C E: Source Tributary
UNNAMED STREAM AGENCY CREEK

QUANTITY: 0.02 CFS or VOLUME: Acre Feet
The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/20/1930 Diversion Means: INSTREAM USE

REMARKS:

POINT of DIVERSION:

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
19N	25E	8	NE	NW	SW		B1	59	LEMHI
19N	25E	17	SE	NE	NW		E1	59	LEMHI

PURPOSE and PERIOD OF USE:

Purpose of Use	Period of Use (from - to):	Rate in CFS	Volume in AcFt
04	0101	1231	0.02

CONSUMPTIVE USE:

de minimis stockwater DATE: 27-Sep-04

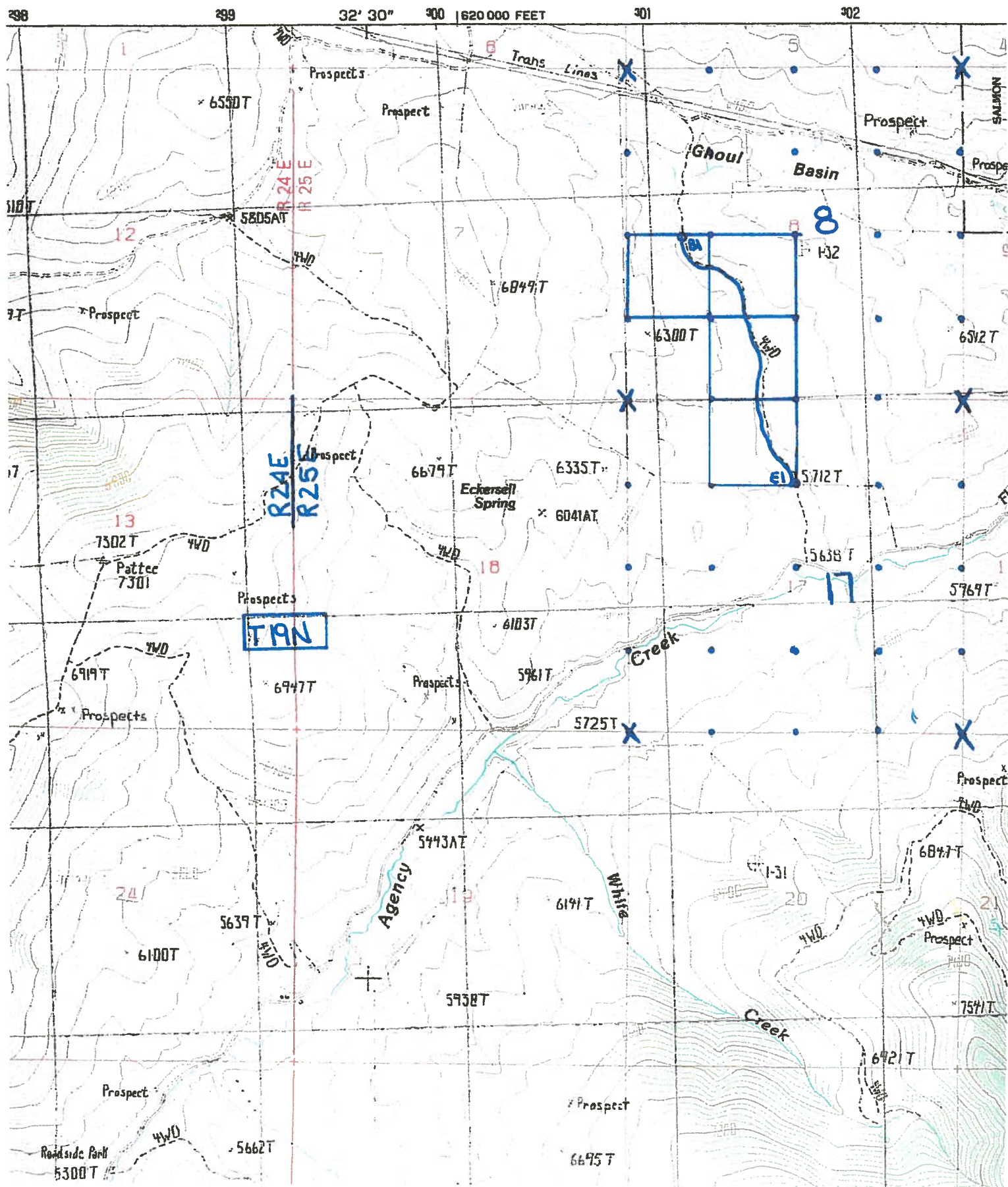
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:

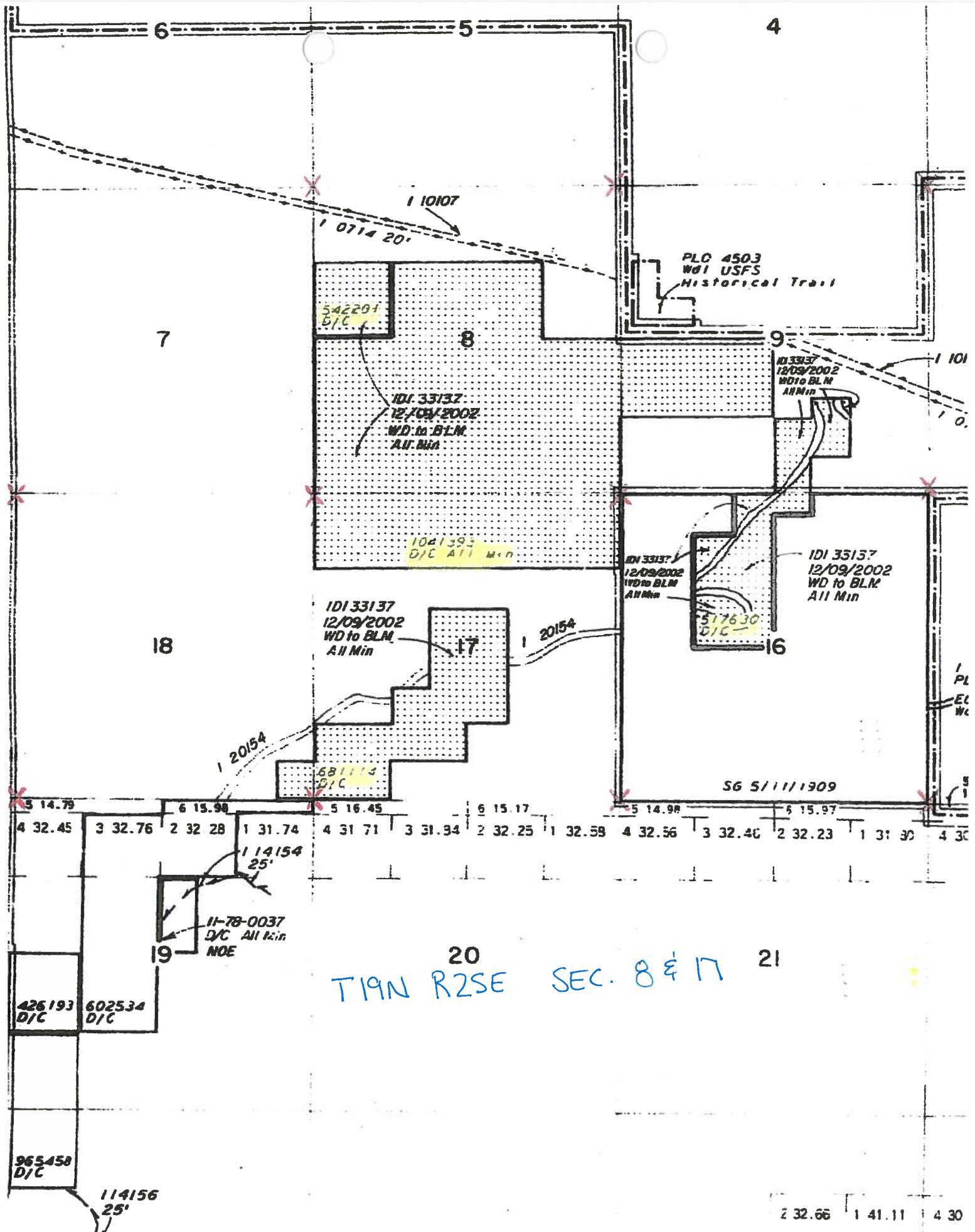
The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE of USE:

Water Use	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
04	19N	25E	8	NE	SW		59	LEMHI
04	19N	25E	8	NW	SW		59	LEMHI
04	19N	25E	8	SE	SW		59	LEMHI
04	19N	25E	17	NE	NW		59	LEMHI

AGENCY CREEK QUAD
IDAHO-LEMHI CO
7.5 MINUTE SERIES (TOPO)





STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

LEMMI COUNTY 059
SALMON DISTRICT SEC 3

MT PLAT

[illegible]

1 08472 Det PL 167 (Act of Cong 7/23/1952)
Completed 8/9/1960. All HF surface spot by USFS

1 07785 Det PL 167 (Act of Cong 7/23/1952)
Completed 12/23/1960. All PD surface spot by
USFS

07785 Oct 14 1957 (Act of Cong 7/23/1955)

FROM ORDERS EFFECTING DISPOSAL ON USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
UNIDENTIFIED DOCUMENTS.

CURRENT TO	CURRENT TO

1997-1998

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST

May 1961

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Fletcher A. Wheaton,

has been established and duly consummated, in conformity to law, for the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter and the south-half of Section eight, the north half of the southwest quarter of Section nine and the north half of the north half of Section seventeen in Township nineteen north of Range twenty-five east of the Boise Meridian, Idaho, containing six hundred forty acres,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1918 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, Herbert Hoover,

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTIETH

(SEAL)

day of OCTOBER in the year of our Lord one thousand

nine hundred and THIRTY and of the Independence of the

United States the one hundred and FIFTY-FIFTH

By the President

By

Herbert Hoover
Viola G. Engel Secretary
John O. Connell
 Acting Register of the General Land Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IDI-33137

WARRANTY DEED

For the true and actual consideration of \$ 1,000,000.00,

THE JOHN SELLS FAMILY TRUST, JOHN E. SELLS, TRUSTEE

hereinafter called Grantor, whether one or more, does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, as authorized by Section 205 of the Federal Land Policy and Management Act of 1976 as amended (90 Stat. 2755; 43 U.S.C. 1715), the following described real property situated in the County of Lemhi, State of Idaho, to wit:

That portion of property located in Township 19 North, Range 25 East, Boise Meridian, Lemhi County, Idaho, described as follows:

Section 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$

Section 9: N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 16: N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 17: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$

Section 18: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Excepting Therefrom a strip of land 66 feet in width traversing the following property:

The S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; the N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, all in Township 19 North, Range 25 East of the Boise Meridian.

The said strip being 33 feet in width on each side of a centerline as located and to be constructed on the ground, with as much additional width as required for adequate protection of cuts and fills, the said centerline being more particularly described as follows:

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Acknowledgment on Page 4

State of Idaho)
County of Lemhi)

SS No.

253058

This instrument was filed for record at the request of Alliance Title

at 4:25 clock p m. 1-6 2003

and duly filmed and indexed in the records of Lemhi County

Terri J. Morton

Ex-Officio Recorder

By Brenda C. [Signature] DeputyFee 1200Return to AT

253058

Parcel 1 – Beginning at a point on the East boundary of the $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ of said Section 9, said point bears North $43^{\circ}05'42''$ West, 1924.95 feet from the Southeast corner of Section 9; said point is a point on a curve to the right having a radius of 350.00 feet; the chord of said curve bears North $22^{\circ}13'39''$ West, thence 215.69 feet along the arc of said curve; thence North $04^{\circ}35'00''$ West, 53.70 feet to a point on the North boundary of said $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ of said Section 9, said point bears North $40^{\circ}12'40''$ West, 2168.08 feet from the Southeast corner of said Section 9.

Parcel 2 – Beginning at a point on the North boundary of the $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ of said Section 9, said point bears North $49^{\circ}03'23''$ West, 2529.75 feet from the Southeast corner of said Section 9, said point is a point on a curve to the left having a radius of 250.0 feet, the chord of said curve bears South $13^{\circ}33'13''$ East, thence 121.53 feet along the arc of said curve; thence along the following general courses and distances:

Bearing	Tangent Distance In Feet	Curve L-R	Central Angle	Radius In Feet	Arc Distance In Feet
S27°28'00"E	18.12	R	34°7'00"	450	267.98
S06°39'00"W	109.81	R	28°13'30"	800	394.07
S34°52'30"W	309.86	R	18°40'30"	2,200	691.10

Ending at a point on the West boundary of the $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ of Section 9, said point bears North $89^{\circ}06'46''$ West 2632.12 feet from the Southeast corner of said Section 9.

Parcel 3 – Beginning at a point on the North boundary of the $NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ of Section 16, Township 19 North, Range 25 East of the Boise Meridian, said point bears North $89^{\circ}46'$ West, 2672.28 feet from the Northeast corner of said Section 16; thence along the following courses and distances:

Bearing	Tangent Distance In Feet	Curve L-R	Central Angle	Radius In Feet	Arc Distance In Feet
S53°33'00"W	175.37	L	14°33'30"	1600	406.59
S38°59'30"W	292.11				

Ending at a point on the West boundary of the $NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ of said Section 16, said point bears South $79^{\circ}39'13''$ West, 3344.49 feet from the Northeast corner of said Section 16.

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Parcel 4 – Beginning at a point on the North boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 19 North, Range 25 East of the Boise Meridian, said point bears South 79°08'17" West, 3389.41 feet from the Northeast corner of said Section 16; thence along the following general courses and distances:

Bearing	Tangent Distance In Feet	Curve L-R	Central Angle	Radius Distance In Feet	Arc Distance In Feet
N38°59'30"W	621.88	R	12°49'30"	400	89.51
S51°48'30"W	211.69				

Ending a point on the West boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16, said point bears South 71°28'14" West, 4164.34 feet from the Northeast corner of said Section 16.

Parcel 5 – Beginning at a point on the West boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 19 North, Range 25 East of the Boise Meridian, said point bears South 68°07'56" West, 4254.76 feet from the Northeast corner of said Section 16; said point is a point on a curve to the left having a radius of 140.0 feet, the chord of said curve bears South 80°05'59" East; thence along the arc of said curve 69.00 feet; thence along the following courses and distances:

Bearing	Tangent Distance In Feet	Curve L-R	Central Angle	Radius Distance In Feet	Arc Distance In Feet
N85°48'30"E	210.78	R	28°34'30"	400	199.48
S65°37'00"E	245.19	R	101°56'00"	300	533.62
S36°18'00"W	2.28	R	91°55'30"	300	481.32
N51°46'30"W	473.34	R	10°41'30"	400	15.84

Ending at a point on the West boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16, said point bears South 64°00'48" West, 4392.97 feet from the Northeast corner of said Section 16.

The boundary lines of said right-of-way shall be prolonged or shortened to begin on and end on and conform to the property lines.

If the road is located substantially as described herein, the centerline of the road as constructed is hereby deemed accepted by the grantors as the true centerline of the easement granted.

The parcel of land to which the above descriptions applies contains 930 acres, more or less.

The acquiring agency is the United States Department of the Interior, Bureau of Land Management.

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253058

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever.

Grantor covenants and warrants that he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except as shown of record, and that he will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this 9 day of DEC, 2002.

THE JOHN SELLS FAMILY TRUST


JOHN E. SELLS, TRUSTEE

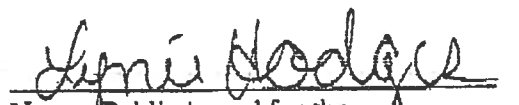
TRUSTEE ACKNOWLEDGMENT

STATE OF)
) ss:
COUNTY OF)

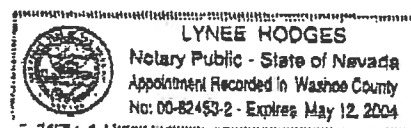
On this 9th day of December, 2002, personally came before me, a notary public in and for said County and State, appeared JOHN E. SELLS, TRUSTEE known or identified to me to be the Trustee of The John Sells Family Trust, to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposed therein mentioned.

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


Notary Public in and for the
State of Nevada
Residing Washoe County
My commission expires: May 12, 2004

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WATER RIGHT CLAIM VERIFICATION

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

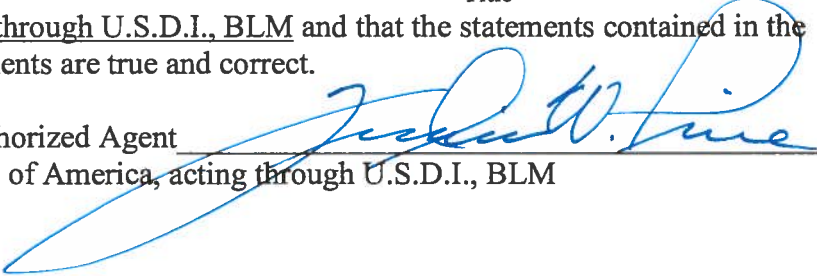
CLAIMANT VERIFICATION:

Water Right Number: 74-15503

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

For Organizations:

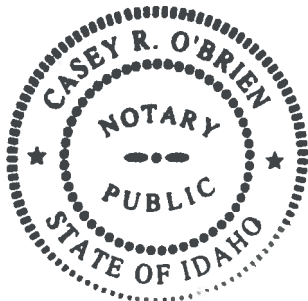
I do solemnly swear or affirm that I am Fredric W. Price, Water Rights Specialist
Title
of United States of America, acting through U.S.D.I., BLM, that I have signed the
foregoing documents in the space below as Water Rights Specialist of United States of
Title
America, acting through U.S.D.I., BLM and that the statements contained in the
foregoing documents are true and correct.

Signature of Authorized Agent  for
the United States of America, acting through U.S.D.I., BLM

NOTARY:

Subscribed and sworn to before me on this 1st day of October, 2004.

Seal




Casey R. O'Brien
Notary Public in and for: State of Idaho
Residing at: Nampa, Idaho
My Commission Expires: October 31, 2009