

Chris M. Bromley, ISB # 6530
Candice M. McHugh, ISB # 5908
McHugh Bromley, PLLC
380 S. 4th St., Ste. 103
Boise, ID 83702
(208) 287-0991
(208) 287-0864 (facsimile)

RECEIVED
APR 28 2014
DEPARTMENT OF
WATER RESOURCES

Attorneys for Bruce and Glenda McConnell

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

In Re SRBA

Case No. 39576

Subcase Nos. 74-361, -362, -363, -364, -
365, -367, -368

AFFIDAVIT OF CHRIS M.
BROMLEY

STATE OF IDAHO)
) ss.
County of Ada)

CHRIS M. BROMLEY, being first duly sworn upon oath, deposes and says:

1. I am an attorney representing Bruce and Glenda McConnell ("McConnells"). I am over the age of 18 and state the following based upon my own personal knowledge.
2. Attached hereto as Exhibit A is true and correct copy of the original decree, *Reddington et al. v. Bohannon et al.*, Sixth Jud. Dist., Lemhi County (July 1, 1912), from which McConnells predecessors-in-interest originally derived their interest in water right nos. 74-361, -362, -363, -364, -365, -366, -367, and -368.

3. Attached hereto as **Exhibit B** are true and correct copies of the claims filed by McConnells' predecessor-in-interest in the Lemhi Adjudication for water right nos. 74-361, -362, -363, -364, -365, -366, -367, and -368.

4. Attached hereto as **Exhibit C** are true and correct copies of the pertinent pages from the Lemhi Adjudication "Green Book" for water right nos. 74-361, -362, -363, -364, -365, -366 (disallowed), -367, and -368.

5. Attached hereto as **Exhibit D** are true and correct copies of the pertinent pages, dated May 4, 1983, from IDWR labeled "Water Rights in the Lemhi River Drainage Basin" for water right nos. 74-361, -362, -363, -364, -365, -366 (disallowed), -367, and -368.

6. Attached hereto as **Exhibit E** is a true and correct copy of the *Corrected Order Adopting Proposed Memorandum Decision and Order* (March 22, 1991); *Order Adopting Proposed Memorandum Decision and Order* (January 16, 1991); and *Proposed Memorandum Decision and Order* (November 19, 1990) from the IDWR water right records for permit no. 74-7274, in which McConnells' predecessor-in-interest, who was recognized as holding valid senior-priority irrigation water rights, protested a stockwater permit from Lee Creek.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Water District 74-Z 2014 annual meeting minutes, showing assessment to McConnells for delivery of water right nos. 74-361, -362, -363, -364, -365, -366, -367, and -368 during the 2014 irrigation season.

8. All documents in these subcases have been served upon the Court's expedited service list.

9. In addition to serving the expedited service list, counsel has served all documents in these subcases to users on Lee Creek, identified by IDWR's water right database as follows:

Basin	Sequence	Basis	Priority Date	Div. Rate (cfs)	Water Use	Owner
74	10554	Decreed	6/1/1876	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	1831	Decreed	6/28/1912	0.24	IRRIGATION	RUGGLES, AL; RUGGLES, JAMIN K
74	949	Decreed	12/5/1918	0.04	IRRIGATION, STOCKWATER	RUGGLES, AL; RUGGLES, JAMIN K
74	14451	Decreed	6/28/1934	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	2261	Decreed	12/21/1941	2	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	ANDERSON, BOBBIE E; ANDERSON, DORIS
74	2339	Decreed	12/21/1941	2	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	ANDERSON, BOBBIE E; ANDERSON, DORIS
74	7274	Permit	12/8/1989	0.07	STOCKWATER	PETERSON, EDDIE R
74	15200	License	5/8/1990	0.26	IRRIGATION	PETERSON, HARVEY E
74	15201	License	5/8/1990	0.34	IRRIGATION	PETERSON, JANETTE S; PETERSON, KENNETH J

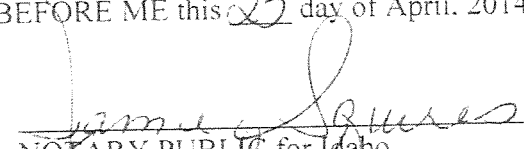
Further your Affiant sayeth naught.

DATED this 25 day of April, 2014.


 CHRIS M. BROMLEY
 Attorneys for Bruce and Glenda McConnell

SUBSCRIBED AND SWORN TO BEFORE ME this 25 day of April, 2014.

(seal)


 NOTARY PUBLIC for Idaho

Residing at: Star

My Commission Expires: 9/20/15

EXHIBIT A

①

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

Satisfied

John B. Reddington, Cora Redd-
ington and Julia Reddington,
Plaintiffs,

vs

Grant Bohannon, Gus Mulkey
and James R. Schoonover,
Defendants.

D E C R E E

This cause having come on to be heard on the 7th day of November, 1911, before the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, sitting without a jury, F. J. Cowen, Esq., appearing as counsel for the plaintiffs, E. W. Whitcomb, Esq., appearing as counsel for the defendants, Grant Bohannon and James R. Schoonover, and Messrs. Holden & Holden and A. W. Holden, appearing as counsel for the defendant Augusta R. Mulkey; and the Court having heard the testimony; and the parties having filed their stipulations herein; and the Court being fully advised in the premises; and having ordered judgment to be entered in accordance with the said findings and stipulations, now makes and files its judgment and decree in accordance therewith, and orders, adjudges and decrees as follows:

I

74 0361

It is ordered, adjudged and decreed that the plaintiff, John B. Reddington, is entitled to the use of 60 inches, or 1-1/5 cubic feet per second of the flow of the waters of Lee Creek, in the County of Lemhi, State of Idaho, under date of May 12th, 1883, and is also entitled to the further use of 205 inches, or 4 1/10 cubic feet per second of the flow of the waters of said stream, under date of May 1st, 1906, for the irrigation of the E 1/2 of the NE 1/4, the SW 1/4 of the NE 1/4, and the SE 1/4 of the NW 1/4 of Section 17, Township 16 North of Range 25, East of the Boise Meridian; and the S 1/2 of the SE 1/4 of Section 8, and the NE 1/4 of the NW 1/4, and the NW 1/4 of the NE 1/4 of Section 17, Township 16 North, Range 25 East of the Boise Meridian, to which lands the said water rights shall be appurtenant.

74 0362

RECORDED
JUL 31 1996

SCANNED
APR 10 2007

74 0363

II

It is further ordered, adjudged and decreed that the plaintiff, Cora Reddington, is entitled to the use of 50 inches, or 1 cubic foot per second of the waters of said Lee Creek, under date of May 12, 1883, and is further entitled to 65 inches, or $1\frac{3}{10}$ cubic feet per second of the flow of the waters of said stream, under date of June 1st, 1900, for the irrigation of the $W\frac{1}{2}$ of the $NW\frac{1}{4}$, and the $W\frac{1}{2}$ of the $SW\frac{1}{2}$ of Section 9, Township 16 North, Range 25 East of the Boise Meridian, to which lands the said water right rights shall be appurtenant.

74 0365

III

It is further ordered, adjudged and decreed that the plaintiff, Julia E. Reddington, is entitled to the use of 90 inches or $1\frac{4}{5}$ cubic feet per second of the flow of the waters of said Lee Creek, under date of May 12th, 1883, and is further entitled to the use of 70 inches, or $1\frac{2}{5}$ cubic feet per second of the flow of said stream, under date of June 1st, 1900, for the irrigation of the $W\frac{1}{2}$ of the $NE\frac{1}{4}$, and the $W\frac{1}{2}$ of the $SE\frac{1}{4}$, the $E\frac{1}{2}$ of the $SW\frac{1}{4}$, and the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ of Section 9, Township 16, North, Range 25 East of the Boise Meridian, to which lands the said water rights shall be appurtenant.

IV

74 0367

It is further ordered, adjudged and decreed that the defendant, James R. Schoonover, is entitled to the use of one half, but not exceeding 30 inches, or $\frac{3}{5}$ cubic feet per second of the flow of water of the Left Fork of said Lee Creek, under date of May 12, 1883, but such right shall extend only to the quantity of water that may be found flowing in said Left Fork below the diversion point of the defendant, Grant Bohannon, at the place where said diversion is made at the time of this decree, located in the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 31 of said Township and Range, and said right shall apply only after the appropriations of the defendants, A. R. Mulkey and Grant Bohannon, hereinafter mentioned, shall first be supplied, and shall apply to all of the waters arising in said stream below the said diversion; and the defendant, James R. Schoonover, is further entitled to the use of 290 inches, or $5\frac{4}{5}$ cubic feet per second of the flow of the waters of the Right Fork of said Lee Creek, under date of November 5th, 1909; all for the purpose of

74 0368

JUL 31 1936

irrigating the $E\frac{1}{2}$ and the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 17, the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 18, the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 19, the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ and the $NW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 20, Township 16 North, Range 25, East of the Boise Meridian, to which lands the said water rights shall be appurtenant.

V

74 0369

It is ordered, adjudged and decreed that the defendant, Grant Bohannon, is entitled to the use of 120 inches, or $2\frac{2}{5}$ cubic feet per second of the flow of the waters of the Left Fork of Lee Creek, under date of May 12th, 1883, for the irrigation of the $E\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 29, and the $N\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 32, and the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$, the $S\frac{1}{2}$ of the $NW\frac{1}{4}$, and the $NW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 29, all in Township 16 North, Range 25 East of the Boise Meridian, to which lands the said water right shall be appurtenant.

VI

74 0370 It is ordered, adjudged and decreed that the defendant, Augusta R. Mulkey, is entitled to the use of 200 inches, or 4 cubic feet per second of the flow of the waters of the Left Fork of Lee Creek, under date of May 12th, 1883, for the irrigation of the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $NW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 32; the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ and the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 31, and the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 32, the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$, and the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 31, all in Township 16 North, Range 25, East of the Boise Meridian, to which lands the said water right shall be appurtenant.

VII

~~74 0371~~ It is further ordered, adjudged and decreed that when the flow of Lee Creek shall fall below the amount of the said 320 inches herein decreed to the said Augusta R. Mulkey and the said Grant Bohannon, that then and in such case the said August R. Mulkey and Grant Bohannon shall pro-rate the waters of said Left Fork of Lee Creek flowing therein above their points of diversion, according to the respective amounts of water herein decreed to them; and it is further ordered that all waste water and seepage water arising or flowing from said lands of the said Augusta R. Mulkey and the said Grant Bohannon, shall be returned to said Left Fork of Lee Creek below their respective tracts of land; and it is

RECORDED

JUL 31 1896

further ordered that the said August R. Mulkey and the said Grant Bohannon shall not be obliged to pro-rate with any other parties to this action, whose right of appropriation is of equal priority therewith, in case the flow of the waters of the said Left Fork shall be of insufficient quantity to supply all rights, under date of May 12th, 1883.

VIII

It is further ordered adjudged and decreed that each of the parties hereto, shall be restrained and enjoined from interfering with the rights of any other party to this action, as the same are herein adjudicated, and that each of the parties hereto, shall pay his own costs and expenses of this action.

Done in open court this 28th day of June, 1912.

Filed July 1st, 1912.

J. M. Stevens, Judge.

J. L. Kirtley, Jr., Clerk.

State of Idaho)
)
County of Lemhi)

I, J. L. Kirtley, Jr., Clerk of the District Court of the Sixth Judicial District of Idaho in and for the County of Lemhi, do hereby certify that the above and foregoing is a full, true and correct copy of the Decree in the case of John B. Reddington et al vs Grant Bohannon et al, as the same appears of record in Judgment Book B pages 74 and 75, Records of Lemhi County, Idaho.

In Witness Whereof, I have set my hand and affixed my official seal this 1st day of July 1912.

(SEAL)

/s/ J. L. Kirtley, Jr.
Clerk of the District Court.

EXHIBIT B

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

NOTICE OF THE GENERAL OFFICE
NOTICE OF THE RIGHT TO THE USE OF
SURFACE WATERS AND WATER RIGHTS FROM
THE LEMHI RIVER

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A

WATER RIGHT

74-0561

16N-25E-B 2 C

Notice is hereby given that Parley A. Arave and/or Robert T. Hemming
Box 1, Lemhi, Idaho 83465 (Name of Claimant)

(Mailing Address) claims a right to the diversion
and for the use of the surface of groundwater, or of tributary to the LEMHI River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) May 12, 1883
- (2) Name of source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to
LEMHI RIVER. Div. 10-2.
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | Quantity | Use | Period of Use From | To |
|----------|-------------------------------------|--------------------|------------|
| 1.2 | Irrigation | April 1 | November 1 |
| XXXXXX | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
| Quantity | Use | Period of Use From | To |
| 1.2 | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
| Quantity | Use | Period of Use From | To |
| 1.2 | (Domestic, irrigation, stock, etc.) | (Mo., Day) | (Mo., Day) |
- (4) TOTAL QUANTITY CLAIMED: XXXXXX
- (5) A) Point of Diversion: Give location of point where water is diverted from its source. SE 1/4 NE 1/4
Sec. 10, Twp. 16N, Rge. 25E, B.M.; additional points:
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give size and capacities, be as specific as possible. headgate and ditch. Ditch is approximately
3 miles long.
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for
irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	25E	8																	
16N	25E	17	9.4		26.9		40.			27.2								54.035.3	69.3
16N	25E	17			9.8														143.3
			This land is also irrigated by Right #74-0561.																

Total No. of acres 212.6

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
- (7) Effluent, sewage waste, or return water from this use is discharged into:
- (8) If you are claiming water as a member of an organization, list name of organization:
- (9) Remarks:
- (10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case John B. Reddington et al.
vs. Grant Eohannon et al. (John B. Reddington)
☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of this, her, their knowledge.

March 2, 1972

(Date)

Individual

Robert T. Hemming
(Signature of Claimant)

Organization

(Signature of Spouse)

State of Idaho

County of Lemhi

On this 2nd day of March

in the year 1972

a notary public, personally appeared XXX Robert T. Hemming

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,

corporation, partnership or _____) executed the same.

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

(Signature of Authorized Agent)

1972

before me,

Notary Public residing at Salmon, Idaho

gr.

16N-25E-B & C

(Name of Claimant)

The extent and nature of said claim is as follows:

(2) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) May 1, 1906

(2) Discard source of water (Name of stream, lake, spring, etc., or groundwater) Leo Creek, tributary to
Lehigh River, Div. LC-2.

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 4.11 Use Irrigation Period of Use From April 1 To November 1
(Mons., Day) (Mons., Day)
 (Mons., Day) (Mons., Day)

(Q_{10}, σ_{10}) (Å)	V_{30}	Period of V_{30} from	Both Data Analysis	
			T_0	(M_{30}, D_{30})
0.18 (0.11 Å)	From the integral of $s_{10}(s_1, s_2)$			(M_{30}, D_{30})

Quantity	Use	Period of Use From		(Both Dates Inclusive)	
		(Month, Day, Year)	(Month, Day, Year)	(Mo., Day, Yr.)	(Mo., Day, Yr.)
1.000 000 000	(Diameter, length, stock etc.)	1900	1900	1900	1900

(b)	$\frac{1}{2}$ $\frac{1}{2}$ X X X X X X X X X	TOTAL QUANTITY CLAIMED
1	1	1
2	1	1
3	1	1
4	1	1
5	1	1
6	1	1
7	1	1
8	1	1
9	1	1
10	1	1
11	1	1
12	1	1
13	1	1
14	1	1
15	1	1
16	1	1
17	1	1
18	1	1
19	1	1
20	1	1
21	1	1
22	1	1
23	1	1
24	1	1
25	1	1
26	1	1
27	1	1
28	1	1
29	1	1
30	1	1
31	1	1
32	1	1
33	1	1
34	1	1
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85	1	1
86	1	1
87	1	1
88	1	1
89	1	1
90	1	1
91	1	1
92	1	1
93	1	1
94	1	1
95	1	1
96	1	1
97	1	1
98	1	1
99	1	1
100	1	1

(5) A) Point of Diversion. Give location of point where water is diverted from its source. SE 1/4 NE 1/4
Sec. 50, Twp. 16N, Rge. 28E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. Handigate and ditch. Ditch is approximately
3 miles long.

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
		NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16N	25E	8														34.	35.8	69.3
16N	25E	17	2.4		26.9													143.5
		This land is also irrigated by Right #24-2361.																

Total No. of acres 212.6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization. _____

(3) Remarks

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

4) B) Right decreed by court, cite title of case John B. Reddington et al.

vs. Grant Bohannon et al. (John B. Reddington)

☐ () Right based on application, license, or claim filed with the Idaho Department of Water Administration

Do I know that the undersigned, after being duly sworn, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

March 2, 1972
(Date)

(Individual)
Robert V. Henning
(Signature of Claimant)

(Signature of Spouse)

State of Idaho } ss. Organization
County of Lemhi Seal
March

Organization _____ (Signature of Spouse)

(Signature of Authorized Agent)

On this 2nd day of March, in the year 1972, before me

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they) executed the same. Lydia Helen Smith

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

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

DECLARATION OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF SURFACE WATERS AND TRIBUTARIES FROM WHATEVER SOURCE OF THE LEMHI RIVER OR WATER ADMINISTRATION

NOTICE OF CLAIM IDENT. NO. MAP NO.
TO A
WATER RIGHT 74-0363 16N-25E-B

Notice is hereby given that Parley A. Arave and/or Robert T. Hemming
(Name of Claimant)
Box 1, Lemhi, Idaho 83465

(Mailing Address) claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the LEMHI River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) May 12, 1883
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to Lemhi River. Div. LC-2.
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | Quantity | Use | Period of Use From | To |
|-----------|------------|--------------------|------------|
| 1.0 XXXXX | Irrigation | April 1 | November 1 |
| Quantity | Use | Period of Use From | To |
| Quantity | Use | Period of Use From | To |
| Quantity | Use | Period of Use From | To |
- (4) 1.0 TOTAL QUANTITY CLAIMED.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source. SE NE
Sec. 30 Twp. 16N Rge. 25E, D.M.; additional points:
- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. Headgate and ditch. Ditch is approximately 3 miles long.
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
16N	25E	9																	

Total No. of acres 46.1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) Effluent, sewage waste, or return water from this use is discharged into
- (8) If you are claiming water as a member of an organization, list name of organization.
- (9) Remarks
- (10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use. ☒ B) Right decreed by court, cite title of case. John B. Reddington, et al. vs. Grant Bohannon, et al. (Cora Reddington) ☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of this, her, their knowledge.

March 2, 1972
(Date)

Individual
Robert T. Hemming
(Signature of Claimant)

Organization
(Signature of Spouse)

State of Idaho
County of Lemhi
On this 2nd day of March, 1972, before me,

a notary public, personally appeared Robert T. Hemming known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that he/she, they, executed the same.

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

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

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF SURFACE WATERS AND UNDERGROUNDS FROM WHICH WATER RISES IN THE LEMHI RIVER DRAINAGE BASIN

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A

WATER RIGHT

74-0364

16N-25E-B

Notice is hereby given that Parley A. Arave and/or Robert T. Hemming (Name of Claimant)

Box 1, Lemhi, Idaho 83465 (Mailing Address), claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the LEMHI River:

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) June 1, 1900

(2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to Lemhi River, Div. 13-2.

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	Use	Period of Use From	To
1.3	Irrigation	April 1	November 1
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
1.3	TOTAL QUANTITY CLAIMED		

(5) A) Point of Diversion: Give location of point where water is diverted from its source. SE 1/4 NE 1/4, Sec. 30, Twp. 16N, Rge. 25E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc) Give sizes and capacities; be as specific as possible. Headgate and ditch. Ditch is approximately 3 miles long.

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL
16N	25E	9						5.1	34.7	8.5					48.1
Belongs to another party but claimant claims he irrigates this.															
This land is also irrigated by Right #74-0364.															

Total No. of acres 48.1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into

(8) If you are claiming water as a member of an organization, list name of organization

(9) Remarks

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☒ B) Right decreed by court, cite title of case, John P. Reddington, et al. vs. Grant Bohannon, et al. (Cora Reddington)
☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Do it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

March 2, 1972
(Date)

Individual
Robert T. Hemming
(Signature of Claimant)

Organization
(Signature of Sponsor)

State of Idaho

County of Lemhi

On this 2nd day of March, 1972, before me,

a notary public, personally appeared Robert T. Hemming, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they) executed the same.

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF SURFACE WATERS AND TRIBUTARIES FROM WHATEVER SOURCE, IN THE LEMHI RIVER DRAINAGE, SOUTHWESTERN IDAHO

MAP NO.

16N-25E-C

Box 1, Lemhi, Idaho 83465

The extent and nature of said claim is as follows:

(2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to Lemhi River. Div. LG-2/

1.3

Period of Use From April 1 to November 1

1015 25928

$$\frac{d}{dt} \left(\frac{1}{2} \dot{\theta}^2 + \frac{1}{2} \dot{\phi}^2 + \frac{1}{2} \dot{\psi}^2 + \frac{1}{2} \dot{\chi}^2 + \frac{1}{2} \dot{\eta}^2 + \frac{1}{2} \dot{\xi}^2 + \frac{1}{2} \dot{\zeta}^2 + \frac{1}{2} \dot{\eta}^2 + \frac{1}{2} \dot{\xi}^2 + \frac{1}{2} \dot{\zeta}^2 \right) = 0$$

Period of Use From to

61-10341-1-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-11

1994

Product of Use Group: H_2O_2 Mfg. Co. (univ.)

4) = XXXX

Sec. 10, Twp. 16N, Rge. 25E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)

Give sizes and capacities; be as specific as possible. Headgate and ditch. Ditch is approximately 3 miles long.

(5) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
E6N	25E	9							10.6	3.8									16.4
This land is also irrigated by Right #74-0766.																			

Total No. of acres 16.4 2.0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) Effluent, sewage waste, or return water from this use is discharged into _____

(8) If you are claiming water as a member of an organization, list name of organization.

[illegible]

(10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.

☒ B) Right decreed by court, cite title of case John B. Reddington et al.

vs. Grant Bohannon, et al. (Julia E. Reddington)

☐ C) Right based on application, license, or claim filed with the Idaho Department of Water

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

March 2, 1973 •

Index

Individuals

MINISTRY OF DEFENSE

Organization

(Signature of Spouse)

State of Idaho

Lemhi

Organisation

(Signature of Authorized Agent)

On this 2nd day of March in the year 1972 before me

On this _____ day of _____, 19____, at the County of _____, State of _____, before me,
a notary public, personally appeared _____ Robert T. Hemming _____

known to me to be the person(s) whose name(s) are subscribed to the above instrument and acknowledged to me that (he, she, they,

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

IN POSSESSION OF THE FEDERAL GOVERNMENT. THE RIGHT TO THE USE OF
WATER BY THE STATES AND TERRITORIES FROM
WHICH THE SOURCE OF THE RIVER
OR LAKE HAS BEEN DETERMINED.

MAP NO.

WATER RIGHT

74-0366

16N-25E-4

Noticed is hereby given that Farley A. Grave and/or Robert T. Hemmings

(Name of Claimant)

Box 1, Lemhi, Idaho 83465

(Mailing Address)

claims a right to the diversion

and beneficial use of the surface or groundwater, of or tributary to the LEMHI River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) June 1, 1900

10. The other source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 14 Use Irrigation Period of Use From April 1 To November 1

[illegible]

$T_{\text{eff}}(\text{eV})$	$\frac{dN}{dE \times dA \times dt \times d\Omega \times d\cos\theta}$	Flux	Period of Use From	Other Data Available
		$(\text{MeV} \times \text{m}^2 \times \text{s})^{-1}$		From
0.01				
0.02				
0.03				
0.04				
0.05				
0.06				
0.07				
0.08				
0.09				
0.10				
0.12				
0.15				
0.20				
0.30				
0.40				
0.50				
0.60				
0.70				
0.80				
0.90				
1.00				
1.20				
1.50				
2.00				
3.00				
4.00				
5.00				
6.00				
7.00				
8.00				
9.00				
10.00				
12.00				
15.00				
20.00				
30.00				
40.00				
50.00				
60.00				
70.00				
80.00				
90.00				
100.00				

(4) $\epsilon = \frac{1}{1000} \frac{h}{100}$ POLYMER QUANTITY CLAIMED

(5) At Point of Diversion: Give location of point where water is diverted from its source. SE NE
Sec. 20 Twp. 16N Rge. 25E, B.M.; additional points: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. — Aggregate and ditch. Ditch is approximately
3 miles long.

(b) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	25E	3									10.6	5.8							16.4
XXXXX This same land is also irrigated by Right #74-0365.																			

Total No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into

(8) If you are claiming water as a member of an organization, list name of organization.

(2) Remarks

(19) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

X4 B) Right decreed by court, cite title of case John B. Reddington et al.
vs. Grant Bohannon, et al. (Julia E. Reddington)

☐ () Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

March 2, 1972

Individuals

Organization

State of _____, Idaho

Organization

County of Lehigh

March

On this 14th day of March, in the year 1972, before me

a. Notary public, personally appeared Robert T. Hemming, in the year 1998, before me,
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they)
corporation, partnership or _____) executed the same. True

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1924

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

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF SURFACE WATERS AND TRIBUTARIES FROM WHATEVER SOURCE WHETHER LEMHI RIVER OR AN AQUIFER

NOTICE OF CLAIM IDENT. NO. MAP NO.

TO A WATER RIGHT 74-0367 16N-25E-3

Notice is hereby given that Barley A. Arave and/or Robert T. Hemming (Name of Claimant)

Box 1, Lemhi, Idaho 83465 (Mailing Address)

claims a right to the diversion of the surface or groundwater, or of tributary to the LEMHI River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) May 12, 1933
- (2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to Lemhi River, Div. 10-2
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | Quantity | Use | Period of Use From | To |
|----------|------------|--------------------|------------|
| 0.5 | Irrigation | April 1 | November 1 |
| 0.5 | Domestic | | |
| 0.5 | Use | | |
| 0.5 | Use | | |
| 0.5 | Use | | |
- (4) 0.6 TOTAL QUANTITY CLAIMED

- (5) A) Point of Diversion: Give location of point where water is diverted from its source. SE 1/4 NE 1/4 Sec. 17, Twp. 16N, Rge. 25E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. Headgate and ditch. Ditch is approximately 3 miles long.

- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	TOTAL
16N	25E	17	9.4	26.9			
16N	25E	17	39.2				172.6
16N	25E	18					38.4
16N	25E	19	25.7				25.3
16N	25E	20		40.9	28.3		109.5

Total No. of acres 344.9

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) Effluent, sewage waste, or return water from this use is discharged into
- (8) If you are claiming water as a member of an organization, list name of organization
- (9) Remarks
- (10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use
☒ B) Right decreed by court, cite title of case John H. Reddington et al. vs. Grant Bohannon, et al. (James Schoonover)
☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

March 2, 1972 (Date)

Individual Robert T. Hemming (Signature of Claimant)

Organization Idaho (Signature of Sponsor)

County of Lemhi (Signature of Authorized Agent)

On this 2nd day of March, in the year 1972, before me, a notary public, personally appeared Robert T. Hemming, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

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

IN THE MATTER OF THE GENERAL DIVISION OF THE RIGHT TO THE USE OF
SURFACE WATERS AND UNDERLIES FROM
A NATURAL SOURCE OF THE LEMHI RIVER
DRAINAGE DISTRICT

TO A
WATER RIGHT

TO A
WATER RIGHT

IDENT. NO. 94-0368

MAP NO. 16N-25E-C

Notary hereby gives notice that Carley A. Arave and/or Robert T. Hemming

Box 1, Lemhi, Idaho 83465

claims a right to the diversion of water from the Lemhi River, of or tributary to the LEMHI River.

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that person claimed) November 5, 1909

(2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Lee Creek, tributary to Lemhi River, Div. 1C-2.

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 5.8 Use Irrigation Period of Use From April 1 To November 1

Quantity XXXXX Use Irrigation Period of Use From April 1 To November 1

Quantity XXXXX Use Irrigation Period of Use From April 1 To November 1

(4) 5.8 TOTAL QUANTITY CLAIMED.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NE 1/4 Sec. 20, Twp. 16N, Rge. 25E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give name and caption; be as specific as possible. Headgate and ditch. Ditch is approximately 3 miles long.

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	TOTAL
16N	25E	17	9.4	26.9	8.8	40.	75.1
16N	25E	17	39.8		28.2	15.8	172.6
16N	25E	18				38.4	38.4
16N	25E	19	26.3				26.3
16N	25E	20		40.	39.1	28.5	107.6

Total No. of acres 344.9

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into:

(8) If you are claiming water as a member of an organization, list name of organization:

(9) Remarks:

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☒ B) Right decreed by court, cite title of case John B. Heddington et al. vs. Grant Bohannon et al. (James Schoonover)

☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

March 2, 1972

Individual Robert T. Hemming

Organization (Signature of Spouse)

State of Idaho

County of Lemhi

Organization Seal

(Signature of Authorized Agent)

On this 2nd day of March, in the year 1972, before me,

a notary public, personally appeared Robert T. Hemming, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they) executed the same.

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

EXHIBIT C

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR

LEMHI COUNTY

PROPOSED FINDING OF WATER RIGHTS

IN THE

LEMHI RIVER BASIN

CIVIL CASE NO. 4948

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Lee Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
74-0361	ARAVE, Parley A. and/or	5 -12-1883	Irrigation	4/1 11/1	1.2	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.30 T16N, R25E	Sec. 8	Decree Lee Creek
	HEMMING, Robert T.						SW $\frac{1}{4}$ SE $\frac{1}{4}$,	
	Box 1 Lemhi, Idaho						SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17	
							9.4 39.8 26.9 40.0 27.2	
							T16N, R25E	
								212.6
74-0363	ARAVE, Parley A. and/or	5 -12-1883	Irrigation	4/1 11/1	1.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.30 T16N, R25E	Sec. 9	Decree Lee Creek
	HEMMING, Robert T.						SW $\frac{1}{4}$ NW $\frac{1}{4}$,	
	Box 1 Lemhi, Idaho						NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, T16N, R25E	
							3.1 34.7 8.3	
								46.1
74-0365	ARAVE, Parley A. and/or	5 -12-1883	Irrigation	4/1 11/1	1.2	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.30 T16N, R25E	Sec. 9	Decree Lee Creek
	HEMMING, Robert T.						SE $\frac{1}{4}$ NW $\frac{1}{4}$,	
	Box 1 Lemhi, Idaho						NE $\frac{1}{4}$ SW $\frac{1}{4}$, T16N, R25E	
							14.5 6.3	
								20.8

SOURCE: Lee Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To					
74-0367	ARAVE, Parley A. and/or HEMMING, Robert T. Box 1 Lemhi, Idaho	5	-12-1883	4/1	11/1	0.6	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.30 T16N, R25E	Sec. 17 NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18 SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19 NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20 NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, T16N, R25E	8.8 40.0 28.2 5.7 13.8 38.4 26.3 40.0 39.1 28.5 <u>268.8</u>	Decree Lee Creek
74-0369	WHITTAKER, Floyd J. Box 177 Leadore, Idaho	5	-12-1883	4/1	11/1	2.4	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.31 T16N, R25E	Sec. 29 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32 NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, T16N, R25E	40.0 33.4 38.8 40.0 13.3 40.0 36.9 33.0 <u>275.4</u>	Decree Left Fork of Lee Creek
This right and right 74-0370 shall not be obliged to pro-rate with any other parties on Lee Creek, whose appropriation is of equal priority therewith, in case the flow of the waters of the Left Fk. of Lee Creek shall be an insufficient quantity to supply all rights under date of priority of May 12, 1883. When the flow in the Left Fk. of Lee Creek shall fall below the amounts decreed in rights 74-0369 and 74-0370, the two rights shall be pro-rated according to the respective amounts of water decreed.										

When the flow in the Left Fk. of Lee Creek shall fall below the amounts decreed in rights 74-0369 and 74-0370, the two rights shall be pro-rated according to the respective amounts of water decreed.

PROPOSED FINDING OF WATER RIGHTS - FISH RIVER DRAINAGE

SOURCE: Lee Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
74-0370	WHITTAKER, Calvin J. and/or Carol L. Box 26 Leadore, Idaho	5 -12-1883	Irrigation	4/1 11/1	4.00	Lot 4, S. 6 T15N, R25E	Sec. 31 SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, T16N, R25E	Decree Left Fork of Lee Creek
74-0369	This right and right 74-0369 shall not be obliged to pro-rate with any other parties on Lee Creek, whose appropriation is of equal priority therewith, in case the flow of the waters of the left Fk. Lee Creek shall be an insufficient quantity to supply all rights under date of priority May 12, 1883.							
74-0369	When the flow in the left Fk. Lee Creek shall fall below the amounts in rights 74-0369 and 74-0370, the two rights shall be pro-rated according to the respective amounts of water decreed.							
74-0364	ARAVE, Parley A. and/or HEMMING, Robert T. Box 1 Lemhi, Idaho	6 -1 -1900	Irrigation	4/1 11/1	1.30	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 30 T16N, R25E	Sec. 9 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, T16N, R25E	Decree Lee Creek
74-1665	MAHAFFEY, Taylor and/or Jessie B. Box 36 Lemhi, Idaho	12-22-1903	Irrigation	4/1 11/1	0.54	SW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 4 T16N, R25E	Sec. 4 SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, T16N, R25E	Beneficial Use Springs
74-0362	ARAVE, Parley A. and/or HEMMING, Robert T. Box 1 Lemhi, Idaho	5 -1 -1906	Irrigation	4/1 11/1	4.10	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 30 T16N, R25E	Sec. 8 SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17 NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, T16N, R25E	Decree Lee Creek
								212.6

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Lee Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
74-0368	ARAVE, Parley A. and/or HEMMING, Robert T. Box 1 Lemhi, Idaho	11-5 -1909	Irrigation	4/1 11/1	5.80	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.30 T16N, R25E	Sec. 17 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.8 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 SE $\frac{1}{4}$ SW $\frac{1}{4}$, 28.2 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 5.7 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 13.8 Sec. 18 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 38.4 Sec. 19 NE $\frac{1}{4}$ NE $\frac{1}{4}$, 26.3 Sec. 20 NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 39.1 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 28.5 T16N, R25E 268.8	Decree Lee Creek
74-1136	WHITTAKER, Floyd J. Box 77 Leadore, Idaho This right is used during flood water flows.	6 -28-1912	Irrigation	6/1 7/10	2.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.31 T16N, R25E	Sec. 29 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 13.3 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 16.3 SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 Sec. 32 NW $\frac{1}{4}$ NW $\frac{1}{4}$, 33.0 T16N, R25E 102.6	Beneficial Use Stroud Creek
74-1855	WHITTAKER, Calvin J. and/or Carol L. Box 26 Leadore, Idaho This right is used during flood water flows.	6 -28-1912	Irrigation	6/1 7/10	2.00	Lot 4, S.6 T15N, R25E	Sec. 31 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.9 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 38.3 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 18.1 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 31.4 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.2 Sec. 32 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.9 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 23.9 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 T16N, R25E 186.7	Beneficial Use Stroud Creek

The following claims to a water right on the Lemhi River and tributaries are found to be invalid for the reason listed and are recommended to be disallowed.

IDENT. NO.	NAME	REASON
74-0043F	Mina Ohlson c/o Elsie A. Beaumont	No beneficial use found - Use forfeited or abandoned.
74-0105	Kernit Purcell	No beneficial use found - Use forfeited or abandoned.
74-0112	James &/or Maybelle Elsworth	Exceeds duty when combined with 74-0067 and 74-0111.
74-0308	McFarland Livestock Co., Inc.	Claim withdrawn by T. L. McFarland.
74-0319E	U. S. Department of Interior - BLM	Recommended as 74-1846.
74-0366	Parley A. Arave &/or Robert F. Hemming	Extent of Right Recommended included in 74-0365.
74-0383	Scott J. Raymond	Use abandoned or forfeited.
74-0395A	Eldon &/or Edna Z. Jolley	Recommended as 74-4005B.
74-0395B	Eldon &/or Edna Z. Jolley	Recommended as 74-4005C.
74-0396	Eldon &/or Edna Z. Jolley	Recommended as 74-4005A.
74-0417	Fred L. &/or Dorothy L. Marshall	Source outside Lemhi River Basin.
74-0452	Ralph G. &/or Mildred I. Logan	Included in Recommendation of 74-0186.
74-0459	Ralph G. &/or Mildred I. Logan	Included in Recommendation of 74-0186.
74-0486	Delos P. &/c Ann B. Olson	Source outside Lemhi River Basin.
74-0487	Delos P. &/or Ann B. Olson	Source outside Lemhi River Basin.
74-0489	Walter Jackson &/or Shirley W. Parmenter	Source outside Lemhi River Basin.
74-0517	Joseph C. Bohme	No beneficial use found.
74-0552	Lois Geunlek	No beneficial use found.
74-0558	Dallas &/or Shirley Olson	Source outside Lemhi River Basin.
74-0559	Dallas &/or Shirley Olson	Source outside Lemhi River Basin.
74-0560	Dallas &/or Shirley Olson	Source outside Lemhi River Basin.
74-0599	The American Oil Co.	No beneficial use found.
74-0633	Nick &/or Caroline Demick	Source outside Lemhi River Basin.
74-0721	William B. &/or Marian H. Swahlen	Included in Recommendation of 74-0177 & 74-0181.
74-0759	James P. Wright	No diversion.
74-0777	William B. &/or Marian H. Swahlen	No point of diversion.
74-0780	William B. &/or Marian H. Swahlen	Included in Recommendation of 74-0779.
74-0781	William B. &/or Marian H. Swahlen	Included in Recommendation of 74-0779.
74-0864	George H. &/or Josie B. Stoddard	Source outside Lemhi River Basin.
74-0904	Sandy H. Sims	Source outside Lemhi River Basin.
74-0910	Dale &/or William L. Fayle	Exceeds duty when combined with 74-2169.

EXHIBIT D

440416
05/04/83

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 129

INDICATES TOTAL

SOURCE: LEE CREEK

TRIBUTARY TO: LEMHI RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
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74-0361

ARAVE, PARLEY A.
HEMMING, ROBERT T.
P.O. BOX 1

05-12-1883 IRRIGATION 03-15 11-15

1.20 CFS SENE S30 NENE(09) NWSE(40) DECREE
T16N R25E S4NE(27) NEMW(40)
SESW(27)

10 B3465

S17 T16N R25E
SWSE(34) SESE(35)
S08 T16N R25E

REMARKS: AC. IRR.=212.6.

* 212 ACRES*

74-0363

ARAVE, PARLEY A.
HEMMING, ROBERT T.
P.O. BOX 1

05-12-1883 IRRIGATION 03-15 11-15

1.00 CFS SENE S30 SWNW(03) NWSW(35) DECREE
T16N R25E S4SW(08)
S09 T16N R25E

REMARKS: AC. IRR.=46.1.

* 46 ACRES*

74-0365

ARAVE, PARLEY A.
HEMMING, ROBERT T.
P.O. BOX 1

05-12-1883 IRRIGATION 03-15 11-15

1.20 CFS SENE S30 SEWM(14) NESW(06) DECREE
T16N R25E S09 T16N R25E

REMARKS: AC. IRR.=20.8.

* 20 ACRES*

74-0367

ARAVE, PARLEY A.
HEMMING, ROBERT T.
P.O. BOX 1

05-12-1883 IRRIGATION 03-15 11-15

.60 CFS SENE S30 NWNW(40) SWNW(39) DECREE
T16N R25E N4SW(29)
S20 T16N R25E
NENE(26)
S19 T16N R25E
SESE(38)
S18 T16N R25E
NESW(09) S4SW(40)
SESW(28) NWSE(05)
SWSE(14)
S17 T16N R25E

10 B3465

REMARKS: AC. IRR.=268.8.

* 269 ACRES*

74-0364

ARAVE, PARLEY A.
HEMMING, ROBERT T.
P.O. BOX 1

06-01-1900 IRRIGATION 03-15 11-15

1.30 CFS SENE S30 SWNW(03) NWSW(35) DECREE
T16N R25E S4SW(08)
S09 T16N R25E

REMARKS: AC. IRR.=46.1.

* 46 ACRES*

48041b
05/04/83

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

SOURCE: LEE CREEK
TRIBUTARY TO: LEMHI RIVER

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
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74-0362	ARAVE, PARLEY A. HEMMING, ROBERT T. P.O. BOX 1 LEMHI			05-01-1906 IRRIGATION 03-15 11-15	4.10 CFS	SENE S30 T16N R25E	SENE(09) NAME(40) SAME(27) NEMW(40) SENM(27) S17 T16N R25E SMEC(34) SESE(35) S08 T16N R25E	DEGREE
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REMARKS: AC. IRR.=212.6.

* 212 ACRES*

74-0368	ARAVE, PARLEY A. HEMMING, ROBERT T. P.O. BOX 1 LEMHI			11-05-1909 IRRIGATION 03-15 11-15	5.80 CFS	SENE S30 T16N R25E	NAME(40) SWNW(39) NSNW(28) S20 T16N R25E NENE(26) S19 T16N R25E SESE(38) S18 T16N R25E NESW(09) SMSW(40) SESW(28) NMSW(06) SMSE(14) S17 T16N R25E	DEGREE
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REMARKS: AC. IRR.=268.8.

* 268 ACRES*

74-1831	NEF, DARRELL J. NEF, VERA M. STAR RT. LEADORE			06-28-1912 IRRIGATION 03-15 11-15	.24 CFS	NESE S30 T16N R25E	NENE(02) SENE(10) S30 T16N R25E	DEGREE
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* 12 ACRES*

74-0949	NEF, DARRELL J. NEF, VERA M. STAR RT. LEADORE			12-05-1918 IRRIGATION 03-15 11-15	.02 CFS	NESE S20 T16N R25E	NESW(01) S20 T16N R25E	DEGREE
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STOCKWATER 01-01 12-31

SAVE AS OTHER USE

.02 CFS
--*AFA
.04*CFS

74-2261	ANDERSON, ROBBIE F. ANDERSON, DORIS P.O. BOX 53			12-21-1941 IRRIGATION 03-15 11-15	2.00 CFS	SENE S01 T15N R24E	SENM(40) NESW(18) NSW(05) L103 (NEMW)(01)	DEGREE
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EXHIBIT E

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 74-07274 IN THE NAME OF)
EDDIE PETERSON)
_____)

CORRECTED
ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

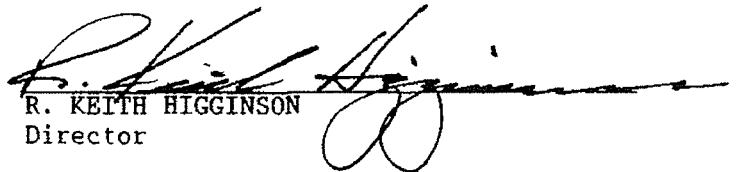
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on November 20, 1990, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order **approving** the Application for Permit be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.

Dated this 22ND day of March, 1991.


R. KEITH HIGGINSON
Director

FILED
DEC 20 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 74-07274 IN THE NAME)
OF EDDIE PETERSON)
_____)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

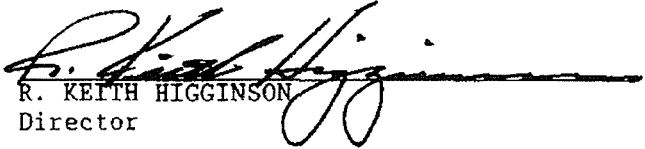
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on November 20, 1990, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order ^{at} ~~denying~~ the Application for Permit be adopted and issued as the Final Decision and Order and proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.

Dated this 16TH day of January, 1991.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 18th day of January 1991, a true and correct copy of the ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Mr. Eddie R. Peterson
Box 85
Leadore, ID 83464

Parley A. Arave
Rt. 1 Box 65
Hill Ridge
Blackfoot, ID 83221

A handwritten signature in cursive script, appearing to read "Rita I. Fleck", written over a horizontal line.

RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 74-07274)
_____)

Eddie Peterson,)
Applicant)

County: Lemhi
Source: Lee Creek

Parley Arave,)
Protestant)
_____)

PROPOSED MEMORANDUM DECISION AND ORDER

On December 8, 1989, Eddie R. Peterson filed an application for permit No. 74-07274 requesting the use of 0.07 cubic feet per second (cfs) for stockwater from Lee Creek.

Notice of this application was published in the Recorder-Herald on January 4 and 11, 1990. On January 16, 1990, Parley Arave submitted a protest objecting to the application on grounds that this stockwater use would adverse his existing water rights from Lee Creek.

A pre-hearing conference was held on September 14, 1990, for the purpose of discussing the issue of Mr. Arave's protest.

FINDINGS OF FACT

1. The protestant, Parley Arave, stated that no water was available for winter stockwater (October 15 through April 15) because the water from Lee Creek was used on irrigated ground all year long.

2. Parley Arave has rights 74-00361 through 74-00368 decreed in his name in the State of Idaho vs Mary Adams from Lee Creek. The period of use is listed as March 15 through November 15.

3. The applicant, Eddie Peterson, applied for 0.07 cfs to be diverted by ditch for stockwater from said Lee Creek to be used from October 15 through April 15 of each year.

CONCLUSIONS OF LAW

1. Section 42-201, of the Idaho Code states in part. . . no person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists. . . .

2. The protestant, Parley Arave, has irrigation rights from Lee Creek which extend from March 15 to November 15 of each irrigation season. The protestant has no right to divert and use water from Lee Creek after November 15 of each year.

3. Section 42-222, of the Idaho Code states in part. . . any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. . . .

4. The protestant has not applied for or received approval

to change period of use of his water rights.

5. The applicant is entitled to a permit from the Department of Water Resources.

ORDER

IT IS, THEREFORE, ORDERED that Application for Permit No. 74-07274 is hereby APPROVED subject to the following conditions:

1. The period of use for this right is limited to be November 16 through March 14 of each season.

2. Proof of construction of works and application of water to beneficial use shall be submitted on or before date indicated on the final order.

Dated this 19th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 27th day of November, 1990, a true and correct copy of the Order Adopting Proposed Memorandum Decision and Proposed Memorandum Decision and Order, were mailed, postage prepaid to:

Eddie R. Peterson
Box 85
Leadore, ID 83464

Parley A. Arave
Rt. 1 Box 65
Hill Ridge
Blackfoot, ID 83221


RITA I. FLECK
Secretary/Records Manager

EXHIBIT F

March 3, 2014
Leadore City Community Building
Leadore, Idaho 83464

RECEIVED
MAR 11 2014
Department of Water Resources
Eastern Region

WATER DISTRICT 74-Z MEETING MINUTES

Meeting was called to order by Chairman Bruce McConnell, at 2:15 P.M. in the Leadore City Community Building, with six members and one guest.

Chairman McConnell requested everyone peruse the minutes of 2013. Motion was made by Steve Johnson to approve the minutes for 2013, the motion was seconded by Jordan Whittaker, so carried.

NEW BUSINESS

ADVISORY COMMITTEE: Carl Ellsworth moved to keep the Advisory Committee the same with the exception of replacing James Whittaker with Jordan Whittaker, Steve Johnson seconded, so carried. Advisory Committee: Jordan Whittaker, Carl Ellsworth and Ralph McRea

WAGES FOR WATER MASTER AND SECRETARY/TREASURER: Les Udy motioned to increase the Water Masters wages by \$100.00 making his total wage \$400.00 per month and raising equipment rental by \$100.00, making equipment rental \$600.00 per month. Water Master will receive \$40.00 year a year for the yearly Water Master Report. Ralph McRea seconded the motion so carried. Carl Ellsworth moved to increase the Secretary/Treasurer wages to \$350.00 per year plus \$50.00 for postage and office supplies. Steve Johnson seconded, motion carried.

Ralph motioned to do away with the Lee Creek recording of waters for \$250.00. The Water Master will take over that recording. Steve Johnson seconded, so carried.

BUDGET: The budget was presented for the 2014 season. There is a carryover of \$1674.53. The proposed budget is for \$4850.00. Carl Ellsworth moved to increase and accept the budget for the 2014 season by \$1200.00 to encompass the raises given to the Water Master and Secretary/Treasurer, making the proposed budget \$6050.00. Ralph McRea seconded the motion, so carried.

Carl Ellsworth made a motion to use water measurement from the previous year for next year budget. Doing away with the adjustment from previous years. Steve Johnson seconded, so carried.

INTEREST: No changes

Water Master: Les Udy made the motion to retain Tom Udy as Water Master, Jordan Whittaker seconded. So Carried.

Officers: Ralph McRea resigned his post as Secretary/Treasurer. Carl Ellsworth moved that officers should be retained as is and elect Aleta Ries to replace Ralph McRea as secretary/treasurer. Jordan Whittaker seconded and the motion was carried.

The officers of 2014 are as follows:

Chairman: Bruce McConnell
Secretary/Treasurer: Aleta Ries

Water Master asked that a letter be sent to Shanna Foster and David Tomchak, requesting them to Clean or repair their head gate and have a workable measuring device.

James Cefalo from IDWR gave a presentation of snowpack update on the area.

OLD BUSINESS:

Having concluded all business of Water District 74-Z, Steve Johnson moved to adjourn, Ralph McRea seconded, so carried. Chairman McConnell adjourned the meeting at 3:00 P.M.

Water Users and/or representatives in attendance were:

Bruce McConnell
Jordan Whittaker
Steve Johnson
Carl Ellsworth
Ralph McRea
Les Udy

James Cefalo, IDWR

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Aleta M. Ries". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Aleta Ries, Secretary/Treasurer

ADOPTED BUDGET AND RESOLUTIONS
PERTAINING TO THE COLLECTION THEREOF

FOR 20¹⁴

RECEIVED

MAR 11 2014

Department of Water Resources
Eastern Region

WATER DISTRICT NO. 74-Z

STREAM Big Eight Mile & Lee Creeks

COUNTY Lemhi

NAME OF SECRETARY Aleta M. Ries

ADDRESS OF SECRETARY P.O. Box 68, Leadore, Idaho 83464

COLLECTION AND HOLDING OF WATER DISTRICT FUNDS

Please check the appropriate box regarding the collection and holding of Water District funds.

☐ The Water District collects and holds its own funds.

☒ Lemhi
(county name) County collects and holds funds for the Water District.

☐ _____
(county name) County collects the Water District's funds and deposits the funds in an account held by the Water District.

(This report must be certified and made in duplicate, one copy to be forwarded to the appropriate regional office of the Idaho Department of Water Resources., and one copy to the Secretary of the Annual Water User's Meeting of the Water District. If a designated county collects funds for the water, then a third copy must be sent to the auditor of the designated county.)

Lemhi county, Idaho, March 7, 20¹⁴

I HEREBY CERTIFY that the within is true and correct copy of the budget as adopted at the annual Water User's Meeting of Water District No. ~~74~~ 74-Z, held at Leadore, Idaho
on the 3rd day of March, 20¹⁴ and all resolutions adopted at said meeting pertaining to the time and the manner of collecting the amounts provided for in the said budget.

Aleta M. Ries

Secretary, Water District No. 74-Z

WATER DISTRICT No. 74-Z

Estimated Amount for Watermaster's Salary	\$	2,000.00
Estimated Amount for Assistant Watermaster and other Water District Officials	\$	
Estimated Amount for Other Expenses	\$	4,050.00
TOTAL ESTIMATED EXPENSES FOR 20 <u>14</u>	\$	6050.00

DISTRIBUTION OF THE BUDGET AMONG USERS

[illegible]

RESOLUTIONS PERTAINING TO THE TIME AND MANNER OF COLLECTING THE BUDGET AS
ADOPTED AT THE ANNUAL MEETING OF THE USERS OF

WATER DISTRICT No. 74-Z

Water District 74-Z
Leadore, Idaho 83464

Resolved: That the Amount of Assessment to each water user as shown on the 2014 adopted budget shall become due and payable May 1, 2014. Amounts if not paid, shall bear interest at the rate of 10% per annum as of May 1, 2014. That the Lemhi County Treasurer will bill and collect funds for Water District 74-Z

WATER DISTRICT INFORMATION SHEET

RECEIVED

MAR 11 2014

Department of Water Resources
Eastern Region

2014
Year

742 BIG EIGHT MILE & LEE CREEK

Water District # / Stream Name

THOMAS C. UDY

Watermaster Name

P.O. BOX 215, LEADORE, IDAHO 83464

Address

208 768-2603

Phone Number, Home / Cell

E-Mail Address

Assistant Watermaster Name

Address

Phone Number, Home / Cell

E-Mail Address

ALETA M. RIES

Secretary Name

P.O. BOX 68, LEADORE, IDAHO 83464

Address

208 768-2237 / 940-0638

Phone Number, Home / Cell

mikealetar@centurytel.net

E-Mail Address

Please print in the blank information above and return it to the Idaho Department of Water Resources. Your cooperation on this matter would be greatly appreciated. If you have any questions, please feel free to contact me.

Respectfully Submitted,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 11, 2014

Aleta M Ries
PO Box 68
Leadore ID 83464

WATER DISTRICT #74Z

Dear Secretary / Treasurer:

We acknowledge receipt of the Minutes of the Annual Watermaster's Election Meeting held in your district. The Watermaster Certificate will be sent under separate cover.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Dennis M. Dunn".

Dennis Dunn
Senior Water Right Agent

DD:sc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April 2014, I caused the foregoing document to be filed with the Court and true and correct copies served by the methods indicated:

1. Original to:

CLERK OF THE DISTRICT COURT SNAKE RIVER BASIN ADJUDICATION 253 THIRD AVENUE NORTH PO BOX 2707 TWIN FALLS, ID 83303-2707	☒ U.S. Mail, postage prepaid
---	--

2. Paper copies to:

IDWR DOCUMENT DEPOSITORY P.O. BOX 83720 BOISE, ID 83720-0098	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery
CHIEF NATURAL RESOURCES DIV. OFFICE OF THE ATTORNEY GENERAL STATE OF IDAHO P.O. BOX 44449 BOISE, ID 83711-0449	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery
UNITED STATES DEPT. OF JUSTICE ENVIRONMENT & NATURAL RESOURCE 550 WEST FORT STREET, MSC 033 BOISE, ID 83724-0101	☒ U.S. Mail, Postage Prepaid ☐ Hand Delivery

3. Paper copies to water users on Lee Creek:

AL RUGGLES JAMIN K. RUGGLES 1019 LEE CREEK RD. LEADORE, ID 83464	☒ U.S. Mail, Postage Prepaid
BOBBIE ANDERSON DORIS ANDERSON P.O. BOX 53 LEADORE, ID 83464	☒ U.S. Mail, Postage Prepaid
EDDIE R. PETERSON P.O. BOX 85 LEADORE, ID 83464	☒ U.S. Mail, Postage Prepaid
HARVEY E. PETERSON JANETTE S. PETERSON KENNETH J. PETERSON P.O. BOX 58 LEADORE, ID 83464	☒ U.S. Mail, Postage Prepaid

4. Transmittal letter with an attached DVD containing all documents filed in this matter to the SRBA Expedited Service List:

C. THOMAS ARKOOSH ARKOOSH LAW OFFICES PO BOX 2900 BOISE, ID 83701	☒ U.S. Mail, Postage Prepaid
ALBERT B. BARKER JOHN K SIMPSON SHELLEY M. DAVIS BARKER RSHOLT & SIMPSON LLP PO BOX 2139 BOISE, ID 83701-2139	☒ U.S. Mail, Postage Prepaid
PAUL L. ARRINGTON TRAVIS L. THOMPSON BARKER RSHOLT & SIMPSON LLP 195 RIVER VISTA PL. STE. 204 TWIN FALLS, ID 83301-3029	☒ U.S. Mail, Postage Prepaid
W. KENT FLETCHER FLETCHER LAW OFFICE PO BOX 248 BURLEY, ID 83318-0248	☒ U.S. Mail, Postage Prepaid
BERT L. OSBORN BERT L. OSBORN CHARTERED PO BOX 158 PAYETTE, ID 83661-0158	☒ U.S. Mail, Postage Prepaid
ADAM T. DEVOE DAVID G. SCOTT BROWNSTEIN HYATT & FARBER PC 410 17 TH ST., 22 ND FL DENVER, CO 80202-4437	☒ U.S. Mail, Postage Prepaid
RON KERL COOPER & LARSEN CHARTERED PO BOX 4229 POCATELLO, ID 83205-4229	☒ U.S. Mail, Postage Prepaid
TERRY G. HOGUE HOGUE & DUNLAP LLP PO BOX 460 HAILEY, ID 83333-0460	☒ U.S. Mail, Postage Prepaid

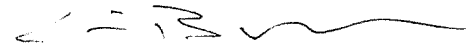
CHRISTOPHER H. MEYER JEFFREY C. FEREDAY MICHAEL C. CREAMER MICHAEL P. LAWRENCE GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720	☒ U.S. Mail, Postage Prepaid
DAVID HEIDA PO BOX 969 KUNA, ID 83634-0900	☒ U.S. Mail, Postage Prepaid
DAVID F. SHIRLEY WILLIAM A. PARSONS PARSONS SMITH STONE LOVELAND & SHIRLEY LLP PO BOX 910 BURLEY, ID 83318-0910	☒ U.S. Mail, Postage Prepaid
DANIEL V. STEENSON SAWTOOTH LAW OFFICES PLLC RINGERT LAW CHARTERED LAWYERS PO BOX 7985 BOISE, ID 83707	☒ U.S. Mail, Postage Prepaid
BRANDELLE G. WHITWORTH WILLIAM F. BACON SHOSHONE-BANNOCK TRIBES TRIBAL COUNSEL OFFICE PO BOX 306 FORT HALL, ID 83206-0306	☒ U.S. Mail, Postage Prepaid
DOUGLAS B L ENDRESON REID PEYTON CHAMBERS SONOSKY CHAMBERS SACHSE ENDRESON & PERRY LLC 1425 K ST NW STE 600 WASHINGTON, DC 20005-3498	☒ U.S. Mail, Postage Prepaid
CLIFF S BENTZ YTURRI ROSE LLP 89 SW 3RD AVE ONTARIO, OR 97914-0058	☒ U.S. Mail, Postage Prepaid
ANGELO L ROSA 1155 EAST 2100 SOUTH, APT 649 SALT LAKE CITY, UT 84106-2863	☒ U.S. Mail, Postage Prepaid
B. J. DRISCOLL SMITH DRISCOLL & ASSOC., PLLC PO BOX 50731 IDAHO FALLS, ID 83405-0731	☒ U.S. Mail, Postage Prepaid
WILLIAM G. MYERS III HOLLAND & HART LLP PO BOX 2527 BOISE, ID 83701-2527	☒ U.S. Mail, Postage Prepaid

CHARLES L. HONSINGER HONSINGER LAW PLLC PO BOX 517 BOISE, ID 83701-0517	☒ U.S. Mail, Postage Prepaid
C. TIMOTHY HOPKINS JOHN D. HANSEN HOPKINS RODEN CROCKETT HANSEN & HOOPES PLLC PO BOX 51219 IDAHO FALLS, ID 83405-1219	☒ U.S. Mail, Postage Prepaid
JAMES C. TUCKER IDAHO POWER CO. PO BOX 70 BOISE, ID 83707-0070	☒ U.S. Mail, Postage Prepaid
DYLAN B. LAWRENCE SCOTT L. CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD PO BOX 829 BOISE, ID 83701-0829	☒ U.S. Mail, Postage Prepaid
BRUCE M. SMITH MOORE SMITH BUXTON & TURCKE, CHTD 950 W. BANNOCK ST. STE. 520 BOISE, ID 83702-6118	☒ U.S. Mail, Postage Prepaid
ERIKA E. MALMEN PERKINS COIE LLP PO BOX 737 BOISE, ID 83701-0737	☒ U.S. Mail, Postage Prepaid
RICHARD A. CUMMINGS PO BOX 1545 BOISE, ID 83701-1545	☒ U.S. Mail, Postage Prepaid
CRAIG A. PRIDGEN CRAIG A. PRIDGEN ATTYS AT LAW 305 W. LAKE BLVD. TAHOE CITY, CA 96145	☒ U.S. Mail, Postage Prepaid
ELIZABETH P. EWENS ELLISON SCHNEIDER & HARRIS LLP 2600 CAPITOL AVE. STE 400 SACRAMENTO, CA 95816-5931	☒ U.S. Mail, Postage Prepaid
BLAIR J. GROVER BEARD ST. CLAIR GAFFNEY PA 2105 CORONADO ST. IDAHO FALLS, ID 83404-7495	☒ U.S. Mail, Postage Prepaid
JOSEPHINE P. BEEMAN BEEMAN & ASSOCIATES PC 409 W. JEFFERSON ST. BOISE, ID 83702-6049	☒ U.S. Mail, Postage Prepaid

RICHARD L. HARRIS HARRIS LAW OFFICE PO BOX 1438 CALDWELL, ID 83606-1438	☒ U.S. Mail, Postage Prepaid
MICHAEL B. WHITE HECLA MINING COMPANY 6500 N. MINERAL DR. STE. 200 COEUR D'ALENE, ID 83815-9408	☒ U.S. Mail, Postage Prepaid
CRAIG D. HOBDEY HOBDEY LAW OFFICE PLLC PO BOX 176 GOODING, ID 83330-0176	☒ U.S. Mail, Postage Prepaid
GRAY A. YOUNG TERRY T. UHLING J.R. SIMPLOT COMPANY PO BOX 27 BOISE, ID 83707-0027	☒ U.S. Mail, Postage Prepaid
JOHN M. MARSHALL JOHN M. MARSHALL LAW PLLC 575 W. BANNOCK ST. STE. B BOISE, ID 83702-5917	☒ U.S. Mail, Postage Prepaid
LARY C. WALKER LARY C. WALKER LAW OFFICE PO BOX 838 WEISER, ID 83672-0828	☒ U.S. Mail, Postage Prepaid
EDWARD A. LAWSON LAWSON LASKI CLARK & POGUE PLLC PO BOX 3319 KETCHUM, ID 83340-3310	☒ U.S. Mail, Postage Prepaid
ROGER D. LING LING LAW OFFICE PO BOX 623 RUPERT, ID 83350-0623	☒ U.S. Mail, Postage Prepaid
J. JUSTIN MAY MAY BROWNING & MAY PLLC 1419 W. WASHINGTON BOISE, ID 83702	☒ U.S. Mail, Postage Prepaid
CHARLES F McDEVITT McDEVITT & MILLER LLP PO BOX 2564 BOISE, ID 83701-2564	☒ U.S. Mail, Postage Prepaid
PATRICK D. BROWN PATRICK D. BROWN PC 335 BLUE LAKES BLVD. N. TWIN FALLS, ID 83301-4828	☒ U.S. Mail, Postage Prepaid

JAMES A. PENDLEBURY PENDLEBURY LAW OFFICE PA 101 S. PARK AVE. STE. 5 IDAHO FALLS, ID 83402-3601	☒ U.S. Mail, Postage Prepaid
JULIE K. FISCHER MORROW & FISCHER PLLC 332 N. BROADMORE WAY STE. 102 NAMPA, ID 83687-5123	☒ U.S. Mail, Postage Prepaid
DON B. MILLER NATIVE AMERICAN RIGHTS FUND 1509 BROADWAY ST. BOULDER, CO 80302-6217	☒ U.S. Mail, Postage Prepaid
DAVID J. CUMMINGS NEZ PERCE TRIBAL EXEC COMM. PO BOX 305 LAPWAI, ID 83540	☒ U.S. Mail, Postage Prepaid
RANDALL C. BUDGE RACINE OLSON NYE BUDGE & BAILEY CHTD. PO BOX 1391 POCATELLO, ID 83204-1391	☒ U.S. Mail, Postage Prepaid
JERRY R. RIGBY RAY W. RIGBY RIGBY ANDRUS & RIGBY CHTD PO BOX 250 REXBURG, ID 83449-0250	☒ U.S. Mail, Postage Prepaid
JAMES ANNEST PO BOX 686 BURLEY, ID 83318-0686	☒ U.S. Mail, Postage Prepaid
DANA L. HOFSTETTER 608 W. FRANKLIN ST. BOISE, ID 83702-5509	☒ U.S. Mail, Postage Prepaid
CHARLES J. OLSON 8813 OLD HIGHWAY 30 MOUNTAIN HOME, ID 83647-6017	☒ U.S. Mail, Postage Prepaid
JAMES P SPECK SPECK & AANESTAD A PROFESSIONAL CORPORATION 120 EAST AVENUE PO BOX 987 KETCHUM, ID 83340-0987	☒ U.S. Mail, Postage Prepaid
JAMES W GIVENS 1026 F ST PO BOX 875 LEWISTON, ID 83501-0875	☒ U.S. Mail, Postage Prepaid

KENT W. FOSTER ROBERT L. HARRIS HOLDEN KIDWELL HAHN & CRAPO PLLC PO BOX 50130 IDAHO FALLS, ID 83405	☒ U.S. Mail, Postage Prepaid
NORMAN M. SEMANKO IDAHO WATER USERS ASSOCIATION 1010 W. JEFFERSON ST. STE 101 BOISE, ID 83702-5453	☒ U.S. Mail, Postage Prepaid



CHRIS M. BROMLEY
MCHUGH BROMLEY, PLLC