

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

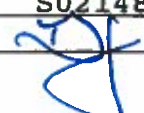
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-16546

Date Received: 12/ 8/1997

Receipt No: S021483

Received By: 

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WILLIS DU PONT
Address: PO BOX 2468
PALM BEACH FL

561-655-1052

33480

2. Date of Priority: SEP 10, 1919

3. Source: SLATE CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	16E	10	SW	SW	SW		CUSTER
		21	SE	SE	NW		CUSTER

5. Description of diverting works:

ROCK DAMS ON SLATE CR TO DIVERT WATER ONTO PROPERTY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/31	7.050		

7. Total Quantity Appropriated is:

7.050 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
10N	16E	10	SE	NW		IRR	14.0
			NE	SW		IRR	8.0
			NW	SW		IRR	8.0
			SW	SW		IRR	14.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	44.0
		16	SE	SW	IRR	3.0
			SW	SE	IRR	8.0
					Section Acres	11.0
		21	NW	NE	IRR	17.5
			NE	NW	IRR	17.5
			SE	NW	IRR	35.0
					Section Acres	70.0
					Total Acres	125.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
REFERENCE ATTACHED HES PLAT AND LETTER FROM WALKER.

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A72-16546Date Received 9/11/98Receipt Number SD21483 JY

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Willis duPont Phone (561) 655-1052Mailing Address P.O. Box 2468, Palm Beach, Florida Zip 334802. Date of Priority (Only one (1) per claim) 1920 9/10/19 S.J.W.3. Source of water supply (a) Slate Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 10N Range 16E Section 10,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, N/A B.M., County of CusterAdditional points of diversion if any: 10N, 16E, Section 21. SE 1/4, SE 1/4, NW 1/4.

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

Township N/A Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,Govt. Lot N/A B.M., County of _____ending point is: Township N/A Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Dams: Rock diversion dams are placed on Slate Creek and divert the water onto duPont's
property.N/A Well: A Domestic well is located in Section 17 which is separate and distinct from the
stream flow.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Apr. 15 to Oct. 31 amount 7.05 or ~~13.98~~ 2.7 W.

For ~~Domestic~~ purposes from Jan 1 to Dec. 31 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.05 (cfs) and/or (b) ~~13.98~~ 2.7 W. (acre feet)

8. Total consumptive use claimed is ~~13.98~~ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic, one household.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10N	16E	10								14	8	8	14						44
10N	16E	21		17.5			17.5			35									70
10N	16E	16												3			8		11

Total number of acres irrigated 125

11. In which county (ies) are lands listed above as place of use located? Ouster

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

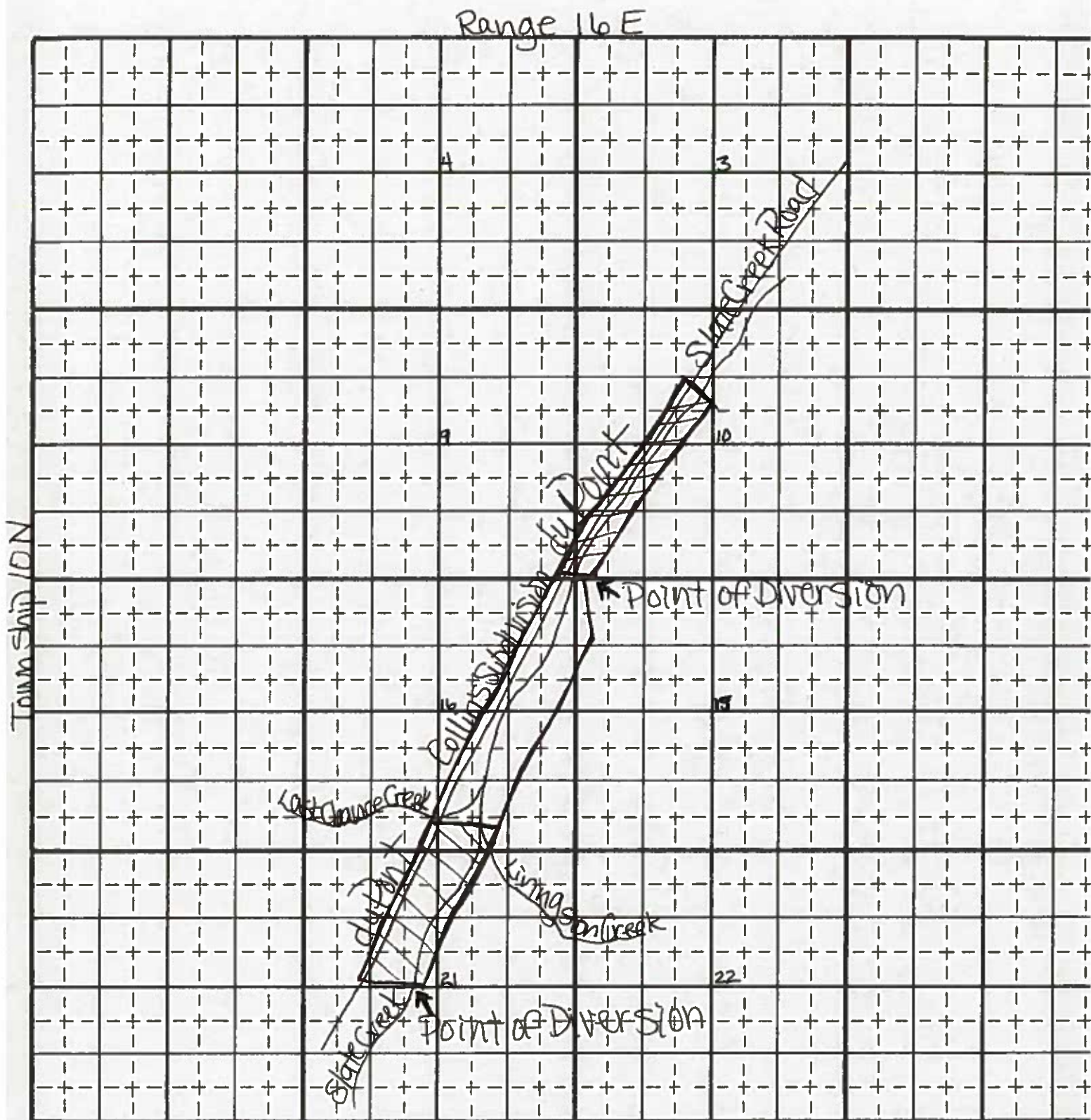
Please see attachment.

Last Name duPont Ident No. A72-16546

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name duPont

Ident No. A72-16546

Copies: White-State, Yellow-Claimant



15. Basis of Claim (check one) Beneficial Use x Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number N/A
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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

Signature of Claimant (s) [Signature] Date 8/22/97

Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 22 day of Aug. 19 97
SEAL Notary Public [Signature]
Residing at Twin Falls
My Commission Expires 2/4/2000

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Lloyd J. Walker will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature [Signature]
Address 131 Second Street West, Twin Falls 83303
Date _____

Last Name duPont Ident. Number A72-16546

Copies White-State, Yellow-Claimant

8

9

Subdiv.

HES 607

W. M. H. Fort

HES 307

4400
acres

HES-324

r/b u.

T. 1645

16

Whitney Collins
37-47

135²³ ac.

Thomas A. Roman
Dec. # 12628
165400

HES-323

T. 1645
65.50A

Lots 1-8

W. M. H. Fort
Dec. # 130420

W. M. H. Fort
Dec. # 139745

T 939
T 938 } combined
T 653 } To road H.

21

STATE CREEK

17

20

LLOYD J. WALKER

LLOYD J. WALKER
ATTORNEY AT LAW
131 SECOND STREET WEST
POST OFFICE BOX 1923
TWIN FALLS, IDAHO 83303-1923
TELEPHONE (208) 733-3083

August 8, 1997

Idaho Department of Water Resources
1341 Filmore Street
Suite 200
Twin Falls, ID 83301

Dear Sir or Madam:

I had difficulty in preparing the legal description for the point of diversion because of the corner section where the water will be used for irrigation. The BLM map suggests that Last Chance Creek crosses the road into the Muzzie Braun property from Section 17.

There are a series of maps that have been drawn by Taft Engineering in Challis in the preparation of the duPont's Subdivision and the Whitney Collin's Subdivision show that the BLM map is a mile to the west and that Last Chance Creek comes in Section 16.

Further, most of the duPont property is a mile west of the BLM map sections so we have used the Taft Engineering drawing to establish the legal descriptions.

Sincerely yours,

LLOYD J. WALKER

Lloyd J. Walker MB
Lloyd J. Walker
Attorney at Law

LJW/mb



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

March 3, 1999

Mr. Lloyd J. Walker
Attorney at Law
131 2nd Street West
P.O. Box 1923
Twin Falls, ID 83303-1923

COPY

Re: SRBA Claim Nos. 72-16546A and 72-16546B

Dear Mr. Walker:

I am writing in response to your letter to Director Karl Dreher dated February 5, 1999, in which you inquire regarding the legal descriptions used in the Idaho Department of Water Resources' ("IDWR's") recommendations for the above-described water rights.

I believe there are two questions that must be answered to determine whether IDWR has appropriately identified your client's water rights in its recommendation. First, has IDWR correctly identified your client's irrigation water use? I have enclosed with this letter an infrared photograph with what IDWR believes to be your client's water use outlined in yellow. IDWR purposefully left off of this photograph the superimposed public land survey system "grid" lines to avoid confusing the issue of your client's actual water use with the issue of the appropriate legal description of this location. Please review this depiction with your client so that we can discuss whether there is other ground irrigated by your client that IDWR failed to recommend.

The second question is whether IDWR used the appropriate legal description to describe the location of your client's water rights. IDWR used a Public Land Survey System "grid" extrapolated from the township directly to the east of the township in which your client's rights are located. This extrapolation was necessary because the township in which your client's irrigated lands are located has not been fully surveyed. There is a "protracted" BLM survey for this township, but it corresponds with IDWR's grid.

The problem of correct legal descriptions seems to have risen because the survey under which your client's predecessors received their patent was poorly done in relation to the surrounding townships. Thus, IDWR's "extrapolated" grid and BLM's "protracted" grid do not correspond with the homestead patents. That being said, the official plat under which

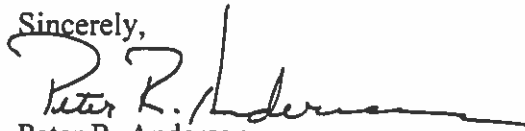
Lloyd Walker
March 3, 1999
Page 2

those patents were issued controls the appropriate legal description. The BLM may simply have to live with the knowledge that at some early date this township was irrevocably flawed. It is now up to BLM to determine how they want the township around your client's location to be laid out.

We can likely resolve this issue if you or your client could mail to IDWR copies of the original homestead patents. Using those patents, the original plats under which the patents were issued, and your comments regarding the actual location of your client's water use as shown on IDWR's infrared photographs, an acceptable solution to your client's concerns can likely be reached.

If you have any other information you would like IDWR to consider, such as any surveys your client has had done, feel free to submit them to IDWR as well. Please do not hesitate to contact me at (208) 327-7975 with your questions. I look forward to hearing from you.

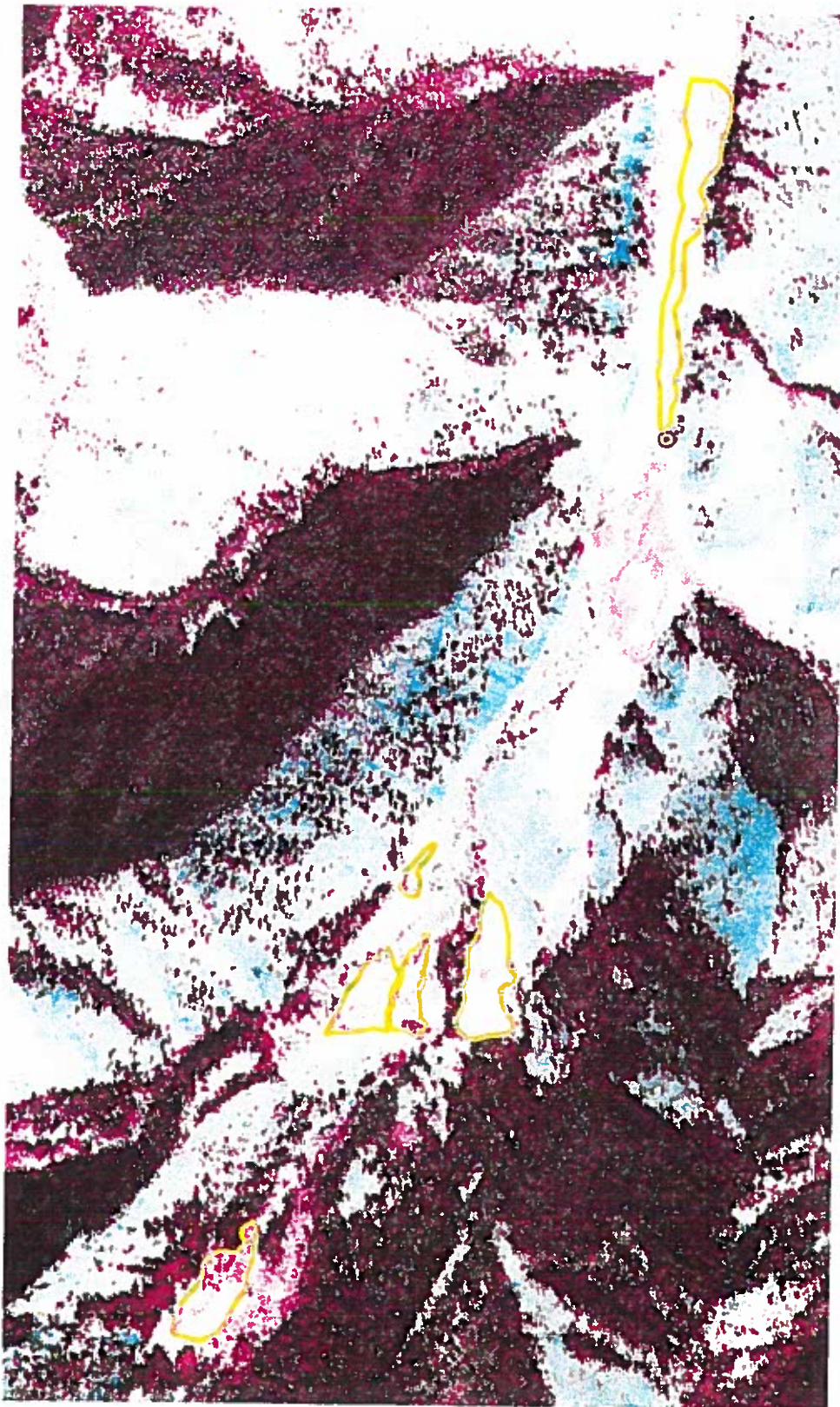
Sincerely,

A handwritten signature in black ink, appearing to read "Peter R. Anderson", with a long horizontal flourish extending to the right.

Peter R. Anderson
Deputy Attorney General

cc: Larry Brown, USDOJ
Duane Olsen, BLM
Norm Semanko
Mike Ciscell, IDWR
Doug Jones, IDWR

Claims 72-16546A & 72-16546B



 Place of Use
 Point of Diversion

Imagery: USFS 1990

LLOYD J. WALKER

LLOYD J. WALKER
ATTORNEY AT LAW
131 SECOND STREET WEST
POST OFFICE BOX 1923
TWIN FALLS, IDAHO 83303-1923
TELEPHONE (208) 733-3083

RECEIVED

FEB 08 1999

Department of Water Resources

February 5, 1999

Att: Karl J. Dreher
State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Application Right Number 72-16546A and 72-16546B
Basin 72

Dear Mr. Dreher:

In 72-16546A, the Department of Water Resources has allowed .74 CFS to be applied to 7 acres total, and in 72-16546B, there was allowed 1.26 CFS for a total of 12 acres.

The file should already reflect that the allowances are not in compliance or even close to the requests made in the application, and the reason for that is that the Department of Water Resources has apparently by itself, created a grid map for the State of Idaho and superimposed the grid map upon the traditional legal descriptions that have been utilized since the issuance of the homestead patents, 70 years ago. And further, that the maps do not appear to comply with the BLM Regional map.

I am enclosing a letter in which I requested the Water Resources Department to explain where the grid map came from, and why it was considered as an authentic map to be superimposed, and change all of the legal description that have been traditional in at least in Slate Creek area, in Custer County, and I have received no reply.

For example, as the record should reflect, the legal description in the BLM map, do not indicate that there was any area to be irrigated in Section 17. If the department of Water Resources is to insist upon using the superimposed grid map, then of course, the legal description in the application should be amended to conform with the new map.

As applicants we have no objections to the use of the grid map if that is demanded by the Department of Water Resources. The use

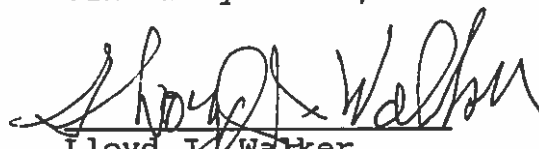
Karl J. Dreher
February 5, 1999
Page 2

of that map, then of course, creates immense conflict with the recorded descriptions of the duPont's property in the Custer County's records, and I think as we have discussed it would create substantial confusion with other descriptions as well in Custer County.

I would very much appreciate a response as to the map which is to be used, so that adjustments can be made in relation to the legal descriptions at least as to water rights, even though there may be confusion in the Custer County's records.

Thank you for your response. It is essential.

Sincerely Yours,



Lloyd J. Walker
Attorney at Law

Hailey 020695.

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 Hailey, 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 Fredrick C. Kemp has been established and duly consummated, in conformity to law, for the H. E. Survey No. 323, embracing a portion of, approximately, Sections sixteen and twenty-one in Township ten north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U. S. Location Monument No. 323, bears north twenty-five degrees twenty-seven minutes east sixty-one and twenty-nine hundredths chains distant; thence, south thirty degrees thirty-two minutes west fifty-two chains to corner No. 2; thence, north eighty-eight degrees thirty-seven minutes west fifteen and sixty-seven-hundredths chains to corner No. 3; thence, north twenty-six degrees thirty-four minutes east fifty and ninety-five-hundredths chains to corner No. 4; the south eighty-six degrees eighteen minutes east nineteen and forty-eight-hundredths chains to corner No. 1, the place of beginning, containing eighty-one and thirty-three-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL OFFICE by the Surveyor-General:

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 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, and decisions of courts; and there is reserved from the lands hereby granted a right way thereon for ditches or canals constructed by the authority of the United States.

((SEAL))

IN TESTIMONY WHEREOF, I Woodrow Wilson,

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, in the District of Columbia, the THIRD day of FEBRUARY in the year of our Lord one thousand nine hundred and TWENTY-ONE and of the Independence of the United States the one hundred and FORTY-FIFTH.

By the President: Woodrow Wilson,

By M. P. LeRoy, Secretary.

L. Q. C. Lamar,

Recorder of the General Land Office.

RECORDED: Patent Number 793389.

State of Idaho,
County of Custer, ::SS.

This instrument was filed for record at the request of F. C. Kemp at 9-30 o'clock A. M. March 3rd, 1921.

\$1.00 Paid.

E. J. Michael,
Ex-officio Recorder,

By B. D. Fox Deputy.

STATE OF IDAHO,
County of Custer) ss.

I hereby certify that this instrument was filed for record at the request of Felipe Yribar at 30 minutes past 3 o'clock P. M., this 21st day of February A. D., 1946 in my office, and duly recorded in Book 27 of Deeds at page 196.

John Boyd
Ex-Officio Recorder

By Howard B. Bantz
Deputy

Fees \$1.20

RECORDED
AUG 21 1997

a
Blackfoot 039162

No. 96720

4--1003

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 supplement thereto, the claim of David A. Fisher has been established and duly consummated, in conformity to law, for the

H. E. Survey No. 607, embracing a portion of, approximately, Section ten in Township ten north of range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U. S. Location Monument No. 323 bears south nine degrees five minutes east nineteen chains distant; thence, north forty-five degrees thirty-four minutes west two and twenty hundredths chains to corner No. 2; thence, west five and thirty hundredths chains to corner No. 3; thence, north eight degrees twenty-one minutes east sixty-three and twenty-four hundredths chains to corner No. 4; thence, south eighty degrees twenty-seven minutes east seven chains to corner No. 5; thence, south eight degrees twenty-five minutes west sixty-three and sixty hundredths chains to corner No. 1, the place of beginning, containing forty-four acres and seven hundredths of an acre,

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 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.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America, have caused these letters to be put in Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the sixth day of January in the year of our Lord one thousand nine hundred and twenty-eight and the Independence of the United States the one hundred and fifty-second.

By the President: Calvin Coolidge

((SEAL-UNITED STATES
GENERAL LAND OFFICE)))

By Helen V. McLeod, Assistant, Secretary

M. P. LeRoy
Recorder of the General Land Office.

RECORDED: Patent Number 1010417

State of Idaho
County of Custer) ss.

March 2, 1999

Mr. Lloyd J. Walker

Re: SRBA Claim Nos. 72-16546A and 72-16546B

Dear Mr. Walker:

I am writing in response to your letter to Director Karl Dreher dated February 5, 1999, in which you inquire regarding the legal descriptions used in the Idaho Department of Water Resources' ("IDWR's") recommendations for the above-described water rights.

I believe there are two questions that must be answered to determine whether IDWR has appropriately identified your client's water rights in its recommendation. First, has IDWR correctly identified your client's irrigation water use? I have enclosed with this letter an infrared photograph with what IDWR believes to be your client's water use outlined in yellow. IDWR purposefully left off of this photograph the superimposed public land survey system "grid" lines to avoid confusing the issue of your client's actual water use with the issue of the appropriate legal description of this location. Please review this depiction with your client so that we can discuss whether there is other ground irrigated by your client that IDWR failed to recommend.

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The problem of correct legal description seems to have arisen because the survey under which your client's predecessors received their patent was poorly done in relation to the surrounding townships. Thus, IDWR's "extrapolated" grid and BLM's "protracted" grid do not correspond with the homestead patents. That being said, however, the official plat under which those patents were issued controls as the appropriate legal description. The BLM may simply have to live with the knowledge that at some early date this township was irrevocably flawed. It is now up to BLM to determine how they want the township around your client's location to be laid out.

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client's concerns can likely be reached. If you have any other information you would like IDWR to consider, such as any surveys your client has had done, feel free to submit them to IDWR as well. Please do not hesitate to contact me at (208) 327-7975 with your questions. I look forward to hearing from you.

Sincerely,

Peter R. Anderson
Deputy Attorney General

Cc: Larry Brown, USDOJ
Duane Olsen, BLM
Norm Semanko
Mike Ciscell, IDWR
Doug Jones, IDWR

LLOYD J. WALKER

LLOYD J. WALKER
ATTORNEY AT LAW
131 SECOND STREET WEST
POST OFFICE BOX 1923
TWIN FALLS, IDAHO 83303-1923
TELEPHONE (208) 733-3083

RECEIVED

APR 13 1999

Department of Water Resources

April 9, 1999

Peter R. Anderson
Deputy Attorney General
State of Idaho
Office of the Attorney General, Alan G. Lance

RE: SRBA Claim No. 72-16546A and 72-16546B
Wills duPont

Dear Mr. Anderson:

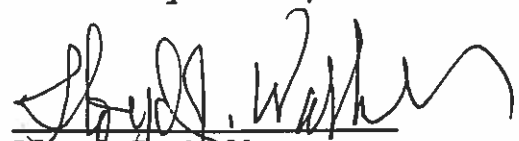
Thank you very much for the letter dated March 3, 1999, involving the utilization by the Water Resources of the "extrapolated" grid map, and very honestly I remain confused. I have always assumed that maps that are going to provide boundaries must in some manner or another be determine by Court to be accurate, I continue to ask where the grid map came from, and I continue to get no answer.

It makes no difference to us where the water delivery takes place along Slate Creek, and I think the infrared marking that you sent, are accurate. But of course, the descriptions that have been utilized and recorded in Custer County for a lengthy period of time, are different.

I am enclosing the patents for the homesteads that are the basis of the duPont's holding, and I realize you refer to them as being inaccurate from a legal description stand point. So it of still concern to me as to what is accurate, and what impact does it have on Custer County, and how broad the use of the grid map will be in changing descriptions in the Custer County records.

It will almost seem to be that the Water Resources Board since they are using the "extrapolated" grid map, should bring an action in Custer County to make a determination as to what the legal boundaries are and in relation to which map and which description.

Sincerely Yours,


Lloyd J. Walker
Attorney at Law

LJW: rw

November 20, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-16546B

WILLIS DU PONT
PO BOX 2468
PALM BEACH FL 33480

Lloyd J. Walker
P.O. Box 1923
Twin Falls, Id 83303-1923

Daytime Telephone Number: 208-733-3083
Evening Telephone Number: 208-734-4591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): priority date

Sec. 10 - David Fisher - homestead - Jan. 6, 1928

Sec. 21 - Fred Kemp - homestead - March 3, 1921

2. Describe the changes you wish to make in the proposed recommendation:

Please see attached document

3. Give a brief explanation as to why you disagree with these portions:

Please see attached document.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/07/98

SIGNATURE: [Signature]

Please print your name:

WILLIS du PONT / LLOYD J. WALKER

November 20, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-16546A

WILLIS DU PONT
PO BOX 2468
PALM BEACH FL 33480

Lloyd J. Walker
P.O. Box 1923
Twin Falls, ID 83303-1923

Daytime Telephone Number: 208-733-3083
Evening Telephone Number: 208-734-4591

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

priority date-homestead Sec 10 - David Fiske
Jan 6, 1928
-homestead Sec 21 - Fred Kemp - March 3, 1921

2. Describe the changes you wish to make in the proposed recommendation:

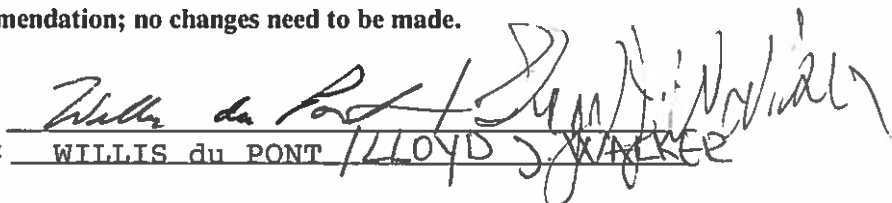
Please see attached document.

3. Give a brief explanation as to why you disagree with these portions:

Please see attached document

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/04/98

SIGNATURE: 

Please print your name:

WILLIS du PONT / LLOYD J. WALKER

LLOYD J. WALKER
ATTORNEY AT LAW
131 Second Street West
P.O. Box 1923
Twin Falls, ID. 83303-1923
Telephone: (208) 733-3083

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

REPLY RESPONSE
72-16546A
72-16546B

The recommendation includes and refers only to 7 acres total and .74 CFS of water. The application has been reviewed and there appears to be a complete separation between the application and the recommended use. There is a total of 125 acres of land owned by Mr. duPont to be irrigated, in T10N R16E S21 there is 70 acres, in T10N R16E S there is 11 acres, and in T10N R16E S10 there is 44 acres.

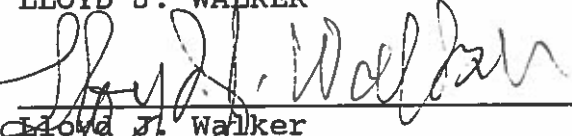
The drawing submitted with the recommendation shows property in Section 17 and does not include these areas that are in Sections 21 and 16. There is a difference between the drafted map from the engineers in Challis and the BLM map. Perhaps the difference in description arises because of that difference. We have utilized the engineers map and the acreage are accurate as displayed on the application form.

The recommendation in 72-16546B involves only 12 acres, and on in 72-16546A only 7 acres. Since the acreage described is so small, the allowance of water is also small. There must be some

field notes or something that causes the difference between the application, the actual acreage available, and the recommendations.

DATED this th day of December, 1998.

LLOYD J. WALKER



Lloyd J. Walker

Attorney in Fact for Willis duPont

A

VERIFIED BY Gen

[illegible]

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

CLAIM NUMBER

A72-16546

DATE

11/12/98

AGENT

See

TRANSFER NUMBER

81 + 44 = 125

CLAIMED ACRE TOTAL

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	10N	16E	17												3			8	
GIS		claim	(16)											6.6	0			0	
ECOM														7.0					
CLAIM			20		17.5			17.5		35									
GIS			claim		0			0		0									
ECOM																			
CLAIM			8	-			-			14	8	8	14						
GIS			claim		5.8			4.0		0	0	0	0			1.9			
ECOM					6			4								2			

372-DBPOU.SHP

SHAPE NOS.

457 Part B.

453 Part A.

POU is unsurveyed and several conflicts have been found in trying to pinpoint the location of HES 324, HES 325 & HES 607.

* Recommendation reflects GIS data.

372-DBPOD.SHP

NOS. DESCRIPTION

298

North POU - Part B - Sec. 8 SWNESE

295

South POU - Part A - Sec. 20 SWNNWN

* Claim is SPLIT for each system as defined.

DBF TABLES UPDATED

372-DBPOU.DBF

372-DBPOD.DBF

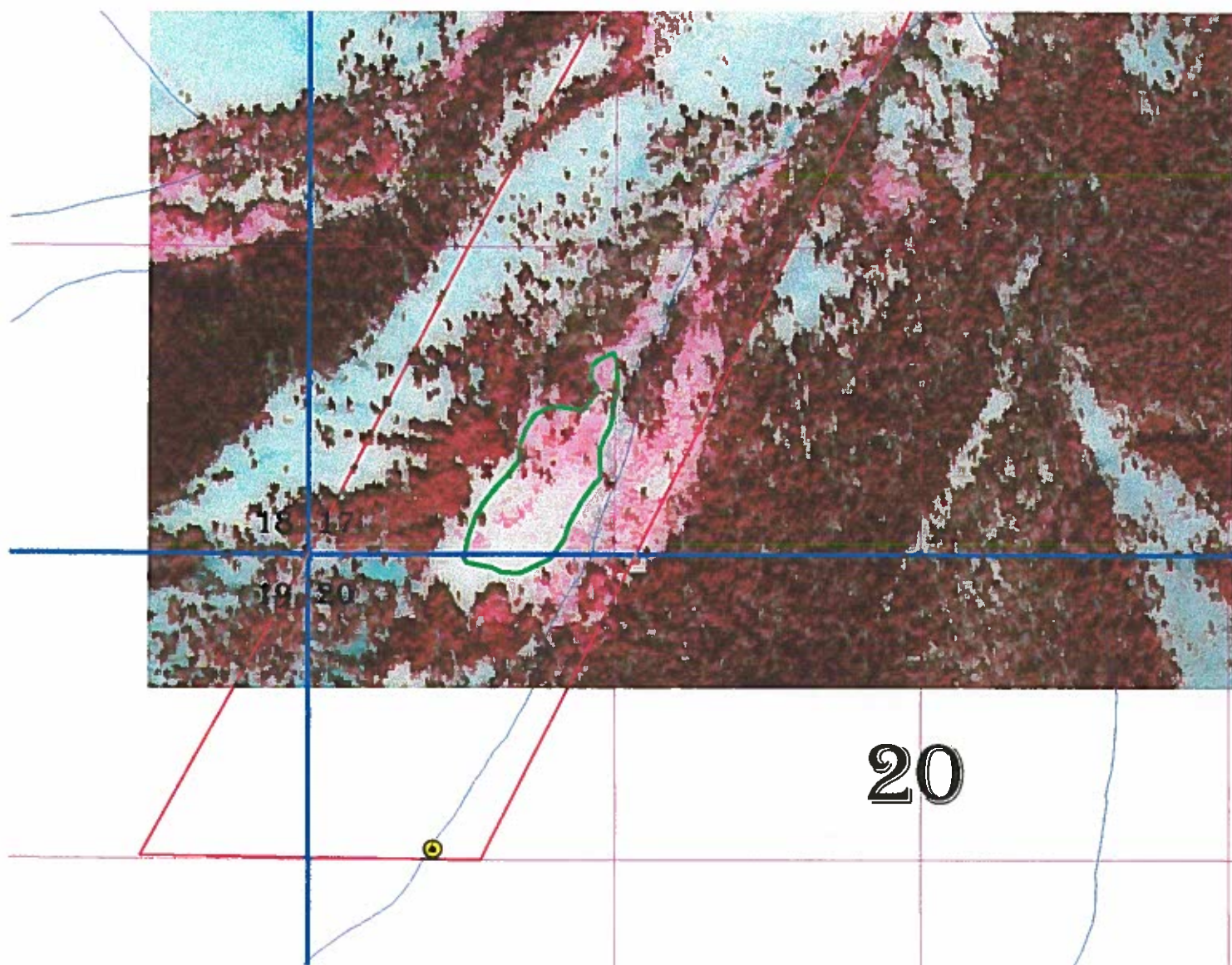
PEG LAYOUT

11/11/98
See

Exhibits in 2 parts: 72-16546A.jpg 72-16546B.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

72-16546A



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 10N
RNG: 16E
SEC: 17



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 12, 1998

NAPP V21 NE

#441-185

8-22-88

Scanned: 11/12/98
sc



72-16546 A

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A72-16546

DATE: 11/13, 1998

REVIEWED BY see

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
GO1	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
PD2	.11	.12			5.15	4.74
Q	.26	.21			13.2	10.4
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

Soil data unavailable; Soil type taken from Upper East Fork Salmon R. - similar area.

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL / ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
A <u>WC1</u>	<u>7</u>	<u>7</u>	*	<u>.07</u>	= <u>0.49</u> CFS
B <u>WV1</u>	<u>12</u>	<u>12</u>	*	<u>.07</u>	= <u>0.84</u> CFS
			*		= CFS
			*		= CFS

TOTAL ACRES _____

DECREED RATE = 0

CLAIMED DIVERSION RATE = 7.05

MEASURED DIVERSION RATE = 0

11/13/98
see

9/17/98 call L.W.
8:30AM msg @ machine

See

Lloyd
Walker
733-3083

Flow ANALYSIS:

11/13/98 see

Claimed: 7.05 cfs 125 AC. = 0.056 cfs/AC.

Soil Rate allowed: 0.07 cfs/AC.

Part A

7 AC.

0.49 cfs

0.25 cfs

0.74 cfs

30%
(Conveyance loss)

Part B

12 AC

0.84 cfs

0.42 cfs

1.26 cfs

W. COLLINS A72-4224

11-12-93

Forest Service Documents: (#1-6)

Priority Review -
summary of documents
by Steve Collins

1. 1929 T11N, R16E, S34

1 mile from Salmon River
East of Slate Creek

- for 8 Acres Pasture.

2. 1929 T11N, R16E, S27

- for Domestic residence and barn.

- Existed 15 years prior to USFS

3. 1924 T10N, R16E, S20

- for sawmill site

(actual site remnants found in S17
between Livingston Creek & Slate Creek.)

** 4. 1945

- 170 Acres on Slate Creek (owned).

Grazing Permit 30 head cattle
35 allowed

T10N, R16E, S8+17

40 Acres cultivated

this date
supported as
Recommend
5-6-9
SC

5. 1938

- grazing permit

6. 1935

- grazing permits

MICROFILMED
NOV 01 1994

A72-16546

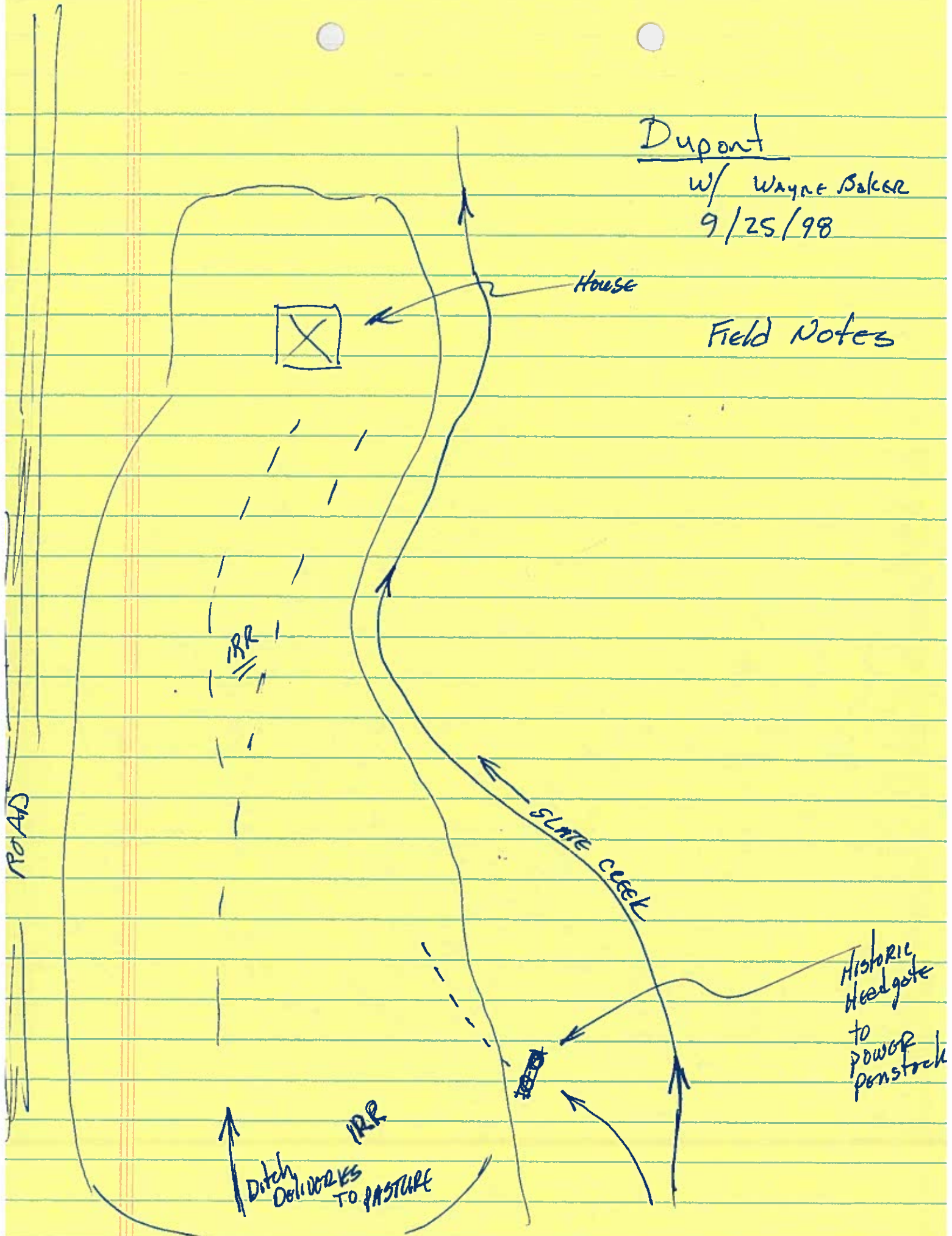
Copy from Collins
Claim: Supporting some
Approximate Dates
11/13/98
SC

Dupont

w/ Wayne Baker

9/25/98

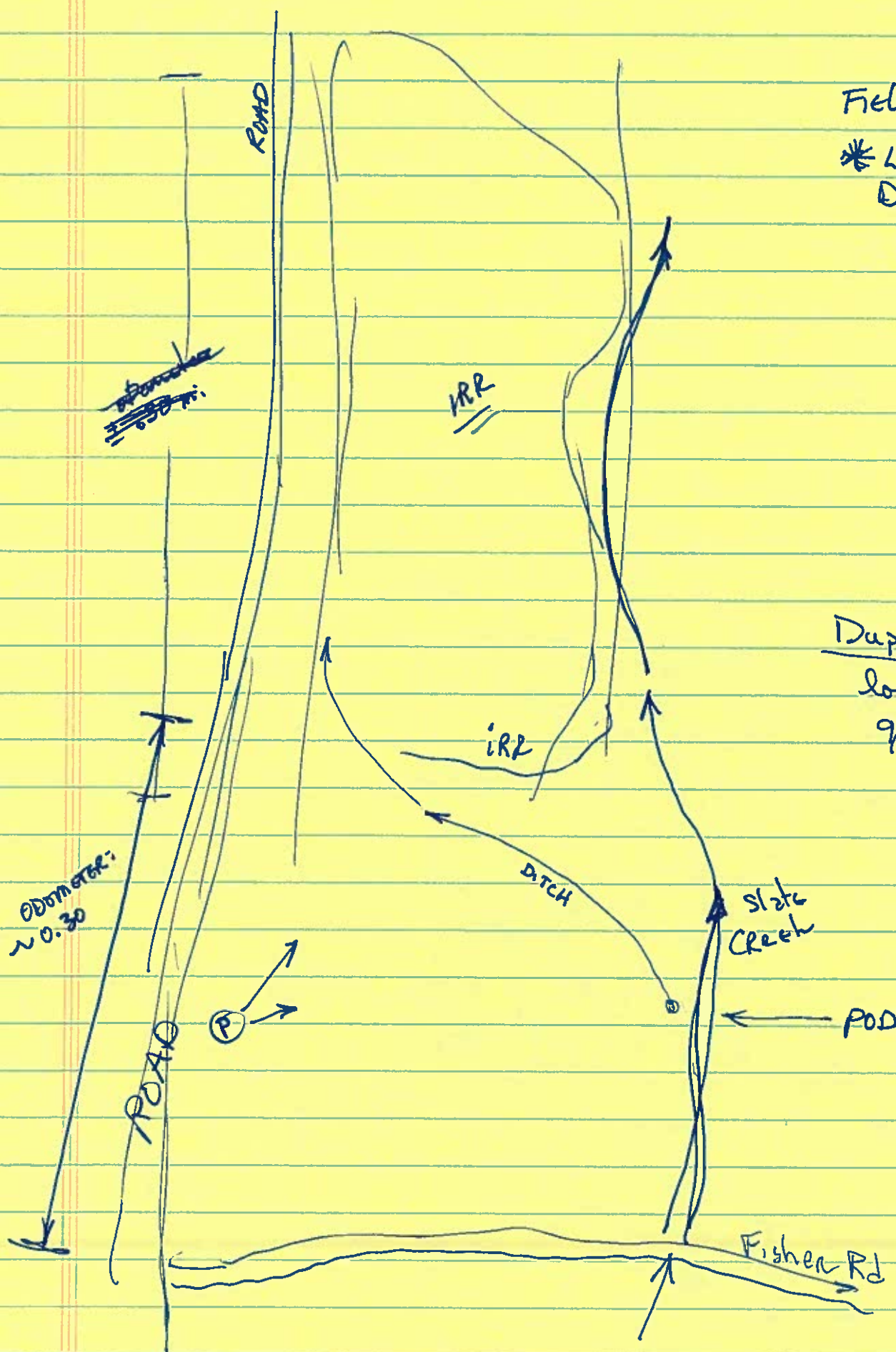
Field Notes

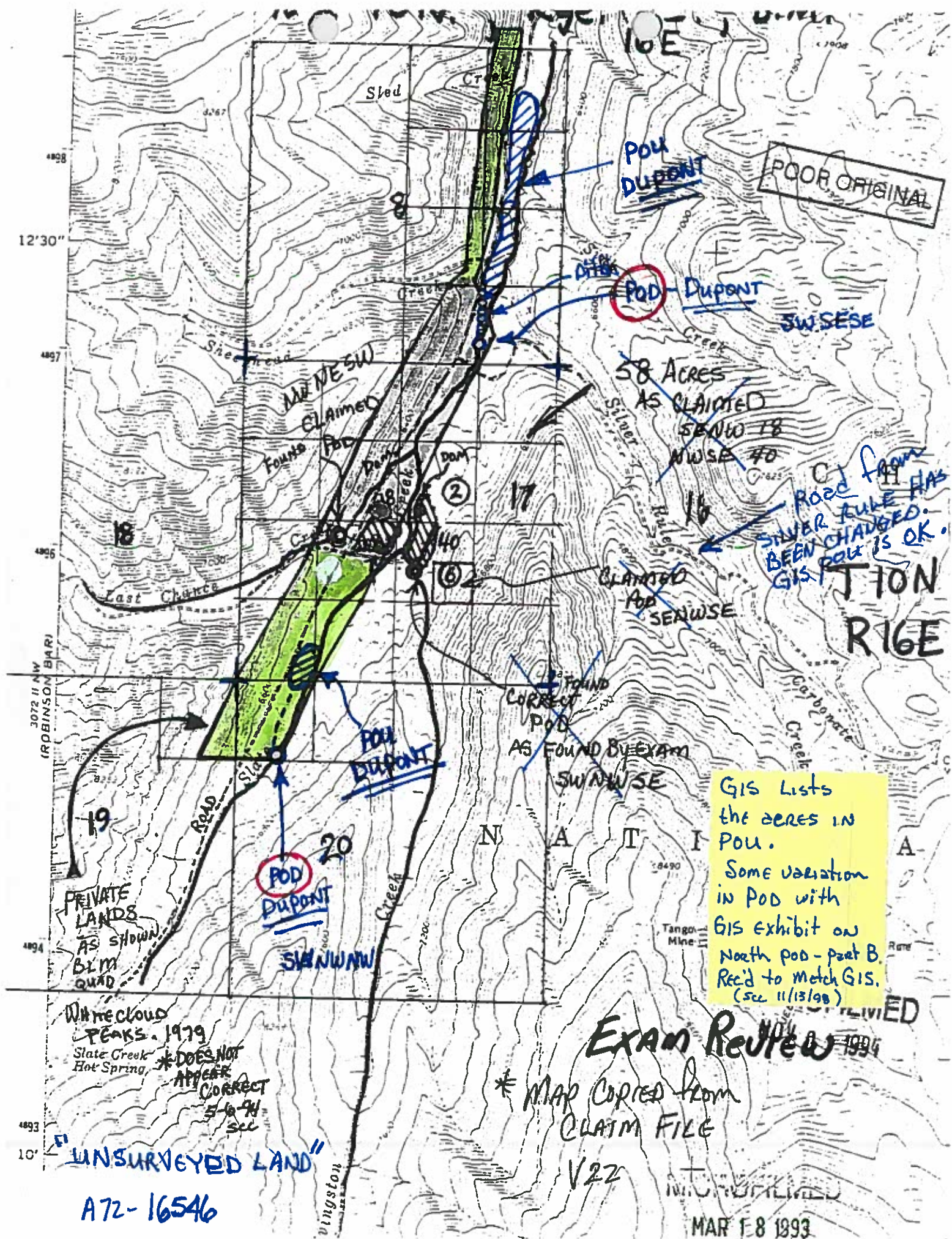


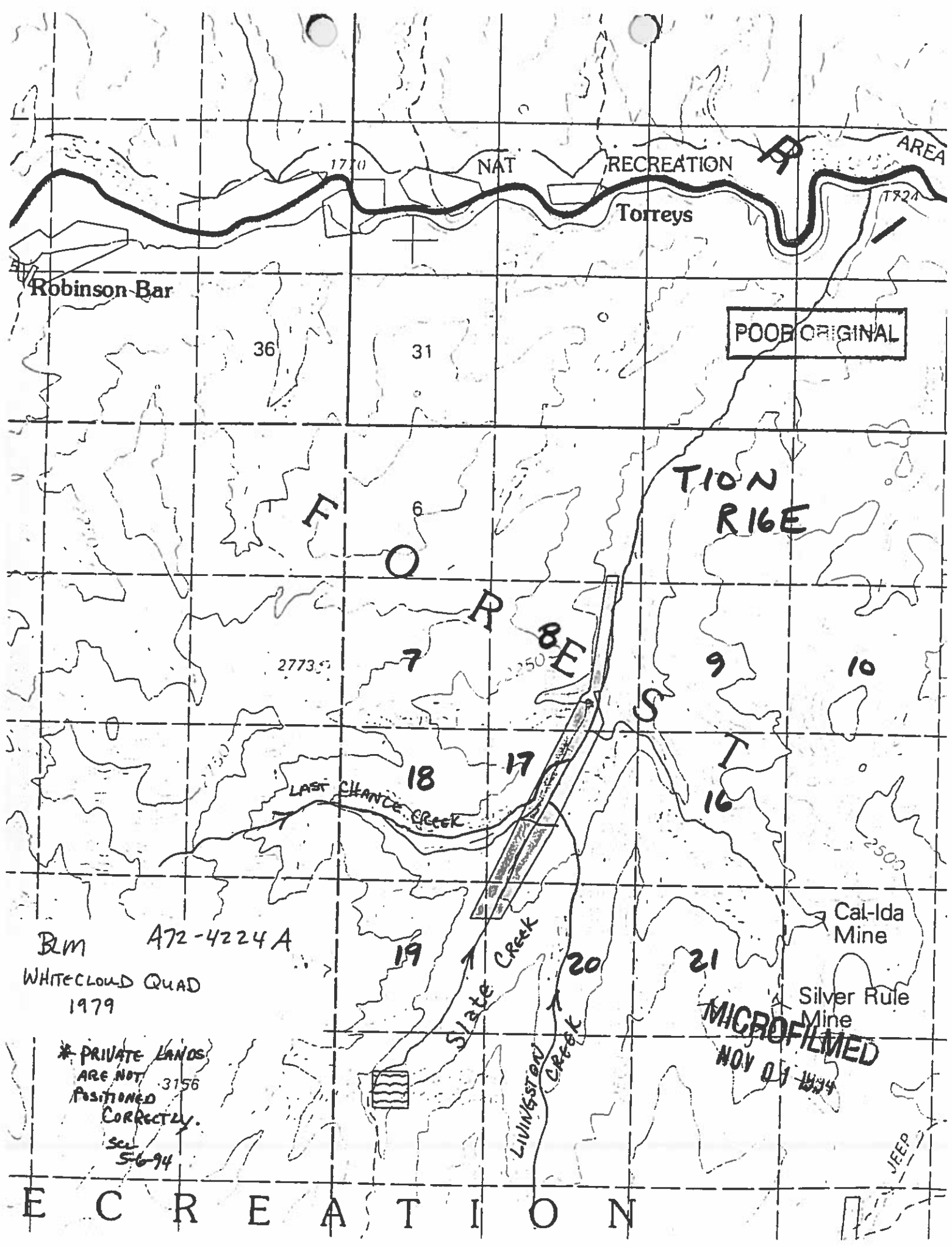
FIELD NOTES

* Lower
Dupont
Field

Dupont
lower pl.
9/25/98







Robinson Bar

NAT RECREATION
Torrey's

POOR ORIGINAL

TION
R 16 E

2773

LAST CHANCE Creek

BLM 472-4224 A

WHITECLOUD QUAD
1979

* PRIVATE LANDS
ARE NOT
POSITIONED
CORRECTLY.
SEE
5-6-94

Cal-Ida
Mine

Silver Rule
Mine

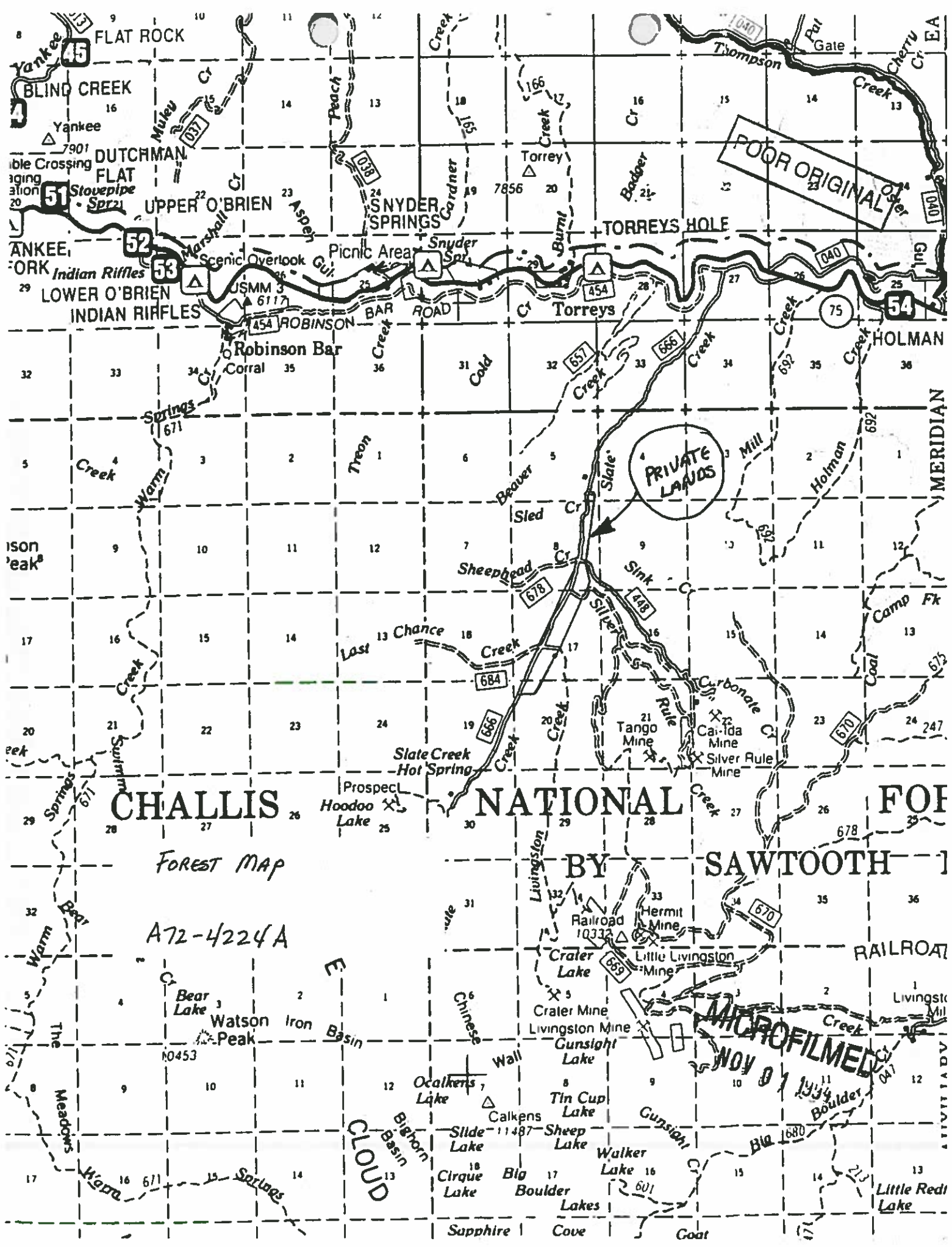
MICROFILMED
NOV 01 1984

Slate Creek

LIVINGSTON
Creek

JEEP

E C R E A T I O N



CHALLIS

FOREST MAP

A72-4224A

NATIONAL

BY

SAWTOOTH

RAILROAD

NOV 8 1934

CLOUD

BIGHORN

SAPPHIRE

COVE

GOAT

LITTLE REDD

LAKE

Doug Jones



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED
MAR 05 1999
Department of Water Resources
Southern Region

March 3, 1999

COPY

Mr. Lloyd J. Walker
Attorney at Law
131 2nd Street West
P.O. Box 1923
Twin Falls, ID 83303-1923

Re: SRBA Claim Nos. 72-16546A and 72-16546B

Dear Mr. Walker:

I am writing in response to your letter to Director Karl Dreher dated February 5, 1999, in which you inquire regarding the legal descriptions used in the Idaho Department of Water Resources' ("IDWR's") recommendations for the above-described water rights.

I believe there are two questions that must be answered to determine whether IDWR has appropriately identified your client's water rights in its recommendation. First, has IDWR correctly identified your client's irrigation water use? I have enclosed with this letter an infrared photograph with what IDWR believes to be your client's water use outlined in yellow. IDWR purposefully left off of this photograph the superimposed public land survey system "grid" lines to avoid confusing the issue of your client's actual water use with the issue of the appropriate legal description of this location. Please review this depiction with your client so that we can discuss whether there is other ground irrigated by your client that IDWR failed to recommend.

The second question is whether IDWR used the appropriate legal description to describe the location of your client's water rights. IDWR used a Public Land Survey System "grid" extrapolated from the township directly to the east of the township in which your client's rights are located. This extrapolation was necessary because the township in which your client's irrigated lands are located has not been fully surveyed. There is a "protracted" BLM survey for this township, but it corresponds with IDWR's grid.

The problem of correct legal descriptions seems to have risen because the survey under which your client's predecessors received their patent was poorly done in relation to the surrounding townships. Thus, IDWR's "extrapolated" grid and BLM's "protracted" grid do not correspond with the homestead patents. That being said, the official plat under which

Lloyd Walker
March 3, 1999
Page 2

those patents were issued controls the appropriate legal description. The BLM may simply have to live with the knowledge that at some early date this township was irrevocably flawed. It is now up to BLM to determine how they want the township around your client's location to be laid out.

We can likely resolve this issue if you or your client could mail to IDWR copies of the original homestead patents. Using those patents, the original plats under which the patents were issued, and your comments regarding the actual location of your client's water use as shown on IDWR's infrared photographs, an acceptable solution to your client's concerns can likely be reached.

If you have any other information you would like IDWR to consider, such as any surveys your client has had done, feel free to submit them to IDWR as well. Please do not hesitate to contact me at (208) 327-7975 with your questions. I look forward to hearing from you.

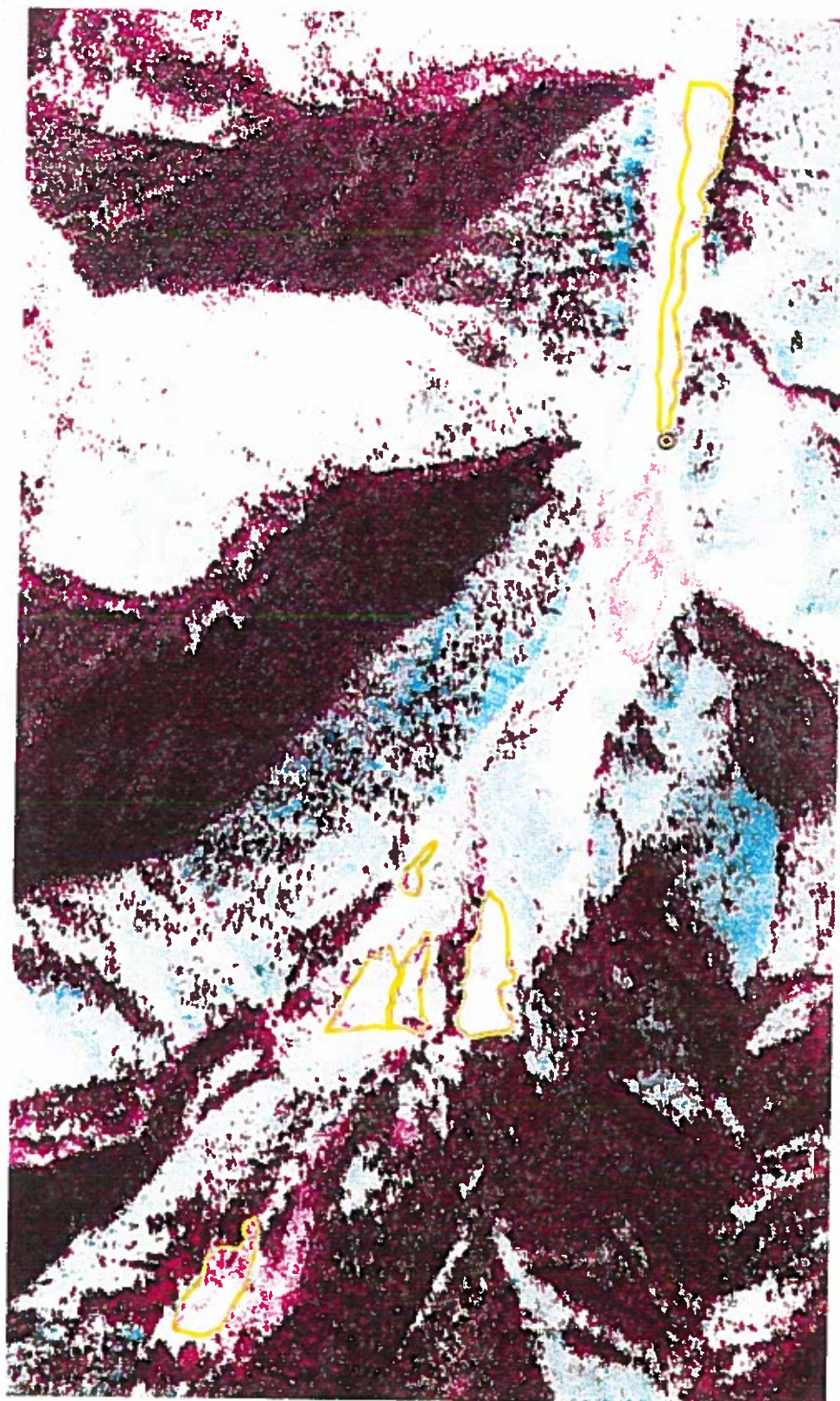
Sincerely,

A handwritten signature in dark ink, appearing to read "Peter R. Anderson", with a long horizontal flourish extending to the right.

Peter R. Anderson
Deputy Attorney General

cc: Larry Brown, USDOJ
Duane Olsen, BLM
Norm Semanko
Mike Ciscell, IDWR
Doug Jones, IDWR

Claims 72-16546A & 72-16546B



□ Place of Use
⊙ Point of Diversion

Imagery: USFS 1990

(B)

VERIFIED BY sc

AJ0749NP
No. R72-16546B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/13/98
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIS DU PONT PO BOX 2468 PALM BEACH FL 33480 (561) 655-1052	09/10/1945	IRRIGATION	04-01 10-31	1.26 CFS	
TOTAL DIVERSION:					1.26 CFS	

=====

Water Source: SLATE CREEK Tributary to: SALMON RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T10N R16E S08 SWNESE CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
10N	16E	8	:	06				04										:	12.0	
TOTAL ACRES																			12.0	

POU County: CUSTER

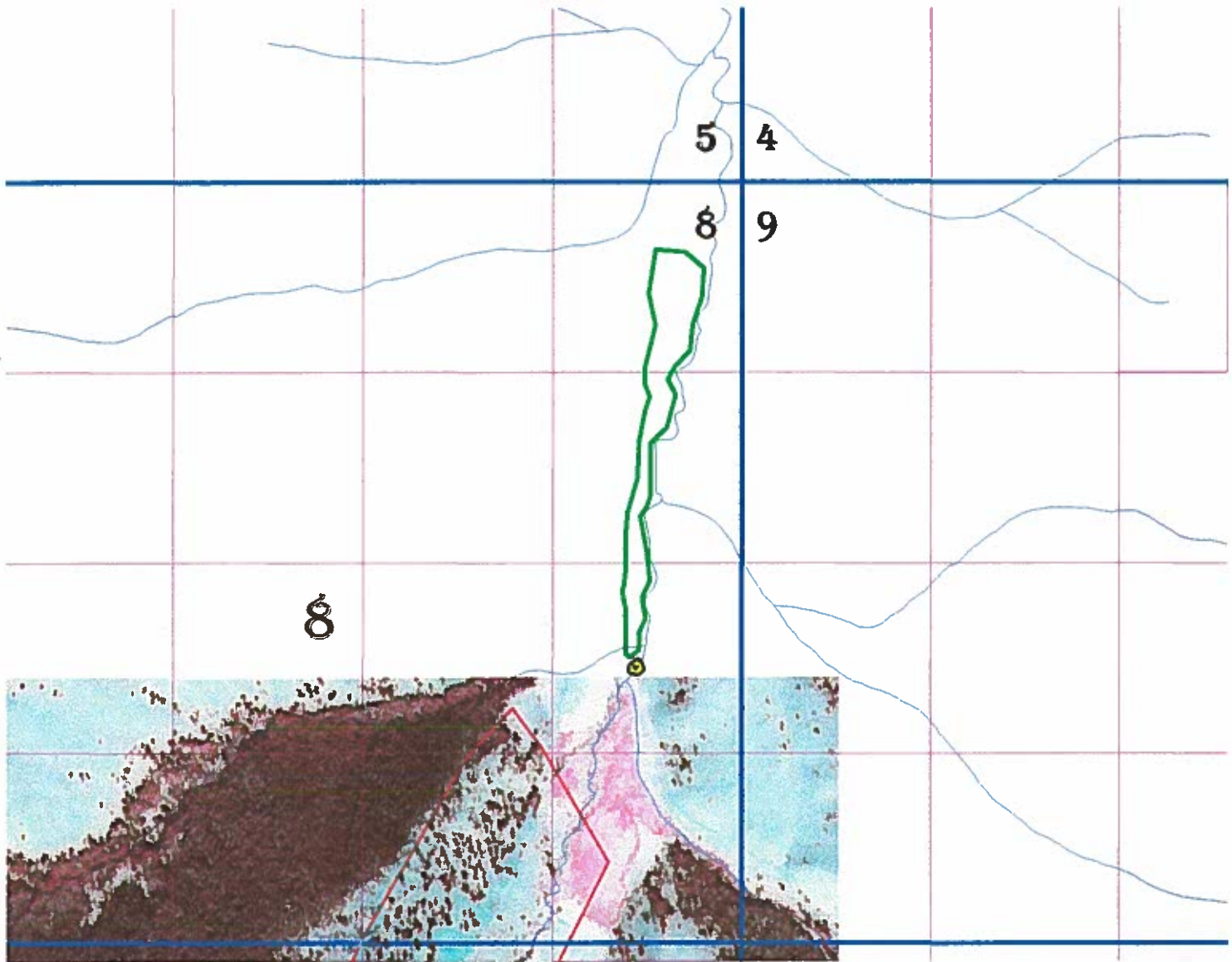
Other Rights: NONE

Dates: Exam Made Date: 09/08/1998 Verified Date: 11/13/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES

72-16546B



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 10N
RNG: 16E
SEC: 8



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 12, 1998

NAPP V21 NE

#441-185

8-22-88

Scanned: 11/12/98
See



72-16546 B



AIM NUMBER A72-16546 DATE 11/12/98
AGENT See

TRANSFER NUMBER
81 + 44 = 125

CLAIMED ACRE TOTAL
GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
AIM	10A	16E	17												3			8	
IS		claim	(16)											6.6	0			0	
COM														7.0					
AIM			20		17.5			17.5		35									
IS		claim	(21)		0			0		0									
COM																			
AIM			8	-		-				14	8	8	14						44
IS		claim	(10)	5.8		4.0				0	0	0	0			1.9			12
COM				6		4										2			12

2-DBPOU.SHP
APE NOS. 457 Part B. 453 Part A.
POU is unsurveyed and several conflicts have been found in trying to pinpoint the location of HES 324, HES 325 & HES 607.
* Recommendation reflects GIS data.

2-DBPOD.SHP
IS. DESCRIPTION
298 North Pod - Part B - Sec. 8 SWNESE
295 South Pod - Part A - Sec. 20 SWNWNW
Claim is SPLIT for each system as defined.

F TABLES UPDATED
2-DBPOU.DBF 11/11/98
2-DBPOD.DBF See
SIG LAYOUT ✓ Exhibits in 2 parts: 72-16546A.jpg 72-16546B.jpg

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A72-16546

DATE: 11/13, 1998

REVIEWED BY see

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
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BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
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CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
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DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
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DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
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PD2	.11	.12			5.15	4.74
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RE2	.29	.21			3.15	4.74
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SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

Soil data unavailable; Soil type taken from Upper East Fork Salmon R. - similar area.

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
<u>WC1</u>	<u>0.07</u>	<u>0.07</u>	<u>7</u>	<u>0.07</u>	<u>0.49</u> CFS
<u>WV1</u>	<u>0.07</u>	<u>0.07</u>	<u>12</u>	<u>0.07</u>	<u>0.84</u> CFS

TOTAL ACRES

DECREED RATE = 0

CLAIMED DIVERSION RATE = 7.05

MEASURED DIVERSION RATE = 0

11/13/98
see

9/17/98 call L.W.
8:30am msg @ machine

See

Lloyd
Walker
733-3083

Flow ANALYSIS:

11/13/98 see

Claimed: 7.05 cfs 125 AC. = 0.056 cfs/AC

Soil Rate allowed: 0.07 cfs/AC

Part A

7 AC.

0.49 cfs

0.25 cfs

0.74 cfs

Part B

12 AC

0.84 cfs

0.42 cfs

1.26 cfs

30%
<Conveyance loss>

W. COLLINS

A72-4224

11-12-93

Forest Service Documents (#1-6)

Priority Review -
summary of documents
by Steve Celand

1. 1929 T11N, R16E, S34

1 mile from Salmon River
East of Slate Creek

- for 8 Acres Pasture.

2. 1929 T11N, R16E, S27

- for Domestic residence and barn.

- Existed 15 years prior to USFS

3. 1924 T10N, R16E, S20

- for sawmill site

(actual site remnants found in S17
between Livingston Creek & Slate Creek.)

** 4. 1945 - 170 Acres on Slate Creek (owned).
Grazing Permit 30 head cattle
35 allowed

T10N, R16E, S8417
40 Acres cultivated

this data
supported and
Recommended
5-6-94
SC

5. 1938

- grazing permit

6. 1935

- grazing permits

MICROFILMED
NOV 01 1994

A72-16546

copy from Collins
claim: Supporting some
approximate dates

To All To Whom These Presents Shall Come,

Greeting:

WHEREAS, a Certificate of the register of the Land Office at Hailey, 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 Daniel B. Fisher has been established and duly consummated, in conformity to law, for the H. E. Survey No. 324, embracing a portion of, approximately, Sections nine and ten in Township ten north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U.S. Location Monument No. 323, bears north seventy-seven degrees nine minutes east twenty-eight links distant; thence, south twenty-five degrees seventeen minutes west sixty-one and twenty-three-hundredths chains to corner No. 2; thence, north eighty-six degrees eighteen minutes west nineteen and forty-eight-hundredths chains to corner No. 3; thence, north twenty-five degrees twenty-five minutes east eighty-two and forty-eight-hundredths chains to corner No. 4; thence, east five and eighty-two-hundredths chains to corner No. 5; thence, south eleven degrees fifty-seven minutes east twenty and eighty-five-hundredths chains to corner No. 1, the place of beginning, containing one hundred thirty-five and thirty-three-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE, by the Surveyor-General:

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.

IN TESTIMONY WHEREOF, I, Woodrow Wilson

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, in the District of Columbia, the TENTH day of SEPTEMBER in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-FOURTH.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary.

L. Q. C. Lamar,

Recorder of the General Land Office.

RECORDED: Patent Number 705972.

State of Idaho,
County of Custer, ::SS.

This instrument was filed for record at the request of Daniel B. Fisher at 10 o'clock A. M. July 6th., 1920.

\$1.00 Paid.

E. J. Michael
Ex-officio Recorder.

STATE OF IDAHO,)
County of Custer) ss.

I hereby certify that this instrument was filed for record at the request of Felipe Yribar at 30 minutes past 3 o'clock P. M., this 21st day of February A. D., 1946 in my office, and duly recorded in Book 27 of Deeds at page 196.

John Boyd
Ex-Officio Recorder

By Howard Bayler
Deputy

Fees \$1.20

a
Blackfoot 039162

No. 96720

4--1003

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 supplement thereto, the claim of David A. Fisher has been established and duly consummated, in conformity to law, for the

H. E. Survey No. 607, embracing a portion of, approximately, Section ten in Township ten north of range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U. S. Location Monument No. 323 bears south nine degrees five minutes east nineteen chains distant; thence, north forty-five degrees thirty-four minutes west two and twenty hundredths chains to corner No. 2; thence, west five and thirty hundredths chains to corner No. 3; thence, north eight degrees twenty-one minutes east sixty-three and twenty-four hundredths chains to corner No. 4; thence, south eighty degrees twenty-seven minutes east seven chains to corner No. 5; thence, south eight degrees twenty-five minutes west sixty-three and sixty hundredths chains to corner No. 1, the place of beginning, containing forty-four acres and seven hundredths of an acre,

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 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.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, 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 sixth day of January in the year of our Lord one thousand nine hundred and twenty-eight and the Independence of the United States the one hundred and fifty-second.

By the President: Calvin Coolidge

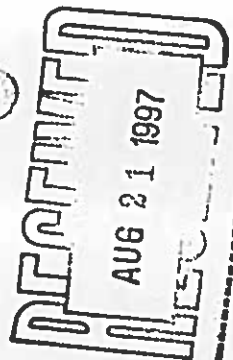
((SEAL-UNITED STATES
GENERAL LAND OFFICE)))

By Helen V. McLeod, Assistant, Secretary

M. P. LeRoy
Recorder of the General Land Office.

RECORDED: Patent Number 1010417

State of Idaho)
County of Custer) ss.



Hailey 020695.

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 Hailey, 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 Fredrick C. Kemp has been established and duly consummated, in conformity to law, for the H. E. Survey No. 323, embracing a portion of, approximately, Sections sixteen and twenty-one in Township ten north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U. S. Location Monument No. 323, bears north twenty-five degrees twenty-seven minutes east sixty-one and twenty-nine hundredths chains distant; thence, south thirty degrees thirty-two minutes west fifty-two chains to corner No. 2; thence, north eighty-eight degrees thirty-seven minutes west fifteen and sixty-seven-hundredths chains to corner No. 3; thence, north twenty-six degrees thirty-four minutes east fifty and ninety-five-hundredths chains to corner No. 4; thence, south eighty-six degrees eighteen minutes east nineteen and forty-eight-hundredths chains to corner No. 1, the place of beginning, containing eighty-one and thirty-three-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

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.

IN TESTIMONY WHEREOF, I Woodrow Wilson,

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, in the District of Columbia, the THIRD day of FEBRUARY in the year of our Lord one thousand nine hundred and TWENTY-ONE and of the Independence of the United States the one hundred and FORTY-FIFTH.

By the President: Woodrow Wilson,

By M. P. LeRoy, Secretary.

L. Q. C. Lamar,

Recorder of the General Land Office.

((SEAL))

RECORDED: Patent Number 793389.

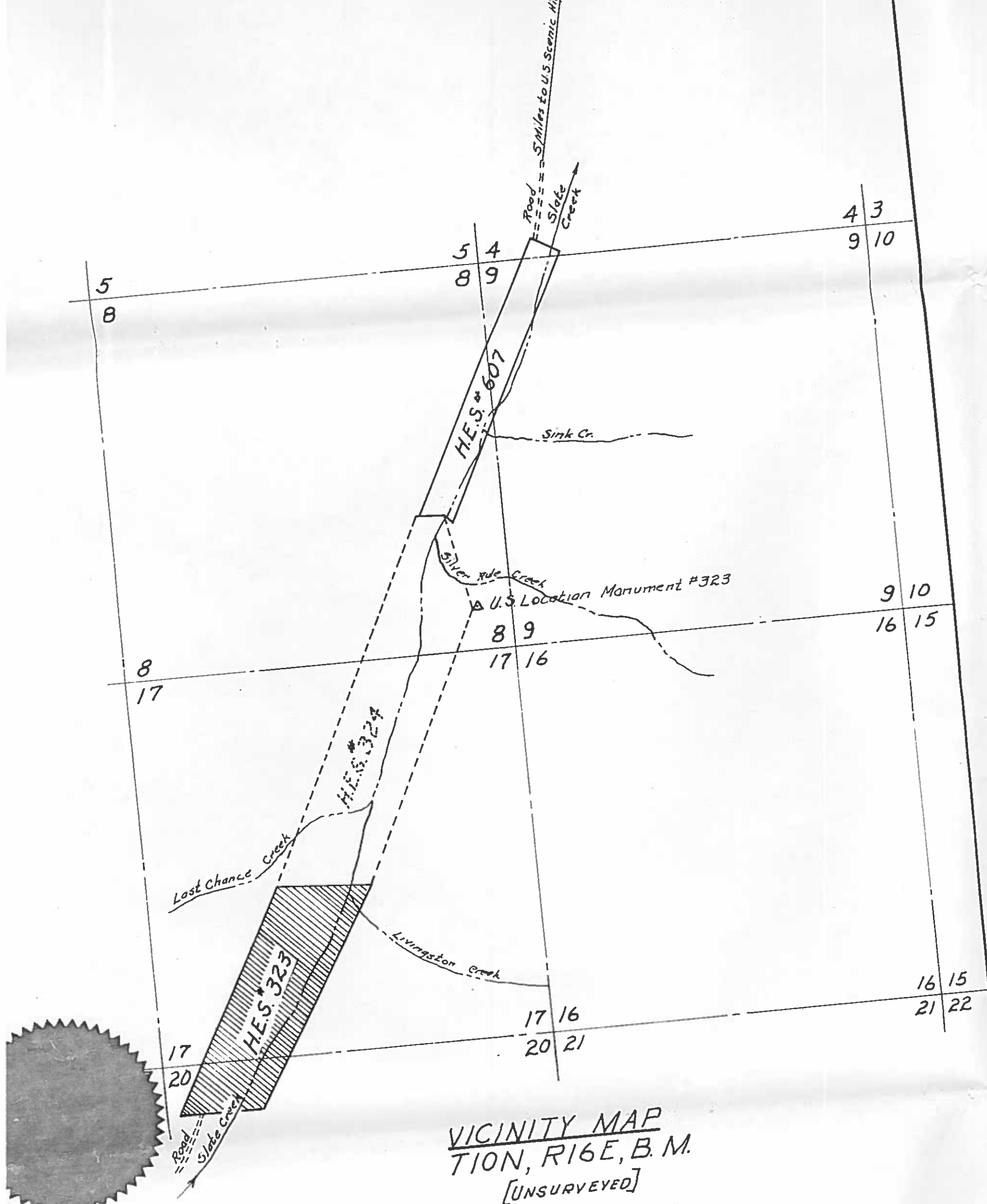
State of Idaho,
County of Custer, ::SS.

This instrument was filed for record at the request of F. C. Kemp at 9-30 o'clock A. M., March 3rd, 1921.

\$1.00 Paid.

E. J. Michael,
Ex-officio Recorder,

By B. D. Fox, Deputy.



379

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9

Charlie Burns
10-30-80
CHARTERED SURVEYOR
CHARLIE BURNS

TAFT ENGINEERING
CHALLIS, IDAHO

CERTIFICATE OF OWNER

This is to certify that I the undersigned am duly authorized representative of the owner in fee simple of the following described property.
H.E.S. Survey No. 323 embracing a portion of Sections 17 and 20 T10N, R16E of the Boise Meridian, Idaho more particularly described as follows:

Beginning at corner No. 1 from which U.S. Location Monument No. 323 bears N25°-27'E 61.29 chains distance; thence S30°-32'W. 52.00 chains to corner No. 2; thence N88°-37'W. 15.67 chains to corner No. 3; thence N26°-34'E 50.95 chains to corner No. 4; thence S86°-18'E 19.48 chains to corner No. 1; the point of beginning. The property described contains 81.09 Ac.

Willie H. du Pont

CERTIFICATE OF ENGINEER

This is to certify that I Frank A. Taft a registered Professional Engineer and Land Surveyor in the State of Idaho made the survey of the land as described in the Certificate of Owner and designated herein as duPont's Subdivision and that this plat is a true and correct representation of said survey as made and staked by me or under my direction on said land.

Frank A. Taft
Frank A. Taft Certificate No 3064

F. A. Taft
1/3/79

SANITARY RESTRICTIONS

The sanitary Restriction of section 50-1326, Idaho code is hereby certified as satisfied, subject to the following requirements.

The seller of any portion of this subdivision shall deliver to the possession of the purchaser a copy of the SANITARY REGULATIONS AND RECOMMENDATIONS as attached hereto and hereby made a legal and binding instrument upon all portions of this subdivision. There shall not be any kind of construction or placement of dwellings upon any of the lots of this subdivision until a valid individual sewage disposal permit has been obtained from the District Seven Health Department for said Lots

By _____

Date _____

COUNTY TREASURER'S APPROVAL OF TAXES

Date 1-5-20

ACKNOWLEDGEMENT

State of Florida } S.S.
County of Palm Beach }
on this 12 day of Feb. 1980 before
a notary public in and for said State
personally appeared the person whose
is subscribed to the foregoing certificate
of owner and acknowledged to me
he executed the same.
IN WITNESS WHERE OF I have here
set my hand and affixed my official
seal the day and year in this certificate
first above written

Martha Wade
Notary Public for the State of Florida

ACKNOWLEDGEMENT

State of Idaho } S.S.
County of Custer }
on this 3rd day of Dec. 1979 before
a notary public in and for said State
personally appeared the person whose
is subscribed to the foregoing
of Engineer and acknowledged to me
he executed the same.
IN WITNESS WHERE OF I have here
set my hand and affixed my official
seal the day and year in this certificate
first above written

David A. Mason
Notary Public for the State of Idaho

COUNTY PLANNING ZONING COMMISSION'S

This plat was accepted and approved
and Zoning Commission of Custer
this day 23 of June 1979

Allen J. Hy
Chairman

COUNTY COMMISSIONERS

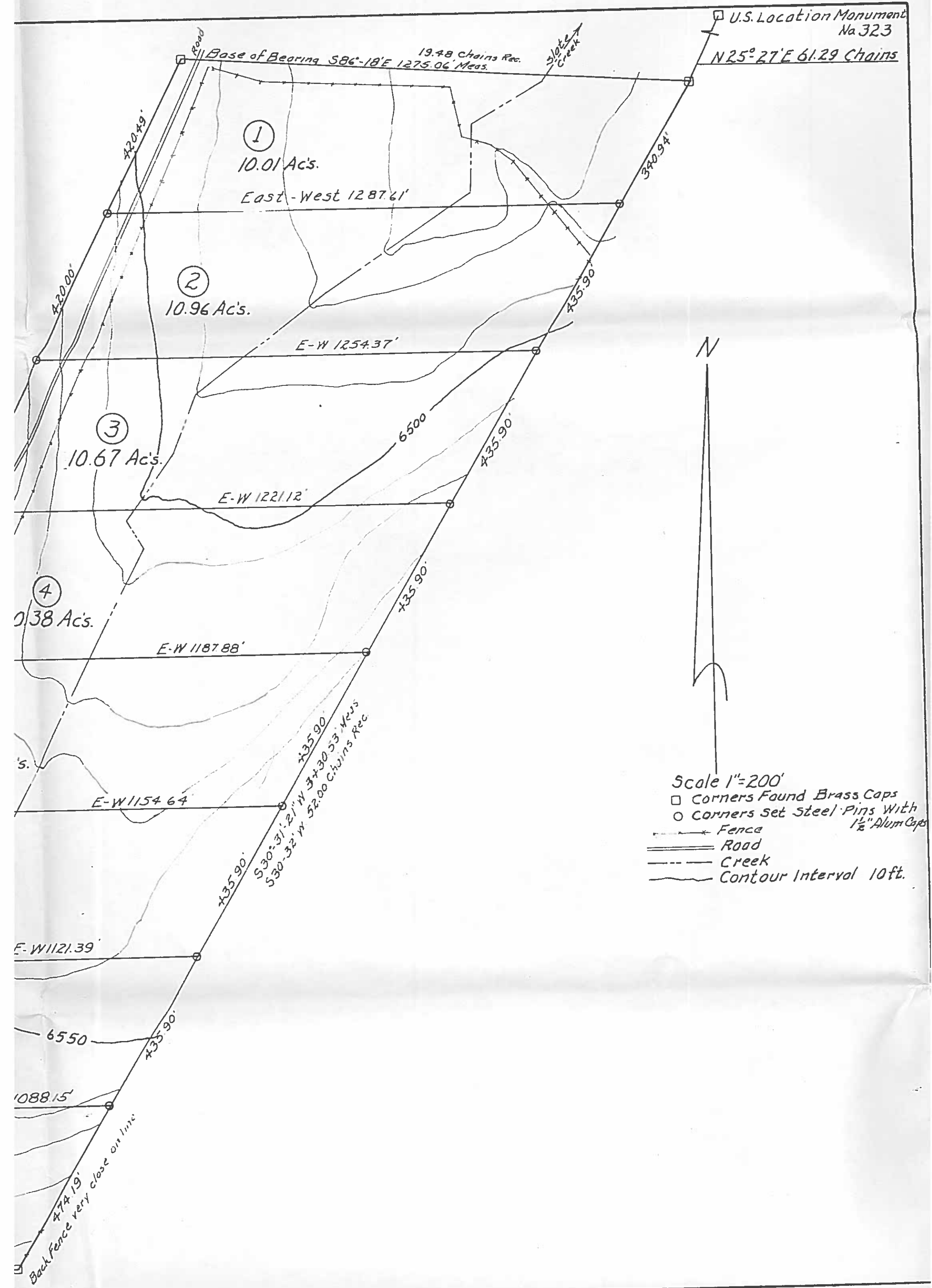
The foregoing plat was duly accepted
and by the board of CUSTER COUNTY
in the regular meeting on this

Howard G. English
Attest: Clerk

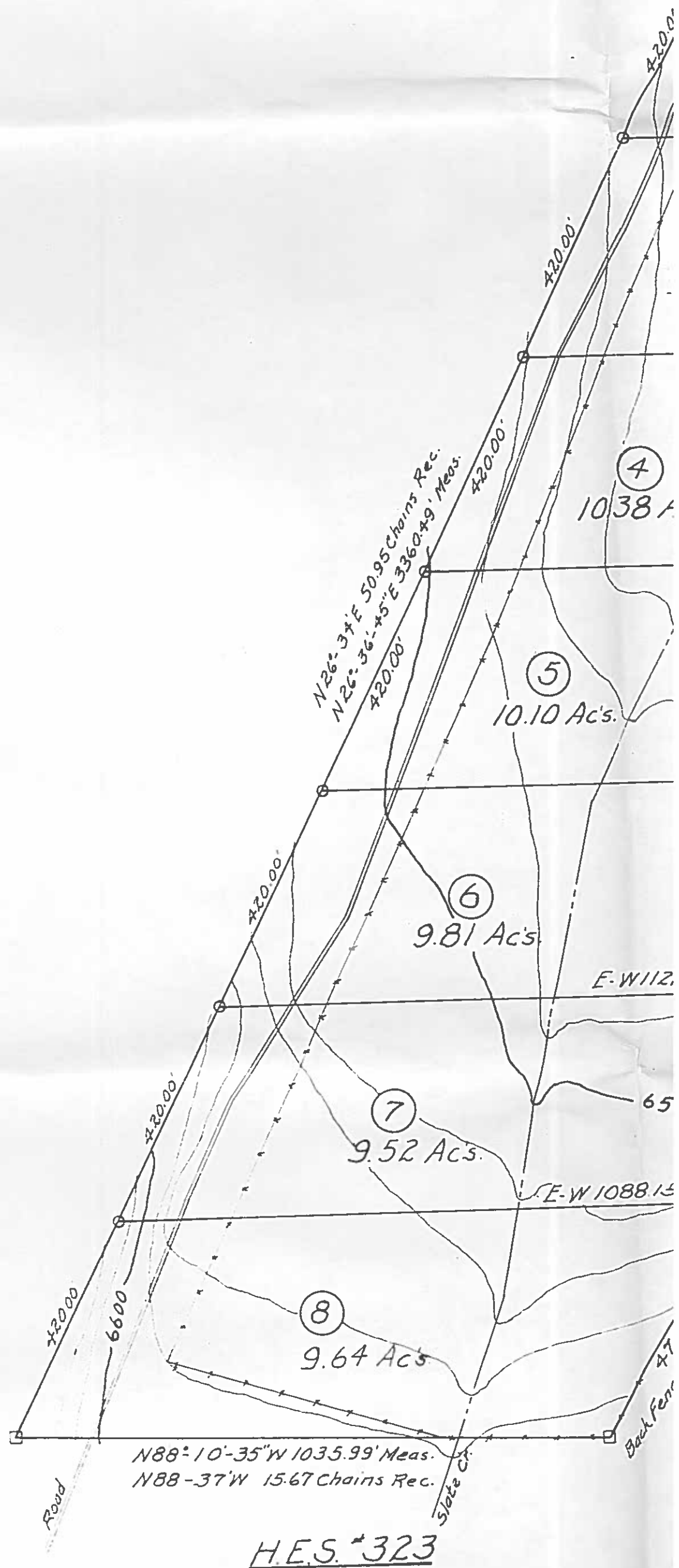
COUNTY RECORDER'S

State of Idaho } S.S.
County of Custer }
This is to certify that the foregoing
in the office of the Recorder of
Idaho. Time Monday 31 Mon.
Book _____ Page _____

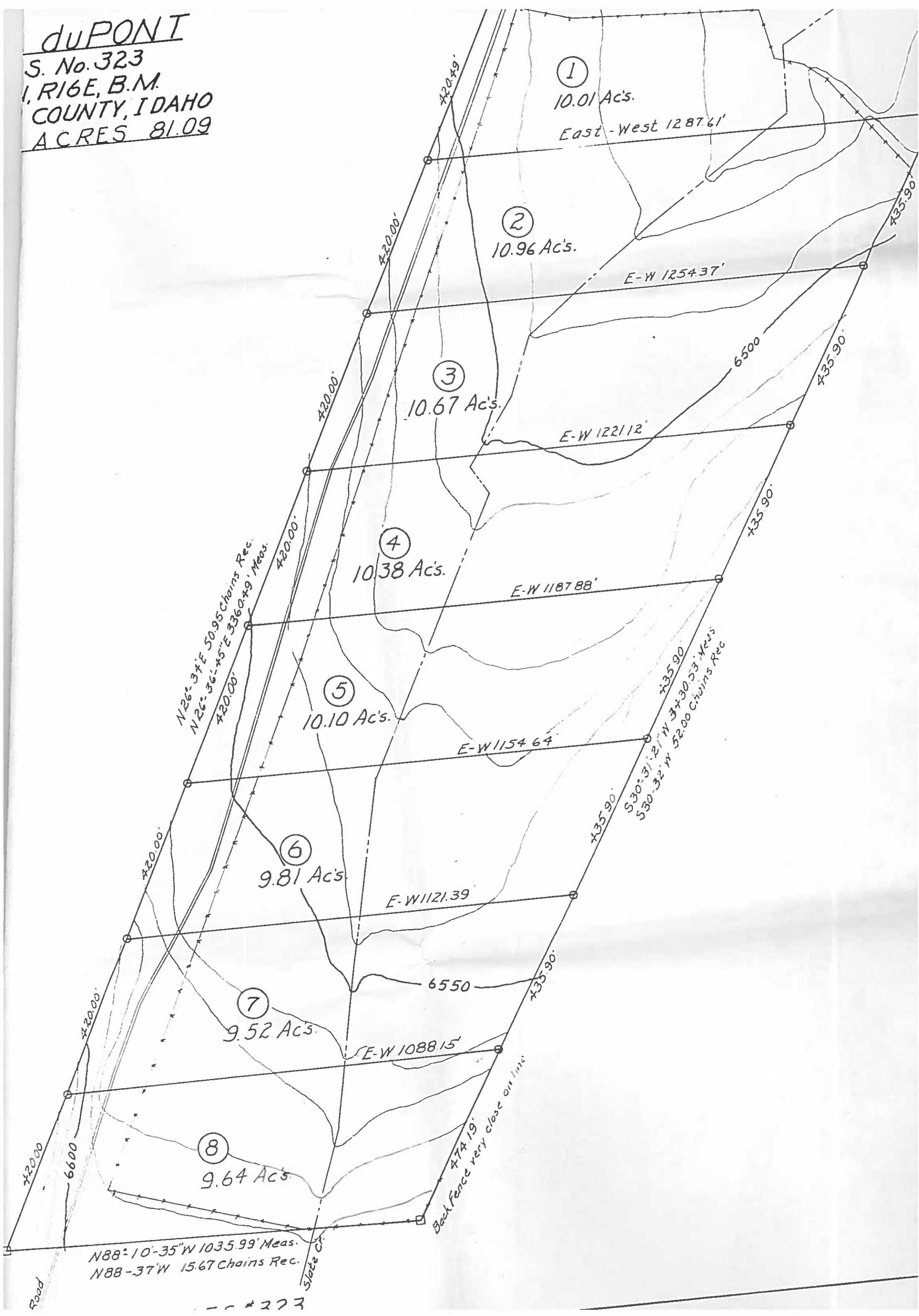
Recorder



H.E.S. No. 323
TION, R16E, B.M.
CUSTER COUNTY, IDAHO
TOTAL ACRES 81.09



S. No. 323
1, R16E, B.M.
COUNTY, IDAHO
ACRES 81.09



524
Bm.
y, Idaho

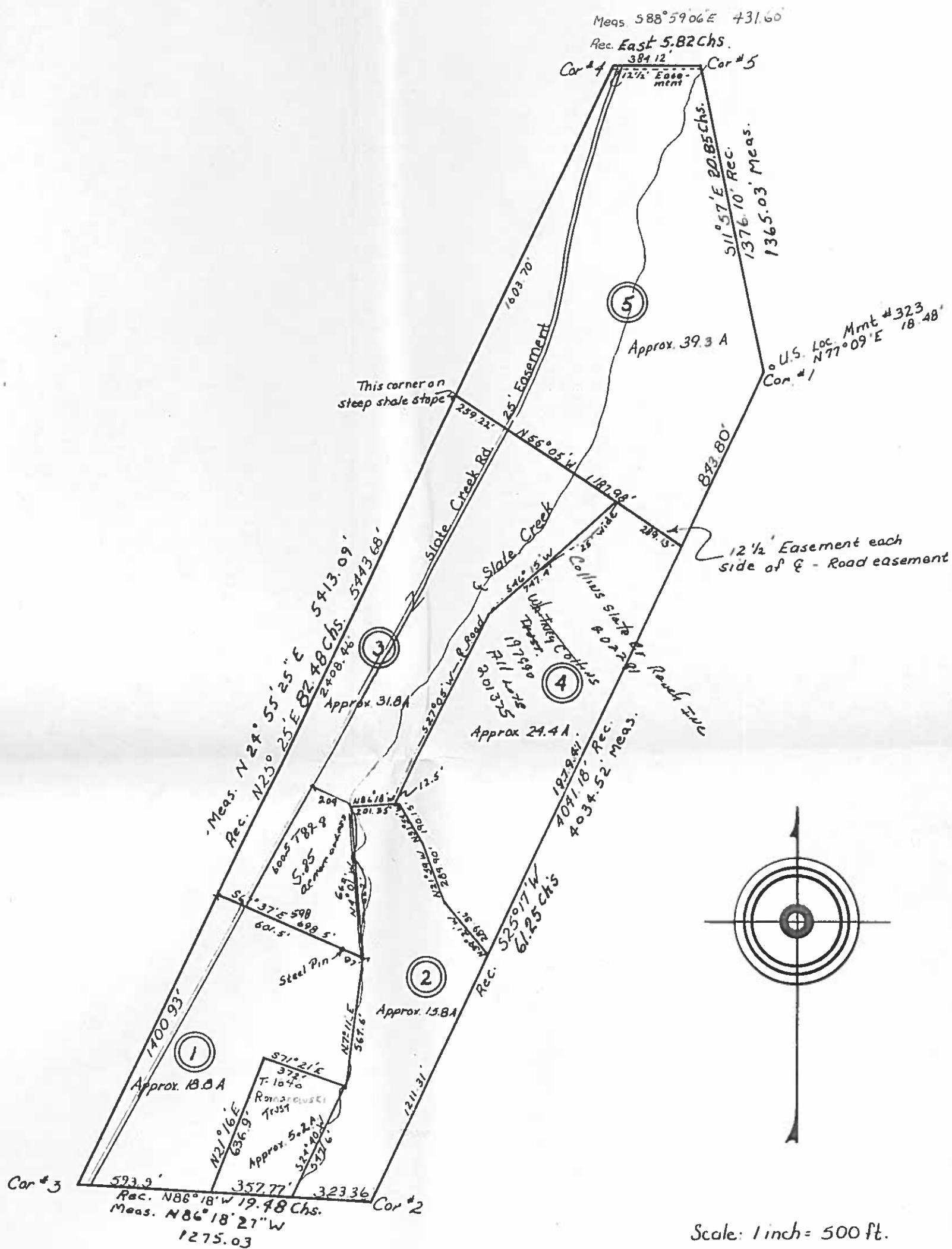
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authorized representative of the owner in fee simple of the following described property:
H.E.S. Survey No. 324, embracing a portion of approximately Sections 9 and 10 in Township 10 North of Range 16, East of the Boise Meridian, Idaho, more particularly described as follows:

Beginning at corner No. 1, from which U.S. Location Monument No. 323 bears North 77°09' East 28 links distant; thence South 25°17' West 61.23 chains to corner No. 2; thence North 86°18' West 19.48 chains to corner No. 3; thence North 25°25' East 82.48 chains to corner No. 4; thence East 5.82 chains to corner No. 5; thence South 11°57' East 20.85 chains to corner No. 1, the place of beginning, containing 135.33 acres, according to the Official Plat of the survey of said land.

Whitney Collins

Carol M. Collins

Certificate of Engineer

This is to certify that I, Frank A. Taft, a Registered Professional Engineer in the State of Idaho made the survey of the land as described in the Certificate of Owner, and designated herein as Whitney Collins Subdivision and that this plat is a true and correct representation of said survey as made and staked by me on said land.

F.A. Taft
8/13/76

Acknowledgement

State of Idaho }
County of Custer } s.s.

On this 13th day of Aug., 1976, before me, Notary Public in and for said state personally appeared Frank A. Taft known to me to be the person whose name is subscribed to the foregoing Certificate of Engineer and acknowledged to me that he executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Karen A. Wade
Notary Public for the State of Idaho

Acknowledgement

State of Illinois }
County of Dupage } s.s.

On this day of , 1976 before me a Notary Public in and for said state, personally appeared the person whose name is subscribed to the foregoing Certificate of Owner and acknowledged to me that he executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Illinois



County Recorder's Certificate

State of Idaho }
County of Custer } s.s.

This is to certify that the foregoing plat was filed in the Office of the Recorder of Custer County Idaho on this day of , 1976 at M., and duly recorded in Plat Book at Page.

Deputy

Ex-Officio Recorder

Sanitary Restrictions

Each lot in this subdivision must comply to the Idaho Dept. of Health Standards.

Idaho Department of Health

Approved by: *Carolyn Boyle*
Environmentalist

