

11/24/2004

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

RIGHT NUMBER: 37-4186

NAME AND ADDRESS: CHERYL L ADAMS
1956 WOOD RIVER RD
GOODING ID 83330

RODDY L ADAMS
1956 WOOD RIVER RD
GOODING ID 83330

SOURCE: COULEE 700

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.500 CFS

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

PRIORITY DATE: 06/07/1951

POINT OF DIVERSION:

T05S R16E S2 NWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.500 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R16E S02	NESW	7.0	T05S R16E S02	NWSW	6.0
T05S R16E S02	SWSW	27.0	T05S R16E S02	SESW	35.0

STOCKWATER same as IRRIGATION

75 ACRES TOTAL

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

This right is subject to the Coulee 700 Ditch and Water Agreement as described in Instrument No. 105092, Ditch and Water Agreement, Dated September 9, 1954, Recorded July 3, 1956, 9:00 a.m., Book 5 Agreements Page 594, Lincoln County, Idaho.

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

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

EXPLANATORY MATERIAL: Beneficial Use

37-4186

T05S R16E S02



Map prepared by: Carter Fritschle
Date prepared: 01/16/03 - Revised 11/24/04
1987-1988 NAPP photography
Idaho Department of Water Resources

Contacts Data Entry Form

Claim Number 37-4186

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	CHERYL L ADAMS	650 W 548 N 1956 WOOD RIVER RD	GOODING	ID	83330	(208)934-8193 886-2072
Current Owner	RODDY L ADAMS	1956 WOOD RIVER RD Shoshone	GOODING	ID	83330	(208)934-8193

Date of Field Exam: 9-24-04 Time: 9:30 AAccompanied By: Roddy & son Phone Number: 886-2072Relationship to Claimant: owner

Directions to Property (if different from above) and/or update owner information:

4 mi north to Johnnys store - west to
650 Rd - north 3/4 mi white house - green trim
second house on east side from
Shoshone



Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-24-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4186

Claimed Point of Diversion and Source

T05S R16E S2 SESW Rediversion Within LINCOLN County Source: WASTE WATER

T05S R16E S2 NWSE Within LINCOLN County Source: WASTE WATER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R16E S2 SESW Rediversion Within LINCOLN County

T05S R16E S2 NWSE Within LINCOLN County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Waste - Ditch700 ditch

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>55</u>	<u>16E</u>	<u>2</u>			<u>Lincoln</u>	<u>Waste from neighbors</u>

Other rights from this POD? NONE

Document how the POD and Source were verified:

Reddy took me out in field to POD estimated
was located SEE GPS

2 Reddy L. Adams Adams 2 2457421 1313028 DATE Photo
Acc 13794 1030325

Reviewer: Date: 9-24-04

Place Of Use Data Entry Form

Claim Number 37-4186

Claimed Place Of Use

T05S R16E S02	NESW	11.0	T05S R16E S02	NWSW	6.0
T05S R16E S02	SWSW	25.0	T05S R16E S02	SESW	33.0

Total Acres 75

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R16E S02	NESW	11.0	T05S R16E S02	NWSW	6.0
T05S R16E S02	SWSW	25.0	T05S R16E S02	SESW	33.0

Total Acres 75

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5S	16E	2			Lincoln			Irrig- Stock

Total Acres _____

Document how the POU was verified:

By Reviewing Yellow area on color photo - Reddy
said land looks OK

Reviewer: _____

Date: 7-24-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4186

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/01 <i>Seldom</i>	11/30 <i>hardly</i>	10	<i>only on flood yrs last few years little to none</i>
STOCKWATER	1/01	12/31 <i>EVER</i>	0.03	
Overall Diversion Rate 10		Overall Diversion Volume		

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	10	
STOCKWATER	1/01	12/31	0.03	
Overall Diversion Rate 10		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Varies</i>	<i>greatly</i>	<i>day x day</i>	<i>year x year</i>	<i>he has Cippolletti Weir</i>
Overall Diversion Rate _____		Overall Diversion Volume _____		

Document how the Period of Use and/or Diversion Rate were verified:

*as per Roddy
the Rate & Volume is little and appears with new methods
of irrig this waste water will be gone, the
last 5 years he has had very little water
and for very short time*

Reviewer: _____

Date: _____

9-24-04

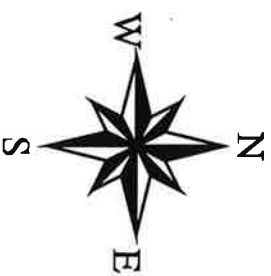
*land
topography*

37-4186

*water to
Boggs
GLS*

T05S R16E
S02

*4-2-00
11/12*



Map prepared by: Carter Fritschle
Date prepared: 01/16/03
1987-1988 NAPP photography
Idaho Department of Water Resources

*I don't want 630 Rd + 17th North
about 3/4 mile south of here*
NAME CHANGE

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: A37-04186
Date Received: 7/11/1988
Receipt No: N000462
Received By: _____

*in file - Green Lake
2 for garage*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: *548 N 650 West* RODDY L. ADAMS
Address: 1956 WOOD RIVER ROAD
GOODING, ID

83330

886-2072
208-934-8193

Name: CHERYL L. ADAMS
Address: 1956 WOOD RIVER ROAD
GOODING, ID

83330

208-934-8193

2. Date of Priority: APR 01, 1928

3. Source: WASTE WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	16E	2	SE	SW		R	LINCOLN
			NW	SE			LINCOLN

5. Description of diverting works:
WEIRS, PIPELINE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/30	10.000		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

A37-04186

Page 1

Date: 02/13/90

MICROFILMED
FEB 23 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	2	NE	SW		IRR	11.0
			NW	SW		IRR	6.0
			SW	SW		IRR	25.0
			SE	SW		IRR	33.0
						Section Acres	75.0
						Total Acres	75.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:
OWNERSHIP CHANGE 2/13/1990.

15. Basis of Claim: STATUTORY CLAIM

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

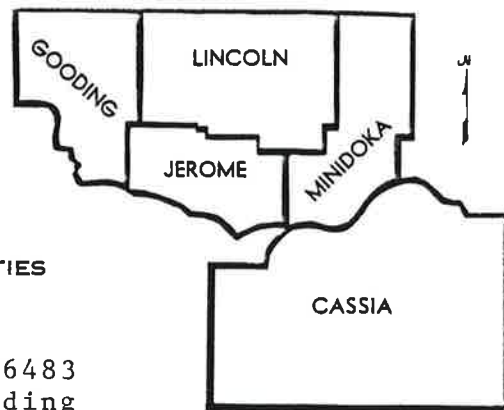
Residing at _____
My Commission Expires _____

MICROFILMED
FEB 23 1993

Land Title and Escrow, Inc.

COMPLETE SERVICE

5 IDAHO COUNTIES



REFER TO: L-16483
OFFICE: Gooding

February 8, 1990

RECEIVED

FEB 12 1990

Department of Water Resources
Southern Region Office

Mrs. Lauri White
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83330

Dear Lauri:

Please find enclosed the following:

1. Change in Ownership of Notice of Claim
2. Recorded Memorandum of Real Estate Contract

Please notify Mr. and Mrs. Adams directly that change of ownership has been completed.

Thank you.

Sincerely,

Janet Gorrell
Manager-Gooding

Enclosures

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED
FEB 23 1993

RECEIVED
FEB 12 1990
Department of Water Resources
Southern Region Office

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

☒ Water Right Number(s): A37-04186, A37-04187, A37-10486

☐ Name and Address of
Former Claimant:

FARM CREDIT BANK OF SPOKANE

Farm Credit Services - Twin Falls

P.O. Box 288, Twin Falls, ID 83330

☐ New Claimant(s): RODDY L. AND CHERYL L. ADAMS

☐ New Mailing Address: 1956 Wood River Road

Gooding, Idaho 83330

RECEIVED

FEB 12 1990

Department of Water Resources
Southern Region Office

New Telephone Number: (208) 934 - 8193

☐ Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

☐ Attach proof of ownership

Describe proof attached: Recorded Memorandum of Contract

☐ Signature of New Claimant(s):

Roddy L. Adams
Roddy L. Adams

Cheryl L. Adams
Cheryl L. Adams

Date: February 8, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED
FEB 23 1993

COPY

RECEIVED
FEB 12 1990
Department of Water Resources
Southern Region Office

MEMORANDUM OF REAL ESTATE CONTRACT

THIS MEMORANDUM is delivered to document that a Real Estate Contract was entered into effective February 8, 1990, under which FARM CREDIT BANK OF SPOKANE, successor by merger to The Federal Land Bank of Spokane, a corporation, sold to RODDY L. ADAMS and CHERYL L. ADAMS, husband and wife, whose address is 1956 Wood River Rd, Gooding, ID ⁸³³³⁰; the real property described on Exhibit "A" attached hereto.

DATED This 8th day of February, 1990.

FARM CREDIT BANK OF SPOKANE

153735

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of

David H. Wells

FEB 08 90

at 38 minutes 11 a.m.
recorded by Brenda Gardner
12.08

By: *W. H. Wells*

Position: Senior Loan Officer

Roddy L. Adams
RODDY L. ADAMS

Cheryl L. Adams
CHERYL L. ADAMS

STATE OF IDAHO

County of ~~Twin Falls~~ Gooding

)
) ss.
)

On this 8th day of February, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Walter G. Wells, known to me to be the Senior Loan Officer of the Farm Credit Bank of Spokane who executed the foregoing instrument on behalf of the said corporation, and acknowledged to me that such corporation executed the same.

MICROFILMED
FEB 23 1993

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



Janet A. Gorrell

NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, Idaho
My commission expires: 2-28-1993

MICROFILMED
FEB 23 1993

EXHIBIT "A"

Township 5 South, Range 16, East of the Boise Meridian, Lincoln County, Idaho

Section 2: SW1/4; NW1/4SE1/4; SW1/4NE1/4;

Together with all tenements, hereditaments, and appurtenances thereunto belonging or any wise appertaining to the property, including all existing fixtures, and together with all water and water rights of every kind and description, however evidenced; subject to any and all easements, rights of way, or restrictions of record, and the exceptions, provisions, and reservations contained in patents or deeds from the United States of America, or the State of Idaho, or in other deeds of record.

MICROFILMED
FEB 23 1993

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: A37-04186

Date Received: 6/27/1988

Receipt No: N-462

Received By: AB

SEP 21 1989

Department of Water Resources
Southern Region Office

SEP 20 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FARM CREDIT BANK OF SPOKANE
Address: BOX 288
TWIN FALLS, ID 83301

208-733-2577

2. Date of Priority: APR 01, 1928

3. Source: WASTE WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
05S	16E	2	SE	SW		
			NW	SE		

RECEIVED
JUL 11 1988
Department of Water Resources
Northern District Office
County
LINCOLN
LINCOLN

5. Description of diverting works:
WEIRS, PIPELINE DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/30	10.000		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	2	NE	SW		IRR	11.0

A37-04186

Page 1

Date: 07/08/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	16E	2	NW	SW		IRR	6.0
			SW	SW		IRR	25.0
			SE	SW		IRR	33.0
						Section Acres	75.0
						Total Acres	75.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Senior Engineer-Appraiser of Farm Credit Bank of Spokane, that I have signed the foregoing document in the space below as Senior Engineer-Appraiser of Farm Credit Bank of Spokane and that the statements contained in the foregoing document are true and correct.

Harold J. Sanders
Signature of Authorized Agent

Senior Engineer-Appraiser
Title and Organization

7/8/88
Date

State of ~~Idaho~~ WASHINGTON)
County of Spokane) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of July 19 88

Julie A. Brandt
Notary Public

Seal



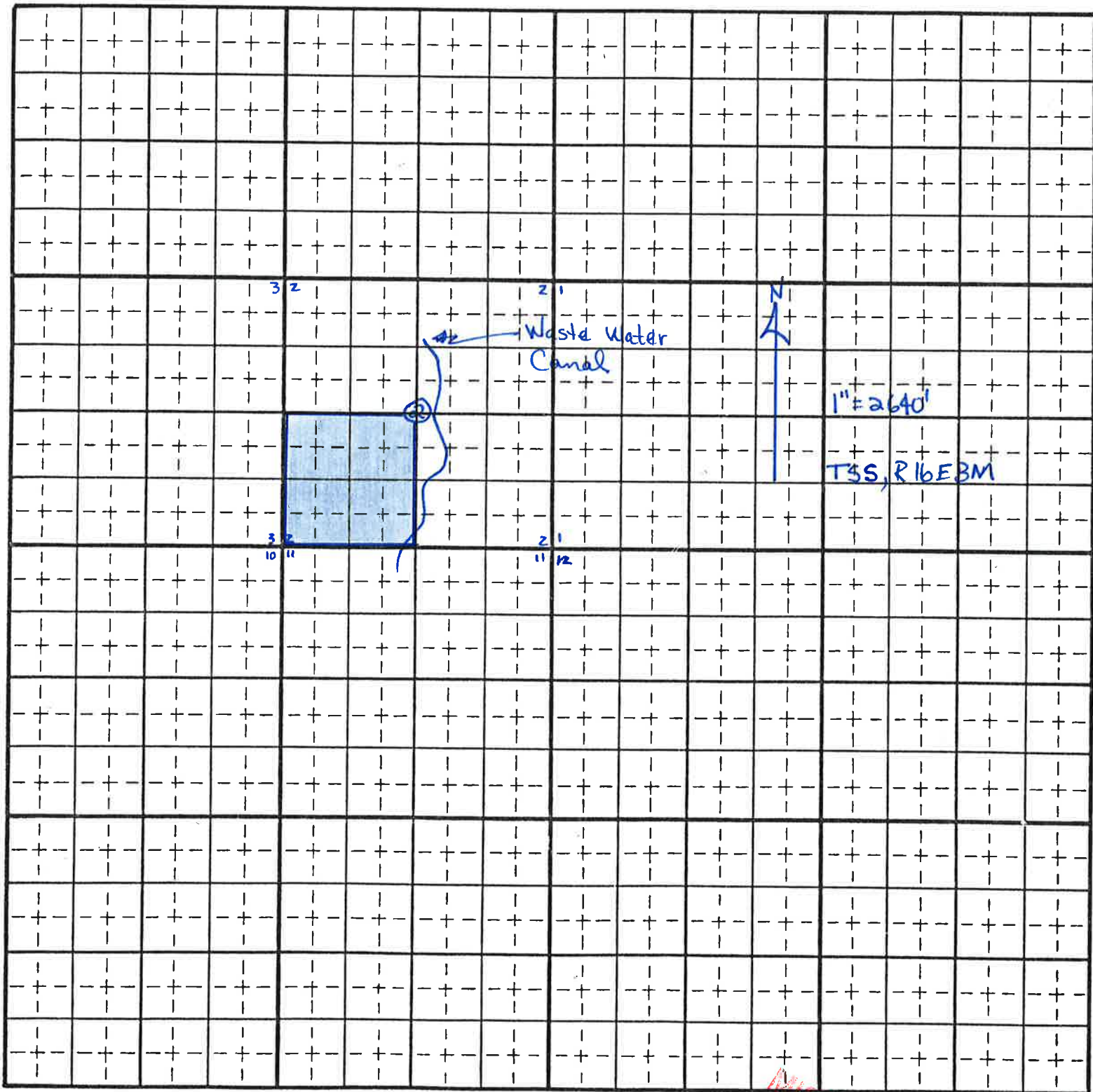
Residing at Spokane

My Commission Expires 11-15-91

MICROFILMED
FEB 23 1993

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

Scale: 2 inches equals 1 mile



MICROFILMED
FEB 23 1993

Last Name Farm Credit Bank of Ident No. #37-4186
Spokane

Copies: White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Farrell J. Peterson for Lois L. Peterson
(Name of Claimant)
Rt. 1, Box 90, Shoshone, Idaho, 83352 Telephone No. 986-2691
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1928

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

700 Creek tributary to Big Wood River

- (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	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>10.00 cfs</u>		Use <u>Irrig.</u>		Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity <u>0.03 cfs</u>		Use <u>Stock</u>		Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 10.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SE 1/4, Sec. 2 Twp. 5S. Rge. 16E. B.M., County of Lincoln

Additional points of diversion: Rediversion into pipeline & ditches SE 1/4 SW 1/4 Sec. 2, T.5S., R.16E., B.M.

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. Describe any changes in the system and give the date of the change. Two 36" weirs divide creek; water then rediverted into pipeline & gravity ditches.

- (6) A) 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	
5S	16E	2									11	6	25	33					75

No. of acres 75

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

Cattle drink from ditches & creek.

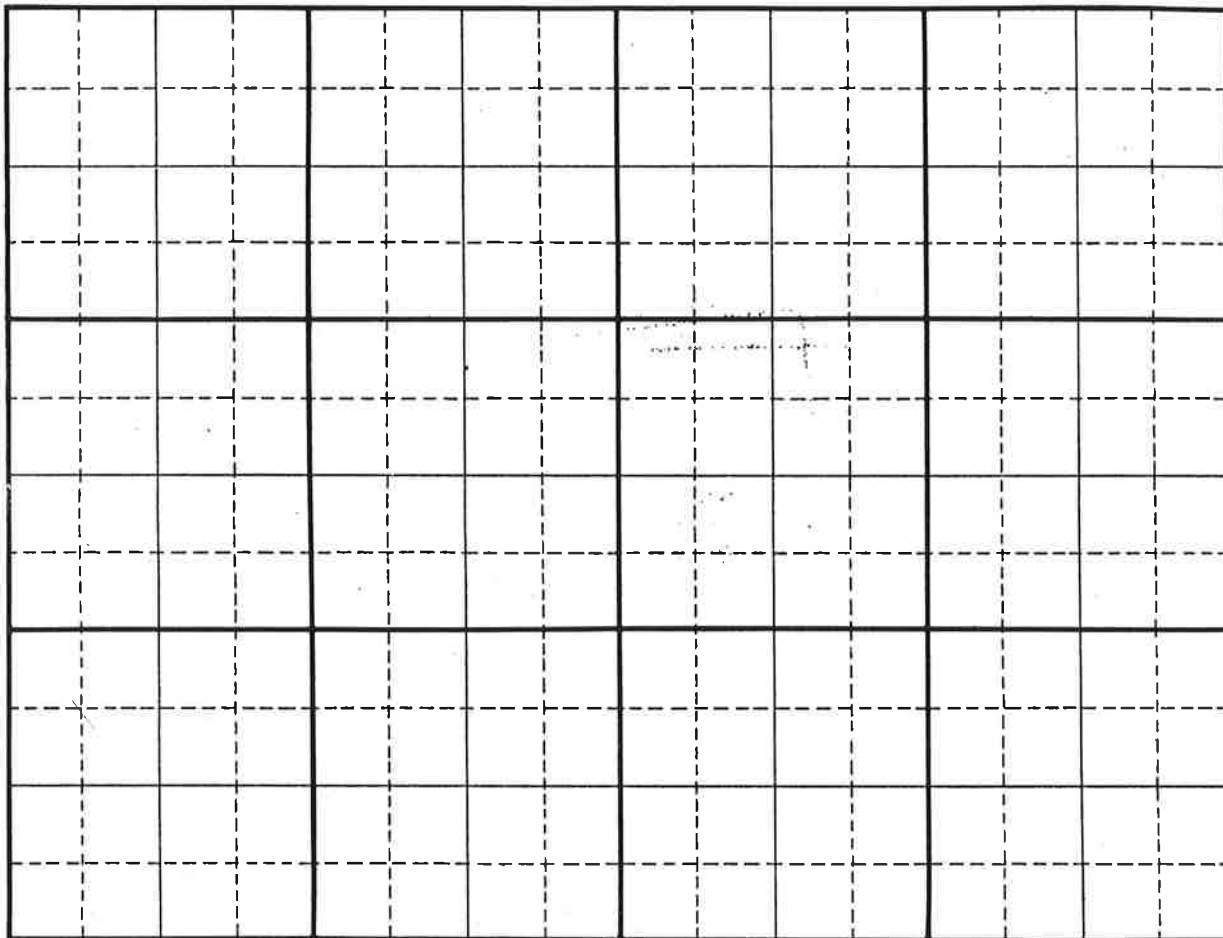
NOTE: Include here the type and number of stock watered:

100 head Range Cattle

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

FEB 26 1988

(8) Remarks See attached ditch & water agreement about
water of 700 creek. This claim records a portion
of the use of the second parties referred to in the
agreement.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Lewis & Clark) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19 day of August, 19 81.

[Signature]
(Claimant)

Mary A. Hill
Notary Public
Residing at Lewis & Clark, ID 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by ADM Date 8/19/81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by T.G. Blau Date 8/19/81 _____ claimant by: _____
\$20.00 fee received by maury Date 8/18/81 # 18728
Published in Lincoln County Journal
Dates 8/27 & 9/3/81

RECORDED

FEB 26 1988

RECEIVED

AUG 24 1981

August 19, 1981

Department of Water Resources

Director of Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Please find enclosed a copy of the water and ditch agreement to the use of the waters of 700 Creek. This agreement pertains to the use of the waters of 700 Creek and bears directly on any determination of the uses of these waters. I request that this agreement be included in the records of claims 37-4079, 37-4081, 37-4088 and any future claims which may be filed to the waters of 700 Creek.

Sincerely,

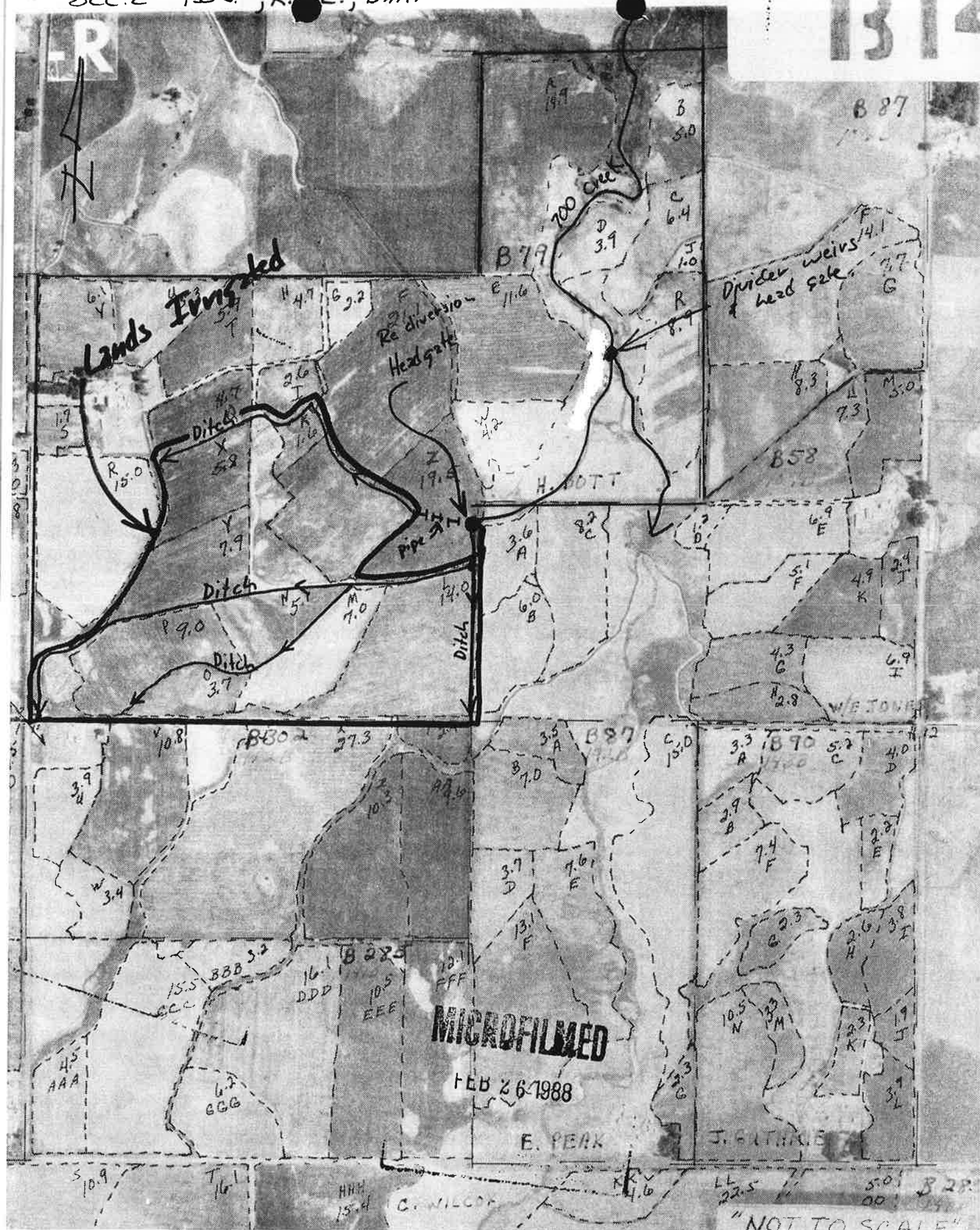


Lois L. Peterson
Rt. 1 Box 90
Shoshone, Idaho 83352

37-4237 - claimed SRBA
37-4088 - not claimed SRBA
37-4186 - claimed SRBA
37-4187 - claimed SRBA
37-2521 - not claimed SRBA
37-4081 - claimed SRBA
37-4079 - not claimed SRBA

Peterson Claim

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and General Sales Manager, and authorized to execute said instrument for and on behalf of the Richfield Oil Corporation and acknowledged to me that such Corporation executed 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,

(N.P. SEAL)

SETH F. STONE
Notary Public in and for the County of
Los Angeles, State of California
My commission expires May 26, 1959.

Recorded at the request of Security Title Company, at 11:05 A.M. on May 26, 1959

Geraldine Devaney, Deputy

Luella L. Kinsley, Secretary

Fee: \$3.50

#106092

DITCH AND WATER AGREEMENT

THIS AGREEMENT, made between D. Sid Smith and Alta G. Smith, his wife, and Ross Boyd and Marguerite Boyd, his wife, first parties; Max Boesiger and Ruth H. Boesiger, his wife, and Mary Boesiger, a widow, second parties; and William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife; Clarence R. Tews, a bachelor; Marguerite Tews, a spinster; Dean B. Cox and Beatrice J. Cox, his wife; D. B. Velasquez and Josephine Velasquez, his wife; third parties, for the purpose of effecting a mutual understanding and agreement between the contracting parties relative to ditch and water rights in Coulee 700 and the water flowing therein, which Coulee empties into Big Wood River in the approximate southwest corner of Section Eleven (11), Township Five (5) South, Range Sixteen (16) E.B.M., Lincoln County, Idaho, and for the purpose of compromising and settling the controversy involved in the case of Smith vs. Lowry, #3345, now pending in the District Court of Lincoln County, Idaho,

IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED:

1. First Parties, D. Sid Smith and Alta G. Smith, are the owners of the following described lands situate in Lincoln County, Idaho, which are irrigated in part from the water of said coulee:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10) South Half of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Southwest Quarter (SW $\frac{1}{4}$) and the West Half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eleven (11); the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section Fourteen (14); and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$) of Section Fifteen (15), all in Township Five (5) South, Range Sixteen (16) E.B.M.

First parties, Ross Boyd and Marguerite Boyd, his wife, are the owners of:

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Eleven (11), Township Five (5) South, Range Sixteen (16) E.B.M.,

which is irrigated in part from the waters of said coulee.

2. Second parties, Mary Boesiger, a widow, and Max Boesiger and Ruth H. his wife, are the owners of:

The Southwest Quarter (SW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section (2), Township Five (5) South, Range Sixteen (16) E.B.M., which lands are irrigated in part from the waters of said Coulee 700.

3. Third parties are the owners of the following lands which are irrigated in part from the waters of said coulee:

(a) William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence R. Tews, a bachelor, and Marguerite Tews, a spinster, owners of the following:

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The Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section thirty-five (35), Township Four (4) South, Range Sixteen (16) E.B.M.; Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Seventeen (17) E.B.M.; Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$), Lot Three (3) Lot Four (4), and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) east of the canal in Section Thirty (30), Township Four (4) South, Range Seventeen (17) E.B.M., in Lincoln County, Idaho.

(b) Dean B. Cox and Beatrice J. Cox, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M., and also the following described real water: Beginning at the northeast corner of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section Two (2), thence due north on the east line of said section a distance of eight hundred (800) feet, thence west on a line parallel with the south line of said Section Two (2) a distance of four hundred (400) feet, thence in a straight westerly direction to the northwest corner of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section Two (2); thence east to the place of beginning; containing ninety-six (96) acres, more or less, in Lincoln County, Idaho.

(c) D. D. Velasquez and Josephine Velasquez, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section Thirty-five (35), Township Four (4) South, Range Sixteen (16) E.B.M., Lot Four (4) or the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of Section One (1), Township Five (5) South, Range Sixteen (16) E.B.M., and Lot One (1) or the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Two (2) Township Five (5) South, Range Sixteen (16) E.B.M.

4. Each and all of the parties also utilize waters from said coulees for domestic and stock water purposes on their respective lands.

5. It is understood and agreed:

(a) That D. D. Velasquez and Josephine Velasquez, his wife, shall have the right to continue diverting water from said coulees in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulees in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said Coulees 700.

(b) That William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence R. Tews, a bachelor, and Marguerite Tews, a spinster, shall have the right to continue diverting water from said coulees in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulees in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said Coulees 700.

(c) That Dean B. Cox and Beatrice J. Cox, his wife, shall have the right to continue diverting water from said coulees in the amount and for the irrigation of the quantity of lands, including domestic and stockwater purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulees in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said Coulees 700.

6. It is understood and agreed that second parties shall have the right to continue pumping and diverting water from said coulees for pumping and diverting water from said coulees for irrigation of the lands lying east of said Coulee 700 in the Northwest Quarter

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of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2) for diverting water for domestic purposes and stock water thereon, to the same extent and in the same manner heretofore enjoyed by them. They agree that the waste and return flow from said ditches shall continue to return to said Coulee 700 in the future as the same have in the past, and they agree that no increased acreage will be irrigated through said diversion and pumps.

7. The remainder of the waters in said coulee 700 shall be owned and divided equally by first parties and second parties, one-half thereof by first parties and one-half by second parties. Such waters shall be diverted at the diversion point on said coulee where second parties have heretofore been diverting their water from said coulee, the same being a check or dividing box which is located in the approximate center of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M. There shall be operated and maintained at said point a two-way diversion box so constructed and maintained as to divert one-half the flow of said coulee at said point westerly into the ditch of second parties, and to permit one-half the flow of the said coulee at such point to continue flowing in said coulee 700 for the use and benefit of first parties and their lands.

8. First parties and second parties will share equally in the cost of constructing, maintaining and operating said diversion box and check, and the same shall be maintained and operated in such manner as to at all times and under all conditions, so far as reasonably possible, divert the flow at such point equally between first parties and second parties, so that each shall have a continuous flow of his share of such water for irrigation, domestic and stock water purposes. All other contracting parties shall individually maintain and keep in repair their respective diversion works. All general expenses and costs of cleaning, repairing and keeping in condition the coulee proper, as distinguished from the diversion works, will be paid by the parties to this contract on a pro rata basis.

9. All water rights enjoyed by the contracting parties in and to the water of said coulee, as well as all ditch rights and rights of way in said coulee, shall have and enjoy the same priority, so that no person to this contract shall have or own any prior right to any other user from the coulee.

10. It is further understood and agreed that the contracting parties shall endeavor to operate said coulee and diversion works without the necessity of a ditch rider or watermaster, but in the event of disagreements or the inability of the parties to operate in this manner and it becomes necessary and advisable to employ a ditch rider or watermaster, then nothing in this contract shall prevent procedure being adopted for that purpose in the manner provided for by the laws of the State of Idaho.

11. Each of the contracting parties shall have the right to enter upon the property of each of the other contracting parties at such reasonable times and to such reasonable extent as may be necessary to maintain the coulee and the diversion works therefrom of the respective parties.

It is agreed that the several parties to this contract are individually entitled to receive water through their respective diversions at such times and in such amounts as may be reasonably necessary for the irrigating of their lands and for domestic and stock water purposes thereon.

The agreements herein contained shall constitute covenants running with the lands of the respective parties, and shall be binding upon the contracting parties and the successors in interest of the contracting parties.

RECORDED
FEB 26 1988

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When this contract has been fully executed the case of Smith vs. Terry, mentioned in the first paragraph hereof, shall be dismissed without prejudice and without costs.

IN WITNESS WHEREOF, the contracting parties have hereto set their hands this 8th day of September, 1934.

ALTA G. SMITH, Deceased

By D. Sidney Smith

By William G. Smith
Executor

/s/

D. SID SMITH
D. Sid Smith

Alta G. Smith

ROSS BOYD
Ross Boyd

MARGUERITE BOYD
Marguerite Boyd

FIRST PARTIES

MAX A. BOESIGER
Max Boesiger

RUTH H. BOESIGER
Ruth H. Boesiger

MARY BOESIGER
Mary Boesiger

SECOND PARTIES

WILLIAM G. TEWS
William G. Tews

MARY TEWS
Mary Tews

LAWRENCE Z. TEWS
Lawrence Z. Tews

ELIZABETH TEWS
Elizabeth Tews

CLARENCE R. TEWS
Clarence R. Tews

MARGUERITE TEWS
Marguerite Tews

DEAN B. COX
Dean B. Cox

BETTRICE J. COX
Beatrice J. Cox

DONALD D. VELASQUEZ
Donald D. Velasquez
D. D. VELASQUEZ

JOSEPHINE VELASQUEZ
Josephine Velasquez

THIRD PARTIES

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1934, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared D. Sid Smith, known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 8th day of September, 1934.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

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STATE OF IDAHO)
County of Lincoln) ss

On this 15th day of March, 1936, before me, Jack M. Murphy, a Notary Public in and for said state, personally appeared Ross Boyd and Marguerite Boyd, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 15th day of March, 1936.

and year in this certificate first above written.

(N.P.SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Elmore) ss

On this 28th day of June, 1956, before me, Branch Bird, a Notary Public in and for said State, personally appeared Max Boesiger and Ruth W. Boesiger, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(N.P.SEAL)

BRANCH BIRD
Notary Public for the State of Idaho,
Residing at Gooding, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 9th day of December, 1955, before me, Howard E. Adkins, a Notary Public in and for said State, personally appeared Mary Boesiger, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

(N.P.SEAL)

HOWARD E. ADKINS
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 10th day of February, 1956, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence R. Tews, a bachelor, and Marguerite Tews, a spinster, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(N.P.SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared Dean D. Cox and Beatrice J. Cox, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(N.P.SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared D. D. Velasquez and Josephine Velasquez, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

NOTARIAL SEAL

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

(N.P.SEAL)

JACK H. MURPHY
Notary Public for the State of Idaho
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Gooding) ss

On this 19th day of June, 1936, before me Branch Bird a Notary Public for the State of Idaho, personally appeared D. Sidney Smith and William G. Smith, known to me to be the persons whose names are subscribed to the within instrument as executors of the estate of Alta G. (Gooding) Smith, and acknowledged to me that they executed the same as such executors.

In Witness whereof I have hereunto set my hand and affixed my seal as of this day and year first above written.

(N.P.SEAL)

Branch Bird
Notary Public for the State of Idaho

Recorded at the request of Branch Bird, at 9:00 A.M. on July 8, 1936

Geraldine Devaney, Deputy

Luella L. Kinsey, Recorder

Fee: \$6.50

#101139

PROOF READ

STATE OF IDAHO
LAND SALE CERTIFICATE

New No. 18110

The State reserves the right to all coal, oil, shale, gas, phosphate, sodium and other mineral deposits contained in this land as required by Chapter 96 of the 1923 Session Laws.

This is to certify, that on the 10th day of October, 1924, the State of Idaho sold unto Bert Nyant, W #1, Richfield, Idaho, upon the terms and conditions herewith set forth, the following described State School lands, lying, situate and being in the County of Lincoln, State of Idaho SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp. 3 S, Rg. 10 E.B.N., containing 40 a. Consideration Four Hundred and No/100 (\$400.00) Dollars to be paid as follows, to-wit: Forty and No/100 (\$40.00) Dollars, the receipt whereof is hereby acknowledged, and the balance of Three Hundred Sixty and No/100 (\$360.00) Dollars in annual installments with interest at the rate of six per cent per annum, payable in advance on the first day of January of each year, as shown herewith, to-wit:

Record of Assignments	Assignee	Date
Harriet O. & Hassell Blankenship		9 29 47
Bailey, Idaho		11 14 47

When Due	Principal	Interest	Balance	Principal
Oct. 10, 1924	40.00	4.86	360.00	
Jan. 1 1925	9.00	21.06	351.00	
Jan. 1 1926	9.00	20.52	342.00	
Jan. 1 1927	9.00	19.98	333.00	
Jan. 1 1928	9.00	19.44	324.00	
Jan. 1 1929	9.00	18.90	315.00	
Jan. 1 1930	9.00	18.36	306.00	
Jan. 1 1931	9.00	17.82	297.00	
Jan. 1 1932	9.00	17.28	288.00	
Jan. 1 1933	9.00	16.74	279.00	
Jan. 1 1934	9.00	16.20	270.00	
Jan. 1 1935	9.00	15.66	261.00	
Jan. 1 1936	9.00	15.12	252.00	
Jan. 1 1937	9.00	14.58	243.00	
Jan. 1 1938	9.00	14.04	234.00	

Payments Endorsed on follows
Amt. Paid Receipt No. Date Paid
44.86 9756 10-25-36

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Big Wood Canal Company

P.O. BOX C

SHOSHONE, IDAHO 83352

RECEIVED

OCT 15 1981

October 12, 1981

Department of Water Resources
Southern District Office

RECEIVED

OCT 16 1981

Department of Water Resources

Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Id 83301

RE: Claim No. 37-4196
and No. 37-4187

Dear Loren:

The Petersons were in the office a while back to see about the Big Wood Canal Company's protest on their application. After consultation, we determined that their application will in no way effect any of our delivery system. I, therefore withdraw the company's protest.

Very truly yours,



J. L. Grieve, Mgr.

JLG/ds

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FEB 26 1988

Big Wood Canal Company

P.O. BOX C

SHOSHONE, IDAHO 83352

RECEIVED

September 17, 1981

SEP 22 1981

Department of Water Resources
Southern District Office

Mr. Loren Holmes
Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Permit Application
37-4186 and 37-4187

Dear Sirs:

The Big Wood Canal Company protests the application for permit by Lois and Farrell Peterson for water from 700 Creek or 700 Wasteway because the company has live water flowing by ditch across the wasteway. This protest is to make provisions for no interference by the Petersons.

Very truly yours,



J. L. Grieve, Mgr.

JLG/ds

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FEB 26 1988