

12/21/2006

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

RIGHT NUMBER: 75-4002

NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.460 CFS

PRIORITY DATE: 05/10/1902

POINT OF DIVERSION:

T22N R22E S2 NENW Lot 3 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.460 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S09

SESE

31.20

T22N R22E S10

NWSW

30.00

T22N R22E S10

SWSW

6.80

68 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 68 acres in a single irrigation season. Combined Right Nos.: 75-10061U, 75-10062S, 75-4002 and 75-14237.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4002

WATER RIGHT NUMBER: 75-4002

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE MC FARLAND PO BOX 124 CARMEN, ID 83462 (208)756-2490

Priority Date: 08/30/1893
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.700 CFS	
	<u>Total Diversion:</u>	1.700 CFS	

Location of Point(s) of Diversion

CARMEN CREEK	L3 (NE1/4NW1/4)	Sec. 2, Twp 22N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T22N R22E S09	SESE	30.0	T22N R22E S10	NWSW	31.0
T22N R22E S10	SWSW	7.0			

Total Acres: 68

Conditions of Approval:

1. SUPPORTING DATA CAN BE FOUND IN BOOK B OF WATER RIGHTS, PAGE 37 AND BOOK G OF DEEDS PAGE 108 AT LEMHI COUNTY COURTHOUSE.
CHANGED OWNERSHIP PER REQUEST/JH/2-10-98

Remarks:

SCANNED

AUG 07 2005

11/20/2006

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: 12/13/2006

Water right number: 75-4002

BRUCE A MC FARLAND

PO BOX 124

CARMEN ID 83462

Telephone Number: (208)756-2490

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

I disagree with it being disallowed

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

change the priority date to May 10, 1902

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

I have documentation showing that the water was used before the original decree. I understand that the water cannot be decreed before the 1st decree so I think it should be a priority date of the day after the original decree

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

DATE: 12/04/06

SIGNATURE: Bruce A. McFarland

Please print your name: Bruce A. McFarland

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

$$\begin{array}{r} 68 \text{ Ac. } (.02) = 1.36 \\ - 0.90 \text{ decreed} \\ \hline 0.46 \text{ cfs for this right} \end{array}$$

Instrument No. 6038.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 1065)
Application 1432)

Whereas There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John Daniels has been established and duly consummated, in conformity to law, for the South East quarter of the South East quarter of Section nine and the west half of the South West quarter of Section Ten in Township Twenty-two North of Range Twenty-two East of Boise meridian Meridian in Idaho, containing one hundred and twenty acres according to the Official Plat of the Survey of the said Lands 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 John Daniels the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said John Daniels and to his heirs and assigns 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, for may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. 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, Theodore Roosevelt, 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 seventeenth day of March, in the of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty seventh.

By the President: T. Roosevelt

By F. M. McKean, Secretary

C. W. Bush, Recorder of the General Land Office.

Seal

Recorded Idaho, Vol 49, Page 128.

Recorded at the request of A. E. Daniels Sept. 30th 1907 at 50 minutes past 11 o'clock A.M., in Book R of deeds page 147 Records of Lemhi County, Idaho.

M. C. Smith
County Recorder.

water right # 75-4002

75-4002

75-100614 .58

75-100625 .32
 .90

Recommend ^{May 10} 1902 Priority date for 75-4002.
Evidence diversion took place in 1893/April 1902.

Mr. John Daniels was a mountain man who didn't show up for court when Carmen Creek was decreed, per Bruce & Dave McFarland.

Recommend .46 cfs to bring total of decreed rights and this right to 1"/Ac.

75-14237 is "high water" right for 1.36 cfs.

May 10, 1907 is day after decree was signed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 10, 1998

BRUCE MC FARLAND
PO BOX 124
CARMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR A75-04002, A75-10061u, A75-10062S, A75-10597, A75-10598, A75-10599

Dear Mr. McFarland:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

DELOG DC 1-16-98

DC 1/20/98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JAN 16 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Department of Water Resources Eastern Region
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A75-04002, A75-100614, A75-100625, A75-10597, A75-10598, A75-10599

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) STANLEY DANIELS

PO Box 124 CARMEN, IDAHO 83462

4. New Owner/Claimant(s) Bruce McFarland

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address PO Box 124

City, State and ZIP Code CARMEN, ID 83462

New Telephone Number (208) 756-2490

5. Date you acquired the property 1-12-94

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Bruce A. McFarland Date 1/14/98

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

State of Idaho)
County of Lemhi)

221631

This instrument was filed for record at
the request of Bill Allen Esq.
at 1:30 o'clock P-m 2-2 1997
and duly filmed and indexed in the
records of Lemhi County

Alberta Viererich

Ex-Officio Recorder

By Larry K. Daniels Deputy

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by LARRY K. DANIELS, as Personal Representative of the Estate of STANLEY C. DANIELS, deceased, Grantor, to BRUCE ALLEN McFARLAND, a married man, as his sole and separate property, of P.O. Box 124 Carmen, Idaho 83462, Grantee.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Number SP-92-108, in Lemhi County, Idaho; and

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantees the following described real property in Lemhi County, Idaho:

The SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Township 22 North, Range 22 East Boise Meridian, Lemhi County State of Idaho...

Plus

NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 22 North, Range 22, East Boise Meridian Lemhi County, State of Idaho . .

Plus

NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 22 North, Range 22 East Boise Meridian Lemhi County State of Idaho . .

Less:

A parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T. 22 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the East 1/16 corner from which the SW corner of said Section 9 bears West a distance of 3923.41 ft. run thence N. 39°42'16" E. a distance of 212.75 ft. to the POINT OF BEGINNING;

Thence N. 18° 46' 47" E. a distance of 349.60 ft.;

Thence S. 79° 24' 10" E. a distance of 235.98 ft.;

Thence S. 11° 46' 44" W. a distance of 169.87 ft.;

Thence S. 18° 46' 47" W. a distance of 178.01 ft.;

Thence N. 79° 24' 10" W. a distance of 256.90 ft. to the POINT OF BEGINNING. PARCEL CONTAINS 2.00 ACRES.

Together with all water and water rights, ditch and ditch rights and range and range rights appurtenant thereto.

EXECUTED this 12th day of January, 1994.

Larry K. Daniels P.R.
LARRY K. DANIELS, Personal
Representative of the Estate of
STANLEY C. DANIELS, deceased.

631

word at
know
12/99
the

Deputy

STATE OF IDAHO

County of Lemhi

)
) ss.
)

ON THIS 12th day of January, 1994, before me, the under-
signed, before me, a Notary Public in and for state, personally
appeared LARRY K. DANIELS, known to me to be the person whose name
is subscribed to the foregoing instrument as Personal Represent-
ative of the Estate of STANLEY C. DANIELS, 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 first above written.



Milton A. S. J.
Notary Public for State of Idaho
Residing at Salmon, Idaho
Commission Expires: 10/26/99

OCT 03 1991

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: A75-04002

Date Received: 5/03/1990

Receipt No: 7000932

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANLEY DANIELS
Address: P.O. BOX 124
CARMEN, ID 83462 208-756-2543

2. Date of Priority: AUG ³⁰~~02~~, 1893

3. Source: CARMEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	2	NE	NW		3	LEMHI

5. Description of diverting works:
WOOD HEADGATE, 12' LONG, 3' WIDE, 4' DEEP, APPROX. 2 MILES DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.700		

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

8. Total consumptive use is 170.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
22N	22E	9	SE	SE		IRR	30.0
Section Acres							30.0
		10	NW	SW		IRR	31.0

A75-04002

Page 1

Date: 05/03/90

A7504002



MICROFILMED

DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	10	SW	SW		IRR	7.0
Section Acres							38.0
Total Acres							68.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A75-10061U, A75-10062S

14. Remarks: *Supporting Data can be found in Book B of water rights page 37 and Book G of Deeds pg. 108 at Lemhi county courthouse.*

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): Stanley Daniels Date: 5-4-90
_____ Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of May 1990

Eric Allen
Notary Public

Seal

Residing at SALMON
My Commission Expires 2-19-91

This Indenture made the twenty fifth day of September in the year of Our Lord one thousand eight hundred and 93 between William H. Peilcke of the County of Lemhi, State of Idaho the party of the first part, and John Daniels of the same County the party of the second part.

Witnesseth, that the said party of the first part for and in consideration of the sum of seventy five dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged done by these presents deliver release and forever quitclaim unto the party of the second part and to his heirs and assigns, all that certain lot piece or parcels of land situated in said County of Lemhi, State of Idaho and particularly described as follows, to wit,

The north half of the south west quarter and the southwest quarter of the south west quarter of Section Ten in Township Twenty-two North of Range Twenty-two East of Boise Meridian, together with the water right located by the said party of the first part in August 1893, claiming one hundred and twenty five inches of the waters of Paimon Creek for the purpose of irrigating said land

together with all and singular the tenements, hereditaments and appurtenances therunto belonging, and the reversions and reversionary remainders and remainders, rents issues and profits thereof,

To have and to hold all and singular the said premises, together with the appurtenances unto said party of the second part and to his heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of,

Thomas Elder

William H. Peilcke of 2nd

State of Idaho

County of Lemhi) ss

On this 25th day of September 1893 personally appeared before me, Tho. Elder Probate Judge in and for said County William H. Peilcke known to me to be the identical person described in, and who executed the foregoing instrument and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand the day and year in this certificate first above written.

Tho. Elder
Probate Judge

Recorded at the request of John Daniels Sept. 26th 1893.
at 15 minutes past 8 o'clock A. M. in Record. B. of Exrs. page 108
Records of the County of Lemhi Idaho

Timothy Dore
County Recorder

Water Location Notes

Notice is hereby given that we the undersigned, Citizens of the United States, kindly locate and appropriate five hundred and eighty-four (384) acres, more or less, as four inch pressure of the flow of the North Fork of Cannon River, Smith County, Iowa, for agricultural

mining and milling purposes.

The point of diversion of said water is to be at the head gate in said creek belonging to Matt Lindner and being about one mile west of the forks of said Cannon Creek and conveyed thence in the ditch of said Lindner, by way enlarged to a ditch four feet wide and two feet deep, to the tract of land of One Hundred and Twenty acres belonging to Matt Lindner, lying immediately west of the ranch of Matt Lindner and also through said ditch to the One Hundred and Twenty acre tract of A. J. Mathews, lying immediately west of the tract of Matt Lindner.

Said water to be used on said above named lands for irrigating and domestic purposes.

Dated August 30, 1893

W. H. Deilecke
A. J. Mathews

Recorded at the request of A. J. Mathews August 30th 1893, at 25 minutes past 5 o'clock P. M. in Book A of Water Rights Page 77 Record of Smith County Iowa.

Smith County Iowa
County Recorder

John Daniel

This Indenture made the twenty fifth day of September in the year of Our Lord one thousand eight hundred and 93 between William H. Peilecke of the County of Lemhi, State of Idaho the party of the first part, and John Daniel of the same County the party of the second part.

Witnesseth, that the said party of the first part for and in consideration of the sum of seventy five dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged does by these presents demise release and forever quitclaim unto the party of the second part and to his heirs and assigns, all that certain lot piece or parcels of land situated in said County of Lemhi, State of Idaho and particularly described as follows, to wit,

The north half of the south west quarter and the southwest quarter of the south west quarter of Section 35 in Township twenty-two North of Range twenty-two East of Boise Meridian together with the water right located by the said party of the first part in August 1893, claiming one hundred and twenty five inches of the waters of Carman Creek for the purpose of irrigating said land

together with all and singular the tenements hereditaments and appurtenances therunto belonging, and the reversions and remainders and re-ainders, rents issue and profits thereof.

To have and to hold all and singular the said premises together with the appurtenances unto said party of the second part and to his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in the presence of: William H. Peilecke of said
Thomas Elder

State of Idaho)
County of Lemhi) ss

On this 25th day of September 1893 personally appeared before me, Tho. Elder Probate Judge in and for said County, William H. Peilecke known to me to be the identical person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand the day and year in this certificate first above written.

Thos. Elder
Probate Judge

Recorded at the request of John Daniel Sept. 26th 1893
at 10 minutes past 8 o'clock A. M. in Record B. of Deeds page 118
Records of the County of Lemhi Idaho

Timothy Dore
County Recorder

Water Location Notice

Notice is hereby given that we the undersigned, Citizens of the United States, hereby locate and appropriate Two Hundred and Eighty-five (285) inches, measured under a four inch pressure, of the flow of the North Fork of Carmen Creek, Lemhi County, Idaho, for agricultural, mining and milling purposes.

The point of diversion of said waters is to be at the head gate in said creek belonging to Matt Linden and being about one mile west of the forks of said Carmen Creek and conveyed thence in the ditch of said Linden, by us enlarged to a ditch five feet wide and two feet deep, to the tract of land of One Hundred and twenty acres belonging to H. H. Reilecke, lying immediately west of the ranch of Matt Linden and also through said ditch to the One Hundred and sixty acre tract of Al. J. Mathews, lying immediately west of the tract of H. H. Reilecke.

Said water to be used on said above named tracts for irrigating and domestic purposes.

Dated August 30, 1893

H. H. Reilecke
A. J. Mathews

Recorded at the request of A. J. Mathews August 30th, 1893, at 25 minutes past 5 o'clock P. M. in Book B of Water Rights Page 97 Records of Lemhi County Idaho.

Timothy Dorr
County Recorder

Notice of Water Right

State of Idaho } ss
County of Lemhi }

To all Concerned. Notice is hereby Given.

1st That S. John Daniels of Lemhi County, Idaho, hereby claims the use of the waters of Carmen Creek, Lemhi County, Idaho, to the extent of four cubic feet per second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows. S.E. 1/4 S.W. 1/4 of Section 35, in Township 23 North of Range 22 East of Boise Meridian.

2^d. The purpose for which said water is intended to be used is irrigation domestic and other beneficial purposes. The place of intended use is the S.E. 1/4 S.E. 1/4 of Sec. 9, the W. 1/2 S.W. 1/4 of Sec. 10, in Township 22 North of Range 22 East of Boise Meridian and adjacent lands.

3^d. It is intended to divert said water by means of a ditch and dam. The general course of the proposed conduit is South westerly.

The length of the proposed conduit is about 2 miles. The destination of the proposed conduit is the lands above described. It is intended to use said water for irrigating lands above described.

The area of lands proposed to be irrigated by said conduit is 120 acres, or more. Witness my hand in the ground, Lemhi County, Idaho, this 7th day of April 1902.

Witness, Albert E. Daniels

John Daniels - Claimant

State of Idaho } ss
County of Lemhi }

John Daniels, being first duly sworn, depose and say that he is of lawful age and the Claimant of the Water Right mentioned in the foregoing notice, and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 7th day of April 1902, at eleven o'clock A.M.

John Daniels

Subscribed and sworn to before me this 8th day of April, 1902, and I further certify that on the date last above given, personally appeared before me the affiant above named, known to me to be the person whose name is subscribed to the within instrument 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.

"Seal"

John H. Padgham
Notary Public

STATE OF IDAHO } ss
County of Lemhi }

I, the undersigned, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original notice of water right filed for record at request of John Daniels, on the 8th day of April, 1902, at 11 o'clock A.M. in the office of the Notary Public, at the place above named.

John H. Padgham
Notary Public

This Indenture, Made this 23rd day of September in the year of our Lord one thousand nine hundred and seven between John Daniels, of the County of Lemhi, State of Idaho, the party of the first part, and Albert E. Daniels of the same place,

WITNESSETH, that the said party Y of the first part, for and in consideration of the party Y of the second part One and 00/100 lawful money of the United States of America, to him in hand paid by the said party Y of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED and SOLD, and by these presents does GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said party Y of the second part, and to his heirs and assigns forever all of these certain lots, pieces or parcels of land situate, lying and being in the County of Lemhi, State of Idaho, and particularly described as follows, to-wit:

The South-east quarter of the South-east quarter of Section Nine, and the West half of the South-west quarter of Section Ten, all in Township Twenty-two North of Range Twenty-two East of the Boise Meridian, containing One Hundred and Twenty acres of land according to the Government Survey, together with all ditches and water rights in any wise belonging or used in connection therewith,

It is understood and agreed by and between the parties hereto that the said party of the first part is to have and hereby reserves the right at all times of the use of the cabin now on said premises, and is to use the same as a place or residence during his lifetime,

Subject to all Mortgages now of record in the County Recorder's office executed by said party of the first part, now unsatisfied,

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, in in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said party Y of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances, to have and to hold, as singular, the above mentioned and described premises, together with the appurtenances, unto the party Y of the second part, and his heirs and assigns forever. And the said party Y of the first part, and his heirs, the said premises in the and peaceable possession of the said party Y of the second part, his heirs and assigns, against the said party Y of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim, the same and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party Y of the first part has hereunto set his hand and seal the day year first above written.

Signed, sealed and delivered in the presence of

W.C. Smith

John Daniels

STATE OF IDAHO,

Lemhi

County of Lemhi ss. On this 23rd day of September in the year 1907 I, W.C. Smith Clerk of the District Court in and for said County, personally appeared John Daniels known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this 23rd day of September in the year 1907 before me, the officer above described, personally appeared Albert E. Daniels known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I was acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and she does not wish to retract such execution.

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

(Seal)

W.C. Smith

Clerk of the District Court.

Recorded at the request of A.E. Daniels at 4 minutes past 4 o'clock P.M. Sept. 23rd 1907, in Book 8 of Deeds on Page 112 Records of Lemhi County, Idaho. W.C. Smith County Recorder. By De

Notice of Water Right

State of Idaho } ss
County of Lemhi

To all Concerned: Notice is hereby given.

1st That I, John Daniels of Lemhi County, Idaho, hereby claim the use of the waters of Corman Creek, Lemhi County, Idaho, to the extent of four cubic feet per second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: S.E. 1/4 S.W. 1/4 of Section 36, in Township 23 North of Range 22 East of Boise Meridian.

2d. The purpose for which said water is intended to be used is irrigation domestic and other beneficial purposes. The place of intended use is the S.E. 1/4 S.E. 1/4 of Sec. 9, the W. 1/4 S.W. 1/4 of Sec. 10, in Township 22 North of Range 22 East of Boise Meridian and adjacent lands.

3d. It is intended to divert said water by means of a ditch and dam. The general course of the proposed conduit is South westerly. The length of the proposed conduit is about 2 miles. The destination of the proposed conduit is the lands above described. It is intended to use said water for irrigating lands above described.

The area of lands proposed to be irrigated by said conduit is 120 acres, or more. Witness my hand on the ground, Lemhi County, Idaho, this 7th day of April 1902.

Witness: Albert E. Daniels

John Daniels - Claimant

State of Idaho } ss
County of Lemhi

John Daniels, being first duly sworn, deposes and says that he is of lawful age and the Claimant of the Water Right mentioned in the foregoing notice, and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 7th day of April 1902, at eleven o'clock A.M.

John Daniels

Subscribed and sworn to before me this 8th day of April, 1902, and I further certify that on the date last above given, personally appeared before me the affiant above named, known to me to be the person whose name is subscribed to the within instrument 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.

"Seal"

John H. Padgham
Notary Public

SCANNED

AUG 2 2005

STATE OF IDAHO

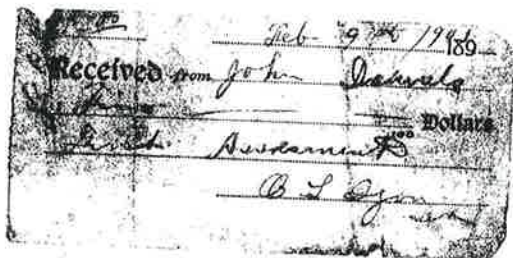
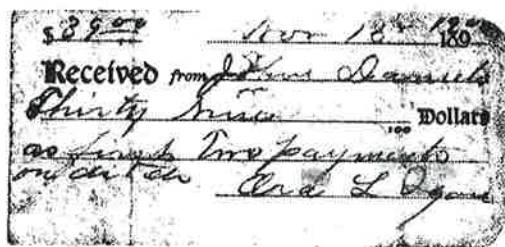
County of Lemhi

ss.

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original notice of which the foregoing is a true copy, as provided by law, on the 7th day of April 1902, at eleven o'clock A.M.

John Daniels

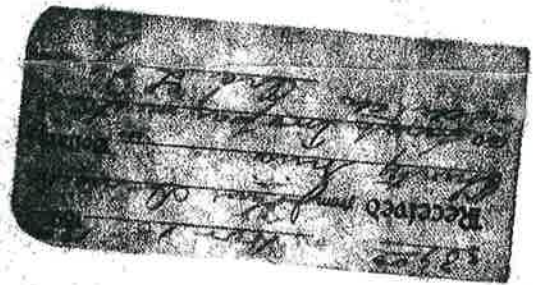
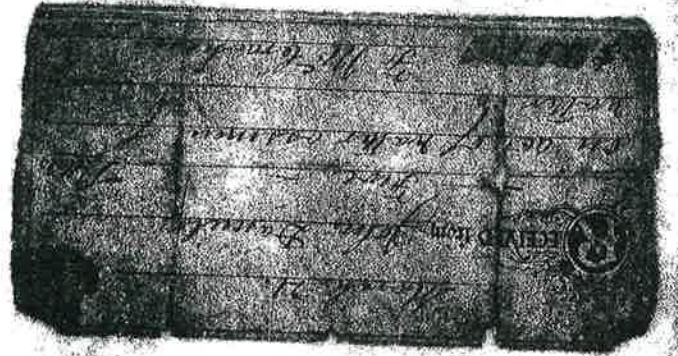
Water Rights 448



SCANNED

AUG 02 2005

SCANNED
AUG 02 2005



March 21.
RECEIVED from John Daniels
Five Dollars
on acct of water assessed of
water
F. M. Cracker.

58949 Nov 18 189
Received from John Daniels
Thirty Nine Dollars
as final two payments
on acct of
C. L. Dyer

Feb 29 189
Received from John Daniels
Six Dollars
Assessment
C. L. Dyer

WATER AGREEMENT FOR WATERS OF CARMEN CREEK
LEMHI COUNTY, IDAHO

We, the undersigned, Jack Neal and Janice Neal, husband and wife; Ernest Neal and Katie Neal, husband and wife; Stanley Daniels, an unmarried man; Arthur Aldous and Claire Aldous, husband and wife; Robert Parmenter and Phyllis B. Parmenter, husband and wife; William D. Parmenter and Carolyn C. Parmenter, husband and wife; Gerald A. Parmenter, a single man; Arch McFarland and Anita McFarland, husband and wife; Harold McFarland and Ethel McFarland, husband and wife; Glenn McFarland and Norma McFarland, husband and wife; Morgan DeBoard and June DeBoard, husband and wife; Jack Ellis and Diane Ellis, husband and wife; DeLoy E. Wolfley and Maria Wolfley, husband and wife; Dale K. Wolfley and Marylyn Wolfley, husband and wife; Kim M. Wolfley, a single man; Monty D. Wolfley, a single man; Dick Morton and Precious Morton, husband and wife; Larry Bills and Evelyn Bills, husband and wife; Ted Slavin and Leitha Slavin, husband and wife; Milton Slavin and Janice Slavin, husband and wife; Albert Schultz and _____ Schultz, husband and wife; Milton Slavin, Jr. and Helen Slavin, husband and wife; Dale Barsalou and Donna Barsalou, husband and wife; hereby certify and agree that we are all users of the waters of Carmen Creek in Lemhi County, State of Idaho, and that we use waters from said Carmen Creek and that said use includes, in so far as hereinafter designated, waters from what is commonly known and referred to as the "Big Flat Agreement; and that such use has continued for a long period of time; and, we hereby agree that it shall continue in the same manner which is hereinafter specifically described as to the amount of water that has been and now is being used and to be used by all of us and our heirs, successors or assigns, to wit:

Albert and _____ Schultz----- 90 inches
 Larry and Evelyn Bills----- 45 inches
 Dick and Precious Morton----- 45 inches
 Jack and Janice Neal----- 45 inches
 Earnest Neal-----
 Stanley Daniels----- 45 inches
 Arthur and Claire Aldous----- 90 inches
 Robert and Phyllis B. Parmenter)
 William D. Parmenter and Carolyn C. Parmenter)
 Gerald A. Parmenter) 45 inches
 Arch and Anita McFarland----- 45 inches
 Harold and Ethel McFarland----- 22½ inches
 Glem and Norma McFarland----- 22 ½ inches
 Morgan and June DeBoard----- 22½ inches
 Jack and Diane Ellis----- 22½ inches
 Milt and Janice Slavin & Ted & Leitha Slavin- 35 inches
 DeLoy E. and Marian Wolfley)
 Dale K. and Marylyn Wolfley)
 Kim M. Wolfley)
 Monty D. Wolfley)----- 45 inches

The purpose of this agreement is to establish and permanent ^{620 inches}
 and recognized record of the use of the waters from the said "Big
 Flat Agreement;

IN WITNESS WHEREOF, We have hereunto set our hands this _____
 day of February, 1970.

Milton Slavin _____
Janice C. Slavin _____

STATE OF IDAHO

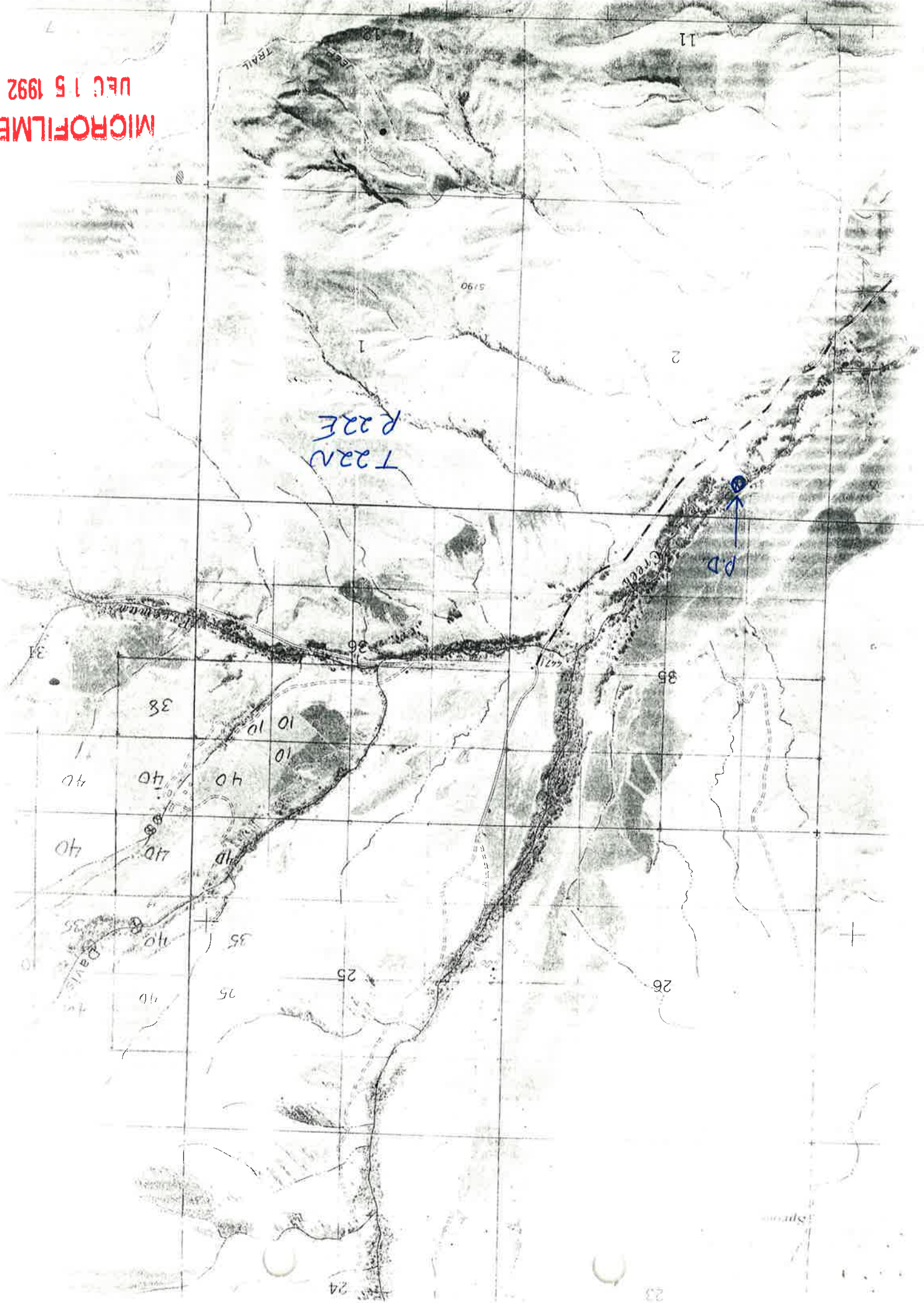
County of Lemhi--SS

On this _____ day of February, 1970, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack and Janice Neal, husband and wife; Ernest and Katie Neal, husband and wife; Stanley Daniels, an unmarried man; Arthur and Claire Aldous, husband and wife; Robert and Phyllis E. Parmenter, husband and wife; William D. and Carolyn C. Parmenter, husband and wife; Gerald A. Parmenter, a single man; Arch and Anita McFarland, husband and wife; Harold and Ethel McFarland, husband and wife; Glenn and Norma McFarland, husband and wife; Morgan and June DeBoard, husband and wife; Jack and Diane Ellis, husband and wife, DeLoy E. and Maria Wolfley, husband and wife; Dale K. and Marylyn Wolfley, husband and wife; Kim M. Wolfley, a single man; Monty D. Wolfley, a single man; Dick Morton and Precious Morton, husband and wife; Larry and Evelyn Bills, husband and wife; Ted and Leitha Slavin, husband and wife; Milton Slavin and Janice Slavin, husband and wife; Albert and _____ Schultz, husband and wife; Milton Slavin, Jr and Helen Slavin, husband and wife; Dale and Donna Bersalou, husband and 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.

Notary Public for Idaho, Residing at Salmon, Idaho.

MICROFILMED
DEC 15 1992



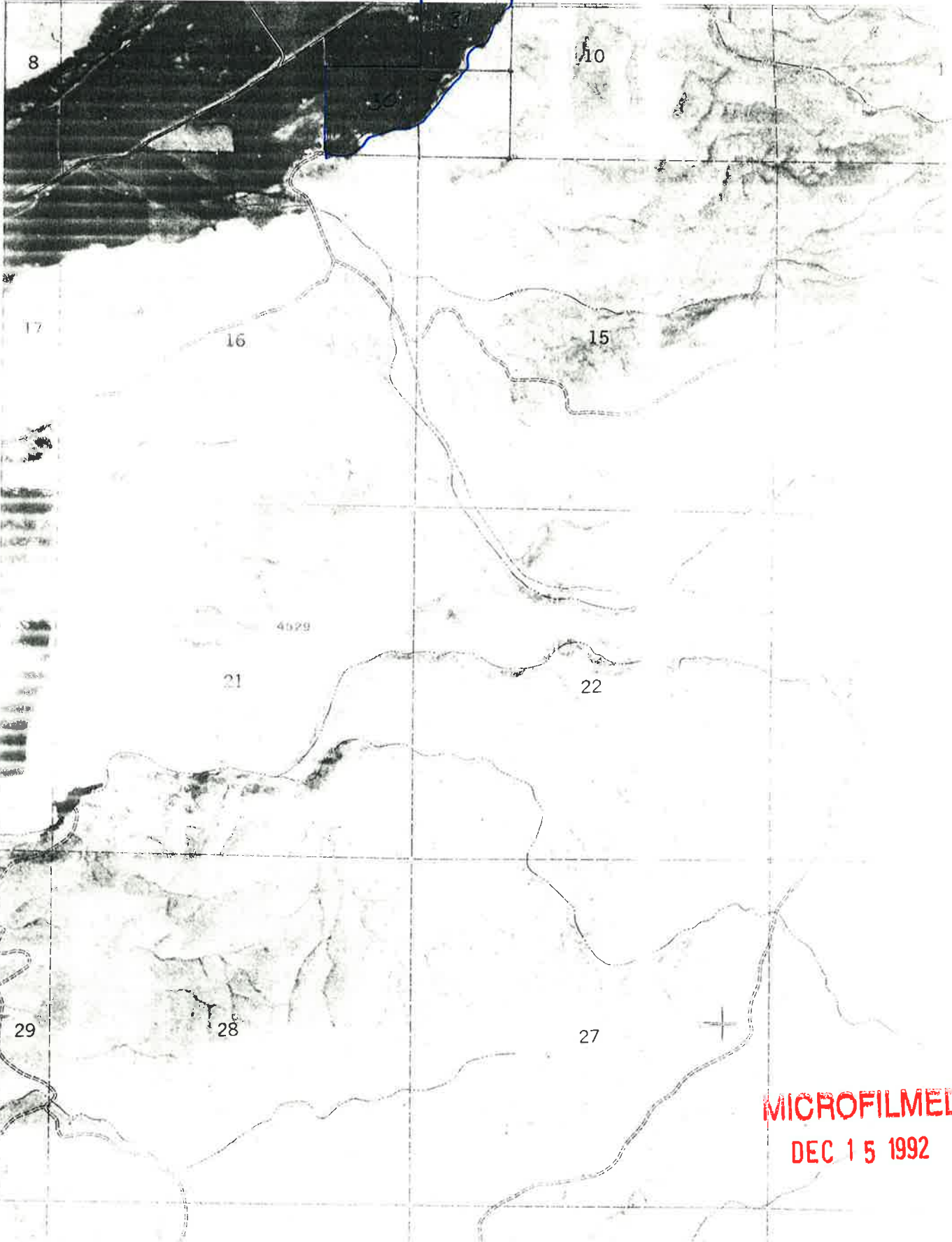
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION

T 22N
R 22E

113° 52' 30"
40° 15'

50'



MICROFILMED
DEC 15 1992