

12/12/2006

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

RIGHT NUMBER: 75-4032

NAME AND ADDRESS: MARTIN R CAPPS
1035 HWY 93 S
SALMON ID 83467

SOURCE: UNNAMED STREAM

TRIBUTARY: LAKE CREEK

QUANTITY: 1.000 CFS

PRIORITY DATE: 04/15/1911

POINT OF DIVERSION:

T19N R21E S6 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.000 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T19N R21E S06 Lot 1 NENE 9.30

9 ACRES TOTAL

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

Property is within Homestead Entry Survey No. 431.

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

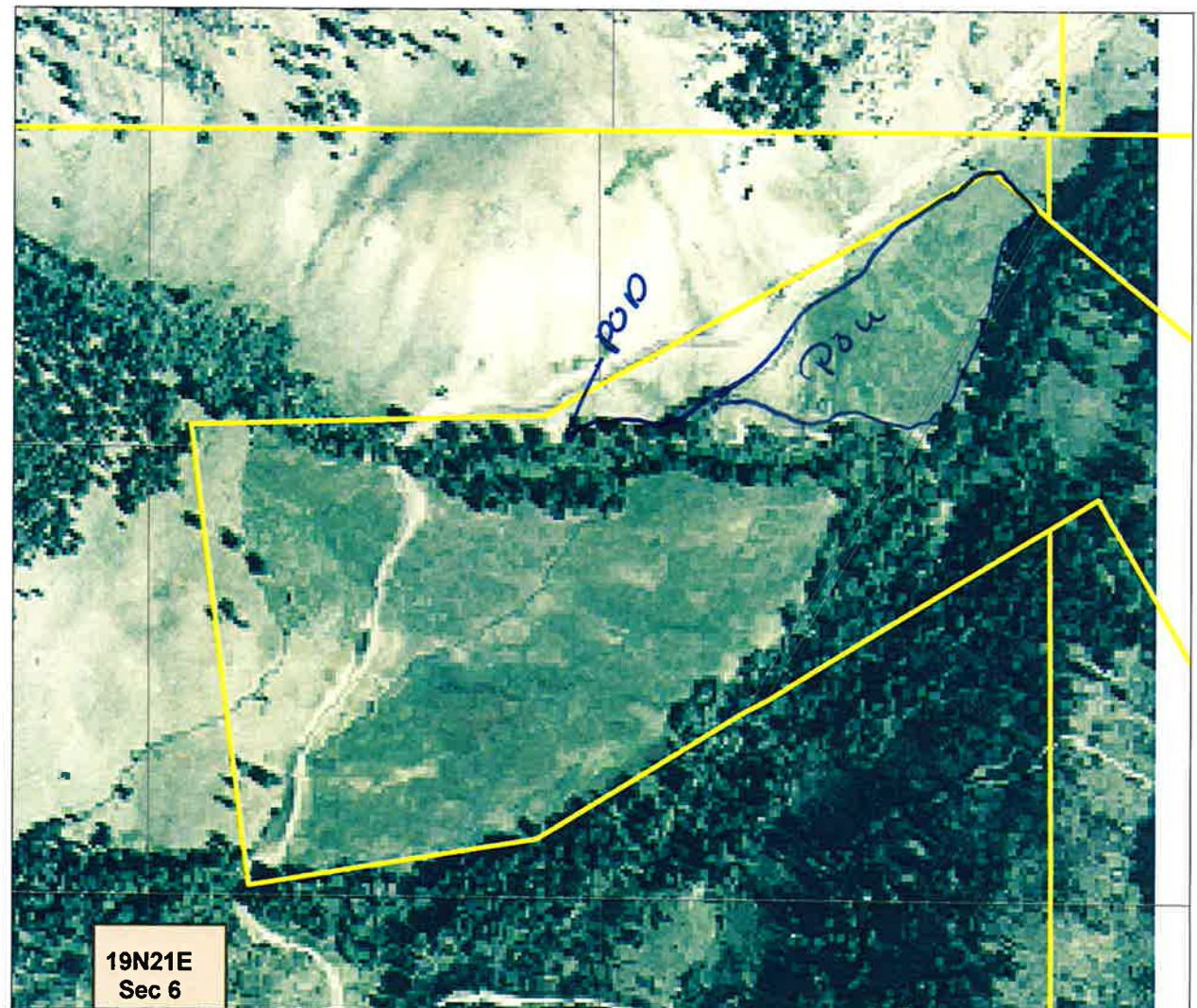


Adjudication Claim Number: **75-4032**



Legend

-  Section Lines
-  20N21E GCDB
-  20N20E GCDB
-  19N21E GCDB
-  19N20E GCDB



Prepared by M. Van Bussum
On Friday, April 29, 2005
1993/94 Aerial Photography

0 0.2 0.4 Miles

A horizontal scale bar with markings at 0, 0.2, and 0.4 miles.



Idaho Department of Water Resources

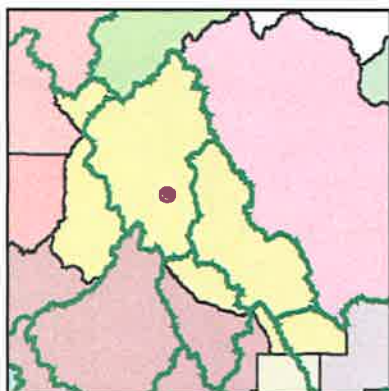
SRBA Recommendation:

75-4032

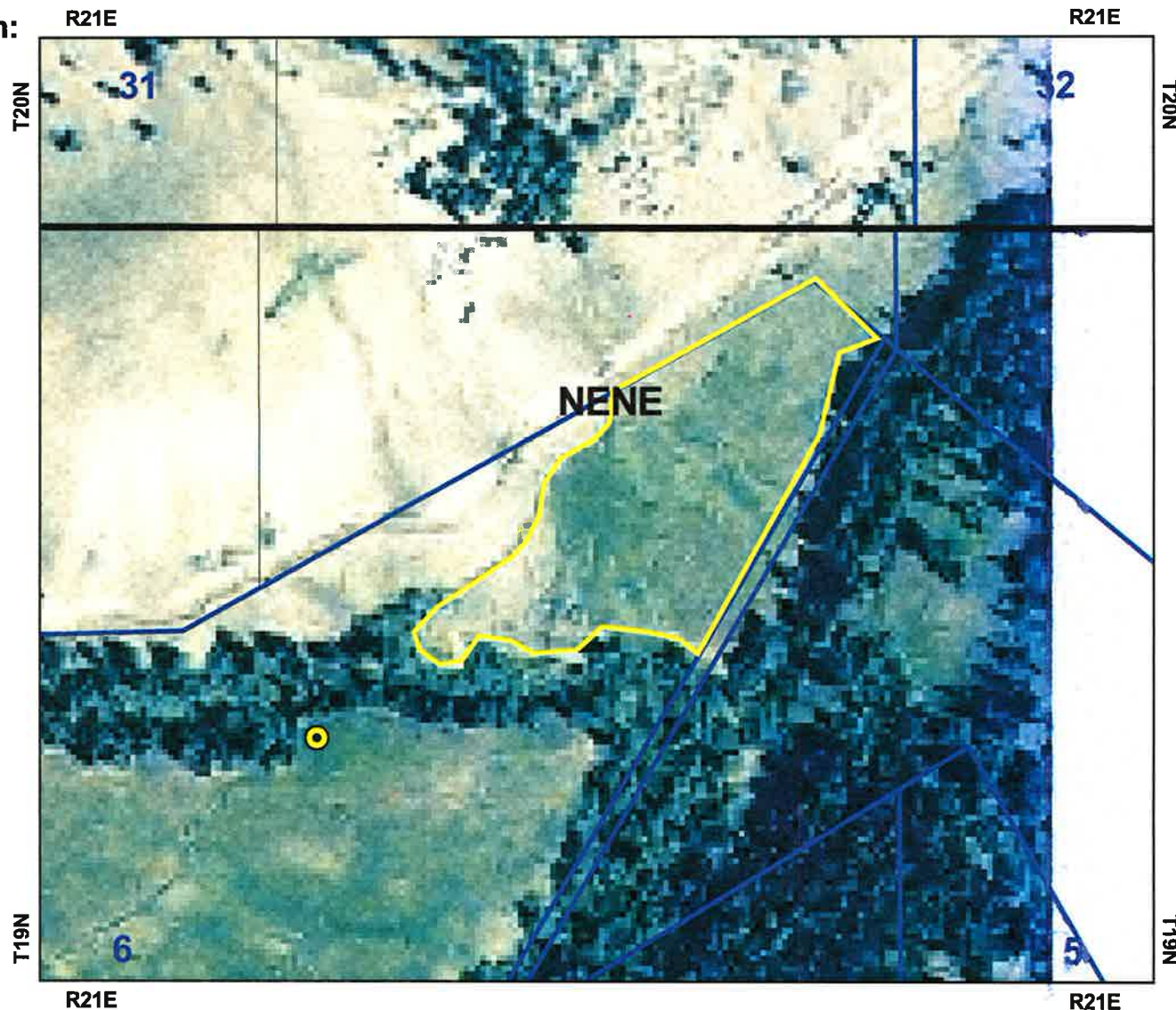
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

Prepared by D. Favreau
On Friday, July 21, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

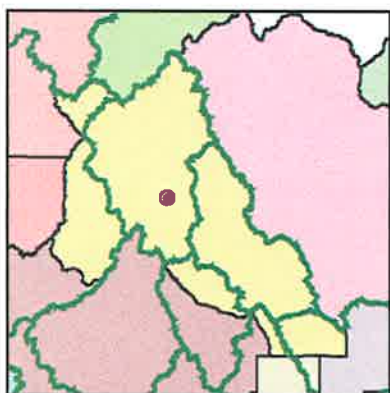
SRBA Recommendation:

75-4032

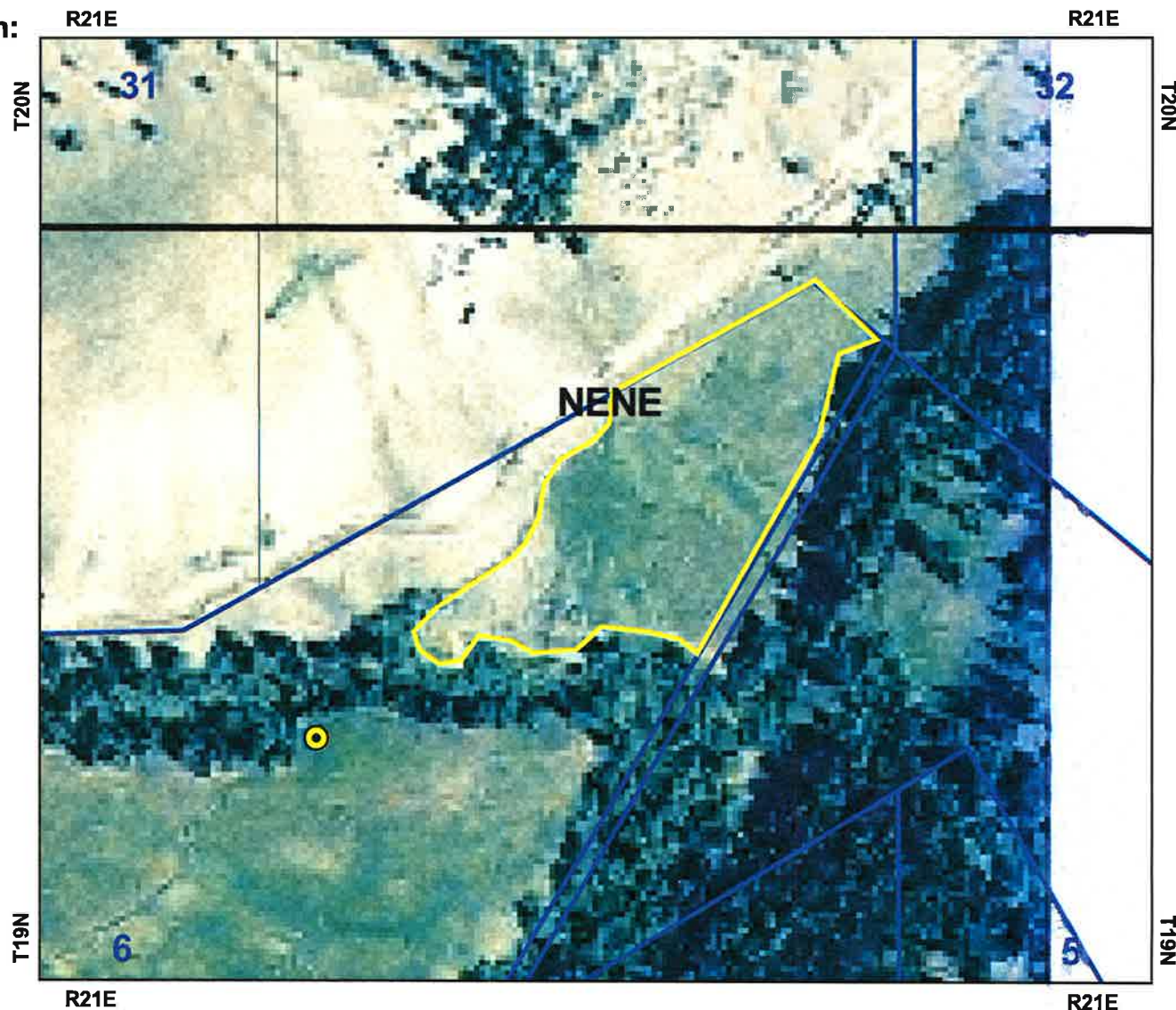
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

Prepared by D. Favreau
On Friday, July 21, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A 75-4032

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☒ NEW ADDRESS: 1035 Hwy 93 S. Salmon ID 83467
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0017423

Township 19N Range 21E Section 6 1/4 SE 1/4 SE 1/4 NW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

dam in creek ditch to place of use no headgate or
measuring device

Homestead entry 431

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: 75-4032

MARTIN R CAPPS
1035 HWY 93 S
SALMON ID 83467

Telephone Number: (208)756-3954

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

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

Change name to Lake Creek

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

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

DATE: *12-6-06*

SIGNATURE: *Martin Capps*

Please print your name: *Martin Capps*

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

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use	_____	From	_____	To	_____	Amount	_____	CFS	_____	AFA
Use	_____	From	_____	To	_____	Amount	_____	CFS	_____	AFA
Use	_____	From	_____	To	_____	Amount	_____	CFS	_____	AFA

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____	1/4	_____
Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____	1/4	_____
Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____	1/4	_____
Use:	_____	Township	_____	Range	_____	Section	_____	1/4	_____	1/4	_____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

no water being diverted at time of exam

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 5-23-06

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

Geo. S. Shoup

Alcott James & Francisco shall come, stating:

Benji County, Idaho, has 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 full payment has been made by the said George S. Shoup according to the provisions of the Act of Congress of the 24th of April, 1870, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for

The South-East quarter of the North-West quarter; the South-West quarter of the North-East quarter; the East half of the South-West quarter lands the two number two; three; four; five; six; seven; eight; nine; eleven and thirteen of Section six, and the two number one; five and six of Section seven, in Township twenty North of Range twenty-two East of Boise Meridian in Idaho, containing five hundred and eighty-eight acres, and twenty-eight hundredths of an acre according to the Office Plat of the Survey of the said lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said George S. Shoup

Now know ye, that the United States of America, in consideration of the premises, lands in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said George S. Shoup and to his heirs, the said tract above described:

So have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said George S. Shoup and to his heirs and assigns forever; subject to any valid and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, so may be recognized and acknowledged by the local customs, laws and decisions of courts, shall also subject to the right of adjacent or border to extract and remove his ore therefrom, should the same be found to penetrate or interfere the premises hereby granted, as provided by law

In testimony whereof Benjamin Harrison, 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.

Witness under my hand, at the City of Washington, the twelfth day of January, in the year of our Lord one thousand eight hundred and ninety-three and of the Independence of the United States the one hundred and twentieth

By the President: Benjamin Harrison
 His Secy. Genl. Secretary
 Geo. S. Shoup

Recorded Vol. 2 Page 57, N. B. Roberts, Recorder of the General Land Office
 Recorded at the request of the G. S. Shoup May 11th 1893, at 11:45 minutes past 10 o'clock A.M. in Book 9 of Record page 17 Records of Benji County, Idaho.

SCANNED
 AUG 3 0 2005
 County Recorder

ERRI J. MORTON, CLERK OF THE DISTRICT COURT
 THE SEVENTH JUDICIAL DISTRICT OF THE STATE
 IDAHO, IN AND FOR THE COUNTY OF LEMHI,
 HEREBY CERTIFY THAT THE PROCEEDING IS A
 TRUE, AND CORRECT COPY OF THE ORIGINAL ON FILE
 IN THIS OFFICE, IN WITNESS WHEREOF I HAVE HERE
 TO SET MY HAND AND AFFIXED MY
 OFFICIAL SEAL THIS
 July 20th DAY
 YEAR 2005
 ERRI J. MORTON, CLERK DEPUTY

Notice is hereby given that I have this day claimed and located all of the water, flowing in this Creek known as Sawhasty Creek, to be taken out at a certain point about one mile from the head of said Creek, and conveyed by ditch for the purpose of Irrigation.

Oct 3rd 1885,

Mark J. David

This is recorded in this Office this 3rd day of Oct. 22, 1885, at 9.15, A.M. and duly recorded in Book A, of Water Rights

John Hagan
Co., Recorder

Notice is hereby given that the undersigned have on the fifteenth day of April A.D. 1885, located, claimed and have appropriated (150) one hundred and fifty inches of the Water of Williams Creek situated on the west side of Salmon River about nine miles above Salmon City in Snake County Idaho Territory, said Water has been taken out of said Creek at a point about one mile up the Creek from its confluence with Salmon River, and conveyed by ditch for agricultural and other purposes.

Thomas Williams

This

This is recorded in this Office this 7th day of Oct. 22, 1885, at 5.30 P.M. and duly recorded in Book A, of Water Rights

John Hagan
County Recorder

Notice of Water Location

Notice is hereby given that on the sixth day of October A.D. 1885 the undersigned purchased from P.H. Brown a certain Water Right on Williams Creek, about seven miles Southwesterly from Salmon City in the County of Lemhi and Territory of Idaho, this being appropriated through and conveyed in the ditch connected therewith one thousand inches of water.

In addition thereto the undersigned claims and locates an additional (200) two hundred inches of Water to be taken from said Williams Creek, through and by the ditch aforesaid and from the same point on said Creek, this was for irrigating agricultural lands claimed and owned by the subscriber a location Notice having this day been posted at the head of said ditch.

Dated this 6th day of October 1885, George L. Shoup

Claimant

This is recorded in this Office this 9th day of Oct. A.D. 1885, at 1.30, P.M. and duly recorded in Book A, of Water Rights

page 280,

John Hagan, Co. Recorder

SCANNED

AUG 30 2005

Notice of Water Right Decision

Notice is hereby given that a decision has been made by the Board of Water Rights Commissioners of the State of Idaho, in the matter of the application of the State of Idaho for a water right in the Snake River, and that the decision is as follows: That the water right in the Snake River, as claimed by the State of Idaho, is a valid water right, and that the State of Idaho is entitled to the use of the same, subject to the payment of the cost of the improvement of the same. The decision is given this day, to-wit: the 23rd day of October, 1891.

Witness my hand and the seal of the Board of Water Rights Commissioners of the State of Idaho, at Boise, Idaho, this 23rd day of October, 1891.

Recorded at the request of J. A. McDonald, Coroner 24th 1891 at 9 o'clock A.M. in Book A of Water Rights pages 112-113

Wm. B. Clark
County Coroner

Notice is hereby given that the undersigned claim the water here flowing in the Snake River to the extent of one hundred and fifty acres measured under a four inch pressure, said water to be diverted from said stream at a point on the North side of said River where a copy of this notice is posted, and about 35 rods above the western boundary of my Acent and claim, and the water hereby claimed is to be used for irrigating and domestic purposes, and to be conveyed by a ditch of approximately the following size: To-wit: One foot wide on the bottom, three feet wide on top and fifteen inches deep. Said water is to be used on that portion of Acent and claim located and claimed by me, and situated, lying and being on the said River Creek, in the County of Lemhi, State of Idaho.

Dated this 26th day of September A.D. 1891
M. M. McPherson

may concern:
red and claim
10 four inch
tree to be
junction of
is conveyed
by us the
agent Claims

J. Kearney ✓
Hernders ✓
they Dore ✓
Mathewson ✓

October 24th
rights page 412

Dore
Recorder

assigned claim
to the extent
sured under
ated from said
ers where a
Road above
Claims,
d for irrigating
a ditch of
two feet wide
fifteen inches

Desert Land
ated, lying
in County of

Pherson

413

Recorded at the request of M. M. McPherson, October 27th
1891, at 4 O'Clock P.M. in Book A of Water Rights page
412, Records of Lemhi County, Idaho.

Timothy Dore
County Recorder

Notice.

Notice is hereby given that I the undersigned claim the
water here flowing in this Arrow Creek to the extent of
Four Hundred (400) inches measured under a four
inch pressure said water to be diverted from said stream
at a point on the South side of said Creek where a copy
of this notice is posted, and about one half mile above
the Western boundary of my Desert Land Claim.

The water hereby claimed is to be used for irrigating
and domestic purposes, and to be conveyed by a ditch
of approximately the following size, to wit: Two feet
wide on the bottom, three feet wide on top, and fifteen
inches deep.

Said water is to be used on that certain Desert
Land Claim located and claimed by me, and situated
lying and being on the said Arrow Creek, in the County
of Lemhi, State of Idaho.

Dated this 26th day of September A.D. 1891

M. M. McPherson

Recorded at the request of M. M. McPherson October
27th 1891, at 4 O'Clock P.M. in Book A of Water
Rights page 413 Records of Lemhi County, Idaho

Timothy Dore
County Recorder

SCANNED

AUG 30 2005

WARRANTY DEED

For Value Received, PAUL A. HODGES and MERLE HODGES, husband and wife, Box 506, Salmon, Idaho,

the grantors, do hereby grant, bargain, sell and convey unto

MARTIN R. CAPPS and ALMIRA F. CAPPS, husband and wife, Box 694, Salmon, Idaho, the grantees, the following described premises, ~~unwik~~ in Lemhi County, Idaho, to wit:

S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 1, Township 20 North, Range 21, E.B.M.;

Lot 8 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 20 North, Range ²²~~21~~, E.B.M.; and, ^{P.A. 21}

Lot 6 of Section 7, Township 20 North, Range 22, E.B.M.; ^{M.H.}

Together with all range and range privileges, water and water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: April 27, 1973.

Paul A. Hodges
Merle Hodges

STATE OF IDAHO, COUNTY OF LEMHI

On this ^{8th} day of May, 19 73
before me, a notary public in and for said State, personally
appeared Paul A. Hodges and Merle
Hodges, 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.

Dwight C. Hughes
Notary Public
Residing at Salmon, Idaho
Comm. Expires 10-1-74

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at
the request of Almira Capps

at 25 minutes past 11 o'clock A. M.,
this 22nd day of May
19 81, in my office, and duly recorded in ~~Box~~ file
of Deeds at ~~page~~

Eleanor Aldous

Ex-Officio Recorder

By *Penelope O. Laughlin*
Fees \$ 2.00 pd Deputy.
Mail to: INDEXED

INSTRUMENT NO. 57520

Hailey 016130

-1043.

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 Oliver J. Randall has been established and duly consummated, in conformity to law, for the H.E. Survey No. 431, comprising Tracts "A" and "B", embracing a portion of Sections five and six in Township nineteen north of Range twenty-one east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning for the description of Tract "A" at corner No.1, from which the north corner to said Sections five and six, bears north fifty-seven degrees sixteen minutes east three and seven-hundredths chains distant; thence, south fifty-one degrees four minutes east two and eighty-nine-hundredths chains to corner NO.2; thence, south twenty-nine degrees fiftyseven minutes west twenty-five and eighty-four-hundredths chains to corner NO.3; thence, south fifty-eight degrees one minute west ten and eighty-seven-hundredths chains to corner NO.4; thence, south eighty degrees fourteen minutes west twelve and ninety-seven-hundredths chains to corner NO.5; thence, north seven degrees forty minutes west twenty and sixty-two-hundredths chains to corner No.6; thence, north eighty-eight degrees east fifteen and seventy-five-hundredths chains to corner No.7; thence, north sixty degrees thirty-one minutes east twenty-two and sixty-four-hundredths chains to corner No.1, the place of beginning: Beginning for the description of Tract "B" at corner No.8, from which corner No.2 of said Tract "A", bears north fifty-one degrees four minutes west forty-six links distant; thence, south fifty-one degrees four minutes east nineteen and forty-four-hundredths chains to corner No.9; thence, south forty-two degrees eight minutes west eleven and sixty-six-hundredths chains to corner No.10; thence, north thirty degrees

Hailey 016130

4-1044.

twenty-four minutes west nine and ninety-hundredths chains to corner No.11; thence, south fifty-eight degrees one minute west two and fifty-eight-hundredths chains to corner No.12; thence, south fifty-eight degrees one minute west fourteen and eighty-eight-hundredths chains to corner No.13; thence, north twenty-nine degrees fifty-seven minutes east twenty-four and ninety-four-hundredths chains to corner No.8; the place of beginning, containing in the aggregate, eighty-two 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 tracts 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.

SEAL

GIVEN under my hand, in the District of Columbia, the FOURTEENTH day of MAY in the year of our Lord one thousand nine hundred and TWENTY 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:

RECORDED: Patent Number 749186
6-2187

Recorder of the General Land Office.

Recorded at the request of O.J. Randall Sept. 27th 1920 at 36 minutes past 3 o'clock P.M., in Book Z of Deeds page 418 Records of Lemhi County, Idaho.

Francis R. Hall
Deputy.

W.A. Simmonds
County Recorder.

IN WILSON, CLERK OF THE DISTRICT COURT
THE SEVENTH JUDICIAL DISTRICT OF THE STATE
IDAHO, IN AND FOR THE COUNTY OF LEMHI,
HEREBY CERTIFY THAT THE PROCEEDING IS A
LAND OFFICE CASE FOR THE ORIGINAL OPENING
THIS OFFICE, IN WITNESS WHEREOF I HAVE HERE-
TO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL THIS
YEAR 2025
DAY
DEPUTY

SCANNED

AUG 3 6 2005

as the same appears of record on the official plats thereof on file in the office of the Recorder of Lemhi County, Idaho.

Done in open Court this 7th day of April, A. D. 1937.

Filed & Entered April 7th, 1937
W. W. Simmonds, Clerk
By Margaret Shoup, Deputy
Judgment Book D, page 305

GUY STEVENS
District Judge.

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

I, W. W. Simmonds, Clerk of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County aforesaid, do hereby certify that the foregoing is a full, true and complete copy of a Decree in the above entitled action as the same appears on file in my office, and a record of which appears in Judgment Book D, page 305.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 9th. day of April, 1937

((SEAL))

W. W. Simmonds,
Clerk District Court

By Margaret Shoup
Deputy

Recorded at the request of Preston Thatcher, April 9th, 1937 at 30 minutes past 1 o'clock P.M., in Book 32 of Deeds page 579-580 Records of Lemhi County, Idaho.

By Margaret Shoup
Deputy

W. W. Simmonds
County Recorder

Fee: \$1.50

-----Instrument No. 47325-----

WARRANTY DEED

Documentary Stamps \$2.50
Cancelled O.J.R. 9/26/1932

THIS INDENTURE, made the 26th day of September, in the year of our Lord, one thousand nine hundred and thirty-two between Oliver J. Randall, a bachelor, of the County of Bingham State of Idaho the party of the first part, and Robert O. Capps, of the County of Bingham State of Idaho the party of the second part.

WITNESSETH: That said party of the first part, for and in consideration of the sum of Two Thousand Five Hundred & no/100 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 grant, sell, bargain and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the certain lots, pieces or parcels of land, situate, lying and being in the County of Lemhi and State of Idaho, and bounded and described as follows, to-wit:

H. E. Survey No. 431, comprising tracts "A" and "B" embracing a portion of Sections Five and Six, in Township Nineteen North, of Range Twenty-one, East of the Boise Meridian, in Idaho, as follows: Beginning for description of Tract "A" at corner No. 1, from which the north corner to said Sections Five and six, bears north fifty-seven degrees sixteen minutes east three and seven-hundredths chains distant; thence, south fifty-one degrees four minutes east two and eighty-nine-hundredths chains to corner No. 2; thence, south twenty-nine degrees fifty-seven minutes west twenty-five and eighty-four-hundredths chains to corner No. 3; thence, south fifty-eight degrees one minute west ten and eighty-seven-hundredths chains to corner No. 4; thence, south eighty degrees fourteen minutes west two and ninety-seven-hundredths chains to corner No. 5; thence, north seven degrees forty-minutes west twenty and sixty-two hundredths chains to corner No. 6; thence, north eighty-eight degrees east fifteen and seventy-five hundredths chains to corner No. 7; thence, north sixty degrees thirty-one minutes east twenty-two and sixty-four hundredths chains to corner No. 1, the place of beginning; Beginning for the description of Tract "B" at corner No. 8, from which corner No. 2 of said tract "A", bears north fifty-one degrees four minutes west forty-six links distant, thence, south fifty-one degrees four minutes east nineteen and forty-four hundredths chains to corner No. 9; thence, south forty-two degrees eight minutes west eleven and sixty-six hundredths chains to corner No. 10; thence, north thirty degrees twenty-four minutes west nine and ninety-hundredths chains to corner No. 11; thence, south fifty-eight degrees one minute west two and fifty-eight hundredths chains to corner No. 12; thence, south fifty-eight degrees one minute west fourteen and eighty-eight hundredths chains to corner No. 13; thence, north twenty nine degrees fifty-seven minutes east twenty-four and ninety four hundredths chains to corner No. 8; the place of beginning, containing in the aggregate eighty two acres, according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE by the Surveyor-General. Together with the ditches and water rights thereto appertaining and belonging, and the waters of Lake Creek as appropriated and used in the irrigation thereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or anyway appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said party of the first part and his heirs, and the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

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

Oliver J. Randall (SEAL)

Signed, Sealed and Delivered in the Presence
of John W. Jones

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

appeared C
scribed to
the same.
IN WJ
Blackfoot,

Recon
A.M., in 1

By M
Recorder'

THIS
and nine
the first
WITN
ONE DOLLA
party of
and SOLD
party of
described
described

Lot
and the N
Range 21
water rig

Toget
unto belc
remainder
in and to
in equity
part and
TO
together
assigns
the quit
assigns
person
warrant

IN
seal th

Signed,
presenc

State
County

On
Public
the pe
he exe
I
day an

STATE
County

Ibach
duly i

By D
Fees,

SCANNED

AUG 30 2005

appeared Oliver J. Randall, a bachelor, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Blackfoot, in Bingham County, Idaho, the day and year first above written.

((SEAL))

John W. Jones
Notary Public for the State of Idaho
residing at Blackfoot, Idaho
My Commission expires July 16, 1933

Recorded at the request of John W. Jones April 10th, 1937 at -- minutes past 9 o'clock A.M., in book 32 of Deeds, page 580-581, Records of the County of Lemhi State of Idaho

By Margaret Sharp
Deputy
Recorder's Fees \$1.40

W. W. Simmonds
Ex-Officio Recorder

Instrument No. 47328
WARRANTY DEED

THIS INDENTURE, Made this 20th day of September, in the year of our Lord one thousand and nine hundred and twenty-seven, between B. F. Ibach, of Salmon, Idaho, the party of the first part, and Alice L. Ibach of the same place, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of ONE DOLLAR, 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, has GRANTED, BARGAINED and SOLD and by these presents does GRANT BARGAIN, SELL, CONVEY and CONFIRM unto the said party of the second part, and to her heirs and assigns forever all of the following described real estate, situated in the county of Lemhi, State of Idaho, and particularly described as follows:

Lot 4, and the Southeast Quarter of the Southwest quarter of Section 21, and Lot 2, and the Northwest quarter of the Northeast quarter of Section 28, in Township 18 North, Range 21 East of the Boise Meridian, containing 194.60 acres; together with all water, water rights, ditches and ditch rights appurtenant thereto.

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, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceful possession of the said party of the second part, her heirs and assigns, against the said party of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

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 _____

Benjamin F. Ibach (SEAL)

State of Idaho,) ss.
County of Lemhi)

On this 20th day of September, in the year 1927 before me, L. E. Glennon a Notary Public in and for the said County, personally appeared B. F. Ibach 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))

L. E. Glennon
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

STATE OF IDAHO,)
County of Lemhi) ss.

I hereby certify that this instrument was filed for record at request of Alice L. Ibach at -- minutes past 1 o'clock P.M., this 10th. day of April, 1937 in my office, and duly recorded in Book 32 of Deeds at page 581

By Margaret Sharp
Deputy
Fees, \$1.00

W. W. Simmonds
Ex-officio Recorder.

SCANNED

AUG 30 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-10259

WATER RIGHT NUMBER: 75-10259

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARTIN R CAPPS 1035 HWY 93 S SALMON, ID 83467 (208)756-3954

Priority Date: 04/15/1957
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE 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	0.700 CFS	
	<u>Total Diversion:</u>	0.700 CFS	

Location of Point(s) of Diversion

SALMON RIVER	NW1/4NW1/4NE1/4	Sec. 36, Twp 20N, Rge 21E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T20N R21E S36 NWNE 16.0

Total Acres: 16

Conditions of Approval:

Remarks:

SCANNED
AUG 30 2005

QUITCLAIM DEED

This INDENTURE, Made this 1st day of June, in the year of our Lord one thousand nine hundred and fifty, between METTIE M. NORTON, Executrix under the Non-intervention Will of Charles A. North, Deceased, and METTIE M. NORTON, a widow, individually, of Salmon, County of Lemhi, State of Idaho, the party of the first part, and ALLEN C. MERRITT, a married man, of Salmon, County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for clearance of title and in consideration of the sum of ONLY ONE and NO/100 (\$1.00) DOLLARS lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all those certain lots, pieces or parcels of land, situate, lying and being in the County of Lemhi, state of Idaho, bounded and particularly described as follows, towit:

Lots One (1), Two (2) and Four (4), Section Thirty-six (36), Township Twenty (20) North of Range Twenty-one (21) East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights appurtenant thereto or used in connection therewith.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the 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 her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF)

Mettie M. Norton (Seal)

STATE OF IDAHO,)
) ss.
COUNTY OF LEMHI)

On this 7th day of October, in the year 1952, before me, the undersigned, a Notary Public in and for said State, personally appeared METTIE M. NORTON, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, as executrix and individually.

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))

C. Walker Lyon
Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO,)
) ss.
County of Lemhi,)

I hereby certify that this instrument was filed for record at request of J. W. Herndon at 20 minutes past 9 o'clock A.M., this 9th day of October, A.D. 1952 in my office, and duly entered in Book 43 of Deeds at page 637.

W. W. Simmonds
Ex-Officio Recorder

Fee, \$1.25 Paid.

W. J. NORTON, CLERK OF THE DISTRICT COURT
THE SEVENTH JUDICIAL DISTRICT OF THE STATE
IDAHO, IN AND FOR THE COUNTY OF LEMHI,
HEREBY CERTIFY THAT THE PROCEEDING IS A
TRUE, AND CORRECT COPY OF THE ORIGINAL ON FILE
THIS OFFICE. IN WITNESS WHEREOF I HAVE HERE
TO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL THIS 20th DAY
YEAR 2005
CLERK
DEPUTY

SCANNED
AUG 30 2005

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, on the 15th day of July 1910, all that tract or parcel of School land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to C. A. NORTON, of Salmon County of Lemhi and State of Idaho, for the aggregate price of FOUR HUNDRED TWENTY-ONE and 25/100 DOLLARS

AND WHEREAS, The said sum of FOUR HUNDRED TWENTY-ONE and 25/100 DOLLARS has been fully paid to the proper receiving officer for the State of Idaho, by C. A. NORTON as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described.

NOW, KNOW YE, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of FOUR HUNDRED TWENTY-ONE and 25/100 DOLLARS to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said C. A. Norton his heirs and assigns, all of the said tract and parcel of land situated in the County of Lemhi and State of Idaho, and described as follows, to-wit:

Lot No. 1 and Lot No. 2, Section Thirty-six (36), Township Twenty (20) North, Range Twenty-one (21) East, Boise Meridian, containing thirty-three and seventy hundredths (33.70) acres, more or less.

TO HAVE AND TO HOLD the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said C. A. Norton his heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, I, D. W. Davis the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 29th day of December A. D. 1919

Countersigned: Robert O. Jones
Secretary of State

D. W. Davis
Governor.

Countersigned: I. H. Nash
State Land Commissioner

SEAL

Recorded at the request of Allen C. Merritt January 12th, 1920, at 1 minutes past 9 o'clock A. M., in Book Z of Deeds page 247, Records of Lemhi County, Idaho.

BY Gayle Stewart
Deputy

W. H. Simmons
County Recorder.

NOTED FOR THE RECORDS OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI, I HEREBY CERTIFY THAT THE PROCEEDING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE. IN WITNESS WHEREOF I HAVE HERE-
TO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL THIS 20th DAY

20th
JULY
2005
DEPUTY
CLERK

SCANNED

AUG 3 8 2005

OCT 05 2000

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: A75-04032

Date Received: 4/25/90

Receipt No: M006735

Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARTIN R. CAPPS
Address: STAR RT. BOX 14
SALMON, ID

208-756-3954

83467

2. Date of Priority: APR 15, 1911

3. Source: UPPER LAKE CREEK, MIDDLE FO Trib. to: WILLIAMS LAKE
~~unnamed stream trib to lake creek~~

4. Point of Diversion: M.B.

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	21E	6	NW	NE			LEMHI
19N	21E	6					

5. Description of diverting works:
WING DAM, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

A.F.A.

8. Total consumptive use is 22.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	21E	6	NE	NE		IRR	9.0

Section Acres 9.0

Total Acres 9.0

A75-04032

Page 1

Date: 04/25/90

A7504032

MICROFILMED
DEC 15 1992

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Martin B. Capps Date: 4/25/90
_____ Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 25TH day
of April 19 90

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994