

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: 75-4194

JOHNSTON FAMILY TRUST/SURVIVORS TRUST
PO BOX 38
CARMEN ID 83462

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

Acresage *Name adjustment*

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

ACREAGE SHOULD BE 5 ACRES
ELIMINATE SURVIVORS TRUST OR NAME.

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

PLEASE CHECK TAX LOT ACRESAGE

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

DATE:

06 DEC 06

SIGNATURE:

Johnston Family Trust - Survivor Trust

Please print your name:

F. MAXINE JOHNSTON

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

SCANNED
MAR 18 2003

75-4194

LEGEND



Point(s) of Diversion

Place(s) of Use

#

Lot Numbers



Quarter Quarter Lines



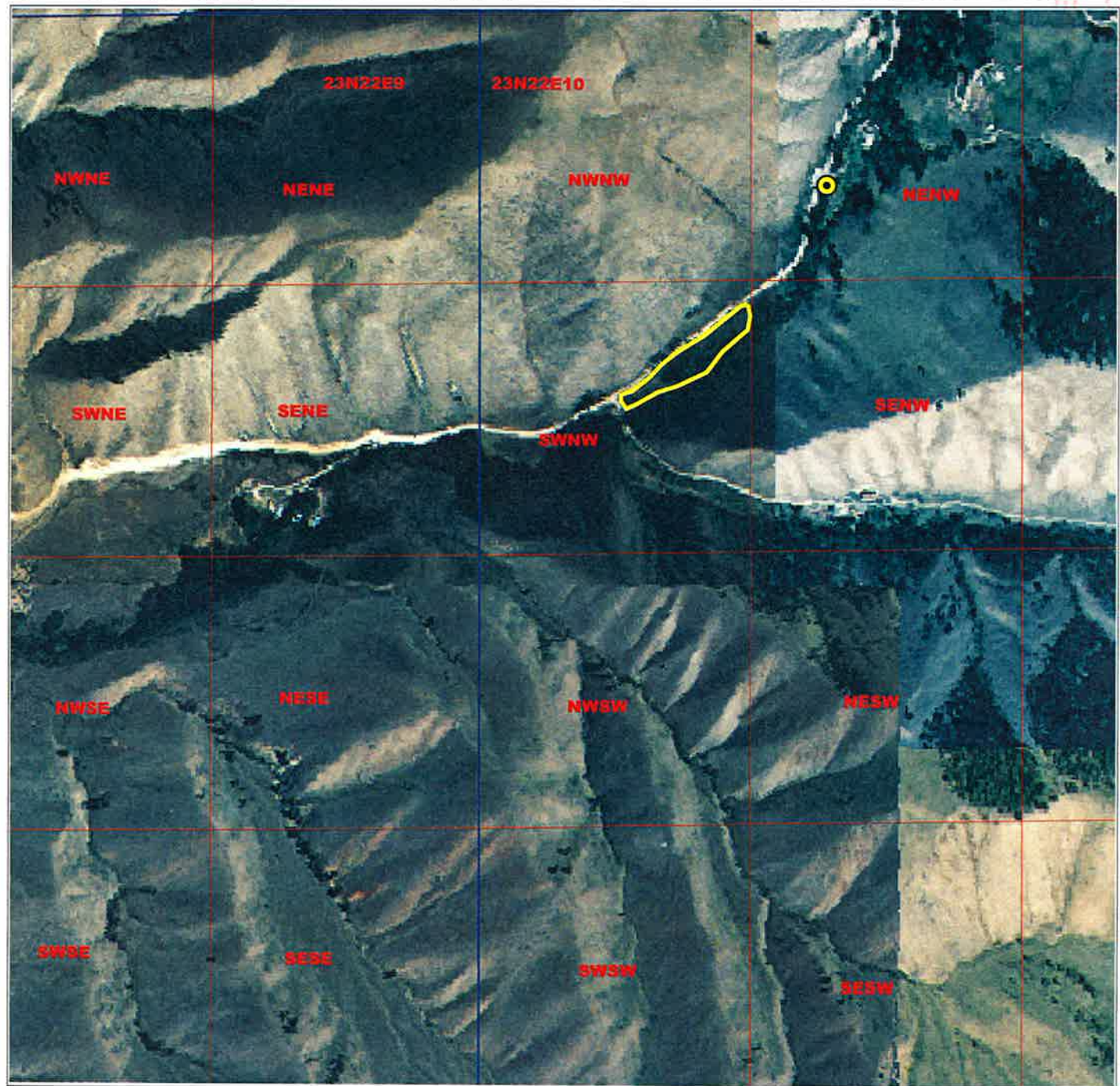
Section Lines

IMAGE

1993 True Color

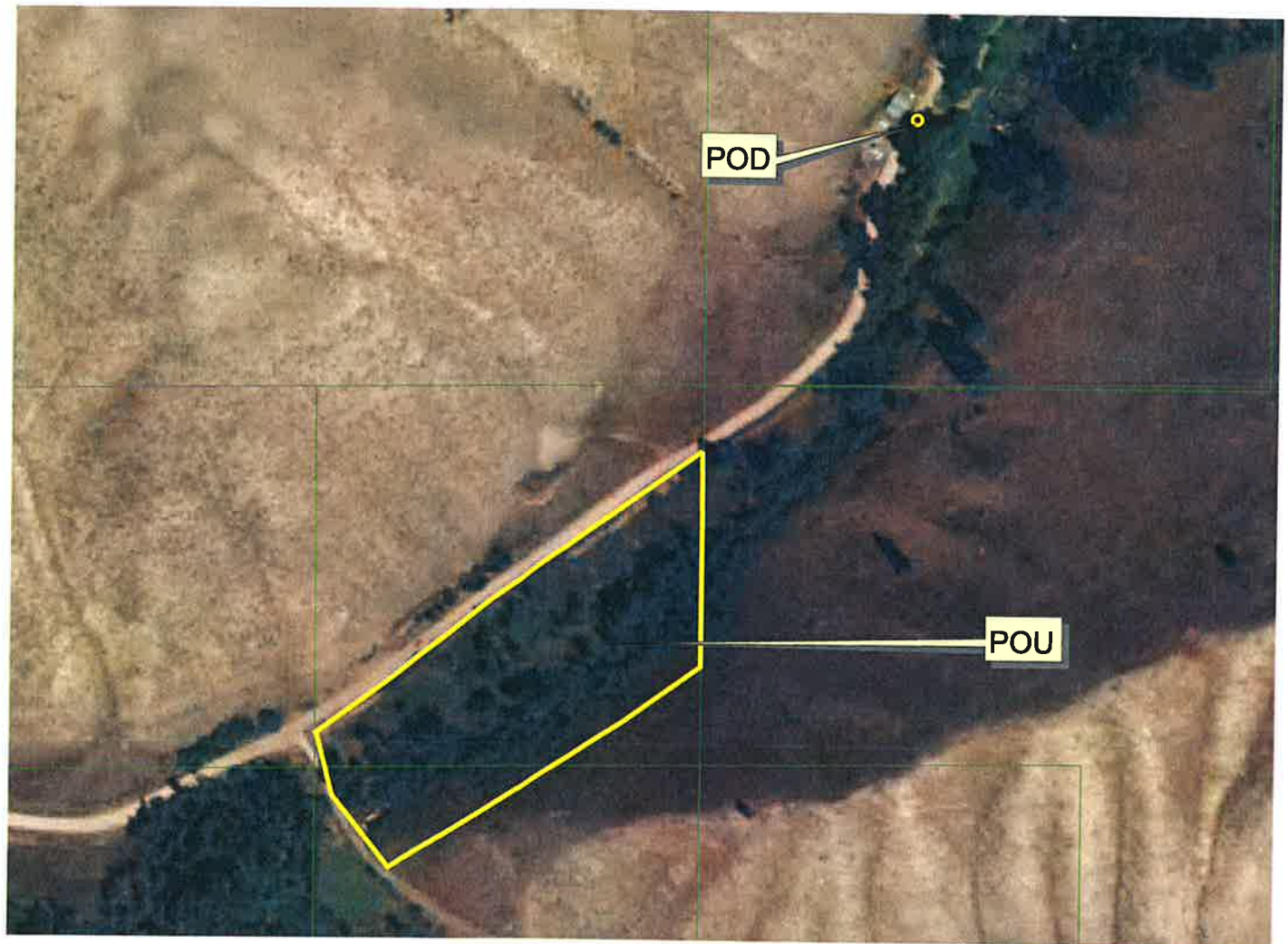


Prepared By: Danielle Favreau
October 28, 2005



0.1	0	0.1	0.2	0.3	0.4	0.5 Miles
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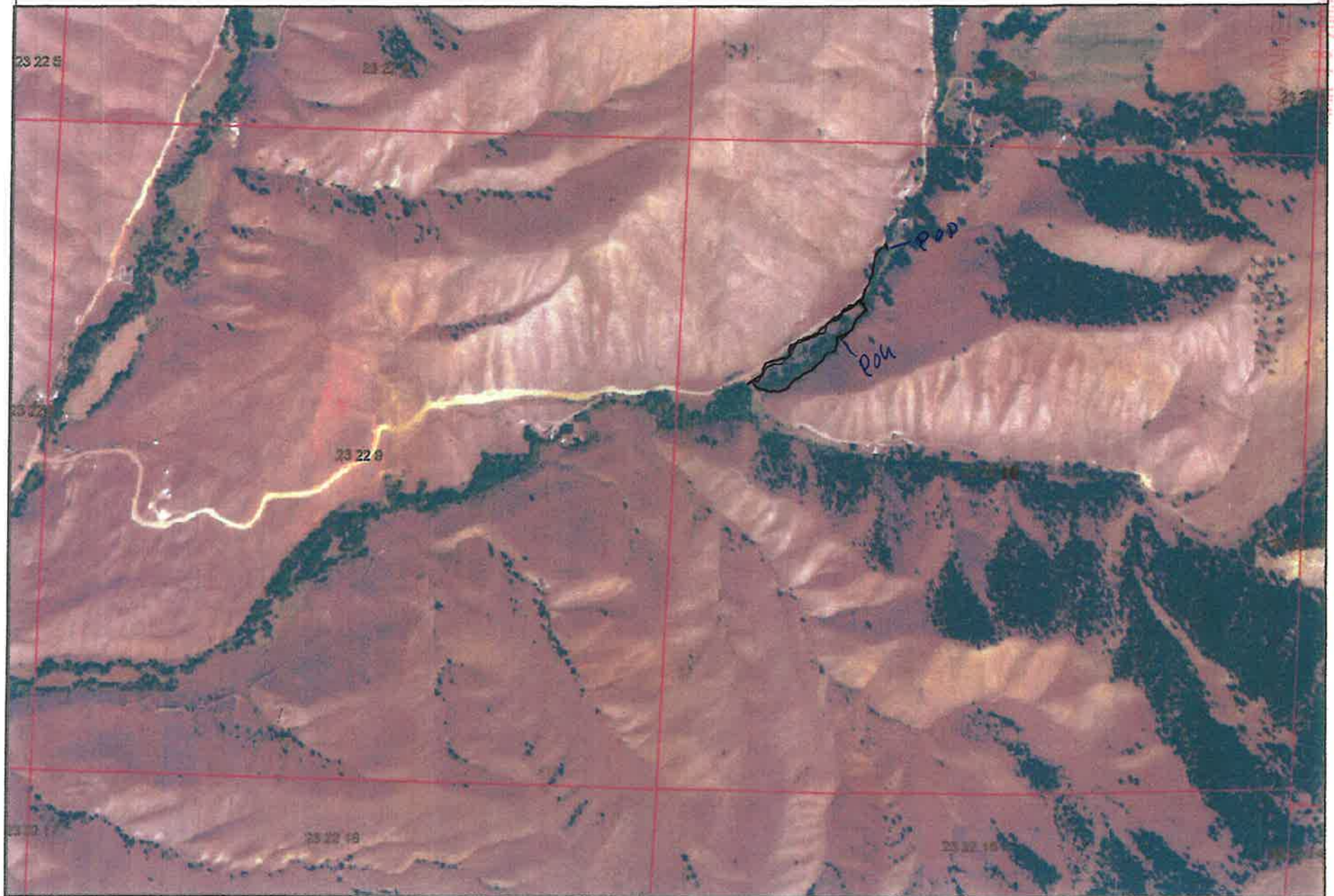
75-4194



-  Theme15.shp
-  Lemhi taxlots
-  GCDB23N22E GCDB
-  Theme14.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



Legal Description: T23N, R22E, Sec. 9 & 10



0 660 1,320 1,980 Feet

75-4194





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 11, 2006

Johnston Family Trust
PO Box 38
Carmen, Idaho 83462

Re: Claim 75-4194

Gentlemen:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply. Please contact me if the changes are incorrect.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

SCANNED
JAN 11 2007

Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

$w = 3'$ assumed

$i = 1.0$

ditch length (mi.) = $800 \text{ ft} = 0.15 \text{ miles}$

Conveyance Loss:

$S = (3)(1)(0.0667) = 0.2 \text{ cfs/mile}$

Loss = 0.03 cfs

$(0.2 \text{ cfs/mile})(0.15 \text{ miles}) = 0.03 \text{ cfs}$

$5 \text{ ac.} \times 0.02 \text{ cfs/ac.} = 0.1 \text{ cfs}$

ditch loss = $+0.03 \text{ cfs}$

0.13 cfs

claimed: 0.15 cfs

recommended: 0.13 cfs

SCANNED

MAR 18 2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 11, 2007

JOHNSTON FAMILY TRUST
PO BOX 38
CARMEN ID 83462

Re: Tower Creek Adjudication Recommendation

Enclosed is a spreadsheet that summarizes recommendations filed with the SRBA court for claims for water from Tower Creek for properties that were settled in the 1890's or early 1900's. The claims had a wide array of priority dates and evidence in support of those priority dates was received. Some of you filed a Notice of Error in response to the Recommended Findings that were mailed out to claimants in November 2006. Some of you may have already received a response from us regarding your Notice of Error.

After looking at each right separately, we concluded that a more systematic approach to how recommendations were made was required. It seemed to us that it made sense to have the same priority date recommended for all of the property that was originally part of a single homestead. To that end we evaluated the Evidence of Priority information that was submitted and used the earliest date that we felt could be verified. In some cases documents were submitted that may reference dates earlier than what we have recommended, but the extent of development was not quantified. The spreadsheet lists the various water rights and the basis for the selection of the date used. Please note that you still have the option of filing an objection with the court if you disagree with these recommendations

If you have any questions please don't hesitate to contact us.

Sincerely

Robert G. Haynes P.E.
Regional Manager

SCANNED

MAR 18 2008

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

CLAIM NO(s). 75-4194

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

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.: A0015067 File # T62905 POD1

Township 23N Range 22E Section 10 1/4 SW 1/4 NE 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

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 *See measurement*

☐ 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: <i>irrigate</i>	Township <i>23N</i>	Range <i>22E</i>	Section <i>10</i>	1/4 <i>SW</i>	1/4 <i>NW</i>
Use: <i>irr.</i>	Township <i>23N</i>	Range <i>22E</i>	Section <i>10</i>	1/4 <i>SE</i>	1/4 <i>NW</i>
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

you may have been claimed incorrectly

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *6-29-05*

FIELD EXAMINER: *Bob Foster*
Print Name

Bob Foster
Signature

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filename: c:\docs\forms\ditch flow computations upgraded.xls
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	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	52
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Note to user:

Make entries in cells without shading.

SCANNED
MAR 18 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 23, 2003

JOHNSTON FAMILY TRUST/SURVIVORS TRUST
PO BOX 38
CARMEN ID 83462

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 75-4194

To Whom It May Concern:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

SCANNED

MAR 16 2005

OK JC
9/23/03

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75-4194				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Roy M + Yvonne Lincoln
Salm ID 83467
4. New Owner/Claimant(s) JANSEN Family Trust/Survivors Trust
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 38
- City, State and ZIP Code Carmen ID 83462
- New Telephone Number 808) 756 2852
5. Date you acquired the property 8/21/2002

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

SCANNED

MAR 18 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

A. Mafine Johnston (Trustee)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

SCANNED

MAR 18 2009

WARRANT DEED

AND WIFE

For Value Received ROY M. LINCOLN AND YVONNE LINCOLN, HUSBAND

the grantors, do hereby grant, bargain, sell and convey unto JOHNSTON FAMILY TRUST/
SURVIVORS TRUST, F. MAXINE JOHNSTON, TRUSTEE
P.O. BOX 38, CARMEN, IDAHO 83462

the grantee, the following described premises, in LEMHI County Idaho, to wit:

THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 10, TOWNSHIP 23 NORTH, RANGE 22 EAST, BOISE MERIDIAN,
LEMHI COUNTY, IDAHO.

TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCH AND DITCH RIGHTS, AND ANY
IMPROVEMENTS USED CONNECTION THEREWITH.

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

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 21, 2002

Roy M. Lincoln
ROY M. LINCOLN

Yvonne Lincoln
YVONNE LINCOLN

STATE OF IDAHO, COUNTY OF LEMHI
On this 21ST day of AUGUST, 2002
before me, a notary public in and for said State, personally appeared ROY M. LINCOLN AND YVONNE

known to me, the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

[Signature]
Notary Public
Residing at SALMON, Idaho
Comm. Expires 1/10/04

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for record at the request of ROY M. LINCOLN

at 50 minutes past 10 o'clock A.M.,
this 21ST day of August
2002, in my office, and duly recorded in Book
of Deeds at page

[Signature]
Ex-Officio Recorder

By *[Signature]* Deputy.
Fees \$ 300
Mail to:

INSTRUMENT NO. 251515

THIS INDENTURE, made this 5th day of July, 1973,
between Harry Cletus Parker and Joyce Marie Parker, husband and wife
of Burlingame, County of San Mateo, State of California,
the party of the first part and Roy M. Lincoln and Yvonne Lincoln, husband and wife,
306 West 18th Street,
of Pueblo, County of Pueblo, State of Colorado,
the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Twelve
Thousand Five Hundred and No/100s (\$12,500.00) Dollars
lawful money of the United States of America
to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said
party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real
estate situated in _____, County of Lemhi,
State of Idaho, to-wit:

Approximately 20 acres located on the Right Fork of Tower
Creek, and bounded and particularly described as follows: to wit:

NE1/4SW1/4 and SE1/4SW1/4, Section 10 Township 23, North, Range 22,
East of the Boise Meridian, together with all water and water
rights, ditch and ditch rights, and any improvements used in
connection therewith.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or
in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits
thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said
party of the first part,

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

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

Harry Cletus Parker
Joyce Marie Parker

STATE OF IDAHO,

County of Lemhi

ss.

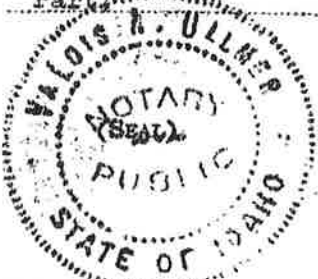
On this 5th day of July, in the year 1973, before me
Valois A. Ullmer, a Notary Public in and for said State, personally appeared
Harry Cletus Parker and Joyce Marie Parker, husband and wife, Parties of the First

known to me to be the person(s) whose name(s) are subscribed to the within instru-
ment, 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.

Valois A. Ullmer

Notary Public for the State of Idaho
Residing at 8-27-77, Idaho.



ED

ment

iv of
my
file

ter
of

Q

No. 125442

WARRANTY DEED

FORM No. 321

TO

Dated _____, 19____

STATE OF IDAHO,

County of Lemhi

I hereby certify that this instrument was filed for record at request of Lemhi Title & Abstract Co.

at 54 minutes past 1 o'clock P. M., this 30th day of November, 1973, in my office, and duly entered in _____ File of Deeds

~~XXXXXXXX~~

Eleanor Aldous

Ex-Officio Recorder.

By _____

Deputy.

Fees, \$1.00 Paid

Mail to _____

AFTER RECORDING RETURN TO

INDEXED



County of Lemhi

On this 30th day of July

Henry Olevus Parker and Joyce Marie Parker, husband and wife, Parties of the First, appeared in the year 1973, before me a Notary Public in and for said State, personally appeared

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 the day and year in this certificate first above written.

Valois A. Williams
Notary Public for the State of Idaho
Residing at 414 1/2 N. 7th, Idaho.

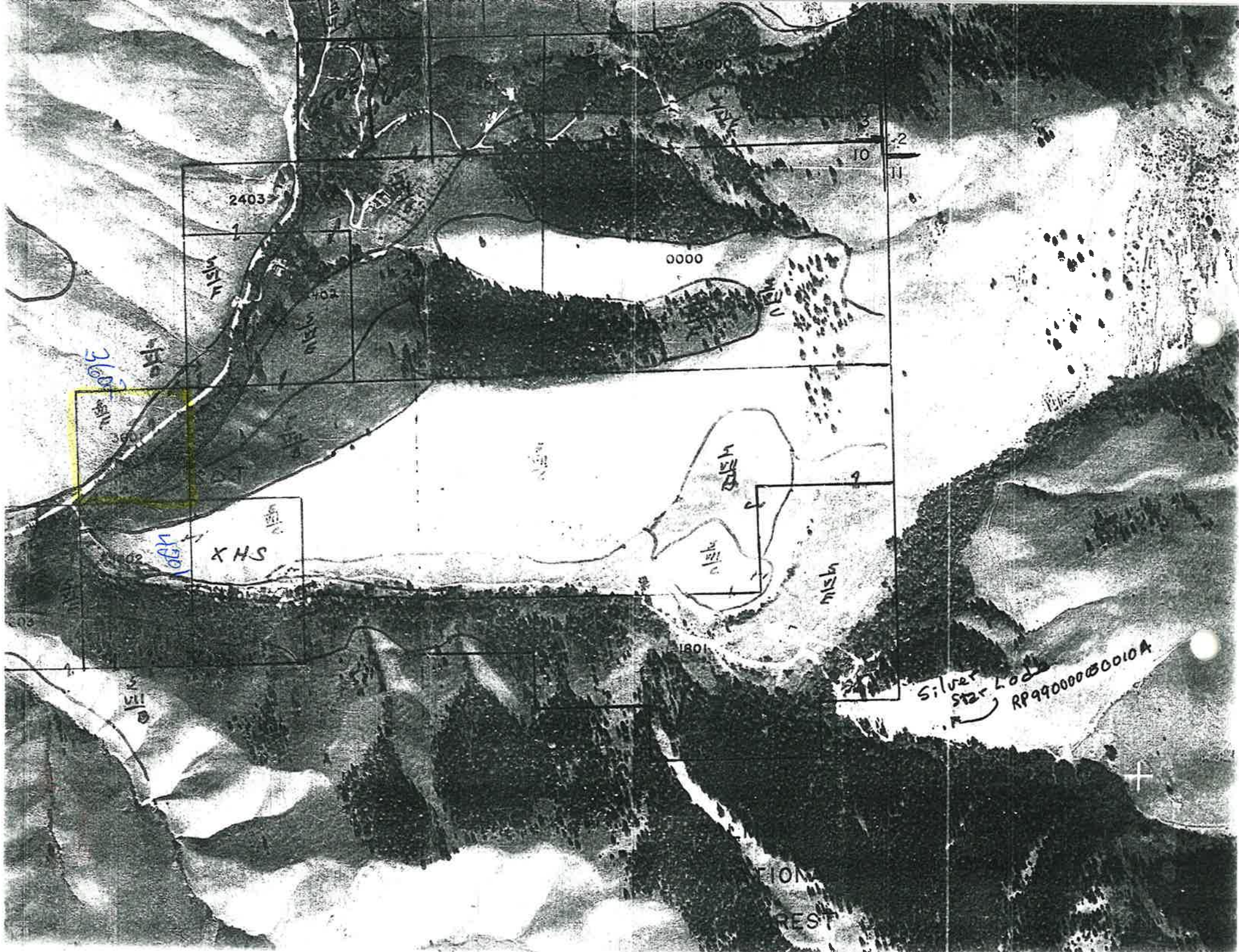
STATE OF IDAHO.

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand

Charles Olevus Parker
Joyce Marie Parker

SCANNED

MAR 18 2009



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4194

WATER RIGHT NUMBER: 75-4194

RECEIVED
AUG 25 2005
DEPARTMENT OF
WATER RESOURCES

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHNSTON FAMILY TRUST/SURVIVORS TRUST PO BOX 38 CARMEN, ID 83462
Trustee	F MAXINE JOHNSTON PO BOX 38 CARMEN, ID 83462-0038 (208)756-2852

Priority Date: 04/01/1911

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK TOWER 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	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

EAST FORK TOWER CREEK LEMHI County	NE1/4NW1/4	Sec. 10, Twp 23N, Rge 22E, B.M.
---------------------------------------	------------	---------------------------------

Place of UseIRRIGATION Within LEMHI County

T23N R22E S10 NENW 5.0

Total Acres: 5

Conditions of Approval:Remarks:

SCANNED

AUG 25 2005

Hailey 01973

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 full payment has been made by the claimant William A. Rose, according to the provisions of the Act of Congress, of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the Northwest quarter of the Southeast quarter, the Northeast quarter of the Southwest quarter, and the Southeast quarter of the Northwest quarter of Section Twenty-three in Township Twenty North of Range Twenty-three East of the Boise Meridian, Idaho, containing one hundred twenty 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 the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, has given and granted, and by these presents does give and grant, unto the said claimant and to the heirs of the said claimant the Tract above described; To have and to hold the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, 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, William H. Taft, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the Sixth day of May, in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States the one hundred and thirty-sixth.

Seal.

By the President: Wm. H. Taft.

Recorded: Patent Number 264073

By M.P. LeRoy, Secretary.

H.W. Sanford, Recorder of the General Land Office.

Recorded at the request of W.C. Smith, June 14th, 1912, At 45 minutes past 9 o'clock A.M., in Book W of Deeds, page 13, Records of Lemhi County, Idaho.

J. L. Lister Jr.

County Recorder

B. W. W. Simmons

Deputy.

Instrument No. 12332

Hailey 06067 and 06639 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 Floyd L. Cooper has been established and duly consummated, in conformity to law, for the south half of the northeast quarter and the northwest quarter of the southeast quarter of Section nine and the south half of the southwest quarter of the northwest quarter, the southwest quarter of the southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter of the northwest quarter of Section ten in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, William H. Taft, 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 twentieth day of May in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States the one hundred and thirty-sixth.

Recorded: Patent Number 268424

By the President: Wm. H. Taft

Seal.

By M.P. LeRoy, Secretary

H. W. Sanford, Recorder of the General Land Office.

Recorded at the request of W.C. Smith, June 20th, 1912, at 25 minutes past 9 o'clock A.M., in Book W of Deeds, page 13, Records of Lemhi County, Idaho.

J. L. Lister Jr.

County Recorder

B. W. W. Simmons

Deputy

CANNED

A 7005

This Indenture, made this 30th day of October in the year of our Lord one thousand nine hundred and twelve between Floyd L. Cooper and Annie M. Cooper, his wife of the County of Lemhi, State of Idaho, the parties of the first part, and Erle Eabley, of the County of Lemhi, State of Idaho,

the part Y of the second part, WITNESSETH, that the said parties of the first part, for and in consideration of Twelve Hundred (\$1200)

DOLLARS, lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED and SOLD, and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said part Y of the second part, and to his heirs and assigns forever, all those 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:-

All of the South Half of the Northeast quarter, the Northwest quarter of the Southeast quarter of Section Nine, and the South half of the Southwest quarter of the Northwest quarter, the Southwest quarter of the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of the Northwest quarter of Section Ten, all in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, in Lemhi County, Idaho, containing 160 acres of land, Together with all ditches, water and water rights belonging to said land appurtenant thereto or used in connection therewith.

(Subject to that certain Mortgage given by said parties of the first part to Margaret Baer, dated May 6th, 1912, for the sum of \$500.00 Recorded in the Office of the County Recorder of Lemhi County, Idaho, in Book 6 of Mortgages on page 191 which said party of the second part hereby agrees to assume and pay)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise 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 parties 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 his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their 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 parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

Floyd L. Cooper [SEAL]

Annie M. Cooper [SEAL]

[SEAL]

STATE OF IDAHO,

County of Lemhi ss. On this 30th day of October in the year 1912 before me W.C. Smith a Notary Public in and for the said County, personally appeared Floyd L. Cooper and Anna M. Cooper his wife known to me to be the persons whose names are 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.

W.C. Smith

Notary Public in and for Lemhi County, Idaho.

STATE OF IDAHO,

County of Lemhi ss. I hereby certify that this instrument was filed for record at request of W.C. Smith at 45 minutes past 9 o'clock A. M., this 4th day of November A. D. 1912, in my office, and duly recorded in book U of Deeds at page 467.

By W.C. Smith Deputy.

SCANNED

Ex-officio Recorder.

AUG 25 2005

FOR
D
OFF
MAR 2 1909
REC
3-3-09
Answered...

Form 110.

2948

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS.

Applicant #25.

July 8, 1908. *Salmon* Nat. Forest Reserve.

1. Name and address of applicant:

Floyd Z. Cooper

(If already on land, give date of settlement.)

Feb 6 1908

Carmen, Lemhi Co., Idaho.

2. Location:

S 1/2 SW 1/4 NW 1/4, SW 1/4 SE 1/4 NW 1/4 and
(Legal subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settlements, etc.)

NE 1/4 SW 1/4 NW 1/4 Sec. 10 T 23 N R 22 E Boise Meridian.

On wagon road 16 miles N Easterly from Salmon, County seat of Lemhi Co. Land is all settled on this and neighboring creeks where water can be obtained for irrigation. No railroads.

(Surveyed)

3. Area: *40 acres, applied for reported on and recommended.*

(Applied for, reported on, and recommended.)

8-490

List 4-72

SCANNED

AUG 25 2005

4. Topography: Creek bottom surrounded by grassy hills.
(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in its bearing on

agricultural possibilities, slope, aspect, etc.)

5. Formation: Clay and black loam. Sufficient water on the land for
(Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for
irrigation.
irrigation and domestic use. Possibilities for developing water.)

6. Climate: Mild. Summers hot, winters moderate, with heavy precipi-
(Precipitation, temperature, occurrence of killing frosts.)
tation. Killing frosts seldom occur between May 30 and Sept. 15.

7. Cover: A narrow streak of brush and poles containing about 80 cords
(Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for protective or
of wood worth \$40. along creek bottom. Cover not needed for pro-
seeding purposes?)
TECTIVE or seeding purposes.

8. Claims: No conflicting claims.

(Conflicting claims to land or existing improvements—by whom and on what grounds. Examiner is not to pass upon claims—merely to furnish all

available information. Use in the past, and by what means. Existence of mining claims.)

9. Economic possibilities: The land will produce large crops of vegetables

(Reason for application, and opinion as to success of applicants' plans. State fully agricultural possibilities. Value,

and fruits when brot under cultivation. Applicant wishes to get
if any, to Forest Service for Rangers' Quarters or other administrative purposes. Distance and market price per acre of nearby farms. Transportation facilities.)

patent to the land in connection with adjoining land which is off the
National Forest.

10. Recommendations: I recommend that the land be listed because it is

(Specific recommendation for or against listing of land, with summary of reasons for recommendation.)

agricultural in character and is needed by applicant to complete
his farm. Also because the land is not valuable as Forest.

11. Photographs: None.

(Give numbers of negatives which go with this report.)

(Signed) James M. Ryan,

(Signature of examining officer.)

Dep. For. Supervisor.

(Title.)

Approved: February 27, 1909.

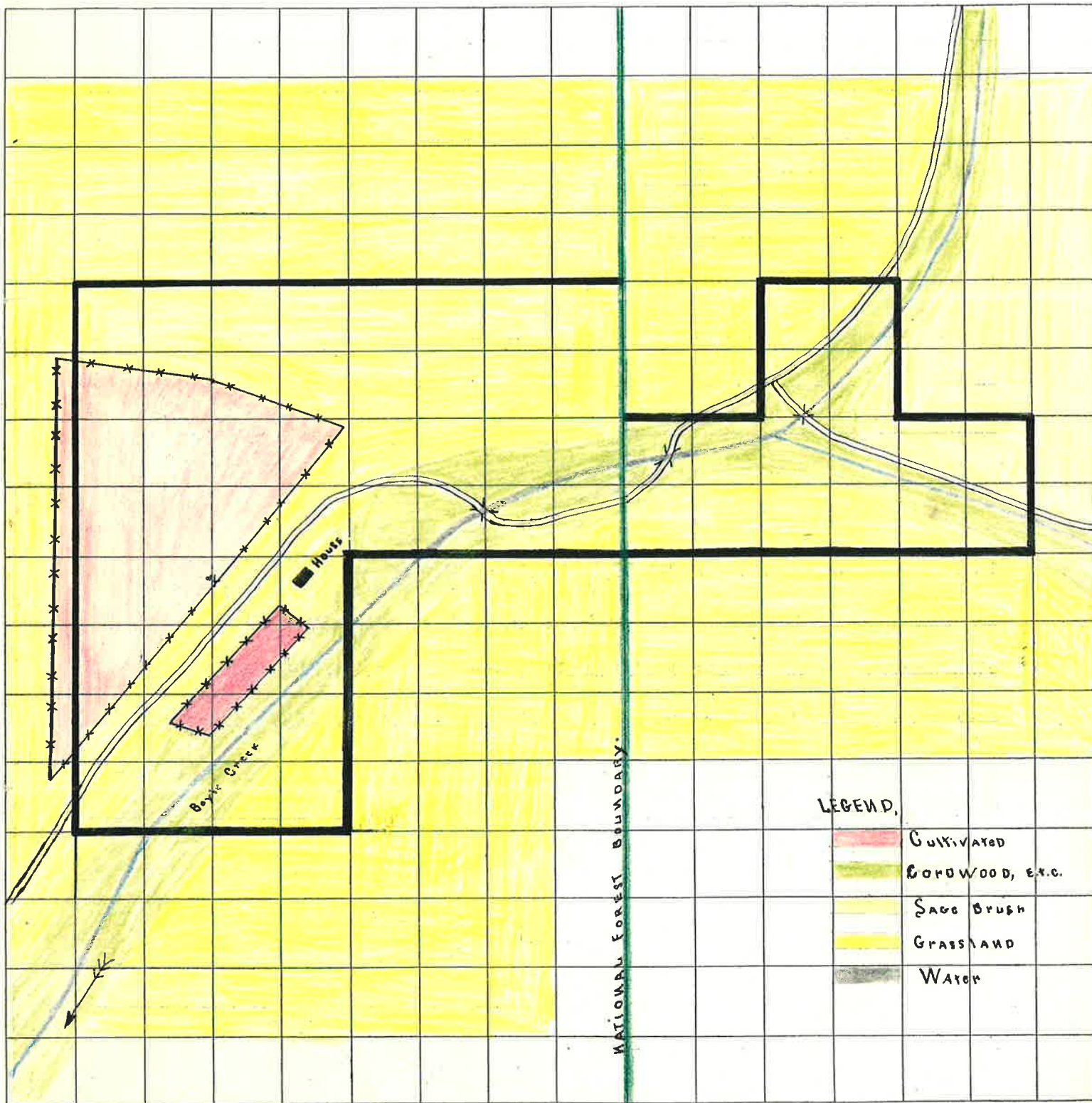
Gro. Brutz
(In charge, Examinations.)

Approved: Mar 1, 1909.

JCH
(In charge, Office of Reserve Organization.)

MAP SHEET.

Tp. 23, N R. 22, E Boise M. Section 10, Quarter N W Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 4 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. At least one-half mile of surrounding country should be sketched in.

8-490

SCANNED

AUG 25 2005

- 8 -

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SALMON NATIONAL FOREST

SALMON, IDAHO.

May 25, 1909.

OL
Salmon, Settlement,

Cooper, Floyd, #25-
Davies, Mrs. Mary, #26-

The District Forester,
Forest Service,
Ogden, Utah.

Dear Sir:

A portion of each of the above designated claims is outside the National Forest, and the survey of the township in which they lie has been approved and the land opened to entry April 28.

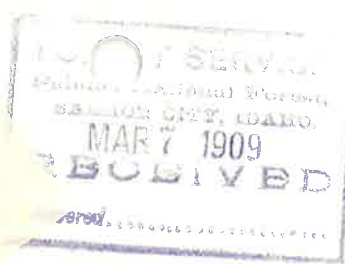
The claimants are anxious to have those portions of their respective claims that lie on the Forest advertised for entry before the 90 days preference right expires on that portion which is off the Forest in order to obviate the necessity of making two entries on their claims.

Could anything be done to hurry these claims?

Very truly yours,

James M. Ryan
Acting Forest Supervisor.

SCANNED
AUG 25 2005



Salmon, Settlement,
Cooper, Floyd, L. #25.

March 3, 1909.

Mr. Floyd L. Cooper,
Carmen, Idaho,

Dear Sir:

I am very glad to inform you that a tract of land of 60 acres in the Salmon National Forest has this day been listed upon your application with the Commissioner of the General Land Office, to whom you are referred for further information concerning it. Your local land office will notify you when your entry can be accepted.

Very truly yours,

F. W. Reed.

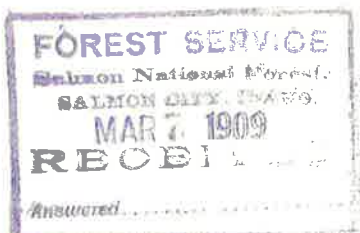
Acting District Forester.

Duplicate for Forest Supervisor.

N. N.

SCANNED

AUG 25 2005



OL
Salmon, Settlement,
Cooper, Floyd, L. #25.

March 3, 1909.

The Commissioner
of the General Land Office.

Sir:

I have the honor to request that the tract of land described below (List 4-72) in the Salmon National Forest, Idaho, be opened to settlement and entry in accordance with the Act of June 11, 1906, (34 Stat. 233):

Surveyed, acceptance of survey pending in General Land Office.
Township 23 North, Range 22 East, Boise Meridian.

Section 10/

S 1/2 SW 1/4 NW 1/4.
SW 1/4 SE 1/4 NW 1/4.
NE 1/4 SW 1/4 NW 1/4.

Approximate area 40 acres.

Floyd L. Cooper of Carmen, Idaho, applied for this tract July 22, 1908, alleging settlement February 10, 1906.

Very respectfully yours,

F. W. Reed.

Acting District Forester.

Duplicate for Forest Supervisor.

SCANNED
AUG 25 2005

M. N.

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

A75-04194

Date Received

3-7-90

Receipt Number

EO 12261/gg

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 7 - 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) ROY M. or YVONNE LINCOLN Phone (208) 756-4405Mailing Address P.O. Box 57 CARMEN, IDAHO Zip 834622. Date of Priority (Only one (1) per claim) 4-1-19113. Source of water supply (a) EAST FORK TOWER CREEK
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township 23 N Range 22 E Section 10,
NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of LEMHI

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.HEADGATE, 30' PIPE, DITCH 1 1/2' X 1' X 1/4 MILE

A7504194



SCANNED

MICROFILMED

MAR 18 2003

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 11-1 amount 0.15 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.5 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>23N</u>	<u>22E</u>	<u>10</u>					<u>5</u>												<u>5</u>

Total number of acres irrigated 5

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

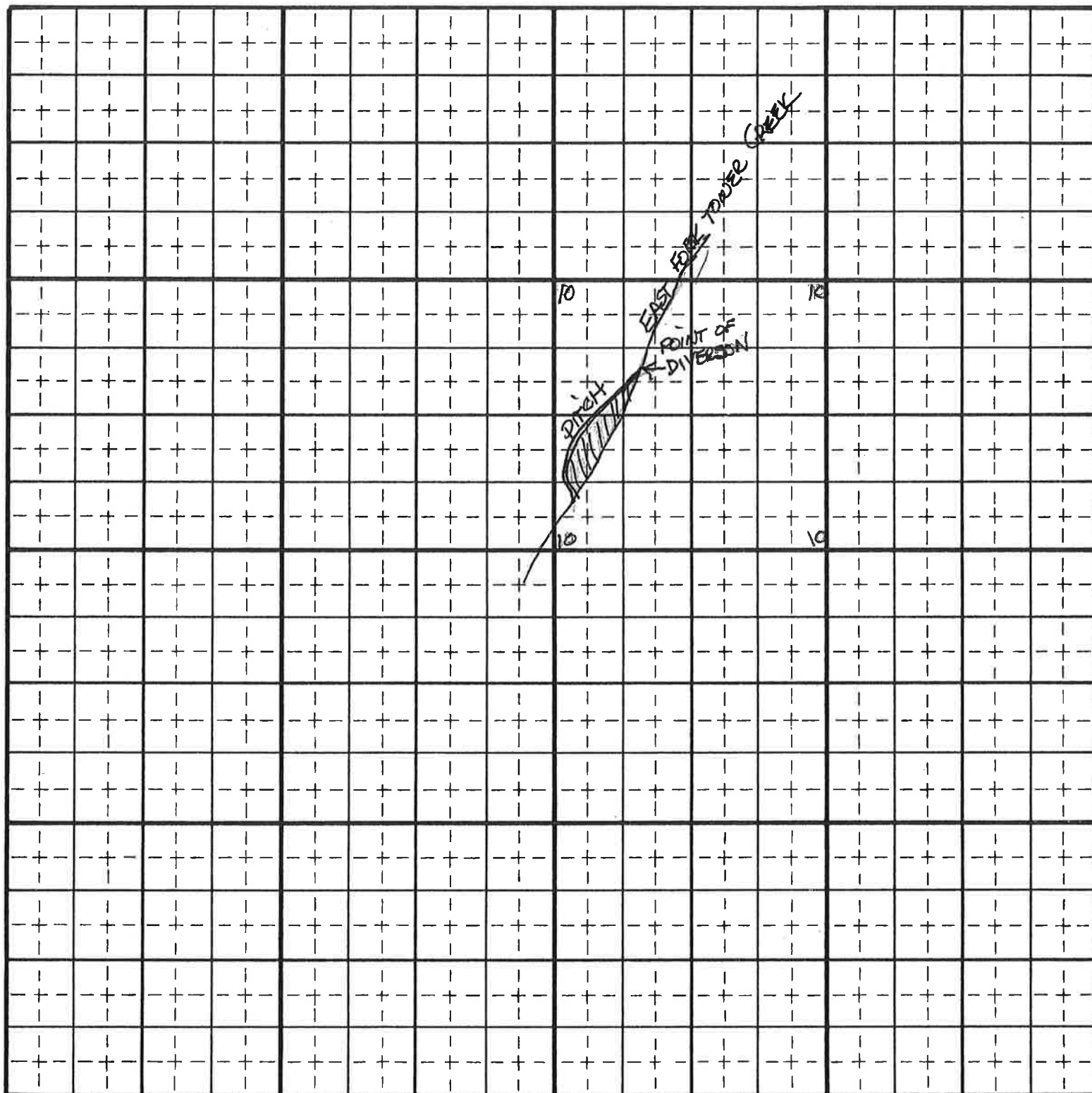
Last Name LINCOLN Ident No. 39576

Copies: White -State, Yellow-Claimant

MICROFILMED
SCANNED
DEC 15 1992
MAR 18 2003

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

SCANNED

DEC 15 1992

MAR 18 2003

Last Name

LINCOLN

Ident No.

39576

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 754194
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Number of attachments 4

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

Signature of Claimant (s)

Roy M. Lincoln

Date 3/6/90

Yvonne Lincoln

Date 3/6/90

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn (or affirmed) before me this 6th day of March 19 90

SEAL

Notary Public

Robert D. Mason

Residing at

Salmon, Idaho

My Commission Expires

4-23-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name

LINCOLN

Ident. Number

39576

SCANNED
MICROFILMED
DEC 15 1992
MAR 18 2000
Copies White-State, Yellow-Claimant

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 75-4194
Date Received: 3/7/1990
Receipt No: E012261
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JOHNSTON FAMILY TRUST/SURVIVORS TRUST Phone: (208) 756-2852
PO BOX 38
CARMEN ID USA 83462

2. Date of Priority: 04/01/1911

3. Source: TOWER CREEK EAST FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	10	NE NW	LEMHI	

5. Description of diverting works:

HEADGATE/ DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.15	

7. Total Quantity Appropriated is:
0.15 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
23N	22E	10	NE NW	IRRIGATION	5
Section Acres					5

Total Acres 5

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:

14. Remarks:

15. Basis of Claim: Statutory Claim

OCT 08 2001

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: A75-04194
Date Received: 3/21/1990
Receipt No: E012261
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROY M. LINCOLN 208-756-4405
Address: P.O. BOX 57
CARMEN, ID 83462

OR

Name: YVONNE LINCOLN 208-756-4405
Address: P.O. BOX 57
CARMEN, ID 83462

2. Date of Priority: APR 01, 1911

3. Source: TOWER CREEK, EAST FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	10		NE	NW		LEMHI

5. Description of diverting works:
HEADGATE/ DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.150		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A75-04194

Page 1

Date: 03/21/90

MICROFILMED
DEC 15 1992
MAR 18 2003

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	10	NE NW		IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

01/03/2007

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

RIGHT NUMBER: 75-4194

NAME AND ADDRESS: JOHNSTON FAMILY TRUST
PO BOX 38
CARMEN ID 83462

SOURCE: EAST FORK TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.130 CFS

PRIORITY DATE: 05/20/1912

POINT OF DIVERSION:

T23N R22E S10 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
0.130 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R22E S10 SWNW 5.00

5 ACRES TOTAL

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