

11/20/2006

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

RIGHT NUMBER: 75-4211
NAME AND ADDRESS: EDNA MAE GRAY ROTZIEN
PO BOX 224
CARMEN ID 83462
SOURCE: WASTE WATER TRIBUTARY: SALMON RIVER
QUANTITY: 0.100 CFS
PRIORITY DATE: 05/01/1892
POINT OF DIVERSION: T22N R22E S18 NESE Lot 8 Within LEMHI County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.100 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T22N R22E S18 Lot 8 NESE 4.30
4.3 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

*4 acs is the discription at the courthouse
in Lemhi county*

SCANNED
DEC 12 2006

09/27/2006

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

RIGHT NUMBER: 75-4211

NAME AND ADDRESS: EDNA MAE GRAY ROTZIEN
PO BOX 224
CARMEN ID 83462

SOURCE: WASTE WATER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T22N R22E S18 NESE Lot 8 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.100 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

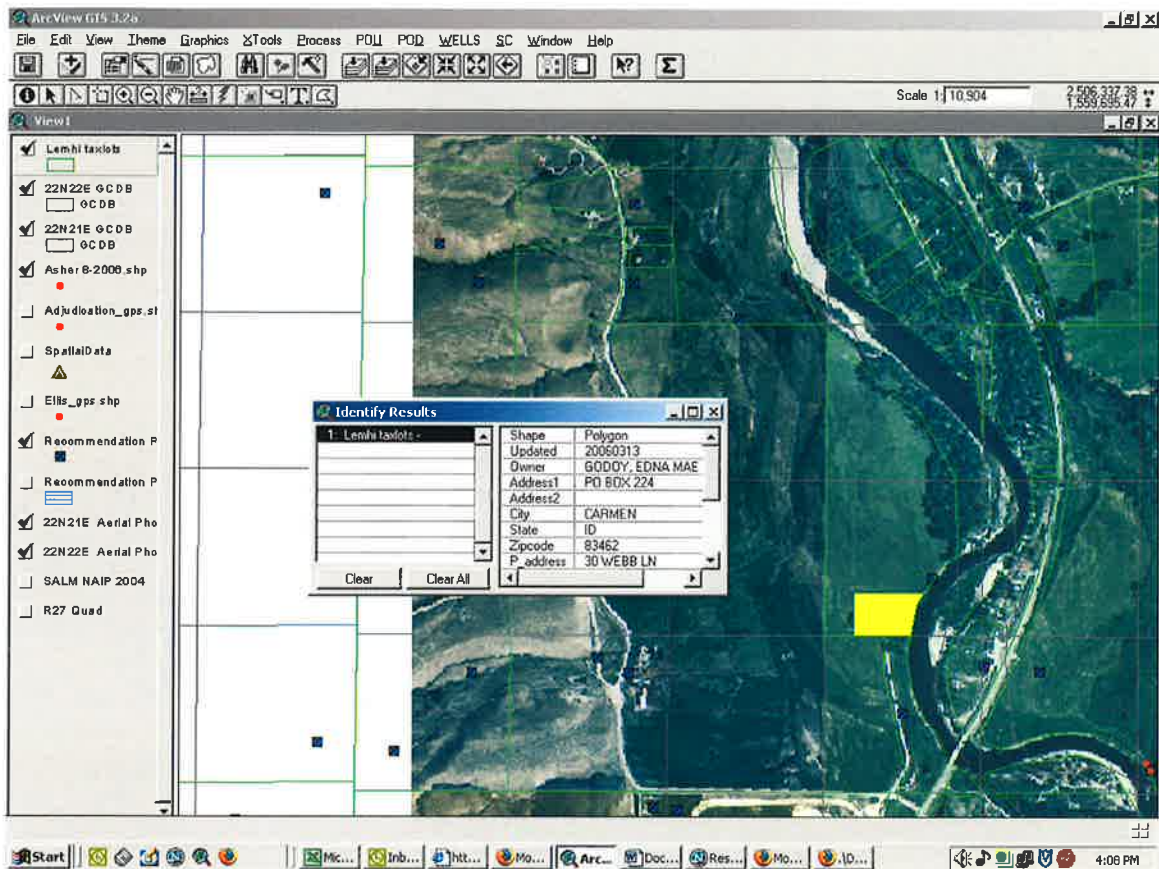
T22N R22E S18 Lot 8 NESE 4.30

4.3 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





Idaho Department of Water Resources

SRBA Claim:

75-4211

Legend

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



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography

July 25-05

RECEIVED

JUL 28 2005

DEPARTMENT OF
WATER RESOURCES

Roxanna

Please find enclosed
documents & degree's from
court as to dates of water
right entail

Thank You
Eva M L Lotzger

75-4211

SCANIN

JUL 28 2005

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 75-4211
Date Received: 8/26/1994
Receipt No: E020212
Received By:

COPY FOR YOUR FILE

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

1. Name of Claimant(s)

EDNA MAE GRAY ROTZIEN Phone: (208) 756-4031

PO BOX 224
CARMEN ID USA 83462

2. Date of Priority: 04/01/1886

3. Source: WASTE WATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	22E	19	NE NE	LEMHI	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.1	

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

8. Total consumptive use:

9. Non-irrigation uses:

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JUL 28 2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	18	NE	SE 8	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:

THIS PROPERTY HISTORICALLY WAS PART OF THE CHARLES THOMAS RANCH AND WAS IRRIGATED WITH THE SAME WATER. THEREFORE, THIS CLAIM HAS BEEN STRUCTURED TO BE SIMILAR TO A75-04509 WHICH DESCRIBES IRRIGATION OF THE THOMAS PROPERTY.

15. Basis of Claim: Statutory Claim

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☐ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☒ Both	Water Rights ☐ Applications ☐ Permits ☒ Decrees, Licenses and Statutory Claims ☒ Transfers ☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

basinFrom = 75

basinTo = 75

sequenceNumberFrom = 4211

sequenceNumberTo = 4211

lastName = rotzien

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversi Rate
Details	1	75	4211			Statutory Claim	Active	1886-04-01	0.1
Related Documents									
General Provision									

Number of records = 1

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JUL 28 2005

Doc Name	File Type	Water Right Number	Doc Date	Date Received
<u>OWNERSHIP CHANGE APPROVED</u>	Microsoft Word	754211	5/20/2005	
<u>Ownership Change</u>	Adobe Acrobat	754211	3/23/2005	3/23/2005
<u>Water Rights Back File 75-4211</u>	Adobe Acrobat	754211		
<u>Adjudication Claim Back File 75-4211</u>	Adobe Acrobat	754211		
<u>OWNERSHIP CHANGE APPROVED</u>	Adobe Acrobat	754211	2/15/2005	2/15/2005
<u>Change of Name Gray to Rotzien</u>	Adobe Acrobat	754211		2/15/2005
<u>Change of Ownership</u>	Adobe Acrobat	754211	10/19/2001	

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JUL 28 2005

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

CLAIM NO(s). 75-4211

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.: ADD15022

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

Ditch → metal headgate ; colvert on ditch
that leads back to river - flood irrigation

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

Flood irrigation out of waste water
Ditch.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED:

07-19-06

FIELD EXAMINER:

Asher Barton

Print Name

[Signature]

Signature

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: 75-4211

EDNA MAE GRAY ROTZIEN

PO BOX 224

CARMEN ID 83462

Telephone Number: (208)756-4031

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:

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:

12-4-06

SIGNATURE:

Edna Mae Gray Rotzien

Please print your name:

Edna Mae Gray Rotzien

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

SCANNED
DEC 12 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2005

EDNA MAE GRAY ROTZIEN
PO BOX 224
CARMEN ID 83462

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4211

Dear Mrs. Rotzien:

We have processed your name change (change in ownership) of the Notice of Claim to a Water Right referenced above for your property in Lemhi County. Thank you for your patience.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED

MAY 20 2005

Name Change

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

**RECEIVED
FEB 18 2005
DEPARTMENT OF
WATER RESOURCES**

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
<u>75-4211</u>					

**RECEIVED
FEB 15 2005**

Department of Water Resources
Eastern Region

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)

Franklin Gray (deceased)

4. New Owner/Claimant(s)

✓ Edna Mae Gray Rotzien
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

✓ P.O. Box 224

City, State and ZIP Code

✓ Parmer Id. 83462

New Telephone Number

✓ 208 756 4631

5. Date you acquired the property

✓ July 11th 1973

*O.K. to process
5/18/05*

**SCANNED
MAY 20 2005**

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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)

X Edna Mae Gray Rotzien
2-14-05

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 _____
 Received by Johnson AJ Date 3/23/2005 Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

Mailed to Claimant 5-20-05
-JP

SCANNED

MAY 20 2005

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
CENTER FOR VITAL STATISTICS AND HEALTH POLICY

CERTIFICATE OF DEATH

DATE FILED: AUGUST 22, 2000

STATE FILE NUMBER: 00-05762

DECEDENT: FRANKLIN MARK GRAY

DATE OF DEATH: AUG. 14, 2000
TIME OF DEATH: 2:28 A.M.

PLACE OF DEATH: SALMON, IDAHO

DATE OF BIRTH: APR. 08, 1922

PLACE OF BIRTH: CALIFORNIA

AGE: 78 YEARS

SEX: MALE

VETERAN? YES

MARITAL STATUS: MARRIED

SPOUSE (MAIDEN): EDNA SHENEFIELD

SOCIAL SECURITY NUMBER: 572-20-5251 RESIDENCE: CARMEN, IDAHO

FATHER: FRANKLIN M. GRAY, SR.

FATHERS BIRTHPLACE: CANADA

MOTHER (MAIDEN): RUBY WOLVERTON

MOTHERS BIRTHPLACE: CANADA

MORTUARY: SALMON RIVER FUNERAL CHAPEL

MORTICIAN: SHAUN O'REILLY

SALMON, IDAHO

DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: SAMUEL D. GARDNER, D.O.

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

CVA

ALZHEIMER DEMENTIA

30 MINUTES

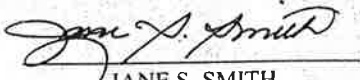
> 3 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: NATURAL

SCANNED

This is a true and correct reproduction of the document officially registered and placed
on file with the IDAHO CENTER FOR VITAL STATISTICS AND HEALTH POLICY.DATE ISSUED: AUGUST 23, 2000This copy is not valid unless prepared on engraved border
displaying state seal and signature of the Registrar.
JANE S. SMITH
STATE REGISTRAR

STATE OF IDAHO

County of LEMHI

No. 148

Marriage License

Instrument No. 247071

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Matrimony between:

GROOM

AND

BRIDE

Name: LEROY DELBERT ROTZIEN

Address: SALMON, LEMHI County, IDAHO

Age: 58 Race: WHITE Status: DIVORCED

Birthdate: 6/10/1942

Birthplace: HUTCHINSON MINNESOTA USA

Name: EDNA MAE GRAY

Address: SALMON, LEMHI County, IDAHO

Age: 64 Race: WHITE Status: WIDOWED

Maiden name if previously married: SHENEFIELD

Birthdate: 5/23/1936

Birthplace: LOS ANGELES, CALIFORNIA USA

And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at
SALMON, LEMHI County, IDAHO, this 10th day of May, 2001

TERRI J. MORTON Recorder

Haren L. Baumert

Deputy Recorder

Marriage Certificate

I, Ervin Volamann, a Pastor
residing in the city of Lolo MT, in the county of Beavall, in the state of MT
do certify that, in accordance with the authority on me conferred by the above license, I did on this 27th day
of May in the year A.D. 2001 in the city of Salmon in
the county of Lemhi, in the state of Idaho, solemnize the rites of matrimony between

LEROY DELBERT ROTZIEN of SALMON, in the county of LEMHI, of the state of IDAHO
and EDNA MAE GRAY of SALMON, in the county of LEMHI, of the state of IDAHO

in the presence of Chad A. Schroder and Pamela Kay Elder
WITNESS my hand at the county aforesaid, this 27th day of May A.D. 2001.

In the presence of:

Officiant's Signature

Officiant's Mailing Address

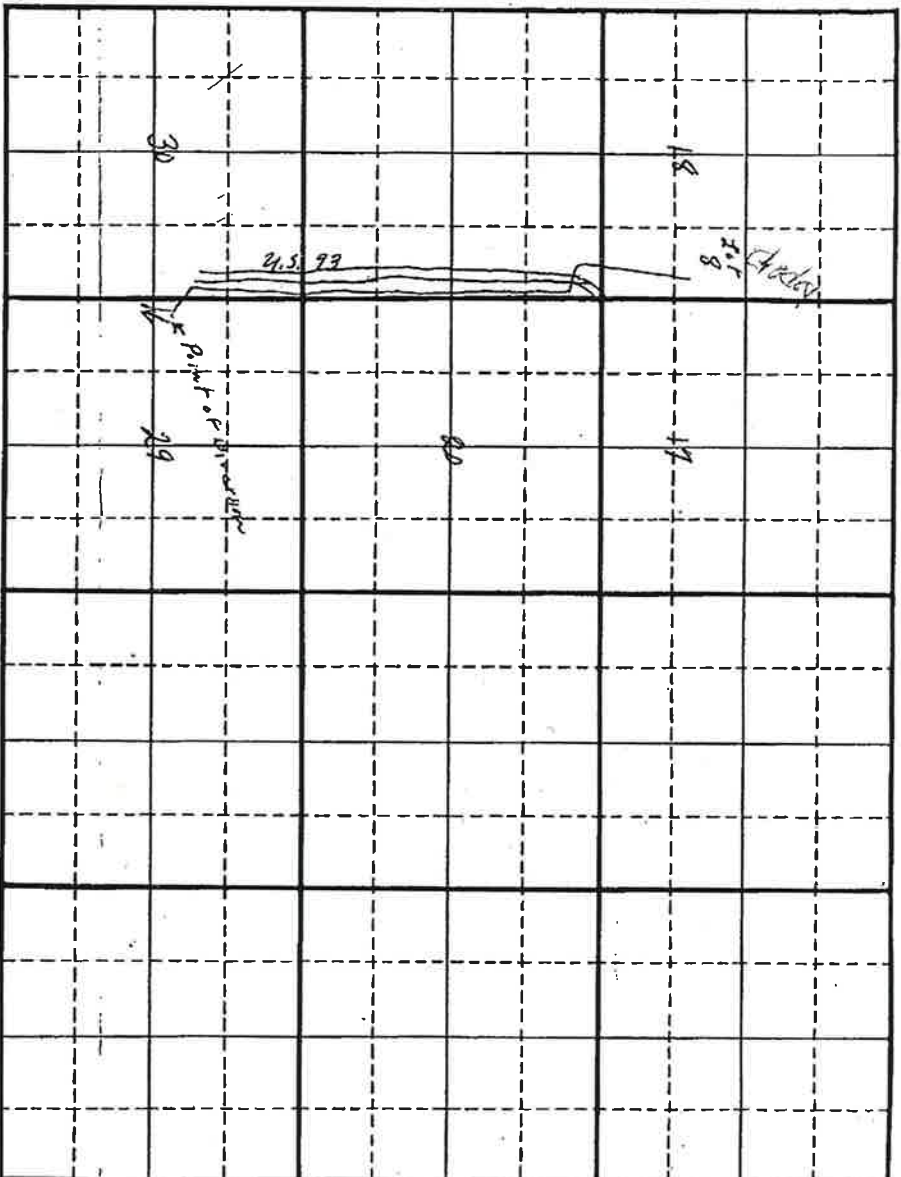
Chad A. Schroder
and Pamela Kay Elder

Pastor Ervin Volamann
9595 Lolo Ck. Rd.
Lolo, MT 59847

(This copy for the Bride and Groom)

SCANNED

(8) Remarks T 22 N. R. 22 E 1/4 M.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Idaho) ss.

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

Sworn to before me this 7th day of January, 1982.
(Claimant) Ledra Mae Hodges

Notary Public Melvin Stephen Smith
Residing at Shelton, Idaho

My commission expires life

FOR DEPARTMENT USE ONLY

Received by AW Date 1-11-82 Exception filed by: _____ Forwarded to _____ Date _____
Perim. check by AW Date 1-11-82
\$20.00 fee received by AW Date 1-11-82
Published in Idaho State Journal #20046 claimant by: _____

Dates Jan 21 & 28, 1982

75-4211

GODOY, EDNA MAE
BOX 39, CARMEN, ID.
83462

Source: SPRINGS tribu-
tary to SALMON RIVER

Priority Date: 08/01/1908

Amount: 0.09 CFS

Diversion Point: NWSW
Sec 29 T 22N R 22E, LEM-
HI Co.

Use: IRRIGATION (0.09
CFS) from 03/15 to 11/15

Place of Use: NESE Sec 18
T. 22N R 22E FOR 5
ACRES

Diversion Means: BOR-
ROWPIT AND CULVERT

Any exception to any
claim of water right may
be filed with the Director
of the Idaho Department
of Water Resources, 150
Shoup Ave., Idaho Falls,
Idaho 83402.

A. KENNETH DUNN
Director

Published 1/21 & 1/28/

82.

MICROFILMED 21-2tc

Quitclaim Deed.

RECEIVED

JUL 28 2005

DEPARTMENT OF
WATER RESOURCES

This Indenture, Made the seventeenth day of June In the year of our Lord one thousand nine hundred and seven between Eva D. Webb and Charles H. Webb, her husband, of the County of Lemhi and State of Idaho, the part ies of the first part, and Moade Neal

County of Lemhi State of Idaho the part V of the second part, WITNESSETH, that the said part ies of the first part, for and in consideration of the sum of Two Hundred (\$200.00)

lawful money of the United States, to them in hand paid by the said part y of the second part, the receipt of which is hereby acknowledged, do REMISS, RELEASE and forever QUITCLAIM unto the said party of the second part, and to his heirs and assigns, the following described real estate, situated in the County of Lemhi and State of Idaho, to-wit:

The undivided one third interest or share of, in and to that certain water right of four hundred miners inches, measured under a four inch pressure, of the waters of Salmon River, Lemhi County, State of Idaho, taken therefrom at a point on the west side of said Salmon River, on Lot Four of Section Twenty in Township Twenty Two North of Range Twenty two east of Boise Meridian, the said water right being more particularly described in the location notice thereof recorded in the office of the Recorder of Lemhi County, Idaho, on the 25th day of March, 1897, in Book "B" of Water Rights, at page 236, of the records of said county.

Also the undivided one third interest or share of, in and to the ditch, belonging to the said parties of the first part, conveying said water from the Salmon River.

together with all the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest properly, possession, claim and demand whatsoever as well in law as in equity, of the said part ies of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said part y of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand and seals the day and year first above written.

Signed, sealed and delivered in the presence of

J. C. Sinclair

Eva D. Webb

(SEAL)

Charles H. Webb,

(SEAL)

STATE OF IDAHO, } ss.
County of Lemhi

On this Eighteenth day of June 1907, before me John C. Sinclair

Notary Public in and for said County, personally appeared Eva D. Webb and Charles H. Webb known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same; and on this 1907 day of June, before me, the officer above described, personally appeared

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 made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that 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 in this certificate first above written.

Seal.

John C. Sinclair,

My Commission expires February 11th 1911.

Notary Public in and for the County of Lemhi, State of Idaho.

STATE OF IDAHO, } ss.
County of Lemhi

I hereby certify that this instrument was filed for record at request of J. C. Sinclair

at 30 minutes past 9 o'clock A. M., this 20th day of June A. D. 1907, in my office, and duly recorded in Book 0 of Dec at page 173.

JUL 28 2005

W. Smith
Ex-officio Recorder.

By Drumth

Notice

Notice is hereby given that I the undersigned do hereby claim four hundred inches of the waters of this stream (Salmon River) to be taken therefrom at a point on the west side thereof where a copy of this notice is posted, and on lot (17) Four of Section 20 in Township 22. north of Range 22. East of Boise Meridian, in the County of Lemhi State of Idaho. And that I intend to convey said water by means of a ditch of sufficient capacity from said point of diversion to and upon my desert land claim embracing what will be when platted the E 1/2 S. W. 1/4 Sec 7. and that portion of S. W. 1/4 S. E. 1/4 of Sec 7 on the west side of Salmon River, and the N. W. 1/4 N. E. 1/4 Sec 18. T. 22. N. Range 22. East, to be used thereon for the purpose of irrigating said land and for domestic and other purposes.

Dated on the ground May 1st 1892.

Witness

C. H. Webb.

Eva D. Webb.

Recorded at request of Eva D. Webb, March 23-1897 at 30 minutes past 1 O'clock P.M. in Book 3rd of Water Rights Page 236 - Records of Lemhi Co. County Idaho

J. P. Plough
Recorder

SCANNED

JUL 28 2005

This Indenture, Made the first day of August in the year 1908, between Jeremiah Fahey, a bachelor, of Gibbonsville, Idaho, and Thomas Griffiths, of Butte, Silver Bow County, Montana, party of the second part, Witnesseth: That the said party of the first part for and in consideration of the sum of One (\$1.00) 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 remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land, situated in the said Lemhi County of the State of Idaho, and bounded and particularly described as follows, to wit:

All right title and interest in and to the Belle Placer Claim, originally located on the 13th day of March, 1893, by Fred W. Turner, Frank A. Patton and John Boyle, and recorded on page 274, of Book F records of Lemhi County, Idaho, to which record reference is hereby made.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions 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 into the 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 presence of

Francis T. Morris

State of Idaho,)

County of Lemhi.) ss

Jeremiah Fahey (Seal)

On this 5th day of October in the year 1908, before me A. L. Kirk a Notary Public in and for the County of Lemhi State of Idaho, personally appeared Jeremiah Fahey known to me to be the person whose name is subscribed to the within instrument, and who severally acknowledged to me that he executed the same.

In Testimony Whereof, I have hereunto subscribed my hand, and affixed my Notarial Seal on this 5th day of October 1908.

A. L. Kirk

Notary Public in and for Lemhi County, Idaho.

Seal

State of Idaho,)
County of Lemhi) ss

I hereby certify that the within instrument was filed for record Oct. 15, A.D. 1908, at 9 o'clock A.M. and recorded in Book R of Deeds on page 216 Records of Lemhi County, Idaho.

County Recorder.

Instrument No. 7226

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, GREETING:
Homestead Certificate No. 1437.)

Application 2127.

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 Meade Neal has been established and duly consummated, in conformity to law, for the lots seven and eight of Section eighteen in Township twenty-two north of range twenty two east of the Boise meridian, Idaho, containing fifty and eighty-five hundredths acres according to the official plat of the Survey of the said land, returned to the General Land Office by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said Meade Neal the tract of Land above described; To Have And To Hold the said tract of Land, with the appurtenances thereof, unto the said Meade Neal 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, as may be recognized and acknowledged by local customs, laws and decisions of Courts, and also subject to the rights 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 thirteenth day of January, in the year of our Lord one thousand nine hundred and eight and of the Independence of the United States the one hundred and thirty-second.

Seal

By the President: Theodore Roosevelt

By M. W. Young, Secretary.

H. W. Sanford

Recorder of the General Land Office.

SCANNED

JUL 28 2005

Recorded Vol. 712, Page 10

Recorded at the request of Meade Neal, Oct. 17th., 1908 at minutes past 4 o'clock P.M., in Book R of Deeds page 216 Records of Lemhi County, Idaho.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR LEMHI COUNTY.

BERTHA N. ROSE,
Plaintiff,
vs.

D E C R E E.

CHARLES H. WEBB, EVA D. WEBB,
husband and wife, BERTHA N.
MALCOLM and FRANK MALCOLM,
wife AND husband,
Defendants.

This cause came on regularly to be heard in open Court, at the April, 1925, term thereof, E. H. Casterlin, Esq. and Messrs. Whitcomb, Cowen & Clark appearing as counsel for the plaintiff, and Messrs. Burleigh & Glennon appearing as counsel for all the defendants, thereupon testimony and documentary proof were introduced and submitted on the part of the respective parties hereto, and the case was submitted to the Court upon the same for final determination, and after having duly considered the same, and being fully advised in the premises, the Court files its Findings of Fact and Conclusions of Law in writing, and orders that judgment be entered herein in accordance therewith.

WHEREFORE, by reason of the law, and the Findings and Conclusions of Law, aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff, Bertha N. Rose, in her own right, and for her sole and separate use and benefit, is the owner, and is entitled to the possession of a certain ditch and ditch system acquired and constructed by Joe Moodie, which includes the Tendoy Ditch and the Moodie Extension so-called as parts thereof, located in Lemhi County, State of Idaho, the point of diversion of which is located in and on Wallace Creek about three and one-half miles distant from its junction with the Salmon River upon unsurveyed and unoccupied Public Domain, whence the said ditch runs in a southerly or south-easterly direction on the westerly side of Salmon River to the head of Dry Gulch so-called, thence in a southerly or southeasterly direction to Deriar Gulch, thence down the natural water-course of Deriar Gulch to Queen Gulch, thence down the natural water-course of Queen Gulch to a point now established where an artificial ditch leads to the lands of this plaintiff, together with sufficient land on either side of said ditch and this ditch system for the proper care and maintenance thereof; also that said plaintiff in her own right and for her sole and separate use and benefit is the owner and entitled to the use of 1.6 cubic feet per second in time of the waters of Wallace Creek with the exclusive right to conduct the same through said ditch and ditch system with date of priority in the fall of 1912, when said ditch and ditch system was acquired and completed, to and upon plaintiff's lands, to which said ditch, said water and water rights are appurtenant, and which said lands are located and situated in Lemhi County, State of Idaho, and described as follows, to-wit:

Southeast Quarter of the Southwest Quarter, Northeast Quarter of the Southwest Quarter, Southeast Quarter of the Northwest Quarter, Southwest Quarter of the Northeast Quarter, West Half of the Southeast Quarter, and Lot 9 of Section 18, Township 22 North, Range 22 East of the Boise Meridian.

That the defendants, Bertha N. Malcolm and Frank Malcolm, are the owners of the following described land situated in Lemhi County, Idaho, to-wit:

Lots 8, 11, and 13, in Section 6, and Lots 7, and 8, of Section 18, Township 22 North, Range 22 East of the Boise Meridian.

That the defendants, Bertha N. Malcolm and Frank Malcolm, have the right to enlarge and increase at their exclusive costs and expenses that part of said ditch and ditch system designated as the Tendoy Ditch for the purpose of conducting any unappropriated water from said Wallace Creek to Dry Gulch, thence down Dry Gulch to and upon their said lands, but said use shall always be limited to and measured by the increased carrying capacity of said ditch in excess of 1.6 cubic feet of water per second of time, and shall at all times be subject and subordinate to the rights of the plaintiff herein decreed.

That the said defendants, Charles H. Webb and Eva D. Webb, or either of them, have no right, title, interest or estate whatsoever in or to the said ditch and ditch system acquired and constructed by said Joe Moodie for any use or purpose whatever.

That the rights of the plaintiff, Bertha N. Rose, and of the defendants, Bertha N. Malcolm and Frank Malcolm, in and to the said ditches are hereby quieted ~~in favor of~~ ^{as above decreed.} respective parties as above decreed.

That the defendants, and each and all thereof, their agents, employees, attorneys and successors, be, and they are hereby forever restrained from in any manner interfering with the rights of the plaintiff, Bertha N. Rose, in and to the said ditch and ditch system as herein decreed, and her right to conduct 1.6 cubic feet per second of time of the waters of Wallace Creek therein and therethrough to and upon her said lands, and from in any manner

JUL 28 2005

interfering with her right to maintain and operate said ditch and ditch system for the purpose of irrigating her said land as herein decreed.

That costs and charges of enlarging said Tendoy Ditch as herein permitted, shall be borne and discharged exclusively by the defendants, Bertha N. Malcolm and Frank Malcolm that the costs and charges of keeping in repair and maintaining the said Tenday Ditch after its enlargement shall be paid by the plaintiff, Bertha N. Rose, and the defendants, Bertha N. Malcolm and Frank Malcolm in proportion to the respective uses made thereof, and the amount of water carried thereon by each respectively.

That the plaintiff, Bertha N. Rose, do have and recover from the said defendants the sum of \$ 61.70 assessed as costs and disbursements herein.

Judgment rendered this 30th day of July, 1925.

Ralph W. Adair
Judge of said District Court.

Filed and Entered August 4th, 1925.

W. W. Simmonds, Clerk,

By Delia M. Glennon, Deputy.

Book C of Judgments, Pages 310-311.

IN THE SUPREME COURT OF THE STATE OF IDAHO.

DON C. RICHARDS

Respondent,

vs.

No. 4229

SAMUEL M. JARVIS,

Ellen F. Jarvis, and The

Lemhi Valley Bank, a cor-

poration.

Appellants.

This cause having been heretofore heard, submitted and taken under advisement and the court having fully considered the same, now on this day the cause was again called and the decision of the court is delivered by Justice Budge, to the effect that the judgment of the lower court be reversed and the cause remanded.

It is therefore considered, adjudged and decreed that the judgment of the district court of the sixth judicial district in and for Lemhi County in the above entitled cause be and the same hereby is reversed and the cause is remanded with directions to the court below to amend its findings and judgment in accordance with the views expressed in the opinion of this court. Each of the parties to this appeal is to bear his own costs.

I, I. W. Hart, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the preceding and annexed contains a true and correct copy of the original judgment entered in the above entitled cause, on the 30th day of July, 1925, and now on file in my office.

Witness my hand and the seal of the Court this 30th day of July, 1925.

-SEAL-

I. W. Hart
Clerk

Filed & Entered August 24th, 1925.

W. W. Simmonds, Clerk

By Margaret Shoup, Deputy

Judgment Book "C", Page 311.

SCANNED

JUL 28 2005

WARRANTY DEED

THIS INDENTURE, Made this 31st day of May in the year of our Lord one thousand nine hundred and forty-seven, between FRANK MALCOLM, a widower of Salmon, County of Lemhi, State of Idaho, the party of the first part, and RAY F. PIERCE, 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 and in consideration of the sum of Six Thousand and No/100 (\$6,000.00) -----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, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in said County of Lemhi, State of Idaho, to-wit:

Lots Seven (7) and Eight (8) of Section Eighteen (18), Township Twenty-two (22), North, Range Twenty-two (22) East of the Boise Meridian.

Together with all water rights and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith, now and/or at any time, including, but not limited to the following:

All waters allocated to the above described land by decree of District Court of Lemhi County, Idaho, dated July 30th 1925, and recorded in Book C of Judgments, page 310,

Revenue Stamp Canceled \$3.50 12/1/47 P.M.

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; 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 his heirs and assigns forever and the said party of the first part, and his 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 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 PRESENCE OF

Frank Malcolm (SEAL)

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

On this 31st day of May in the year 1947, before me J. W. Herndon, a Notary Public in and for said State, personally appeared Frank Malcolm 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)

J.W. Herndon
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 Ray F. Pierce at 3 minutes past 10 o'clock A.M., this 1st day of December, A.D. 1947 in my office, and duly recorded in Book 40 of Deeds at page 515.

W.W. Simmonds
Ex-Officio Recorder

By Buddy L. Simmonds
Deputy

Fees, \$1.25 Paid

SCANNED

JUL 28 2 1948

IN THE PROBATE COURT OF THE COUNTY OF LEMHI, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE)
 OF)
 BERTHA N. MALCOLM, DECEASED.) DECREE DISTRIBUTING COMMUNITY ESTATE.

Frank Malcolm, having on the 23rd day of April, 1931, filed in this Court his petition setting forth among other matters, that Bertha N. Malcolm died intestate in the County of Lemhi, State of Idaho, on or about March 5, 1931, possessing title to certain real property subject to the liens thereon, situated in said County of Lemhi, State of Idaho, and hereinafter described, and therein declaring that he and Bertha N. Malcolm were at the time of her death, husband and wife, and that such relation had existed since December 19, 1908, and that all of said real property hereinafter described was acquired after said marriage and that the same constituted community property; and said matter coming on regularly to be heard this 23rd day of April, 1931, upon proof that due and legal notice of such hearing had been given by order of this Court heretofore made, the said Frank Malcolm appearing by counsel, E. W. Whitcomb, and no other person making any appearance, either in person or by counsel, this Court proceeded to the hearing of said petition, and it appearing to the satisfaction of this Court that the allegations contained in said petition are true and that said real estate hereinafter particularly described constitutes community property, and that said Frank Malcolm, as the surviving spouse is entitled to have the same decreed to him;

Now, on this, the said 23rd day of April, 1931, on motion of E. W. Whitcomb, counsel for said Frank Malcolm;

IT IS ORDERED, ADJUDGED AND DECREED, That Frank Malcolm and Bertha N. Malcolm were lawfully married on or about December 19, 1908, and ever after continued to be husband and wife up to the time of the death of said Bertha N. Malcolm. That Bertha N. Malcolm died intestate on or about March 5, 1931, then possessing title, subject to certain liens and mortgages thereon, to the following described real property, situated in the County of Lemhi, State of Idaho, to wit:

All of Lots Numbers 8, 11 and 13, of Section 6, and Lots No. 7 and 8 of Section 18, Twp. 22 N.R. 22 E. B. M., containing 152.91 acres.

Together with all the ditches, water and water rights belonging to said premises or used in the irrigation thereof, or in connection therewith. Including that certain water right to the use of two cubic feet per second of the waters of Wallace Creek, according to the location thereof recorded in Book "B" of Water Rights, page 279.

That said Bertha N. Malcolm acquired said property on or about September 26, 1921, and that the same was purchased from the joint earnings of said Bertha N. Malcolm and Frank Malcolm. That all of said real property, subject to existing liens and mortgages thereon, and the title thereto, is hereby distributed to Frank Malcolm as the surviving spouse of said marriage.

Done in open Court this 23rd day of April, 1931.

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

G. W. Cronkrite,
 Probate Judge.

I, G. W. Cronkrite, Ex-Officio Clerk of the Probate Court of the County of Lemhi, State of Idaho, hereby certify that I have compared the foregoing copy with the original decree rendered in the matter of the above named estate, and filed in my office on the day of April, 1931, and that the same is a full, true and correct copy of such original decree and of the whole thereof and now on file in this office.

WITNESS my hand and the seal of said Court, this 23rd day of April, 1931.

((SEAL))

G. W. Cronkrite
 Clerk.

Recorded at the request of Frank Malcolm, April 23rd, 1931, at 20 minutes past 4 o'clock P.M., in Book V of Deeds, page 592, Records of Lemhi County, Idaho.

Fee: 1.50

W. A. Simmonds
 County Recorder.

SCANNED

APR 28 2005

This Indenture, Made this 26th day of September in the year of our Lord one thousand nine hundred and twenty-one between Charles H. Webb and Eva D. Webb husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and Bertha N. Malcolm 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

One and No/100 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, has 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 her 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 Lots Numbered Eight, Eleven and Thirteen of Section Six, and Lots Numbered Seven and Eight of Section Eighteen all in Township Twenty-two North, Range Twenty-two East of the Boise Meridian, Containing 152.91 acres of land

Together with all the ditches, water and water rights belonging to said premises, or used in the irrigation thereof or in connection therewith. Including that certain water right to the use of two cubic feet per second of the waters of Wallace Creek according to the location thereof recorded in Book B of Water Rights page 279 of the Records of Lemhi County, Idaho.

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 part 1st 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 part Y of the second part, and to her heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said part Y of the second part, her heirs and assigns, against the said parties of the first part and their heirs, 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 hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Charles H. Webb (SEAL)

Eva D. Webb (SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF LEMHI }

On this 26th day of September in the year 1921 before me, Allen C. Merritt

a Notary Public in and for the said County, personally appeared

Charles H. Webb and Eva D. Webb 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.

SEAL

Allen C. Merritt

SCANNED

JUL 28 2005

County of Lemhi State of Idaho

TERMINA THOMAS, husband and wife
County of Lemhi State of Idaho

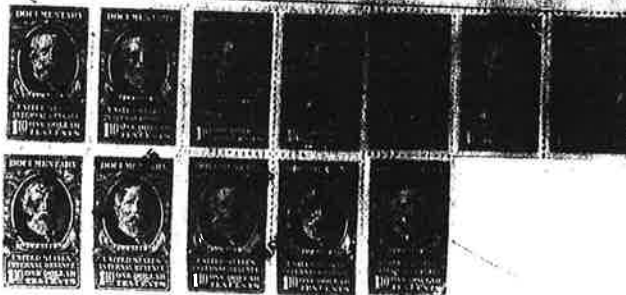
of the second part.
WITNESSETH, That the said parties of the first part, for and in consideration of the sum
TWELVE THOUSAND and NO/100 - - - - - (\$12,000.00) - - DOLLARS,
lawful money of the United States of America,

to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bar-
gained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the
said parties of the second part, and to their heirs and assigns forever, all of the following
described real estate, situated in Salmon, County of Lemhi, State
of Idaho, to-wit:

Lots Seven (7) and Eight (8) of Section Eighteen (18), Township Twenty-two (22)
North, Range Twenty-two (22) East, Boise Meridian.

Together with all water rights and rights in ditches, canals and laterals, and
rights of way therefore, appurtenant to said premises or used in connection
therewith, now and/or at any time, including, but not limited to the following:

All waters allocated to the above described land by Decree of District Court of
Lemhi County, Idaho, dated July 30th 1925, and recorded in Book O of Judg-
ments, page 310, records of Lemhi County, Idaho.



TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto
in anywise appertaining, the reversion and reversions, remainder and remainders,
profits thereof; and all estate, right, title and interest in and to the said property,
as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises,
with the appurtenances, unto the parties of the second part, and to their heirs
forever; and the said parties of the first part, and their heirs, the said prop-
erty, together with all and singular the tenements, hereditaments and appurtenances
thereunto in anywise appertaining, unto the parties of the second part, and to their heirs
forever, unto the full term and years therein expressed, and unto the day of the said

SCANNED

JUL 28 2005

WHEREOF, the said parties of the first part have hereunto set
hand s and seals the day and year first above written.
SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Ray F. Pierce (Seal)
Verlin B. Pierce (Seal)

(Seal)
(Seal)

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

On this 12th day of May In the year 19 65, before me
a Notary Public
in and for said State, personally appeared
RAY F. PIERCE and VERLIN B. PIERCE, 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.

Ray F. Pierce
Notary Public for the State of Idaho
Residing at Salmon, Idaho

GRANTY DEED

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

Notary Public for the State of Idaho

Residing at Salmon, Idaho

1.75

Deeds

at page

Elsenor Aldous

Ex-Officio Recorder

1.75

SCANNED
JUL 28 2005

State of Idaho } ss.
County of Lemhi }

To all concerned: Notice is hereby given:

- 1st. That William Hoffman of Lemhi co. Idaho hereby claim the use of the waters of Wallace creek to the extent of Two cubic feet per second.
- 2d. 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:
Beginning at or near one certain arasta and also where an old Race ditch formerly owned and operated by Whitwell and Ovington intersects said Wallace creek.
- 3d. The purpose for which said water is intended to be used is Agricultural and domestic purposes. The place of intended use is situated at the mouth of said Wallace creek west of Salmon River and north of Wallace creek watering about 40 Acres more or less.
- 4th. It is intended to divert said water by means of ditch 2 ft. wide and one foot deep. The general course of the proposed canal is North Easterly. The length of the proposed canal is about 80 rods more or less. It is intended to use said water for irrigating the following described lands. The lands lying north of Wallace creek containing about 40 acres more or less.
- 5th. It is intended to have the works for diversion and use of said water as aforesaid completed within (3) Three years.

Witness my hand at Wallace Creek, Idaho - this 13 day of May 1898
Wm. Hoffman Claimant.

State of Idaho } ss.
County of Lemhi }

Wm. Hoffman 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 the 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 13 day of May, 1898 at 7 o'clock P.M.

Subscribed and sworn to before me this 14 day of May, 1898.
(Seal) J. P. Delough
County Recorder

STATE OF IDAHO, } ss.
County of Lemhi }

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

Wm. Hoffman

at minutes past 2 o'clock

P. M., this 14 day of May, 1898

A. D. 1898, in my office, and duly recorded

in book R. at page 272

J. P. Delough

County Recorder

By B. R. Humphrey Deputy

SCANNED

JUL 28 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho for any diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1985. Excepted from this filing are single-family domestic uses as defined in Section 42-233b, Idaho Code. Any water right is subject to review by a permit, license, decree, adjudicated right or a previously filed claim.

The filing of this claim does not confer the water right, and failure to file may result in forfeiture of a water right.

My name is Charles W. Thomas (Name of Claimant)
My address is 215 E. 1st St. Boise, Idaho 83721 (Mailing Address) (Zip Code) Telephone No. 254-1111

1. I claim rights to the diversion and beneficial use of the water shown below. The extent and nature of said claim is as follows:

(2) Date of priority: When was the water first diverted to a beneficial use? April 1, 1960
A claim is not acceptable on a ground water source with a priority later than March 26, 1962 or on a surface water source with a priority later than May 20, 1962. An exception is that a claim may be filed on single family domestic uses from a ground water source.

(3) Describe the source of water (Name of stream, lake, spring, etc.) or ground water.
Snake River

(4) Describe the purpose for which the water has been used and the time during the year when you have used the water claimed.
Irrigation

(5) (a) Quantity 5.00 cfs Use Irrigation Period of Use From April 1 To May 1
Quantity Use Period of Use From To
Quantity Use Period of Use From To
Quantity Use Period of Use From To

(6) 5.00 TOTAL QUANTITY USED:
(cfs, etc.)

(7) A. Point of diversion. (Location of point where water is diverted from its source).
NE 1/4 NE 1/4, Sec. 19 Twp. 22N Rge. 22E S.M. County of Latah
Additional points of diversion: SW 1/4 NE 1/4 Section 19 Twp. 22N Rge. 22E

B. Describe means of diversion of water. (Pump and pipeline, well, divers on dam, reservoir, levee, or ditch and right, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Open ditches collect waste water & carry it to the claimant's property.

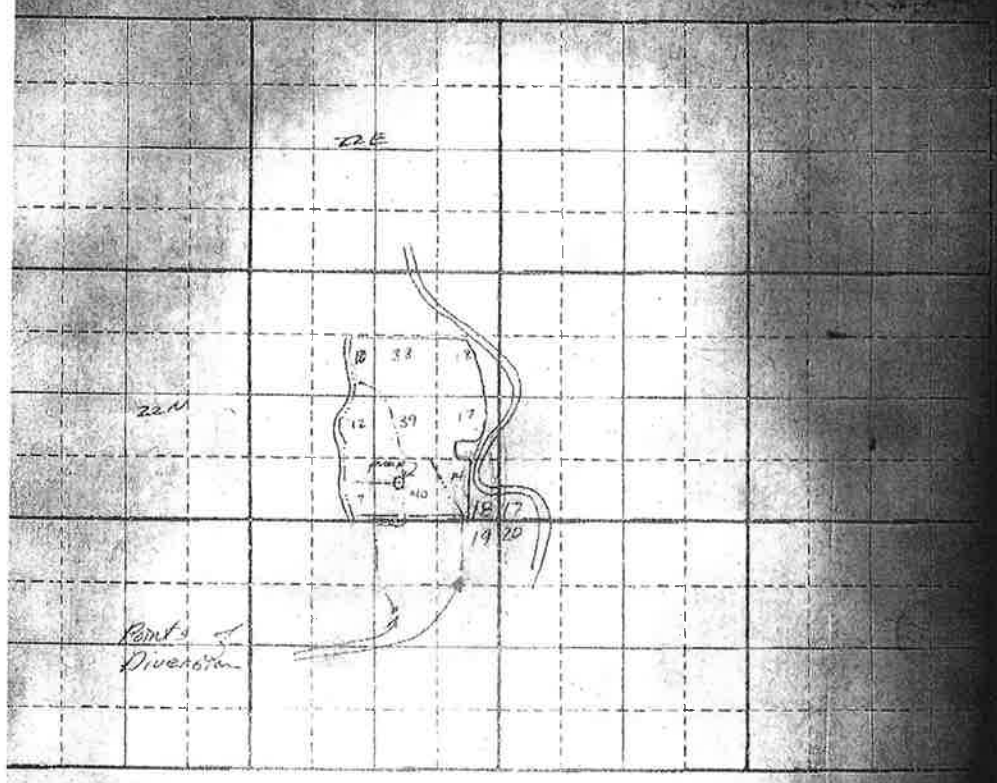
(8) A. Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If used not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
22N	22E	18			30	10								7					145

SCANNED
JUL 28 2009

Microfilm

8. Remarks: *Points of diversion were located so as to avoid the main line of the river and to maintain the channel which carry water to the property.*



Scale: 2 inches equal 1 mile.

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

State of Idaho

County of *Lemhi*

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

Charles C. Thomas
(Claimant)

Sworn to before me this *21* day of *April* 19*82*

SCANNED
JUL 28 2005

Thomas R. Rasmussen
Notary Public
Residing at *Lemhi, Idaho*

My commission expires *12-21-82*

NOTARY PUBLIC
STATE OF IDAHO
My commission expires *12-21-82*
My office is located at *100 N. Main St., Lemhi, Idaho 83351*
My telephone number is *208-838-1111*
My fax number is *208-838-1111*
My e-mail address is *trrasmussen@idnet.net*

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

I hereby certify that this instrument was filed for record at request of Walter Selok at 25 minutes past 11 o'clock A.M., this 23rd day of October, 1964, in my office, and duly entered in Book 49 of Deeds at pages 346-47.

Paul Adams Ex-Officio Recorder.

Fees, \$1.75 Paid

By Marguerite Butler Deputy.

Instrument No. 101614
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

CHARLES C. THOMAS,

Plaintiff,

vs.

OSCAR L. HUNSAKER and

LAURETA BLACK,

Defendants.

No. 4431

DECREE

This cause coming on regularly to be heard this 15th day of October, 1964, before Honorable Ezra P. Monson, Judge of the above entitled Court, sitting without a jury, the plaintiff appearing by his attorney, Sherman F. Furey, Jr., and the Defendants appearing by their attorneys, Charles Herndon and Fred H. Snook, respectively, and the parties having executed and entered herein a Stipulation settling the matters in dispute, and providing that Decree may be entered herein in accordance with said Stipulation, and the Court having considered the evidence, and being advised in the premises, and Findings of Fact and Conclusions of Law having been waived;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, as follows:

1. That there is decreed to plaintiff and to plaintiff's lands hereinafter described a ditch easement right of way on and across a portion of the lands of defendants hereinafter described, which said easement and right of way is described as follows:

A right of way and easement for an irrigation and stock-water ditch, and for maintenance of the same, the easterly boundary of said right of way being 10 feet from the centerline of the easterly side thereof, and the westerly boundary being 2 feet from the centerline on the westerly side thereof, said centerline being more particularly described on Exhibit "A", attached hereto, and by reference made a part hereof.

2. That there is decreed to plaintiff and to plaintiff's land hereinafter described the right to go upon and clean and maintain, so that it will carry water, the portion of a ditch, the centerline of which is more particularly described on Exhibit "B", attached hereto, and by reference made a part hereof. Plaintiff shall not have the right to deepen or widen said portion of ditch.

3. Defendants and their successors in interest shall and do have the right to dam the southerly extremity of the portion of a ditch described in Exhibit "B", attached hereto, and to divert water therefrom in such amounts and at such times as is necessary for the proper irrigation of defendants' premises, but at such times as the water in said ditch is not needed for the irrigation of defendants' said premises, the water in said ditch shall be released into the ditch running to plaintiff's premises, being the portion of a ditch described in Exhibit "B" hereof. For the purpose of controlling the water as provided in this paragraph, an adequate headgate according to State of Idaho Department of Reclamation standards shall be constructed at said point of diversion, and the expense of building and maintaining said headgate shall be paid by plaintiff.

4. That there is decreed to plaintiff as an appurtenance of his premises, a right of way and easement for an irrigation ditch and for maintenance thereof, which ditch is approximately 400 feet long, being 6 feet on each side of a centerline, described on Exhibit "C", attached hereto, and by reference made a part hereof. Said easement and right of way shall be 12 feet wide, 6 feet on each side of said centerline; provided, however, that defendants and their successors shall have the right to maintain under said ditch a drain pipe or culvert to drain excess water from defendants' said lands; provided, further, however, that defendants and their successors shall maintain such drain in such way as not to interfere with, or in any way damage, plaintiff and his successors in their use of said ditch as an irrigation ditch.

5. Defendants and their successors in interest in the realty through which said ditch rights of way pass are perpetually restrained and enjoined from cutting, damming, breaking, blocking or otherwise interfering with the natural flow of water in, and into, the ditch maintained by plaintiff and his successor in interest along said rights of way described on Exhibit "A", and Exhibit "C", provided, however, that defendants may divert water from the southerly extremity of the ditch described on Exhibit "A" for periods of time not exceeding six days each calendar month. Plaintiff and defendant Hunsaker shall divide equally the expense of installing and maintaining headgates for the purpose of making such diversion.

6. The provisions herein are, and shall be, from the date hereof, covenants running with the lands of plaintiff and defendants, respectively.

7. Plaintiff's said lands referred to hereinabove are situate in Lemhi County, and are described as follows:

W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, and Lot 9, less 9.6 acres in Section 18, T. 22 N., R. 22 E.B.M.

8. Defendants' said lands referred to hereinabove are situate in Lemhi County, Idaho, and are particularly described on Exhibit "D", attached hereto, and by reference made a part hereof. The rights and duties granted and imposed on defendants herein shall be, from the date of decree herein, appurtenances of, and charges against, said lands of defendants.

9. Money damages claimed by any of the parties in this action are hereby denied.

10. Each party shall bear his and her own court costs incurred in this litigation.

DONE in open court this 15th day of October, 1964.

/s/ Ezra P. Monson
District Judge

EXHIBIT "A"

SCANNED

JUL 28 2005

Instrument No. 101614 (Continued)

Across W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19, Township 22 North, Range 22 E.B.M.
Beginning at a point which lies N. 39° 44' E. 4767.9 feet from the Southwest corner of said Section 19, run thence N. 19° 54' E. 738.0 feet; thence N. 49° 55' W. 225.0 feet; thence N. 32° 48' E. 238.0 feet; thence N. 39° 24' E. 622.0 feet; thence North to the North boundary of Section 19.

EXHIBIT "B"

Across the NW $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19, Township 22 North, Range 22 E.B.M.

Beginning at a point which lies N. 57° 12' E. 3800.1 feet from the Southwest corner of said Section 19, run thence N. 33° 45' W. 175.0 feet; thence N. 56° 50' W. 338.0 feet; thence N. 12° 07' E. 270.0 feet; thence N. 3° 56' E. 350.0 feet; thence N. 12° 56' E. 682.0 feet to a point which lies N. 39° 44' E. 4767.9 feet from the Southwest corner of Section 19.

EXHIBIT "C"

Across the NE $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19, Township 22 North, Range 22 E.B.M.

Beginning at a point which lies N. 42° 35' E. 6527.2 feet from the Southwest corner of said Section 19, run thence N. 5° 49' E. 215.0 feet; thence N. 25° 30' E. 195.0 feet; thence North to a point on the North boundary of Section 19.

EXHIBITS "A", "B" and "C"

EXHIBIT "D"

All that part and portion of the following described property lying and being westerly of U. S. Highway No. 93 as the same now exists, to-wit:

That part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 22 North, Range 22 East of the Boise Meridian, described as follows: Beginning at the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30 and running West 80 rods; thence South 13 rods; thence South 88° 20' East 80 rods and .12 links; thence North 15 rods and 1.52 links to the place of beginning.

The Northwest Quarter of the Northeast Quarter of said Section 30, same township and range, excepting therefrom the following described tract, to-wit:
Beginning at the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30 and running South 17 rods to the place of beginning of the tract excepted, and running thence South 63 rods; thence East 80 rods; thence North 64 rods and 23.48 links; thence North 88° 20' West 57 rods and 38 links, thence West 23 rods to the place of beginning.

The West Half of the Southeast Quarter, the East Half of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the West Half of the Northeast Quarter, fraction of the East Half of the Northeast Quarter, fraction of the East Half of the Southeast Quarter of Section 19, Township 22 North of Range 22, East of the Boise Meridian, Lemhi County, Idaho. Lots 1, 2, 3 and 4 and the South Half of the Northeast Quarter of the Northwest Quarter, and the South Half of the North Half of the Northeast Quarter of the Northwest Quarter of Section 19, Township 22 North, Range 22 E.B.M., all in Lemhi County, Idaho.

EXHIBIT "D"

CERTIFICATE

County of IDAHO)
City of Lemhi) ss. I, Paul Adams, Clerk of the District Court and Ex-Officio Auditor and Recorder of the County of Lemhi, do hereby certify that the foregoing is a true, correct and complete copy of the Judgment rendered in the foregoing matter on the 15th day of October, 1964, which said Judgment is recorded in Book of Judgments, at pages 90-91-92, records of the Clerk of this Court, on the 15th day of October, 1964, of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said District Court this 15th day of October, 1964.

(SEAL)

Paul Adams
Clerk of the District Court and Ex-Officio
Auditor and Recorder of Lemhi County, Idaho
By Marguerite Butler

Deputy

County of Idaho)
City of Lemhi) ss.

Recorded at the request of Sherman P. Purey Jr. October 26th 1964 at 5 minutes past 2 o'clock P.M.,
of 49 of Deeds Pages 347-48 Records of Lemhi County, Idaho

Paul Adams County Recorder

By Marguerite Butler Deputy

5.00 Paid

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cluded in the plan include
the following: population,
economic development,
land use, natural re-
source, hazardous areas,
public services, facilities
and utilities, transporta-
tion, recreation, special
area or sites, housing,
community design and
implementation.

DATED This 1st day of
April, 1982.

LEMHI COUNTY
Commissioners
By Alberta
Wiederrick, Clerk
4-22-3tc

NOTICE OF PUBLIC HEARING ON THE BUSINESS LICENSE FOR THE CITY OF SALMON

Notice is hereby given
that the Salmon City
Council shall hold a public
hearing on the proposed
Business License on Mon-
day, June 7, 1982, at 7:00
p.m. in the Council Cham-
bers of City Hall, Salmon,
Idaho.

Copies of the Business
License ordinance are
available for public in-
spection and evaluation at
the Salmon City Hall. Any
interested parties shall
have an opportunity to ex-
press their view at said
public hearing and written
testimony will be accepted
and evaluated.

Dated this 4th day of
May, 1982.

CITY OF SALMON
J. Ellis Smith
City Administrator
5-6-2tc

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given
that the following claim(s)
to water right(s) have
been established by diver-
sion and application to
beneficial use:

73-4036

THOMAS, CHARLES C.
P.O. BOX 785, SALMON,
ID 83467

Source: WASTEWATER
tributary to SALMON
RIVER

Priority Date: 04/01/1886
Amount: 5.00 CFS

Diversion Point: NENE
SWNE Sec 19 T 22N R
22E, LEMHI Co.

Use: IRRIGATION (5.00
CFS) from 04/01 to 11/01
Place of Use: SWNE
SENE SENW NESW
SESW NESE NWSE
SWSE SESE Sec 18 T 22N
R 22E FOR 195 Acres
Diversion Means: DITCH-
ES

Any exception to any
claim of water right may
be filed with the Director
of the Idaho Department
of Water Resources, 150
Shoup Ave., Idaho Falls,
Idaho 83402.

A. KENNETH DUNN
Director

Published 5/6 & 5/13/82
5-6-2tc

Grass fire

Grass being burned at
the King B Plant off South
St. Charles Street got
away in the wind Wednes-
day, April 28, and Salmon
volunteer firemen re-
sponded to a call for as-
sistance at 5:30 p.m.

COMMISSIONERS PROCEEDINGS

Salmon, Idaho

April 12, 1982

The Board of County Commissioners of Lemhi
County, Idaho met in regular session with all members
present.

The minutes of the preceding meeting were approved
as published. The following claims were examined and
the Clerk was ordered to draw warrants on the various
funds, as follows:

CURRENT EXPENSE	\$24,607.48
ROAD AND BRIDGE	38,011.17
POOR AND HOSPITAL	427.28
COURT	11,420.80
AIRPORT	23.23
HEALTH PREVENTIVE	6,758.75
SOLID WASTE DISPOSAL	1,587.20
AMBULANCE	424.25
REVENUE SHARING	

SCANNED

OCT 10 1994

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: A75-04211

Date Received: 8/26/1994

Receipt No: 26 AUG 94

Received By: EAC

E020212

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDNA MAE GRAY 208-756-4031
Address: BOX 56
CARMEN ID 83462
AND/OR
Name: FRANKLIN GRAY 208-756-4031
Address: BOX 56
CARMEN ID 83462

A7504211

2. Date of Priority: APR 1, 1886

3. Source: WASTE WATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	22E	19	NE	NE			LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.100		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	18	NE	SE	8	IRR	5.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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:

14. Remarks:

THIS PROPERTY HISTORICALLY WAS PART OF THE CHARLES THOMAS RANCH AND WAS IRRIGATED WITH THE SAME WATER. THEREFORE, THIS THIS CLAIM HAS BEEN STRUCTURED TO BE SIMILAR TO A75-04509 WHICH DESCRIBES IRRIGATION OF THE THOMAS PROPERTY.

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): Edna Mae Gray Date: 8-26-94
Franklin M. Gray Date: 8-26-94

MICROFILMED

NOV 18 1996

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of Aug 19 94

Ernest Carlson
Notary Public



Residing at Idaho Falls, ID

My Commission Expires 6-14-2000

MICROFILMED
NOV 18 1996

