

05/17/2006

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

RIGHT NUMBER: 75-4365B  
NAME AND ADDRESS: HARRY E CLARK  
167 N HWY 77  
DECLO ID 83323

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 05/02/1967

POINT OF DIVERSION:

T23N R17E S21 NENE Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.030 CFS       |

PLACE OF USE: IRRIGATION Within LEMHI County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T23N R17E S16 | SESE | 0.20 | T23N R17E S21 | NENE | 0.50 |
|---------------|------|------|---------------|------|------|

0.7 ACRES TOTAL

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

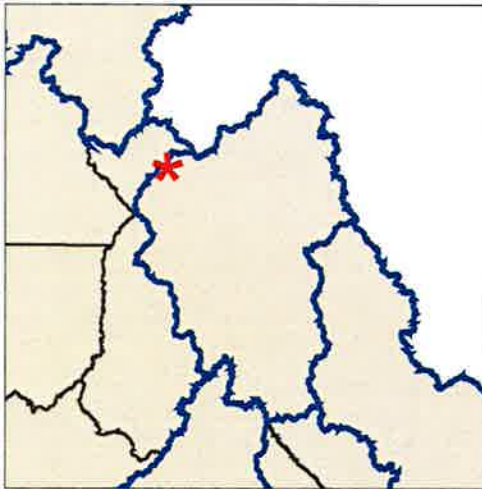
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources



Adjudication Claim Number: **75-4365 B**



## Legend

-  Section Lines
-  23N17E GCDB



0 0.2 0.4 Miles

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

Prepared by M. Van Bussum  
On Wednesday, May 11, 2005  
1991 Aerial Photography

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: 75-4365B

HARRY E CLARK

167 N HWY 77

DECLO ID 83323

Telephone Number: (208)654-9861

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: 11-29-06 SIGNATURE: Harry E. Clark

Please print your name: HARRY E. CLARK

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

SCANNED ✓  
DEC 19 2006

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

CLAIM NO(s).

A75-04365

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

☒ No Change ADDRESS

☒ NEW ADDRESS: 167 N. Hwy #77 Declo, Id 83323

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.: A0014924

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:

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

*2 pumps at same GPS 044*  
*Clark and Austin use pump with ID tag*  
*40014924*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: \_\_\_\_\_

FIELD EXAMINER: \_\_\_\_\_

Print Name

*Jack F. Ellis*

Signature



State of Idaho

# DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

RECEIVED

MAY 14 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 7, 2004

~~HARRY E AND BRENDA CLARK~~

~~PO BOX 746~~

~~BURLEY ID 83318~~

*HARRY E CLARK - called 5-26-04  
167 N. Hwy #77 Brenda  
Declo, ID 83323 deceased.  
Harry said leave her on rites. Is ok.*

RE: Snake River Basin Adjudication (SRBA)  
**Notices of Claim to a Water Right #75-4365B and Decrees 45-10372,  
45-10375 and 45-10376**

*Records updated 5-26-04  
cc: W.A.*

Dear Claimants:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by May 21, 2004. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

**If there has been a change in ownership of the property connected with the water right claim(s) referenced above,** please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

*Sally*

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

SCANNED

MAY 14 2004

*Harry E. Clark*  
Water Right Holder's Signature

*208-654-9861*

Telephone No.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

Return Service Requested

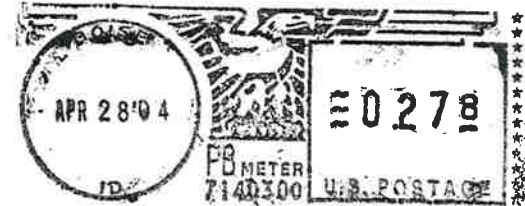
P.O. Box 746

75-4365 B ← Harry  
45-10372 } + Brenda  
10375  
10376

RETURNED  
TO  
SENDER  
NOT DELIVERABLE  
AS ADDRESSED —  
UNABLE TO RECOVER

HARRY E CLARK  
702 N OVERLAND  
BURLEY ID 83318

PRESORTED  
FIRST CLASS



RECEIVED  
MAY 04 2004  
Department of Water Resources

(+Brenda)

CHARGE TO THE POSTAL SERVICE

SCANNED  
MAY 14 2004

SCANNED

OCT 1 0200



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 10, 2000

HARRY E CLARK  
702 N OVERLAND  
BURLEY ID 83318

RE: CHANGE IN OWNERSHIP FOR A75-04365B

Dear Claimant:

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

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

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

Respectfully submitted,

*Cheri Vandermeulen*

Cheri Vandermeulen  
Records Clerk

Enclosure: Notice(s) of Claim

DELOG-JC  
8/8/00  
OK JC

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

**RECEIVED**  
**AUG 09 2000**

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

Department of Water Resources  
Eastern Region

1. Water Right No(s): A75-04365B  
Adjudication Claim No(s): AJ5809NP
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**  
**AND**
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)  
**OR**
  - C. If your water right or adjudication claim 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 DAVID W. AUSTIN & DIANE AUSTIN  
P.O. BOX 1089, SALMON, IDAHO 83467
4. New Owner/Claimant(s) HARRY E. CLARK  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address 702 N. OVERLAND  
City, State and ZIP Code BURLEY, IDAHO ~~89031~~ 83318  
New Telephone Number (208) 654-9861
5. Date you acquired the property JULY 17, 2000
6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

|                                                                                             |
|---------------------------------------------------------------------------------------------|
| Number of acres you irrigate with this water right <u>.5</u> Number and type of stock _____ |
| Diversion rate in CFS <u>.015</u> Number of homes you acquired <u>1</u> Other uses _____    |
7. Signature of New Owner(s) or Claimant(s) *Harry E. Clark*  
**Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.**
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

DATE: 03/27/00  
PAGE: 1

DATE: 03/27/00  
PAGE: 1

| NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |   |
|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |

EXHIBIT A

244789

A FRACTION OF TRACT 37 LOCATED IN UNSURVEYED SECTION 16 AND 21, T. 23 N., R. 17 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AP-3 (ANGLE POINT) OF SAID TRACT 37, RUN THENCE N. 53 DEGREES 48' 24" E. A DISTANCE OF 133.60 FT. TO AP-2;

THENCE N. 65 DEGREES 29' 09" E., ALONG LINE 2-1, A DISTANCE OF 151.97 FT. TO THE POINT OF BEGINNING;

THENCE N. 65 DEGREES 29' 09" E. A DISTANCE OF 76.22 FT.;

THENCE S. 26 DEGREES 34' 40" E. A DISTANCE OF 259.79 FT.;

THENCE S. 38 DEGREES 22' 54" W. A DISTANCE OF 23.26 FT.;

THENCE S. 78 DEGREES 11' 24" W. A DISTANCE OF 131.22 FT.;

THENCE N. 79 DEGREES 37' 06" W. A DISTANCE OF 73.34 FT.;

THENCE N. 07 DEGREES 12' 52" E. A DISTANCE OF 234.44 FT. TO THE POINT OF BEGINNING.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DECEMBER 4, 1996

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DAVID W AUSTIN  
PO BOX 1089  
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-04365

Dear Mr. Austin:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

A75-04365B, AUSTIN, 0.03 CFS, .70 ACRES  
A75-04365A, BILLS, 0.03 CFS, .70 ACRES

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson  
Adjudications Secretary

Enclosure:

cc: BILLS/copy letter/copy claim

**FUREY & FUREY**

**CHARTERED**

ATTORNEYS AT LAW

116 N. CENTER STREET

SALMON, IDAHO 83487

SHERMAN F. FUREY, III

SHERMAN F. FUREY, JR.  
OF COUNSEL

TELEPHONE  
(208) 756-2577

FAX  
(208) 756-4545

August 28, 1996

RECEIVED

SEP 11 1996

Department of Water Resources  
Eastern Region

Jo Thompson  
Idaho Department of Water Resources  
Eastern Region Office  
900 N. Skyline  
Idaho Falls, Idaho 83402

Re: Change in Ownership  
Richard/Sandra Bills and David/Diane Austin

Dear Ms. Thompson:

Enclosed is copy of letter dated July 12, 1996 which you mailed to our office.

I have enclosed my original submissions together with copy of Claim to Water Right which was filed in 1983.

I believe that the misunderstanding is that the original deeds contained a typographical error in the legal description referring to Range 19 rather than Range 17. That description was corrected by Affidavit to Correct Legal Description recorded June 25, 1996, true copy of which is also enclosed.

I would appreciate it if you would again review your records under the corrected legal description and if you still do not find any water rights, please contact me.

Sincerely yours,

FUREY & FUREY, Chartered



Sherman F. Furey III

SFIII:ps

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JULY 12, 1996

SHERMAN F FUREY III  
FUREY & FUREY  
116 N CENTER ST  
SALMON ID 83467

RECEIVED

JUL 16 1996

FUREY & FUREY

RE: CHANGE IN OWNERSHIP FOR RICHARD/SANDRA BILLS AND  
DAVID/DIANE AUSTIN

Dear Mr. Furey:

Enclosed are the documents submitted by your office  
referencing a change in ownership for property purchased  
from Bills-Austin Enterprises, Inc. (Rivco, Inc.).

We apologize, but we can find no evidence that a water  
right exists for the property in question. If you feel we  
have made an error, please call 525-7161 and we will  
discuss the situation.

Sincerely,

Jo Thompson  
Adjudication Secretary

Enclosure



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

# RECEIVED

## JUL 03 1996

DATE OF CLOSING: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY:** Township 23N Range 17E ~~19E~~ Department of Water Resources  
Section 16, 21 1/4 of 1/4 of 1/4 Govt. Lot \_\_\_\_\_, Eastern District Office  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_, BM.

If you have additional legal descriptions, please attach separate sheet. See Exhibit "A" annexed hereto.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)  
Assigned by IDWR: A75-04365 *A (BILLS)*  
*B (AUSTIN)*
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): BILLS-AUSTIN ENTERPRISES, INC. and/or RIVCO, an Idaho Partnership  
P.O. Box 640  
Salmon, ID 83467
- ☐ New Owner/Claimant (Purchaser): David W. Austin & Diane Austin Richard J. Bills & Sandra Bills
- ☐ New Mailing Address: P.O. Box 1089 P.O. Box 640  
Salmon, ID 83467 Salmon, ID 83467
- ☐ New Telephone Number: (208) 756 - 2866 (208) 756-3415
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? xx yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
One-half of the water rights appurtenant to the real estate shall go to Richard J. Bills & Sandra Bills to be used in connection with their property described on Exhibit "B" annexed hereto and one-half of the water rights appurtenant to the real estate shall go to David W. Austin & Diane Austin to be used in connection with their
- ☐ Attach proof of ownership, describe property described on Exhibit "C" annexed hereto.  
proof attached: See annexed copies of Quitclaim Deeds, Affidavit to Correct Legal Description  
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): David W. Austin Diane Austin Date \_\_\_\_\_  
Richard J. Bills Sandra Bills Date \_\_\_\_\_
- ☐ Signature of Former Owner/Claimant(s): David W. Austin Diane Austin Date \_\_\_\_\_  
Richard J. Bills Sandra Bills Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

### FOR IDWR USE ONLY:

Initial Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry  
Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

PARCEL "A"

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at AP-3 (Angle Point) of said Tract 37, run thence N.  $53^{\circ} 48' 24''$  E. a distance of 133.60 ft. to AP-2;

Thence N.  $65^{\circ} 29' 09''$  E. along Line 2-1 a distance of 151.97 ft.;

Thence S.  $07^{\circ} 12' 52''$  W. a distance of 234.44 ft.;

Thence N.  $79^{\circ} 37' 06''$  W. a distance of 123.27 ft.;

Thence N.  $54^{\circ} 17' 36''$  W. a distance of 117.36 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.73 ACRES

PARCEL "B"

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at AP-3 (Angle Point) of said Tract 37, run thence N.  $53^{\circ} 48' 24''$  E. a distance of 133.60 ft. to AP-2;

Thence N.  $65^{\circ} 29' 09''$  E., along Line 2-1, a distance of 151.97 ft. to the POINT OF BEGINNING;

Thence N.  $65^{\circ} 29' 09''$  E. a distance of 76.22 ft.;

Thence S.  $26^{\circ} 34' 40''$  E. a distance of 259.79 ft.;

Thence S.  $38^{\circ} 22' 54''$  W. a distance of 23.26 ft.;

Thence S.  $78^{\circ} 11' 24''$  W. a distance of 131.22 ft.;

Thence N.  $79^{\circ} 37' 06''$  W. a distance of 73.34 ft.;

Thence N.  $07^{\circ} 12' 52''$  E. a distance of 234.44 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.87 ACRES

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH

EXHIBIT 'A'

**FUREY & FUREY**  
CHARTERED  
ATTORNEYS AT LAW  
116 N. CENTER STREET  
SALMON, IDAHO 83467

SHERMAN F. FUREY, III

SHERMAN F. FUREY, JR.  
OF COUNSEL

RECEIVED

JUL 03 1996

Department of Water Resources  
Eastern District Office

TELEPHONE  
(208) 756-2577

FAX  
(208) 756-4545

June 27, 1996

Idaho Department of Water Resources  
Eastern Region Office  
900 N. Skyline  
Idaho Falls, Idaho 83402

Re: Snake River Basin Adjudication

Gentlemen:

You are notified that Bills-Austin Enterprises, Inc. and/or Rivco, an Idaho Partnership, conveyed to David W. Austin and Diane Austin, husband and wife, and Richard J. Bills, husband and wife, the real estate described in the enclosed copies of Quitclaim Deeds between said parties and Affidavit to Correct Legal Description and, as a result, The David W. Austin and Diane Austin, husband and wife, and Richard J. Bills and Sandra Bills, husband and wife, are now the owner of this real estate.

All notices and other communications regarding the water rights appurtenant to the real estate described on Exhibit "B" annexed to the enclosed Notice should now be addressed as follows:

Richard J. Bills and Sandra Bills  
P.O. Box 640  
Salmon, Idaho 83467

All notices and other communications regarding the water rights appurtenant to the real estate described on Exhibit "C" annexed to the enclosed Notice should now be addressed as follows:

David W. Austin and Diane Austin  
P.O. Box 1089  
Salmon, ID 83467

Idaho Department of Water Resources  
June 27, 1996  
Page 2

If you need any further information from us to satisfy your requirements, I would appreciate it if you would let me know as soon as possible.

Thank you.

Sincerely yours,

FUREY & FUREY, Chartered



Sherman F. Furey III

SFIII:ps  
Enclosures

cc: Jim and Sandra Bills  
Dave and Diane Austin

## WARRANTY DEED

### For Value Received

WILLIAM DAVID AUSTIN and BARBARA DIANE AUSTIN  
TRUSTEES OF THE DAVE and DIANE AUSTIN TRUST  
DATED OCTOBER 13, 1998  
4920 Bruce Street  
Las Vegas, Nevada 89031

the Grantor does hereby grant, bargain, sell and convey unto

HARRY E. CLARK, a single person  
702 North Overland  
Burley, Idaho 83318

the Grantee, the following described premises, in Lemhi County Idaho, to-wit:

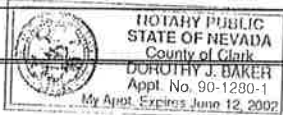
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; they are free from all encumbrances except the lien for taxes for the current year, any liens and encumbrances of record on this date, and any liens or encumbrances suffered or created by Grantee prior to the date hereof, that it will warrant and defend the same from all lawful claims whatsoever.

DATED: the 13 day of July 2000.

William David Austin Barbara Diane Austin  
WILLIAM DAVID AUSTIN, Trustee BARBARA DIANE AUSTIN, Trustee

|                                                                                                                                                     |                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| STATE OF NEVADA, COUNTY OF CLARK                                                                                                                    | THIS SPACE RESERVED FOR COUNTY RECORDER                                         |
| On this <u>13</u> Day of <u>July</u> , 2000, before me a Notary Public in and for Said State, personally appeared                                   | of Lemhi ) SS No. <u>244789</u>                                                 |
| WILLIAM DAVID AUSTIN and BARBARA DIANE AUSTIN, TRUSTEES OF THE DAVE AND DIANE AUSTIN TRUST                                                          | This instrument was filed for record at the request of <u>Shirley J. Little</u> |
| Known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same           | at <u>11:00</u> clock <u>A.M.</u> on <u>7-19</u> 2000                           |
| <u>[Signature]</u>                                                                                                                                  | and duly filed and indexed in the records of Lemhi County                       |
| (SEAL)                                                                                                                                              | Terri J. Morton<br>Ex-Officio Recorder                                          |
| Notary Public for State of Idaho - <u>Nevada</u><br>Residing at Salmon, Idaho - <u>Las Vegas, Nevada</u><br>My Commission Expires: <u>6/12/2002</u> | <u>[Signature]</u><br>6 00                                                      |
| reCLARKwd1228-00                                                                                                                                    |                                                                                 |



# QUITCLAIM DEED

For Value Received, RIVCO, an Idaho Partnership comprised of RICHARD J. BILLS and DAVID W. AUSTIN, does hereby convey, release, remise and forever quit claim unto DAVID W. AUSTIN AND DIANE AUSTIN, husband and wife, whose current address is P. O. Box 1089, Salmon, Idaho 83467, and RICHARD J. BILLS AND SANDRA BILLS, husband and wife, whose current address is P.O. Box 640, Salmon, Idaho 83467, those premises in Lemhi County Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof, together with their appurtenances.

DATED: MAY 22, 1996.

RIVCO, an Idaho Partnership

By: Richard J. Bills  
Richard J. Bills, Partner

By: David W. Austin  
David W. Austin, Partner

STATE OF IDAHO )  
                  : ss.  
County of Lemhi )

On this 22<sup>nd</sup> day of MAY, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD J. BILLS and DAVID W. AUSTIN, known to me to be the partners in the partnership of RIVCO, an Idaho Partnership, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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

[Signature]  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires:

State of Idaho )  
County of Lemhi ) SS No. 230012

This instrument was filed for record at the request of Sherman & Terry, LLC  
on 11:41 o'clock A.M. 5-23 1996

and duly filed and indexed in the records of Lemhi

County  
Alberta Wiederrick  
Ex-Officio Recorder  
L. Lennie J. Morton Deputy  
Fee 6.00  
Remarks

# QUITCLAIM DEED

JUL 03 1996

Department of Water Resources  
Eastern District Office

For Value Received, **BILLS-AUSTIN ENTERPRISES, INC.**, an Idaho Corporation, does hereby convey, release, remise and forever quit claim unto **RIVCO, INC.**, an Idaho Partnership comprised of **RICHARD J. BILLS** and **DAVID W. AUSTIN**, whose current address is P. O. Box 640, Salmon, Idaho 83467, those premises in Lemhi County Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof, together with their appurtenances.

DATED: May 22, 1996.

**AUSTIN-BILLS ENTERPRISES, INC.**,  
an Idaho Corporation

By: [Signature]  
Richard J. Bills, President

ATTEST:

[Signature]  
Diane Austin, Secretary

STATE

County of Lemhi ) ss.

On this 22 day of May, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared **RICHARD J. BILLS** and **DIANE AUSTIN**, known to me to be the President and Secretary, respectively, of **BILLS-AUSTIN ENTERPRISES, INC.**, the corporation that executed the above instrument, and acknowledged to me that such corporation executed the same.

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

[Signature]  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3/14/97

State of Idaho ) SS No. **230011**  
County of Lemhi )

This instrument was filed for record at the request of Sherman & Furry III  
at 11:40 o'clock A on 5-23 1996  
and duly filed and indexed in the records of Lemhi County

Alberta Wiederrick  
Ex-Officio Recorder  
By [Signature] Deputy  
Fee 6.00  
Return to \_\_\_\_\_

PARCEL "A"

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at AP-3 (Angle Point) of said Tract 37, run thence N.  $53^{\circ} 48' 24''$  E. a distance of 133.60 ft. to AP-2;

Thence N.  $65^{\circ} 29' 09''$  E. along Line 2-1 a distance of 151.97 ft.;

Thence S.  $07^{\circ} 12' 52''$  W. a distance of 234.44 ft.;

Thence N.  $79^{\circ} 37' 06''$  W. a distance of 123.27 ft.;

Thence N.  $54^{\circ} 17' 36''$  W. a distance of 117.36 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.73 ACRES

PARCEL "B"

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at AP-3 (Angle Point) of said Tract 37, run thence N.  $53^{\circ} 48' 24''$  E. a distance of 133.60 ft. to AP-2;

Thence N.  $65^{\circ} 29' 09''$  E., along Line 2-1, a distance of 151.97 ft. to the POINT OF BEGINNING;

Thence N.  $65^{\circ} 29' 09''$  E. a distance of 76.22 ft.;

Thence S.  $26^{\circ} 34' 40''$  E. a distance of 259.79 ft.;

Thence S.  $38^{\circ} 22' 54''$  W. a distance of 23.26 ft.;

Thence S.  $78^{\circ} 11' 24''$  W. a distance of 131.22 ft.;

Thence N.  $79^{\circ} 37' 06''$  W. a distance of 73.34 ft.;

Thence N.  $07^{\circ} 12' 52''$  E. a distance of 234.44 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.87 ACRES

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH

EXHIBIT 'A'

## AFFIDAVIT TO CORRECT LEGAL DESCRIPTION

The undersigned hereby state that they were Grantors in certain Deeds and Grants of Easement recorded on May 23, 1996 as follows:

Quitclaim Deed from Bills-Austin Enterprises, Inc., an Idaho Corporation, Grantor, to Rivco, an Idaho Partnership comprised of Richard J. Bills and David W. Austin, Grantee, as Instrument No. 230011

Quitclaim Deed from Rivco, an Idaho Partnership comprised of Richard J. Bills and David W. Austin, Grantor, to Dave W. Austin and Diane Austin, husband and wife, and Richard J. Bills and Sandra Bills, husband and wife, Grantees, as Instrument No. 230012

Quitclaim Deed from David W. Austin and Diane Austin, husband and wife, Grantors, to Richard J. Bills and Sandra Bills, husband and wife, Grantees, as Instrument No. 230013

Quitclaim Deed from Richard J. Bills and Sandra Bills, husband and wife, Grantors, to David W. Austin and Diane Austin, Grantees, as Instrument No. 230014

Grant of Easement from David W. Austin and Diane Austin, husband and wife, Grantors, to Richard J. Bills and Sandra Bills, husband and wife, Grantees, as Instrument No. 230015

Grant of Easement from Richard J. Bills and Sandra Bills, husband and wife, to David W. Austin and Diane Austin, husband and wife, Grantees, as Instrument No. 230016

The legal descriptions in such Deeds and Grants of Easements contain a typographical error due to an error in the legal description as more fully appears from Affidavit to Correct Legal Description which was recorded by Laurence J. Wade on June 4, 1996 as Instrument No. 230152 in

that the range in all of said Deeds and Grants of Easements  
should read 17 instead of 19.

DATED: June 24, 1996

AUSTIN-BILLS ENTERPRISES, INC,  
an Idaho Corporation

By: Richard J. Bills  
Richard J. Bills, President

ATTEST:

Diane Austin  
Diane Austin, Secretary

RIVCO, an Idaho Partnership

By: Richard J. Bills  
Richard J. Bills, Partner

By: David W. Austin  
David W. Austin, Partner

State of Idaho )  
County of Lemhi ) SS No. 230339

This instrument was filed for record at the request  
of Furey, Furey  
at 11:36 o'clock A.M. June 25 1996  
and duly filed and indexed in the records of Lemhi  
County

By Haron Stevens Deputy  
Alberta Wiederrick  
Ex-Officio Recorder

Fee 12.00

Return to 1 + 1

Richard J. Bills  
Richard J. Bills

Sandra Bills  
Sandra Bills

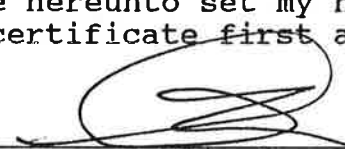
David W. Austin  
David W. Austin

Diane Austin  
Diane Austin

STATE OF IDAHO )  
:ss.  
County of Lemhi )

On this 24<sup>th</sup> day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD J. BILLS and DIANE AUSTIN, known to me to be the President and Secretary, respectively, of BILLS-AUSTIN ENTERPRISES, INC., the corporation that executed the above instrument, and acknowledged to me that such corporation executed the same.

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

  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3/14/97

STATE OF IDAHO )  
:ss.  
County of Lemhi )

On this 24<sup>th</sup> day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD J. BILLS and DAVID W. AUSTIN, known to me to be the partners in the partnership of RIVCO, an Idaho Partnership, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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

  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3/14/97

STATE OF IDAHO )

:SS.

County of Lemhi )

On this 24 day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD J. BILLS and SANDRA BILLS, 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 seal the day and year first above written.

Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3/14/97

STATE OF IDAHO )

: 55.

County of Lemhi )

On this 29 day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID W. AUSTIN and DIANE AUSTIN, 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 seal the day and year first above written.

Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3/14/97

# QUITCLAIM DEED

DATED: June 24, 1996.

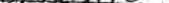
By: Richard J. Bills  
Richard J. Bills, President

Diane Austin  
Diane Austin, Secretary

On this 24<sup>th</sup> day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD J. BILLS and DIANE AUSTIN, known to me to be the President and Secretary, respectively, of BILLS-AUSTIN ENTERPRISES, INC., the corporation that executed the above instrument, and acknowledged to me that such corporation executed the same.

State of Idaho )  
County of Lemhi ) ss No. 230338

Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3/14/97

 Deputy

Feb 15 -

Return to I + I

PARCEL 1

All of Lot Numbered One (1) of Block Numbered Ten (10), of the Salmon City Townsite, described as follows, to-wit:

From an iron pin set at the Southwest Corner of the Block of land in said Townsite bounded Southerly by Shoup Street and Westerly by St. Charles Street and running thence S.  $62^{\circ}30'$  E., 161 feet; thence S.  $64^{\circ}38'$  E., 83.44 feet; thence N.  $28^{\circ}30'$  E., 171 feet to the PLACE OF BEGINNING, the same being the Southwest Corner of the land hereby described; thence S.  $61^{\circ}30'$  E., 130 feet to the Southeast Corner of said conveyed land; thence N.  $28^{\circ}30'$  E., 110 feet to the Northeast Corner of said described land; thence N.  $61^{\circ}30'$  W., 130 feet to the East line of Center Street; thence S.  $28^{\circ}30'$  W., 110 feet along the East side of Center Street to the PLACE OF BEGINNING.

PARCEL 2

A portion of Lot 5, Block 10, Salmon City Townsite, particularly described as follows:

Commencing at the Southwesterly corner of said Lot 5, Block 10, Salmon City Townsite, and running thence Northerly along the westerly side line of said Lot 5, a distance of 140 feet; thence Southeasterly at right angles to the westerly side line of said Lot 5, a distance of 100 feet; thence Southwesterly parallel to and 100 feet distant from the westerly side line of said Lot 5, a distance of 140 feet to the Northerly side line of Shoup Street; thence Northwesternly along the Northerly side line of Shoup Street a distance of 100 feet to the place of beginning.

PARCEL 3

A fraction of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 5, Township 21 North, Range 22, East Boise Meridian, within the corporate limits of the City of Salmon, Idaho, more particularly described as follows, to-wit:

Beginning at the Northeasterly corner of Lot 1 in Block 10 of the original Salmon City Townsite, according to the official plat thereof now on file in the office of the Lemhi County Recorder at Salmon, Idaho, run thence N.  $28^{\circ}45'20''$  E. 96.0 feet; thence S.  $64^{\circ}22'40''$  E. 72.74 feet; thence N.  $26^{\circ}01'$  E. 65.80 feet; thence S.  $64^{\circ}22'40''$  E. 150.52 feet; thence S.  $26^{\circ}01'$  W. 85.0 feet; thence N.  $64^{\circ}22'40''$  W. 50.0 feet; thence S.  $26^{\circ}01'$  W. 150.0 feet; thence N.  $64^{\circ}22'40''$  W. 100.00 feet; thence N.  $26^{\circ}01'$  E. 86.66 feet; thence N.  $74^{\circ}02'$  W. 78.53 feet to the point of beginning, containing 34515 square feet.

PARCEL 4

A fraction of Block 10, Salmon City Townsite, more particularly described as follows:

Commencing at the SW corner of Block 9, of the Salmon City Townsite, run N.  $27^{\circ} 57' 20''$  E. 289.3 feet; thence S.  $61^{\circ} 14' 40''$  E. 378.31 feet to the place of beginning; thence S.  $28^{\circ} 45' 20''$  W. 131 feet; thence N.  $61^{\circ} 15' 15''$  W. 8.3 feet; thence S.  $28^{\circ} 45' 20''$  W. 15.66 feet; thence S.  $61^{\circ} 15' 15''$  E. 42.66 feet, more or less, to the Westerly side line of Lot 5, Block 10, Salmon City Townsite; thence N.  $26^{\circ} 01' 15''$  E. 74.82 feet; thence S.  $64^{\circ} 22' 40''$  E. 50.0 feet; thence N.  $26^{\circ} 01' 15''$  E. 86.66 feet, more or less, to a point; thence N.  $61^{\circ} 14' 40''$  W. 84.36 feet, more or less, to the place of beginning.

Also, a portion of Lot 5, Block 10, Salmon City Townsite, described as follows:

Commencing at the Southwesterly corner of said Lot 5, Block 10, Salmon City Townsite, and running thence Northeasterly along the westerly side line of said Lot 5, a distance of 140 feet to the place of beginning; thence southeasterly at right angles to the westerly side line of said Lot 5, a distance of 100 feet; thence northeasterly parallel to, and 100 feet distant from, the westerly side line of Lot 5, a distance of 60 feet, more or less, to the Northerly end line of said Lot 5; thence northwesterly along the northerly end line of said lot 100 feet to the NW corner of said lot; thence Southwesterly along the westerly side line of said lot 50 feet, more or less to the place of beginning.

PARCEL 5

The East 50 feet of Lot 5, Block 10, Salmon City Townsite, described by metes and bounds as follows:

Commencing at the Southeasterly corner of said Lot 5, Block 10, and running thence northeasterly along the easterly side line of said lot, 200 feet, more or less, to the northeasterly corner thereof; thence northwesterly along the northerly line of said lot, 50 feet; thence southwesterly parallel to and at a distance of 50 feet from the easterly sideline of said lot a distance of 200 feet, more or less, to the southwesterly corner of the lot hereby conveyed; thence southeasterly along the southerly end of said lot 50 feet to the place of beginning.

ALSO: All of Lot 6 of Block 10 in the Original Salmon City Townsite, according to the plat of said Salmon City Townsite on file and of record in the office of the County Recorder of Lemhi County, State of Idaho.

ALSO: A portion of the Northwest Quarter of the Southwest Quarter of Section 5, Township 21, North of Range 22, East of the Boise Meridian, County of Lemhi, State of Idaho, described as follows, to-wit:

Beginning at the Northeast corner of Lot 6 of Block 10, Salmon City Townsite, thence North  $26^{\circ}01'$  East 150 feet, thence northwesterly parallel to the Northeasterly end line of said Lot 6, 50 feet; thence

South  $26^{\circ}01'$  West 150 feet; thence Southeasterly along the end line of said Lot 6 to the place of beginning.

Together with all water, water rights, ditches and ditch rights appertaining thereto or used in connection therewith. Together with all the tenements, hereditaments and appurtenances whatsoever to the same belonging or in anywise appertaining.

PARCEL 6

Lot in Salmon City Townsite described by metes and bounds as follows, to-wit:

Beginning at the Southeast Corner of the property owned and occupied by J. M. McPherson on October 19, 1917, on Shoup Street, and extending along the North line of said Shoup Street, in an easterly direction 85 feet, more or less, to the West line of Andrews Street; at the intersection of said Andrews Street and said Shoup Street, thence in a northerly direction along the West line of said Andrews Street a distance of 150 feet; thence at right angles with said Andrews Street in a westerly direction a distance of 89 feet, more or less, to the East line of said McPherson property; thence along the line between the said McPherson property and the property herein described, in a southerly direction, a distance of 150 feet, more or less, to the place of beginning.

Together with all improvements thereon.

Subject to a life estate in Irvin C. Porter and Carrie Porter, husband and wife.

PARCEL "A"

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at AP-3 (Angle Point) of said Tract 37, run thence N. 53° 48' 24" E. a distance of 133.60 ft. to AP-2;

Thence N. 65° 29' 09" E. along Line 2-1 a distance of 151.97 ft.;

Thence S. 07° 12' 52" W. a distance of 234.44 ft.;

Thence N. 79° 37' 06" W. a distance of 123.27 ft.;

Thence N. 54° 17' 36" W. a distance of 117.36 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.73 ACRES

PARCEL "B"

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at AP-3 (Angle Point) of said Tract 37, run thence N. 53° 48' 24" E. a distance of 133.60 ft. to AP-2;

Thence N. 65° 29' 09" E., along Line 2-1, a distance of 151.97 ft. to the POINT OF BEGINNING;

Thence N. 65° 29' 09" E. a distance of 76.22 ft.;

Thence S. 26° 34' 40" E. a distance of 259.79 ft.;

Thence S. 38° 22' 54" W. a distance of 23.26 ft.;

Thence S. 78° 11' 24" W. a distance of 131.22 ft.;

Thence N. 79° 37' 06" W. a distance of 73.34 ft.;

Thence N. 07° 12' 52" E. a distance of 234.44 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.87 ACRES

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH

EXHIBIT 'A'

# QUITCLAIM DEED

For Value Received, DAVID W. AUSTIN AND DIANE AUSTIN, husband and wife, do hereby convey, release, remise and forever quit claim unto RICHARD J. BILLS AND SANDRA BILLS, husband and wife, whose current address is P. O. Box 640, Salmon, Idaho 83467, those premises in Lemhi County Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof, together with their appurtenances.

DATED: May 22, 1996.

David W. Austin  
David W. Austin

Diane Austin  
Diane Austin

STATE OF IDAHO )  
:ss.

County of Lemhi )

On this 22<sup>nd</sup> day of May, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID W. AUSTIN and DIANE AUSTIN, 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 seal the day and year first above written.

State of Idaho )  
County of Lemhi )

SS No. 230013

This instrument was filed for record at the request of Sherman & Furry III

at 11:42 o'clock A.M. 5-23 1996

and duly filed and indexed in the records of Lemhi

County

Alberta Wiederrick  
Ex-Officio Recorder

By Leri J. Morton Deputy

Fee 6.00

Return to \_\_\_\_\_

[Signature]  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3-14-97

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at AP-3 (Angle Point) of said Tract 37, run thence N. 53° 48' 24" E. a distance of 133.60 ft. to AP-2;

Thence N. 65° 29' 09" E., along Line 2-1, a distance of 151.97 ft. to the POINT OF BEGINNING;

Thence N. 65° 29' 09" E. a distance of 76.22 ft.;

Thence S. 26° 34' 40" E. a distance of 259.79 ft.;

Thence S. 38° 22' 54" W. a distance of 23.26 ft.;

Thence S. 78° 11' 24" W. a distance of 131.22 ft.;

Thence N. 79° 37' 06" W. a distance of 73.34 ft.;

Thence N. 07° 12' 52" E. a distance of 234.44 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.87 ACRES

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH

EXHIBIT "A"

# QUITCLAIM DEED

For Value Received, RICHARD J. BILLS AND SANDRA BILLS, husband and wife, do hereby convey, release, remise and forever quit claim unto DAVID W. AUSTIN AND DIANE AUSTIN, husband and wife, whose current address is P. O. Box 1089, Salmon, Idaho 83467, those premises in Lemhi County Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof, together with their appurtenances.

DATED: May 22, 1996.

Richard J. Bills  
Richard J. Bills

Sandra Bills  
Sandra Bills

STATE OF IDAHO )  
:ss.

County of Lemhi )

On this 22<sup>nd</sup> day of May, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD J. BILLS and SANDRA BILLS, 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 seal the day and year first above written.

State of Idaho )  
County of Lemhi )  
SS No. 230011  
This instrument was filed for record at the request of Sherman F. Fry III  
at 11:43 o'clock Am 5-23 19 96  
and duly filed and indexed in the records of Lemhi County

[Signature]  
Notary Public for Idaho  
Residing at Salmon, Idaho  
Commission Expires: 3-4-97

Alberta Wiederrick  
Ex-Officio Recorder  
Sheri J. Morton Deputy  
File 600  
Return to \_\_\_\_\_

A fraction of Tract 37 located in unsurveyed Section 16 and 21, T. 23 N., R. 19 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at AP-3 (Angle Point) of said Tract 37, run thence N. 53° 48' 24" E. a distance of 133.00 ft. to AP-2;

Thence N. 65° 29' 09" E. along Line 2-1 a distance of 151.97 ft.;

Thence S. 07° 12' 52" W. a distance of 234.44 ft.;

Thence N. 79° 37' 06" W. a distance of 123.27 ft.;

Thence N. 54° 17' 36" W. a distance of 117.36 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 0.73 ACRES

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH

EXHIBIT "A"

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Eastern Region

150 Shoup Ave. Suite 15  
Idaho Falls, Idaho 83402  
(208) 325-7161

JUNE 13, 1983

BILLS-AUSTIN ENTERPRISES, INC.  
RONALD DAY  
MERLENE DAY  
BOX 789  
SALMON ID 83467

RE: Claim No. 75-4268

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-242 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

OCT 10 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 75-04365B  
Date Received: 4/27/90  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

Name: HARRY E CLARK Phone: (208) 654-9861

Address: 702 N OVERLAND  
BURLEY ID USA 83318

2. Date of Priority: 05/02/1967

3. Source: SALMON RIVER Trib. to: Snake River

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County |
|----------|-------|---------|-----------------------|--------|
| 23N      | 17E   | 21      | NW NE                 | LEMHI  |

5. Description of diverting works:

10 HP PUMP IN RIVER WITH FLOOD IRR.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 0.03   |            |

7. Total Quantity Appropriated is:  
0.03 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      | 17E   | 21      | NW         | NE  | IRRIGATION    | 0.7   |
|          |       |         |            |     | Section Acres | 0.7   |
|          |       |         |            |     | Total Acres   | 0.7   |

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:

CHANGE IN OWNERSHIP 12-3-96 GJT NO MAP AVAILABLE

CHANGED OWNERSHP PER REQUEST CV/08/10/2000

15. Basis of Claim: Beneficial Use

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: **A75-04365B**  
Date Received: 4/27/1990  
Receipt No: X777777  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: DAVID W AUSTIN 208-756-2866  
Address: PO BOX 1089  
SALMON ID 83467  
AND/OR  
Name: DIANE AUSTIN 208-756-2866  
Address: PO BOX 1089  
SALMON ID 83467

2. Date of Priority: MAY 2, 1967

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 23N      | 17E   | 21      | NW     | NE     |     |     | LEMHI  |

5. Description of diverting works:  
10 HP PUMP IN RIVER WITH FLOOD IRR.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.030  |      |        |

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

8. Total consumptive use is 1.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 23N      | 17E   | 21      | NW     | NE  |     | IRR | 0.7   |

A7504365B



10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 0.7   |
|          |       |         |            |     | Total Acres   | 0.7   |

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:

CHANGE IN OWNERSHIP 12-3-96 GJT  
NO MAP AVAILABLE.

15. Basis of Claim: BENEFICIAL USE