

10/04/2006

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

RIGHT NUMBER: 75-4399A
NAME AND ADDRESS: TOMMY F LUCE
7 PEPPER LN
SALMON ID 83467

SANDRA LUCE
7 PEPPER LN
SALMON ID 83467

SOURCE: TWELVEMILE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

Right Nos. 75-4399A and 75-14167 are limited to a total combined diversion rate of 0.13 cfs.

PRIORITY DATE: 11/23/1922

POINT OF DIVERSION:

T19N R21E S1 NWNE Lot 2 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	0.120 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T19N R21E S01 Lot 3 NENW 6.00

6 ACRES TOTAL

Right Nos. 75-4399A and 75-14167 are limited to the irrigation of a combined total of 6.5 acres in a single irrigation season.

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

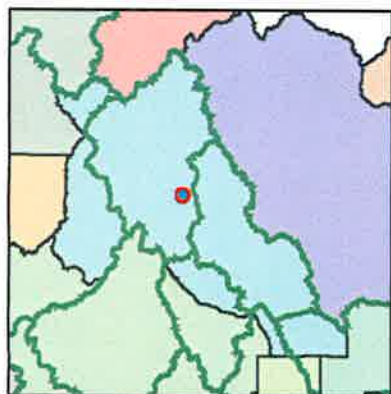


Idaho Department of Water Resources

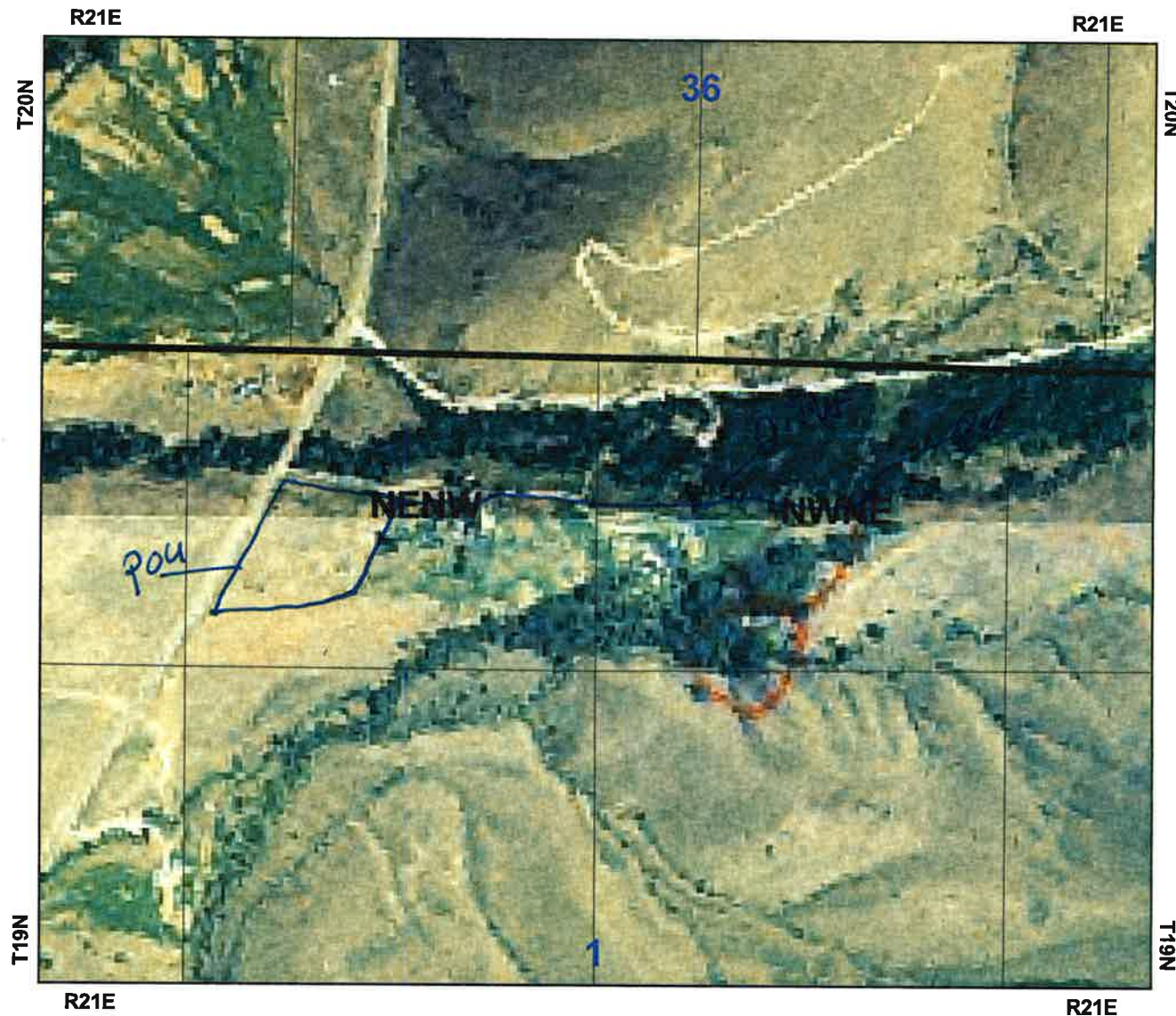
SRBA Claim:
75-4399A

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles



Prepared by R. Brown
On Tuesday, May 2, 2006
1987/88 Aerial Photography

RECEIVED

DEC 15 2006

Department of Water Resources
Adjudication Bureau

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: 75-4399A
TOMMY F LUCE
7 PEPPER LN
SALMON ID 83467
Telephone Number: (208)756-2855

SANDRA LUCE
7 PEPPER LN
SALMON ID 83467
Telephone Number: (208)756-2855

RECEIVED

DEC 20 2006

IDWR/North

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: 12-11-06

SIGNATURE:

Tommy F. Luce

Please print your name:

Tommy F. Luce

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

SCANNED
DEC 15 2006

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: 75-4399A

TOMMY F LUCE
7 PEPPER LN
SALMON ID 83467
Telephone Number: (208)756-2855

SANDRA LUCE
7 PEPPER LN
SALMON ID 83467
Telephone Number: (208)756-2855

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: 12-11-06

SIGNATURE:

Tommy F. Luce

Please print your name:

TOMMY F. LUCE

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

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

CLAIM NO(s). 75-4399A

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: Tom + Sandra Luce
☐ No Change ADDRESS
☒ NEW ADDRESS: 7 Repper Lane Salmon ID 83467
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

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

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

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0012467

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 from creek to place of use

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

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

7. ☒ No Change - TOTAL VOLUME

☐ 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

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-12-06

FIELD EXAMINER: Bob Foster

Print Name

Signature

75-14167
Luce

AFFIDAVIT

RECEIVED

OCT 25 2004

**DEPARTMENT OF
WATER RESOURCES**

STATE OF IDAHO)

County of Lemhi) ss:

Comes Now, **Helen Brower** who being duly sworn, deposes and says:

1. That I am a current resident of Lemhi County, Idaho. My home is located on 200 Highway 28, Salmon, Idaho 83467.

2. I am the daughter of Chauncey Stroud and Pearl Wyant Stroud. I was born at our Twelve Mile Ranch home on April 10, 1920. The Twelve Mile Ranch is located near the Salmon River about 12 miles from Salmon, Lemhi County, Idaho. The name of the large creek and drainage is Twelve Mile Creek.

3. My paternal grandparents, Thomas J. Stroud and Sarah Reddington Stroud were early pioneers in Lemhi County. Thomas J. Stroud owned the large Twelve Mile Ranch since at least 1915 and probably before that date.

4. My parents were married in 1915. They moved to the Twelve Mile Ranch and lived there most of their lives. My older sister, Virginia Stroud Klinger was born in 1917.

5. This month, October 6, 2004 I traveled with attorney, Fred Snook from

Affidavit - p. 1

SCANNED
OCT 25 2004

my home out to our old Twelve Mile Ranch. The ranch home has been remodeled but it is still located in the same spot where it was when I was born. I was born at the Twelve Mile Ranch house.

6. I met Tommy F. Luce (Tom) and his wife, Sandra Welch Luce (Sandra) at their property on Twelve Mile. I am told the address is 7 Pepper Lane. Their property is part of our (Stroud) Twelve Mile Ranch property. Their property is only about fifty yards from the home I was born in.

7. I am very familiar with their (Luces) property. It was just outside and downstream from our yard. Their property was part of our irrigated pasture. The gravity flow ditches were in place for as long as I can remember. I remember my father often going out with his shovel to change the water on what is now the Luces' property. I remember the ditch came out of Twelve Mile Creek. We often fished in Twelve Mile Creek. We had an established orchard near their property and there was a potato cellar near their property. I am told by Mr. and Mrs. Luce that some of the old ditches are still in place and in use. I did observe some of the ditches as we drove into the Luce property. I would estimate the Luces' property has been irrigated since at least 1915 and possibly before that date. I do not know how long before 1915 my grandparents owned the Twelve Mile Ranch.

Affidavit - p. 2

8. The property located directly west, across and below the present US Highway 93 was not irrigated when I was a child. It was sagebrush and undeveloped. It is now irrigated hay ground with some type of a pole plant also located on it. (This property is not part of Luces' property.) The current Highway 93 on the east side of the Salmon River did not exist when I was a child. We crossed the river in a boat to go to school or to town etc. as the "old highway" was across the river on the west side.

9. I lived on the Twelve Mile Ranch property from birth until after I graduated from Salmon High School in 1938. I later married Carl Brower and we resided in California where we raised our family. I did visit Lemhi County regularly throughout my adult life as my parents continued to reside in Lemhi County. After Carl's death, I returned to Salmon in 1980 and have lived here ever since. At all times over the years, that I have observed what is now the Luces' property, the property has been in agricultural use and appeared to be irrigated.

10. I have been shown the copy of the land patent issued by The United States of America to Thomas J. Stroud that is attached hereto as Exhibit A. It is my belief that is the patent to our Twelve Mile Ranch. The property described is one hundred sixty and forty-six acres and is located in Section one, Township 19

Affidavit - p. 3

SCANNED
OCT 25 2004

North, Range 21 East Boise Meridian, Idaho being Lots one, two, three, four, seven and eight. The Luces' property (Exhibit B attached) is located in Lot 3, of said Section one, Township 19 North, Range 21 East Boise Meridian, Idaho.

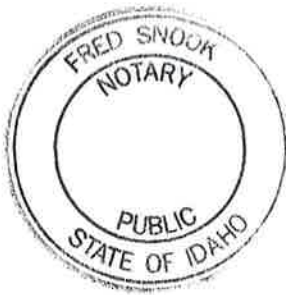
Dated this 19th day of October, 2004.

Helen Brower

Helen Brower

Subscribed & sworn to before me this 19th day of October, 2004.

(Seal)



Fred Snook

Notary Public for Idaho

Residing in Salmon, Idaho.

Commission Expires: 8/04/2005

EXHIBIT A
Instrument No. 33951

4-1003

Salmon

Hailey 020381

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of THOMAS J. STROUD, has been established and duly consummated, in conformity to law, for the

Lots one, two, three, four, seven and eight of Section one in Township nineteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred sixty acres and forty-six hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

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

IN TESTIMONY WHEREOF, I, Calvin Coolidge, 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 TWENTY-FOURTH day of OCTOBER in the year of our Lord One thousand nine hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-EIGHTH.

- S E A L -

RECORDED: Patent Number 921706

By the President: Calvin Coolidge
By Viola B. Pugh, Secretary.
M. P. LeRoy, Recorder of the General Land Office.

Recorded at the request of W. C. Smith, February 10th, 1928, at - minutes past o'clock P.M.; in Book 29 of Deeds, page 69, Records of Lemhi County, Idaho.

Fee: 1.00

W. W. Simmonds
County Recorder.

SCANNED
OCT 25 2004

EXHIBIT B

A PARCEL OF LAND LOCATED IN U.S. GOVERNMENT LOT 3, SECTION 1, T. 19 N., R. 21 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1, A DISTANCE OF 1039.48 FEET ON A BEARING OF S. $69^{\circ} 04' 41''$ W. TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93; THENCE S. $31^{\circ} 28' 31''$ E., 15.80 FEET ALONG THE EAST RIGHT-OF-WAY TO THE SOUTH SIDE OF AN EXISTING ROAD AND THE REAL POINT OF BEGINNING.

THENCE S. $31^{\circ} 28' 31''$ W., 703.14 FEET ALONG SAID RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93 TO THE SOUTH BOUNDARY OF LOT 3;

THENCE S. $89^{\circ} 46' 55''$ E., 677.65 FEET ALONG THE SOUTH BOUNDARY OF LOT 3;

THENCE N. $0^{\circ} 15' 10''$ E., 534.11 FEET TO A POINT ON THE SOUTH SIDE OF AN EXISTING ROAD;

THENCE A DISTANCE OF 43.93 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIAL OF N. $0^{\circ} 03' 10''$ W., 190.00 FEET AND A CENTRAL ANGLE OF $13^{\circ} 14' 49''$;

THENCE N. $76^{\circ} 48' 21''$ W., 276.64 FEET ALONG SAID EXISTING ROAD TO THE REAL POINT OF BEGINNING.

SCANNED
OCT 25 2006

Records at the request of John P. Mansfield December 24th 1894, at 2 o'clock P.M. in Clerk of Court's office page 92 Records of Bank County, Idaho.
John P. Mansfield

Noted in County given to all whom it may concern: That the undersigned
claim the water flowing in this stream which empties into Salmon River
about 12 miles up said Salmon River from Salmon City, Idaho, said stream
being known as and called Lower Mile Creek, to the extent of four hundred
(400) miles measured under a four inch pressure
said water is to be diverted from said stream at a point thereon about two
miles above the mouth thereof and above the place where said
in Salmon River
The water hereby claimed is to be used for agricultural and domestic
purposes upon that certain tract or tract of land owned by the undersigned
and situated at the mouth of the said Lower Mile Creek, and is to be
conveyed to him by a deed of the following size, about two feet deep and
about three feet wide,
Dated this 24th day of December, 1894.

Records at the request of James Mansfield December 24th 1894, at 2 o'clock P.M. in Clerk of Court's office page 92 Records of Bank County, Idaho.
James Mansfield

Noted in County given to all whom it may concern: That the undersigned claim the
water flowing in this stream known as Old Mile, said stream empties into
Salmon River at a point about 10 miles above Salmon City, Bank County, Idaho,
to the extent of four hundred (400) miles measured under a four inch pressure,
The water hereby claimed is to be used for agricultural and domestic purposes
upon that certain tract or tract of land owned by the undersigned and situated
at the mouth of the said Old Mile creek about ten miles south of Salmon
City, Idaho, and is to be conveyed to him by a deed of the following size, about
two feet deep and about three feet wide,
Dated this 24th day of December, 1894.

County Recorder
Amos R. Brown

Quitclaim Deed.

Instrument No. 11074.

This Indenture, Made the Sixth day of December in the year of our Lord one thousand nine hundred and nine between Francis A. Macnab and Mary L. Macnab, his wife of the Lemhi County of Idaho, the parties of the first part, and Thomas J. Stroud of Lemhi County of Idaho the party of the second part,

WITNESSETH, that the said part 1909 of the first part, for and in consideration of the sum of Seven Thousand (\$7000.00) Dollars, 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 REMISE, RELEASE and forever QUITCLAIM unto the said part Y 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 containing one hundred and sixty acres, more or less, situated at the mouth of that certain creek known as Twelve Mile Creek, on the easterly side of Salmon River, about twelve miles southerly from Salmon City, said ranch being more fully described in and by the notice of location of same, which notice is duly recorded in the Office of the County Recorder of said County, in Book "B" of Possessory Claims, on page 198, and said record is hereby referred to for a more full and complete description thereof.

Also all of that certain water right, claiming five hundred inches of the waters of said Twelve Mile Creek, located and appropriated by John C. Manful, December 24, 1894, as appears by the location notice of same, which is duly recorded in the aforesaid Recorder's Office, in Book "B" of Water Rights, on page 92, together with all ditches in which said water is conveyed to the aforesaid lands, and also all other ditches and water rights, and all buildings and improvements situated thereon, or in any wise belonging or appertaining thereto, or to any part of said lands,

Also all the right, title, interest and claim, of the said party of the first part of, in and to the Southwest Quarter of Section Thirty Six, in Township Twenty, north of Range Twenty One, East of Boise Meridian, and all fences, ditches, water rights and improvements of every name, kind and nature situated thereon, belonging thereto, or used in connection therewith,

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

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

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

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

J. C. Sinclair

Francis A. Macnab (SEAL)

Mary L. Macnab (SEAL)

STATE OF IDAHO,
County of Lemhi ss.

On this 7th day of December 1909, before me John C. Sinclair a Notary Public in and for said County, personally appeared Francis A. Macnab and Mary L. Macnab known to me to be the person whose name are subscribed to the within instrument, and acknowledged to me that they executed the same; and on this 10th day of 1909, 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 1st 1911 Notary Public in and for Lemhi County, Idaho.

STATE OF IDAHO,
County of Lemhi, ss.

I hereby certify that this instrument was filed for record at request of Thomas J. Stroud at 46 minutes past 10 o'clock A. M., this 13th day of June A. D. 19011 in my office, and duly recorded in Book Q of Deeds at page 350

SCANNED

OCT 25 2004



Notice

Notice is hereby given to all whom it may concern: That I the undersigned claim the water here flowing in this stream known as Ten Mile, said stream empties into Salmon River at a point about 10 miles above Salmon City, Benli County, Idaho, to the extent of Two Hundred (200) inches measured under a four inch pressure. The said water is to be diverted from said stream at a point thereon about 100 yards above its mouth and on the northerly bank thereof.

The water hereby claimed is to be used for agricultural and domestic purposes upon that certain ranch or tract of land owned by the undersigned and situated at the mouth of the said Ten Mile creek about ten miles southerly from Salmon City Idaho, and is to be conveyed to and upon the said ranch or tract of land by means of a ditch four feet wide and two feet deep.

Dated the 24th day of December, 1894

James Manfull

Recorded at the request of James Manfull December 24th 1894, at 20 minutes past 2 o'clock P.M. in Book B of Water Rights page 92 Records of Benli County, Idaho.

Timothy Dore
County Recorder

Notice

Notice is hereby given to all whom it may concern: That I the undersigned claim the water here flowing in this stream which empties into Salmon River about 12 miles up said Salmon River from Salmon City, Idaho, said stream being known as and called Twelve Mile Creek, to the extent of Two Hundred (200) inches measured under a four inch pressure.

Said water is to be diverted from said stream at a point thereon about 600 yards above the mouth thereof and about 100 yards above the State High Road on Salmon River.

The water hereby claimed is to be used for agricultural and domestic purposes upon that certain ranch or tract of land owned by the undersigned and situated at the mouth of the said Twelve Mile Creek, and is to be conveyed thereon by a ditch of the following size, about two feet deep and about three feet wide.

Dated this 24th day of December, 1894.

John F. Manfull

Recorded at the request of John F. Manfull December 24th 1894, at 20 minutes past 2 o'clock P.M. in Book B of Water Rights page 92 Records of Benli County, Idaho.

Timothy Dore
County Recorder

SCANNED

AUG 10 2005

RECEIVED
6/2/05

Quitclaim Deed.
Instrument No. 11074.

This Indenture, Made the Sixth day of December in the year of our Lord one thousand nine hundred and nine between Francis A. Macnab and Mary L. Macnab, his wife of the Lemhi County of Idaho and State of Idaho, the parties of the first part, and Thomas J. Stroud

County of Lemhi State of Idaho the party of the second part,
WITNESSETH, that the said part 1st of the first part, for and in consideration of the sum of Seven Thousand (\$7000.00) lawful money of the United States to them in hand paid by the said part 2nd of the second part, the receipt of which is hereby acknowledged, do REMISE, RELEASE and forever QUITCLAIM unto the said part 2nd 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, containing one hundred and sixty acres, more or less, situated at the mouth of that certain creek known as Twelve Mile Creek, on the easterly side of Salmon River, about twelve miles southerly from Salmon City, said ranch being more fully described in and by the notice of location of same, which notice is duly recorded in the Office of the County Recorder of said County, in Book "B" of Possessory Claims, on page 198, and said record is hereby referred to for a more full and complete description thereof.

Also all of that certain water right, claiming five hundred inches of the waters of said Twelve Mile Creek, located and appropriated by John C. Manful, December 24, 1894, as appears by the location notice of same, which is duly recorded in the aforesaid Recorder's Office, in Book "B" of Water Rights, on page 92, together with all ditches in which said water is conveyed to the aforesaid lands, and also all other ditches and water rights, and all buildings and improvements situated thereon, or in any wise belonging or appertaining thereto, or to any part of said lands,

Also all the right, title, interest and claim, of the said party of the first part of, in and to the Southwest Quarter of Section Thirty Six, in Township Twenty, north of Range Twenty One, East of Boise Meridian, and all fences, ditches, water rights and improvements of every name, kind and nature situated thereon, belonging thereto, or used in connection therewith.

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

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

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

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

J. C. Sinclair

Francis A. Macnab (SEAL)

Mary L. Macnab (SEAL)

STATE OF IDAHO, } ss.
County of Lemhi

On this 7th day of December 1899, before me John C. Sinclair a Notary Public in and for said County, personally appeared Francis A. Macnab and Mary L. Macnab known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same; and on this 10th day of December, before me, the officer above described, personally appeared Mary L. Macnab 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.

John C. Sinclair

My Commission expires February 1st 1910 Notary Public in and for Lemhi County, Idaho.

STATE OF IDAHO, } ss.
County of Lemhi

I hereby certify that this instrument was filed for record at request of Thomas J. Stroud at 46 minutes past 10 o'clock A.M., this 13th day of June A. D. 1911 in my office, and duly recorded in Book 9 of Deeds at page 350

SCANNED

AUG 10 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75-4399A	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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) MARVIN + Irene Hutchings
Salmon ID 83467
4. New Owner/Claimant(s) Tommy F +/or Sandra Luce
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 7 Pepper Lane
- City, State and ZIP Code Salmon ID 83467
- New Telephone Number (208) 756-2855
5. Date you acquired the property 9-14-1995

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) Sandra Luce
(include title if applicable)

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 _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN U.S. GOVERNMENT LOT 3, SECTION 1, T. 19 N., R. 21 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1, A DISTANCE OF 1039.48 FEET ON A BEARING OF S. $69^{\circ} 04' 41''$ W. TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93; THENCE S. $31^{\circ} 28' 31''$ E., 15.80 FEET ALONG THE EAST RIGHT-OF-WAY TO THE SOUTH SIDE OF AN EXISTING ROAD AND THE REAL POINT OF BEGINNING.

THENCE S. $31^{\circ} 28' 31''$ W., 703.14 FEET ALONG SAID RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93 TO THE SOUTH BOUNDARY OF LOT 3;

THENCE S. $89^{\circ} 46' 55''$ E., 677.65 FEET ALONG THE SOUTH BOUNDARY OF LOT 3;

THENCE N. $0^{\circ} 15' 10''$ E., 534.11 FEET TO A POINT ON THE SOUTH SIDE OF AN EXISTING ROAD;

THENCE A DISTANCE OF 43.93 FEET ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIAL OF N. $0^{\circ} 03' 10''$ W., 190.00 FEET AND A CENTRAL ANGLE OF $13^{\circ} 14' 49''$;

THENCE N. $76^{\circ} 48' 21''$ W., 276.64 FEET ALONG SAID EXISTING ROAD TO THE REAL POINT OF BEGINNING.

Warranty Deed

For Value Received

MARVIN C. HUTCHINGS AND IRENE HUTCHINGS, HUSBAND AND WIFE

the grantor S, do hereby grant, bargain, sell and convey unto

TOMMY F. LUCE AND SANDRA WELCH LUCE, HUSBAND AND WIFE

whose current address is

1352 E. POPLAR AVENUE
PORTERVILLE CA 93257

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH any and all water and water rights, ditch and ditch rights,
and mineral rights appurtenant thereto or used in connection therewith.

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

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

Dated: SEPTEMBER 15, 1995

Marvin C. Hutchings
MARVIN C. HUTCHINGS

Irene Hutchings
IRENE HUTCHINGS

STATE OF IDAHO, COUNTY OF LEMHI
On this 14th day of SEPTEMBER, 1995
before me, a notary public in and for said State, personally appeared

MARVIN C. HUTCHINGS
AND IRENE HUTCHINGS

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

Laurie M. Santee
LAURIE M. SANTEE Notary Public
Residing at Salmon

SS No. **227390**

Instrument was filed for record at the request
American Land Title
1:31 o'clock pm Sept 15 1995
duly filmed and indexed in the records of Lemhi

County
Alberta Wiederrick
Ex-Officio Recorder
Theresa Stevens Deputy

6-
ACT

75-4399A
75-4400

Roxanne ✓ KARL

RECEIVED

AUG 22 2005

Department of Water Resources
88 WEST CENTER
P.O. BOX 525

LOGAN, UTAH 84323-0525
TELEPHONE (435) 752-1551
TELEFAX (435) 752-2295

TREMONTON OFFICE:
123 EAST MAIN
P.O. BOX 115

TREMONTON, UTAH 84337-0115
TELEPHONE (435) 257-3885
TELEFAX (435) 257-0365

E-MAIL oh@oh-pc.com
www.oh-pc.com

OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

August 17, 2005

L. BRENT HOGGAN
MILES P. JENSEN
BRUCE L. JORGENSEN
JAMES C. JENKINS
MARLIN J. GRANT
ROBERT B. FUNK*
KEVIN J. FIFE*
JEFFERY B. ADAIR**
KELLY J. SMITH

CHARLES P. OLSON (1916-1975)

*also licensed in Idaho

**also licensed in Nevada

State of Idaho
Department of Water Resources
Carl J. Dreher
322 East Front Street
P.O. Box 83720

**Re: Salmon River Basin Adjudication
Our File No. N-1288**

Dear Mr. Dreher:

Enclosed is a copy of our letter dated July 13, 2005 to Roxanne Brown, with the enclosures, along with a copy dated August 10, 2005 regarding the same matter. As indicated, our clients have no further interest in this property, and we do not know who the current owners are, and are sure that it would be very important to them to preserve whatever interests they have with respect to these water rights. Thank you.

Sincerely yours,

OLSON & HOGGAN, P.C.


Miles P. Jensen

MPJ/olc

J:\MPJ\tr\idaho dept water resources.2.wpd

SCANNED

AUG 30 2005

OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

L. BRENT HOGGAN
MILES P. JENSEN
BRUCE L. JORGENSEN
JAMES C. JENKINS
MARLIN J. GRANT
ROBERT B. FUNK*
KEVIN J. FIFE*
JEFFERY B. ADAIR**
KELLY J. SMITH
CHARLES P. OLSON (1916-1975)

*also licensed in Idaho
**also licensed in Nevada

July 13, 2005

RECEIVED

AUG 22 2005

Department of Water Resources
K. WESTGATER
P.O. BOX 525
LOGAN, UTAH 84323-0525
TELEPHONE (435) 752-1551
TELEFAX (435) 752-2295
TREMONTON OFFICE:
123 EAST MAIN
P.O. BOX 115
TREMONTON, UTAH 84337-0115
TELEPHONE (435) 257-3885
TELEFAX (435) 257-0365
E-MAIL oh@oh-pc.com
www.oh-pc.com

State of Idaho
Department of Water Resources
Roxanne Brown,
Senior Water Resource Agent
322 East Front Street
P.O. Box 83720

**Re: Evidence of Priority Date
Our File No. N-1288.F**

Dear Ms. Brown:

Enclosed is the original correspondence which you forwarded in the above captioned matter with respect to certain water rights in the Salmon, Idaho area. We represented First Federal America Bank during a period of time in which they owned this property associated with those water rights. That property was sold many, many years ago, and we have no information as to who the current ownership would be. We do believe the current owners would be vitally concerned about these water rights and would hope that you would forward the appropriate correspondence to the current owners. If you have any questions or if we can be of any further help, please let me know.

Sincerely yours,

OLSON & HOGGAN, P.C.



Miles P. Jensen

MPJ/bmb/ltr
idaho dept water resources

SCANNED

AUG 30 2005



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

June 29, 2005

75-04399A; 75-04400
MILES P JENSEN
OLSON & HOGGAN
56 W CENTER
PO BOX 525
LOGAN UT 84321

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4399A

WATER RIGHT NUMBER: 75-4399A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FIRST FEDERAL AMERICA BANK 198 N MAIN LOGAN, UT 84321 (208)752-8893
Attorney	MILES P JENSEN OLSON & HOGGAN 56 W CENTER PO BOX 525 LOGAN, UT 84321 (801)752-2699

Priority Date: 11/23/1922

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

TWELVEMILE CREEK LEMHI County	NE1/4NW1/4	Sec. 1, Twp 19N, Rge 21E, B.M.
TWELVEMILE CREEK LEMHI County	NW1/4NE1/4	Sec. 1, Twp 19N, Rge 21E, B.M.

Place of Use

IRRIGATION Within LEMHI County

T19N R21E S01 Lot 3 NENW 6.0

Total Acres: 6

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4400

WATER RIGHT NUMBER: 75-4400

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FIRST FEDERAL AMERICA BANK 198 N MAIN LOGAN, UT 84321 (208)752-8893
Attorney	MILES P JENSEN OLSON & HOGGAN 56 W CENTER PO BOX 525 LOGAN, UT 84321 (801)752-2699

Priority Date: 11/23/1922
Basis: Statutory Claim
Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.022 CFS	
IRRIGATION	3/15 to 11/15	1.456 CFS	
	<u>Total Diversion:</u>	1.478 CFS	

Location of Point(s) of Diversion

TWELVEMILE CREEK	L2 (NW1/4NE1/4)	Sec. 1, Twp 19N, Rge 21E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T19N R21E S01 Lot 8 NESW	19.8	T19N R21E S01 Lot 10 SWSW	24.0
T19N R21E S02 Lot 6 SESE	5.4	T19N R21E S11 Lot 1 NENE	5.0
T19N R21E S11 Lot 2 NWNE	18.6		

Total Acres: 72.8

STOCKWATER same as IRRIGATION

Conditions of Approval:

Remarks:

Comments:



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

August 10, 2005

RE: Water Resource Board Water Rights
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Notice of filing the Director's Report with the SRBA Court for water right claims by the Idaho Water Resource Board (IWRB) for 205 stream segments in the Salmon and Clearwater River drainage areas for minimum stream flows. We have also enclosed instructions for reviewing the recommended water rights.

You have been sent this Notice because your and other water right claims in your designated basin, primarily for irrigation and other non-domestic purposes, have not been reported to the Court. Those claims are scheduled for reporting later this year. The 205 IWRB water rights are within areas where all the claims have either been reported earlier or not yet reported. Water rights for most domestic and/or stockwater rights were recommended separately in earlier reports, and most of those now have been decreed by the SRBA Court.

Note that you have until November 1, 2005, in which to review the IWRB recommendations and to file any objection to our recommendations. The description of the IWRB recommendations can be found at the county courthouses in Cascade, Challis, Council, Hailey, Grangeville, Lewiston, Moscow, Nezperce, Orofino, Salmon, and Wallace, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

**NOTICE OF FILING OF DIRECTOR'S REPORT
OF THE IDAHO WATER RESOURCE BOARD CLAIMS
PURSUANT TO I.C. § 42-1507**

INTRODUCTION

On March 24, 2005, the Governor of Idaho signed into law Idaho Code § 42-1507 establishing minimum stream flows for the Clearwater and Salmon River basins and directing the Idaho Water Resource Board to file claims for the minimum stream flows in the Snake River Basin Adjudication ("SRBA"). Accordingly, there are 205 newly created water rights claims. The Idaho Water Resource Board minimum stream flow claims are in Basins 71, 72, 75, 77, 79, 81, 82, 83, 84, 85 and 86.

On August 3, 2005, the SRBA District Court issued a *Scheduling Order and Notices of Hearing Re: Implementation of Nez Perce Settlement Agreement* directing IDWR to report in the SRBA all state minimum stream flow claims in one Director's Report. Pursuant to the *Order*, the Director of the Idaho Department of Water Resources (IDWR) has filed with the SRBA District Court the Director's Report for the Idaho Water Resource Board Claims Pursuant to I.C. § 42-1507 (state-based minimum stream flow claims). This Director's Report contains the Director's recommendation to the SRBA court as to how each of these claimed water rights should be decreed in the SRBA. This mailing *does not* contain the Director's recommendation of other claims besides those of the Idaho Water Resource Board.

You are receiving this mailing because the SRBA Court ordered that all claimants in Basins 71, 72, 73, 74, 75, 77, 78, 79, 81, 82, 83, 84, 85 and 86 receive a copy of the Notice of Filing of Director's Report of the Idaho Water Resource Board Minimum Stream Flow Claims for the Clearwater and Salmon River Basins Pursuant to I.C. § 42-1507.

What about the claims filed by or on behalf of the Nez Perce Tribe?

The federal reserved water right claims filed by the United States, as trustee for the Tribe, resulting from the settlement agreement reached between the State of Idaho, and various water users throughout the Snake River basin in May of 2004, **are not included** in this Director's Report¹. The Director's Report reporting the Nez Perce Tribe Multiple Use Claims (on-reservation claims) will be filed by the end of August. You can view a copy of the Tribe's Multiple Use Claims at the SRBA Courthouse in Twin Falls, the locations listed at the end of this notice or by accessing the Idaho Department of Water Resources website at: www.idwr.idaho.gov/nezperce. Copies of the claims can be made, but you may be charged for copying and mailing.

¹ For additional information available on the tribal claims, you may download a copy of the settlement agreement summary and the "term sheet" which outlines the components of the negotiated settlement at the IDWR Web Site at: www.idwr.idaho.gov/nezperce.

The federal reserved water rights to springs and fountains that were previously reported and subsequently consolidated as Subcase 67-13701 will proceed in accordance with the SRBA Court's *Scheduling Order and Notices of Hearing, Re: Implementation of Nez Perce Settlement Agreement*, p. 8 (August 3, 2005).

The Court will decide how it will decree the water rights. Any claimant or party is free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything. If you disagree with the Director's recommendation, you will need to file an objection as described below.

To review the recommendations for the Idaho Water Resource Board water right claims, you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed at the end of this notice and online at www.idwr.idaho.gov/nezperce. Copies of the report can be made, but there may be a charge for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What to do if you disagree with a recommendation?

If you disagree with any element of the recommendation(s) for a water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be **received** by the SRBA Court on or before **November 1, 2005**.

What do I do if I want to participate in the court case on a claim?

If you want to be involved in the court case on any of the Idaho Water Resource Board claims to a water right, you must file either an objection or a response by the dates provided in this notice. Responses must be made on the standard response form available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA Web Site at: www.srba.state.id.us.

Your response must be **received** by the SRBA Court on or before **January 6, 2006**.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **January 17, 2006, at 1:30 P.M. (MST)** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

A status conference/initial hearing for any objected to water right is set for **January 17, 2006 at 1:30 p.m. (MST)** at the **SRBA Courthouse, 253 3rd Ave. N., Twin Falls, Idaho**. Telephone participation is available by calling 1-918-583-3445, then dialing participant code 406128.

Adams County Courthouse
107 Michigan
Council, ID 83612

Clearwater County Courthouse
150 Michigan Avenue
Orofino, ID 83544

Idaho County Courthouse
320 W. Main
Grangeville, ID 83530

Lemhi County Courthouse
206 Courthouse Dr.
Salmon, ID 83467

Nez Perce County Courthouse
1230 Main St.
Lewiston, ID 83501

Valley County Courthouse
219 Main
Cascade, ID 83611

Blaine County Courthouse
1st & Croy St.
Hailey, ID 83333

Custer County Courthouse
801 Main St.
Challis, ID 83226

Latah County Courthouse
522 S. Adams
Moscow, ID 83843

Lewis County Courthouse
510 Oak St.
Nezperce, ID 83543

Shoshone County Courthouse
700 Bank St.
Wallace, ID 83873

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

RECEIVED

JUL 21 2004

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
	75-4399A				
	75-4400				

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)

FIRST Federal Savings + Loan
LOGAN UT

4. New Owner/Claimant(s)

MARVIN +/or Irene HATCHINGS

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1141 Hwy 93 S.

City, State and ZIP Code

Salmon ID 83467

New Telephone Number

(208) 756-2545

5. Date you acquired the property

9-25-84

*with - show - my claim to
 this water Right.*

Marvin Hatchings

SCANNED

JUL 21 2004

AUG 03 2004

SCANNED

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) Maura Hatcher
(include title if applicable)

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 _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED
AUG 03 2004

SCANNED
JUL 21 2004

For Value Received, MARVIN HUTCHINGS and IRENE HUTCHINGS, husband and wife

the mortgagor S, do hereby grant, bargain, sell and convey unto FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LOGAN, a Utah Corporation

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

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said mortgagee, their heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of FORTY THOUSAND AND NO/100THS (\$40,000.00) DOLLARS with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of the mortgagee, with final payment due November 10, 1989 and providing for acceleration of the due date of the principal for default in the payment of interest or any installment of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagor S covenant and agree with the mortgagee as follows: That they the owner S in fee simple of the above described premises and that they are free from all encumbrances

That they will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That they will pay all taxes, liens and assessments of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That they will keep the buildings on said premises insured against loss or damage by fire, by some insurance company acceptable to the mortgagee with loss, if any, payable to the mortgagee as interest may appear, in the sum of at least \$ and deliver such policy or policies of insurance to the mortgagee, until the sums secured by this mortgage are fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title report from a reputable title company and the mortgagor S agree to pay the cost thereof upon demand.

If the mortgagor S shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such fire insurance, the mortgagee may pay the same or procure said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagee for any such purpose shall be added to the indebtedness hereby secured, and shall be repayable on demand, with interest at the rate of eight (8) per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagor S hereby sell and assign to the mortgagee any and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagor S shall pay or cause to be paid all moneys which may become due upon said promissory note and shall otherwise comply with the terms and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest, or in any of the covenants or agreements herein contained, then the mortgagee or assigns, at his option, may declare the entire indebtedness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and out of the moneys arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the costs and charges of such foreclosure suit and sale, including such sum as the court may adjudge reasonable as an attorney's fee to be allowed the plaintiff, and the overplus, if any there be, pay over to the mortgagor their heirs and assigns.

Dated: September 25, 1984

Marvin Hutchings

Irene Hutchings

STATE OF IDAHO, COUNTY OF Lemhi

On this 25th day of September, 1984, before me, a Notary Public in and for said State, personally appeared

Marvin Hutchings and Irene Hutchings husband and wife

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

Notary Public,

Residing at Salmon
Comm. Expires 2/15/86

Idaho.

STATE OF IDAHO } ss NO. 173453
COUNTY OF LEMHI }

This instrument was filed for record at the request of American Land Title Co. at 3:43 P.M. Sept 25 1984 and duly filmed and indexed in the MORTGAGE Records of Lemhi County, Idaho.

Alberta Wiederrick

Ex Officio Recorder

By Deputy
Fees: 6.00 pd

INSTRUMENT NO.

SCANNED

JUL 21 2004

SCANNED
AUG 07 2004

EXHIBIT "A"

A parcel of land located in U.S. Government Lots 1 and 2, Section 1, T. 19 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the South Quarter Corner of Section 36, T. 20 N., R. 21 E., a distance of 342.04 feet on a bearing of S. 88°34'44" E. along the North Section line of Section 1; thence S. 0°20'05" W., 486.22 feet; thence S. 0°24'49" W., 30.00 feet to a point on the South side of an existing road easement and being the REAL POINT OF BEGINNING.

Thence S. 89°32'23" E., 808.61 feet;

Thence N. 0°36'44" W., 502.88 feet to a point on the North boundary of Section 1;

Thence S. 88°34'44" E., 1197.57 feet to the Northeast Section corner of Section 1;

Thence S. 0°28'14" W., 947.39 feet to the Southeast corner of Lot 1;

Thence N. 89°32'31" W., 1994.78 feet;

Thence N. 0°15'30" E., 464.76 feet to a point on the South side of an existing road easement and being the REAL POINT OF BEGINNING.

PARCEL II:

A parcel of land located in U.S. Government Lot 3, Section 1, T. 19 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 1 and being the REAL POINT OF BEGINNING, a distance of 454.21 feet on a bearing of S. 0°15'30" W. to the North side of a 30 foot wide road easement;

Thence the following courses and distances along the North side of said road easement:

A distance of 67.33 feet along a curve concave to the Southwest having a radial of S. 35°12'52" W., 108.28 feet and a central angle of 35°37'33";

S. 89°35'19" W., 100.44 feet; S. 87°42'31" W., 123.98 feet;

A distance of 99.02 feet along a curve concave to the Northwest having a radial of N. 2°17'29" W., 335.00 feet and a central angle of 16°56'06"; N. 75°21'23" W., 94.45 feet;

A distance of 126.57 feet along a curve concave to the Southwest having a radial of S. 14°38'37" W., 215.00 feet; S. 70°54'49" W., 11.07 feet;

A distance of 90.14 feet along a curve concave to the Northwest having a radial of N. 19°05'11" W., 160.00 feet and a central angle of 32°16'50"; N. 76°48'21" W., 266.73 feet to a point on the Easterly Right-of-Way of U. S. Highway No. 93; thence N. 31°28'31" E., 40.76 feet along said Right-of-Way;

Thence a distance of 374.07 feet along a curve concave to the Northwest having a radial of N. 58°31'37" W., 1950.00 feet and a central angle of 10°50'27" along said Right-of-Way to a point on the North Section line of said Section 1;

Thence S. 89°03'27" E., 777.91 feet along said Section line to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM: A parcel of land located in U.S. Government Lot 3, Section 1, T. 19 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows:

SCANNED

AUG 11 2004

SCANNED

III 21 2004

A parcel of land being 66 feet wide and 33 feet on each side of the following described centerline:

Commencing at the North Quarter Corner of said Section 1, a distance of 700.15 feet on a bearing of N. 89°03'26" W. along the Section Line to the REAL POINT OF BEGINNING:

Thence S. 55°38'29" E., 29.39 feet; thence S. 55°32'07" E., 141.10 feet; thence a distance of 252.70 feet along a curve concave to the Northeast having a radial of N. 34°27'53" E., 400.00 feet and a central angle of 36°11'48";

Thence N. 88°16'05" E., 318.24 feet; thence a distance of 2.26 feet along a curve concave to the Northwest having a radial of N. 1°43'55" W., 550.00 feet and a central angle of 0°14'09" to the East boundary line of U.S. Government Lot 3, from which the North Quarter Corner bears N. 0°15'30" E., 145.25 feet.

PARCEL III:

A parcel of land located in U. S. Government Lot 2, Section 1, T. 19 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the South Quarter Corner of Section 36, T. 20 N., R. 21 E. a distance of 342.04 feet on a bearing of S. 88°34'44" E. along the North Section line of Section 1 to the REAL POINT OF BEGINNING.

Thence S. 0°20'05" W., 486.22 feet to a point on the North side of an existing road easement;

Thence S. 89°32'23" E., 608.06 feet along said road easement;

Thence N. 0°36'44" W., 476.23 feet to the Section Line;

Thence N. 88°34'44" W., 600.30 feet along the Section Line to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM: A parcel of land being 66 feet wide and 33 feet on each side of the following described centerline:

Commencing at the South Quarter Corner of Section 36, a distance of 342.04 feet on a bearing of S. 88°34'44" E., along the Section Line; thence S. 0°20'05" W., 71.48 feet to the REAL POINT OF BEGINNING.

Thence a distance of 96.66 feet along a curve concave to the Northwest having a radial of N. 2°36'14" W., 1000.00 feet and a central angle of 5°32'17";

Thence N. 81°51'29" E., 361.36 feet to the North Section Line, from which the South Quarter Corner of Section 36 bears N. 88°34'44" W., 453.63 feet.

PARCEL IV:

Lots 16, 17, 22, 23, 24, 25, 26, 27 and 28 in Block 3 of Mobile Acres Subdivision according to the official plat thereof filed for record in Book 2 of Plats at page No. 22, records of Lemhi County, Idaho. . .

SCANNED

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III 21 2004

6-28609

DEED

FOR VALUE RECEIVED, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LOGAN, a Utah Corporation a corporation duly organized and existing under the laws of the State of UTAH grantor, does hereby Grant, Bargain, Sell and Convey unto MARVIN HUTCHINGS and IRENE HUTCHINGS, husband and wife grantee, the following described real estate, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 6th day of September, 1984



By *[Signature]*
Fred R. Hunsaker, PRESIDENT.

ATTEST: *[Signature]*
Gordon W. Haws, SECRETARY.

STATE OF Utah, COUNTY OF

On this 6th day of Sept., 1984, before me, a notary public in and for said State, personally appeared Fred R. Hunsaker and Gordon W. Haws, known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

[Signature]
Notary Public
Residing at *[Signature]*
Confirm Expires *[Signature]*

Notary Public
Utah

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of American Land Title Co.

at 42 minutes past 3 o'clock P.m.,
this 25th day of September,
1984, in my office, and duly recorded in ~~BOOK~~ file
of Deeds at ~~PMXX~~

Alberta Wiederrick
Ex-Officio Recorder

By *[Signature]* Deputy
Fees \$ 6.00 pp
Mail to:

SCANNED
AUG 03 200

INSTRUMENT NO. 173

EXHIBIT "A"

A parcel of land located in U.S. Government Lots 1 and 2, Section 1, T. 19 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Hutchings 1
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Thence S. 88°34'44" E., 1197.57 feet to the Northeast Section corner of Section 1;

Thence S. 0°28'14" W., 947.39 feet to the Southeast corner of Lot 1;

Thence N. 89°32'31" W., 1994.78 feet;

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Hutchings 2
Commencing at the North Quarter Corner of said Section 1 and being the REAL POINT OF BEGINNING, a distance of 454.21 feet on a bearing of S. 0°15'30" W. to the North side of a 30 foot wide road easement;

Thence the following courses and distances along the North side of said road easement:

A distance of 67.33 feet along a curve concave to the Southwest having a radial of S. 35°12'52" W., 108.28 feet and a central angle of 35°37'33";

S. 89°35'19" W., 100.44 feet; S. 87°42'31" W., 123.98 feet;

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A distance of 90.14 feet along a curve concave to the Northwest having a radial of N. 19°05'11" W., 160.00 feet and a central angle 32°16'50"; N. 76°48'21" W., 266.73 feet to a point on the Easter. Right-of-Way of U. S. Highway No. 93; thence N. 31°28'31" E., 40.76 feet along said Right-of-Way;

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A parcel of land being 66 feet wide and 33 feet on each side

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III 21 2004

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Commencing at the North Quarter Corner of said Section 1, a distance of 700.15 feet on a bearing of N. 89°03'26" W. along the Section Line to the REAL POINT OF BEGINNING:

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Thence N. 88°16'05" E., 318.24 feet; thence a distance of 2.26 feet along a curve concave to the Northwest having a radial of N. 1°43'55" W., 550.00 feet and a central angle of 0°14'09" to the East boundary line of U.S. Government Lot 3, from which the North Quarter Corner bears N. 0°15'30" E., 145.25 feet.

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Thence a distance of 96.66 feet along a curve concave to the Northwest having a radial of N. 2°36'14" W., 1000.00 feet and a central angle of 5°32'17";

Thence N. 81°51'29" E., 361.36 feet to the North Section Line, from which the South Quarter Corner of Section 36 bears N. 88°34'44" W., 453.63 feet.

PARCEL IV:

T20, R21, 36 BL 748 per Lemhi Co. Records

Lots 16, 17, 22, 23, 24, 25, 26, 27 and 28 in Block 3 of Mobile Acres Subdivision according to the official plat thereof filed for record in Book 2 of Plats at page No. 22, records of Lemhi County, Idaho. . .

East of river, West of river

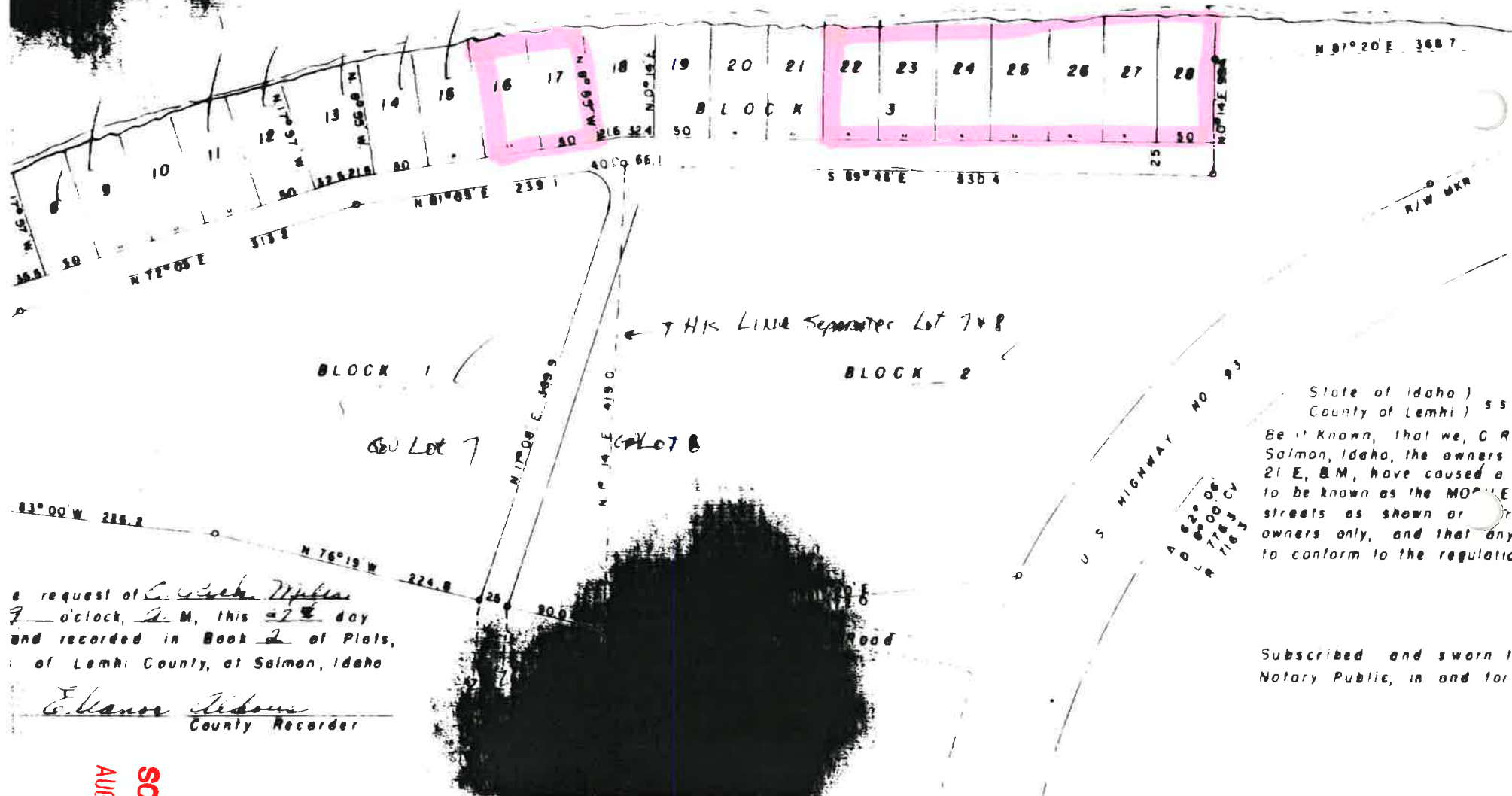
SCANNED

AUG 14 2004

SCANNED

JUL 21 2004

RIVER



SCANNED
AUG 03 2004

LEMHI COUNTY ASSESSOR

206 Courthouse Drive
Salmon, Id 83467

FAX NUMBER
208-756-3173

TELEPHONE NUMBER
208-756-3116

FAX TRANSMISSION SHEET

Date: 7-22-04

Sent To: ROXANN

At Fax No: 208 327 5400 Attn: _____

From: KJ

Number of Pages (Including This Page): 2

Message:

SCANNED
AUG 02 2004

June 16, 2004

75-4399A, 75-4400
First Federal America Bank
198 N. Main
Logan, UT 84321

RESPONSE DEADLINE
JULY 23, 2004

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents to the address noted on the back of the pamphlet. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 22, 2003

STEPHEN & DEBRA EVANS
PO BOX 2663
IDAHO FALLS ID 83403

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP **75-4399A**

Dear Mr. & Mrs. Evans:

Our office received your request to change ownership of the above referenced water right. However, this right is not appurtenant to the property you purchased so it will not be changed. Your property is located in Lots 1 and 2 of Section 1, Township 19 North, Range 21 East. The water right is for property in Lot 3. (see enclosed maps)

You are entitled to a portion of water right 75-7374A which is located on Lots 1 & 2. However, you must use the enclosed "Assignment of Permit" form and it must be filled out and signed by the current owner as shown in our data base, First Federal Savings and Loan.

If you have questions about this matter, please contact Senior Water Rights Agent, Keith Wilson in our office.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosures

cc: First Federal Savings & Loan

SCANNED

OCT 1 1991

OLSON & HOGGAN

ATTORNEYS AT LAW

L. BRENT HOGGAN
MILES P. JENSEN
BRUCE L. JORGENSEN
BRAD H. BEARNSON, P.C.
THOMAS L. WILLMORE
MARLIN J. GRANT

OF COUNSEL
WILLIAM L. FILLMORE

CHARLES P. OLSON (1916-1975)

56 WEST CENTER
P.O. BOX 525
LOGAN, UTAH 84321
TELEPHONE (801) 752-1551
TELEFAX (801) 753-2699

TREMONTON OFFICE:
123 EAST MAIN
P.O. BOX 115
TREMONTON, UTAH 84307
TELEPHONE (801) 257-3885

May 8, 1990

RECEIVED

MAY - 9 1990

Department of Water Resource
State of Idaho
150 Shoup Street, Suite 15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Re: FAB/Notice of Claim to Water Right
Our File No. N-55.77F

Enclosed are 3 claims to water rights, together with our client's check for \$287.00 representing what we understand to be the correct filing fee. We have also enclosed our check for not over \$50.00 in the event any additional sums are required to file these claims. If not needed, just destroy or return the Olson & Hoggan check.

If any of these items are incomplete or need any additional information, or if any additional sums are needed to file any of these documents, please call us collect immediately if any forms need any further clarification or completion in order to be properly filed.

If you have any questions or comments on any of these matters, please advise. Thank you for your assistance.

Sincerely,

OLSON & HOGGAN



Miles P. Jensen

MPJ/sjj/4
water.let

Enclosures

MICROFILMED
DEC 15 1992

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: A75-04399A
Date Received: 5/09/1990
Receipt No: E014340
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRST FED AMERICA BANK
Address: 198 N. MAIN
LOGAN, UT 84321
208-752-8893

2. Date of Priority: NOV 23, 1922

3. Source: TWELVE MILE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	21E	1	NE	NW	3	IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ Date: _____

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:

Ident. Number

Date Received

Receipt Number

39576

425-04399A

5-9-90

E014340/91

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 9 1990

Department of Water Resources
Eastern District Office

Please type or print clearly First Federal Savings & Loan Association
of Logan, now known as FirstFed America

1. Name of Claimant (s) Bank, a Federal Savings Bank Phone (801) 752-8893

Mailing Address 198 North Main, Logan, Utah Zip 84321

2. Date of Priority (Only one (1) per claim) November 23, 1922 or earlier

3. Source of water supply (a) Twelve Mile Creek
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 19N Range 21E Section 1,
NW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any: (1) NE1/4 of NW1/4 of S1, T19N, R21E, BM, Lemhi County

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Surface water diversion dam. Two feet
(2') by two feet (2') ditch. Diversion by rocks, straw and canvass;
additional diversion by six foot (6') by five foot (5') ditch.

MICROFILMED
DEC 15 1992

A7504399A



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .15 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	21E	1					6	(Lot 3)											6

Total number of acres irrigated 6

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

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Last Name FirstFed America Bank Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75-4399 (Claim Number)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date May 8, 1990

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Vice President
First Federal Savings & Loan Association of Logan, Title
of now known as FirstFed America Bank , that I have signed the foregoing
Organization
document in the space below as Vice President of FirstFed America Bank
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization FirstFed America Bank Date May 8, 1990

State of Idaho/or Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 8th day of May, 1990

SEAL

Notary Public Miles P. Jensen
Miles P. Jensen
Residing at Logan, Utah

My Commission Expires 8/13/91

Please Print Name

17. Notice of Appearance:

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

Signature Miles P. Jensen
OLSON & HOGGAN, Miles P. Jensen
Address 56 West Center, P.O. Box 525, Logan, Utah 84321

Date May 8, 1990

Last Name FirstFed America Bank Ident. Number _____

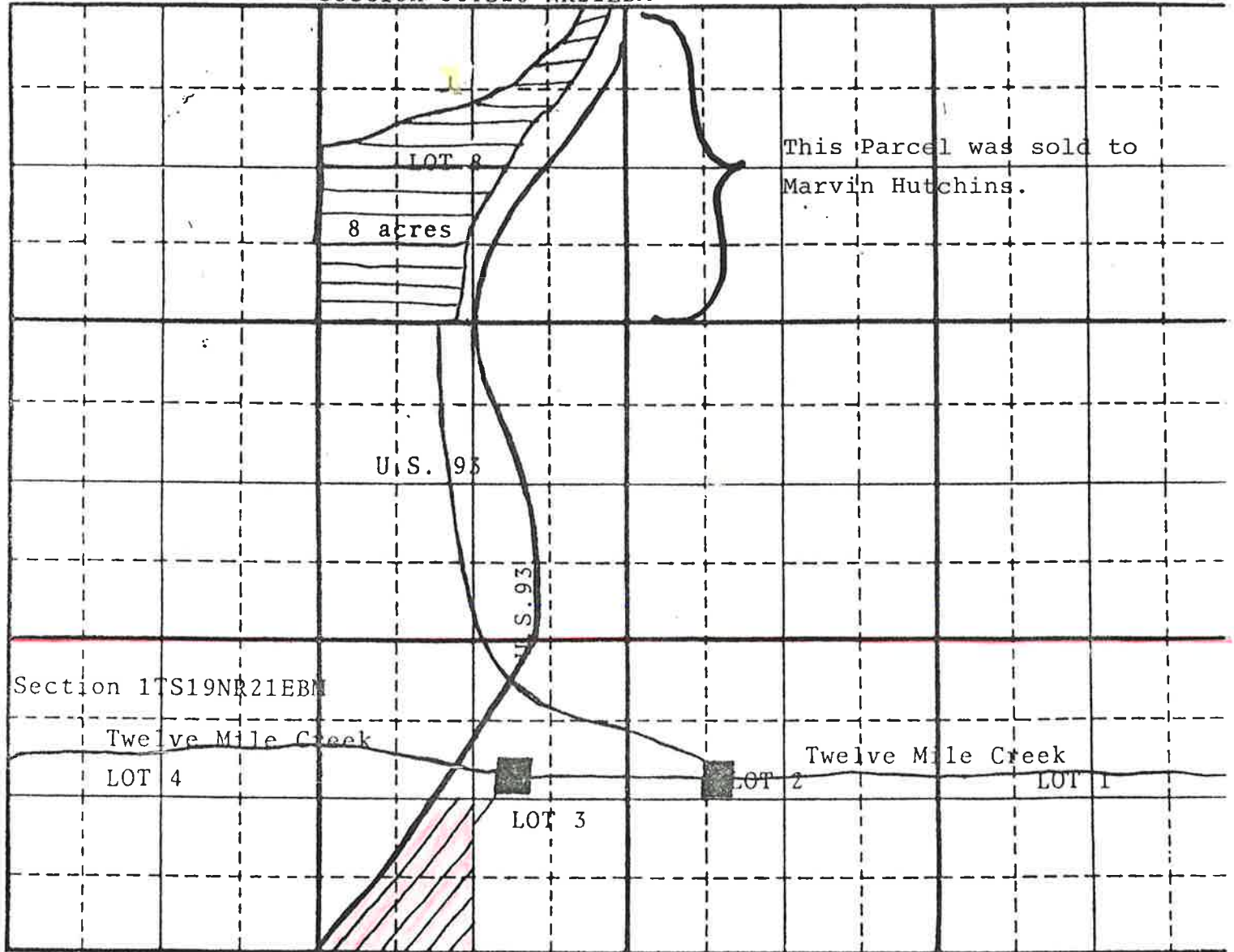
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Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals $\frac{1}{4}$ mile

Section 36TS20 NR21EBM



Scale: 2 inches equal 1 mile.

■ = Points of Diversion
/// = Areas Irrigated

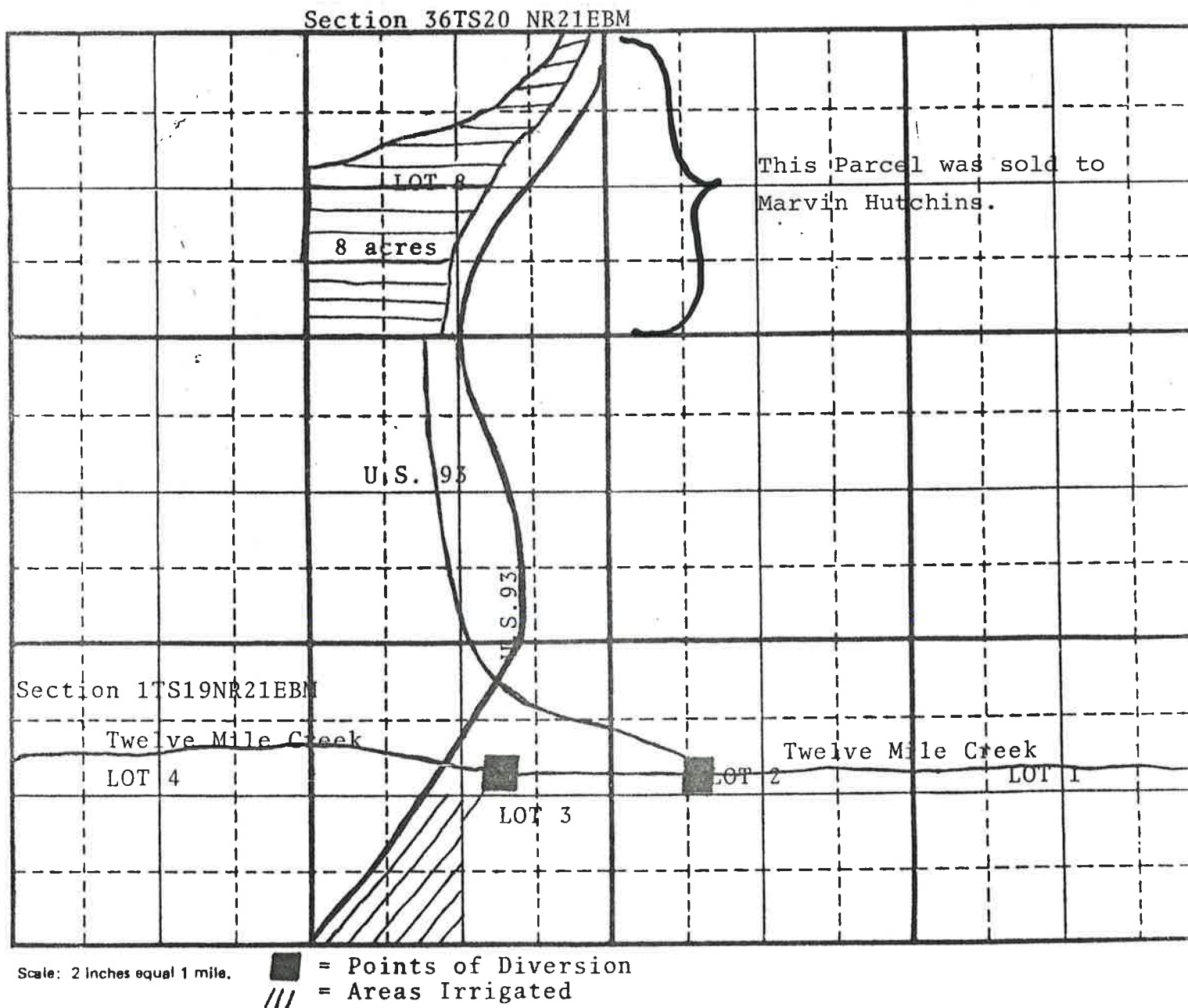
Last Name FirstFed America Bank Ident No. _____ Copies: Y-State, Y-Claimar

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name FirstFed America Bank Ident No. _____ Copies: Y-State, Y-Claimant

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