

11/01/2006

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

RIGHT NUMBER: 75-4497

NAME AND ADDRESS: CONSTANCE B HUNTER
220 BOOTHMAN LN
STAHLSTOWN PA 15687-1194

BRADLEY L HUNTER
220 BOOTHMAN LN
STAHLSTOWN PA 15687-1194

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/15/1948

POINT OF DIVERSION:

T23N R22E S17 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	0.160 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T23N R22E S18	NWNE	1.00	T23N R22E S18	SWNE	1.00
T23N R22E S18 Lot 1	NENW	0.40	T23N R22E S18 Lot 4	SENE	1.60

STOCKWATER same as IRRIGATION

4 ACRES TOTAL

Place of use does not include federal public lands

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-4497

T23N R22E Sec. 18

LEGEND

 Point(s) of Diversion

 Place of Use

Gov. Lot Numbers

 Townships

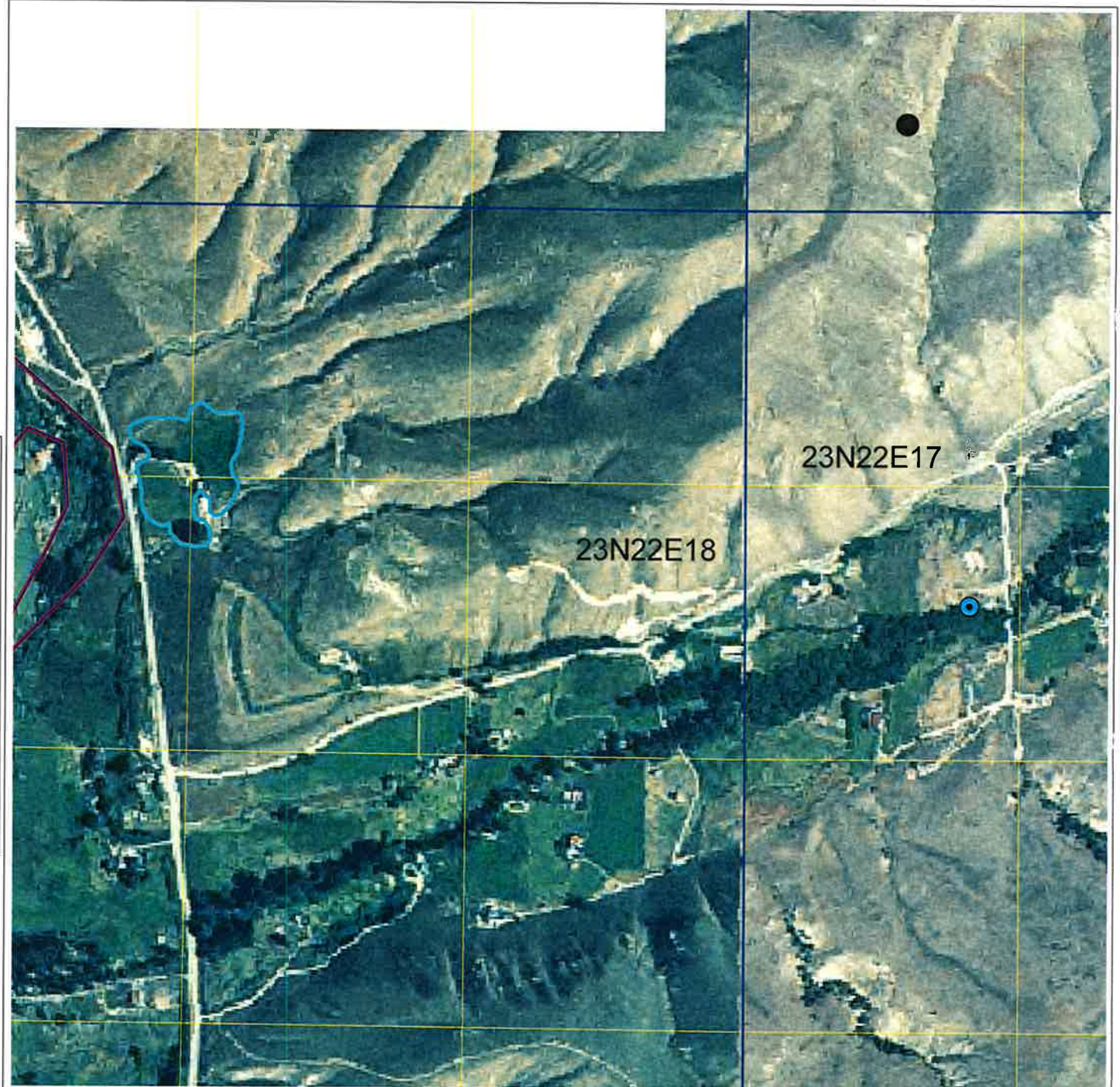
 Sections

 Quarter Quarter

IMAGE 1993 True Color



Prepared By: Asher Barton
November 9, 2005





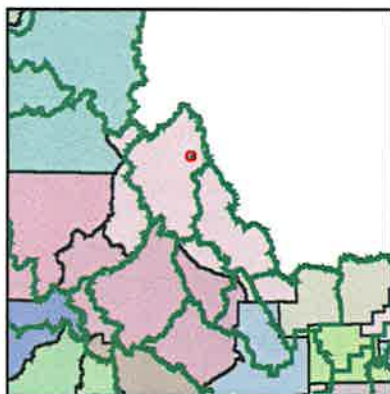
Idaho Department of Water Resources

Adjudication Claim Number: **75-4497**

T23N R22E

Legend

-  74-4497
-  Sections
-  GCDB23N22E GCDB



Lemhi County
IDWR Basin 75



0 0.3 0.6 Miles

A scale bar with markings for 0, 0.3, and 0.6 miles.

Prepared by R. Brown
On Wednesday, January 25, 2006
1993/94 Aerial Photography

75-4497

SFS rotating - need to have claimant sign
BLM agrees w/ SFS
claimant and show

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
A75-04497

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David J. Couch or Connie M. Couch Phone (208) 756-2190Mailing Address HCR 10 Box 33, Carmen, ID Zip 834622. Date of Priority (Only one (1) per claim) June 15, 19483. Source of water supply (a) Tower Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 23 N Range 22 E Section 17,
SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of LemhiAdditional points of diversion if any: none

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Headgate diversion dam,
culvert, and open ditch

MICROFILMED

DEC 15 1992

A7504497



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar 1 to Nov 30 amount 0.20 or _____

For stockwater purposes from Jan 1 to Dec 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 103.45 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: cattle and horses 5

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	
23N	22E	18		1	1		1			2									5

Total number of acres irrigated 5

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

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

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

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

or None (X)

14. Remarks: Due to nature of soil more than one inch to an acre is necessary. The need on this soil is two inches to the acre due to the gravels and soils

MICROFILMED

DEC 15 1992

Last Name Couch Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 75-4497

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 3

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 _____

_____ Date _____

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

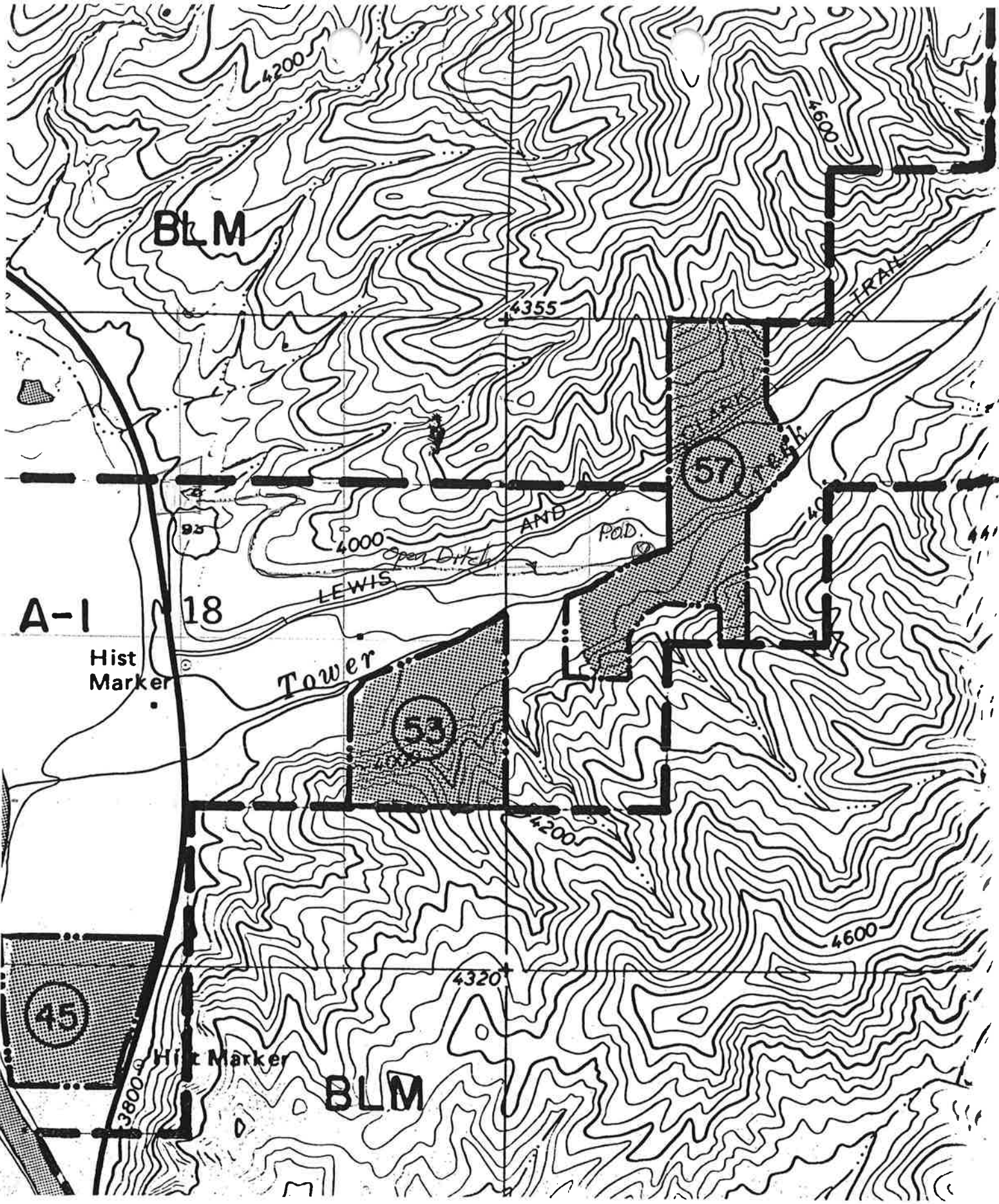
Date _____

MICROFILMED

DEC 15 1992

Last Name Couch Ident. Number _____

Copies White-State, Yellow-Claimant



Couch

MICROFILMED
DEC 15 1992

Tower Creek Lower ditch

GPS Site Tag No.: A0015035

POD Location: T23N, R22E, S17, SWNW

Rate Measured: 2.34 cfs

Claim No.	Priority Claimed	Rate Claimed (cfs)	Priority Rec.	Rate (0.02 cfs/acre)	Ditch Length (mi.)	Conveyance Loss (cfs)	Max. Rate (cfs)	Rec. Rate (cfs)
75-2004A	2/19/1907	0.23	2/19/1907	0.024	0.192	0.051	0.08	0.08
75-2004F	2/19/1907	0.04	2/19/1907	0.062	0.312	0.083	0.15	0.04
75-2004G	2/19/1907	0.10	2/19/1907	0.018	0.269	0.072	0.09	0.09
75-2004K	2/19/1907	0.05	2/19/2007	0.006	0.044	0.012	0.02	0.02
75-2004L	2/19/1907	0.11	2/19/1907	0.074	0.101	0.027	0.10	0.10
75-4067	6/7/1897	0.14		0	0	0.000	0.00	0.00
75-4141	6/7/1897	0.20	4/1/1912	0.024	0.477	0.127	0.15	0.15
75-4143	6/7/1897	0.34	4/1/1912	0.140	0.523	0.140	0.28	0.28
75-4168	2/19/1907			0	0	0.000	0.00	0.00
75-4314	2/19/1907			0	0	0.000	0.00	0.00
75-4497	6/15/1948	0.24	6/15/1948	0.072	0.788	0.210	0.28	0.24
		1.45					1.14	0.67

Conveyance Loss (Worstell Method)

$$S=(W)(i)(0.0667)$$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

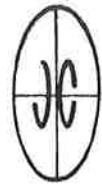
i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

Type of Soil	Loss Rate i (ft/day)
med. Clay loam	0.5 to 1.5
impervious clay	0.5
med. Soils	1.0
somewhat pervious	1.5 to 2.0
gravel	2.5 to 5.0



johnston and couch
engineers • surveyors



james s. johnston, p.e. l.s.

1021 main street (p.o. box 1460)
salmon, idaho 83467
(208) 756-3019

david j. couch, l.s.

12/7/83

Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83401

DEC 12 1983
Department of Water Resources
Eastern District Office
COPY
*from Statutory
claim file*

Dear Sirs:

Your office requested a specific priority date for my Claim to Water Right.

Mr. Red Bolander, who lived on the property in 1948, indicates the ditch was in before he moved there and was probably put in by Mr. Lou Gerdes, the previous owner. He mentioned that the field had been planted to alfalfa and had gone to cheat grass. He estimated the ditch had been there 7 or 8 years prior to 1948. However, Mr. Lou Gerdes is deceased and makes a specific date rather difficult to assert.

In that it appears no other living owners or neighbors can testify to a specific date on this matter, I would request your advice or assistance. Mr. Bolander lives north of Salmon and his phone number is 756-2605.

Enclosed is the original application data
and a new check for \$30.00

Thank you for your consideration in this
matter.

Sincerely

David J. Couch

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

CLAIM NO(s). 75-4497

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☒ NEW ADDRESS: 1003 Hwy 93 N SARMEN ID 83462

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.: A6015035 GPS-File # T061020A

Township 23N Range 22E Section 17 1/4 SE 1/4 SW 1/4 NW
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

diversion in creek, ditch to place of use

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

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

7. ☒ No Change - TOTAL VOLUME

☐ 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

Shares POD with 75-2004F, 75-2004G, 75-2004K, 75-2004L
75-4067, 75-4141, 75-4168, 75-4314

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-14-05

FIELD EXAMINER: Bob Foster
 Print Name

Bob Foster
 Signature

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

Date of measurement: 6/10/2005

REW value: 1.00

LEW value: 6.00

readings (ft): **0.50**

Make entries in cells without shading.

[illegible]



<Empty Text>

Clu_a_id059.shp
Plss_a_id_utm12.shp



DATE: 07/11/97
PAGE: 1

Misc: Water District Number: Field Inspection Flag: ,
Presumption Flag: C

COPY

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4497

RECEIVED
JUL 26 2005
DEPARTMENT OF
WATER RESOURCES

WATER RIGHT NUMBER: 75-4497

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BETTY J FINK 1003 HIGHWAY 93 N CARMEN, ID 83462-4508
Current Owner	CONSTANCE B HUNTER 220 BOOTHMAN LN STAHLSTOWN, PA 15687-1194 (412)593-2253
Original Owner	MICHAEL G FINK 1003 HIGHWAY 93 N CARMEN, ID 83462-4508
Current Owner	BRADLEY L HUNTER 220 BOOTHMAN LN STAHLSTOWN, PA 15687-1194 (412)593-2253
Original Owner	CONNIE M COUCH 1003 HIGHWAY 93 N CARMEN, ID 83462-4508 (208)756-2190
Original Owner	DAVID J COUCH 1003 HIGHWAY 93 N CARMEN, ID 83462-4508 (208)756-2190

Priority Date: 06/15/1948

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
IRRIGATION	3/01 to 11/30	0.200 CFS	
	<u>Total Diversion:</u>	0.240 CFS	

Location of Point(s) of Diversion

TOWER CREEK	SE1/4SW1/4NW1/4	Sec. 17, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T23N R22E S18	NWNE	1.0	T23N R22E S18	SWNE	1.0
T23N R22E S18	NENW	1.0	T23N R22E S18	SENE	2.0

Total Acres: 5

STOCKWATER same as IRRIGATION

SCANNED

JUL 26 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4497

Conditions of Approval:

1. DUE TO NATURE OF SOIL MORE THAN ONE INCH TO AN ACRE IS NECESSARY. THE NEED ON THIS SOIL IS TWO INCHES TO THE ACRE DUE TO THE GRAVELS AND SOILS.
CHANGED OWNERSHIP PER REQUEST/JH/7-11-97

Remarks:

Water Supply Bank:

SCANNED

JUL 26 2005

The United States of America. To All to whom These presents shall come. Greeting: Whereas Frederick W. Niemann of Lemhi County, Idaho, Desert Lands. } has deposited in the General Land Office of the United States. Certificate No 307 } a Certificate of the Register of the Land Office at Boise, Idaho. Whereby it appears that full payment has been made by the said Frederick W. Niemann, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands and the acts supplemental thereto for the South West quarter of the North East quarter and the Lot numbered four of section eighteen in Township twenty-three North of Range twenty-two East of Boise Meridian in Idaho, containing sixty-five acres, according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Frederick W. Niemann. Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by These presents do give and grant: unto the said Frederick W. Niemann and to his heirs, the said tract above described: To have and to hold the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, unto the said Frederick W. Niemann and to his heirs and assigns forever: subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and right to ditch and reservoir used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts. And also subject to the rights of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the Lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I, William McKinley, 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 seventh day of June, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Independence of the United States the one hundred and twenty-first.

By the President: William McKinley.

By M. M. Keane, Secretary.

C. W. Brush

Recorded Vol 3 A. page 242.

Recorder of the General Land Office.

Recorded at the request of F. W. Niemann, August 10, 1897, at 30 minutes past 3 o'clock P. M., in Book "D" of Deeds, page 536. Records of L. S. A. - Vol. 1.

SCANNED

JUL 26 2005

Desert Land Act

From Wikipedia, the free encyclopedia.

The **Desert Land Act** was passed by the United States Congress on 3 March 1877 to encourage and promote the economic development of the arid and semiarid public lands of the Western United States. Through the Act, individuals may apply for a desert-land entry to reclaim, irrigate, and cultivate arid and semiarid public lands.

The act offered 640 acres (2.6 km²) of land to anyone who would pay 25 cents an acre (\$61.78/km²) and promise to irrigate the land within 3 years. Individuals taking advantage of the act were required to submit proof of their efforts to irrigate the land within three years, but as water was relatively scarce, a great number of fraudulent "proofs" of irrigation (estimated as high as 95% for early claims) were provided.

This article is based in part upon content from <http://www.blm.gov/nhp/landfacts/DesertLand.html>, a public domain resource provided by the United States federal government.

Retrieved from "http://en.wikipedia.org/wiki/Desert_Land_Act"

Categories: Law stubs

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SCANNED

JUL 26 2005



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 11, 1997

BRADLEY L & CONSTANCE B HUNTER
RD 1 BOX 20A
STAHLSTOWN PA 15687

RE: CHANGE IN OWNERSHIP FOR A75-04497, A75-10343

Dear Mr. & Mrs. Hunter:

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.

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,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice of Claim

RECEIVED
DEC 23 1996

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

7/2/97 SB
12-23-96
Please return
this does
to me to return
to them, thanks Jo

1. Water Right Number(s) _____

Adjudication Claim Number(s) A75-04497, A75-10343

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 for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) MICHAEL G. FINK and/or BETTY J. FINK

HC 10 BOX 33 CARMEN 1 DAKOTA 83462

4. New Owner/Claimant(s) BRADLEY L and/or CONSTANCE B HUNTER

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address RD1 BOX 209 STAHLSTOWN, PA 15687

City, State and ZIP Code _____

New Telephone Number (412) 593 - 2253

5. Date you acquired the property 10-14-96

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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.

7. Signature of New Owner/Claimant(s) Bradley L Hunter Date DEC. 17, 1996

Constance B Hunter Date DEC. 17, 1996

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

EXHIBIT "A"

PARCEL I:

A PARCEL OF LAND LOCATED IN U.S. GOVERNMENT LOT FOUR (4) AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY-THREE (23) NORTH, RANGE TWENTY-TWO (22) EAST OF THE BOISE MERIDIAN, LEMHI COUNTY, IDAHO, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION EIGHTEEN (18) A DISTANCE OF 1,308.45 FEET ON A BEARING OF S. 0 DEGREES 19' 47" W. TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) AND BEING THE REAL POINT OF BEGINNING.

FROM THIS REAL POINT OF BEGINNING, A DISTANCE OF 265.00 FEET ON A BEARING OF N. 89 DEGREES 36' 06" W. ALONG THE NORTHERLY BOUNDARY OF SAID LOT FOUR (4) TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93;

THENCE S. 12 DEGREES 10' 58" E., 299.87 FEET ALONG THE SUBCHORD OF A CURVE HAVING A CENTRAL ANGLE OF 5 DEGREES 53' 49" AND A RADIUS OF 2,914.79 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93;

THENCE N. 87 DEGREES 00' E., 387.24 FEET;

THENCE N. 0 DEGREES 19' 47" E., 269.70 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4);

THENCE N. 89 DEGREES 36' 06" W., 186.55 FEET TO THE REAL POINT OF BEGINNING.

EXHIBIT "A"

PARCEL II:

A PARCEL OF LAND LOCATED IN SW1/4NE1/4 AND U.S. GOVERNMENT LOT 4, SECTION 18, T. 23 N., R. 22 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 18, A DISTANCE OF 1303.57 FEET ON A BEARING OF S. $0^{\circ} 50' 30''$ W. ALONG THE CENTER OF SECTION LINE TO THE NORTH 1/16 CORNER; THENCE S. $89^{\circ} 21' 27''$ E., 196.24 FEET TO THE REAL POINT OF BEGINNING.

THENCE S. $89^{\circ} 21' 27''$ E. 1134.11 FEET;

THENCE S. $0^{\circ} 26' 42''$ W. 277.66 FEET;

THENCE S. $89^{\circ} 13' 11''$ W. 638.84 FEET;

THENCE S. $70^{\circ} 35' 17''$ W. 526.47 FEET;

THENCE N. $82^{\circ} 47' 42''$ W. 323.55 FEET;

THENCE S. $88^{\circ} 19' 09''$ W. 45.96 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 93;

THENCE N. $7^{\circ} 39' 51''$ W. 79.41 FEET ALONG SAID EASTERLY RIGHT OF WAY;

THENCE A DISTANCE OF 62.98 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIAL OF S. $82^{\circ} 20' 09''$ W. 2914.79 FEET AND A CENTRAL ANGLE $1^{\circ} 14' 17''$ ALONG SAID RIGHT OF WAY;

THENCE N. $87^{\circ} 05' 09''$ E. 388.56 FEET;

THENCE N. $0^{\circ} 24' 56''$ E. 274.06 FEET TO THE REAL 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JUNE 9, 1993

MICHAEL FINK
HC 10 BOX 33
CARMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR A75-04497 AND A75-10343

Dear Mr. Fink:

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

Enclosed are typed Notices 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 these Notices for your records.

Respectfully submitted,

 Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Notice of Claim

MICROFILMED

APR 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 04 1993

DATE OF CLOSING: 5/28/93

Dep. of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 23N Range 22E Boise Meridian
Section 18, SW 1/4 of NE 1/4 of & 1/4 Govt. Lot 4, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ 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: A75-04497 & A75-10343

☐ Name and Address of Former Owner/Claimant(s)(Seller): David J. and Constance M. Couch
~~HC10 Box 33~~ ~~Carmen, ID 83462~~ 395 E. Ustick Rd.
Meridian, Idaho 83642

☐ New Owner/Claimant (Purchaser): Michael G. and Betty J. Fink

☐ New Mailing Address: HC10 Box 33 Carmen, ID 83462

☐ New Telephone Number: () _____ - _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Copy of Warranty Deed

(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): Michael G. Fink Date 5/28/93

Betty J. Fink Date 5/28/93

☐ Signature of Former Owner/Claimant(s): Constance M. Couch Date 5/28/93

(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

MICROFILMED

APR 19 1994

Warranty Deed

For Value Received

MICHAEL G. FINK AND BETTY J. FINK, husband and wife

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

BRADLEY L. HUNTER AND CONSTANCE B. HUNTER, husband and wife

whose current address is

RD 1, BOX 20A
STAHLSTOWN, PA 15687

the grantee_s, 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 Grantee_s, their heirs and assigns forever. And the said Grantor_s do hereby covenant to and with the said Grantee_s, that they! re the owners in fee simple of said premises; that they are free from all incumbrances

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

Dated: NOVEMBER 5, 1996

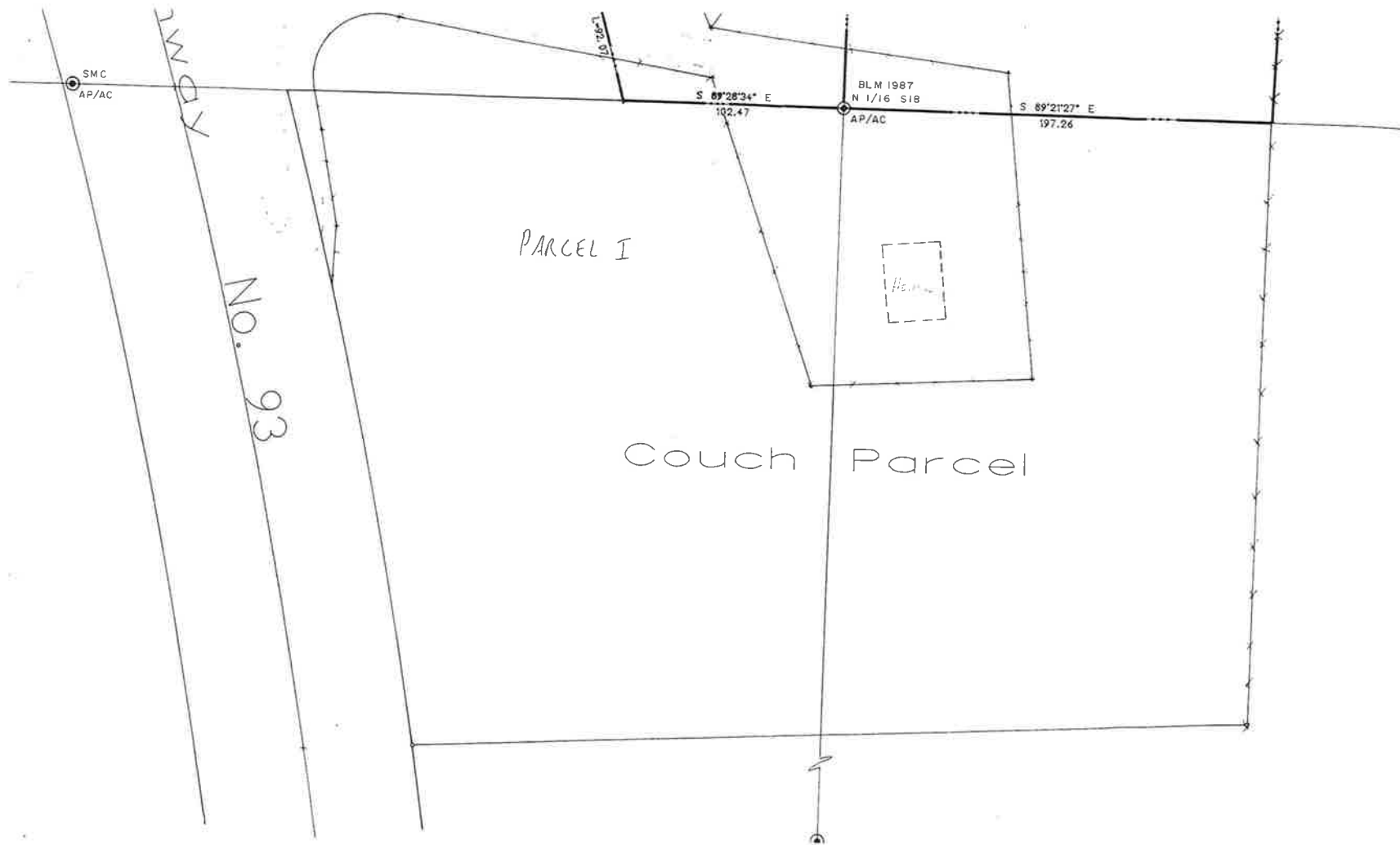
Michael G. Fink Betty J. Fink
MICHAEL G. FINK BETTY J. FINK

STATE OF IDAHO, COUNTY OF LEMHI
On this 5th day of NOVEMBER, 1996,
before me, a notary public in and for said State, personally appeared

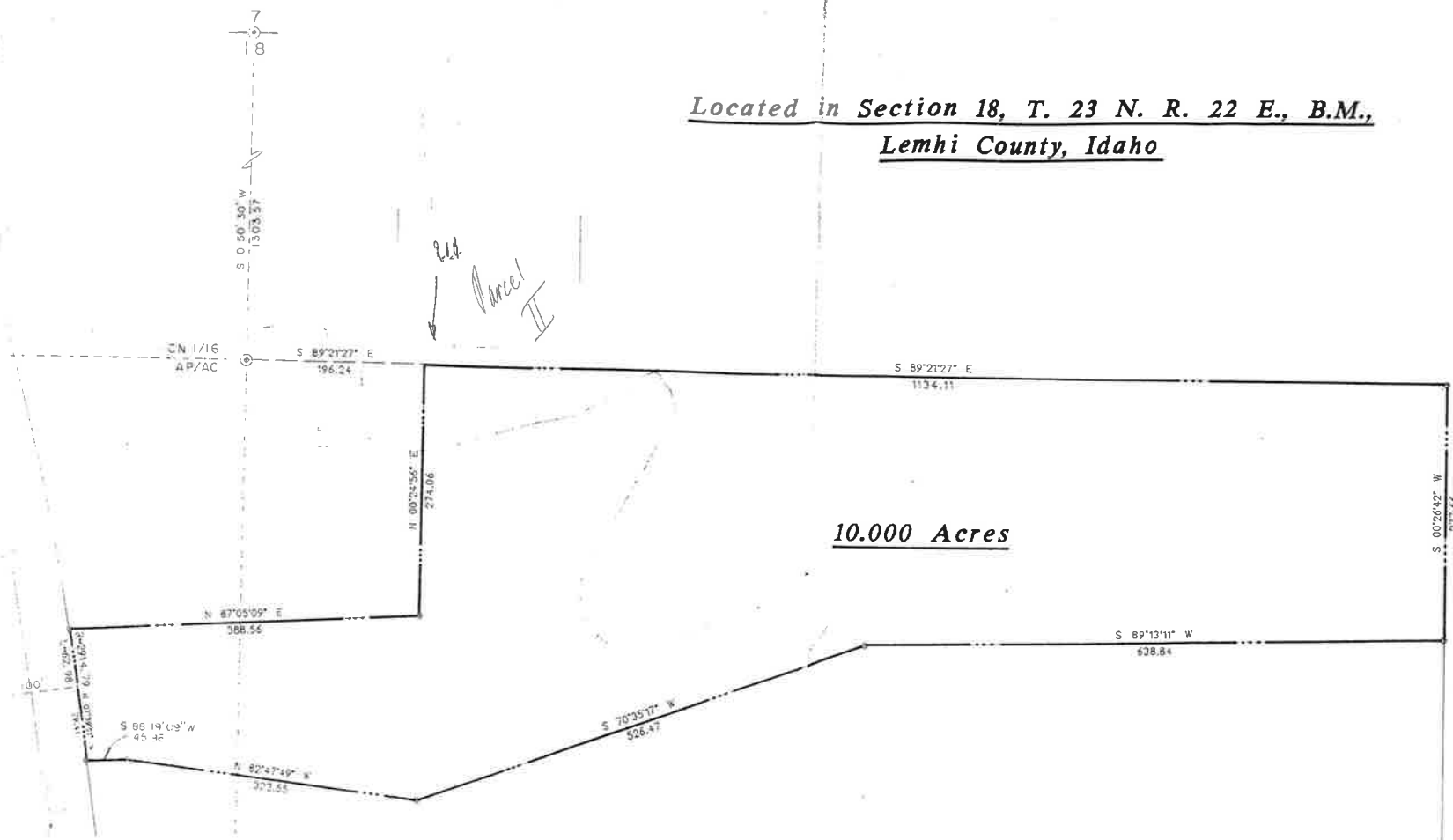
MICHAEL G. FINK AND
BETTY J. FINK
known to me to be the person_s whose name_s are
subscribed to the within instrument, and acknowledged to me that
they executed the same.
Laurie M. Santee
LAURIE M. SANTEE Notary Public
Residing at SALMON, Idaho
Comm. Expires 6-19-2001

231745

State of Idaho)
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Alliance Title
at 2:14 o'clock P.M. Nov. 6, 1996
and duly filed and indexed in the records of Lemhi
County
Alberta Wiedemich
Ex-Officio Recorder
By Jane S. Adams Deputy
Fee \$6.00
Return to Alliance Title



Located in Section 18, T. 23 N. R. 22 E., B.M.,
Lemhi County, Idaho



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that David J. Couch

(Name of Claimant)

Star Route, Box 33 Carmen, ID 83462

Carmen, ID 83462

(Zip Code)

Telephone No. 756-2190

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 15, 1948

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Tower Creek

tributary to

Salmon River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(c(s, a))

(Domestic, Irrigation, Stock, Etc.)

(Mo., Day)

(Mon., Day)

Quantity 0.10cfs Use Irrigation Period of Use From 3-1 To 11-30

Quantity 0.04cfs Use Stockwater Period of Use From 3-1 To 11-30
Period of Use From 1-1 To 12-31

Quantity _____ Use _____ Period of Use From 1-1 To 12-31
Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____
Quantity _____ Use _____ Period of Use From _____ To _____

- (4) 0.14cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 17 % NW 23N %, Sec. 22E Twp. 22E Rge. B.M. County of Lemhi

Additional points of diversion:

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate and open ditch.

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

[illegible]

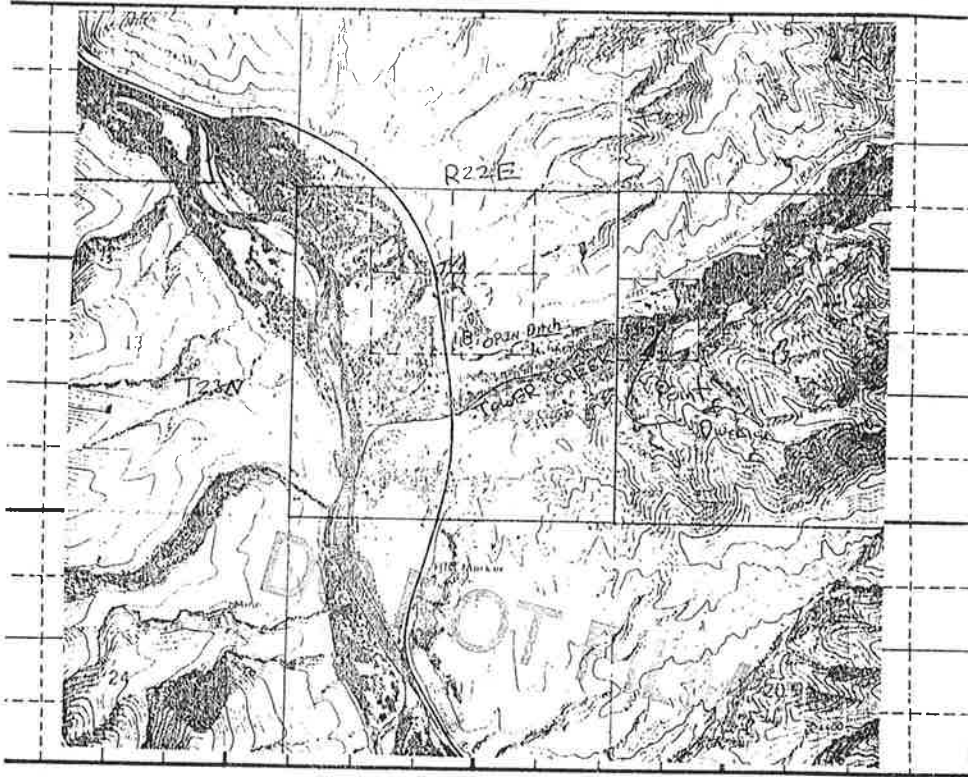
No. of acres 5

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 5 horses

- (7) If you are claiming water as a member of an organization, list name of organization:

Conc 1)



1e: 2 inches equal 1 mile.

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

State of Idaho)
County of Lemhi) ss.

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

Sworn to before me this 10 day of January, 1984.

David J. Gould
(Claimant)

John P. Pugh
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 2-13-84

P.M.	6-29	FOR DEPARTMENT USE ONLY		
S.R.C.	7-1-83	Received by	Date	Exception filed by:
C.W.	12-12-83	Prelim. check by	Date	Forwarded to claimant by:
		\$30.00 fee received by	Date	
		Published in	Date	
		Dates		

COUCH

SCANNED

OCT 10 1990

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: A75-04497
Date Received: 4/27/1990
Receipt No: M006788
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MICHAEL G FINK
Address: HC 10 BOX 33
CARMEN ID

83462

AND/OR

Name: BETTY J FINK
Address: HC 10 BOX 33
CARMEN ID

83462

2. Date of Priority: JUN 15, 1948

3. Source: TOWER CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	17	SE	SW	NW		LEMHI

5. Description of diverting works:

HEADGATE, DIVERSION DAM, CULVERT & OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/30	0.200		
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:

0.240 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

12.5 Acre Feet Per Annum.

9. Non-irrigation uses:

S/5 HORSES & CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	22E	18	NW		NE		IRR	1.0
			SW		NE		IRR	1.0
			NE		NW		IRR	1.0
			SE		NW		IRR	2.0

Section Acres 5.0

Total Acres 5.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

DUE TO NATURE OF SOIL MORE THAN ONE INCH TO AN ACRE IS
NECESSARY. THE NEED ON THIS SOIL IS TWO INCHES TO THE ACRE DUE
TO THE GRAVELS AND SOILS.

15. Basis of Claim: STATUTORY CLAIM

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: A75-04497
Date Received: 4/27/1990
Receipt No: M006788
Received By: L.R.W.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID J. COUCH 208-756-2190
Address: HCR 10, BOX 33
CARMEN, ID 83462

OR

Name: CONNIE M. COUCH 208-756-2190
Address: HCR 10, BOX 33
CARMEN, ID 83462

2. Date of Priority: JUN 15, 1948

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	17	SE	SW	NW		LEMHI

5. Description of diverting works:
HEADGATE, DIVERSION DAM, CULVERT & OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/30	0.200		
STOCKWATER	01/01	12/31	0.040		

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

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

9. Non-irrigation uses:
S/5 HORSES & CATTLE

A75-04497

Page 1

Date: 04/27/90

MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	18	NW	NE		IRR	1.0
			SW	NE		IRR	1.0
			NE	NW		IRR	1.0
			SE	NW		IRR	2.0
						Section Acres	5.0
						Total Acres	5.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

DUE TO NATURE OF SOIL MORE THAN ONE INCH TO AN ACRE IS
NECESSARY. THE NEED ON THIS SOIL IS TWO INCHES TO THE ACRE DUE
TO THE GRAVELS AND SOILS.

15. Basis of Claim: STATUTORY CLAIM

(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.

DEC 15 1992