

12/21/2006

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

RIGHT NUMBER: 75-10474
NAME AND ADDRESS: ANTELOPE HILLS NORTH WATER CO
PO BOX 161
CARMEN ID 83462
SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 2.040 CFS
PRIORITY DATE: 04/01/1915
POINT OF DIVERSION:

T22N R22E S8 SWSWSE Within LEMHI County
T22N R22E S9 SWNWSW 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	2.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S08	SWNE	10.00	T22N R22E S08	NENW	33.00
T22N R22E S08	NWNW	5.00	T22N R22E S08	SWNW	21.00
T22N R22E S08	SENE	39.00			

108 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 104.2 acres in a single irrigation season. Combined Right Nos.: 75-10474, 75-10061W and 75-10062U.

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

11/16/2006

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

RIGHT NUMBER: 75-10474
NAME AND ADDRESS: ANTELOPE HILLS NORTH WATER CO
PO BOX 87
CARMEN ID 83462
SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 2.040 CFS
PRIORITY DATE: 04/01/1915
POINT OF DIVERSION:

T22N R22E S8 SWSWSE Within LEMHI County
T22N R22E S9 SWNWSW 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	2.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S08	SWNE	7.20	T22N R22E S08	NENW	32.00
T22N R22E S08	NWNW	5.00	T22N R22E S08	SWNW	21.00
T22N R22E S08	SENE	39.00			

104.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 104.2 acres in a single irrigation season. Combined Right Nos.: 75-10474, 75-10061W and 75-10062U.

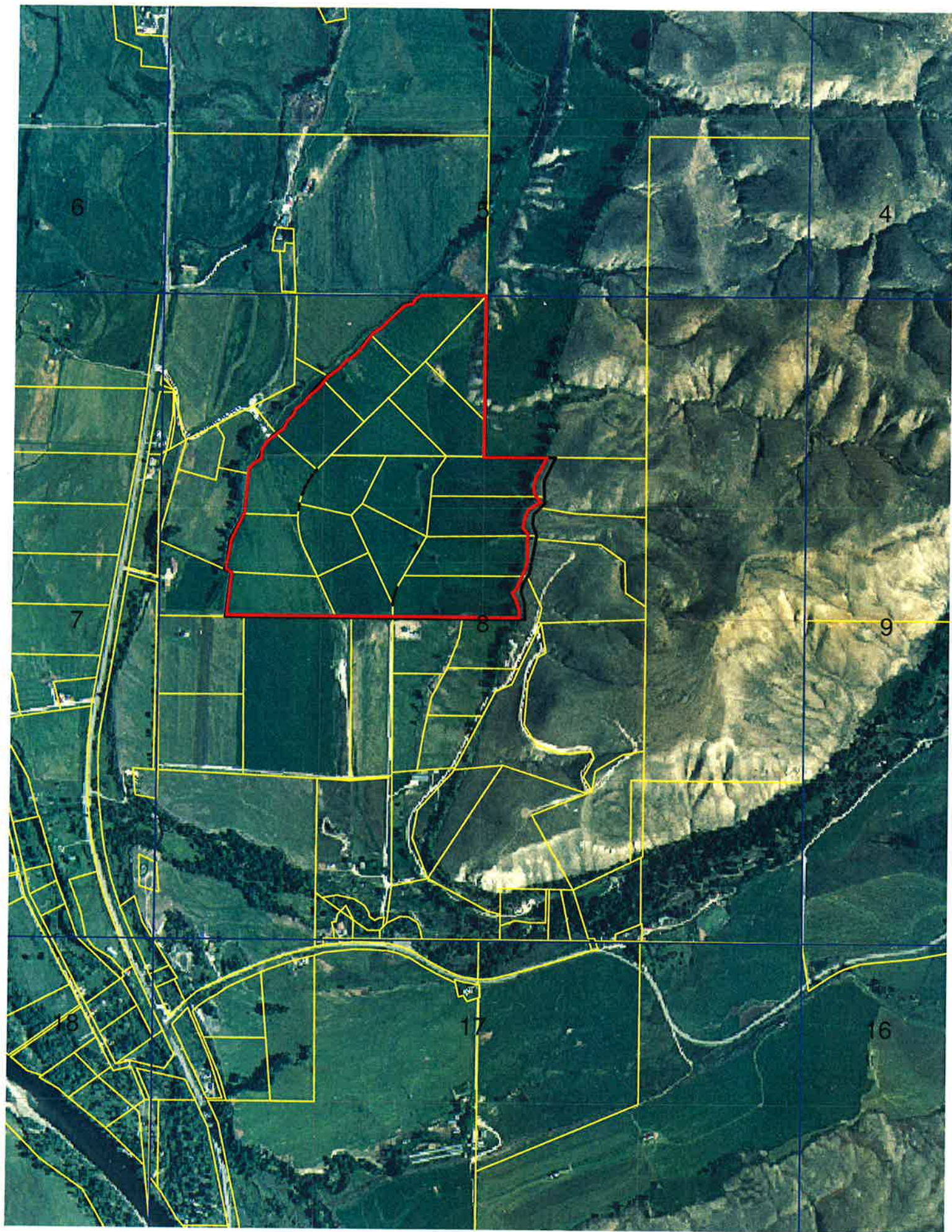
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

108.04

58
52
—
90



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: 75-10474

ANTELOPE HILLS NORTH WATER CO

PO BOX 87

CARMEN ID 83462

Telephone Number: (208) 756-2755

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

NUMBER OF IRRIGATED ACRES 111,042 per 108 ac.
hemhi County Survey NOT 104.2 PROPOSED

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

INCREASE AVERAGE per ATTACHED SURVEY

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

hemhi County Survey Attached

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

DATE: _____ SIGNATURE: LEE BINGHAM

Please print your name: LEE BINGHAM

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

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Claim Report 75-10474

WATER RIGHT NUMBER: 75-10474

RECEIVED
 JUL 25 2005
 DEPARTMENT OF
 WATER RESOURCES

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAVID MC FARLAND PO BOX 124 CARMEN, ID 83462 (208)756-3752
Original Owner	THOMAS MC FARLAND PO BOX 124 CARMEN, ID 83462 (208)756-4805
Original Owner	BAR S RANCH INC C/O MITCHELL MC FARLAND PO BOX 58 CARMEN, ID 83462 (208)882-3136
Current Owner	ANTELOPE HILLS NORTH WATER CO PO BOX 87 CARMEN, ID 83462 (208)756-2755
Original Owner	BRUCE MC FARLAND PO BOX 124 CARMEN, ID 83462 (208)756-2490

Priority Date: 04/01/1915

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.040 CFS	
	<u>Total Diversion:</u>	2.040 CFS	

Location of Point(s) of Diversion

CARMEN CREEK LEMHI County	SW1/4SW1/4SE1/4	Sec. 8, Twp 22N, Rge 22E, B.M.
CARMEN CREEK LEMHI County	SW1/4NW1/4SW1/4	Sec. 9, Twp 22N, Rge 22E, B.M.

Place of UseIRRIGATION Within LEMHI County

T22N R22E S08	SWNE 12.0	T22N R22E S08	NENW 30.0
T22N R22E S08	NWNW 5.0	T22N R22E S08	SWNW 23.0
T22N R22E S08	SENW 36.0		

Total Acres: 106

6-653
 28-226

SCANNED

JUL 25 2005

Blackfoot 038478

4-1028

Jul. 15, 1925.

THE UNITED STATES OF AMERICA,
To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant H. F. WILLIAM NIEMANN, according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891,

for the southwest quarter of the northeast quarter of Section eight in Township twenty two north of Range twenty-two east of the Boise Meridian, Idaho, containing forty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises and in conformity with the several acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, 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, in the District of Columbia, the EIGHTH day of JULY in the year of our Lord one thousand nine hundred and TWENTY-FIVE and of the Independence of the United States the one hundred and FIFTIETH.

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

-SEAL-

RECORDED: Patent Number 962781

Recorded at the request of H. F. W. Niemann, August 24th, 1925, at 3 minutes past 11 o'clock A.M.; in Book 28 of Deeds, page 226, Records of Lemhi County, Idaho.

By Delia M. Glenwood
Deputy

H. H. Simmonds
County Recorder

Fee: 1.00

SW4NE4
pcc 8

SCANNED

JUL 25 2005

Homestead Certificate No 5716. } United States of America
Application 983. } It is all to whom these persons
shall come. Standing.

Whereas, there has been deposited in the General
Land Office of the United States a Certificate of the
Secretary of the Land Office at Albany, Idaho, whereby it
appears that pursuant to the act of Congress approved
20th of May 1862. "to secure Homesteads to actual settlers on
the Public Domain", and the acts supplemental thereto
the claims of William Smith has been established and
duly recognized in conformity to law, for the North
half-quarter of Section eight in Township twenty two
North of Range twenty two East of 13th Meridian
in Idaho. Containing one hundred and sixty
acres according to the Official Plat of the Survey
of the said land returned to the General Land
Office by the Surveyor General:

Now know all that there is therefore granted by
the United States unto the said William Smith the
tract of land above described. To have and
to hold the said tract of land unto the heirs and
heirs unto the said William Smith, and to his
heirs and assigns forever: subject to any record or
accused water rights for mining or mechanical
manufacturing or other purposes. And right to dig
and reservoir used in connection with such water
rights, as may be recognized and acknowledged by
the local officials, laws and decisions of courts
and also subject to the right of the proprietor of
a vein or lode to extract ^{it} under his or their
shares the same be found to penetrate or intersect
the premises hereby granted as provided by law.
And there is resolded from the lands hereby grant-
ed a right of way thereon for ditches or canals con-
structed by the authority of the United States.

For testimony whereof G. Horner Cleveland Pres-
ident of the United States of America, has caused
these letters to be made public, and the seal of
the General Land Office to be hereunto affixed,
Given under my hand at the City of Washington
the sixteenth day of November in the year of our
Lord, one thousand eight hundred and ninety four
and of the Independence of the United States the
one hundred and sixteenth

By the President Grover Cleveland
By the Secretary Mr. M. E. Hearn Secretary
of the General Land Office

SCANNED

III 25 2005

Recorded Vol 28, Page 148. Records of the General Land Office.

Recorded at the request of William Smith Jan 26-1895- at 45 minutes past 10 o'clock
M. in Book 9, Page 653. Records of Lemhi County Idaho J. P. Blough County Recorder.

I have been told that you the undersigned
 have this day located the State Right at the South Fork of
 Cannon Creek commencing at the head of the Canon
 Creek and thence the line to the surveyed to the road on
 one side and the line to the right of way to survey it
 to the river, the said creek is in 2 feet deep, 3 feet
 in the bottom and 4 feet wide at the top.
 This is the day of February 1883. (V. A. S. Myers,
 J. W. Doherty,
 J. C. Doherty
 No. 11 Decatur A. M. and day recorded in Book of State Right
 No. 11 Decatur A. M. 328.

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

ADAH E. FRIEDORFF,)
Plaintiff,)
vs.) D E C R E E.
M. W. FRIEDORFF,)
Defendant.)

This matter came on regularly to be heard at the instance of the Plaintiff, on this 19th day of May, 1931, at Salmon, Lemhi County, Idaho, before Hon. C. J. Taylor, Judge of the Ninth Judicial District of the State of Idaho, sitting for and in behalf of Hon. Ralph W. Adair, Judge of the Sixth Judicial District, E. H. Casterlin appearing as attorney for the Plaintiff, and the Defendant failing to appear in his own proper person or by his attorney; and it appearing to the satisfaction of the said Judge that personal service of Summons had been had in the State of Idaho, upon the said defendant, and that the said defendant has failed, refused and neglected to appear in this action and the time for answering having expired and the default of the said defendant having been regularly entered herein; and it further appearing to the satisfaction of the said Judge that each and every material allegation of plaintiff's complaint is supported by competent proof and evidence, and that the prayer of plaintiff's Complaint should be granted,

NOW, THEREFORE, by reason of the law and the evidence, it is ordered that the bonds of matrimony heretofore existing between the plaintiff Adah E. Friedorf and the Defendant M. W. Friedorff be and the same are hereby wholly dissolved and the parties freed from the obligations thereof.

Dated May 20th, 1931.

C. J. Taylor
District Judge.

Filed & Entered May 20th, 1931
W.W. Simmonds, Clerk.
By Margaret Shoup, Deputy.
Judgment Book D, page 56

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

ALBERT E. DANIELS and)
NELLIE D. DANIELS, husband and)
wife,) Plaintiffs,)
vs.) D E C R E E.
MARTHA A. PYEATT and MARTHA A.)
PYEATT, Administrator of the)
Estate of MacPherson Pyeatt,)
deceased, LILLIE JONES)
SANDILANDS and DAVID SANDILANDS,)
AUGUST F. ROSE and MAY B. ROSE,)
Defendants.)

This matter came on regularly for hearing this 1st day of June, 1931, before Honorable C. J. Taylor, Judge of the Ninth Judicial District of the State of Idaho, sitting for and on behalf of Honorable Ralph W. Adair, Judge of the Sixth Judicial District of the State of Idaho, at Salmon, Lemhi County, Idaho, the plaintiffs being represented by E.H. Casterlin, their attorney of record, and the defendants Lillie Jones Sandilands and David Sandilands, having confessed plaintiffs' complaint, being represented by E.H. Casterlin their attorney of record, the defendants Martha A. Pyeatt and Martha A. Pyeatt Administrator of the Estate of MacPherson Pyeatt, deceased, being represented by J.H. Padham, their attorney of record, and the defendants August F. Rose and May B. Rose being represented by their attorney of record, E. W. Whitcomb, and the action having been dismissed without prejudice as to the defendant Jack Stevens, and no cross complaint having been filed by the said Jack Stevens or by any other party to this action against the said Jack Stevens;

And it appearing to the satisfaction of the said Judge that all of the parties affected by this decree are within the jurisdiction of this court and have submitted thereto; and that the said parties affected by this decree have stipulated all of the facts in respect of the plaintiffs' complaint and the causes of action alleged by the respective parties defendants, and in said stipulation have consented that the said facts are and constitute all of the facts submitted by the respective parties in support of their respective causes of action; and the said parties having waived Findings of Fact and Conclusions of Law in writing; and the entire matter having been submitted to the Court on the said Stipulation, the Court now renders its judgment thereon as follows:-

1.

That the defendant Lillie Jones Sandilands is the owner of an interest in and to the hereinafter described ditch to the extent of a carrying capacity therein of 15 miner(s) inches of the waters of Carmen Creek, or so much thereof as may be necessary to irrigate the following described lands in Lemhi County, Idaho, to wit: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ of Section Two; that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section Two described as beginning at the NE corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Said Section Two, and run thence along the north line of the said quarter section 300 feet; thence South 36° 20' West 244 feet to the channel of Carmen Creek; thence South 14° 30' West along the center of the channel of said creek 340 feet; thence South 5° 25'

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SCANNED

JUL 25 2005

That the plaintiffs, Albert E. Daniels and Nellie D. Daniels are the owners of an interest in and to the said ditch, after deducting the interest of the said Lillie Jones Sandilands, to the extent of three-eighths of the carrying capacity thereof during the high water period, and to the extent of one-third of the carrying capacity thereof after the water in said creek has dropped to a point that there is only sufficient water to fill the, or a part of the decreed water rights of the parties Daniels and Rose as the said decreed water rights exist and are owned by the respective parties on the date hereof, which right is appurtenant to the following described lands, situated in Lemhi County, State of Idaho, and particularly described as follows, to wit: SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Township 22 North, Range 22 East of the Boise Meridian.

3.

That the defendants, Martha A. Pyeatt, Martha A. Pyeatt, administrator of the estate of MacPherson Pyeatt, deceased, August F. Rose and May B. Rose, husband and wife, are the owners of an interest in and to the said ditch, after deducting the interest of the said Lillie Jones Sandilands, to the extent of five-eighths of the carrying capacity thereof during the high water period, and to the extent of two-thirds of the carrying capacity thereof after the water on said said creek has dropped to a point that there is only sufficient water to fill the, or a part of the decreed water rights of the parties Daniels and Rose, as the said decreed water rights exist and are owned by the respective parties on the date hereof, all of which is appurtenant to the following described lands situated in Lemhi County, State of Idaho, to wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 3, Township 22 North, Range 22 East of the Boise Meridian;

Also SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 22 North, Range 22 East of the Boise Meridian;

Also that part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9 in Township 22 North, Range 22 East of the Boise Meridian, described as beginning at the SE corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 of said Township and Range, thence North along the East line of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, 330 feet to the center of the County road, thence South 47° 40' West along the center line of the said road 493.7 feet, more or less, to the South line of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence East along the South line 367 feet to the place of beginning; also beginning at the East quarter corner of Section 9, Township 22 North, Range 22 East of the Boise Meridian, thence North along the East line of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$, 475 feet to a point in the center of the County road; thence South 11° 30' West 115 feet; thence South 27° 47' West 409 feet more or less, to the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence East 214 feet to the place of beginning.

Excepting and reserving from the said lands that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 22 North, Range 22 East of the Boise Meridian, conveyed by deed dated April 1, 1915, and recorded in Book "X" of Deeds at page 60 thereof. Also excepting that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 22 North, Range 22 East of the Boise Meridian, that parcel of land described as beginning at a point on the West line of said Section 10, 475 feet North of the West Quarter Corner of said Section 10, the same being in the center of the present County road, thence North along the West line of said Section 10, 376.8 feet; thence North 45° East 662.2 feet to the North line of said 40 acre tract, thence East along the north line of said 40 acre tract 474. feet to a point in the center of said County road; thence South 48° West along the center of said County Road 1265.4 feet to the place of beginning.

4.

That the ditch hereinabove mentioned is situated in Lemhi County, State of Idaho and has its point of diversion in Carmen Creek upon the land now owned by George Howell being Lot 3 of Section _____, Township 22 North, Range 22 East of the Boise Meridian, and the course of which is southwesterly, following the contour of the country, through, to and upon the lands of the parties to this action, as well as other lands, and terminating upon the lands of owned by the parties Daniels.

5.

That the rights of the parties in and to said ditch are for conducting the said waters of Carmen Creek for agricultural and domestic purposes. That the waters conveyed through said ditch during the high water period as hereinabove defined, shall be allotted to the parties to this action as their right in and to said ditch have been herein determined, which is to say, Lillie Jones Sandilands shall have the right to take from said ditch 15 inches of water, or so much thereof, as may be necessary to irrigate her said lands, and the balance of the water shall be divided between the plaintiffs Daniels and the Defendants Pyeatt and Rose in a proportion of 150 inches to 200 inches.

6.

That for the distribution and division of the said ditch and the waters to be conveyed therein and there through, the said Lillie Jones Sandilands shall, at her own cost and charges, install in said ditch a proper, suitable and efficient measuring devise and weir and maintain the same, so that at all times the amount of water to which she is entitled to convey in and through her portion of said ditch may be measured to her. That the plaintiffs Daniels and the defendants Rose shall establish and maintain, at their own cost and charges, in the proportion as their rights are herein made to appear, at the upper or first point of diversion of water from said ditch by the defendants Rose, a proper and suitable measuring devise or weir, so that as between them the amount of water to which each is entitled at this said point can be determined and divided between them; and that they shall likewise establish and maintain at the point where the said ditch leaves the premises now owned by the defendants Rose, a suitable weir or measuring devise to measure all of the water to which the plaintiffs Daniels may be entitled at that point; that at all times when the defendants Rose, or their successors in interest, are not using the said ditch, or any part thereof, between the upper and lower weirs, the plaintiffs Daniels and their successors in interest, shall bear and sustain all loss of water caused by seepage below the upper weir, and that at all times when the defendants Rose, and their successors, are using the said ditch, or any part thereof, between the said weirs, then the said defendants Rose, and their successors in interest, shall deliver to the plaintiffs Daniels, and their successors in interest, at the lower weir, all of the water to which the plaintiff Daniels are entitled

to and do have at the upper weir. That the seepage of water which the plaintiffs Daniels are to stand and bear shall mean all water lost by seepage, except that caused or permitted at the several taps or points of diversion established and maintained by the defendants Rose, and their successors in interest, in said ditch, which is to say, that the defendants Rose, and their successors in interest, are not to negligently maintain any tap or diversion in said ditch between the said weirs to the damage of the plaintiffs Daniels, and their successors.

7.

That the parties to this action shall be charged with the maintenance and repair of said ditch from its point of diversion in said Carmen Creek down to their lowest point of taking water from said ditch, respectively, in the proportion that their rights therein and thereto are hereby made to appear.

8,

That this decree shall run to and bind the successors, employees and agents of the parties to this action, and the respective parties hereto are restrained and enjoined from interfering with the use of the said ditch by the other parties to this action as their rights are herein determined; each party to bear their own costs.

Dated this 6th day of June, 1931.

C. J. Taylor
District Judge.

Filed & Entered June 9th, 1931.
W. W. Simmonds, Clerk.
By Margaret Shoup, Deputy.
Judgment Book D, pages 56, 57 & 58.

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

ETTA MARRON CROOK,	)	DECREE OF DIVORCE.
PLAINTIFF,		
VS.	)	
J. E. CROOK,	)	
DEFENDANT.		

This cause having been brought on to be heard this 19th day of June, A.D. 1931, and E. W. Whitcomb appeared for plaintiff and the defendant made no appearance, either in person or by attorney, and his default was duly had and proofs having been regularly taken herein from which it appears that all the material allegations of the complaint are sustained by testimony free from all legal exceptions as to its competency, admissibility and sufficiency; that said matters so alleged and proved are sufficient to entitle plaintiff to the relief prayed for in said complaint; that plaintiff was a resident in this State for a period of more than six months next preceding the time of commencing this action; and the Court having heard the evidence and argument of Counsel, and being satisfied in the premises; findings of facts and conclusions of law being duly waived; now, on motion, of E. W. Whitcomb, of Counsel for Plaintiff,

IT IS ORDERED, ADJUDGED AND DECREED, That the marriage between the said plaintiff Etta Marron Crook and the said defendant, J. E. Crook, be dissolved, and the same is hereby dissolved accordingly, and the said parties are, and each of them is, freed and absolutely released from the bonds of matrimony, and all the obligation thereof.

Dated June 19, 1931.

C. J. Taylor
Acting Judge of said Sixth Judicial District.

Filed & Entered June 19th, 1931.
W. W. Simmonds, Clerk.
By Margaret Shoup, Deputy.
Judgment Book D, page 58.

SCANNED

JUL 25 2005

San the District Court of the Eighth Judicial District of the State of Idaho, in and for Lemhi County.

David M. Pratt, James M. Pratt, Phil M. Davis,
J. P. Cindogus, Mary J. Cindogus his wife,
Anna D. Davis, Arthur Davis, Edna Davis,
Cattle Davis, and Ethel Davis, Plaintiffs
vs. David Davis, Guardian, M. J. M. Davis, Esq.
McKinney, Phil McKinney, and Henry Cuthers
Plaintiffs.

Thomas Palmer, John Palmer, E. J.
Engstrom, Matt White, Ernest D. Benedict,
William Garry, A. J. Mathews, W. H. Oliver,
E. P. McKinney, William Smith, A. L. Mathews,
William Brown and A. L. Brown partners John
Kinross, W. H. Noble, Ernest Mathews, Theodore
Baker, E. H. Nelson, John Davis, James B. Grant
The Lemhi Place Mining Company a corporation
Emma White, and A. J. Mathews. Defendants.

Judgment.

These cases coming on to be heard upon the findings of facts and conclusions of law herein filed, and the Court being fully advised in the premises, it is ordered, adjudged and decreed:

I That David M. Pratt, he and he is hereby awarded the continuance of 120 inches of the flow of the water of Barrman Creek, to be measured at the point of diversion, for the irrigation of his lands, the right thereto to date from the year 1876.

II That Mary J. Cindogus and Anna D. Davis and Anna D. Davis as guardian of Arthur Davis, Edna Davis, Ethel Davis, Ethel Davis, and they are hereby jointly awarded the continuance of 20 inches of the flow of the water of the said Barrman Creek, to be measured at the point of diversion, for the irrigation of their lands, the right thereto to date from the year 1876.

III That Henry Cuthers, he and he is hereby awarded the continuance of 70 inches of the flow of the water of the said Barrman Creek, to be measured at the point of diversion, for the irrigation of his lands, the right thereto to date from the year 1876.

IV That Neal McKinney, he and he is hereby awarded the continuance of 35 inches of the flow of the water of the said Barrman Creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thereto to date from the year 1876.

V That M. J. M. Davis he and he is hereby awarded the continuance of 55 inches of the flow of the water of the said Barrman Creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thereto to date from the year 1876.

VI That Peter McKinney, he and he is hereby awarded the continuance of 75 inches of the flow of the water of the said Barrman Creek, to be measured at the point of diversion, for the

irrigation of his said lands first described, the right thence to date from the year of 1852. and that he is hereby further awarded the continuous use of 35 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands last described, the right thence to date from the year of 1896.

VII. That L. S. Thompson, he and he is hereby awarded the continuous use of 98 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion for the irrigation of his said lands, the right thence to date from the year 1874.

XIII. That Mont White, he and he is hereby awarded the continuous use of 40 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1874.

IX. That Daniel Q. Bonidict, he and he is hereby awarded the continuous use of 138 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands first described, the right thence to date from the year of 1852; and that he is hereby further awarded the continuous use of 112 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands last described, the right thence to date from the year of 1872.

X. That William Soren and O. L. Soren, partners, he and they are hereby awarded the continuous use of 100 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of their said lands first described, the right thence to date from the year of 1871, and that they are hereby further awarded the continuous use of 20 inches of the flow of the waters of the said Barman creek, measured at the point of diversion, for the irrigation of their said lands last described, the right thence to date from the year of 1892.

XI. That William Smith, he and he is hereby awarded the continuous use of 80 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1875.

XII. That A. C. Matheson, he and he is hereby awarded the continuous use of 125 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1882.

XIII. That Emma White, he and she is hereby awarded the continuous use of 40 inches of the flow of the waters of the said Barman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1874.

of her said lands, the right thence to date from the year of 1894.
 XV. That A. Q. Mathews, he and he is hereby awarded the continuous use of 5 inches of the flow of the waters of the flow of said Bowman creek, to be measured at the point of diversion, the right thence to date from the year of 1899, and the further continuous use of 40 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands. The right thence to date from the year of 1897.

XVI. That W. N. Oakley, he and he is hereby awarded the continuous use of 75 inches of the flow of the waters of ^{the flow of} Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1896.

XVII. That John Nimock, he and he is hereby awarded the continuous use of 65 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1896.

XVIII. That W. P. Shain, he and he is hereby awarded the continuous use of 75 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1895.

XIX. That Robert Mathews, he and he is hereby awarded the continuous use of 15 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1895.

XX. That S. H. Black, he and he is hereby awarded the continuous use of 60 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1898.

XXI. That E. J. P. Mackey, he and he is hereby awarded the continuous use of 30 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, the right thence to date from the year of 1898, and that he is hereby awarded the further continuous use of 15 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from March 1st, 1896.

XXII. That Thomas Palmer, he and he is hereby awarded the continuous use of 20 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, the right thence to date from the year of 1898, and that he is hereby awarded the further continuous use of 30 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion for the irrigation of his said lands, the right thence to date from the year of 1896.

XXIII. That John Palmer, he and he is hereby awarded the continuous use of 10 inches of the flow of the waters of the said Bowman creek, to be measured at the point of diversion, for the irrigation of his said lands, the right thence to date from the year of 1899.

XXV. That The Lemhi Placer Mining company, be and it is hereby awarded the continuous use of five hundred inches of the flow of the waters of the said Carman creek, to be measured at the point of diversion, for the working and washing of that portion of its-placer mining ground that lies and is situated near the two east forks of the said Carman creek, that the said company shall be entitled to use the said amount of 500 inches of the said water of the said Carman creek, upon the said Mining claims above mentioned at all times, and that the said water shall be allowed to flow back into the natural channel of the said Carman creek after such use by the said company, the right thereto to date from the year of 1889, and that the said The Lemhi Placer Mining company be and it is hereby further awarded the continuous use of 2,000 inches of the flow of the waters of the said Carman creek, to be measured at the point of diversion, for the working and washing of that portion of its-placer mining ground that lies and is situated on Kirtley creek, the right thereto to date from the year of 1892, that they shall also be entitled to the use of this water for mining purposes from the 15th day of October, of each and every year until the 15th day of April, of the succeeding year. Provided, that if at any time after the rights of other claimants have been satisfied there should remain a surplus of water then said Placer Mining be shall be allowed to use such surplus for mining purposes not exceeding 2000 inches.

XXVI. That the water herein adjudged and decreed, shall be measured by means of a box of one rod or one half rod in length, constructed of lumber not less than one inch in thick ness and set on a solid foundation. The measurement shall be made at the head of the box and the water for at least 50 feet above and below the box shall run at as nearly as practicable the same grade as the box has, which shall be, in case the box is one rod long a fall of one half inch, and if one half rod long a fall of one quarter of an inch, that is the fall of the water shall be one half inch to the rod when the water flows no deeper than six inches, when it flows nine inches deep, then the fall to the rod shall be one quarter of an inch, the water shall be measured flowing at a depth of not less than six or more than nine inches, and shall be without pressure other than the fall as above mentioned.

XXVII. That it is further ordered, adjudged and decreed, that upon the application of any ten of the parties to this action, to the Judge of this Court, a suitable person shall be appointed by the said Judge as a water commissioner to carry into effect the provisions of this decree.

XXVIII. That it is also adjudged and decreed, that the claimants upon and along Carman creek, or any of them may within three years from this date, enlarge the said Salmon River ditch of the

lands of the said plaintiffs that lie under and below the said Salomon River ditch, and if the said claimants or any of them shall enlarge the said ditch within the said three years, and keep the same in necessary repair from year to year, then the said plaintiffs will be required to irrigate as much of their said lands as can be irrigated from the said Salomon River ditch, and the claimants to enlarge the said ditch shall be entitled to all of the waters of Salomon creek, that is hereby decreed to Mr. Smith, Birdseye and Davis, except 92 inches the amount necessary to irrigate that portion of their said lands that lie and is situated above the said Salomon River ditch, and in case the said claimants, upon or along Salomon creek, or any of them, shall fail to so enlarge the said ditch within the three years as above specified then their right to enlarge the same shall cease. Provided that all or any of the defendants shall have the right to participate in the enlargement and repairing of said ditch and share in the benefit derived from said enlargement.

XVIII That the claimants upon and along Salomon creek, or any of them may within three years from this date, enlarge and maintain the said Salomon River ditch of the plaintiffs Henry Embury, Mat Shewmy, Peter McKinney and Dr. J. M. Lee, and make the same of sufficient size and capacity to carry water sufficient to irrigate all of the lands of the said plaintiffs above mentioned that can be irrigated from their said Salomon River ditch, and if the said claimants or any of them shall enlarge the said ditch within the three years as above specified and maintain the same thereafter in necessary repair, then the said plaintiffs will be required to take the amount of water herein decreed to them from the said Salomon River ditch, and the claimants do enlarging the said ditch shall be entitled to all of the waters of Salomon creek that is hereby decreed to the said Henry Embury, Mat Shewmy, Peter McKinney and Dr. J. M. Lee, except such amount as will be necessary to irrigate such lands of theirs as may lie and be situated above the said Salomon River ditch and in case the said claimants upon or along Salomon creek or any of them shall fail to so enlarge or maintain the said ditch within three years as above specified, then their right to do so shall cease. Provided that all or any of the defendants shall have the right to participate in the enlargement and repairing of said ditch and share in the benefit derived from said enlargement. It is also further adjudged and decreed, that in case it shall be found that the water could be used to better advantage by giving to any claimant a larger amount of water than is hereby decreed to them for a shorter time, the water master or committee-men who may be hereafter appointed to enforce this decree or apportion the water under it may give to any claimant a larger amount of water for a less time, provided the amount given him for any length of time is equivalent to a certain share of the benefit herein decreed to him.

XXX. That an inch of water to the acre is sufficient to irrigate all of the lands of the parties hereto so the said lands will produce a profitable crop.

XXXI. That it is further adjudged and decreed that none of the parties hereto that have water decreed to them, shall be allowed to take water under the provisions of this decree until they have contributed their berries and provided to measure the water according to the provisions of this decree. It is further ordered that each of the parties pay his witness fees herein incurred and an equal share of the fee of the clerk and of the sheriff, and of the attorneys for making the map used upon the trial.

Dated this June 27th 1898.

Attest. June 29-1898.

J. O. Helough, Clerk.

By W. A. Humphrey Deputy

W. O. Standred
Judge

On the 12th inst sent to the Fifth Judicial District of the State of Idaho,
me and for the County of Lemhi:

Louise M^{rs} Pratt. James M^{rs} Pratt. Neal M^{rs} Lovett.

J. H. Bridgege, and Henry J. Bridgege, his wife.

Stanza B. Davis. Stanza B. Davis as guardian of the
minor children of Gabel Davis, deceased. H. J. M^{rs}
true. Peter M^{rs} Henry. Niel Sweeney, and Henry
Freder.

vs.

Plaintiffs

Thomas Palmer, John Palmer, John T. Ferguson

Montaville White. Ernest R. Benedict. William

Young. R. J. Matthews. W. H. Slavin. T. P. M^{rs}

Bracken. William Smith. A. G. Matheson.

William Dyer, and W. L. Dyer, partners. Theodore

Ratton. E. J. Clark. John Kimball. W. H. Noble.

Robert Matheson, John Lovell. James B. Grant.

and the Lemhi Place Mining Company,

or copartners. Emma White, and E. L. M^{rs} Matheson.

Defendants

Then came same on regularly for trial on the 11th day of October, 1901

The parties appearing in person, and their respective attorneys, a jury having

been previously sworn, and the Court having heard the proofs of the defend-

ent parties, and the agreement and stipulations of the parties, and the report

of Thomas Payroll, James H. McElmish and William Peterson, arbitrators

which is a part of said written agreement and stipulations, and evidence

thereon, and the records and papers in the case, the evidence being read

and arguments of counsel had thereon. The case was submitted to the Court

for consideration and decision, and after due deliberation thereon, the Court there-

on do findings and decision in writing, which is filed, and also that judg-

ment be entered in accordance therewith, Whereas by reason of the law and

the findings aforesaid, all parties consenting, it is ordered, adjudged and decreed

1. That the right and title of the plaintiffs, Louise M^{rs} Pratt in and to one

share of the water of Canon Creek, in Lemhi County, Idaho, is hereby granted

their right thereto dating from May 1st 1898, and he is hereby adjudged to be

the owner thereof, subject to the rights of the defendants and one complain-

ant thereon and thereto, which they have made and by virtue of the laws

and conditions of the written agreement in file herein, executed and entered

into, by and between said plaintiffs and said defendants and one complainant,

relative to the sharing of said plaintiffs, of water from Salmon River, for the

irrigation of their said farms, and said Louise M^{rs} Pratt is hereby ordered

directed to convey to defendants and one complainant, their right to the use

of said one share of the water of said creek, in accordance with the terms of

said contract, and the findings and report of James H. McElmish, Thomas

Payroll and William Peterson referees in file herein.

2. That the right and title of the plaintiffs Henry Freder in and to 70 shares

of the water of said Canon Creek is hereby granted, his right thereto dating

from May 1st 1882, and he is hereby adjudged to be the owner thereof.

JUL 25 1983

The report and findings of said referees, and said Wm. & Weber is truly correct and directed to convey to defendants and over complainants, his right to the use of said 70 inches of the water of said creek, in accordance with the terms of said contract and the findings and report of said referees.

3. That the right and title of the plaintiff, Fred Sweeney in and to 35 inches of water of said creek is truly granted, his right thereto dating from May 1st 1882, and he is truly adjudged to be the owner thereof, subject to the rights of the defendants and over complainants therein, and thereof, made and by virtue of said written agreement and the findings and report of said referees, and said Fred Sweeney is truly ordered and directed to convey to defendants and over complainants, his right to the use of said 35 inches of the water of said creek, in accordance with the terms of said contract, and the findings and report of said referees.

4. That the right and title of the plaintiff, John McPherson in and to 60 inches of the water of said creek is truly granted, his right thereto, dating from May 1st 1882, and he is truly adjudged to be the owner thereof, subject to the rights of the defendants and over complainants therein, and thereof, and by virtue of said written agreement, and the findings and report of said referees, and said John McPherson is truly ordered and directed to convey to defendants and over complainants, his right to the use of said 60 inches of the water of said creek, in accordance with the terms of said contract and the findings and report of said referees.

5. That the right and title of the plaintiff, Mary J. Bridgely in and to 100 inches of the water of said creek is truly granted, her right thereto dating from May 1st 1876, and she and her successors in interest, are hereby adjudged to be the owner thereof, subject to the rights of the defendants and over complainants therein and thereof, made and by virtue of said written agreement, and the findings and report of said referees, as fully herein, and said Mary J. Bridgely and her successors in interest, are truly ordered and directed to convey to defendants and over complainants her and their right to the use of said 100 inches of the water of said creek, in accordance with the terms of said contract and the findings and report of said referees.

6. That the right and title of the plaintiff, individually and as guardian of the minor children of Eabot Davis, deceased, in and to 100 inches of the water of said creek is truly granted, their right thereto, dating from May 1st 1876, and they are truly adjudged to be the owners thereof subject to the rights of the defendants and over complainants therein, and thereof made and by virtue of said written contract and the findings and report of said referees, and said Emma B. Davis is truly ordered and directed to convey to defendants and over complainants their of said right to the use of said 100 inches of the water of said creek, in accordance with the terms of said contract and the findings and report of said referees.

7. That the right and title of George F. Sharp, Mr. McPherson, W. J. Macintosh and Wm. & Weber as successors of plaintiff W. J. Macintosh

have, and is hereby awarded the use of 15 inches continuous flow of the water of said creek. for domestic use, and the irrigation of his land described in the findings of fact, and that his right thereof dates from May 1st 1876.

16. That the defendant and son complainant, John Nimick is entitled to have and is hereby awarded the use of 50 inches, continuous flow of the water of said creek. for domestic use and the irrigation of his land described in the findings of fact, and that his right thereof dates from May 1st 1876.

17. That the defendant and son complainant, Edjo Mathew is entitled to have and is awarded the use of 70 inches, continuous flow of the water of said creek. for the irrigation of his land. described in the findings of fact, and that his right thereof dates from May 1st 1876.

18. That the defendant and son complainant, Thomas Palmer is entitled to have, and is hereby awarded the use of 80 inches, continuous flow of the water of said creek. for domestic use, and the irrigation of his land described in the findings of fact, and that his right thereof dates from May 1st 1878, and the further use of 30 inches, continuous flow of the water of said creek. for the irrigation of his said land, and that his right thereof dates from May 1st 1872.

19. That the defendant and son complainant, John Palmer, is entitled to have, and is hereby awarded the use of 100 inches, continuous flow of the water of said creek. for domestic use, and the irrigation of his land described in the findings of fact, and that his right thereof, dates from May 1st 1878.

20. That the defendant and son complainant, Albert J. Mathew is entitled to have and is hereby awarded the use of 10 inches, continuous flow of the water of said creek. for domestic use, and the irrigation of his land, described in the findings of fact, and that his right thereof, dates from May 1st 1890, and that the further right to the use of 40 inches continuous flow of the water of said creek, for the irrigation of his land, and the right thereof dates from May 1st 1897.

21. That the defendant and son complainant, Peter J. Henry is entitled to have, and is hereby awarded the use of 50 inches, continuous flow of the water of said creek. for the irrigation of his land. known as his Desert lot. his right thereof dates from May 1st 1876, and the further right to the use of 15 inches, continuous flow of the water of said creek, for the irrigation of that part of the S. 34. 1/4 of the N. 5. 1/4 lying above the "German creek ditch" as called, now under cultivation, and the right to carry said water to said land through his ditch, which carries water from said creek to his said desert lot. His right to the use of said 15 inches of water dates from May 1st 1872.

22. That the defendant and son complainant, Samuel R. Benedict, is entitled to have, and is hereby awarded the use of 180 inches, continuous flow of the water of said creek. for domestic use, and the irrigation of his land, described in the findings of fact. his right thereof, dates from May 1st 1872, and the further right to the use of 70 inches, continuous flow of the water of said creek, for the irrigation of his said land, and his right thereof dates from May 1st 1872.

23. That the defendant own complainant. Edward L. Clark is entitled to have and is hereby awarded 15 inches continuous flow of the water of said creek. In domestic use and the migration of his land. described in the findings of fact. his right thereof. dates from May 1st 1898, and to the further right to the use for domestic and migration purposes. the water furnished by springs on his said land.

18. That the defendant and own complainant Ora F. and William D. Spru are entitled to have and are hereby awarded the use of 70 inches continuous flow of the water of said creek. In domestic use and the migration of their land. described in the findings of fact. their right thereof dates from May 1st 1898, and the further right to the use of 170 inches continuous flow of the water of said creek. for the migration of their land. their right thereof dates from May 1st 1898.

24. That the defendant and own complainant. the Yumbie Place Mining Company is entitled to have and is hereby awarded the use of 500 inches continuous flow of the water of said creek. for the working and mining of that portion of its placer mining ground. lying near the two east forks of said Carman creek. its right thereof dates from the year 1899, and to the further use of 200 inches continuous flow of the water of said creek. for the working and washing of its placer mining ground that lies and is situated on hillside tract in said County of Yumbie. said last named amount of water to be paid from the 15th. day of October of each and every year until the 15th. day of April of the succeeding year. The date of the appropriation for such use. is October 15th. 1898. In case there is a surplus of water in said creek beyond the allotment to the other defendants and own complainants herein then said rights shall not be limited to the dates above named. but said surplus shall have the right to divert and use said 200 inches of water at all times when and as much of water may be flowing in the east branches of said creek. but in no case shall it interfere with the rights herein. in their use of the water hereby awarded to them.

25. That the dates above named on the dates of appropriation of said several amounts of water by the parties of said and their grantors. And in case the amount of water in said creek at any time of the year be less than 200 inches. then the said appropriation shall have and are hereby given joint right to the use of the water then in said creek to the amount here allotted to them. the first in time of appropriation. having the first right to such use.

27. The water herein allotted to them shall be measured to the parties of said at the place of diversion. under a five inch pressure. And in case any of the parties hereby declared to be entitled to the use of the water of said creek shall disagree in the measurement a division of said water. The Court or Judge thereof shall appoint a commissioner for the purpose measuring and regulating the division of said water.

28. That each of the parties hereto do affirm a right to the use of the water of Carman creek is herein decreed. be and they are hereby forever and forever from using said water in any manner different to any rights against them herein found and decreed. and a disavowance of this order. shall be a contempt.

Filed May 9th 1902.
J. P. Clough
Clerk.

Water District 75-D Advisory Board Meeting
July 18, 2005

The meeting was called to discuss statutory claims on Farmen Creek. Members Jack Ellis, Jack Neal, and Dave McFarland were present. Watermaster Bruce McFarland was also present.

History-- In 1901 there was a court decision allocating water rights on Farmen Creek with priority dates from 1869 to 1898. The two Jack's have irrigated here for 60 years and the two McFarland's have irrigated for 45 years. In that time no one could recall the watermaster being called on when there was enough water to fill all the pre 1900 rights although in the late spring and early summer there is abundant flow which is extensively utilized.

All present concurred that every water user on the Creek used more water, and needed to do so to survive, than was allocated. We agreed that about 2 miners inches per acre use was a reasonable figure for this so-called high-water use.

Our most difficult problem was assessing the validity of the 1915 priority date which was used for the statutory claims for high-water. Based on our experience we felt it was highly probable that by 1900 any user who could was already using 2 inches per acre when available. We didn't know the acreage under irrigation by 1900 but expect it was a large portion of the present acreage especially on the main stem of the creek. Jack Neal knew of a significant estimate: 200-300 acre expansion that had occurred about 1910 that didn't seem to be reflected by any corresponding licensed water. We all knew of minor expansions: 5-60 acres which had occurred from 1910 through the late 80's. Dave McFarland had originally suggested the 1915 date based on some research in the 80's which suggested the last significant diversion from Farmen Creek may have been started in 1910, added on to in 1915, 1948, and 1954. This being the diversion that supplies the Laurence Bill's 1954 licensed water. Looking at the Farmen Creek abstract indicates that the 1915 date is still reasonable but not well documented. Fifteen years either way could also be argued. Most additions to acreage after that seem to be reflected in the dates on the respective claims.

We reviewed the watermaster's copy of the abstract of Farmen Creek licensed water. Several of these were small amounts that didn't significantly affect total flows. We asked ourselves if we could subordinate our statutory claims to all licensed water regardless of priority. Reluctantly we answered yes, we could. To our knowledge, whenever the water needed to be redistributed we were already below a 1954 priority. Nevertheless, we are concerned about the Bill's 1954 license for 300 inches. That ditch comes out high in the stream reach and totally removes its water from the Farmen Creek system. In spite of that we felt we could survive being subordinated to it. We do ask that the Water Resources Department ascertain that 300 acres is truly being beneficially irrigated. We feel it would be incorrect to subordinate 1915 high water to a 1954 license at greater than one inch to the acre.

There is a Halverson claim to licensed water that hasn't been used for about 20 years. We could but don't feel it is right to subordinate to it.

We are all in agreement that the priority date for the high-water makes little difference internal to Farmen Creek but should be as early as we can legally justify to protect the system from downstream priority calls.

The advisory board would be willing to issue a statement or affidavit to each user to support his claim to 1915 water to negate the need for him to provide further proof. If it were necessary for the user to subordinate to later water we would so advise him and tell him he still had the option to present his own proof on a stand alone claim.

Written by Dave McFarland



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 2000

ANTELOPE HILLS NORTH WATER CO
PO BOX 87
CARMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR A75-10061W, A75-10062U,
A75-10474

Dear Claimant:

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

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

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen". The signature is written in dark ink and is positioned above the printed name and title.

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

RECEIVED

AUG 22 2000

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.

1. Water Right No(s): A75-10061W, A75-10062U, A75-10474
 Adjudication Claim No(s): _____

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant Bar S Ranch, Inc

Box 58 Carmen, ID 83462

4. New Owner/Claimant(s) Antelope Hills North Water Co.

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
PO Box 87

City, State and ZIP Code

Carmen, ID 83462

New Telephone Number

(208) 756-2755

5. Date you acquired the property Various

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) [Signature]

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

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

May , 2000

Idaho Dept. Water Resources
Salmon Office
Salmon, Idaho 83467

Re: Water right transfer

Gentlemen:

Bar S Ranch, Inc. has subdivided a parcel of land described in the attached exhibit. The subdivision has established a water company to oversee the water rights that are appurtenant to this property. Enclosed is copy of a deed of conveyance between Bar S Ranch, Inc. and Antelope Hills North Water Co. We are requesting that you please transfer the listed water rights to the water company.

All notices and other communications regarding the water rights on those lands should now be addressed as follows:

*Antelope Hills North Water Co.
P.O. Box 87
Carmen ID 83462*

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

Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. McFarland", with a large, stylized flourish extending to the right.

Mitch McFarland
Pres. Bar S Ranch, Inc.

DEED OF CONVEYANCE

Bar S Ranch, Inc. hereby conveys to Antelope Hills North Water Co. all interest they have in the water rights more particularly described as follows:

A75-10061W

A75-10062U

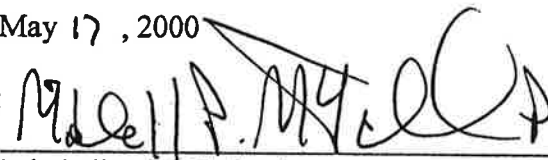
A75-10474

1 share of Big Flat Ditch Co.

Said water rights are appurtenant to the real property described in exhibit "A". The parties further agree that none of them have made representations to the other as to the status, amount or priority dates of such water, irrigation or ditch rights and all parties agree that they have made their own independent investigation of the status of said rights for the purpose of satisfying themselves as to the status, amounts and priority dates of such rights. The parties have also advised the others that the irrigation and water rights appurtenant to said property are subject to adjudication in the case of In Re the General Adjudication of Right to the Use of Water From the Snake River Basin Water System, Civil Case No. 39576, in the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls.

Dated: May 17, 2000

Signed:

 Pres. Bar S Ranch, Inc.

Mitchell P. McFarland, Pres. Bar S Ranch, Inc.

_____
Tom Bonn, Pres. Antelope Hills North Water Co.

STATE OF IDAHO

County of Lemhi --ss

On this 17th day of May 2000, before me, the undersigned a Notary Public in and for said state personally appeared MITCHELL P. MCFARLAND known to me to be the President of Bar S Ranch Inc known to me to be the persons whose names are subscribed to the with in instrument and acknowledged to me that he/they executed the same for Bar S Ranch Inc

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



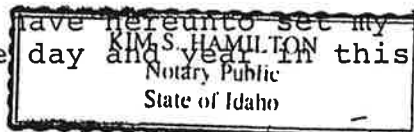
Notary Public for Idaho, residing at Salmon
My commission expires: 2-19-2003

STATE OF IDAHO

County of LEMHI --ss

On this 13 JUNE day of May 2000, before me, the undersigned a Notary Public in and for said state personally appeared TOM BONN, known to me to the president of Antelope Hills North Water Co. known to me to be the persons whose names are subscribed to the with in instrument and acknowledged to me that he/they executed the same for Antelope Hills North Water Co.

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



Notary Public for Idaho, residing at 1204 BRYAN AVE.

My commission expires: 03/24/06



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

FEBRUARY 23, 1994

MITCHELL P MC FARLAND PRESIDENT
BAR-S RANCH INC
PO BOX 58
CRMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR A75-10062U, A75-10474,
AND A75-10061W

Dear Mr. Mc Farland:

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,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

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APR 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: May 12, 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

* SEE EXHIBIT "A"

- ☐ 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) A75-00063A, A75-10062U, A75-10474 A75-10061W
Assigned by IDWR: 1-7/8 shares in the Big Flat Ditch
- ☐ * Water Right A75-00063A is being retained by Sellers
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Thomas L. McFarland, David M. McFarland and
Bruce A. McFarland, Box 125, Carmen, Idaho 83462
- ☐ New Owner/Claimant (Purchaser): Bar-S Ranch, Inc.
- ☐ New Mailing Address: P. O. Box 58
Carmen, Idaho 83462
- ☐ New Telephone Number: (208) 894 - 2213
- ☐ 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:
Water Right No. A75-00063A will be retained by the Sellers,
Thomas L. McFarland, David M. McFarland and Bruce A. McFarland

- ☐ Attach proof of ownership, describe proof attached: See annexed copy of 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): [Signature] Date 5/12/93
- ☐ Signature of Former Owner/Claimant(s): David M. McFarland, Bruce A. McFarland Date 5/12/93
Thomas L. McFarland Date 5/12/93

(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

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APR 19 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 75-10474
Date Received: 5/3/90
Receipt No:
Received By:

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

1. Name of Claimant(s)

ANTELOPE HILLS NORTH WATER CO Phone: (208) 756-2755

PO BOX 87
CARMEN ID USA 83462

2. Date of Priority: 04/01/1915

3. Source: CARMEN CREEK Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
22N	22E	9	SW NW SW	LEMHI
22N	22E	8	SW SW SE	LEMHI

5. Description of diverting works:

2 HEADGATES, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
22N	22E	8	NW	NW		IRRIGATION	5
			SW	NW		IRRIGATION	23
			SE	NW		IRRIGATION	36
			SW	NE		IRRIGATION	12
			NE	NW		IRRIGATION	30
						Section Acres	106
						Total Acres	106

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER REQUEST CV/09/06/00

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A75-10474**
Date Received: 5/ 3/1990
Receipt No: M006885
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BAR S RANCH INC
Address: PO BOX 58
CARMEN ID 83462
208-894-2213

2. Date of Priority: APR 1, 1915

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	8	SW	SW	SE		LEMHI
		9	SW	NW	SW		LEMHI

5. Description of diverting works:
2 HEADGATES, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.040		

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

8. Total consumptive use is 265.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
22N	22E	8	SW	NE		IRR	12.0
			NE	NW		IRR	30.0
			NW	NW		IRR	5.0
			SW	NW		IRR	23.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	8	SE NW		IRR	36.0

Section Acres 106.0

Total Acres 106.0

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:
A75-10062U, 75-00063, A75-10061U

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-10474
Date Received: 5/03/1990
Receipt No: M006885
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	BRUCE MC FARLAND	208-756-2490
Address:	P.O. BOX 124	
	CARMEN, ID	83462
OR		
Name:	DAVID MC FARLAND	208-756-3752
Address:	P.O. BOX 124	
	CARMEN, ID	83462
OR		
Name:	THOMAS MC FARLAND	208-756-4805
Address:	P.O. BOX 124	
	CARMEN, ID	83462

A7510474



2. Date of Priority: APR 01, 1915

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

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
22N	22E	8	SW		SW		SE		LEMHI
		9	SW		NW		SW		LEMHI

5. Description of diverting works:
2 HEADGATES, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.040		

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

8. Total consumptive use is 265.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A75-10474

Page 1

Date: 05/03/90

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	22E	8	SW		NE		IRR	12.0
			NE		NW		IRR	30.0
			NW		NW		IRR	5.0
			SW		NW		IRR	23.0
			SE		NW		IRR	36.0
Section Acres								106.0
Total Acres								106.0

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:
A75-10062U, 75-00063, A75-10061U

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: -1-

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): Bruce A. McFarland Date: 5/3/90

Date: _____

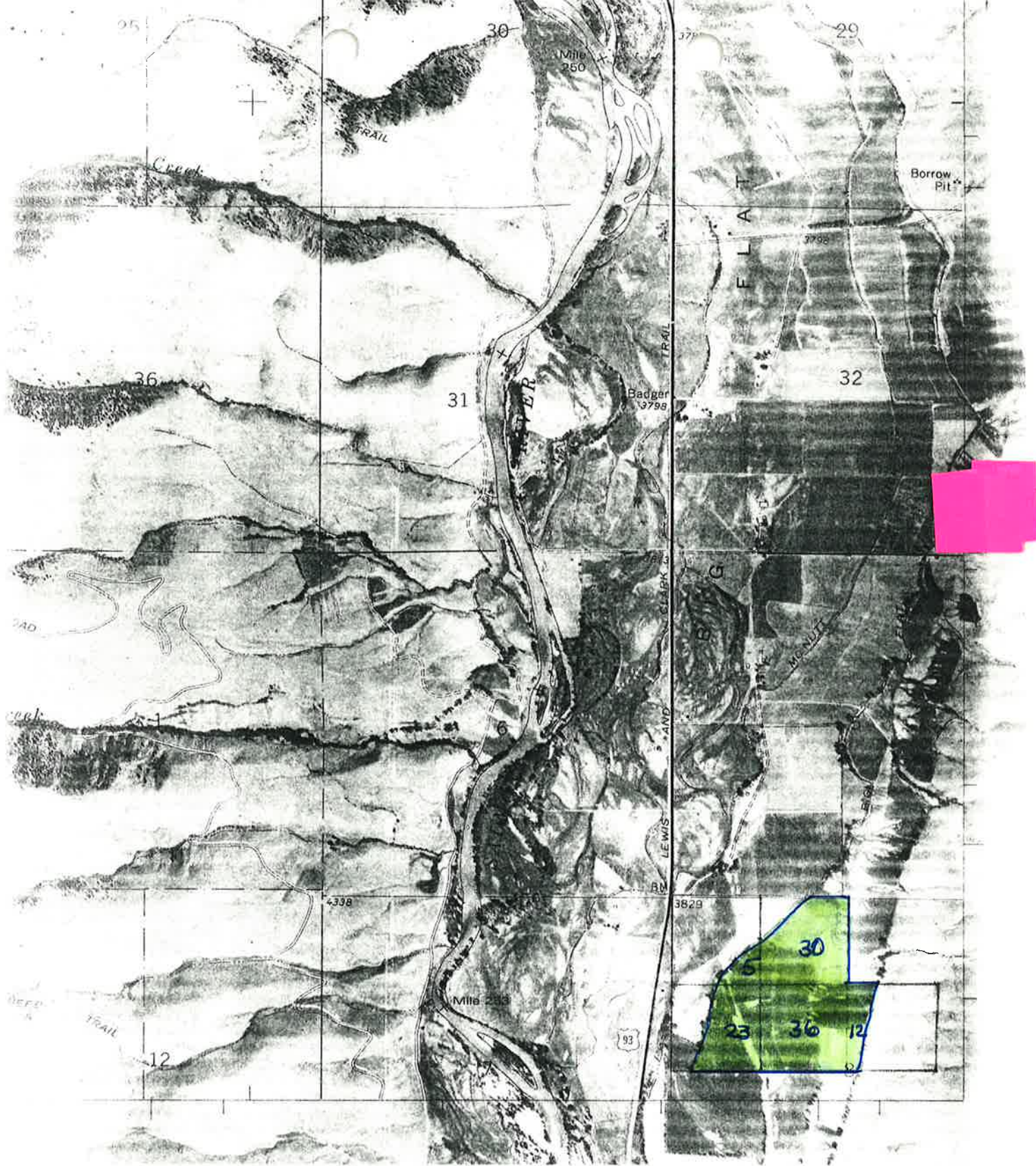
State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of May 19 90
Carter Fritschle
Notary Public

Seal

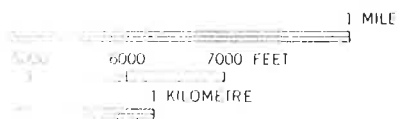
Carter Fritschle, Notary Public
Residing at _____ Residing at Eagle, Idaho
My commission Expires March 21, 1994
My Commission Expires _____

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DEC 15 1992



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113°52'



Can Be Obtained
Boise Idaho

LIBRARY STANDARDS

T22N
R22E

MICROFILMED

DEC 15 1992

BIRD CREEK, IDAHO
N4515-W11352.5/7.5