

12/18/2006

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

RIGHT NUMBER: 75-10693

NAME AND ADDRESS: RONALD J WEHRLI
6822 GRIFFIN BLVD
FORT MYERS FL 33908

JAMES M HARVAT
6822 GRIFFIN BLVD
FORT MYERS FL 33908

SOURCE: SPRING CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.630 CFS

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

PRIORITY DATE: 10/23/1933

POINT OF DIVERSION:

T23N R22E S29 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.590 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S19 Lot 11 SWSE 20.00 T23N R22E S30 Lot 1 NWNE 30.00

STOCKWATER same as IRRIGATION

50 ACRES TOTAL

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

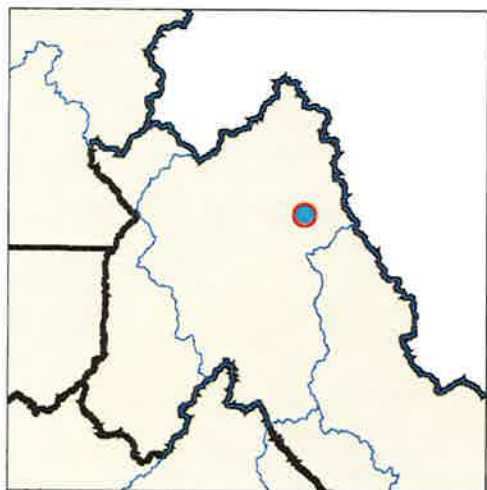
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



Adjudication Claim Number: **75-10693**



Legend

-  PLS Sections
-  Quarter Quarters



0 0.2 0.4 Miles

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

Prepared by M. Vanbussum
On Monday, May 16, 2005
1993/94 Aerial Photography



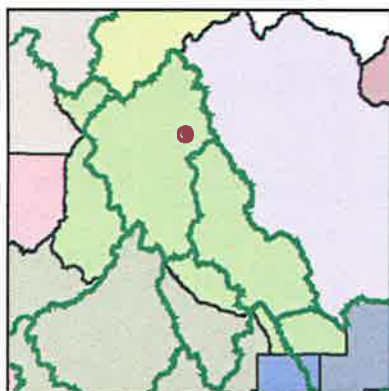
Idaho Department of Water Resources

SRBA Claim:

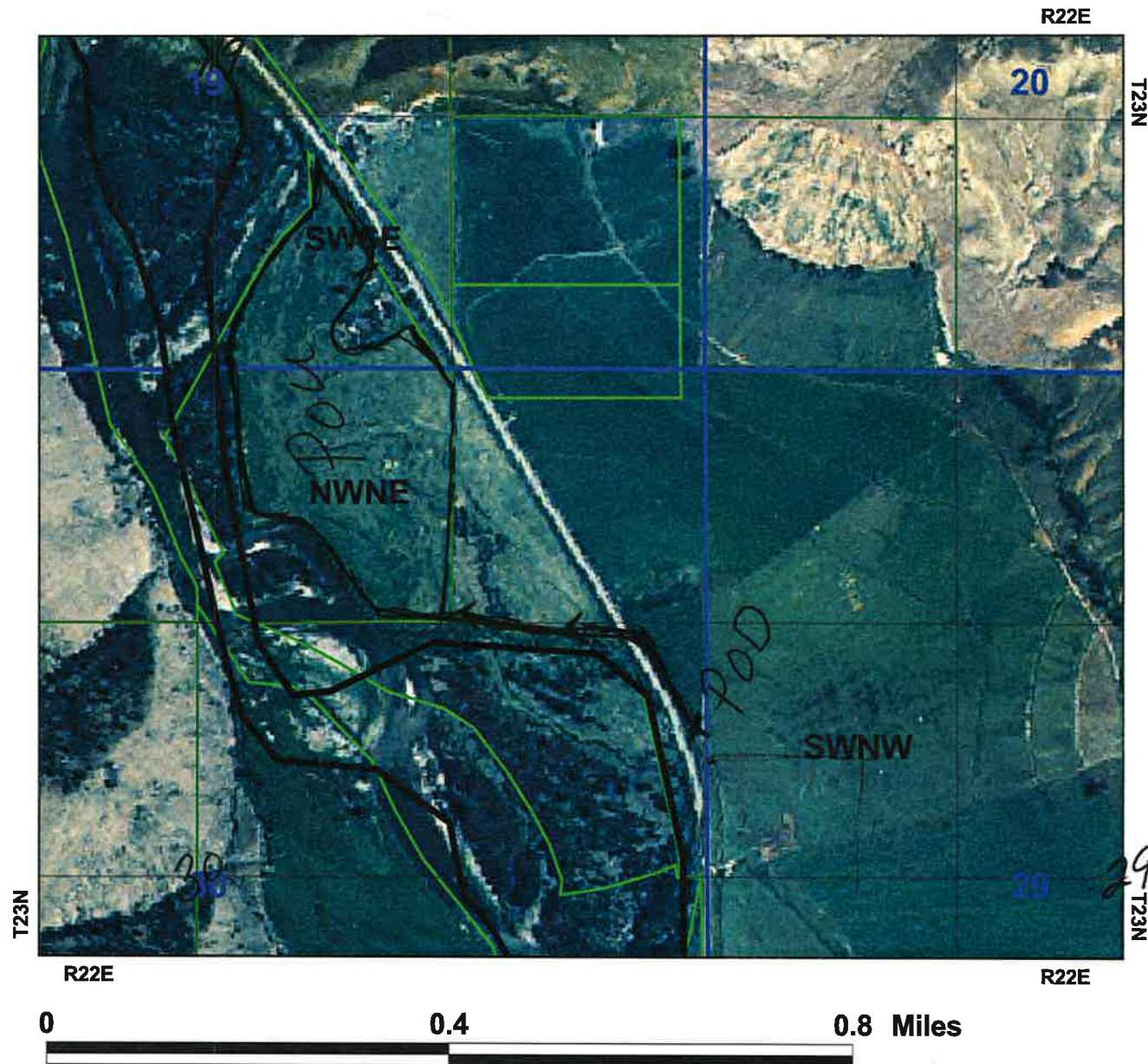
75-10693

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

Estimating Conveyance Loss using the Worstell Method

Claim No. 75-10693

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

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

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

w = 5

i = 3.5

ditch length (mi.) = 1/2

Conveyance Loss:

S = 1.17

Loss = cfs .59

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: 75-10693

RONALD J WEHRLI
6822 GRIFFIN BLVD
FORT MYERS FL 33908

JAMES M HARVAT
6822 GRIFFIN BLVD
FORT MYERS FL 33908

HOME PHONE - 239-481-6146
* CELL PHONE 914-924-0047

RECEIVED
DEC 12 2006
IDWR/North

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

I DISAGREE WITH THE DIVERSION RATE.

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

IT SHOULD BE 3.04 TOTAL (SAME AS ORIGINAL)
WATER RIGHTS.

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

EXTREMELY GRAVELY & ROCKY SOIL. ALSO, THERE
IS A LOT OF DITCH LOSS TO THIS PROPERTY.

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

DATE: 12-8-06 SIGNATURE: [Signature]
Please print your name: JAMES M. HARVAT

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

PLEASE CONTACT JOHN ALDYS JR. WITH
ANY QUESTIONS. 208-940-0353

37.txt

37 - Cowbone-Tohobit complex, 0 to 3 percent slopes

Composition

Cowbone soil and similar inclusions - 45 percent
Tohobit soil and similar inclusions - 35 percent
Contrasting inclusions - 20 percent

Setting

Position on landscape: flood plain
Elevation: 3,700 to 5,000 feet
Average annual precipitation: 8 to 14 inches
Average annual air temperature: 42 to 47 degrees F
Frost-free season: 60 to 90 days

Characteristics of the Cowbone Soil

Typical profile:

0.5 to 0 inches - partially decomposed leaves and twigs
0 to 16 inches - grayish brown silt loam
16 to 24 inches - light brownish gray silt loam
24 to 54 inches - light brownish gray fine sand loam and
very fine sandy loam
54 to 60 inches - light olive gray very cobbly loamy very
fine sand

Depth class: very deep

Drainage class: poorly drained

Permeability: moderate in the upper part and rapid in the
lower part

Available water capacity: 8.5 to 10.5 inches

Potential rooting depth: 60 or more inches

Runoff: slow

Hazard of water erosion: slight

Depth to high water table: 6 to 12 inches
months - March through July

Hazard of flooding: frequent

duration: brief

months flooding occurs - April through June

Characteristics of the Tohobit Soil

Typical profile:

0 to 9 inches - dark grayish brown silt loam
9 to 21 inches - grayish brown and brown silt loam and
fine sandy loam
21 to 55 inches - multicolored extremely gravelly coarse
sand and sand
55 to 60 inches - light brownish gray loamy fine sand

Depth class: very deep

Drainage class: somewhat poorly drained

Permeability: moderate in the upper part and very rapid in
the lower part

Available water capacity: 3.5 to 9.5 inches

Potential rooting depth: 60 or more inches

Runoff: slow

Hazard of water erosion: slight

Depth to high water table: 18 to 36 inches

months - March through October

Hazard of flooding: occasional

duration: brief

months flooding occurs - April through June

2.txt

2 - Aquents-Riverwash complex, nearly level

Composition

Aquents soil and similar inclusions - 75 percent
Riverwash soil and similar inclusions - 20 percent
Contrasting inclusions - 5 percent

Setting

Position on landscape: flood plain
Elevation: 4,000 to 6,000 feet
Average annual precipitation: 8 to 14 inches
Average annual air temperature: 37 to 41 degrees F
Frost-free season: 40 to 70 days

Characteristics of the Aquents Soil

Example profile:

0 to 2 inches - light brownish gray very cobbly fine sandy loam
2 to 60 inches - light yellowish brown, light brownish gray and multicolored extremely cobbly loamy fine sand, extremely gravelly loamy sand and extremely gravelly loamy coarse sand
Depth class: very deep
Drainage class: poorly drained
Permeability: rapid
Available water capacity: 1 to 6 inches
Potential rooting depth: 60 or more inches
Runoff: slow
Hazard of water erosion: slight
Depth to high water table: 6 to 12 inches
Months - January through December
Hazard of flooding: frequent
Duration: long
Months flooding occurs - April through July

Characteristics of Riverwash

Riverwash is unstabilized, recently water deposited sediments, that are flooded, washed and reworked frequently by water.

Major Use of the Unit

Wildlife habitat and recreation

Interpretive Groups

Land capability classification:

Aquents soil - 8, nonirrigated
Riverwash soil - 8, nonirrigated

37.txt

Contrasting Inclusions

- * Bursteadt soils on stream terraces: (5 percent).
- * Smout soils in convex areas on flood plains; (5 percent).
- * A very deep, somewhat poorly drained silt loam over loam soil on flood plains; (10 percent).

Major Uses of the Unit

Irrigated - hayland, pastureland, and rangeland
Rangesite name (Cowbone and Tohobit soils) - RIVERBOTTOM 10 TO 16 INCH PZ
black cottonwood/western wheatgrass

Interpretive Groups

Land capability classification:

- Cowbone soil - 5w, nonirrigated and 5w, irrigated
- Tohobit soil - 4w, nonirrigated and 4w, irrigated

249.txt

249 - Zeegee-Ajax complex, 0 to 2 percent slopes

Composition

Zeegee soil and similar inclusions - 45 percent
Ajax soil and similar inclusions - 35 percent
Contrasting inclusions - 20 percent

Setting

Position on landscape: stream terrace
Elevation: 3,700 to 4,200 feet
Average annual precipitation: 9 to 12 inches
Average annual air temperature: 42 to 44 degrees F
Frost-free season: 70 to 90 days

Characteristics of the Zeegee Soil

Typical profile:

3 to 0 inches - slightly decomposed roots
0 to 11 inches - grayish brown silty clay
11 to 35 inches - pale brown silty clay loam
35 to 60 inches - pale brown extremely gravelly silt loam

Depth class: very deep

Drainage class: poorly drained

Permeability: moderately slow

Available water capacity: 8 to 10 inches

Potential rooting depth: 60 or more inches

Runoff: slow

Hazard of water erosion: slight

Depth to high water table: 6 to 12 inches

months - March through July

Hazard of flooding: occasional

duration: brief

months flooding occurs - January through June

Characteristics of the Ajax Soil

Typical profile:

1 to 0 inches - slightly decomposed roots
0 to 4 inches - dark grayish brown silty clay
4 to 41 inches - dark grayish brown and olive gray silty clay loam
41 to 60 inches - olive gray silty clay loam

Depth class: very deep

Drainage class: poorly drained

Permeability: slow

Available water capacity: 7 to 12 inches

Potential rooting depth: 60 or more inches

Runoff: slow

Hazard of water erosion: slight

Shrink-swell potential: high

Depth to high water table: 6 to 12 inches

months - March through July

Hazard of flooding: occasional

duration: brief

months flooding occurs - January through June

Contrasting Inclusions

* A very deep, poorly drained, sodic, silty clay over very gravelly clay soil, on stream terraces in the Salmon area; (10 percent).

* A very deep, poorly drained, silty clay over silty clay loam soil, that has a

249.txt

thick organic mat at the surface, in concave areas on stream terraces; (5 percent).

* A very deep, poorly drained, gravelly sandy loam over very gravelly loamy sand soil, on stream terraces; (5 percent).

Major Use of the Unit

Irrigated - pastureland and hayland
Zeebar and Ajax soils - WET MEADOW

Interpretive Groups

Zeegee - 5w, nonirrigated and 5w, irrigated
Ajax - 5w, nonirrigated and 5w, irrigated

Knoblock, Ken

From: Smith, Danni
Sent: Friday, December 01, 2006 11:38 AM
To: Knoblock, Ken
Subject: B75 Easy questions.

Can you call:

1. Jim Harvett on 75-10693...he went from 3.0 cfs on irrig claimed to 1.0 cfs recommended...He talked to area experts (he has names) that said to tell someone he has very gravelly soil and needs more water. Can you call him when you get a chance at 914-924-0047. Thanks

2. Suspect he already called ya, but just in case Charles Ramsey of Elk Bend water group(sub) has 2 rights and wanted to know if they are sole and seperate or not? He has 75-7009 & 75-7114. If you haven't talked to him yet he as a funeral at 2:00 today (mtn time) and would like to have you call after 3:00 pacific time. He is at 208-894-2412.

Enjoy.

11/11/2006

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

RIGHT NUMBER: 75-10693

NAME AND ADDRESS: RONALD J WEHRLI
6822 GRIFFIN BLVD
FORT MYERS FL 33908

JAMES M HARVAT
6822 GRIFFIN BLVD
FORT MYERS FL 33908

SOURCE: SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.040 CFS

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

PRIORITY DATE: 10/23/1933

POINT OF DIVERSION:

T23N R22E S29 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.000 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S19 Lot 11 SWSE 20.00 T23N R22E S30 Lot 1 NWNE 30.00

STOCKWATER same as IRRIGATION

50 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

CLAIM NO(s).

A7510693

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

239-481-6146

☐ No Change ADDRESS

☒ NEW ADDRESS: 6822 Griffin Blvd Fort Myers, FL 33908

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.: A0017069 GPS 128

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

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

John Aldous Jr.

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

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

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

	Print Name _____
	Signature _____

Jim Harvat

RECEIVED
AUG 16 2005
Department of Water Resources

To: Roxanne Brown
Subject: Adjudication Claim # 75-10693 Water Right

Roxanne, per our conversation, I am submitting 2 documents as "Evidence of Priority". The first document was retrieved from the USDA files and is also on microfilm. This document is signed, notarized and dated 10/23/33 which supports the current Priority Date. The second document is an aerial view of the property, Sec.29,T 23N,R 22E. If additional documentation is required please contact me and I will do additional research to provide supporting evidence.

Contact Info:
Jim Harvat
Heritage Hills #1B
Somers, NY. 10589
914-277-4904 (Home)
914-924-0047 (Cell)
jharvat@compucallinc.com

THANKS
Jim



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

AUG 16 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-10693
JAMES M HARVAT
HERITAGE HILLS 1B
SOMERS NY 10589

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

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

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

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

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

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

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

AUG 16 2005

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AUG 16 2005

Department of Water Resources

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10693

WATER RIGHT NUMBER: 75-10693

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES M HARVAT HERITAGE HILLS 1B SOMERS, NY 10589 (914)277-4904
Original Owner	JOHN R MC FREDERICK 37 LINDBERG LN CARMEN, ID 83462-4509 (208)756-2040
Original Owner	CYNTHIA L MC FREDERICK 37 LINDBERG LN CARMEN, ID 83462-4509 (208)756-2040
Current Owner	RONALD J WEHRLI HERITAGE HILLS 1B SOMERS, NY 10589 (914)277-4904

Priority Date: 10/23/1933

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING 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	3.000 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	3.040 CFS	

Location of Point(s) of Diversion

SPRING CREEK	SW1/4SW1/4NW1/4	Sec. 29, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T23N R22E S19 Lot 1 SWSE 20.0 T23N R22E S30 NWNE 30.0

Total Acres: 50

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. CHANGED OWNERSHIP 9/6/95/JT/GT

Remarks:

SCANNED

AUG 16 2005

THIS IS A COPY AND ORIGINAL IS
IN POSSESSION OF Elvin J. Aldiston

RECEIVED

AUG 16 2005

Department of Water Resources

state of Idaho }
County of Lemhi) ss.

ALLEN G. MERRITT, being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands owned by Wm. L. Miller and the water rights supplying the water for irrigation for said lands; said lands being described as follows, to-wit:

Lots 5 and 11, of Section 19, and Lot 1, of Section 30, all in Township 23 North of Range 22 East of the Boise Meridian.

That all of the water supplying this land is by private ditch, in which no one else has any interest.

That the ditch from the Salmon River is approximately one-half mile in length, and is about 3 feet wide on the bottom and 5 feet at the top, the depth of the ditch varies from one foot to 3 feet, and will carry enough water to irrigate the entire ranch every year, and there is an inexhaustible supply of water from the Salmon River, at all times.

In addition to the Salmon River Ditch, there is a ditch from Spring Creek, point of diversion being on the lands of W. G. Bloomsburg directly south of this ranch. This ditch is approximately three-fourths mile long and is about 3 feet wide on the bottom and about 5 feet at the top, the depth of the ditch varying from one foot to 4 feet, and will safely convey over 300 miners inches. This ditch is used merely for convenience, as the Salmon River Ditch will at all times convey all of the water needed for the ranch, but cost of keeping up the Salmon River Ditch being much heavier than the Spring Creek Ditch, makes it desirable to use the Spring Creek waters, as said waters are below all other lands on the Salmon River, and not available for any other lands.

None of this water has been decreed to this ranch, for the reason that the waters are not available for any other lands, said ranch being at or near the mouth of the canyon, and no lands lying below it. Said waters of Spring Creek, has more water alone, than can be used on the said lands, and there is an inexhaustible supply of water also, from the Salmon River. If needed, the two said ditches could supply 700 miners inches at all times of the year, whereas less than 200 miners inches are needed at any time of the year. These waters have been used continuously on the said lands, for more than 30 years.

Subscribed and sworn to before me, a
Notary Public, this 23rd day of
October, 1923.

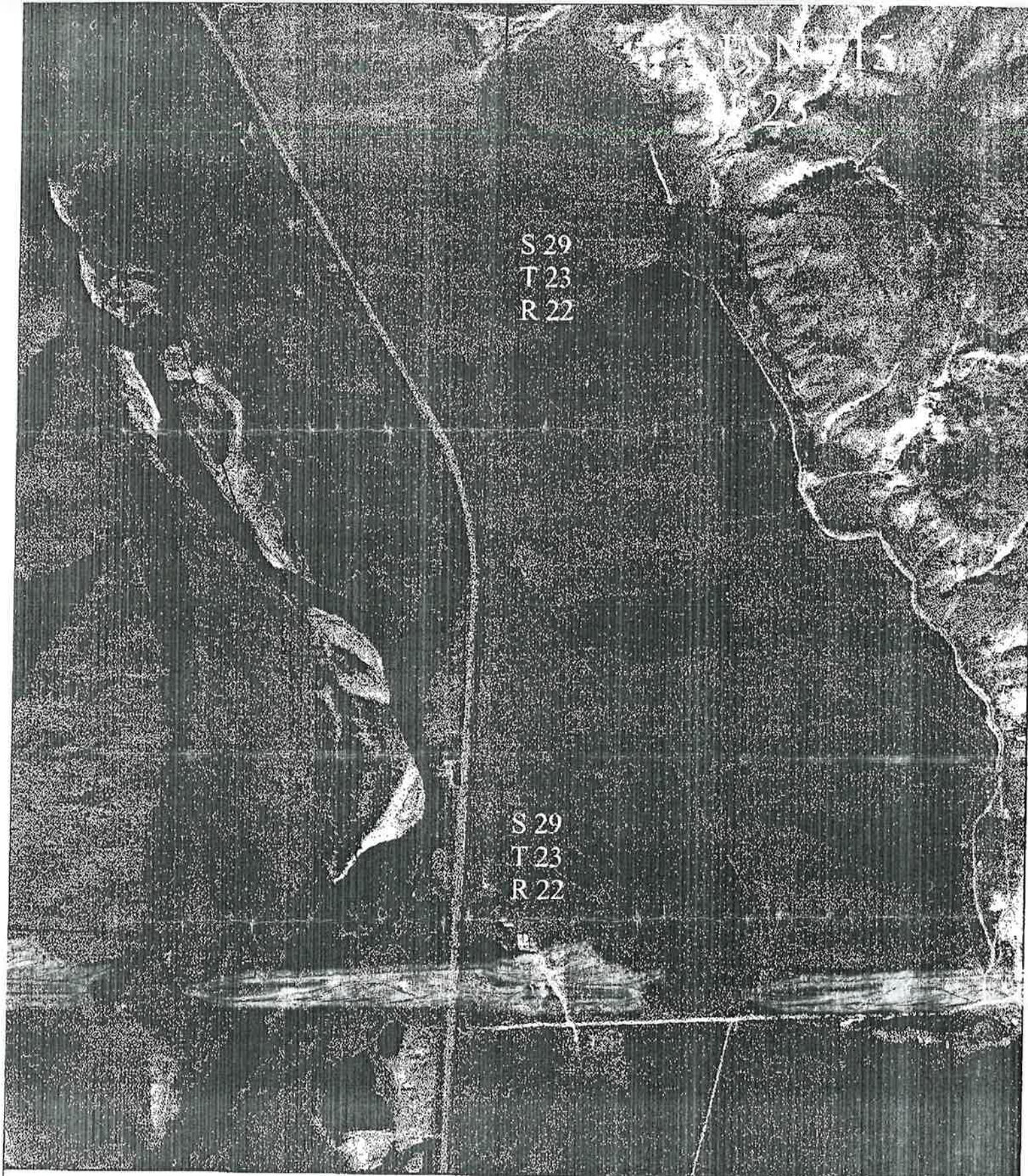
NOTARY PUBLIC FOR STATE OF IDAHO

MICROFILMED

DEC 15 1992

SCANNED

AUG 16 2005



SEC 29 T23N R 22E



0.09 0 0.09 0.18 0.27 0.36 Miles

Map Printed: Apr 12, 2005

☐ Plss_a_id_utm12.shp

SCANNED

AUG 16 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

SEPTEMBER 6, 1995

JAMES M HARVAT
RONALD J WEHRLI
HERITAGE HILLS 1B
SOMERS NY 10589

Dear Claimants:

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 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,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 18 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

SEP 05 1995

DATE OF CLOSING: June 6, 1994

Department of Water Resources

Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 23 N. Range 22 E. Section 19 & 30 SW 1/4 of SW 1/4 of NW 1/4 Govt. Lot , BM.

Lot 1 & 11, Block , Subdivision/Townsite .

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

Lemhi County

[] 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:

A 75 - 10693^{OK} ST

[] Name and Address of Former
Owner/Claimant(s)(Seller):

John R. McFrederickHC 10 Box 8Carmen, ID 83462

[] New Owner/Claimant
(Purchaser):

JAMES M. HARVAT ; RONALD J. WEHRLI

[] New Mailing Address:

HERING HILLS 1BSOMERS, NY 10589

[] New Telephone Number:

(914) 277 - 4904

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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:

Recorded land sale contracts.

(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]
[Signature]

Date 8/24/95Date 8/24/95

[] Signature of Former
Owner/Claimant(s):

Date

Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

NOV 18 1996

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

River and Wetland Restoration

Box 1388
Hailey, ID 83333
208-788-6265

RECEIVED

SEP 05 1995

Department of Water Resources
Eastern District Office

September 1, 1995

To whom it may concern;

Bob Foster from the Salmon branch of IDWR has been assisting with the change in ownership on water rights I'm presenting to you. I'm representing Jim Harvat and Ron Wehrli - IF I need to give you additional information, please call me at 208. 788. 6265.

Thank you.

Sincerely,

Barbara Heller

MICROFILMED

NOV 18 1990

State of Idaho)
County of Lemhi) ss No. **214560**
This instrument was filed for record at
the request of Lemhi Title Co.
at 2:46 o'clock P m 5-13 19 92
and duly filmed and indexed in the
records of Lemhi County
Alberta Wiederick
Ex-Officio Recorder
By Lemmi J. Morton Deputy
Fees: 9.00

State of Idaho)
County of Lemhi) ss No. **210841**
This instrument was filed for record at
the request of Lemhi Title Co.
at 7:34 o'clock A m July 2 19 91
and duly filmed and indexed in the
records of Lemhi County
Alberta Wiederick
Ex-Officio Recorder
By Deanne Gray Deputy
Fees: 9.00

NOTICE OF ASSIGNMENT AND ASSUMPTION OF
LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described
in Exhibit "A" attached hereto has been sold subject to the terms
and conditions of an unrecorded Assignment and Assumption of Land
Sale Contract.

DATED: July 1st, 1991.

SELLERS: JOHN R. McFREDERICK and CYNTHIA L. McFREDERICK,
husband and wife,
HC 10, Box 8
Carmen, Idaho 83462
hereinafter referred to as "SELLERS"

BUYERS: WILLIAM D. INMAN and DONNA M. MARTIN,
both single persons as tenants in common,
Route #1, Box 176
Salmon, Idaho 83467
hereinafter referred to as "BUYERS"

POSSESSION:

Under the terms of said Assignment and Assumption of Land
Sale Contract, Buyers are entitled to possession, use and
occupancy of said property on the date of closing, so long as
each and every covenant of said Agreement shall be faithfully
performed by Buyers.

TITLE:

Title to the property remains with the Sellers (ELVIN
J. ALBISTON and BARBARA J. ALBISTON, husband and wife, and THE
ESTATE OF HOBERT B. AULTZ) until the entire purchase price is
fully paid.

LIENS:

Buyers have no right or authority to create or permit the
imposition of any lien or encumbrance upon said property.

ESCROW AGENT:

The Escrow Holder under the terms of said Land Sale Agreement (ALBISTON/McFREDERICK) hereby assigned to WILLIAM D. INMAN and DONNA M. MARTIN, each single persons as tenants in common, is LEMHI TITLE AND ABSTRACT of 531 Main Street, Salmon, Idaho 83467.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day first above written.

ASSIGNORS:

John R. McFrederick
JOHN R. McFREDERICK
Soc. Sec. No. 519 69 8023

Cynthia L. McFrederick
CYNTHIA L. McFREDERICK
Soc. Sec. No. 518-76-4284

ASSIGNEES:

William D. Inman
WILLIAM D. INMAN
Soc. Sec. No. 330-32-4549

Donna M. Martin
DONNA M. MARTIN
Soc. Sec. No. 322-38-5034

STATE OF IDAHO,)
County of Lemhi) ss.

On this 1st day of July, 1991, before me, a Notary Public in and for said State, personally appeared JOHN R. McFREDERICK and CYNTHIA L. McFREDERICK, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Eric J. Hall
Notary Public for Idaho
Residing at Salmon Idaho
Commission Expires: 7/1/92



STATE OF ILLINOIS)
County of Peoria) ss.

On this 28th day of June, 1991, before me, a Notary Public in and for said State, personally appeared WILLIAM D. INMAN and DONNA M. MARTIN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Michael M. Ward
Notary Public for Illinois
Residing at: 7501 N. Ardmore
Commission Expires: 10-17-93

(Seal)
OFFICIAL SEAL
MICHAEL M. WARD
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10-17-93

A parcel of land located in U.S. Government Lots 1 and 6, Section 30, and U.S. Government Lot 11, Section 19, T. 23 N. R. 22 E., B.M., Lemhi County, Idaho more particularly described as follows:

Commencing at the Northwest Corner of said Section 30, a distance of 3952.34 feet on a bearing of N. 89° 57' 54" E. along the section line to the northeast corner of said Lot 11; thence S. 00° 00' 03" E. 84.40 feet to a Bureau of Public Roads monument on the westerly right of way of U.S. Highway No. 93 and being the REAL POINT OF BEGINNING.

Thence S. 00° 17' 07" W. 1714.89 feet to a point on the east bank of the Salmon River;

Thence the following courses and distances along said bank:

Thence N. 56° 24' 39" W.	50.88 feet;
Thence N. 73° 30' 58" W.	303.19 feet;
Thence N. 60° 22' 20" W.	523.84 feet;
Thence N. 66° 37' 39" W.	374.92 feet;
Thence N. 21° 20' 33" W.	296.26 feet;
Thence N. 47° 41' 13" E.	61.34 feet;
Thence N. 26° 00' 18" W.	531.41 feet;
Thence N. 28° 40' 04" W.	148.58 feet;
Thence N. 29° 26' 54" E.	957.73 feet;
Thence N. 33° 55' 22" E.	261.55 feet;
Thence N. 47° 08' 54" E.	209.66 feet;
Thence N. 01° 47' 50" W.	288.36 feet to a point on

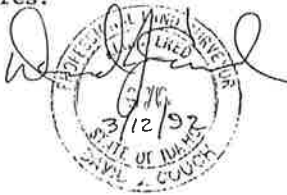
the westerly right of way of U.S. Highway No. 93;

Thence the following courses and distances along said highway:

Thence a distance of 376.12 feet along a curve concave to the southwest having a radial of S. 52° 47' 33" W. 3786.81 feet and a central angle of 05° 41' 27".

Thence S. 58° 29' 00" W. 17.00 feet;

Thence S. 31° 31' 00" E. 1049.64 feet to the REAL
OF BEGINNING, said parcel contains 61.004 Acres.



J. ALBISTON and BARBARA J. ALBISTON, husband and wife, and THE ESTATE OF HOBERT B. AULTZ) until the entire purchase price is fully paid.

LIENS:

Buyers have no right or authority to create or permit the imposition of any lien or encumbrance upon said property.

County of Lemhi
This instrument was filed for record at
the request of Lemhi, Idaho
at 4:00 o'clock p.m. 6-10-94
and duly filmed and indexed in the
records of Lemhi County
Alberta Wiederick
Ex. Office Recorder
By *Seri J. Martin* 1200
Deputy

NOTICE OF LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described
hereinbelow has been sold subject to the terms and conditions of an
unrecorded Land Sale Contract.

DATED: June 6th, 1994.

PARTIES

SELLERS: WILLIAM D. INMAN and DONNA M. MARTIN
both single persons as tenants in common,
Box 1216
Salmon, Idaho 83467
hereinafter referred to as "SELLERS"

BUYERS: JAMES HARVAT
Heritage Hills, 317-A
Somers, New York 10589

and RON WEHRLI
Crestview Builders
1207 Hunter Circle
Naperville, Illinois 60540
both unmarried men,
hereinafter referred to as "BUYERS"

LEGAL DESCRIPTION

A parcel of land located in U.S. Government Lots 1 and 6,
Section 30, and U.S. Government Lot 11, Section 19, T. 23 N., R. 22
E., B.M. Lemhi County, Idaho, more particularly described as
follows:

Commencing at the Northwest Corner of said Section 30, a
distance of 3,952.34 feet on a bearing of N. 89° 57' 54" E. along
the section line to the northeast corner of said Lot 11; thence S.
00° 00' 03" E. 84.40 feet to a Bureau of Public Roads monument on
the westerly right of way of U.S. Highway No. 93 and being the REAL
POINT OF BEGINNING.

Thence S. 00° 17' 07" W., 1,714.89 feet to a point on
the east bank of the Salmon River;

Thence the following courses and distances along said bank;

Thence N. 56° 24' 39" W. 50.88 feet;
Thence N. 73° 30' 58" W. 303.19 feet;
Thence N. 60° 22' 20" W. 523.84 feet;
Thence N. 66° 37' 39" W. 374.92 feet;
Thence N. 21° 20' 33" W. 296.26 feet;
Thence N. 47° 41' 13" E. 61.34 feet;
Thence N. 26° 00' 18" W. 531.41 feet;
Thence N. 28° 40' 04" W. 148.58 feet;
Thence N. 29° 26' 54" E. 957.73 feet;
Thence N. 33° 55' 22" E. 261.55 feet;
Thence N. 47° 08' 54" E. 209.66 feet;
Thence N. 01° 47' 50" W. 288.36 feet to a point on the

westerly right of way of U.S. Highway No. 93;

Thence the following courses and distances along said
highway:

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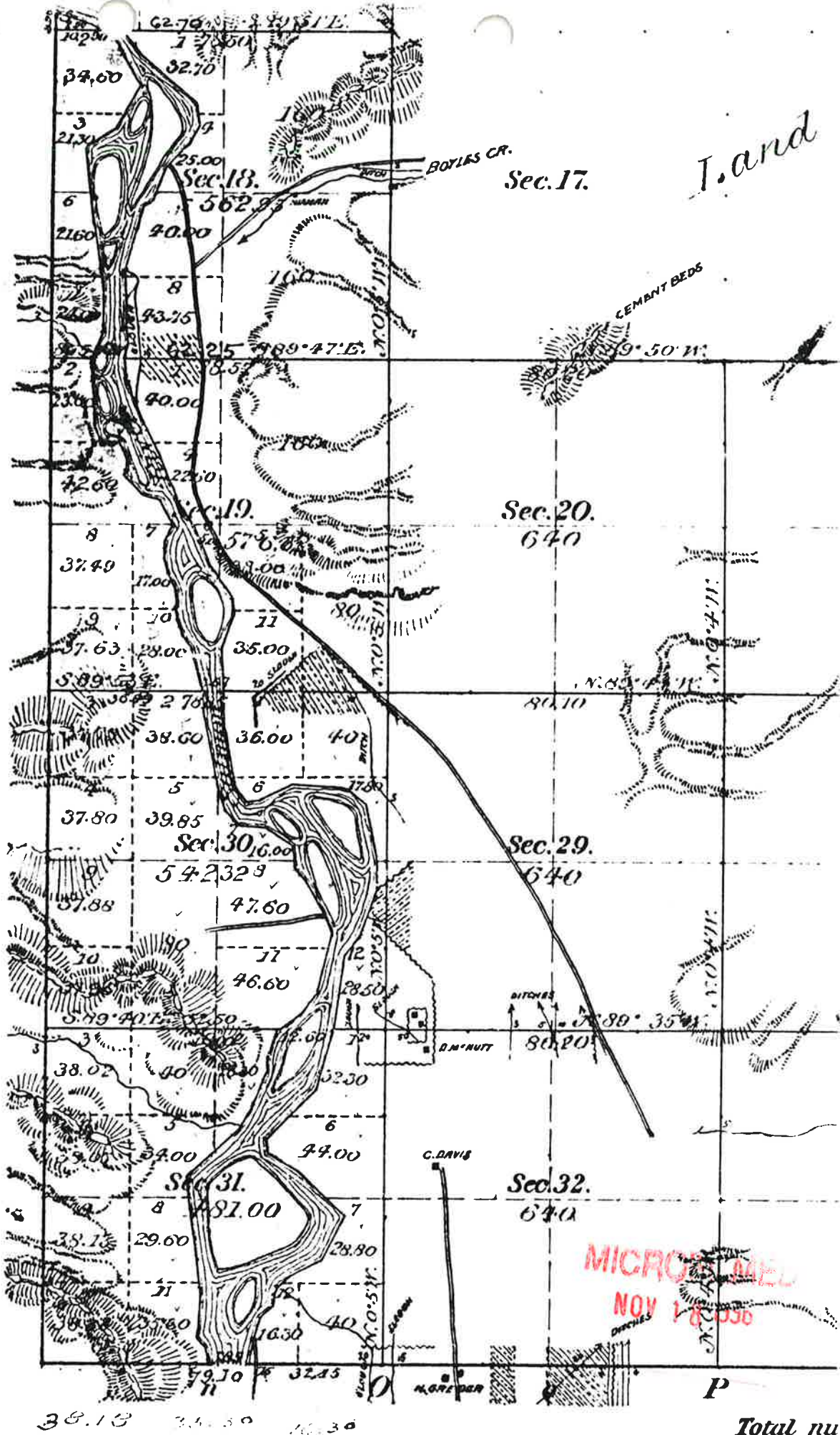
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MICROFILMED
NOV 18 1956

Total nu

Surveyors Designated	By Whom Surveyed	Date of Contract	Amount of Survey

State of Idaho)
) ss.
County of Lemhi)

ALLEN C. MERRITT, being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands owned by Mark D. Miller and the water rights supplying the water for irrigation for said lands; said lands being described as follows, to-wit:

Lots 5 and 11, of Section 19, and Lot 1, of Section 30, all in Township 23 North of Range 22 East of the Boise Meridian.

That all of the water supplying this land is by private ditch, in which no one else has any interest.

That the ditch from the Salmon River is approximately one-half mile in length, and is about 3 feet wide on the bottom and 5 feet at the top, the depth of the ditch varies from one foot to 3 feet, and will carry enough water to irrigate the entire ranch every year, and there is an inexhaustible supply of water from the Salmon River, at all times.

In addition to the Salmon River Ditch, there is a ditch from Spring Creek, point of diversion being on the lands of W.G. Bloomsburg directly south of this ranch. This ditch is approximately three-fourths mile long and is about 3 feet wide on the bottom and about 5 feet at the top, the depth of the ditch varying from one foot 4 feet and will safely convey over 300 miners inches. This ditch is used merely for convenience, as the Salmon River Ditch will at all times convey all of the water needed for the ranch, but cost of keeping up the Salmon River Ditch being much heavier than the Spring Creek Ditch, makes it desirable to use the Spring Creek waters, as said waters are below all other lands on the Salmon River, and not available for any other lands.

None of this water has been decreed to this ranch, for the reason that the waters are not available for any other lands, said ranch being at or near the mouth of the canyon, and no lands lying below it. Said waters of Spring Creek, has more water alone, than can be used on the said lands, and there is an inexhaustible supply of water also, from the Salmon River. If needed, the two said ditches could supply 700 miners inches at all times of the year, whereas less than 200 miners inches are needed at any time of the year. These waters have been used continuously on the said lands, for more than 30 years.

Subscribed and sworn to before me a
Notary Public, this 23rd day of
October, 1933.

James R. ...
NOTARY PUBLIC FOR STATE OF IDAHO

MICROFILMED
DEC 15 1992

SCANNED
03/18/95

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: **A75-10693**
Date Received: 5/ 9/1990
Receipt No: M006992
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JAMES M HARVAT
Address: HERITAGE HILLS 1B
SOMERS NY

914-277-4904

10589

AND/OR

Name: RONALD J WEHRLI
Address: HERITAGE HILLS 1B
SOMERS NY

914-277-4904

10589

2. Date of Priority: OCT 23, 1933

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	29	SW	SW	NW		LEMHI

5. Description of diverting works:
DAM AND DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD DAIRY CATTLE

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NOV 18 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	19	SW	SE	1	IRR	20.0
						Section Acres	20.0
		30	NW	NE		IRR	30.0
						Section Acres	30.0
						Total Acres	50.0

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:
CHANGED OWNERSHIP 9/6/95/JT/GT

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 18 1996

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: A75-10693
Date Received: 5/09/1990
Receipt No: 1006992
Received By: RM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN R. MCFREDERICK 208-756-2040
Address: HC 10 BOX 8
CARMEN, ID 83462

AND/OR

Name: CYNTHIA L. MCFREDERICK 208-756-2040
Address: HC 10 BOX 8
CARMEN, ID 83462

2. Date of Priority: OCT 23, 1933

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	29	SW	SW	NW		LEMHI

5. Description of diverting works:
DAM AND DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD DAIRY CATTLE

A75-10693

Page 1

Date: 05/09/90

MICROFILMED
DEC 15 1992

A7510693



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	19	SW	SE	11	IRR	20.0
						Section Acres	20.0
		30	NW	NE	1	IRR	30.0
						Section Acres	30.0
						Total Acres	50.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Cynthia J McFadden Date: 5-9-90

Date: _____

State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 9 day

of May 19 90

Seal

John MacLean
Notary Public

Residing at Boise Id

My Commission Expires 4/2/94



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DEC 15 1992