

12/21/2006

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

RIGHT NUMBER: 75-13700
NAME AND ADDRESS: JOSEPH A PROKSCH
823 UNION AVE
SALMON ID 83467

COLLEEN BENEDICT
BOX 7
SALMON ID 83467

RALPH BENEDICT
BOX 7
SALMON ID 83467

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: SHEEP CREEK TRIBUTARY: NORTH FORK SALMON RIVER
QUANTITY: 0.220 CFS
PRIORITY DATE: 05/15/1898
POINT OF DIVERSION:

T25N R21E S14 SENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.200 CFS
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S15	NWSE	9.00	T25N R21E S15	SWSE	0.60
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STOCKWATER in LEMHI County

T25N R21E S15	NWSE	T25N R21E S15	SWSE
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9.6 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

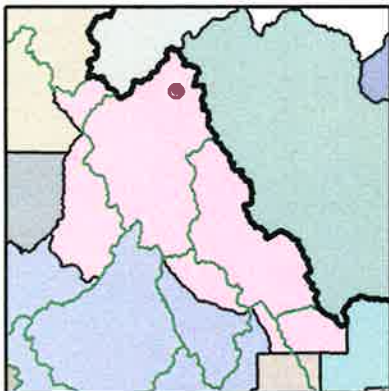
SRBA Recommendation:

75-13700

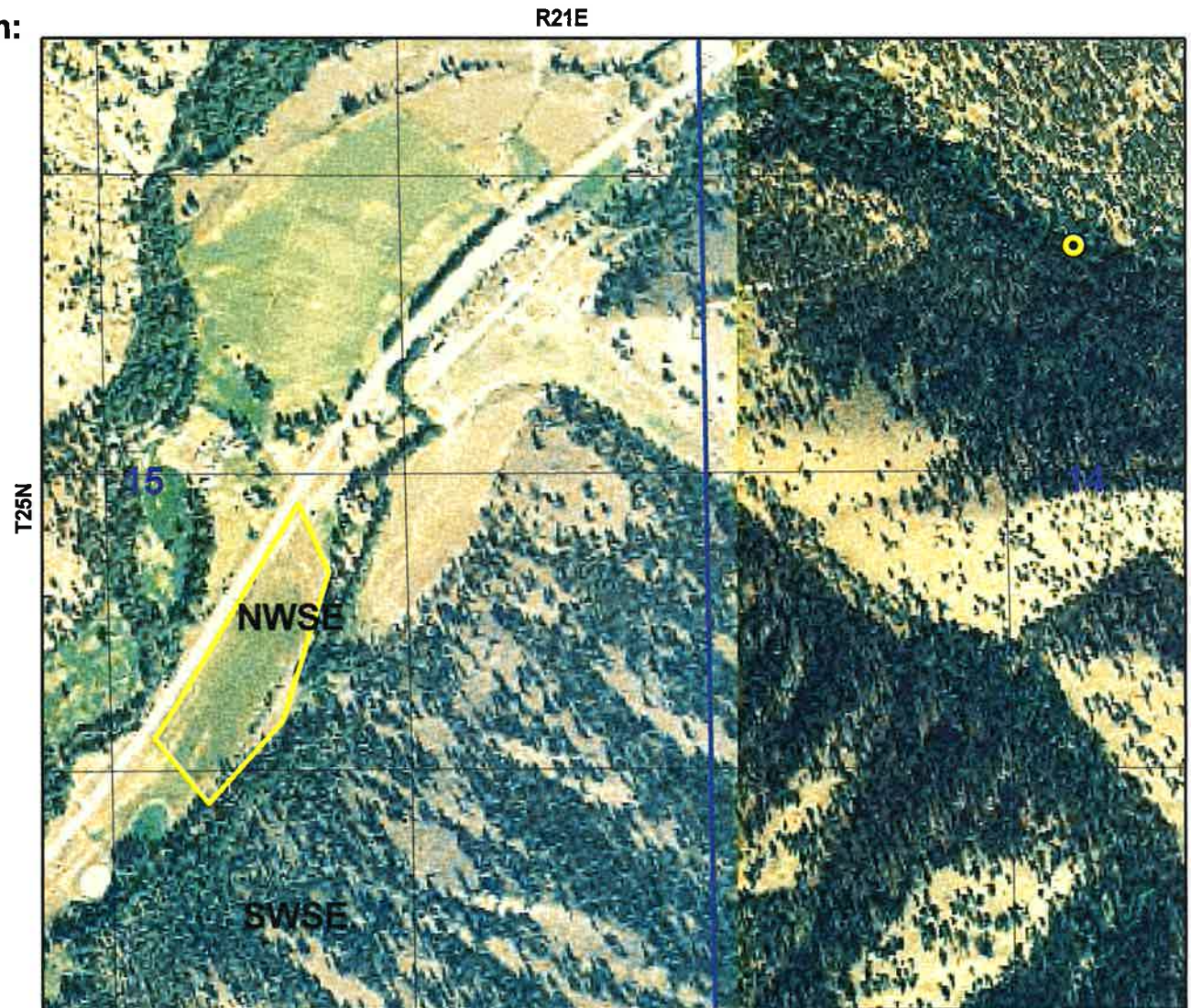
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.3 0.6 Miles



Prepared by A. Warntjes
On Thursday, December 21, 2006
2004 Aerial Photography

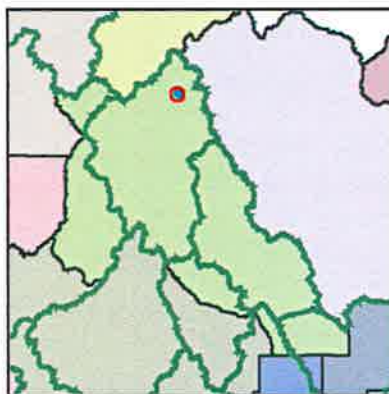


Idaho Department of Water Resources

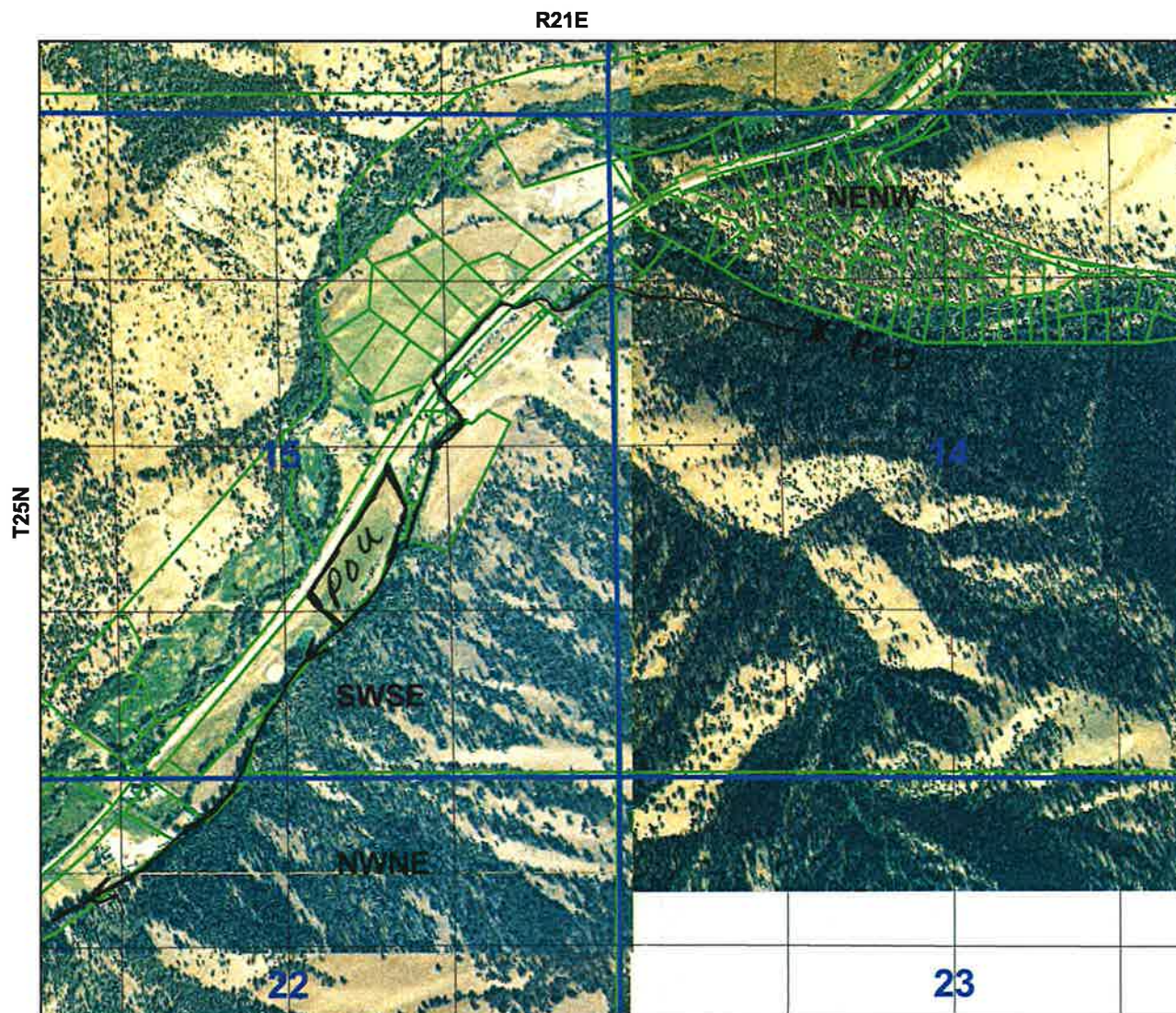
SRBA Claim:
75-13700

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75

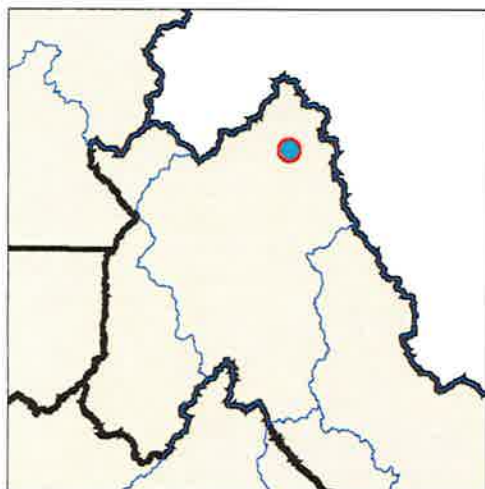


Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

Idaho Department of Water Resources

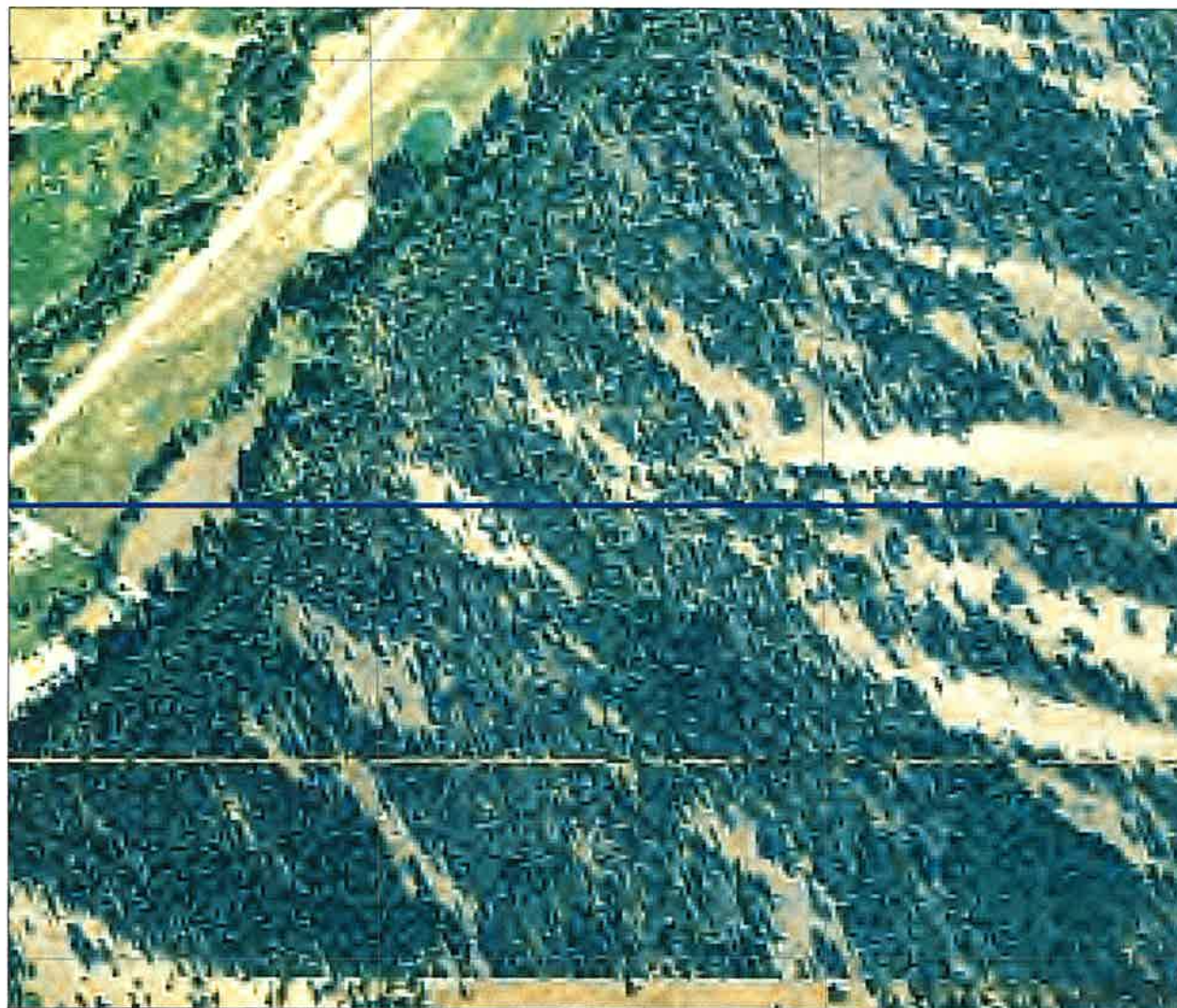


Adjudication Claim Number: **75-13700**



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
1991 Aerial Photography

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

CLAIM NO(s).

A75 13700

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

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.: A0014921 GPS062

Township _____ Range _____ Section 14 1/4 SE 1/4 NW 1/4
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

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

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

7. ☐ No Change - TOTAL VOLUME

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

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

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

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

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

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name
Jack Z. Ellis
Signature

RECEIVED
AUG 01 2005
DEPARTMENT OF
WATER RESOURCES

7/26/05

State of Idaho
Idaho Dept. of Water Resources
PO Box 83720
Boise, Id. 83707-9815
Attn: Roxanne Brown

Re: Water Right Number: 75-13700

Following material is a response to your letter of June 29, 2005 requesting evidence of priority date of above water right number.

1. Copy of Declaration of Homestead recorded on March 14, 1914. Attached pages (2) show the entry was made for the purpose of actual settlement and cultivation. No certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry. This indicates the property was occupied prior to recording - perhaps five years .
2. Patent was recorded from the United States to Levi R. Jones March 8, 1916 - date of instrument June 24, 1914.
3. Instrument No. 16661- Levi R. Jones has been established and duly consummated in conformity to law - containing one hundred fifty-seven and sixty-six-hundredths acres. Subject to any vested and accrued water rights for agriculture and rights to ditches and reservoirs used in connection with such water rights. Recorded March 8, 1916. At this time Levi Jones had livestock and derricks used for haying. Indicates beneficial use of water right.
4. Warranty Deed from Levi R. & Stella Jones to J. D. & Sophia Pemble recorded March 9, 1916. Together with any and all water and water rights, ditches, headgates and conduits belonging thereto and all buildings and improvements thereon. This has been added to original deed. Indicates water has been used for beneficial purposes.
5. Instrument no. 16680 - Bill of Sale - March 8, 1916. Refers to #4 above - the sale from Jones to Pemble. Shows livestock (horses and cattle), farming machinery, derricks, etc. Derricks used during haying - indicates property was being cultivated to raise hay - beneficial use of water.
6. Copy of Real Property Assessment Roll - year of 1917 on the property now occupied by Pemble. Shows classification of lands and improvements and personal property. Property still being farmed and continued beneficial use of water rights.
7. Affidavit by Alice Hanson. The Hansons purchased the property in August 1948 and irrigated the property from existing ditches from 1948 until their departure in 1999. Attached notary to affidavit. Also attached is copy of property transfer to the Hansons.

Shanks,
Ralph Benedict

SCANNED
AUG 02 2005

(1)

CONTINUATION OF ABSTRACT OF TITLE
TO THE LANDS DESCRIBED IN CAPTION HERETO
LEMHI TITLE AND ABSTRACT COMPANY
SALMON, IDAHO

3131070

Sheet No. 2

Abstract No. 3-520-5

Levi R. Jones

Grantors

To

Grantees

Character of Instrument Declaration of Homestead

Date of Instrument March 14th, 1914

Date of Record March 14th, 1914

Book B of H mesteads Page 34

Records of Lemhi County, State of Idaho

Consideration \$3000.00

Date of Acknowledgment March 14th, 1914

Before whom Acknowledged Ariel C. Cherry N.P. Lemhi
County, Idaho,

Is official seal attached? yes

U. S. Revenue Stamps attached and cancelled

Granting words:

Covenants:

Remarks:

DESCRIPTION: Lands in Lemhi County, State of Idaho:

Beginning at Cor. No. 1, from which U.S. Mineral Monument No. 3, Dahlenega Mining District, bears North 71 deg. 32' East 39.99 chains distant; thence North 51 deg. 57' West 21.63 chains to Cor. No. 2; thence South 32 deg. 45' West 7.15 chains to Cor. No. 3; thence South 47 deg. 12' West 14.61 chains to Cor. No. 4; thence South 5 deg. 23' East 11.82 chains to Cor. No. 5; thence South 48 deg. 12' West 10.48 chains to Cor. No. 6; thence South 42 deg. 13' West 39.15 chains to Corner No. 7; thence South 48 deg. 38' East 4.61 chains to Cor. No. 8; thence South 54 deg. 49' East 19.63 chains to Cor. No. 9; thence North 44 deg. 57' East 6.22 chains to Cor. No. 10; thence North 15 deg. 24' East 8.72 chains to Cor. No. 11; thence North 42 deg. 15' East 20.72 chains to Cor. No. 12; thence North 17 deg. 19' East 21.54 chains to Cor. No. 13; thence North 47 deg. 29' East 24.22 chains to Cor. No. 1, the place of beginning, containing 157.66 acres.

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AUG 12 2005

3131070 3

Repeal of inconsistent laws.

SEC. 20. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith.

APPROVED, May 17, 1862.

May 20, 1862.

CHAP. LXXV. — *An Act to secure Homesteads to actual Settlers on the Public Domain.*

Certain persons may enter certain quantities of certain unappropriated public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preëmption claim, or which may, at the time the application is made, be subject to preëmption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Such persons to make affidavit.

Contents of affidavit.

Certificates and patents, when to issue and upon what proof.

Affidavit.

Provision in case of death of applicant, &c.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death; shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: *And provided, further*, That in case of the death of both father and mother, leaving an infant child, or children, under twenty-one years of age, the right and fee shall enure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell

SCANNED

SEP 12 1895

said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded. Record of applications to be made.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor. Such lands not to be subject to prior debts.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government. When lands thus entered revert to government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights: *And provided, further*, That all persons who may have filed their applications for a preemption right prior to the passage of this act, shall be entitled to all privileges of this act: *Provided, further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years. Not over one quarter section can be thus acquired.
Rules and regulations of Land Office.
Fees of registers and receivers, when to be paid.
Existing preemption rights not impaired.
Certain minors may have the privileges of this act.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act. Punishment for false swearing under this act.
1857, ch. 116, § 5.
Vol. xi. p. 250.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preemption rights. Applicant may have the land upon paying minimum price, &c., before the five years expire.

APPROVED, May 20, 1862.

VOL. XII. PUB. — 50

SCANNED

AUG 02 2005

(2)

CONTINUATION OF ABSTRACT OF TITLE
TO THE LANDS DESCRIBED IN CAPTION HERETO
LEMHI TITLE AND ABSTRACT COMPANY
SALMON, IDAHO

Sheet No. 1

Abstract No. 4-187-1

United States

Grantors

To

Levi R. Jones

Grantees

Character of Instrument Patent,
Date of Instrument June 24th, 1914
Date of Record March 8th, 1916,
Book W of Deeds

Page 602

Records of Lemhi County, State of Idaho

Consideration

Date of Acknowledgment

Before whom Acknowledged

Is official seal attached?

U. S. Revenue Stamps attached and cancelled

Granting words: The United States does give and grant.

Covenants:

Remarks:

DESCRIPTION: Lands in Lemhi County, State of Idaho:

Beginning at Cor.No.1, from which U.S.Mineral Monument No.3, Dahlonaga Mining District, bears North 71 deg.32' East 39.99 chains distant; thence North 51 deg.57' West 21.63 chains to Cor.No.2; thence South 32 deg. 45' West 7.13 chains to Cor.No.3; thence South 47 deg. 12' West 14.61 chains to Cor.No.4; thence South 5 deg.23' East 11.82 chains to Cor. No.5; thence South 46 deg. 12' West 10.48 chains to Cor.No.6; thence South 42 deg.13' West 39.15 chains to Corner No.7; thence South 48 deg. 38' East 4.61 chains to Cor.No.8; thence South 54 deg. 49' East 19.63 chains to Cor.No.9; thence North 44 deg.57' East 6.22 chains to Cor.No.10; thence North 15 deg.24' East 8.72 chains to Cor.No.11, thence North 42 deg. 15' East 20.72 chains to Cor.No.12; thence North 17 deg. 19' East 21.54 chains to Cor.No.13; thence North 47 deg.29' East 24.22 chains to Cor.No.1, the place of beginning, containing 157.66 acres.

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AUG 12 2005

Hailey 06683 and 09132.

4-1043.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Levi R. Jones has been established and duly consummated, in conformity to law, for the H. E. Survey No. 95, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U. S. Mineral Monument No. 3, Dahlonga Mining District, bears north seventy-one degrees, thirty-two minutes east thirty-nine and ninety-nine hundredths chains distant; thence north fifty-one degrees, fifty-seven minutes west twenty-one and sixty-three-hundredths chains to corner No. 2; thence south thirty-two degrees, forty-five minutes west seven and thirteen-hundredths chains to corner No. 3; thence south forty-seven degrees, twelve minutes west fourteen and sixty-one-hundredths chains to corner No. 4; thence south five degrees, twenty-three minutes east eleven and eighty-two-hundredths chains to corner No. 5; thence south forty-six degrees, twelve minutes west ten and forty-eight-hundredths chains to corner No. 6; thence south forty-two degrees, thirteen minutes west thirty-nine and fifteen-hundredths chains to corner No. 7; thence south forty-eight degrees, thirty-eight minutes east four and sixty-one-hundredths chains to corner No. 8; thence south fifty-four degrees, forty-nine minutes east nineteen and sixty-three-hundredths chains to corner No. 9; thence north forty-four degrees, fifty-seven minutes east six and two-tenths chains to corner No. 10; thence north fifteen degrees, twenty-four minutes east eight and seventy-two-hundredths chains to corner No. 11; thence north forty-two degrees, fifteen minutes east twenty and seventy-two-hundredths chains to corner No. 12; thence north seventeen degrees, nineteen minutes east twenty-one and fifty-four-hundredths chains to corner No. 13; thence north forty-seven degrees, twenty-nine minutes east twenty-four and twenty-two-hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and sixty-six-hundredths 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 there is, therefore, granted by the UNITED STATES, unto the said claimant, the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-fourth day of June in the year of our Lord one thousand nine hundred and fourteen and of the Independence of the United States the one hundred and thirty-eighth.

SEAL.

By the President: Woodrow Wilson.

By M. P. LeRoy, Secretary,

L. Q. C. Lamer

RECORDED: Patent Number 417265

Recorder of the General Land Office.

Recorded at the request of L. R. Jones March 8th 1916 at --- minutes past 9 o'clock A. M., in Book W of Deeds page 602 Records of Lemhi County, Idaho

J. L. Kirtley, Jr.,
County Recorder.

By W. W. Lamm
Deputy

SCANNED

AUG 02 2005

4

CONTINUATION OF ABSTRACT OF TITLE
TO THE LANDS DESCRIBED IN CAPTION HERETO
LEMHI TITLE AND ABSTRACT COMPANY
SALMON, IDAHO

4-190-4

Sheet No. 3

Abstract No.

Levi R. Jones and
Stella Jones his wife,

Grantors

To

J.D. Pemble and
Sophia Pemble his wife

Grantees

Character of Instrument Warranty Deed

Date of Instrument March 8th, 1916,

Date of Record March 9th, 1916,

Book W of Deeds Page 605

Records of Lemhi County, State of Idaho

Consideration \$8000.00

Date of Acknowledgment Acknowledged by Levi R. Jones
March, 8th 1916, by Stella Jones March 9th, 1916
Before whom Acknowledged by Levi R. Jones before Ariel C.
Cherry N.P. Lemhi County, Idaho, residing at Salmon,
Idaho, by Stella Jones before A.L. Kirk N.P. Lemhi
County, Idaho, residing at Gibbonsville, Idaho.

Is official seal attached? yes

U. S. Revenue Stamps attached and cancelled \$8.00

Granting words: Grant, Bargain, Sell, Convey and Confirm

Covenants: Shall and will warrant and by these presents forever defend.

Remarks:

DESCRIPTION: Lands in Lemhi County, State of Idaho:

Beginning at Cor. No. 1, from which U.S. Mineral Monument No. 3, Dablonaga Mining District, bears North 71 deg. 32' East 39.99 chains distant; thence North 51 deg. 57' West 21.63 chains to Cor. No. 2; thence South 32 deg. 45' West 7.13 chains to Cor. No. 3; thence South 47 deg. 12' West 14.61 chains to Cor. No. 4; thence South 5 deg. 23' East 11.32 chains to Cor. No. 5; thence South 46 deg. 12' West 10.43 chains to Cor. No. 6; thence South 42 deg. 13' West 39.15 chains to Corner No. 7; thence South 43 deg. 38' East 4.61 chains to Cor. No. 8; thence South 54 deg. 49' East 19.63 chains to Cor. No. 9; thence North 44 deg. 57' East 6.22 chains to Cor. No. 10; thence North 15 deg. 24' East 3.72 chains to Cor. No. 11; thence North 42 deg. 15' East 20.72 chains to Cor. No. 12; thence North 17 deg. 19' East 21.54 chains to Cor. No. 13; thence North 47 deg. 29' East 24.22 chains to Cor. No. 1, the place of beginning, containing 157.66 acres.

Together with any and all water and water rights, ditches, headgates and conduits belonging thereto, and all buildings and improvements thereon,

SCANNED

AUG 02 2005

BILL OF SALE.

Mar. 8, 1916

THIS BILL OF SALE Made and entered into on this the 8th. day of March, A. D. 1916, by and between Levi R. Jones and Stella Jones, husband and wife, residing in Lemhi County, Idaho, the parties of the first part, and J. D. Pemble and Sophia Pemble, husband and wife, residing in Lemhi County, aforesaid, the parties of the second part,

WITNESSETH: That for and in consideration of the sum of Six Thousand and No/100 (\$6000.00) Dollars in lawful money of the United States of America, in hand paid to the said parties of the first part by the said parties of the second part, the receipt whereof is hereby acknowledged, the said parties of the first part have sold, and by these presents do hereby BARGAIN, SELL, CONVEY, SET OVER and DELIVER, UNTO THE SAID PARTIES OF THE SECOND part and to their heirs and assigns, all the following described goods and chattels being in Lemhi County, State of Idaho, to-wit:

(a) Twenty (20) head of horses, consisting of horses, mares and colts, some of which are branded "P" on the right stifle, one of which is a gray mare, branded "H" known as the "Hagel Brand," on the left shoulder, and some of which are not branded, but the above is intended to, and does include and embrace any and all the horses belonging to, or in the possession of, the said parties of the first part, or either of them.

(b) Fifty (50) head of cattle, consisting of two (2) bulls and certain cows steers, yearlings and calves; seven (7) head of said cows are branded "2" on the right rump, about ten (10) head are branded "P" on the right ribs, about seven (7) of the same are branded "P" on the right rump, one is branded "R" on the right stifle, and some of the above animals are not branded, but the above is intended to, and does include and embrace any and all the bulls, cows, steers, yearlings and all calves whatsoever, belonging to the said, or either of the said parties of the first part or which are in their possession.

(c) All farming machinery, vehicles, tools, implements, derrick, all harness, ropes and pulleys, and all other farming devices whatsoever, of said or either of said parties of the first part, together with any and all ranch effects and chattels of every description and kind, whatsoever, commonly used in and about the operation of a ranch.

(d) All household furniture, furnishings and fixtures, whatsoever, including beds, stoves, dishes, and cooking utensils, and all other household furniture, furnishings and fixtures whatsoever, of the said parties of the first part, provided however, that the said parties of the first part shall reserve and exclude from this bill of sale their personal clothing, etc.

(e) Any and all poultry belonging to said, or either of the said parties of the first part, or in their possession.

It is hereby understood and agreed that formal delivery of all the said property hereinabove mentioned will be made forthwith by the said parties of the first part unto the said parties of the second part; and that upon such formal delivery or as soon thereafter as can conveniently be had, the said parties of the second part will brand all the said cattle and all of the said horses, mares and colts with the brand of the said J. D. Pemble, one of the said parties of the second part; said brand being "J. P.", placed on the right ribs of the cattle and "J. P.", placed on the right shoulder of said horses.

And the said parties of the first part do hereby sell, transfer, assign, set over, and deliver unto the said parties of the second part all of the right, title and interest of the said parties of the first part in and to any and all range permits of the said parties of the first part, or of either of them, issued by the Salmon National Forest Department, with full subrogation unto the said parties of the second part of all the rights and privileges of the said parties of the first part and of either of them, in, under or to the same; and the said parties of the first part hereby further promises and agree that they will sign any and all necessary papers to effectuate the due and legal transfer to the said parties of the second part of any and all such range permits and of the aforesaid rights thereunder.

And the said parties of the first part do hereby represent, covenant and agree that they are the owners of the above described property; that they have good right to sell and convey the same, and that the said property and every part thereof is free and clear of and from any and all incumbrances and liens whatsoever.

And the said parties of the first part, and their heirs the said property and every part thereof in the quiet and peaceable possession of the said parties of the second part, and their heirs and assigns, against the said parties of the first part, and their heirs, against all and every person or persons whomsoever, lawfully claiming or to claim the same or any part thereof, the same shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year in this instrument first above written.

Levi R. Jones (Seal)

Stella Jones (Seal)

State of Idaho,

--ss

County of Lemhi.

On this the 8th day of March, in the year 1916, before me, Ariel C. Cherry, a Notary Public for the State of Idaho, residing at Salmon, in Lemhi County, Idaho, personally appeared Levi R. Jones, who is personally known to me to be the person whose name is sub-

SCANNED

AUG 02 2005



TOWN & COUNTRY REALTY



534 MAIN STREET – SALMON, IDAHO 83467
C. RALPH BENEDICT – ASSOC. BROKER

7/18/05

Re: Water right number 75-13700

Following is Mrs. Alice Hanson's affidavit concerning the above water right used on the property now owned by Benedict & Proksch.

Mrs. Hanson and her husband Harold purchased the property in August 1948 and moved from the property in 1999. Harold and Alice irrigated the property from existing ditches from 1948 until their departure in 1999.

Signed:

Alice Hanson

Sincerely,

C. Ralph Benedict
ASSOC. BROKER
TOWN& COUNTRY REALTY

Phone: 208-756-4910/Toll Free: 1-888-460-7029/Fax: 208-756-4915

Home: 208-756-2853/email: Ralph@t-crealestate.com

SCANNED

AUG 02 2005

STATE OF IDAHO

COUNTY OF Lemhi--ss

On this 18th day of July 2005, before me the undersigned a Notary Public in and for said state personally appeared ALICE HANSON known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Notary Public for Idaho, residing at Salmon, Idaho
My commission expires: 2/19/2009



SCANNED

AUG 12 2005

CONTINUATION OF ABSTRACT OF TITLE
TO THE LANDS DESCRIBED IN THE CAPTION HERETO
LEMHI TITLE AND ABSTRACT COMPANY
SALMON, IDAHO

ABSTRACT NO.

SHEET NO. 34

JAMES LEONARD HULL,
VIRGINIA HULL,
Husband and wife.

Character of Instrument Warranty Deed
Date of Instrument August 20, 1948
Date of Acknowledgement August 20, 1948
Date of Record September 11, 1952
Book 43 of Deeds Page 628
Records of Lemhi County, State of Idaho
Consideration \$11,500.00
Before Whom Acknowledged

GRANTORS
TO

Mary Helen Marcucci
Notary Public for Nevada
Residing at Lovelock, Nevada

HAROLD H. HANSON,
ALICE K. HANSON,
Husband and wife.

GRANTEES

Do Husband and Wife Acknowledge Separately?
Is official seal attached? \$ Yes
U. S. official stamps attached and cancelled \$12.65-8-20-48.

Granting words: GRANT, BARGAIN, SELL, CONVEY and CONFIRM.

Covenants: REGULAR.

Remarks:

DESCRIPTION: Lands in Lemhi County, State of Idaho:

Forest H. E. Survey No. 95, more particularly described as follows:
Beginning at Corner No. 1 from which U. S. Mineral Monument No. 3
Dahlonga Mining District bears North 71° 32' East 39.99 chains distant;
thence North 51° 57' West 21.63 chains to Corner No. 2; thence South 32°
45' West 7.13 chains to Corner No. 3; thence South 47° 12' West 14.61
chains to Corner No. 4; thence South 5° 23' East 11.82 chains to Corner
No. 5; thence South 46° 12' West 10.48 chains to Corner No. 6; thence
South 42° 13' West 39.15 chains to corner No. 7; thence South 48° 38'
East 4.61 chains to Corner No. 8; thence South 54° 49' East 19.63 chains
to Corner No. 9; thence North 44° 57' East 6.22 chains to Corner No. 10;
thence North 15° 24' East 8.72 chains to Corner No. 11; thence North 42°
15' East 20.72 chains to Corner No. 12; thence North 17° 19' East 21.54
chains to Corner No. 13; thence North 47° 29' East 24.22 chains to Corner
No. 1, the place of beginning, containing 157.66 acres of land, more or
less.

Together with all water, water rights, ditches, ditch rights, range
and range rights appertaining thereto or used in connection therewith.
Excepting and reserving therefrom any and all right of ways and easements
heretofore transferred and conveyed.

~~~~~  
~~~~~

James Leonard Hull
Virginia Hull

SCANNED

AUG 07 2005

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A75-13700.

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ernie Carlson. Date 5 July 94

Contact Person(s) Joseph A. Proksch

Nature of Contact telecon. - Question - specify non irrigation uses.

Substance of Communication - Mr. Proksch stated they have
either had 4 to 5 horses or 8 range cattle grazing
on the property. The property is part of the
old Hanna range. It is covered by 75-04298
with a priority of May 15, 1898. However this 10 ac
was not included in the place of use for 75-04298.

NOTE: Issue 10,000 NO. FOR NOTICE & SEND
DATA ENTERED VERSION FOR CLAIMANTS RECORDS.

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NOV 18 1996

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

ProKsch

CLAIM IDENT. NO.

A75-13700

DATE RECEIVED

June 28 84

CK #

211

AMOUNT \$

110⁰⁰

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A *
- Is the consumptive use correct? ☒ YES ☐ NO N/A *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☐ YES ☒ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☒ NO *
20. Is the fee enclosed correct? ☐ YES ☒ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by:

EMC

Date:

5 July 84

Claim must be returned to claimant:

(Yes) ☐ (No) ☐

Claimant must be notified of modifications:

(Yes) ☐ (No) ☐

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

NOV 18 1986Comments: #9- Enter's stockwater, 5 horses or 8 rangeNOTE: Send data entered version to claimant for his records.

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: A75-13700
Date Received: 7/ 8/1994
Receipt No: EO 20013/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH A PROKSCH 208-756-2252
Address: 823 UNION AVE
SALMON ID 83467
OR
Name: HALLIE PROKSCH 208-756-2252
Address: 823 UNION AVE
SALMON ID 83467
OR
Name: RALPH BENEDICT
Address: BOX 7
SALMON ID 83467
OR
Name: COLLEEN BENEDICT
Address: BOX 7
SALMON ID 83467

2. Date of Priority: MAY 15, 1898

3. Source: SHEEP CREEK Trib. to: SALMON, N.FK.

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	21E	14	NE	NW			LEMHI

5. Description of diverting works:
DAM AND OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

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NOV 18 1996

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 5 HORSES OR 8 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	21E	15	SW	SE		IRR	5.0
						Section Acres	5.0
		22	NW	NE		IRR	4.6
						Section Acres	4.6
						Total Acres	9.6

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:

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: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A75-13700Date Received 7-1-94Receipt Number EO 20013/21RECEIVED
JUL - 1 1994NOTICE OF CLAIM
TO ARECEIVED
MAR 02 1992Department of Water Resources
Eastern District Office

WATER RIGHT

Department of Water Resources
Eastern District Office

ACQUIRED UNDER STATE LAW

or - Ralph Benedict & Colleen Benedict
Box 7, SALMON, IDAHO 83467

Please type or print clearly

1. Name of Claimant (s) Joseph A. & Hallie Proksch Phone (208) 756-2252Mailing Address 823 Union Ave, Salmon IDAHO Zip 834672. Date of Priority (Only one (1) per claim) MAY 15, 18983. Source of water supply (a) SHEEP CREEK
which is tributary to (b) NORTH FORK - OF SALMON RIVER4. a. Location of existing point of diversion is: Township 25N. Range 21E. Section 14,
1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of LEMIHI

Additional points of diversion if any: _____

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

Township 25 N. Range 21 E Section _____, 1/4 of _____ 1/4 of _____Govt. Lot _____ B.M., County of LEMIHI

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

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

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

A7513700



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NOV 18 1990

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 11-1 amount .20 or _____

For STOCKWATER purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .22 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
25N	21E	15															5		5
25N	21E	22		4.6															4.6

Total number of acres irrigated 9.6

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

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

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

14. Remarks:

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NOV 18 1996

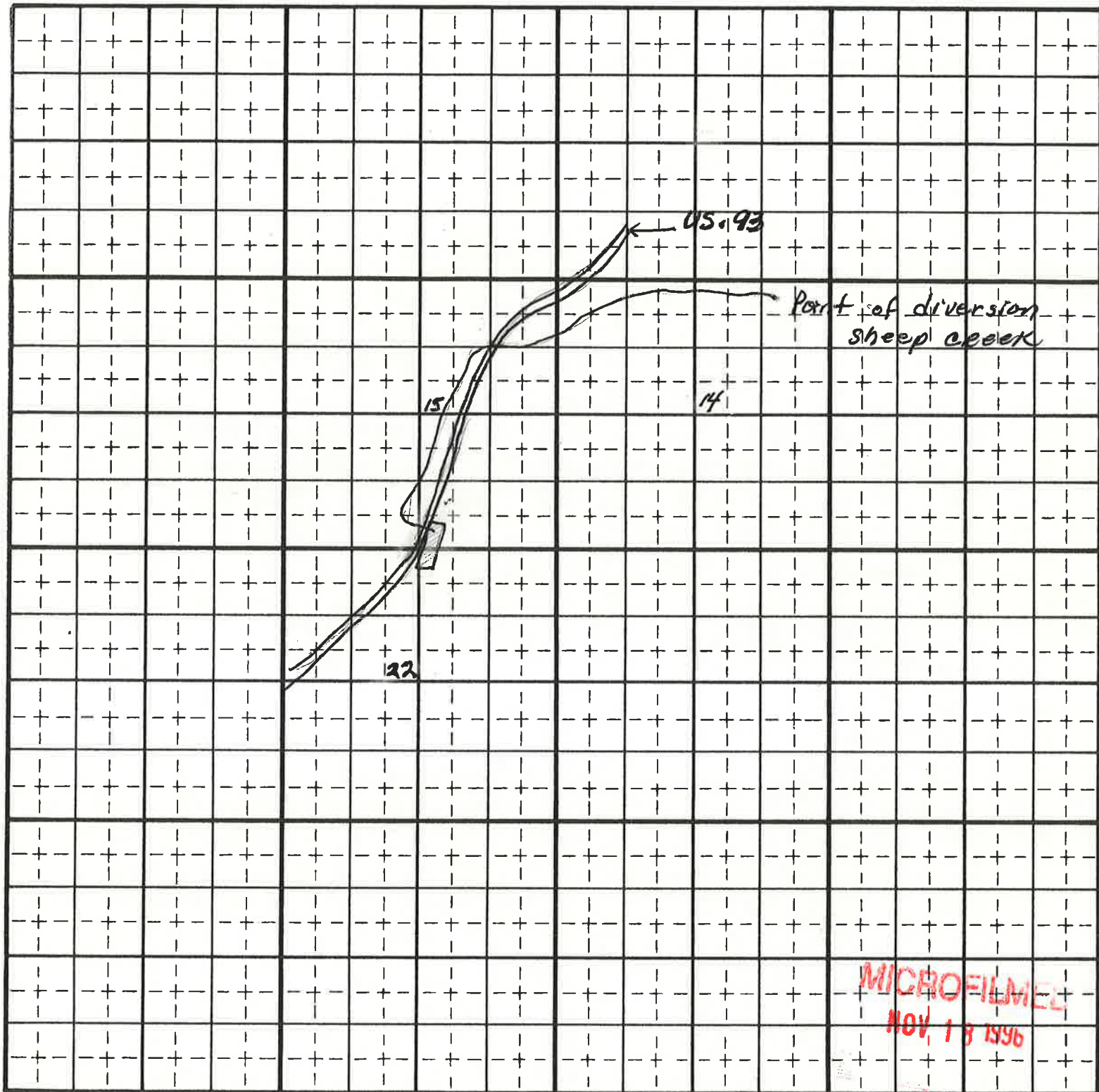
Proksch + Benedict

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Joseph A. Lockach Date 2/28/92

Date _____

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

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 28th day of Feb. 19 92

SEAL

Notary Public JR Benedict

Residing at Salmon, Idaho 83467

My Commission Expires 10/26/93

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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NOV 18 1996

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant