

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 37-4174
Date Received: 10/19/1989
Receipt No: M004961
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM M DAVIS Phone: (208) 764-2386
RT 1 BOX 1210
FAIRFIELD ID 83327

OPAL DAVIS Phone: (208) 764-2386
RT 1 BOX 1210
FAIRFIELD ID 83327

2. Date of Priority: 07/12/1887

3. Source: MINNEHAHA CREEK Trib. to: FRICKE CREEK
ELK CREEK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	15E	26	NE	NE	NE	CAMAS	
01N	15E	23	SW	SW	SE	CAMAS	

5. Description of diverting works:

DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	6.4	

7. Total Quantity Appropriated is:
6.4 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
01N	15E	25	SW	NW		IRRIGATION	5
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	165
01N	15E	36	NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
						Section Acres	160
						Total Acres	325

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL STATUTORY CLAIM INCORRECTLY DESCRIBED THE DIVERSION WORKS. THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

15. Basis of Claim: Statutory Claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 29, 2003

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**WILLIAM DAVIS
OPAL DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327**

**Re: SRBA Claim(s) 37-473A, 37-474A, 37-4174
Decreed Water Right 37-13158**

Dear Mr. and Mrs. Davis:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'.

**Trish Fawcett
Technical Records Specialist**

Enc.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

RECEIVED
APR 28 2003
Department of Water Resources
Boothman Center

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	<u>A37-13158</u>	_____	_____	_____	_____
_____	<u>A37-00473A</u>	_____	_____	_____	_____
_____	<u>A37-00474A</u>	_____	_____	_____	_____
_____	<u>A37-04174</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

BRIGHTON CREEK LIMITED PARTNERSHIP

Rt 1, Box 1205, Fairfield, ID 83327

4. New Owner/Claimant(s)

WILLIAM AND OPAL DAVIS

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

New Mailing Address

Rt 1, Box 1210

City, State and ZIP Code

Fairfield, ID 83327

New Telephone Number

(208) 764-2386

5. Date you acquired the property

4-24-03

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) William M Davis
(include title if applicable) Opal Davis

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

For Office Use Only
 Received by [Signature] Date 4/28/03 Fee 25.00
 Receipted by [Signature] Date 4/28/03 Receipt No. 5025170
 Processed by [Signature] AJ Date 4/28/03 WR _____ Date _____

WARRANTY DEED

For Value Received

CRICHTON CREEK LIMITED PARTNERSHIP,

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

WILLIAM M. DAVIS and OPAL DAVIS, Husband and Wife

the grantee(s), whose current address is

Route 1, Box 1210, Fairfield, Idaho 83327.

the following described premises, to-wit:

See Attached Exhibit "A"

TOGETHER WITH: All water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including water right claims #A37-13158, A37-00473A, A37-00474A, A37-04174.

Subject to a certain Real Estate Mortgage dated January 18, 1985, and recorded January 18, 1985 as Instrument No. 60902, records of the County Camas, State of Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: April 24, 2003

CRICHTON CREEK LIMITED PARTNERSHIP

William M. Davis
By: William M. Davis

Roselyn E. Peck
Roselyn E. Peck

Tamara Peck Seaman
Tamara Peck Seaman

STATE OF IDAHO

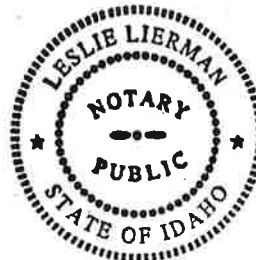
: ss

COUNTY OF TWINFALLS

On This 24 day of April, in the year 2003, before me, a Notary Public in and for said State, personally appeared William M. Davis, Roselyn E. Peck and Tamara Peck Seaman, known or identified to me to be the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

WITNESS my hand and official seal.

[Signature]
Notary Public of Idaho
Residing at Kimberly, Idaho
Commission Expires: July 11, 2006



TITLE & ESCROW
COMPANIES

Township 1 North, Range 15 East, Boise Meridian, Camas County, Idaho

Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

AND

Township 1 North, Range 15 East, Boise Meridian, Camas County, Idaho

Section 36: NW $\frac{1}{4}$

076063

Recorded at the Request of
Camas County Title
at 1:50 P M
April 24th 2003
In Book 33 Page 481
of Deeds
POLLY BENNETT
CAMAS COUNTY RECORDER
By KERRI BLODGETT
Fees \$ 6⁰⁰

Section 25 Township 1N Range 15E Photo 2G-33

CAXTON PRINTERS, CALDWELL, IDAHO 83592

N

Crichton Creek Partnership

2400

Michael Jensen
John Whitney

0100

SW $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$

S $\frac{1}{2}$ SW $\frac{1}{4}$

SWSE

152

NW $\frac{1}{4}$ Sec. 36

Pg. # 153

E

Section 36 Township 1N Range 15E Photo 2G-33

PRINTERS, CALDWELL, IDAHO 83592

N

Richton Creek partnership	2400	AUSTIN	DICK
		R.D. 01N15E361201	Tobia
	173		
Nan Davis	4800	Charles Backill	7800
	#172		

E

S



4/24/03

VIA REGULAR MAIL

IDWR Western Region
1341 Fillmore St., Suite 200
Twin Falls, ID. 83301-3380

Re: Order No. G030180
CRICHTON CREEK LTD/DAVIS

RECEIVED
APR 28 2003
Department of Water Resources
Southern Region

Dear Sir/Madam:

In connection with the above mentioned order, attached please find our check no. 2733 in the amount of \$25.00 representing: Transfer fees of Claim no. A37-13158.
Also attached please find copies/originals of the following documents.

- X Notice of Change of Water Right ownership.
- X Warranty Deed.
- X Plat.

Thank you for using Twin Falls Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Leslie Lierman
Escrow Officer
Gooding Title & Escrow Company

/LAL

encl.

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 37-4174
Date Received: 10/19/1989
Receipt No: M004961
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CRICHTON CREEK LTD PARTNERSHIP Phone: (208)764-2386
RT 1 BOX 1210
FAIRFIELD ID 83327

2. Date of Priority: 07/12/1887

3. Source: MINNEHAHA CREEK Trib. to: FRICKE CREEK
ELK CREEK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	15E	26	NE NE NE	CAMAS	
01N	15E	23	SW SW SE	CAMAS	

5. Description of diverting works:

DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	6.4	

7. Total Quantity Appropriated is:

6.4 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
01N	15E	25	SW	NW	IRRIGATION	5
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	165
01N	15E	36	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	160
					Total Acres	325

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL STATUTORY CLAIM INCORRECTLY DESCRIBED THE DIVERSION WORKS. THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

15. Basis of Claim: Statutory Claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

Re: SRBA Claim(s) 37-473A, 37-474A, 37-4174, 37-13137, 37-13145,
37-13152, 37-13155
Decreed Water Rights 37-13139A, 37-13156, 37-13157, 37-13158

Dear Mr. Davis:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

As I discussed with Mrs. Davis on the phone awhile back, claim 37-13155 contained the legal description of two tracts that appear to be owned by Bryant Ranches. They are the west half of the northwest quarter of section 34, township 1 north, range 15 east. The only way to correct this discrepancy is for you to amend this claim. I have taken the liberty of producing an amended claim with the west half of the northwest quarter of section 34 removed. Please carefully review the amended claim and if you agree with the change, complete the signature area (item 16) on page 3 (be sure to have your signature notarized) and return it to me in the enclosed self-addressed envelope. As soon as I receive the amendment, I will make the change permanent in our electronic records and confirm to you by mail that I have done so. Thanks for your prompt attention to this matter and should you have any questions, please do not hesitate to phone me.

Sincerely,

Trish Fawcett
Technical Records Specialist

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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 or Adjudication Claim No(s): A37-00473A, A37-00474A, A37-04174, A37-13137, A37-13139, A37-13145, A37-13152, A37-13155, A37-13156, A37-13157, A37-13158
2. The following **REQUIRED** information must be submitted with this form:

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

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant Kenneth Peck or Roselyn Peck
Rt. 1, Box 1205, Fairfield, ID 83327
4. New Owner/Claimant(s) Crichton Creek Limited Partnership
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Rt. 01, Box 1210
City, State and ZIP Code Fairfield, ID 83327
New Telephone Number (208) 764-2386

5. Date you acquired the property 11-22-95

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

Number of acres you irrigate _____ Number and type of stock _____

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

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Crichton Creek LP By William M Davis
General Partner

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

AMENDMENT TO
CERTIFICATE OF LIMITED PARTNERSHIP

ENTERED

DEC 23 1996



DEC 23 0 59 PM '96

SECRETARY OF STATE
STATE OF IDAHO

To the Secretary of State of Idaho,
Statehouse, Boise, Idaho 83720

1. The name of the limited partnership is: CRICHTON CREEK LIMITED PARTNERSHIP

2. The date on which its certificate of limited partnership was filed with the Secretary of State was: NOVEMBER 29, 1995

3. The certificate of limited partnership is amended as follows: (check appropriate box(es))

☐ a. The name of the limited partnership is amended to read:

☐ b. The name and business address of the registered agent are amended to read:

☒ c. The name of each withdrawing general partner is:

KENNETH A. PECK, DECEASED

☒ d. The name and business address of each new general partner are:
(If more space is needed, continue in block f)

WILLIAM M. DAVIS

ROUTE 1, BOX 1210

FAIRFIELD, ID 83327

☒ e. The business of the limited partnership is continued following an event of withdrawal of a general partner.

☐ f. Other amendments (optional):

4. Signature of at least one general partner and all new general partners:

Rosehyn Peck

William M Davis

Secretary of State use only

IDAHO SECRETARY OF STATE
DATE 12/23/1996 0900 49149

2

CK #: 4793 CUST# 14107

LP AMEND

1@ 20.00= 20.00

March 20, 2000

RECEIVED
MAR 21 2000
Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RE: Change of Name on Water Rights

To Whom It May Concern:

Enclosed please find our application for change of water right ownership, copies of quitclaim deeds, Certificate of Limited Partnership and maps.

If you need any further information, please contact Bill or Opal Davis at (208) 764-2386.

Sincerely,

William M Davis

William M. Davis
Crichton Creek Limited Partnership
P. O. Box 1210
Fairfield, ID 83327

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

Township 1 North, Range 15 East Boise Meridian in Camas County, Idaho. Lots 1, 2, 3, 4, Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$); East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$); Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$); Southwest Quarter ($SW\frac{1}{4}$); of Section 3; Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$); North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$); Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$); Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$); West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$); Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$); and Lot 1 of Section 10; Lots 1 and 3; Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$); the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section 11; Lots 1, 2, 3, 4, the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$); the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section 14; North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$) of Section 15; North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$) and the East Half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$) of Section 23.

Together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

68822

Recorded at the Request of

Rollie & Peterson

at 9:48 A.M.

12-4, 1995,

in Book 29

of DEEDS Page 694.

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Korra Blodgett

Fees \$ 6.00

Kenneth A. Peck

KENNETH A. PECK

Roselyn E. Peck

ROSELYN E. PECK

STATE OF IDAHO

)

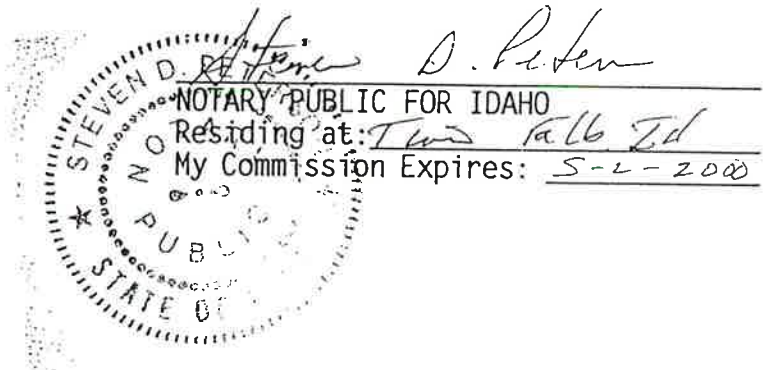
) ss.

County of Camas

)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

069623

Recorded at the Request of

Poliz & Peter, Son

at 10:05 A.M.

Dec. 4, 19 95

in Book 29

of Deeds Page 696

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Dachtel

Fees \$ 3.00

QUITCLAIM DEED

Steven D. Peter
NOTARY PUBLIC FOR IDAHO

Residing at: Two Falls, Id

My Commission Expires: 5-2-2000



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

Recorded at the Request of

Roliga Peterson

at 10:10 A.M.

Dec. 4, 1995

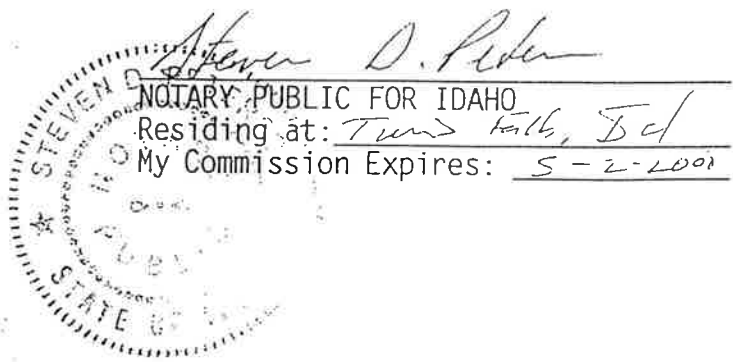
in Book 29

of Deeds Page 697

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Guy D. Packteel

Fees \$ 3.00



QUITCLAIM DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

E½, SE¼NW¼, E½SW¼NW¼, SW¼, Section 32, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
) ss.
County of Camas)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69625
Recorded at the Request of
Nolig & Peterson
at 10:12 A.M.
Dec. 4, 1995
in Book 29
of Deeds Page 698

BALLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Pachter
Fees \$ 3.00

QUITCLAIM DEED

Steven D. Peterson
NOTARY PUBLIC FOR IDAHO
Residing at: Tim's Falls, ID
My Commission Expires: 5-2-2000

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$, Section 10, Township 1 South, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69626

Recorded at the Request of

Koliga Peterson

at 10:15 AM

Dec. 4, 1995

In Book 29

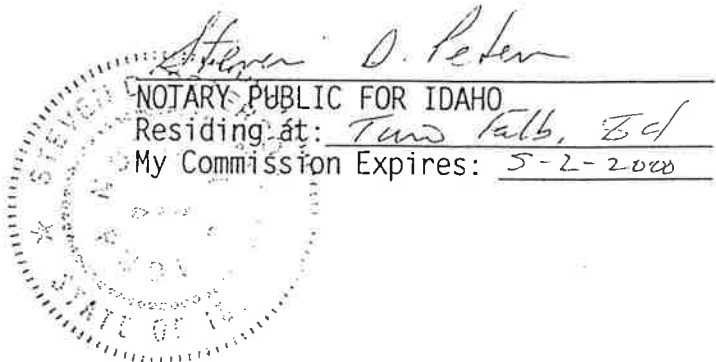
of Deeds Page 699

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Guy R. Pachtell

Fees \$ 3.00

QUITCLAIM DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$, Section 36, Township 1 North, Range 15 East,
together with all improvements, appurtenances, and water
rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69628

Recorded at the Request of

Kellog & Peterson

at 10:23 A.M.

Dec. 4, 1995

in Book 29

of Deeds Page 401

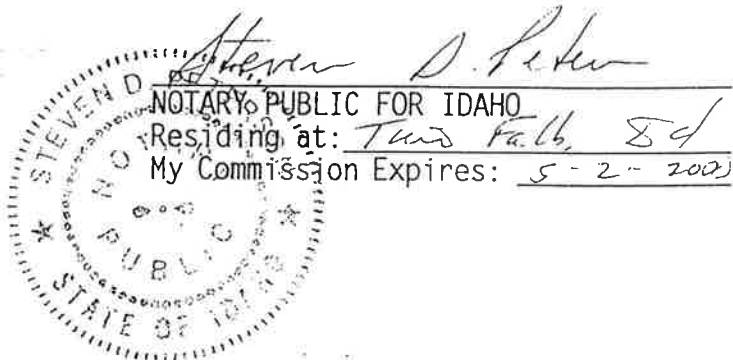
ROLIE BENNETT

CAMAS COUNTY RECORDER

By Gary Dachtell

Fees \$ 3.00

QUITCLAIM DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 24, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69629
Recorded at the Request of

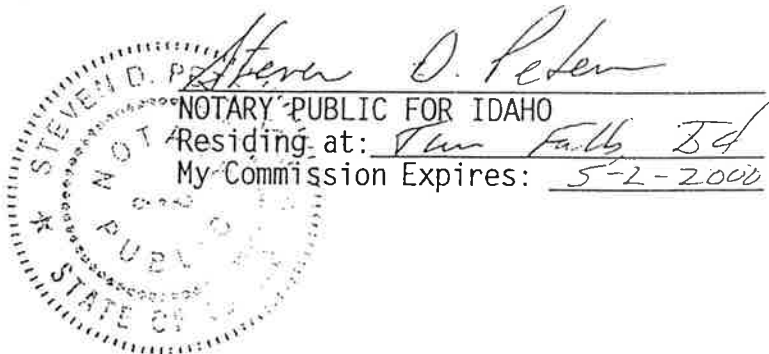
Kolig + Peterson
at 10:35 A.M.
Dec. 4, 1995

29
of Deeds Page 702

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Duckett
Fees \$ 3.00

QUITCLAIM DEED



no good son
Correction deed

~~QUITCLAIM DEED~~

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

S $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 23, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69630

Recorded at the Request of

Relig & Peterson

at 10:30 A.M.

Dec. 21, 1995

in Book 29

of Deeds Page 703

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Gayle Packell

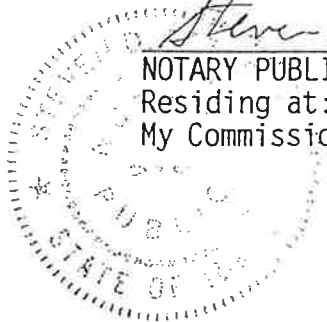
Fees \$ 3.00

QUITCLAIM DEED

Steve D. Peter
NOTARY PUBLIC FOR IDAHO

Residing at: Tim Falls Rd

My Commission Expires: 5-2-2000



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
) ss.
County of Camas)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69631

Recorded at the Request of

Kolig + Peterson

at 10:35 A.M.

Dec. 4, 1995

in 29

of Deeds Page 704.

HOLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Packteel

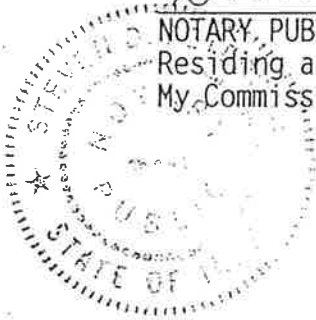
Fees \$ 3.00

QUITCLAIM DEED

Steven D. Peter
NOTARY PUBLIC FOR IDAHO

Residing at: Tim Falls, Id

My Commission Expires: 5-2-2000



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

The following described mining claims:

Mammoth, Golden Rule, Ruby and Clipper Lode Mining Claims and Cliffper Millsite.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO

County of Camas

)
) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69632

Recorded at the Request of

Rolig + Peterson

at 10:37 A.M.

Dec. 4, 1995

In 29

of Deeds Page 705.

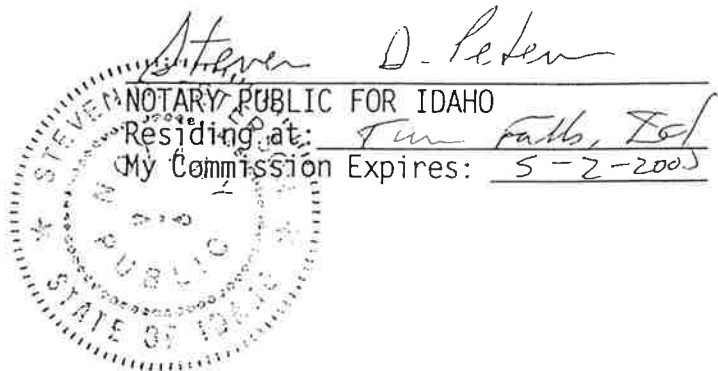
ROUVE BENNETT

CAMAS COUNTY RECORDER

By Gary Dachtel

Fees \$ 3.00

QUITCLAIM DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

E½, NE¼NW¼, Section 20, Township 1 North, Range 16 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.

69627

Recorded at the Request of

Rollie + Peterson

at 10:20 A.M.

Dec. 7, 1995

in Book 29

of Deeds Page 700

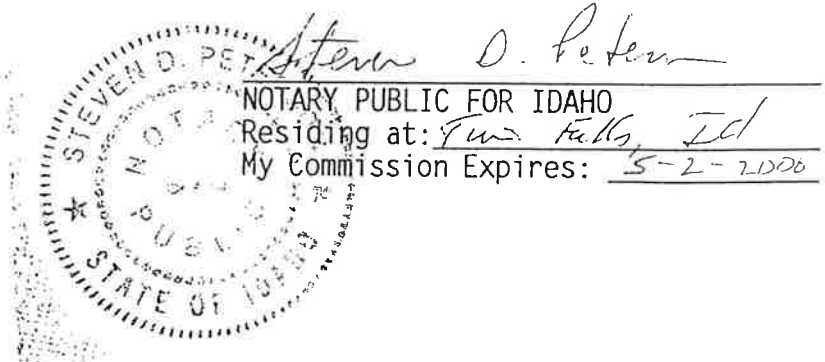
ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Gary Packell

Fees \$ 3.00

QUITCLAIM DEED



CORRECTION
QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as set forth on Exhibit attached hereto.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

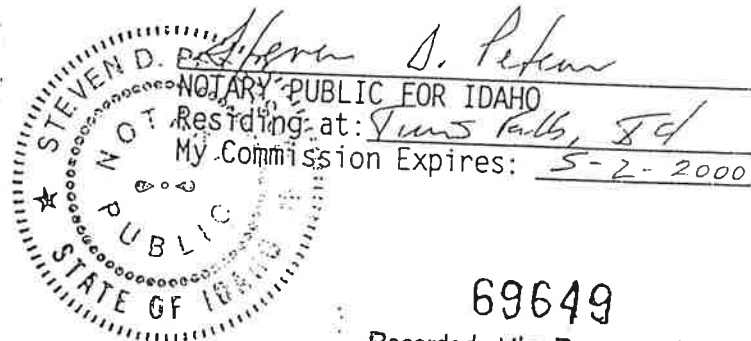
STATE OF IDAHO

County of Camas

)
) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, 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 same day and year in this certificate first above written.



69649

Recorded at the Request of

Bolig & Peterson
at 9:50 A.M.

12-11, 19 95

In Book 29

of DEEDS Page 725

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Korrie Blodgett

Fee \$ 1.00

CORRECTION
QUITCLAIM DEED

EXHIBIT

Parcel No. 1

N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69624 on December 4, 1995, in Book 29 of Deeds, Page 697.

Parcel No. 2

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69629 on December 4, 1995, in Book 29 of Deeds, Page 702.

Parcel No. 3

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69630 on December 4, 1995, in Book 29 of Deeds, Page 703.

Parcel No. 4

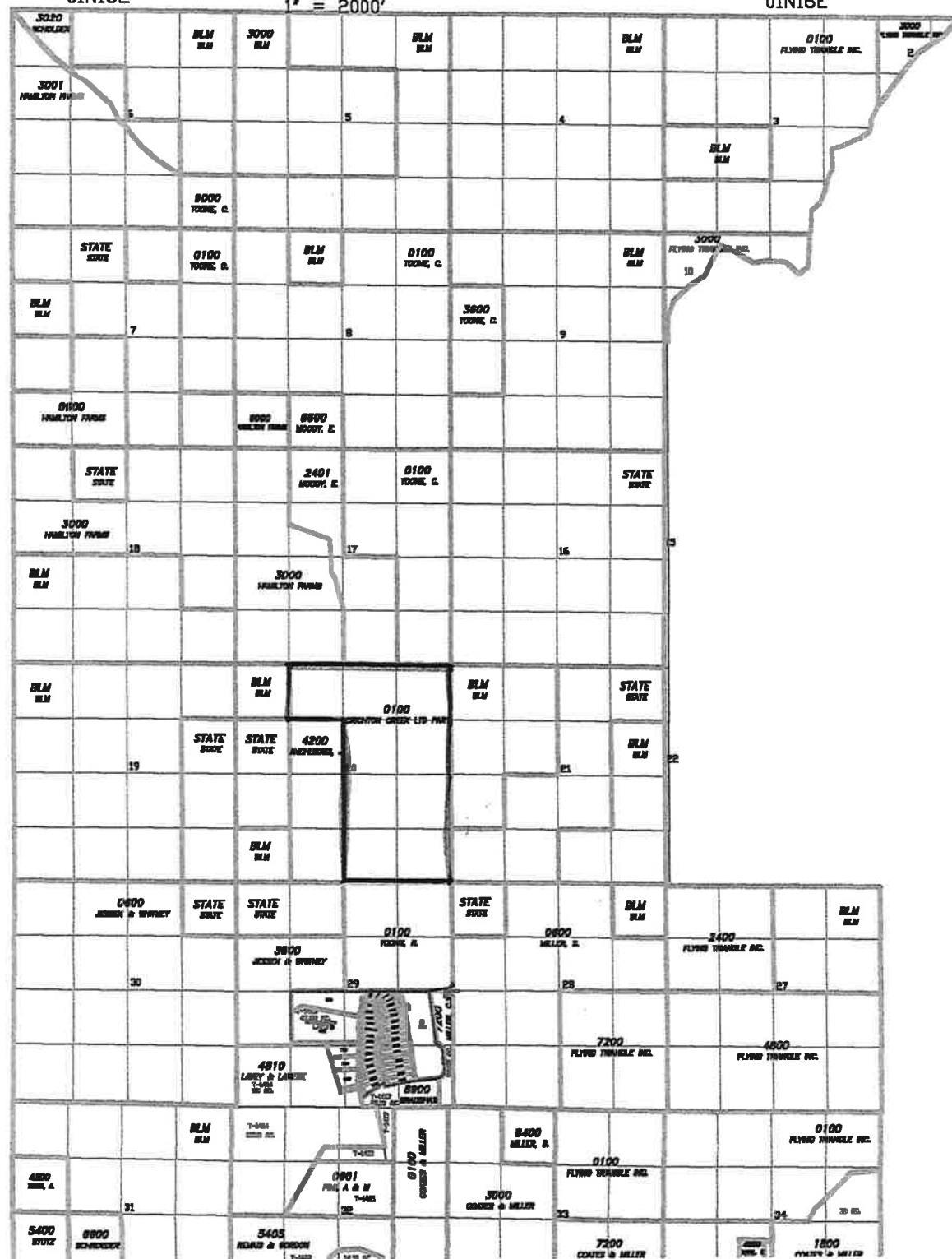
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69631 on December 4, 1995, in Book 29 of Deeds, Page 704.

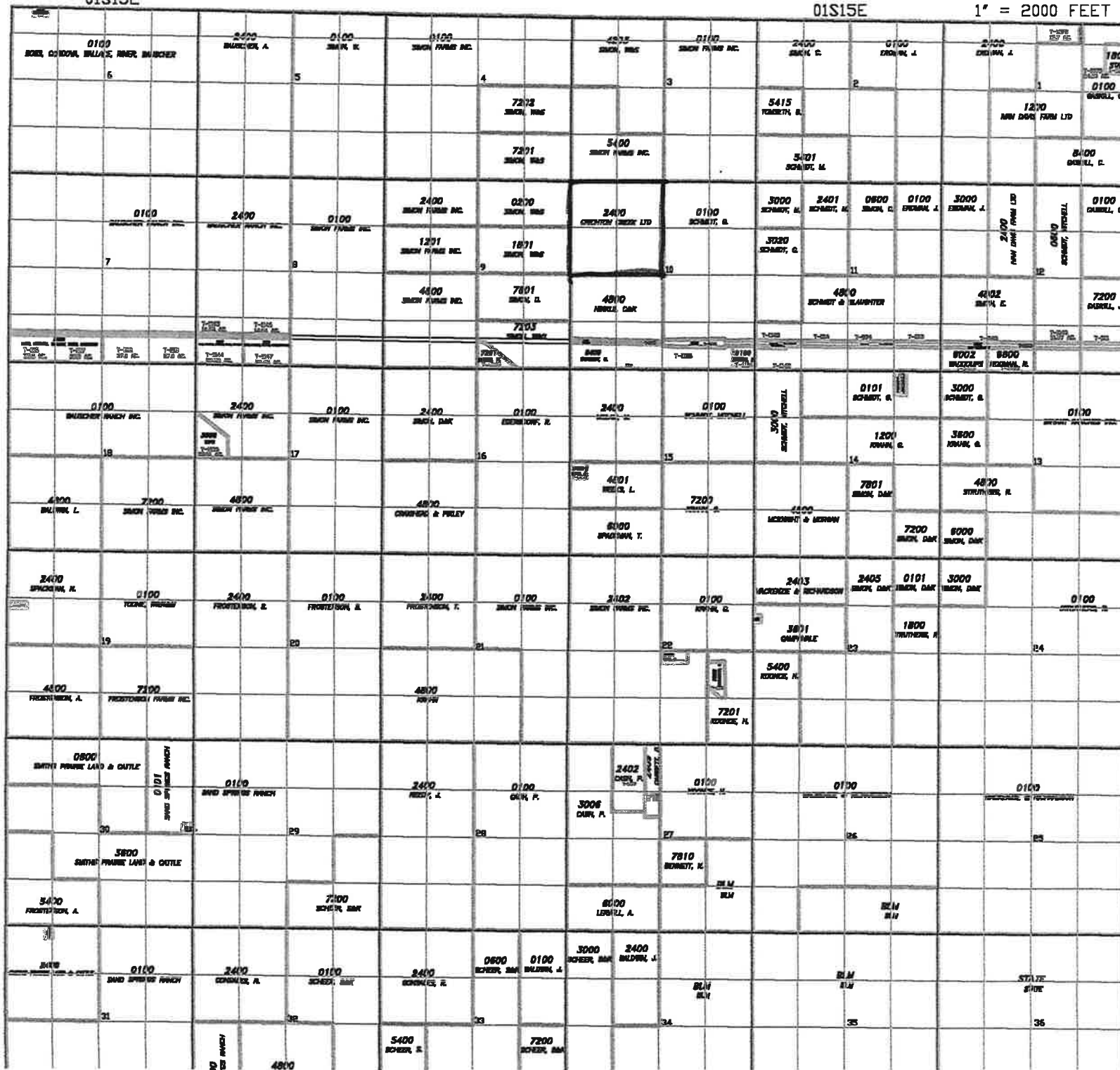
[illegible]

Irrigated
////

TIN RICE



TIS RISE



\$375

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: A37-04174
Date Received: 10/19/89
Receipt No: 1004961
Received By: *rat*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH PECK 208-764-2565
Address: RT. 1, BOX 1205
FAIRFIELD, ID 83327
OR
Name: ROSELYN PECK 208-764-2565
Address: RT. 1, BOX 1205
FAIRFIELD, ID 83327

2. Date of Priority: JUL 12, 1887

3. Source: ELK CREEK Trib. to: CAMAS CREEK
MINNEHAHA CREEK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	15E	23	SW	SW	SE		CAMAS
		26	NE	NE	NE		CAMAS

5. Description of diverting works:
DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is 812.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-04174

Page 1

Date: 10/16/89

MICROFILMED
FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	15E	25	SW	NW		IRR	5.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				165.0
		36	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			Section Acres				160.0
			Total Acres				325.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00474, A37-00473

14. Remarks:

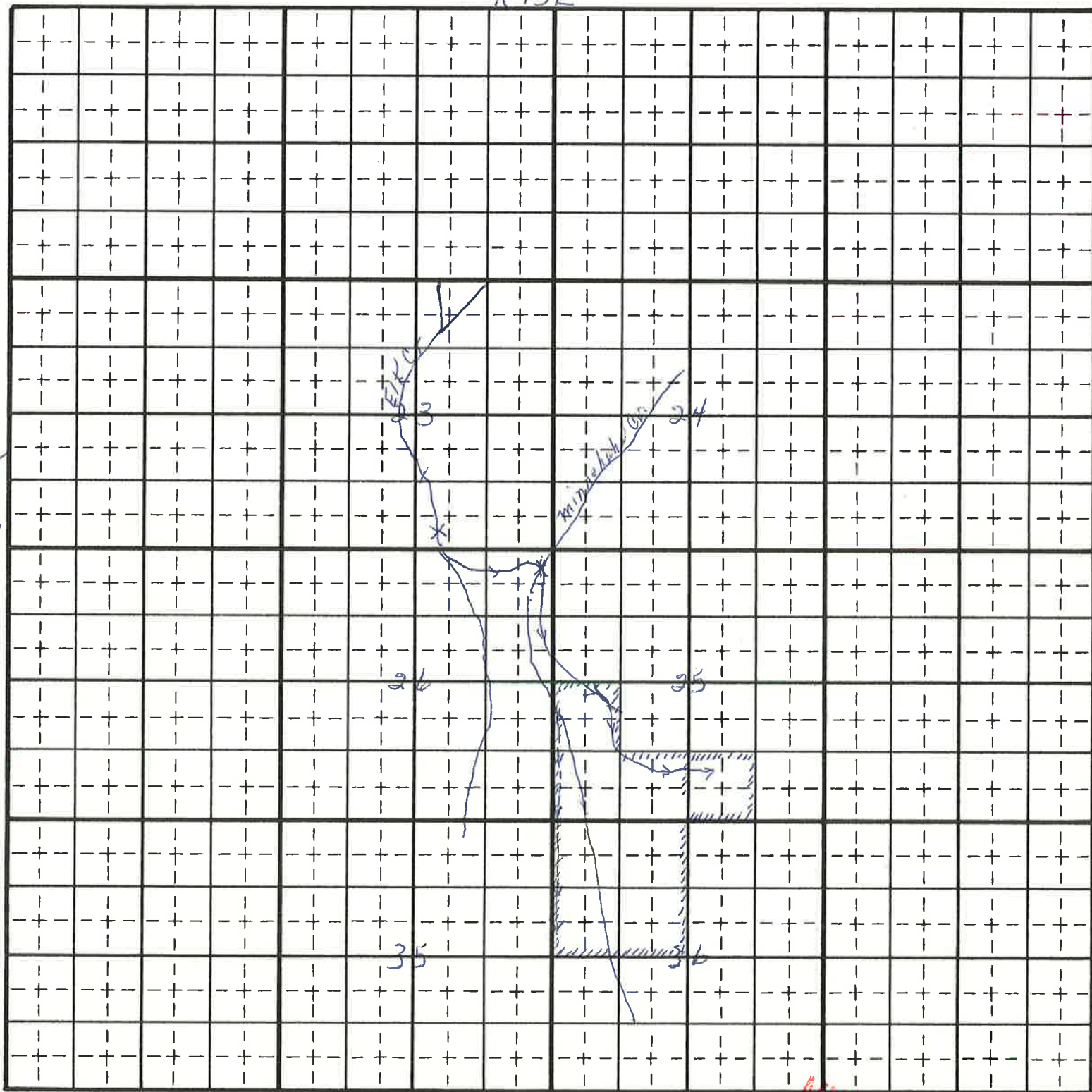
ORIGINAL STATUTORY CLAIM INCORRECTLY DESCRIBED THE DIVERSION WORKS. THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

15. Basis of Claim: STATUTORY CLAIM

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

Scale: 2 inches equals 1 mile

R15E



MICROFILMED
FEB 23 1993

Last Name Peck

Ident No. _____

Copies: White-State, Yellow-Claimant

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: 2

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): [Signature] Date: Oct 16, 1989

Date: _____

State of Idaho)
County of Carnas) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of October 19 89

[Signature]
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

Smith transferred his land together with all ditches and water rights thereof, including his Decree to $\frac{1}{2}$ of all the water of Elk Creek and $\frac{3}{4}$ of all the water of Minehaha. In 1906, before the Frost Decree, Andy Calton owned the land formally owned by Mr. Smith and he sold it to William L. Leonard together with all right, title and interest of the grantor herein in and to one-half($\frac{1}{2}$) all the water of Elk Creek and three-fourths($\frac{3}{4}$) all the water of Minehaha Creek, with the irrigation ditches and rights thereunto appurtenant. (Book 67 of Deeds, page 318, Blaine County records.)

Through these deeds and transfers of title Leonard owned $\frac{1}{2}$ of all the water of Elk Creek and $\frac{3}{4}$ of all the waters of Minehaha and in 1911 he and his wife, Clarice gave William H. Peck a Warranty Deed for this same land together with $\frac{1}{2}$ of all water of Elk Creek and $\frac{3}{4}$ of all water of Minehaha Creek. This was not the same land owned and or irrigated by Herman Mehle.

In about 1895 Milo Farris sold his land to Frank Worthington and that deed was lost, so when Mehle bought the land in 1898 he had to clear the title and fearing because of this he may have lost his half of the water he put in under the Frost versus Alturas Water Co. to secure his water right.

Herman Mehle and his wife Minnie recognized William H. Pecks right to half the water and an agreement was reached between the two parties and recorded in Book 74 of agreements, page 81, Blaine Co. records, and each one took $\frac{1}{2}$ of the water of Elk Creek and Herman Mehle took all the water of Minehaha Creek.

In 1936 William H. Peck and wife Laura bought the land owned by the estate of Herman Mehle. Therefore William H. and Laura Peck owned all the waters of Elk Creek, or($\frac{1}{2}$ of all the water of Elk Creek plus 155 inches that Mehle had,) for irrigation and domestic purposes.

William H. Peck was very proud of this water right and during the irrigating season no water was ever allowed to be used or even leave the place. I worked on the place in the early 1940s and have been closely associated with it ever since that time and know the water was never used anywhere but on this land during the irrigating season.

In 1956, William H. Peck and Laura Peck got a divorce, Decree 26508, signed by District Judge Merlin Young. In that decree the water rights were specifically set apart and William Peck received the east half of section 26 together with $\frac{1}{2}$ of all the water and water rights hereto-fore owned and used by the parties hereto on their joint lands and Laura Peck got the other half of all the water and water rights to be used on her lands in section 25 and 36. This water has been used in this manner on this land by the tenants ever since the divorce and by my wife and I since we purchased the Laura Peck land and by Viola Whitney, the heir to the William Peck land.

RECEIVED

NOV 22 2006

11/01/2006

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: November 21, 2006

Water right number: 37-4174

WILLIAM M DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327
Telephone Number: (208)764-2386

OPAL DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327
Telephone Number: (208)764-2386

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

11/19/06

SIGNATURE:

William M Davis

Please print your name:

William M Davis

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
NOV 27 2006

10/17/2006

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

RIGHT NUMBER: 37-4174
NAME AND ADDRESS: WILLIAM M DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327

OPAL DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327

SOURCE: ELK CREEK
MINNEHAHA CREEK
TRIBUTARY: CAMAS CREEK
TRIBUTARY: FRICKE CREEK
QUANTITY: 1.250 CFS
PRIORITY DATE: 12/14/1909
POINT OF DIVERSION:

T01N R15E S23 NWSWSE Within CAMAS County
T01N R15E S26 NENENE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.250 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R15E S25	SWNW	4.00	T01N R15E S25	NWSW	15.00
T01N R15E S25	SWSW	21.00	T01N R15E S25	SESW	21.00
T01N R15E S36	NENW	20.00	T01N R15E S36	NWNW	16.00
T01N R15E S36	SWNW	11.00	T01N R15E S36	SENW	32.00

140 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 140 acres in a single irrigation season. Combined Right Nos.: 37-473A, 37-474A, and 37-4174.

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:

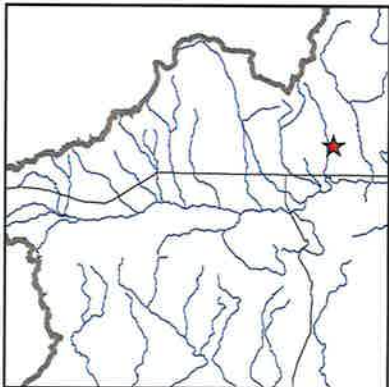
37-473A

37-474A

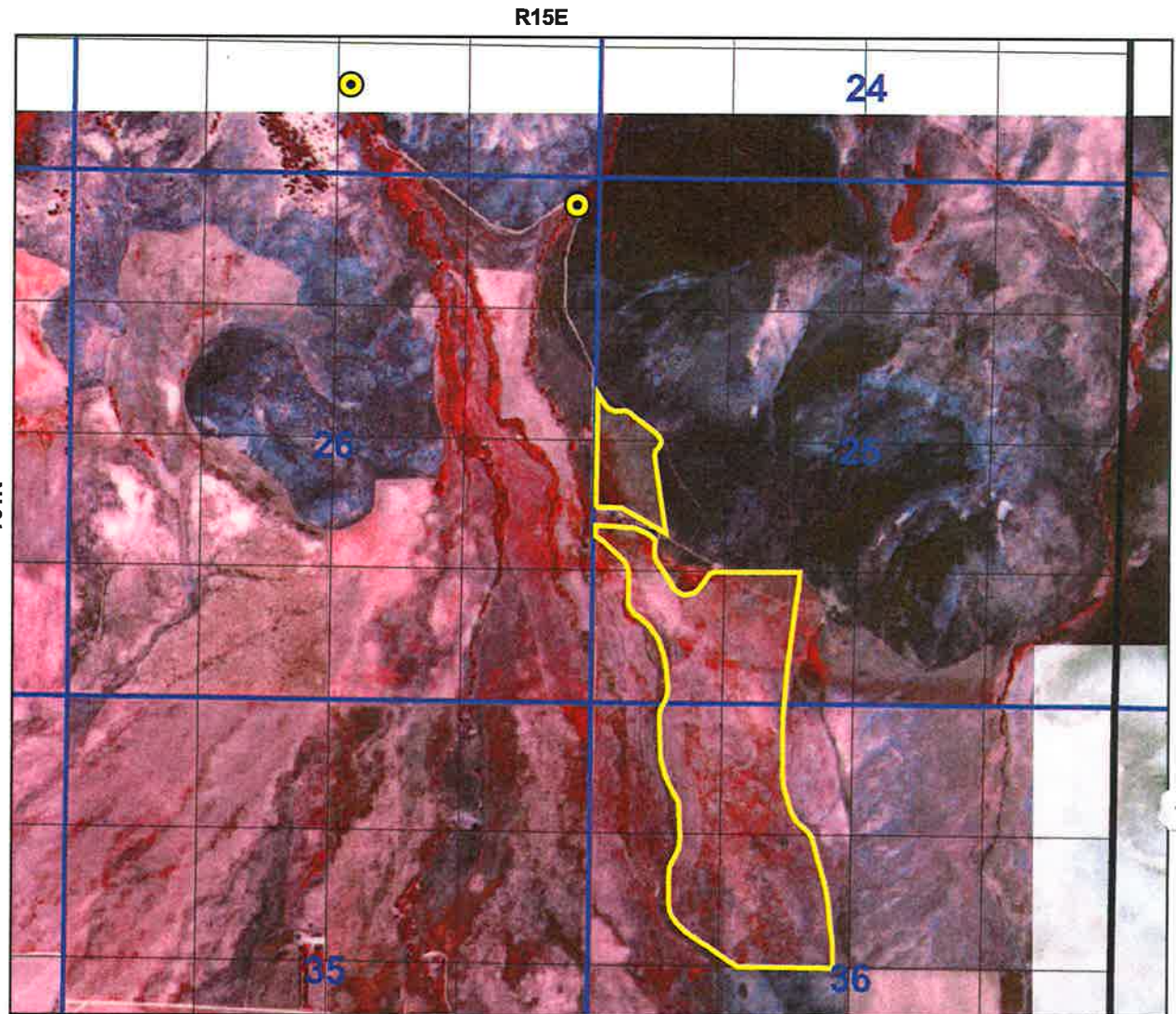
37-4174

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Tuesday, October 17, 2006
1987/88 Aerial Photography

37- 4175

I, Charles Gaskill, of Fairfield, Idaho, started farming the property inherited by Viola Whitney in 1957, after the death of her father, William Peck, until the present time. I have, together with the tenants farming the other half of the former William and Laura Peck property and the present owners Kenneth and Roselyn Peck, used and shared all the waters from Elk Creek and Minnehaha Creek for irrigation during the irrigating season since that time. No one else ever used any of these waters, until Dennis Craig Baldwins application for water in 1978.

Edward V. Reagan

State of Idaho

County of Camer

Sworn to before me this 8 day of March, 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
residing at

My commission expires 9-20-83

We, Newell Brooks and Lola Brooks, of Fairfield, Idaho,
farmed the land in 1937 and 1938 now owned by Dennis
Craig Baldwin on Elk Creek. William Peck used all the
water of Elk Creek and Minnehaha Creek for irrigation
on his ranch above ours and no other ranches were
allowed use of those waters.

Newell Brooks

Lola Brooks

State of Idaho

County of Camas

Sworn to before me this 25 day of Feb., 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
Residing at

My Commission expires 9-20-83

I Dean Shaffer of Gooding, Idaho farmed the property held in the Laura Peck Trust after the death of William (Bill) Peck in 1956 until the property was purchased by Kenneth and Roselyn Peck in 1976. I, together with Charles Gaskill used and shared all the water of Elk Creek and Minnehaha Creek during the irrigating season. During the time I farmed the property no one else ever used any of these waters.

Dean Shaffer

State of Idaho

County of Gooding

Sworn to before me this 23 day of February, 1984

Pauline M. Jackson
Notary Public

Gooding Idaho
residing at

My commission expires 11-13-85

RECEIVED

I, Fred Walton, of 509 13 Ave. W., Gooding, Idaho, moved with my family to the ranch in 1909, which is now owned by Dennis Craig Baldwin on Elk Creek in Camas County. We lived there for many years and my father plowed up all the ditches that were on the place because all the water was used on the William Peck and Herman Mehle ranches above ours, and no water was allowed to reach ours during the irrigating seasons.

Fred Walton

State of Idaho

County of Gooding

Sworn to before me this 1st day of March, 19 82

Mary Schmitt
Notary Public for Idaho

Gooding, Idaho
Residing at

My Commission expires Feb. 10, 1985

We, Robert Gaskill and Darlene Gaskill, of 304 N. Apple, Shoshone, Idaho, farmed the William and Laura Peck property from 1951 through 1955 and we used all of the waters of Elk Creek and Minnehaha Creek for irrigation during the irrigating season on their 640 acres situated on Elk Creek in Camas County. No one else used any of these waters for irrigation during that time.

Darlene Gaskill

Robert Gaskill

State of Idaho

County of Lincoln

Sworn to before me this 12th day of March, 1952

Julia L. Page
Notary Public

Shoshone, Idaho
Residing at

My Commission expires November 1953

MICROFILMED

attn: Steve Clelland - (2)
RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES

JUN 16 2005

Adjudication Claim Report 37-4174

Department of Water Resources

WATER RIGHT NUMBER: 37-4174

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CRICHTON CREEK LTD PARTNERSHIP RT 1 BOX 1210 FAIRFIELD, ID 83327
Original Owner	ROSELYN PECK RT 1 BOX 1205 FAIRFIELD, ID 83327 (208)764-2565
Original Owner	KENNETH PECK RT 1 BOX 1205 FAIRFIELD, ID 83327 (208)764-2565
Current Owner	WILLIAM M DAVIS RT 1 BOX 1210 FAIRFIELD, ID 83327 (208)764-2386
Current Owner	OPAL DAVIS RT 1 BOX 1210 FAIRFIELD, ID 83327 (208)764-2386

Priority Date: 07/12/1887

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
ELK CREEK	CAMAS CREEK
MINNEHAHA CREEK	FRICKE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	6.400 CFS	
	<u>Total Diversion:</u>	6.400 CFS	

Location of Point(s) of Diversion

MINNEHAHA CREEK CAMAS County	NE1/4NE1/4NE1/4	Sec. 26, Twp 01N, Rge 15E, B.M.
ELK CREEK CAMAS County	SW1/4SW1/4SE1/4	Sec. 23, Twp 01N, Rge 15E, B.M.

Place of UseIRRIGATION Within CAMAS County

T01N R15E S25	SWNW 5.0	T01N R15E S25	NWSW 40.0
T01N R15E S25	SWSW 40.0	T01N R15E S25	SESW 40.0
T01N R15E S25	SWSE 40.0	T01N R15E S36	NENW 40.0
T01N R15E S36	NWNW 40.0	T01N R15E S36	SWNW 40.0
T01N R15E S36	SENW 40.0		

Total Acres: 325

SCANNED
JUN 16 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4174

Conditions of Approval:

Remarks:

1. General ORIGINAL STATUTORY CLAIM INCORRECTLY DESCRIBED THE DIVERSION WORKS. THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

Comments:

SCANNED

JUN 16 2005

Priority Date
1887

Water right

No. 37-4174

William and Opal
Davis

in and for Acturas Idaho Territory
Edwin C Smith
Plaintiff

vs

Milo Ferris Defendant

The above entitled cause is settled and compromised by mutual consent and agreement of the plaintiff and defendant upon the following agreed terms and conditions to which both plaintiff and defendant hereby mutually agree and consent, and we agree and consent that the terms and conditions of this agreement as herein provided shall be entered as a final judgment in said case in said District Court and we hereby both plaintiff and defendant order and direct our respective attys to draw an order and decree of said Court in accordance with the terms of this agreed settlement and we agree respectively that said decree and judgment shall be entered of record in said District Court and become a final judgment therein that said judgment and decree shall be entered in said case in said District Court as follows.

FEB 2

The said plaintiff Edwin C Smith shall be allowed and decreed to be the undivided one half owner of and entitled to the exclusive use of one half of all the waters flowing in Elk Creek

SCANNED
JUN 16 2005

described in his Complaint and allowed and
decreed to be the undivided three quarter
owner of and entitled to the exclusive use
three quarters of all the waters flowing in
Minchaha Creek described in his Complaint.

And the said defendant Milo Ferris shall
allowed and decreed to be the undivided
half owner of and entitled to the exclusive
of one half of all the waters flowing in El
Creek described in plaintiffs Complaint
and allowed and decreed to be the undivided
one quarter owner and entitled to the exclusive
of one quarter of all the waters flowing in Min
chaha Creek described in plaintiffs Complaint.

And that each party pay their own cost
therein.

Witness our hands this day of July A.D. 1887.

Edwin C Smith
Milo Ferris

Witness G. L. Waters
Fred W. Hastings

Angel and Sullivan
Atty for Def.

G. L. Waters &
N. M. Ruick
Atty for Dept.

SCANNED
JUN 16 2005

Priority Note
1887

Waterright No
37-4174

William + Opal
Davis

On the water right
District and for Alturas County and Territory
of Idaho
Edwin C Smith
Plaintiff

vs

Milo Ferris

Defendant

In open Court May Term Sess. 1887

This case being regularly called by the Court and
both plaintiff and defendant by their respective
counsel being present, it was stipulated and agreed
in open Court by respective counsel that a judgment
and decree in said case be entered by the Court
in accordance with the stipulations on file
herein,

Therefore in accordance with said stipulation
and in pursuance thereof.

It is ordered adjudged and decreed by the
Court that the Plaintiff Edwin C Smith
be allowed and decreed to be the undivided
one half owner of, and entitled to the exclusive
use of one half of all the waters flowing in
Eck Creek described in his Complaint, and
allowed and decreed to be the undivided three
quarters owner of and entitled to the exclusive
use of three quarters of all the waters flowing in

SCANNED
JUN 16 2005

Munchaha Creek described in his Complaint
And it is further ordered, adjudged and
decreed by the Court that the defendant
Milo Ferris be allowed and decreed to be the
undivided one half owner of and entitled
to the exclusive use of one half all the waters
flowing in Elk Creek described in plaintiffs
Complaint and that the said defendant Milo
Ferris be allowed and decreed to be the
undivided one quarter owner and entitled
to the exclusive use of one quarter of all the
waters flowing in Munchaha Creek described
in plaintiffs Complaint
And that each party pay their own costs
Herein

Chas Broderick
District Judge

July 12. 1887

SCANNED

JUN 16 2005

June 10, 2005

To: Claim File 37-4174

From: Danni Smith

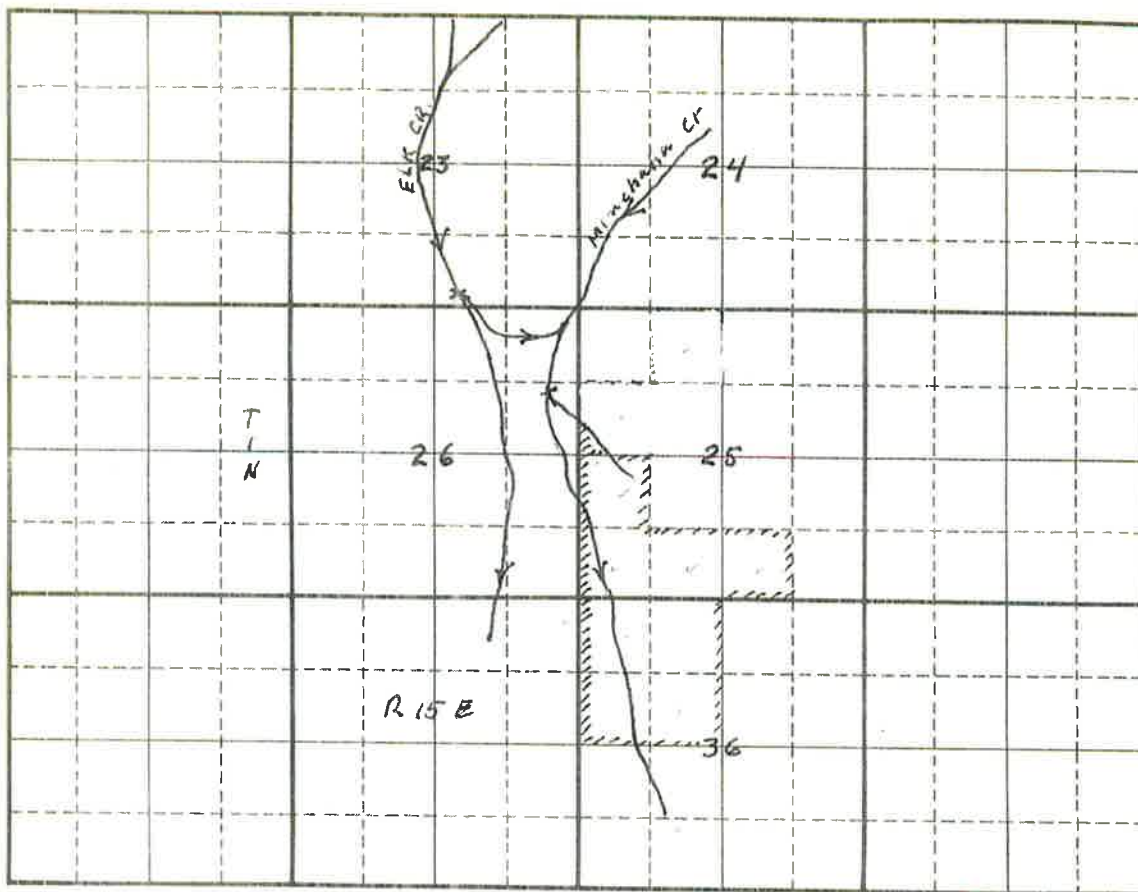
RE: Evidence of Priority Letter

Received call at 11 am from Opal Davis (work 208-726-4421), Jim Specks office, that the affidavits from the WR file should cover what we required. After talking with Doug Jones realized this is an advertised statutory claim from the 80's. Documents do not get the priority date back further and 1956.

Returned Opal's call and referred her to the Smith vs Ferris Decree in Blaine County dated 7-12-1887. She will contact the county to get a copy of the page referenced on the WR map in the scanned file. Then will submit to us.

Maybe Chris Bromely would also like to request this document from Blaine County, remember back then it was Alturus County.

(8) Remarks This claim is based on a decree: Smith vs Ferris, July 12, 1887 Vol 1 of Judgements Page 24, Blaine County Records - The water is co-mingled with Minehaha Creek water under decreed rights



Scale: 2 inches equal 1 mile.

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

MICROFILMED

State of Idaho)
County of Twin Falls) ss.

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

Sworn to before me this 26 day of May

Kenneth D. R.
(Claimant)

19 81

Loren O. Holme
Notary Public

Residing at Twin Falls, Idaho 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by *KA* Date *5/26/81* Exception filed by: Forwarded to Date
Prelim. check by *ADM* Date *5/26/81*
\$30.00 fee received by *maria* Date *5/26/81 #18628*
Published in *Gooding Observer*
Dates *6/3 to 6/10/81*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical 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 by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

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 the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of 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: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may 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 does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

37-4174

I, Fred Walton, of 509 13 Ave. W., Gooding, Idaho, moved with my family to the ranch in 1909, which is now owned by Dennis Craig Baldwin on Elk Creek in Camas County. We lived there for many years and my father plowed up all the ditches that were on the place because all the water was used on the William Peck and Herman Mehle ranches above ours, and no water was allowed to reach ours during the irrigating seasons.

Fred Walton

State of Idaho

County of Gooding

Sworn to before me this 1st day of March, 1982

Mary Schmitt
Notary Public for Idaho

Gooding, Idaho
Residing at

My Commission expires Feb. 10, 1985

RECORDED

I Dean Shaffer of Gooding, Idaho farmed the property held in the Laura Peck Trust after the death of William (Bill) Peck in 1956 until the property was purchased by Kenneth and Roselyn Peck in 1976. I, together with Charles Gaskill used and shared all the water of Elk Creek and Winnehaha Creek during the irrigating season. During the time I farmed the property no one else ever used any of these waters.

Dean Shaffer

State of Idaho

County of Gooding

Sworn to before me this 23 day of February, 1982

Pauline M. Jackson
Notary Public

Gooding, Idaho
residing at

My commission expires 11-13-85

I, Charles Gaskill, of Fairfield, Idaho, started farming the property inherited by Viola Whitney in 1957, after the death of her father, William Peck, until the present time. I have, together with the tenants farming the other half of the former William and Laura Peck property and the present owners Kenneth and Roselyn Peck, used and shared all the waters from Elk Creek and Minnehaha Creek for irrigation during the irrigating season since that time. No one else ever used any of these waters, until Dennis Craig Baldwins application for water in 1978.

State of Idaho

County of Camas

Sworn to before me this 8 day of March, 1982

Edward V. Reagan
Notary Public

Fairfield, Idaho
Residing at

My commission expires 9-20-83

we, Hewell Brooks and Lola Brooks, of Fairfield, Idaho,
farmed the land in 1937 and 1938 now owned by Dennis
Craig Baldwin on Elk Creek. William Feck used all the
water of Elk Creek and Minnehaha Creek for irrigation
on his ranch above ours and no other ranches were
allowed use of these waters.

Hewell Brooks

Lola Brooks

State of Idaho

County of Camas

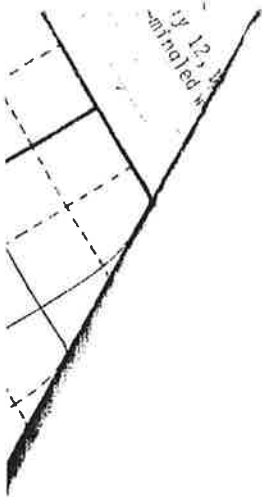
Sworn to before me this 35 day of Feb, 1982.

Edward V. Reagan
Notary Public

Fairfield, Idaho
Residing at

My Commission expires 9-20-83

MICROFILMED



We, Robert Gaskill and Darlene Gaskill, of 304 N. Apple,
Shoshone, Idaho, farmed the William and Laura Peck
property from 1951 through 1955 and we used all of the
waters of Elk Creek and Minnehaha Creek for irrigation
during the irrigating season on their 640 acres
situated on Elk Creek in Camas County. No one else
used any of those waters for irrigation during that
time.

Darlene Gaskill

Robert Gaskill

State of Idaho

County of Lancaster

Sworn to before me this 12th day of March, 1952

Judi L. Rogers
Notary Public

Shoshone, Idaho
Residing at

RECORDED

My Commission expires November 1953