

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 37-12125
Date Received: 11/1/1988
Receipt No: C003139
Received By:

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

1. Name of Claimant(s)

STELLA GRAY Phone: (208)726-3046

PO BOX 906
SUN VALLEY ID USA 83353

2. Date of Priority: 09/21/1883

3. Source: KEYSTONE GULCH CREEK Trib. to: ELKHORN GULCH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	15	SE NW SW	BLAINE	

5. Description of diverting works:

2 PONDS FOR S/ 5 HORSES AND GASOLINE PUMP FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.2	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.2 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
04N	18E	15	NE SW	STOCKWATER	

NW	SW	STOCKWATER	
NE	SW	IRRIGATION	5
NW	SW	IRRIGATION	5
NW	SW	DOMESTIC	
NE	SW	DOMESTIC	
		Section Acres	10
		Total Acres	10

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

2-PONDS WHERE STOCK WATER AND THEY DRINK DIRECTLY FROM BRAIDED ST REAM OF KEYSTONE GULCH. AT CAMPSITES, WATER IS JUST BUCKETED FROM STREAM. AT POND GASOLINE MOTOR PUMP IS USED TO IRRIGATE THE LAND FOR PASTURE AND WATERING OF TREES.

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.

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: A37-12125

Date Received: 11/01/1988

Receipt No: C003139

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STELLA GRAY

Address: P.O. BOX 906

SUN VALLEY, ID

208-726-3046

83353

Keystone stella@earthlink.net

2. Date of Priority: SEP 21, 1883

3. Source: KEYSTONE GULCH

Trib. to: ELKHORN GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	15	SE	NW	SW		BLAINE

5. Description of diverting works:

2 PONDS FOR S/ 5 HORSES AND GASOLINE PUMP FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.200		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/5 HORSES AND CAMPSITE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	15				STOCK	

A37-12125

Page

1

Date: 04/07/89

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FEB 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	15	NE	SW	DOMEST IRR	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

2-PONDS WHERE STOCK WATER AND THEY DRINK DIRECTLY FROM BRAIDED STREAM OF KEYSTONE GULCH. AT CAMPSITES, WATER IS JUST BUCKETED FROM STREAM. AT POND GASOLINE MOTOR PUMP IS USED TO IRRIGATE THE LAND FOR PASTURE AND WATERING OF TREES.

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: _____

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 _____

MICROFILMED
FEB 26 1993

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: A37-12125
Date Received: 4/05/1989
Receipt No: C003139
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STELLA GRAY 208-726-3046
Address: P.O. BOX 906
SUN VALLEY, ID 83353

2. Date of Priority: SEP 21, 1883

3. Source: KEYSTONE GULCH Trib. to: ELKHORN GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	18E	15	SE	NW	SW		BLAINE

check Other P/D

5. Description of diverting works:
2 PONDS FOR S/ 5 HORSES AND GASOLINE PUMP FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER <i>storage</i>	01/01	12/31	0.020		
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/5 HORSES AND CAMPSITE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	18E	15				STOCK	

A37-12125

Page 1

Date: 04/05/89

MICROFILMED
FEB 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	18E	15	NE SW		DOMEST IRR	5.0
			<i>Other Pool</i>		Section Acres	5.0
					Total Acres	5.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

Remarks important

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: _____

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 _____

MICROFILMED
FEB 26 1993

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 SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number 437-12125
Date Received _____
Receipt Number C003139

RECEIVED

OCT 27 1988

NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Stella Gray Phone (208) 726-3046Mailing Address P.O. Box 906, Sun Valley, Ida Zip 833532. Date of Priority (Only one (1) per claim) 9/21/18833. Source of water supply (a) Keystone Gulch
which is tributary to (b) Elkhorn Gulch4. a. Location of existing point of diversion is: Township 4N Range 18E Section 15,
SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of BlaineAdditional points of diversion if any: NW 1/4 NE 1/4 SW 1/4 Sec 15, T4N, R18E,

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 2- Ponds where stock waterfrom and drink directly from braided stream of Keystone Gulch.At campsites water is just bucketed from stream. At pond 2gasoline pump motor with pump is used to irrigate the land
for pasture and watering of trees.

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FEB 26 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.04 or _____

For Stockwater purposes from 1/1 to 12/31 amount 0.02 or _____

For Irrigation purposes from 4/1 to 11/1 amount 0.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25 acre feet per annum.

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

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	
4N	18E	15									5	5							10
4N	18E	15									D	D							
4N	18E	15									S	S							

Total number of acres irrigated 10

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

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

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

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

or None ()

14. Remarks: p/u is on the Carbon Hill and Keystone Mining
Claims.

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FEB 26 1993

Last Name Graz 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) Stella Gray

Date 10-20-88

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 _____

Title

of _____

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 Blaine) SS.

Subscribed and sworn (or affirmed) before me this

20th

day of

Oct.

19 88

SEAL

Notary Public Lee J. Hentle

Residing at

Kimberly, Id.

My Commission Expires

6/30/94

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 _____

Last Name

Gray

Ident. Number _____

MICROFILMED

FEB 26 1993

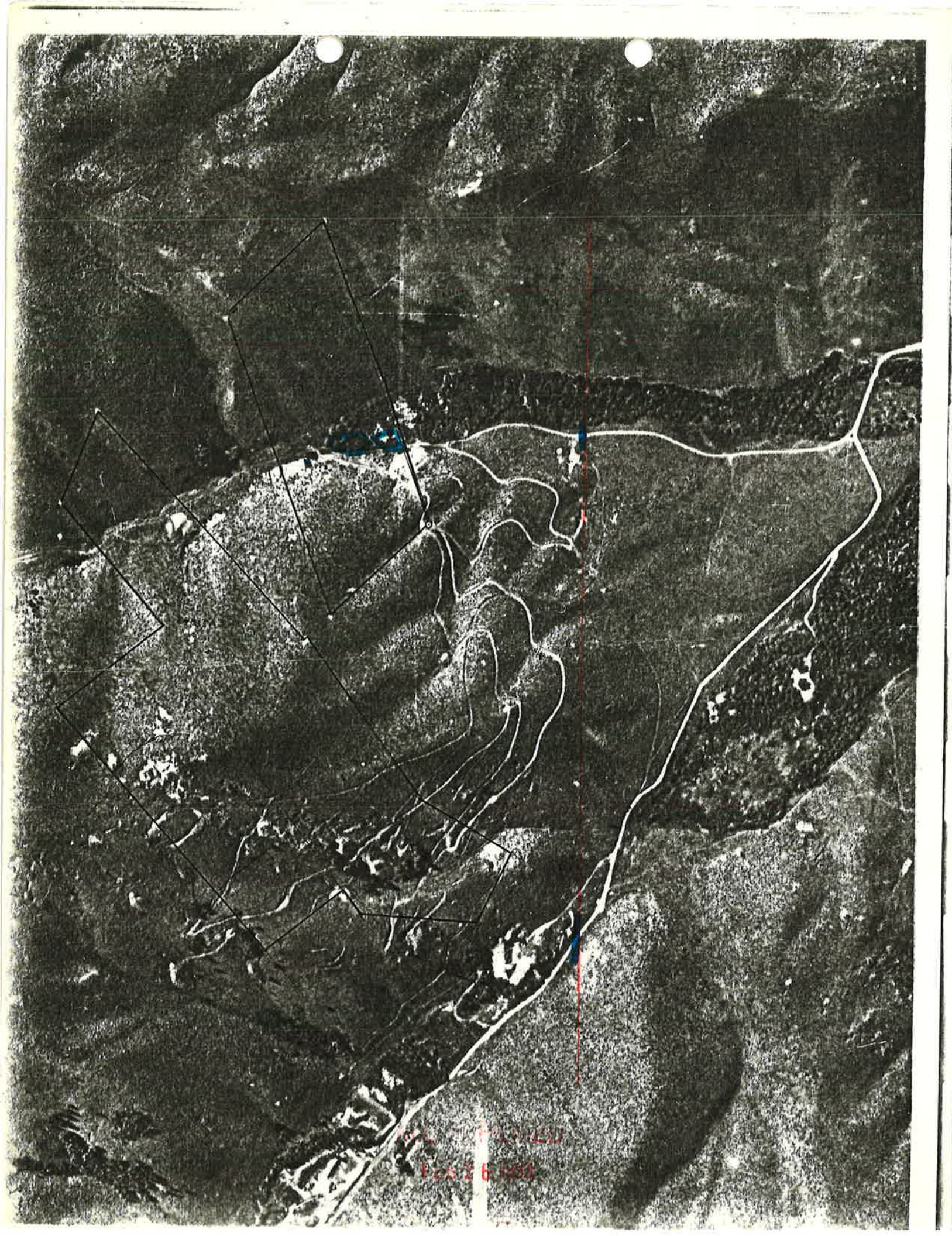
Copies White-State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 20x20 grid of squares, each containing a dashed crosshair. The text "See Attached" is handwritten in the center of the grid.

FEB 26 1993

Copies: White-State, Yellow-Claimant



ALL INFORMATION
CONTAINED HEREIN
IS UNCLASSIFIED
DATE 06-26-2003 BY 60322

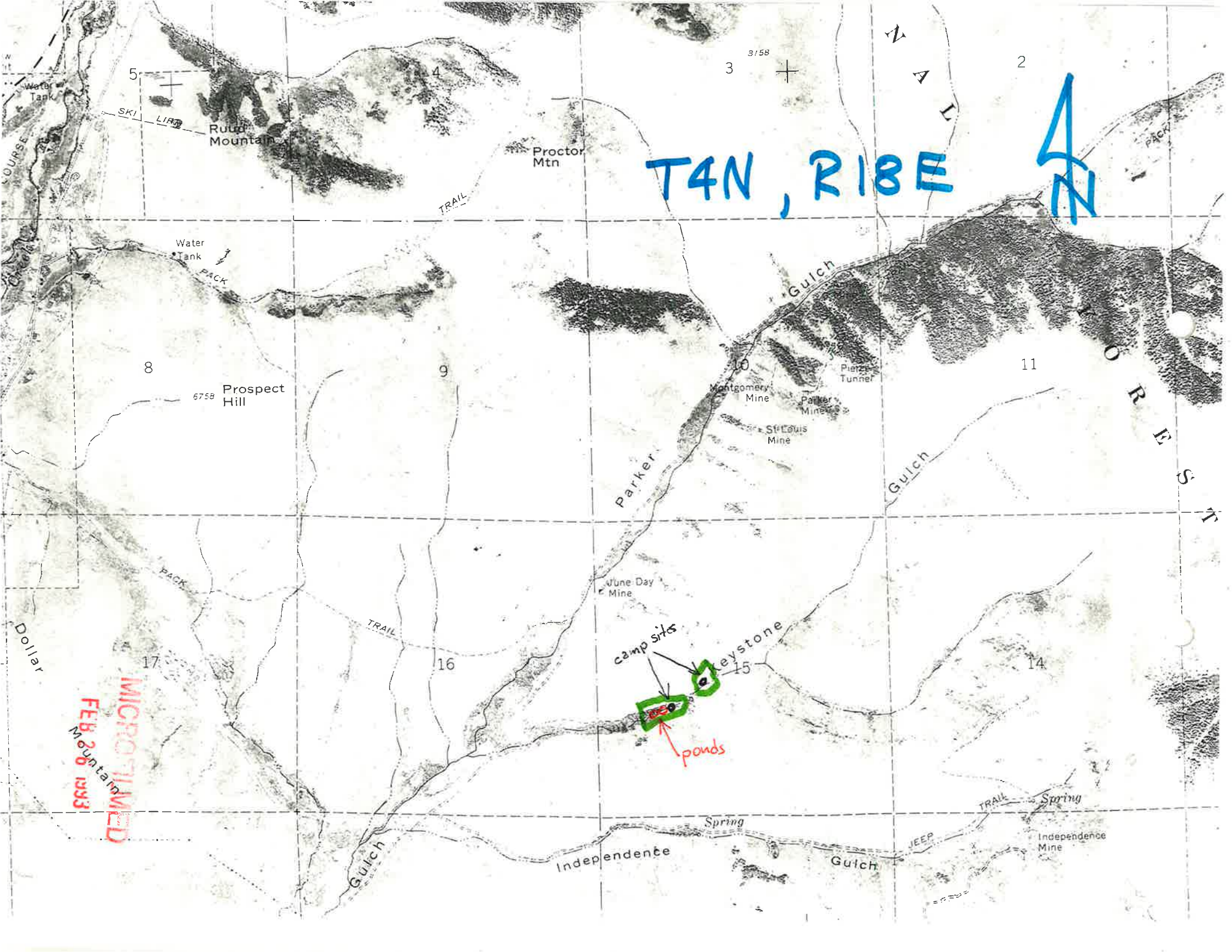


EXHIBIT H

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

01/12/2007

RIGHT NUMBER: 37-12125

NAME AND ADDRESS: STELLA GRAY
PO BOX 906
SUN VALLEY ID 83353

SOURCE: KEYSTONE GULCH CREEK

TRIBUTARY: ELKHORN GULCH CREEK

QUANTITY: 0.200 CFS . 400 CFS
0.10 AFY . 20 AFY

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

PRIORITY DATE: 09/21/1883

POINT OF DIVERSION: T04N R18E S15 SENNSW Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	05/01 10/31	0.200 CFS . 400 CFS
STOCKWATER STORAGE	01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE	01/01 12/31	0.10 AFY . 20 AFY
IRRIGATION in BLAINE County		
T04N R18E S15 NWSW 4.60 20.00A		
STOCKWATER in BLAINE County		
T04N R18E S15 NWSW		
STOCKWATER FROM STORAGE same as IRRIGATION		
4.6 ACRES TOTAL 20.00 Acres Total		

Property is known as Carbon Hill Lode and Keystone Lode.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

NOTICE OF ERROR REPLY - ATTACHMENT:

1. The portion of the proposed recommendation is the aerial photos of my property
2. The description of changes are shown on exhibit A
3. The aerial photo taken of irrigated areas in the June Day Subdivision area west of me did not include my property. The agent showing me this photo acknowledged that the area covered did not go far enough up the canyon to include my property, the Carbon Hill.

The changes noted in exhibit A will relate to the .40cfs necessary to accommodate 20 acres.

NOTICE OF ERROR
REPLY

01/12/2007 RECEIVED

JAN 23 2007

DEPARTMENT OF
WATER RESOURCES

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: January 23, 2007

Water right number: 37-12125

STELLA GRAY

PO BOX 906

SUN VALLEY ID 83353

Telephone Number: (208) 726-3046

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

See Attachment

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

See Attachment

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

See Attachment

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

DATE: 1-18-07

SIGNATURE:

Stella Gray

Please print your name:

STELLA GRAY

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED

JAN 23 2007

DEPARTMENT OF
WATER RESOURCES

January 18, 2006

David R. Tuthill, Jr., P.E.
Interim Director
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

Reference: Water Right number 37-12125

Dear Sir:

Thank you for your January 8, 2007 letter regarding possible changes I may have to your preliminary recommendations.

I have enclosed my response in the form of 3 pages, identified as follows:
NOTICE OF ERROR REPLY, NOTICE OF ERROR REPLY -
ATTACHMENT and EXHIBIT A referenced in the attachment.

I appreciate your assistance in this matter. I can be reached by phone; 208-726-3046 and e mail: *keystonesell@earthlink.net* if necessary.

Cordially,



Stella Gray

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 21, 2009

STELLA GRAY
PO BOX 906
SUN VALLEY ID 83353

RE: Snake River Basin Adjudication (SRBA) 37-12125 and 37-12126

Dear Ms. Gray:

In response to your certified letter dated April 14, 2009 to David Tuthill regarding why you have not received the Partial Decree for your claim 37-12125 from the Court. Your claim was recommended to the Court in our last Director's Report filed on February 21, 2007. After checking with the Court your uncontested claim, the Partial Decree will be issued after completion of the entire Basin 37, part 3 Initial Hearing for objected rights is completed in late Fall, 2009. I understand your frustration, but let me assure you your water right claim is active and stands as recommended to the Court.

In your conversation on April 20th with Danni Smith you stated you had also not received the Partial Decree for your domestic use that was issued on January 5, 2001. A copy is enclosed for your convenience.

If we can be of more assistance, please feel free to call our office.

Sincerely,

Donald V. Shaff
Adjudication Bureau Chief

enclosure

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-12126

NAME AND ADDRESS:

STELLA GRAY
BOX 906
SUN VALLEY, ID 83353

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

06/22/1972

POINT OF DIVERSION:

T04N R17E S13

SENE

Within Blaine County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Domestic 1 HOME

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

Domestic
T04N R17E S13

SENE

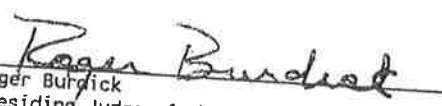
Within Blaine County

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED
APR 16 2009
DEPARTMENT OF
WATER RESOURCES

CERTIFIED MAIL

April 14, 2009

David R. Tuthill, Interim Director
Department of Water Resources
Post Office Box 83720
Boise, Idaho 83702-0098

Dear Sir:

Enclosed is copy of your March 6, 2007 plus copy of my water rights description.

Last fall I called again and asked when I would receive my Certificate of decreed water rights. The person I spoke with asked someone else and returned telling me it would be any day.

Mr. Tuthill, it has been over 20 years since this adjudication started and many years since proving my water rights. Why have I not received this certificate? How much more proving must I do? AND how many more years must I wait?

It is my hope that including the above mentioned copies will expedite your reply.

Sincerely,


Stella Gray

Enclosure (2)

SCANNED

APR 16 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 6, 2007

RE: Water Rights in Reporting Area 16, Basin 37, Part 3
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right claim(s) in Basin 37 Part 3, covering water right claims largely in the Big Wood River drainage that have been reported to the SRBA Court. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended water right claims in your area. Water rights for most domestic and/or stockwater rights within the same area were recommended separately in earlier reports, and most of those have been decreed by the SRBA Court.

Note that you have until November 14, 2007, in which to review the recommendations for your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in Fairfield, Gooding, Hailey, Mountain Home, and Shoshone, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you, and no other party objects to the recommendation for your water right, your water right will be decreed in 2008 as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process. You may also call the adjudication staff in my office at 1-800-451-4129 who can also respond to your questions.

Sincerely,

David R. Tuthill, Jr., P.E.
Interim Director

Enclosures

SCANNED

APR 16 2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

02/20/2007

RIGHT NUMBER: 37-12125
NAME AND ADDRESS: STELLA GRAY
PO BOX 906
SUN VALLEY ID 83353

SOURCE: KEYSTONE GULCH CREEK

QUANTITY: 0.200 CFS
0.10 AFY

TRIBUTARY: ELKHORN GULCH CREEK

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

PRIORITY DATE: 09/21/1883

POINT OF
DIVERSION:

PURPOSE AND
PERIOD OF USE:

T04N R18E S15 SENWSW Within BLAINE County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	05/01 10/31	0.200 CFS
STOCKWATER STORAGE	01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE	01/01 12/31	0.10 AFY

PLACE OF USE: IRRIGATION in BLAINE County
T04N R18E S15 NWSW 4.60
STOCKWATER in BLAINE County
T04N R18E S15 NWSW
STOCKWATER FROM STORAGE same as IRRIGATION
4.6 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is known as Carbon Hill Lode and Keystone Lode.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

02/20/2007

RIGHT NUMBER: 37-12125
NAME AND ADDRESS: STELLA GRAY
PO BOX 906
SUN VALLEY ID 83353

SOURCE: KEYSTONE GULCH CREEK

QUANTITY: 0.200 CFS
0.10 AFY

TRIBUTARY: ELKHORN GULCH CREEK

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

PRIORITY DATE: 09/21/1883

POINT OF
DIVERSION:

T04N R18E S15 SENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER		01/01 12/31	0.020 CFS
IRRIGATION		05/01 10/31	0.200 CFS
STOCKWATER STORAGE		01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE		01/01 12/31	0.10 AFY
<u>IRRIGATION in BLAINE County</u>			
T04N R18E S15	NWSW	4.60	
<u>STOCKWATER in BLAINE County</u>			
T04N R18E S15	NWSW		
<u>STOCKWATER FROM STORAGE same as IRRIGATION</u>			
4.6 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is known as Carbon Hill Lode and Keystone Lode.

Jones, Doug

From: Saxton, Craig
Sent: Wednesday, February 14, 2007 2:10 PM
To: Jones, Doug
Subject: FW: Notice of Error (NOE) for SRBA recommendation 37-12125

Hey Doug,

Long story short is that I think we are going to want to put a copy of this e-mail in file 37-12125. However, I know you are swamped and probably the last thing you want to do is print out a copy of this and find the file.

So, if it is ok with you, I will print off a copy here and have it scanned and profiled to 37-12125.

Just a thought. Let me know.

Thanks,

Craig

-----Original Message-----

From: stella [mailto:keystonestella@earthlink.net]
Sent: Wednesday, February 14, 2007 1:59 PM
To: Saxton, Craig
Subject: RE: Notice of Error (NOE) for SRBA recommendation 37-12125

Craig Saxton: I have chosen to accept the recommendation of 4.6 acres as outlined in the attached e mail from you, dated January 29, 2007 for claim 37-12125.

If an official letter is required for this acceptance, please let me know and I will write and mail to your office.

Thank you.

S/Stella Gray

-----Original Message-----

From: "Saxton, Craig"
Sent: Jan 29, 2007 10:48 AM
To: stella
Subject: RE: Notice of Error (NOE) for SRBA recommendation 37-12125

Stella,

I am sorry, I wasn't clear. I updated the claim record to reflect that you had originally claimed 10 acres of irrigation.

Originally when they entered your hand written claim into the computer they only entered in that you claimed 5 acres. I am attaching a copy. The reason that this is important is because the first e-mail I sent you basically said that I couldn't change the recommendation because you didn't claim more than 5 acres in the first place. But I discovered that even though you didn't claim the 20 acres you were requesting in your NOE, you did claim 10, so the claim isn't what is limiting the recommendation to 4.6 acres.

What is limiting the recommendation to 4.6 acres is that a field exam only found 2 acres of irrigation. I am not sure why it was recommended for 4.6 but I am not going to reduce it. But that is one reason I don't have evidence of 20 acres of irrigation.

2/14/2007

(NOE) for SRBA recommendation 37-12125
 Another reason is that all the historical evidence you provided supports a priority date of 1883 for mining, but not irrigation. I think it is safe to assume there was some irrigation which might have been why the agent that made the recommendation originally recommended 4.6 acres, but there isn't anything supporting that 20 acres were irrigated in 1883.

So we don't have evidence that 20 acres were irrigated then or now. However, you can provide that evidence when you file an objection if you choose to do so.

I hope this helps,

Craig

-----Original Message-----

From: stella [mailto:keystonestella@earthlink.net]
Sent: Monday, January 29, 2007 10:08 AM
To: Saxton, Craig; nosgoodies1@netscape.com
Subject: RE: Notice of Error (NOE) for SRBA recommendation 37-12125

Trying not to be confused Mr. Saxton, do you now mean that you have updated my record to reflect 10 acres?

Curious how this 'smallest' of claim is getting batted around and investigated at such lengths. Please reply as soon as possible.

-----Original Message-----

From: "Saxton, Craig"
Sent: Jan 29, 2007 9:57 AM
To: stella
Subject: RE: Notice of Error (NOE) for SRBA recommendation 37-12125

Dear Ms. Gray,

I have to apologize as I found an error in IDWR data entry regarding the acreage you claimed. In my last e-mail, I said that you originally claimed 5 acres and that I could not recommend more than what you originally claimed. Looking deeper into the file it does appear that you originally claimed 10 acres. I updated our database to reflect that and am sorry for the confusion. However, despite this information, I do not feel there is enough evidence to justify recommending more irrigated acres.

Based on your last e-mail, I want to make sure that there are no mis-understandings. I am not going to change the recommendation. If you disagree with the recommendation, you are going to have to file an objection. You will be mailed another copy of this recommendation along with the objection paperwork and instructions on how to file an objection.

I am sorry and I do not mean to be disrespectful. I just do not want you to think something was changed on the recommendation for 37-12125 when it wasn't.

Respectfully submitted,

Craig L. Saxton

-----Original Message-----

From: stella [mailto:keystonestella@earthlink.net]
Sent: Thursday, January 25, 2007 11:56 AM
To: Saxton, Craig
Subject: Re: Notice of Error (NOE) for SRBA recommendation 37-12125

Mr. Craig Saxton:

2/14/2007

I am in receipt of your January 24, 2007 e mail regarding NOE, submitting NOTICE OF ERROR, correcting the 5 acre discrepancy.

The 5 acres was reported by the hired agent who came on my property and he determined it was five acres, therefore I corrected accordingly with increased cfs and acreage.

I direct you again to item 3 in NOTICE OF ERROR REPLY - ATTACHMENT, wherein I state 'The serial photo taken of irrigated areas in the June Day Subdivision area west of me did not include my property. The agent showing me this photo acknowledged that the area covered did not go far enough up the canyon to include my property, the Carbon Hill'.

I am not interested in filing a new claim. I have responded accordingly and in due time for this explanation of January 18, 2007 response to 'revised preliminary recommendation reflecting changes that were made from the draft you received in November, December'. It is my expectation that my claim and this explanation is all in order this week.

Cordially,

Stella Gray
Water Rights # 37-12125

-----Original Message-----

From: "Saxton, Craig"

Sent: Jan 24, 2007 1:27 PM

To: keystonestella@earthlink.net

Subject: Notice of Error (NOE) for SRBA recommendation 37-12125

Dear Ms. Gray,

I received the letter regarding the Notice of Error (NOE) for 37-12125 that you sent to Dave Tuthill dated January 18th. Due Dave's appointment to Interim Director, I have been asked to respond to your letter.

I have reviewed the file and documentation in the file and am afraid I cannot make the changes to your recommendation you requested.

The documentation you submitted with the NOE requests the recommendation be changed to reflect 20 acres of irrigation and subsequently increase the recommended diversion rate to 0.40 cfs for irrigation purposes. However, you only claimed 5 acres and 0.20 cfs for irrigation. IDWR cannot recommend a greater acreage and/or diversion rate than was claimed. In order to pursue additional acreage and diversion rate, you would have to amend your claim to claim that amount. Or file a new claim for the additional diversion rate and acreage.

Unfortunately the directors report is set to be submitted to the court this week. In order to amend your claim or file a new claim you will need to make a motion to the court to do so. The forms can be found on the Snake River Basin Adjudication web site at www.srba.state.id.us under the link "SRBA documents". The direct link is <http://www.srba.state.id.us/forms/sf4.pdf>

If you still disagree with this recommendation, you will have a chance to file and objection to your recommendation and be heard by the SRBA court.

Respectfully submitted,

2) for SRBA recommendation 37-12125
Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Saxton, Craig

From: Saxton, Craig
Sent: Monday, January 29, 2007 10:48 AM
To: 'stella'
Subject: RE: Notice of Error (NOE) for SRBA recommendation 37-12125

Stella,

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What is limiting the recommendation to 4.6 acres is that a field exam only found 2 acres of irrigation. I am not sure why it was recommended for 4.6 but I am not going to reduce it. But that is one reason I don't have evidence of 20 acres of irrigation.

Another reason is that all the historical evidence you provided supports a priority date of 1883 for mining, but not irrigation. I think it is safe to assume there was some irrigation which might have been why the agent that made the recommendation originally recommended 4.6 acres, but there isn't anything supporting that 20 acres were irrigated in 1883.

So we don't have evidence that 20 acres were irrigated then or now. However, you can provide that evidence when you file an objection if you choose to do so.

I hope this helps,

Craig

-----Original Message-----

From: stella [mailto:keystonestella@earthlink.net]
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Curious how this 'smallest' of claim is getting batted around and investigated at such lengths. Please reply as soon as possible.

-----Original Message-----

From: "Saxton, Craig"
Sent: Jan 29, 2007 9:57 AM
To: stella
Subject: RE: Notice of Error (NOE) for SRBA recommendation 37-12125

1/29/2007

Dear Ms. Gray,

I have to apologize as I found an error in IDWR data entry regarding the acreage you claimed. In my last e-mail, I said that you originally claimed 5 acres and that I could not recommend more than what you originally claimed. Looking deeper into the file it does appear that you originally claimed 10 acres. I updated our database to reflect that and am sorry for the confusion. However, despite this information, I do not feel there is enough evidence to justify recommending more irrigated acres.

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I am sorry and I do not mean to be disrespectful. I just do not want you to think something was changed on the recommendation for 37-12125 when it wasn't.

Respectfully submitted,

Craig L. Saxton

-----Original Message-----

From: stella [mailto:keystonestella@earthlink.net]

Sent: Thursday, January 25, 2007 11:56 AM

To: Saxton, Craig

Subject: Re: Notice of Error (NOE) for SRBA recommendation 37-12125

Mr. Craig Saxton:

I am in receipt of your January 24, 2007 e mail regarding NOE, submitting NOTICE OF ERROR, correcting the 5 acre discrepancy.

The 5 acres was reported by the hired agent who came on my property and he determined it was five acres, therefore I corrected accordingly with increased cfs and acreage.

I direct you again to item 3 in NOTICE OF ERROR REPLY - ATTACHMENT, wherein I state 'The serial photo taken of irrigated areas in the June Day Subdivision area west of me did not include my property. The agent showing me this photo acknowledged that the area covered did not go far enough up the canyon to include my property, the Carbon Hill'.

I am not interested in filing a new claim. I have responded accordingly and in due time for this explanation of January 18, 2007 response to 'revised preliminary recommendation reflecting changes that were made from the draft you received in November, December'. It is my expectation that my claim and this explanation is all in order this week.

Cordially,

Stella Gray
Water Rights # 37-12125

1/29/2007

-----Original Message-----

From: "Saxton, Craig"

Sent: Jan 24, 2007 1:27 PM

To: keystonestella@earthlink.net

Subject: Notice of Error (NOE) for SRBA recommendation 37-12125

Dear Ms. Gray,

I received the letter regarding the Notice of Error (NOE) for 37-12125 that you sent to Dave Tuthill dated January 18th. Due Dave's appointment to Interim Director, I have been asked to respond to your letter.

I have reviewed the file and documentation in the file and am afraid I cannot make the changes to your recommendation you requested.

The documentation you submitted with the NOE requests the recommendation be changed to reflect 20 acres of irrigation and subsequently increase the recommended diversion rate to 0.40 cfs for irrigation purposes. However, you only claimed 5 acres and 0.20 cfs for irrigation. IDWR cannot recommend a greater acreage and/or diversion rate than was claimed. In order to pursue additional acreage and diversion rate, you would have to amend your claim to claim that amount. Or file a new claim for the additional diversion rate and acreage.

Unfortunately the directors report is set to be submitted to the court this week. In order to amend your claim or file a new claim you will need to make a motion to the court to do so. The forms can be found on the Snake River Basin Adjudication web site at www.srba.state.id.us under the link "SRBA documents". The direct link is <http://www.srba.state.id.us/forms/sf4.pdf>

If you still disagree with this recommendation, you will have a chance to file and objection to your recommendation and be heard by the SRBA court.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

MEMORANDUM

Date: January 25, 2007

To: File 37-12125

From: Craig L. Saxton

RE: 67-12125

Per appointment of Dave Tuthill to interim directory, I have been assigned his NOE's for Basin 37. On January 24, 2007 I looked at the NOE for 37-12125. The claimant requested we increase the recommended diversion rate to 0.40 cfs and the irrigated acres to 20 acres.

My initial review of the file found that Don Shaff made then recommendation for 4.6 acres with a 1883 priority date. And that the claim showed that only 5 acres were claimed. I contacted the claimant by e-mail and told her that it looks like we recommended as much as we could and she only claimed 5 acres. I informed her that if she wanted to pursue more acres, she would need to amend the claim or file a new one. I mentioned filing a new one because some evidence indicates irrigation dating back to the 1950's.

Claimant Stella Gray replied to me today and told me in not so many words that she expects the recommendation to be changed per her NOE (E-mail is in file).

I looked at the file again so I could send Ms. Gray a copy of the original claim to show her she only claimed 5 acres as there seemed to be some confusion. However, the hand written claim actually shows she claimed 10 acres. I checked the receipt and she paid for 10 acres of irrigation when she filed the claim. Based on this I amended the claim to 10 acres as was originally claimed.

Despite this discovery, there is no indication that there is any more irrigated ground than was recommended by Don Shaff. In addition, there is not a lot of evidence that there was any irrigation back in 1883 which is the priority date recommended.

I do not have any evidence to support changing the recommendation for 67-12125.

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, January 24, 2007 1:28 PM
To: 'keystonestella@earthlink.net'
Subject: Notice of Error (NOE) for SRBA recommendation 37-12125

Dear Ms. Gray,

I received the letter regarding the Notice of Error (NOE) for 37-12125 that you sent to Dave Tuthill dated January 18th. Due Dave's appointment to Interim Director, I have been asked to respond to your letter.

I have reviewed the file and documentation in the file and am afraid I cannot make the changes to your recommendation you requested.

The documentation you submitted with the NOE requests the recommendation be changed to reflect 20 acres of irrigation and subsequently increase the recommended diversion rate to 0.40 cfs for irrigation purposes. However, you only claimed 5 acres and 0.20 cfs for irrigation. IDWR cannot recommend a greater acreage and/or diversion rate than was claimed. In order to pursue additional acreage and diversion rate, you would have to amend your claim to claim that amount. Or file a new claim for the additional diversion rate and acreage.

Unfortunately the directors report is set to be submitted to the court this week. In order to amend your claim or file a new claim you will need to make a motion to the court to do so. The forms can be found on the Snake River Basin Adjudication web site at www.srba.state.id.us under the link "SRBA documents". The direct link is <http://www.srba.state.id.us/forms/sf4.pdf>

If you still disagree with this recommendation, you will have a chance to file and objection to your recommendation and be heard by the SRBA court.

Respectfully submitted,

Craig L. Saxton 
Water Right Supervisor
Adjudication Bureau

RECEIVED

JAN 23 2007

DEPARTMENT OF
WATER RESOURCES

January 18, 2006

David R. Tuthill, Jr., P.E.
Interim Director
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

Reference: Water Right number 37-12125

Dear Sir:

Thank you for your January 8, 2007 letter regarding possible changes I may have to your preliminary recommendations.

I have enclosed my response in the form of 3 pages, identified as follows:
NOTICE OF ERROR REPLY, NOTICE OF ERROR REPLY -
ATTACHMENT and EXHIBIT A referenced in the attachment.

I appreciate your assistance in this matter. I can be reached by phone; 208-726-3046 and e mail: *Kayotomestella@earthlink.net* if necessary.

Cordially,



Stella Gray

Enclosures

SCANNED

JAN 23 2007

JAN 23 2007

NOTICE OF ERROR
REPLY

01/12/2007

RECEIVED
JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

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: January 23, 2007

Water right number: 37-12125

STELLA GRAY

PO BOX 906

SUN VALLEY ID 83353

Telephone Number: (208)726-3046

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

See Attachment

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

See Attachment

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

See Attachment

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

DATE: 1-18-07

SIGNATURE:

Stella Gray

Please print your name:

STELLA GRAY

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

SCANNED

JAN 23 2007

NOTICE OF ERROR REPLY - ATTACHMENT:

1. The portion of the proposed recommendation is the aerial photos of my property
2. The description of changes are shown on exhibit A
3. The aerial photo taken of irrigated areas in the June Day Subdivision area west of me did not include my property. The agent showing me this photo acknowledged that the area covered did not go far enough up the canyon to include my property, the Carbon Hill.

The changes noted in exhibit A will relate to the .40cfs necessary to accommodate 20 acres.

SCANNED

JAN 23 2007

EXHIBIT H

01/12/2007

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

RIGHT NUMBER: 37-12125

NAME AND ADDRESS: STELLA GRAY
PO BOX 906
SUN VALLEY ID 83353

SOURCE: KEYSTONE GULCH CREEK

TRIBUTARY: ELKHORN GULCH CREEK

QUANTITY: 0.200 CFS . 400 CFS
0.10 AFY . 20 AFY

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

PRIORITY DATE: 09/21/1883

POINT OF DIVERSION:

T04N R18E S15 SENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

IRRIGATION

05/01 10/31

0.200 CFS . 400 CFS

STOCKWATER STORAGE

01/01 12/31

0.10 AFY

STOCKWATER FROM STORAGE

01/01 12/31

0.20 AFY . 20 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T04N R18E S15

NWSW

4.60 20.00 A

STOCKWATER in BLAINE County

T04N R18E S15

NWSW

STOCKWATER FROM STORAGE same as IRRIGATION

4.6 ACRES TOTAL

20.00 Acres Total

Property is known as Carbon Hill Lode and Keystone Lode.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED

JAN 23 2007

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

01/10/2007

RIGHT NUMBER: 37-12125
NAME AND ADDRESS: STELLA GRAY
PO BOX 906
SUN VALLEY ID 83353

SOURCE: KEYSTONE GULCH CREEK

TRIBUTARY: ELKHORN GULCH CREEK

QUANTITY: 0.200 CFS
0.100 AFY

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

PRIORITY DATE: 09/21/1883

POINT OF DIVERSION:

T04N R18E S15 SENWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	05/01 10/31	0.200 CFS
STOCKWATER STORAGE	01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE	01/01 12/31	0.10 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T04N R18E S15 NWSW 4.60

STOCKWATER in BLAINE County

T04N R18E S15 NWSW

STOCKWATER FROM STORAGE same as IRRIGATION

4.6 ACRES TOTAL

Property is known as Carbon Hill Lode and Keystone Lode.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

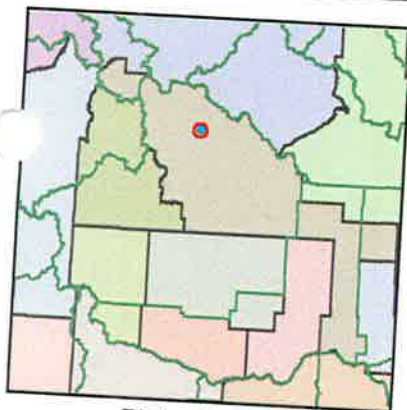
SRBA Recommendation:

37-12125

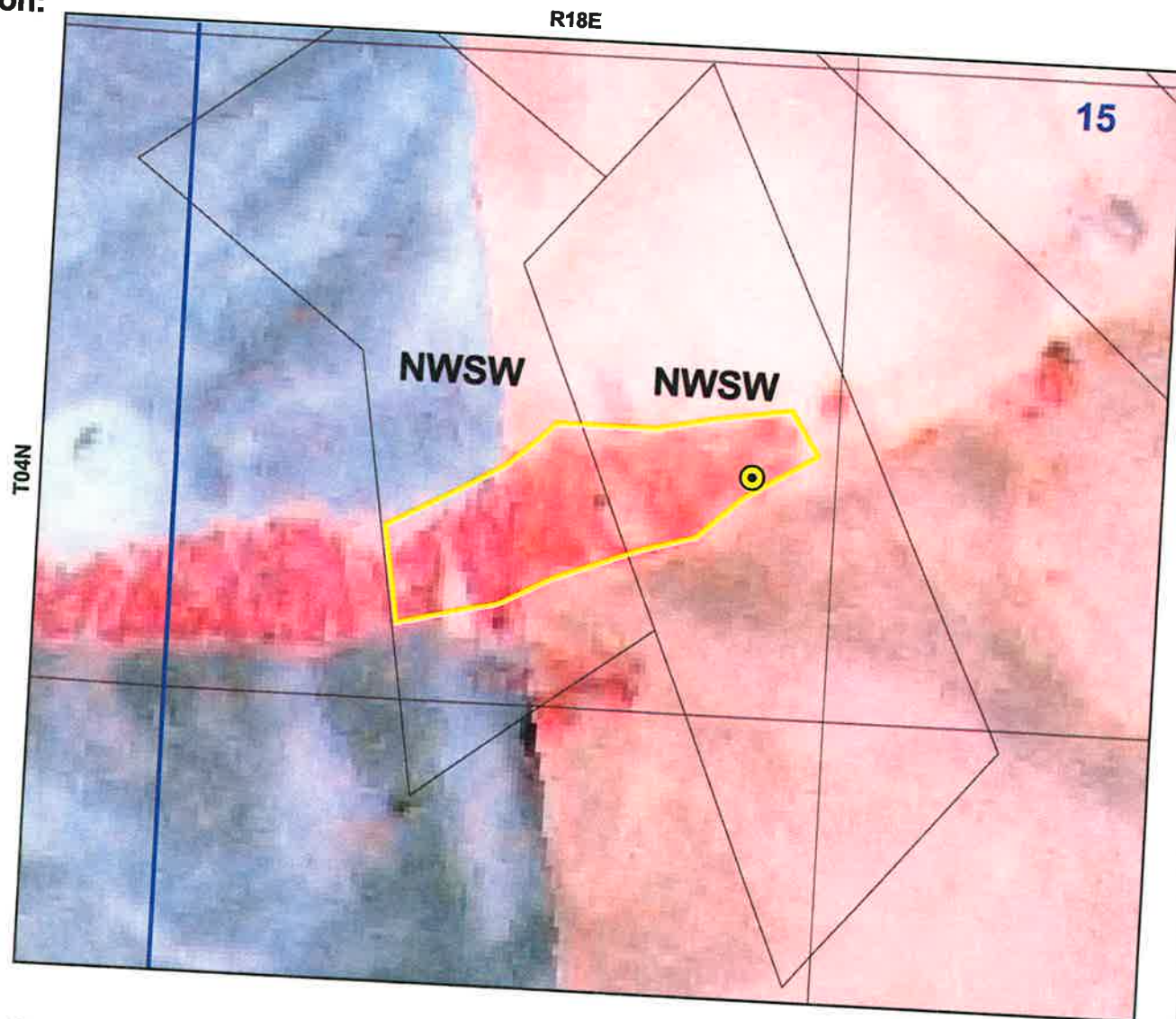
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



Prepared by D. Shaff
On Thursday, January 11, 2007
1987/88 Aerial Photography

RECEIVED

DEC 21 2006

DEPARTMENT OF
WATER RESOURCES

December 18, 2006
Return receipt requested

Ms. Cynthia Bridge Clark
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

CLAIM #3712125

Hello Cynthia:

The following will verify the validity of my water rights in Keystone Gulch since 1883, as we have discussed previously.

A copy of the Carbon Hill Deed is enclosed and you will note on page 3 the identification of the water rights with this property. It is obvious that water from these ponds, ditches and surface waters have continued to be used for beneficial use.

The miners of these lodes lived here, watered their stock, and used this water for household use, as well as irrigation. In the lower flat areas I continue to find household items, agricultural implements and pieces of shoes and miscellaneous items, indicating continuous use over all these years.

I have owned these properties since April 28, 1977 and have continued to use these waters since that time for live stock, irrigation of gardens, trees and creating a beneficial use for wild life longer than the five year at a time use.

One of your agents recently showed me aerials taken of this neighborhood and there were no photos taken of my property to disprove my continuous use and therefore negates the departments claim of no use since 1883. There have not been previous challenges on this land for water use, however, as indicated in the deed for this claim, water for irrigation is a part of this land since 1883.

I have reviewed your photo outlining what Mr. Peterson identified as two (2) acres of irrigation, according to property line. This outline is inaccurate. August 2005 was a drought year and irrigation and live stock watering was minimal, however, was continuous within the five-year parameters.

Your recommendation of a ½ acre use is already mandated by state rule 42-111 therefore not applicable with this 5-acre requirement. Accordingly, for irrigation use .02 cfs per acre is acceptable implying .40 cfs for this 20-acre parcel is a right.

In statute 42-223 (6) I cannot lose water rights for things beyond my control as in a drought period.

Enclosed you will find an updated affidavit from Mr. Rupert House, witnessing water used for irrigation and more.

I look forward to a full deeded decree of established water rights for this claim.

Sincerely,


Stella Gray

Encl: Carbon Hill Deed
Rupert House affidavit

99/628

No. 59202.

PATENT.

UNITED STATES TO ISAAC I. LEWIS.
CARBON HILL LOSE AND MILLSITE CLAIMS.

(4-462.)

GENERAL LAND OFFICE

No. 16014.

MINERAL CERTIFICATE

No. 191.

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, in pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there have been deposited in the GENERAL LAND OFFICE of the United States the Plat and Field Notes of survey and the Certificate, No. 191; of the Register of the Land Office at Hailey, in the Territory of Idaho, accompanied by other evidence whereby it appears that Isaac I. Lewis did, on the eighth day of March, A. D. 1887, duly enter and pay for that certain mining claim or premises, known as the Carbon Hill lose mining and millsite claim, designated by the Surveyor General as lots Nos. 74A and 74B, embracing a portion of section fifteen, in township four north of range eighteen east, Boise meridian, and of the unsurveyed public domain, in the Warm Springs Creek Mining District, in the County of Alturas, and Territory of Idaho, in the District of Lands subject to sale at Hailey and bounds, described, and platted as follows, with magnetic variation eighteen degrees and thirty minutes east.

Beginning for the description of the lot No. 74A, at discovery stake. Thence north twenty-five degrees and thirty-eight minutes west one thousand two hundred and ten feet to a point on north end line of claim. Thence north thirty-nine degrees and thirty-five minutes east three hundred and fifteen feet to corner No. 1, a pine post four inches square marked sur. 525 A. cor. No. 1, in earth and stone mound, from which the corner common to sections nine, ten, fifteen and sixteen, in township four north of range eighteen east, Boise meridian, bears north nineteen degrees and fifty-eight minutes west three thousand two hundred and three and five tenths feet distant, and a tunnel bore south twenty-eight degrees west one hundred and ten feet distant.

Thence, first course, south thirty-nine degrees and thirty-five minutes west five hundred and fifty feet to corner No. 2, a pine post four inches square marked sur. 525 A. cor. No. 2, in earth and stone mound.

Thence, second course, south twenty-two degrees fifty-five minutes and thirty seconds east one thousand five hundred and thirty-five and two tenths feet to corner No. 3, a pine post four inches square marked sur. 525 A. cor. No. 3, in earth and stone mound.

Thence, third course, north thirty-nine degrees and thirty-five minutes east six hundred and thirty feet to corner No. 4, a pine post four inches square marked sur. 525 A. cor. No. 4, in earth and stone mound.

Thence, fourth course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74A, extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74B, at corner No. 1, a pine post four inches square marked sur. 525 B. cor. No. 1, from which the corner common to sections twelve and thirteen, in township four north of range seventeen east, and sections seven

and eighteen, in township four north of range eighteen east, and corner distant, and corner degrees and twenty

four tenths feet distant, and corner

Thence, first course, south thirty-nine degrees and thirty-five minutes west

four hundred and thirty feet to corner No. 2, a pine post four inches square marked sur. 525 B. cor. No. 2, in earth and stone mound.

Thence, second course, south twenty-two degrees fifty-five minutes and thirty seconds east

one thousand five hundred and thirty-five and two tenths feet to corner No. 3, a pine post four inches square marked sur. 525 B. cor. No. 3, in earth and stone mound.

Thence, third course, north thirty-nine degrees and thirty-five minutes east

six hundred and thirty feet to corner No. 4, a pine post four inches square marked sur. 525 B. cor. No. 4, in earth and stone mound.

Thence, fourth course, north twenty-five degrees and thirty-eight minutes west

one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74B, containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74B, at corner No. 1, a pine post four inches square marked sur. 525 B. cor. No. 1, from which the corner common to sections

twelve and thirteen, in township four north of range seventeen east, and sections seven

and eighteen, in township four north of range eighteen east, and corner distant, and corner

degrees and twenty

four tenths feet distant, and corner

Thence, first course, south thirty-nine degrees and thirty-five minutes west

four hundred and thirty feet to corner No. 2, a pine post four inches square marked sur. 525 B. cor. No. 2, in earth and stone mound.

Thence, second course, south twenty-two degrees fifty-five minutes and thirty seconds east

one thousand five hundred and thirty-five and two tenths feet to corner No. 3, a pine post four inches square marked sur. 525 B. cor. No. 3, in earth and stone mound.

Thence, third course, north thirty-nine degrees and thirty-five minutes east

six hundred and thirty feet to corner No. 4, a pine post four inches square marked sur. 525 B. cor. No. 4, in earth and stone mound.

Thence, fourth course, north twenty-five degrees and thirty-eight minutes west

one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74B, containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74B, at corner No. 1, a pine post four inches square marked sur. 525 B. cor. No. 1, from which the corner common to sections

twelve and thirteen, in township four north of range seventeen east, and sections seven

and eighteen, in township four north of range eighteen east, and corner distant, and corner

degrees and twenty

four tenths feet distant, and corner

Thence, first course, south thirty-nine degrees and thirty-five minutes west

four hundred and thirty feet to corner No. 2, a pine post four inches square marked sur. 525 B. cor. No. 2, in earth and stone mound.

and eighteen, in township four north of range eighteen east, Boise meridian, bears north eighty-three degrees and six minutes east eleven thousand and seven and one tenth feet distant, and corner No. 1 of lot No. 74A, hereinafter described bears south eighty-six degrees and twenty-two minutes east twenty-seven thousand nine hundred and fifty-six and four tenths feet distant.

Thence, first course, south thirty-nine degrees and thirty minutes east three hundred and ninety-four feet intersect said Springs Creek; five hundred and four feet to corner No. 2, a pine post four inches square marked Sur. 525 B. Cor. No. 2, in earth and stone mound.

Thence, second course, south seventy-four degrees and nineteen minutes west four hundred and forty-nine feet to corner No. 3, a pine post four inches square marked Sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, third course, north eighty-two degrees and forty-four minutes west two hundred and seven feet to corner No. 4, a pine post four inches square marked Sur. 525 B. Cor. No. 4, in earth and stone mound.

Thence, fourth course, north six degrees and forty-five minutes west one hundred and thirty-one feet to corner No. 5, a pine post four inches square marked Sur. 525 B. Cor. No. 5, in earth and stone mound.

Thence, fifth course, north seventy-nine degrees east ninety-eight feet to corner No. 6, a pine post four inches square marked Sur. 525 B. Cor. No. 6, in earth and stone mound.

Thence, sixth course, north thirty-nine degrees and thirty minutes west two hundred and fifty-two feet to corner No. 7, a pine post four inches square marked Sur. 525 B. Cor. No. 7, in earth and stone mound.

Thence, seventh course, north seventy degrees and twenty-six minutes east four hundred and twenty and one tenth feet to corner No. 1, the place of beginning; said lot No. 74A, containing four acres and nine hundred and ninety-six thousandths of an acre, which together with the area contained in said lot No. 74A aggregates twenty-three acres and forty-four hundredths of an acre or less, more or less.

NOW KNOW YE, that there is therefore hereby GRANTED by the UNITED STATES unto the said Isaac I. Lewis and to his heirs and assigns, the said mining premises hereinbefore described, and not expressly excepted from these presents, and all that portion of the said Carbon Hill vein, lode, or ledge, and of all other veins, lodes, and ledges, throughout their entire depth, the tops or apexes of which lie inside of the surface boundary lines of said granted premises in said lot No. 74A extended downward vertically, although such veins, lodes, or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said premises: PROVIDED, That the right of possession to such outside parts of said veins, lodes, or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said lot No. 74A, so continued in their own direction that such planes will intersect such exterior parts of said veins, lodes, or ledges: AND PROVIDED FURTHER, That nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another.

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging unto the said grantee above named and to his heirs and assigns forever; subject nevertheless to the above-mentioned and to the following conditions and stipulations:

First. That the premises hereby granted, with the exception of the surface,

CERTIFICATE
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December 18, 2006

In my June 15, 2005 letter I said I mined in the Keystone Gulch area since May 1950 and remember seeing water in the streams and ponds and now add that I saw water used to water stock, irrigation of gardens, trees, creating a beneficial use to the people on the land there.

It was used consistently at that time and continues to be used for these purposes to this day.

Rupert House

Rupert House

99/628

No. 52202.

PATENT.

UNITED STATES TO ISAAC I. LEWIS.
CARBON HILL LOAN AND MILLSITE CLAIMS.

(4-462.)

GENERAL LAND OFFICE
No. 16014.MINERAL CERTIFICATE
No. 191.

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, in pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there have been deposited in the GENERAL LAND OFFICE of the United States the Plat and Field Notes of survey and the Certificate, No. 191; of the Register of the Land Office at Bailey, in the Territory of Idaho, accompanied by other evidence whereby it appears that Isaac I. Lewis did, on the eighth day of March, A. D. 1887, duly enter and pay for that certain mining claim or premises, known as the Carbon Hill loan mining and millsite claim, designated by the Surveyor General as lots Nos. 74A and 74B, embracing a portion of section fifteen, in township four north of range eighteen east, Boise meridian, and of the unsurveyed public domain, in the Warm Springs Creek Mining District, in the County of Alturas, and Territory of Idaho, in the District of lands subject to sale at Bailey and elsewhere, described, and platted as follows, with magnetic variation eighteen degrees and thirty minutes east.

Beginning for the description of the lot No. 74A. at discovery stake. Thence north twenty-five degrees and thirty-eight minutes west one thousand two hundred and ten feet to a point on north end line of claim. Thence north thirty-nine degrees and thirty-five minutes east three hundred and fifteen feet to corner No. 1, a pine post four inches square marked sur. 525 A. Cor. No. 1, in earth and stone mound, from which the corner common to sections nine, ten, fifteen and sixteen, in township four north of range eighteen east, Boise meridian, bears north nineteen degrees and fifty-eight minutes west three thousand two hundred and three and five tenths feet distant, and a tunnel bears south twenty-eight degrees west one hundred and ten feet distant.

Thence, first course, south thirty-nine degrees and thirty-five minutes west five hundred and fifty feet to corner No. 2, a pine post four inches square marked sur. 525 A. Cor. No. 2, in earth and stone mound.

Thence, second course, south twenty-two degrees fifty-five minutes and thirty seconds east one thousand five hundred and thirty-five and two tenths feet to corner No. 3, a pine post four inches square marked sur. 525 A. Cor. No. 3, in earth and stone mound.

Thence, third course, north thirty-nine degrees and thirty-five minutes east six hundred and thirty feet to corner No. 4, a pine post four inches square marked sur. 525 A. Cor. No. 4, in earth and stone mound.

Thence, fourth course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74A. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74B. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 1, from which the corner common to sections twelve and thirteen, in township four north of range seventeen east, and sections seven

and eighteen, in township four north of range eighteen east, bears north eighty-three degrees and twenty minutes west four tenths feet distant, and corner No. 2, a pine post four inches square marked sur. 525 B. Cor. No. 2, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74B. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74C. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74C. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74D. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74D. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74E. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74E. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74F. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74F. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74G. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74G. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74H. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74H. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

Beginning for the description of lot No. 74I. at corner No. 1, a pine post four inches square marked sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, first course, north twenty-five degrees and thirty-eight minutes west one thousand five hundred feet to corner No. 1, the place of beginning survey of exterior boundaries; said lot No. 74I. extending one thousand five hundred feet in length along said Carbon Hill vein or lode, and containing eighteen acres and four hundred and forty-four thousandths of an acre.

CERTIFICATE

11.

and eighteen, in township four north of range eighteen east, Boise meridian, bears north eighty-three degrees and six minutes east eleven thousand and seven and one tenth feet distant, and corner No. 1 of lot No. 74A, hereinafter described bears south eighty-six degrees and twenty-two minutes east twenty-seven thousand nine hundred and fifty-six and four tenths feet distant.

Thence, first course, south thirty-nine degrees and thirty minutes east three hundred and ninety-four feet intersecting Spring Creek; five hundred and four feet to corner No. 2, a pine post four inches square marked Sur. 525 B. Cor. No. 2, in earth and stone mound.

Thence, second course, south seventy-four degrees and nineteen minutes west four hundred and forty-nine feet to corner No. 3, a pine post four inches square marked Sur. 525 B. Cor. No. 3, in earth and stone mound.

Thence, third course, north thirty-two degrees and forty-four minutes west two hundred and seven feet to corner No. 4, a pine post four inches square marked Sur. 525 B. Cor. No. 4, in earth and stone mound.

Thence, fourth course, north six degrees and forty-five minutes west one hundred and thirty-one feet to corner No. 5, a pine post four inches square marked Sur. 525 B. Cor. No. 5, in earth and stone mound.

Thence, fifth course, north seventy-nine degrees east ninety-eight feet to corner No. 6, a pine post four inches square marked Sur. 525 B. Cor. No. 6, in earth and stone mound.

Thence, sixth course, north thirty-nine degrees and thirty minutes west two hundred and fifty-two feet to corner No. 7, a pine post four inches square marked Sur. 525 B. Cor. No. 7, in earth and stone mound.

Thence, seventh course, north seventy degrees and twenty-six minutes east four hundred and twenty-one feet to corner No. 1, the place of beginning; said lot No. 74A, containing four acres and nine hundred and ninety-six thousandths of an acre, which together with the area contained in said lot No. 74A constitutes twenty-three acres and forty-four thousandths of an acre or less, more or less.

NOW KNOW YE, that there is hereby GRANTED by the UNITED STATES unto the said Isaac I. Lewis and to his heirs and assigns, the said mining premises hereinbefore described, and not expressly excepted from these presents, and all that portion of the said Carbon Hill vein, lode, or ledge, and of all other veins, lodes, and ledges, throughout their entire depth, the tops or apices of which lie inside of the surface boundary lines of said granted premises in said lot No. 74A extended downward vertically, although such veins, lodes, or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said premises: PROVIDED, That the right of possession to such outside parts of said veins, lodes, or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said lot No. 74A, so continued in their own direction that such planes will intersect such exterior parts of said veins, lodes, or ledges: AND PROVIDED FURTHER, That nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another.

TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging unto the said Grantee above named and to his heirs and assigns forever; subject nevertheless to the above-mentioned and to the following conditions and stipulations:

First. That the premises hereby granted, with the exception of the surface,

may be entered by the proprietor of any other vein, lode, or ledge, the top or apex of which lies outside of the boundary of said granted premises, should the same in its dip be found to penetrate, intersect, or extend into said premises, for the purpose of extracting and removing the ore from such other vein, lode, or ledge.

Second. That the premises hereby granted shall be held 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 laws, customs, and decisions of courts.

Third. That in the absence of necessary legislation by Congress, the legislature of Idaho may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to its complete development.

IN TESTIMONY WHEREOF, I, Benjamin Harrison, 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 eighth day of April, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States the one hundred and fourteenth.

By the President: BENJAMIN HARRISON

By M. McKean, Secretary.

J. E. Townsend, Recorder of the General Land Office.

Recorded Vol. 100, Pages 37 to 40, inclusive.
Examined.

Filed for record at request of Mrs. Katherine A. Lewis at 3:30 o'clock P.M., April 29, 1926.

Cassie E. Russell, County Recorder.

By Geo. A. Kellogg, Deputy.

No. 59203.

PATENT.

UNITED STATES TO ISAAC I. LEWIS.

HOT SPRING LODE MINING CLAIM.

4-462.

GENERAL LAND OFFICE.

No. 29117.

MINERAL CERTIFICATE.

No. 421.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six Title Thirty-two, and legislation supplemental thereto, there have been deposited in the GENERAL LAND OFFICE of the United States the Plat and Field Notes of survey and the Certificate, No. 421, of the Register of the Land Office at Hailey, in the State of Idaho, accompanied by other evidence whereby it appears that Isaac I. Lewis did, on the twenty-third day of December, A. D. 1895, duly enter and pay for that certain mining claim or premises, known as the Hot Spring lode mining claim, designated by the Surveyor General as lot No. 1090, embracing a portion of the unsurveyed public domain, in the Warm Springs Creek Mining District, in the County of Blaine and State of Idaho, in the District of Lands subject to sale at Hailey and boundary lines of said claim as follows:

Beginning at of earth, from which a bears north fifty-six inches in diameter blaz minutes east seven feet

Thence, first bears north seventy-six sixty and eight tenths square marked 2/1090, w 525 B. the Carbon Hill L

seventy-four degrees and sections twelve and thir seven and eighteen in to north eighty degrees and three and seven tenths and marked 2/1090 B.T. b and a cottonwood tree at seven degrees west ten a

Thence, second four hundred and nine fo

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Thence, fifth four feet to corner No. 1

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Thence, seventh hundred and twenty feet

Thence, eighth Thence, ninth

thousand four hundred and beginning; said lot No. 1

eight tenths feet in len, acres and seven hundred a

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the said Isaac I. Lewis, before described, and not

the said Hot Spring vein, throughout their entire

boundary lines of said g although such veins, lode perpendicular as to exte

That the right of posses be confined to such port

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DEPARTMENT OF
WATER RESOURCES

RECEIVED

JUN 20 2005

Department of Water Resources
Southern Region

June 15, 2005

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Gentlemen:

Claim # 3712125

Water was used as far back as 1800 in Keystone Gulch. I have enclosed copies of mining documentation starting from 1894 and forward. The claims were staked and worked in 1881 and evidence of campsites and animals around the water ways has been evident, however, no family member presently exists.

Also enclosed is narrative from miner, Rupert House, having worked in this gulch since early 1950s and witnessed water and its use.

Water has been pumped by 3hp motor from ponds to irrigate surrounding trees, foliage and stock. A gravity flow system has been developed to capture water from existing water hole to irrigate garden.

Cordially,


Stella Gray

Enclosures

SCANNED

OCT 02 2006

June 15, 2005

RECEIVED

JUN 20 2005

Department of Water Resources
Southern Region

I have mined in the Keystone Gulch area since early 1950s and remember seeing water
In the streams and ponds and being used ever since that time. There continues to be water
in the ponds and is being used to date.



Rupert House

SCANNED

OCT 02 2006

igneous rock has been observed in the mine. The rock in the workings is siliceous slate with intercalated beds of limestone, standing nearly vertical and striking about N. 30° E. The limestone beds range in thickness from 2 to perhaps 20 feet. They have been far more intensely metamorphosed than either of the other types of rock. The ore is in beds that have now been converted into a lime-silicate rock composed principally of aphanitic garnet, diopside, and vesuvianite, with accessory amounts of apatite, actinolite, and tremolite and with sphalerite, chalcopryrite, and pyrite disseminated through it. There is evidence of extensive metamorphism prior to the metamorphism, but only two minor displacements in the northern part of the mine, are believed to be postmetamorphic. In many places beds of lime-silicate rock, where followed along the strike, abut against comparatively unmetamorphosed quartzite and slate. In the main tunnel a bed of lime-silicate rock has been followed southward to a point where it is cut off by a fault which is composed of three parallel planes which dip 60° N. and are locally striated. South of the fault this bed has not been recognized, a fact which seems to indicate, as the beds stand vertical and the grooves on the fault planes are vertical, that there has been postmetamorphic mineral movement along a premineral fault. This bed contains a low-grade gold ore for 100 feet or so near the portal of the main tunnel, but farther south it becomes better in grade and has been stoped for 90 feet along the level. Shipments of ore, averaging 1.6 ounces of gold to the ton, had been made from these stopes before Umpleby's visit. In the course of mining the ore about 3,000 tons of ore, averaging \$12 in gold to the ton, had been stoped. Other shoots are recognized in the mine, but none are equal in value to this one. About 1913 a small mill was erected for the concentration of the lower-grade ore, but it does not appear to have been operated more than a few years.

ELKHORN MINE

The Elkhorn mine, which is credited with a production of \$1,500,000, is 3 miles east of Ketchum on the divide between the principal forks of Elkhorn Canyon, in sec. 23, T. 4 N., R. 10 E. The mine was in a deposit that was discovered about 1849 and was an active producer until the later part of 1885, when the ore body which had been followed continuously from the surface, gave out at a vertical depth of about 300 feet. W. P. Jenney, in a report on the mine made in 1901, estimates that net returns from ore sales aggregated \$1,275,000, to which at least 20 per cent should be added for freight and deduction for treatment in order to ascertain the gross output. The entire production came from beds within 300 feet of the surface.

The production as recorded by E. Daft is given in the following table, but the data are evidently incomplete.

Production of Elkhorn mine

(From records of E. Daft)

Ore	Gold	Silver	Lead	Year	Ore	Gold	Silver	Lead
Tons	Fine ounces	Fine ounces	Pounds		Tons	Fine ounces	Fine ounces	Pounds
223.7	22,765.9	213,737	1894	2.9	0.293	308.0	3,227	
296.2	37,466.6	317,408	1895	5.3	1,336	639.6	6,642	
185.0	13,933.5	136,332	1900	5.6	2,371	1,221.8	9,261	
5.0	342.5	3,470						
2.9	245.2	2,697			1,365.9	3,200	97,404.7	898,357
6.3	457.5	5,389						

The vein is inclosed in carbonaceous slate that strikes northwest and dips steeply southwestward. It cuts obliquely across this structure, dipping 20° S. in the upper 100 feet and about 70° for the next 100 feet and thence continues nearly flat. The ore occurred in a vein as much as 200 feet long and 12 feet wide, but in the lower, horizontal part of the vein the ore is said to have been irregularly scattered along the fissure and more widely spaced as the distance from the steeply dipping part. The ore is of excellent grade, averaging 30 to 45 per cent of lead and 80 to 100 per cent of silver and about 0.2 ounce of gold to the ton.

The vein is developed by a series of tunnels that enter along the strike of the vein both from the east and the west sides of the ridge. The vein is rather steeply in the upper part and then flattens abruptly. In the flat part the vein may dip down again. There has been a considerable amount of exploration below the 300-foot or lowest productive level, but it has failed to reveal ore or a fissure definitely known to be the downward continuation of the productive one. Jenney has stated that the flat portion of the vein was filled from the steeper part and that the fissure or fissures along which the solutions rose could be found below the steeper part. In 1913, when Umpleby visited the mine, it was almost wholly inaccessible, and it has not been reopened since, so that few data bearing directly on this problem are obtainable. It is believed, however, that the idea concerning perhaps the most reasonable working hypothesis, both because of the large amount of work which has been done beneath the lower end of the nearly horizontal portion and because of the results described below.

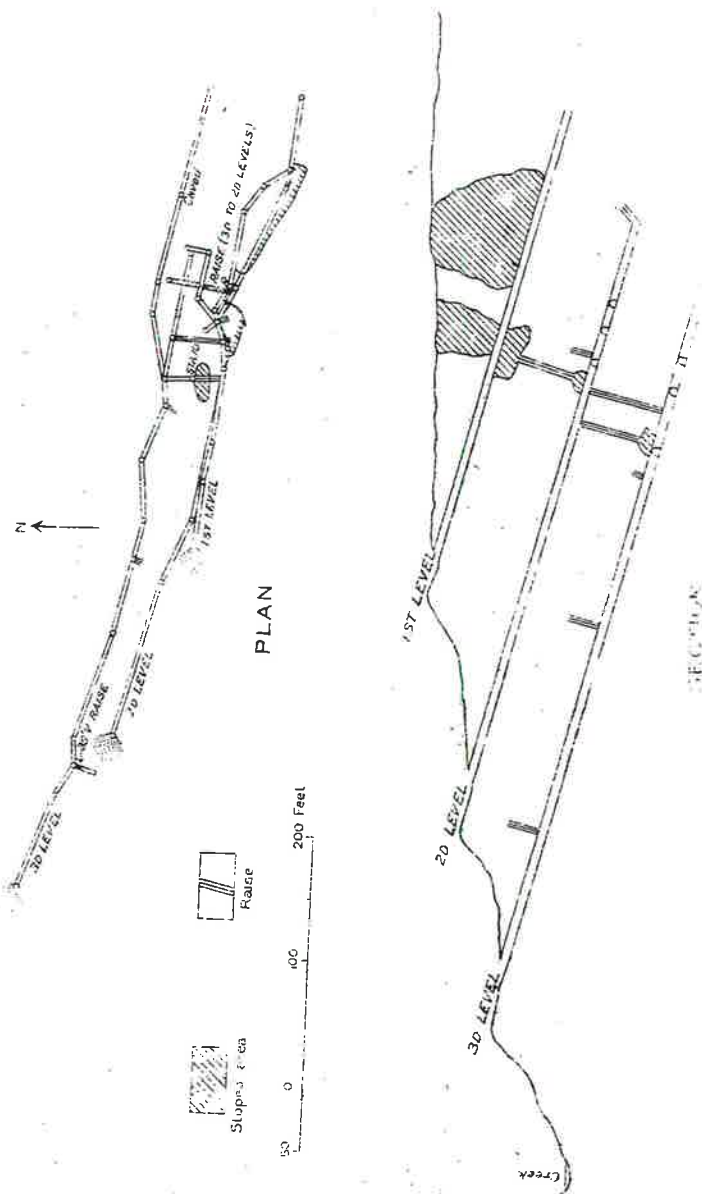
The result of this work is represented by a tunnel a short distance from the Starlight shaft. Here there is abundant evidence that a part of the vein occupies a fault along which movement has followed a N. 70° E. course. It was impossible to prove whether

communication to J. B. Umpleby.

SCANNED

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bell estimates from the size of the stopes that not more than of ore has been mined and states that little ore is exposed present workings. The tunnels and stopes accessible to be shown in Figure 9.



MINES

Production of Keystone mine

[From the records of E. Daft and the Ketchum smelter]

Year	Ore	Gold	Silver	Lead	Copper
	Tons	Fine ounces	Fine ounces	Pounds	Pounds
1907	2.7	194.5	194.5	2,443	
1908	13.2	1,179.7	1,179.7	2,773	
1909	5.2	227.20	227.20	2,886	
1910	7.6	628.3	628.3	10,835	
1911	9.0	622.8	622.8	8,687	
1912	1.1	58.3	58.3	471	
1913	1.5	160.2	160.2	1,384	230
1914	4	41.8	41.8	525	
1915	37.0	1,061.7	1,061.7	15,100	8,232
1916	31.2	920.50	920.50	5,617	4,906
Total	108.9	2,64	5,115.00	48,701	12,768

CLIMAX MINE

Climax mine is at an altitude of about 5,500 feet on the slope of Hailey Hot Springs, 2 miles southwest of Hailey, in sec. 20, B. 18 E. Since the discovery of the deposit in the early 1900s the mine has produced about \$80,000 from ore bodies within of the surface. The principal developments consist of a series of more irregular branching tunnels driven at successively points on the hillside below the original discovery. The upper tunnels are connected by raises and stopes, with drifts at intermediate levels. The total length of drifts and crosscuts is over 1,000 feet. The principal stopes and the workings immediately below them are mostly caved and inaccessible. A little work is done annually but there has not been much extensive mining for 15 years. The following table shows the available data on the production of this mine. If the estimate of total production given above is correct the data is obviously incomplete.

Production of Climax mine

[From records of E. Daft and U. S. Geological Survey]

Year	Ore	Gold	Silver	Lead	Copper
	Tons	Fine ounces	Fine ounces	Pounds	Pounds
1907	39.2	4.59	3,809.8	9,904	
1908	3.9	.21	420.4	3,815	
1909	13.2		1,307.8	19,946	
1910	9		90.9	240	
1911	8.0	.0	63.1		9,285
1912	93.0	4.0	7,097.0	103,705	69
1913	5.0		288.0	3,884	
Total	163.2	8.80	13,077.0	141,474	9,354

The mine is in black carbonaceous and limy shales of the Milligen formation which have been greatly crumpled and fractured. Much folding doubtless took place before the deposition of the ore, and there has been considerable faulting since that time. Some of

SCANNED

June 15, 2005

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Gentlemen:

Claim # 3712125

Water was used as far back as 1800 in Keystone Gulch. I have enclosed copies of mining documentation starting from 1894 and forward. The claims were staked and worked in 1881 and evidence of campsites and animals around the water ways has been evident, however, no family member presently exists.

Also enclosed is narrative from miner, Rupert House, having worked in this gulch since early 1950s and witnessed water and its use.

Water has been pumped by 3hp motor from ponds to irrigate surrounding trees, foliage and stock. A gravity flow system has been developed to capture water from existing water hole to irrigate garden.

Cordially,

Stella Gray

Enclosures

SCANNED

OCT 02 2006

37-12125

June 15, 2005

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Gentlemen

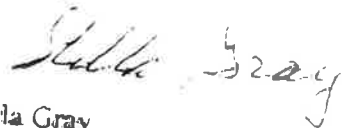
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Cordially,


Stella Gray

Enclosures

June 15, 2005

I have named in the Keyslope Gravel area since early 1950s and remember seeing water
in the stream and ponds and being used over sand that time. There continues to be water
in the ponds and is being used to date.

Rupert House

Rupert House

37-12-25

June 15, 2005

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Gentlemen

Claim # 3712125

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Cordially,


Stella Gray

Enclosures

SCANNED

APR 04 2006

June 13, 2005

I have lived in the Keystone Gash area since early 1950s and remember seeing water in the streams and ponds and being used over since that time. There continues to be water in the ponds and is being used to date.



Rupert House

Anders, Matthew

From: Anders, Matthew
Sent: Wednesday, March 29, 2006 8:03 AM
To: 'keystonestella@earthlink.net'

Ms. Gray,

I was out of the office Monday and Tuesday, when I got in this morning there was a 2-page fax from you on my desk. The first page was a letter from you dated June 15, 2005 and the second was the letter from Rupert House documenting water use since the 1950s.

In your telephone message you mentioned that you sent two pages so I am assuming I received everything you sent. Are you planning to submit the mining documentation that you mention in the June 15, 2005 letter?

Thanks for patience!!!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matthew

From: stella [keystonestella@earthlink.net]
Sent: Thursday, March 23, 2006 5:30 PM
To: Anders, Matthew
Subject: Re: water claim 37-12125

It seems curious to me that each time I submit this evidence, it gets lost or something. I will deal with this on Friday and communicate by phone also.

-----Original Message-----

From: "Anders, Matthew"
Sent: Mar 23, 2006 11:11 AM
To: keystonestella@earthlink.net
Subject: water claim 37-12125

Mrs. Gray,

When we last talked, you told me you faxed evidence of priority (by Rupert House) to the Twin Falls IDWR office on 11/21/05. Unfortunately, we either did not receive that fax or for some reason the fax was not added to the claim file. Regardless of what happened, we still need evidence of priority for your claim (37-12125).

Please send your evidence of priority directly to me at the address listed below or fax it to me at 208-287-6701. Make sure to put "Matt Anders" or "37-12125" on so it gets routed to me. Also, please let me know after you send/fax the information and I will chase it down from this end and make sure it gets into the claim file.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

3/29/2006

Anders, Matthew

From: Anders, Matthew
Sent: Thursday, March 23, 2006 11:11 AM
To: 'keystonestella@earthlink.net'
Subject: water claim 37-12125

Mrs. Gray,

When we last talked, you told me you faxed evidence of priority (by Rupert House) to the Twin Falls IDWR office on 11/21/05. Unfortunately, we either did not receive that fax or for some reason the fax was not added to the claim file. Regardless of what happened, we still need evidence of priority for your claim (37-12125).

Please send your evidence of priority directly to me at the address listed below or fax it to me at 208-287-6701. Make sure to put "Matt Anders" or "37-12125" on so it gets routed to me. Also, please let me know after you send/fax the information and I will chase it down from this end and make sure it gets into the claim file.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matt

From: Jones, Doug
Sent: Tuesday, December 06, 2005 2:49 PM
To: Anders, Matt
Subject: RE: fax

Matt,

I've looked around and can not find it, if it was put in my office.

Doug

-----Original Message-----

From: Anders, Matt
Sent: Tuesday, November 22, 2005 4:24 PM
To: Jones, Doug
Subject: FW: fax

Doug,

Stella Gray faxed evidence of priority for 37-12125 to the Southern office. Did you happen to see it?

Thanks!

Matt

-----Original Message-----

From: Christensen, Kelly
Sent: Tuesday, November 22, 2005 4:17 PM
To: Anders, Matt
Subject: RE: fax

I think Doug has it. I started to talk to him and then got interrupted. Have to check back with him to make sure.

kelly

-----Original Message-----

From: Anders, Matt
Sent: Tuesday, November 22, 2005 2:23 PM
To: Christensen, Kelly
Subject: fax

Hey Kelly,

Stella Gray faxed evidence of priority for 37-12125 to the Southern office. I'm not sure if she put anything on it to show which right it goes with. Who would I ask about locating the fax?

Thanks!

Matt

Adjudication Claim Notes

Claim(s): 37-12125

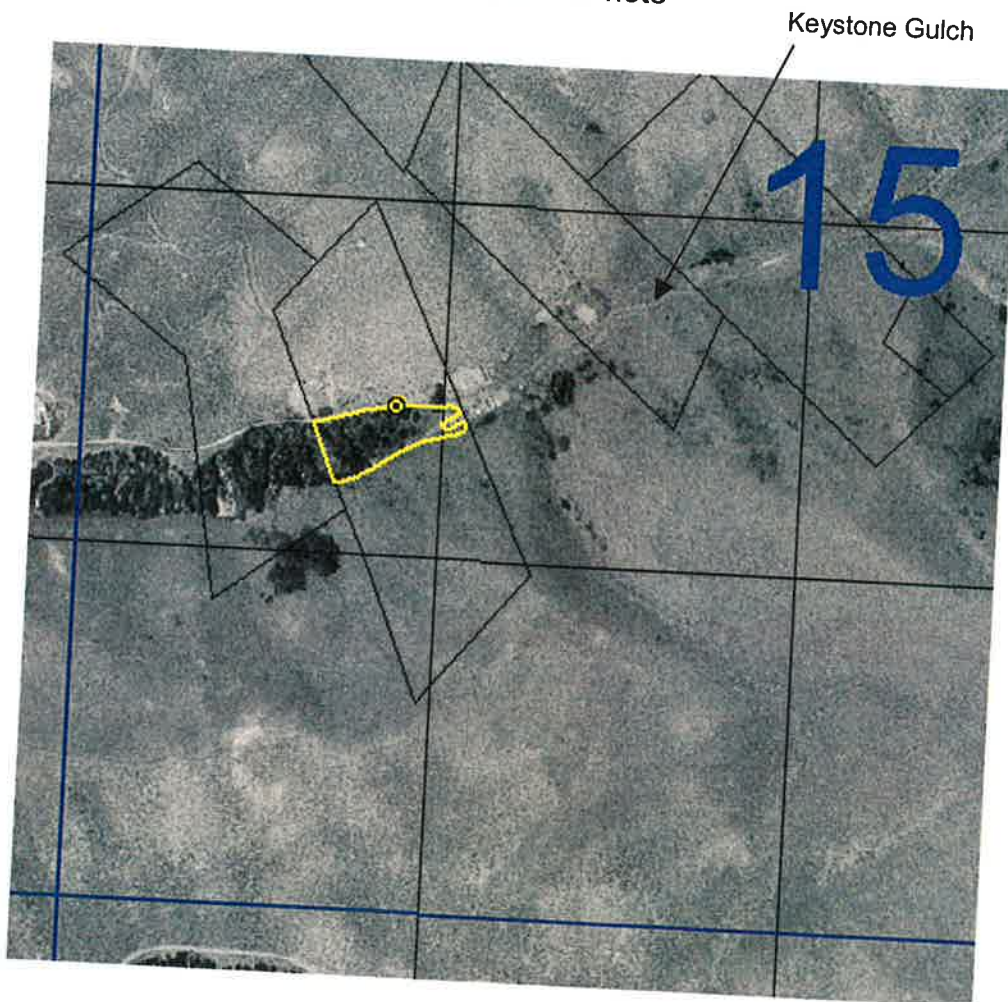
Background Data

- Beneficial Use Claim
- Source is Keystone Gulch tributary to Elkhorn Gulch
- Claimed Priority Date: September 21, 1883
- Claimed 0.04 cfs for Domestic
- Claimed 0.02 cfs for Stockwater
- Claimed 0.20 cfs for Irrigation on 5 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo





Photograph of POD taken by Lee Peterson during field exam.
 Location: 2475633 1386312
 Plate: A0016284
 Photo #: 1060677

Notes

T4N R18E Section 15

- Found 2.0 acres
- Water no longer used for Domestic
- Need evidence supporting the claimed priority date of September 21, 1883
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

4/4/06 - Talked to Mrs. Gray on telephone. The mining claim information referred to in her 6/15/2005 letter doesn't mention any water right info so she did not send it to us. Her evidence of priority is the letter we received by Rupert House. I told her she will receive a notice of error sooner or later & ~~she~~ I explained what it is.

File No.

A37-12125

Stella Gray
P.O. Box 906
Sun Valley

Elkhorn Rd. to Morning Star turn right to Keystone Rd up past a home on graveled
road to her home

8/11/05

I met with Mrs. Gray this morning and reviewed her water right file , she looked at the 1987 photo of land parcels and she marked the one belonging to her which is the Carbon Hill parcel as shown on the photo and she marked the center of this parcel where the 5 acres approx. are and a mountain on both ends. She also marked where the approx. POD is located and the two ponds, also this water is no longer used as domestic , she now has a well for domestic purposes. This spring is from the Keystone gulch drainage system. She also informed me that she has sent in a letter for proof of priority provided by Rupert House. This right is mostly used for irrigation and stock.

Description
Photo is West

GPS Name & No.
Gray 1

Position No.
2475633

USR No.
1386312

Plate No.
A0016284

Photo No.
1060677

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-12125

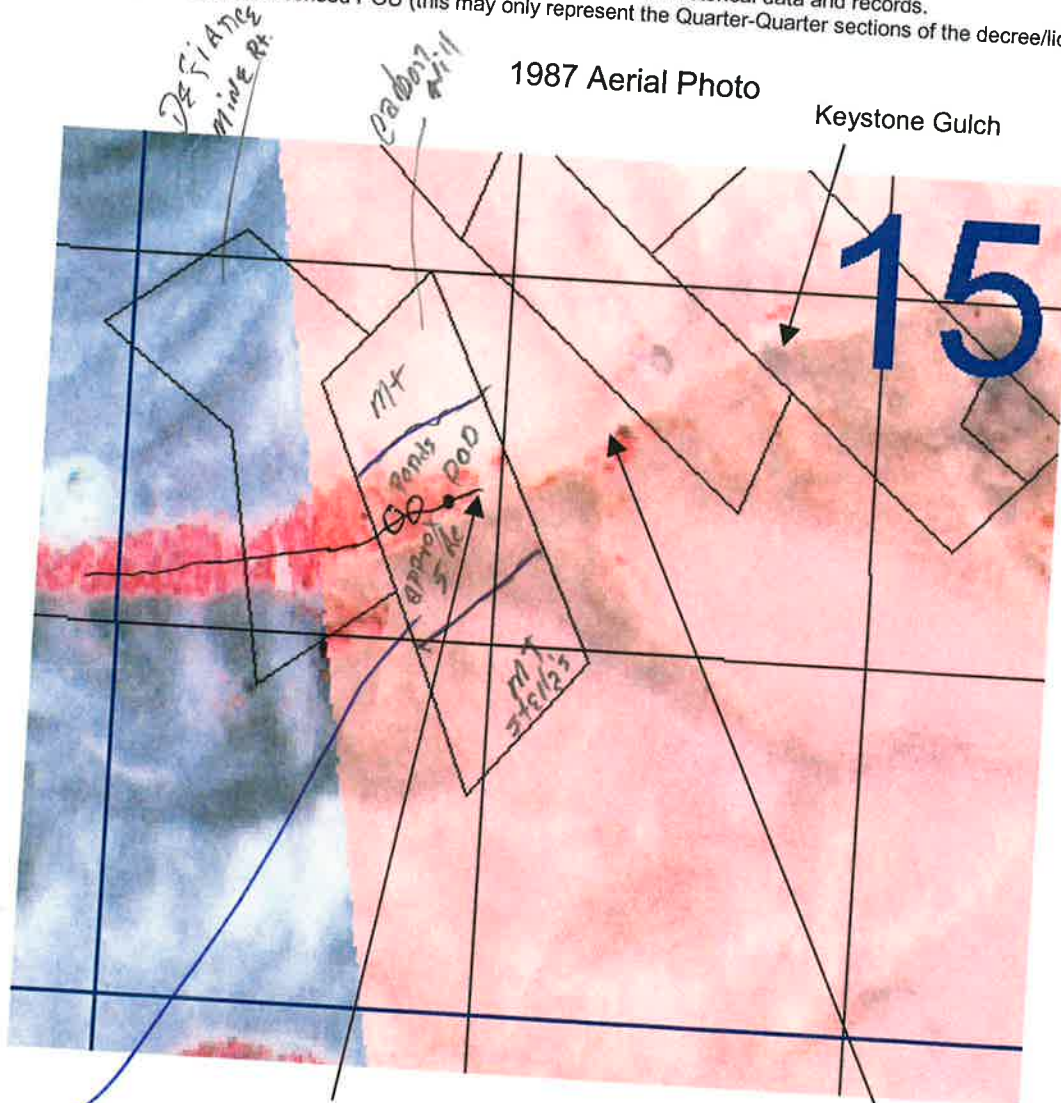
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Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Outline:

2 ponds

Irrigated land

Domestic POU

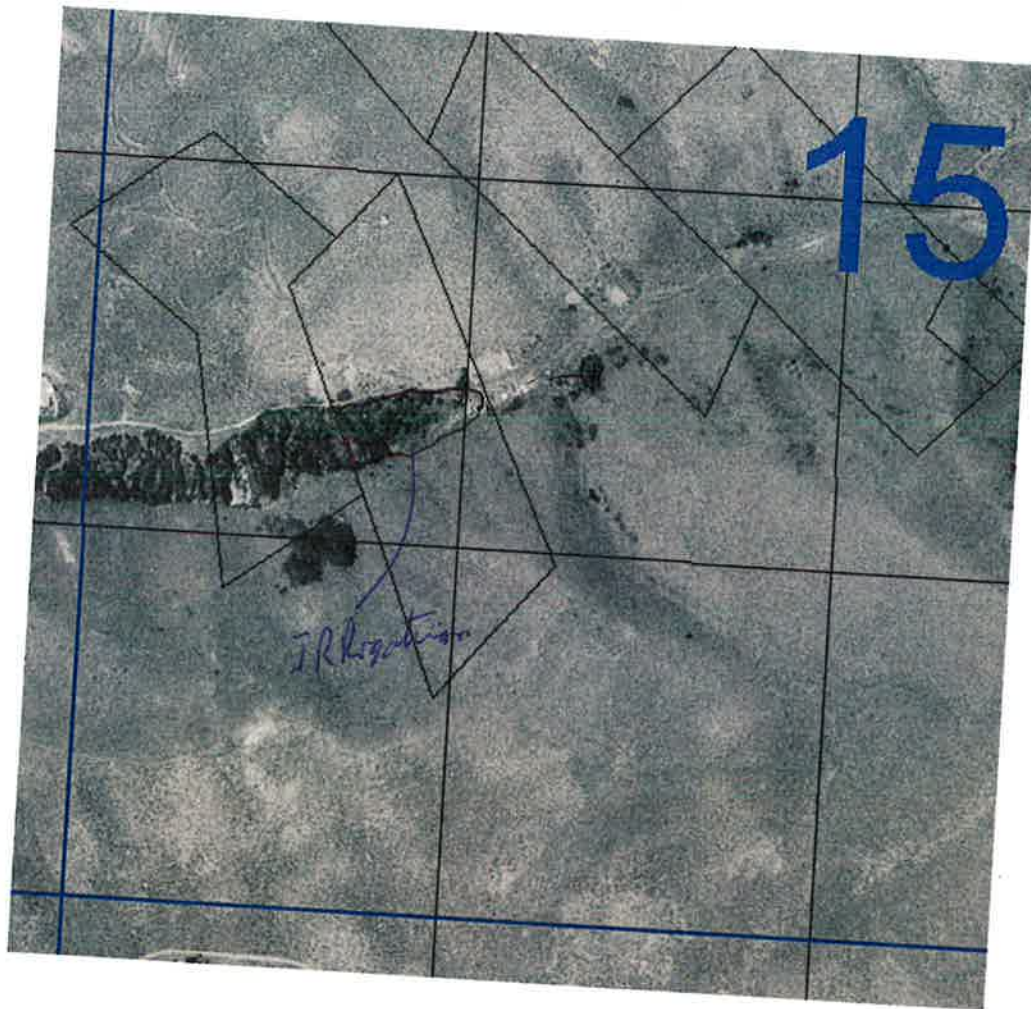
*at spring
see GPS*

*Irrigated land
13.5 acres? in
middle of parcel*

2 Ponds claimed
in this area

5 acres irrigated land
claimed in this area

1992 Aerial Photo



Notes

T4N R18E Section 15

- Outline: the 2 Ponds, Irrigated land, and Domestic POU
- What is the Domestic water used for?
- Need evidence supporting the claimed priority date of September 21, 1883
- GRS to POD? where is it?

already done
by Rupert Nason

- piped from spring to ponds
by house + sprinkler system

- irrigating uphill side behind + around
the house

- not using for domestic
- ~~not about stock water~~
- cleaning irrigation + stockwater



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 15, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

X
X
X
X

Re: Evidence of Priority

Dear Claimant:

RESPONSE DEADLINE
JUNE 17, 2005

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

CLAIMANT'S NAME

SRBA CLAIMS RECEIVING CHECKLIST

DATE RECEIVED

Gray
10-27-88

CK #

1532

CLAIM

ENT. NO.

AMOUNT \$

60-

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required)

4. Is the legal description of the p.d. sufficient?

N/A

5. Is there a description of the diverting works?

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.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

Is the consumptive use correct?

N/A

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.

N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

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.)

N/A

15. Is the basis of the claim indicated?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct?

If this claim is based on an existing water right, has the identification number been entered?

Exempt

N/A

Should this claim be receipted and data entered?

Comments:

Claim checked by:

MICHAEL MED

FEB 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 10, 1989

Ms. Stella Gray
P.O. Box 906
Sun Valley, Idaho 83353

RE: Snake River Basin Adjudication
Claim #A37-12125 - Blaine County

Dear Ms. Gray:

We are forwarding to you Receipt #C003139 in the amount of \$60.00, for the filing fees on the above-referenced claim.

Please feel free to contact this office if you have any questions.

Yours Truly,

Donald V. Shaff
Manager, Adjudication Section

DVS:BAS:mcc:south
Enclosure:
Receipt #C003139

MICROFILMED

FEB 26 1993