Protest Documentation

Apr. 19, 2006 –

Jun. 07, 2007

FOLDER

#4

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Protestant,
Samaria Water and Irrigation Company

RECEIVED
AUG 29 2006
DEPARTMENT OF
WATER RESOURCES

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274, AND 15-7275 IN THE NAME OF M. J. DAVIS MEMORIAL LIMITED PARTNERSHIP

NOTICE OF SERVICE OF DISCOVERY

COMES NOW the Protestant, Samaria Water and Irrigation Company, by and through its attorney of record, Roger D. Ling of the firm Ling, Robinson & Walker, and pursuant to the Idaho Rules of Civil Procedure hereby notifies the Court and all parties that on the date below stated, the undersigned served the original *Answers to Applicant's First Interrogatories and Responses to Requests for Production* on M. J. Davis Memorial Limited Partnership, by and through its attorney, Randall C. Budge, Esq. of the firm of Racine, Olson, Nye, Budge & Bailey, Chtd., P. O. Box 1391, Pocatello, Idaho 83204-1391 with copies to all parties.

DATED this 25th day of August, 2006.

LING, ROBINSON & WALKER

By: _____
Michael P. Tribe, Attorney for
Samaria Water and Irrigation Company

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of August, 2006, I served copies of the foregoing NOTICE OF SERVICE OF DISCOVERY upon:

Randall C. Budge
RACINE, OLSON, NYE, BUDGE & BAILEY, Chtd.
P. O. Box 1391
Pocatello, Idaho 83204-1391

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Michael W. Olson, President
Brent Clark
Dee's Incorporated
777 E. 2100 S.
Salt Lake City, Utah 84106

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Willard J. and Kay Higley
Samaria Recreation District & Cemetery
4010 S. Samaria Road
Malad, Idaho 83252

by depositing said copies in the United States mail, postage prepaid, in envelopes addressed to said parties/entities at the foregoing addresses.

_____
Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

RECEIVED
AUG 2 9 2006
DEPARTMENT OF
WATER RESOURCES

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Protestant,
Samaria Water and Irrigation Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274, AND 15-7275 IN THE NAME OF M. J. DAVIS MEMORIAL LIMITED PARTNERSHIP

ANSWERS TO APPLICANT'S FIRST INTERROGATORIES AND RESPONSES TO REQUESTS FOR PRODUCTION

COMES NOW the Protestant, Samaria Water and Irrigation Company, by and through its attorney of record, Michael P. Tribe of the firm Ling, Robinson & Walker, and pursuant to Rule 33 of the Idaho Rules of Civil Procedure, answers *Applicant's First Interrogatories and Requests for Production of Documents to Protestants* served upon it by applicant M. J. Davis Memorial Limited Partnership, as follows:

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Please set forth the name, address and phone number of each person who is providing the information to answer each respective interrogatory.

ANSWER TO INTERROGATORY NO. 1:

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

Parley Davis
5550 W. 300 N
Malad, ID 83252
208-766-4900

John Evans
5071 S. 4600 W
Samaria, Idaho 83252
208-766-2758

David Reel
5176 S 4400 W
Malad, ID 83252

Dale Price
Malad, ID 83252
208-766-4780 (home)
208-760-0784 (cell)

INTERROGATORY NO. 2: Please state the name and address of each person you intend to call as a witness at the hearing of this matter and the substance of each person's expected testimony.

ANSWER TO INTERROGATORY NO. 2:

Lynn R. Davis
1906 Serenity Dr.
St. George, Utah 84770
435-634-0335
435-946-3482 (June - September)

Mr. Davis is expected to testify regarding the historic use of the mountain shares. He is the uncle of the Applicant and was raised or near the claimed place of use, and will also testify regarding the use of water on the applicant's place of use.

Parley Davis
Malad, ID 83252
5550 W. 300 N
208-766-4900

Mr. Davis is a past water master of Samaria Water and Irrigation Company and will testify of use of the mountain shares and general practices of the District

John Evans
5071 S. 4600 W
Samaria, Idaho 83252
208-766-2758

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

Mr. Evans grew up in the area and is expected to testify of the historic of the Samaria Water and Irrigation Company's water use and the mountain shares.

Dave Higley
3188 W. Samaria Rd.
Malad, ID 83252
208-766-2569

Mr. Higley is a past president of Samaria Water and Irrigation Company and is expected to testify about the historic use of the canal and mountain shares.

John J. Roderick
No address
Malad, ID 83252

Past board member of the Samaria Water and Irrigation Company and is expected to testify regarding past historic use of the company's water shares.

David Reel
5176 S. 4400 W.
Malad City, ID 83252
(208) 766-2808

Current President of the District. Will testify about Jeff Davis' use of the water, the historic use of water on his property and policies of the Samaria Water and Irrigation Company.

Russell Sorter
5016 S. 4600 W.
Malad, ID 83252
208-766-2690

Mr. Sorter is expected to testify to the use of the mountain shares and other uses of applicant's permit application.

Doug Thorpe
785 S. 5400 W.
Malad, ID 83252
208-766-2446

Mr. Thorpe is the past president of Company and is expected to testify of historic use of the use of the waters of Samaria Water and Irrigation Company.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

Rex Waldron
1121 Rasco Dameron Rd.
Burlington, North Carolina 27217
336-421-6257

Mr. Waldron is the past owner of a portion of Mr. Davis' property and will testify as to its historic use.

Dale Price
Malad, ID 83252
208-766-4780 (home)
208-760-0784 (cell)

Mr. Price is a member of the Board of Directors for Samaria Water and Irrigation Company and will testify regarding the practices and policies of the Company.

Marylyn Holgate
4016 W. Samaria Road
Malad, ID 83252
208-

Mr. Holgate is a past president and board member of the Company and is expected to testify as to maintenance of the Company's ditch and other diversion works.

Gaylen Jones
173 W. 300 N.
Malad, ID 83252

Mr. Jones is expected to testify regarding the use of the Mountain shares and his past use of the water.

Doug Atkinson
4075 W. 4500 S.
Malad, ID 83252
208-766-4469

Mr. Atkinson has worked on the Company's ditch works and is familiar with the diversion works of the Company and its members.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

Ted Sorenson
Sorenson Engineering
5203 S. 11th E
Idaho Falls, Idaho 83404

Mr. Sorenson would testify generally regarding the Company's proposed application for preliminary Permit for hydro power.

INTERROGATORY NO. 3: Identify by name and address each and every person you intend to call as an expert at the trial of this matter and for each such person the following:

a. The scientific, technical or other specialized knowledge possessed by such person.

b. The knowledge, skill, experience, training and education which qualifies such person as an expert.

c. A brief statement summarizing the facts and data upon which the expert bases his opinion.

d. A brief statement summarizing the opinions and inferences to which the expert may testify and the reasons therefore.

ANSWER TO INTERROGATORY NO. 3:

Protestants do not intend to call an expert witness in this matter.

INTERROGATORY NO. 4: For each Protestant, please provide the following information:

a. Full name and current address;

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

b. A brief summary of your educational background and training and any expertise you may have as an engineer, hydrologist or geologist.

c. A general statement summarizing your experience in irrigating agricultural land.

ANSWER TO INTERROGATORY NO. 4:

The Protestant is Samaria Water and Irrigation Company, which is comprised of its individual members and board members.

INTERROGATORY NO. 5: Do you contend that you own water rights, which will be injured if the Applicant's Applications for Permit are approved? If your answer is yes, please answer the following for each water right you contend is injured:

a. Indicate the water right number;

b. Provide a copy of each water right or describe the priority date, quantity, point of diversion, place of use and period of use;

c. Describe precisely and in detail how each of your water rights will be injured.

d. Quantify the amount of water you claim your water right will be diminished if the Application is granted and describe precisely and in detail how you calculated each amount.

ANSWER TO INTERROGATORY NO. 5: Yes.

a. License No. 15-02074
License No. 15-02075
Water Right No. 15-00466 – Amended Claim

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

Water Right No. 15-04067 – pending before IDWR
Water Right No. 15-04068 - pending before IDWR

b. Copies of the amended and pending claim Nos. 15-00466, 15-04067 and 15-04068 are attached hereto as Exhibit "A" and incorporated herein as if fully set forth herein. Copies of License Nos. 15-02074 and 15-02075 are attached hereto as Exhibit "B" and incorporated herein as if fully set forth herein.

c. Statutory Claim Nos. 15-04066 through 15-04068 will be injured if applicant is permitted to take water out of those three springs and the fact that the water from said springs will not be able to enter protestant's canals and ditchworks if applicant takes the water unlawfully. Currently, the springs which contain cold water are used to mix with the warmer and saltier ditchwater that comes from protestant's stored rights. The stored rights are injured in the fact that if protestant is unable to use the spring water, it is forced to use more water from its storage rights which has to travel through ditchworks that are approximately three (3) miles in length. Protestant has rights to two reservoirs and that water must travel over 3 miles to the places of use. In normal years, the spring water from the 3 statutory claims are used to mix and help dilute the warm, saltier water that flows in the canal.

d. The protestant is unable at this time to exactly quantify the amount of water that will be diminished if the application is granted.

INTERROGATORY NO. 6: If any of your water rights identified in your answer to Interrogatory No. 5 above were curtailed during any irrigation season from 2001 to date, please indicate for each right and for each year:

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

a. The date the curtailment began and ended.

b. The reason for the curtailment.

c. The amount of the curtailment.

ANSWER TO INTERROGATORY NO. 6: None of the company's water rights identified in Interrogatory No. 5 were curtailed during any irrigation season from 2001 to date.

INTERROGATORY NO. 7: Please describe precisely and in detail how you believe your water rights will be injured if Applications for Permit are approved and what evidence you will present at the time of hearing to prove such injury.

ANSWER TO INTERROGATORY NO. 7: Please see Answer to Interrogatory No. 5.

INTERROGATORY NO. 8: Do you contend the approval of Applications for Permit will reduce the quantity of water available under any of your existing water rights? If you answer is yes, please describe precisely and in detail why you believe the quantity of water under existing rights will be reduced, the amount of any such reduction, and all evidence you will present at the time of trial to prove such quantity of reduction.

ANSWER TO INTERROGATORY NO. 8: Yes. Protestant's amended statutory claim Nos. 15-04066 through 15-04068 entitle the protestant to 300 inches of water out of the springs for Thomas Davis Spring, Rosebud Spring and Dry Pine Spring. If applicant is entitled to the full share claimed under its application, there would not be sufficient amount for the protestant. At this time, the evidence presented at the hearing is expected to be by oral

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

testimony of residents of Samaria and the surrounding area, and those water users who have observed the use of the water of the mountain shares. In addition, protestant intends to offer the Notice of Claim and other documents provided to the applicant.

INTERROGATORY NO. 9: Do you contend that the approval of this Application will conflict with the local public interests? If your answer is yes, please describe precisely and in detail how you believe the approval of this Application will conflict with the public interests and all evidence you will present at the time of hearing to prove such conflict.

ANSWER TO INTERROGATORY NO. 9: Yes. Protestant intends to create a fire system where it is able to store a certain amount of gallons to create a dry-hydrant system. If that system is created, the residents of Samaria will experience lower insurance rates on their homeowner policy. A majority of Samaria residents rely on Samaria Water and Irrigation Company's water and, without the Cold Water Springs to mix with the warm saltier water, the canal water is not able to grow as many crops or irrigate their laws as well. When warm water is unable to be diluted with the cold pure mountain spring, will often kill corn, sugar beets, and fruit trees and promotes the growth of unwanted grasses. Furthermore, the use of the mountain springs above Samaria prevents the further development of recreation and commerce in Samaria.

INTERROGATORY NO. 10: Do you contend that the water supply itself is insufficient for the purpose of this Application? If your answer is yes, please describe precisely and in detail why you believe the water supply itself is insufficient for the purpose of the application and all evidence you will present at the time of hearing to prove the water supply is insufficient.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

ANSWER TO INTERROGATORY NO. 10: Yes. Protestant intends to produce oral testimony of the historic flows and traditional amounts of water located in the above-mentioned springs.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which pertain to and/or which you base your answer to the above interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: See Answer to Interrogatory No. 5 above.

REQUEST FOR PRODUCTION NO. 2: Produce a copy of all documents, which you intend to present as exhibits at the time of hearing.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Attached hereto are copies of pages from the protestant's Stock Certificate book as Exhibit "C", copies of protestant's By Laws as Exhibit "D", a copy of the Articles of Incorporation of The Samaria Water and Irrigation Company as Exhibit "E", copies of the protestant's Minutes of the Board of Directors as Exhibit "F", and a copy of the plat map as Exhibit "G".

REQUEST FOR PRODUCTION NO. 3: Please produce any ASCS map or other maps or diagrams which you have available indicating the point of diversion and place of use of each of any water rights which you contend will be injured if Applicant's Applications are approved.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: None at this time.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

DATED this 25th day of August, 2006.

LING, ROBINSON & WALKER

By: _____
Michael P. Tribe
Attorneys for Protestant,
Samaria Water and Irrigation Company

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of August, 2006, I served the original *Answers to Applicant's First Interrogatories and Responses to Requests for Production* upon:

Randall C. Budge
RACINE, OLSON, NYE, BUDGE & BAILEY, Chtd.
P. O. Box 1391
Pocatello, Idaho 83204-1391

with true and correct copies served upon:

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Michael W. Olson, President
Brent Clark
Dee's Incorporated
777 E. 2100 S.
Salt Lake City, Utah 84106

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Willard J. and Kay Higley
Samaria Recreation District & Cemetery
4010 S. Samaria Road
Malad, Idaho 83252

by depositing said document in the U.S. Mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

_____
Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

EXHIBIT A

Form 243
1/03

c. 15-4066

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed**. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)

5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2828
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 3, 1893

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Thomas Davis Spring tributary to Samaria Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)		(Irrigation, Domestic, Stock, Etc.)		(Both dates inclusive) (MM/DD)		(MM/DD)
Quantity	3.0 cfs	Use	Irrigation	Period of Use From	03/01	to	10/31
Quantity	.01 cfs	Use	Stockwater	Period of Use From	05/01	to	09/01
Quantity		Use		Period of Use From		to	
Quantity		Use		Period of Use From		to	

4. 3.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW ¼ of SW ¼ of _____ ¼, Govt. Lot _____
Sec. 27 Township 15 South Range 35 East B.M., Oneida County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Diversion at spring and 3 ½ miles of open ditch used for irrigation.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle – 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below springs.

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
) ss.
County of _____)

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

David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____

My commission expires: _____

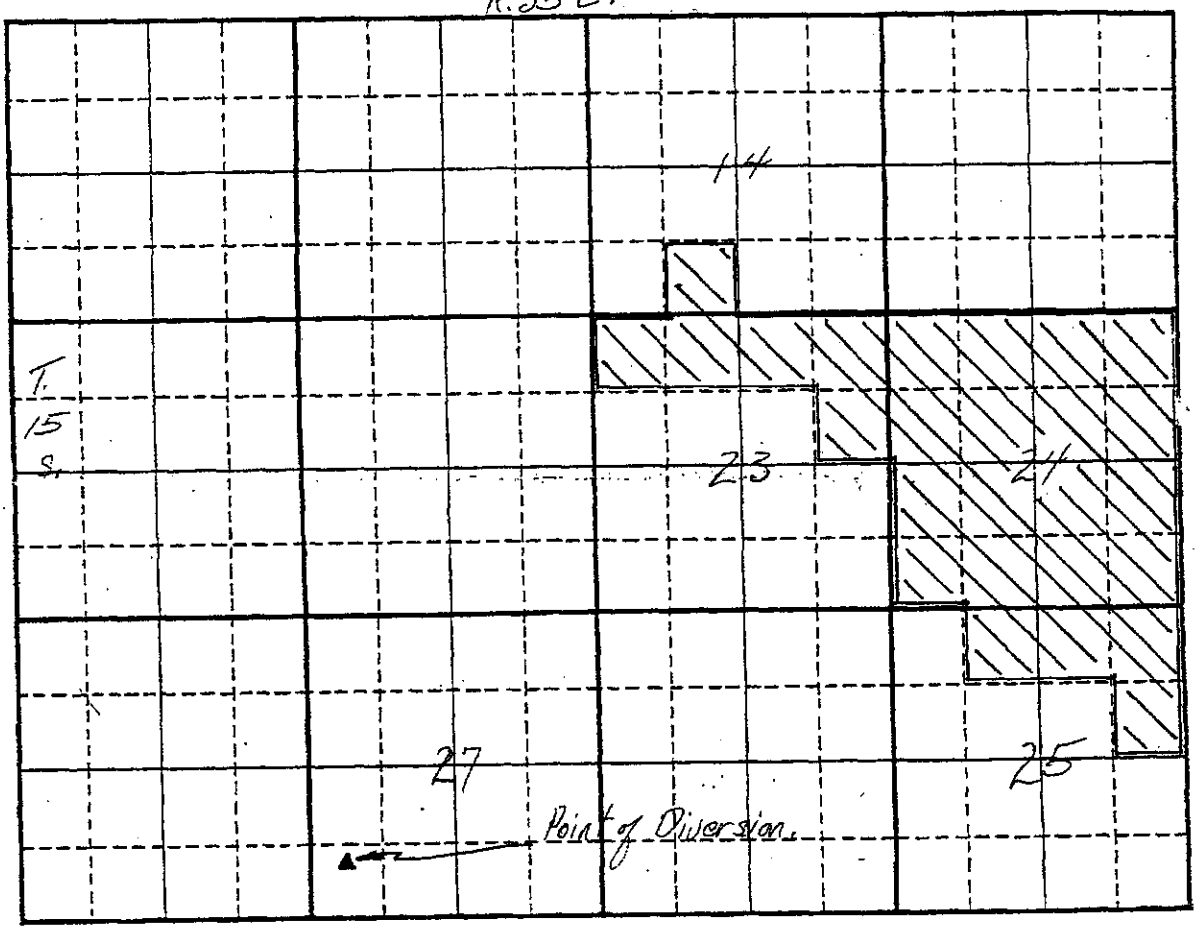
FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

(8) Remarks _____

R. 35 E.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of Oneida)

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

SAMARIA WATER & IRRIGATION CO.
David John President
(Claimant)

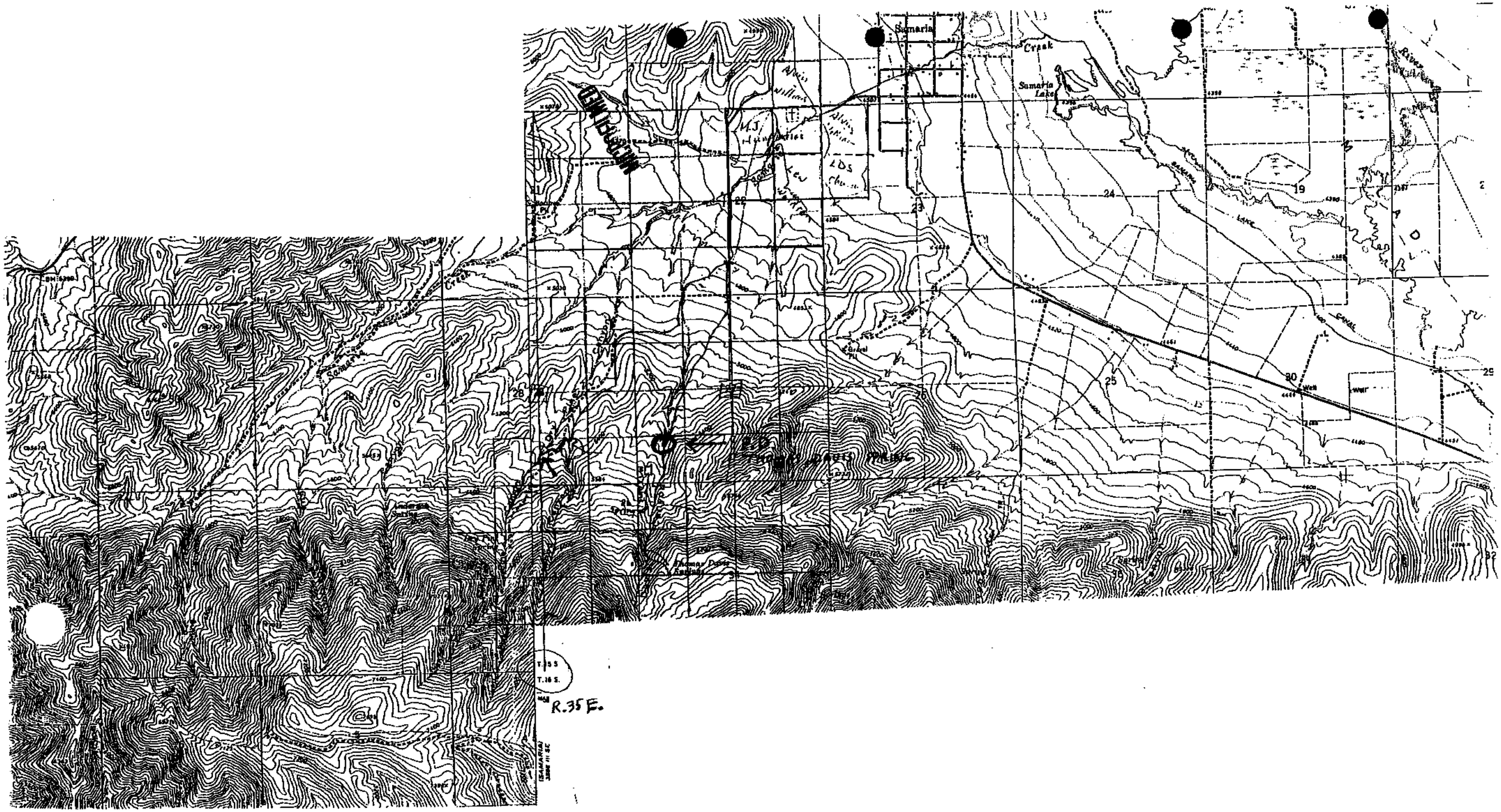
Subscribed to before me this 16th day of December, 1980.

Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by		Date 12/19/80	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	J.K.	Date 12-22-80			
$20.00 fee received by		Date 12/22/80	#16130		
Published in	Idaho Enterprise				
Dates	1/8 & 1/15/81				


Samaria
Creek
Samaria Lake
River
T.15 S.
T.16 S.
R.35 E.
(SAMARIA)

The S. & S. W. M. W. & I. Co
To
The S. W. and I. Co
} SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundred and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same water duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Daniel J. Williams
M. F.

Richard Morse
James Thomas
Daniel E. Price
M. S.

Seal
Seal
Seal
of said Company.

State of Idaho } SS.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and ninety three before me a Justice of the Peace in and for Samaria Precinct Oneida County duly commissioned and qualified, personally appeared the within named Richard Morse, Jas Thomas, Daniel C Price, David Bowen and Jeremiah A Williams, Directors of said Company named therein whose names are subscribed to the foregoing Deed of Conveyance as grantor therein, personally known to me to be the identical person mentioned in and who executed the same, and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand the day and years in this certificate first above written.

David T. Davis
Justice of the Peace
Samaria Precinct, Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 29th A.D. 1893 at 3 P.M.

C. T. Toone
Recorder of Oneida Co

2°

Notice of Water Right of James Thomas } Thomas Davis Canyon

To all whom these presents may come greeting:

Be it known that James Thomas, Richard Morse, Daniel E Price John E Price, William R. Thomas, Daniel J. Williams, Jeremiah D. Williams, William Jones, & David Bowen, of Samaria, Oneida County, Idaho do hereby publish and declare, as legal Notice to all the world.

I. That they have a legal right to the use, possession and control of and claim one hundred and fifty inches of water of Thomas Davis Canyon 2½ miles South West of Samaria in said County and State, measured under a four inch pressure and flowing at the point of diversion, which point of diversion is described as follows: at a point on the East side of said Canyon about one fourth mile below the mouth of said canyon.

II. That the special purpose for which said water is to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes. That the place of intended use, is on the lands of the appropriators herein, situated North and North East from said point of diversion and situated along the ditch conducting the water mentioned herein.

III. That we intend to divert it from said Thomas Davis Canyon by means of a ditch of the following dimensions and carries or conducts _____ inches of water from said canyon a ditch 2 feet wide and 1½ feet deep.

Witness our hands at Samaria, Idaho, July 3rd 1893.

James Thomas	William R Thomas
Richard Morse	Daniel J. Williams
Locators: Daniel E Price	Jeremiah D. Williams
John E Price	William Jones
	David Bowen

State of Idaho } ss
County of Oneida }

Richard Morse being first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing notice of appropriation and claim and the persons whose names are subscribed thereto as appropriators and claimants he knows, and also knows the contents of said instrument and that the same is true and correct.

Richard Morse.

Subscribed and sworn to before me this 3rd day of July 1893.

Seal

C. F. Stone
Ass. Circuit Court Commissioner.

State of Idaho } ss.
County of Oneida }

Daniel E Price being duly sworn says that he is one of the appropriators named herein, that the foregoing is a true copy of the notice posted at point designated therein on the 3rd day of July 1893.

Daniel E Price.

Subscribed and sworn to before me this the 3rd day of July 1893.

Seal

C. R. Evans Notary Public

Recorded at the request of Stone & Evans
July 5th 1893 at 25 minutes past 10 A.M.
C. F. [illegible] Recorder of Oneida Co.

Form 243
1/03

Claim No. 15-4067

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed**. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)

5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2828
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 3, 1893

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Rose Bud Spring tributary to Samaria Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)		(Irrigation, Domestic, Stock, Etc.)		(Both dates inclusive) (MM/DD)		(MM/DD)
Quantity	1.0 cfs	Use	Irrigation	Period of Use From	04/01	to	11/01
Quantity	.01 cfs	Use	Stockwater	Period of Use From	05/01	to	09/01
Quantity		Use		Period of Use From		to	
Quantity		Use		Period of Use From		to	

4. 1.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW ¼ of SE ¼ of ____ ¼, Govt. Lot ____
Sec. 28 Township 15 South Range 35 East B.M., Oneida County; additional points of diversion, if any: ____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Diversion at spring and 4 miles of open ditch used for irrigation.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle – 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below spring.

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
) ss.
County of _____)

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

David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____

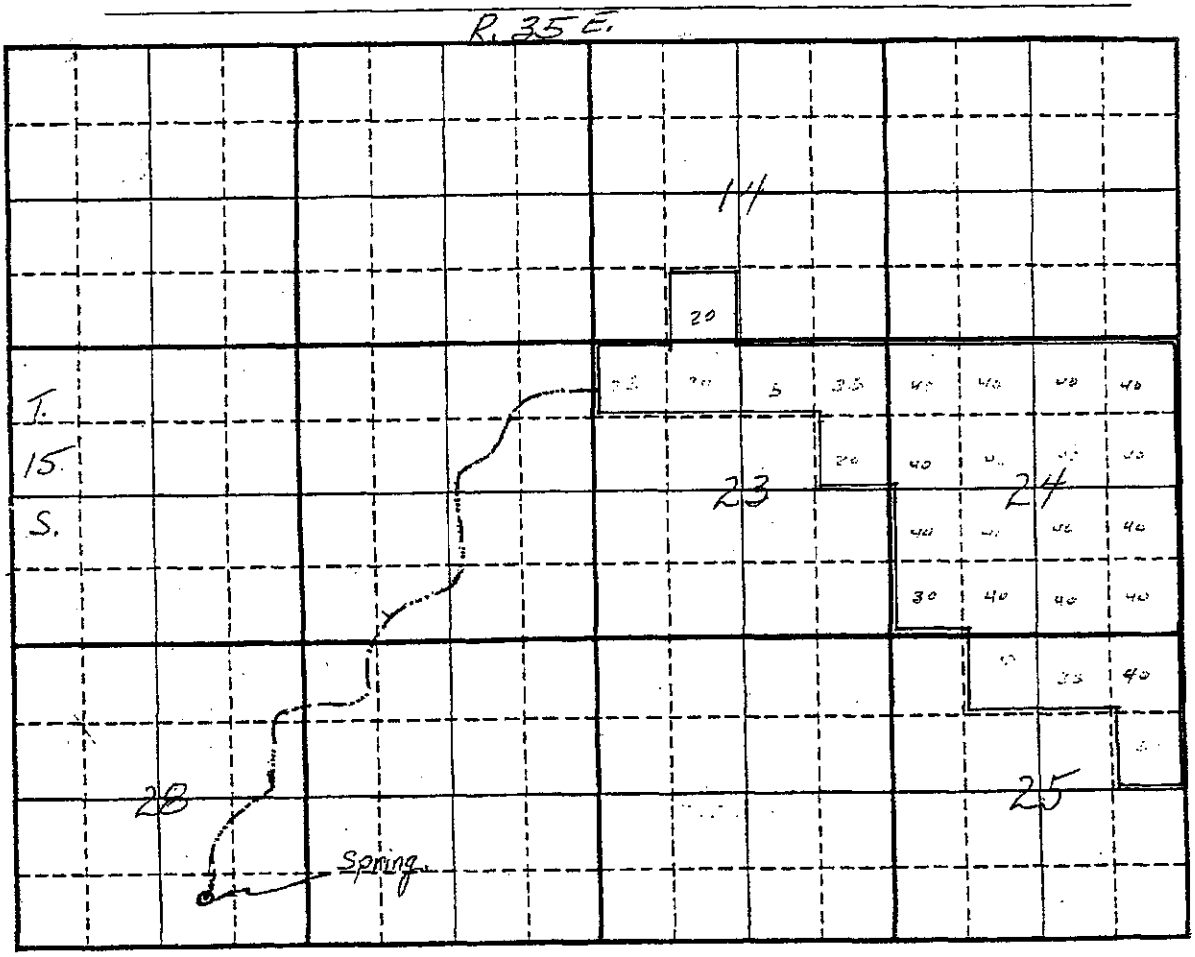
My commission expires: _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of ONEIDA)

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

SAMARIA WATER & IRRIGATION CO.

Dewey Jones President
(Claimant)

Sworn to before me this 16th day of December, 19 80.

Joan Hawkins
Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

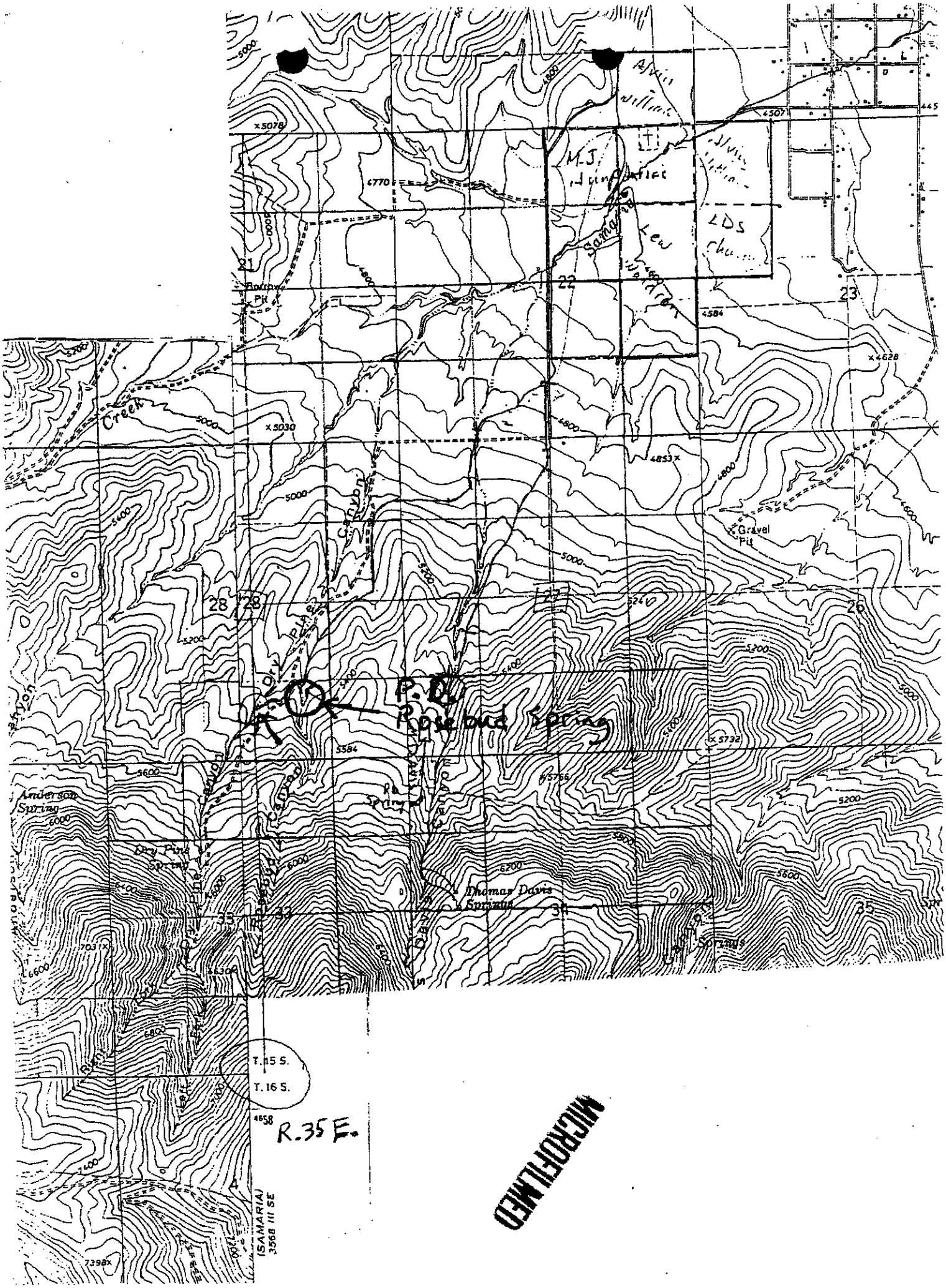
Received by [illegible] Date 12/19/80 Exception filed by: Fowarded to claimant by: Date

Prelim. check by J.K. Date 12-22-80.

$10.00 fee received by [illegible] Date 12/22/80 #16130

Published in Idaho Enterprise

Dates 1/8 1/15/81


P.D.
Rosebud Spring
Gravel Pit
Anderson Spring
Dry Pine Spring
Thomas Davis Spring
T. 15 S.
T. 16 S.
R. 35 E.
(SAMARIA) 3568 III SE
MICROFILMED

The S. & S.W. M. W. & I. Co
To
The S.W. and I. Co
} SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundred and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty Dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same water duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Daniel J. Williams
W. F. [illegible]

Richard Morse
James Thomas
Daniel E. Price
W. [illegible]

Seal
Seal
Seal

as of said Company.

State of Idaho } SS.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and ninety three before me a Justice of the Peace in and for Samaria Precinct Oneida County duly commissioned and qualified, personally appeared the within named Richard Morse, Jas Thomas, Daniel C. Price, David Bowen and Jeremiah D. Williams, Directors of said Company named therein whose names are subscribed to the foregoing Deed of Conveyance as grantor therein, personally known to me to be the identical person mentioned in and who executed the same, and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand this day and year in this certificate first above written.

David T. Davis
Justice of the Peace
Samaria Precinct, Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 24th A.D. 1893 at 33 P.M.

C. T. Toone
Recorder of Oneida Co

Notice of Water Right of James Thomas et al } Rose Brush Canyon

To whom these presents may come greeting:

Be it known that James Thomas, Daniel J. Williams, Jeremiah H. William Richard Morse, Daniel E. Price, John E. Price, William R. Thomas, William Jones and David Bowen, of Samaria, Oneida County, Idaho, do hereby publish and declare, as legal notice to all the world.

1st. That they have a legal right to the use, possession and control of and claim fifty inches of the waters of Rose Brush Canyon, 3 miles South East of Samaria in said County and State measured under a four inch pressure and flowing at the point of diversion, which point of diversion is described as follows: At a point at the mouth of said Canyon where a ditch from Dry Pine Canyon intersects the same.

2nd. That the special purpose for which said water is to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes.

That the place of intended use, is on the lands of the appropriator herein, situated North and North East from said point of diversion and situated along the ditch conducting the water mentioned herein.

3rd. That we intend to divert it from said Rose Brush Canyon by means of a ditch of the following dimensions and carries or conducts fifty inches of water from said Canyon, a ditch one foot wide and one ft deep.

Witness our hands at Samaria, Idaho, July 3 1893.

James Thomas
Richard Morse
Daniel E Price
John E Price
William R. Thomas
Daniel J Williams
Jeremiah H. Williams
William Jones
David Bowen

State of Idaho, County of Oneida } SS.

Richard Morse being first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing notice of appropriation and claim, and the persons whose names are subscribed thereto as appropriators and claimants he knows, and also knows the contents of said instrument and that the same is true and correct. Richard Morse.

Subscribed and sworn to before me this 3rd day of July, 1893.

Seal C. F. Stone, U.S. Circuit Court Commissioner.

State of Idaho, County of Oneida } SS.

Daniel E Price being duly sworn deposes and says that he is one of the appropriators named herein and that the foregoing is a full true and correct copy of the notice posted at place designated herein on the 3rd day of July 1893. Daniel E Price.

Subscribed and sworn to before me this 3rd day of July 1893. E. Evans Notary Public

Seal. Recorded at the request of Stone and Evans July 5th 1893 at 15 minutes past 10 A.M. C. T. Coons Recorder of Oneida Co

Form 243
1/03

C . No. 15-4068

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed**. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)

5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2828
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 3, 1893

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Dry Pine Canyon Springs tributary to Samaria Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity	2.0 cfs	Use Irrigation	Period of Use From 04/01	to 11/01
Quantity	.01 cfs	Use Stockwater	Period of Use From 05/01	to 09/01
Quantity		Use	Period of Use From	to
Quantity		Use	Period of Use From	to

4. 2.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW ¼ of SE ¼ of ¼, Govt. Lot
Sec. 28 Township 15 South Range 35 East B.M., Oneida County; additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Diversion at spring and 4 miles of open ditch used for irrigation.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle – 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below spring.

8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
) ss.
County of _____)

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

David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____

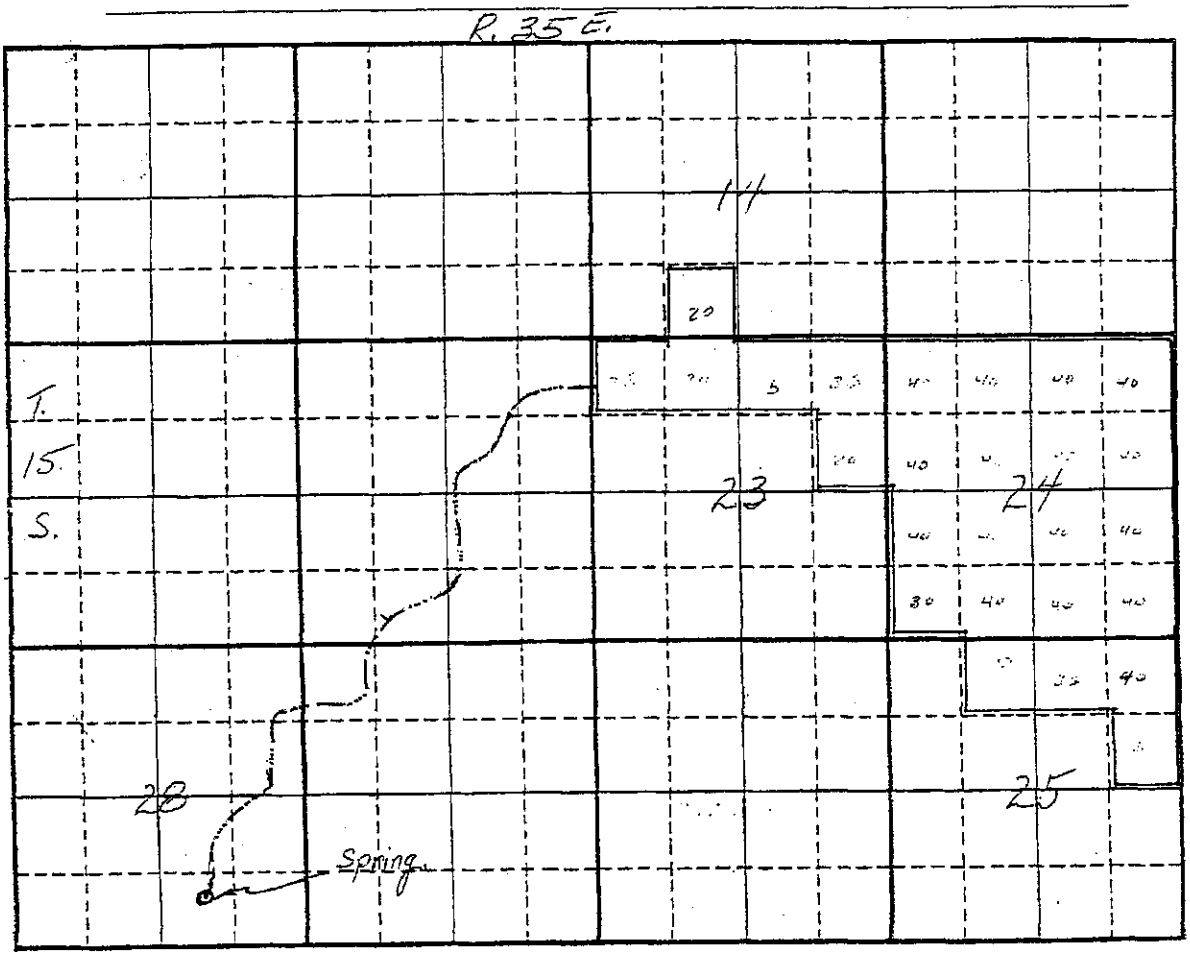
My commission expires: _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of ONEIDA)

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

SAMARIA WATER & IRRIGATION CO.
Dewey Jones President
(Claimant)

Sworn to before me this 16th day of December, 19 80.

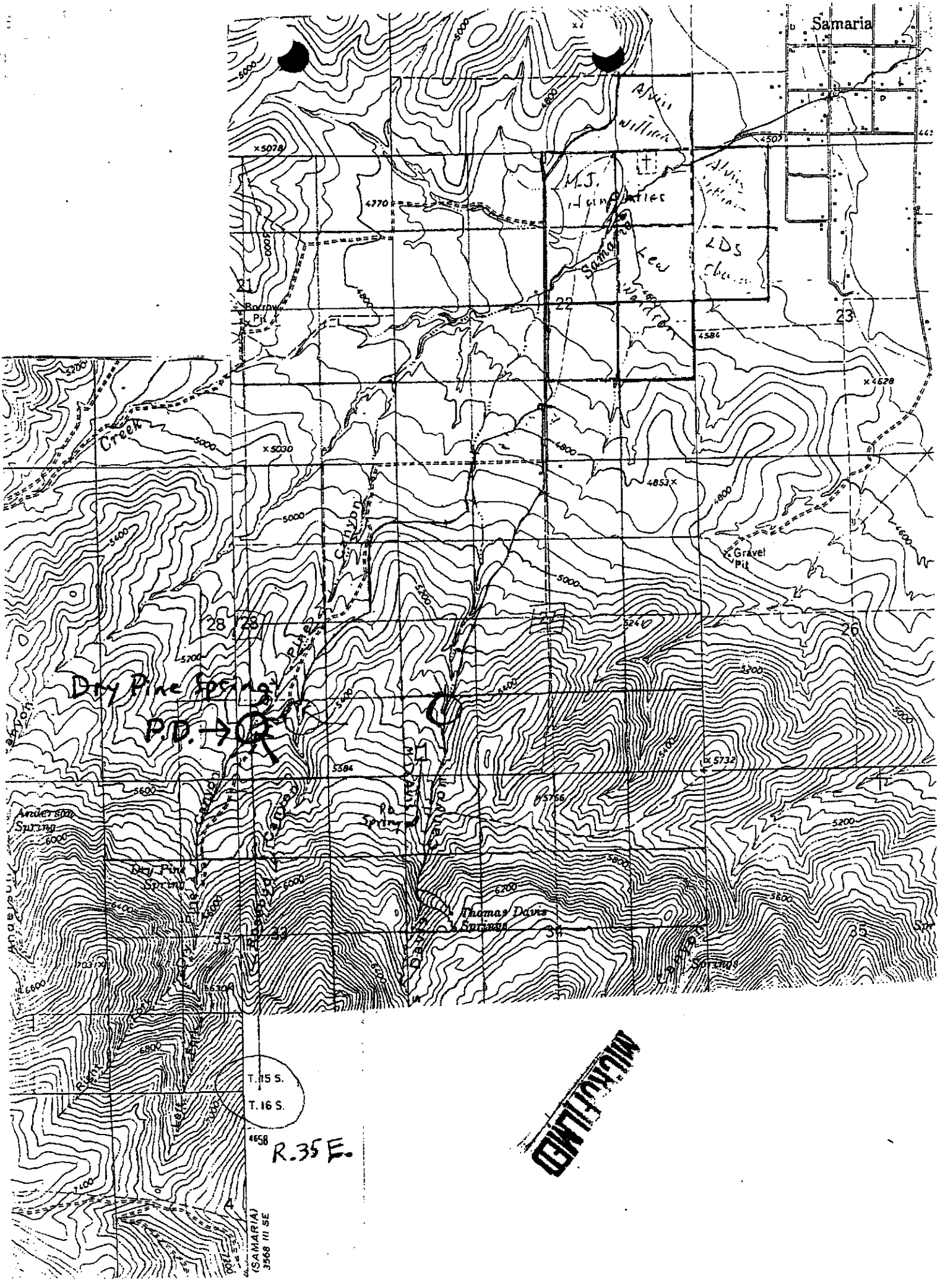
Notary Public
Residing at Malad City, Idaho

My commission expires Life

NOTARIAL SEAL

FOR DEPARTMENT USE ONLY

Received by		Date 12/19/80	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	J.K.	Date 12-22-80.			
$30.00 fee received by		Date 12/30/80	#10130		
Published in	Idaho Enterprise				
Dates	1/8 1/15/81				


Samaria
Dry Pine Spring
P.D.
Thomas Davis Spring
Gravel Pit
Borrow Pit
T. 15 S.
T. 16 S.
R. 35 E.
MILFORD 1 MILE
(SAMARIA) 3568 III SE

The S. & S. W. M. W. & I. Co
To
The S. W. and I. Co
} SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundred and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same water duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Daniel J. Williams
W. F. [illegible]

Richard Morse
James Thomas
Daniel E. Price
W. [illegible]

Seal
Seal
Seal

as of said County.

State of Idaho } SS.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and ninety three before me a Justice of the Peace in and for Samaria Precinct Oneida County duly commissioned and qualified, personally appeared the within named Richard Morse, Jas Thomas, Daniel C. Price, David Bowen and Jeremiah A. Williams, Directors of said Company named therein whose names are subscribed to the foregoing Deed of Conveyance as grantor therein, personally known to me to be the identical person mentioned in and who executed the same, and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand the day and year in this certificate first above written.

David P. Davis
Justice of the Peace
Samaria Precinct, Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 24th A.D. 1893 at 3 P.M.

C. T. Boom
Recorder of Oneida Co

19

Notice of Water Right of James Thomas et al

State of Idaho } SS
County of Oneida }

Dry Pine Canyon.

To all whom these presents may concern;

Be it known, That James Thomas, Richard Morse, David E Price, John E Price, Wm R. Thomas, Dan'l J. Williams Jeremiah A. Williams Wm Jones & David Bowen of Samaria in said County and State, do hereby publish and declare, as a legal notice to all the world. 1st. That we have a legal right to the use, possession and control of and claim One hundred inches of the waters of Dry Creek Canyon 3 miles S. Ot of Samaria in said County and State, measured under a four inch pressure, and flowing at the point of diversion, which point of diversion is described as follows: at a point 40 rods below the mouth of said Canyon on the East side of said Canyon and conducted into Rose Brush Canyon; 2nd. That the special purpose for which said water is intended to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes. That the place of intended use, is on the lands of the appropriators herein situated North and N. East from said point of diversion and situated along the ditch conducting the water herein. 3rd. That we intend to divert it from said Dry Creek Canyon by means of a ditch of the following descriptions, Two feet wide and one foot deep in size and carries or conducts 100 inches of water from said Canyon.

Witness our hands at Samaria, Idaho, this 3rd day of July 1893.

Locators: James Thomas, Richard Morse, David E Price, John E Price, Wm R Thomas, Dan'l J Williams, Jeremiah A Williams, William Jones, David Bowen

State of Idaho, County of Oneida } SS

Richard Morse having been first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing Notice and Statement of appropriation and claim and the persons whose names are subscribed thereto as the appropriators and claimants that he knows the contents of said notice and statement foregoing and that the matters and things therein stated are true. Richard Morse.

Seal

Subscribed and sworn to before me this 3rd day of July 1893.
C. F. Stone U.S. Circuit Court commissioner.

State of Idaho, County of Oneida } SS.

Daniel E Price being duly sworn says that he is one of the appropriators herein and that the foregoing instrument is a full true and correct copy of a notice by him posted at place designated therein on the 3rd day of July 1893. Daniel E Price.

Seal

Subscribed and sworn to before me this 3rd day of July 1893.
A. R. Evans Notary Public.

State of Idaho, County of Oneida } SS.

I hereby certify that this instrument was filed for record at request of Stone & Evans at 20 minutes past 10 o'clock AM, this 5th day of July A.D. 1893. at my office.

C. F. Moore
Recorder of Oneida Co

EXHIBIT B

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

08/25/2006

WATER RIGHT NO. 15-2074

Owner Type	Name and Address
Current Owner	SAMARIA WATER & IRRIGATION CO C/O DAVID EDWARDS 310 S 5800 W MALAD CITY, ID 83252-6560 (208)766-4523

Priority Date: 09/27/1937
Basis: License
Status: Active

Source	Tributary
MALAD RIVER	BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	1/01	12/31		500 AFA
IRRIGATION FROM STORAGE	4/01	10/31		500 AFA
Total Diversion			500 AFA	

Location of Point(s) of Diversion:

MALAD RIVER	SWNW	Sec. 22	Township 14S	Range 35E	ONEIDA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE ONEIDA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	A
14S	35E	22		SWNE	20		SENE	40						
				SENW	20									
				NESW	40		SWSW	10		SESW	40			
				NESE	40		NWSE	40		SWSE	40		SESE	3
		23		SWNW	40		SENW	40						
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NWSE	40		SWSE	40						
		26		NWNE	40		SWNE	40						
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
		27		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	20		SWNW	20		SENW	4
				NESW	40		NWSW	25		SWSW	25		SESW	4
				NESE	40		SESE	20						
		34		NWNE	40		SWNE	40		SENE	40			
				NENW	35		NWNW	10		SENW	25			
				NESE	40		NWSE	40		SWSE	20		SESE	4
		35		NENW	40		NWNW	10		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
		36		NWSW	40		SWSW	40		SESW	40			
				SWSE	20		SESE	20						
15S		1		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
		2		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
		3		NENE	40		SENE	40						
				NESE	30		SESE	20						
		10		NENE	15		SENE	15						
				NESE	25		SESE	10						
		11		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4

		12	NENE	40	NWNE	40							
			NENW	40	NWNW	40	SWNW	20			SENW	5	
			NESW	30	NWSW	40	SWSW	40			SESW	4	
			SWSE	30									
		13	NENE	25	NWNE	40	SWNE	40			SENE	4	
			NENW	40	NWNW	40	SWNW	40			SENW	4	
			NESW	40	NWSW	40	SWSW	40			SESW	4	
			NESE	40	NWSE	40	SWSE	40			SESE	4	
		14	NENE	40	NWNE	40	SWNE	40			SENE	4	
			NENW	40	NWNW	35	SWNW	30			SENW	4	
			NESW	30	NWSW	5	SESW	10					
			NESE	40	NWSE	40	SWSE	40			SESE	4	
		23	NENE	35	NWNE	35	SWNE	35			SENE	2	
			NESE	20	NWSE	20	SESE	15					
		24	NENE	40	NWNE	40	SWNE	40			SENE	4	
			NENW	40	NWNW	40	SWNW	40			SENW	4	
			NESW	40	NWSW	40	SWSW	30			SESW	4	
			NESE	40	NWSE	40	SWSE	40			SESE	4	
		25	NENE	40	NWNE	35	SENE	5					
			NENW	10									
	36E	30	NENW	8	NWNW	11	SWNW	31			SENW	1	
			NESW	20	SESW	20							
			NWSE	40									

Total Acres: 7110

Conditions of Approval:

1.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2.	R59	This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4.		Approval of Transfer 5276 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. The total instantaneous diversion of water from all points of diversion under Transfer 5276 shall not exceed 28.50 cfs. The right holder shall cease irrigation of 10 acres previously authorized under this right, and consolidate use of water on the remaining 7,110 acres.
5.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

6.	020	Use of water under this right may be affected by an agreement between the protestant and the right holder.

Dates:
Licensed Date: 04/11/1979
Decreed Date:
Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

08/25/2006

WATER RIGHT NO. 15-2075

Owner Type	Name and Address
Current Owner	SAMARIA WATER & IRRIGATION CO C/O DAVID EDWARDS 310 S 5800 W MALAD CITY, ID 83252-6560 (208)766-4523

Priority Date: 04/18/1947
Basis: License
Status: Active

Source	Tributary
BIG MALAD SPRING	MALAD RIVER
MALAD RIVER	BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	1/01	12/31		700 AFA
IRRIGATION FROM STORAGE	4/01	10/31		700 AFA
Total Diversion			700 AFA	

Location of Point(s) of Diversion:

MALAD RIVER	SENE	Sec. 16	Township 14S	Range 35E	ONEIDA County
BIG MALAD SPRING	SENE	Sec. 16	Township 14S	Range 35E	ONEIDA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE ONEIDA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	A
14S	35E	22		SWNE	20		SENE	40						
				SENW	20									
				NESW	40		SWSW	10		SESW	40			
				NESE	40		NWSE	40		SWSE	40		SESE	3
		23		SWNW	40		SENW	40						
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NWSE	40		SWSE	40						
		26		NWNE	40		SWNE	40						
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
		27		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	20		SWNW	20		SENW	4
				NESW	40		NWSW	25		SWSW	25		SESW	4
				NESE	40		SESE	20						
		34		NWNE	40		SWNE	40		SENE	40			
				NENW	35		NWNW	10		SENW	25			
				NESE	40		NWSE	40		SWSE	20		SESE	4
		35		NENW	40		NWNW	10		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
		36		NWSW	40		SWSW	40		SESW	40			
				SWSE	20		SESE	20						
15S		1		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
		2		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
		3		NENE	40		SENE	40						
				NESE	30		SESE	20						
		10		NENE	15		SENE	15						
				NESE	25		SESE	10						
		11		NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4

				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
			12	NENE	40		NWNE	40						
				NENW	40		NWNW	40		SWNW	20		SENW	5
				NESW	30		NWSW	40		SWSW	40		SESW	4
				SWSE	30									
			13	NENE	25		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	40		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
			14	NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	35		SWNW	30		SENW	4
				NESW	30		NWSW	5		SESW	10			
				NESE	40		NWSE	40		SWSE	40		SESE	4
			23	NENE	35		NWNE	35		SWNE	35		SENE	2
				NESE	20		NWSE	20		SESE	15			
			24	NENE	40		NWNE	40		SWNE	40		SENE	4
				NENW	40		NWNW	40		SWNW	40		SENW	4
				NESW	40		NWSW	40		SWSW	30		SESW	4
				NESE	40		NWSE	40		SWSE	40		SESE	4
			25	NENE	40		NWNE	35		SENE	5			
				NENW	10									
	36E	30		NENW	8		NWNW	11		SWNW	31		SENW	1
				NESW	20		SESW	20						
				NWSE	40									

Total Acres: 7110

Conditions of Approval:

1.	T17	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2.	R59	This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3.		Approval of Transfer 5276 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. The total instantaneous diversion of water from all points of diversion under Transfer 5276 shall not exceed 28.50 cfs. The right holder shall cease irrigation of 10 acres previously authorized under this right, and consolidate use of water on the remaining 7,110 acres.
4.	020	Use of water under this right may be affected by an agreement between the protestant and the right holder.

5.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:
Licensed Date: 07/27/1968
Decreed Date:
Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

EXHIBIT C

100 - 2 1/4

Cert Issued

2 1/4 Shares John E Blaisdell & Sons

		Dr	Cr	
April 22	1935. Two & 1/4 Shares of Lamaina Water & Irrigation Co Capital Stock $20. Per Share Bought From Esther J Carpenter One share Page 26 - cert 402	to Kenneth Blaisdell	25.00	45.00	May cert 513
April 23	1935 - 1 1/4 Shares Lamaina Water & Irrigation Co Capital Stock $20.00 Per Share Bought From Amy Olsen			25.00	Sept Cert 517
5-10	Page 83 - cert 496		45.00		

1935 Olsen Cert 518

+ 5.74/100 + 13 . 0 100 Accounted

one Share George P. Jones Dr. Cr.

May 5. 1956. one share of
cert. Jamaica Water & Irrigation Co
513 Capital Stock $20.00 Per share
Bought from Ann Martin P. 66

Sept. 15. 1956 - Sixty and 74/100 Shares
Cert of Jamaica Water & Irrigation
517 Co Capital Stock $20 Per Share 1206.74
Bought From Samuel Williams
Page 86 Received cert. 489
5 74/100 Shares Surrendered.
Cert No 513
1 Share Surrendered.

1957 6 74/100 : Total
1 one & 5 Shares of Cert 497
Cert Jamaica Water & Irrigation
518 Co Capital Stock $20. Per Share 120.0
Bought From Elva ~~Kline~~ Cert 497.
Cert No 517. Surrendered Page 94
Cert No 513. Surrendered
518 given to George P Jones for
the Amount of 8 74/100

On March 17, 1983 George P Jones
surrendered cert #518 of 8 74/100
shares of Jamaica Water & Irrigation
Capital Stock to U.S.A. Mortgage and
Loan & Hugh or Alice Marie Hugh
See page 164 of this book. 1648

1 Share Andrew W. Atkinson Dr Cr. ½ St

Sept 12 1956 One Share of Cent Lamanda Water & Irrigation $15 Co Capital Stock Per Share Brought from William A Kelly Cert 468: Page 67		20.00	St. Cert. 528
			6/11/

Surrendered

...n.	~~Rachel F. Williams~~ ½ Share		Dr	...ce.
10.0	Sept 3. 1959 One Half Share Cert. of Lamarion Water & Irrigation 528 Co Capital Stock at $20.00 Per Share Transfered From Cert. 410 Held by Joseph E. Williams Page 34.			10.
			10.00	
6/11/95	See pg 195 .25 to Jeff Davis pg. 194 .25 to Lynn Davis			

104 Surrendered from estate 11 June, 1995

		Dr	Cr	8 Shs ½
~~½ Shs~~	~~Mabel W Davis~~			
Sept 3. 1937	one Half Share of Lamoria Water & Irrigation Capital Stock $20.00 Par Share Transferd from cert No 410. held by Joseph E. Williams Page 34.	10.00	10	Feb 4 cert. 534 h cert. 547 Cert 621 June cert. # 631 Cert #664 Cert #729

8 1/2 = 8 1/2 + 1/2 + 1/2 = 9 1/2

Cr	8 Shares Lyman Ipsen Jr.	Dr.	Bal.
10	Feb 4 1969 8 Shares of Samaria Water & Irrigation Co Capital Stock @ $20 Per Share Transfered from Cert 534 Page 51 Book 20 - 1961		160.
534	Transfered from Cert 534 Page 51 By Lyman & Ipsen Book 20 - 1961		547
	one Half share Transfered from Page 74 - Cert no 476 Card Index		
	Cert. and Eight Shares cert 534 Page 105		80
547	Eight & 1/2 Shares of Samaria Water & Irrigation Co Capital Stock $20. Per Share		
Cert 631	1/2 share Cert. 404 from Milton & Thompson		10
	JUNE 13, 1974		
cert # 631	Bought 3/10 shares Samaria water + Irrigation Co. Capital stock $20.00 per Share from Charles E Thomas Jr. Page 96 This Ledger		
Cert #665	Lyman Ipsen Jr. Surrendered cert #547 on March 3, 1980 for 8 1/2 shares of Samaria Water & Irrigation Co. Capital stock. Transferred 6 shares to Kirk D Blaisdell. See page 150. Kept 2 1/2 shares cert #664		[redacted]
Cert #729	On Oct 15, 1990 cert #729 for 9.3 shares was transferred from Cert # 448 dated Sept 13, 1953. See pg 51.		18600

114 + 9 13/20 + 1½ = 14 1/10 | Surrendered 11-17 96

3½ Shares Stephen J Hughes

T.S. 15

		Dr	Cr
May 15 1963			
Cert no 554	Transfered From Cert no 380. 3½ Shares Capital Stock at $20.00 Per Share Favor Christoffersen		70.00
Dec 17 1968	Ruth Martin Lewis Surrendered Certificate No 469 For Nine (9) Shares of Capital Stock in Semanca Water & Irrigation Co. at $20.00 Per Share Ellen & Lewis Martin		
Cert 598	For Certificate No 598		
	To Stephen J Hughes Or Margaret J Hughes		
Cert 628	Transferred Cert no 554 for 3½ shares and Cert no 598 for 9 13/20 " " " no 445 for 1½ " surrendered the other 1½ went to David Earl Hughes		223.00
	On Nov. 17, 1996 14.65 Water shares in Semanca Water & Irr Co. Cert # 628 was transfered to: Neal or Ramona Hughes Cert # 778 for 7.0 shares and the	223.00	

May 15 1963
Cert 555.

Mar

Cert 627

1- ½a Shares Benson Neil Dr Cr. 22½

May 2	1961. one and ½a Shares of Lamaia Water and Irrigation co capital Stock at $20.00 Per Share.	22.00	22.00	7117
cut 540	Transfered from certificate no 481 held by Silas I. Anderson Page 79.			5472
May 22.	1961. one & ½a Shares of Lamaia Water and Irrigation co capital Stock $20. Per Share sold cert No 540 sold to John J Broderick. Transfered to Page 87	22.00	22.00	5416

Cert 6332

658

711

712

22 2/3 = 1 40

Name Family Spouse or Relative Page

Page 107

22.00 July 30 1961 27/40 Shares
of Samaria Water & Irrigation
Cert Co Capital Stock 20 Per Share
Issued from ..... Co. This Cert
542 Rec'd by E. K Thomas
Page 13.
Nov 20- 1961
Bought from Carl Isaacson
cert ½ Share from cert 176 of
542 Samaria Water & Irrigation Co
Surrendered Capital Stock. 20. Per Share
9-20-87 and Surrendered cert 542 and
made out to one cert of 1 share
87 and 740 ½ share from Page 74
22.00
Cert JUNE 13, 1974
632 Bought from Charles E.
Thomas, 5 Shares of Capital
stock Samaria Water &
Irrigation Co. 20cc per
share from page 96 of this Ledger.
658 Purchased from Ella Gilbert
1.0 Share - Certificate 395 in
favor of Ella Gilbert Surrendered

711 On September 20, 1987 cert #546 of
712 1 7/40 shares of Capital Stock in the
Samaria Water & Irrigation was
surrendered and new cert #711 for
1.0 share was issued to Velma Ipsan
& Cert #712 for 740 was issued to
Velma Ipsan.

Cert #730 On Oct 15, 1990 Cert #730 for 18.00

of Samaria Water & Irrigation
Cert Co Capital Stock 20 Per Share
Issued by Co. Page 3 & 5
542 Held by C. K Thomas
Page 13.

Nov 20- 1961
Bought from Carl Isaacson
Cert ½ Share from Cert 176 of
54 Samaria Water & Irrigation Co
Surrendered 9-20-87 Capital Stock 20. Per Share
and Surrender Cert 542 and
made in to one Cert of 1 Share
and 740 ½ share from Page 74

Cert JUNE 13, 1974
632 Bought from Charles E.
Thomas, 5 Shares of Capital
stock Samaria Water &
Irrigation Co. 20ea per
share from page 96 of this Ledger.
658 Purchased from Ella Gilbert
1.0 Share - Certificate 395 in
favor of Ella Gilbert Surrendered.

711 On September 20, 1987 Cert #546 of
712 17/40 shares of Capital Stock in the
Samaria Water & Irrigation was
surrendered and new Cert # 711 for
1.0 share was issued to Velma Ipsen
+ Cert #712 for 7/40 was issued to
Velma Ipsen.

Cert #730 On Oct 15, 1990 Cert-#730 for
9.3 shares was transferred from
Cert #448 dated Sept 13, 1953. see page 51
Carry forward go to page 230

108 MARTHA M. PETERSEN OR VILLET M. LEWIS. A

1 share. ~~Raymond Martin~~ all surrendered Dr Cr 1 94

Nov 9 1961	one Share of Lamaia Water and Irrigation Capital Stock at 20.00 Per Share Transferd From cert 479 Held by Joseph M. Martin Page ~~77~~ 77		20 —	Nov 9 cert 545
		20 —		
cert 749	On October 16, 1992 Raymond Martin surrendered certificate #544 for one share of Capital Stock in the Lamaia Water & Irrigation Co. to Martha M. Petersen ~~and~~ Violet M. Lewis. Replaced by cert # 749.		20 —	

On Dec. 30, 1999 Cert. 749 was Surrendered for 1 Share of stock in Lamaia Water and Irrigation. (see page 179)

May 15 1963
Cert no 554 Transfered From Cert no. 380.
3½ Shares
Capital Stock at $50.00
Per Share
Sarah Christoffersen

70.00

Dec 17 1968
Ruth Martin Lewis
Surrendered Certificate
No 469 For Nine
and ½ % of Capital
Stock in Samaria
Water & Irrigation Co.
at $20.00 Per Share
Then & Issued Martin
Cert. No 598
to Stephen J Hughes
& Margaret J Hughes

Transferred Cert no. 554 for
1 cert. 3 1/20 shares and Cert no. 598 for
9 13/20 " " no 445 for
628 1 ½ " surrendered the other 1½ and to Deed
Carl Hughes

223.00

On Nov. 17, 1996 14.65 Water
shares in Samaria Water & Irr Co.
Cert # 628 was transferred to:
Michael or Romona Hughes Cert # 778
for 7.0 shares and the remaining
7.65 going to Michael or Janice Hughes
Cert. # 778

223 00

-Lewis. Cert Surrendered

1 ¼ Shares. Martha or Russel Peterson

			Dr	Cr.
20 —	Nov 9	1961 One & one Fourth Shares of Samaria Water and Irrigation Capitol Stock at 20^00 Per Share Transferred from Cert 479. Held By Joseph O Martin Page ~~179~~ 77		25
	Cert 545			
20 —		On August 27, 1988 1 1/4 shares of Capital Stock in the Samaria Water & Irrigation Company was transferred from Martha Peterson Cert #545 to Melvin J Davis or Louise Davis Cert #711 See page 178	25 00	

Alice Lowe

548

549

Surrendered to Lessor
Section
Refer to page 132

[illegible]

549

Surrendered To
Joe Nitchie
Refer to page 132

112

All the Included

10 Shares ~~Ada Hill~~ Dallas Hill 20%

Nov 18 1962.	10 Shares of Samaria Water & Irrigation Capital Stock at $20.00 Per Share Transfered from Certificate	200.00	200.	Sept. Cert 552 May 4 Cert 556
Cert 552.	403 Issued By L. V. Waldron Page 28			
	April 24, 1965 Ada Hill Surrendered Stock Cert no 552 Transfer to Dallas Hill Stock Cert. no			
575.	575 For 10 Shares of Stock in Samaria Water & Irrigation Co Valued at 20 Per Share		$200.00	
	March 28, 1977 Dallas Hill surrendered Cert #575 to Clyde Chugg for 10 shares of stock in Samaria Water & Irrigation. Cert #646 was issued to Clyde Chugg on 3-28-77	200.00		

20¼ Shares Lavar Christoffersen and Ilea Mae Christoffersen wife

00.	Sept 15 1962	U. S. F. Mortgage		
	Cert	Transfered from Cert 380		
	552	17¼ Shares		$345.00
	May 15 1963			
	Cert	Transfed from Cert 380		
	556	3 Shares		60.00
		Capital Stock at $20.00		
		Per Share		
	February 18, 1985	Lavar Christoffersen surrendered cert #557 for 17 5/20	405.00	
		Shares of Samaria Water & Irr Co		
		Capital Stock & cert #556 for		
		3 shares of Samaria Water & Irr Co		
00.00		Capital stock to Edwin C Rives		
		See page 161		

3½ + ½ — David Clark Hughes or Clark N. Hughes

	May 15 1963		
	Cert no 555. Transferred from Cert no 380 3½ Shares Capital Stock at $20.00 per Share Laura Christofferson		70.00
70.00			
	March 2 1974		
	Cert 627 Transferred from Cert no 445 1½ shares and from Cert no 555 3½ shares.		3 a.c.
3 c.c.			

116

Lost ndured by affida't See page 176

10 Shares: ~~Cleon Hess~~
W.C.B Hess

Aug 21 1963 Cert no 559.	Transfred from Certifcate No 377 10 Shares Capital Stock at $20.00 Pa Share Samaria Water & Irrigation Co.	300.	200.00	Dec Cert 56.
Aug 13 1965	Lost Cert No. 559. Transfred From Cleon Hess To W C B Hess 10 Shares of Stock in Samaria Water & Irrigation Co By Affidavit 20. Per Share W.C. B. Hess Recived Cirtifeckte No 579.		200.00	
	On Sept. 10 1987 cert #713 for 10 Shares was issued to Federal Deposit Corporation to replace cert 579 for 10 shares which was lost. See affidavit from FDIC. See page 176.	200.00		

T. D. Jones or William J Byrd
6½ Shares

00.00	Dec 18	1963,	$130.00
	Cert no 560	Transferred from Certificate no 454 6½ Shares Capital Stock at $20. Per Share Jamaica Water & Irrigation Co.	
		Surrendered To David E Edwards Nov 30. 1971	
00.00		Refer to Page 135	

118 561 9 + 4.4 = 13.4 + 4.4 = 17.8 26.8 + 10.V 37.35 +

9 Shares ~~Walter~~ Thomas Davis (36.8) Agnes Mae Davis & Patricia Lee Davis.

Jan 8. 1964

Cert No. 561 — Transferred From Certificate No 379.

9 shares at $20.00 a share — $180.00

Capital Stock Samaria Water & Irrigation Co.

Certificate 561 Surrendered Jan 2, 1980 and Cert. 662 issued in favor of Parley O'dell Davis & Patricia L. Davis

662 — Certificate issued in favor of Parley O Davis & Patricia L. Davis. Certificate 9 561 Surrendered 9.0 Shares

#735 — On November 11, 1990 Beth Davis transferred 4.4 shares cert#735 to Patricia Lee Davis or Parley O. Davis. See page 180. — 4.4 — $8 00

#766 — On Sept. 19, 1994 Beth Davis transferred 4.4 shares Cert #766 to Patricia Lee Davis or Parley O. Davis of Capital Stock in the Samaria Water & Irrigation Co. See page 180 — 4.4 — $8 00

#830 — 10 50 shares was transferred from cert. 773 out of Pat Davis's name to Parley or Pat Davis Living Trust on Oct. 31. 2002. — 10 50 + 26.8 = 37.35

20 to page

Cert 561 Transferred From Certificate No 379.

9 shares at $20.00 a share Capital Stock Samaria Water & Irrigation Co. $180.00

Certificate 561 Surrendered Jan 2, 1980 and Cert. 662 issued in favor of Party O'dell Davis & Patricia L. Davis

662 Certificate issued in favor of Party O. Davis & Patricia L. Davis Certificate 561 Surrendered 9.0 Shares 9

#735 On November 11, 1990 Beth Davis transferred 4.4 shares cert#735 to Patricia Lee Davis or Parley O. Davis. See page 180. 4.4 $8 00

#766 On Sept. 19, 1994 Beth Davis transferred 4.4 shares Cert #766 to Patricia Lee Davis or Parley O. Davis of Capital Stock in the Samaria Water & Irrigation Co. See page 180 4.4 $8 00

#830 10½ shares was transferred from cert. 773 out of Pat Davis's name to Parley or Pat Davis Living Trust on Oct. 31, 2002. 10½ + 26.8 = 37.35 go to page?

#839 On July 17, 2002 cert. #735, 766, 562 & 662 were surrendered by Parley Davis. A new cert. #839 was issued for 26.8 shares of Samaria Water & Irrigation stock to Parley & Pat Davis Living Trust.

9 Shares Ralph R. Davis

Dr. | Cr

Jan 8. 1964 | $180.00

Cert 726.
562. Transfred From Certificates
379 and 520.
4 Shares From C. 520 and
5 Shares From Cert. 379
9 Shares of Samaria
Water & Irrigation Co.
Capital Stock of
$20.00 Per Share

Surrendered on July 17, 2002.
Cert. #562

120

½ Shares Levi M Colleen Watkins Dr. Cr. ½

June 25, 1964 $10.00
Certificate Transferred From
No 563 Cert No 551
Capital Stock in
Lamanna Water &
Irrigation Co. @ $20.00
Per Share

½ Shares Slippy T. Waldron

0.00

June 25. 1964
Certificate Transfered From
No 564. Cert No. 551
Capital Stock in
Lemon Water & Irrigation
Co of $20.00 for Share
Surrendered To Sold.
John J Roderick — $10.00.

$10.00

122

Cert surrendered

1 Share Elbert P. Sweeten

1/2

Cert Feb 25 1964		$20.00	Ce
565. Transfer From Cert			56
720 472			
Capital Stock in			
Lamar Water &			
Irrigation Co of			
$20.00 Par Share			
Certificate No. 565 for 1 share			
of capital stock surrendered			
by Elbert Sweeten to D. Gay Hanson			
11-10-75. Cert No. 644 issued	20.00		

½ Share Item Cwo.

0.00	Cert 568.	May 11, 1964 Transfered From Cert No 385 Capital Stock in Lamoine Water & Irrigation Co. of $20.00 Par Share	1000	10.0

On 12/30/99 affidavit on lost cert. #568 was surrendered and transferred to Jane & Colleen Montgomery (pg 220)

124 1/4 Sold 8 shares 2 1/4 + 2 1/4 = 4.5 all surrendered

8 + 2 1/4 Shares Roger M Facer.

Cert 567	May 11 1964 Transfered From Cert No 355. William P Capp Capital Stock of 4 $20.00 Per Share February 17 1967		160.00	
Cert No 574	Transfered From Williams H Hill To Roger M Facer For Certificate No 584 For 2 1/4 Share of Stock in Lamoine Water & Ir. Co. $20. Per Share.		45.00	
Cert No 450	Surrendered By Owner M Williams To Roger M Facer For Certificate 591 For 2 1/4 Share Of Stock in Lamoine Water & Irrigation Co $20.00 Per Share		45.00	
Oct 9. 72	Transferred of 8 shares of Capital Stock to Wendell Johnson Cert. 567 & Cert 63	160.00		
	Surrendered Cert 584 2 1/4 shares & Cert 591 2 1/4 shares (4.5) sold to Keith Blaisdell 4/1/78	90.00		

See pages 150 + 151

Thomas Owen P. Price 7+4+4=15+5=20

200	Cert	December 19, 1967		140
	571	Transfered From Cert No. 415 Nathaniel Waldron 7 Shares Capital Stock of Samaria Water & Irr. Co at $20.00 Per Share		
	Cert 597	February 12 1968 Transfered From Certificate 573 4 Shares of Capital Stock of Samaria Water & Irrigation From Ray Waldron $20. Per Share United States of America Mortgagee		80.00
5.00				
	608	October 11, 1971 Transfered from Certificate No 606 to Platt Price for 4 Shares of Capital Stock of Samaria Water & Irrigation Co $20 Per Share United States of America Mortgagee		80.00
5,00				
	cert. 680	March 8, 1982 Transferred from Cert #654 Stock Platt Price 5.0 Shares of Samaria Water & Irrigation Company		100.00

571 Issued from Cert
No 415 Nathaniel
Wildrick 7 Shares
Capital Stock of
Samaria Water & Ir. Co
Cert @ $200 Per Share
Cert 587 February 12 1968
Transfered From
Certificate 573
4 Shares of Capital
Stock of Samaria
Water & Irrigation From
Reg Waldron
$20 Per Share
United States of
America Mortgagee

608 November 11, 1971
Transfered from Certificate
No 606 to Platt
Price For 4 Shares,
of Capital Stock of
Samaria Water & Irrigation
Co $20 Per Share
United States of
America Mortgagee

Cert. 680 March 8, 1982 Transferred from
Cert #654 Sub to Platt Price 5.0 Shares
of Samaria Water & Irrigation Company
Capital Stock to United States of America,
Mortgagee from Ross Keith John
On 5-5-64- Cert # 587 & 608 were Surrendered &
Transferred to Dale W & Lynnette O. Price 9 Shares of

126 1/2 = 1

Old Ser. Issue

7½ Shares Rex P Waldron and Marie Waldron Wife

Cert 573	December 19, 1964 Transfered From Cert 394 Llewellyn Williams Capital Stock @ $2.00 Per Share		150.00	Cert 57
	February 12 1968 Transfered From Certificate 573 4 Shares to Evan P Price & Phyllis W Price Cert 587			587
	February 12 1968 Transfered From Certificate No 573 To Melvin de Lanis 2½ Shares Ser Certificate No 588.			
	February 12 1968 Rex Waldron & Marie Waldron Received Certificate No 589 For One Share From Certificate 573 United States Mortgage Company		$130.00	
Dec 17 1968	Surrendered Cert No 589 To Melvin de Lanis		$10.00	

273	Transfered From Cert		
	397 Llewellyn		
	Williams		
	Capital Stock Cert		
	$20.00 Per Share		
	February 12 1968		
	Transfered From		
	Certificate 573		
	4 Shares to Evan P		
	Price & Phyllis W Price		
	Cert 587		
	February 12 1968		
	Transfered From		
	Certificate No 573		
	To Melvin Jo Davis		
	2½ Shares		
	Con Certificate		
	No 588.		
	February 12 1968		
	Ray Waldron &		
	Marie Waldron		
	Received Certificate		
	No 589 For		
	One Share From		#30.00
	Certificate 573		
	United States Mtg		
	Corporation Mortgagee		
Dec. 17 1968	Surrendered		
	Cert No 589 To		
	Melvin Jo Davis		#10.00
	For 1 Share		
	Page		
	Out		150.00

Wm L Powell

3 1/10 Shares David W Hopkins

1.00		May 8, 1965	62.00
	Cert	Transfer From	
	577	Certificates 504-537	
		Inclusive To David	
		W. Hopkins Capital Stock	
		in Lemoin Water & 3 1/10 Shares	
		Irrigation @ 20.00 per Share	
		Sold to Wm L Powell	
		Feb-26, 1968 & Cert	
	590	no. 590 was issued	
		transfered to John W Price	
		Cert no. 629 April, 1974	

128

$1\frac{3}{10} + 1\frac{1}{2} + 2\frac{1}{2} = 5.$ — 3.0 = 2.3 − 2.3 = (

See page 171 (Continued)

all surrendered

Robert W Waldron
or Barbara Waldron

	Dr.	Cr.
December 19 1966		
Cert no 387 Was Transfred For Certificate No 583 From Rudolph J Vega To Robert W Waldron For $1\frac{3}{10}$ Shares of Stock In Sarasota Water & Irrigation Co. $20. per Share		26.00
Cert no 419 For $1\frac{1}{2}$ Shares Was transfred From William S Waldron For Certificate 596 For $1\frac{1}{2}$ Shares of Capital Stock in Sarasota Water & Irrigation $20. Per Share Certificate 419 Contains 4 Shares $1\frac{1}{2}$ to Robert $1\frac{1}{2}$ to Wayne And 1 Share to William S Waldron.		30.00
Dec 29 1972 Transferred Cert 406 for one share of water from J M Ireland (wm S waldron) and		20.00
Cert 617 Cert 595 for $1\frac{1}{2}$ shares from wayne w waldron to Certne Cert 617 transfred to Cert 618. 618 for 1 share and Cert		

Cert no 387	Was Transfred For Certificate No 583 From Rudolph I Vega To Robert W Waldron For 1 3/10 Share of Stock In Lamaina Water & Irigation Co. $30. per Share.		~~13~~ 26.00
Cert no 419	For 1½ Shares Was transfred From William S Waldron For Certificate 596 For 1½ Shares of Capital Stock in Lamaina Water & Irigation $30. Per Share Certificate 419 Contain 4 Shares 1½ to Robert 1½ to Wayne And 1 Share to William S Waldron.		$30.00
Dec 29 1972	Transferred cert 406 for one share of water from L N Ireland (wm S waldron) and		20.00
Cert 617	Cert 595 for 1½ shares from wayne w waldron to Certno		
	Cert 617 transferred to cert		
Cert 618.	618 for 1 share and cert		20.00
Cert 619.	619 for ½ share both made to the original owner Robert Waldron.		10.00
		60.00	

½ Share William A. Hill.

Feb 20 1967

$10.00

Cert No
399 Was Transfered For
Certificate No 585
From Daniel M Williams
To William A Hill
For ½ Share of Stock
In Lorraine Water & Ice Co.
$10. Per Share

130

All Surrendered

1½ Shaw Wayne W Waldron

Certificate No 419 Was
Surrendered for Certificate
595 No 595 For 1½ Shares
of Stock in Lamoin
Water & Irrigation Co at
$20.00 Per Share
From William Waldron Robert Waldron
Certificate 419 Contains
4 Shares

Dec

600

#791

#818

29 Shares Daniel K Price

	Dec 20 1968 Daniel K Price Received Cert 600 600 for 29 Shares of Stock in Samaria Water & Irrigation Co. Valued at $20.00 Per Share.	580.00
#791	On Oct. 24th, 1977 cert #791 was issued for 29 shares of capital stock in Samaria Water and Irrigation Co. to replace cert #603 which was lost.	
#818	June 4, 2001 Cert. #791 was turned in and a new cert was issued for 29 shares of Samaria Water & Irr. Co. #818 in the name of Daniel Kraft Price & Dorothy Lucille Price Revocable Trust.	580 00

132 Surrender

$13\frac{5}{8} + 13\frac{5}{8} = 27\frac{1}{4}$ Joel M. Netherton

Nov 21 1969 Certificate No 548 Was Surrendered and a New Certificate Issued to Joel M Netherton No 603 From Jane Douglass For $13\frac{5}{8}$ Shares — 27,50

Sept 11 1991 Certificate No 549 Was surrendered And a New Certificate Issued to Joel M Netherton No 607. From Margaret H Netherton For $13\frac{5}{8}$ Shares of Stock in Deschutes Water & Irrigation Co. — 27250

Cert #603 for $13\frac{5}{8}$ shares & Cert #607 for $13\frac{5}{8}$ shares surrendered of Samaria Water & Irr. Co. Capitol Stock to Edwin C Dires. See Page 161 545.00

1 Share James T. Hill

'3,50 Transfer from Page 67 20 00

Feb 11, 1970 William A Hill
Surrendered Certificate No 514
To James T Hill For
One Share of Water in
Lamania Water and Irrigation
Co Capital Stock of $2000
.60¢ For Certificate 60¢.

72 50

On December 21, 1981 James T. Hill surrendered Certificate No. 604 for one share in the Lamania Water and Irrigation Company Capital Stock which he sold to Spencer H. Atkinson or Sharon K. Atkinson. See page 162. 20 00

134

19 William E Morse

3.0

July 2, 1970 William E Morse Received Water Cert 605 Certificate 605 for 19 Shares of Samaria Water & Irrigation Co. Water Certificate 720 521 Was Surrendered By William E Morse

On Aug 8, 1993 certificate #605 was surrendered by William E. Morse for 19 shares of Samaria Water & Irrigation Co to Boyd W. Mortensen & Verla Rae Mortensen #753 17 shares
Verla M. Hill #754 1½ shares
Vernon Evans & Margaret Helen Morse Revocable Filing Trust Cert. #755 ½ share

38 0 00

Nov

Certifi
610

Certifi
#666

#835

Shares ~~David C or Wanda Edwards~~ Tim E. or Jana Lyn Edwards
~~Previous United States of America~~

November 30 1971 Certificate
#560 Was transfered
Certified for Certificate #s
610 610 To David C or
Wanda Edwards
For 6 1/2 Shares of
~~Stock~~ in the Samaria
Water & Irrigation Co
Refer page 117.

Certificate #666 On March 29, 1980 certificate #610 surrendered by ~~David C Edwards~~ for 6 1/2 shares of Samaria Water & Irrigation Co water & certificate #666 was issued to Tim E. or Jana Lyn Edwards

#835 On January 9, 2003 an affadavit of loss certificate #666 for 6.5 shares was surrendered by Jim Edwards. Three new cert. were issued as follows:
3.0 shares cert. #835 to Jim Edwards
1.5 shares cert #834 issued to Tom Southwick. (pg. 234)

All surrendered

2.0 shares cert. #833 issued to Robert Shaw. (pg. 197)
March 6, 2003
30 shares cert #835

Certificate #610 — [illegible] #610 was transferred for Certificate #610 to David E or Wanda Edwards for 6 1/2 shares of Stock in the Samaria Water & Irrigation Co. Refer page 117.

Certificate #666. On March 29, 1980 certificate #610 surrendered by David E Edwards for 6 1/2 shares of Samaria Water & Irrigation Co water & certificate #666 was issued to Tim D. or Janae Lyn Edwards

#835 On January 9, 2003 an affadavit of loss certificate #666 for 6.5 shares was surrendered by Jim Edwards. Three new cert. were issued as follows:
3.0 shares cert #835 to Jim Edwards
1.5 shares cert # 834 issued to Tom Southwick. (pg. 224)

2.0 shares cert. #833 issued to Robert Shaw. (pg. 197)

All surrendered

March 6, 2003
3.0 shares cert # 835 surrendered by Jim Edwards. Cert # 837 issued to Gary Shepherd (see page 226)

136

Surrendered May 31, 1996 to Amy Schilling

8 Shares Wendell J. Johnson

Oct 9 72 Cert no 613	Transfered from Cert no ~~549~~ 567. 8 shares Capital Stock from Roger M Facer	160 00	

On May 31, 1996 cert # 613 dated Oct 9, 1972 for 8.0 Shares of capitol stock in Samaria Water and Irrigation Company was surrendered to Amy ~~H~~ Schilling and a new cert # 776 for 8.0 was issued to the same.

446 Shares 10.0

All Surrendered

G. Paul Willie mortgaged to U.S.A.

0 00	oct 26 1973 Transferred from cert. Certne no. 503 (57.1 shares) 10 shares 624 Statement Issued		200 00
	On May 8, 1987 Cert #624 dated 10/26/73 for 10.0 shares of Samaria Water Irrigation Co: Capital Stock was surrendered by D. Paul Willie and a new Cert # 709 for 10.0 shares was issued to Henry Roderick OR DURENE B. Roderick.	200 00	

See page 175

138

1.0 + 3.84 = 4.84

~~James H. Jenkins~~

SURRENDERED 9/9/96 TO SPENCER ATKINSON (ALL SHARES)

	DB	CR	
Cert #636 for 1 share transfered from Cert 569		20 00	Cert 6
Cert #751 On April 19, 1993 Cert #710 for 3.84 shares of ~~Capital Stock~~ in the Samaria Water and Irrigation Co was surrendered by Mildred H Jenkins Family Trust to James H Jenkins. See page 99		76 80	
On Sept 9, 1996 CERTIFICATE #624 FOR (1) one SHARE AND ALSO CERTIFICATE 751 FOR 3.84 SHARES WERE SURRENDERED TO SPENCER ATKINSON. (SEE PAGE 185) Cert #777	76 80		

8 shares

Lyde W. or Roma K. Facer

Cert 640 For 8 shares of Capitol Stock - Transferred from Certs # 412 and 442 - from Moyle E Facer.

On March 13, 1998 cert. #640 for 8.0 shares was surrendered to Ted McNeely cert. # 795 pg 210

*140 7½ share - SURRENDERED

Melvin + Evelyn A. Richards

Cert# 573 surrendered by Thomas W. Richards estate - 7½ shares - To Melvin + Evelyn A. Richards - Capital stock of Samaria Water + Irrigation Co. 20.00 per share - New Cert# 634 July 17th 1974 - 150.00 Oct. 1

638

CERT #624 SURRENDERED by Melvin + Evelyn A. Richards ON Sept 22, 1981 - Capital stock of Samaria Water + Irrigation Co 20.00 per share for 7½ Shares to John W. Price OR Vera M. Price. New Cert #675 Issued September 30, 1981. See page #1 of this book. 150.00

1 share

MarJean Hansen RT 1 Preston

		Debit	CR
50 00	Oct 1 1974 Cert #501 + #502 Jane and Rachel Jenkins - surrendered		20 00
638	To MarJean Hansen - 1 share of Capital stock of Samaria water + Irrigation Co. $20.00 per share New Cert #638		
	On June 5, 1990 MarJean Hansen surrendered Cert #638 for one share in the Samaria Water + Irrigation Co. Capitol Stock To Dalew Price or Vivian Lynette Price. See pg 163	20 00	

142 1 sh. Dale R. K. R. Shipp

Cert 630	June 13, 1979 Bought 1 share of Capital stock of Samaria Water + Irrigation Co. 20¢ per share - from Charles E. Thomas Jr. Page 96 of This Ledger - all stock surrendered from Thomas -		2 00	Cert 642
Undocumented	One certificate or A Hadavid certificate of lost certificate			
638	Oct 17, 1994 - Dale R & Ruth W. Shipp transferred 1 share of Samaria Water & Irrigation ~~Co~~ ~~transferred~~ to Thomas E & Linda Flinders certificate # 761 was issued. (See page 306)			

Carl P. Willis

100	Cert 642	April 25 1975 Bought from Charles E Thomas (Cert No 503) 8 shares of Capital Stock transferred from page 96 of this Ledger.		160 00
[illegible]		Transferred to Charles E Thomas 5-7-75	160	

144

8 Charles E Thomas

all the

1 shar

May 7 1925 Transferred Cert no 642 for 8 shares from Carl Wiehe for Cert no 643 Cert no 643 for 8 shares		16000 Cert. no. 644
Surrendered certificate No. 643 for 8 shares. Certificate No 645 issued to Carl E Wiehe 8 shares See page 146	160.00	

All to rendered

1 share S. Jay Hansen

6000	Cert. No. 644	Purchased 1 share of Capital Stock of Sawaria Water & Irrigation Co. 20.00 per acre from Elbert Sweetin, pgs. 122 of this book. Nov. 10, 1975		20.00
		Surrendered Cert #644 for 1 share Sold to Marvin & Labbe. 7/13/78 See page 152	20.00	

146

all surrendered

8 shares Carl R. Nellis

10.

Cert. 645	Increased 8 shares of Capital Stock of Samaria Water & Irr Co @ 20.00 per share from Charles E Thomas, page 140 of this book. December 11, 1975		160.00	Cert No 64
	On April 17, 1984 Carl R. Nellis surrendered Cert #645 for 8 shares of Capital Stock in the Samaria Water & Irrigation Company as follows:			~~Cert No 64~~
	3.0 shares to Spencer H. Atkinson (See page 162)			
	2.5 shares to Alvin T. Nicholson (See page 65)			
	2.5 shares to Mildred H. Jenkins (See page 59)	160.00		

Surrendered

10 shares Clyde or Ruth Chugg

Cert No 646	Purchased 10 shares of capital stock of Lamaria Water & Irr Co @ $20.00 per share from Dallas Hill, page 112 of this book. March 28, 1977		200.00
~~Cert No 647~~	~~Theon Price, Personal Representative for the estate of Delonia P Price transferred 3/4 Share of Capital Stock to Merrill Price (Page 125 of this book) Certificate 604 surrendered this date August 3, 1977~~		
	On June 21, 1990 Surrendered Cert #646 for 10 shares of Lamaria Water & Irrigation Co. Capital stock to Spencer H Atkinson and/or Sharon B Atkinson. ~~See page 162~~	200 00	

3¼ Shares Merrill Price

Cert. 647	Certificate 609 issued Nov. 11, 1971 surrendered August 3, 1977 - Theon Price, Personal representative for the Delonia Price estate, transferred 3¼ shares of Capital Stock to Merrill Price. Cert. 647 issued to Merrill Price 8/3/77 - See Pg. 18		4500

5.0

McKinley Jenkins -5- Shares

Cert. 648 — Certificate 471 issued Oct 29, 1953 Surrendered Nov. 14, 1977 - Venna Jenkins personal representative for the Cassie Jenkins estate requested transfer to the McKinley Jenkins estate - Venna Jenkins personal representative — Cert. 648 issued Nov. 16th, 1977 5.0 shares. — 500 — 100 00

Cert 649 Cert. 474 is ~~sued~~ Oct. 29, 1953 to G.L. Jenkins Surrendered. Cert 649 issued to William C Jenkins 5.0 shares — Return to Book 72

On August 5, 1981 Cert 648 for 5.0 shares surrendered. See page 154. — 100 00

Cert surrendered

200

8.0 Shares Amy Schilling 7.0

Cert # 776

On May 31, 1996 cert # 613 for 8.0 shares of Samaria Water and Irrigation was surrendered by Wendell J. Johnson (pg. 136). A new cert # 776 was issued to Amy Schilling for 8.0 Shares of Samaria Water & Irrigation.

160 cc Cert. 778

7.0 Shares Neal or Ramona Hughes

			Dr	Cr.
60 00	Cert # 778	On November 17, 1996 Cert. #628 for 14.65 Shares was surrendered by Stephen J. Hughes or Margaret Hughes pg. 114 a new Cert. was issued # 778 for 7.0 Shares. The remaining 7.65 Shares issued to Michael or Janice Hughes Cert. # 779.		140 00

7.65 Shares Michael Hughes

		Dr	Cr.	
Cert# 779	On November 17, 1996 cert.#628 for 14.65 Shares of Samaria Water and Irrigation was surrendered by Stephen Jr. & Margaret Hughes pg. 114. A new cert. #779 was issued for 7.65 shares to Michael Hughes and the remaining 7.0 Shares cert #778 issued to Nealer Ramona Hughes		153 00	Cert.#

Cert. Durrenberger

57.5 Shares — Holgate Enterprises Inc.

Dr.		Dr	Cr.
	Cert. # 780 On Feb 10, 1997 cert # 719 for 57.5 Shares of Samaria Water & Irr. was surrendered by Edwin C. Dixon & Nadean Dixon pg. 161. A new cert. # 780 was issued for 57.5 Shares to Holgate Enterprises Inc.		1150 00
3 00	On March March 11, 1998 cert # 780 for 57.5 shares was surrendered ~~by Holgate Ent. Inc.~~ to Dees, Inc. c/o Mike Dees cert. 793 pg 209.		

204

All Surrendered

10 shares Lynn D. Messenger / Debbie M. Messenger

2.

Lewis Waldron Estate ~~Cert # 748~~ sold to Lynn and Debbie Messenger on 4-20-97. Certificate # 781 was issued and mailed to Lynn & Debbie Messenger. see page 11.

200.00

#782

Nov 6. 2003
Lynn D & Debbie Messenger Surrendered Cert # 781 for 10 shares of Samaria water & Irrigation. To Joseph T Schow & Carolyn E. Schow. see page 227

#782

2.6
~~2.4~~ Rodney and Sherry Wanggard

0.00	#782	Certificate # 675 for 7.5 shares and cert. # 722 for 14.1 shares of Lamanai Wat. and Irrigation Co. was surrendered by John W. Pitts and Una M. Pitts to Rodney & Sherry Wanggard. It was replaced with cert. # #782 for 21.6 shares. See pg. 1.	4320.
	#788	Rodney and Sherry Wanggard sold 19.0 shares of Lamanai Water and Irrigation to the following: Thomas & Linda Flores 2.0 shares cert. # 783 Jon & Marcene Williams 8.0 shares cert. 784 Don & Carlean Tubbs 5.0 shares cert. 785 Emma Louise Davis 4.0 shares cert. 787 A new certificate #788 was issued to Rodney and Sherry Wanggard for 2.6 shares of Stock in Lamanai Water and Irrigation Co.	5200 2.4

206 Josh and/or Natalie Paskett

3.0
~~2.0~~ ~~Thomas E. / Linda F. Flinders~~ 2.0

=783 On July 17, 1997 2.0 shares of Samaria Water & Irrigation Co stock was surrendered by Rodney and Sherry Wangsgard cert# 782. A new cert. # 783 was issued to Thomas E. or Linda Flinders. See pg. 205 —Undocumented— Oct 17, 1994 - no stock certificate surrendered. No affadavit of lost stock. 1 share of Samaria Water & Irrigation was transferred from Dale R. Shipp & Ruth W. Shipp. To Thomas E. & Linda Flinders. Certificate #781 was issued see page 192

$0 00 #789

21 00

On Dec 21, 2005 Cert # 761 for 1 share was surrendered and affadavit for lost cert # 783 and deficient for 2 shares was accepted 3.0 shares of SWI stock was transferred to Josh and/or Natalie Paskett. Cert # 875 was issued.

875

2.0 Rula J. Thomas all surrendered

#789 John and Charlotte Nielsen surrendered cert. # 699 for 2.0 shares of water to Rula J. Thomas. A new water certificate was issued #789 to Rula J. Thomas for 2.0 shares of stock in Samaria Water and Irrigation Co. see pg. 172

June 29, 1994

On March 30, 2005 cert #789 was surrendered & a new cert #863 was issued to JoAnn Jensen Trust. see pg. 242
All surrendered

208

5.0 David R and Mary Ann Reed

#790 On Oct. 28 1997 two shares of water of the Banana Dr and Water Company were transferred from cert # ~~1084~~ 725 owned by Don and Carlean Tubbs to David and MaryAnn Reed. A certificate was issued to David and MaryAnn Reed for 2 shares of water - cert. #790. on pg 179

801 ~~On~~ June 11, 1998 cert. #801 for 3 shares of water was issued to David and Mary Ann Reed. Shares were sold by Don Tubbs and transfered from cert. # 785

40 00 cert 7

#805

848

5.00 62.5 - .7 = 5.3
57.5

Dees, Inc. c/o Mike Olsen

			Debit	Credit
0 00	cert. 793	On March 11, 1998 cert# 780 for 575 shares of Samaria Water & Irrigation stock was surrendered by Holgate Enterprises, Inc. pg. 203. A new cert. # 793 was issued to Dees, Inc. c/o Mike Olsen		1150 00
	#805	Cert #802 for 5 shares of Samaria Water & Irrigation was surrendered by Carl & Carol Dawn Willis. A new cert. # 805 was issued on 9/9/98 to Dees Inc.		100 00
	846	On March 4. 2004 cert # 793 for 57.5 shares of Samaria Water & Irrigation stock was surrendered by Dees Inc. 57 shares were transferred to Alfred Morgan Cert # 846 and sup pg 233 0.5 shares were returned to Dees Inc. cert # 846		

8.0 Sid McNeely
1233 E. 2450 S.

		Debit	credit	
#795	On March 13, 1998 cert. #640 was surrendered by Lyle Facer for 8.0 shares of Samania Water & Irigation Stock. (pg. 139) A new ~~~~ certificate #795 was issued to Sid McNeely		160 00	#7
#804	Certificate #795 for 8.0 shares Samania Water & Irrigation was transferred to Smith & Barney, Inc. on 7/31/98			
#806	Certificate #804 was surrendered by Smith & Barney, Inc on April 13, 1999 and transferred back to Sid McNeely as cert. #806			
#806	April 23, 2006 #806 was surrendered for 8 shares of S.W & I Stock. See pg. 246 transferred to Andrew Bybee			

t		10.0 Keith Harrow	Debit	Credit
0 00	#797	On March 19th 1998 cert. #725 was surrendered by Don W. Tubbs for 10 shares. A new cert. #797 was issued to Keith Harrow for 10 shares of Stock in Samaria Water & Irrigation with remaining. 1 shares in Don Tubbs name. See page 179		10 00

all surrendered

7 24/100 Thomas and Julie Close

		Debit	Credit	Sys
#798	On March 20, 1998 cert. 686 for 8 24/100 shares of stock in Samaria Water & Irrigation Co was surrendered by Dave & Marie Higley. A new cert. #798 was issued to Thomas & Julie Close for 7 24/100 shares. The remaining 1.0 share stayed in Dave & Marie Higleys name. (see pg. 164)		144 80	
	On March 6, 2000 cert. 795 for 7 24/100 shares of capital stock in Samaria Water and Irrigation was surrendered. A new cert. # 811 was issued to Roger & Paula Bradford for 7 24/100. (pg 216)	144 80		

Syd McNeely
233 E. 24508

8.0

Smith Barney Inc.
333 W. 34th St 3rd Fl.
New York NY 10001

80

Syd McNeely transferred from Jerry Bush
8.0 shares on April 13, 1999.

214 5.0 2.5 7.5

5.0 Lin Higley

#814 Nov 16, 2000 2.0 shares of capital stock in Samaria Water & Irrigation was issued to Lin Higley transferred from cert. #752 in the Clyde and Ruth Chrisp Family Trust. (pg 188)

40 #82

82K

#816 On March 23, 2001 cert# 765 for 3 shares of capital stock was surrendered by Lin or Debra Higley. A new cert was issued for 3 shares of capital stock in Samaria Water & Irrigation to Lin Higley.

60

#860 On November 21, 2005 cert # 874 was issued to Lin Higley for 2.5 shares of Samaria Water & Irrigation Stock. See pg 9

3 9/10 Anton H. and W. Neil Jensen

	# 823	On May 15, 2002 a certificate was issued for 9/10 shares of capital stock in the Samaria Water & Irrigation Co ~~[illegible]~~ transferred from cert #815 of (pg. 185) the Clyde & Ruth Chung Family Trust.	18
	824	On June 14, 2012 certificate #824 was surrendered and a new certificate was issued for 3 shares of Samaria Water and Irrigation Stock to Neil and Anton Jensen. (See page 180)	

216

3 1/10

Jack Noyes

~~Gaylon Jones~~

Cert 812	Certificate #812 for 3.6 shares of capital stock was transferred from Cert. # 592 Clifford & Ursula Mansfield and issued to Gaylon Jones on Sept. 6 2000. (pg 80)	62	#825

	9.25	Shawn E Blaisdell & Rebecca L Blaisdell	United States of America	Mortgage

2	#325	On May 15, 2002 9.25 shares of capital stock of Lamaia Water and Irrigation was issued to Shawn & Rebecca Blaisdell. 5.75 shares were transferred from cert. # 817 (pg. 81) and 3.5 were transferred from Nolan T. Blaisdell cert. # 484. (pg. 82)		185

7 24/100	Roger D. & Paula W. Bradford	Debit	Credit	1.0
#811	On March 6, 2000 cert. # 798 for 7 24/100 shares of stock in Sunaria Water and [illegible] was surrendered by Thomas and Julie Close. (pg. 212) A new cert # 811 was issued for 7 24/100 to Roger D. and Paula Bradford.		14480	#809

			Debit	Credit
	1.0 Dalene Scothern			
4 80	#809	On 12/30/99 Cert. 757 for 1 share water in Samaria Water & Irrigation was surrendered by Albert & Odell Jones. Cert. #809 was issued to Dalene Scothern for 1 share of water in Samaria Water & Irrigation Co.		20 00

220

.5 Frank & Colleen Montgomery 3
92 N. 150 E. Heber

#810	An affidavit for Not Cert. #568 ~~to~~ ~~of~~ for ½ share of water of Daniels Water Co. was awarded by David Curtis. Cert. new cert. #810 was issued to Frank & Colleen Montgomery.		10 00	#820

3.0-1 ~~3.0-1~~ 2.0 - 2. ~~0~~

3.0-1 Wade Christopherson

0.00 #820 On April 4, 2002 60
3.0 shares of capital stock of
Sumania ~~Stock~~ Water & Irrigation
were Transferred from cert # 813
to the name of Wade
Christopherson cert. # 820
(see pg 80)

All surrendered

On April 4, 2004 3.0
Cert # 820 was surrendered.
A new cert # 853 was
issued to Cis/and/or Destiny
Baggess for 1.0/share
Cert # 854 was issued to Wade
Christopherson for 2.0 shares
see pg 238

On. Oct 26. 2004 cert # 854
was surrendered for 2.0 shares
Sold to. A new cert # 859 was
issued to Marvin Berry See pg. 241

222

1.0 Annice & Gary Baker

#321	On April 4, 2022 1.0 share of Capital Stk of Lamaia Water & Irrigation was transferred from cert #88 to cert. #321 in the name of Annice & Gary Baker. (pg 80)	20	832

Russell Wright 2.0 shares

0	832	Cert. #831 ~~was~~ for 2 shares of water was surrendered by Roy Brown. A new certificate #832 was issued for 2 shares of water in the Samaria Water & Irrigation Co. to Russel Wright on December 19, 2002. (see pg 198)		40

224

15

Tom Southwick 1.5 shares

834

On January 9, 2003 1.5 shares of stock in the Samsaia Water & Irrigation Co. was surrendered by Jim Edwards cert. #666 (pg. 135) A new cert. #834 was issued for 1.5 shares of stock to Tom Southwick.

30

Cert #'s

15.15

Douglas S and/or Kathleen L. Atkinson

Cert #836	On March 5, 2013 15.15 shares of stock in the Samara Water & Irrigation Co was surrendered by Spencer R & Sharon K Atkinson. Cert # 726 (see pg 185) a new certificate # 836 was issued for 15.15 shares of stock to Douglas S & /or Kathleen L. Atkinson	315.00

226 3.C

20

Mary Shipherd

† 837	On March 6, 2003 3 Shares of Samiria Water & Irrigation Co. was surrended by Jim Edwards. Cert # 835. A new cert # 837 was issued to Mary Shipherd for 3 Shares	6000	Cert #

20.0

Seth D. & Lorinda Seamons

00	Cert #838 On April 2. 2003 - 20 shares of Sanpete Water & Irrigation Co. was surrendered by Henry Roderick Cert # 709 Cert #714 A new Cert # 838 was issued to Seth D & Lorinda Seamons for 20 shares.		20 00

share Shawn or Brenda Anderson 1.0

Cert #840 On July 14, 2003 - Cert #840 was issued to Shawn & Brenda Anderson. A ~~Cert~~ Affidavit of Loss Documents was surrendered for Cert #689 See pg. 228
Dec'd. on Paula S. Tolman

10 Shares Joseph T and Carolyn E. Schow

On Nov 6, 2003 - Cert # 842 for 10 shares of Samaria Water & Irrigation Co was issued to Joe & Carolyn Schow. from Cert # 781 See pg. 204 Lynn & Debbie Messenger.		200 00

230

16.475 7 = 9475

Parry Ipsen. Velma Ipsen

~~Cert #~~

On Jan 20. 2004 Cert # 632 for 5 shares, Cert # 658 for 1.0 share & Cert # 711 for 1.0 share were surrendered by Velma Ipsen. See page 231

Mark David Sydney & Ipsen
~~Mark Ipsen~~

Cert #843 On Jan 20. 2004 - 7 Shares of Samaria Water & Irrigation were transferred from Barry and/or Wilma Ipsen to Mark and Sydney Ipsen see page 230		140 00

232

J. 5

Kevin L. Wanagaard

845 On Feb 26. 2004 0.5 shares of Samaria Water & Irrigation Capital stock was issued.
#661 (Affadavit for lost certificate) was Surrended by Cody Waldron. pg 58
A new cert # 845 was issued to Kevin L. Wanagaard.

841

5'1.0

and/or Carolyn
Alfred Morgan

57

233

848	On March 4, 2003 Cert # 793 of Sarvaria Water & Irrigation Stock was surrendered by Dees. Inc. pg 209. A new cert # 848 was issued to Alfred Morgan for 57 shares. ½ share was reissued to Dees Inc. Cert # 847	

234

0.5

Roger Morse

Aug.

Cert# 848

On March 29. 2004 - Cert # 755 Mrs Vernon Morse tranferred ½ share of Samaria Water & Irrigation Stock to Roger Morse.

Oct

Jun

45 7/40 - 6-56-55.425 9/40 - 14 [illegible] - [illegible]
01 39

John J Fredrickson

See pg 44

Aug 17.04 Cert. # 432 was surrendered for. 6 shares. A new cert #855 was issued to D. Lyle Palmer pg 234

Oct 7. 2004 Cert # 440 for 23 shares, #431 for 10 shares, #425 for 2 shares, and cert # 435 for 1 share were surrendered. 36 shares were transferred to David & Alice Edwards Cert # 857 (18 shares) #858 (18 shares) were issued. See pg. 15

June 24. 2005 Cert # 423 for 4 3/10 shares, #424 for 4 shares, #433 for 3 shares & #436 for 3 shares was surrendered. New certificate # 864 was issued to Jerry D. & Heather B. Thomas - Total 14 3/10 14.225 shares was transferred with [illegible] book See Pg 243.

14.225

9/40 - 9/40 3/10
1/10 4/40 50/100
3/10 12/40 49/40 8/100
1/10 4/40 4/50
1/2 20/40 2/25
9/40

236 6

W. Lyle Palmer

See Pg 1

#855 On Aug 17, 2004 - Certificate # 432 was surrendered from J. Fredrickson W. Lyle Palmer was issued 6 shares of Samaria Water & Irrigation Stock

Cert

31 + 18 + 18 / 67.75-18 49. = 18 - 31.75

See Pg 15 David J and Alice Edwards

Oct 7. 2004 ~~Cert # 857 (18 shares)~~
Cert # 858 (18 shares) were issued to David J. & Alice Edwards of Samaria Water & Irrigation Stock (from J. Fredricksen) See pg 235

Feb 15.
On ~~Date~~. 2005 cert # 857 was surrendered for 18 shares of SW&I stock. A new certificate # 860 was issued to David Jensen See pg 239

On November 21, 2005 Cert # 858 was surrendered & a new cert # 879 was issued to Henri J Wangsgard & Rodney K. & Sherry Wangsgard See pg ~~330~~ ~~330~~ 247

238

Cris and/or Destiny Boggess

On April 4, 2004 Cert # 853 for shares of S.W.F.S. stock was issued to Cris and/or Destiny Boggess (formerly Christophersen) see pg 221

18.0

David Jensen

On Feb 15. 2005, cert # 860 was issued to David Jensen for 18 shares of Samaria Water & Irrigation. (from David & Alice Edwards) See pg 237

Michael E. John

On March 6. 2005- Cert #861
was issued to Michael E. John
for 1.0 share S.W. & L stock
transferred from Cert # 704
Eldon John - see pg 173

2.0

Marvin Berry

On Oct 26. 2004 a cert # 859
was issued to Marvin Berry for
2.0 shares SW. x D. stock.
transferred from Cert # 854
Wade Christopherson. See pg. 221

242 2.0. + 5.· 7.0

Joe Ann Jenkins Trust

#863 . On March 30, 2005 a new cert # 863 was issued to JoeAnn Jenkins Trust for 2 shares of Samaria Water & Irrigation Stock See pg. 207

Cert #870 . On Nov 4, 2005 Cert # 870 for 5 shares of SW + I stock was issued to Joe Ann Jenkins Trust. from ~~Jeff~~ & LouAnn Thomas. See pg. 244

14.225

Jerry D. & Heather B. Thomas

June 24, 2005. Cert # 864 was issued for 14.225 shares of S.W.A.I. stock to Jerry & Heather Thomas from John F. Fredrickson

See pg 235

244 7.5 + 9.9 - 10 - 5 12.4 - 4 3.4

Jeffrey J & Lou Ann Thomas

Cert # 763 On Feb. 11. 1995, Cert # 763 for 7.5 shares ~~was~~ of S.W & I. stock was issued to Jeffrey J. & Lou Ann Thomas See pg 183 & 184.

Cert # 764 On Feb 11. 1998, Cert # 764 for 19.9 shares of Samara Water & Irrigation. See pg. 185

On June 24. 2005 Cert # 764 was surrendered for 19.9 shares of S.W & I. stock. 10 shares was transferred to Farley and Pat Davis Living Trust.

Cert. # 866 On June 24. 2005 Cert # 866 was issued for 9.9 shares of SW & I Stock.

Cert # 763 On November 4th, 2005 Cert # 763 was surrendered for 7.5 shares. 5 shares of SW & I was issued to Lou Ann Jenkins Trust - #870 See pg. 242

Cert # 871 2.5 shares of SW & I stock was issued back to Jeff & Lou Ann Thomas

On April 15. 2006, Cert # 866 was surrendered for 9.9 shares SW & I stock

#879 5.9 shares was reissued to [illegible]

Cert # 763 On Feb. 11 '95, Cert # 763 for 7 shares ~~was~~ of S.W & I. stock was issued to Jeffrey & & Lou Ann Thomas See pg 183 & 184.

Cert 86

Cert # 764 On Feb 11 1992, cert # 764 for 19.9 shares of Bamana Water & Irrigation. See pg. 156

On June 24 2005 Cert # 764 was surrendered for 19.9 shares of S.W & I stock. 10 shares was transferred to Farley and Pat Davis Living Trust.

#

Cert. # 866 On June 24 2005 Cert # 866 was issued for 9.9 shares of SW & I Stock.

Cert # 763 On November 4th, 2005 Cert # 763 was surrendered for 7.5 shares. 5 shares of SW & I was issued to Joe Ann Jenkins Trust - # 870 See pg. 242

Cert # 871 2.5 shares of SW & I stock was issued back to Jeff & Lou Ann Thomas

On April 15. 2006, Cert # 866 was surrendered for 9.9 shares SW & I stock.

#879 5.9 shares was reissued to Jeff and Lou Ann Thomas 4 shares was.

#873 transferred to Lynn Wright See pg. 249

5[illegible] T10 47.35

Parley & Pat Davis Living Trust

See pg 118

Cert# 865	On June 24. 2005 10 shares of Samaria Water & Irrigation Stock was issued to Parley & Pat Davis Living Trust for Jeffry & Lori Ann Thomas See pg 244.		
±	On April ~~15. 2006~~		

246 1 share - 8 = 9

Andrew Bybee

869 On Aug 25. 2005 1 share of S.W & I stock was issued to Andrew Bybee from Andrew Chad Bybee (see pg 165)

April 23. 2006 - 8 shares of SW & I stock was issued to Andrew Bybee from Syd McNeely

See pg 210

#87

Kevin D. Wangsgard - Rodney K & Sherry Wangsgard
owns .5 seperately pg 217 & owns 2 shares pg 205

~~#872~~ On Nov 28, 2005, Cert # 872 for
#872 18 shares of
S.W.I.D stock was issued to
Kevin D. Wangsgard and Rodney K
& Sherry Wangsgard. transferred
from David & Alice Edwards see pg
237.

248

0.5

Jeffrey J. Waldron

4

#873

On Nov 21. 2005 Cert # [redacted] 873 was issued to Jeffrey J. Waldron for 0.5 shares of Samaria Water & Irrigation stock

See pg 9

#878

4 shares Lynn Wright

#878 On April 15. 2006 4 shares of S.W.C. stock was transferred from [illegible] & Sandra Thomas to Lynn Wright. Cert # 878 was issued to Lynn Wright see pg. 244

250 1.0

Russell L. ~~&~~ Bula Sorter
Mark R & Janet S. Cook

981	On May 4 2006, 1 share of SW+L stock was transferred from Cert # 679 - from Spence & Sharon Atkinson. To Russell L. & Bula Sorter & Mark R & Janet S. Cook	Sec 19	185

EXHIBIT D

BY LAWS
OF
THE SAMARIA WATER AND IRRIGATION COMPANY

ARTICLE 1. OFFICE.

The principal office of the Corporation in the state of Idaho will be located at Samaria in the county of oneida.

ARTICLE 2. Stockholders.

Section 1. Annual Meeting.

The regular annual meeting of the stockholders shall be held on the frist Monday in March of each year at Samaria ,Idaho,for the purpose of electing Directors and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the state of Idaho, such meeting shall be held on the next succeeding business day.

Section 2. Special Meetings.

Special meetings of the stockholders for any purpose may be called by the President or by the Board of Directors and shall be called by the President at the request of holders of not less than one-fifth of all the outstanding shares of the corporation entitled to vote at the meeting.

Section 3. Notice of Meeting.

Written notice of the time, place and purposes of meetings including annual meetings shall be given by the secretary or other person authorized so to do, to all stockholders entitled to vote at such meeting, at least ten (10) days prior to the day named for the meeting. If such written notice is placed in the united states mail, postage prepaid, and addressed to a shareholder at his last known post-office address, notice shall be deemed to have been given him.

Section 4. Quorum.

A majority of the outstanding shares of the corporation entitled to vote, represented in person or by proxy, shall constitute a quorm at a meeting of the shareholders, provided however, that at the annual meetings of the shareholders duly noticed, those shareholders present either in person or by proxy shall constitute a quorm and may elect Directors and transact all other business proper to be done by them.

Section 5. Proxies.

At all meetings of the stockholders, a stockholder may vote by proxy excuted in writing by the stockholders or by his duly authorized attorney in fact. Such proxy shall be filed with the secretary of the corporation before or at the time of the meeting.

Section 6. Voting of Shares.

Subject to the provisions of Section 7 of this Article II, each outstanding share entitled to vote shall be entitled to one vote upon each matter submitted to a vote at a meeting of stockholders.

Section 7. Cumulative Voting.

At each election for Directors every Stockholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are Directors to be elected and for whose election he has a right to vote, or to cumulate his votes by giving one candidate as many votes as the number of such Directors multiplied by the number of his shares shall equal or by distributing such votes on the same principle among any number of candidates.

ARTICLE III. Directors.

Section 1. General Powers.

The business and affairs of the corporation shall be managed by its Board of Directors.

Section 2. Number, Tenure, and Qualifactions.

The number of Directors of the Corporation shall be Seven (7) consisting of a President, a Vice President and five Directors.

Each Director shall hold office until the next annual meeting of the Stockholders and until his successor shall have been elected and qualified.

Section 3. Meetings.

A regular meeting of the Board of Directors shall be held without notice other than this By-Law immediately after, and at the same place as, the annual meeting of Stockholders.

The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings without other notice than such resolution.

Special Meetings of the Board of Directors may be called by or at the request of the President or any two Directors.

Section 4. Notice.

Notice of any Special Meeting shall be given at least two days previously thereto by written notice delivered personally or mailed to each Director at his business address.

Section 5. Quorum.

A majority of the number of Directors shall constitute a quorum for the transaction of business at any meeting of

the Board of Directors, but if less than such majority is present at a meeting a majority of the Directors present may adjourn the meeting from time to time without further notice.

Section 6. Manner of Acting.

The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 7. Vacancies.

Any vacancy occurring in the Board of Directors may be filled by the affirmative vote of a majority of the remaining Directors though less than a quorum of the Board of Directors.

A Director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

Section 8. Compensation.

The members of the Board of Directors shall receive no compensation for their services as such.

Section 9. Powers.

(a) To call Special Meetings of the Stockholders at their discretion, giving such notice as prescribed by law. It shall be their duty to call Special meetings upon the written request of persons representing at least one-fifth of the capital stock actually paid up.

(b) To appoint a Watermaster on the fourth Monday of March of each year, prescribe his duties, fix his compensation and require of him such security of the faithful performance of his duties as may be determined by the Board of Directors.

(c) To levy and cause to be collected such assessments as may be necessary for the use of the Company, in the manner provided by law. No water shall be delivered to any person owning stock, or using water under stock, upon which an assessment has been made and remains unpaid.

(d) To make rules and regulations for the guidance of the officers of the Company.

(e) To incur such indebtedness as they may deem necessary for the normal operation and maintenance of the Company and distributing system during the year of tenure of the Board then acting.

(f) It shall be the duty of the Board to cause to be kept a complete record of all their meetings and acts, and also of the proceedings of the Stockholders; present a full statement at the regular annual meeting of the Stockholders showing in detail the collections, disbursements, and liabilities of the Company, and generally the condition of its property. A similar statement shall be presented at

any other meeting of the Stockholders when thereto previously requested by persons representing at least one-third of the stock actually paid up.

(g) To cause to be issued to the Stockholders in proportion to their interest in the Company certificates of stock not to exceed in the aggregate the capital stock of the Company. Said certificates to be subject to assessment as herein provided.

(h) They shall impose a fine of not less than Ten ($10.00) nor more than Fifty Dollars ($50.00) upon any member of the Company for each and every time that he takes any water out of his turn and without the consent of the Watermaster, and shall instruct the Watermaster after such fine has been imposed upon any Stockholder to withhold the water from said Stockholder until the fine is paid.

(i) All fines that may be collected of any members of the Company shall be expended under the direction of the Board of Directors the same as any other money belonging to the Company.

(j) To make rules and regulations for the guidance of the Watermaster as they may deem necessary to enable him to distribute the water of the Company to its Stockholders according to the shares owned by each Stockholder, and to this end shall provide the Watermaster with a suitable Book to keep time of watering. He shall set down the date and time of day the Company commenced irrigating and the names of the persons using it and the number of shares each person draws water on, and the time when each person commenced and left off, and the amount of inches each had at the measuring gate.

(k) No contract, appointment or any bargain whatever shall be valid or binding on the Company when such contract appointment or bargain shall be between the Board of Directors and one of its own members, other than the lawful business of the Company.

(l) It shall be the duty of the Board to inspect or cause to be inspected the springs, ditches and channels of all springs and sources of water belonging to the Company and to prevent the appropriation of Company waters by any person whomsoever.

ARTICLE IV. Officers.

Section 1. Number.

The officers of the corporation shall be a President, a Vice President, a Secretary, and a Treasurer. The Secretary may act in the dual capacity of Secretary- Treasurer at the instance of the Board of Directors.

Section 2. Election and term of Office.

The officers to be elected by the Board of Directors shall be elected annually by the Board of Directors at the first meeting of the Board of Directors held after each annual meeting of the Stockholders. Each officer shall

hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed from office.

Section 3. Removal.

Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Company would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 4. Vacancies.

A vacancy in the office because of death, resignation, removal, disqualification or otherwise, may be filed by the Board of Directors for the unexpired portion of the term.

Section 5. President.

The President shall be the principal executive officer of the Company, and, subject to the control of the Board of Directors, shall in general supervise and control all of the business and affairs of the corporation. He shall have the following powers, and it shall be his duty:

(a) Preside at all meetings of the Board of Directors and of the Stockholders.

(b) Sign as President all certificates of stock and all contracts and other instruments in writing which have been first approved by the Board of Directors.

(c) Draw all checks and warrants on the Treasurer.

(d) He shall cast the tie-breaking vote in all situations where a tie vote has been encountered by the Stockholders or the Board of Directors.

(e) He shall supervise all the officers and employees of the Company, see that their duties are properly discharged, and report to the Board of Directors any negligence or mis-conduct of such officers and employees.

Section 6. Vice President.

In the absence of the President or in the event of his death, or inability or refusal to act, the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers and be subject to all the restrictions upon the president.

Section 7. Secretary.

The Secretary shall be appointed by the Board of Directors at their first meeting and shall hold his office during the pleasure of the Board of Directors. He shall have the following powers and be charged with the following duties:

(a) Keep the minutes of the Stockholders' meetings and of the Board of Directors' meetings in one or more books provided for that purpose.

(b) See that all notices are duly given in accordance with the provisions of these By Laws as required by law.

(c) Be the custodian of the corporate records and of the seal of the Company, and see that the Seal of the Company is affixed to all documents, the execution of which on behalf of the corporation under its seal, is duly authorized.

(d) Keep a register of the postoffice address of each Stockholder which shall be furnished to the Secretary by such Stockholder.

(e) Sign with the President, or Vice President, certificates for shares of the corporation, the issuance of which shall have been authorized by resolution of the Board of Directors.

(f) Have general charge of the stock transfer books of the Company.

(g) In general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

Section 8. Treasurer.

The Treasurer shall be appointed by the Board of Directors at their first meeting and shall hold his office at the pleasure of the Board of Directors. He shall have the following powers and be charged with the following duties:

(a) Have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the Company from any source whatsoever, and deposit all such moneys in the name of the corporation in such Banks as shall be selected by the Board of Directors.

(b) In general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.

ARTICLE V. Contracts, Loans and Checks.

Section 1. Contracts.

The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

No contract by any officer or officers of the Company shall be valid without the previous authorization or subsequent ratification of the Board of Directors.

Section 2. Loans.

No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors.

Section 3. Checks, Drafts, etc.

All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

ARTICLES VI. Certificates for Shares.

Section 1. Certificates for Shares.

Certificates representing shares of the corporation shall be in such form as shall be determined by the Board of Directors. Such Certificates shall be signed by the President and by the Secretary when issued, All certificates for shares shall be consecutively numbered.

The name and address of the person to whom the shares represented thereby are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the Company.

Section 2. Transfer of Shares.

Transfer of shares of the corporation shall be made only on the stock transfer books of the corporation by the holder of record thereof or by his legal representative, who shall furnish proper evidence of authority to transfer, or by his attorney thereunto authorized by power of attorney duly executed and filed with the Secretary, and on surrender for cancellation of the certificate for such shares. The person in whose name shares stand on the books of the corporation shall be deemed by the corporation to be the owner thereof for all purposes.

No transfer of any shares of stock shall be valid upon which any assessments are due and unpaid, or the holder thereof is indebted in any way to the Company without the consent of the Board of Directors.

Section 3. Stock Rights.

Each share of stock issued and outstanding shall represent the right to share equally with every other share of stock issued and outstanding in the delivery and use of irrigation water available to the Company.

Section 4. Restriction on Sale.

No stock shall be sold hereafter in any instance where the use of the water therefrom shall be transferred to lands lying above the Pleasantview Hot Springs. It is the intent of this restriction that as much clean and clear water as possible be available for mixing with the water from the Hot Springs and use by persons below. No Stock

shall be transferred on the books of the Company where it can be shown that such transfer would result in the use of water contrary to this provision.

Section 5. Stock Assessable.

The capital stock of this corporation shall be assessable to defray costs of operation and other corporate indebtedness lawfully incurred.

ARTICLE VII. Watermaster.

Section 1. Duties.

The Watermaster shall have the management of all of the waters of the Company under the directors, and any other water that may be conveyed through the Company ditches. Water shall be timed whenever all the streams at the disposal of the Watermaster are taken.

Section 2. Rights of Stockholders.

Any member of the corporation that may be aggrieved by the action of the Watermaster or any other officer of the Company shall make his complaint in writing to the President of the Company. The President must notify the defendant of said Complaint and the time and place that an examination will be made before the Board of Directors, and said examination shall be made forthwith as soon as the Board can be called together and the defendant notified. The decision of the Board shall be final as far as the corporation is concerned.

ARTICLE VIII. Responsibilities of water users.

Section 1.

Every Stockholder shall be personally responsible for his gates, dams or flumes that leads water to his lands. It shall be good evidence against him before the Board of Directors if any water passes through his gate, dam, flume, without the consent of the Watermaster and out of his turn. He shall be dealt with according to subsection (h) of Article III unless he can prove by good evidence of his innocence.

Section 2.

No one shall have a right to take water from the Company's ditches without permission of the Watermaster.

ARTICLE IX. Ditches, Structures, and Water Rights.

Section 1. The Board of Directors shall cause the ditches of the Company to be repaired in time always before the commencement of the Irrigating season each year.

Section 2. The Board of Directors shall cause all gates and flumes, where water is measured, to be examined before irrigating time each year by a Watermaster and a member of the Board of Directors appointed and instructed as to their

duties not later than the last Saturday in March of each year who shall report in writing to the Board within seven days after their appointment recommending such repairs as shall be needed. They shall also examine the ditches at the same time and state in their report what places should be reapired, cleaned, or if any new ditches are needed, and estimate the expense to cover said repairs, cleanings or the amking of the new ditches. Should any new gates or flumes be required, to estimate the amount and kind of material necessary to build said gates or flumes. The Board shall cause said repairs, or whatever the report calls for, to be done in time so as not to interfere with watering in the irrigating time.

Said Watermaster and member of the Board shall receive for such services a sum as allowed by the Board of Directors.

Section 3. It shall be the duty of the Board to cause to be built suitable gates and boxes, all of the same dimensions so that the same quantity of water may be given to each shareholder according to the shares held by him. Each and every aperture used must be the same dimensions all through one round of watering.

Section 4. When a gate or box is constructed by the Company hereunder, all costs of material and construction shall be paid for by the person using the same or for whose benefit it was made.

Section 5. No person using water from the Company, or having a right thereto, shall construct any fence, building or other obstruction within one rod of the Company ditches and canals.

Section 6. The approval of the Board in writing shall be first had before any bridge or culvert shall be constructed or installed in any Company ditch or canal.

Section 7. It shall be the duty of the owners and users of culverts, bridges and other structures and improvements on, in and near the Company ditches to clean the ditches through and around such structures in the Spring of the year and to keep the same clean in order that a free flow of water through or around such structures may be had.

ARTICLE X. General Provisions.

Section 1. Amendment.

These By Laws may be altered or amended at any annual meeting of the Company or at any Special meeting called for that purpose by a vote of two-thirds (2/3) of the outstanding stock of the Company.

Section 2. Possession.

These By Laws shall remain always in the possession of the Secretary of this Company. Copies shall be available and it shall be the duty of each Director upon taking the oath of office to seek the possession of the copy of his predecessor and retain possession thereof until he is succeeded in office.

Section 3. Officers to take oaths.

All Officers and Directors of this Company shall within one week of their election and before assuming the duties of their office, qualify by taking an oath before an officer authorized to administer oaths, that he will perform the duties of his office to the best of his ability, and in accordance with the laws of the State of Idaho and the By Laws of this Company. Said oath shall be in writing and shall be filed with the Secretary of the Company.

CERTIFICATE OF ADOPTION

State of Idaho

County of Oneida, ss

We, JOHN J. RODERICK, STEPHEN HUGHES, LEO BROWN, MELVIN J. DAVIS and JOSEPH R. MAY, being a majority of the Directors of THE SAMARIA WATER AND IRRIGATION COMPANY, and WARREN EDWARDS the Secretary thereof, do hereby certify that the foregoing BY LAWS were adopted as the By Laws of said The Samaria Water and Irrigation Company, at a Special meeting of the Stockholders duly called and held for that purpose on the 15th day of July, 1971, at 8:00 o'clock P.M. of said day by the affirmative vote of all stockholders present, represented in person or by proxy, 506.65 shares of the capital stock outstanding which being at said time more than two-thirds of the total issued and outstanding capital stock of said corporation.

Dated this 16th day of July, 1971.

Joseph R. May, President and Director

John J. Roderick, Director

Stephen Hughes, Director

Leo Brown, Director

Melvin J. Davis, Director

Warren Edwards, Secretary

EXHIBIT E

ARTICLES OF INCORPORATION OF

THE SAMARIA WATER AND IRRIGATION COMPANY

KNOW ALL MEN BY THESE PRESENTS; That we the undersigned have this day vulantarily associated ourselves together for the purpose of forming a corporation under the laws of the State of Idaho, for the re-incorporation of The Samaria Water and Irrigation Company whose present Charter has expired; and we do certify;

ARTICLE I.

That the name of this corporation shall be and is The Samaria Water and Irrigation Company.

ARTICLE II.

That the principal place of business of this corporation is and shall be at Samaria in the County of Oneida and State of Idaho.

ARTICLE III.

That the number of Directors shall be Seven; and until their successors are elected and qualified the following named persons shall be the officiers and directors of this corporation, namely;

NAMES	RESIDENCE
David Hughes	Samaria, Idaho; President and Director
William A. Morse	Samaria, Idaho; Vice-President and Director
Hyrum W. Jones	Pleasantview, Idaho; Secretary and Treasurer
Levi S. Waldron	Gwenford, Idaho; Director
Samuel J. Williams	Samaria, Idaho Director
Samuel Williams	Samaria, Idaho Director
Alfred Atkinson	Samaria, Idaho Director

ARTICLE IV.

That the term for which this corporation is to exist is and shall be Fifty Years from and after the date of its incorporation.

ARTICLE V.

That the amount of the capital stock of this corporation is and

n will be issued upon the surrender of the same.

ARTICLE VI.

That the purposes for which this corporation is formed are to convey the waters of Big Malad River from a point about two miles below the head thereof, and also the waters of Sulphur Springs otherwise known as Warm Springs; and also the waters of Thomas Davis Rose Bush and Dry Pine streams, located North and South and West of Samaria, Oneida County, Idaho, by ditches, canals and aqueducts; or other means of conveying waters, to the lands in and about Samaria in the valley of Malad in said Oneida County, Idaho, for the purpose of irrigating said lands, and for the further purposes that this corporation may require; to establish reservoir sites; to build, erect and maintain reservoirs for the impounding of waters for agricultural purposes, and to buy, own, sell and acquire real estate necessary for the uses and requirements of this corporation; to apply for, acquire and obtain permits for the appropriation and distribution of waters for agricultural and irrigation purposes, and to retain all its acquired rights to waters, reservoir sites, ditch and canal rights of way, now owned or claimed and belonging to it, however evidenced and, to do all things necessary for the proper operation and management of this Company for its properties in Malad Valley, Oneida County, Idaho.

IN WITNESS WHEREOF we have hereunto set or hands and seals this the 8th. day of March 1924.

Signed and sealed
in the presence of

_____

_____

David Hughes SEAL

Jno. L. Morse SEAL

H. A. Jones SEAL

D.J.Williams SEAL

[illegible]Waldron SEAL

Samuel Williams SEAL

[illegible]lf Atkinson SEAL

Owen L. Davis SEAL

[illegible] SEAL

STATE OF IDAHO)
SS
County of Oneida)

On this the 8th. day of March 1924 before me J. Peter Jensen; Clerk of the District Court for said County and State, personally appeared David Hughes; William E. Horne Hyrum W. Jones; Samuel J. Williams; Levi S. Waldron; Samuel Williams; Alfred Atkinson; Owen T. Davis; Daniel E. Price John Daniels and J.F.Fredrickson, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Clerk of the District Court for Oneida County, Idaho.

STATE OF IDAHO)
SS
COUNTY OF CLEIM)

I, J. Peter Jensen; Clerk of the District Court and Ex-Officio Auditor and Recorder, do hereby certify that the foregoing is a full true and correct copy of the Articles of Incorporation of The Samaria Water and Irrigation Company, as filed in my office the 10th. day of March 1924.

Clerk of the District Court and
Ex-Officio Auditor and Recorder.

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

of

THE SAMARIA WATER AND IRRIGATION COMPANY

KNOW ALL MEN BY THESE PRESENTS: That we, Joseph R. May and Warren Edwards, the President and Secretary, respectively, of the Samaria Water and Irrigation Company, a corporation duly organized and existing under the laws of the State of Idaho, being first duly and severally sworn, say:

That at a Special Meeting of the Board of Trustees of the Samaria Water and Irrigation Company, duly called and held at Malad City, Idaho, on June 4, 1971, at which a quorum of the members of the Board were present, the following resolution and order was duly and unanimously adopted, to-wit:

> "BE IT RESOLVED by the Board of Trustees of The Samaria Water and Irrigation Company, that a Special Meeting of the Stockholders of said Company be and the same is hereby called, to be held at the Samaria Ward Church, in Samaria, Oneida County, State of Idaho, at 8:00 o'clock P.M., on the 15th day of July, 1971, for the purpose of considering and acting upon the following matters:
>
> 1. To amend the Articles of Incorporation of the Company in the following particulars:
>
> (a) To increase the capital stock of the Company from 1000 shares of the par value of $20.00 per share to 1000 shares of the par value of $400.00 per share.
>
> (b) To give the corporation perpetual existence.
>
> "BE IT FURTHER RESOLVED that the Secretary be, and he is hereby ordered and directed to give notice of such Special Meeting of the Stockholders in the manner provided by law."

That pursuant to said RESOLUTION the Secretary of said Company did, at least 30 days prior to the date set for said Special Meeting of the Stockholders, duly served upon each stockholder of the Company a written NOTICE of said Special Stockholders Meeting in words and figures following:

NOTICE IS HEREBY GIVEN: June 14, 1971

That a Special Meeting of the Stockholders of THE SAMARIA WATER AND IRRIGATION COMPANY is hereby called and will be held on Thursday, the 15th day of July, 1971, at 8:00 o'clock P.M. at the Samaria Ward Church, in Samaria, Oneida County, State of Idaho, for the purpose of voting and acting upon the following Resolutions and transacting such other business as shall properly come before the said meeting, to-wit:

I.

RESOLVED that the Articles of Incorporation of The Samaria Water and Irrigation Company be amended as follows:

1. That ARTICLE IV be amended so that it shall, as amended, read as follows, to-wit:

"That this Corporation shall have perpetual existence."

2. That ARTICLE V be amended so that it shall, as amended, read as follows, to-wit:

"That the amount of the Capital Stock of the corporation is and shall be Four Hundred Thousand Dollars ($400,000.00), divided into One Thousand shares of the par value of Four Hundred Dollars ($400.00), each; of which 723 shares have been subscribed and are paid for in full."

BY ORDER OF THE BOARD OF TRUSTEES

Warren Edwards, Secretary

That on the 15th day of July, 1971, at 8:00 o'clock P.M., at the Samaria Ward Church, in Samaria, Oneida County, State of Idaho, the following Resolution was duly passed by a vote of more than two-thirds of the outstanding capital stock of said corporation, said Resolution being in words and figures following, to-wit:

RESOLVED that the Articles of Incorporation of The Samaria Water and Irrigation Company be amended as follows:

1. That ARTICLE IV be amended so that it shall, as amended, read as follows, to-wit:

"That this Corporation shall have perpetual existence."

2. That ARTICLE V be amended so that it shall, as amended, read as follows, to-wit:

"That the amount of the Capital Stock of the corporation is and shall be Four Hundred Thousand Dollars ($400,000.00), divided into One Thousand shares of the par value of Four Hundred Dollars ($400.00), each; of which 723 shares have been subscribed and are paid for in full."

Filed by E. L. Scott, 26 Court Street, Malad City, Idaho

That the total number of shares of the subscribed capital stock of said corporation at said time was 723 shares. That th amount of capital stock represented on the adoption of said Resolution was 506.65 shares; that the total amount of shares of stockholders voting in the affirmative on said REsolution was 506.65 shares, and there were no shares voting against the passage of said Resolution.

That the total amount to which the capital stock of said corporation has been increased is Four Hundred Thousand Dollars ($400,000.00), divided into One Thousand (1000) shares of the par value of $400.00 each.

That the corporation was given perpetual existence.

IN WITNESS WHEREOF we have hereunto set our hands this 16th day of July, 1971.

Joseph R. Neeley
President

Warren W. Eskelsen
Secretary

Subscribed and sworn to before me this 16th day of July, 1971.

E. L. Scott

Notary Public at Malad City, Idaho
My Commission expires May 19, 1975

State of Idaho, County of Oneida ss.
I hereby certify that this instrument was filed for record at request of E. L. Scott at 45 minutes past 2 o'clock P.M. this 20 day of Aug A.D. 19 71 in my office and duly recorded in Book 6 Misc. Page 222
Fee 1.00
Carlos H. Sweetland
Ex-Officio Recorder
By Melba Dewey
Deputy

Malad City, Idaho

EXHIBIT F

a Send letter to members on Assessment
b. Assessments due by Dec 1, 1976.

7: Neal Hughes moved to adjourn
DeVerl John seconded.
passed.

October 29, 1976 Samaria Irrigation Board Meeting.
Meeting called to order by President Clyde Clegg at DeVerl John's home at 5:45 P.M.
Board members present: Clyde Clegg, Alden Williams, John Price, DeVerl John, Dave Higley, Spencer Atkinson.
Prayer: John Price:
Order of Business
1. Minutes of old meeting read and approved.
2. Water at reservoir to be regulated by John Price & Dave Higley.

3. Blue Vitrol was put in ditch and moss is dieing

4. DeVerl John to check with Fredricksons estate about fixing bank of ditch through Baileys and the outlet from the ditch at the Elias Morse place. (Fred)

5. Discussion on Protest of Melvin J.

(EWAR) do they have Records

Davis application for water from Thomas Davis drainage.

a We will meet with water resource people at the court house on November 4, 1976.

6. Check on the use of the ditch by John Roderick for his independant water.

7. Check on whether there is a filing by Tim Edwards on water from the reservoir.

8. Clean on reservoir Wednesday morning - and start fixing the shut-down gate on the lower reservoir.

9. Move to adjourn by Spencer Atkinson - Seconded by DeVerl John
Adjourned 7:20 P.M.

Dec. 7, 1976. Samsonia Irrigation Board Meeting
Meeting called to order by President Clyde Chugg at DeVerl John's home at 8:00 P.M.

Prayer: Spencer Atkinson

Order of Business

1. Old Minutes read and approved.

Cultural Hall. Spencer has made arrangements for hall.

Discussed spillway on old reservoir. Will bring subject up in annual meeting.

Devel will see about money at the ASCS-SCS offices for projects "Atkinson Draw" and "Big Hollow" syphons.

Keith motioned for adjournment. Seconded by Spencer.

March 2, 1981 Annual Meeting Jamaica Cultural Hall 1:00 P.M.

Meeting called to order by President Devel John. Spencer Atkinson gave opening prayer. Board members present: Devel John, Spencer Atkinson, Dave G Higley, Keith Blaisdell, Ruth Chugg, Secretary. Not present: Joseph R. May, Lyman Ipsen Jr, Foster Ipsen.

Ruth read 1980 annual meeting minutes. Spencer motioned minutes be approved. Seconded by Dave Higley. Approved by all. Ruth then read financial report for the period March 1, 1980 to March 1, 1981. Bank balance showed $12,259.24 with $1,524.80 outstanding assessments.

Ruth told about the Rose Bud, Dry Pine and Thomas Davis springs being filed on with the Idaho Water Resource Board and approval obtained. The filings were supposedly filed on earlier, but no record was on file at the Water Resource office.

Devel reported on reservoirs. Also advised that the five 101 headgates and some backups should be installed as soon as possible. It was advised that several things need to be installed, including backups, cement drops cut down by the Parley Dam place, fix spillways at reservoirs and measuring

device by Mabel Davis place. Will get bids on the above.

Devert explained about spillways on lower and upper reservoirs. Devert and Dave told what had been completed on the reservoir sites to comply with the Idaho Water Resource Board specifications. Spillways need some repair work. John Price made a motion that spillway on lower reservoir be repaired. Dave Higley seconded motion. Called for anyone against motion. All in favor.

Darby Davis reported backstop is in place by his place.

Devert ask John Kendrick, SCS technician, to give some information about spillway, etc. Mr. Kendrick told about legislation in the house of representatives that might give assistance for revenue bonds with low interest for projects that irrigation companies need.

Devert called for nominations of board members. Rich mentioned that the 1980 annual meeting minutes had a motion that the by-laws be changed in the 1981 annual meeting to have a staggered board. Since there is not a two-thirds of the shares represented in person or by proxy we cannot have a vote for the staggered board. John Kodrick said if the old board didn't have any problems why not leave them as the board for 1981. Dave Higley discussed a problem trying to get help when it was needed and leaving

their own work to do it while some board members got their work completed on time. John Roderick motioned that old board remain for 1981 by acclamation. Lester Atkinson seconded motion. all in favor.

Spencer made a motion meeting adjourn. Keith Atkinson seconded motion. Approved by all.

March 2, 1981 Board Meeting

Meeting called to order by Deverl John, President. Present: Deverl John, Dave & Higley, Spencer Atkinson, Keith Blaisdell, Ruth Clegg, Sec. Not present: Joseph R May, Foster Ipsen, Lyman Ipsen.

Recommended by Spencer that board get authorization from individuals for installing headgates and other places needing repair by individual so that payment will be made to board or repairmen as soon as repairs have been made.

Discussed getting together on watercress removal.

Discussed watermaster job for 1981. Will advertise in local paper.

Spencer motioned for adjournment. Seconded by Dave.

March 30, 1981

Meeting called to order by Deverl John, President. Present: Deverl John, Dave Higley, Spencer Atkinson, Ruth Clegg, Sec. Not Present: Joseph May, Keith Blaisdell, Lyman Ipsen, Foster Ipsen. Ruth read financial report showing $12,129.63 bank balance with $1354.80 outstanding assessments. Read the shareholders that hadn't paid. No water shall be given until paid.

John Price moves that no more than 1 or 2 shares of water can be carried from one turn to another turn's if you can't take your water you must either trade the water or lose it. Bring this up in the annual meeting.
Seconded by Dave Higley passed unanimously.

3. Spraying
   a. Still must get Steve Biggs to spray ditch.
4. Cyril Hardman still hasn't paid his assessment for 1975.
5. DeVerl John moves we adjourn at 9:30 P.M.
   seconded by Dave Higley.

August 10, 1976 Samaria Irrigation Board meeting
Meeting called to order by Pres. Clyde Chugg at 8:15 P.M. at DeVerl Johns home.
Board members present. Clyde Chugg, John Price, DeVerl John, Neal Hughes, Dave Higley, Alvin Williams, Spencer Atkinson.

Order of Business

1. Minutes of old meeting read and approved.
2. Upper canal around Velma Elpsens house has no bank and water is running around her house
   a. the cattle they feed in there yards

takes the bank off.
b. Will meet with the Lyons and find a solution.

3. Pumping out of the canal
a. People are pumping water right out of the canal.
b. also some are pumping water without permission.

4. Discussed the filing by M. Joe Davis on water in the Thomas Davis drainage.
a. Motion by John Price to do what is necessary to protect the filing - seconded by Spencer Atkinson - passed unanimously
b. Clyde Clegg & Delvin Williams to represent the Irrigation Board.

5. Bigg spraying of the alfalfa cancelled Too late in the year.

6. Motion to adjourn by DeVerl Johns, seconded by Dave Hagley - Adjourned at 10:00 P.M.

October 14, 1976 Samaria Irrigation Board Meeting
Meeting called to order by President Clyde Clegg at DeVerl Johns home at 8:25 P.M.
Board members Present: Clyde Clegg, Alvin

The election for board members was called for.

	Votes
Spencer Atkinson	168
John Price	197
Alvin Williams	178
Clyde Chugg	197
Deverle John	197
Neal Hughes	150
Dave Higley	166

The meeting was adjourned.

3-24-76
Held Samaria Church House.

Meeting of the Samaria water and irrigation board. meeting called to order by pres Clydes Chugg at 8:00 P.M.
Prayer: Spencer Atkinson
Board members present: Clyde Chugg, DeVerl John, John price, Dave Higley, Alvin Williams and Spencer Atkinson
Order of business
1. Discussion on hiring water master @ 3,000
   a. Ernest Waldron will take job for 3,000
   b. moved & seconded that we hire Ernest Waldron. - passed unanimously.
2. Condition of ditch
   a. good shape
   b. needs a few spots cleared of weeds
3. payment of Sec. & treas.
   a. jobs held by two different people

b. Decided not to pay them.

4. All old bills to be paid & check book balanced before starting a new season

5. Send cards to those who haven't paid and that need to fix boxes.
   a. Send cards to following people
      1. William A. Hill .5 share $7.50
      2. Dale R. Shipp 1.0 share $15.00
      3. Amelia Waldron 1.0 share $15.00 (Arthur Smith)
      4. Brad Barker 10.0 shares $150.00
      5. Alan Isaacson 11.25 shares $168.75
      6. Melvin Joe Davis 5.5 shares $82.50
      7. Cyril Nordman 5.0 shares $75.00
      8. Maria Williams need new box.
      9. LaVar Christoffersen need new box.
   b. The preceding will not be issued water until bills are paid & boxes repaired.

6. Spraying the irrigation ditch
   a. spraying by plane.
   b. spraying by county rig
   c. decision postponed until later meeting

7. Fencing spillway on lower reservoir

8. Boxes to be fixed on mountain water ditch.

9. Discussion on John Roderick unadjudicated water and where it is to be used.
   a. Decided to investigate if John R. has right to use water other than where designated
   b. Voted and passed unanimously that John R.

Water not to

use water where originally stated to be used.

Deverl John moved we adjourn, seconded by Dave Higley. Meeting adjourned at 11:20 P.M.

4-21-76 Samaria Irrigation Board Meeting. Meeting called to order by Pres. Clyde Chugg at 8:05 P.M. Held Samaria Church House. Prayer: John Price. Board members present: Clyde Chugg, Alvin Williams, DeVerl John, John Price, Spencer Atkinson and Dave Higley.

Order of Business

1. Cleaning of ditch.
   a. Almost completed except for a few last minute trouble spots.
2. Water to go on turns May 1, 1976
3. Discussion on spraying ditch for weeds.
   a. No discussion made.
4. Check with those who haven't paid
   a. see if they would like to meet with board.
   b if necessary meeting would be April 28, 1976 at 8:00 P.M.
5. Get books together so that we have correct information
6. Alvin Wms to direct and to check the mountain springs & ditch.
   a. Contact us on problems & conditions.

7. Check on the pumps in the upper ditch
   a. whether or not they are legal.
   b. if they measure amount of water used.

Deverl John moved we adjourn
adjourned at 10:35 P.M.

June 2, 1976

Samaria Irrigation Board meeting:
Meeting called to order by president Clyde Chugg at the Samaria Church house at 8:00 p.m.
Prayer: Spencer Atkinson
Board members present: Clyde Chugg, Alvin Williams, John Price, De Verl John, Dave Higley, Spencer Atkinson.

Order of Business

1. Minutes of old meeting read and approved.
2. Spraying of the ditch for noxious weeds
   a. County will spray ditch if we help them
   b. Biggs will spray ditch with airplane
   c. Moved & seconded to have Steve Biggs spray as much of the ditch as is possible with the plane and the county will spray the ditch through town.
   Motion passed.
3. Those members who have not paid their assessment can not have any water.

a. Send a registered letter to Cyril Hardman and Alan Isaacson
b. Give copy of letter to watermaster

4. Mountain Wire
a. Dry Peré - needs fence repair
b Thomas Davis - needs 50-75 steel posts and new wire for a new fence.
c. Board meet and go to Thomas Davis springs on Monday at 9:00 A.M.

5. Move to adjourn by Spencer Atkinson seconded by DeVerl John.

June 30, 1976

Samaria Irrigation Board Meeting
Meeting called to order by President Clyde Chugg at DeVerl John's home at 8:00 P.M.
Board members present: Clyde Chugg, Alvin Williams, DeVerl John, Dave Higley, John Price, Spencer Atkinson.
Prayer Alvin Williams.
Order of Business
1. Minutes of old meeting read & approved.
2. Board standing behind watermaster on disagreement between Joe May and John Price on use of irrigation ditch.
a. Check with By-laws to what rights company has on the situation

EXHIBIT G

Township No. 15 South Range No. 35 E. W.D. Mer.

Thomas

	Thorpe. Pat. 4-2-20.	Alva	Chas. E. Thomas	Chas. R. Thomas	Chas. R. Thomas 1-23-11	W.P. Carnes	15 acres Evans 3-1-30	John O. Thorpe	J. O. Thorpe 3-7-28	Joseph Thorpe	
Evans	W. Smith Pats. 7-17-17.		Pat. 10-8-15.	R. Thomas Pat.	C	24-40	John E. Price Jr.	Pat. 6-12-90.	Pat. 7-28-94.		
Morse.		Jesse F. Huntsman Pat. 6-9-13	Chas. Alma Wright. Pat. 2-5-17.	Wm E. Morse. Pat. 11-2-96	Pat. 12-29-85	Wm. Roderick Pats. 3-3-98.	Emaline Waldron 4-28-96	Sam'l. D. Davis Pat. 4-9-91.			
Lewis	Williams. Pat.	4-5-16.		Wm Roderick.	Wm Morse	Sam'l Williams	Wm	Jos.	Sam'l	John. E. Jon. Pat	
0-13-15.		John.	John.	Thos. Thomas. Pat. 3-3-92	Pat. 11-8-92	R.	Morse	Morse	Waldron	John. P. Jensen	Geo. Wilbar
H. Williams. Pat.	3-23-17.		Roderick	Thos. H. Richards 4-14-92	John Thurill. Pat. 12-1-89	Pat.	Pat	Pat	Pat.	Pat. 5-6-80.	Pat. 2-1-92
	A. C. Bybee 3-21-89	Pat 3-23-17.					2-23-81.	6-8-82.	11-15-93.	Richard. Pat.	
				Evans Martin Pat. 8-4-15.	Evan. Martin. Pat. 7-5-05.	John.	Price.	Pat	Jerry Williams	Thomas Thorpe. Pat. 4-23-83	Pat. 4-13-82.
				Morse.	Price. Pat. 8-31-91.	Wm O	Wm. Price. 5-5-91.	6-17-82.	Pat	Mary D. Davis. Pat. 7-9-81.	Davis. Evan. Pat. 6-1-8
		J. F. Fredrickson 1-26-12		Pat. 4-28-22.	Wm. J. Morse	1 site Pat	Sam'l 3-3-88.			James. Pat.	Thomas 1-22-7
			Henry J. Thomas	Richard Williams Pat. 7-2-14.	David Anderson. Pat. 8-24-10.	David Bevier	Jeremiah H. Williams		Thos. B. Pat.		Roberts 5-29-8
			Pat.	James B. Thomas.	Pat. 7-8-95.		Pat. 1-21-95.		Lewis		David W. Pat. 9-
		Albert	12-25-13.	Pat. 11-14-12.	Sarah E. Pat.	Morse.	8-7-13.		Hughes. Pat. 8-11-86.		Talieso Hughes
	Thomas.		Wm R.	Earnest Martin.	David P. Thomas.	Pat.	Daniel Hughes		Davis. Hughes		Pat. 3-18-8
	Pats. 10-16-18.	Thomas Jr		Pat. 7-7-13.			Pat. 4-19-21		Pat. 3-27-11.		Wm E.
Ed. Vaughan 7-2-23	D. F. Waldron 12-24-20			Earnest Martin		David C.			John L. Tamate		Hark Pat. 4-
	Henderson		Pat.	Pat. 2-21-27.		T.10 R.23			Pat. 2-16-15.		Hu D. S Pat. 4-
	David Henderson	Pat 11-23-26	11675		1-22-37.				Rowland Hughes		

AHN: Randy Rudge

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON
MICHBAEL P. TRIBE

ROGER D. LING, OF COUNSEL

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

RECEIVED
AUG 28 2006
DEPARTMENT OF
WATER RESOURCES

August 25, 2006

Karl J. Dreher, Director
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RE: **In the Matter of Applications for Permit Nos. 15-7273, 15-7274, and 15-7275 in the name of M. J. Davis Memorial Limited Partnership**

Dear Mr. Dreher:

Enclosed is a *Notice of Service of Discovery* for filing in the above-referenced matter on behalf of our client Samaria Water and Irrigation Company, Protestant. Thank you.

Very truly yours,

Michael P. Tribe

enc

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Protestant,
Samaria Water and Irrigation Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274, AND 15-7275 IN THE NAME OF M. J. DAVIS MEMORIAL LIMITED PARTNERSHIP	**NOTICE OF SERVICE OF DISCOVERY**

COMES NOW the Protestant, Samaria Water and Irrigation Company, by and through its attorney of record, Roger D. Ling of the firm Ling, Robinson & Walker, and pursuant to the Idaho Rules of Civil Procedure hereby notifies the Court and all parties that on the date below stated, the undersigned served the original *Answers to Applicant's First Interrogatories and Responses to Requests for Production* on M. J. Davis Memorial Limited Partnership, by and through its attorney, Randall C. Budge, Esq. of the firm of Racine, Olson, Nye, Budge & Bailey, Chtd., P. O. Box 1391, Pocatello, Idaho 83204-1391 with copies to all parties.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

DATED this 25th day of August, 2006.

LING, ROBINSON & WALKER

By: _____
Michael P. Tribe, Attorney for
Samaria Water and Irrigation Company

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of August, 2006, I served copies of the foregoing NOTICE OF SERVICE OF DISCOVERY upon:

Randall C. Budge
RACINE, OLSON, NYE, BUDGE & BAILEY, Chtd.
P. O. Box 1391
Pocatello, Idaho 83204-1391

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Michael W. Olson, President
Brent Clark
Dee's Incorporated
777 E. 2100 S.
Salt Lake City, Utah 84106

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Willard J. and Kay Higley
Samaria Recreation District & Cemetery
4010 S. Samaria Road
Malad, Idaho 83252

by depositing said copies in the United States mail, postage prepaid, in envelopes addressed to said parties/entities at the foregoing addresses.

_____
Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

FOLDER
#5

LAW OFFICES OF

RACINE OLSON NYE BUDGE & BAILEY CHARTERED

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN***
RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
LANE V. ERICKSON**
PATRICK N. GEORGE**
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
LISA R. TANNER†††
JUSTIN R. ELLIS
JOSHUA D. JOHNSON‡
JONATHON S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN‡‡
THOMAS J. BUDGE

BOISE OFFICE

101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS
**ALSO MEMBER UT BAR
***ALSO MEMBER CO BAR
†ALSO MEMBER D. C. BAR
††ALSO MEMBER MO BAR
†††ALSO MEMBER CA BAR
‡ALSO MEMBER IL BAR
‡‡ALSO MEMBER WA BAR

October 25, 2006

Gary Spackman, Hearing Office
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: M.J. Davis Memorial Limited Partnership
Application for Permit Nos. 15-7273, 15-7274 and 15-7275

Dear Mr. Spackman:

Regarding the above-referenced matter and the hearing scheduled to commence in Malad on November 14, I am enclosing the Applicant's Amended Witness List, adding one additional witness. Applicant Davis's Witness List and Exhibit Lists with all exhibits were served previously on Protestants' counsel.

While both parties have submitted extensive Exhibit and Witness Lists, this was done to address several issues which the parties attempted to settle but were unsuccessful. For purposes of the upcoming hearing on the permit applications, the issues are simplified under the statutory criteria and we only anticipate utilizing a few of the listed witnesses and exhibits. Prior to the hearing, I intend to review these with the protestants' attorneys, Roger Ling and Mike Tribe, in an effort to identify the witnesses and exhibits to be presented in order to narrow and focus the presentation and expect we should be able to complete the hearing in one day.

Sincerely,

Randy Budge

RANDALL C. BUDGE

RR

RCB:rr
Enclosures
cc: Roger Ling/Michael Tribe
Jeff Davis

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109
rcb@racinelaw.net

Attorney for M.J. Davis Memorial Limited Partnership

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274 and 15-7275 IN THE NAME OF M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP	**APPLICANT'S WITNESS LIST (Amended)**

In compliance with the Hearing Officer's May 4, 2006 Order Authorizing Discovery, Prehearing Order and Notice of Hearing, the Applicant M.J. Davis Memorial Limited Partnership hereby serves on all other parties this Witness list:

1. Jeff Davis; anesthesiologist. Mr. Davis is expected to testify concerning all matters relevant to the pending Applications, including but not limited to his knowledge and ownership of the property and the historic flows and use of water from Dry Pine, Rosebud and Thomas Davis, Samaria Water & Irrigation Company shares and water use, plat maps, stock certificates, and documents and records produced in response to discovery requests. Further, that there is adequate water for the proposed uses set forth in the Applications for Permit and said use will not impair any other water rights having earlier priority dates.

2. Emma Louise Chambers, retired. Mrs. Chambers is expected to testify regarding the subject property and the historic use of water.

3. Jackie Olson, Franklin County Public Health Nurse. Jackie Olson is expected to testify regarding the historic use of the property and water.

4. Luke Waldron, Water Master. Mr. Waldron is expected to testify concerning the

water available and historic use of water from Dry Pine, Rosebud, Thomas David Canyons and the Samaria Irrigation system, together with delivery to shareholders.

5. Russ Sortor, retired. Mr. Sortor is expected to testify regarding use of water near the town of Samaria on his property and flow available from mountain streams.

6. Rick Higley, farmer. Mr. Higley is expected to testify regarding water available from Thomas Davis, Dry Pine and Rosebud Canyons and the historic diversion and use of the same by him and others.

7. John Roderick, retired. Mr. Roderick is expected to testify regarding historic use of the water while he was an officer and board member of Samaria Water & Irrigation Company. Also his responses to the Company's "Affidavit Questions" wherein he identified in answer to question number 6 certain shareholders who had historically used mountain shares in that area.

8. President, Secretary and Board Members of Samaria Water & Irrigation Company. Expected to testify concerning records of the company, shareholders, water rights, delivery of water rights and all related matters relevant to the pending applications.

9. Spencer Atkinson, retired. Mr. Atkinson may testify concerning the use and sale of water shares known as Mountain Shares and answers given in response to his "Affidavit Questions" submitted by the company.

10. Jim Hill, retired. Mr Hill may testify regarding historic flows and use of water from Samaria Creek and the mountain streams.

DATED this 25th day of October 25, 2006.

RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED

By Randall C. Budge
RANDALL C. BUDGE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25 day of October, 2006, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Roger Ling
Mike Tribe
Ling Robinson
Samaria Water and Irrigation Company
P.O. Box 396
Rupert, Idaho 83350

Michael W. Olsen
Dee's Incorporated
777 East 2100 South
Salt Lake City, Utah 84106

Willard J. Higley
Samaria Residents Rec & Cemetery Districts
4010 W. Samaria Road
Malad, Idaho 83252

for RANDALL C. BUDGE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

M J DAVIS MEM LT
ATTN RANDALL C
RACINE OLSON
PO BOX 1391
POCATELLO ID 832

15-7273

7005 1160

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) K.C. Knudson — B. Date of Delivery 10-24-06

C. Signature X — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WILLARD J HIGLEY
SAMARIA RECREATION &
CEMETERY DISTRICTS
4010 W SAMARIA RD
MALAD ID 83252

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) — B. Date of Delivery 10-24-06

C. Signature X Willard J. Higley — ☐ Agent ☑ Addressee

D. Is delivery address different from item 1? ☑ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ C.O.D.

y? (Extra Fee) ☐ Yes

102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MICHAEL W OLSEN
DEE'S INCORPORATED
777 EAST 2100 SOUTH
SALT LAKE CITY UT 84106

15-7273

2. A 7005 1160 0000

PS Form 3811, July 1999 D

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) — B. Date of Delivery 10-23-06

C. Signature X — ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SAMARIA WATER & IRRIG CO
ATTN ROGER LING
LING ROBINSON & WALKER
PO BOX 396
RUPERT ID 83350-0396

15-7273

2. 7005 1160 0000 1544 6710

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Bobra Jensen — B. Date of Delivery 10.23.06

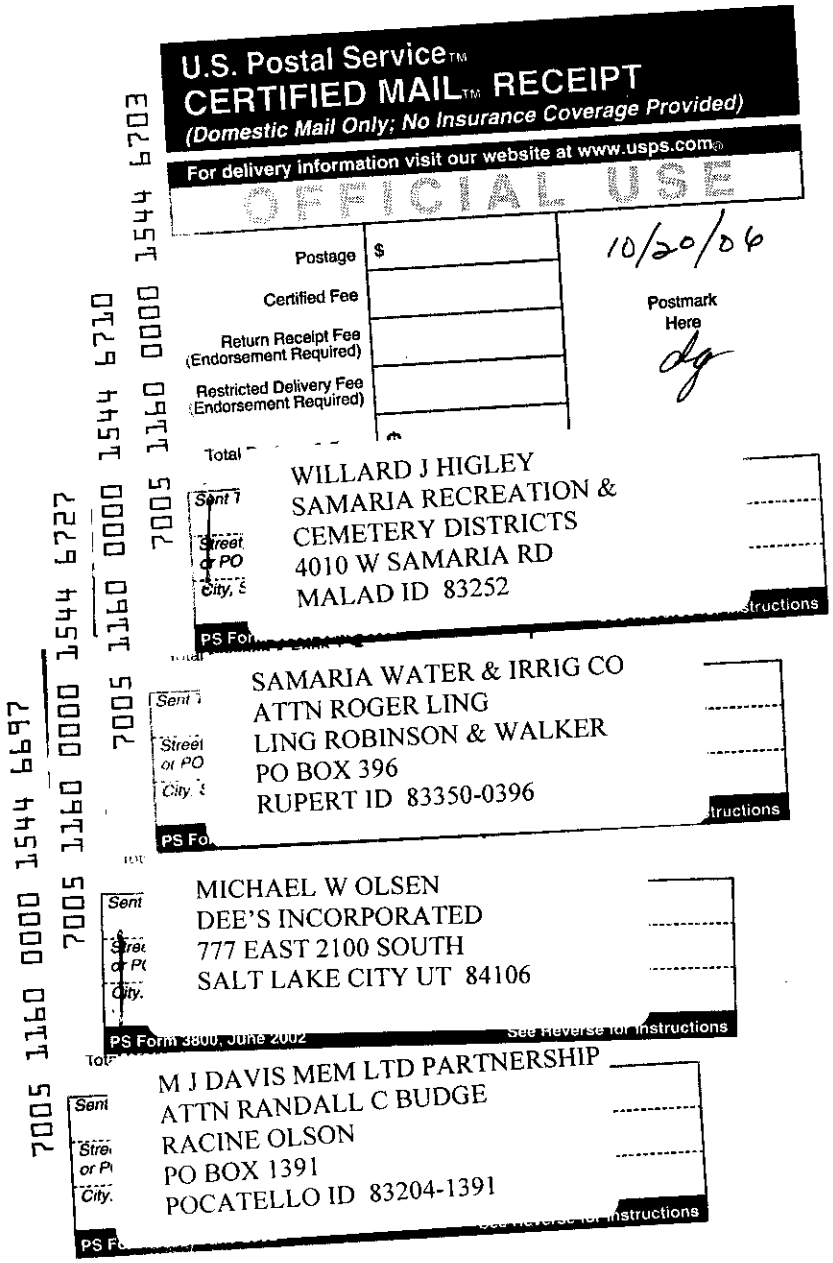
C. Signature X Bobra Jensen — ☑ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952



U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total

10/20/06
Postmark Here

7005 1160 0000 1544 6710

WILLARD J HIGLEY
SAMARIA RECREATION &
CEMETERY DISTRICTS
4010 W SAMARIA RD
MALAD ID 83252

7005 1160 0000 1544 6727

SAMARIA WATER & IRRIG CO
ATTN ROGER LING
LING ROBINSON & WALKER
PO BOX 396
RUPERT ID 83350-0396

7005 1160 0000 1544 6697

MICHAEL W OLSEN
DEE'S INCORPORATED
777 EAST 2100 SOUTH
SALT LAKE CITY UT 84106

PS Form 3800, June 2002 See Reverse for Instructions

M J DAVIS MEM LTD PARTNERSHIP
ATTN RANDALL C BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT TO APPROPRIATE WATER NOS. 15-7273, 15-7274, AND 15-7275 IN THE NAME OF M. J. DAVIS MEMORIAL LIMITED PARTNERSHIP	**SECOND NOTICE OF HEARING**

A hearing for protests against the applications to appropriate water nos. 15-7273, 15-7274, and 15-7275 was scheduled for September 6 and 7, 2006. On September 5, 2006, parties in the above-referenced matter represented that they had verbally agreed to terms resulting in settlement of protests filed against the application. The hearing officer verbally agreed to continue the hearing on condition that the parties notify all possible participants and that the parties file a written motion for continuance. On September 7, the parties filed a written motion for continuance of hearing.

At a meeting conducted on October 18, 2006 in Malad, Idaho, the parties failed to execute a final settlement agreement.

PLEASE TAKE NOTICE that a formal hearing will be held on **November 14 & 15, 2006, beginning at 9:00 a.m.** at the Oneida County Road & Bridge Building, 560 Main Street, Malad, Idaho. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department, known as IDAPA 37.01.01. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4942, fax: (208) 287-6700.

All parties appearing in this matter will have the opportunity to present information, examine witnesses, and provide argument on issues related to the appropriation of water this application has bearing on, during the course of this hearing.

DATED this 20th day of October, 2006.

GARY SPACKMAN
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 2006, a true and correct copy of the document described below were served on the following as noted:

Document(s) Served: Second Notice of Hearing

M J DAVIS MEM LTD PARTNERSHIP
C/O RANDALL C BUDGE
RACINE OLSON
PO BOX 1391
POCATELLO ID 83204-1391

(✓) U.S. Mail, Postage Prepaid
( ) Facsimile
( ) E-mail

SAMARIA WATER & IRRIGATION CO
C/O ROGER D LING
LING ROBINSON & WALKER
PO BOX 396
RUPERT ID 83350-0396

(✓) U.S. Mail, Postage Prepaid
( ) Facsimile
( ) E-mail

MICHAEL W OLSEN
DEE'S INCORPORATED
777 EAST 2100 SOUTH
SALT LAKE CITY UT 84106

(✓) U.S. Mail, Postage Prepaid
( ) Facsimile
( ) E-mail

WILLARD J HIGLEY
SAMARIA RESIDENTS REC &
CEMETERY DISTRICTS
4010 W SAMARIA RD
MALAD ID 83252

(✓) U.S. Mail, Postage Prepaid
( ) Facsimile
( ) E-mail

Deborah J. Gibson
Deborah J. Gibson
Administrative Assistant

LAW OFFICES OF

RACINE OLSON NYE BUDGE & BAILEY CHARTERED

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN***
RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
LANE V. ERICKSON**
PATRICK N. GEORGE**
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
LISA R. TANNER†††
JUSTIN R. ELLIS
JOSHUA D. JOHNSON‡
JONATHON S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN‡‡

BOISE OFFICE
101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE
477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS
**ALSO MEMBER UT BAR
***ALSO MEMBER CO BAR
†ALSO MEMBER D. C. BAR
††ALSO MEMBER MO BAR
†††ALSO MEMBER CA BAR
‡ALSO MEMBER IL BAR
‡‡ALSO MEMBER WA BAR

September 7, 2006

Fax: 525-7177

Roger Warner
Sharla Cox
IDWR/Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Samaria Water & Irrigation Company Amended Statutory Claim Nos. 15-4066, 15-4067 and 15-4068

Dear Roger and Sharla:

Enclosed please find a fax copy of the Stipulation for Continuance signed by all parties except protestant Dee's Inc. I have faxed a copy to Dee's Inc., for their signature and fax back to you.

I have prepared a Stipulated Settlement Agreement which is being circulated between the parties for review and signatures. Once signed by Davis and Samaria, I will submit it to the other protestants requesting that they joint in the settlement. If that occurs and the Samaria shareholders approve the Settlement Agreement, the rescheduled hearing date, November 14-15, can be cancelled. Because of these contingencies, please give notice to the parties of the rescheduled hearing dates.

Thanks for your assistance. If you have any questions, give me a call.

Sincerely,

RANDALL C. BUDGE

RCB:rr
Enclosure
cc: Michael Tribe (w/encls.)
M. Jeff Davis (w/encls.)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274 and 15-7275 IN THE NAME OF M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP	**STIPULATION FOR CONTINUANCE**

The undersigned Applicant M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP and Protestants, SAMARIA WATER & IRRIGATION COMPANY, SAMARIA RECREATION DISTRICT, SAMARIA CEMETERY DISTRICT, SAMARIA RESIDENTS, AND DEE'S INC., hereby stipulate and agree that the hearing scheduled to be held on September 6 and 7, 2006, in Malad, Idaho before Hearing Officer Gary Spackman, be continued and rescheduled for hearing in sixty days, upon the grounds and for the reason that Applicant and Protestant Samaria Water & Irrigation Company have reached a Settlement Agreement in principle at a settlement conference conducted September 5, 2006, and additional time is needed to reduce the settlement to a signed written Agreement, to present the Settlement Agreement of Samaria Water & Irrigation Company for approval, and to give other Protestants an opportunity to join in the settlement.

DATED this 5th day of September, 2006.

M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP

By _____
M. Jeff Davis

APPROVED:
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

RANDALL C. BUDGE, Attorney for M.J.
Davis Memorial Limited Partnership

SAMARIA WATER & IRRIGATION DISTRICT

By: _____
MICHAEL TRIBE, Attorney

SAMARIA CEMETERY DISTRICT
SAMARIA RECREATION DISTRICT
SAMARIA RESIDENTS

By: _____
MERRILL PRICE

By: _____
JOHN EVANS

DEE'S INC.

By: _____
MICHAEL W. OLSEN, President

Received Time Sep. 7. 3:15PM

RECEIVED
SEP 01 2006
DEPARTMENT OF
WATER RESOURCES

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109
rcb@racinelaw.net

Attorney for M.J. Davis Memorial Limited Partnership

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274 and 15-7275 IN THE NAME OF M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP	**APPLICANT'S SECOND AMENDED EXHIBIT LIST**

In compliance with the Hearing Officer's May 4, 2006 Order Authorizing Discovery, Prehearing Order and Notice of Hearing, the Applicant M.J. Davis Memorial Limited Partnership hereby serves on all other parties copies of Exhibits that may be offered at the hearing:

24. Amended Claims to a Water Right, Claim Nos. 15-4066, 15-4067 and 15-4068 filed by Samaria Water & Irrigation Company on June 28, 2006.

25. Samaria Water & Irrigation Company Water Right License Nos. R-637/15-2074 and 18948/15-2023.

26. Notice of Exception by M. J. Davis dated August 31, 2006.

DATED this 31st day of August, 2006.

RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTERED

By Randall C. Budge
RANDALL C. BUDGE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 31st day of August, 2006, I mailed a true and complete copy of the foregoing document, postage prepaid, to each of the following:

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Roger Ling /Mike Tribe
Ling Robinson
Samaria Water and Irrigation Company
P.O. Box 396
Rupert, Idaho 83350

Randall C. Budge
RANDALL C. BUDGE

24

Form 243
1/03

C. /No. 15-4066

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed**. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)

5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2828
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 3, 1893

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Thomas Davis Spring tributary to Samaria Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)		(Irrigation, Domestic, Stock, Etc.)		(Both dates inclusive) (MM/DD)		(MM/DD)
Quantity	3.0 cfs	Use	Irrigation	Period of Use From	03/01	to	10/31
Quantity	.01 cfs	Use	Stockwater	Period of Use From	05/01	to	09/01
Quantity		Use		Period of Use From		to	
Quantity		Use		Period of Use From		to	

4. 3.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW ¼ of SW ¼ of ____ ¼, Govt. Lot ____
Sec. 27 Township 15 South Range 35 East B.M., Oneida County; additional points of diversion, if any: ____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Diversion at spring and 3 ½ miles of open ditch used for irrigation.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle – 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below springs.

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
) ss.
County of _____)

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

David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____

My commission expires: _____

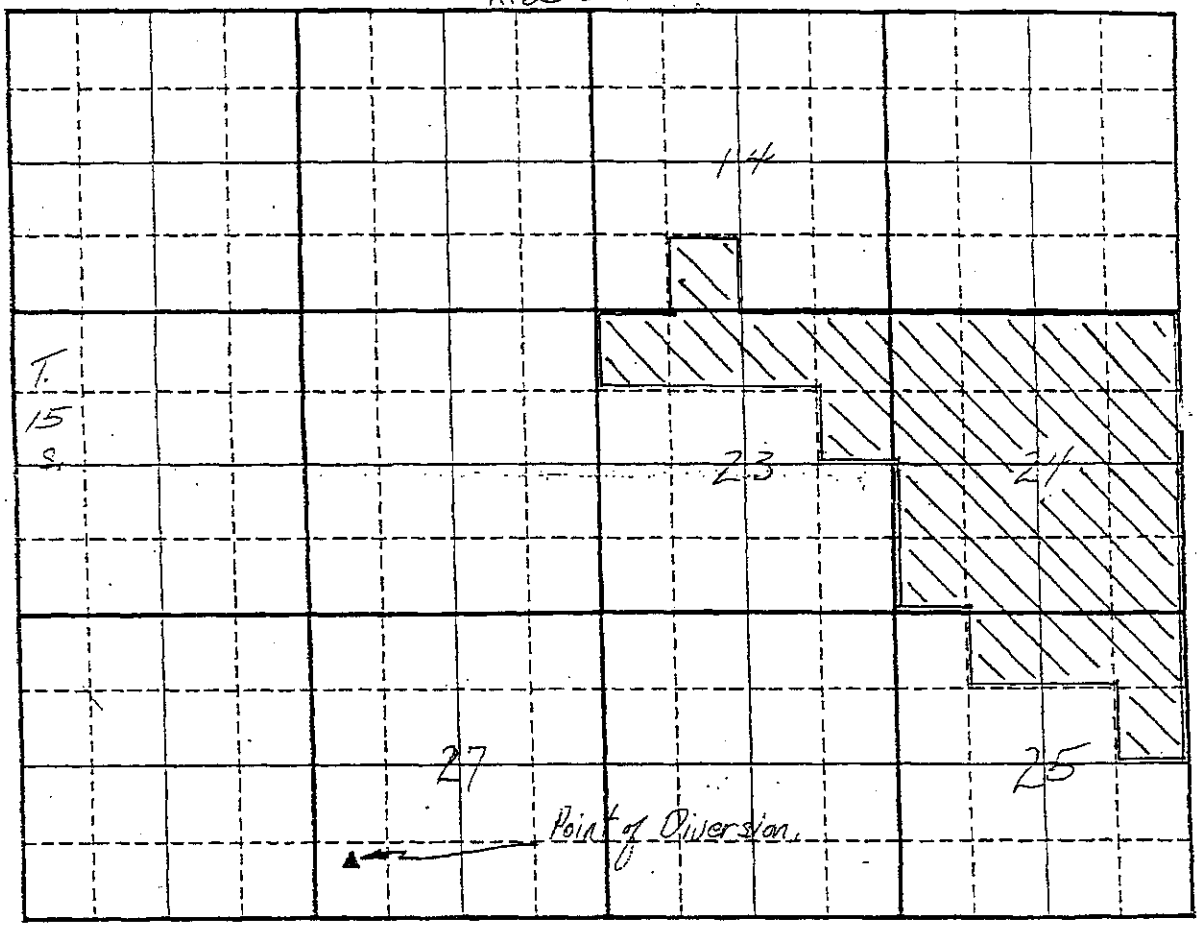
FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

(8) Remarks _____

R. 35 E.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of Oneida)

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

SAMARIA WATER & IRRIGATION CO.
David Jones President
(Claimant)

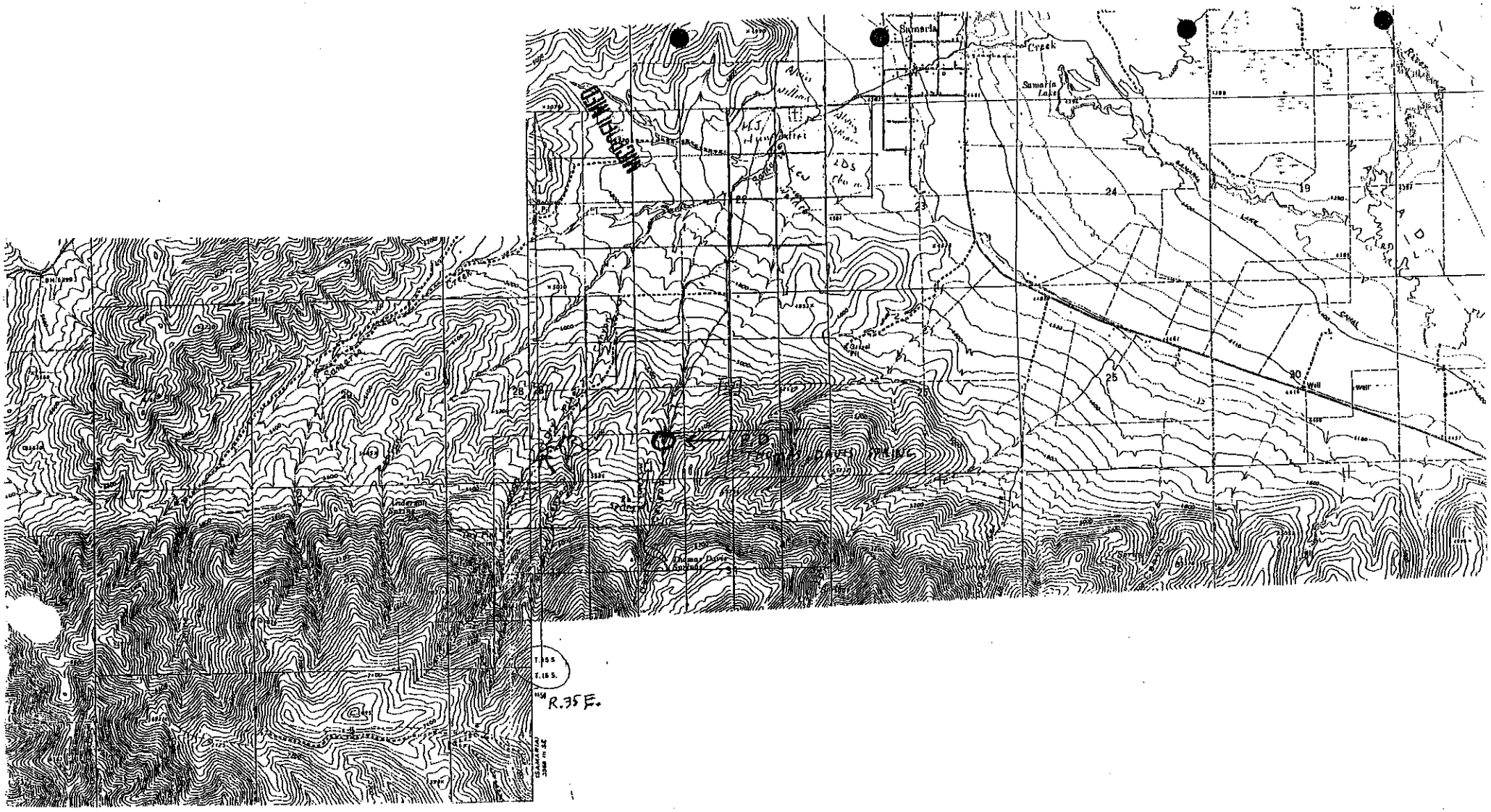
Subscribed to before me this 16th day of December, 19 80.

Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by	Date 12/19/80	Exception filed by:	Forwarded to claimant by:	Date
Plans check by	Date 12-23-80			
$20.00 fee received by	Date 12/22/80 #16130			
Published in	Idaho Enterprise			
Dates	1/8 & 1/15/81			


Samaria
Creek
Samaria Lake
24
19
23
25
30
T.15S.
R.16S.
R.35E.

The S. & S. W. M. W. & I. Co
To
The S. W. and I. Co
} SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundrid and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty Dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same water duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and years first above written.

Signed, Sealed and Delivered in the Presence of
Daniel J. Williams
W. F. Fr.

Richard Morse
James Thomas
Daniel E. Price
W. F. C.

Seal
Seal
Seal

Corporate Seal

State of Idaho } SS.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and ninety three before me a Justice of the Peace in and for Samaria Precinct, Oneida County duly commissioned and qualified, personally appeared the within named Richard Morse, Jas Thomas, Daniel C. Price, David Bowen and Jeremiah A. Williams, Directors of said Company named therein whose names are subscribed to the foregoing Deed of Conveyance as grantor therein, personally known to me to be the identical person mentioned in and who executed the same, and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand the day and year in this certificate first above written.

David T. Davis
Justice of the Peace
Samaria Precinct, Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 29th A.D. 1893 at 33 P.M.

C. T. Toone
Recorder of Oneida Co

70

Notice of Water Right of James Thomas } Thomas Davis Canyon

To all whom these presents may come greeting:

Be it known that James Thomas, Richard Morse, Daniel E Price John E Price, William R. Thomas, Daniel J. Williams, Jeremiah A. Williams, William Jones, & David Bowen, of Samaria, Oneida County, Idaho do hereby publish and declare, as legal Notice to all the world,

I. That they have a legal right to the use, possession and control of and claim one hundred and fifty inches of water of Thomas Davis Canyon 2½ miles South West of Samaria in said County and State, measured under a four inch pressure and flowing at the point of diversion, which point of diversion is described as follows: at a point on the East side of said Canyon about one fourth mile below the mouth of said canyon

II. That the special purpose for which said water is to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes. That the place of intended use, is on the lands of the appropriators herein, situated North and North East from said point of diversion and situated along the ditch conducting the water mentioned herein.

III. That we intend to divert it from said Thomas Davis Canyon by means of a ditch of the following dimensions and carries or conducts _____ inches of water from said canyon a ditch 2 feet wide and 1½ feet deep.

Witness our hands at Samaria, Idaho, July 3rd 1893.

Locators: James Thomas, Richard Morse, Daniel E Price, John E Price, William R Thomas, Daniel J. Williams, Jeremiah A. Williams, William Jones, David Bowen

State of Idaho } ss
County of Oneida }

Richard Morse being first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing notice of appropriation and claim and the persons whose names are subscribed thereto as appropriators and claimants he knows, and also knows the contents of said instrument and that the same is true and correct.

Richard Morse.

Subscribed and sworn to before me this 3rd day of July 1893.

Seal

E. Stone
U.S. Circuit Court Commissioner

State of Idaho } ss.
County of Oneida }

Daniel E Price being duly sworn says that he is one of the appropriators named herein, that the foregoing is a true copy of the notice posted at point designated therein on the 3rd day of July 1893.

Daniel E Price.

Subscribed and sworn to before me this the 3rd day of July 1893.

Seal

E. R. Evans Notary Public

Recorded at the request of Stone & Evans
July 5th 1893 at 25 minutes past 10 A.M.
[illegible] Recorder of Oneida Co.

Form 243
1/03

Claim No. 15-4067

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)

5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2828
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 3, 1893

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Rose Bud Spring tributary to Samaria Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity	1.0 cfs	Use Irrigation	Period of Use From 04/01	to 11/01
Quantity	.01 cfs	Use Stockwater	Period of Use From 05/01	to 09/01
Quantity		Use	Period of Use From	to
Quantity		Use	Period of Use From	to

4. 1.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW ¼ of SE ¼ of ¼, Govt. Lot
Sec. 28 Township 15 South Range 35 East B.M., Oneida County; additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Diversion at spring and 4 miles of open ditch used for irrigation.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle – 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below spring.

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
) ss.
County of _____)

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

David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____

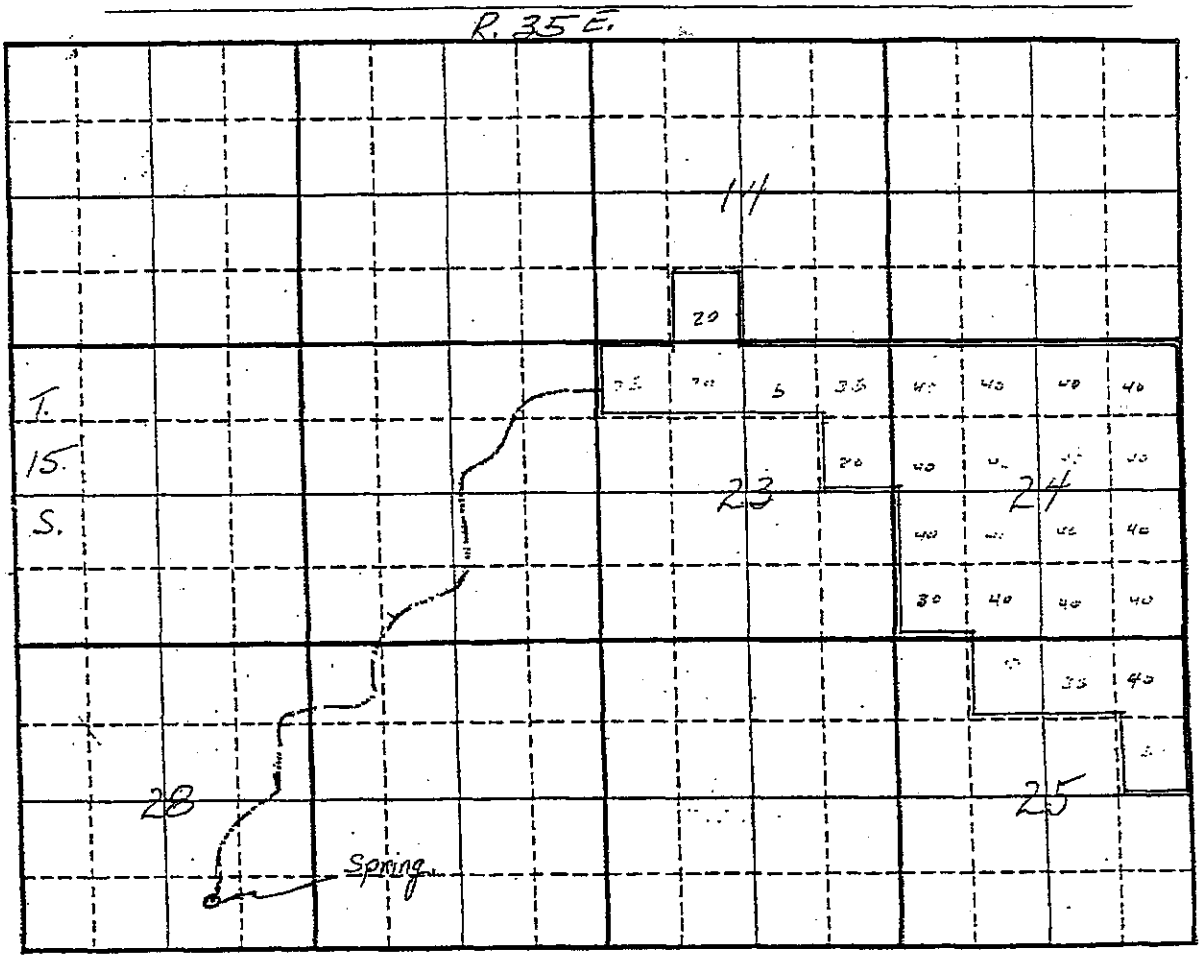
My commission expires: _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of ONEIDA)

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

SAMARIA WATER & IRRIGATION CO.

_____ President
(Claimant)

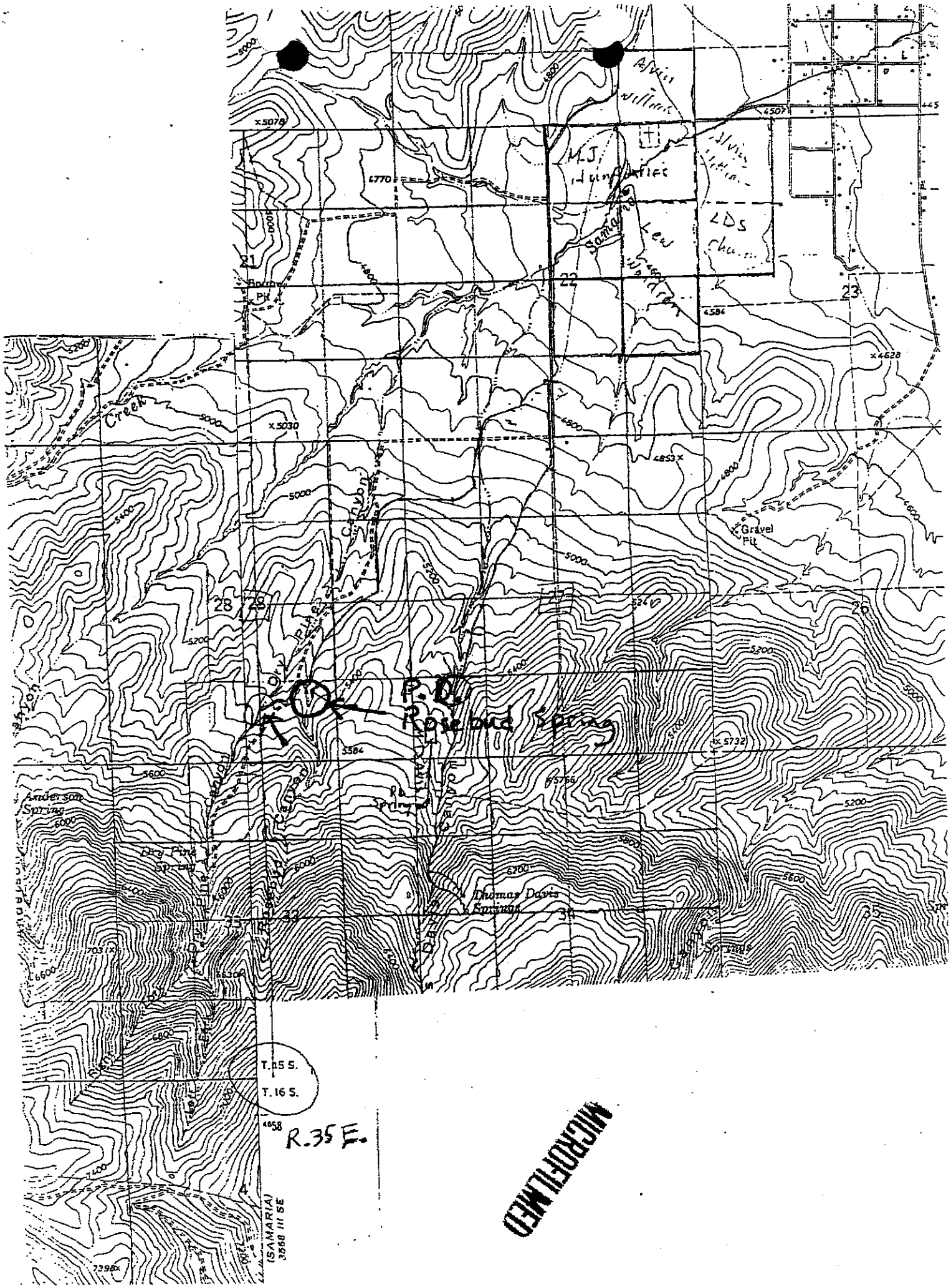
Sworn to before me this 16th day of December, 19 80.

_____
Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by	[illegible]	Date	12/19/80	Exception filed by:	Fowarded to claimant by: Date
Prelim. check by	J.K.	Date	12-22-80.		
$30.00 fee received by	[illegible]	Date	12/30/80	#16130	
Published in	Idaho Enterprise				
Dates	1/8 1/15/81				


Rosebud Spring
Gravel Pit
Borrow Pit
Thomas Davis Springs
Anderson Spring
Dry Pine Spring
Pine Spring
Pine Creek
Canyon
Creek
Wash
T. 15 S.
T. 16 S.
R. 35 E.
MICROFILMED
(SAMARIA) 3568 III SE

The S. & S. W. M. W. & I. Co
To
The L. W. and I. Co
} SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundred and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same water duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Daniel J. Williams
U. S. M.

Richard Morse
James Thomas
Daniel E. Price
U. S. C.

Seal
Seal
Seal

State of Idaho } SS.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and n
ninety three before me a Justice of the Peace in and for Samar
Precinct Oneida County duly commissioned and qualified, personally
appeared the within named Richard Morse, Jas Thomas, Daniel C
Price, David Bowen and Jeremiah D Williams, Directors of said Com
pany named therein whose names are subscribed to the foregoing Dee
of Conveyance as grantor therein, personally known to me to be the identi
person mentioned in and who executed the same, and duly acknowled
to me that they executed the same freely and voluntarily and for
the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand the
day and years in this certificate first above written.

David T. Davis
Justice of the Peace
Samaria Precinct Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 29th A.D. 1893 at 3 P.M.

C. T. Evans
Recorder of Oneida Co

Notice of Water Right of James Thomas et al } Rose Brush Canyon

To whom these presents may come: greeting:

Be it known that James Thomas, Daniel J. Williams, Jeremiah D. William Richard Morse, Daniel E. Price, John E. Price, William R. Thomas, William Jones and David Bowen, of Samaria, Oneida County, Idaho, do hereby publish and declare, as legal notice to all the world.

1st. That they have a legal right to the use, possession and control of and claim fifty inches of the waters of Rose Brush Canyon, 3 miles South East of Samaria in said County and State measured under a four inch pressure and flowing at the point of diversion, which point of diversion is described as follows: At a point at the mouth of said Canyon where a ditch from Dry Pine Canyon intersects the same.

2nd. That the special purpose for which said water is to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes.

That the place of intended use, is on the lands of the appropriators herein, situated North and North East from said point of diversion and situated along the ditch conducting the water mentioned herein.

3rd. That we intend to divert it from said Rose Brush Canyon by means of a ditch of the following dimensions and carries or conducts fifty inches of water from said Canyon, a ditch one foot wide and one ft deep.

Witness our hands at Samaria, Idaho, July 3 1893.

James Thomas	William R. Thomas
Richard Morse	Daniel J. Williams
Daniel E Price	Jeremiah D. Williams
John E Price	William Jones
	David Bowen

State of Idaho, County of Oneida } SS.

Richard Morse being first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing notice of appropriation and claim, and the persons whose names are subscribed thereto as appropriators and claimants he knows, and also knows the contents of said instrument and that the same is true and correct. Richard Morse.

Subscribed and sworn to before me this 3rd day of July, 1893.

Seal C. A. Stone, U.S. Circuit Court Commissioner.

State of Idaho, County of Oneida } SS.

Daniel E Price being duly sworn deposes and says that he is one of the appropriators named herein and that the foregoing is a full true and correct copy of the notice posted at place designated herein on the 3rd day of July 1893. Daniel E Price.

Subscribed and sworn to before me this 3rd day of July 1893. E. Evans Notary Public

Seal Recorded at the request of Stone and Evans July 5th 1893 at 16 minutes past 10 A.M. C. T. Woods Recorder of Oneida Co

Form 243
1/03

Claim No. 15-4068

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Samaria Water and Irrigation Company, c/o David Reel, President
(Name of Claimant)

5176 South, 4400 West, Malad, Idaho 83252 Telephone No: (208) 766-2828
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 3, 1893

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Dry Pine Canyon Springs tributary to Samaria Creek

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity	2.0 cfs	Use Irrigation	Period of Use From 04/01	to 11/01
Quantity	.01 cfs	Use Stockwater	Period of Use From 05/01	to 09/01
Quantity		Use	Period of Use From	to
Quantity		Use	Period of Use From	to

4. 2.0 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW ¼ of SE ¼ of ¼, Govt. Lot
Sec. 28 Township 15 South Range 35 East B.M., Oneida County; additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.
Diversion at spring and 4 miles of open ditch used for irrigation.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15	35	14															20		20
15	35	23	35	20			5	25							20				105
15	35	24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
15	35	25	40	10			35									5			90

TOTAL ACRES 845

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Water is used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle – 600 head

7. Remarks: Water is put into canal to help reduce salt content of canal water to all users below spring.

8. **Map** – Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
) ss.
County of _____)

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

David Reel, President of Samaria Water and Irrigation Company

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____

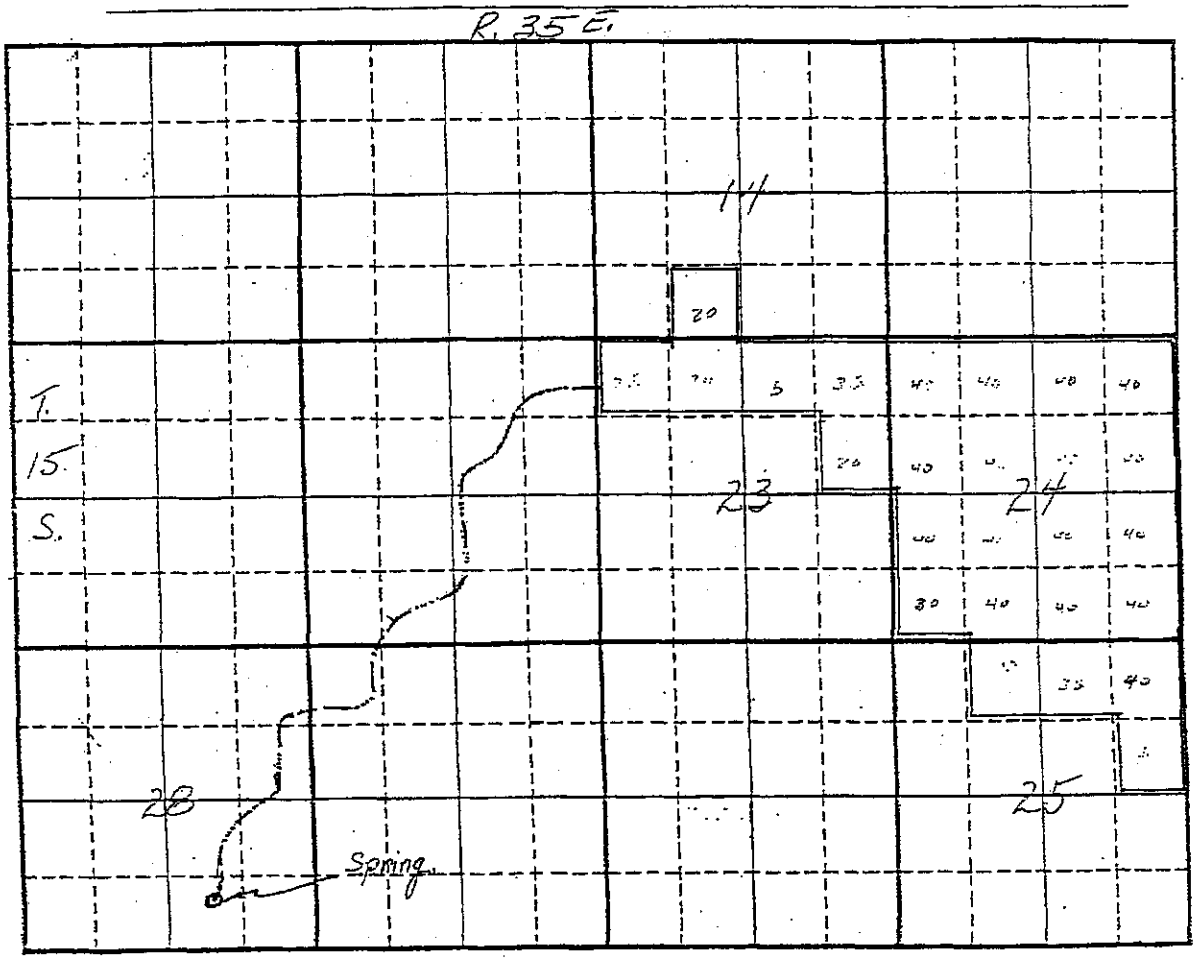
My commission expires: _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____

Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of ONEIDA)

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

SAMARIA WATER & IRRIGATION CO.
Newell Jones President
(Claimant)

Sworn to before me this 16th day of December, 19 80.

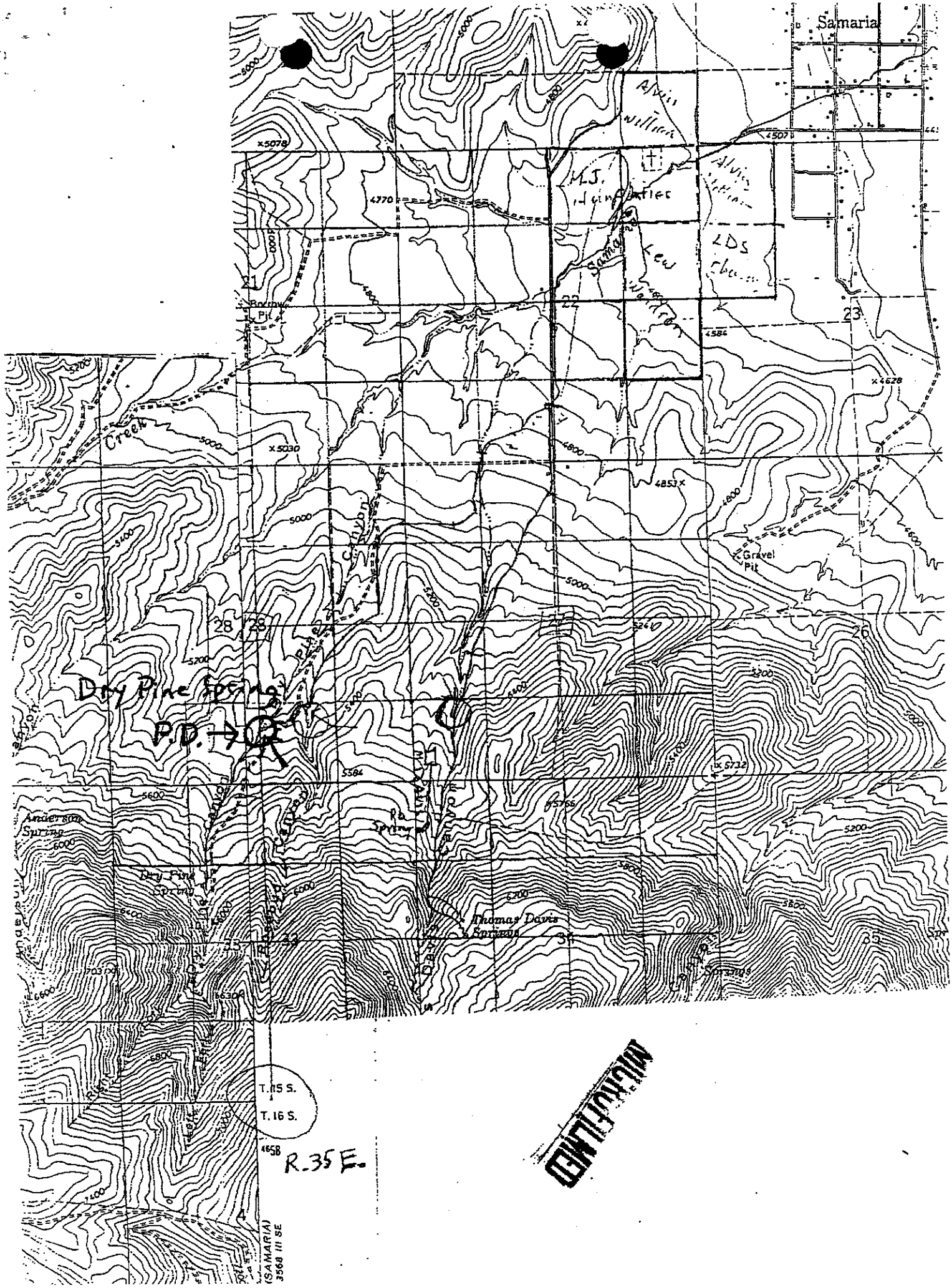
Joan Hawkins
Notary Public
Residing at Malad City, Idaho

My commission expires Life

MICROFILMED

FOR DEPARTMENT USE ONLY

Received by	[illegible]	Date 12/19/80	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	J.K.	Date 12-22-80			
$30.00 fee received by	[illegible]	Date 12/22/80	#10130		
Published in	Idaho Enterprise				
Dates	1/8 1/15/81				


Samaria
Dry Pine Spring
P.D.
Anderson Spring
Dry Pine Spring
Ra Spring
Thomas Davis & Sorrows
Gravel Pit
Borrow Pit
LDS
T. 15 S.
T. 16 S.
R. 35 E.
MINERAL LAND
(SAMARIA)
3568 III SE

The S. & S. W. M. W. & I. Co
To
The S. W. and I. Co
} SS.

This Indenture, Made the 31st day of July in the year of our Lord one thousand eight hundred and ninety three Between, The Samaria and South West Mountain Water and Irrigating Company party of the first part and The Samaria Water and Irrigating Company of the same place the party of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Fifty dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed and by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part and to its heirs and assigns forever, all those certain streams of water in what is known as dry pine, Rose Bush, and Thomas Davis Canyons near Samaria, in Oneida County, Idaho, being the same water duly located by said grantor Company herein on the 3rd day of July 1893 and filed for record in the office of the County Recorder of said County on said date.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereoff; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and its heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Daniel J. Williams
U. S. A.

Richard Morse
James Thomas
Daniel E. Price
U. S. A.

Seal
Seal
Seal

Said Company.

State of Idaho } SS.
County of Oneida }

On this 31st day of July A.D. one thousand eight hundred and ninety three before me a Justice of the Peace in and for Samaria Precinct, Oneida County duly commissioned and qualified, personally appeared the within named Richard Morse, Jas Thomas, Daniel C. Price, David Bowen and Jeremiah A. Williams, Directors of said Company named therein whose names are subscribed to the foregoing Deed of Conveyance as grantor therein, personally known to me to be the identical person mentioned in and who executed the same, and duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand the day and year in this certificate first above written.

David T. Davis
Justice of the Peace
Samaria Precinct, Oneida County, Idaho.

Recorded at the request of Stone and Evans
October 27th A.D. 1893 at 3 P.M.

C. T. Soons
Recorder of Oneida Co

11

Notice of Water Right

State of Idaho } SS
County of Oneida }

James Thomas et al } Dry Pine Canyon.

To all whom these presents may concern;

Be it known, That James Thomas, Richard Morse, David E Price, John E Price, Wm R. Thomas, Dan'l J. Williams, Jeremiah H. Williams, Wm Jones, David Bowen of Samaria in said County and State, do hereby publish and declare, as a legal notice to all the world. 1st. That we have a legal right to the use, possession and control of and claim One hundred inches of the waters of Dry Creek Canyon 8 miles S.W. of Samaria in said County and State, measured under a four inch pressure, and flowing at the point of diversion, which point of diversion is described as follows: at a point 40 rods below the mouth of said Canyon on the East side of said Canyon and conducted into Rose Brush Canyon, 2nd. That the special purpose for which said water is intended to be used, is to irrigate the lands of the appropriators herein and for domestic and culinary purposes. That the place of intended use, is on the lands of the appropriators herein situated North and N. East from said point of diversion and situated along the ditch conducting the water herein. 3rd. That we intend to divert it from said Dry Creek Canyon by means of a ditch of the following descriptions, Two feet wide and one foot deep in size and carries or conducts 100 inches of water from said Canyon.

Witness our hands at Samaria, Idaho, this 3rd day of July 1893.

Locators James Thomas	Wm R Thomas
Richard Morse	Dan'l J Williams
David E Price	Jeremiah H Williams
John E Price	William Jones
	David Bowen

State of Idaho, County of Oneida } SS

Richard Morse having been first duly sworn deposes and says that he is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing Notice and statement of appropriation and claim and the persons whose names are subscribed thereto as the appropriators and claimants that he knows the contents of said notice and statement foregoing and that the matters and things therein stated are true.

Richard Morse.

Seal

Subscribed and sworn to before me this 3rd day of July 1893.

C. A. Stone U.S. Circuit Court Commissioner.

State of Idaho, County of Oneida } SS.

Daniel E Price being duly sworn says that he is one of the appropriators herein and that the foregoing instrument is a full true and correct copy of a notice by him posted at place designated therein on the 3rd day of July 1893.

Daniel E Price.

Seal

Subscribed and sworn to before me this 3rd day of July 1893.

H. R Evans Notary Public.

State of Idaho, County of Oneida } SS.

I hereby certify that this instrument was filed for record at request of Stone & Evans at 20 minutes past 10 o'clock A.M. this 5th day of July A.D. 1893. at my office

C. T. Moore
Recorder of Oneida Co

25

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

Department of Water Administration
Eastern District Office

License of Water Right No. R-637/15-2074 Priority Sept. 27, 1937 Amount 500 acre feet

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. R-637/15-2074 issued pursuant to Application for Permit dated August 25, 1937, and has submitted proof to the Department of Water Administration on October 4, 1948 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 500 acre feet of water from Big Malad River, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Storage for Irrigation	from Jan. 1	to Dec. 31	at n/a cfs and	500 acre feet
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than n/a of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 500 acre feet per year, said waters to be diverted within the $SW\frac{1}{4}NW\frac{1}{4}$ of Sec. 22, Twp. 14 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

License No. R-637/15-2074

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14 S	35 E	22								20	35			35		20	40		150
		26										5	20						25
		27	10	40	40	30	30			30	35	5	5	40	40	40	40	40	425
		34	40	40	40	40	25			10					40	30	10	40	315
		35					5	35	40	15	35	40	40	40		5	15		270
15 S	35 E	2		10	10		40	40	40	40	40	40	35	40		10	20		365
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 4,410

State of Idaho

Malad Valley
Boise
15

License and Certificate of Water Right

15-2075

Water License No. R-791 Priority April 18, 1947 Amount 700 acre ft. per annum

THIS IS TO CERTIFY that SAMARIA WATER & IRRIGATION COMPANY

of Samaria, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 18, 1947; that Permit No. R-791 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1300 acre ~~second~~ feet, was issued thereunder on August 27, 1952, showing that said works were completed on the 8th day of August, 19 52; and that on the 31st day of July, 19 58 Samaria Water & Irrigation Company by Nephi R. Ipsen of Samaria, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Big Malad River & Big Malad River Spring a tributary of for the purpose of irrigation, under Use Permit No. R-791 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~in the~~ , on the 27 day of June, 19 68.

The right hereby confirmed dates from April 18, 19 47.

The Point of Diversion is located in the SE ¼ NE ¼, Sec. 16, Twp. 14 S, R. 35 E, B.M. Oneida County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 700 acre ~~cubic~~ feet per ~~second~~ annum.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			For irrigation of 2840 acres of land in Sec. 22, 26 and 27, 34, 35 in T. 14 S., R. 35 E., B. M. and Sec. 2, 3, 10, 11, 14, 23, 24 in T. 15 S., R. 35 E., B. M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 27 day of June, 19 68.

R. Keith Higginson
State Reclamation Engineer.

D-791

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 18948/15-2023 Priority March 1, 1940 Amount 3.0 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 18948/15-2023 issued pursuant to Application for Permit dated March 1, 1940, and has submitted proof to the Department of Water Administration on April 10, 1951, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 3.0 cfs of water from Warm Springs, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to Nov. 1	at 3.0	cfs and	1,272 acre feet
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 1,272 acre feet per year, said waters to be diverted within the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 3, Twp. 15 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

License No. 18948/15-2023

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	2		10	10		40	40	40	40	40	40	35	40		10	10		355
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 3,215

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 19071/15-2024 Priority August 28, 1940 Amount 3.5 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 19071/15-2024 issued pursuant to Application for Permit dated August 27, 1940, and has submitted proof to the Department of Water Administration on November 5, 1951 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 3.5 cfs of water from Warm Springs, tributary to Big Malad River, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to Nov. 1	at 3.5 cfs	and	1,483 acre feet
	from	to	at	and	
	from	to	at	and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.5 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 1,483 acre feet per year, said waters to be diverted within the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 3, Twp. 15 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

15-3071

License No. 19071/15-2024

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S	35 E	2		10	10		40	40	40	40	40	40	35	40		5	15		355
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 3,215

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 19072/15-2025 Priority Sept. 6, 1940 Amount 22.0 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 19072/15-2025 issued pursuant to Application for Permit dated August 27, 1940, and has submitted proof to the Department of Water Administration on May 14, 1941 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 22.0 cfs of water from Big Malad River, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to Nov. 1	at 22.0 cfs	and	9,322 acre feet
_____	from _____	to _____	at _____ cfs	and	_____
_____	from _____	to _____	at _____ cfs	and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 22.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 9,322 acre feet per year, said waters to be diverted within the $SE\frac{1}{4}NW\frac{1}{4}$ of Sec. 22, Twp. 14 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

License No. 19072/15-2025

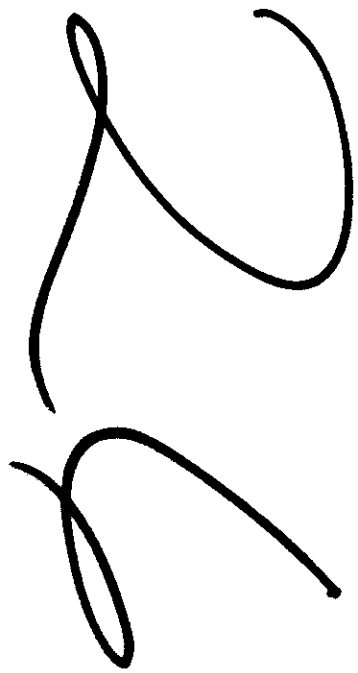
LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	35E	22			20	40					40			35	40	40	40	35	290
		23							40	40	40	40	40	40		40	40		320
		26		40	40		40	40	40	40	40	40	40	40					400
		27	40	40	40	40	30			30	35		5	40	40	40	40	40	460
		34	40	40	40	40	25			10					40	30	10	40	315
		35					40	40	40	40	40	40	40	40	40	40	40	40	480
		36										40	40	40			20	20	160
15S	35E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	35	40	40	40	40	40	635
		3	40			15													55
		10	10			15									25			10	60
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40			40	40	20		30	40	40	40			30		360
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30			10	40	40	40	40	505
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 6,735

AVERY ™ RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT



BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of Samaria Water & Irrigation Company, I.C. 42-243 Notice of Statutory Claim Re Water Right No. 15-4066, 15-4067, 15-4068	)))))	**NOTICE OF EXCEPTION**

NOTICE IS HEREBY GIVEN that the undersigned M. Jeff Davis hereby files this Notice of Exception with the Idaho Department of Water Resources ("IDWR") pursuant to Idaho Code §42-244 for the purpose of taking exception to the quantity and place of use claimed by Samaria Water & Irrigation Company (hereinafter the "Company") in its Amended Claims To A Water Right filed on June 28, 2006 pursuant to Idaho Code §42-243 claiming new and additional water rights in Thomas Davis Creek, Rose Bud and Dry Pine Creeks, Water Right Claim Nos. 15-4066, 15-4067 and 15-4068 (hereinafter "2006 Amended Claims"). This Notice of Exception is also intended to amend and supplement Davis' Notice of Exception filed with IDWR on December 16, 2005, taking exception to the place of use claimed by Company in its' Claim No. 15-4066, 15-4067 and 15-4068 filed December 19, 1980 (hereinafter "1980 Claims") in order to set forth additional supporting evidence subsequently identified in the course of review of records produced by the Company.

M. Jeff Davis asserts that Company's 1980 Claims and 2006 Claims to not accurately identify the place of use and wrongfully exclude the property of Davis and others; that the place of use in the 2006 Claims is inconsistent with and contrary to the 1980 Claims and also the Company's Water Right License Nos. R-637/15-2074 and 18948/15-2023; and, that place of use described in the 2006 Claims is inconsistent with the place of use identified in the map attached to that Claim. Further, that the quantity of water claimed in the 2006 Claims is inaccurate and excessive, inconsistent and contrary to the 1980 Claims and also in excess of historic use. Davis further asserts that the 2006 Claims were not filed in good faith, but for the sole purpose of creating evidence for the Company to use in support of its' objections to Davis' pending Application for Permit Nos. 15-7273, 15-7274 and 15-7275 filed December 16, 2005. In support of this Exception the following is submitted.

1. M. Jeff Davis is the managing general partner and with his wife are the owners of The M.J. Davis Memorial Limited Partnership (hereinafter "Davis"). Davis owns a residential home located in the Samaria townsite with an address of 5054 S. 4600 W., Malad, Idaho, together with approximately 815 acres of farmland in and around Samaria. Acquisition of the land now constituting the Davis Ranch (which all lies in T. 15 S., R. 35 E., B.M., Oneida County, Idaho) began in 1943 when Davis's grandfather, Melvin Martin Davis purchased the W1/2 of Section 27 from Daniel Campbell. In 1969 this land was sold to Davis's parents, Melvin J. and Emma Louise Davis. In 1986 M. Jeff Davis, Melvin J. and E. Louise Davis jointly purchased the NW, SW, and NE1/4 of the NE1/4 of Section 22, excepting the land in the NE1/4 NE1/4 of Section 22 that constitutes the Samaria Cemetery. After the untimely death of Melvin J. Davis in 1993, Emma Louise Davis (also known as E. Louise Davis) assumed Melvin J.'s portion of the above-mentioned properties, and then in 1998 sold all of her interests in these properties to Davis. In 1999, Davis purchased 62 of the 80 acres contained in the SE1/4 NE1/4 of Section22 and the NE1/4 SE1/4 of Section 22 from Delmar E. And Lydia Richert. Then in 2005, 40 of these 62 acres were traded to Revere Chambers, who in turn traded 80 acres in Box Elder County, Utah, to Dee's Inc. Dee's Inc. then traded to Davis approximately 75 acres in the N1/2 N1/2 of Section 34. These 75 acres lie south and west of a presently existing fenceline, which forms the northern and eastern boundary of Davis's property in Section 34.

2. The water rights owned by Davis consist of 11.125 shares of water stock in Samaria Water & Irrigation Company and IDWR Water Right License No. 15-07032, a spring used for stock water purposes.

3. Pursuant to the 11.125 shares of stock in the Company, Davis has a lawful right to utilize his proportionate share of available Company water from Thomas Davis, Rosebud and Dry Pine springs to irrigate his property. Specifically, Mountain Water has historically been applied to beneficial use on the Davis property, to-wit:

(A) Water from Thomas Davis, Rosebud (also known as Rosebush or Rosebrush) and Dry Pine Springs (hereinafter "Mountain Water") has been used pursuant to the Company's shares by Davis's predecessors in interest, his parents, Melvin J. and Emma Louise Davis, his grandfather Melvin Martin Davis, his predecessor Daniel Campbell and his predecessor Edward Martin (a relative of Davis). This is evidenced by Deed from Edward Martin to Daniel Campbell

dated October 9, 1928, Oneida County Instrument No. 46003 (Exhibit 1), which reflects that one-half share of stock in the Company is appurtenant to the W1/2 of Section 27. Beginning in the early 1980s the Davis property was enrolled in the CRP program and since that time Mountain Water has not been used on the W1/2 of Section 27, except for small amounts diverted and applied to beneficial use to establish and maintain cover and habitat in the riparian areas.

Furthermore, since sometime prior to 1893, all water from Thomas Davis Springs has been diverted out of the natural channel into an artificial ditch located to the east of the natural channel. The ditch follows the contour of the hill through the Davis property in the E1/2 W1/2 of Section 27. The ditch is believed to have been constructed for the sole purpose of delivering irrigation water to the Davis property in the E1/2 W1/2 of Section 27 and the D. P. Thomas patented property in Section 26 as it would serve no other purpose.

Sometime prior to 1893, the Rosebud and Dry Pine Canyon waters were similarly diverted from their natural channels into an artificial ditch which enters the Davis property in the NW1/4 NW1/4 of Section 27. This ditch runs east following the contour of the hill and then turns north in route to the SW1/4 of Section 22 and beyond. The purpose of this ditch was to deliver water to land now owned by Davis in the W1/2 of Section 27, to land patented by James Thomas in the SW1/4 of Section 22, as well as other original appropriators of the mountain water whose lands were "situated north and northeast from said point of diversion and situated along the ditch conducting the water mentioned herein." (*See*, Exhibit 2 and following subheading B in this document.) From this it is clear that the ditches were constructed specifically to conduct water to the appropriators' lands and not simply to expedite water to the townsite of Samaria. Furthermore, the ditches were built to allow maximum access to Mountain Water by the original appropriators, as well as future land owners in the Samaria mountain areas. This is evidenced by the subsequent issuance of Company shares to those who homesteaded after 1893, specifically Edward and Emma Martin, the original owners of the W1/2 of Section 27 (the land now owned by Davis) and David P. Thomas, patenter of lands in Sections 27, 26 and 34. See Exhibits 1 and 3.

(B) In the SW1/4 and the SE1/4 of the NE1/4 of Section 22, Mountain Water has been used pursuant to the Company's shares by Davis's predecessors in interest dating back to David Bowen, whose original Patent on 07-08-1895 is verified by the Patent Map labeled Township

No. 15 S. Range No. 35 E. B.Mer (Exhibit 4). In Notices of Water Right for the Mountain Water, which are all three dated 3 July 1893 and signed by nine signatures (Exhibit 2), including one David Bowen, it states in item II:

> "that the special purpose for which said water is to be used is to irrigate the lands of the appropriators herein and for domestic and culinary purposes. That the place of intended use is on the land of the appropriators herein, situated north and northeast from said point of diversion and situated along the ditch conducting the water mentioned herein."

David Bowen was one of the original nine appropriators of mountain water. His patented land is north and northeast of the points of diversion and is situated along the ditch conducting the Mountain Water. That this land was specifically designated as a place of use by the original Notices of Water Rights, Exhibit 2. This land is now owned by Davis. Davis, his parents and subsequent renters used Mountain Water after this land in Section 22 was acquired in 1986, in same manner as the historical use.

(C) Water from Thomas Davis Canyon is also appurtenant to approximately 75 acres of land owned by Davis in the N1/2 N1/2, Section 34. The indenture made between David P. and Anna D. Thomas ("Thomas") and J.F. Fredrickson dated 23 August 1946, Oneida County Instrument No. 68243 (Exhibit 3) establishes that one share of the capital stock of Samaria Water & Irrigation Company is appurtenant to the land now owned by Davis in Section 34, (as well as to other lands in Sections 34, 27 and 26, now owned by Dee's Inc..)

D.P. Thomas and also a relative of Davis, was a known and authorized user of water from Thomas Davis Canyon to irrigate a large garden, orchard and lawn around his homestead in the Samaria mountain area known as Mt. Pleasant. This water use has been verified by his two remaining children, Adele Thomas Harker of Salt Lake City, Utah, and Mary D. Thomas Nelson of Washington, Missouri. John Roderick, a long-time resident of the Samaria/Pleasant View area and recurrent president of the Company also confirms that Thomas was authorized to use Company shares in the Samaria mountain area. Mr. Roderick responded to the Affidavit Questions (see Exhibit 7) issued by the Company in April/May of 2006, and on question number 6 which asks "Was there authorized use of water anywhere above the township lines of Samaria which is also the line of usage as listed by IDWR Plat? If so, who and what property and how many shares?" Mr. Roderick listed D.P. Thomas as an authorized user as well as Jim Thomas.

Mr. Jim Thomas (mentioned in paragraph 3(A) of this document) and also known as James B., or James Thomas was another of the original nine appropriators of mountain water and used this water for domestic, culinary and irrigation purposes on his land in the SW1/4 of Section 22, which was patented on 11-14-1912 (Exhibit 4).

As further evidence of Company authorized use of mountain water in the SW1/4 of Section 22, when this land was sold in 1930, one share of water stock of the Samaria Water & Irrigation Company was listed on the transfer document, an Indenture between John E. and Winnefred Jones and Thomas M. Davis (a Davis relative) dated 19 April 1930, Oneida County Instrument No. 46928, Exhibit 5. This land in the SW1/4 of Section 22 is not presently owned by Davis, but is listed here as another documented example of authorized use of Company water outside the place of use set forth by the Company in its statutory claim, Water Right No. 15-4066. To this date, the Company denies that any such authorized use ever existed, despite the historical documents discussed above.

(D) Pursuant to Bargain and Sale Deed (Indenture) dated July 31, 1893, Exhibit 6, Samaria and Southwest Mountain Water & Irrigation Company sold to Samaria Water & Irrigation Company all of its water rights in Dry Pine, Rosebud and Thomas Davis Canyons. This further evidences that water was previously diverted and used by the Samaria & Southwest Mountain Water & Irrigation Company in the mountain area where Davis's property is.

(E) Instructions to the Water Master of Samaria Water & Irrigation Company for the Year 1942, Exhibit 7, states in Instruction No. 9:

-* 9*-

> The mountain water to be divided according to the best judgment of the watermaster in order that all of the above ditch may receive the same amount according to their shares. (Emphasis added.)

This instruction to the watermaster clearly indicates that in 1942 the Company was instructing its own watermaster to deliver the mountain water to the shareholders in that area above the ditch. This flies in the face of the Company's present contention that the primary purpose of the Samaria Creek water is to supplement the big ditch water.

(F) Nothing in the Articles of Incorporation or By Laws of the Company defines the place of use or restricts the place of use, with the exception of By Law Article VI, Section 4.

Section 4 only restricts sales of stock for use "above Pleasantview Hot Springs." Exhibit 8.

4. Based on the foregoing, Davis takes exception to the Company's 1980 Claims and 2006 Claims to the extent that it does not include in the designated place of use the Davis property in the W1/2 of Section 27, the SW1/4 and SE1/4 of the NE1/4 of Section 22, and the Davis property in the N1/2 N1/2 of Section 34. Davis submits that his property in the W1/2 of Section 27, the SW1/4 SW1/4 of the NE1/4 of Section 22 and in the N1/2 N1/2 of Section 34, Township 15 South, Range 35 East should all be included in the place of use of the Company with respect to Water Right No. 15-4066.

5. In 2005 after the Company complained to IDWR regarding Davis's use of the Mountain Water, Davis voluntarily discontinued diversion and use of water on all his property in the mountain area, even though he believed he was lawfully entitled to use his water on these properties based on his shares and the historic practices. This was in an effort to act in good faith and to avoid further ill will in the hopes that a basis could be established to address and resolve all of these issues in a reasonable and neighborly fashion. Discovery conducted now clearly indicates that Company water has historically been diverted and used in the mountain areas on Davis's properties by him, his parents and their predecessors in interest since at least 1893. It is significant to note that the Company's water rights have never been permitted, licensed or decreed. The place of use has only been identified by a "Statutory Claim" under I.C. §42-248. .

Davis voluntarily discontinued diversion and use of water on his property in the mountain areas even though he believes he was lawfully entitled to use his water on his mountain property based on his shares and the historic practices. This was in an effort to act in good faith and to avoid further ill will in hopes that a basis could be established to address and resolve all of these issues in a reasonable and neighborly-like fashion. Discovery conducted now clearly indicates that Company's water has historically been diverted and used in the mountain areas on Davis's property by him, his parents and their predecessors in interest since at least 1893.

6. The Company's use of Samaria Creek water as a dilution source for the "Big Ditch" results in Samaria Creek water being used outside the places of use designated by the Company in its -248 Claim. Examples of this which are not all inclusive included the following:

(A) None of the land in the SW quarter and SE quarter of the SE quarter of section 14 is within the claimed places of use. John Evans (Board Member) uses water from Samaria Creek

to irrigate land in these areas.

(B) In the NW 1/4 NE 1/4 of Section 23, only 5 acres of the 40 total acres are places of use. The bulk of these 40 acres are owned by John Evans (Board Member) and David Reel (President of Samaria) and are all irrigated with water from Samaria Creek.

(C) None of the land in the SW 1/4 NE 1/4 of Section 23 is an authorized place of use for Samaria Creek water. Yet many of these acres are irrigated with water from Samaria Creek. Specifically, land owned by Daryl Hughes and land owned by Neil and Mike Hughes and operated by Shawn Anderson (Board Member).

(D) In the NW 1/4 SW 1/ 4of Section 23, no lands are authorized places of use. Yet land owned by Dees, Inc., also a protestant of Davis's Application for Permit, is irrigated with water from Samaria Creek.

(E) In the NE 1/4 SE 1/4 SW 1/4 of Section 23 no lands are authorized places of use. Yet land owned by the Morgan Family is irrigated with water from Samaria Creek.

Obviously, the Company's claimed place of use is inaccurate and incomplete with respect to the property of Davis and perhaps the Board Members discussed above and other shareholders. If the Company is going to continue to single out Davis for unfair and discriminatory treatment, then the place of use claimed must be applied equally and strictly followed for all shareholders. Te entire problem can and should be solved easily by the Company amending its Notice of Claim to reflect the proper place of beneficial use based upon historic practices to include the Davis property.

7. The foregoing documents and records of the Company clearly indicate that the water from these mountain streams were historically diverted and applied to beneficial use in that area above the Big Ditch. Further, that Davis's property where he wants to continue to utilize water available from the Company based upon his shares is well within the lawful place of use based upon the historic diversion and application to use practices. This use forms the very basis of the Company's Claim to waters arising in those mountain streams.

8. The Company's objection to Davis's diversion and use of water on his property has wrongfully and unlawfully deprived him of his share of available water based upon his shares. In order to mitigate his damages and lawfully utilize his water rights, Davis is resume use of water based upon his shares.

DATED this _____ day of August, 2006.

M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP

By_____
JEFF DAVIS, General Partner

STATE OF IDAHO)
: SS
COUNTY OF BANNOCK)

Jeff Davis, being first duly sworn under oath, deposes and states that the foregoing is true and correct to the best of his knowledge, information and belief.

Dated this _____ day of August, 2006.

_____
JEFF DAVIS, General Partner
M.J. Davis Memorial Limited Partnership

SUBSCRIBED AND SWORN TO before me this _____ day of August, 2006.

_____
NOTARY PUBLIC FOR IDAHO,
Residing at:_____
My Commission Expires:_____

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this _____ day of August, 2006, I mailed a true and complete copy of the foregoing instrument, postage prepaid, to the following:

Roger Ling
Michael P. Tribe
Attorneys for
Samaria Water & Irrigation Company
Ling Robinson
P.O. Box 396
Rupert, Idaho 83350

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RANDALL C. BUDGE, Attorney for
M.J. Davis Memorial Limited Partnership

LIST OF EXHIBITS ATTACHED TO
M.J. DAVIS NOTICE OF EXCEPTION

1. Deed dated October 9, 1928 from Edward Martin to Daniel Campbell. (Includes ½ share of Samaria Water Stock appurtenant to W1/2, Section 27)

2. Three Notices of Water Right dated July 3, 1893.

3. Indenture dated August 23, 1946, Oneida County Instrument No. 68243 between Thomas and Fredrickson.

4. Land Patent dated 11-14-1912.

5. Indenture dated April 19, 1930, between John E. And Winnefred Jones and Thomas M. Davis. (Includes 1 share of water stock in land in SW1/4 of Section 22.)

6. Bargain and Sale Deed dated July 31, 1893, from Samaria & Southwest Mountain Water and Irrigation Company to Samaria Water & Irrigation Company conveying water rights in Dry Pine, Rosebud and Thomas Davis Canyons.

7. Instructions to the Watermaster of Samaria Water & Irrigation Company for the year 1942.

8. Articles of Incorporation and By Laws of Samaria Water & Irrigation Company.

RECEIVED
AUG 31 2006
DEPARTMENT OF
WATER RESOURCES

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON
MICHBAEL P. TRIBE

ROGER D. LING OF COUNSEL

August 29, 2006

Karl J. Dreher, Director
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

RE: **In the Matter of Applications for Permit Nos. 15-7273, 15-7274, and 15-7275 in the name of M. J. Davis Memorial Limited Partnership**

Dear Mr. Dreher:

Enclosed is a *Notice of Service of Discovery* for filing in the above-referenced matter on behalf of our client Samaria Water and Irrigation Company, Protestant. Thank you.

Very truly yours,

Michael P. Tribe

Michael P. Tribe

enc

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Protestant,
Samaria Water and Irrigation Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274, AND 15-7275 IN THE NAME OF M. J. DAVIS MEMORIAL LIMITED PARTNERSHIP

NOTICE OF SERVICE OF DISCOVERY

COMES NOW the Protestant, Samaria Water and Irrigation Company, by and through its attorney of record, Roger D. Ling of the firm Ling, Robinson & Walker, and pursuant to the Idaho Rules of Civil Procedure hereby notifies the Court and all parties that on the date below stated, the undersigned served the original *Supplemental Response to Applicant's First Requests for Production* on M. J. Davis Memorial Limited Partnership, by and through its attorney, Randall C. Budge, Esq. of the firm of Racine, Olson, Nye, Budge & Bailey, Chtd., P. O. Box 1391, Pocatello, Idaho 83204-1391 with copies to all parties.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

DATED this 29th day of August, 2006.

LING, ROBINSON & WALKER

By: _____
Michael P. Tribe, Attorney for
Samaria Water and Irrigation Company

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of August, 2006, I served copies of the foregoing NOTICE OF SERVICE OF DISCOVERY upon:

Randall C. Budge
RACINE, OLSON, NYE, BUDGE & BAILEY, Chtd.
P. O. Box 1391
Pocatello, Idaho 83204-1391

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Michael W. Olson, President
Brent Clark
Dee's Incorporated
777 E. 2100 S.
Salt Lake City, Utah 84106

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Willard J. and Kay Higley
Samaria Recreation District & Cemetery
4010 S. Samaria Road
Malad, Idaho 83252

by depositing said copies in the United States mail, postage prepaid, in envelopes addressed to said parties/entities at the foregoing addresses.

_____
Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

RECEIVED
AUG 30 2006
DEPARTMENT OF
WATER RESOURCES

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Protestant,
Samaria Water and Irrigation Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 15-7273, 15-7274, AND)
15-7275 IN THE NAME OF M. J. DAVIS)
MEMORIAL LIMITED PARTNERSHIP)

NOTICE OF SERVICE OF DISCOVERY

COMES NOW the Protestant, Samaria Water and Irrigation Company, by and through its attorney of record, Roger D. Ling of the firm Ling, Robinson & Walker, and pursuant to the Idaho Rules of Civil Procedure hereby notifies the Court and all parties that on the date below stated, the undersigned served the original *Supplemental Response to Applicant's First Requests for Production* on M. J. Davis Memorial Limited Partnership, by and through its attorney, Randall C. Budge, Esq. of the firm of Racine, Olson, Nye, Budge & Bailey, Chtd., P. O. Box 1391, Pocatello, Idaho 83204-1391 with copies to all parties.

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

DATED this 29th day of August, 2006.

LING, ROBINSON & WALKER

By: _____
Michael P. Tribe, Attorney for
Samaria Water and Irrigation Company

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of August, 2006, I served copies of the foregoing NOTICE OF SERVICE OF DISCOVERY upon:

Randall C. Budge
RACINE, OLSON, NYE, BUDGE & BAILEY, Chtd.
P. O. Box 1391
Pocatello, Idaho 83204-1391

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Michael W. Olson, President
Brent Clark
Dee's Incorporated
777 E. 2100 S.
Salt Lake City, Utah 84106

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Willard J. and Kay Higley
Samaria Recreation District & Cemetery
4010 S. Samaria Road
Malad, Idaho 83252

by depositing said copies in the United States mail, postage prepaid, in envelopes addressed to said parties/entities at the foregoing addresses.

_____
Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

RECEIVED
AUG 3 0 2006
DEPARTMENT OF
WATER RESOURCES

Roger D. Ling, ISB No. 1018
Michael P. Tribe, ISB No. 6816
LING, ROBINSON & WALKER
Attorneys at Law
P. O. Box 396
Rupert, Idaho 83350
Telephone (208) 436-4717
Facsimile (208) 436-6804

Attorneys for Protestant,
Samaria Water and Irrigation Company

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT NOS. 15-7273, 15-7274, AND 15-7275 IN THE NAME OF M. J. DAVIS MEMORIAL LIMITED PARTNERSHIP	**SUPPLEMENTAL RESPONSE TO APPLICANT'S FIRST REQUESTS FOR PRODUCTION**

COMES NOW the Protestant, Samaria Water and Irrigation Company, by and through its attorney of record, Michael P. Tribe of the firm Ling, Robinson & Walker, and pursuant to Rule 33 of the Idaho Rules of Civil Procedure, supplements its response to *Applicant's First Interrogatories and Requests for Production of Documents to Protestants* served upon it by applicant M. J. Davis Memorial Limited Partnership, as follows:

REQUEST FOR PRODUCTION NO. 1: Please produce all documents which pertain to and/or which you base your answer to the above interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Attached hereto and incorporated herewith as if fully set forth herein as Exhibit "H" is *Claim to a Water Right* for

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

Claim No. 15-4009; *Water Right License* for License of Water Right No. R-637/15-2074 as Exhibit "I"; *Water Right License* for License of Water Right Nos. 18948/15-2023, 19071/15-2024, and 19072/15-2025 as Exhibit "J"; letter to Samaria Water & Irrigation Company dated October 17, 1980 from John Kappelman, Jr., Water Resource Agent for the State of Idaho Department of Water Resources, with attached documents, as Exhibit "K"; relevant pages from Minutes of Board of Directors of Samaria Water and Irrigation Company as Exhibit "L"; additional pages to the ledger, specifically pages 175 through 199, as Exhibit "M"; and Samaria Water and Irrigation Company water right licenses and claims to water rights, including dam storage license, irrigation season water license, and winter water claim, as Exhibit "N".

DATED this 29th day of August, 2006.

LING, ROBINSON & WALKER

By: _____
Michael P. Tribe
Attorneys for Protestant,
Samaria Water and Irrigation Company

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of August, 2006, I served the original Supplemental Response to *Applicant's First Requests for Production* upon:

Randall C. Budge
RACINE, OLSON, NYE, BUDGE & BAILEY, Chtd.
P. O. Box 1391
Pocatello, Idaho 83204-1391

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

with true and correct copies served upon:

Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Michael W. Olson, President
Brent Clark
Dee's Incorporated
777 E. 2100 S.
Salt Lake City, Utah 84106

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Willard J. and Kay Higley
Samaria Recreation District & Cemetery
4010 S. Samaria Road
Malad, Idaho 83252

by depositing said document in the U.S. Mail, postage prepaid, in envelopes addressed to said parties at the foregoing addresses.

Michael P. Tribe

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

EXHIBIT H

Claim No. 15-4009

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Samaria Water & Irrigation Company, Clyde Chugg, Pres., 766-4066
(name of claimant)

of Samaria, Idaho 83252 (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Warm Springs, tributary to, _____

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	Amount	Use	Period of Use			
			From		To	
Amount	6.50 (cfs, gpm or a/f)	Use stockwater (dom., irri., stock, etc.)	Period of Use: From	Nov. 1	To	Mar. 31 (both dates inclusive)
Amount		Use	Period of Use: From		To	
Amount		Use	Period of Use: From		To	

(3) Total quantity of water claimed: 6.50 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) November, 1925

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)

NE ¼ NE ¼, Sec. 3 Twp. 15S Rge. 35E B. M. County of Oneida

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. concrete diversion at spring and 4 miles of open ditch used for irrigation during the irrigation season.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location. SEE ATTACHED LAND LIST

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

License No. 18948/15-2023

LAND LIST ATTACHMENT

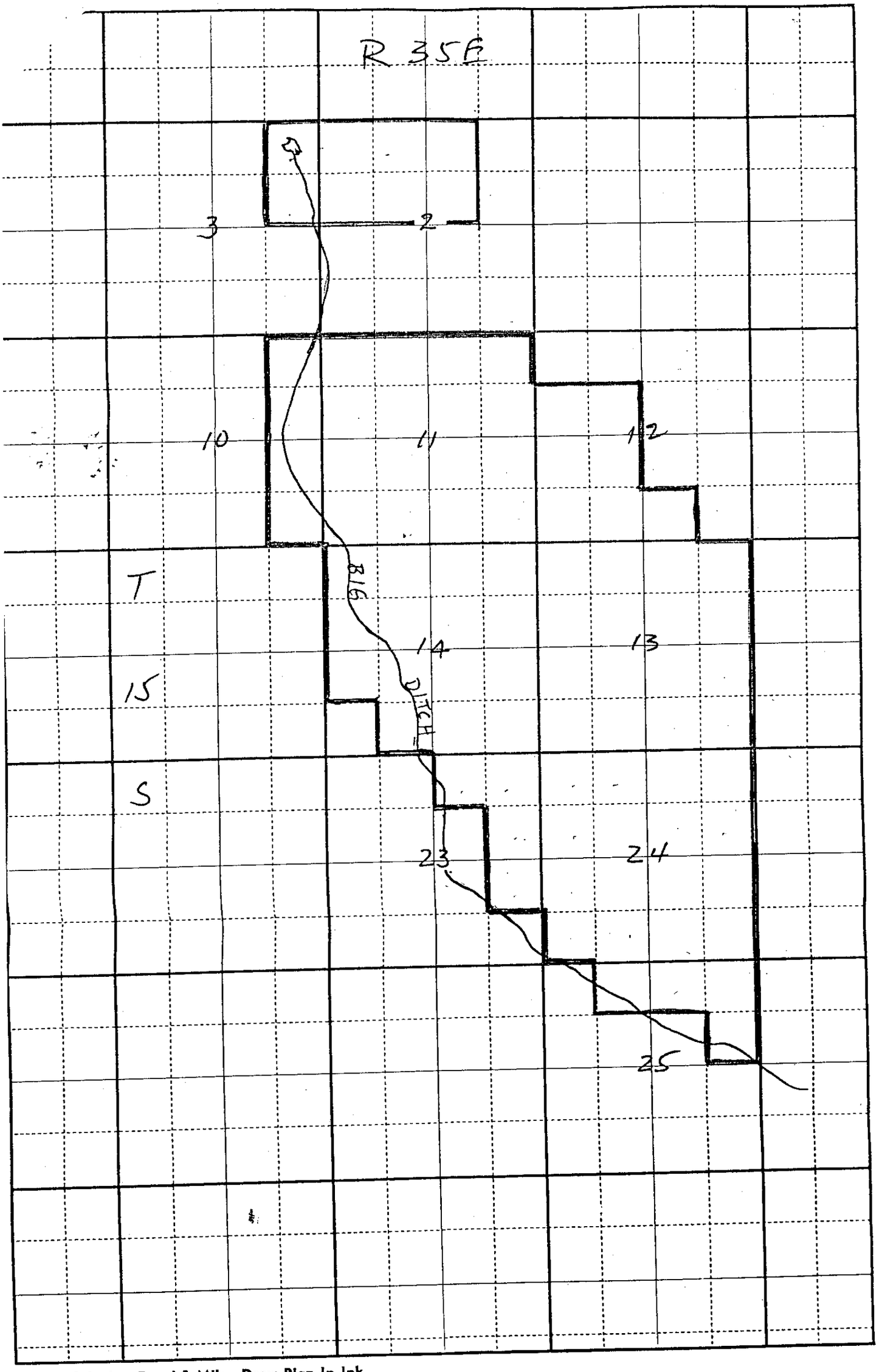
Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S	35 E	2		10	10		40	40	40	40	40	40	35	40		10	10		355
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 3,215

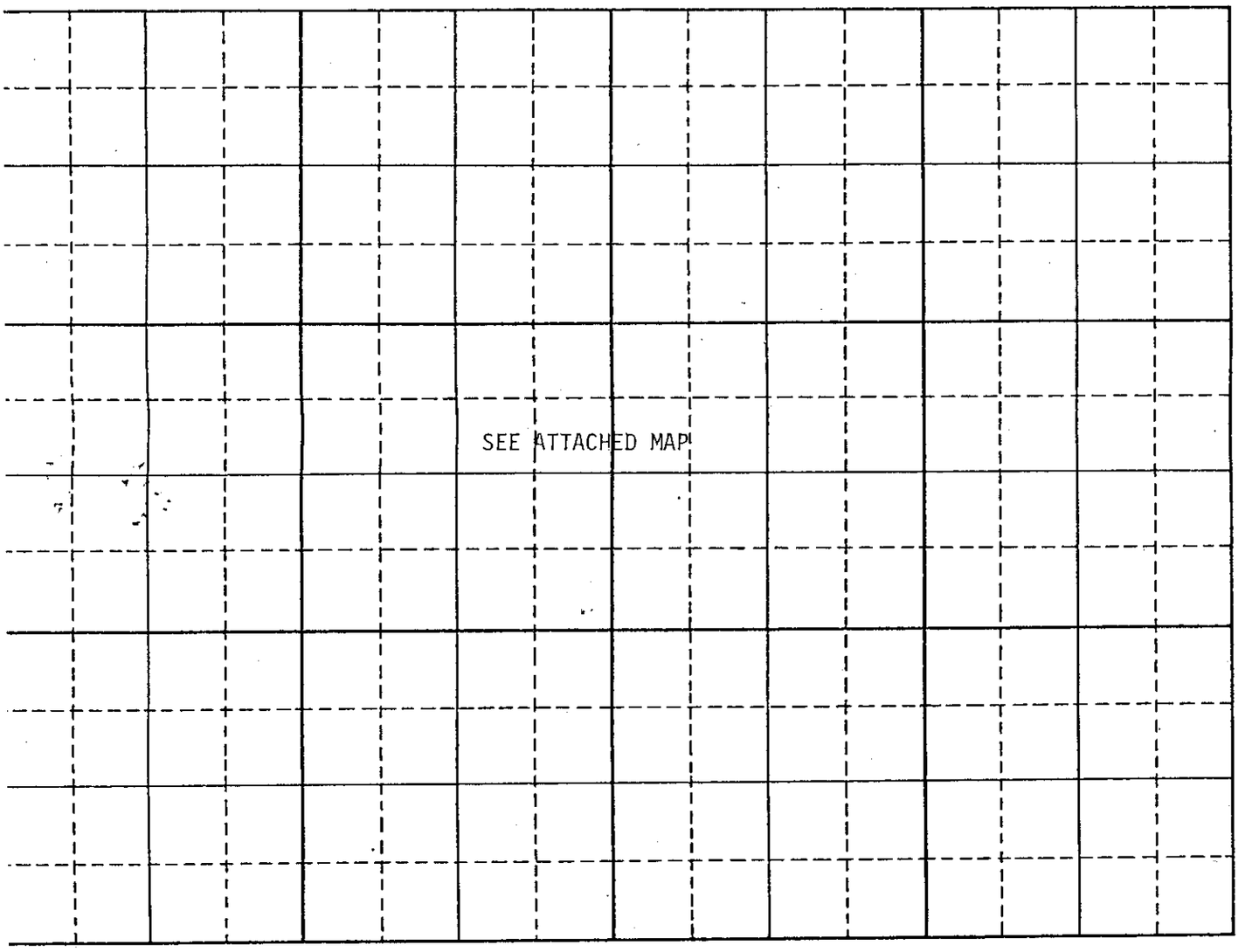
LICANT.....

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of Bonneville)

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

Clyde Shrigley
(Claimant)

Sworn to before me this 22nd day of December, 1976.

Lloyd D. Fellows
Notary Public
Residing at Idaho Falls, Idaho

My commission expires August 16, 1980

For Department Use Only

Received by		Date 12-22-76	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by		Date 12/22/76			
$10.00 fee received by		Date 12-22-76	#4473		
Approved for publication by					
Published in					
Dates					

EXHIBIT I

No. 4 Water District

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

MAY 1974

Department of Water Administration
Eastern District Office

License of Water Right No. R-637/15-2074 Priority Sept. 27, 1937 Amount 500 acre feet

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. R-637/15-2074 issued pursuant to Application for Permit dated August 25, 1937, and has submitted proof to the Department of Water Administration on October 4, 1948 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 500 acre feet of water from Big Malad River, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Storage for Irrigation	from Jan. 1	to Dec. 31	at n/a cfs and	500 acre feet
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than n/a of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 500 acre feet per year, said waters to be diverted within the SW¼NW¼ of Sec. 22, Twp. 14 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

License No. R-637/15-2074

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14 S	35 E	22								20	35			35		20	40		150
		26										5	20						25
		27	10	40	40	30	30			30	35	5	5	40	40	40	40	40	425
		34	40	40	40	40	25			10					40	30	10	40	315
		35					5	35	40	15	35	40	40	40		5	15		270
15 S	35 E	2		10	10		40	40	40	40	40	40	35	40		10	20		365
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 4,410

State of Idaho

Malad Valley
Boise
15
S-2075

#2

License and Certificate of Water Right

Water License No. R-791 Priority April 18, 1947 Amount 700 acre ft. per annum

THIS IS TO CERTIFY that SAMARIA WATER & IRRIGATION COMPANY

of Samaria, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 18, 1947; that Permit No. R-791 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1300 acre ~~second~~ feet, was issued thereunder on August 27, 1952, showing that said works were completed on the 8th day of August, 19 52; and that on the 31st day of July, 19 58 Samaria Water & Irrigation Company by Nephi R. Ipsen of Samaria, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Big Malad River & Big Malad River Spring a tributary of for the purpose of irrigation, under Use Permit No. R-791 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~xx xxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~, on the 27 day of June, 19 68.

The right hereby confirmed dates from April 18, 19 47.

The Point of Diversion is located in the SE ¼ NE ¼, Sec. 16, Twp. 14 S, R. 35 E, B.M. Oneida County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 700 acre ~~cubic~~ feet per ~~second~~ annum.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
35 E.,	For irrigation of 2840 acres of land in Sec. 22, 26 and 27, 34, 35 in T. 14 S., R. B. M. and Sec. 2, 3, 10, 11, 14, 23, 24 in T. 15 S., R. 35 E., B. M.				

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 27 day of June, 19 68.

R. Keith Higginson
State Reclamation Engineer.

D-791

EXHIBIT J

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 18948/15-2023 Priority March 1, 1940 Amount 3.0 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 18948/15-2023 issued pursuant to Application for Permit dated March 1, 1940, and has submitted proof to the Department of Water Administration on April 10, 1951, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 3.0 cfs of water from Warm Springs, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from April 1	to Nov. 1	at 3.0 cfs and	1,272 acre feet
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 1,272 acre feet per year, said waters to be diverted within the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 3, Twp. 15 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted, and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

License No. 18948/15-2023

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	2		10	10		40	40	40	40	40	40	35	40		10	10		355
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 3,215

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 19071/15-2024 Priority August 28, 1940 Amount 3.5 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 19071/15-2024 issued pursuant to Application for Permit dated August 27, 1940, and has submitted proof to the Department of Water Administration on November 5, 1951 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 3.5 cfs of water from Warm Springs, tributary to Big Malad River, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from April 1	to Nov. 1	at 3.5 cfs and	1,483 acre feet
	from	to	at cfs and	
	from	to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.5 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 1,483 acre feet per year, said waters to be diverted within the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 3, Twp. 15 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

L. Kirk Hyer

Director

15-2024

License No. 19071/15-2024

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S	35 E	2		10	10		40	40	40	40	40	40	35	40		5	15		355
		3	40			15													55
		10	10			15									25			10	60
		11	15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	615
		12							20	5	30	40	40	40			30		205
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30	5		10	40	40	40	40	510
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 3,215

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 19072/15-2025 Priority Sept. 6, 1940 Amount 22.0 cfs

THIS IS TO CERTIFY, that Samaria Water & Irrigation Company

of Samaria, Idaho, has complied with the terms and conditions of Permit No. 19072/15-2025 issued pursuant to Application for Permit dated August 27, 1940, and has submitted proof to the Department of Water Administration on May 14, 1941 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 22.0 cfs of water from Big Malad River, tributary to _____, and that the permit holder has applied to a beneficial use & established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from April 1	to Nov. 1	at 22.0 cfs	and	9,322 acre feet
	from	to	at cfs	and	
	from	to	at cfs	and	

(both dates inclusive)

Subject, however, to the condition that no more than 22.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed * 9,322 acre feet per year, said waters to be diverted within the $SE\frac{1}{4}NW\frac{1}{4}$ of Sec. 22, Twp. 14 S, Rge. 35 E, B.M. in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
See Land List Attachment																			

Total number of acres irrigated _____

* Subject to the condition that the maximum volume per year shall not exceed 3.5 acre feet per acre when combined with all other rights with the same purpose and place of use.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 14 day of May, 19 74.

Director

License No. 19072/15-2025

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14 S	35 E	22			20	40					40			35	40	40	40	35	290
		23							40	40	40	40	40	40		40	40		320
		26		40	40		40	40	40	40	40	40	40	40					400
		27	40	40	40	40	30			30	35		5	40	40	40	40	40	460
		34	40	40	40	40	25			10					40	30	10	40	315
		35					40	40	40	40	40	40	40	40	40	40	40	40	480
		36										40	40	40			20	20	160
15 S	35 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	35	40	40	40	40	40	635
		3	40			15													55
		10	10			15									25			10	60
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40			40	40	20		30	40	40	40			30		360
		13	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	625
		14	40	40	40	40	40	35	30	40	30			10	40	40	40	40	505
		23	35	5		20									10				70
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

Total number of acres irrigated 6,735

EXHIBIT K

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 17, 1980

Ruth Chugg, Secretary
Samaria Water & Irrigation Company
136 N, 100 W
Malad, Idaho 83252

Dear Ruth:

On October 15, 1980, I ran a computer search for possible water rights held by your company on Rosebud, Dry Pine and Thomas Davis Creeks. I can find no evidence of any water rights.

I suggest that we proceed with the filing of claims on these sources. I am including three blank claims, three land list attachments, a claim instruction sheet and a map. Please remember that the filing fee per claim is $30.

Please contact me if you have any questions.

Sincerely,

John Kappelman Jr.

JOHN KAPPELMAN, JR.
Water Resource Agent

JK:brs

enclosures: 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

525-7161 1515 Lincoln Road
150 Shou Idaho Falls, Idaho 83401
Idaho Falls (208) 523-7161 ID 83401

January 6, 1981

RE: Claims to Water Rights Nos. 15-4066, 15-4067 and 15-4068

Samaria Water & Irrigation Company
c/o Deverl John, President
RFD
Malad, ID 83252

Dear Mr. John:

Attached herewith is Departmental Receipt No. 16130 in the amount of $90.00 for the above referenced claims.

Sincerely,

Kay Walker

KAY WALKER
Secretary

KW:k
Attachment

STATE OF IDAHO
Department of Water Resources

No. 16130

Boise, Idaho, Dec. 22 1980

RECEIVED FROM Samaria Water & Irrigation of Malad $ 90.00

Ninety and no/100 DOLLARS

FOR 3 claims $ 90 00

Ck #9285/644 $

TOTAL - - - $ 90 00

Kay Walker

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

JANUARY 28, 1981

SAMARIA WATER & IRRIGATION COMPANY
C/O DEVERL JOHN
RFD
MALAD ID 83252

RE: Claim No. 15-4066

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Ronald D. Carlson by tw

RONALD D. CARLSON
Eastern Region Supervisor

Form No 243
7 78

Claim No. 15 4066

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Samaria Water & Irrigation Company
(Name of Claimant)

c/ Beverl John, Rt. 1, Malad, Idaho 83252, President (Mailing Address) Telephone No. 766-2554 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) November, 1925

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Thomas Davis Spring tributary to Samaria Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use (Both dates inclusive) (Mo., Day) From	To (Mo., Day)
Quantity	.90 cfs	Use Irrigation	Period of Use From Apr. 1	To Nov. 1
Quantity	.01 cfs	Use Stockwater	Period of Use From May 1	To Sept. 1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .90 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 27 Twp. 15S Rge. 35 E. B.M., County of Oneida
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion at spring and 3 1/2 miles of open ditch used for irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

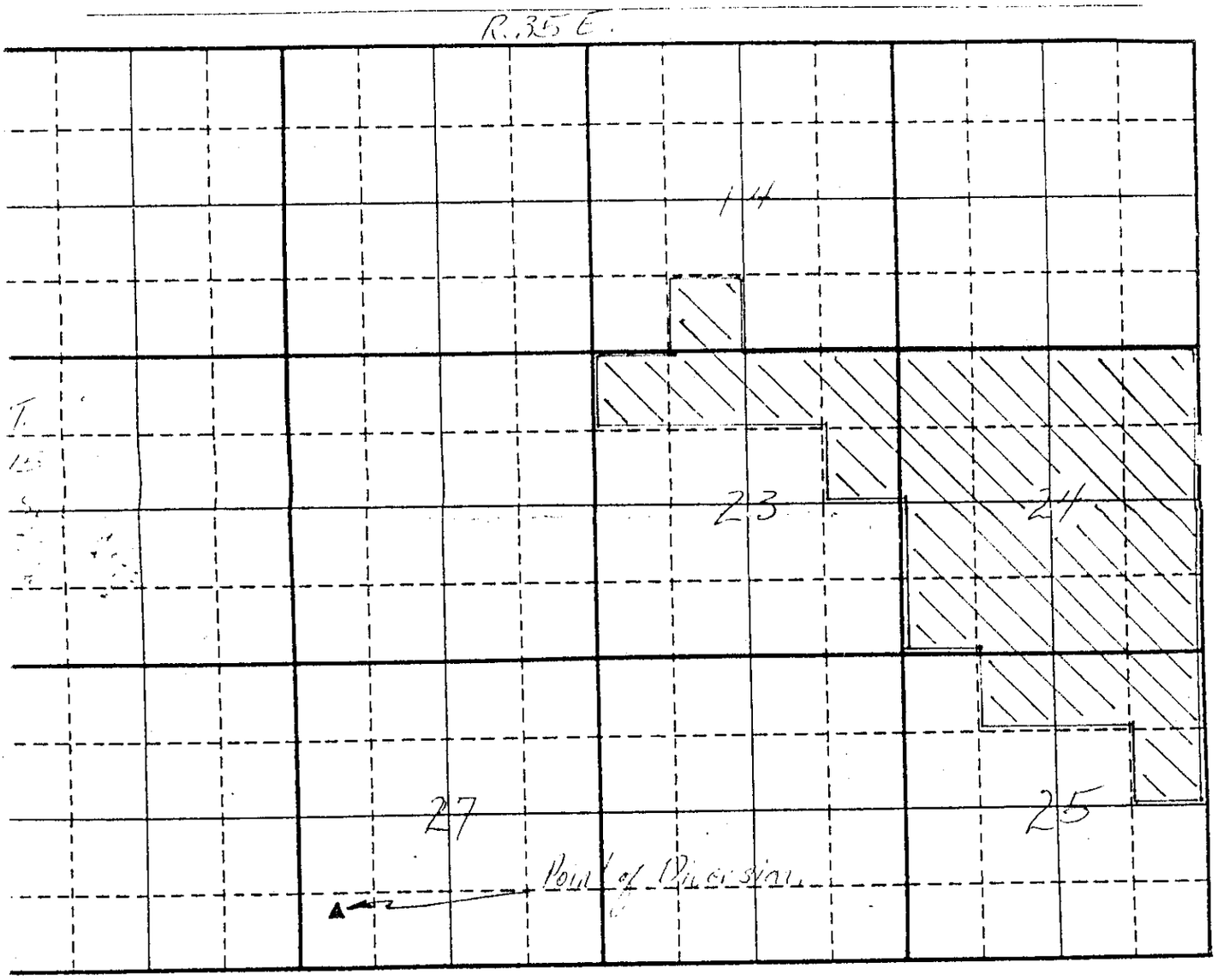
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	14												20					20
		23	35	5		20	20	25											105
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

No. of acres 845

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle, 600 head.

(7) If you are claiming water as a member of an organization, list name of organization:



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of Oneida)

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

SAMARIA WATER & IRRIGATION CO.
David Jones President
(Claimant)

Sworn to before me this 16th day of December, 1980.

Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by	Date 12/19/80	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by JK	Date 12/22/80	# 16,132		
$20.00 fee received by	Date 12/22/80			
Published in Malad Cutter-Press				
Dates 1/8 & 1/15/81				

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

JANUARY 28, 1981

SAMARIA WATER & IRRIGATION COMPANY
C/O DEVERL JOHN
RFD
MALAD ID 83252

RE: Claim No. 15-4067

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Ronald D. Carlson by kw

RONALD D. CARLSON
Eastern Region Supervisor

15 4067

Claim No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Samaria Water & Irrigation Company
(Name of Claimant)

% Deverl John, President, RFD, Malad, Idaho 83252 (Mailing Address) (Zip Code) Telephone No. 766-2554

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) November, 1925

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Rose Bud Spring tributary to Samaria Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive) Period of Use From (Mo., Day)	To (Mo., Day)
Quantity	.20 cfs	Use Irrigation	Period of Use From Apr. 1	To Nov. 1
Quantity	.01 cfs	Use Stockwater	Period of Use From May 1	To Sept. 1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .20 cfs (cfs, gpd, AFA) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 28 Twp. 15S Rge. 35 E. B.M., County of Oneida
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion at spring and 4 miles of open ditch used for irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	14												20					20
		23	35	5		20	20	25											105
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

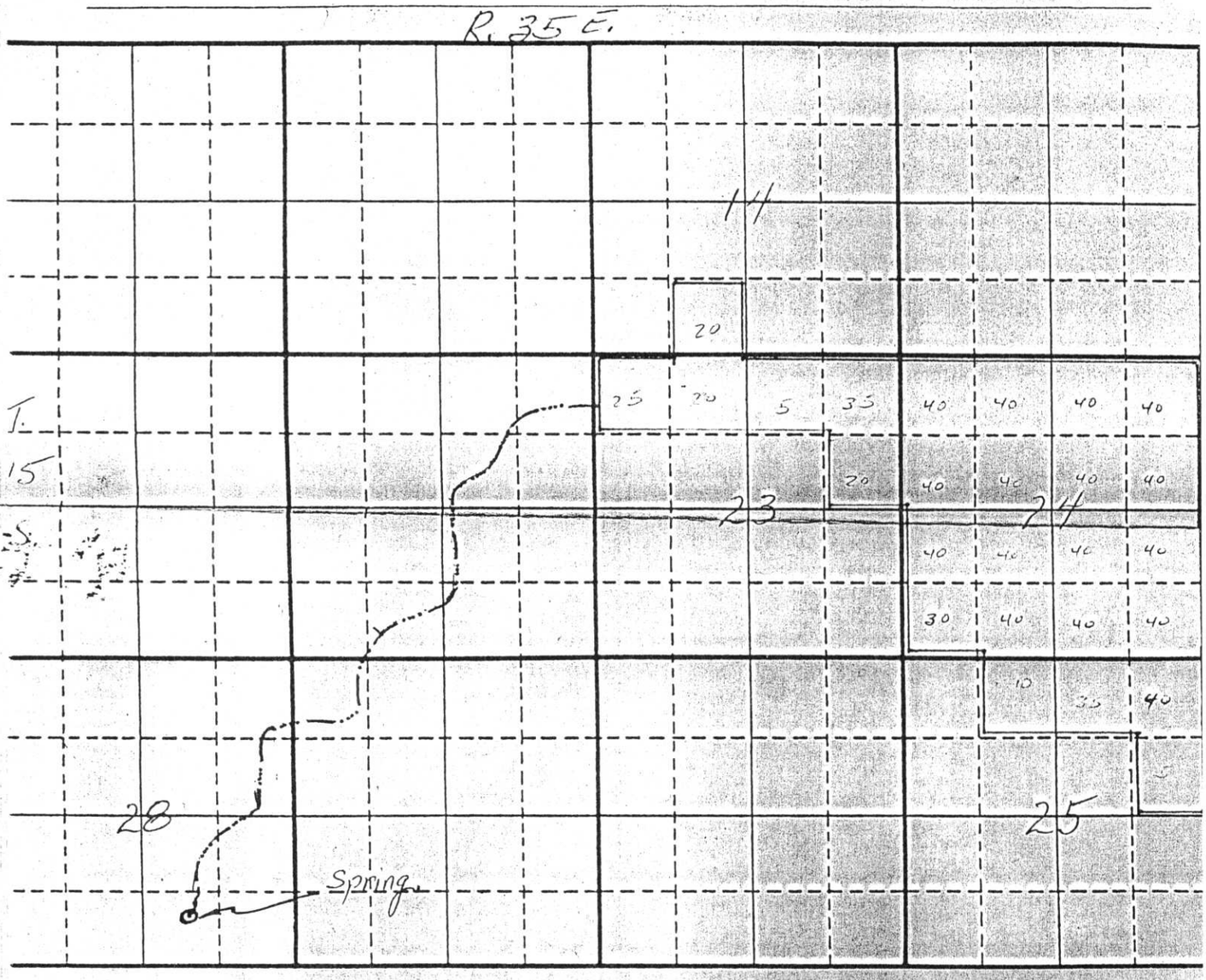
No. of acres 845

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle, 600 head.

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of ONEIDA)

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

SAMARIA WATER & IRRIGATION CO.

Devark Jones President
(Claimant)

Sworn to before me this 16th day of December, 1980.

Sam J Hawkins
Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by	[illegible]	Date	12/19/80	Exception filed by:	Fowarded to claimant by: Date
Prelim. check by	J.K.	Date	12-22-80.		
$20.00 fee received by	[illegible]	Date	12/22/80 #10130		
Published in	Idaho Enterprise				
Dates	12/15/81				

orm No. [illegible]
7/

Claim No. 15 4068

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Samaria Water & Irrigation Company
(Name of Claimant)

% Leverl John, President, RFD, Malad, Idaho 83252 Telephone No. 766-2554
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) November, 1925

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Dry Pine Spring tributary to Samaria Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity (cfs, gpd, AFA)	Use (Domestic, Irrigation, Stock, Etc.)	Period of Use From (Mo., Day)	To (Mo., Day) (Both dates inclusive)
.90 cfs	Irrigation	Apr. 1	Nov. 1
.01 cfs	Stockwater	May 1	Sept. 1

(4) .90 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 28 Twp. 15S Rge. 35 E B.M., County of Oneida
Additional points of diversion: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion at spring and 4 miles of open ditch used for irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

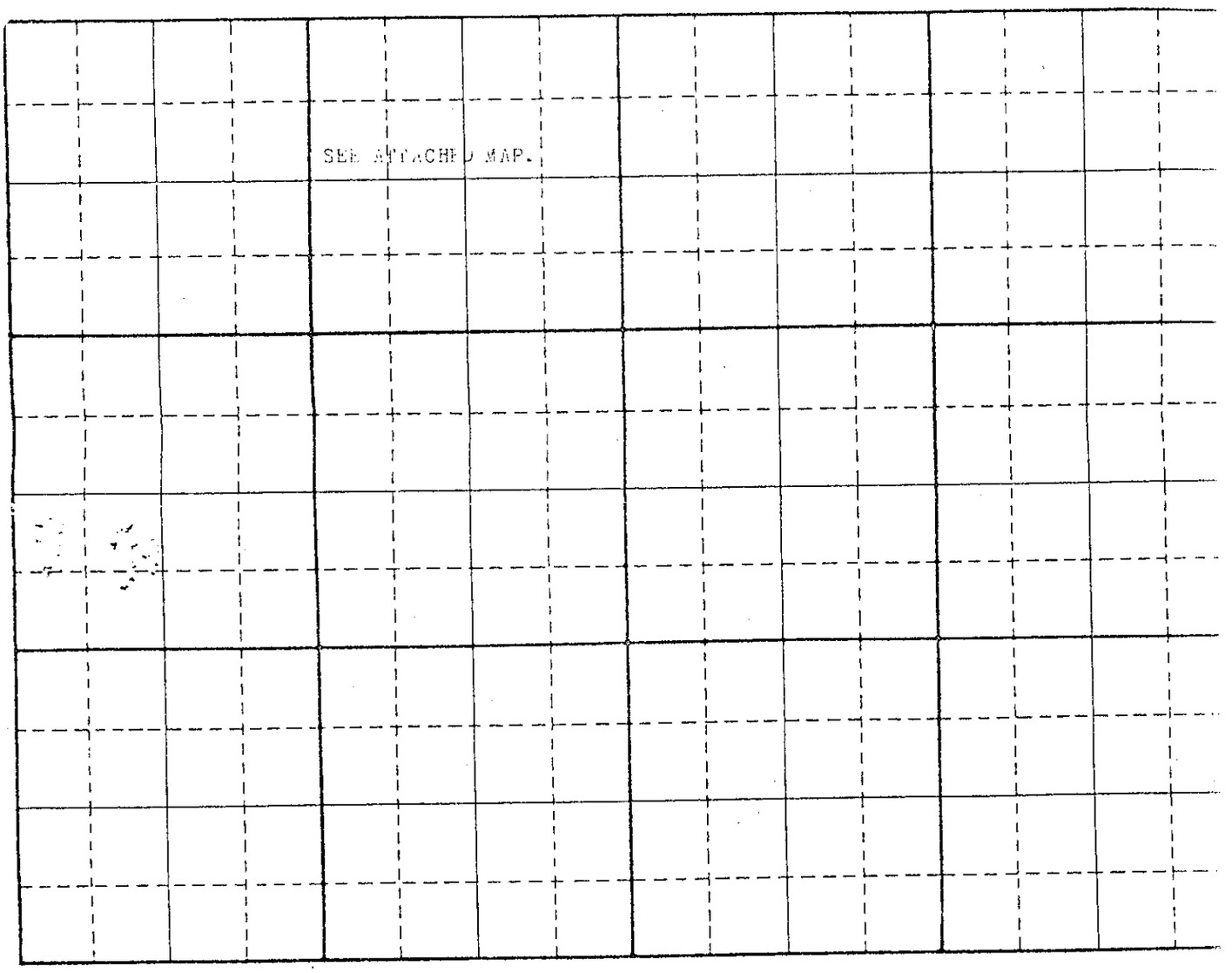
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	14												20					20
		23	35	5		20	20	25											105
		24	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		25	40	35		5	10												90

No. of acres 845

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Used for stockwater during grazing season.

NOTE: Include here the type and number of stock watered: Range cattle, 600 head.

(7) If you are claiming water as a member of an organization, list name of organization:



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of ONEIDA)

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

SAMARIA WATER & IRRIGATION CO.

David John President
(Claimant)

Sworn to before me this 16th day of December, 1980.

Notary Public
Residing at Malad City, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by	Date 12/19/80	Exception filed by:	Fowarded to claimant by:	Date
Prelim. check by	Date			
$20.00 fee received by	Date 12/22/80	#16130		
Published in	Preston Citizen/Press			
Dates	Jan 1/8/1			

EXHIBIT L

Financial Report March 1, 1974

Bank Balance March 1, 1973		2385.61
less outstanding Checks		41.80
		2343.81
Collected on 1972 assessments		1023.54
Dividend from State Ins		21.00
assessments collected for 1973		569.60
		4957.95

Expenses

labor per le	405.68	
Water Master	2517.70	
Idaho Enterprise	48.37	
Postage	6.00	
license	3.00	
right of way Ed Bell Price	1.00	
Idaho Water Users membership	30.00	
County Agent (Geo Gardner)	25.00	
Supplies	317.28	
Insurance	138.69	
Freight	15.37	
Internal Rev	288.60	
State tax	24.67	
Machine Hire	273.00	
Checks & book	6.44	
	4000.80	4000.80
		956.15

Bank Balance March 1, 1974

1982.15	
3000.00 on savings	
4982.15	4982.15

outstanding assessments 64.00

RECEIVED
AUG 28 2006
Lino Perkins Water

Minutes of Samaria Irrigation Company
March 4, 1974
Samaria Chapel
Opening Prayer - Foster Clyde
Matters of Business
1. Financial report was read and approved
2. Matters of digging well on John Lodewick field cost of $65,000+ discussed
3. Well at Foster Clydes - of well pumps water with test pump - we would dig well.
4. Discussion on cleaning of canal
   a. cleaning material from flood
   b. stopping the dumping of junk just above Ditch
   c. getting people to help in cleaning ditch.
   d. dragging ditch vs. sloper
   e. other means of cleaning ditch
      1. Ben Call & his backhoe

2.
Motion by John Evans to recess the Meeting to to march 11, 1974 at 1:30 P.M. seconded by Duval John Voted Unanimous in the affirmative

Minutes of Samavia Irrigation Company March 11, 1974, continued from meeting of March 4, 1974.

Opening Prayer- Leo H. Brown.

meeting opened by Pres. Joe may and Turned Time To John RodericK To discuss 100 years centennial of Samavia Irrigation Company- 2 Cavels explained + lower Dam built + washed out in 1911 - in 1947 upper Dam built- WPA Tiled Springs & built fences but the fences haven't been Kept up + most Tile Tromped by cattle- These are The Springs above Samavia. Early people Kept Cavel better Than us without modern equipment explained by John also That the by Laws state we have To work on the cavel when asked but most of the share holders ave Too busy now- Joe may welcomed visitors and Turned Time To John Grubb To discuss well in John RodericK's place; To pump water To Cavel. Bids on well + Pipeline one $13,000.00 one didN't meet requirements. Now we have firm bid $65,698.68 but we Need permission from board + They want decision of share holders- RC+D To pay $32,849.34 Not To be paid back - other half Loan From FHA at 3-502 INterest 30 year Loan. Payment of Loan, interest and electricity $5.99 per share per year, for 30 yrs. It is estimated we would get $6.00 for $1.00 we invested. Time Turned To Dan Perkins To discuss electricity cost To pump the water To the Cavel. $14.00 per horse power To pump The well. $8,000 To put power + Transformer To well

Light Co. To pay $5,000 & water company To pay the rest but The Light company To refund this money so much each year. It was explained if The well was 100 inches it would give The Company 10 more water To shorten The Time between Turnes. Geologest estimates 250 inches or 5 second feet. It was explained by John Roderick that after 275 feet it was mostly clay & unprotitable. One reason well so expensive is stainless steel screen To give all Possible water. Report That Burward gardner dug Test hole & felt we would get at least 200 inches - it was discussed we would have To get ditches in better shape - It was discussed what would happen if private house wells were affected, it was explained that The big well would't use water closer Thaw 147 feet from Top of ground. As soon as bids are signed well driller has To start within 20 days and says he can have water in canel within 60 days after starting - Sprinkling out of resivoir or main canel was discussed. Water can be used any place share holders want.

It was moved by Lyman Ipsen That any person could sprinkle any place out of canel or resivoir if a meter To measure water is used & under water master's supervision - By/Turn- seconded by Roger Facer. Pie & ice cream served for 100 years celebration very good.

John Roderick said if we dig well without government help would cut cost about 30%.

motion To pump out of cavel voted on. 364 shares yes To Sprinkle. 72 shares No. motion carried.

Foster Ipsen well discussed - No Test pumping done as planned. if well Turns out good well is bought at 3000^{00}. To be continued -

It was moved By Deverl John To revote on the big well That has been discussed during The meeting whether we drill well on Not. motion 2nd by Leo H Brown. well in John Roderick's place. 321 yes drill well 114 Don't Drill well. moved To drill well.

Discussed Drag cavel or clean it some way. Decided To do it with back hoe and Drag line or whatever way is Needed.

Spray discussed and Told by Joe may spray couldn't be bought at malad and found in Tremonton.

Board members were nominated.

1. John Roderick. 415
2 Clyde Chugg 413
3 LaVar Christoterson 338
4 Deverl John ~~364~~ 183
5 Ralph Hughes. 364
7 Lester Atkinson. 220
8 Leo Brown. 301
9 Lyman Ipsen 219
10 Ralph Davis. 310

moved + 2nd Nomination cease - Ralph Davis 2nd William Atkinson.

meeting of Samaria water Board.
Joe May old President Took Charge
motion John Roderick To be President by
LaVar Christoferson 2nd by Ralpd Davis- motion for Vice
President Ralph Hughes made by LaVar
Christoferson 2nd by Clyde Chugg - each
elected No more Nominations - Discussion
on Throwing away much paper work from
many years Discussion on changing The Book
Keeping method- motion By LaVar Christoferson
2nd by Ralpd Davis Roger Facer be Secretary -
no more Nominations - Different Jobs Designated.
Ralpd Davis Leo Brown upper Ditch + reservoirs - Clyde Chug,
Ralph Hughes + LaVar Christoferson To oversee mountain
water and Canel from Warm Springs. Mountain
water discussed, independent users should help
maintain That stream. ~~Evan martin~~ Ruth Lewis - Lester
Atkinson + ~~max~~ Alvin williams have independant water
on mountain stream. All That use mountain water
To help get water down. These 3 men To over
See The fencing of The springs on The mountain
springs - meeting 4th Monday of March 8:
To hire water Master 24th of march.
Try To get City Hall.

The election for board members was called for.

	Votes
Spencer Atkinson	168
John Price	197
Alvin Williams	178
Clyde Chugg	197
Deverle John	197
Neal Hughes	150
Dave Rigby	166

The meeting was adjourned.

3-24-76
Held Samaria Church House.

Meeting of the Samaria water and irrigation board. meeting called to order by pres Clyde Chugg at 8:00 P.M.
Prayer: Spencer Atkinson
Board members present: Clyde Chugg, DeVerl John, John Price, Dave Rigley, Alvin Williams and Spencer Atkinson
Order of business
1. Discussion on hiring water master
   a. Ernest Waldron will take job for $3,000
   b. moved & seconded that we hire Ernest Waldron. - passed unanimously
2. Condition of ditch
   a. good shape
   b. needs a few spots cleared of weeds
3. payment of Sec. & treas.
   a. jobs held by two different people

Mountain Water

b. Decided not to pay them.

4. All old bills to be paid & check book balanced before starting a new season
5. Send cards to those who haven't paid and that need to fix boxes.
   a. Send cards to following people
      1. William A. Hill .5 shares $7.50
      2. Dale R. Shipp 1.0 shares $15.00
      3. Amelia Waldron 1.0 shares $15.00 (Arthur Smith)
      4. Brad Barker 10.0 shares $150.00
      5. Alan Isaacson 11.25 shares $168.75
      6. Melvin Joe Davis 5.5 shares $82.50
      7. Cyril Nordman 5.0 shares $75.00
      8. Maria Williams need new box.
      9. LaVar Christoffersen need new box.
   b. The preceding will not be issued water until bills are paid & boxes repaired.
6. Spraying the irrigation ditch
   a. spraying by plane.
   b. spraying by county rig
   c. decision postponed until later meeting
7. Fixing spillway on lower reservoir
8. Boxes to be fixed on mountain water ditch.
9. Discussion on John Roderick independent water and where it is to be used.
   a. Decided to investigate if John R has right to use water other than where designated
   b. Voted and passed unanimously that John R.

Water not to be used on original land

7. Chek on the pumps in the upper ditch
   a. whether or not they are legal.
   b. if they measure amount of water used.

Deuel John moved we adjourn
adjourned at 10:35 P.M.

June 2, 1976 Samaria Irrigation Board meeting
Meeting called to order by president Clyde Chugg at the Samaria Church house at 8:00 p.m.
Prayer: Spencer Atkinson
Board members present: Clyde Chugg, Alvin Williams, John Price, DeVert John, Dave Higley, Spencer Atkinson.

Order of Business

1. Minutes of old meeting read and approved.
2. Spraying of the ditch for noxious weeds
   a. County will spray ditch if we help them
   b. Biggs will spray ditch with airplane
   c. Moved & seconded to have Steve Biggs spray as much of the ditch as is possible with the plane and the county will spray the ditch through town.
   Motion passed.
3. Those members who have not paid their assessment can not have any water.

a. Send a registered letter to Cyril Hardman and Alan Isaacson
b. Give copy of letter to watermaster

4. Mountain Wire
   a. Dry Pine - needs fence repair
   b Thomas Davis - needs 50-75 steel posts and new wire for a new fence
   c. Board meet and go to Thomas Davis springs on Monday at 9:00 A.M.

5. Move to adjourn by Spencer Atkinson seconded by DeVerl John.

June 30, 1976

Samaria Irrigation Board Meeting
Meeting called to order by President Clyde Clugg at DeVerl John's home at 8:00 p.m.
Board members present: Clyde Clugg, Alvin Williams, DeVerl John, Dave Higley, John Price, Spencer Atkinson
Prayer Alvin Williams
Order of Business
1. Minutes of old meeting read & approved.
2. Board standing behind watermaster on disagreement between Joe May and John Price on use of irrigation ditch.
   a. Check with by-laws to what rights company has on the situation

John Price moves that no more than 1 or 2 shares of water can be carried from one turn to another turn. If you don't take your water you must either trade the water or lose it. Bring this up in the annual meeting.
Seconded by Dave Higley passed unanimously.

3. Spraying
   a. Still must get Steve Biggs to spray ditch.
4. Cyril Hardman still hasn't paid his assessment for 1975.
5. DeVerl John moves we adjourn at 9:30 P.M.
   seconded by Dave Higley.

August 10, 1976 Samaria Irrigation Board meeting
Meeting called to order by Pres. Clyde Chugg at 8:15 p.m. at DeVerl Johns home.
Board members present. Clyde Chugg, John Price, DeVerl John, Neal Hughes, Dave Higley, Alvin Williams, Spencer Atkinson.
Order of Business
1. Minutes of old meeting read and approved.
2. Upper canal around Velma Clysens House has no bank and water is running around her house
   a. The cattle they feed in their yards

takes the bank off.
b. Will meet with the Upsens and find a solution.

3. Pumping out of the canal
   a. People are pumping water right out of the canal.
   b. also some are pumping water without permission.

4. Discussed the filing by M. Joe Davis on water in the Thomas Davis drainage.
   a. Motion by John Price to do what is necessary to protect the filing - seconded by Spencer Atkinson - passed unanimously
   b. Clyde Chugg & Alvin Williams to represent the Irrigation Board.

5. Biggs spraying of the ditch cancelled. Too late in the year.

6. Motion to adjourn by DeVerl John, seconded by Dave Hagley - Adjourned at 10:00 P.M.

October 14, 1976 Samaria Irrigation Board Meeting

Meeting called to order by President Clyde Chugg at DeVerl John's home at 8:25 P.M.

Board members present: Clyde Chugg, Alvin

a. Send letter to members on assessment
b. Assessments due by Dec 1, 1976.

7: Neal Hughes moved to adjourn DeVerl John seconded. passed.

October 29, 1976 Samaria Irrigation Board Meeting

Meeting called to order by President Clyde Clegg at DeVerl John's home at 5:45 P.M.

Board members present: Clyde Clegg, Melvin Williams, John Price, DeVerl John, Dave Higley, Spencer Atkinson.

Prayer: John Price.

Order of Business

1. Minutes of old meeting read and approved.
2. Water at reservoir to be regulated by John Price & Dave Higley.
3. Blue Vitrol was put in ditch and moss is dieing
4. DeVerl John to check with Fredrickson's estate about fixing bank of ditch through Baileys and the outlet from the ditch at the Elias Morse place. (Fred)
5. Discussion on Protest of Melvin J.

Davis application for water from Thomas Davis drainage.
a We will meet with water resource people at the court house on November 4, 1976.

6. Check on the use of the ditch by John Roderick for his independant water.
7. Check on whether there is a filing by Tim Edwards on water from the reservoir.

8. Clean on reservior Wednesday morning - and start fixing the shut-down gate on the lower reservior.

9. Move to adjourn by Spencer Atkinson - Seconded by Delford John
Adjourned 7:20 P.M.

Dec. 7, 1976. Samsrra Irrigation Board Meeting
Meeting called to order by President Clyde Clegg at Delford John's home at 8:00 P.M.
Prayer: Spencer Atkinson

Order of Business

1. Old minutes read and approved.

Cultural Hall. Spencer has made arrangements for that.

Discussed spillway on old reservoir. Will bring subject up in annual meeting.

Devel will see about money at the ASCS offices for projects "Atkinson Draw" and "Big Hollow" syphons.

Keith motioned for adjournment. Seconded by Spencer.

March 2, 1981 Annual Meeting Samaria Cultural Hall 1:00 P.M.

Meeting called to order by President Devel John. Spencer Atkinson gave opening prayer. Board members present: Devel John, Spencer Atkinson, Dave H Higley, Keith Blaisdell, Ruth Chugg, Secretary. Not present: Joseph R. May, Lyman Ipsen Jr, Foster Ipsen.

Ruth read 1980 annual meeting minutes. Spencer motioned minutes be approved. Seconded by Dave Higley. Approved by all. Ruth then read financial report for the period March 1, 1980 to March 1, 1981. Bank balance showed $12,259.24 with $1,524.80 outstanding assessments.

Ruth told about the Rose Bud, Dry Pine and Thomas Davis springs being filed on with the Idaho Water Resource Board and approval obtained. The filings were supposedly filed on earlier, but no record was on file at the Water Resource office.

Devel reported on reservoirs. Also advised that the five 101 headgates and some backups should be installed as soon as possible. It was advised that several things need to be installed, including backups, cement drops cut down by the Farley Dam place, put spillways at reservoirs and measuring

EXHIBIT M

10.0 + 10.0 = 20.0

HENRY RODERICK OR DURENE B. RODERICK
RT 1 MALAD CITY Idaho 83252

.00	Cert 709	On May 10, 1987 10.0 SHARES OF SAMARIA Water & Irrigation Co. Capital Stock WAS TRANSFERRED From Cert. #624 G. Paul WILLIE. To HENRY RODERICK OR DURENE B. RODERICK. See page 137.	200 00
00	Cert 714	On December 27, 1987 cert #714 for 10.0 shares of Capital Stock in the Samaria Water & Irrigation Company was issued to Henry Roderick or Durene B. Roderick to replace cert #713. See page 176.	200 00

April 2. 2003

Cert. # 709 and #714 were surrendered of Samaria. Water & Irrigation Capital Stock 20.0 Shares was issued to Seth D. & Lorinda Seamons

All surrendered

176 (?) surrendered 1.0

10.0 shares Federal Deposit Insurance Corporation Ten

Cert No. 713	On September 10, 1987 Cert # 713 was issued to Federal Deposit Insurance Corporation to replace cert #579 for 10.0 shares of Capital Stock of Samaria Water & Irrigation Company. This certificate was issued to H. C. B. Hess on 8-13-865 & was placed in escrow to Paul Hillie, which in turn became the property of FDIC when the First Bank & Trust of Malad City was taken over by FDIC. FDIC executed an Affidavit of Loss of Stock Certificate on Sept 16, 1987. See page 176		20000 Cert.
	On December 27, 1987 cert # 713 for ten shares of Capital Stock in the Samaria Water & Irrigation Co. was surrendered by Federal Deposit Insurance Company and Cert # 714 for 10 shares was made to Henry Roderick or Durene B. Roderick to replace Cert #713 See page 175.	20000	

1.0 share — all surrendered

Kenneth N. Johnson or Linda J. Johnson

				or	cr.
00	Cert. 715	On February 18, 1988 one share of Capital Stock in the Samaria Water & Irrigation Company was transferred to Kenneth N. Johnson or Linda J. Johnson from cert #594 by Douglas D Thorpe or Tonya Thorpe. See page 37.			2000
		On May 20, 1994 one share of Capital Stock in the Samaria Water & Irrigation Company was surrenderd by Linda J. Johnson and sold to Albert D Jones & JoDell Jones see pg 192			

178 + ~~5.0~~ Page ~~5.0~~ (5 1/2 shares) = ~~6 3/4 shares~~ ~~4.0 shares~~ + Page 1... 1 1/4 shares

2.0 shares

18 +
13.0
5.0

Melvin Joe Davis / Louise Davis

cert 717 On August 27, 1988 Martha Peterson surrendered Cert #545 for 1 1/4 shares to Melvin J Davis or Louise Davis. Cert #717 was issued for 1 1/4 shares

2500 Cert #

cert #769 On 11 June 1995 Certificates #'s #46, 524, 529 was surrendered by Melvin M. & Mable Davis estate in the Samaria water & Irr Co. to Louise Davis for 2 2/16 shares Cert. # 769.

Cert #

4157

cert. #787 On July 15th, 1997 Rod & Sherry Wargogard surrendered cert #782 for 4.0 shares to Emma Louise Davis. Cert. # 787 was issued for 4.0 shares of stock in Samaria Water and Irrigation Co. See page 205.

8000

Cert. # 828 Dec. 30, 2002 All certificates in Melvin Joe Davis name and Emma Louise Davis name were surrendered. A new certificate issued to Emma Louise Davis Chambers was issued for 2.0 shares of stock in Samaria Water & Irrigation Co. Cert. #828. Also cert. #827 was issued to M [illegible] Davis for 10 3/16

#588	2.5	
#599	1.0	
#717	1 1/4	
#787	4.0	
#536	1.0	
#539	1.0	2.1275
#769	2 2/16	Affadavid
?: 535		affadavid
	12.7/8	total

See stockbook maryellen Rec 4/21/2004

Cert. #

Returned as endorsed Cert #545
for 1 1/4 shares to Melvin J Davis
or Louise Davis. Cert #717
was issued for 1 1/4 shares

Cert #769 On 11 June 1995 Certificates #'s
446, 524, 529 was surrendered
by Melvin M. & Mable Davis estate
in the Samaria water & Irr Co.
to Louise Davis for 2 7/16 shares 41.57
Cert. # 769.

Cert. #787 On July 15th, 1997 Rod &
Sherry Wargogard surrendered cert. #782
for 4.0 shares to Emma Louise
Davis. Cert. #787 was issued
for 4.0 shares of stock in
Samaria Water and Irrigation
Co. See page 205. 80 00

Cert. #828 Dec. 30, 2002 All certificates
in Melvin Joe Davis name
and Emma Louise Davis
name were surrendered.
A new certificate issued to
Emma Louise Davis Chambers
was issued for 2.0 shares
of stock in Samaria Water &
Irrigation Co. cert. #828.
Also cert. #827 was issued to
M Jeffrey Davis for 10 7/8
shares. (see pg. 195)

#588	2.5	
#599	1.0	
#717	1 1/4	See stockbook
#787	4.0	maylen Reed
#536	1.0	4/21/2004
#539	1.0	2.1275
# 769	2 2/16	Affadavid
? 535		affadavid
	12.7/8	total

13.0 Cert Surrendered — Carlean C. Tubbs

5.0 Don W Tubbs And/or ~~Theresa Lee Tubbs~~

00 Cert #725 On April 9, 1990 Cert #684 dated July 10, 1982 13.0 shares Capital stock in the Samaria Water + Irrigation Co was surrendered by Raymond B. Thomas + Draw Jan Thomas Stone a new cert #725 for 13.0 shares was issued to Don W. Tubbs and/or Theresa Lee Tubbs. 260 00

Cert #735 On July 17, 1997 5.0 shares of Samaria Water and Irrigation Co Stock was transferred from Cert. #782 by Rodney and Nancy Wanjgaard to Don and Carlean Tubbs Cert #785. see pg. 205 100 00

57

00

~~Cert #792~~ On Oct. 28th, 1997 2.0 shares capital stock in the Samaria ~~Mineral~~ Water and Irr Co were transferred from certificate to #735 owned by Don and Carlean Tubbs to ~~Robert~~ David and Marylin Keil with a new certificate being issued for 11 remaining shares to Don and Carlean Tubbs. See pg #208 220 00

Cert. 792 see note (3-10-2006)

See pg 211 3-19-1998 10 shares transferred to Keith Harrow from Don Tubbs.

Cert. #803 Issued to replace #785 which was lost. On July 17, 1997 3.0 shares capital stock was transferred to Jean and Wayne Pilgrim Cert. 820 see 164 also 3 shares was transferred to Jean and Wayne Pilgrim Pg 2

July 1, 1982 13.0 shares Capital stock in the Samaria Water + Irrigation Co was surrendered by Raymond B. Thomas + Grace Jane Thomas Stone. a new cert # 725 for 13.0 shares was issued to Don W. Tubbs and/or Theresa Lee Tubbs.

cert #785 On July 17, 1997 5.0 shares of Samaria Water and Irrigation Co stock was transferred from cert. #782 by Rodney and Sherry Wanigegard to Don and Carlean Tubbs cert #785. see pg. 205 — 100.00

On Oct. 28th, 1997 2.0 shares capital stock in the Samaria Water and Irr. Co were transferred from certificate #725 owned by Don and Carlean Tubbs to David and Marylin Reed with a new certificate being issued for 11 remaining shares to Don and Carlean Tubbs. See pg #208 — 220.00

(See note (3-10-2006) See pg 211 3-19-1998 10 shares transferred to Leslie Harlow from Don Tubbs)

cert #803 Issued to replace #785 which was lost.

On June 11, 1998 3.0 shares of capital stock were transferred to Dave and Mari Higley #cert. 800 — See 164

Also 3 shares were transferred to Dave and MaryAnn Reed cert # 801.

~~Don Carlean Tubbs~~

~~D.C. Tubbs~~

All shares surrendered —

180 ~~8.8 shares 4.4 = 4.4~~
~~Beth DAVIS~~

1/2

			176 00	Cert #
Cert 734	On Nov. 11, 1990 8.8 shares of Capital Stock in the Samaria Water & Irrigation Company Cert #700 was transfared from Randbe W Wilson, Truslee of the Anna Jenkins Bank Stock Trust to Beth Davis Cert # 734 for 8.8 shares. See page 159			
	Cert # 736 Surrendered 4.4 Shares			
Cert 736	On Nov 11, 1990 4.4 shares of Capital Stock in the Samaria Water & Irrigation Company Cert #735 was transferred by Beth Davis to Patricia Lee & Parley O. Davis. Beth Davis Kept 4.4 shares Cert # 736. See page 118.		88 00	
Cert. 766	On Sept 19, 1994 Beth Davis surrendered cert # 736 to Parley O Davis or Patrica Lee Davis in the Samaria Water & Irrigation Co.		88 00	

1/2 share

John J Evans and Bonnie K. Evans

		Dr	Cr
cs	Cert #737 On April 4, 1991 Cert #737 was issued to John J. Evans and Bonnie K. Evans for 1/2 share Capital Stock in the Lamaric Water & Irr. Co. see page 66		10 cc

182 7½ shares — all a rendered

Jeffrey J. Thomas & Lee Ann Thomas

		Debit	Credit	
Cert 740	On February 22, 1992 Jeffrey J. Thomas And Lee Ann Thomas Surrendered Cert #740 for 7½ shares of Capital stock in the Hancock Water & Irrigation Company to: Cert #741 for 3.75 shares to K. & P. Family Trust And Cert #742 for 3.75 shares to Jim & Alice Ward. Page 183 & 184 also see page 54	150 00	150 00	Cert

On February 22, 1992 Jeffrey J. Thomas and Lee Ann Thomas

~~7.75 shares~~

A/c. Ellsworth

K. P. Family Trust

			A/c	Cr.
10	Cert 741	In February 22, 1992 Cert #741 for 3.75 shares of Capital Stock in the Sonora Water & Irrigation Company was issued to K. P. Family Trust see page 182 (By MaryAnn Reid 6-24-05)		7500

On Feb 23. 1992 Cert #741 was surrendered for 3.75 shares & Cert # 703 was issued for 7.5 shares ~~transfered~~ see pg. 184 3.75 shares from Jim & Alice Ward. transfered to Jeffrey J and Lou Ann Thomas. See pg.

184 ~~3.75 shares~~

Jim & Alice WARD

		Δ L	cr	
Cert 742	Dated February 22, 1992 Cert #742 for 3.75 shares of Capital Stock in the Lamoille Water & Irrigation Company was issued to Jim & Alice WARD (6-24-05) MaryAnn Reed See Page 182 On Feb 11, 1992 cert # 742 was Surrendered & together with cert # 741. 3.75 shares was transferred to Jeffrey & Lou Ann Thomas	All surrendered	7.5 cs	Cert # CERT Cert Cert. Surrd #

31.45 + 1.0 = 32.45 — 38.115 37.115 — ≤ 15.975

Spencer H. Atkinson or Sharon K. Atkinson

CONTINUED FROM PAGE 16.

		Or	Or
Cert #745	One March 16, 1992 Cert #745 was transferred from Cert #744 (Keith H. Atkinson) to Spencer H Atkinson or Sharon K Atkinson for one share. (See page 47)	38.115	20.00
Cert #777	One Sept 9, 1996 Certificate #626 for (1) one Share and Certificate #751 for 3.84 Shares were surrendered to Spencer Atkinson and transferred to the New Certificate (See page 138 138 from J.M. Jenkins)	#626→ #751→ #777	20.00 76.30
Cert #926	On March 5, 2003 Cert #926 for 15.15 Shares of Sunsea Water & Irrigation Co. was surrendered by Spencer H. Atkinson or Sharon K. Atkinson. A new certificate # 926 was issued & Delivered to Spencer H. and/or Katherine B. Atkinson (See page 225)		
Cert #794	March 12, 1998 Cert # 794 for 15.975 Shares ~~was~~ of S.W.S.D. Stock was issued to Shareholder of Spencer Atkinson		
surrendered #679	On May 4, 2006 Cert # 679 was surrendered for 1 Share of S.W.S.D. Stock See pg 250		

was transferred from cert# 744 (Keita N. Atkenson) to Spencer H. Atkenson or Sharon R. Atkenson for one share. (See page 47)

Cert# 777 On Sept 9, 1996 certificate #626 for (1) one share and certificate #751 for 3.84 shares were surrendered to Spencer Atkenson and transferred to the new certificate #777 (See page 138 from Jim Jenkins)

#626 → 10.00
#751 → 76.80

Cert#926 On March 5, 2003 cert # 926 for 15.15 shares of Samaria Water & Irrigation Co. was surrendered by Spencer H. Atkinson and/or Sharon R. Atkinson. A new certificate # 836 was issued to Douglas S. and/or Katherine B. Atkinson (See page 225)

Cert#794 March 12, 1998 cert # 794 for 15.975 shares ~~this~~ of S.W.I.D. stock was issued to Sharon and/or Spencer Atkinson

surrendered #679 On May 4, 2006 cert# 679 was surrendered for 1 share of S.W.I.D. stock. See pg 250 to Russ & Bula Sorter & Mark & Janet S. Cook.

186 1.0 share

Rex P. Waldron

ert 747 On August 1, 1992 Cert 747 for 1 share was issued to Rex P Waldron from the Lewis Roderick Waldron Investment Co. See page 11.

2000 Cert 75

Cert 8

All surrendered

5.0 shares

USA & Carl E. Willie + Carol Dawn Willie

			Dr	Cr
00	Cert 750	On March 1, 1993 cert # 409 for 5.0 shares of Capital Stock of Jamaica Water + Irrigation Co was surrendered to USA and Carl E Willie and Carol Dawn Willie by a certificate made to G. H. Hadfield. This certificate was transferred by died first to Cyril Hardman, then to Joe C Jemson then to Carl Willie. A new cert # 750 for 5.0 shares was made. See pg 45.		100.00
	Cert 802	On June 26, 1998 cert. 802 was issued to Carl and Carol Dawn Willie for 5 shares of capital stock of Jamaica Water and Irrigation Co. This certificate replaces #750 which was lost.		
		On June 26 1998 cert. 802 was surrendered and transferred ~~from [illegible]~~ (Pg. 213) Dess Inc. (pg 209)		

~~3.0~~ 5 shares THE Clyde and Ruth Chugg Family TRUST

ert #752	On May 10, 1993 Ruth Chugg + Joan Leavitt Potts surrendered Certificate # 633 dated 6-21-74 of Capital Stock in the Samaria Water + Irrigation Co. for 5 9/10 shares to "The Clyde and Ruth Chugg Family Trust. See page 33.		11800	Cert 75
ert. 815	On November 16, 2000 Ruth Chugg surrendered cert # 0 752 for 5 9/10. A new certificate was issued to the Clyde and Ruth Chugg family Trust for 3 9/10 cert # 815. Certificate # 814 was issued to Jim Hegley for 2.0 share of capital stock in the Samaria Water and Irrigation Co. (pg 214)	40	78	
cert. 824	May 15, 2002 Ruth Chugg surrendered cert. #815 for 3 9/10 shares of capital stock in the Samaria Water & Irrigation Co. A cert was issued for 30 shares of capital stock to the Clyde & Ruth Chugg family Trust #824. A cert # 823 for 9/10 share of capital stock was issued to Anton H. and (illegible) Nora Bunker. (pg 215)	18	60	

Joan Lea ++ Potts surrendered Certificate # 633 dated 6-21-74 of Capital Stock in the Samaria Water & Irrigation Co. for 5 9/10 Shares to "The Clyde and Ruth Chugg Family Trust. See page 33.

cert. 815 ~~[illegible]~~

On November 16, 2000 Ruth Chugg surrendered cert # 752 for 5 9/10. A new certificate was issued to the Clyde and Ruth Chugg Family Trust for 3 9/10 cert # 815. Certificate # 814 was issued to Lin Hagley for 2.0 share of capital stock in the Samaria Water and Irrigation Co. (pg 214)

40 78

cert. 824 May 15, 2002 Ruth Chugg surrendered cert. #815 for 3 9/10 shares of capital stock in the Samaria Water & Irrigation Co. A cert was issued for 3.0 shares of capitol stock to the Clyde & Ruth Chugg Family Trust #824. A cert # 823 for 9/10 shares of capital stock was issued to Anton H. and W. Neil Jensen. (pg. 215)

18 60

June 14, 2002 cert. # 824 was surrendered by Ruth Chugg. A new cert. #826 for 3 shares was issued to Neil & Anton Jensen (see 215.)

19 shares

Boyd W. Mortensen & Verla Rae Mortensen

100	Cert# 753	On Aug 8, 1993 William E. Morse surrendered certificat # 605 dated July 2, 1970 of Capital stocks in the Samaria Water & Irrigation Company for 19 shares to Boyd W. Mortensen & Verla Rae Mortensen See Pg 134	

190 1½ shares

Verla M. Hill

ert # 754	On Aug. 9th 1993 one and one half shares of Capital Stock of Samaria Water & Irrigation Co. Cert. #605 was tranfered from William E. Morse to Verla M. Hill. 1½ share. see pg 134		Cert 75
			Cer

½ share –

Vernon Evans & Margaret Hellen Morse Revocable Filing Trust

		DR	CR
Cert # 755	On Aug 8, 1993 one half share of Capital Stock of Samaria Water and Irrigation Co. Cert. # 605 was transfered from William E. Morse to Vernon Evans & Margaret Hellen Morse Revocable Filling Trust see pg 134		10.00
	ALL SURRENDERED		
Cert # 548	On March 29. 2004 ½ share of Samaria Water & Irrigation Stock was transferred to Roger Morse. See pg. 234 from MRS. Vernon Morse New cert # 548		

192 1.0 share

1 Share Albert D & JoDell Jones Dr cr 3.0 Sh
all surrendered

ert # 757	On May 20, 1994 one share of Capital Stock in the Samaria Water & Irrigation Company Cert # 715 was trustered from Kenneth & Linda Johnson to Albert D and JoDell Jones. see pg 177		2400	Cert #
	On 12/30/99 cert. #757 was surrendered by Albert & JoDell Jones for 1 share of stock in Samaria Water & Irrigation. (see pg 219)	30 00		

er	3.0 Shares Levi D. Higley Or Debra W. Higley		Dr	Cr.
00	Cert # 765 On April 29, 1995 cert. #765 for 3.0 Shares was issued to Levi D. Higley or Debra W. Higley of Capital Stock in the Sonoma Water & Irrigation Co. See page 168 of this book			60 00

1 1/8 Shares Lynn Davis

		Dr.	Cr	
rt 767	On June 11, 1995 Certificate #767 for 1 1/8 Shares was issued to Lynn Davis of Capital Stock in the Samaria Water and Irrigation. 8875 from Melvin & Mabel Davis and .25 Shares from Rachel Williams. See pages 104 (Mabel Davis) & page 49 (Melvin Davis or Mable Davis) Page 103 (Rachel Williams) 4-29-04		22.50	Cert 76
				Cert. 8
#849	Received affadavid for lost certificate #767. A new certificate for Samaria Water & Irrigation Stock was issued to Lynn Davis			
				Cert 8

10 1/8 ~~1/4 Share~~ 11.1 3 D.

Jeff Davis

DR Cr

Cert 768	On June 11, 1995 Certificate # 768 for 1/4 Share was issued to Jeff Davis of Capital Stock in the Samaria Water & Irrigation Co. from Rachel Williams see page 103.		5.00 1/4
Cert. 827	On December 30, 2002 a cert # 827 was issued to M. Jeffrey Davis for 10 7/8 shares of Stock in the Samaria Water & Irrigation Co. from Elmora Louise Davis. (see pg 178)		10 7/8
Cert 841	On Nov 6. 2003 - Jeff Davis presented affadavit for lost certificate # for # 768. A New Certificate was issued in his name for .25 shares of Samaria Water & Irrigation Co.		

½ Share Michael Evans

		Dr	Cr	
rt 770	On July 30th 1995 Certificate #770 for ½ Share was issued to Michael Evans of Capital Stock in the Lamaria Water & Irrigation from Edith P. Evans Certificate #636 See page #5		10.00	Cert #
				Cert. #

~~45~~ Shares 6.5 Shares

Robert Shaw

		Dr	Cr.
00	Cert# 772 On January 14, 1996 Cert#586 for 4½ Shares of Samaria Water & Irrigation was surrendered. from Lusk family Pag #63 to Robert Shaw. New Cert # 772 was issued to Robert Shaw.		90.00
			9
	Cert. #833 On January 9, 2003 two shares of Stock in Samaria Water & Irrigation were surrendered by Jim Edwards #666. (pg. 135) and a new cert # 833 was issued to Robert Shaw.		40

198

All Surrendered

~~2.0~~ ~~Shares~~ on Roy A. Brown

~~(12.55 Shares)~~

	Dr	Cr	
			1.0
			1.0
cert # 73		80	Cert # 774
			#808
cert. 831		40	

On 20 January 1996 Certificate # 739 for 12 11/20 or 12.55 Shares of Samaria Water & Irrigation Co. was Surrendered from Leo H. Brown Family Trust. Page #3 to Roy A. Brown Cert. # 773.

On Oct 31, 2002 certificate #773 for 12 11/20 shares of Samaria Water & Irrigation stock was surrendered by Roy Brown. A new certificate #830 for 10 11/20 shares was issued to Parley & Pat Davis (pg 118) Cert. 831 was issued to Roy Brown for 2.0 shares.

On Dec. 19th cert 831 was surrendered by Roy Brown for 2 shares of water in the Samaria Water & Irrigation Company. A new cert #832 was issued to Russ Wright for 2 shares. (see pg 123)

1.0
1.0 Shares Shirley Olson

		Dr	Cr
Cert# 774	On March 3, 1996 Cert #716 for 1.0 shares of Sam. Irr. Co was surrendered from Douglas or Tonya Thorpe pg. 37 to Shirley Olson Cert # 744.		20 00
#808	On ~~March~~ Dec. 30, 1999 cert #749 was surrendered for 1 share of stock in Samana Water & Irrigation by Martha Peterson. A new cert. # 808 was issued to Shirley Olson for 1 share.		20 00

EXHIBIT N

Samaria Water and Irrigation Company

Water Right License and Claim to a Water Right numbers

Dam Storage License

	Acre feet
R-637 / 15-2074	500
R-791 / 15-2075	not to exceed 700

Irrigation Season Water License

	cfs	
18948 / 15-2023	3.0	Warm Springs
19071 / 15-2024	3.5	Warm Springs
19072 / 15-2025	22.0	Big Malad River

Winter Water Claim

15-4009	6.5	Warm Springs