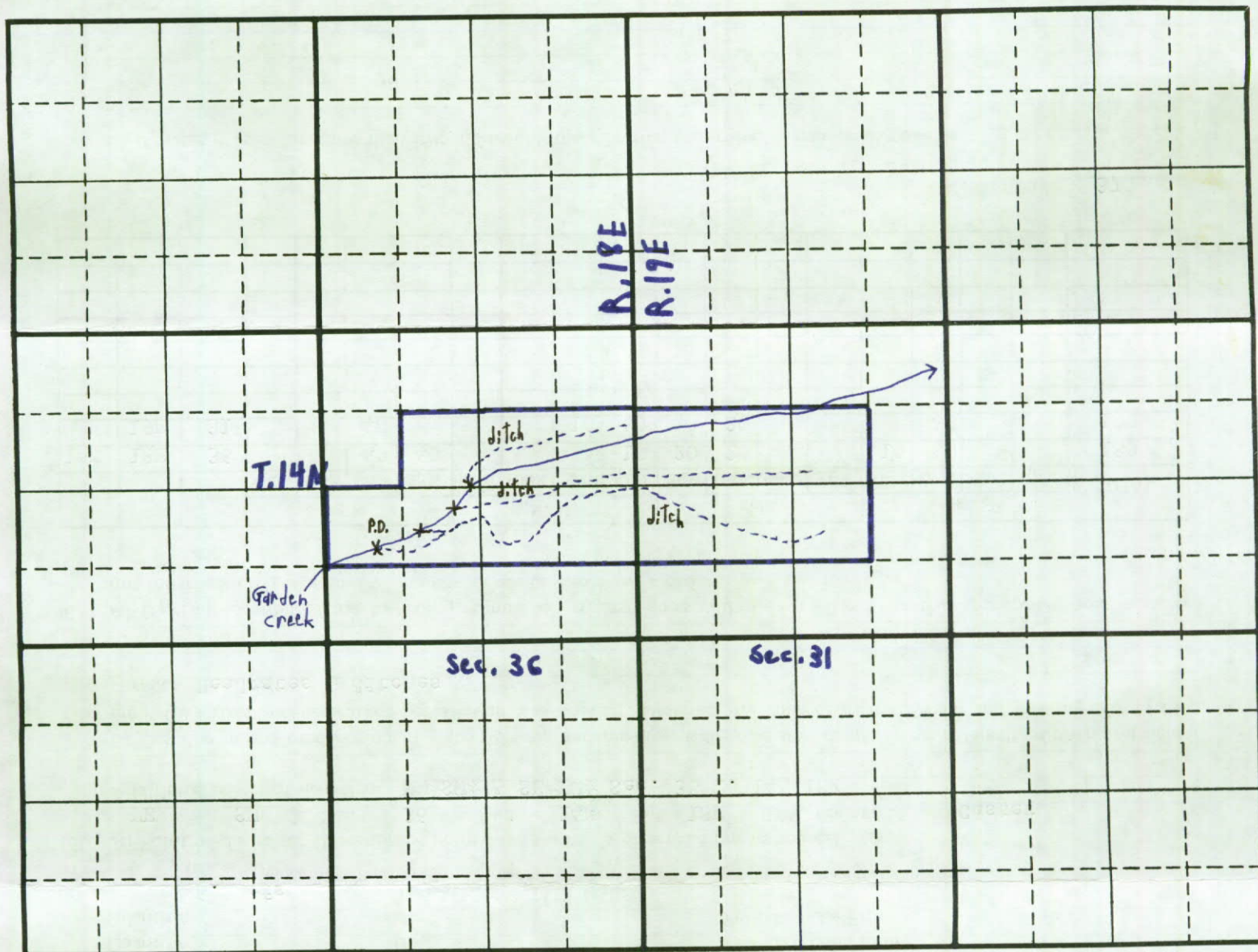


(8) Remarks _____



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)
County of Custer) ss.

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

Sworn to before me this 26 day of FEBRUARY, 19 80.

Joseph M. Peck
(Claimant)

Richard S. Blair
Notary Public
Residing at CHALLIS, IDAHO
CUSTER COUNTY

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>JA</u>	Date <u>2-27-80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ADM</u>	Date <u>2-28-80</u>		claimant by:	
\$20.00 fee received by <u>DD</u>	Date <u>2-20-80</u>	#17111		
Published in <u>Custer Publishing Co.</u>				
Dates <u>3/20 + 3/27/80</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 7, 1980

JOSEPH M. PECK
P.O. BOX 57
CHALLIS

ID 83226

RE: Claim No. 72-4058

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,



LOREN O. HOLMES
Southern Region Supervisor

Enclosure

RECORDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern District Office

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 Joseph M. Peck

(Name of Claimant)

P. O. Box 57, Challis, Idaho 83226

(Mailing Address)

Telephone No. 879-2303

(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) May 20, 1914

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)

Garden Creek tributary to Salmon River

- (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)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>6.0 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 6.0 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ SW ¼, Sec. 36 Twp. 14N Rge. 18E B.M., County of CusterAdditional points of diversion: NW ¼ SW ¼ & SE ¼ NW ¼ Sec. 36 T. 14N 18E

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. Headgates & ditches

- (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.

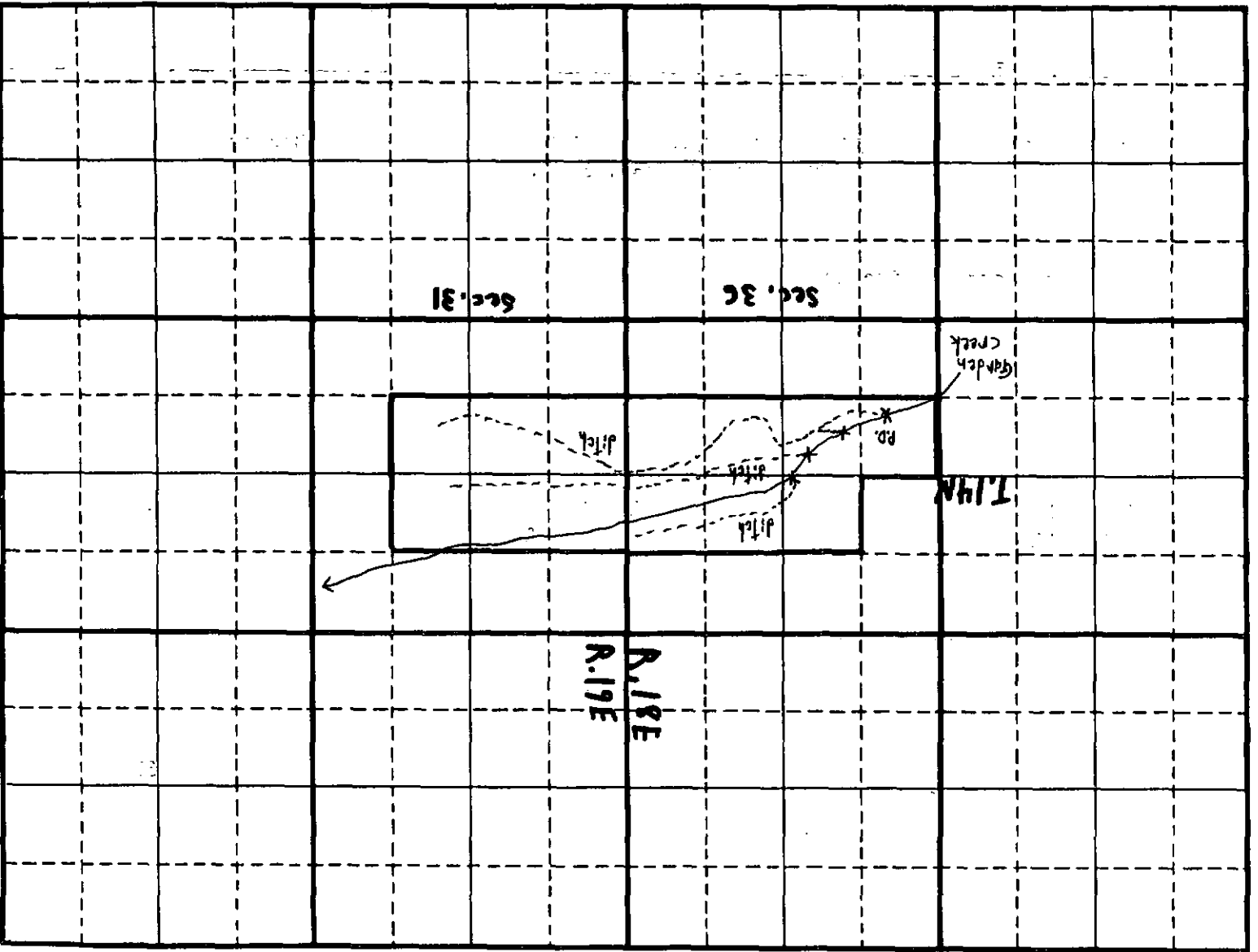
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14N	18E	36			40	40				10	20	20			10	40			180
	19E	31			40				10	40	40	20				40			190

No. of acres 370

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:



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.

Scale: 2 inches equal 1 mile.

State of Idaho)
County of Euster) ss.

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

Sworn to before me this 26 day of February, 1980.
Richard S. Allen
Notary Public
Residing at Challis, Idaho
Euster County
My commission expires life

FOR DEPARTMENT USE ONLY
Received by ADM Date 2-27-80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date 2-28-80
Published in Quincy Publishing Co. Date 2-20-80 #17111
Dates 3/80 + 3/87/88

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1, MARGARET PARKS.....

Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2.....
consecutive weeks, commencing with
the issue dated MAR 30.....,
1980 and ending with the issue
dated MAR 27....., 1980..

Margaret Parks.....

Subscribed and sworn to before
me this 8 day of April.....,
1980..

Janet M. James.....
Notary Public, residing at Challis,
Idaho. My commission expires on

April 30, 1983.....

Department of Water Resources
Southern District Office

**NOTICE OF CLAIMS
TO WATER RIGHTS**

Notice is hereby given that the
following claim to water right has
been established by diversion and
application to beneficial use:

72-4058

PECK, JOSEPH M.

P.O. BOX 57, CHALLIS, ID 83226

Source: GARDEN CREEK tributary
to SALMON RIVER

Priority Date: 05/20/1914

Amount: 6.00 CFS

Diversion Point: NESW NWSW

SENW Sec 36 T 14N R 18E, CUSTER
Co.

Use: IRRIGATION (6.00 CFS) from
04/01 to 11/01

Place of Use: SWNE SENE SENW

NESW NWSW NESE NWSE Sec 36 T

14N R 18E SWNE SWNW SENW

NESW NWSW NWSE Sec 31 T 14N R

19E FOR 370 ACRES

Diversion Means: HEADGATES &
DITCHES.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho 83301.

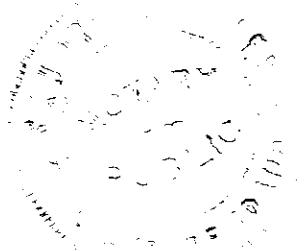
C. STEPHEN ALLRED

Director

Pub. 3/20 & 3/27/80.

□□□

OK
margaret
4/9/80



100-1100-377



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 8, 1993

MICHAEL D SHANNON
PO BOX 1039
CHALLIS ID 83226

RE: Statutory Claim No. 72-04058

Dear Mr. Shannon:

We are in receipt of the correspondence concerning ownership of the above referenced water right.

In Idaho, a statutory claim is considered real property; therefore, proof of owning the land is proof of owning the water right unless specifically excluded in the sale. We have placed your correspondence in the file for future reference and have modified our computer records to reflect you are the present owner.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

Brenda L. Chapman
Water Resource Agent

RECEIVED
MAY 25 1993

SCHEDULE A

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
1 7721	2 13-0192-60-000010	3 July 16, 1991, 5:00PM	4 \$ 275,000.00	5 \$ 996.25

1. Name of Insured:

MICHAEL DAN SHANNON AND PARIS ALMOND, Husband and wife.

2. The estate or interest in the land which is covered by this Policy is:

A Fee

3. Title to the estate or interest in the land is vested in:

MICHAEL DAN SHANNON AND PARIS ALMOND, Husband and wife.

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

None.

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in this Policy is described as follows:

See attached.

RECORDED

MAY 25 1993

SCHEDULE A

Owners Form
Reorder Form No. 3089 (Rev. 1/89)

This Policy valid only if Schedule B is attached.

SCHEDULE B

Policy Number: 13-0192-60-000010-7721
Owners

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions: The mortgage, if any, referred to in Item 4 of Schedule A.

7. General taxes for the year 1991, which are a lien, payable on or before December 20 of said year.
8. An Easement for irrigation ditch and incidental purposes across said land as granted by deed dated September 1, 1969, from Alex Klug, et. al, to Watson E. Perry and Phyllis D. Perry, husband and wife, recorded October 14, 1969, as instrument No. 127800 and in Memorandum of Understanding from Watson E. Perry et. ux., to Gerald Robinson, et. ux., dated September 30, 1969, and recorded October 14, 1969, as instrument No. 127802, records of Custer County, Idaho.
9. Easement dated June 1, 1972, covering the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 36, Township 14 North, Range 18 East, Boise Meridian, Custer County, Idaho, from the State of Idaho, acting by and through the State Board of Land Commissioners, to Custer County Board of County Commissioners, recorded June 9, 1972, as instrument No. 133498, records of Custer County, Idaho.
10. Financing Statements, Seed and Farm Laborer's liens, against crops which are filed in the office of the Secretary of State.

MAY 25 1993

TRACT A

PARCEL NO. 1

TOWNSHIP 14 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 36: $W\frac{1}{2}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$ EXCEPTING THEREFROM the following described parcels:

A fraction of the $SE\frac{1}{4}NE\frac{1}{4}$, and the $NE\frac{1}{4}NE\frac{1}{4}$, Section 36, Township 14 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the Northeast corner of Section 36, said township and range; thence North $89^{\circ}57'03''$ West 1316.02 feet on and along the North line of said Section to the Northeast $1/16$ corner; thence South $0^{\circ}05'00''$ East, 1626.16 feet to the intersection of the center of Garden Creek Road; thence the following courses along said center of road;
North $56^{\circ}52'53''$ East, 214.89 feet; thence
North $70^{\circ}18'04''$ East, 92.03 feet; thence
South $85^{\circ}13'46''$ East, 289.13 feet; thence
South $78^{\circ}53'40''$ East, 85.99 feet; thence
South $85^{\circ}48'00''$ East, 103.45 feet; thence
South $89^{\circ}50'01''$ East, 228.52 feet; thence
North $78^{\circ}06'18''$ East, 95.96 feet; thence
North $65^{\circ}07'52''$ East, 99.99 feet; thence
North $74^{\circ}28'45''$ East, 89.47 feet; thence
South $70^{\circ}33'13''$ East, 78.68 feet to the intersection of the North-South range line between Range 18 East and Range 19 East, Boise Meridian, thence North $0^{\circ}05'00''$ West 1403.84 feet on and along said Range line to the Northwest corner of Section 31, Township 14 North, Range 19 East, Boise Meridian, thence continuing on and along said range line North $0^{\circ}08'00''$ West 62.04 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM the following described as:

Commencing at the South Quarter corner of Section 36, Township 14 North, Range 18 East, Boise Meridian, Custer County, Idaho, thence North on and along the North-South centerline of said Section 36, 2697.13 feet to the Point of Beginning of this description; thence South $64^{\circ}12'26''$ West 99.61 feet; thence North $9^{\circ}12'21''$ West, 353.30 feet to the approximate South right of way of Garden Creek Road; thence the following four courses along said right of way;
North $67^{\circ}30'38''$ East, 220.03 feet; thence
North $72^{\circ}27'30''$ East, 106.06 feet; thence
North $74^{\circ}29'26''$ East, 209.47 feet; thence
North $76^{\circ}26'06''$ East, 168.78 feet; thence
South $12^{\circ}49'52''$ East, 228.01 feet; thence
South $62^{\circ}31'19''$ West, 522.18 feet; to a point on the North bank of Garden Creek; thence South $64^{\circ}12'26''$ West, 123.83 feet to the Point of Beginning.

REC
MAY 25 1993

PARCEL NO. 2

TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 31: Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$.

PARCEL NO. 3

TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 31: A portion of Lot 2 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, the TRUE POINT OF BEGINNING; thence East 55 feet along the South boundary line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 201 feet to a point which is the Southeast corner of the land described in the deed to Gerald Robinson, et. ux., recorded as instrument No. 127801, records of said Custer County Recorder; thence North 79°05' West, 599.5 feet along the South boundary line of said Robinson land; to the Southwest corner of said Robinson land; thence North 728 feet along the West boundary line of said Robinson land to a point on the South boundary line of the land described in the deed to Ray Keppner, et. ux., in Book 34 Deeds, Page 276, records of said County Recorder; thence along the South boundary line of said Keppner land South 74°10' West, 421.4 feet; thence South 54°10' West, 375.2 feet; thence South 63°05' West, 86.4 feet; thence South 69°45' West, 184.0 feet; thence South 79°30' West, 184.0 feet; thence South 87° West, 382.7 feet; thence North 89°35' West, 479.5 feet, to a point 162 feet East of the West line of said Lot 2; thence North 8°20' West, 735 feet along the West boundary line of said Keppner land to a point 57 feet East of the Northwest corner of said Lot 2; thence West 57 feet along the North boundary line of said Lot 2 to the Northwest corner of said Lot 2; thence South 0°22'25" West, 1320 feet, more or less to the Southwest corner of said Lot 2; thence North 89°40'30" East, 2657.16 feet, more or less, along the South boundary line of said Lot 2 and the South boundary line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the True Point of Beginning;
EXCEPT the following described parcel:

Beginning at a point which bears North 10°04' West, 3,055.6 feet from the Quarter Corner between Sections 6 and 31, Township 13 North and 14 North, Range 19 East, Boise Meridian, thence North 0°11' West, 595.2 feet; thence South 83°32' West, 97.5 feet; thence South 72°15' West, 187.9 feet; thence South 70°26' West, 80.8 feet; thence South 55°46' West, 371.5 feet; thence South 59°52' West, 87.1 feet; thence South 64°28' West, 69.7 feet; thence South 74°08' West, 313.0 feet; thence South 0°11' East, 728.8 feet; thence North 89°49' East, 623.6 feet; thence North 0°11' West, 593.3 feet; thence North 89°49' East, 476.2 feet to the REAL AND TRUE POINT OF BEGINNING.

MAY 25 1993

TRACT B

TOWNSHIP 14 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 36; NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$.

RECORDED
MAY 25 1993

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number _____ Applicant Joseph Peck

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Loren O. Halver Date 4-11-80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 4/16/80



NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Z2-4858-

PECK, JOSEPH M.

P.O. BOX 57, CHALLIS, ID 83226

Source: GARDEN CREEK tributary to SALMON RIVER

Priority Date: 05/20/1914

Amount: 6.00 CFS

Diversion Point: NESW NWSW SENW Sec 36 T 14N R 18E, CUSTER Co.

Use: IRRIGATION (6.00 CFS) from 04/01 to 11/01

Place of Use: SWNE SENE SENW NESW NWSW NESE NWSE Sec 36 T 14N R 18E SWNE SWNW
SENW NESW NWSW NWSE Sec 31 T 14N R 19E FOR 370 ACRES

Diversion Means: HEADGATES & DITCHES.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 3/20 & 3/27/80.

APR 1 1980
IDAHO DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 3, 1980

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 7, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED
MARCH 10 1980