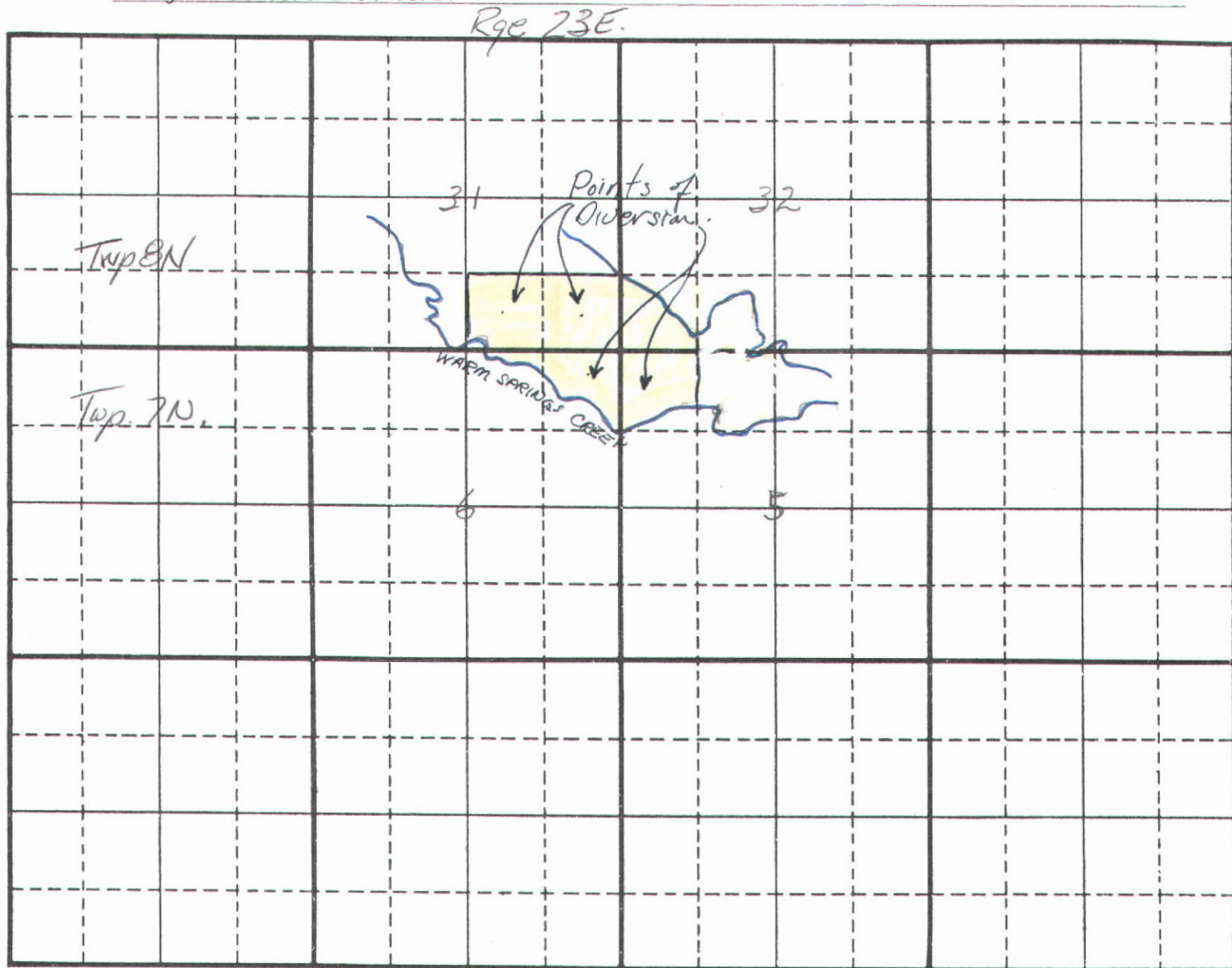


(8) Remarks The source of water rises on our property and is diverted from open channels along with sub irrigating the property. To our knowledge the sloughs have always been utilized to irrigate this land in conjunction with decreed rights 34-0870 & 34-0871.



Scale: 2 inches equal 1 mile.

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

MICROFILMED

APR 13 1987

State of Idaho)
County of Bonneville) 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.

Law Donna Zallinger
(Claimant)

Sworn to before me this 13 day of Feb, 1987.

Patricia Wray
Notary Public
Residing at Plato Falls

My commission expires 5/29/1991

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>13 Feb 87</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EBV</u>	Date <u>2/17/87</u>		claimant by:	
<u>\$30.00</u> fee received by <u>WJ</u>	Date <u>2-18-87</u> # <u>41045</u>			
Published in <u>CUSTER Pub Co.</u>	<u>3-5 + 3-12-87</u>			
Dates <u>3-5 + 3-12-87</u>				

Homestead Certificate No. 948)
Application 1103)

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Whereas There has been deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of George Nowacki has been established and duly consummated, in conformity to law, for the Lot numbered four of Section five and the Lots numbered one and two of Section six in Township seven North, and the South West quarter of the South East quarter of Section thirty-one in Township eight North of Range twenty-three East of Boise Meridian in Idaho, containing one hundred and seventy three acres and twenty-eight hundredths of an acre according to the OFFICIAL PLAT of the Survey of the said land, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now know ye, That there is, therefore, granted by the United States unto the said George Nowacki the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said George Nowacki and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand at the CITY OF WASHINGTON, the first day of October, in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States the one hundred and twenty-sixth.

BY THE PRESIDENT:

T. Roosevelt

(((SEAL)))

By F. M. McKean, Secretary,

C H Brush, Recorder of the General Land Office.

Recorded Idaho, Vol. 47, Page 277

Recorded at request of W. G. Jenkins & Co. at 9:30 o'clock A. M. November 23, 1912.

MICROFILMED

APR 13 1987

E. J. Weichard
Ex-officio Recorder.

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 BarDonna Zollinger
(Name of Claimant)
Star Route, Mackay, Idaho 83251 Telephone No. 588-2557
(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) May 20, 1860

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)
slough tributary to sinks

(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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3.70cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use		Period of Use From	To
Quantity	<u>0.11cfs</u>	Use	<u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	<u>3.81cfs</u>	TOTAL QUANTITY USED.			

(5) A) Point of diversion. (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec 31 Twp. 8N Rge. 23E B.M., County of Custer
Additional points of diversion SE ¼ SE ¼, Sec. 31, 8N, R. 23E, NE ¼ NE ¼, Sec. 6, NW ¼ NW ¼, Sec. 5 T. 7N, R. 23E.

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. Gravity flow open channels & portable dams.

(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	
8N	23E	32											35						35
7N	23E	5						35											35
7N	23E	6	30	5															35
8N	23E	31														40	40		80

No. of acres 185

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

MICROFILMED

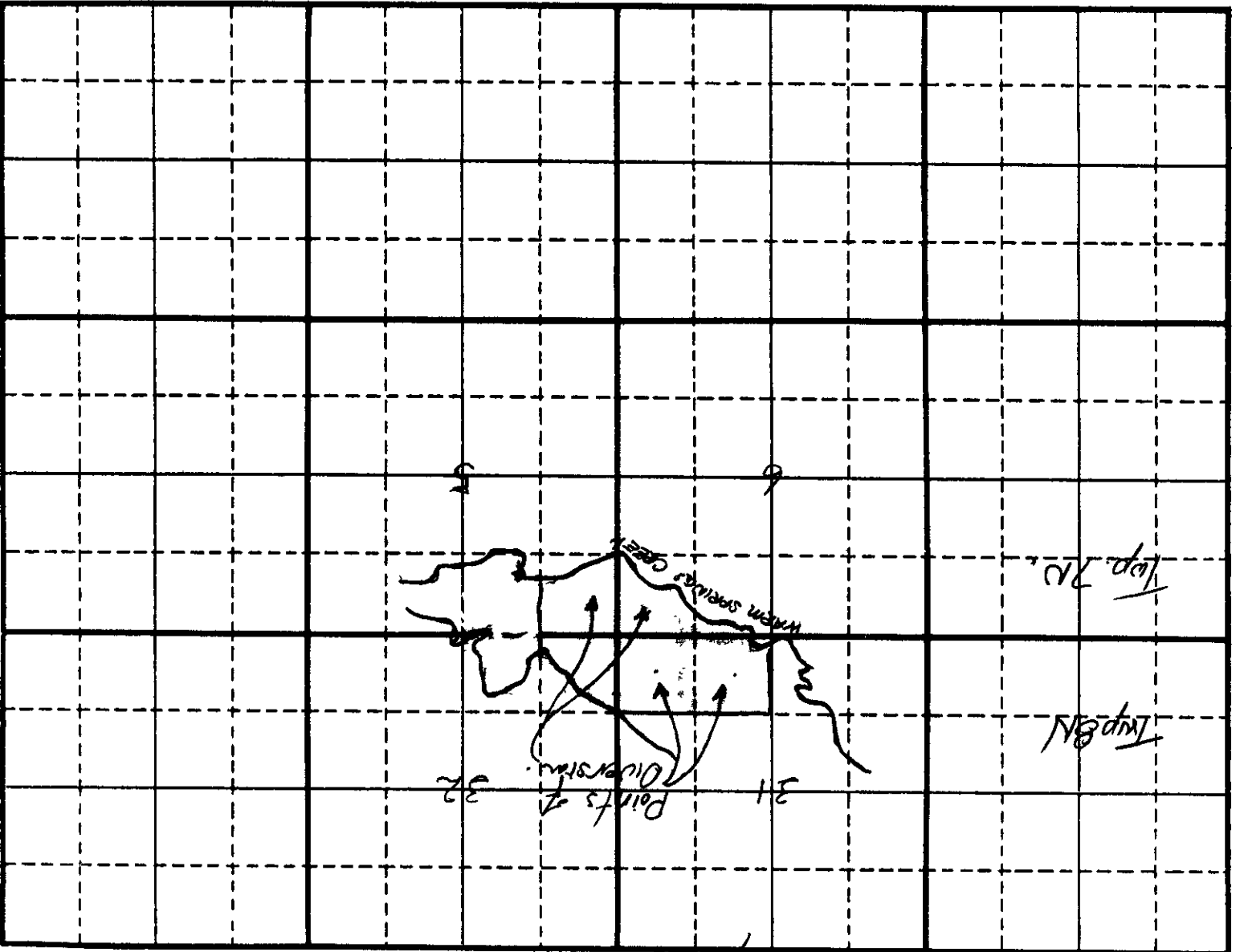
APR 13 1987

NOTE Include here the type and number of stock watered. 500 Range cows plus calves.

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

(8) Remarks The source of water rises on our property and is diverted from open channels along with sub irrigating the property. To our knowledge the sloughs have always been utilized to irrigate this land in conjunction with decreed rights 34-0870 & 34-0871.

Page 23E



Scale 2 inches equal 1 mile.

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

MICROFILMED

APR 13 1987

State of Idaho
County of Benewalla
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 13 day of Feb 1987.

Notary Public
Residing at
William Wray
Helen Wray
Boulder College
(claimant)

My commission expires 5/29/1991

FOR DEPARTMENT USE ONLY

Received by BNC 261
Prelim. check by 4/17/87
Date 2-13-87
Exception filed by: 13Feb87
Forwarded to claimant by 4/17/87
Date 2-13-87
Published in Custer A.B. Co. 3-5 + 3-12-87
Dates 3-5 + 3-12-87

✓ This Indenture Made the 5th day of June in the year of our Lord one thousand nine hundred and seven between Minnie Nowacki of Mackay County of Custer State of Idaho the party of the first part, and George Nowacki of Mackay County of Custer State of Idaho the party of the second part.

Witnesseth: That the said party of the first part, for and in consideration of the sum of Nine Thousand Dollars lawful money of the United States of America to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant Bargain, Sell and Convey and Confirm unto the said party of the second part, and to his heirs and assigns forever: All those certain lots Pieces, or parcels of land situate, lyin g and being in the County of Custer, State of Idaho, bounded and more particularly described as follows, to wit: The South-east Quarter of the North-east Quarter of Section Thirty-one (31), the South Half of the North-West Quarter of Section Thirty-two (32), and the South-west Quarter of the North-east Quarter of Section Thirty-two (32) all in Township 8 North of Range 23 East of Boise Meridian, in Custer County, Idaho, together with all water rights, or shares of water, or rights to waters of whatever kind used upon or with said lands or appurtenant thereto, and together with all ditches, flumes, canals or conduits of any kind used with, upon or in connection with said lands for conducting water thereon or therefor.

Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining and the rents , issues and profits thereto: To have and to hold, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, and her heirs the said premises in the quiet and peaceable possession of the said party of the second part. his heirs and assigns against the said party of the first part, and her heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In witness whereof, The said party of the first part has hereunto set her hand and seal the day and year first above written. her mark
Signed Sealed and Delivered in the presence of)
and signature and mark of Minnie Nowacki) Minnie X Nowacki (SEAL)
Witnessed by J.H. Greene

State of Idaho)
ss
County of Custer)

On this 5th day of June in the year 1907, before me Chase A Clark, a Notary Public in and for said County, personally appeared Minnie Nowacki known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Chase A Clark

(((((SEAL))))))

Notary Public.

This instrument was filed for record at the request of Geo Nowacki at 9.30 o'clock A.M. June 7th, 1907.

Fee \$1.50

E M Henderson
Ex-officio Recorder.

MICROFILMED

APR 13 1987

Homestead Certificate No. 948)
Application 1103)

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Whereas There has been deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, (1862), "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of George Nowacki has been established and duly consummated, in conformity to law, for the Lot numbered four of Section five and the Lots numbered one and two of Section six in Township seven North, and the South West quarter of the South East quarter of Section thirty-one in Township eight North of Range twenty-three East of Boise Meridian in Idaho, containing one hundred and seventy three acres and twenty-eight hundredths of an acre according to the OFFICIAL PLAT of the Survey of the said land, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now know ye, That there is, therefore, granted by the United States unto the said George Nowacki the tract of land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said George Nowacki and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand at the CITY OF WASHINGTON, the first day of October, in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States the one hundred and twenty-sixth.

BY THE PRESIDENT:

T. Roosevelt

((((SEAL))))

By F. M. McKean, Secretary,

C H Brush, Recorder of the General Land Office.

Recorded Idaho, Vol. 47, Page 277

Recorded at request of W. G. Jenkins & Co. at 9:30 o'clock A. M. November 23, 1912.

MICROFILMED

APR 10 1967

E. J. Michurs
Ex-officio Recorder.

AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer ss

I *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 *March 5*

1987 and ending with the issued
dated *March 12* 1987

Margaret Parks

Subscribed and sworn to before
me this *23rd* day of *March*
1987.

Shel W. Beck

Notary Public residing at Challis
Idaho My commission expires on

3-21-92.

MICROFILMED

APR 13 1987

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been
filed on water right(s) created by
diversion and beneficial use

34-4137

ZOLLINGER, BAR DONNA
STAR ROUTE, MACKAY, ID
83251

Source SLOUGH trib to SINKS
Diversion Pt SWSE SESE Sec
31 T 08N R 23E NENE Sec 06 T 07N
R 23E NWNW Sec 05 T 07N R 23E
Use IRRIGATION (3.7 CFS)

STOCKWATER (0.110 CFS)

Priority Date: 05/20/1860

In. SWSW Sec 32 T 08N R 23E
NWNW Sec 05 T 07N R 23E NENE
NWNE Sec 06 T 07N R 23E SWSE
SESE Sec 31 T 08N R 23E FOR 185
ACRES

Exceptions to a claim may be
filed with the Director Dept of
Water Resources, Eastern Region,
150 Shoup, Suite 15, Idaho Falls,
Idaho 83402

Ken Dunn, Director

Published March 5 & 12, 1987

RECEIVED

MAR 24 1987

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: EW

Right Number _____

Applicant BARDONA ZOLLINGER

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.
- 3-23-87

FINAL REGIONAL PROCESSING REVIEW:

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

By EMC Date 27 March 87.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 3/31/87

MICROFILMED

APR 13 1987

RECEIVED

MAR 31 1987

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 23, 1987

BAR DONNA ZOLLINGER
STAR ROUTE
MACKAY

ID 83251

RE Claim No. 34-4137

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
Eastern Region Manager

Enclosure

MICROFILMED

APR 13 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 25, 1987

Custer County Publishing Co.
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 MARCH 23, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

Microfilmed

APR 13 1987

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use.

34-4137

ZOLLINGER, BAR DONNA

STAR ROUTE, MACKAY, ID 83251

Source SLOUGH trib. to SINKS

Diversion Pt SWSE SESE Sec 31 T 08N R 23E NENE Sec 06 T 07N R 23E
NWNW Sec 05 T 07N R 23E

Use IRRIGATION (3.7 CFS)
STOCKWATER (0.110 CFS)

Priority Date 05/20/1860

In SWSW Sec 32 T 08N R 23E NWNW Sec 05 T 07N R 23E NENE NENE
Sec 06 T 07N R 23E SWSE SESE Sec 31 T 08N R 23E FOR 185 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water
Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402
KEN DUNN, Dir.

Published 3/5 & 3/12/87.

MICROFILMED

APR 10 1987