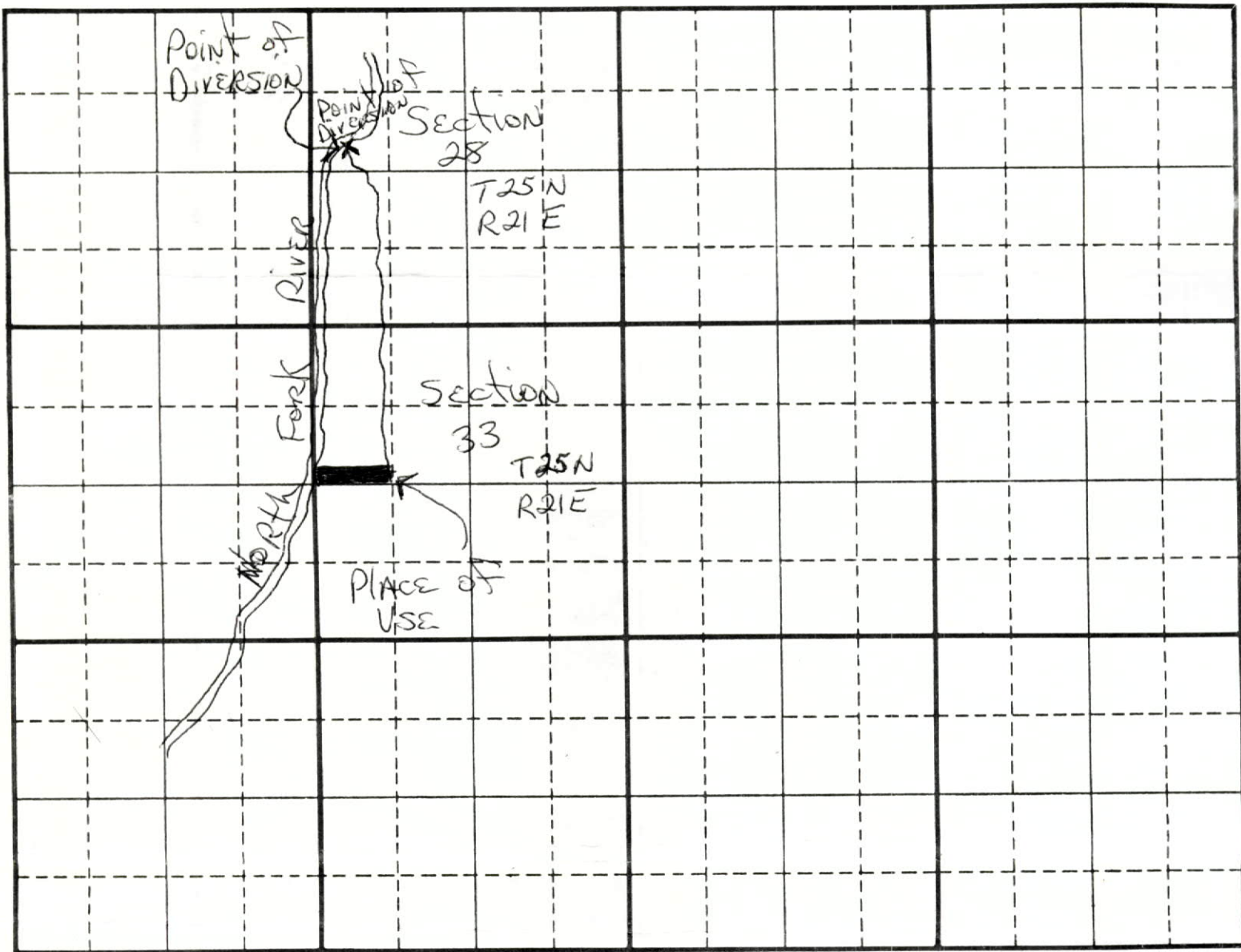


(8) Remarks My land was originally a part of H.E.S 285  
and has historic water rights back to 1917. (See attached  
copy of original deed.



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 Lemhi ) 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 12th day of August

Larry W. Scott  
 (Claimant)

Emil Stalder  
 Notary Public  
 Residing at Salmon

My commission expires 1/10/82

Received by EMC Date 9/5/80  
 Prelim. check by EMC Date 8/25/80  
 \$20.00 fee received by EMC Date 8/13/80  
 Published in The Recorder-Herald  
 Dates 9/18 & 9/25/80

FOR DEPARTMENT USE ONLY  
 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
 Forwarded to claimant by: \_\_\_\_\_ Date \_\_\_\_\_

THIS INDENTURE, Made this 28th day of September  
in the year of our Lord one thousand nine hundred and seventy  
L. RYL BECKER and VIRGINIA BECKER, his wife,  
of County of Lemhi, State of Idaho  
the parties of the first part, and

VERNE BLALACK and JUDITH BLALACK, his wife,  
of County of Lemhi, State of Idaho  
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of  
TEN and no/100----- and other good and valuable considerations,  
lawful money of the United States of America, to them in hand paid by the said  
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained  
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties  
of the second part, and to their heirs and assigns forever, all of the following described real estate,  
situated in County of Lemhi, State of Idaho, to-wit:

A fraction of H.E.S. No. 285, in approximate Sections 4 and 5, T. 24 N.,  
R. 21 E., Boise Meridian, more particularly described as follows, to wit:

Commencing at Corner No. 4 of said H.E.S. No. 285, run thence N. 88°4'W.  
along the Southerly boundary of H.E.S. no. 285 a distance of 117.14 feet,  
more or less, to a point on the Westerly Right-of-Way line of U. S. Highway  
No. 93, and the point of beginning of the tract of land herein described;  
continuing thence N. 88°04'W. 767.0 feet; thence N. 50°02'W. 396.03  
feet; thence S. 88°04'E. 1026.49 feet more or less to a point on the  
Westerly Right-of-Way line of U. S. Highway No. 93; thence Southeasterly  
along said Right-of-Way line 249.57 feet to the point of beginning,  
containing 5.0 acres.

SUBJECT to the following covenants, conditions and reservations, which  
shall apply to and run with the land and shall extend to and include the  
heirs, assigns, lessees and holders of every kind.

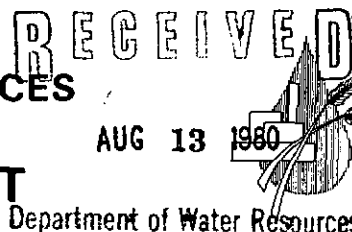
1. No commercial enterprise, profit or non-profit, shall be permitted  
to be carried out on the premises for a period of ten (10) years  
from date hereof.
2. All dwelling units are required to be provided with septic tanks and  
cess pool drainage units which will conform with the standards  
established by the State of Idaho. No outside toilets may be used.
3. The above described premises shall not be subdivided into units or  
lots of less than one (1) acre each and not more than one (1) dwelling  
unit shall be permitted on each acre of land.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto  
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,  
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well  
as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together  
with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever,  
and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable  
possession of the said parties of the second part, their heirs and assigns, against the said parties  
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully  
claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Department of Water Resources

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

GARY W. SCOTT

(Name of Claimant)

Box 7151 North Fork, Id

(Mailing Address)

83466

(Zip Code)

Telephone No.

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) 1917, August 14

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) North Fork of the Salmon tributary to MAIN 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) | Use | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive) |            |
|----------|-----------------|-----|-------------------------------------|------------------------|------------|
|          |                 |     |                                     | (Mo., Day)             | (Mo., Day) |
| Quantity | .04 CFS         | Use | Domestic                            | Period of Use From 1-1 | To 12-31   |
| Quantity | .10 CFS         | Use | Irrigation                          | Period of Use From 4-1 | To 11-15   |
| Quantity | 36 G.P.D.       | Use | Stock water                         | Period of Use From 1-1 | To 12-31   |
| Quantity |                 | Use |                                     | Period of Use From     | To         |
| Quantity |                 | Use |                                     | Period of Use From     | To         |

(4) 36 G.P.D. .14 CFS TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SW 1/4 NW 1/4, Sec. 28 Twp. 25N Rge. 21E B.M., County of Lemhi

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. Ditch approx. 3' deep running from P.D. through the Becker Ranch (H.E.S. 285), through the Cummings Ranch and back into the North Fork. Approx. 3 miles

(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.

Fraction of H.E.S. 285 Sec. 33 T25N R21E

| T   | R   | SEC. | NE% |     |     |     | NW% |     |     |     | SW% |     |     |     | SE% |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% | NE% | NW% | SW% | SE% |       |
| 25N | 21E | 33   |     |     |     |     |     |     | 5   |     |     |     |     |     |     |     |     |     | 5     |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 5

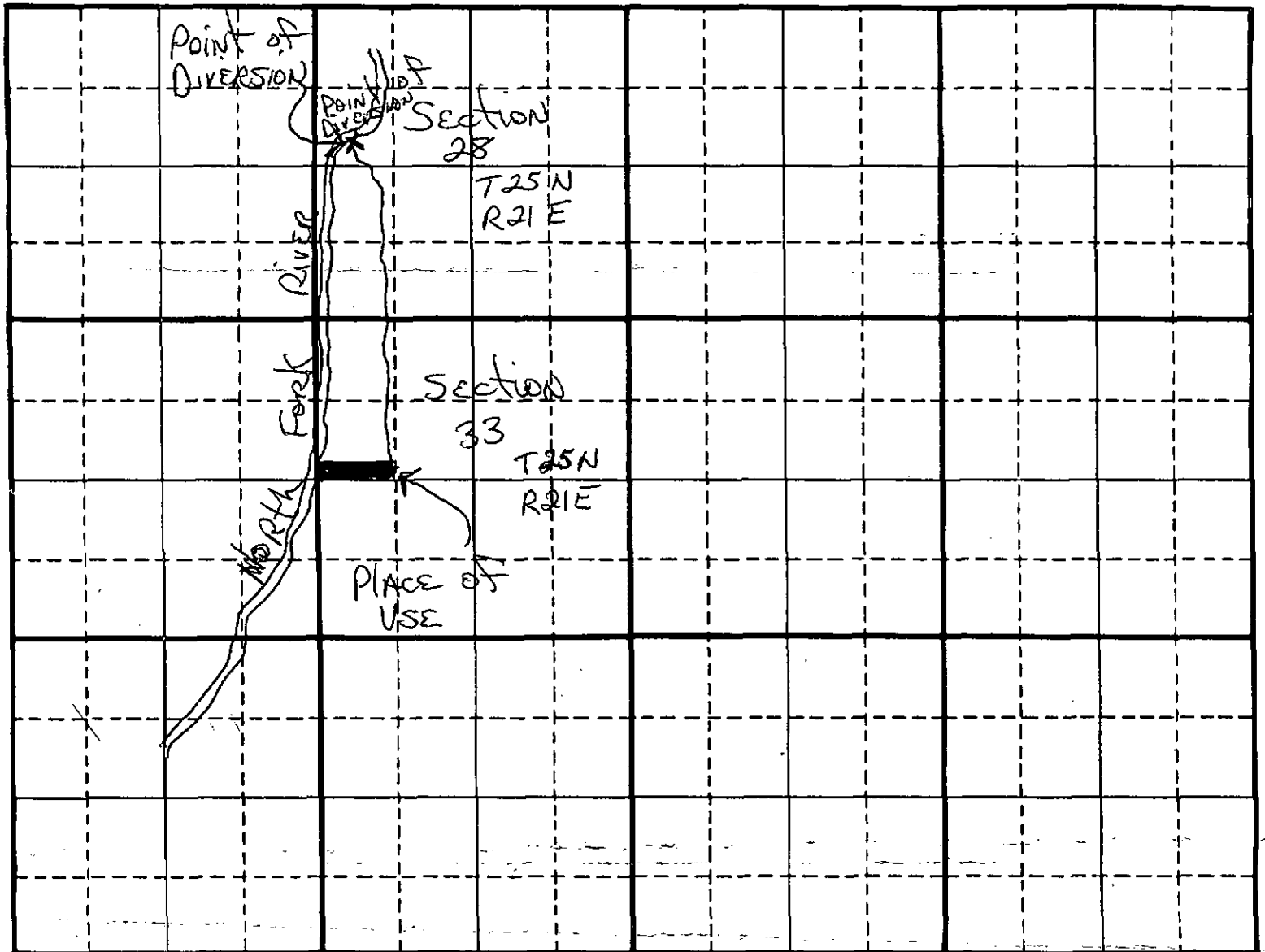
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: I irrigate all of my 5 acres and water 2 head of horses plus from 1-3 calves from this ditch.

NOTE: Include here the type and number of stock watered: 2 horses 1-3 calves

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

N/A

(8) Remarks My land was originally a part of H.E.S 285  
and has historic water rights back to 1917. (See attached  
copy of original deed.

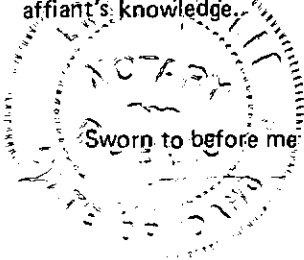


Scale: 2 inches equal 1 mile.

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 Lemhi ) 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

12th day of August

Larry W. Scott  
(Claimant)

Emm Stalder  
Notary Public  
Residing at Salmon

My commission expires 11/10/82

Received by EW Date 9/5/80  
Prelim. check by EMC Date 8/25/80  
\$20.00 fee received by EW Date 9-5-1980  
Published in The Recorder-Herald  
Dates 9/18 & 9/25/80

FOR DEPARTMENT USE ONLY  
Exception filed by: #14995  
Forwarded to claimant by: \_\_\_\_\_ Date \_\_\_\_\_

NOTICE OF CLAIMS  
TO WATER RIGHTS

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

73-4020

JOE V. HIGBEE & SONS  
P.O. BOX 33, ELLIS, ID  
83235

Source: PAHSIMEROI  
RIVER tributary to SAL-

MON RIVER

Priority Date: 05/01/1945

Amount: 1.16 CFS

Diversion Point: SWNE

Sec 35 T 15N R 21E, LEM-

HI Co.

Use: IRRIGATION (1.16

CFS) from 04/01 to 11/01

Place of Use: NENW

SENW Sec 17 T 15N R

21E FOR 53 ACRES;

Diversion Means: HEAD-

GATE & DITCH.

73-4022

JOE V. HIGBEE & SONS

P.O. BOX 33, ELLIS, ID

83235

Source: PAHSIMEROI

RIVER tributary to SAL-

MON RIVER

Priority Date: 02/04/1910

Amount: 1.00 CFS

Diversion Point: NENW

Sec 17 T 15N R 21E, LEM-

HI Co.

Use: IRRIGATION (1.00

CFS) from 04/01 to 11/01

Place of Use: SESW Sec

08 T 15N R 21E NENW

Sec 17 T 15N R 21E FOR

50 ACRES

Diversion Means: MAC-

DONALD DITCH &

HEADGATES.

73-4023

JOE V. HIGBEE & SONS

P.O. BOX 33, ELLIS, ID

83235

Source: LITTLE SPRING

CREEK tributary to

PAHSIMEROI RIVER

Priority Date: 06/01/1950

Amount: 0.60 CFS

Diversion Point: SWSE

Sec 08 T 15N R 21E, LEM-

HI Co.

Use: IRRIGATION (0.60

CFS) from 04/01 to 11/01

Place of Use: SESW Sec

08 T 15N R 21E FOR 30

ACRES

Diversion Means: HEAD-

GATE & DITCH.

75-4178

SCOTT, GARY W.

P.O. BOX 1151, NORTH

FORK, ID 83466

Source: SALMON RIVER,

NORTH FORK tributary

to SALMON RIVER

Priority Date: 08/14/1917

Amount: 0.14 CFS

Diversion Point: SWNW

Sec 28 T 25N R 21E, LEM-

HI Co.

Use: IRRIGATION (0.10

CFS) from 04/01 to 11/15

STOCKWATER (0.01

CFS) from 01/01 to 12/31

DOMESTIC (0.04 CFS)

from 01/01 to 12/31

Place of Use: SWNW Sec

33 T 25N R 21E FOR 5

ACRES

Diversion Means: DITCH.

75-4179

Affidavit of Publication  
RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

SEP 26 1980

Department of Water Resources  
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes  
and says that he is one of the printers (publisher) of the RECORDER HERALD,  
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general  
circulation therein,

That the Notice of Claims to Water Rights Nos. 73-4020,

73-4022, 73-4023, 75-4178, 75-4179

a true

printed copy of which is attached to the margin hereof, has been and was correct-  
ly printed and published in the regular and entire issue of every number of said

newspaper and not in any supplement thereof or thereto for

consecutive issues, commencing with the issue dated Sept. 18, 1980

and ending with the issue dated Sept. 25, 1980

*Jerry G. Rosin*

Subscribed and sworn to before me, this twenty fifth

day of September, 1980

*Notary Public for the State of Idaho,*  
Residing at Salmon, Idaho

Publication Fee \$46.08

2840

day of September

**PAUL BECKER and VIRGINIA BECKER, his wife**



## Index

**Principles of the Law of Evidence**

VERNE BLALACK and JUDITH BLALACK, his wife,

100

சென்னை 10/11/2019

Cheng, et al. 1998

and other good and valuable property of the United States of America.

particular of the present part, the fourth benefit has been the fact that the old, and by the age, and the second part, and to their

A fraction of E.E.S. No. 285, in approximate sections <sup>33</sup>~~4~~ and 5, T<sup>2</sup>~~3~~ S., R. 21 E., Boise Meridian, more particularly described as follows, to wit:

Commencing at Corner No. 4 of said H.E.S. No. 255, run thence N. 69°4'W. along the Southerly boundary of H.E.S. no. 203 a distance of 117.14 feet, more or less, to a point on the Westerly Right-of-Way line of U. S. Highway No. 93 and the point of beginning of the tract hereinafter described; continuing thence N. 88° 01' W. 267.0 feet; then S. 88° 01' W. 1026.49 feet; then S. 88° 01' E. 1026.49 feet more or less to a point on the Westerly Right-of-Way line of U. S. Highway No. 93; thence southeasterly along said Right-of-Way line 249.57 feet to the point of beginning, containing 5.0 acres.

SUBJECT to the following covenants, conditions and reservations, which shall apply to and run with the land and shall extend to and include the heirs, assigns, lessees and holders of every kind.

1. No commercial enterprise, profit or non-profit, shall be permitted to be carried out on the premises for a period of ten (10) years from date hereof.
2. All dwelling units are required to be provided with septic tanks and cess pool drainage units which will conform with the standards established by the State of Idaho. No outside toilets may be used.
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TOGETHER, With all and singular the tenements, hereditaments, and appurtenances, belonging or in anywise appertaining, the revenues and reverendies, and the profits and gains and profits thereof; and all estate, right, title, and interest in and to the premises, together with the same, as in equity of the said parties hereto do appear.

TO HAVE AND TO HOLD All and singular the above premises, and the profits and gains and profits thereof, unto the parties of the second part, and to their heirs and assigns forever; and the said parties of the first part, and their heirs and assigns forever, to the said parties of the second part, their heirs and assigns forever, in full satisfaction of the said parties of the second part, their heirs and assigns forever, in full satisfaction of the first part, and their heirs and assigns forever, and every person claiming or to claim the same shall and will WARRANT and defend, protect and maintain.

ACTION

N OWNER LAST NAME - SCOTT FIRST NAME - GARY W.  
N ADDRESS LINE 1 - P.O. BOX 1151  
N CITY - NORTH FORK STATE - ID ZIP CODE - 83466  
N SOURCE - SALMON RIVER, NORTH FORK TRIBUTARY OF - SALMON RIVER  
N STAGE - STATRY CLM PRIORITY - 08-14-1917 COUNTY - LEMHI TOTAL DIV. RATE - .1400CFS  
N DIVERSION POINT - SWNW 28 25N 21E  
N FROM - 04-01 TO - 11-15 USE - IRRIGATION USE DIV. RATE - .1000CFS  
N FROM - 01-01 TO - 12-31 USE - STOCKWATER USE DIV. RATE - .0100CFS  
N FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0400CFS  
N USE - IRRIGATION PLACE OF USE - TWN 25N RNG 21E SEC 33 TRACT SWNW AC 05  
N NON IRRIG USE - S75 RANGE.  
N DIVERSION MEANS - DITCH.

B.B.

75 4178

WATER RIGHT  
DATA ENTRY LOG

[illegible]

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 75 4178 Applicant Gary Scott

NOTE: 75-4178  
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.
- 10/6

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date 10-01-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 10/3/80

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

OCTOBER 6, 1980

GARY W. SCOTT  
P.O. BOX 1151  
NORTH FORK

ID 83466

RE: Claim No. 75-4178

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 Supervisor

Enclosure

ENCLOSURE

September 12, 1980

RE: Claim to a Water Right No. 75-4178

Gary W. Scott  
Box 1151  
North Fork, ID 83466

Dear Mr. Scott:

Attached herewith is Departmental Receipt No. 14995 in the amount of \$30.00 for the above referenced claim to a water right.

Sincerely,

KAY WALKER  
Secretary

KW:k

WICKI-MAN

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:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED  
Director

Published 9/18 & 9/25/80.

RECEIVED  
SEP 25 1980  
IDAHO DEPT OF WATER RESOURCES

75-4178

SCOTT, GARY W.

P.O. BOX 1151, NORTH FORK, ID 83466

Source: SALMON RIVER, NORTH FORK tributary to SALMON RIVER

Priority Date: 08/14/1917

Amount: 0.14 CFS

Diversion Point: SWNW Sec 28 T 25N R 21E, LEMHI Co.

|                 |            |                     |
|-----------------|------------|---------------------|
| Use: IRRIGATION | (0.10 CFS) | from 04/01 to 11/15 |
| STOCKWATER      | (0.01 CFS) | from 01/01 to 12/31 |
| DOMESTIC        | (0.04 CFS) | from 01/01 to 12/31 |

Place of Use: SWNW Sec 33 T 25N R 21E FOR 5 ACRES

Diversion Means: DITCH.

75-4178

SCOTT, GARY W.  
P.O. BOX 1151, NORTH  
FORK, ID 83466

Source: SALMON RIVER,  
NORTH FORK tributary  
to SALMON RIVER

Priority Date: 08/14/1917

Amount: 0.14 CFS

Diversion Point: SWNW  
Sec 28 T 25N R 21E, LEM-  
HI Co.

Use: IRRIGATION (0.10  
CFS) from 04/01 to 11/15  
STOCKWATER (0.01  
CFS) from 01/01 to 12/31  
DOMESTIC (0.04 CFS)  
from 01/01 to 12/31

Place of Use: SWNW Sec  
33 T 25N R 21E FOR 5  
ACRES

Diversion Means: DITCH.

UNRECORDED

RECEIVED

Sept. 3, 1980

SEP 5 1980

Dear Mr. Jones, Department of Water Resources  
Eastern District Office

Please find enclosed my application, on which I have made the correction you have asked for. I have neither the time nor money to drive the 50 miles to the nearest notary public and have him stamp a new application, therefore I am expecting you to process this application. This is the 3<sup>rd</sup> time I have sent this application in to you, only to have it returned for some nit-picky reason. Don't you have anything better to do with your time and taxpayer's money?

MICROFILMED  
Larry Scott



**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

August 26, 1980

RE: Claim to a Water Right

Gary W. Scott  
Box 1151  
North Fork, ID 83466

Dear Mr. Scott:

Enclosed please find the Claim to a Water Right that you recently submitted to our office along with your Money Order No. 15-20 and Check No. 97-297/379.

A complete Claim must have a month, day and year listed in line 1, date of priority, to be processed. I have enclosed a new Claim form that you should fill in with all the pertinent information. Please have it notarized and return it to this office with your \$30.00 filing fee.

Sincerely,

HAROLD W. JONES  
Water Resource Agent

HWJ:kw  
Enclosures

**RECEIVED**

SEP 5 1980

Department of Water Resources  
Eastern District Office

**MICROFILMED**