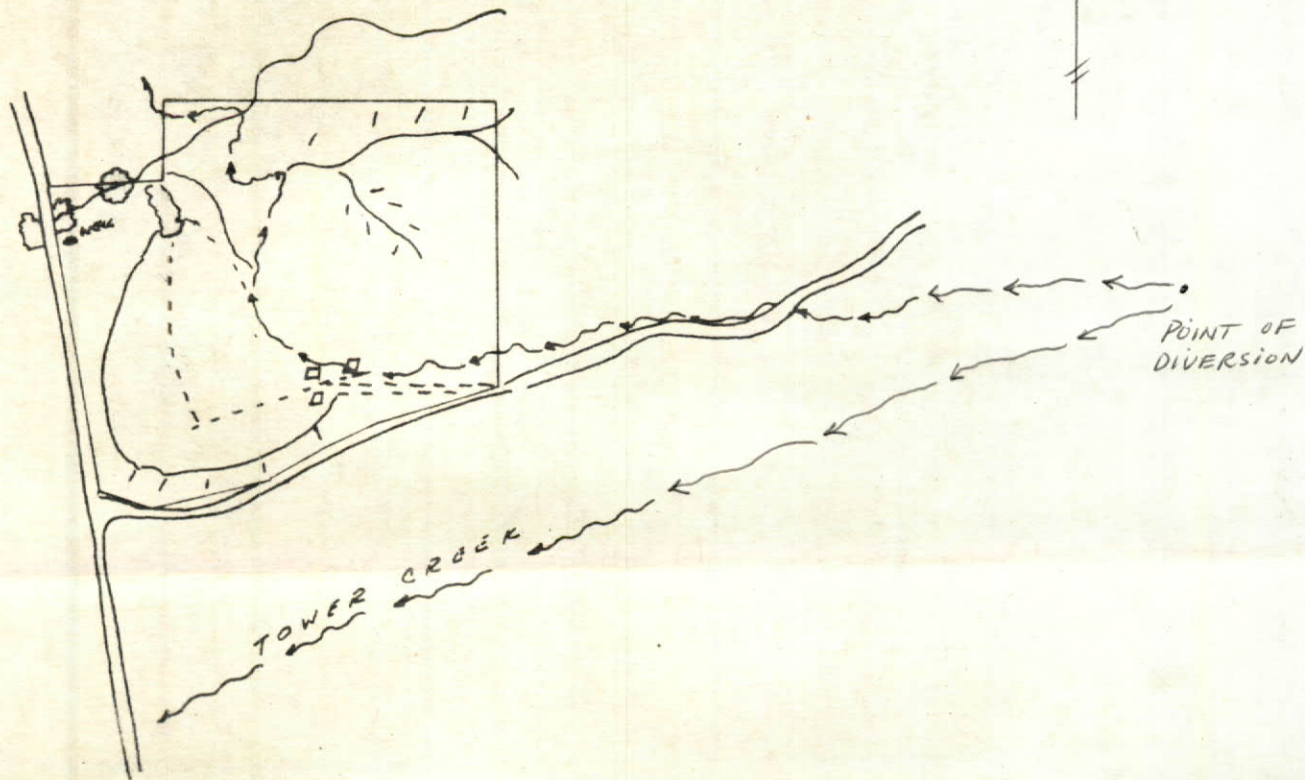


SCALE 1" = 660'

No. 1 CORNER
SECTION 18

TWP 23 N. R. 22 E. 37.

LEMMING CO., IDAHO



**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4067**

Notice is hereby given that Michael A. Holmes and Susan P. Holmes, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.72 cubic feet per second of water from Tower Creek tributary to Salmon River with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 23N, R. 22E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes and from Apr. 1 to Nov. 1 for the irrigation of 35 acres with a priority of 6-7-1897 the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 23N, R. 22E, B. M.

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

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho on May 19 and May 26, 1977.

5-19-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

SS.

JUN 1 1977

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 Claim to Water Right No. 75-4067

is a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated May 19, 1977 and ending with the issue dated May 26, 1977.

Jerry G. Rosin

Subscribed and sworn to before me, this twenty sixth day of May, 1977

Core Armstrong

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

Publication Fee \$ 14.04

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 Michael A. Holmes and Susan P. Holmes
(name of claimant)
of P. O. Box 1055, Salmon, Idaho 83467, claims a right to the diversion and beneficial use of
(mailing address)
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) Tower Creek
formerly Boyle Creek, tributary to, Salmon River
- (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	<u>0.70 CFS</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>4-1</u>	To	<u>11-1</u>
Amount	<u>0.02 CFS</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>1-1</u>	To	<u>12-31</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)		(both dates inclusive)		

- (3) Total quantity of water claimed: 0.72 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) June 7, 1897

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)
SW ¼ NW ¼, Sec. 17 Twp. 23N Rge. 22EBM B. M. County of Lemhi
 Additional points of diversion: None

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. Headgate and Ditch of approximately 7/8 mile in length.

- (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.

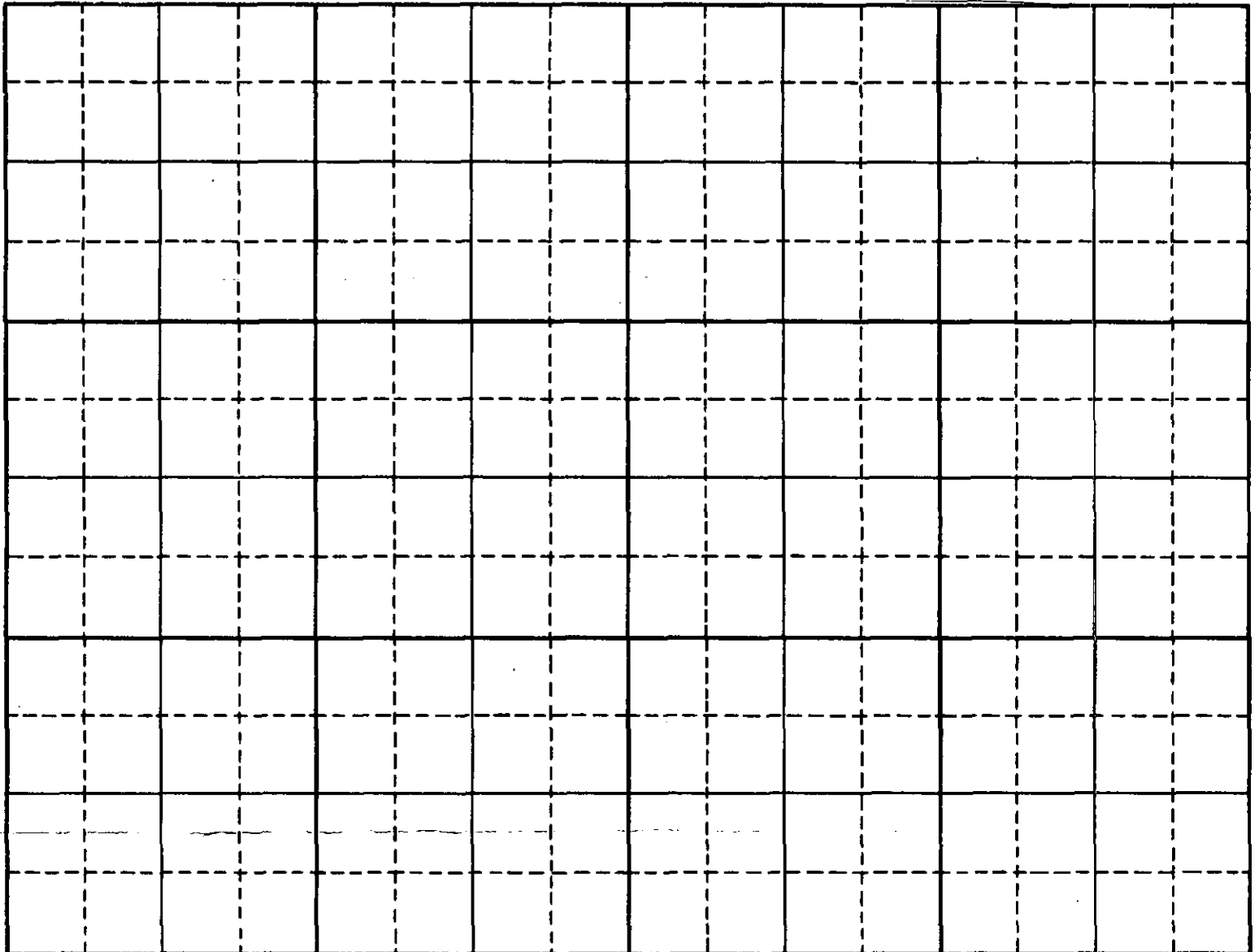
[illegible]

Total No. of acres 35

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

- (7) If you are claiming water as a member of an organization, list name of organization: None

(8) Remarks Water first claimed by Fredrick W. Neimann, patent dated 6-7-1897,
recorded in Book I of Deeds, Page 536, records of Lemhi County,
State of Idaho



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 affiants knowledge.

Sworn to before me this 29th day of April

Michael G. Holmes
Susan G. Holmes (Claimant)
Beryl Hemmick
Notary Public
Residing at Salmon, Idaho

My commission expires Lifetime

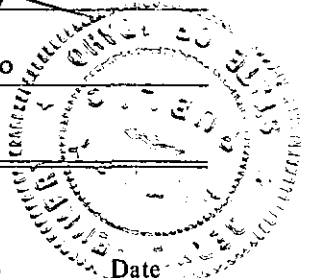
For Department Use Only

Received by me Date 5-5-77
Prelim. check by Jeff Date 5-5-77
\$10.00 fee received by me Date 5-5-77
Approved for publication by me 6-2-77
Published in me The Recorder Herald
Dates May 19 + 26, 1977

Exception filed by:

Forwarded to
claimant by:

Date



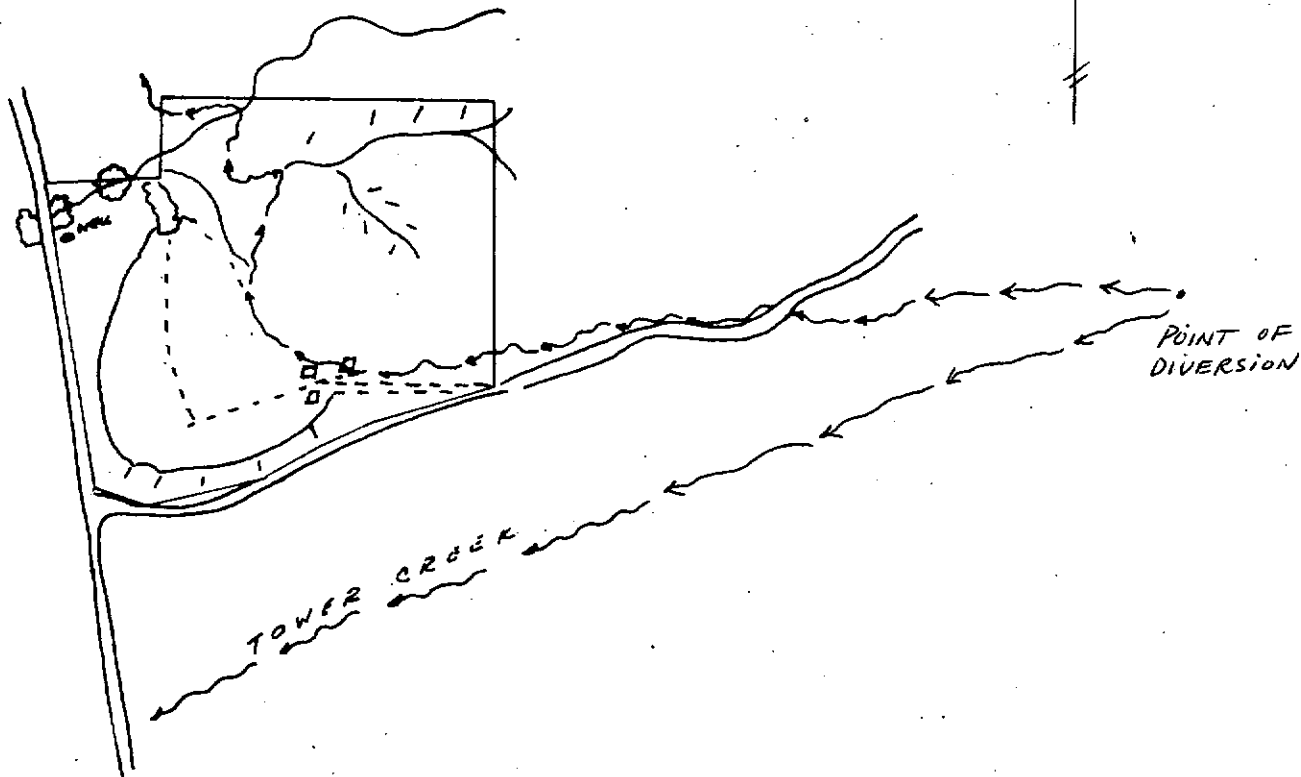
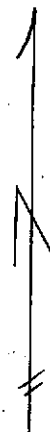
SCALE 1" = 660'

No. 1 CORNER

SECTION 18

TWP 23 N. R. 22 E. 2 M.

LEMMING CO., IDAHO



**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4067**

Notice is hereby given that Michael A. Holmes and Susan P. Holmes, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.72 cubic feet per second of water from Tower Creek tributary to Salmon River with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 23N, R. 22E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes and from Apr. 1 to Nov. 1 for the irrigation of 35 acres with a priority of 6-7-1897 the place of use is within the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 18, T. 23N, R. 22E, B. M.

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

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho on May 19 and May 26, 1977.

5-19-2tc

Affidavit of Publication

RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

JUN 1- 1977

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 Claim to Water Right No. 75-4067

a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for 2 consecutive issues, commencing with the issue dated May 19, 1977 and ending with the issue dated May 26, 1977.

Jerry G. Rosin

Subscribed and sworn to before me, this twenty sixth day of May, 1977

Vere Armstrong

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

Publication Fee \$ 14.04



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 4, 1988

Colonel Roger C. Strom
8 Belvoir Dr.
Fort Belvoir, VA 22060

RE: Water Right No. 75-4067

Dear Colonel Strom:

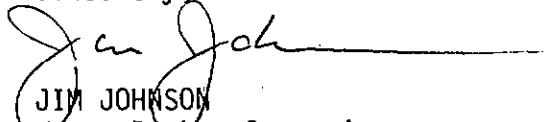
We are in receipt of your correspondence requesting us to register your ownership of the above referenced claim. In response to this request we should inform you of how Idaho water laws recognize changes in land ownership.

First, all waters in the state are declared public and available for appropriation to private use. Each water right must identify the type of use, how much is used, the source of supply and the location of such use. A priority between users is established by identifying the date when the use began. This priority system is used to determine which water users are allowed to continue to divert and which ones are shut off when the water supply cannot meet all uses.

These water rights, when recorded, show the owner of the property at the time the filing is made. Of course, these owners change over time, so in Idaho the water right is made appurtenant to the land which it describes. Therefore, when property ownership changes, the water right appurtenant to the lands goes to the new owner, particularly when the Warranty Deed or Contract of Sale identifies the water right. If the said document is silent as to the water right, the Idaho laws assume the water right stayed with the property. So you can see that by showing ownership of the property, you also show ownership of the water right.

There is no mandatory registration required nor do we have a procedure for recording property ownership. However, we have placed the information you provided in the claim file for reference. Enclosed is your check No. 7442, 92-1/1241 in the amount of \$1.00. Also enclosed is a copy of the claim for your information. If you have any questions on this matter, please feel free to contact us.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

RECEIVED
JAN 25 1988

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

STATE OF IDAHO

450 W. STATE STREET, BOISE, IDAHO

ATTENTION: ROBERTA GARRETT

DEAR MS. GARRETT,

RE: REGISTER WATER RIGHTS

I AM WRITING FOR YOUR ASSISTANCE IN REGISTERING THE WATER RIGHTS ON
40 ACRES OF PROPERTY WHICH I RECENTLY PURCHASED IN LEMHI COUNTY, IDAHO.

ATTACHED YOU WILL FIND COPIES OF THE WARRANTY DEED; WHICH IS ALSO RECORDED
IN THE LEMHI COUNTY COURT HOUSE. I ALSO ENCLOSE A COPY OF THE ORIGINAL
WATER RIGHTS WITH THE SECTION MARKED WHICH THE REAL ESTATE AGENT BELIEVES
IT TO BE A PART OF. IT IS EXACTLY 40 ACRES. THE LAND IS DESCRIBED IN
SCHEDULE C.

ENCLOSED PLEASE FIND A CHECK IN THE AMOUNT OF \$1.00 FOR COPIES OF THE
WATER RIGHTS IN MY NAME ONCE IT HAS BEEN RECORDED.

IF THERE ARE OTHER FORMS ETC. TO BE COMPLETED, I WOULD APPRECIATE YOUR
ASSISTANCE.

THANK YOU VERY MUCH.

SINCERELY,


COLONEL ROGER C. STROM
8 BELVOIR DRIVE
FORT BELVOIR, VA. 22060

Enc: ck.

23-Oct-1987

PLACE OF USE: Township 23N Range 22E Section 18 Tract SWNE

PRIORITY DATE:
7-Jun-1897

STAGE:
STATUTORY CLAIM

CURRENT OWNER:

MICHAEL A. HOLMES
SUSAN F. HOLMES
P.O. BOX 1055
SALMON, ID 83467

COUNTY: LEMHI

SOURCE: TOWER CREEK

WATER USE:

IRRIGATION

STOCKWATER

TRIBUTARY: SALMON RIVER

DIVERSION-RATE:

0.700 CFS

0.020 CFS

0.720 CFS

DIVERSION-VOLUME:

0.00 AF

0.00 AF

0.00 AF

TOTAL VOLUME:

TOTAL RATE:

REMARKS: SOURCE KNOWN LOCALLY AS BOYLE CK.

POINT OF DIVERSION: T23N R22E S17 SWNW

PLACE OF USE: T23N R22E S18 SWNE

TOTAL ACRES: 35

PLACE OF USE: Township 23N Range 22E Section 18 Tract SWNE

PRIORITY DATE:
7-Jun-1897

STAGE:
STATUTORY CLAIM

CURRENT OWNER:

O.A. &/OR Nelda ENOCH
P.O. BOX 2225
SALMON, ID 83467

COUNTY: LEMHI

SOURCE: TOWER CREEK

WATER USE:

IRRIGATION

TRIBUTARY: SALMON RIVER

DIVERSION-RATE:

0.200 CFS

0.200 CFS

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME:

TOTAL RATE:

POINT OF DIVERSION: T23N R22E S17 SWNW

PLACE OF USE: T23N R22E S18 SWNE

TOTAL ACRES: 3

PLACE OF USE: Township 23N Range 22E Section 18 Tract SWNE

PRIORITY DATE:
7-Jun-1897

STAGE:
STATUTORY CLAIM

CURRENT OWNER:

FRANK FERRARO
BOX 1778
SALMON, ID 83467

COUNTY: LEMHI

SOURCE: TOWER CREEK

WATER USE:

IRRIGATION

TRIBUTARY: SALMON RIVER

DIVERSION-RATE:

0.340 CFS

0.340 CFS

DIVERSION-VOLUME:

0.00 AF

0.00 AF

TOTAL VOLUME:

TOTAL RATE:

POINT OF DIVERSION: T23N R22E S17 SWNW

PLACE OF USE: T23N R22E S18 SWNE

TOTAL ACRES: 17

PLACE OF USE: Township 23N Range 22E Section 18 Tract NWSE

PRIORITY DATE:
28-Jun-1899

STAGE:
STATUTORY CLAIM

CURRENT OWNER:

DENNIS W. SCHWARTING
P.O. BOX 852

WR-NUMBER:
75-4383

This shows the larger portion of the water rights are assigned to your AC 35 PIECE OF PROPERTY. ALL PERSON ABOVE YOU MUST YIELD THIS AMOUNT TO YOU.

Lemhi Title & Abstract Company

Title Insurance - Abstracts - Escrows

Box J
Salmon, Idaho 83467

December 30, 1987

Mr. and Mrs. Roger Strom
8 Belvoir Drive
Fort Belvoir, Va. 22060

Dear Roger and Claire:

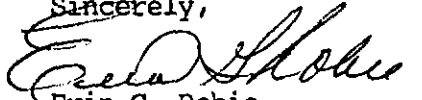
Enclosed please find your Owners Title Insurance Policy along
with your recorded Warranty Deed on the Tower Creek property.

In regards to the water filing I would think it might be under
the name of Michael Holmes.

If you have any questions please feel free to let me know.

Thank you very much for your business and Have a Happy Happy New
Year.

Sincerely,


Erin G. Robie

WARRANTY DEED

The Grantor, THE FEDERAL LAND BANK OF SPOKANE, a corporation, for and in consideration of the sum of THIRTY-ONE THOUSAND AND NO/100 DOLLARS, (\$31,000.00), and other valuable consideration in hand paid, conveys and warrants to ROGER C. STROM and CLAIR STROM, husband and wife, the following described real estate situated in the County of Lemhi, State of Idaho:

GREEN, SERVICE,
GASSER & KERL
ATTORNEYS AT LAW
P.O. BOX 4883
POCATELLO, IDAHO
83205-4883
(208) 232-4471

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE

Grantor hereby expressly conveys unto the Grantee their successors and assigns, forever, all oil, gas, coal, ores, minerals and fossils of every name, kind or description, not previously reserved which may be in or upon said lands above described or any part thereof.

DATED This 10th day of December, 1987.

THE FEDERAL LAND BANK OF SPOKANE

By Richard C. Spencer
Title: Manager

State of Idaho } 188666
County of Lemhi } ss No. _____
This instrument was filed for record at
the request of Lemhi Title Co.
at 3:15 o'clock P. M. Dec 17 1987
and duly filmed and indexed in the
records of Lemhi County.
Alberta Wiederriek
Ex-Officio Recorder
By Mary Alder Deputy
Fees: 62.00

\$ \$

)

to be the Manager of the corporation that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

affixed my official seal the day and year in this
certificate first above written.

NOTARY PUBLIC for Idaho
Residing at: Salmon

Exhibit A

Parcel I:

A parcel of land located in the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Section Eighteen (18), Township Twenty-three (23) North, Range Twenty-two (22) East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:
Commencing at the North Quarter Corner of said Section Eighteen (18), a distance of 1,308.45 feet on a bearing of South $0^{\circ} 19' 47''$ West to the Northwest Corner of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$); Thence North $89^{\circ} 36' 06''$ East, 1,326.14 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$): Thence South $0^{\circ} 07' 23''$ West, 982.64 feet to the Easterly boundary of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$) to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 6.19 feet continuing on a bearing of South $0^{\circ} 07' 23''$ West;
Thence North $89^{\circ} 04' 51''$ West, 574.69 feet; thence North $79^{\circ} 40' 55''$ West 200 feet; thence North $10^{\circ} 19' 05''$ East, 200.00 feet; thence South $79^{\circ} 40' 55''$ East, 200.00 feet; thence South $10^{\circ} 19' 05''$ West, 193.75 feet, thence South $89^{\circ} 04' 51''$ East 573.56 feet to the Real Point of Beginning.

Parcel II

A parcel of land located in U. S. Government Lot 4, the $SW\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$ Section 18, T. 23 N., R. 22 E. B. M., Lemhi County, Idaho, more particularly described as follows:
Commencing at the North $\frac{1}{4}$ corner of said Section 18 a distance of 1,308.45 feet on a bearing of S. $0^{\circ} 19' 47''$ W. to the Northwest corner of the $SW\frac{1}{4}NE\frac{1}{4}$; thence S. $89^{\circ} 36' 06''$ E., 186.55 feet along the Northerly boundary of the $SW\frac{1}{4}NE\frac{1}{4}$ to the REAL POINT OF BEGINNING: thence S. $0^{\circ} 19' 47''$ W., 269.70 feet; thence S. $87^{\circ} 00' 00''$ W., 387.24 feet to a point on the easterly right-of-way of U. S. Highway No. 93; thence S. $7^{\circ} 32' 34''$ E. 172.47 feet along the subchord of a curve having a central angle of $3^{\circ} 23' 27''$ and a radius of 2,914.79 feet to a point of tangent; thence N. $82^{\circ} 15'$ E. 55.00 feet; thence S. $7^{\circ} 45'$ E., 465.95 feet; thence N. $72^{\circ} 36' 05''$ E., 378.36 feet; thence S. $27^{\circ} 04' 35''$ E., 569.64 feet to a point on the northern right-of-way of Tower Creek Road; thence along said northern right-of-way the following courses and distances:
N. $58^{\circ} 42' 39''$ E., 226.40 feet; N. $65^{\circ} 54' 45''$ E., 179.60 feet along the subchord of a curve having a central angle of $14^{\circ} 22' 07''$ and a radius of 718.00 feet; N. $73^{\circ} 06' 46''$ E., 425.67 feet to a point on the easterly boundary of the $SW\frac{1}{4}NE\frac{1}{4}$; thence N. $0^{\circ} 07' 23''$ E., 988.83 feet along the easterly boundary of the $SW\frac{1}{4}NE\frac{1}{4}$ to the Northeast corner; thence N. $89^{\circ} 36' 06''$ W., 1,139.59 feet to the REAL POINT OF BEGINNING.

Excepting therefrom: A parcel of land located in the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), Section Eighteen (18), Township Twenty-three (23) North, Range Twenty-two (22) East Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

continued:

Commencing at the North Quarter Corner of said Section 18, a distance of 1,308.45 feet on a bearing of South 0° 19' 47" West to the Northwest Corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$).

Thence North 89° 36' 06" East, 1,326.14 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$);

Thence South 0° 07' 23" West, 982.64 feet to the Easterly boundary of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 6.19 feet continuing on a bearing of South 0° 07' 23" West,

Thence North 89° 04' 51" West, 574.69 feet; thence North 79° 40' 55" West 200.00 feet; thence North 10° 19' 05" East, 200.00 feet; thence South 79° 40' 55" East, 200.00 feet; thence South 10° 19' 05" West, 193.75 feet; thence South 89° 04' 51" East 573.56 feet to the REAL POINT OF BEGINNING.

Parcel III:

A parcel of land located in U. S. Government Lot 5, U. S. Government Lot 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T. 23 N., R. 22 E. Boise Meridian, Lemhi County, Idaho, being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 18 a distance of 2,616.90 feet on a bearing of S. 0° 19' 47" W. to the Southwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Thence N. 89° 34' 45" W. 56.45 feet to a point on the Easterly right-of-way of U. S. Highway No. 93 and being the REAL POINT OF BEGINNING.

From this Real Point of Beginning S. 7° 45' E. 66.51 feet along the Easterly right-of-way of U. S. Highway No. 93 to a point on the northern right-of-way of Tower Creek Road.

Thence along the northerly right-of-way of Tower Creek Road the following courses and distances:

S. 74° 54' 16" E., 181.32 feet along the subchord of a curve having a central angle of 23° 08' 38" and a radius of 451.95 feet;

N. 76° 07' 00" E., 452.41 feet along the subchord of a curve having a central angle of 34° 48' 46" and a radius of 756.15 feet to a point on the south boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence N. 27° 04' 35" W., 569.64 feet;

Thence S. 72° 56' 05" W., 378.36 feet;

Thence N. 7° 45' W., 465.95 feet;

Thence S. 82° 15' W., 55.00 feet to a point on the Easterly right-of-way of U. S. Highway No. 93;

Thence along said right-of-way S. 7° 45' E., 853.56 feet to the REAL POINT OF BEGINNING.



POLICY OF TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



First American Title Insurance Company

BY  PRESIDENT

BY  SECRETARY

Countersigned By
Lemhi Title & Abstract

Box J
Salmon, Idaho 83467
208-756-2977

H 208507

SCHEDULE A

File No. Policy No. 208507

Amount of Insurance \$ 31,000.00 Premium \$ 206.50

Date of Policy December 30, 1987 11:00 a.m.
p.m.

1. Name of Insured:

ROGER C. STROM and CLAIRE STROM, husband and wife.

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

Fee simple.

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

ROGER C. STROM and CLAIRE STROM, husband and wife.

4. The land referred to in this policy is described as follows:

"See Schedule C"

SCHEDULE B

File No.

Policy No. 208507

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:

PART I

SECTION I

1. Taxes or 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.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by 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. Any lien, or right to a lien, for services, labor or material, theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

1. General taxes and assessments for the year 1987 are paid in full.
2. Mortgage, dated December 14, 1987, from Roger C. Strom and Claire Strom, husband and wife, to The Federal Land Bank of Spokane, a corporation, recorded December 17, 1987, in File of Mortgages, under Instrument No. 188667, records of Lemhi County, Idaho, in the amount of \$21,500.00 and interest.

SCHEDULE C

The land referred to in this policy is situated in the State of
County of Lemhi

Idaho

and is described as follows:

Parcel I:

A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Eighteen (18), Township Twenty-three (23) North, Range Twenty-two (22) East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:
Commencing at the North Quarter Corner of said Section Eighteen (18), a distance of 1,308.45 feet on a bearing of South 0° 19' 47" West to the Northwest Corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Thence North 89° 36' 06" East, 1,326.14 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Thence South 0° 07' 23" West, 982.64 feet to the Easterly boundary of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 6.19 feet continuing on a bearing of South 0° 07' 23" West;
Thence North 89° 04' 51" West, 574.69 feet; thence North 79° 40' 55" West 200 feet; thence North 10° 19' 05" East, 200.00 feet; thence South 79° 40' 55" East, 200.00 feet; thence South 10° 19' 05" West, 193.75 feet, thence South 89° 04' 51" East 573.56 feet to the Real Point of Beginning.

Parcel II

A parcel of land located in U. S. Government Lot 4, the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 23 N., R. 22 E. B. M., Lemhi County, Idaho, more particularly described as follows:
Commencing at the North $\frac{1}{4}$ corner of said Section 18 a distance of 1,308.45 feet on a bearing of S. 0° 19' 47" W. to the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 89° 36' 06" E., 186.55 feet along the Northerly boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING; thence S. 0° 19' 47" W., 269.70 feet; thence S. 87° 00' 00" W., 387.24 feet to a point on the easterly right-of-way of U. S. Highway No. 93; thence S. 7° 32' 34" E. 172.47 feet along the subchord of a curve having a central angle of 3° 23' 27" and a radius of 2,914.79 feet to a point of tangent; thence N. 82° 15' E. 55.00 feet; thence S. 7° 45' E., 465.95 feet; thence N. 72° 36' 05" E., 378.36 feet; thence S. 27° 04' 35" E., 569.64 feet to a point on the northern right-of-way of Tower Creek Road; thence along said northern right-of-way the following courses and distances:
N. 58° 42' 39" E., 226.40 feet; N. 65° 54' 45" E., 179.60 feet along the subchord of a curve having a central angle of 14° 22' 07" and a radius of 718.00 feet; N. 73° 06' 46" E., 425.67 feet to a point on the easterly boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N. 0° 07' 23" E., 988.83 feet along the easterly boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northeast corner; thence N. 89° 36' 06" W., 1,139.59 feet to the REAL POINT OF BEGINNING.

Excepting therefrom: A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Eighteen (18), Township Twenty-three (23) North, Range Twenty-two (22) East Boise Meridian, Lemhi County, Idaho, more particularly described as follows, to-wit:

continued:

Commencing at the North Quarter Corner of said Section Eighteen (18), a distance of 1,308.45 feet on a bearing of South $0^{\circ} 19' 47''$ West to the Northwest Corner of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$).

Thence North $89^{\circ} 36' 06''$ East, 1,326.14 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$);

Thence South $0^{\circ} 07' 23''$ West, 982.64 feet to the Easterly boundary of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$) to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 6.19 feet continuing on a bearing of South $0^{\circ} 07' 23''$ West,

Thence North $89^{\circ} 04' 51''$ West, 574.69 feet; thence North $79^{\circ} 40' 55''$ West 200.00 feet; thence North $10^{\circ} 19' 05''$ East, 200.00 feet; thence South $79^{\circ} 40' 55''$ East, 200.00 feet; thence South $10^{\circ} 19' 05''$ West, 193.75 feet; thence South $89^{\circ} 04' 51''$ East 573.56 feet to the REAL POINT OF BEGINNING.

Parcel III:

A parcel of land located in U. S. Government Lot 5, U. S. Government Lot 4, $NW\frac{1}{4}SE\frac{1}{4}$, and the $SW\frac{1}{4}NE\frac{1}{4}$ Section 18, T. 23 N., R. 22 E. Boise Meridian, Lemhi County, Idaho, being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 18 a distance of 2,616.90 feet on a bearing of S. $0^{\circ} 19' 47''$ W. to the Southwest corner of the $SW\frac{1}{4}NE\frac{1}{4}$.

Thence N. $89^{\circ} 34' 45''$ W. 56.45 feet to a point on the Easterly right-of-way of U. S. Highway No. 93 and being the REAL POINT OF BEGINNING.

From this Real Point of Beginning S. $7^{\circ} 45'$ E. 66.51 feet along the Easterly right-of-way of U. S. Highway No. 93 to a point on the northern right-of-way of Tower Creek Road.

Thence along the northerly right-of-way of Tower Creek Road the following courses and distances:

S. $74^{\circ} 54' 16''$ E., 181.32 feet along the subchord of a curve having a central angle of $23^{\circ} 08' 38''$ and a radius of 451.95 feet;

N. $76^{\circ} 07' 00''$ E., 452.41 feet along the subchord of a curve having a central angle of $34^{\circ} 48' 46''$ and a radius of 756.15 feet to a point on the south boundary of the $SW\frac{1}{4}NE\frac{1}{4}$;

Thence N. $27^{\circ} 04' 35''$ W., 569.64 feet;

Thence S. $72^{\circ} 56' 05''$ W., 378.36 feet;

Thence N. $7^{\circ} 45'$ W., 465.95 feet;

Thence S. $82^{\circ} 15'$ W., 55.00 feet to a point on the Easterly right-of-way of U. S. Highway No. 93;

Thence along said right-of-way S. $7^{\circ} 45'$ E., 853.56 feet to the REAL POINT OF BEGINNING.

5000

NO

[illegible]

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

Source

Point of Diversion

County

Quantity of Water and Period of Use

Description of Diverting Works

Time required for B/U of water

Place of Use or Acres Irrigated

Map

Signature

Fee

(1) _____

In form to receipt

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) _____

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received (date) _____

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District _____ By _____ Date _____

RECEIVED



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

June 14, 1977

RE: Claim to a Water Right No. 75-4067

Mr. Michael A. Holmes
P.O. Box 1055
Salmon, Idaho 83467

Dear Mr. Holmes:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Enc. Copy of Claim

June 14, 1977

RE: Claim to a Water Right No. 75-4067 HOLMES

Mr. Frank Ferraro
1216 Theriot Avenue
Bx. N.Y. 10472

Dear Mr. Ferraro:

We are returning your letter concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception that you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

Enclosures

June 14, 1977

RE: Claim to a Water Right No. 75-4067 HOLMES

Ms. Sharon Sarver
Box 955
Salmon, Idaho 83467

Dear Ms. Sarver:

We are returning your letter concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception that you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any further questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CN

Enclosure

May 31, 1977

RE: Claim to a Water Right No. 75-4067

Mr. Michael A. Holmes
P.O. Box 1055
Salmon, Idaho 83467

Dear Mr. Holmes:

Attached herewith is departmental receipt No. 7248 in the amount of \$10.00 for the above referenced claim.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

RECEIVED
MAY 31 1977

May 13, 1977

RE: Applications for Permit Nos. 74-7056 TOMCHAK
74-4067 HOLMES

The Recorder-Herald
P.O. Box 310
Salmon, ID 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-01-77 by Carl

RC:ME

Enclosures

5-19-2tc

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 75-4067**

Notice is hereby given that Michael A. Holmes and Susan P. Holmes, Salmon, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.72 cubic feet per second of water from Tower Creek tributary to Salmon River with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 23N, R. 22E, B. M., Lemhi County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes and from Apr. 1 to Nov. 1 for the irrigation of 35 acres with a priority of 6-7-1897 the place of use is within the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 18, T. 23N, R. 22E, B. M.

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

C. STEPHEN ALLRED
Director

Published in The Recorder-Herald, Salmon, Idaho on May 19 and May 26, 1977.

5-19-2tc

NOTICE OF CLAIM TO A WATER RIGHT

NO. 75-4067

Notice is hereby given that Michael A. Holmes and Susan P. Holmes,
Salmon, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.72 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Tower Creek tributary to Salmon River
with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, T. 23N, R. 22E, B.M.,
Lemhi County

The water is claimed to be used from Jan . 1 to Dec. 31 for stockwatering
purposes and from Apr. 1 to Nov. 1 for the irrigation of 35 acres
with a priority of 6-7-1897 ;
the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 23N, R. 22E, B.M.

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

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Recorder-Herald, Salmon, Idaho
on May 19 and May 26, 1977

MICROFILMED

He - A
He - D.

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 20 WEST JUDICIAL BLACKFOOT, IDAHO 83221

BLAIR W. ARCHIBALD, MANAGER - TELEPHONE (208) 785-0820



SALMON BRANCH:

SHOUP AND CHURCH STREETS, FEDERAL BLDG., P. O. BOX 1063, SALMON, IDAHO 83467

RICHARD S. DUNN, BRANCH MANAGER - TELEPHONE: AREA CODE (208) 756-3278

RECEIVED
MAY 5 1977

Department of Water Resources
Eastern District Office

May 4, 1977

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Attention: Ron Carlson

RE: Michael Holmes

Enclosed is a Claim to a Water Right for the above referenced loan applicant with the Federal Land Bank. Also enclosed is Mr. Holmes personal check in the amount of \$10.00 to cover the filing fee.

Please notify the Salmon Branch office of the claim number assigned to Mr. Holmes.

Thank you.

Sincerely,

A handwritten signature of Richard S. Dunn in cursive script.

Richard S. Dunn, Branch Manager

RSD/bh
cc/fl

Enclosures

ENCLOSURE



"OWNED BY FARMERS ; FOR FARMERS"