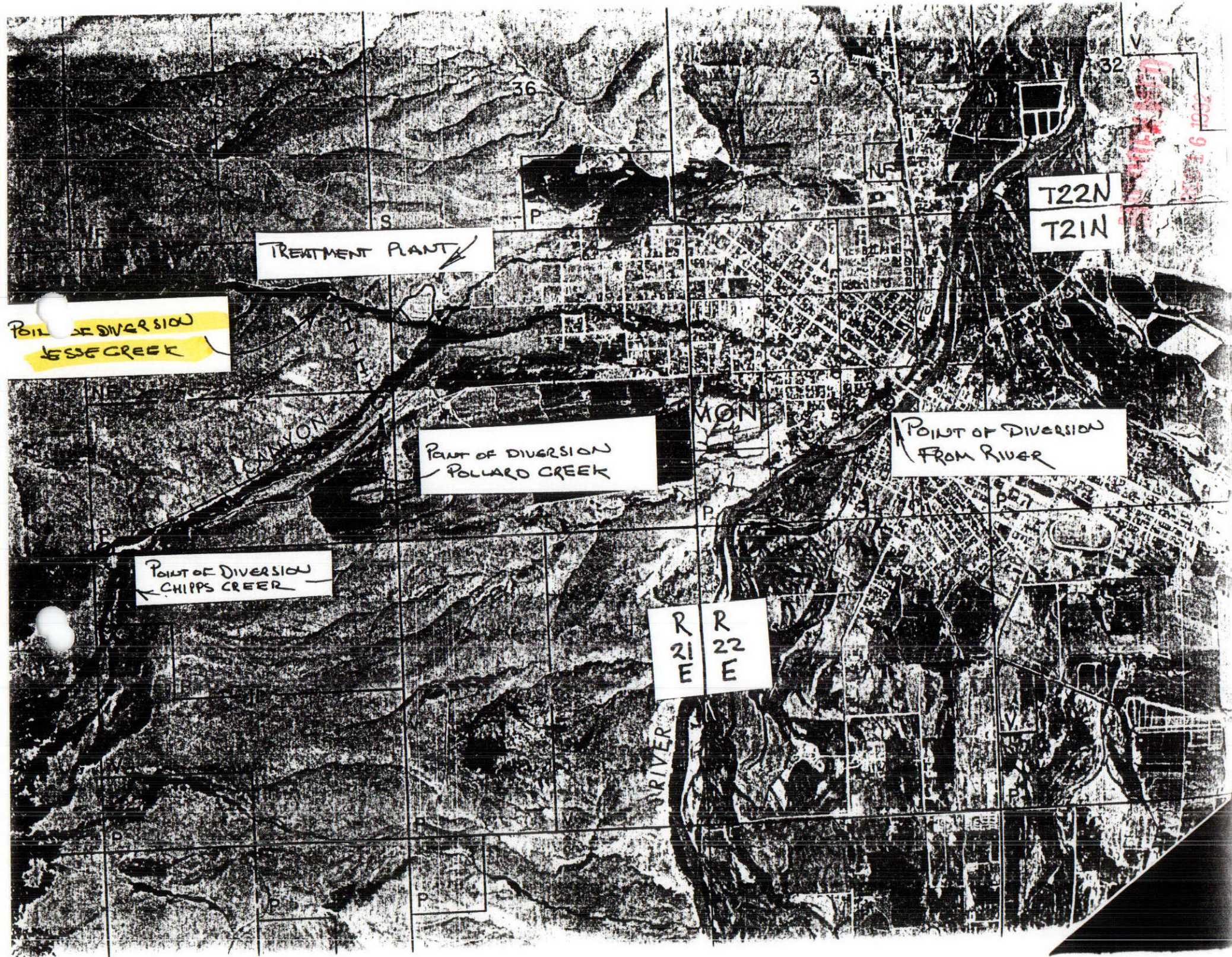




TREATMENT PLANT

POINT OF DIVERSION
ESSE CREEK

POINT OF DIVERSION
POLIARD CREEK

POINT OF DIVERSION
CHIPPS CREEK

T22N
T21N

R 21 E
R 22 E

POINT OF DIVERSION
FROM RIVER

**NOTICE OF PROPOSED
CHANGE OF A WATER
RIGHT**

NO. 75-00114

Notice is hereby given that the City of Salmon has applied to the Department of Water Resources to change nature of use of the waters of Jesse Creek tributary to the Salmon River. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No. 75-00114 Decreed to Bertha N. Rose in case of George Miller vs. Ernest Long, et. al. dated June 19, 1925 in District Court.

AMOUNT: .50 cfs

PRIORITY: 4/1/1894

POINT(S) OF DIVERSION:
NENE (JC3) NESE SEC 2 T21N
R21E, LEMHI COUNTY

The water is used to irrigate within the NENE(LOT 1) SENE(LOT 10) SEC 6 T21N R22E, B.M.

TO BE CHANGED AS FOL-
LWS:

The water will be diverted from the NENE (JC3) SEC 2 T21NR21E,

LEMHI COUNTY and used for municipal purposes for the City of Salmon from 1/1 to 12/31

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before August 24, 1992.

R. Keith Higginson, Director
Published in the Recorder-Her-
ald on August 6 & 13, 1992.

8-6-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RECEIVED

SEP 18 1992

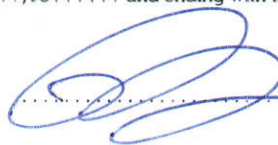
Department of Water Resources
Eastern District Office

RICKY G. HODGES

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

That the Notice of Proposed Change of a Water
Right 75-00114

a tr
printed copy of which is attached to the margin hereof, has been and was correctly printed and pub-
lished in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for two (2) consecutive issues, commencing with the issue
dated August 6, 1992 and ending with the issue dated August 13
1992.



STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this 13 day of August in the year of 1992,
before me, A Notary Public, personally appeared RICKY G. HODGES,
known or identified to me to be the person whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein are true, and acknowledged to me that
executed the same.

Rachel E. Snook
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 10/18/97

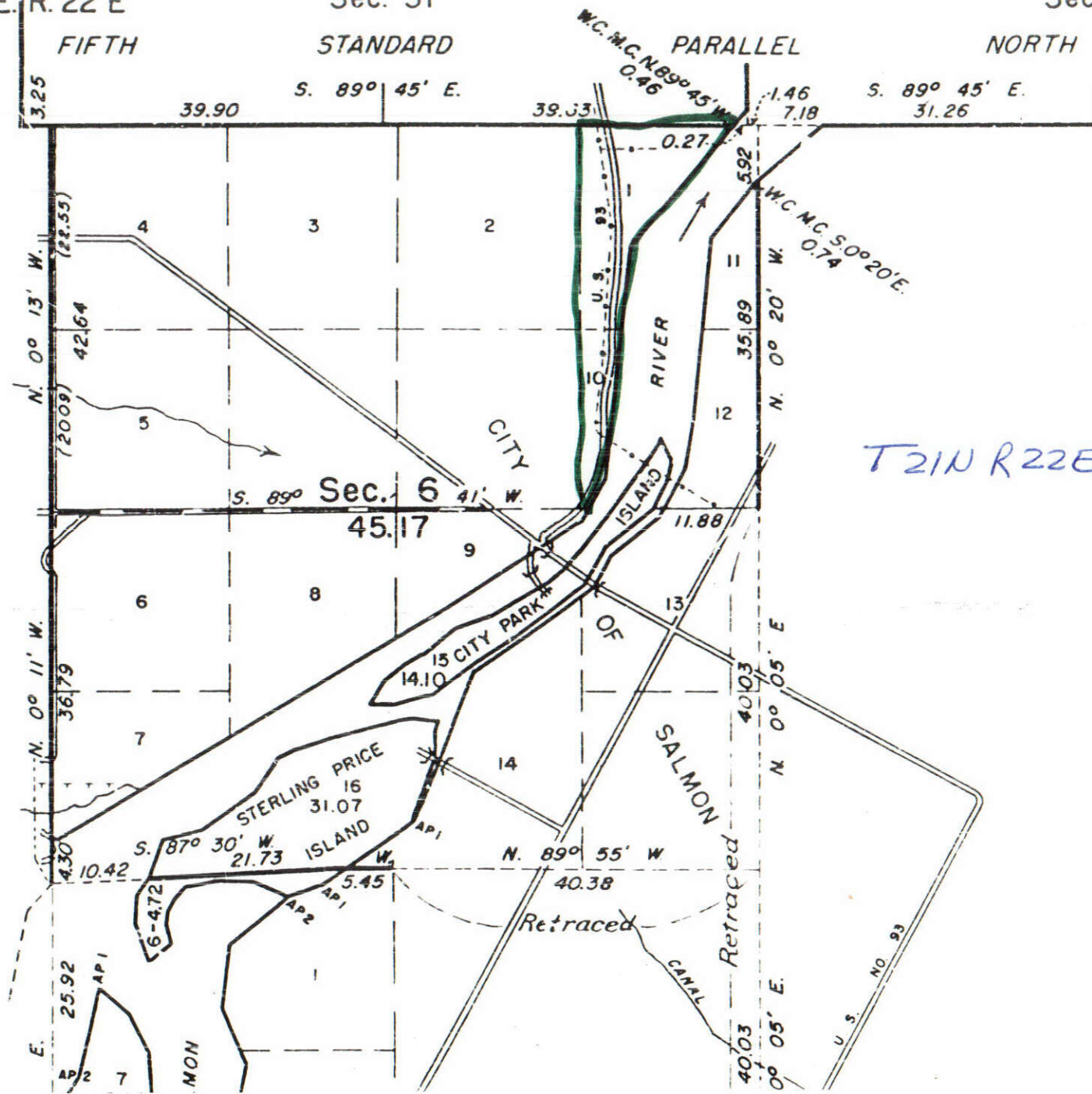
Publication Fee \$ 44.28

47510076

R. 21 E. R. 22 E
FIFTH

Sec. 31
STANDARD

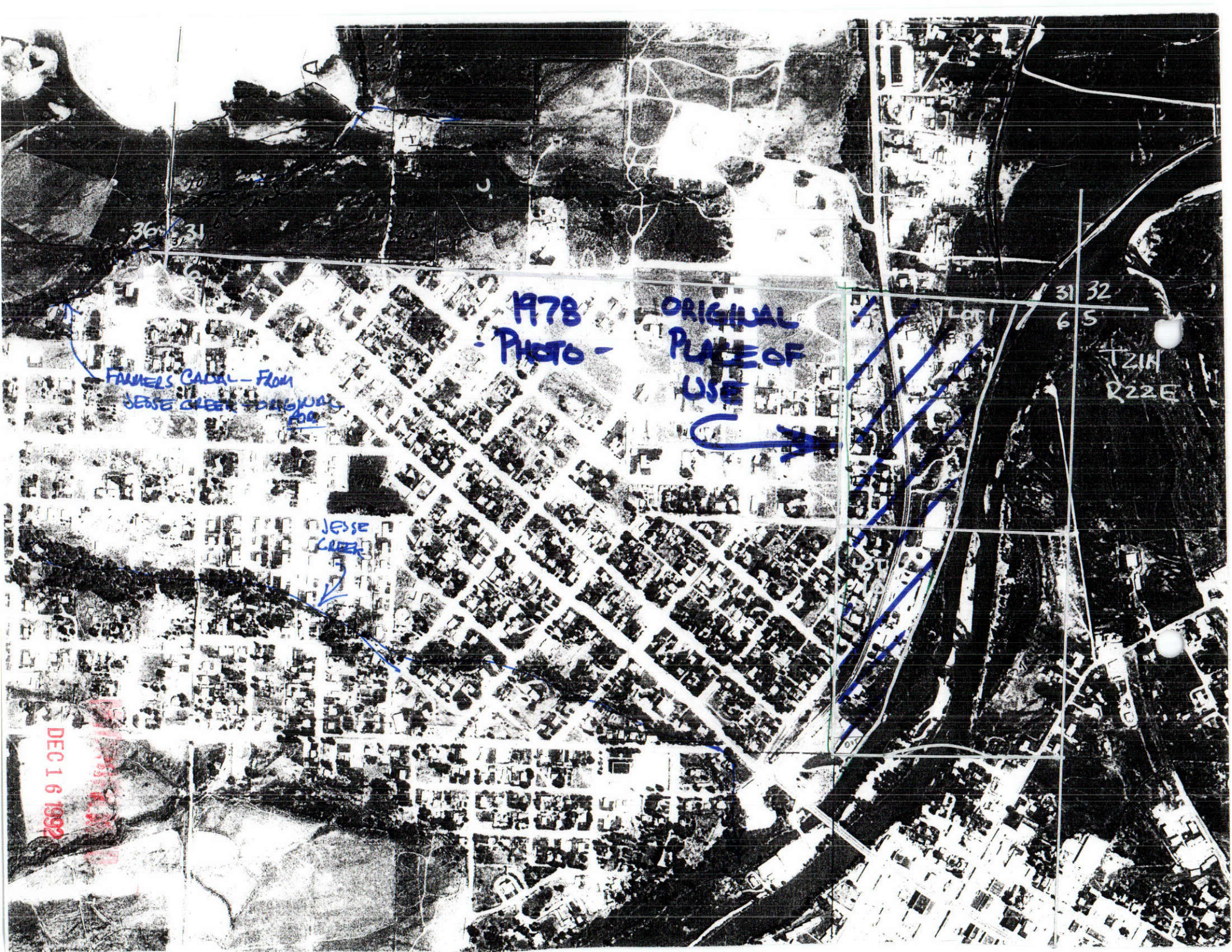
Sec. 32
NORTH



DEC 16 1992

RECEIVED

This plat
of portions of
lines designed
locations, and
the survey of
original survey.



1978
- PHOTO -

ORIGINAL
PLACE OF
USE



FARMERS CANYON - FROM
JESSE CREEK - ORIGINAL
ROAD

JESSE
CREEK



31 32
6 5

T21N
R22E

DEC 16 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3999

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APPROVED

Name of applicant CITY OF SALMON Phone 756-3214

Post Office address 200 Main St., Salmon, Idaho 83467

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Update records
2. Describe the reason for the proposed changes Update records, City of Salmon has been using this water for domestic purposes for a number of years.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 75-00114 Priority 4/1/1894 Amount (cfs/ac-ft) 0.50 Nature of Use municipal Period of Use Jan. 1 to Dec. 31

_____ to _____

_____ to _____

_____ to _____

2. Total amount of water being transferred 0.50 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Jesse Creek tributary to Salmon River

4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: City of Salmon

[illegible]

Total acres _____

PART 1**6. General Information:**

a. Description of diversion system Water diverted into collection house and
transferred to sand filters.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 75-00114

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

RECEIVED

DEC 16 1992

Witness my hand this

18th

day of

December

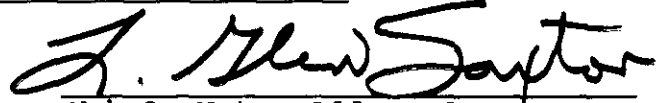
, 19 92

J. Glen Saylor

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 75-00114

1. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
2. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 75A.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
5. Use of water for municipal purposes under this right is limited to an annual volume of 70.0 acre feet from April 15 through October 15.

Dated this 10th day of December, 1992.


Chief, Water Alloc. Bureau


DEC 16 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 75-00114 Decreed to Bertha N. Rose
in case of George Miller vs. Ernest Long, et. al.
dated June 19, 1925 in District Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Jesse Creek tributary to Salmon River

4. Date or priority 4/1/1894

5. Water is used for the following purpose:

amount Q50cfs for Irrigation purposes from Not Listed to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right Q50cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	2	21N	21E	Lemhi	JC3
		NE	SE	2	21N	21E	Lemhi	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
21N	22E	6	A			A													
			L-1			L-10													

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Point of Diversion
Chilps Creek

Point of Diversion
Chilps Creek

TREATMENT PLANT

Point of Diversion
Polanco Creek

R 21 E
R 22 E

Point of Diversion
From River

T22N
T21N

RIVER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

RECEIVED

DEC 16 1992

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Municipal</u>	<u>0.50</u>	<u>24 hr. per day</u> <u>356 days per yr.</u>	<u>1-1</u> to <u>12-31</u> to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

None

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 29th day of June, 19 92.

Blaine A. Rivera
(Signature of Applicant) Salmon City Clerk

Donald L. Goffney
(Notary Public)

My commission expires May 10, 1998**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by SC RB Date 7/2/92 1:15 P.M.Prelim. check by _____ Fee 7-23-92 1:30
50⁰⁰Receipted by HAT #E017638 Date 7-23-92Published in Recorder HeraldPub. dates 8-6-92Watermaster recommendation requested on 8-5-92

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denialby RDC**RECORDED****DEC 16 1992**

THIS INDENTURE, Made this 20th day of December in the year of our Lord one thousand nine hundred and thirty-eight, between A. F. ROSE and MAY ROSE, husband and wife, of Salmon, County of Lemhi, State of Idaho the parties of the first part, and CITY OF SALMON, a municipal corporation, County of Lemhi, State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE HUNDRED AND NO/100 (\$100.00) - - - - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said party 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 party of the second part, and to its heirs and assigns forever, all of the following described real estate, in City of Salmon, County of Lemhi, State of Idaho, to-wit:

Commencing at the northeast corner of the northwest quarter of the southeast quarter of Section 6, Township 21 North, Range 22 E. B. M., run South 82° 20' West 478.9 feet; thence North 57° 24' West 42 feet; thence North 51° West 113.3 feet, more or less, to the southerly line of Fulton Street, the place of beginning; thence West along the southerly line of Fulton Street 188.0 feet to the northwest corner of the property now owned by Fred Rose, Sr.; thence North 85° 30' East 177.5 feet; thence South 51° East 29.5 feet to the place of beginning. **Containing .043 acres, more or less.**

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto 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 in law 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 party of the second part, and to its 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 party of the second part, its heirs and assigns, against the said party 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.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

STATE OF IDAHO,)
County of Lemhi) ss.

A. F. Rose (Seal)
May B. Rose (Seal)

On this 16th day of January in the year 1939, before me Frederick Hughes Snook, a Notary Public in and for said State, personally appeared A. F. Rose and May Rose, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

((SEAL))

Frederick Hughes Snook
Notary Public for the State of Idaho, Residing at Salmon, Idaho.

STATE OF IDAHO,)
County of Lemhi) ss. Documentary stamp \$.50 canceled 1/18/39 CFH

I hereby certify that this instrument was filed for record at request of City of Salmon at 23 minutes past 1 o'clock P. M., this 18th day of January, A. D. 1939 in my office, and duly recorded in Book 34 of Deeds at page 465

By W. W. Simmonds Deputy
Fee: \$1.25

W. W. Simmonds
Ex-Officio Recorder

3 1939

NO. 75-00114

Notice is hereby given that the
State of Tennessee has decided to
annex to its territory all the land
in the State of Mississippi which
is situated between the Gulf of Mexico
and the River. The annexation is evidenced by a decree and re-
corded as follows:

Decree No. 75-00114 Decreed to
Bertha N. Rose in case of George
Miller vs. Ernest Long, et. al, dated
June 19, 1925 in District Court.

AMOUNT: 50 cfs

PRIORITY: 4/1/1894

POINT(S) OF DIVERSION:
NENE (JC3) NESE SBC 2 T21N
R21E, LEMHLCOUNTY

The water is used to irrigate within
the MENE(LOT 1) SENE(LOT 10)
SEC 6 T21N R22E, B.M.

TO BE CHANGED AS FOL-
LOWS:

Salmon from 1/1 to 12/31

Any person who is required to change their name with the Illinois Department of Motor Services, 130 Spring Ave., (aka, State St.) #2002, on or before June 30, 1992.

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
JUL 13 1962

STATE OF IDAHO

County of Lemhi

53

SEP 18 1992

Department of Water Resource
Eastern District Office

RICKY G. HODGES

RICKY G. HODGES being first duly sworn, deposes and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Proposed Change of a Water
Right 75-00114

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 two (2) consecutive issues, commencing with the issue dated August 6, 1992 and ending with the issue dated August 13, 1992.

STATE OF IDAHO

COUNTY OF LEMHI

18

On this 13 day of August in the year of 19 92
before me, A Notary Public, personally appeared RICKY G. HODGES
known or identified to me to be the person whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein are true, and acknowledged to me that
executed the same.

Rachel E. Spook
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 10/18/97

Publication Fee \$ 44.28

6-21-22

Know all men by these presents, That S. M. McPherson of Salomon City, County of Lemhi, State of Idaho, as trustee under the last will and testament of Ira Tingley, late of Salomon City, deceased, which will was duly proved and allowed by the Probate Court of said County, on the 27th day of September, A.D. 1897, do by virtue and execution of the power to me given in and by said will, and by every other power and authority me hereunto enabling, and in consideration of the sum of eight hundred dollars, lawful money of the United States, to me in hand paid by Elijah Stenrod, of Salomon City, expressed the receipt whereof is truly acknowledged, hereby grant, bargain, sell and convey unto the said Elijah Stenrod, his heirs and assigns, a certain lot, piece or parcel of land, situate, lying and being in the County of Lemhi, State of Idaho, particularly bounded and described as follows, to wit: Commencing at the northeast corner of the north west quarter of the south east quarter of section No 24, in Township No 21, north of Range No 22, East of the Boise Meridian, run thence north 82° 20' west 478.9 feet to the place of beginning, thence north 63° 20' west 208.3 feet, thence north 55° 15' west 28.4 feet, thence north 44° 36' west 77.9 feet, thence north 26° 38' east 180.1 feet, thence north 55° 20' east 17.5 feet, thence north 51° east 142.8 feet, thence south 67° 38' east 42 feet to said place of beginning, the same being a part of Lot No 9 of said section 24, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the revenues and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, property, possession, claim and demand whatsoever, which the said Ira Tingley had in his life time, and at his decease, and which S. the said S. M. McPherson have by virtue of said will and testament, or otherwise, of, in and to the above described premises, and every part and parcel thereof, with the appurtenances, excepting and reserving out of the grant hereby made the adjoining ditch, now on the westerly side of said premises, and the right to carry water from Goose Creek through the same to the land below, also the right to enter said premises to clean out and repair said ditch.

To have and to hold the above granted premises, with all the the privilege and appurtenances thereto belonging (save the aforesaid exception and reservation) to the said Elijah Stenrod, his heirs and assigns, to them and their heirs forever. In Witness whereof S. the said S. M. McPherson, as trustee, has hereunto set my hand and seal the 5th day of September in the year A.D. 1898. State of Idaho, S. M. McPherson as trustee of the last will of Ira Tingley deceased County of Lemhi, Under authority of September A.D. 1901, before me, John H. Catgham, a J. day (initials) in and for said County, personally appeared S. M. McPherson known to me to be the person whose name is subscribed to the within instrument as trustee under the last will and testament of Ira Tingley deceased and acknowledged to me, the he, as such trustee executed the same

DEC 16 1892

DEED X

312

7-3-18

Instrument No. 20313.

This Indenture, Made this third day of July in the year of our Lord one thousand nine hundred and eighteen between Elijah S. Stroud and Annie Stroud, his wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and May B. Rose, of the same place,

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of Five thousand seven hundred and fifty DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part 2 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 part 2 of the second part, and to his heirs and assigns forever, all of that certain lot, piece or parcel of land, situate in Salmon City, County of Lemhi, State of Idaho, bounded and particularly described as follows, to-wit: Beginning at a point South 87° 7' 21" East 544.95 feet distant from the center of Section 6 in Township 21 North, of Range 22 East of the Boise Meridian, said point being the northwest corner of the lot hereby conveyed, and running thence North 84° 40' 50" East 175 feet; thence South 47° 6' 30" East 95.9 feet; thence South 52° 24' 50" East 80.84 feet to the northwest corner of the lot now occupied by the Viel Produce Company, the same being the northeast corner of the lot hereby conveyed; thence South 33° 50' West 43.65 feet; thence South 51° 27' 30" West 138.76 feet; thence North 70° 42' West 36.52 feet to the southeast corner of the lot now owned by E. S. Snyder, the same being the southwest corner of the lot hereby conveyed; thence North 43° 46' 40" West 78.17 feet, and thence North 26° 50' West 178 feet to the place of beginning. Excepting the right to the use of the irrigating ditch on the west side of said premises to convey water through the same to lands below. It is hereby intended to convey to the said party of the second part all of the land, and premises heretofore conveyed to the said first parties by deed dated September 5, 1901, recorded in Book K of Deeds at page 440, being a part of Lot 9 of said Section 6, Township 21 North, Range 22 East of the Boise Meridian. Together with all ditches, water and water rights used in connection therewith or in anywise appurtenant thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appurtenant, and the reversions and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the part 2 of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said part 2 of the second part, his heirs and assigns, against the said part 1st of the first part and their heirs, against all and every person and persons whatsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Elijah S. Stroud (SEAL)

Annie Stroud (SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF LEMHI }

On this third day of July in the year 1918 before me, W. C. Smith

a Notary Public in and for the said County, personally appeared Elijah S. Stroud and Annie Stroud his wife known to me, to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he 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.

SEAL.

W. C. Smith

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

Recorded at request of May B. Rose at 45 minutes past 3 o'clock

P. M. July 3rd, 1918, in Book X of Deeds, on page 312 Records of

Lemhi County, Idaho.

stamp \$2.40 Jul. 3, 18, R. C. S.

J. L. Kirtley, Jr.,

County Recorder.

By W. C. Smith

Deputy

DEC 16 1992

6-21-22

Instrument No. 50934

THIS INSTRUMENT, made this 20th day of December in the year of our Lord one thousand nine hundred and thirty-eight; between A. F. ROSE and MAY ROSE, husband and wife, of Salmon, County of Lemhi, State of Idaho the parties of the first part, and CITY OF SALMON, a municipal corporation, County of Lemhi, State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE HUNDRED AND NO/100 (\$100.00) ----- DOLLARS, lawful money of the United States of America, to them in hand paid by the said party 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 party of the second part, and to its heirs and assigns forever, all of the following described real estate, to-wit:

Commencing at the northeast corner of the northwest quarter of the southeast quarter of Section 6, Township 21 North, Range 22 E. 3. N., run South 82° 20' West 475.9 feet; thence North 57° 24' West 42 feet; thence North 51° West 115.3 feet, more or less, to the southerly line of Fulton Street, the place of beginning; thence West along the southerly line of Fulton Street 188.0 feet to the northwest corner of the property now owned by Fred Rose, Sr.; thence North 85° 30' East 177.5 feet; thence South 51° East 29.5 feet to the place of beginning. Containing .043 acres, more or less.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto 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 in law 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 party of the second part, and to its 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 party of the second part, its heirs and assigns, against the said party 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.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

STATE OF IDAHO, } ss.
County of Lemhi }

A. F. Rose (Seal)
May B. Rose (Seal)

On this 15th day of January in the year 1939, before me Frederick Hughes Snook, a Notary Public in and for said State, personally appeared A. F. Rose and May Rose, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

((SEAL))

Frederick Hughes Snook
Notary Public for the State of Idaho, Residing at Salmon, Idaho.

STATE OF IDAHO, } ss. Documentary stamp \$.50 canceled 1/18/39 CFH
County of Lemhi }

I hereby certify that this instrument was filed for record at request of City of Salmon at 23 minutes past 1 o'clock P. M., this 18th day of January, A. D. 1939 in my office, and duly recorded in Book 34 of Deeds at page 465

By W. Z. Simmonds Deputy
Fee: \$1.25

W. Z. Simmonds
Ex-Officio Recorder

RECORDED
JAN 16 1939

6-21-22

Instrument No. 67272

WARRANTY DEED

THIS INSTRUMENT, Made this 18th day of October, in the year of our Lord one thousand nine hundred and forty-six, between Dorothy Hodges, formerly Dorothy Jane Rose, and Charles Frederick Rose, being the sole heirs of May E. Rose, dealing with their sole and separate property, and May E. Rose, a widow, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and BERTHA M. ROSE, a married woman, acting in her sole and separate capacity and dealing with her sole and separate funds, of Salmon, County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of THREE THOUSAND, FIVE HUNDRED AND NO/100 ----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, have granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all of the following described real estate, situated in Salmon, County of Lemhi, State of Idaho, to-wit:

Beginning at a point South 37° 21' East 544.93 feet distant from the center of Section 6 in Township 21 North, of Range 22 East of the Boise Meridian, said point being the northwest corner of the lot hereby conveyed, and running thence North 84° 40' 50" East 173 feet; thence South 47° 5' 30" East 93.3 feet; thence South 52° 24' 50" East 80.34 feet to the northwest corner of the lot now occupied by the Economy Cash Store, formerly by the Viel Produce Company, the same being the northeast corner of the lot hereby conveyed; thence South 33° 50' East 43.63 feet; thence South 51° 27' 30" East 133.76 feet; thence North 79° 42' East 36.52 feet to the southeast corner of the lot formerly owned by E.L. Suydam, the same being the southwest corner of the lot hereby conveyed; thence North 45° 46' 40" East 73.17 feet, and thence North 26° 50' East 173 feet to the place of beginning.

Excepting the right to the use of the irrigating ditch on the west side of said premises to convey water through the same to lands below.

It is hereby intended to convey to the said party of the second part all of the land and premises heretofore conveyed by deed dated September 5, 1901, recorded in Book K of Deeds at page 440, being a part of Lot 2 of said Section 6, Township 21 North, Range 22 East of the Boise Meridian, as and for her sole and separate property and for her sole and separate use.

Excepting also that strip of ground heretofore sold to the City of Salmon, Idaho.

Revenue Stamp Canceled \$ 3.25 10/21/46 P.K.S.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto 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 in law 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 party of the second part, as her sole and separate property and for her sole and separate use, and to her 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 party of the second part, her 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.

IN WITNESS WHEREOF, The said parties of the first part has hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

May E. Rose (SEAL)
Dorothy Hodges (SEAL)
Charles Frederick Rose (SEAL)

STATE OF IDAHO,)
County of Lemhi) ss.

On this 30th day of October in the year 1946, before me, the undersigned, a Notary Public in and for said State, personally appeared May E. Rose, a widow, Dorothy Hodges, formerly Dorothy Jane Rose, and Charles Frederick Rose, sole heirs of May E. Rose, dealing with their sole and separate property, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Frederick Hughes Snook
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

STATE OF IDAHO,)
County of Lemhi) ss.

I hereby certify that this instrument was filed for record at request of Charlie Rose at 29 minutes past 11 o'clock A.M., this 30th day of December, A.D. 1947 in my office, and duly recorded in Book 40 of Deeds at page 560.

E. L. Stmonds
Ex-Officio Recorder

By *Betty L. Smith*
Deputy

Fees, \$1.50 Paid

DEC 16 1992

Instrument No. 78507

GIFT DEED

THIS INDENTURE, Made this 21st day of September, in the year of our Lord one thousand nine hundred and fifty-three between BERTHA M. ROSE, a widow, dealing with her sole and separate property, of Salmon, County of Lemhi, State of Idaho, the party of the first part, and MARGARET FYEATT, a married woman, of Tendency, County of Lemhi, State of Idaho, and ERNESTINE DRAKE, a married woman, of Santa Barbara, County of Santa Barbara, State of California, each dealing with her sole and separate property, for her separate use and benefit, the parties of the second part,

WITNESSETH, That the said party of the first part, as a gift and in consideration of the love and affection which the party of the first part has for the parties of the second part, has granted, bargained, and sold, and by these presents does 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 Salmon, County of Lemhi, State of Idaho, to-wit:

Beginning at a point South 87° 7' 21" East 544.93 feet distant from the center of Section 6 in Township 21 North, of Range 22 East of the Boise Meridian, said point being the northwest corner of the lot hereby conveyed; and running thence North 84° 40' 50" East 173 feet; thence South 47° 6' 30" East 93.9 feet; thence South 52° 24' 50" East 30.84 feet to the northwest corner of the lot now occupied by the Economy Cash Store, formerly by the Viel Produce Company, the same being the northeast corner of the lot hereby conveyed; thence South 33° 50' West 43.63 feet; thence South 51° 27' 30" West 138.76 feet; thence North 79° 42' West 36.52 feet to the southeast corner of the lot formerly owned by E. S. Suydam, the same being the southwest corner of the lot hereby conveyed; thence North 45° 46' 40" West 78.17 feet, and thence North 26° 50' West 178 feet to the place of beginning.

Excepting the right to the use of the irrigation ditch on the west side of said premises to convey water through the same to lands below.

It is hereby intended to convey to the said parties of the second part all of the land and premises heretofore conveyed by deed dated September 5, 1901, recorded in Book K of Deeds at page 440, being a part of Lot 9 of said Section 6, Township 21 North, Range 22, East of the Boise Meridian.

Excepting also that strip of ground heretofore sold to the City of Salmon, Idaho.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto 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 in law as in equity, of the said party 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, share and share alike, as their sole and separate property and for their separate use and benefit and for their separate use and benefit of each, and to their 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 parties of the second part, their heirs and assigns, against the said party of the first part, and her 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.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Bertha M. Rose (SEAL)

STATE OF IDAHO }
County of Lemhi } ss.

On this 21st day of September in the year 1953, before me, the undersigned, a Notary Public in and for said State, personally appeared Bertha M. Rose, 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.

(SEAL)

Charles Herndon
Notary Public for State of Idaho
Residing at Salmon, Idaho

State of Idaho }
County of Lemhi } ss.

Recorded at the request of Bertha M. Rose March 16th 1954 at 20 minutes past 3 o'clock P.M., in Book 44 of Deeds Page 359 Records of Lemhi County, Idaho.

W. W. Simmonds
County Recorder
By *Opal Redington*
Deputy

Fee \$2.25 Paid

DEC 16 1952

Instrument No. 88063

MARGARET DEED

THIS INSTRUMENT, Made this 12th day of April in the year of our Lord one thousand nine hundred and fifty-seven, between MARGARET FYEATT and ERNESTINE DRAKE, both married women, but dealing with their sole and separate property of the County of Lemhi State of Idaho, the parties of the first part, and BERTHA M. ROSE of Salmon, County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and love and affection lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all of the following described real estate, situated in Salmon, County of Lemhi, State of Idaho, to-wit:

Beginning at a point South 87° 7' 21" East 544.93 feet distant from the center of Section 9, in Township 21 North of Range 22 East of the Boise Meridian, said point being the northwest corner of the 1st heretofore conveyed, and running thence North 84° 40' 50" East 173 feet; thence South 47° 6' 30" East 93.9 feet; thence South 52° 24' 50" East 80.84 feet to the northwest corner of the lot now occupied by the Economy Cash Store, formerly by the Viel Produce Company, the same being the northeast corner of the lot hereby conveyed; thence South 33° 50' West 43.63 feet; thence South 51° 27' 30" West 133.76 feet; thence North 79° 42' West 38.52 feet to the southeast corner of the lot formerly owned by E.S. Snydman, the same being the southwest corner of the lot hereby conveyed; thence North 45° 46' 40" West 78.17 feet, and thence North 26° 50' West 178 feet to the place of beginning.

Excepting the right to the use of the irrigation ditch on the west side of said premises to convey water through the same to lands below.

It is hereby intended to convey to the said party of the second part all of the land and premises heretofore conveyed by deed dated September 5, 1901, recorded in Book K of Deeds at page 440, being a part of Lot 9 of said Section 6, Township 21 North, Range 22 N.E.M.

THIS IS A GIFT DEED.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto 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 in law 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 party of the second part, and to her 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 party of the second part her 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.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF

Ernestine Drake (Seal)
Margaret L. Fyeatt (Seal)

STATE OF IDAHO, } ss.
COUNTY OF LEMHI

On this 12th day of April in the year 1957, before me the undersigned, a Notary Public in and for said State, personally appeared Margaret Fyeatt and Ernestine Drake, both married women, but dealing with their sole and separate property, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)

Frederick Hughes Snook
Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO (} ss.
COUNTY OF LEMHI

I hereby certify that this instrument was filed for record at request of Merle L. Drake at 5 minutes past 10 o'clock A.M., this 28th day of October, A.D. 1957 in my office, and duly entered in Book 46 of Deeds at page 376.

W. V. Simmonds
Ex-Officio Recorder

By *Sylvia M. Mulling*
Deputy

Fee, \$1.75, Paid

DEC 16 1992

6-21-22

Instrument No. 92492 (cont'd)

Beginning at corner No. 1, from which U.S. Mineral Monument No. 1, Dahlenega Mining District, bears North 9° 7' East, 94.79 chains distant; thence South 82° 38' West, 4.95 chains to Corner No. 2; thence South 24° 33' West, 23.56 chains, to Corner No. 3; thence South 28° 39' West 14.91 chains to Corner No. 4; thence South 15° 28' West 8.11 chains to Corner No. 5; thence South 8° 42' West 24.75 chains to Corner No. 6; thence South 74° 12' East 9.63 chains to Corner No. 7; thence North 20° 27' East 49.43 chains to Corner No. 8; thence North 3° 15' East 23.77 chains to Corner No. 1, the place of beginning, containing 84.88 acres according to the official plat of the Survey of the said land.

Together with all ditches, ditch rights, water, water rights, range and range rights appertaining thereto or used in connection therewith.

Excepting from this conveyance that part of the above described premises heretofore conveyed to the State of Idaho for right of way purposes.

DOCUMENTARY STAMPS \$15.50 CANCELLED 9-9-59 A.D.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances therunto 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 in law 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 party of the second part, and to his 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 party of the second part his 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.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

Wadell F. Winterowd (Seal)
Grace E. Winterowd (Seal)

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

On this 9th day of September in the year 1959, before me the undersigned, a Notary Public in and for said State, personally appeared WADELL F. WINTEROWD and GRACE E. WINTEROWD known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)

C. Walker Lyon
Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

I hereby certify that this instrument was filed for record at request of J.W. Herndon at 23 minutes past 10 o'clock A.M., this 14th day of October, A.D. 1959 in my office, and duly entered in Book 47 of Deeds at pages 348-349.

Fee \$2.15 Paid

T. R. Ball, Ex-Officio Recorder
By Opal Redding Deputy

Instrument No. 92495

IN THE PROBATE COURT OF THE COUNTY OF LEMHI, STATE OF IDAHO

IN THE MATTER OF THE ESTATE

OF
BERTHA M. ROSE, Deceased.

DEGREE OF SETTLEMENT OF FINAL
ACCOUNT & FINAL DISTRIBUTION

Ernestine Drake and Margaret L. Pyeatt, executrices of the estate of Bertha M. Rose, deceased, having on the 30th day of September, 1959, rendered and presented for settlement and filed in this court their final account and report of their administration of said estate, which account was for a final settlement, and having with said account filed a petition for the final distribution of the estate;

And the said account and petition this day coming on regularly to be heard, and proof having been made to the satisfaction of the court that notice of the day appointed for the settlement of said account and hearing of said petition had been duly given as required by law and the order of this court, and no exception or objection in writing to said account or petition having been filed or made; the said Ernestine Drake and Margaret L. Pyeatt appearing by their attorney, Fred H. Snook, and it appearing to the court after having fully examined the said account and the vouchers filed herein and heard the testimony in support thereof, that said account is in all respects true and correct;

That the residue of money in the hands of the executrices at the time of filing said account was nothing; that the sum of \$500.86 has been expended by said executrices as necessary charges, debts, claims and expenses of administration, the vouchers whereof have been presented and filed; and that said account is in all respects true and correct and entitled to be settled, allowed and approved, and the court having duly considered all the matters aforesaid;

IT IS ORDERED AND DECREED, That the said final account be and the same hereby is in all respects as the same was rendered and presented for settlement, approved, allowed and settled;

And it further appearing that since the rendition of said final account there has been received by said executrices the sum of nothing; and that there has been disbursed by said executrices the sum of nothing; and it further appearing that the estimated expense of closing the estate will amount to nothing, leaving a residue of all of the property in the inventory; and it appearing that all claims and debts against the said decedent, and all state, county and municipal taxes legally levied on the personal property of said estate, and all transfer and estate taxes that have attached to or accrued against the said estate, and all debts, expenses and charges of administration have been fully paid and discharged, and that said estate is ready for distribution and in condition to be closed;

DEC 16 1959

And it further appearing to the court that the said Bertha M. Rose died testate at Santa Barbara, California, on the 3rd day of March, 1959, leaving surviving Ernestine Drake, a daughter, and Margaret L. Pyeatt, a daughter, and that by the terms of the will of said Bertha M. Rose, Ernestine Drake and Margaret L. Pyeatt are entitled to receive all of the residue of said estate to be divided between them, share and share alike.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the residue of said estate of Bertha M. Rose, deceased, hereinafter particularly described and now remaining in the hands of said executrices described as follows, to wit:

Beginning at a point South 67° 7' 21" East 544.93 feet distant from the center of Section 6 in Township 21 North of Range 22 East of the Boise Meridian, said point being the northwest corner of the lot hereby conveyed, and running thence North 84° 40' 50" East 173 feet; thence South 47° 6' 30" East 93.9 feet; thence South 52° 24' 50" East 80.84 feet to the northwest corner of the lot now occupied by the Economy Cash Store, formerly by the Viel Produce Company, the same being the northeast corner of the lot hereby conveyed; thence South 33° 50' West 43.63 feet; thence South 51° 27' 30" West 138.76 feet; thence North 79° 42' West 36.52 feet to the southeast corner of the lot formerly owned by E.S. Snydan, the same being the southwest corner of the lot hereby conveyed; thence North 45° 46' 40" West 78.17 feet, and thence North 26° 50' West 178 feet to the place of beginning, subject to any ditch rights and former conveyances to the City of Salmon, Idaho.

Note dated November 10, 1951, signed by Earl C. Pyeatt and Margaret L. Pyeatt. This note is secured by a mortgage appearing of record in the office of the County Recorder of Lemhi County, Idaho, in Book S of Mortgages at pages 36-39, including interest.

Note dated August 6, 1957, signed by W. R. Waits and Alice M. Waits. This note is secured by a mortgage appearing of record in the office of the County Recorder of Lemhi County, Idaho, in Book T of Mortgages on pages 74-75, including interest.

Note dated March 30, 1955, signed by E. Morris Gibbs and Kattie L. Gibbs. This note is secured by a mortgage appearing of record in the office of the County Recorder of Lemhi County, Idaho, in Book S of Mortgages at page 303, including interest.

Note dated October 29, 1946, signed by Merle D. Bartlett and Margaret C. Bartlett. This note is secured by a mortgage appearing of record in the office of the County Recorder of Lemhi County, Idaho, in Book H of Mortgages at page 208, including interest.

Note dated January 3, 1953, signed by C. A. Denton and Sadie R. Denton. This note is secured by a mortgage appearing of record in the office of the County Recorder of Lemhi County, Idaho, in Book R of Mortgages at pages 542-543, including interest.

and any other property not now known or discovered, which may belong to the said estate or to which the said estate may have any interest, be and the same is hereby distributed as follows, to wit:

To Ernestine Drake and Margaret L. Pyeatt, to be divided equally between them, share and share alike.

Done in open court this 12th day of October, 1959.

Donald E. Martin
Probate Judge

STATE OF IDAHO } ss.
County of Lemhi

I, Donald E. Martin, Judge and Ex-Officio Clerk of the Probate Court of the County of Lemhi, State of Idaho, do hereby certify that the within and hereunto annexed instrument is a full, true and correct copy of the original Decree of Settlement of Final Account and Final Distribution on file in this Court in the Matter of the Estate of Bertha M. Rose Deceased.

IN WITNESS WHEREOF, I have this 12th day of October, 59 hereunto set my hand and affixed the Seal of said Court.

(SEAL)

Donald E. Martin
Probate Judge and Ex-Officio Clerk

STATE OF IDAHO } ss.
County of Lemhi

Recorded at the request of Fred H. Snook October 14th 1959 at 30 minutes past 4 o'clock P.M., in Book 47 of Deeds Pages 349-350 Records of Lemhi County, Idaho.

T. M. Ball, County Recorder

Fees, \$3.00

By Opal Reddington, Deputy

----- Instrument No. 92496 -----

IN THE PROBATE COURT OF LEMHI COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE
of
NELLIE A. REDDINGTON, deceased.

DECREE ESTABLISHING TITLE TO COMMUNITY
PROPERTY ON DEATH OF WIFE TESTATE

On this 13th day of October, 1959, at the courtroom of this court at Salmon, Idaho, pursuant to notice, came on for hearing the petition of John A. Reddington in the above entitled matter for a decree establishing title to community property, and it being made to appear that on or about the 29th day of August, 1959, Nellie A. Reddington, the wife of John A. Reddington, died intestate in Salmon, Idaho. That the said deceased and the said John A. Reddington intermarried on or about the 10th day of October, 1929, at Dillon, Montana, and from said time until the date of the death of said deceased they lived together continuously as husband and wife and were during all of said time husband and wife, and at her death deceased was a resident of Lemhi County, Idaho. That during coverture deceased and said John A. Reddington acquired as community property the property described in Exhibit "A", attached hereto and by reference made a part hereof.

That all of said property was community property of deceased and said John A. Reddington, and no part thereof was separate property of either, and they held title to said property as community property and not in any respect as the separate property of either said John A. Reddington or his said deceased wife.

NOW, THEREFORE, On motion of Sherman F. Furey, Jr., attorney for the petitioner, IT IS ORDERED, ADJUDGED AND DECREED that at the time and in the manner herein particularly specified the said John A. Reddington and his said deceased wife acquired as

DEC 16 1992

5482

Doc b T-21-R22

Instrument No. 93172 (continued)

State of Idaho }
County of Lemhi }

Recorded at the request of William B. Hill March 30th 1960 at 45 minutes past 10 o'clock A. M., in Book 47 of Deeds Pages 501-502 Records of Lemhi County, Idaho.

T. H. Ball County Recorder

Fees, \$1.75 Paid

By Opal Riddington Deputy

Instrument No. 93175

WARRANTY DEED

For value received, MELVIN DEWITT and SEDONIA DEWITT, husband and wife, acting by and through their Attorney-in-Fact, BETTY BROUGH, the grantors, do hereby grant, bargain, sell and convey unto ELLA LEWIS, dealing in her sole and separate capacity, the grantee, the following described premises, to wit:

The W¹ (25) feet of Lot 4 and all of Lot 5, Block 1,
Rood's Addition No. 1 to Salmon, Idaho.

This is to be the sole and separate property of the said Ella Lewis.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 15, 1960.

DOCUMENTARY STAMPS \$.55

CANCELED 3/30/60

Melvin Dewitt
Sedonia Dewitt
By Betty L. Brough
Attorney in Fact

STATE OF MONTANA,
County of Park--SS

On this 18th day of March, 1960, before me, the undersigned, a Notary Public in and for said state, personally appeared Betty Brough, known to me to be the person whose name is subscribed to the within instrument as Attorney-in-Fact of Melvin Dewitt and Sedonia Dewitt, and acknowledged to me that she subscribed the names of Melvin Dewitt and Sedonia Dewitt thereto as principals and her own name as Attorney-in-Fact.

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

(SEAL)

H. J. LINK, Notary Public
MY COMMISSION EXPIRES MARCH 18, 1963

H. J. Link
Notary Public for Montana,
Residing at Gardiner, Mont.
My commission expires: 3-18-1963

State of Idaho }
County of Lemhi }

Recorded at the request of Fred M. Snook March 30th 1960 at 50 minutes past 2 o'clock P. M., in Book 47 of Deeds Page 502 Records of Lemhi County, Idaho

T. H. Ball County Recorder

Fees, \$1.50 Paid

By Opal Riddington Deputy

Instrument No. 93176

WARRANTY DEED

WARRANTY DEED

THIS INDENTURE, Made this 4th day of November in the year of our Lord one thousand nine hundred and fifty-nine, between MARGARET L. FITZT, of Tandy, Idaho, and ERNESTINE DRAKE of Challis, Idaho, both married women, but dealing with their sole and separate property, the parties of the first part, and EARL S. LARSON and RUTH E. LARSON, husband and wife, of Salmon, 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 SEVEN THOUSAND FIVE HUNDRED & NO/100 (\$7,500.00)---DOLLARS, 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 Salmon, County of Lemhi, State of Idaho, to-wit:

Beginning at a point South 87 deg. 7' 21" East 544.93 feet distant from the center of Section 6 in Township 21 North of Range 22 East of the Boise Meridian, said point being the northwest corner of the lot hereby conveyed; and running thence North 84 deg. 40' 50" East 173 feet; thence South 47 deg. 6' 30" East 93.9 feet; thence South 52 deg. 24' 50" East 80.84 feet to the northwest corner of the lot now occupied by the Economy Cash Store, formerly by the Viel Produce Company, the same being the northeast corner of the lot hereby conveyed; thence South 33 deg. 50' West 43.63 feet; thence South 51 deg. 27' 30" West 138.76 feet; thence North 79 deg. 42' West 36.52 feet to the southeast corner of the lot formerly owned by E. S. Suydam, the same being the southwest corner of the lot hereby conveyed; thence North 45 deg. 46' 40" West 78.17 feet, and thence North 26 deg. 50' West 178 feet to the place of beginning; together with any water rights used in connection therewith.

Excepting the right to the use of the irrigation ditch on the west side

RECORDED
DEC 16 1992

Instrument No. 93174 (continued)

of said premises to convey water through the same to lands below.

It is hereby intended to convey to the said party of the second part all of the land and premises heretofore conveyed by deed dated September 5, 1901, recorded in Book K of Deeds at page 440, being a part of Lot 9 of said Section 6, Township 21 North, Range 22 E.B.M.

RECEIVED STAFFS 12:25

CLERK 3/11/60

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 in law 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 whatsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Margaret L. Pyeatt Ernestine Drake

(SEAL)
(SEAL)

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

On this day of November in the year 1959, before me the undersigned, a Notary Public in and for said State, personally appeared Margaret L. Pyeatt and Ernestine Drake, both married women, but dealing with their sole and separate property, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)

Freda A. Stevens
Notary Public for the State of Idaho
Residing at Salmon, Idaho
MY COMMISSION EXPIRES APRIL 13, 1963

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

I hereby certify that this instrument was filed for record at request of Earl S. Larson at 45 minutes past 11 o'clock A. M., this 31st day of March, A. D. 1960 in my office, and duly entered in Book 47 of Deeds at pages 502-503.

Fee, \$2.00 Paid

T. H. Ball Ex-Officio Recorder
By *Paul Reddington* Deputy

Instrument No. 93183

FORM No. 300-WARRANTY DEED.

THIS INSTRUMENT, made this 31st day of March, 1960, between LeRoy F. Fayle and Joan Fayle, husband and wife, of Leadore, County of Lemhi, State of Idaho, the parties of the first part and LEMHI TELEPHONE COMPANY, a Delaware Corporation, of Salmon, County of Lemhi, State of Idaho, the party of the second part,

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

A part of the SW1/4 of Section 28, in Township 16 North, Range 26 East, Boise Meridian, in the Village of Leadore, Idaho, more particularly described as follows, to-wit:

Commencing at the intersection of the Northerly Right-of-Way line of Idaho State Highway No. 26 and the Easterly line of Lemhi Street, in the Village of Leadore, thence N. 42° 40' E. along the Easterly line of Lemhi Street a distance of 210.0 feet to the point of beginning; thence N. 42° 00' E. a distance of 110.0 feet to a point on the Northerly Right-of-Way line of the abandoned Gilmore & Pittsburg Railroad; thence S. 43° 00' E. along the Northerly Right-of-Way line of the abandoned Gilmore & Pittsburg Railroad a distance of 60.0 feet; thence S. 42° 00' W. 40.0 feet; thence N. 48° 00' W. 60.0 feet to the point of beginning.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law 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 party of the second part, and to its 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 party of the second part, its heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whatsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

DEC 16 1992

WARRANTY DEED

For Value Received, and love and affection, EARL S. LARSON, a married man,

the grantor, does hereby grant, bargain, sell and convey unto

RUTH HAYWARD LARSON, his wife,

the grantee, the following described premises, located in Salmon, Lemhi County, Idaho, to wit:

Beginning at a point South 87°7'21" E. 344.93 ft. distant from the center of S. 6, T. 21 N.R. 22, E.B.M., said point being the NW corner of the lot hereby conveyed, and running thence N. 84°40'50" E. 173 ft.; thence S. 47°6'30" E. 93.9 ft.; thence S. 52°24'50" E. 80.84 ft. to the NW corner of the lot now occupied by the Economy Cash Store, formerly by the Viel Produce Co., the same being the NE corner of the lot hereby conveyed; thence S. 33°50' W. 43.63 ft.; thence S. 51°27'30" W. 138.76 ft.; thence N. 79°42' W. 36.52 ft. to the SE corner of the lot formerly owned by E.S. Suydam, the same being the SW corner of the lot hereby conveyed; thence N. 45°46'40" W. 78.17 ft., and thence N. 26°50' W. 178 ft. to the place of beginning.

EXCEPTING the right to the use of the irrigation ditch on the west side of said premises to convey water through the same to lands below.

It is hereby intended to convey to said party of the second part all of the land and premises heretofore conveyed by deed dated September 5, 1901, recorded in Book K of Deeds at page 440, being a part of Lot 9 of said S. 6, T. 21 N., R. 22, E.B.M.

ALSO, all that certain part of Government Lot Number Four of Section 6, Township 21 North, Range 22, E.B.M., in Lemhi County, Idaho, bounded and described as follows:

Commencing at the Southwesterly Corner of Block 2 in McCordell's Addition to the Village of North Salmon, Lemhi County, Idaho, run thence N. 51°30' W. 225 feet to the place of beginning; thence N. 51°30' W. 291 feet; thence N. 38°30' E. 200 feet; thence S. 51°30' E. 291 feet; thence S. 38°30' W. 200 feet to the place of beginning.

THIS IS TO BE THE SOLE AND SEPARATE PROPERTY OF THE SAID RUTH HAYWARD LARSON.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances.

and that he will warrant and defend the same from all lawful claims whatsoever.
Dated: April 2, 1968.

Earl S. Larson

STATE OF IDAHO, COUNTY OF Lemhi
On this 2nd day of April, 1968,
before me, a notary public in and for said State, personally
appeared Earl S. Larson, a married man

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that

Paul A. Stevens
Notary Public
Residing at Salmon, Idaho
Comm. Expires 4-13-71

STATE OF IDAHO, COUNTY OF Lemhi
I hereby certify that this instrument was filed for record at
the request of Mrs. Earl Larson

at 45 minutes past 11 o'clock A.M.
this 2nd day of April
1968, in my office, and duly recorded in Book File
of Deeds.

Elaine Adams
Ex-Officio Recorder

By _____ Deputy.
Fees \$ 2.35 Paid
Mail to:

INSTRUMENT NO. 108032

RECORDED
DEC 16 1992

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG/STS	POINT OF DIVERSION	TOTAL DIVERSION	WATER USES
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WATER SOURCE: JESSE CREEK

NA	75-00025	POLLARD E. M.	D/			AFA 01
	75-00018	LONG JOHN / CITY	06/01/1867	D/		0.300 CFS 40
	75-00016	CITY OF SALMON	06/01/1867	D/	21N 21E 2 NENE	2.000 CFS 01
1	75-00017B	CITY OF SALMON	06/01/1867	D/	21N 21E 2 NENE	0.240 CFS 40
	75-00017A	ALDOUS DARRELL / CITY - PENDING	06/01/1867	D/	21N 21E 1 NENE	1.260 CFS 01
	75-00019A	BLACKADAR WALTER	06/01/1868	D/	21N 21E 2 SWNW	1.307 CFS 01
2	75-00019C	CITY OF SALMON	06/01/1868	D/	21N 21E 2 NENE	1.500 CFS 40
	75-00019B	COLE JOHN / CITY PENDING	06/01/1868	D/		0.493 CFS 01
	75-00019D	SHEDLEY DALE T. ID ARROWHEAD	06/01/1868	D/	21N 21E 2 SESW	0.300 CFS 01
3	75-00023	MC CALEB MRS. A. B. / WALLINGFORD?	06/01/1869	D/	21N 21E 1 SWNW	0.140 CFS 01
H	75-00024	TINGLEY IRA - GAYER	06/01/1877	D/	21N 21E 2 NENE	0.100 CFS 01
5	75-00021	SHEDLEY DALE T. ID ARROWHEAD	05/01/1883	D/	21N 21E 10 NENE	0.100 CFS 01
	75-00026A	CITY OF SALMON	05/01/1884	D/	21N 21E 2 NENE	0.300 CFS 40
6	75-00026B	SORENSEN AXEL / MYRTLE WILSON	05/01/1884	D/	21N 21E 1 SWNW	0.200 CFS 01
7	75-00020	GAYER CARL T.	06/01/1888	D/		0.300 CFS 01
8	75-00022	POLLARD SOPHRONIA ID ARROWHEAD	05/01/1889	D/	21N 21E 11 SWNW	2.000 CFS 01
	75-00003	BOOMER WILLIAM / AUSTIN	04/01/1894	D/	21N 21E 1 SWNW	1.440 CFS 01
	75-00004	KELLY MARY / CITY?	04/01/1894	D/	21N 21E 2 NENE	1.200 CFS 01
	75-00005	OLIVER GEORGE ID ARROWHEAD?	04/01/1894	D/	21N 21E 2 SESW	5.000 CFS 01
	75-00001	MILLER GEORGE G. SORESEN / SCHULTZBURGER	04/01/1894	D/	21N 21E 1 SWNW	0.700 CFS 01
9	75-00006	MORRIS EDISON A. ARROWHEAD	04/01/1894	D/	21N 21E 2 NENE	0.260 CFS 01
	75-00008	HILL EMERSON ARROWHEAD?	04/01/1894	D/	21N 21E 2 NENE	0.150 CFS 01
	75-00007	CITIZENS NATIONAL BANK CITY TRANS PENDING	04/01/1894	D/	21N 21E 1 SWNW	4.000 CFS 01
	75-00014	ROBE BERTHOLD CITY - NEEDS TRANSFER	04/01/1894	D/	21N 21E 2 NENE	0.300 CFS 01
	75-00113	BLACKADAR WALTER L. M. AUSTIN?	04/01/1894	D/	21N 21E 1 SWNW	2.000 CFS 01,43
	75-00009	GILMORE & PITTSBURG RAILROAD CO., LTD.	04/01/1894	D/		1.500 CFS 01
	75-00002	EDWARDS GUY	04/01/1894	D/	21N 21E 9 SWSE	1.700 CFS 01
10	75-00014	POPE ADA P. PROKSCHE	04/01/1902	D/	21N 21E 2 NESE	1.200 CFS 01,43
11	75-00015	BRADLEY OLEN S. ARROWHEAD? ARROWHEAD	04/01/1913	D/	21N 21E 2 NESE	0.400 CFS 01,43
	75-00010	NICHOLS ANTHONY (EDWARDS)	09/01/1914	D/		1.600 CFS 01
	75-00013	MILLER GEORGE G. SORESEN / SCHULTZBURGER	09/14/1914	D/	21N 21E 1 SWNW	0.600 CFS 01
12	75-00012	RANDOLPH E. B. CLAIMED BY EDWARDS, EDGAR	09/14/1914	D/		1.600 CFS 01
	75-00011	AVARE FRANK EDWARDS, EUGENE	09/14/1914	D/		1.120 CFS 01

WATER SOURCE: JESSIE CREEK

75-04076	VALK THEODORE	04/01/1967	S/	21N 21E 1 NENE	0.040 CFS 01
13 75-07563	CITY OF SALMON	12/03/1990	P/	21N 21E 2 NENE 3	5.000 CFS 40

WATER SOURCE: POLLARD CREEK

WATER SOURCE: SPRING

75-07401	US DEPT OF INTERIOR	08/01/1983	L/	22N 21E 34 SENE	0.030 CFS 04,16
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75-A

②

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

ADA P. POPE, as Executrix of	:	
the Estate of Horace G. Pope,	:	<u>No 2354</u>
deceased,	:	
Plaintiff,	:	
	:	
vs	:	DECREE
	:	
ERNEST LONG, et. al.,	:	
Defendants.	:	

This cause having come on regularly to be heard at Salmon, Idaho, before Honorable Guy Stevens, Judge of the above entitled Court, without a jury, E. W. Whitcomb and E. H. Casterlin appearing as attorneys for the plaintiff; Lot L. Feltham appearing as attorney for Harry Kelly, George Oliver, Benjamin F. Miller and Glen S. Bradley; Merle L. Drake appearing as attorney for E. B. Randolph; and it appearing to the court from the files and records herein that all of the parties are regularly before the court and this cause is ready for determination, either upon appearances or defaults regularly entered; and the cause having been heard and submitted and Findings of Fact and Conclusions of Law, in writing, having been made and entered herein;

Now therefore by reason of the law and the premises,-

It is Ordered, Adjudged and Decreed as follows:-

1.

That this decree is a summary, supplemental adjudication of the right to the use of the waters of Jesse Creek and its tributaries, Water District No 3-L, Lemhi County, Idaho, and is supplemental to that certain decree of record in the office of the Clerk of this Court, in Book "A" of Judgments at page 251 thereof, and is also supplemental to that certain decree of record in the office of the Clerk of this Court, in Book "C" of Judgments at page 294 thereof, and that the rights hereby adjudicated are subject to all of the rights awarded by said former decrees and shall not in any manner affect any right therein established, except that the rights herein and hereby fixed and established shall be prior in time and superior in right to any of those decreed in the former decrees, and in that respect the rights herein and hereby fixed and established shall take and have their chronological order with all other rights.

2.

75 0014

That Ada P. Pope, as Executrix of the Estate of Horace G. Pope, be and she is hereby awarded the right to the use of 1.2 cubic feet per second of time of the waters of said Jesse Creek, for agricultural and domestic purposes, with the priority of April 1, 1902, through the diversion and ditches as now established, upon the South Half of the Northwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$) of Section 1, Township 21 North, Range 21 East, Boise Meridian, in Lemhi County, Idaho.

MICROFILMED

DEC 16 1992

3.

75 0015
That Glen S. Bradley be and he is hereby awarded the right to the use of 4/10th cubic feet per second of time of the waters of said Jesse Creek, for agricultural and domestic purposes, with the priority of April 1, 1913, through the diversion and ditches as now established, upon the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, said Township and Range.

4.

That except as herein provided for the recognition of their rights in the said decrees of record in Book "A" of Judgments at page 251 thereof and of record in Book "C" of Judgments at page 294 thereof, the other parties shall have and take nothing.

5.

That Harry Kelly and George Oliver shall have judgment for their costs against the plaintiff, in the sum of \$_____ and \$_____, respectively, and that all other parties to this action shall pay their own costs.

Dated this 9th day of January 1939

Guy Stevens
District Judge.

Filed and Entered January 23, 1939
W. W. Simmonds, Clerk
By Clover Edwards, Deputy
Judgment Book D, Page 386

STATE OF IDAHO,)
 : SS.
COUNTY OF LEMHI)

I, W. W. SIMMONDS, Clerk of the District Court and Ex-Officio Auditor and Recorder in and for said County, do hereby certify that the above and foregoing is a full, true and complete copy of a Decree as the same appears of record in my office in Book D of Judgments, Page 386, official records of Lemhi County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 18th. day of February, 1939.

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

By /S/ Margaret Shoup
Deputy

(Seal)

RECORDED
DEC 16 1992



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

December 11, 1992

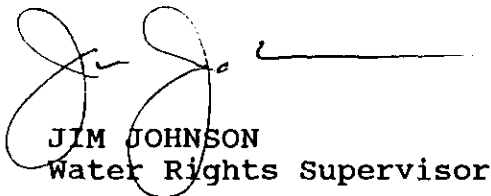
CITY OF SALMON
200 MAIN ST
SALMON ID 83467

RE: Transfer of Water Right Nos. 75-00114

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3999). Be sure to note any conditions of approval as listed on the second page.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

DEC 16 1992

MEMORANDUM

TO: File 75-00114

FROM: Sharla

DATE: December 9, 1992

RE: Transfer Review (No. 3999)

The above referenced transfer proposes to change the nature of use under this right. Eric and Ernie's memos indicate that this change occurred prior to 1982. The city has a permit to cover the use of water from this source during the non-irrigation season. This transfer can be approved with limitations on volume and season of use. The total volume allowed under the original decree (from the information provided by Eric) was 70.0 acre feet (20 acres X 3.5 afa), therefore, the transfer can only be approved for this amount.

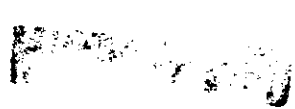
Advertising was completed correctly. A copy of the tax roll as well as a copy of what appears to be a warranty deed (Instrument No. 50934) is sufficient to establish proof of ownership.

Since this is an "accomplished transfer", the standard condition requiring completion within one year will not be added.

The transfer can be approved with the following conditions:

- T08 Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 75A.
- R39 A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Use of water for municipal purposes under this right is limited to an annual volume of 70.0 acre feet from April 15 through October 15.


DEC 16 1992

INTERDEPARTMENT MEMO

DATE: September 16, 1992.

FROM: ERNEST CARLSEN

RE: APPLICATION FOR TRANSFER 75-00114
CITY OF SALMON

PURPOSE: See Eric Verner's Memo Dated August 31, 1992

FINDINGS: See Eric Verner's Memo Dated August 31, 1992.
This application proposes to change the period of use from the irrigation season to year around. A previous transfer application filed by the city for rights 75-00017A, 75-00019B and 75-00007 requested a similar change. Subsequent correspondence for the city's attorney, Milton Slavin, dated April 9, 1992, authorized limiting the period of use to the irrigation season since application for permit 75-07563 was filed by the city for the diversion of water during the non-irrigation season.

CONCLUSIONS: See Eric Verner's Memo Dated August 31, 1992.
To be consistent with action taken on the previous transfer of the above mention three water rights, the period of use should be limited to irrigation season of April 15 to October 15.

RECOMMENDATION/CONDITIONS: The transfer should be granted with the following conditions:

- 1) Delivery of these rights is subject to regulation by the Watermaster for Water District 75A.
- 2) A lockable headgate and measuring device of a type approved by this Department shall be maintained as a part of the diverting works at the point of diversion.
- 3) Use of this right is limited to a total annual consumptive use volume of 50 AF and a total annual diversion volume of 70 AF between April 15 and October 15 of each year.
- 4) Approval of this transfer does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

RECEIVED

DEC 16 1992

ADJUDICATION FOLLOW-UP: The city's diversion works is far more complicated than represented by the transfer application. The city diverts water from Chipps Creek then discharges this water into Pollard Creek. The combined flows are then diverted via pipeline and discharged into Jessie Creek. Water from the three streams is used to fill the city's water rights. The final intake for the municipal system is at the POD identified on the application. The location of each diversion on the different streams needs to be determined and added to the city's rights. Consideration should also be given to adding Chipps and Pollard Creeks as sources for the city's water right.

The cities adjudication claim for this right was combined with another right of the same priority and filed as A75-10076.

DEC 16 1982

MEMO

DATE: AUGUST 31, 1992

TO: TRANSFER APPLICATION 75-00114

FROM: ERIC VERNER *EV*

SUBJECT: TRANSFER APPLICATION FIELD EXAM

=====

I visited Salmon on Aug. 27 to investigate the proposed transfer of right 75-00114. The transfer proposes to change the nature of use of 75-00114 from irrigation to municipal. According to the applicant, City of Salmon, the change occurred several years ago (they couldn't supply information on the exact date of change). This is evidenced by their SRBA claim A75-10076.

The decree for this right lists the place of use as lots 1 and 10 of Sec 6 T21N R21E. I obtained an aerial photo of this parcel from the ASCS Office. The property is now within the city limits of Salmon and is occupied by single family homes and/or businesses. Most of the homes are over 30 years old so it appears that right 75-00114 hasn't been used on this property for many years (there are no ditches or other conveyance means to get *EV* Jesse Creek water to this property). (~~Municipal water does go to these lots now~~).

When did the transfer of place of use occur? The City submitted some documents that show the transfer of lands adjacent to Lots 1 and 10 to the City in the years 1918 to 1954 but none of them describe any portion of Lots 1 and 10. The City could not supply any other documents in support of the date they obtained ownership of this right. I checked the Water District 75 records for any evidence in support of the City's claim. Carter looked at Water District 75 records and found that the Water Master records delivering this right to the City in the year 1979. Since this information shows the change occurred prior to 1982, Carter did not look at older records.

It appears true that the City has been "using" right 75-00114 for many years. It is questionable at what date they began using the right and whether the right had been abandoned prior to this date, but given the water district records for delivery of the right and that no protests were filed against the City's transfer application, it appears that the City accomplished a transfer of the right pursuant to 42-1416A. Since the change occurred, at least prior to 1982, no injury is apparent since none of the other water users of Jesse Creek have objected to the City's use of the right in the past.

[Handwritten signature]
DEC 16 1992

The next question regarding the transfer is whether an expansion has occurred by the accomplished change in use. The decree mentions that the place of use was within lots 1 and 10 of section 6. The decree does not mention how many acres the right covered within the described place of use. I was able to determine from Lemhi County tax records that the original owner of the right, Bertha N. Rose paid property taxes on 20 acres of irrigated land, 5 acres of dry pasture and 4 acres of waste land within lots 1 and 10 of section 6 in the year 1925, the date the decree was entered. The property was described a Tax number 237, Lemhi County.

Based upon this, the extent of use of the right was for irrigation of 20 acres (a more liberal interpretation would allow 25 ares since the diversion rate of 0.50cfs gives 1"/acre for 25 ares. The tax records showed 5 acres of "dry grazing" that may have been partially irrigated with this water) which allows:

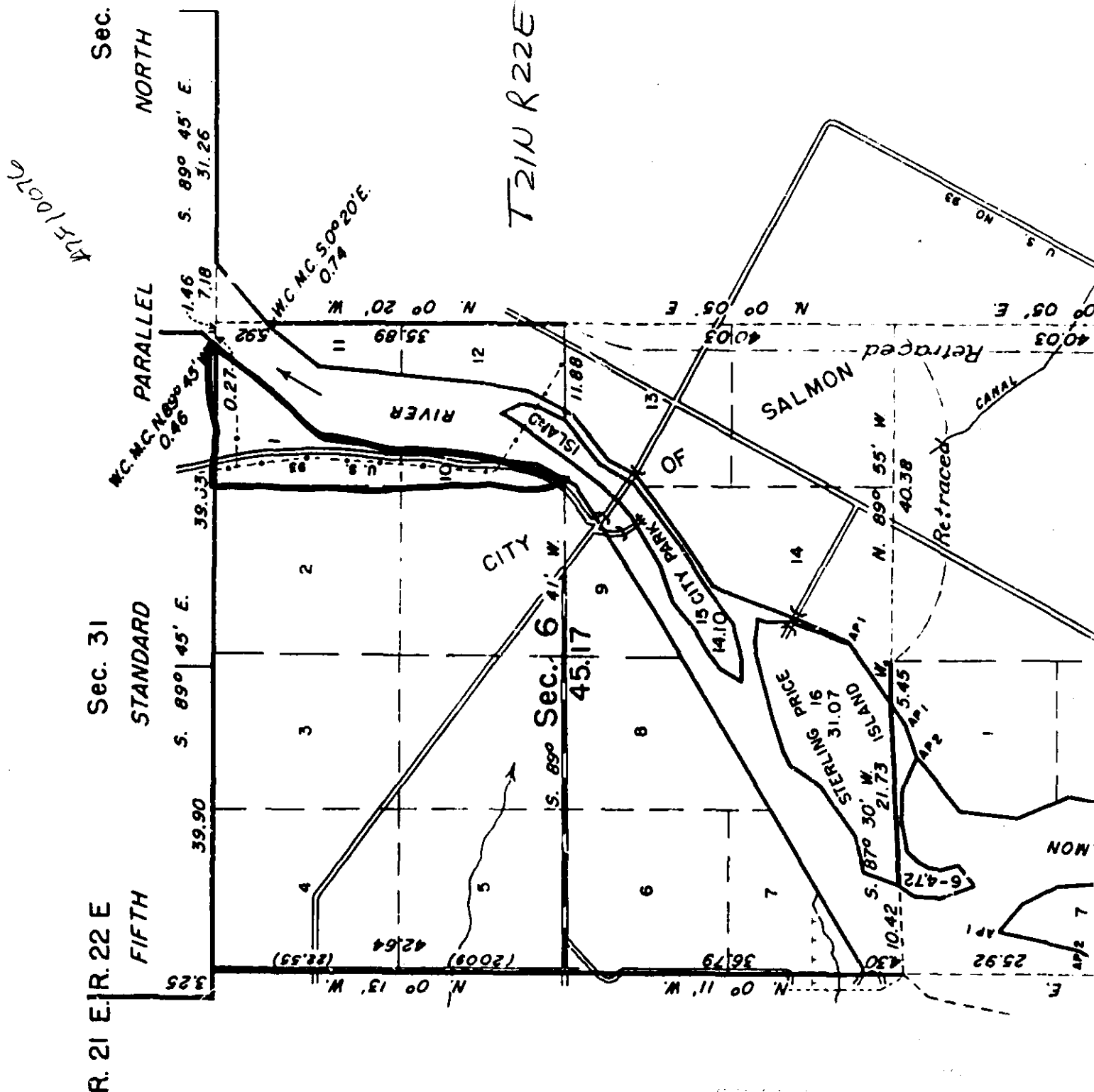
0.50 cfs (decreed)
50 afa consumptive use (2.5 X 20ac)
70 afa diversion volume (3.5 X 20ac)

If approved, the City's transfer of nature of use for this right should be conditioned to limit the use to the same amounts of water (Idaho Code 42-1416(1) does not cover expansions in use for municipal rights). In effect the City would be able to divert this right for:

$(1.9835\text{af}/24\text{hrsecft})(0.50\text{cfs}) = 0.99\text{af}/\text{day}$
 $(70\text{af}/\text{yr} / 0.99\text{af}/\text{day}) = 70.58 \text{ days}/\text{yr}.$

RECEIVED

DEC 16 1992



TAX
NUMBER

SEC. TWP. RGE.

DESCRIPTION

237 6 21 22 George L. Shoup and Company(R. L. Edwards).

This Tax Number (237) designates the following piece or parcel of land situate, lying and being in the County of Lemhi, State of Idaho, and more particularly described as follows, to wit:

Lots #1 and #10, Section 6, Township 21 North, Range 22 E. B. M. (Excepting from this, that part of said Lots 1 and 10 described as follows, to wit: That part of said Lot 10 described as follows: Beginning at the Southwest corner of said Lot 10 and running thence North 17 rods (294.36 feet) and 21 links; thence North 43 deg. 10' East 9 rods (148.5 feet); thence South 60 deg. 40' East 13 rods 7 links (219.12 feet); thence South 34 deg. 45' West 21 rods 13 links (358.38 feet); thence West 5 rods 7 links to the place of beginning, containing 263 rods; and also excepting that part of said Lot 1, described as follows: Beginning at a point 92 rods 12 links (1525. East from the Northwest corner of the NE¹/₄ of said section 6, and running thence East along the North line of said Township 53 rods (874.50 feet) to the West side of the Salmon River; thence South along the West side of the Salmon River 7 rods and 10 links (122.1 feet); thence North 85 deg. West 52 rods and 15 links (867.9 feet); thence North 10 deg. 30' West 3 rods and 15 links (59.4 feet) to the place of beginning, containing 1 acre and 130 rods.)

Recorded in Book W of Deeds on page 548.

238 18 21 23 Lemhi Irrigation and Orchard Company(Geo. Bacin)

This Tax Number (238) designates the following piece or parcel of land situate, lying and being in the County of Lemhi, State of Idaho, and more particularly described as follows, to wit:

Beginning at a point on the West line of said Section 18, Township 21 North, Range 23 E. B. M., 2087 feet South of the West Quarter corner of said Section 18, the same being a point on the West line of said Section, and 40 feet Southerly from the center of the Lemhi Irrigation and Orchard Company's main ditch; thence South along the West line of said Section 18, 559 feet to the stone marking the Southwest Corner of said Section 18; thence East along the South line of said Section 18, 550 feet to the center of a dry gulch; thence North 34 deg. East along the center of the said gulch. 268 feet; thence North 9 deg. East along the center of said gulch

1925 LEMHI COUNTY
TAX ROLLS SHOWED

THAT BERTHA N. ROSE
OWNED TAX No. 237

20 ACRES - IRRIGATED

5 ACRES - DRY GRAZING

4 ACRES - WASTE

29 ACRES

Edwards 8/27/92

DEC 16 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 75-00114 Applicant City of Salmon
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Change Nature of use
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer). OK
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☐ Check for expansion in use of right. Comments This appears to be an expanded use over the original irrig. use.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 75-4 Jesse Creek

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 8-5-92 Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* SEE MEMO OF ERNEST CARLSEN
4. By [Signature] Date 10/6/92

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 25-00114

RECEIVED

AUG 12 1992

Department of Water Resources
Eastern District Office

WATER DISTRICT 25-A

WATERMASTER Darrell C Alden

DATE: 8/10/92

COMMENTS: I don't see where a.s.o
cfs 1894 Priority will hurt
any of the other 1894 Priority's.
so

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

Darrell C Alden
Watermaster

RECEIVED

DEC 16 1992

05-Aug-1992

DARRELL ALDOUS
PO BOX 1356
SALMON ID 83467

RE: Application No. 75-00114

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible.

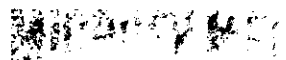
If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,


Harold Jones *rb*
Water Rights Supervisor

HJ/rb
Enclosure



DEF

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 75-00114

Notice is hereby given that the City of Salmon has applied to the Department of Water Resources to change nature of use of the waters of Jesse Creek tributary to the Salmon River. The right sought to be changed is evidenced by a decree and recorded as follows:

Decree No. 75-00114 Decreed to Bertha N. Rose in case of George Miller vs. Ernest Long, et. al. dated June 19, 1925 in District Court.

AMOUNT: .50 cfs PRIORITY: 4/1/1894

POINT(S) OF DIVERSION: NENE (JC3) NESE SEC 2 T21N R21E,
LEMHI COUNTY

The water is used to irrigate within the NENE(LOT 1)
SENE(LOT 10) SEC 6 T21N R22E , B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NENE (JC3) SEC 2 T21N R21E, LEMHI COUNTY and used for municipal purposes for the City of Salmon from 1/1 to 12/31

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, ID, 83402, on or before August 24, 1992.

R. Keith Higginson
Director

Published in the Recorder-Herald on August 6 & 13, 1992.

DEC 16 1992

MILTON A. (JOCK) SLAVIN
ATTORNEY AT LAW

1016 MAIN ST., P.O. BOX 1103, SALMON, IDAHO 83467
208/756-2030

RECEIVED

JUL 23 1992

Department of Water Resources
Eastern District Office

July 17, 1992

Idaho Department of Water Resources
150 Shoup St., Suite 15
Idaho Falls, Idaho 83401

Attn: J.W. Jones

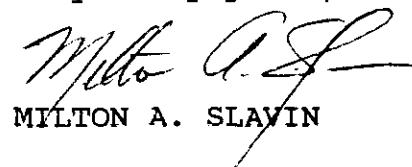
RE: City of Salmon Application for Transfer of
Water Right

Dear Mr. Jones:

Enclosed please find the Transfer Application with the additional
information requested as per your memorandum of July 6, 1992.

Also enclosed please find the Salmon City check No. 9085 in the
amount of \$50.00 to cover the cost of transfer fee.

Very truly yours,


MILTON A. SLAVIN

MAS/rt
enc.

RECORDED

DEC 16 1992

MILTON A. (JOCK) SLAVIN

ATTORNEY AT LAW

1016 MAIN ST., P.O. BOX 1103, SALMON, IDAHO 83467

208/756-2030

June 25, 1992

RECEIVED

JUL 02 1992

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup St., Suite 15
Idaho Falls, Idaho 83401

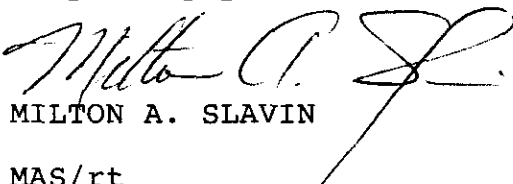
RE: City of Salmon Transfer of water right

Gentlemen:

Enclosed please find an application for transfer of water right for the City of Salmon. The City has been using this water for a number of years for domestic purposes, but no paperwork has ever been completed for the transfer of water right.

After much research, we are enclosing copies of various deeds with regards to the lands and water right. Hopefully this will be sufficient to complete the transfer. If you have any further questions, please contact my office at your earliest convenience.

Very truly yours,


MILTON A. SLAVIN

MAS/rt
enc.

DEC 16 1992