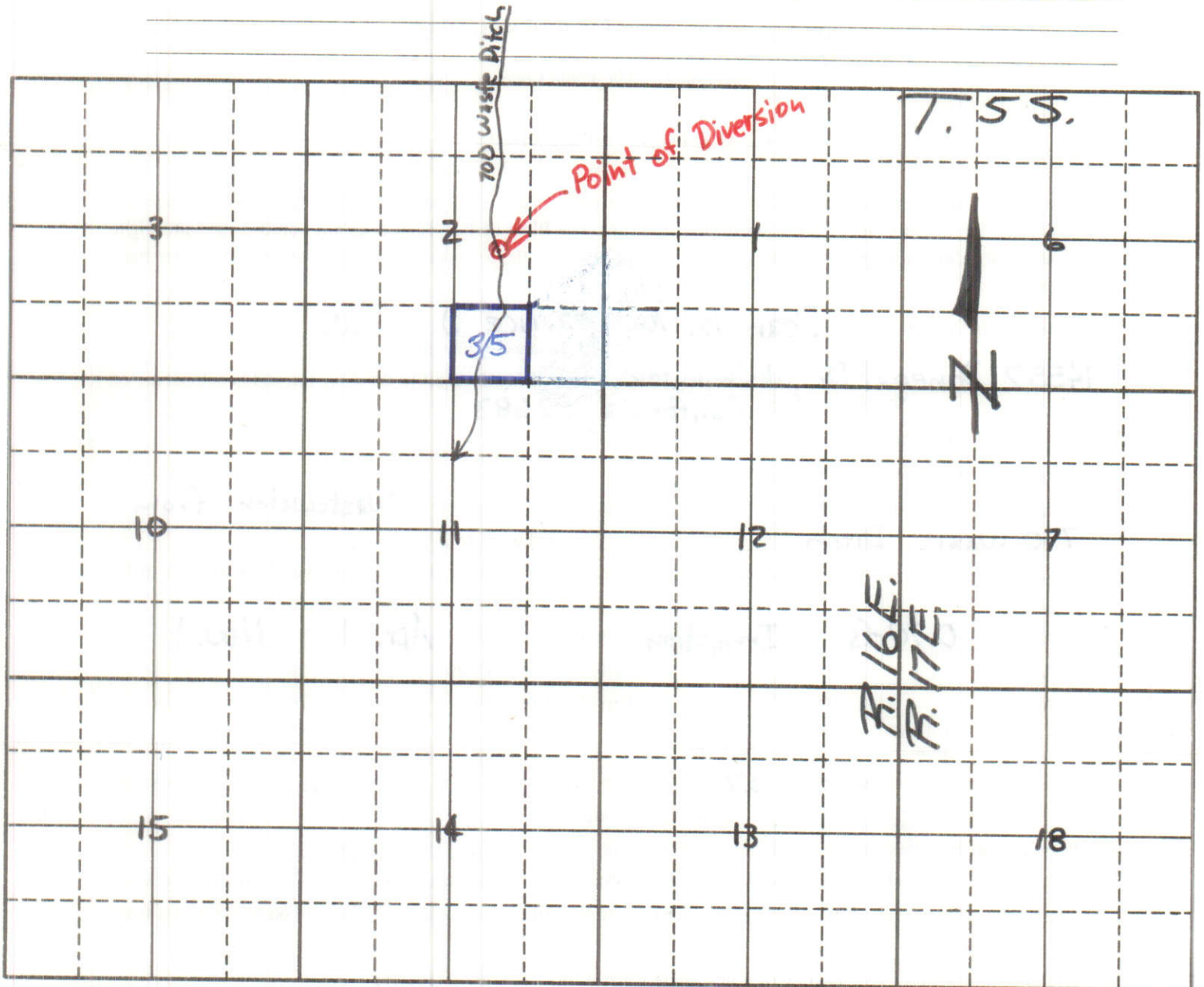


(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of ~~Idaho~~ California)
County of Orange) ss.

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

Sworn to before me this 16th day of April, 1977.

Dean B. Cox Beatrice J. Cox
(Claimant)



OFFICIAL SEAL
REBECCA LOGBRINCK
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY

Notary Public

Residing at Orange County, California

My commission expires

My Commission Expires Dec. 12, 1980

For Department Use Only

Received by DS Date 4-22-77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$10.00 fee received by SB Date 5/2/77 #3475
Approved for publication by dm 5/19/77
Published in Lincoln County Journal
Dates 5/19 + 5/26/77

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Lincoln } SS.

MAY 27 1977

Department of Water Resources
Southern District Office

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 19 day of May,

1977, and the date of the last publication was on the 26

day of May, 1977.

Melba Thorne

Subscribed and sworn to before me this 26

day of May, 1977.
(SEAL.)

May Ann Wagner
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice

Number of Insertions

Lines tabular at 315c

32 Lines straight at 21c 6.72

32 Subsequent lines at 15c 4.80

TOTAL COST 11.52

COPY OF NOTICE

(Paste Here)

Water Permit

TITLE OF NOTICE

Cox (37-4081)

PLAINTIFF ATTORNEY

DEFENDANT

NOTICE OF CLAIM TO A WATER RIGHT NO. 37-4081

Notice is hereby given that Dean B. &/or Beatrice J. Cox, Westminster, CA 92683 has filed a claim to a water right established by diversion and application to beneficial use of .70 cubic feet per second of water from 700 Waste Ditch with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 5S, Rge. 16E., B.M., Lincoln County.

The water is claimed to be used from Apr. 1 to Nov. 1 with a priority of 1940 the place of use is within the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 2, Twp. 5S, Rge. 16E., B.M.

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

/s/ C. Stephen Allred
Director
Pub: 5-19, 26

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

ok/ Ann
6/3/77

Nº 1632

MICROFILMED

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section thirty-five (35), Township Four (4) South, Range Sixteen (16) E.B.M.; Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Seventeen (17) E.B.M.; Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Lot Three (3) Lot Four (4), and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) east of the canal in Section Thirty (30), Township Four (4) South, Range Seventeen (17) E.B.M., in Lincoln County, Idaho.

(b) Dean B. Cox and Beatrice J. Cox, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M., and also the following described real estate. Beginning at the northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2), thence due north on the east line of said section a distance of eight hundred (800) feet, thence west on a line parallel with the south line of Said Section Two (2) a distance of four hundred (400) feet, thence in a southwesterly direction to the northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2); thence east to the place of beginning, containing ninety-six (96) acres, more or less, in Lincoln County, Idaho.

(c) D. D. Velasquez and Josephine Velasquez, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-five (35), Township Four (4) South, Range Sixteen (16) E.B.M., Lot Four (4) or the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section One (1), Township Five (5) South, Range Sixteen (16) E.B.M., and Lot One (1) or the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Two (2) Township Five (5) South, Range Sixteen (16) E.B.M.

4. Each and all of the parties also utilize waters from said coulee for domestic and stock water purposes on their respective lands.

5. It is understood and agreed:

(a) That D. D. Velasquez and Josephine Velasquez, his wife, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulee in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said Coulee 700.

(b) That William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence R. Tews, a bachelor, and Marguerite Tews, a spinster, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulee in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said Coulee 700.

(c) That Dean B. Cox and Beatrice J. Cox, his wife, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stockwater purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulee in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said Coulee 700.

6. It is understood and agreed that second parties shall have the right to continue pumping and diverting water from said coulee for pumping and diverting water from said coulee for irrigation of the lands lying east of said Coulee 700 in the Southwest Quarter

When this contract has been fully executed the case of Smith vs. Lowry, mentioned in the first paragraph hereof, shall be dismissed without prejudice and without costs.

IN WITNESS WHEREOF, the contracting parties have hereto set their hands this 8th day of September, 1954.

/s/

ALTA G. SMITH, Deceased

By D. Sidney Smith

By William G. Smith
ExecutorD. SID SMITH
D. Sid Smith

Alta G. Smith

ROSS BOYD
Ross BoydMARGUERITE BOYD
Marguerite Boyd

FIRST PARTIES

MAX A. BOESIGER
Max BoesigerRUTH H. BOESIGER
Ruth H. BoesigerMARY BOESIGER
Mary Boesiger

SECOND PARTIES

WILLIAM G. TEWS
William G. TewsMARY TEWS
Mary TewsLAWRENCE Z. TEWS
Lawrence Z. TewsELIZABETH TEWS
Elizabeth TewsCLARENCE R. TEWS
Clarence R. TewsMARGUERITE TEWS
Marguerite TewsDEAN B. COX
Dean B. CoxBEATRICE J. COX
Beatrice J. CoxDONALD D. VELASQUEZ
Donald D. Velasquez
D. D. VELASQUEZJOSEPHINE VELASQUEZ
Josephine Velasquez

THIRD PARTIES

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared D. Sid Smith, known to me to be the person 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.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, IdahoSTATE OF IDAHO)
County of Lincoln) ss

On this 15th day of March, 1956, before me, Jack M. Murphy, a Notary Public in and for said state, personally appeared Ross Boyd and Marguerite Boyd, his 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

Robert Jan
45-2373
43-2464-

RECEIVED

2211 Overland Avenue
Burley, Idaho 83318

AUG 10 1979

Department of Water Resources

State of Idaho
Department of Water Administration
614 State Street, Capital Building
Boise, Idaho 83707

August 3, 1979

Dear Sirs:

This is to advise that James Norman Bodily and Glenda J. Bodily, husband and wife, of Star Route, Box 8-A; Dagle, Idaho 83323 have obtained financial assistance from this Agency. In so doing, they have pledged the rights to production and the waters produced by Water license G-22461 with priority date of November 10, 1951 and license number G-27123 and Water Right Claim number 37-4061 as additional security for their real estate loans.

We request that a note be placed in the files concerning the above Licenses and Water Right Claim regarding this transaction. When the waters produced by and the rights to said production are pledged as security the holders agree not to assign, transfer or make any change or changes in these rights which would be adverse to the interests of Farmers Home Administration without advising FMAA, in writing, of the change(s) requested and also agree to obtain written permission from FMAA to make said change or changes.

Please sign the enclosed copy of this letter and return same to this office as acknowledgment of the request for our use in our files.

Sincerely,

Thomas J. Newton

THOMAS J. NEWTON
County Supervisor

"The above letter has been placed in the files in connection with License G-22461, License G-27123 and Water Right Claim Number 37-4061."

(Date)

(Name and Title)

cc: Southern District Office
1041 Blue Lake Blvd., North
Twin Falls, Idaho 83301

Microfilm

*Orig. signed
Returned
jc 8/15/79*

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Dean B. & Beatrice J. Cox
(name of claimant)
of 14552 Donegal Dr. Westminster, claims a right to the diversion and beneficial use of
(mailing address) California, 92683
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Wastewater from 700 Waste Ditch, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: _____

Amount	<u>0.70 cfs</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.7 tenth cubic feet per second, or _____ acre feet per annum, and/or App. 35 inch gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1940 + Buhne

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2 Twp. 5S Rge. 16E B. M. County of Lincoln
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Conc. Check in Waste Ditch which diverts water by gravity flow ditch to place of use.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

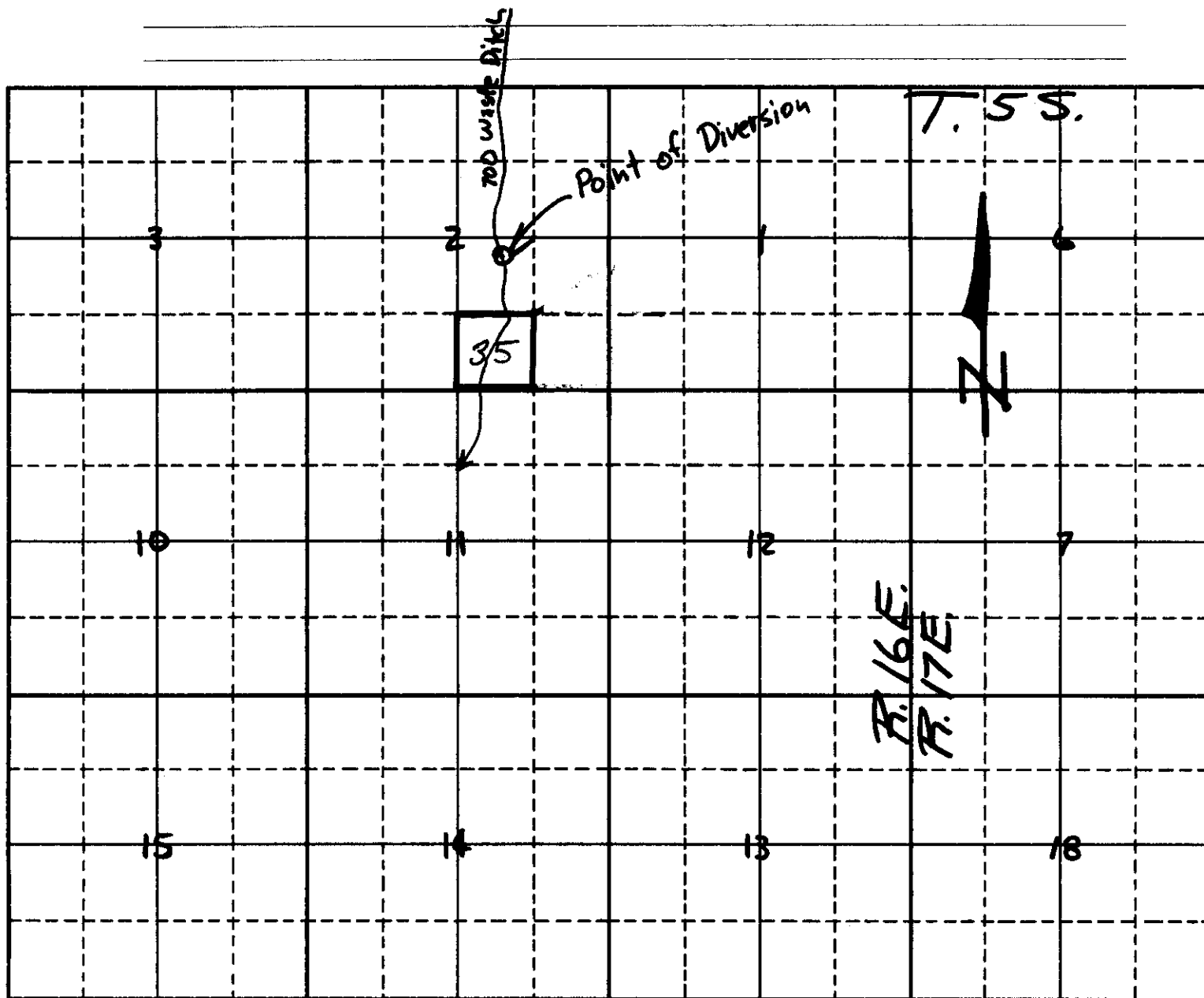
[illegible]

Total No. of acres 35

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

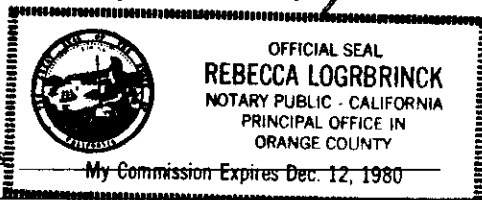
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~State~~ CALIFORNIA)
County of SAN ORANGE) ss.
County of ~~San~~)

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

Sworn to before me this 16th day of April, 1977.

Bea B. Cox Beatrice J. Cox
(Claimant)



Notary Public

Residing at

Orange County, California

My commission expires

My Commission Expires Dec. 12, 1980

For Department Use Only

Received by <u>JS</u>	Date <u>4-22-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$10.00 fee received by <u>SB</u>	Date <u>5/2/77</u>	<u>#3475</u>		
Approved for publication by <u>lm</u>	<u>5/19/77</u>			
Published in <u>Lincoln County Journal</u>				
Dates <u>5/19 & 5/26/77</u>				

IN THE MATTER OF:)
)
The flow of Coulee 700)
)
State of Idaho)
)
County of Lincoln)

AFFIDAVIT

J. Elmer Knight being first duly sworn,
deposes and says: To whom it may concern: I wish to certify that I have
been familiar with the flow of Coulee 700 since March, 1940 and
that the property now owned by Dean B. Cox, etux and described as
S 1/2, SE 1/4 and Tax 1 of NE 1/4, SE 1/4, section 2 T.5S. R.16
E.B.M. Lincoln County, Idaho has had continuous and uninterrupted
use of water diverted from the above mentioned coulee for livestock
and irrigation purposes.

J. Elmer Knight
(signature)

Subscribed and sworn to before me this 11TH day of April 1977.

P. Bing Parkinson
(notary public)

Residing at _____
My commission expires _____

MY COMMISSION EXPIRES _____
NOTARY PUBLIC STATE OF _____
DESIGNATED BY _____

IN THE MATTER OF:)
The water flow of Coulee 700)
Lincoln County)

AFFIDAVIT

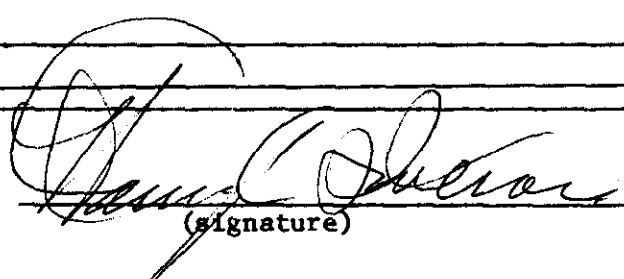
State of Idaho)
County of Lincoln)

Legal description: Section 2, Township 5 South,
Range 16 EBM., S $\frac{1}{2}$ SE $\frac{1}{2}$ and T $\frac{1}{2}$ ax 1 of NE $\frac{1}{4}$ SE $\frac{1}{4}$
Lincoln County, Idaho.

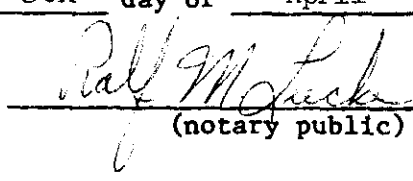
Harvey C. Iverson being first duly sworn,

deposes and says: I have been a resident since 1945 of this area and am now and
have been in the real estate business most of that time. I am familiar with the
above captioned farm and am familiar with the flow of Coulee 700. The water from 700
Coulee has been used for irrigation and stock water on this farm for the past 31 years
that I can verify. I will testify to the above facts in any court of law if called
upon to do so.

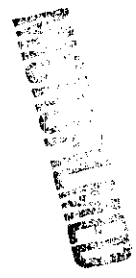
[The following section of the document is crossed out with a large diagonal line.]


(signature)

Subscribed and sworn to before me this 8th day of April 19 77 .


(notary public)

Residing at Gooding, Idaho .
My commission expires Lifeterm .



AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Lincoln } SS.

MAY 17 1977

Department of Water Resources
Southern District Office

Melba Thorne, being first duly sworn, deposes and says that he is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, Lincoln County, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 19 day of May, 1977, and the date of the last publication was on the 26 day of May, 1977.

Melba Thorne

Subscribed and sworn to before me this 26

day of May, 1977.
(SEAL)

Wayne H. Hagan
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Lines in Notice

Number of Insertions

Lines tabular at	315c	
<u>32</u> Lines straight at	21c	<u>6.72</u>
<u>32</u> Subsequent lines at	15c	<u>4.80</u>
TOTAL COST		<u>11.52</u>

COPY OF NOTICE

(Paste Here)

Water Permit

TITLE OF NOTICE

Col (37-4081)

PLAINTIFF ATTORNEY

DEFENDANT

[Illegible text, likely a photocopy of a document with heavy noise and bleed-through.]

By C. Stephen Alfred
Director

Feb. 5-11, 77

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

ok/Am
6/3/77

No 1632

April 26, 1977

Mr. Dean B. Cox
14552 Donegal Dr.
Westminster, California
92683

Dear Mr. Cox:

We received your claim on April 22, 1977, but did not find the fee which is \$10.00 enclosed. We will not be able to process this claim until we have received the filing fee.

Please submit at your earliest convenience.

Thank you.

Sincerely,

Gary Funderburg
Senior Water Resource Agent

GF:sb

RECEIVED

RECEIVED

AUG 24 1981

August 19, 1981

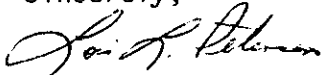
Department of Water Resources

Director of Department of Water Resources
Statehouse
Boise, Idaho 83720

Gentlemen:

Please find enclosed a copy of the water and ditch agreement to the use of the waters of 700 Creek. This agreement pertains to the use of the waters of 700 Creek and bears directly on any determination of the uses of these waters. I request that this agreement be included in the records of claims 37-4079, 37-4081, 37-4088 and any future claims which may be filed to the waters of 700 Creek.

Sincerely,



Lois L. Peterson
Rt. 1 Box 90
Shoshone, Idaho 83352

AUG 24 1981

Department of Water Resources

and General Sales Manager, and authorized to execute said instrument for and on behalf of the Michfield Oil Corporation and acknowledged to me that such Corporation executed same.

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

(N.P.S.E.L.)

WILL F. STONE
Notary Public in and for the County of
Los Angeles, State of California
My Commission Expires May 20, 1982

Recorded at the request of Security Title Company, Val 11:03 A.M. on May 26, 1981

Geraldine Devaney, Deputy

Luella L. Kinsey, Recorder

Fee: \$3.50

2000

2000

#105092

DITCH AND WATER AGREEMENT

THIS AGREEMENT, made between D. Sid Smith and Alta G. Smith, his wife, and Ross Boyd and Marguerite Boyd, his wife, (first parties), Max Boesiger and Ruth H. Boesiger, his wife, and Mary Boesiger, a widow, second parties, and William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife; Clarence K. Tews, a bachelor; Marguerite Tews, a spinster; Dean B. Cox and Beatrice J. Cox, his wife; D. D. Velasquez and Josephine Velasquez, his wife; third parties, for the purpose of effecting a mutual understanding and agreement between the contracting parties relative to ditch and water rights in Coulee 700 and the water flowing therein, which Coulee empties into Big Wood River in the approximate southwest corner of Section Eleven (11), Township Five (5) South, Range Sixteen (16) E.B.M., Lincoln County, Idaho, and for the purpose of compromising and settling the controversy involved in the case of Smith vs. Lowry, #3345, now pending in the District Court of Lincoln County, Idaho,

IT IS HEREBY MUTUALLY UNDERSTOOD AND AGREED:

1. First Parties, D. Sid Smith and Alta G. Smith, are the owners of the following described lands situate in Lincoln County, Idaho, which are irrigated in part from the water of said coulee:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10) South Half of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Southwest Quarter (SW $\frac{1}{4}$) and the West Half of the Southeast quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eleven (11); the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section Fourteen (14); and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$) of Section Fifteen (15), all in Township Five (5) South, Range Sixteen (16) E.B.M.

First parties, Ross Boyd and Marguerite Boyd, his wife, are the owners of:

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Eleven (11), Township Five (5) South, Range Sixteen (16) E.B.M.,

which is irrigated in part from the waters of said coulee.

2. Second parties, Mary Boesiger, a widow, and Max Boesiger and Ruth H. Boesiger, his wife, are the owners of:

The Southwest Quarter (SW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M., which lands are irrigated in part from the waters of said Coulee 700.

3. Third parties are the owners of the following lands which are irrigated in part from the waters of said coulee:

(a) William G. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence K. Tews, a bachelor, and Marguerite Tews, a spinster, owners of the following:

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Sixteen (16) E.B.M.; Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Sixteen (16) E.B.M.; Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Sixteen (16) E.B.M.; and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township Four (4) South, Range Sixteen (16) E.B.M.; and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty (30), Township Four (4) South, Range Seventeen (17) E.B.M., Lincoln County, Idaho.

(b) Dean B. Cox and Beatrice J. Cox, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M., and also the following described land: Beginning at the northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2), thence due north on the east line of said quarter a distance of eight hundred (800) feet, thence west on a line parallel with the south line of said Section Two (2) a distance of four hundred (400) feet, thence in a southerly westerly direction to the northwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Two (2), thence east to the place of beginning, containing ninety-six (96) acres, more or less, in Lincoln County, Idaho.

(c) D. D. Velasquez and Josephine Velasquez, his wife, owners of the following:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-five (35), Township Four (4) South, Range Sixteen (16) E.B.M., Lot Four (4) of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section One (1), Township Five (5) South, Range Sixteen (16) E.B.M., and Lot One (1) of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Two (2) Township Five (5) South, Range Sixteen (16) E.B.M.

4. Each and all of the parties also utilize waters from said coulee for domestic and stock water purposes on their respective lands.

5. It is understood and agreed:

(a) That D. D. Velasquez and Josephine Velasquez, his wife, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulee in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said coulee.

(b) That William G. Tews and Mary Tews, his wife, Lawrence I. Tews and Elizabeth Tews, his wife, Clarence E. Tews, a bachelor, and Marguerite Tews, a spinster, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stock water purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulee in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said coulee.

(c) That Dean B. Cox and Beatrice J. Cox, his wife, shall have the right to continue diverting water from said coulee in the amount and for the irrigation of the quantity of lands, including domestic and stockwater purposes thereon, that they have heretofore diverted. They agree that the waste and return flow from such diversions shall continue to return to said coulee in the future as the same have in the past, and they agree that no increased acreage will be irrigated by them from said coulee.

6. It is understood and agreed that second parties shall have the right to pump and diverting water from said coulee for pumping and diverting water from said coulee for irrigation of the lands lying east of said coulee.

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

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Gooding) ss

On this 19th day of June, 1956, before me Branch Bird a notary public for the State of Idaho, personally appeared D. Sidney Smith and William G. Smith, known to me to be the persons whose names are subscribed to the within instrument as executors of the estate of Alta G. (Gooding) Smith, and acknowledged to me that they executed the same as such executors.

In Witness whereof I have hereunto set my hand and affixed my seal as of the day and year first above written.

(N.P. SEAL)

Branch Bird
Notary Public for the State of Idaho

Recorded at the request of Branch Bird, at 9:00 A.M. on July 3, 1956

Geraldine Devaney, Deputy

Luella L. Kinsey, Recorder

Fee: \$6.50

#105140

PROOF READ

STATE OF IDAHO
LAND SALE CERTIFICATE

New No. 18110

The State reserves the right to all coal, oil, shale, gas, phosphate, sodium and other mineral deposits contained in this land as required by Chapter 96 of the 1923 Session Laws.

This is to certify, that on the 10th day of October, 1924, the State of Idaho sold unto Bert Wyant, R #1, Richfield, Idaho, upon the terms and conditions hereinafter set forth, the following described State School lands, lying, situate and being in the County of Lincoln, State of Idaho SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Twp. 3 S, Rg. 19 E.B.M., containing 40 a. Consideration Four Hundred and No/100 (\$400.00) Dollars to be paid as follows, to-wit: Forty and No/100 (\$40.00) Dollars, the receipt whereof is hereby acknowledged, and the balance of Three Hundred Sixty and No/100 (\$360.00) Dollars in annual installments with interest at the rate of six per cent per annum, payable in advance on the first day of January of each year, as shown herewith, to-wit:

Record of Assignments

Assignee	Date
Harriet O. & Hassell Blankenship	9 29 47
Hailey, Idaho	11 14 47

Payments Endorsed as follows

When Due	Principal	Interest	Balance	Principal	Am. Paid	Receipt No.	Date Paid
Oct. 10, 1924	40.00	4.86	360.00		44.86	9755	10-28-24
Jan. 1 1925	9.00	21.06	351.00				
Jan. 1 1926	9.00	20.52	342.00				
Jan. 1 1927	9.00	19.98	333.00				
Jan. 1 1928	9.00	19.44	324.00				
Jan. 1 1929	9.00	18.90	315.00				
Jan. 1 1930	9.00	18.36	306.00				
Jan. 1 1931	9.00	17.82	297.00				
Jan. 1 1932	9.00	17.28	288.00				
Jan. 1 1933	9.00	16.74	279.00				
Jan. 1 1934	9.00	16.20	270.00				
Jan. 1 1935	9.00	15.66	261.00				
Jan. 1 1936	9.00	15.12	252.00				
Jan. 1 1937	9.00	14.58	243.00				
Jan. 1 1938	9.00	14.04	234.00				
Jan. 1 1939	9.00	13.50	225.00				
Jan. 1 1940	9.00	12.96	216.00				

and year in this certificate first above written.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Elmore) ss

On this 28th day of June, 1956, before me, Branch Bird, a Notary Public in and for said State, personally appeared Max Boesiger and Ruth H. Boesiger, his 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.

(N.P. SEAL)

BRANCH BIRD
Notary Public for the State of Idaho,
Residing at Gooding, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 9th day of December, 1955, before me, Howard E. Adkins, a Notary Public in and for said State, personally appeared Mary Boesiger, a widow, 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.

(N.P. SEAL)

HOWARD E. ADKINS
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 10th day of February, 1956, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared William C. Tews and Mary Tews, his wife, Lawrence Z. Tews and Elizabeth Tews, his wife, Clarence R. Tews, a bachelor, and Marguerite Tews, a spinster, 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.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared Dean B. Cox and Beatrice J. Cox, his 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.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho,
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared D. D. Velasquez and Josephine Velasquez, his 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.

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When this contract has been fully executed the case of Smith vs. Lorry, mentioned in the first paragraph hereof, shall be dismissed without prejudice and without costs.

IN WITNESS WHEREOF, the contracting parties have hereto set their hands this 8th day of September, 1954.

ALTA G. SMITH, Deceased

By D. Sidney Smith

By William G. Smith
Executor

/s/

D. SID SMITH
D. Sid Smith

Alta G. Smith

ROSS BOYD
Ross Boyd

MARGUERITE BOYD
Marguerite Boyd

FIRST PARTIES

MAX A. BOESIGER
Max Boesiger

RUTH H. BOESIGER
Ruth H. Boesiger

MARY BOESIGER
Mary Boesiger

SECOND PARTIES

WILLIAM G. TOWS
William G. Tows

MARY TOWS
Mary Tows

LAWRENCE Z. TOWS
Lawrence Z. Tows

ELIZABETH TOWS
Elizabeth Tows

CLARENCE R. TOWS
Clarence R. Tows

MARGUERITE TOWS
Marguerite Tows

DEAN B. COX
Dean B. Cox

BEATRICE J. COX
Beatrice J. Cox

DONALD D. VELASQUEZ
Donald D. Velasquez
D. D. VELASQUEZ

JOSEPHINE VELASQUEZ
Josephine Velasquez

THIRD PARTIES

STATE OF IDAHO)
County of Lincoln) ss

On this 8th day of September, 1954, before me, Jack M. Murphy, a Notary Public in and for said State, personally appeared D. Sid Smith, known to me to be the person 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, this 8th day of September, 1954, at Shoshone, Idaho.

(N.P. SEAL)

JACK M. MURPHY
Notary Public for the State of Idaho
Residing at Shoshone, Idaho

STATE OF IDAHO)
County of Lincoln) ss

On this 15th day of March, 1955, before me, Jack M. Murphy, a Notary Public in and for said state, personally appeared Ross Boyd and Marguerite Boyd, 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, this 15th day of March, 1955, at Shoshone, Idaho.

of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2) for diverting water for domestic purposes and stock water thereon, to the same extent and in the same manner heretofore enjoyed by them. They agree that the waste and return flow from said ditches shall continue to return to said Coulee 700 in the future as the same have in the past, and they agree that no increased acreage will be irrigated through said diversion and pumps.

7. The remainder of the waters in said coulee 700 shall be owned and divided equally by first parties and second parties, one-half thereof by first parties and one-half by second parties. Such waters shall be diverted at the diversion point on said coulee where second parties have heretofore been diverting their water from said coulee, the same being a check or dividing box which is located in the approximate center of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Two (2), Township Five (5) South, Range Sixteen (16) E.B.M. There shall be operated and maintained at said point a two-way diversion box so constructed and maintained as to divert one-half the flow of said coulee at said point westerly into the ditch of second parties, and to permit one-half the flow of the said coulee at such point to continue flowing in said coulee 700 for the use and benefit of first parties and their lands.

8. First parties and second parties will share equally in the cost of constructing, maintaining and operating said diversion box and check, and the same shall be maintained and operated in such manner as to at all times and under all conditions, so far as reasonably possible, divert the flow at such point equally between first parties and second parties, so that each shall have a continuous flow of his share of such water for irrigation, domestic and stock water purposes. All other contracting parties shall individually maintain and keep in repair their respective diversion works. All general expenses and costs of cleaning, repairing and keeping in condition the coulee proper, as distinguished from the diversion works, will be paid by the parties to this contract on a pro rata basis.

9. All water rights enjoyed by the contracting parties in and to the water of said coulee, as well as all ditch rights and rights of way in said coulee, shall have and enjoy the same priority, so that no person to this contract shall have or own any prior right to any other user from the coulee;

10. It is further understood and agreed that the contracting parties shall endeavor to operate said coulee and diversion works without the necessity of a ditch rider or watermaster, but in the event of disagreements or the inability of the parties to operate in this manner and it becomes necessary and advisable to employ a ditch rider or watermaster, then nothing in this contract shall prevent procedure being adopted for that purpose in the manner provided for by the laws of the State of Idaho.

11. Each of the contracting parties shall have the right to enter upon the lands and property of each of the other contracting parties at such reasonable times and to such reasonable extent as may be necessary to maintain the coulee and the diversion works therefrom of the respective parties.

It is agreed that the several parties to this contract are individually entitled to receive water through their respective diversions at such times and in such amounts as may be reasonably necessary for the irrigating of their lands and for domestic and stock water purposes thereon.

The agreements herein contained shall constitute covenants running with the lands of the respective parties, and shall be binding upon the contracting parties and the successors in interest of the contracting parties.

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ACTION

N OWNER LAST NAME - COX
N OWNER LAST NAME - COX
N ADDRESS LINE 1 - 14552 DOUGLAS DR.

FIRST NAME - DEAN B.
FIRST NAME - BEATRICE J.

CITY - WESTMINSTER

STATE - CA ZIP CODE - 92683

N SOURCE - 700 WASTE DITCH

N STAGE - STAIRY CLM

PRIORITY - 05-01-1940 COUNTY - LINCOLN TOTAL DIV. RATE - .7000CFS

N DIVERSION POINT - NWSE 02 05S 16E

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .7000CFS

N FROM - 01-01 TO - 12-31 USE - STOCKWATER

N USE - IRRIGATION

PLACE OF USE - 1WN 05S RNG 16E SEC 02 TRACT SWSE AC 35

IDENT. NO. 37-408)

WATER RIGHT
DATA ENTRY LOG[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 37-4081
Old No. New No.

Record

1. Original Owner: Dean B. & Beatrice J. Cox

Present Owner: _____

2. Address: 14552 Douglas Dr.3. City: Westminster State: CA Zip: 926834. A. Source of Water: ~~Coulter 700~~ near ~~600~~ 700 Waste DitchB. Tributary of: ~~Coulter 700~~5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1940D. County: 63E. Total Diversion Rate: .7

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NWSE</u>	<u>2</u>	<u>5S</u>	<u>16E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount .7
(cfs or ~~AC-FT~~/yr)from 1-1 to 12-31 for S purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
58	16E	2																35	

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. _____

Source

Point of Diversion

County

Quantity of Water and Period of Use

Description of Diverting Works

Time required for B/U of water

Place of Use or Acres Irrigated

Map

Signature

Fee

(1) _____ _____

In form to receipt

(2) _____ _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) _____ _____

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

Request Easement from B.L.M.

Request Information from Applicant

Request Dam Safety Information

(4) _____ _____

In form for advertising

(5) _____ _____

Platted on Map No. _____

(6) _____ _____

Located within Water District No. _____

(7) _____ _____

Critical groundwater area: yes _____ no _____

(8) _____ _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____ _____

Other rights on the same place of use

(10) _____ _____

Comments: _____

(11) _____ _____

Affidavit of Publication received(date) _____

(12) _____ _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____ _____

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

(14) _____ _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

District _____ By _____ Date _____

NOTICE OF CLAIM TO A WATER RIGHT

NO. 37-4081

Notice is hereby given that Dean B. &/or Beatrice J. Cox

Westminster, CA 92683

has filed a claim to a water right established by diversion and application
to beneficial use of .70 cubic feet per second ~~some feet per second~~

of water from 700 Waste Ditch

with point of diversion in the NW1/4 Sec. 2, Twp. 5S, Rge. 16E., B.M.,

Lincoln County

The water is claimed to be used from Apr. 1 to Nov. 1

with a priority of 1940;

the place of use is within the SW1/4 Sec. 2, Twp. 5S, Rge. 16E., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 on or before June 6, 1977.

R. KEITH HIGGINSON

Director

Published in the Lincoln County Journal

on May 19 and May 26, 1977

RECORDED

SHONI LEGALS — le

012/
Jan 5/19/77
**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 37-4081**

Notice is hereby given that Dean B. &/or Beatrice J. Cox, Westminster, CA 92683 has filed a claim to a water right established by diversion and application to beneficial use of .70 cubic feet per second of water from 700 Waste Ditch with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 5S, Rge. 16E., B.M., Lincoln County.

The water is claimed to be used from Apr. 1 to Nov. 1 with a priority of 1940 the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 5S, Rge. 16E., B.M.

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

/s/ C. Stephen Allred
Director
Pub: 5-19, 26

MICROFILMED

May 10, 1977

Lincoln County Journal
P. O. Box 704
Shoshone, ID 83352

RE: Claim to a Water Right #37-4081-Dean B. &/or Beatrice J. Cox

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

MLS:sm

Enclosure

Bill submitted: _____