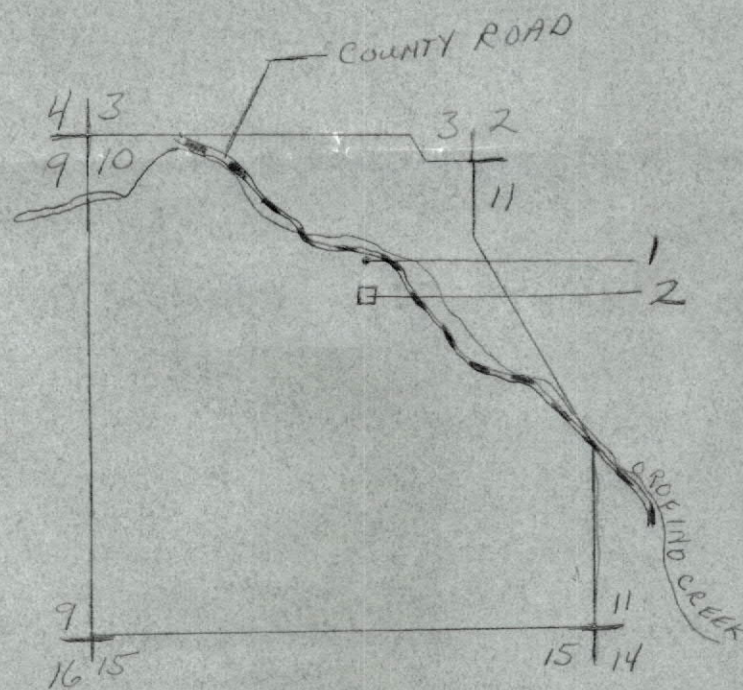


R 2 E

T 36 N



MICROFILMED

USDA - SOIL CONSERVATION SERVICE
ROUTE 2 BOX 7C
DROFIND, ID 83544

TRACED FROM U.S.G.S. QUAD SHEET FOR DROFIND EAST, IDAHO

SCALE
1:24000

DATED 1967
By Jim Burnham
SOIL CONS. TECH.
USDA SCS

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claims to Water
Rights - 84-4163, 84-4164

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 6th day of May, 1982, and ending on the 13th day of May, 1982

Subscribed and sworn to before me this 27th day of May, 1982

Nancy Noble
Betty E. Knight

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIMS TO WATER RIGHTS

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

84-4163

SPENCER, CHESTER
P.O. BOX 1487, OROFINO,
ID 83544

Source: SPRING tributary to OROFINO CREEK; OROFINO CREEK tributary to CLEARWATER RIVER

Priority Date: 01/01/1937

Amount: 0.07 CFS

Diversion Point: NWNE Sec 09 T 36N R 02E, CLEARWATER CO.

Use: IRRIGATION (0.03 CFS) from 03/15 to 11/15; DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NWNE Sec 09 T 36N R 02E FOR 1 ACRES

84-4164

LUSTIG, RANDY &/or
SALLY

MANNING, JOHN &/or
ELSIE

BAUCH, PAUL &/or GLENDA

RT. 2 BOX 53B, OROFINO,
ID 83544

Source: OROFINO CREEK tributary to CLEARWATER RIVER

Priority Date: 01/01/1960

Amount: 0.03 CFS

Diversion Point: SWNE Sec 10 T 36N R 02E, CLEARWATER CO.

Use: IRRIGATION (0.03 CFS) from 05/01 to 10/31

Place of Use: SWNE Sec 10 T 36N R 02E FOR 2 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Gov't Way, Coeur d'Alene, ID 83814

A. KENNETH DUNN
Director
5-6,13c

RECEIVED

JUN 1 1982

Department of Water Resources
Northern District Office

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RECEPTION
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DELIVERED
MAILED

145683

MAY 22 1987

WARRANTY DEED

Department of Water Resources

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, Randy L. Lustig and Sally J. Lustig, husband and wife, the grantors, do hereby convey, grant and warrant unto Tracy Haag and Annette Adams, both single persons, 2164 Orofino Ck. Rd., Orofino, Idaho 83544, the grantees, the following described real property situate in Clearwater County, Idaho, to-wit:

A portion of the SW 1/4 NE 1/4 of Section 10, Township 36 North, Range 2 E.B.M., more particularly described as:

Beginning at a point on the North line of said SW 1/4 NE 1/4, which point is 425 feet S. 37° E. from the Northwest corner of said SW 1/4 NE 1/4; thence S. 87° E. along the property fence line 96.1 feet, more or less, to the point of intersection with the Westerly right of way line of the County Road; thence S. 30°55' E. along said Westerly right of way line of said County Road 165.2 feet; thence N. 87° W. 190 feet, more or less, to a point S. 3° W. of the point of beginning; thence N. 3° E. along the property fence line to the point of beginning.

EXCEPTING therefrom the southerly 30 feet thereof.

TOGETHER WITH all that certain Water Right and Easement, dated July 30, 1959, and recorded in Book 48 of Deeds, page 347, Records of Clearwater County, Idaho; which said water right and easement lies in the SW 1/4 NE 1/4 of Section 10, Township 36 North, Range 2 E.B.M.

THIS CONVEYANCE is subject to a certain Deed of Trust to secure the sum of \$14,500 dated May 29, 1984, and recorded June 5, 1984, as Instrument Number 138427, Clearwater County Records, executed by Randy L. Lustig and Sally J. Lustig, as grantors, to Title and Trust Company, as trustee, and First Security Bank of Idaho, N.A. as beneficiary, which Deed of Trust and the Deed of Trust Note secured thereby the grantors agree to pay in full prior to final payment of a certain Second Deed of Trust executed by the grantees hereunder to the grantors simultaneously herewith.

This Warranty Deed is executed this 15th day of September 1986, by the grantors to the grantees named above.

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JUL 10 1987

Randy Lustig
Randy L. Lustig

Sally J. Lustig
Sally J. Lustig

1 STATE OF Washington

2 County of Grant

3 On this 26th day of Sept., 1986, before me, the undersigned, a notary
4 public in and for the State of Washington, personally appeared Randy L.
5 Lustig and Sally J. Lustig, known to me to be the persons whose names are
6 subscribed to the within instrument and acknowledged to me that they executed
7 the same.

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

10 Patricia B. Bittler
11 Notary public in and for the State of
12 Washington, residing at Roses Lake
13 therein

14 filed and recorded at the request of INTERMOUNTAIN TITLE CO
15 at 1020 o'clock A.M., this 29th day of September, 1986
16 Allen Medalen By: Cindy Downing
17 Ex-Officio Auditor-Recorder Deputy
18 Clearwater County, Idaho

19 Returns:

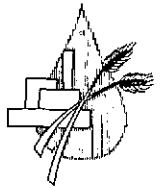
20 400 INTERMOUNTAIN TITLE CO.

21
22
23
24
25 MICROFILMED

JUL 10 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Randy & Sally Lustig RT2 Bx 53B Orofino 83544
(Name of Claimant)
Paul & Glenda Baugh
(Mailing Address) Orofino ID. (Zip Code) Telephone No. Baugh 476-3143

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) approx 1960

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Orofino Creek tributary to Clearwater River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Per telcon. w/Sally Lustig 4/29/82 TK
0.03 (cfs, af) (Domestic, Irrigation, Stock, Etc.)
Quantity 0.02 cfs Use irrigation Period of Use From 5-1 To 10-31
Quantity _____ Use _____ Period of Use From _____ To _____
Quantity _____ Use _____ Period of Use From _____ To _____
Quantity _____ Use _____ Period of Use From _____ To _____
Quantity _____ Use _____ Period of Use From _____ To _____

- (4) 0.03 cfs TOTAL QUANTITY USED.
(cfs, af) 1.5 acres

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 1/4, Sec. 10 Twp. 36N Rge. 2E B.M., County of Clearwater
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
15 horse pump - 50 gal. holding tank - 2 inch pipelines

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
<u>36N</u>	<u>2E</u>	<u>10</u>			<u>1.5 ac</u>														<u>1.5 ac</u>

No. of acres _____

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

NOTE: Include here the type and number of stock watered: _____
If you are claiming water as a member of an organization, list name of organization: _____

RECEIVED

(8) Remarks PHMP services three land owners.

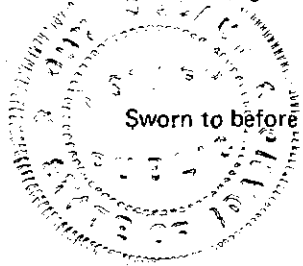
[illegible]

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)
) ss.
County of CLEARWATER)

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



Sworn to before me this 22nd day of April, 1982

Sally Gustig
(Claimant)

Notary Public
Residing at Orford, Idaho

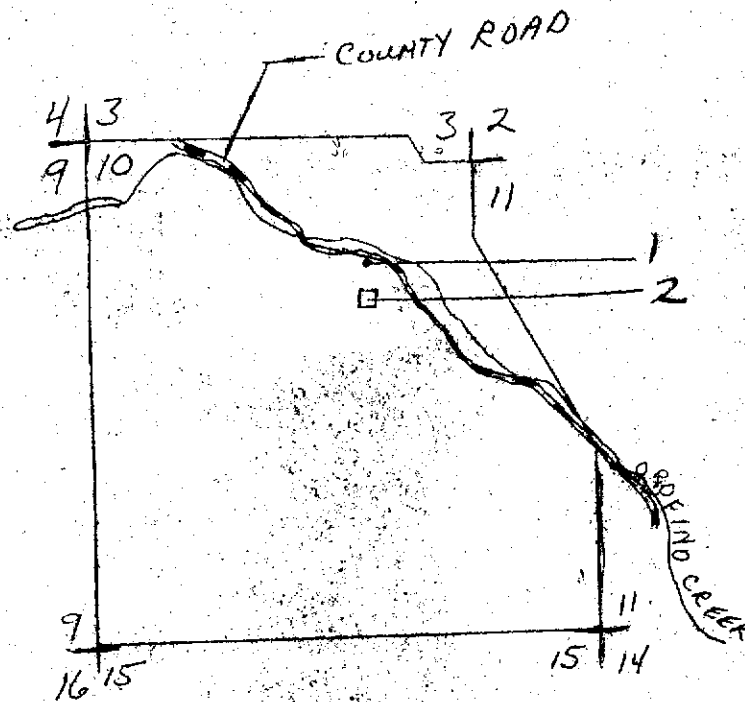
My commission expires September

FOR DEPARTMENT USE ONLY

Received by RSH Date 4/26/82 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by TK Date 4/26/82 claimant by: _____
 \$30.00 fee received by mm Date 4/27/82 (21267)
 Published in Clearwater Tribune _____
 Dates 5/6 & 13/82 _____

R 2 E

T 36 N



MICROFILMED

USDA - SOIL CONSERVATION SERVICE
ROUTE 2 BOX 70
DROFIND, ID 83544

TRACED FROM U.S.G.S. QUAD SHEET FOR DROFIND EAST, IDAHO

SCALE
1:24000

DATED 1967
BY Jim BURNHAM
SOIL CONSERV. TECH.
USDA SCS

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Claims to Water
Rights - 84-4163, 84-4164

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 6th day of May, 1982, and ending on the 13th day of May, 1982

Nancy Noble

Subscribed and sworn to before me this 27th day of May, 1982

Betty E. Knight

NOTARY PUBLIC, IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

NOTICE OF CLAIMS TO WATER RIGHTS
I hereby give notice that the following claim(s) to water rights have been established by diversion and application to beneficial use:
SPENCER, CHESTER
P.O. BOX 1487, OROFINO, ID 83544
Source: SPRING tributary to OROFINO CREEK; OROFINO CREEK tributary to CLEARWATER RIVER
Priority Date: 01/01/1937
Amount: 0.07 CFS
Diversion Point: SWNE Sec 09 T 36N R 02E CLEARWATER CO.
Use: IRRIGATION (0.03 CFS) from 03/05/40 to 11/15; DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: SWNE Sec 09 T 36N R 02E FOR 14 ACRES
LESTER, RANDY &/or SALLY
MANNING, JOHN &/or ELSIE
BAUCH, PAUL &/or GLENDA
RT. 2 BOX 53B, OROFINO, ID 83544
Source: OROFINO CREEK tributary to CLEARWATER RIVER
Priority Date: 01/01/1960
Amount: 0.03 CFS
Diversion Point: SWNE Sec 10 T 36N R 02E CLEARWATER CO.
Use: IRRIGATION (0.03 CFS) from 05/01/60 to 10/31
Place of Use: SWNE Sec 10 T 36N R 02E FOR 2 ACRES
Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 4055 Coeur d'Alene, ID 83814
A. J. BURN
Director
83814

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JUN 1 1982

Department of Water Resources
Northern District Office

RECEIVED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 9, 1987

RE: Claim Nos. 84-4152 & 84-4164

Tracy Haag &/or
Annette Adams
2164 Orofino Creek Rd.
Orofino, ID 83544

Dear Water Right Holders:

We are in receipt of correspondence and a copy of the Warranty Deed showing the change in ownership of property to which Claim Nos. 84-4152 & 74-4164 are appurtenant.

We have changed the Department's computer records to show that Tracy Haag and Annette Adams of 2164 Orofino Creek Rd., Orofino, ID 83544 are the current owners of the property.

Enclosed for your records are copies of the claim documents as they were originally filed. Also enclosed are copies of correspondence of January 25, 1982 and May 24, 1982 which provide additional information about the claims.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosures

cc: Jeanne Donley

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JUL 10 1987



P.O. BOX 1918...OROFINO, IDAHO 83544

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MAY 22 1987

Department of Water Resources

May 19, 1987

Department of Water Resources
State House
Boise, ID 83701

Dear Sir,

Enclosed is a copy of a Warranty Deed including property legal description, water rights and easement.

Mr. & Mrs. Tracey Haag have purchased said property from Mr. & Mrs. Randy Lustig, Claims #84-4152 and 84-4164.

Per phone conversation, I understand we are to make this change in your records by writing.

Thank you for your attention to this matter.

Sincerely,

Jeanne Donley
Sales Associate

JD/enc.

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JUL 10 1987



State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 84-4164 Applicant Lusty/Manning/Bauch

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By pm Date 6/2/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 6/28/82

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JUN 10 1982

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

IDENT. NO. 84-4164

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]



United States
Department of
Agriculture

Soil
Conservation
Service

USDA - SOIL CONSERVATION SERVICE
ROUTE 2 BOX 7C
OROFINO, ID 83544

Subject: Plot map and legal description for water rights
application.

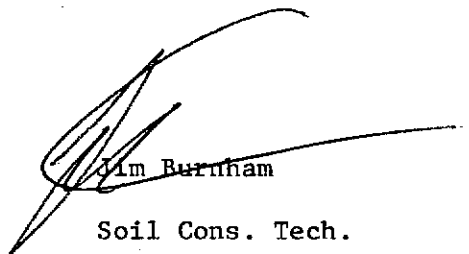
Date: 20 April 82

To: State of Idaho
Dept. of Water Resources
4055 Govt. Way
Rt. 5, Box 203 Suite 1
Coeur d'Alene, Id. 83814

Sir;

Am enclosing tracing with this application to help clarify the situation created by some off set section lines here in Clearwater Co. As seen on the tracing, Sec. 10 of T 36N R 2E the NE 1/4 is almost absent. I would appreciate your consideration and assistance in the plotting of the applicants use areas and their legal descriptions for this application. Point "1" on the tracing is a 1/2 acre garden spot and point "2" is approx. 1 acre garden spot. Due to irregularity of section lines it is beyond me as to how I would describe this property.

Thanks for your assistance, I am


Jim Burnham

Soil Cons. Tech.

USDA SCS

Orofino Field Office

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The Soil Conservation Service
is an agency of the
Department of Agriculture

SCS-AS-3
10-79

84-4164

LUSTIG, RANDY &/or SALLY
MANNING, JOHN &/or ELSIE
BAUCH, PAUL &/or GLENDA

RT. 2 BOX 53B, OROFINO, ID 83544

Source: OROFINO CREEK tributary to CLEARWATER RIVER

Priority Date: 01/01/1960

Amount: 0.03 CFS

Diversion Point: SWNE Sec 10 T 36N R 02E, CLEARWATER Co.

Use: IRRIGATION (0.03 CFS) from 05/01 to 10/31

Place of Use: SWNE Sec 10 T 36N R 02E FOR 2 ACRES

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

MAY 24, 1982

RANDY LUSTIG
SALLY LUSTIG
JOHN MANNING
ELSIE MANNING
PAUL BAUCH
GLENDA BAUCH
RT. 2 BOX 53B
OROFINO

ID 83544

RE: Claim No. 84-4164

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor