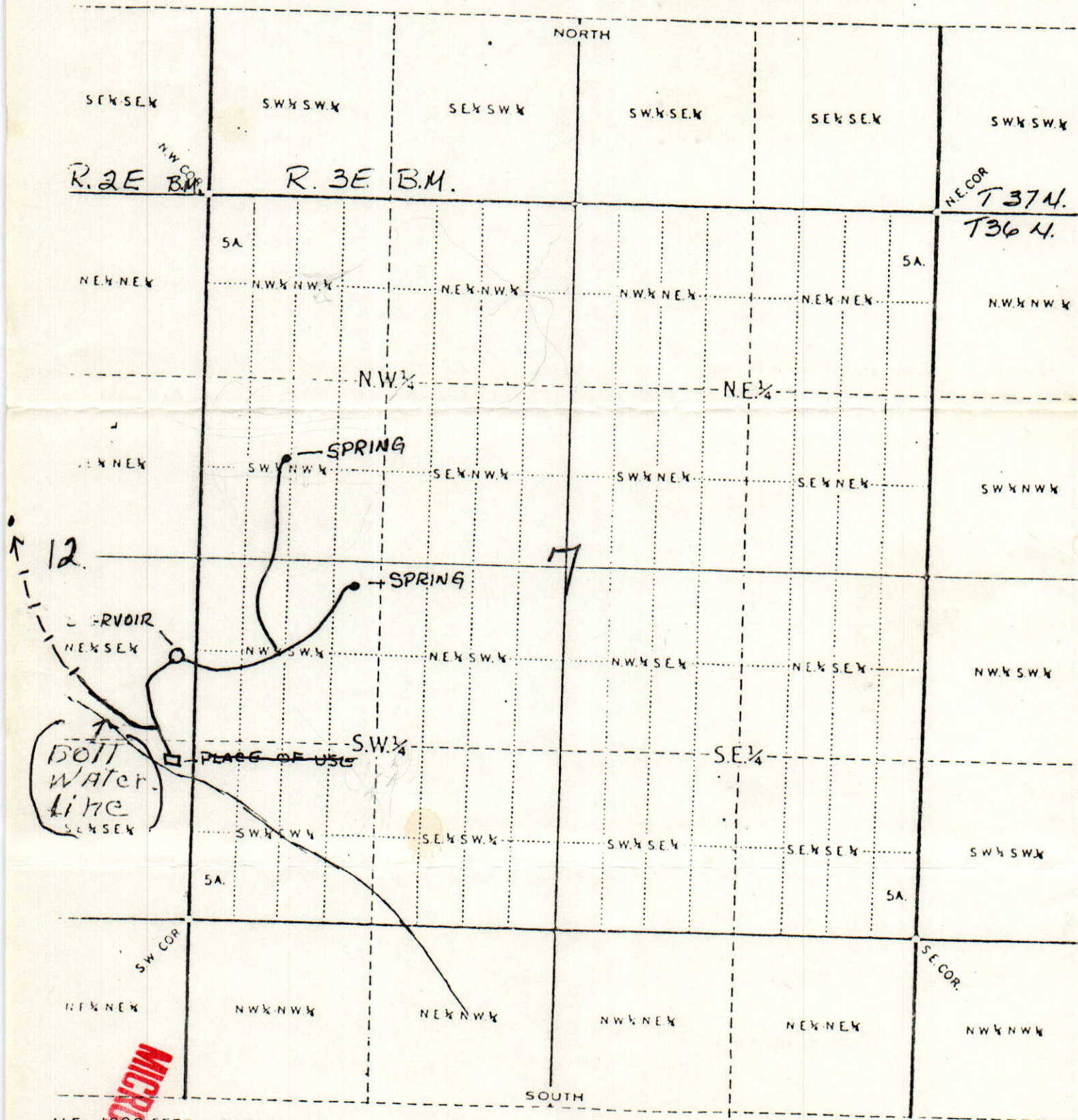


1723 SURVEYORS SECTION PLAT
THE CLASON MAP CO., CHICAGO DENVER

SECTION NO. _____ TWP. _____ RANGE _____ COUNTY _____ STATE _____



SCALE, 1000 FEET = ONE INCH

MICROFILMED

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 Amended Claim to
Water Right 84-4109

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 29th day of April, 19 82, and ending on the 6th day of May, 19 82

Subscribed and sworn to before me this 10th day of May, 19 82

Betty E Knight

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

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Edward T. or Shirley Bott has filed with the Department of Water Resources on April 15, 1982, Amended Claim to a Water Right No. 84-4109 which indicates the source of water as being two unnamed springs tributary to an unnamed creek which is tributary to Orofino Creek; instead of two unnamed springs tributary to sinks, which was the source described on the original claim.

Any exception to the above referenced amended claim must be filed with the State of Idaho, Department of Water Resources, 4055 Government Way, Coeur d'Alene, ID 83814.

A. KENNETH DUNN
Director
4-29; 5-6c

AK
6/2/82

RECEIVED

JUN 1 1982

Department of Water Resources
Northern District Office

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 Correction

Edward T. or Shirley Bott

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 5th day of June, 1980, and ending on the 12th day of June, 1980

Nancy Noble
Subscribed and sworn to before me this 17th day of June, 1980

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

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 84-4109 in the name of Edward T. or Shirley Bott was advertised incorrectly on May 8 and May 15, 1980.

The Place of Use was advertised incorrectly to read SWNE Sec 12 T 36N R02E; whereas correctly, it should read SWNE Sec 12 T36N R02E for 1 Acre.

Any exception to the above-referenced correction must be filed with the State of Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814.

C. STEPHEN ALLRED
Director
6-5.12c

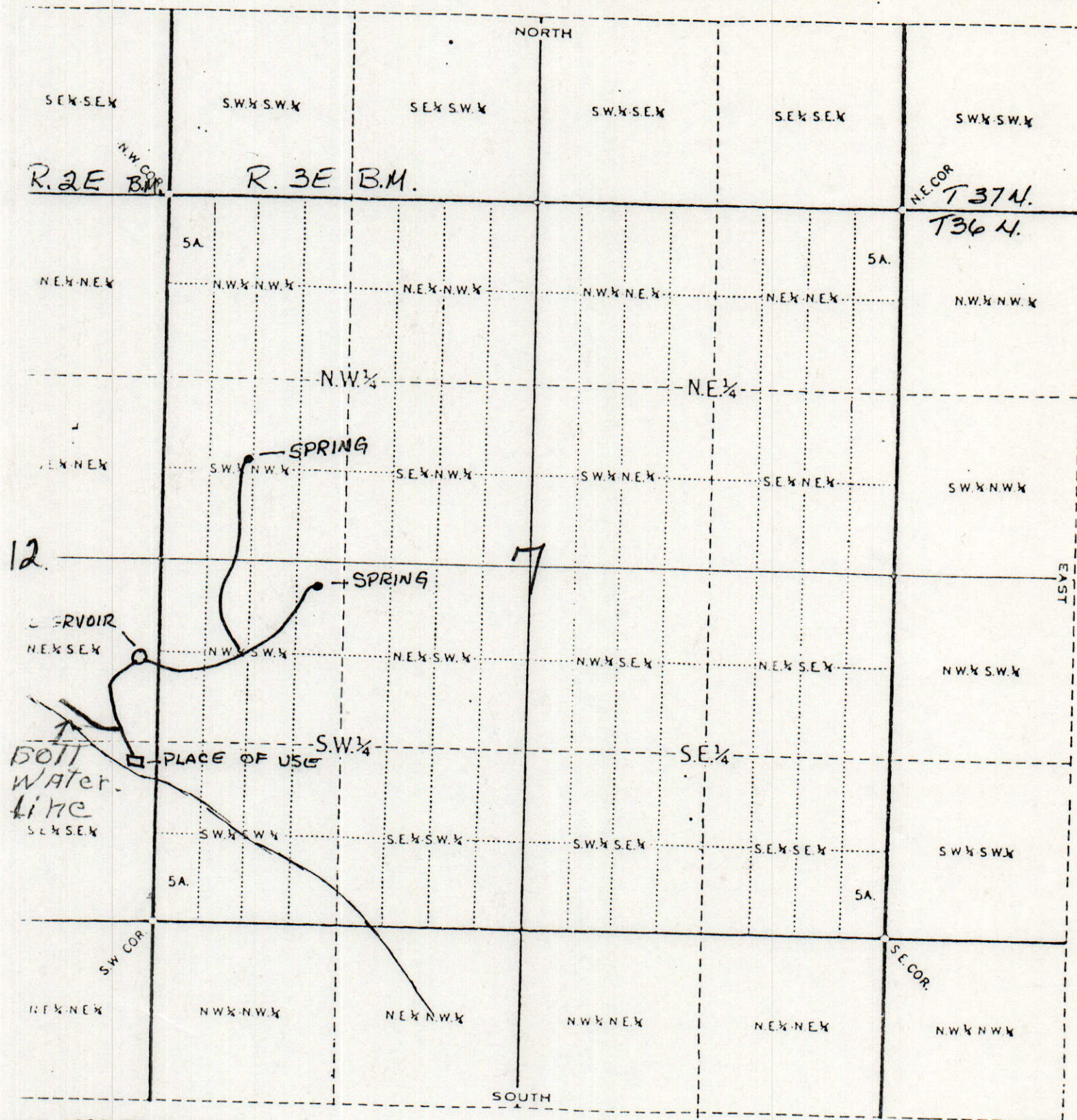
RECEIVED

JUL 1 1980

Department of Water Resources
Northern District Office

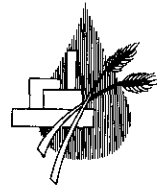
MICROFILMED

SECTION NO. _____ TWP. _____ RANGE _____ COUNTY _____ STATE _____



SCALE, 1000 FEET = ONE INCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
A M E N D E D
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 Edward T. or Shirley Bott
Rt. 2 Box 71 Orofino, Idaho 83544 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. _____

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

(1) Date of priority: (When was the water first applied to a beneficial use) 1966

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)
2 Unnamed Springs tributary to Unnamed Creek trib. to Orofino Ck.

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

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.02</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	<u>0.06</u>	Use _____	Period of Use From _____	To _____

(4) 0.06 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 7 Twp. 36N Rge. 3E B.M., County of Clearwater
Additional points of diversion: NWSW, Sec. 7, T36N, R3E.

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. 2 Developed springs with 1" pipe (gravity flow) 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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
36N	2E	12			X1														1

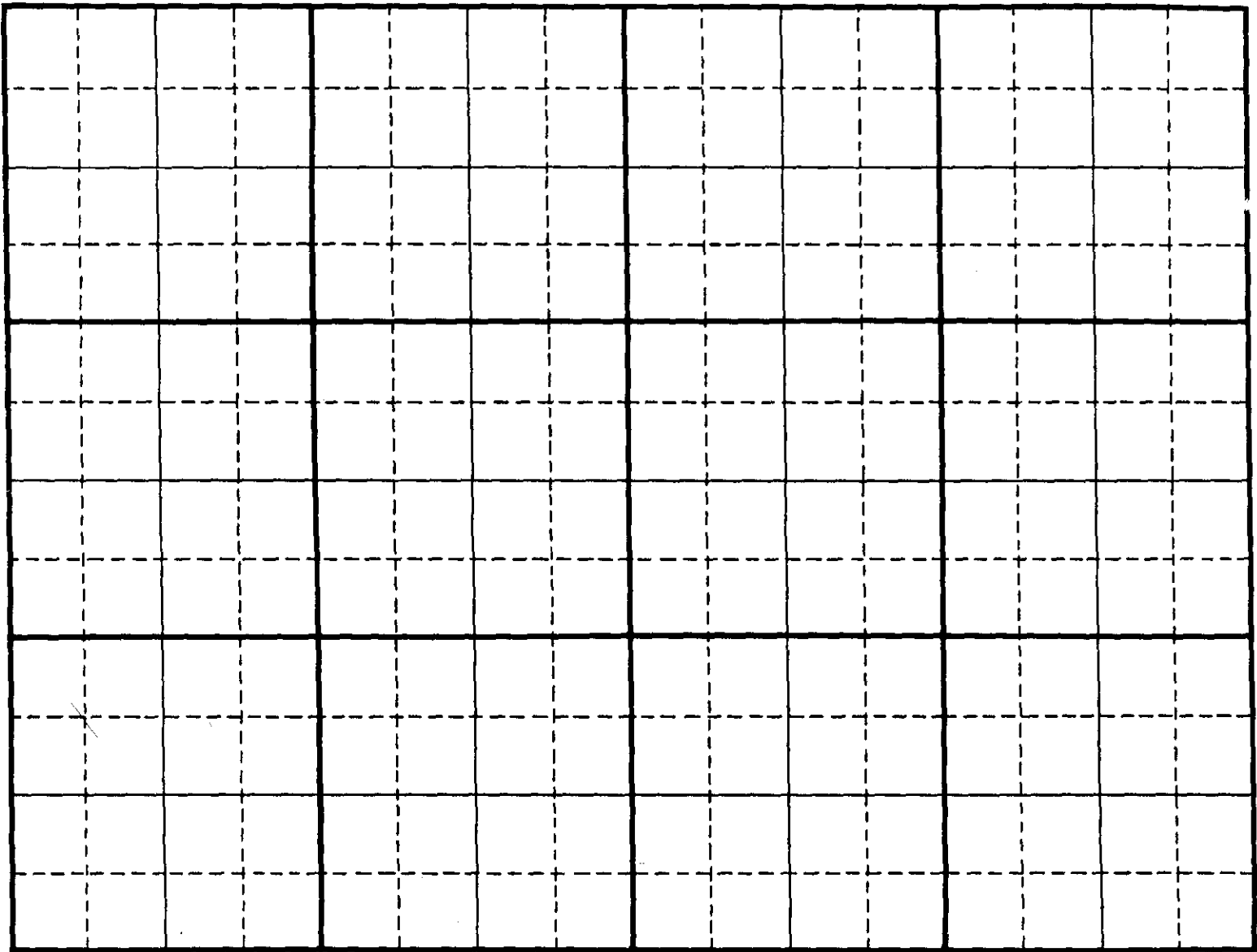
No. of acres 1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
One home and approximately 1 acre of irrigation.

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: _____

MICROFILMED

(8) Remarks The flow from the two springs is combined in a reservoir and is then equally divided between Jake Altmiller and claimants.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Clearwater) ss.

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

Sworn to before me this 14th day of April, 1982.

[Signature]
(Claimant)
[Signature]
Notary Public
Residing at Drifino, Idaho

My commission expires 10-1-84

FOR DEPARTMENT USE ONLY

Received by RAH Date 4/15/82 Exception filed by: _____ Forwarded to _____ Date _____
Preliminary check by TR Date 4/15/82 claimant by: _____
\$20.00 fee received by RAH Date _____
Published in Clearwater Tribune _____
_____ 4/29-5/6/82 _____

RECORDED

WATER RIGHT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of January, 1980, by and between ORAL W. LATHROP, a widower, herein called "LATHROP", and JAKE C. ALTMILLER and BARBARA E. ALTMILLER, husband and wife, herein called "ALTMILLER" and EDWARD T. "BUZZ" BOTT and SHIRLEY A. BOTT, husband and wife, herein called "BOTT"; all of Orofino, Clearwater County, Idaho;

WITNESSETH:

WHEREAS, Lathrop is the owner of the following described real property, situate in Clearwater County, Idaho, and more particularly described as follows; towit:

Township 36 North, Range 3 E.B.M.:

Section 7: N 1/2 SW 1/4 NW 1/4,

N 1/2 NW 1/4 NW 1/4;

Apparently incorrect

WHEREAS, Altmiller is the owner of the following described real property, situate in Clearwater County, Idaho, and more particularly described as follows, towit:

Township 36 North, Range 2 E.B.M.:

Sections 12 and 13: described as:

Commencing at the East section corner common to Sections 12, 13, Township 36 North, Range 2, East, Boise Meridian; thence due North a distance of 1020 feet to the true point of beginning;

Thence due North a distance of 300 feet to South 1/16 corner common to Sections 12 and 7; thence

Due North a distance of 125 feet; thence

Due West a distance of 765 feet; thence

South 32°30' E. a distance of 503 feet; thence

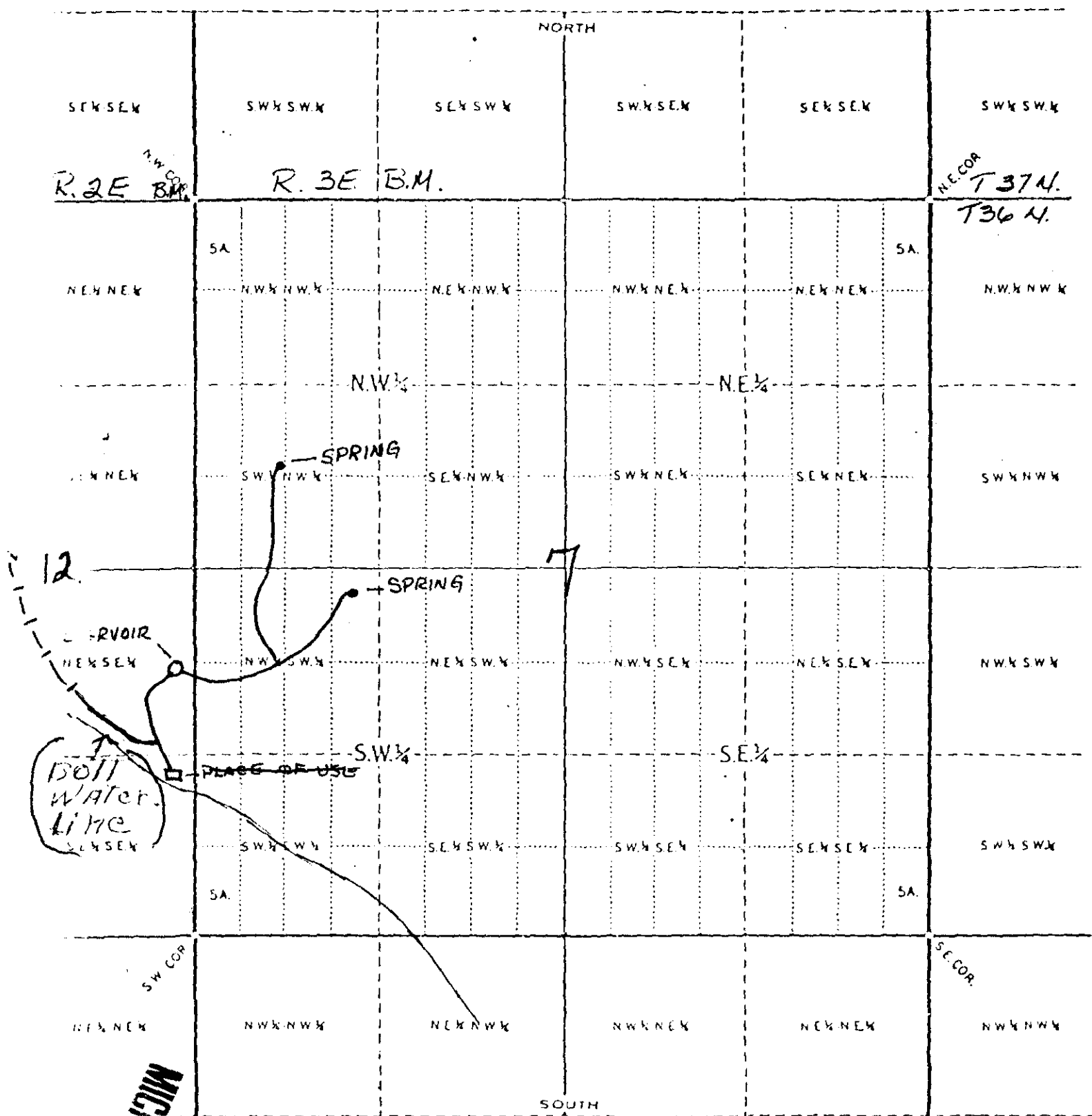
Due East a distance of 495 feet to the true point of beginning and comprising an area of approximately 6.15 acres; and

WHEREAS, Bott is the owner of certain real property situate in Clearwater County, Idaho, which is more particularly described as follows, towit:

MICROFILMED

1723 SURVEYORS SECTION PLAT
THE CLASON MAP CO., CHICAGO DENVER

SECTION NO. _____ TWP. _____ RANGE _____ COUNTY _____ STATE _____



SCALE, 1000 FEET = ONE INCH

MICROFILMED

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 Amended Claim to
Water Right 84-4109

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

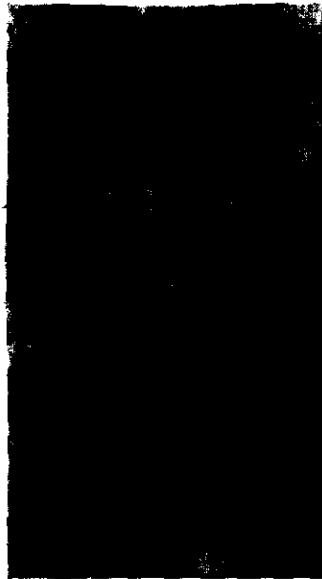
consecutive issues commencing on the 29th day of April, 19 82, and ending on the 6th day of May, 19 82

Subscribed and sworn to before me this 10th day of May, 19 82

Betty E. Knight

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

RK
6/2/82



RECEIVED

JUN 1 1982

Department of Water Resources
Northern District Office

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 Edward T. or Shirley Both
(Name of Claimant)
Rt 2, Box 71, Orofino, Id. Telephone No. _____
(Mailing Address) (Zip Code)

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) 1966

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)
2 Springs tributary to Sinks

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.02</u>	Use	<u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	<u>0.04</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.06 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NW 1/4, Sec. 7 Twp. 36 N Rge. 3 E B.M., County of Clearwater
Additional points of diversion: NW NW, Sec 7, T36 N, R3 E

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. 2 Developed Springs with 1" pipe (gravity flow) 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.

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>36 N</u>	<u>2 E</u>	<u>12</u>			<u>X</u>														<u>1</u>

No. of acres 1

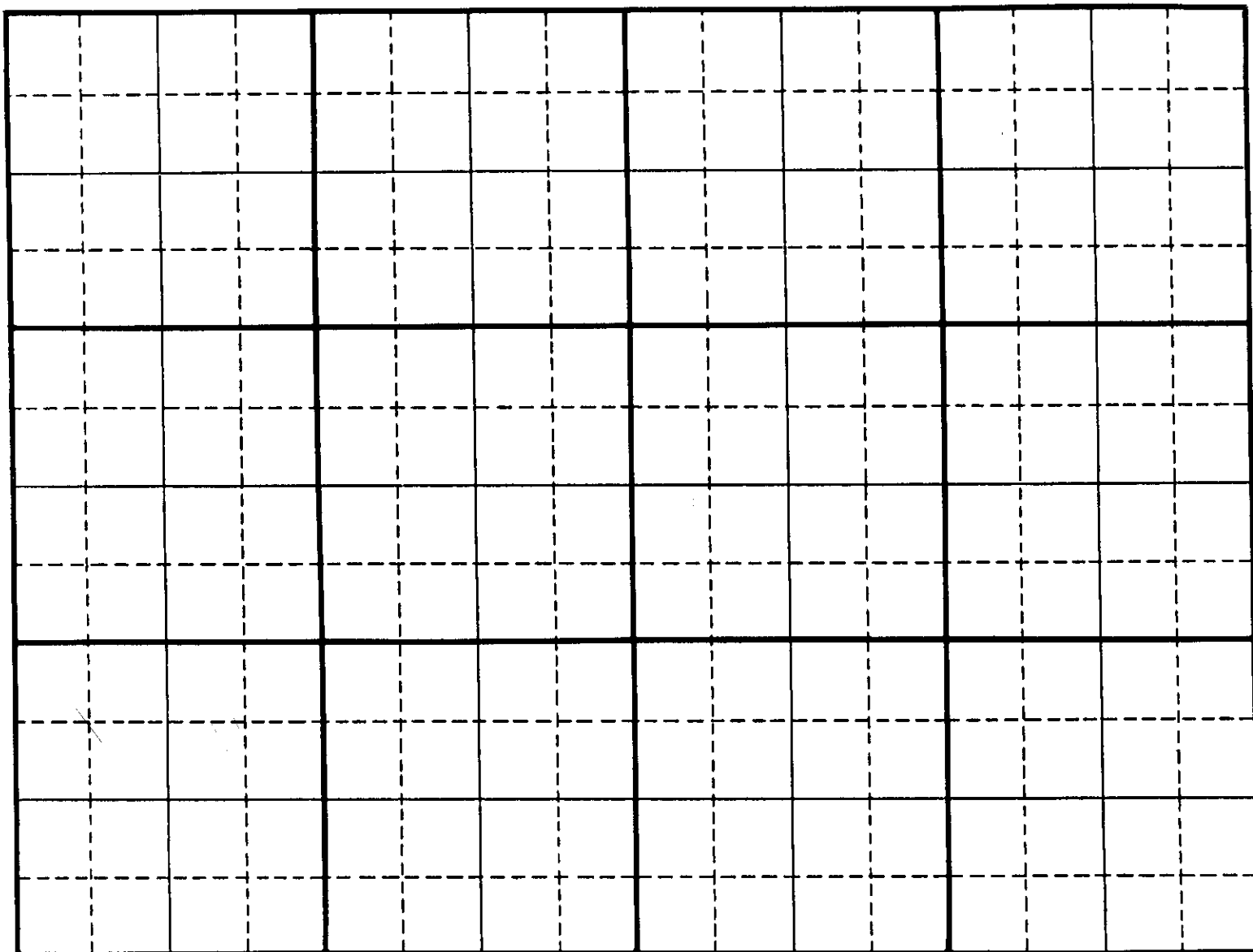
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
One home & approx one acre of irrigation

NOTE: Include here the type and number of stock watered:

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



(8) Remarks The flow from the two springs is combined
in a reservoir and is then equally divided between
Jake Altmiller & Claimants



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Clearwater) ss.

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

Sworn to before me this 23 day of April, 1980.

Shirley Dett
(Claimant)

Betty E. Knight
Notary Public
Residing at Prosser, Idaho

My commission expires NA

FOR DEPARTMENT USE ONLY

Received by <u>[Signature]</u>	Date <u>4/28/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>[Signature]</u>	Date <u>4/30/80</u>		claimant by:	
\$20.00 fee received by <u>[Signature]</u>	Date <u>5/2/80 (169.26)</u>			
Published in <u>Clearwater Tribune</u>				
Dates <u>5/8 & 15/80</u>				

WATER RIGHT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of January, 1980, by and between ORAL W. LATHROP, a widower, herein called "LATHROP", and JAKE C. ALTMILLER and BARBARA E. ALTMILLER, husband and wife, herein called "ALTMILLER" and EDWARD T. "BUZZ" BOTT and SHIRLEY A. BOTT, husband and wife, herein called "BOTT"; all of Orofino, Clearwater County, Idaho;

WITNESSETH:

WHEREAS, Lathrop is the owner of the following described real property, situate in Clearwater County, Idaho, and more particularly described as follows; towit:

Township 36 North, Range 3 E.B.M.:
Section 7: N 1/2 SW 1/4 NW 1/4,
N 1/2 NW 1/4 NW 1/4;

WHEREAS, Altmiller is the owner of the following described real property, situate in Clearwater County, Idaho, and more particularly described as follows, towit:

Township 36 North, Range 2 E.B.M.:
Sections 12 and 13: described as:

Commencing at the East section corner common to Sections 12, 13, Township 36 North, Range 2, East, Boise Meridian; thence due North a distance of 1020 feet to the true point of beginning;

Thence due North a distance of 300 feet to South 1/16 corner common to Sections 12 and 7; thence

Due North a distance of 125 feet; thence

Due West a distance of 765 feet; thence

South 32°30' E. a distance of 503 feet; thence

Due East a distance of 495 feet to the true point of beginning and comprising an area of approximately 6.15 acres; and

WHEREAS, Bott is the owner of certain real property situate in Clearwater County, Idaho, which is more particularly described as follows, towit:

The N 1/2 SE 1/4 of Section 12, Township 36 North, Range 2 East of the Boise Meridian, excepting therefrom

LESS: Commencing at the East section corner common to Sections 12, 13, Township 36 North, Range 2, East of the Boise Meridian; thence due North a distance of 1020 feet to the true point of beginning; Thence due North a distance of 300 feet to the South 1/16 corner common to Sections 12 and 7; thence due North a distance of 125 feet; thence due West a distance of 765 feet; thence South 32°30' E. a distance of 503 feet; thence due East a distance of 495 feet to the true point of beginning and comprising an area of approximately 6.15 acres; and

WHEREAS, there are situate on the property of Lathrop two (2) springs, producing water; and

WHEREAS, Lathrop has heretofore granted and conveyed to Altmiller and Bott each an undivided one-half (1/2) interest in and to the water arising from these springs; and

WHEREAS, Altmiller and Bott have constructed a storage tank for the purpose of storing water arising from the spring which tank is located upon the property of Bott described above; and

WHEREAS, Altmiller has placed and installed a pipeline partially across the property of Bott, and are in need of an easement for the purposes of maintaining, repairing and replacing the pipeline; and

WHEREAS, in order to perfect their water rights in and to the water arising in the springs and to document their easements, it is necessary that the spring be accurately described and appropriate easements be given; and

WHEREAS, it is the mutual wish and desire of Altmiller and Bott that they define herein their rights, duties and responsibilities;

THEREFORE IT IS AGREED:

I.

Lathrop hereby grants to Altmiller and Bott, each an undivided one-half (1/2) interest in and to the water arising from the springs on the real property of Lathrop described above, for

domestic purposes and for irrigation of lawns and gardens, together with the right to develop, maintain and repair the springs in any reasonable manner.

II.

Lathrop hereby further grants to Altmiller and Bott a permanent easement over and across the real property of Lathrop described above for the purpose of installing, maintaining, repairing and replacing pipelines for the transmission of water from the springs to the properties of Altmiller and Bott.

III.

Bott hereby grants to Altmiller a permanent easement over and across the real property of Bott described above for the purpose of installing, maintaining, repairing and replacing pipeline for the transmission of water from the springs situate on the property of Lathrop to the tank situate upon the property of Bott, and from the tank situate upon the property of Bott to the property of Altmiller.

IV.

Altmiller and Bott agree to share equally, all reasonable costs and expenses of repair, maintenance and replacement of all jointly used facilities, including without limitation, joint pipeline and storage tanks.

V.

Altmiller and Bott recognize that, in dry years, the volume of water available from the springs is not sufficient to provide for domestic purposes and for the irrigation of substantial lawns and gardens. Accordingly, they agree to conserve the water by good and husbandlike practices. It is agreed that, in the event the water is insufficient for the irrigation of substantial lawns and gardens, that the lawns and gardens will be reduced in size, that the irrigation will be alternated and that they will generally mutually cooperate and act in good faith toward each other

in order to preserve for each of them an equal share of the water.

VI.

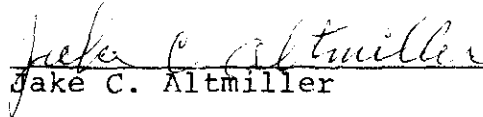
In the event of any action brought to enforce any of the terms of this agreement, the successful party shall be entitled to recover, in addition to the costs and disbursements provided by law, a reasonable attorney's fee.

VII.

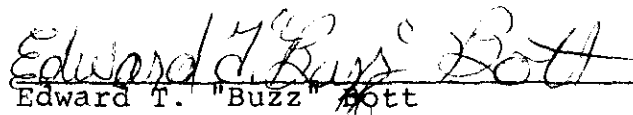
The terms of this agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

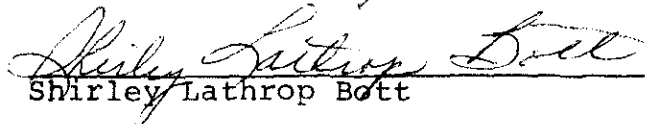
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.


Oral W. Lathrop


Jake C. Altmiller


Barbara E. Altmiller


Edward T. "Buzz" Bott


Shirley Lathrop Bott

STATE OF IDAHO)
)
County of Clearwater)

On this 28 day of January, 1980, before me, the under-
signed, a notary public in and for the State of Idaho, personally
appeared Oral W. Lathrop, known to me to be the person whose name
is subscribed to the within and foregoing 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 agreement first
above written.

Beverly Wood
Notary Public in and for the State
of Idaho, residing at Orofino, therein.

STATE OF IDAHO)
)
County of Clearwater)

On this 28th day of January, 1980, before me, the under-
signed, a notary public in and for the State of Idaho, personally
appeared Jake C. Altmiller and Barbara E. Altmiller, husband and wife,
known to me to be the persons whose names are subscribed to the
within and foregoing 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 agreement first
above written.

Betty E. Knight
Notary Public in and for the State of
Idaho, residing at Orofino, therein.

STATE OF IDAHO)
)
County of Clearwater)

On this 21st day of ~~January~~ ^{February} 1980, before me, the under-
signed, a notary public in and for the State of Idaho, personally
appeared Edward T. "Buzz" Bott and Shirley Bott, husband and wife,
known to me to be the persons whose names are subscribed to the
within and foregoing 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.

Beverly Wood
Notary Public in and for the State of
Idaho, residing at Orofino, therein.

DEED

THIS INDENTURE, made this ____ day of _____, 1980, between SHIRLEY A. BOTT, formerly and identical to SHIRLEY A. LATHROP, of Orofino, County of Clearwater, State of Idaho, the party of the first part, and EDWARD T. "BUZZ" BOTT, of Orofino, County of Clearwater, State of Idaho, the party of the second part;

WHEREAS, the parties hereto are wife and husband; and

WHEREAS, the party of the first part owns, of her own right, and as her sole and separate property, the real property hereinafter described; and

WHEREAS, the party of the first part, being the wife of the party of the second part, desires that the said property shall become community property of the parties hereto and shall be subject to the ownership and control hereafter the same as property acquired during coverture of the said parties, and earned by their joint efforts as wife and husband, in the ordinary accumulation of community property;

NOW, THEREFORE, WITNESSETH, that the said party of the first part, for and in consideration of the love and affection which she bears toward the party of the second part, her said husband, does by these presents, give, grant and convey unto the said party of the second part, and to his heirs and assigns, an undivided one-half (1/2) interest as a community interest, in and to the following described real property, situate in the County of Clearwater, State of Idaho, towit:

The North half of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 12, Township thirty-six (36) North, Range Two (2) East of the Boise Meridian,

EXCEPTING THEREFROM: Commencing at the East section corner common to Sections 12 and 13, Township 36 North, Range 2, a distance of 1020 feet to the true point of beginning; thence

MICROFILMED

North a distance of 300 feet to S 1/16 corner common to Section 12 & 7; thence North a distance of 125 feet; thence West a distance of 765 feet; thence South 32°30' East a distance of 503 feet; thence East a distance of 495 feet to the true point of beginning and comprising an area of approximately 6.15 acres.

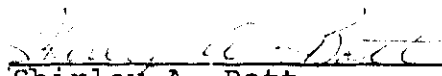
TOGETHER with water from one certain spring for one family, for domestic use, not to exceed one-half of the flow from the spring, as now piped to the premises.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; the said property being so conveyed to become community property of the party of the first part and the party of the second part, the same as though it had been acquired during coverture by purchase.

TO HAVE AND TO HOLD ALL and singular the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

It is the intention by this instrument that the above described real property shall be and become community property, as aforesaid, and the title thereto which has heretofore been separately vested in the party of the first part shall be jointly vested in the party of the first part and the party of the second part and the same power of ownership and control as if jointly earned, and shall pass by inheritance upon the death of either party hereto the same as any other property of the community.

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


Shirley A. Bott

STATE OF IDAHO)
)
County of Clearwater)

On this 20th day of January, 1980, before me,
the undersigned, a Notary Public in and for the State of Idaho,
personally appeared Shirley A. Bott, known to me to be the
person whose name is subscribed to the within and foregoing
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 first above written.

Betty E. Knight
Notary Public in and for the
State of Idaho, residing at
Orofino, therein.

RECORDED

AFFIDAVIT OF PUBLICA ON

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 Correction

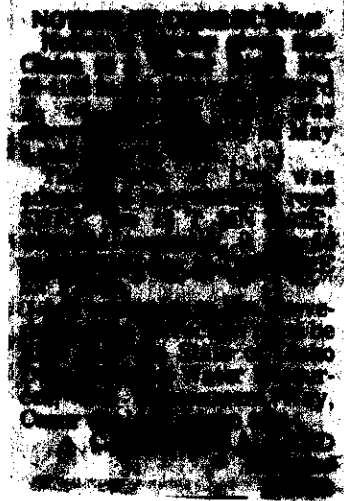
Edward T. or Shirley Bott

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 5th day of June, 1980, and ending on the 12th day of June, 1980

Nancy Noble
Subscribed and sworn to before me this 17th day of June, 1980

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



RECEIVED

JUL 1 1980

Department of Water Resources
Northern District Office

MICROFILMED

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 84-4109
in the name of Edward T. or Shirley Bott
was advertised incorrectly on May 8 and May 15, 1980.

The Place of Use was advertised incorrectly to read SWNE Sec 12 T 36N
R02E; whereas correctly, it should read SWNE Sec 12 T36N R02E for
1 Acre.

Any exception to the above-referenced correction must be filed
with the State of Idaho Department of Water Resources, 4055 Government
Way, Coeur d'Alene, Idaho 83814.

C. STEPHEN ALLRED

Director

Published in the Clearwater Tribune on
June 5 and June 12, 1980.

REKUTILED

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

Deyo & Bott 84-4108 & 84-4019

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 8th day of May, 1980, and ending on the 15th day of May, 1980.

Subscribed and sworn to before me this 16th day of May, 1980

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:

84-4108

Deyo, Alan

P.O. Box 2003, Orofino, ID, 83544

Source: Springs tributary to Sinks

Priority Date: 01/01/1937

Amount: 0.10 CFS

Diversion Point: SWSE SE-SW Sec 23 T 37N R 02E, Clearwater Co.

Use: Irrigation (0.04 CFS) from 04/01 to 11/01; Stockwater (0.02 CFS) from 01/01 to 12/31; Domestic (0.04 CFS) from 01/01 to 12/31

Place of Use: SESEW Sec 23 T 37N R 02E for 2 Acres.

84-4109

Bott, Edward T. &/or Shirley

Rt. 2 Box 71, Orofino, ID 83544

Source: Springs tributary to Sinks

Date Filed: 01/01/1986

Amount: 0.06 CFS

Diversion Point: SWNW NWNW Sec 07 T 36N R 03E, Clearwater Co.

Use: Irrigation (0.02 CFS) from 04/01 to 11/01; Domestic (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 12 T 36N R 03E

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.

C. STEPHEN ALLRED

Director

5-8,15c

MICROFILMED

84-4109

March 28, 1980

Mr. Edward Bott
Rt. 2 Box 72
Orofino, Idaho 83544

Dear Mr. Bott:

I am returning your Check No. 98-228 in the amount of \$20.00, your claim, deed and water right agreement.

Since you have changed Item No. 5.a. from the N $\frac{1}{2}$ SWNW, to read NWSE, the map must also be changed to reflect the point of diversion (spring) as being one mile due east of the place of use.

If you have any questions, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Check
Claim
Deed
Water Right Agreement

April 8, 1980

Mrs. Edward Bott
Rt. 2 Box 71
Orofino, Idaho 83544

Dear Mrs. Bott:

I am sorry for the inconvenience that the confusion over your claim to a water right has caused. I will be in Orofino from April 22 to April 24. I will sit up in the Treasurer's Office on this visit.

Thank you for your patience.

Yours truly,

TOM D. KING
Senior Water Resource Agent

TDK/pms

April 2, 1980

Dear Mr King:

I do not understand your recent letter and the return of our water right claim.

On your recent visit to Ogden, you changed the descriptions and the map and had me initial all your corrections and gave me the impression you were satisfied with this form.

If you feel you did not make the map change correctly, please advise when you'll be in Ogden again and I'll bring the papers to you again.

MICROFILMED

RECEIVED

APR 4 1980

Department of Water Resources
Northern District Office

Mrs Edward Lott

Rt 2, Box 71

Ogden, Ida

83544

State of Idaho
Department of Water Resources

AMENDED
CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: TK

Right Number 84-4109 Applicant Scott

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 [Signature] Date 6/2/82

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By [Signature] Date 6-14-82

MICROFILMED

RECEIVED
JUN 10 1982

Department of Water Resources

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that Edward T. or Shirley Bott has filed with the Department of Water Resources on April 15, 1982, Amended Claim to a Water Right No. 84-4109 which indicates the source of water as being two unnamed springs tributary to an unnamed creek which is tributary to Orofino Creek; instead of two unnamed springs tributary to sinks, which was the source described on the original claim.

Any exception to the above referenced amended claim must be filed with the State of Idaho, Department of Water Resources, 4055 Government Way, Coeur d'Alene, Id. 83814.

A. KENNETH DUNN

Director

Published in the Clearwater Tribune, Orofino, Id., on April 29, and May 6, 1982.

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 7, 1982

Mr. and Mrs. Edward T. Bott
Rt. 2 Box 72
Orofino, Id. 83544

Re: Claim No. 84-4109

Dear Claimant:

The Department of Water Resources has completed the advertising of your Amended Claim to a Water Right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your Amended 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 Amended 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 Amended 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

Enc. - Amended Claim

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 30, 1980

Mr. and Mrs. Edward T. Bott
Rt. 2 Box 71
Orofino, Idaho 83544

Re: Amended Water Right Claim No. 84-4109

Dear Mr. and Mrs. Bott:

We recently have had communication with Mr. Jake Altmiller concerning a claim which he filed for water for his home at Orofino.

It is my understanding that you and Mr. Altmiller share the same water system. Mr. Altmiller has discovered that the location of the springs are actually different than that reported in the water right agreement entered into between Oral W. Lathrup and you. I have circled the legal description of the springs which Mr. Altmiller says is incorrect.

In addition we have taken the liberty of preparing an Amended Claim which reflects the spring locations which Mr. Altmiller believes to be correct. If you are able to determine that Mr. Altmiller is correct about the location of the springs, please sign the Amended Claim before a Notary Public and return it to our office. There is no charge for the Amended Claim.

I would suggest that you discuss the problem of the legal description with Mr. Altmiller. If you have any questions where we can be of any assistance, please don't hesitate to contact us.

Also, for your own information, the original Claim described the source as being two springs that sink into the ground. On the Amended Claim, we have changed the source to agree with Mr. Altmiller's Amended Claim showing the source as two springs tributary to an unnamed creek which is tributary to Orofino Creek.

Sincerely,


ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Amended Claim
Water Right Agreement

4/14/82
Filed this away & forgot about
it. Hope it's still okay to
file it.
Shirley Bott

MICROFILMED

WATER RIGHT NUMBER 84-4109
ACT
ION C USE - IRRIGATION

WATER RIGHTS EDIT REPORT
PLACE OF USE - TWN 36N RNG 02E SEC 12 TRACT SWNE

AC 01

06/04/80

PAGE 14

123

ACT
ION

OWNER LAST NAME - BUTT
OWNER LAST NAME - BUTT
ADDRESS LINE 1 - RT. 2 BOX 71

FIRST NAME - EDWARD T.
FIRST NAME - SHIRLEY

CITY - DUNFINK

STATE - ID ZIP CODE - 83544

SOURCE - SPRINGS
STAGE - APPLICATION

TRIBUTARY OF - SINKS

PRIORITY - 01-01-1966 COUNTY - CLEARWATER TOTAL DIV. RATE -

.0600CFS

DIVERSION POINT - S&NW 07 36N 03E
FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .0200CFS

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

PLACE OF USE - 36N 36N R&G 02E SEC 12 TRACT SWNE AC 01

Handwritten signature

Handwritten initials

Handwritten 'N'

June 30, 1980

Mr. and Mrs. Edward T. Bott
Rt. 2 Box 71
Orofino, Idaho 83544

Re: Amended Water Right Claim No. 84-4109

Dear Mr. and Mrs. Bott:

We recently have had communication with Mr. Jake Altmiller concerning a claim which he filed for water for his home at Orofino.

It is my understanding that you and Mr. Altmiller share the same water system. Mr. Altmiller has discovered that the location of the springs are actually different than that reported in the water right agreement entered into between Oral W. Lathrup and you. I have circled the legal description of the springs which Mr. Altmiller says is incorrect.

In addition we have taken the liberty of preparing an Amended Claim which reflects the spring locations which Mr. Altmiller believes to be correct. If you are able to determine that Mr. Altmiller is correct about the location of the springs, please sign the Amended Claim before a Notary Public and return it to our office. There is no charge for the Amended Claim.

I would suggest that you discuss the problem of the legal description with Mr. Altmiller. If you have any questions where we can be of any assistance, please don't hesitate to contact us.

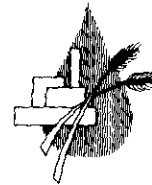
Also, for your own information, the original Claim described the source as being two springs that sink into the ground. On the Amended Claim, we have changed the source to agree with Mr. Altmiller's Amended Claim showing the source as two springs tributary to an unnamed creek which is tributary to Orofino Creek.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor
RGH/pms
Enc. - Amended Claim
Water Right Agreement

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
~~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 Edward T. or Shirley Bott
 Rt. 2 Box 71 Orofino, Idaho 83544 (Name of Claimant)
 (Mailing Address) (Zip Code) Telephone No. _____

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 1966

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)
2 Unnamed Springs tributary to Unnamed Creek trib. to Orofino Ck.

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

				(Both dates inclusive)	
	(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	0.02	Use	Irrigation	4/1	To 11/1
Quantity	0.04	Use	Domestic	1/1	To 12/31
Quantity		Use			To
Quantity		Use			To
Quantity		Use			To

- | | | |
|-----|-----------------|----------------------|
| (4) | 0.06 | TOTAL QUANTITY USED. |
| | (cfs. gpd. AFA) | |

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 7 Twp. 36N Rge. 3E B.M., County of Clearwater
 Additional points of diversion: NWSW, Sec. 7, T36N, R3E.

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. 2 Developed springs with 1" pipe (gravity flow) 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]

No. of acres 1

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: One home and approximately 1 acre of irrigation.

NOTE: Include here the type and number of stock watered:

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

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(8) Remarks The flow from the two springs is combined in a reservoir and is then equally divided between Jake Altmiller and claimants.

[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 _____)

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 _____ day of _____, 19____.

Notary Public
Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by _____	Date _____			
\$20.00 fee received by _____	Date _____			
Published in _____	_____	_____	_____	_____
Dates _____	_____	_____	_____	_____

WATER RIGHT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of January, 1980, by and between ORAL W. LATHROP, a widower, herein called "LATHROP", and JAKE C. ALTMILLER and BARBARA E. ALTMILLER, husband and wife, herein called "ALTMILLER" and EDWARD T. "BUZZ" BOTT and SHIRLEY A. BOTT, husband and wife, herein called "BOTT"; all of Orofino, Clearwater County, Idaho;

WITNESSETH:

WHEREAS, Lathrop is the owner of the following described real property, situate in Clearwater County, Idaho, and more particularly described as follows; towit:

Township 36 North, Range 3 E.B.M.:

Section 7: N 1/2 SW 1/4 NW 1/4,

N 1/2 NW 1/4 NW 1/4

Apparently incorrect

WHEREAS, Altmiller is the owner of the following described real property, situate in Clearwater County, Idaho, and more particularly described as follows, towit:

Township 36 North, Range 2 E.B.M.:

Sections 12 and 13: described as:

Commencing at the East section corner common to Sections 12, 13, Township 36 North, Range 2, East, Boise Meridian; thence due North a distance of 1020 feet to the true point of beginning;

Thence due North a distance of 300 feet to South 1/16 corner common to Sections 12 and 7; thence

Due North a distance of 125 feet; thence

Due West a distance of 765 feet; thence

South 32°30' E. a distance of 503 feet; thence

Due East a distance of 495 feet to the true point of beginning and comprising an area of approximately 6.15 acres; and

WHEREAS, Bott is the owner of certain real property situate in Clearwater County, Idaho, which is more particularly described as follows, towit:

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: REH

Right Number 84-4109 Applicant Bott

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 [Signature] Date 7/7/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Nansen Date 7/17/80

MICROFILMED

84-4109

BOTT, EDWARD T. &/or SHIRLEY

RT. 2 BOX 71, OROFINO, ID 83544

Source: SPRINGS tributary to SINKS

Date Filed: 01/01/1966

Amount: 0.06 CFS

Diversion Point: SWNW NWNW Sec 07 T 36N R 03E, CLEARWATER Co.

Use: IRRIGATION (0.02 CFS) from 04/01 to 11/01
DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 12 T 36N R 02E (1 acre)

*changed
on
computer
6/4/80*

MICROFILMED

July 10, 1980

Mr. and Mrs. Edward T. Bott
Rt. 2 Box 71
Orofino, Idaho 83544

Re: Claim No. 84-4109

Dear Mr. and Mrs. Bott:

The Department of Water Resources has completed the advertising of your original claim to a water right. This 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.

On June 30, 1980, we forwarded an Amended Claim to you which reflects a change in the description of the source of water and its location. Mr. Altmiller brought these changes to our attention. If you are able to determine that Mr. Altmiller is correct, please sign the Amended Claim before a Notary Public and return it to our office. There is no charge for the Amended 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 (or amended 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 any 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

Enclosure

*Receipt # 16456
\$20.00*

MICROFILMED

May 27, 1980

The Clearwater Tribune
P. O. Box 71
Orofino, Idaho 83544

Re: 84-4109

Gentlemen:

Enclosed is a Notice of Correction for the above-referenced claim which was originally published in your newspaper on May 8 and 15, 1980.

Please publish the Notice on June 5 and June 12, 1980, and forward your Affidavit of Publication and billing for this second publishing. If you cannot publish on these dates, please contact me immediately since this will change the wording in the publication.

Thank you for your cooperation.

Sincerely,

Patricia M. Stypa
Senior Secretary

Enc. - Notice