



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

AUG 11 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 1, 2005

69-4000B

JOE WARNER

TINA WARNER

4256 LANDORE RD

COUNCIL ID 82612

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 30, 2005

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed, and the historic use of the water.

Enclosed you will find a computer printout of your claim, and a pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. If you have claimed irrigation as a water use, a map of the general area of irrigation stated in your claim is also enclosed. Please outline the location of lands irrigated based on your claim, as well as the location of any points of diversion, if possible. This will assist me in making a more accurate recommendation of your claim(s).

PLEASE NOTE: If no evidence of priority is submitted, IDWR will recommend the SRBA Court decree your claim(s) as disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings, and to participate in the adjudication.

Sincerely,

Michael Ciscell
Sr. GIS Analyst
Adjudication Bureau

Enclosures: Evidence of Priority brochure
Preliminary map
Notice of Claim
Return envelope

Page 3

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4000B

WATER RIGHT NUMBER: 69-4000B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOE WARNER 4256 LANDORE RD COUNCIL, ID 82612 (208)258-4461
Current Owner	BERT WARNER C/O JOE WARNER 4127 LANDORE RD COUNCIL, ID 83612 (208)258-4471
Current Owner	TINA WARNER 4256 LANDORE RD COUNCIL, ID 83612 (208)258-4471

Priority Date: 06/01/1901

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR CREEK	WILDHORSE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	3.700 CFS	
DOMESTIC	1/01 to 12/31	0.120 CFS	
IRRIGATION	4/01 to 11/15	3.700 CFS	
STOCKWATER	1/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	3.700 CFS	

Location of Point(s) of Diversion

BEAR CREEK	NE1/4NE1/4	Sec. 24, Twp 20N, Rge 03W, B.M.
ADAMS County		

Place of Use

FISH PROPAGATION Within ADAMS County

T20N R03W S26 NESW

DOMESTIC Within ADAMS County

T20N R03W S24 SENW	T20N R03W S26 SWNE
T20N R03W S26 NESW	

IRRIGATION Within ADAMS County

T20N R03W S26 NENE 35.0	T20N R03W S26 SWNE 26.0
T20N R03W S26 SENE 29.0	T20N R03W S26 SENW 13.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4000B

T20N R03W S26	NESW	30.0	T20N R03W S26	SESW	20.0
T20N R03W S26	NWSE	31.0	T20N R03W S26	SWSE	2.0

Total Acres: 186

STOCKWATER Within ADAMS County

T20N R03W S26	NENE	T20N R03W S26	SWNE
T20N R03W S26	SENE	T20N R03W S26	SENW
T20N R03W S26	NESW	T20N R03W S26	SESW
T20N R03W S26	NWSE	T20N R03W S26	SWSE

Conditions of Approval:

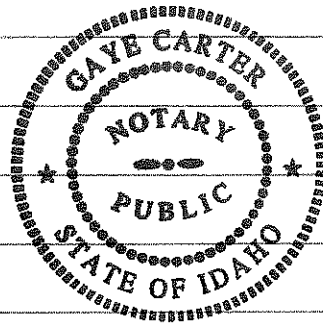
1. CLAIM NO. 69-4000 IS FOR 3.7 CFS FROM 1901 AND .8 CFS FROM 1963. THIS CLAIM WILL BE SPLIT INTO TWO SEPARATE ADJ. CLAIMS.
A69-10003 AND A69-10004 ARE GROUNDWATER RIGHTS FOR THE SAME P/U AS DESCRIBED IN THIS RIGHT.

To my knowledge the ditch known as the Warner ditch and the main Bear Creek Ditch were both in use in 1923.

Lawrence Warner

July 24, 1999

Gaye Carter
Notary for Idaho
Council, Idaho 83612
Exp 9/99



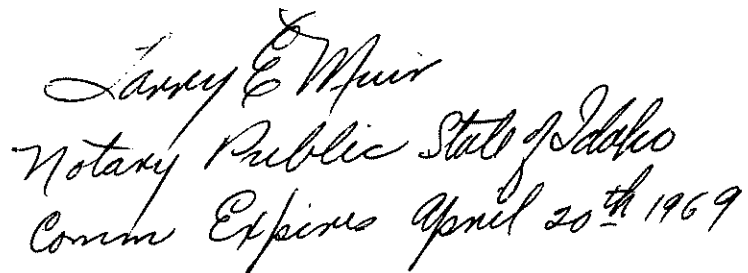
TO WHOM IT MAY CONCERN:

This is to certify that Bert Warner of Bear, Idaho, was a user of water from Bear Creek for sixteen years, that I know of, from 1932 to 1948 inclusive.

I base my statement on the fact that I lived at Bear, Idaho, as a neighbor to Bert Warner and his family for the above period, as Adams County Tax records will show.

Signed this 21 day of June 1967.

A handwritten signature in cursive script, reading "R. J. Gallagher". The signature is written in dark ink and is positioned above a horizontal line.

A handwritten signature in cursive script, reading "Larry E. Muir". Below the signature, the text "Notary Public State of Idaho" and "Comm Expires April 20th 1969" is written in the same cursive script.
Notary Public State of Idaho
Comm Expires April 20th 1969

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form number 69-4000, now owned
by Bert Warner at Bear, Idaho has been used since
Aug. 1948.

Date Aug. 22, 1967
Signed Thomas E. Holmes

Signature notarized
State of Idaho
Valley County
McCall, Idaho

Gladys A. Shelton
Notary

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form number 69-4000, now owned
by Bert Warner at Bear, Idaho has been used since

December 1947

Date Aug 21, 1967
Signed Herbert Mink

200—ACKNOWLEDGMENT—SINGLE

Printed and for sale by Syms-York Company Boise, Idaho

STATE OF IDAHO }
COUNTY OF Elmore } ss.

On this 21 day of August, in the year 1967, before me

C. A. Carpenter, a Notary Public

in and for said State, personally appeared Herbert Mink

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

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

C. A. Carpenter
Notary Public for Idaho, residing at Glenns Ferry, Idaho.

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form number 69-4000, now owned
by Bert Warner at Bear, Idaho has been used
since _____. 1927

Date Aug 31-67

Signed Joe Edwards

Mary E. Holt

NOTARY PUBLIC FOR OREGON
M. Commission Expires April 22, 1969

TO WHOM IT MAY CONCERN:

To my knowledge the water has been used from the Community Ditch on the Bert Warner place formerly the Arthur Robertson Place since 1905. It has been in continuous use since that time.

Date June 8, 1967

Signed

Arthur F. Robertson

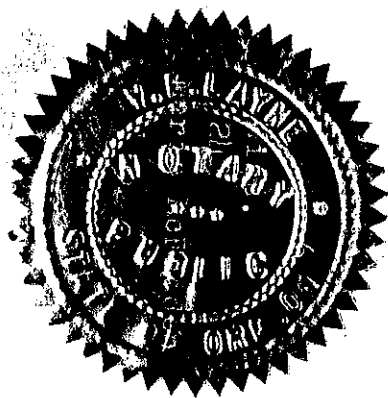
STATE OF OREGON)
County of Baker) ss.

THIS CERTIFIES, that on this 8th day of June 1967 appeared the within named Arthur F. Robertson and acknowledged the foregoing instrument to be his voluntary act and deed.

BEFORE ME.

T.E. Layne
Notary Public for Oregon
Residing at Halfway, Oregon

My Commission expires October 10, 1970



TO WHOM IT MAY CONCERN:

To my knowledge water from Bear Creek has been used for irrigation and drinking water since Sept. 15, 1915 on the place presently owned by Bert Warner.

Signed Clarence Warner Date 7-10-67

Notary Public for the State of Idaho

Robert L. Thord
Council, Idaho 83612
Expiration Date 5-23-70

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as described on claim form number 69-4000, now owned by Bert Warner at Bear, Idaho has been used since 1902.

Date AUG 15 1967

Signed Vivian Boyles

On this 16th day of August, 1967 before me the undersigned a notary public in and for the State of Idaho, Personally appeared Vivian Boyles, 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.

L. W. Fournier
NOTARY PUBLIC

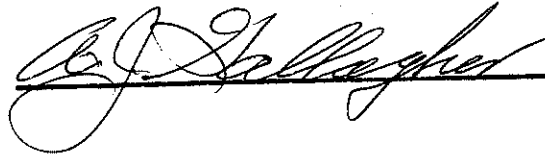
Residing at Cambridge, Idaho
in Washington County, Idaho

TO WHOM IT MAY CONCERN:

This is to certify that Bert Warner of Bear, Idaho, was a user of water from Bear Creek for sixteen years, that I know of, from 1932 to 1948 inclusive.

I base my statement on the fact that I lived at Bear, Idaho, as a neighbor to Bert Warner and his family for the above period, as Adams County Tax records will show.

Signed this 21 day of June 1967.

A handwritten signature in cursive script, reading "C. J. Gallagher", written over a horizontal line.

Larry E. Muir
Notary Public State of Idaho
Comm Expires April 20, 1969

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form 69-4000, now owned by
Bert Warner at Bear, Idaho has been used since
1946.

Date 9-22-67

Signed William F. M. Jones

*Sworn and subscribed before me this 22nd
day of September, 1967.*

*Loren R. Crosswhite,
Notary Public, I and
For the State of
Washington, residing
in Seattle*

TO WHOM IT MAY CONCERN:

To my knowledge water from Bear Creek has been used for irrigation and drinking since November 1936 on the place currently owned by Bert Warner.

Date

July-7, 1967

Signed

Mary McGahey

State of Idaho
County of Nezperce

Mary McGahey personally appeared before me Walter H. Durland a Notary Public in and for the State of Idaho and affixed her signature to the above described instrument on this Seventy Day of July 1967.

Walter H. Durland

Notary Public -.
Residing at Lewiston, Idaho
My Commission Expires 10/27/67

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as
described on claim form number 69-4000, now owned
by Bert Warner at Bear, Idaho has been used since
1942.

Date Sept 5, 1967

Signed Eva D. Lake

On this 5th day of September, in the year 1967, before
me, the undersigned, a Notary Public in and for the State
of Idaho, personally appeared Eva D. Lake
known to me to be the person whose name is subscribed to
this instrument.

n

Margaret L. Rose
Notary Public For Idaho
Residing at Lewiston, Idaho

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as described on claim form number 69-4000, now owned by Bert Warner at Bear, Idaho has been used since 1940.

Witness Fred Muller

Date 8-16-67

Signed Frank Bower

Subscribed and sworn to before me this 18th day of August, 1967.

Fred A. Howe
Clerk of the District Court
Valley County, Idaho

By D. C. Patterson
Deputy

TO WHOM IT MAY CONCERN:

To my knowledge the water on the ranch, as described on claim form number 69-4000, now owned by Bert Warner at Bear, Idaho has been used since 1959.

Date

8/19/67

Signed

[Signature]

Subscribed to before me this 19th day of August-1967.

[Signature]
Notary Public for the State of Idaho.