

RECEIVED

AUG 24 2005

DEPARTMENT OF
WATER RESOURCES

August 18, 2005

Monica Van Bussum
Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
322 East Front Street/P.O. Box 83720
Boise, Idaho 83720

Dear Monica:

Re: #67-4052D and 67-4052E

I was trying to meet your August 19th deadline and have not had time to get together all the documentation that we might have. I am enclosing the map you sent us as well as the map for the 14 acres for which we have requested a transfer of water right.

The Hulet ditch is a long ditch (about 1 ½ miles, I think) coming from Rush Creek and gradually making its way to the Weiser River. In the early days it was divided at a large cement box into the "upper ditch" (the Hulet ditch) and the "lower ditch" (or the Hulet-Denney ditch). Our main ranch is toward the eastern end of the ditch, and I understand that when Rachel and Stan Cutler owned it, some of the water came through the lower ditch. However, when Robert Bumgarner was working with Jim Shaw on the acres below the Cutler property, I understand that Robert changed/plowed out the eastern end of the lower ditch. I have been told that it resulted in a court case between Robert B. and Rachel Cutler, the result of which determined that all of the water for the Cutler place – and I assume those others east of Cemetery Road -- should come through the upper ditch. I have no documentation on this, but the conversations and actions of the people we have worked with seem to support this understanding. We later bought those 144 acres from Jim Shaw, and transferred those water rights into our names (see enclosed – these rights include # 67-4052D.) Now, all our water comes through the upper (or only) ditch which crosses Cemetery Road.

When Robert B. began his sub-division plans, he had a meeting with Edwards, Petersons, a Ridenour representative, Bo and myself about changing the middle section of the lower ditch. We all walked the ditch with him while he explained his plans. The agreement coming out of this meeting is enclosed. Bo and I were not signatories as we were no longer taking water from the lower ditch. The upper section of the lower ditch is now really more a seepage from the division box to the Stanford pond. I have also enclosed a copy of an aerial photograph done before all the new building in the area. I have outlined in green the path of the lower ditch, especially the middle section. There is still a division box which is indicated. The section of the old Denney ditch going southeast from that box is dry except in flood times. The branches of the ditch going south and west have water now, but are very overgrown with grass. The ditch is substantially the way it was; it has not been changed to follow the fenceline.

Both westward ditches flow into the acres under right # 67-4052E. Geri Bemis Pugh put the two gates for this right into the main Hulet ditch. There is therefore some uncertainty as to the appropriate ditch since all the water comes from the same head gate and through the Hulet ditch. We would appreciate clarification on this.

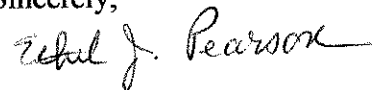
Since the late 1980's, Bo and I have taken care of the major upkeep on the main ditch, along with Bert Pattie, and sometimes Jim Warren. Some of the ensuing years were drought years, and none of us had much water. At the beginning of the sub-division, Robert B. came one day and showed me a map on which he had drawn a point – he told me that that would be the new point of diversion southward from the Hulet ditch point of diversion. There was nothing official on the map, and the water master did not know anything about it at that time. I do not know anything more about that.

Problems with the ditch water began with the sub-division, although the only ones we have had to deal with are the Sunders, who own the property west of the 14 acres shown on the map for water right # 67-4052E. They have on several occasions dammed the main ditch to divert more water to their ponds. Water for the 14 acres is taken through two gates on the Hulet ditch which were installed when Geri Bemis Pugh owned the property. Since the ditch is farther north than the maps show, these gates are not evident. I think they are the only gates on the ditch west of Cemetery Road. On a couple of occasions this year, the gate has been opened without our knowledge, and water allowed to flow over the field.

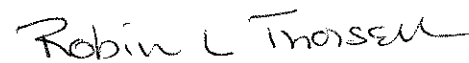
I apologize for the rambling description of the ditch problems, but they have always seemed tied to some of the water right problems. I am enclosing some documentation for clarification. If there are any questions, do not hesitate to call (208)257-3541).

We look forward to your final clarifications regarding the water rights.

Sincerely,



Ethel J. Pearson



Robin (Bo) Thorsen

Snake River Basin Reclamation Commission
to protect older water rights from
Rush Creek

Chairman for Pearson/Thomson

" - Steve Latta IDWR

Current Records Rush Creek for Pearson/Thorsen

1/21/04
Irene
Thorsen - SC

Original & / or
Previous Owners

Basin	Sequence & Suffix	Basin	Priority Date	Rate(s)	Source	Water Use(s)	Current Owner	Version	Source & ID
<u>Record #</u>									
67	260 A	Decreed	1890-04-30	0.02	RUSH CREEK	IRRIGATION	PEARSON, ETHEL J (Current); THORSEN, ROBIN L (Current)	wrAdjudicationClaim	
67	265 B	Decreed	1883-08-23	0.25	RUSH CREEK	IRRIGATION	PEARSON, ETHEL J (Current); THORSEN, ROBIN L (Current)	wrAdjudicationClaim	
67	278	Decreed	1890-05-01	0.32	RUSH CREEK	IRRIGATION	PEARSON, ETHEL J (Current); THORSEN, ROBIN L (Current)	wrAdjudicationClaim	
67	280 A	Decreed	1890-04-30	0.07	RUSH CREEK	IRRIGATION	PEARSON, ETHEL J (Current); THORSEN, ROBIN L (Current)	wrAdjudicationClaim	
67	4052 D	Beneficial Use	6/1/1924	2.88	RUSH CREEK	IRRIGATION, STOCKWATER	PEARSON, ETHEL J (Current); THORSEN, ROBIN L (Current)	wrAdjudicationClaim	
67	12338	Decreed	1883-08-23	0.67	RUSH CREEK	IRRIGATION	PEARSON, ETHEL J (Current); THORSEN, ROBIN L (Current)	wrAdjudicationClaim	

Only Security Record = 67-280A but current = Pearson/Thorsen

67.12338 = combo of parts of #67-247

" - 267
 " - 268
 " - 269
 " - 270
 " - 271

all use Riferum

Hoppe -
 Riferum
 Switzer -
 Cutler
 Barker -
 Smith
 Nelson -
 Schultz
 Riferum
 Riferum

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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-4052E
Date Received: 11/9/2000
Receipt No:
Received By:

*Purchase
by Nina*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

*Transfer requested
in Jan 2005 when
we bought this land
from N. Hawkins. We
have not had a response.*

1. Name of Claimant(s)

NINA L HAWKINS Phone: (208)257-3268

PO BOX 205
CAMBRIDGE ID USA 83610

2. Date of Priority: 06/01/1924

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	34	SE SW	WASHINGTON	

5. Description of diverting works:

Ditch from Rush Creek with gravity irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.28	

7. Total Quantity Appropriated is:
0.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Idaho Department of Water Resources



Adjudication Claim Number:

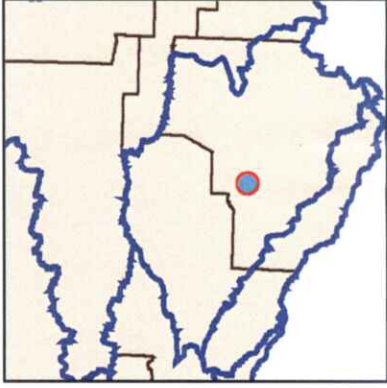
67-4052E

Robert Thompson

*14 acres which we
bought from Nina
Newkins, who got it
from her Berner. This
map was sent to Nina.*

**T14N R03W
T15N R03W**

PLSS Section LinesGcdb_sections.shp
Washington taxlots
GCD815N03W GCD8
GCD814N03W GCD8
B-67 streams.shp



Washington County
IDWR Basin 67

Prepared by M. Van Bussum
On Thursday, August 4, 2005
1987 Aerial Photography



0 0.3 0.6 Miles



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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-4052D
Date Received: 7/8/1993
Receipt No: W016480
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

date of transfer
from Shaws -
main ranch

1. Name of Claimant(s)

ETHEL J PEARSON Phone: (208)257-3541

2982 CUTLER RD
CAMBRIDGE ID USA 83610•5166

ROBIN L THORSEN Phone: (208)257-2541

PO BOX 205
CAMBRIDGE ID USA 83610

2. Date of Priority: 06/01/1924

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	34	SE SW	WASHINGTON	

5. Description of diverting works:

CONCRETE DIV. DAM IN CK W/HEADGATE, DITCH FOR FLOOD & SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2.88	
STOCKWATER	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
2.88 C.F.S.

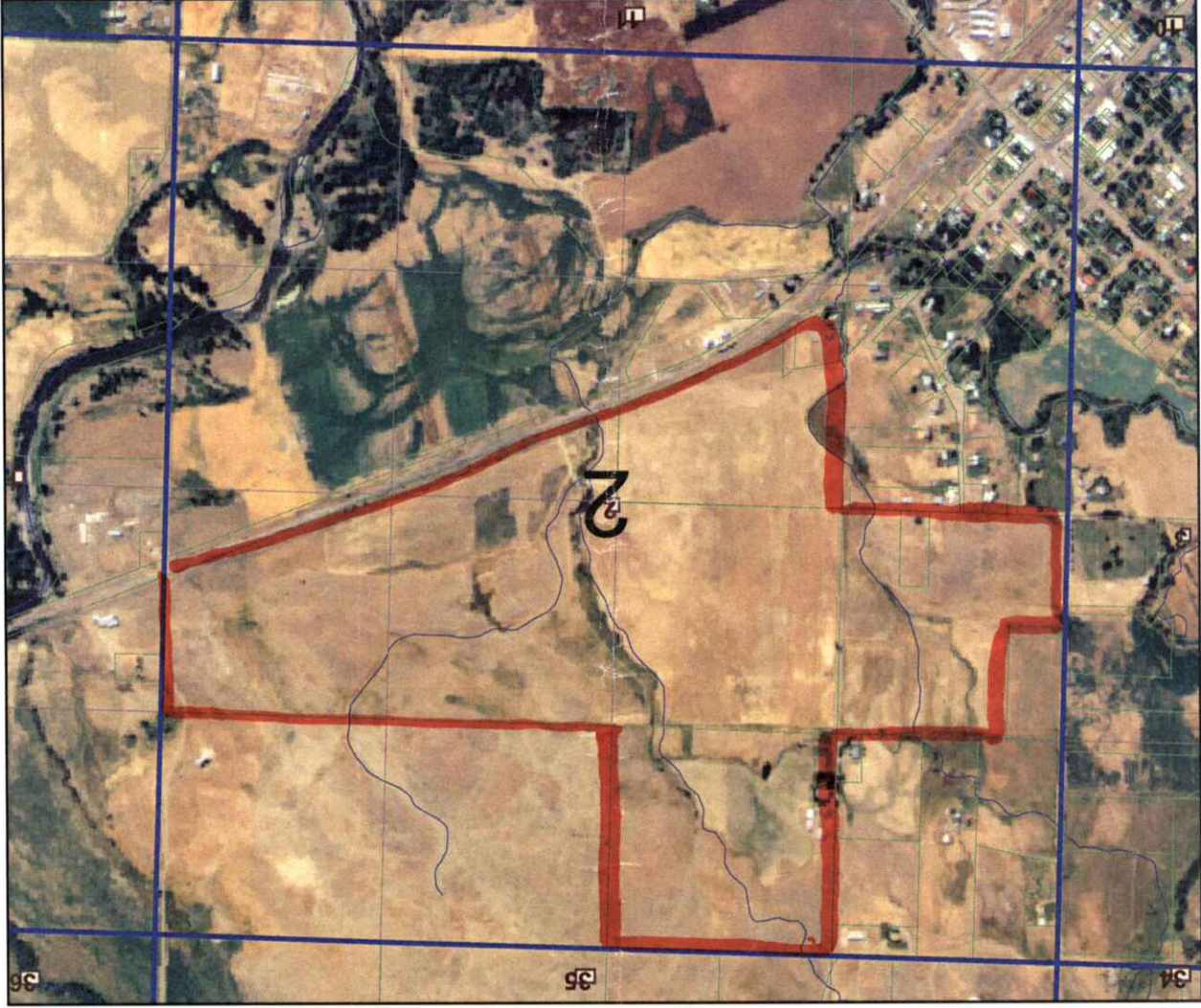


Idaho Department of Water Resources

*E Pearson
Robu Thoren*

Adjudication Claim Number: **67-4052D**

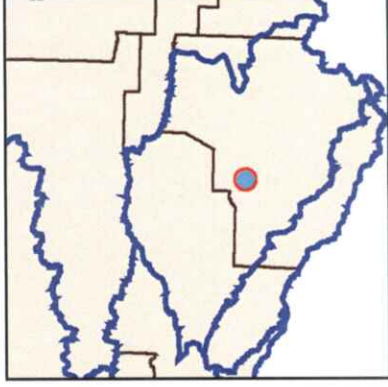
**T14N R03W
T15N R03W**



0 0.5 1 Miles

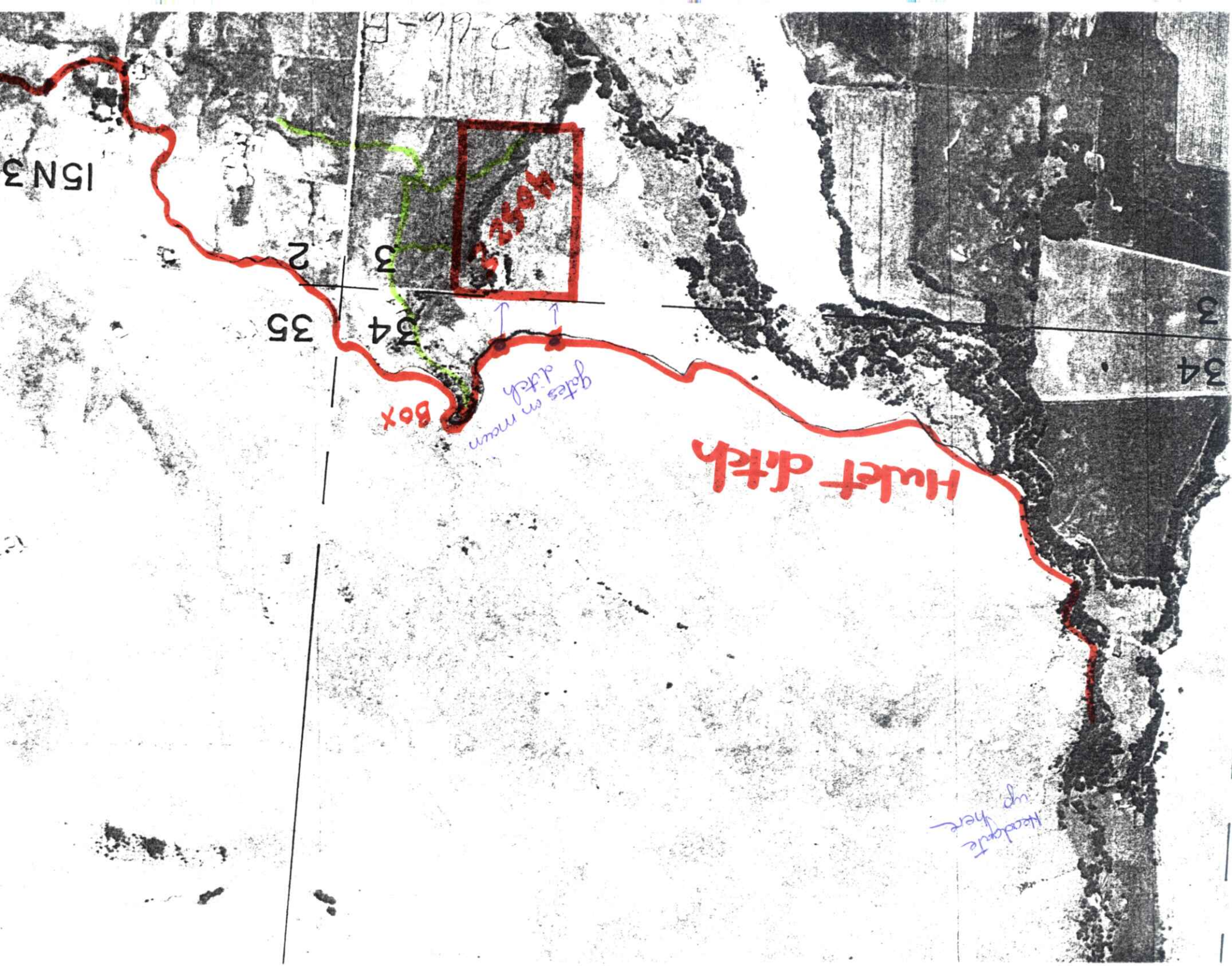
Legend

- PLS Section LinesGcdb_sections.shp
- Washington taxlots
- GCD815N03W GCD8
- GCD814N03W GCD8
- B-67 streams.shp



Washington County
IDWR Basin 67

Prepared by M. Van Bussum
On Thursday, August 4, 2005
1987 Aerial Photography





This is a high-contrast, black and white aerial photograph of a landscape. A bright green line is hand-drawn on the image, tracing a path that starts in the upper right, moves left, then down, and finally right towards the bottom edge. The path appears to follow a natural feature, possibly a ditch or a stream bed. The terrain is textured with various shades of gray, indicating different land cover types like grass, bare soil, or water. In the upper left, there's a small, dark, rectangular object that looks like a building or a shed. Two handwritten notes on pinkish paper are pasted on the right side of the image. The first note, at the top right, describes the area as having water and heavy grass, dated 8-21-05, and identifies it as the lower Denney ditch. The second note, below the first, states that the lower Denney ditch is partially cut off. The overall image has a grainy, historical quality.

There was water
in These parts,
but also heavy
grass - 8-21-05
lower / Denney ditch

Lower (Denney)
ditch - part cut
off.

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

RECEIVED

AUG 24 2005

DEPARTMENT OF
WATER RESOURCES

Receipt No. WO16480

Date: 7/ 8/1993
Time: 10:48:49

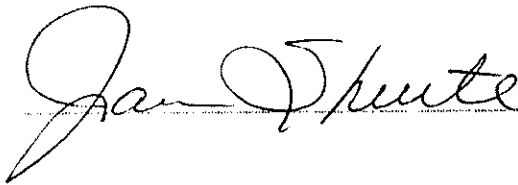
Received
From: PEARSON, E.

Type of Payment	Program A cct	Amount
ADJUDICATION CLAIM FILINGS	41500 337 1155	344.00
Total		\$344.00

CHECK 2048

Water Right Numbers
A67-00260A A67-0027B A67-04052D A67-1233B

Region: WESTERN

Signature: 

IRRIGATION CANAL AGREEMENT

This Agreement is made and entered into this 15th day of ~~April~~ May, 1992, by and between Scott Edwards and Lisa Edwards, husband and wife, hereinafter referred to as Edwards, Robert W. Peterson and Jean L. Peterson, husband and wife, hereinafter referred to as Peterson, Pamela Russell, Personal Representative of the estate of Carrel M. Ridenour, hereinafter referred to as Ridenour, and Robert Bumgarner, a married man dealing with his sole and separate property, hereinafter referred to as Bumgarner.

W I T N E S S E T H:

WHEREAS, each of the parties hereto currently own properties herein described, or are purchasing properties herein described, and

WHEREAS, there is currently located upon the herein described properties an irrigation canal from the Hulett ditch to the Bumgarner property, and

WHEREAS, the parties desire to set forth their agreements concerning the changing of the routing of that irrigation canal, and for a possible eventual buried pipeline, and

WHEREAS, the parties desire to set forth there agreements in writing concerning said re-routing and buried pipeline

NOW, THEREFORE, in consideration of the mutual promises,

DUPLICATE

covenants and agreements between the parties hereto, it is hereby agreed as follows: Legal Descriptions

EDWARDS PROPERTY

Edwards owned and will continue to own after the signing of this agreement, the East 730 feet of the South 300 feet of the SE 1/4 of the SE 1/4 and the North 60 feet of the North 1/2 of Lot 1 except the West 1/2 of the North 1/2 of said Lot 1 described as lying Westerly of the following line: beginning at a point 677.2 feet West of the NE corner of said Lot 1, thence Southerly to the SE corner of the West 1/2 of the North 1/2 of said Lot 1 in section 3, Township 14 North, Range 3 West of the Boise Meridian, in Washington County, Idaho.

The property hereinafter shall be referred to as the "Edwards property".

PETERSON PROPERTY

The Petersons are purchasing simultaneously with the signing of this agreement property described as the North 1/2 of Lot 1 except the West 1/2 of the North 1/2 of said Lot 1 described as lying Westerly of the following line: beginning at a point 677.2 feet West of the NE corner of said Lot 1, thence Southerly to the SE corner of the West 1/2 of the North 1/2 of said Lot 1; save and except the North 60 feet thereof, lying in Township 14 North, Range 3 West of the Boise Meridian, in Washington County, Idaho.

The property hereinafter shall be referred to as the "Peterson property".

RIDENOUR ESTATE

Is the owner of the East 1/2 of the North 1/2 of the South 1/2 of Lot 1 lying Easterly of the following line: beginning at a point 677.2 feet West of the NE corner of said Lot 1, thence Southerly to the SE corner of the West 1/2 of the North 1/2 of said Lot 1, located in Section 3, Township 14 North, Range 3 West of the Boise Meridian, in Washington County, Idaho.

The property hereinafter shall be referred to as the "Ridenour property".

BUMGARNER PROPERTY

Described in attached exhibit C and hereinafter shall be referred to as the "Bumgarner property".

The parties hereto acknowledge that there is currently an irrigation ditch which passes from the Hulett ditch in a Southerly direction through the Edwards property, through the Peterson property, through the Ridenour property, and to the Bumgarner property. That said irrigation ditch has been in existence for a period of time in excess of five (5) years and that Bumgarner has acquired an easement thereto. Parties further agree that it would be in the best interests of all parties hereto to allow a change in the routing of the irrigation canal.

Said change to begin at the South end of the culvert which carries water from the Hulett division under the Edwards driveway. Said change will allow the ditch to follow the existing fence line in a direct line to where it will intersect the Denny ditch just South of an existing concrete spill-way. Irrigation water will then flow South in the existing Denny ditch where said water will be diverted South to the property owned by Bumgarner. Upon completion of the re-routing, the existing route, which basically follows a North-South direction, will be abandoned. Said new route will replace the abandoned route.

It is further agreed that until December 1, 1995, Bumgarner shall have the option of installing, at his own expense, a buried pipe-line from the Hulett ditch at a point at approximately the North-West corner of the Edwards property,

thence in a Southerly direction staying as close as reasonably possible to the Western boundaries of the Edwards property, the Peterson property, and the Ridenour property to the Bumgarner property. Upon the placement of said underground pipe, all other ditch ways through the herein described properties of Edwards, Peterson, and Ridenour shall be abandoned.

Until such time as the underground pipeline is installed, Bumgarner shall have the right to go on to the herein described properties for purposes of cleaning and maintenance of said ditch, and upon placement of the buried pipeline, Bumgarner shall have the right to maintain said pipeline as needed.

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

Scott Edwards
Scott Edwards

Lisa Edwards
Lisa Edwards

STATE OF IDAHO)
) ss.
County of Washington)

On this 15th day of May, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Scott Edwards and Lisa Edwards, husband and wife, known to me to be the persons whose names are subscribed to the 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.

CERTIFICATE

Jenna L Edwards
Notary Public for Idaho
Residing at:

STATE OF IDAHO)
) ss.
County of Washington)

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

John H. Edwards
Notary Public for Idaho
Residing at:

1. 1. The first part of the paper is a review of the literature on the topic.
 2. 2. The second part of the paper is a description of the methodology used in the study.
 3. 3. The third part of the paper is a presentation of the results of the study.
 4. 4. The fourth part of the paper is a discussion of the implications of the results.
 5. 5. The fifth part of the paper is a conclusion.
 6. 6. The sixth part of the paper is a list of references.
 7. 7. The seventh part of the paper is an appendix.
 8. 8. The eighth part of the paper is a glossary.
 9. 9. The ninth part of the paper is an index.
 10. 10. The tenth part of the paper is a list of figures.

Janne L. Edwards
Notary Public for Idaho
Residing at:

Robert W. Peterson
Robert W. Peterson

Jean L. Peterson
Jean L. Peterson

STATE OF IDAHO)
) ss.
County of Washington)

On this 1st day of May, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared PAMELA RUSSELL, PERSONAL REPRESENTATIVE, CARREL M. RIDENOUR ESTATE known to me to be the persons whose names are subscribed to the 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.

Duggie M. Lermieux
Notary Public for Idaho 6-12-97
Residing at: Loise, Idaho

Pamela Russell
Pamela Russell, Personal Rep. for
the estate of Carrel M. Ridenour

STATE OF IDAHO)
) ss.
County of Washington)

On this 1st day of May, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT W. PETERSON AND JEAN L. PETERSON, HUSBAND AND WIFE known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 6/10/93

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:

James A. Shaw Mabel Shaw

[] Name and Address of Former
Owner/Claimant(s)(Seller):

JAMES A. AND MABEL SHAW

[] New Owner/Claimant
(Purchaser):

ETHEL J. PEARSON AND ROBIN THORSEN

[] New Mailing Address:

P.O. BOX 205
CAMBRIDGE, IDAHO 83610

[] New Telephone Number: () _____ - _____

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes / no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of
ownership, describe
proof attached:

RECORDED DEEDS

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s)

Ethel J. Pearson
Robin Thorsen

Date 7-6-93

Date 7-6-93

[] Signature of Former
Owner/Claimant(s):

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

QUITCLAIM DEED

For Value Received SHAW RANCH, a general partnership

do hereby convey, release, remise and forever quit claim

unto ETHEL J. PEARSON, a single person, and ROBIN THORSEN, a single person, P. O. Box 205, Cambridge, Idaho 83610 the following described premises, to-wit:

Situate in Washington County, Idaho

See attached Exhibit "A".

together with their appurtenances.

Dated: June 9th, 1993.

James A. Shaw
James A. Shaw, General Partner

STATE OF IDAHO, COUNTY OF Washington

On this 9th day of June, 19 93, before me, a notary public in and for said State, personally appeared JAMES A. SHAW, General Partner of SHAW RANCH, a partnership

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

Residing at Upseiz
Comm. Expires 3/27/97

James A. Shaw
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF WASHINGTON

I hereby certify that this instrument was filed for record at the request of WEISER VALLEY TITLE

at 34 minutes past 9:00 o'clock Am., this 10TH day of JUNE 1993, in my office, and duly recorded in ~~XXX~~ of Deeds at page # 157150

MARY KAUTZ

Ex-Officio Recorder

By Carol Pyburn

Fees \$ 6.00

Mail to: WEISER VALLEY TITLE

Cmp. Index
Cmp. Rel.
Deputy Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return

EXHIBIT "A"

TOWNSHIP 14 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN; WASHINGTON
COUNTY IDAHO:

Section 2: SE1/4NW1/4; all that part of the S1/2NE1/4 and the
N1/2SE1/4 lying northwesterly of Pacific and Idaho
Northern Railway;

The Northeast Quarter of the Southwest Quarter of Section 2, Township
14 North, Range 3 West of the Boise Meridian; Washington County,
Idaho; lying northerly of the right of way of the Pacific and Idaho
Northern Railway:

EXCEPT: Beginning at the Southwest corner of said NE1/4SW1/4;

thence East 117 feet, more or less, to the northerly line of said
railway right of way;

thence northeasterly along said right of way 156 feet;

thence southwesterly 220 feet, more or less, to the west line of said
NE1/4SW1/4;

thence South 98 feet to the place of beginning.

EXCEPT ALSO: Beginning at a point on the west line of said NE1/4SW1/4
where it joins the northerly side of the Cove Road right of way;

thence 300 feet northeasterly along said right of way;

thence North 300 feet;

thence southwesterly 300 feet, more or less, to said west line;

thence South 300 feet to the place of beginning;

EXCEPT ALSO: Beginning at a point on the west line of said NE1/4SW1/4
where it joins the northerly side of the Cove Road right of way;

thence 300 feet northeasterly along the northerly side of said right
of way to a point, the real point of beginning;

thence North 300 feet to a point;

thence northeasterly parallel to a line projected along the aforesaid
portion of the Cove Road right of way, 85 feet to a point;

thence South 290 feet, more or less, to the northerly side of the Cove
Road right of way;

thence southwesterly along the Cove Road right of way to the real
place of beginning.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00260A

Date Received: 7/ 8/1993

Receipt No: W016480

Received By: [Signature]

C O P Y

NOTICE OF CLAIM TO A WATER RIGHT
FOR YOUR FILES ACQUIRED UNDER STATE LAW

1. Name: ETHEL J PEARSON 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610
AND/OR
Name: ROBIN THORSEN 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610
2. Date of Priority: APR 30, 1890
3. Source: RUSH CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34		SE	SW		WASHINGTON
5. Description of diverting works:
CONCRETE DIV. DAM IN CK W/HEADGATE, DITCH FOR FLOOD & SPRINKLER
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31		0.019	
7. Total Quantity Appropriated is:
0.019 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	2	SW	NE		IRR	25.0
			SE	NE		IRR	16.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	25.0
			NW	SE		IRR	5.0

Section Acres 144.0

Total Acres 144.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A67-00278, A67-04052D & A67-12338.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/20/1921

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: March 7, 1994

[
ETHEL J PEARSON OR
ROBIN L THORSEN
PO BOX 205
CAMBRIDGE ID 83610
]

Dear Claimant(s):

Enclosed is a computer generated copy of your Claim No. A67 - 00265B
which was previously numbered A67 - 00265 when originally filed.

During normal review of this claim we found that the original claim number was incorrectly assigned to your claim and it has now been renumbered to the correct claim number. If you have any questions concerning this claim in the future, please refer to this new claim number. This renumbering does not affect any other items on your claim.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosures

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-00265B**
Date Received: 4/28/1989
Receipt No: C006503
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: ETHEL J PEARSON 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID , 83610
AND/OR
Name: ROBIN L THORSEN 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610
2. Date of Priority: AUG 23, 1883
3. Source: RUSH CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34	SE	SW			WASHINGTON
5. Description of diverting works:
DITCH, GRAVITY FLOW TO POND, PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.250		
7. Total Quantity Appropriated is:
0.250 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 30.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	2	NE	NW	3	IRR	20.0

10. Place of Use: Continued

Section Acres 20.0

Total Acres 20.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
 A67-02242

14. Remarks:
 TRANS. 3106.
 THIS CLAIM OVERLAPS WITH IRRIGATED ACRES LISTED IN A67-02242.

15. Basis of Claim: DECREED .

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00265

Date Received: 4-28-89

Receipt No: 0006503

Received By: [Signature]

COPY

FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL J. PEARSON 208-257-3541
Address: P.O. BOX 205
CAMBRIDGE, ID 83610
AND/OR
Name: ROBIN L. THORSEN 208-257-3541
Address: P.O. BOX 205
CAMBRIDGE, ID 83610
2. Date of Priority: AUG 23, 1883
3. Source: RUSH CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34	SE	SW			WASHINGTON
5. Description of diverting works:
DITCH, GRAVITY FLOW TO POND, PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.250		
7. Total Quantity Appropriated is:
0.250 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 30.0 Acre Feet Per Annum.
9. Non-irrigation uses:

MICROFILMED
OCT 9 1992

Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	2	NE	NW	3	IRR	20.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A67-02242

14. Remarks:
TRANS. 3106.
THIS CLAIM OVERLAPS WITH IRRIGATED ACRES LISTED IN A67-02242.

15. Basis of Claim: DECREED *

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

MICROFILMED
OCT 01 1992

Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ethel J Pearson Date: 4/28/89
Date: _____

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 28th day
of April 19 89 John W. [Signature]

Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

MICROFILMED
OCT 9 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00278

Date Received: 7/8/1993

Receipt No: W010768

Received By: [Signature]

COPY

FOR YOUR FILES NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL J PEARSON 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID . 83610
AND/OR
Name: ROBIN THORSEN 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610
2. Date of Priority: MAY 1, 1890
3. Source: RUSH CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34	SE	SW			WASHINGTON
5. Description of diverting works:
CONCRETE DIV. DAM W/HEADGATE & DITCH W/FLOOD & SPRINKLER IRRIG.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.320		
7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	2	SW	NE		IRR	25.0
			SE	NE		IRR	16.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	25.0
			NW	SE		IRR	5.0

Section Acres 144.0

Total Acres 144.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A67-00260A, A67-04052D & A67-12338.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

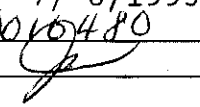
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-04052D

Date Received: 7/ 8/1993

Receipt No: 4016480

Received By: 

COPY

FOR YOUR FILES NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL J PEARSON 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610
AND/OR
Name: ROBIN THORSEN 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610

2. Date of Priority: JUN 1, 1924

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34	SE	SW			WASHINGTON

5. Description of diverting works:

CONCRETE DIV. DAM IN CK W/HEADGATE, DITCH FOR FLOOD & SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.880		
STOCKWATER	01/01	12/31	0.050		

7. Total Quantity Appropriated is:

2.880 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 200 HEAD.

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
14N	03W	2	SW	NE		IRR	25.0
			SE	NE		IRR	16.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	25.0
			NW	SE		IRR	5.0

Section Acres 144.0

Total Acres 144.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A67-00260A, A67-00278 & A67-12338.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

COPY

FOR YOUR FILES

Ident. Number: A67-12338

Date Received: 7/ 8/1993

Receipt No: WTH 10/6/93

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL J PEARSON 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID, 83610
AND/OR
Name: ROBIN THORSEN 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610

2. Date of Priority: AUG 23, 1883

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34	SE	SW			WASHINGTON

5. Description of diverting works:

CONCRETE DIV. DAM W/HEADGATE & DITCH FOR FLOOD & SPRINKLER IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.668		

7. Total Quantity Appropriated is:

0.668 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	2	SW	NE		IRR	25.0
			SE	NE		IRR	16.0
			SW	NW		IRR	33.0
			SE	NW		IRR	40.0
			NE	SW		IRR	25.0
			NW	SE		IRR	5.0

Section Acres 144.0

Total Acres 144.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A67-00260A, A67-00278 & A67-04052D.

14. Remarks:

THIS CLAIM IS A COMBINATION OF A PORTION OF DECREED RIGHT NOS.
67-00247, 67-00253, 67-00267, 67-00268, 67-00269, 67-00270 AND
67-00271. ALL HAVE THE SAME PRIORITY DATE & SAME SOURCE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

LARY C. WALKER
Attorney at Law
Lary C. Walker 232 East Main Street Telephone
Post Office Box 828 (208) 549-0390
Weiser, Idaho 83672 FAX 549-0404

July 22, 1993

Mr. Bert Patee
Cambridge, ID 83610

Dear Bert:

Please be advised that I represent Robert Bumgarner concerning land he owns that is irrigated by the Hulett Ditch. This ditch was built many years ago to irrigate the Hulett property, which is also owned by Robert Bumgarner, along with other properties in the neighborhood.

Mr. Bumgarner has 39 inches of water on the north side of Rush Creek to irrigate his property.

We have checked with the water master, and based on the Muir v. Allison decree and the water master records, the water rights on that ditch are as follows:

Robert Bumgarner	39 inches
LaMarr Hill	4.5 inches
Bo and Ethel Thorsen	25.5 inches
	4.25 inches
Robert Peterson	9.69 inches
Jerry Pugh → Nina Hawkins → Pearson/Thorsen	4.31 inches
Bert Patee	4 inches
James Warren	4.25 inches
Al (Bud) Frates	-0- inches

These numbers are based on the water master's records, and to our knowledge, they equitably reflect the water rights of each person on this ditch.

* When Mr. Bumgarner went to utilize the water out of the ditch and do some repairs on the dam so he could irrigate his property, you attempted to interfere with his rights, which resulted in an altercation.

It's our position that you were not only in violation of Mr. Bumgarner's rights to use that water but were out of line in calling him names and threatening him as you did.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00265

Date Received: 4-28-89

Receipt No: 0006503

Received By: RLJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL J. PEARSON 208-257-3541
Address: P.O. BOX 205
CAMBRIDGE, ID 83610

AND/OR

Name: ROBIN L. THORSEN 208-257-3541
Address: P.O. BOX 205
CAMBRIDGE, ID 83610

2. Date of Priority: AUG 23, 1883

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	34	SE	SW			WASHINGTON

5. Description of diverting works:
DITCH, GRAVITY FLOW TO POND, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.250		

12/12/88 7. Total Quantity Appropriated is:
0.250 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	03W	2	NE NW	3	IRR	20.0

Section Acres 20.0

Total Acres 20.0

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A67-02242

14. Remarks:
TRANS. 3106.
THIS CLAIM OVERLAPS WITH IRRIGATED ACRES LISTED IN A67-02242.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR
Decree Plaintiff

vs

WILLIAM ALLISON
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ethel J Pearson Date: 4/28/89

Date: _____

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 28th day
of April 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 1, 1994

file

P.O. Box 205
Cambridge, Idaho 83610
July 22, 1993

David R. Tuthill, Jr.
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:

I am writing to ask clarification from you regarding an issue which has arisen over a ditch. The ditch is located on Rush Creek, tributary to the Weiser River, within water district 67. The point of diversion is NW1/4 SE1/4 SW1/4 Section 34 Township 15N Range 3W.

Since the time I bought our first piece of property using the ditch in question (1987), the people who have used the ditch and helped maintain the ditch have been Jim Warren, Bert Pattee, Craig Keyser and Don Dopf (Cutler Family Trust), Bob Peterson, and ourselves. I understand that at some time in the past, the ditch had an "upper" and "lower" section and was known as the Hulet-Denney ditch, but by 1987, sections of the lower part had been plowed out and all water came through the upper portion. Since these years have been drought years, water was limited to brief needed periods.

Last week Robert Bumgarner went to Bert Pattee's and said that he was going to take water from the ditch (which was opened about a week before that). Bert questioned his use of the ditch, and the argument became physical. That same day Mr. Bumgarner approached a couple of new owners in the area north and east of his land on the east side of the creek, and asked to construct a ditch across their land.

I spoke briefly to Gerald Meyers, our Water Master, about the matter, and he referred me to you since it is a matter of a ditch. Since there are several diversion dams serving both sides of the creek within the immediate vicinity off the headgate of this ditch, could you clarify for me if Mr. Bumgarner's water comes off this ditch? Are there any regulations governing the establishment of a new side ditch? Since there is only one weir a short distance behind the headgate, what or who will govern the split of water between the proposed lower part of the ditch and the upper portion so that all legitimate water rights are honored?

I should like to emphasize that we are not questioning Mr. Bumgarner's water rights, but focusing on the ditch. Since there have also been several new people buying homesites on the land through which the ditch crosses, we have also had a problem of one person locking off his property and refusing to let us follow the ditch to check for repairs. Since we would like to avoid controversy and confrontations as much as possible, Mr. Meyers suggested that we request that you appoint a ditch-walker. What is your recommendation regarding this? Since I have the most land and water rights at the end of the ditch, I would assume the cost of this until this ditch issue is settled.

I am enclosing a copy of a map showing this section of Rush Creek, with (1) Mr. Bumgarner's land indicated immediately on both sides of the creek; (2) the ditch itself; and (3) the areas of land watered by other users of the ditch.

I am sure all concerned are willing to honor established regulations; however, we would be grateful for an official interpretation of those regulations as they apply in this situation. I appreciate any help you can give us. My phone in Cambridge is 257-3541.

Sincerely, .

Ethel J. Pearson