

RECEIVED

AUG 26 2005

Department of Water Resources

7680 Appaloosa Lane
Emmett, Idaho 83617
August 23, 2005
208-365-3776

Michael Ciscell
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83707-9815

Dear Mr. Ciscell:

Reg: Water Right Claims: 69-4103A
69-4104A
69-4015A
69-4016A

Enclosed are the maps marked as to the irrigated and or non-irrigated areas.
Also enclosed are the following as evidence of priority of Water Right:

Homestead Proof-Testimony of Claimant John H. Clifton (indicates 100
acres cultivated since 1888)

Homestead Proof-Testimony of Witness (dated July 10, 1900)

Water claim Filed by John H. Clifton for use of water from Crooked River
and Moonass Creek Oct. 8, 1891

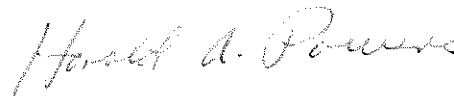
Notice of Location of Water Right Crooked River dated October 10, 1901
(indicates ditches dug and water use continuous since 1888)

Notice of Location of Water Right-John H. Clifton Moonass (Moonshine)
Creek dated October 10, 1901 (indicates ditches dug and water use
continuously since 1888)

Affidavit Evea Harrington Powers

I will be glad help solve any questions or concerns you may
have concerning this filing. Any suggestion you have to improve our filing
will be appreciated. Thank you for all the help you provided over the phone.

Sincerely,



Harold A. Powers

7680 Appaloosa Lane
Emmett, Idaho 83617
August 18, 2005

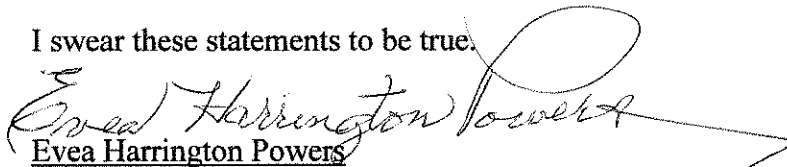
Mr. Michael Ciscell, Sr. GOS Analyst
Idaho Department of Water Resources
PO Box 8720
Boise, ID 83707-9815

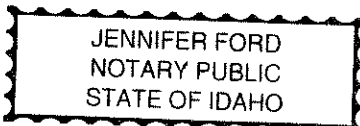
Re: T18N R3W S11 No 69-4103A
 No 69-4015A
 No 69-4104A
 No 69-4016A

This property, known as the John Clifton place, was purchased in 1946 by Verna R. Harrington, my father, and was deeded to us in 1984. I can verify the use of the water from Crooked River and Moonas (Moonshine) Creek for irrigation on the following: W1/2 of the SE1/4 and the E 1/2 of the SW1/4 of S 11, T 18 N, R 3 W from 1946 to the present time.

Prior to my father's ownership, I was familiar with the property and noted many times that irrigation water was ditched across the town-to-market road to irrigate pasture on the east side of the road and to water animals held in the corrals near the barn.

I swear these statements to be true.


Evea Harrington Powers



STATE OF IDAHO, COUNTY OF
On this 23rd day of August, 2005
before me, a notary public in and for said State, personally
appeared
known to me to be person whose name
subscribed to the within instrument, and acknowledged to me
that _____ executed the same.

Residing at Emmett Notary Public
Comm. Expires 7/24/10 Idaho

CERTIFIED

COPY

NOTICE OF LOCATION OF WATER RIGHT.

TO ALL CONCERNED NOTICE IS HEREBY GIVEN:-

First: That the undersigned John Clifton, hereby claims the water flowing and to flow in Crooked River in Washington County, State of Idaho, to the extent of three and three eights cubic feet per second.

That the point of intended diversion of said water is on the Southerly side of said creek and about one hundred yards North of West of the point of the hill that lies between Moonas Creek and Crooked River and where a copy of this notice is posted, that a ditch was constructed from said point of diversion to the land hereinafter described in the year 1888 and has been used continually since that date.

That said water is to be used for irrigating purposes. That said water is to be diverted and conducted by a ditch from said point of diversion in an Easterly direction a distance of one mile and a quarter to be used to irrigate the East half of the South West quarter and the West half of the South East quarter of Section Eleven in Township 18 North of Range Three West Boise Meridian, now owned and possessed by the locator.

That said water was appropriated and ditch constructed therefor in and during the year 1888 and the same and the water flowing therein have been used continuously to irrigate the said described premises, by the locator since that date and this location is now made for the purpose of more definitely defining the rights therein and to comply with the laws as they now are, and in so doing none of the rights in and to said water, and ditch heretofore, had and enjoyed are waived but all such rights are fully claimed and to relate back to the original appropriation.

Dated and posted this 10th day of October A D 1901

John H Clifton Locator

Filed for record at request of John H Clifton at 9 o'clock A M this 18th day of October

A D 1901

I F Smith, Ex-Officio Recorder

Fees \$1.00

By Frank Smith, Deputy

(Water Rights-2-124-)

State of Idaho }
County of Adams } ss

I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 1st day of April 1901

MICHAEL FISK

Clerk of the District Court
and County Recorder

Frank Smith
Deputy

NOTICE OF LOCATION OF WATER RIGHT.

TO ALL CONCERNED NOTICE IS HEREBY GIVEN:-

First. That the undersigned John Clifton hereby claims the water of Moenas Creek in Washington County, State of Idaho, to the extent of one and one fourth cubic feet per second.

That the point of intended diversion of the said water is at or near the South West corner of the South East quarter of the South West quarter of Section 11, in Township 18 North of Range Three West B M where a copy of this notice is posted. that a ditch was constructed from said point of diversion to the land hereinafter described in the year 1888 and has been used continuously since that date.

That said water is used for irrigating purposes. That said water is to be converted and conducted by a ditch from said point of diversion in an Easterly direction to be used to irrigate the South West quarter of the South East quarter of Section 11 in Township 18 North of Range 3 West B M, now owned and possessed by locator.

That said water was appropriated and ditch constructed therefor in and during the year 1888, and the same and the water flowing therein have been continuously to irrigate the said described premises by the locator since that date and this location is now made for the purpose of more definitely defining his rights therein, and to comply with the laws as they are now, and in so doing none of the rights in and to said water and ditch heretofore had and enjoyed are waived but all such rights are fully claimed and to relate back to the original appropriation.

Dated and posted this 10th day of October A D 1901

John H Clifton

Locator

Filed at request of John H Clifton at 9 o'clock A M this 18th day of October

A D 1901

I P Smith Ex-Officio Recorder

Fees \$1.00

By Frank Smith, Deputy

(Water Rights-2-123-)

State of Idaho }
County of Adams } ss
I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody.
IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 14 day of April 19 01

MICHAEL FISK
Clerk of the District Court
and County Recorder
Deputy

Last Names Powers

69-4104 A

RECEIVED
OCT 10 1891
CLERK OF DISTRICT COURT

COPY

37

Weiser, Idaho, October 8th 1891: Notice is hereby given that I the undersigned under the laws of the United States, and of the State of Idaho, to claim two hundred inches of water measured under a four inch pressure to be taken from the waters of Crooked River and one hundred inches to be taken from Moonass Creek. The water above claimed to be conducted by a ditch to ranch of claimant about one and one fourth miles from point of diversion.

Said water to be used for irrigation and domestic purposes.

John H Clifton

Locator

Filed October 8th 1891

I F Smith, Recorder

H S Durbin, Deputy

\$1.00

(Water Rights-1-271-)

State of Idaho }
County of Adams }

I, the undersigned Recorder and Clerk of the District Court of Adams County, State of Idaho, do hereby certify that the foregoing instrument is a true and correct copy of the original on file in my office and in my custody.
IN WITNESS WHEREOF, I have set my hand and affixed my official seal on this 1st day of April 1998

MICHAEL FISK

Clerk of the District Court
and County Recorder

David Powers
Deputy

Last Name: Powers

69-4104A

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

John H. Clifton, being called as a witness in his own behalf in support of homestead entry, No. 60421, for W. L. E. & E. L. W. & Sec. 11, Tp 18 N., R 3 W. testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. John H. Clifton, age 51 years, P. O. Dale, Idaho.

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?

Ans. I am. Was born in Illinois.

Ques. 3.—Are you the identical person who made homestead entry, No. 60421, at the Boise, Idaho land office on the 11th day of December, 1896?

Ans. I am. W. L. E. & E. L. W. & Sec. 11, Tp 18 N., R 3 W. and my filing receipt for the same has been burned up.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. In February 1887 and I commenced living there at that time. I had lived there continuously since 1888. House 24 ft. 16 in. by 12 ft. 7 in. 7 rooms. Barn 26 ft. 72 in. by 10 ft. 10 in. Land is fenced with barbed wire. Building with house consists of 100 ft. by 100 ft. Total value \$1000. Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Myself, wife & 4 children. We have except one daughter.

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. We were absent for short periods during one season. I was farming. We were on the place that winter at different times. Never saw any more than a week at a time. This was in 1896 before I filed on the land.

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?

Ans. I have 100 acres cleared and in grain & hay. Have raised a crop every season since I have been there.

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. It is not.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality and for what purpose it is most valuable.

Ans. It is timber and agricultural land. Part heavy & some red soil. Most valuable for farming.

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. There are not.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. I have not.

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. I have not.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. I have not.

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.

Ans. Never made any other entry. This testimony taken private and apart from the witnesses and without their knowledge or hearing.

(Sign plainly with full christian name.)

John H. Clifton

* (In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Arthur Robertson, being called as witness in support of the Homestead entry of John N. Clifton for W.D. Co., E.D.W. Sec. 11, T. 18 N. R. 3 W., testifies as follows:

Question 1.—What is your name, age, and post office address?

Answer. Arthur V. Robertson, age 37 yrs., P.O. Dale, Idaho, and the same person advertised as Arthur Robertson in full.

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. It is not.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. It is farming and timber land.

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. He settled there in 1887 and established his residence there at that time.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. They have.

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. They were absent a part of one summer and were in Wild Horse Canyon about 6 miles from his home. Passed they were there about 3 months. They were back to North Fork, Idaho, three or 4 times every month. They were before he did in this season did he raise crops.

thereon?

Ans. It is a crop in cultivation and has raised a crop every season since he has lived there.

Ques. 9.—What improvements are on the land and what is their value?

Ans. House, barn, blacksmith shop, stock shed, & barn place under fence except an acre or two. Total value \$1200.00.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. There are not.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not to my knowledge.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. Yes.

I am not. He has acted in good faith. His testimony is separate & apart from claimant or other witnesses and Arthur Robertson.

(Sign plainly with full christian name.)

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this tenth day of July, 1905, at my office at Cambridge, in Washington County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Riel Currier

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

BEST COPY AVAILABLE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4103A

WATER RIGHT NUMBER: 69-4103A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVEA H POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776
Original Owner	CLARA HARRINGTON HORNET CREEK STAR RT COUNCIL, ID 83612 (208)253-4896
Current Owner	HAROLD A POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776

Priority Date: 04/01/1888

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
CROOKED RIVER	WILDHORSE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	3.380 CFS	
STOCKWATER	4/01 to 10/31	0.120 CFS	
	<u>Total Diversion:</u>	3.380 CFS	

Location of Point(s) of Diversion

CROOKED RIVER B.M. ADAMS County	NW1/4SW1/4	Sec. 11, Twp 18N, Rge 03W,
CROOKED RIVER B.M. ADAMS County	NE1/4SW1/4	Sec. 11, Twp 18N, Rge 03W,
CROOKED RIVER B.M. ADAMS County	NE1/4NE1/4	Sec. 15, Twp 18N, Rge 03W,

Place of Use

IRRIGATION Within ADAMS County

T18N R03W S11	NESW	40.0	T18N R03W S11	SESW	40.0
T18N R03W S11	NWSE	40.0	T18N R03W S11	SWSE	40.0

Total Acres: 160

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4103A

Conditions of Approval:

1. Added 2 additional points of diversion per claimant request.
Clarified original POD (S-15) to NENE. See map attached.
Additional points of diversion have been in existence since early 1900s.
DB / LG 5/10/2002
2. EXISTING DIVERSION WORKS CONT - DIVERSION ACCOMPLISHED BY ROCK AND LOG DAM
APPROXIMATELY 8 FT. LONG DIVERTING THE WATER INTO A DITCH 4 FT. WIDE AND
RUNNING NORTHEASTERLY TO THE E 1/2, SW 1/4, AND W 1/2, SE 1/4, SECTION 11. A
SECOND DIVERSION BY ROCK AND LOG DAM 8 FT. LONG DIVERTING INTO A DITCH 3.0 FEET
WIDE RUNNING NORTHEASTERLY TO E 1/2, SW 1/4, AND W 1/2, SE 1/4, SECTION 11.
THESE TWO DIVERSIONS ARE ABOUT 100 FEET APART.
____FURTHER REMARKS: ATTACHMENTS: (1) WATER RIGHT CLAIM DATED AND FILED
OCT. 8, 1891 (2) NOTICE AND LOCATION OF WATER RIGHT DATED AND POSTED
OCTOBER 10, 1901, AND FILED OCTOBER 18, 1901.
A HIGH DIVERSION RATE IS REQUIRED TO IRRIGATE THIS DRY MOUNTAIN MEADOW.
A LOW FLOW RATE WILL NOT PROPERLY IRRIGATE THE LAND. ANY EXCESS WATER
RETURNS TO CROOKED RIVER.



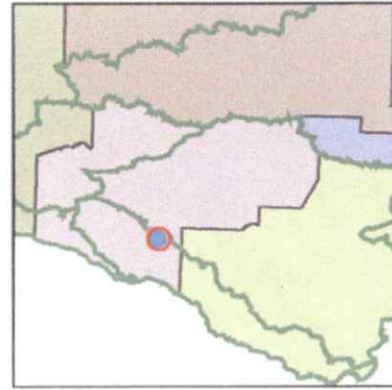
Idaho Department of Water Resources

Adjudication Claim Number: **69-4103A**

T18N R03W

Legend

- Point of Diversion
- Place Of Use
- PLS Sections
- Quarter Quarters



Adams County
IDWR Basin 69

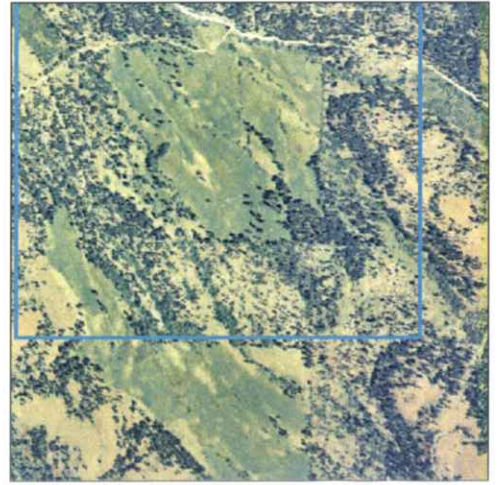


Prepared by M. Ciscell
On Monday, August 1, 2005
1087 Aerial Photo

Rec69-4103A



Not Irrigated



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4015A

WATER RIGHT NUMBER: 69-4015A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAROLD A POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776
Current Owner	EVEA H POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776

Priority Date: 04/01/1888

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
CROOKED RIVER	WILDHORSE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 8/01	4.620 CFS	
	<u>Total Diversion:</u>	4.620 CFS	

Location of Point(s) of Diversion

CROOKED RIVER	NW1/4SW1/4	Sec. 11, Twp 18N, Rge 03W
ADAMS County		
CROOKED RIVER	NE1/4SW1/4	Sec. 11, Twp 18N, Rge 03W
ADAMS County		
CROOKED RIVER	NE1/4NE1/4	Sec. 15, Twp 18N, Rge 03W
ADAMS County		

Place of UseIRRIGATION Within ADAMS County

T18N R03W S11	NESW	40.0	T18N R03W S11	SESW	40.0
T18N R03W S11	NWSE	40.0	T18N R03W S11	SWSE	20.0

Total Acres: 140

Conditions of Approval:

1. FLOODWATER NEEDED WHENEVER AVAILABLE TO PROPERLY IRRIGATE THE AREA. A HIGH DIVERSION RATE REQUIRED TO IRRIGATE THIS DRY MOUNTAIN MEADOW. ANY EXCESS WATER RETURNS TO CROOKED RIVER.
2. Added 2 additional points of diversion per claimant request.
Clarified original POD (S-15) to NENE. See map attached.
Additional points of diversion have been in existence since early 1900s.
DB / LG 5/10/2002



Idaho Department of Water Resources

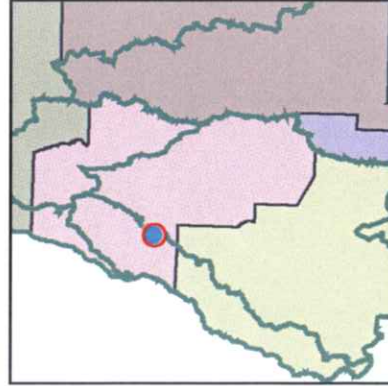
Adjudication Claim Number: **69-4015A**

T18N R03W

Legend

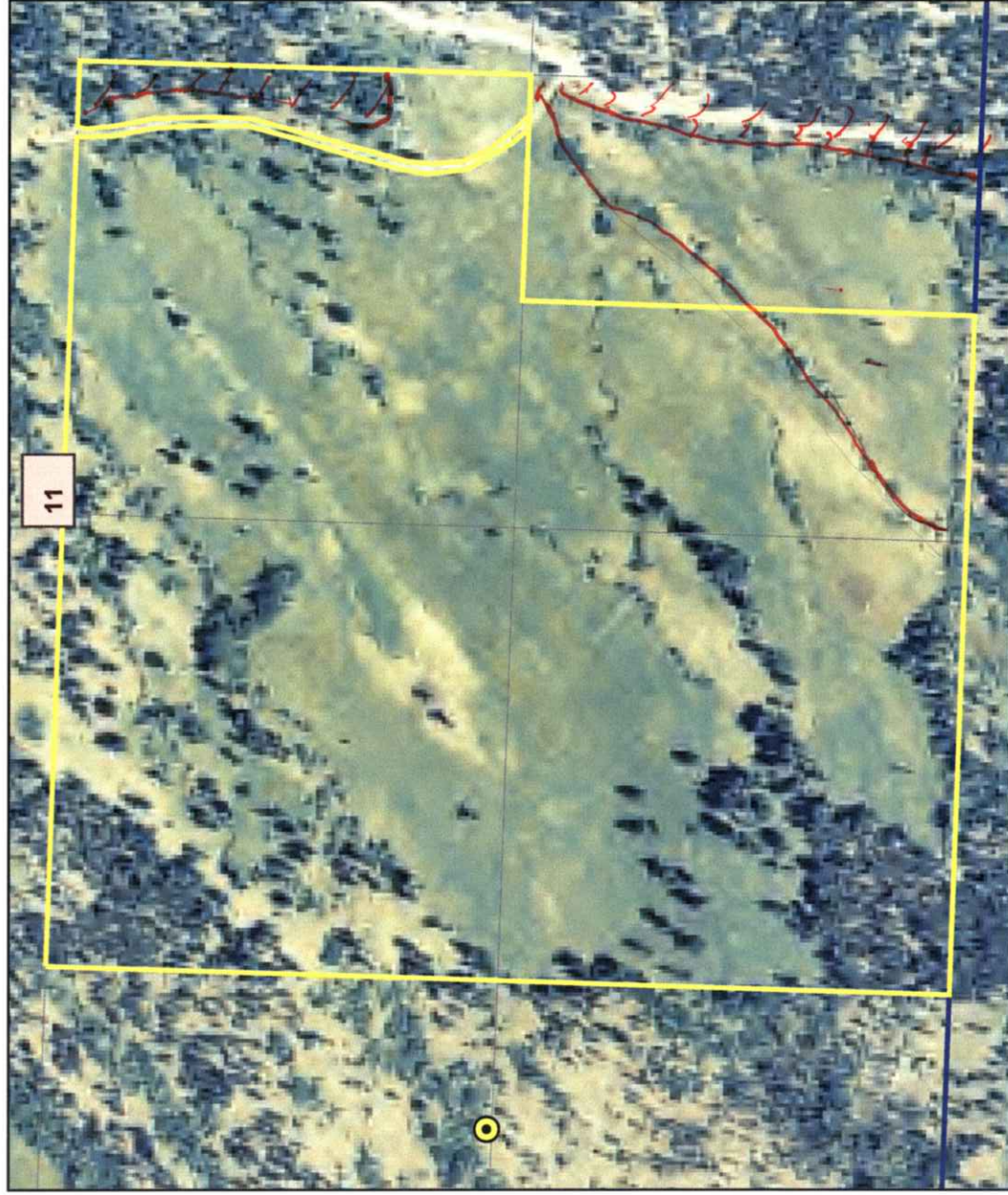
Div. Points Same as 69-403A

- Point of Diversion
- Place Of Use
- PLS Sections
- Quarter Quarters



Adams County
IDWR Basin 69

Prepared by M. Ciscell
On Monday, August 1, 2005
1987 Aerial Photography



0 0.2 0.4 Miles

Page 63

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4104A

WATER RIGHT NUMBER: 69-4104A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAROLD A POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776
Current Owner	EVEA H POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776

Priority Date: 04/01/1888

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MOONSHINE CREEK	DICK ROSS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 09/30	1.250 CFS	
STOCKWATER	04/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	1.250 CFS	120.00 AF

Location of Point(s) of Diversion

MOONSHINE CREEK B.M. ADAMS County	NW1/4NW1/4NE1/4	Sec. 14, Twp 18N, Rge 03W,
MOONSHINE CREEK B.M. ADAMS County	NE1/4NE1/4NW1/4	Sec. 14, Twp 18N, Rge 03W,

Place of Use

IRRIGATION Within ADAMS County

T18N R03W S11 SWSE 40.0

Total Acres: 20

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. POSTED NOTICES ATTACHED TO ORIGINAL; HIGH DIVERSION RATE REQUIRED TO IRRIGATE DRY MOUNTAIN MEADOW, EXCESS WATER RETURNS TO MOONSHINE(MOONAS) CREEK OR DICK ROSS CREEK. IRRIGATED ACRES AMENDED PER CLAIMANT 7/25/01.



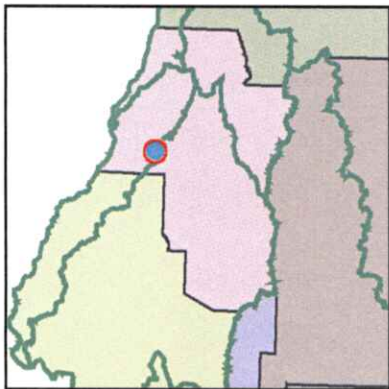
Idaho Department of Water Resources

Adjudication Claim Number: **69-4104A**

T18N R03W

Legend

-  *Not Irrigated*
-  Point of Diversion
-  Place Of Use
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 69



0 0.1 0.2 Miles

A horizontal scale bar with markings for 0, 0.1, and 0.2 miles.

Prepared by M. Ciscell
On Monday, August 1, 2005
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 69-4016A

WATER RIGHT NUMBER: 69-4016A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVEA H POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776
Current Owner	HAROLD A POWERS 7680 APPALOOSA LN EMMETT, ID 83617 (208)365-3776

Priority Date: 04/01/1888
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
MOONSHINE CREEK	DICK ROSS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 8/01	3.460 CFS	
	<u>Total Diversion:</u>	3.460 CFS	

Location of Point(s) of Diversion

MOONSHINE CREEK	NE1/4NW1/4	Sec. 14, Twp 18N, Rge 03W,
B.M.		
ADAMS County		

Place of Use

IRRIGATION Within ADAMS County

T18N R03W S11 SWSE 20.0

Total Acres: 20

Conditions of Approval:

1. FLOODWATER NEEDED WHENEVER AVAILABLE FOR PROPER IRRIGATION OF DRY MOUNTAIN MEADOW; EXCESS WATER RETURNS TO MOONSHINE (MOONAS) CREEK OR DICK ROSS CREEK.

Idaho Department of Water Resources

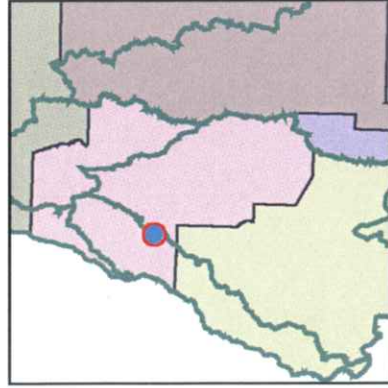


T18N R03W

Adjudication Claim Number: **69-4016A**

Legend

-  *Not Irrigated*
-  Point of Diversion
-  Place Of Use
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 69



Prepared by M. Ciscell
On Monday, August 1, 2005
1987 Aerial Photography