

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-355A

JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122
Telephone Number: (208)741-0343

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
*05/01/1984, 03/15/-11/15 THE MUIR-ALLISON DECREE SHOWS 0.833 CFS
NOT 0.723 CFS ENCLOSED FILLING P.17-SPAHR + 2 DEEDS + DECREE*

2. Describe the changes you wish to make in the proposed recommendation:

*PLEASE MAKE 0.833 CFS
41.6 LIKE THE DECREE*

3. Give a brief explanation as to why you disagree with these portions:
*THE SPAHR 67-00355C TRANSFER TOOK THE
5.5" FROM THE 50 INCHES NOT THE DESERT SHEEP
CO, LAND 41.6" OR 0.833 CFS*

NO I AGREE with this proposed recommendation: no changes need to be made.

DATE: *11/25/06*

SIGNATURE: *Larry Derie*

Please print your name: *LARRY DERIE*

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-355A

NAME AND ADDRESS: JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

SOURCE: MILL CREEK
QUANTITY: 0.723 CFS
TRIBUTARY: WEISER RIVER

The rights listed below are limited to a total combined diversion rate for irrigation purposes of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:
T17N R01W S34 NESE Rediversion Within ADAMS County
T17N R01W S34 NESE Injection Within ADAMS County
T17N R01W S35 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.723 CFS
IRRIGATION in ADAMS County		833
T17N R01W S34 NESE	18.00 T17N R01W S34	NWSE 9.30
T17N R01W S34 SWSE	22.00 T17N R01W S34	SESE 8.50
57.8 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Martin Daseret Oct 25, 1916 50 5-549

INSTRUMENT NO. 5740

owner at time
owner of Madison
Daseret

THIS INSTRUMENT, Made this 25th day of October in the year of our Lord one thousand nine hundred and sixteen, between C. A. Martin, and Hilda A. Martin husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and The Deseret Sheep Company, (a corporation) of Boise County of Ada State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seven thousand-five hundred DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate, situated in _____ County of Adams, State of Idaho, to-wit:

All of the part of the S. E. 1/4 of Sec. 24 Twp 17 N. R. 1. west B. M. as follows:; Commencing at the S. W. corner of said quarter section, as the place of beginning and running thence north 2626 feet to a point, thence east 889 feet to a point on the west side of the right of way of the F. & I. R. Railroad as the same now crosses the said quarter section, thence southwesterly along the said right of way 2700. 8, to a point on the south line of said quarter section, thence west along the said line 269 feet to the place of beginning, containing 24.2 acres more or less intending to convey all that part of said quarter section lying and being west of the said railroad right of way, also all of that part of the S. E. 1/4 of Sec. 24 described as follows, Commencing at a point 507 feet south of the N.E. corner of the S. E. 1/4 of said Sec. 24 Twp 17 N/ R. 1 West B.M., as the place of beginning, and running thence west 1781 feet to the point being on the east side of the right of way of the F and I.R. Railroad as the same crosses the said quarter section, thence in a southwesterly direction along said right of way 820.5 feet to a point, thence east 1977 feet to a point being on the east boundary line of said quarter section, thence north 806 feet to the place of beginning containing 24.7 acres more or less it being the intention by this description to convey all of the North 1/2 of the S. E. 1/4 of said section lying east of said Railroad right of way except 20 acres off the north end thereof, also 22.1 inches of water in the adjudicated water right of Margaret F. Frigbaum in and to the waters of Hill creek, also 7/13 interest in all ditches, and laterals flumes and dikes used to convey said water, and used in connection with the irrigation of said lands or any part thereof belonging to the parties of the first part, Also all that part of the S.E. 1/4 of section 24, Twp 17 N.R. 1. west B.M. commencing at a point 1818 feet south of the N. E. corner of the S.E. 1/4 of sec. 24 said Twp and range thence running west 1977 feet to the east boundary line of the F and I. R. Railroad right of way through said tract, thence southwesterly along the said right of way to the south boundary of said S. E. 1/4 of the S. E. 1/4 of said section 24 said Twp and range the distance being 1350 feet, thence running east along the south boundary of said quarter section 950 feet thence running north 165 feet to a point, thence east 1321 feet to the east boundary line of said quarter of said section, thence north along the east boundary of said quarter 1148 feet to the place of beginning containing 24.6 acres more or less together with 19.3 inches of water from said adjudicated water right from the waters of Hill creek together with all ditches and irrigating works used to convey said water, being 60/129 interest therein: The intention of the grantors herein being to convey by this deed all of their interest in and to the said lands and premises being 128.2 acres, and 41.5 inches of water,

This grant is subject to a mortgage upon said premises dated Dec. 21st 1915 executed by the parties of the first part to Richard Dearnond, C. E. Cunningham and David Dunbar, recorded in Book 5 at page 239 Mortgages of Adams County, Idaho; together with the accrued interest thereof, and all taxes due upon said premises which the said party of the second part hereby assumes and agrees to pay.

TOWIT, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, to other with the appurtenances, unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, and said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first

See map for parties to investigate

22.3
19.3
41.5

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Transfer
attached

Feb 14 1910

Krigbaum to Cunningham & Olson

1910 F-477

This Indenture, made this 16th day of February 1910 between Margaret L. Krigbaum of Council, County of Washington, State of Idaho, the party of the first part and C. E. Cunningham and H. M. Olson, of Council, in the County of Washington, State of Idaho, the parties of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twelve Thousand Dollars, lawful money of the United States to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold and by these presents does hereby grant, bargain, sell and convey and confirm unto the said parties of the second part, and to his heirs and assigns forever, all the following described real estate situated in the County of Washington, State of Idaho and particularly described as follows to-wit:

The South East Quarter of Section Thirty Four (34) in Township Seventeen (17) North of Range One (1) West of the Boise Meridian and containing one hundred and sixty acres, less 6.21 acres decded to the Pacific and Idaho Northern Railway Co. for right of way over, through and across the said land which said deed is recorded in Book 16 at page 429 Deeds of Washington County, Idaho also excepting therefrom a tract of land containing five acres decded to William Dawson, which said land is described as follows.

Commencing at the S. E. corner of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 34 Twp 17 N. R. 1 West B. M. and running thence west 80 rods, thence north at right angles 10 rods, thence east at right angles 80 rods, thence south at right angles 10 rods to the place of beginni the said tract of land conveyed hereby being 148.79 acres, more or less, together with all water and water rights and ditches thereunto belonging or in anywise appertaining includin an adjudicated water right into and to the waters of Mill Creek, which adjudication was at the suit of Geo. M. Winkler vs Marion Young et al, wherein the party of the first part was adjudicated to be the owner of 50 Aches, miners measurement, in and to the waters of Mill Creek from May 1st 1884 excepting from the said grant of water herein the amount of ~~two inches~~ (miners measurement) heretofore granted to William Dawson the amount of adjudicated water herein conveyed by this deed being 48 inches (miners measurement).

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 and all estate, right, title and interest in and to the said property as well as in law as equity of the party of the first part.

To Have and to Hold the above mentioned and described premises together with the appurtenances unto the said parties of the second part and to their heirs and assigns forever.

And the said party of the first part, her heirs the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns and against the party of the first part her heirs or assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same shall warrant and by the presents forever defend.

In Witness Whereof I have hereunto set my hand and seal the day and year first above written.

Witness Margaret L. Krigbaum (Seal)

L. L. Burtenshaw
State of Idaho
County of Washington } ss

This certifies that on this 16th day of February 1910, before me L. L. Burtenshaw a Notary Public in and for said County and State personally appeared Margaret L. Krigbaum personally known to me to be the identical person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the same In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 16th day of February 1910.

Shows That papers to copy in 382386981
TNT # 382386981
or - 47-00-3557

Copy of deeds sent to Denise by Water Resource Office in 1980's.

38 June 5, 1902
31 June 5, 1902
40 June 5, 1902
5 June 5, 1902

Hill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,
John Kessler, Jim Kessler, Lewis Kessler, Bettie
Dickerson, Janie Hart, Ida Blanchard, William
Kessler, Elva Young and Rebecca Kessler, suc-
cessors of Alexander Kessler, deceased
Frederick N Watriss, Grantee of Geo M Winkler

25 ⁶² May 1, 1878
14 2/3 May 1, 1881
12 1/2 May 1, 1884
33 1/3 May 1, 1893

Note: Deeds - Spahr

P H Schaff and F S Galey, Grantees of Samuel Harp 37 1/2
Property is 20 acres excepting Det 25, 1916 Deed
May 1, (1944)
May 1, 1882
May 1, 1891

DERIE NOW *Never owned by Spahr or his previous owners of the 20 acres*
Deseret Sheep Company sub for C A Martin, Grantee

of Margaret Krigbaum

41 2/3 May 1, 1884 355

Hill Creek (Con)

Council Valley Orchards, Grantee of J Marion

Young

10 3/4 May 1, 1885 56
29 May 1, 1894 57
37 1/2 May 1, 1889 58
21 1/2 May 1, 1886 59
27 1/2 May 1, 1893 60

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F

Middleton

37 1/2 May 1, 1894

Charles Lappin and A E Welmley, Grantees of C S

Gibbs

54 May 1, 1896

James A Huston Jr. and William Spahr, Grantees

of John and J D Poyner

16 1/2 May 1, 1899

B W Turnipseed

18 May 1, 1903

J V Morrison

16 July 1, 1909

C W Holmes

8 1/2 May 1, 1909

Council Valley Orchards

100

RE APPLICATION OF W. H. SPAHR FOR PERMIT TO
TRANSFER WATER RIGHTS FOR ROTATING USE UPON
TRACTS UPON WHICH RIGHTS ARE NOW APPURTENANT

EXHIBIT A

The Applicant, W. H. Spahr, of Council, Idaho, is now owner of two separate parcels of land, irrigated from Mill Creek, in Adams County, under two separate decreed water rights from Mill Creek and the purpose of this Application is to secure official permission to use both of such rights for the irrigation of one (the lower) of said tracts of land until July 1st of each year, and after July 1st of each year, to use both of such water rights for the irrigation of the other (upper) tract.

The Two tracts of land, and the two separate decreed water rights therefor, are severally described as follows:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres. *Decd Oct. 25, 1918*

And the Decreed water right for the above described tract of land is described as follows:

A Right of 5 $\frac{1}{2}$ " from Mill Creek in Adams County, Idaho, under priority date of May 1st. 1884, being in part, the water right decreed to Margaret Krigbaum (or 50P) for use upon the SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M., in the water adjudication suit of George M. Winkler, plaintiff, vs. J. Marion Young--Margaret E. Krigbaum, --et al, and which Decree is approved and set forth in the Abstract of Judgment in the Weiser River Adjudication suit of Muir Bros. vs Allison. *Decd Feb. 1918*

The Applicant, W. H. Spahr, acquired by direct chain of deeds, the tract of land first above described, together with deed for 5 $\frac{1}{2}$ " of the above decreed water, and for more than 26 years, last past, such amount of decreed water has been officially recognized as a right for the above described lands and has been used each irrigation season, by applicant, for irrigation of such lands:

Name of Applicant.....

W. H. SPAHR, COUNCIL, CHO.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

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SEC.

SEC.

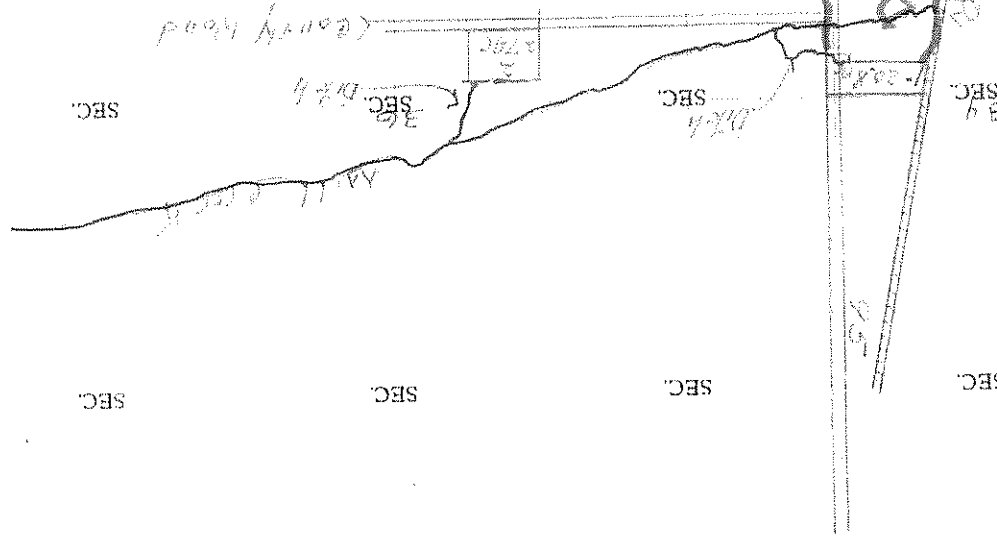
SEC.

SEC.

SEC.

SEC.

SEC.



The trail to 60
was not in (D) and
with Deep North
(Deeper right)
was or pro
Exhibit
Sole

BOTH TRACTS 1 AND 2 ARE OWNED BY APPLICANT, W. H. SPAHR;

TRACT 1 OF 20.8 ACRES HAS DECREED WATER RIGHT FROM MILL CREEK FOR 5.50" OF WATER UNDER PRIORITY OF MAY 1, 1884:

TRACT 2 OF 27 ACRES HAS DECREED WATER RIGHT FROM MILL CREEK FOR 4.75" OF WATER UNDER PRIORITY OF MAY 1, 1889:

ROTATION PLAN IS TO MAKE BOTH RIGHTS AVAILABLE FOR USE ON TRACT 1 TO JULY FIRST OF EACH YEAR, AND FROM JULY FIRST OF EACH YEAR, TO USE BOTH RIGHTS FOR IRRIGATION OF TRACT 2: SEE ATTACHED EXHIBIT "A" FOR REASONS SUPPORTING THIS ROTATING USE

PAGE TWO, Re Application of W. H. SPAHR, EXHIBIT "A"

The land last above described is irrigated by the before described water right, and the water is diverted from the North side of Mill Creek at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 17 N. R. 1 W. B. M. which is about 1200 feet Easterly from the North and South Highway (U S 95) and is conveyed in a general westerly direction across said highway and to about the Southeast corner of the tract of land first herein described:

(2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho,

and the Decreed water right for the last above described tract of land is described as follows:

A right of 4.75" from Mill Creek in Adams County, Idaho, under priority date of May 1st. 1889 under Decree of the District Court of the Seventh Judicial District of the State of Idaho, and approved and set forth in the Abstract of Judgment in the water adjudication suit for the Weiser River, and tributaries, in the action of Muir Bros., plaintiffs, vs. Allison, et al, defendants.

The applicant, W. H. Spahr, acquired ownership of the last before described tract of land more than 46 years ago, by direct chain of deeds, together with deed for such 4.75" of water of Mill Creek, and for more than 46 years last past, such water right has been officially recognized as appurtenant to said last described tract of land, and such water has been used for the irrigation thereof during each and every year during all of such period.

The land last above described is irrigated by use of the before described water right and the water is diverted from Mill Creek at a point on the southerly side of such creek which is approximately in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 17 N. R. 1 W. B. M. and is then conveyed through a small ditch and conduit leading South and Southwesterly some 700 to 800 feet to approximately the Northeast corner of the tract of land last above described, ie Tract 2:

GENERAL COMMENTS

As before noted, the applicant, W. H. Spahr, owns both the tracts designed as 1 and 2 and is the holder of both the before described decreed water rights from Mill Creek.

Tract 1 is situated one full mile west of tract 2, and the point of diversion from Mill Creek for the water decreed to Tract 1 is one full mile West of the diversion point for the water decreed to tract 2. All of the irrigated land lying along Mill Creek, between Tracts 1 and 2, is owned by Frank S. Galey, Jr., whose consent to the transfer herein applied for, accompanies this Application.

The water for tract 1 (right of 5 $\frac{1}{2}$ ", priority of May 1, 1884) is the lowest diversion made from Mill Creek and no irrigated land below the present diversion point is effected by this application.

During normal years, the flow of water in the channel of Mill Creek, between diversion points for Tract 1 and Tract 2 is ample to supply both the before described Decreed rights, or a total of 10.25" inches of water, and due to sub-water, the location of and kind of crops (fruit) grown on Tract No. 2, very little, if any, use of water is required before July 1st of the Average year.

Tract 1 is arid land, adapted to growing of alfalfa or small grains and if irrigated to July 1st. will produce very good crops of hay and grain.

In normal years, the flow of water in Mill Creek between Diversion points for Tracts 1 and 2, after July 1st, is so reduced in volume that very little, if any, water is available under the decreed right of May 1, 1884 for us upon Tract 1, and a great deal of water is lost by seepage and evaporation between diversion points 1 and 2 so that the water right for tract 1 is of little use or value after July 1st of the average year. There is, however, in all normal years, a sufficient flow of water in Mill Creek at the diversion point for Tract 2 to fill both the Decreed Rights herein described, or a total of 10.25" and the total of such flow can be used upon, and is required for, the 27 acres contained in Tract 2 and using the late season flow upon this tract of land prevents the loss of water by seepage and evaporation which occurs when attempt is made to conduct only 5.50" inches of water down the channel of Mill Creek to the Diversion Point for Tract No. 1.

PROPOSAL

Applicant proposes to establish a ROTATING USE of both the water rights herein described for use upon both of the tracts of land herein described, and in the following manner:

- (a) Both the 5.50" right of May 1, 1884, and the 4.75" right of May 1, 1889, or a total of 10.25" of water to be used upon the 20.8 acre tract (no. 1) in the SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M. to JULY 1st of each year: and
- (b) Both the 5.50" right of May 1, 1884 and the 4.75" right of May 1, 1889, or a total of 10.25" of Mill Creek water to be used upon the 27 acre tract No. 2) NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Twp. 17 N. R. 1 W. B. M. from and after July 1st. of each year:
- (c) Diversion points from Mill Creek will remain as they presently exist, and the same diversion ditches will be used as at the present time.

Dated February 11th. 1957.

W. H. Spahr
Applicant

Application For Transfer of Water Right

Department of Reclamation

STATE OF IDAHO

County of Adams

W. H. SPAHR,

being first duly sworn, deposes and says:

That his name is W. H. SPAHR

that he is of lawful age, a citizen

of the United States and of the State of Idaho, and that his postoffice address is COUNCIL, IDAHO

SEE ATTACHED MEMORANDUM

That he is the owner and using a certain water right, bearing date of priority of 19

for cubic feet per second of the waters of MILL CREEK

County of ADAMS State of Idaho, decreed to

by decree of Judge,

of the SEVENTH Judicial District of the State of

Idaho, in and for the County of ADAMS

affirmed in the case of MUTR BROS. VS

ALLISON

vs. said decree bearing date of

(or obtained by virtue of License No. issued by the State Engineer of the State of Idaho,

dated 19 bearing date of 19)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 41 in the County of ADAMS and State of Idaho, to-wit: SEE ATTACHED

EXHIBIT A for detailed explanation of Two(2) water rights involved and

Application for a rotation use of both rights on separate tracts of

land, both owned by Applicant

and is the person (or representative of

the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By direct deeds of conveyance for land and water

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the See Exhibit of

Section Township Range B. M., and con-

ducted to the above described lands through Two small ditches

as per map herewith and of this affidavit made a part:

Rotate

That affiant and petitioner desires to ~~abandon~~ the use of 10.25 cubic feet per second

of said water upon the above described land, and to convey and use same upon the following tract,

situate, lying and being in the County of Adams and State of Idaho, to-wit:

See Attached Exhibit A for full explanation of proposed rotation use of both water rights upon both tracts of applicant's land

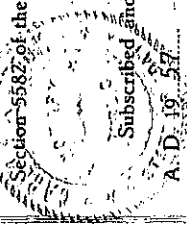
That his reasons for desiring to make such transfer are as follows: To permit more efficient, full season use of limited flow of Mill Creek upon two tracts of land, each of which now has one separate decreed right, by using both rights on one tract to July 1st of each year, and then both rights upon another tract from and after July 1st of each year

These 2 tracts (share only a property line)
as land are completely
different than Deric
(Desert Sheep Co.) land

That he intends to divert and convey said 10.25" ~~EXCESS~~ of water to the tract of land last above described in the following manner, to-wit: use of water will be rotated by use of existing ditches to two tracts as is more fully set forth in attached Exhibit A and in attached maps and sketches.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho, issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.



Subscribed and sworn to before me this 11th day of February A.D. 19 57

Applicant

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:
Notary Public for Idaho at Council

From what stream is the water diverted? Mill Creek, in Adams County, Idaho
Where is the diversion point located? See attached Map and Sketch
Through what ditch is it now conducted? Two small ditches, per Map and Sketch rights
How much land is now irrigated by the water sought to be transferred? about 42 acres by both
Give the description. See attached Exhibit A

What is the total amount of water in inches, ~~otherwise~~ dedicated to said land? 10.25"
What kind of crops are being raised? Fruit, hay and pasture, small grain
How much water per acre is now required to irrigate said land? 5/8th" per Acre under Decree
What will be the effect on the land now irrigated, if the use of water on it is discontinued? Will be more efficient use of water by rotation to permit full use in low seasons without loss by small flow in creek channel to lower land
Give location of new point of diversion, if change is to be made. See Exhibits. No Change
Through what ditch will it be conducted after transfer? Same as now used, see Sketch
How much water will be required per acre to irrigate the land to which this water is transferred? Same as now, or 5/8th" per acre is duty of water per decrees
Do you claim any other water right for the land from which you seek to abandon the use of this water? No
If so, give amount, date and source. No
Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source Both rights will be made applicable to both tracts concerned under rotating use

Signed

W. W. Mahan

Applicant

STATE OF IDAHO.

County of Adams } ss.

Frank S. Galey, Jr., and James R. Stiles

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Council, Idaho that he is user of water from Mill Creek in Water District No. 41 County of Adams, State of Idaho; that he has read or heard read the foregoing affidavit and petition of W. H. Spahr and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

A. D. 19 57

14th day of February

✓ Frank S. Galey, Jr.
James R. Stiles

Notary Public for Idaho residing at
Council, Idaho

STATE OF IDAHO.

County of Washington } ss.

I, G. M. TILLOTSON

Watermaster of Weiser River

Water District No. 41, County of Adams, State of Idaho, whose postoffice address is Weiser, Idaho have read or heard read the foregoing affidavit and petition of W. H. Spahr

and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized, and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No. 41

G. M. Tillotson

Dated at Weiser Idaho, this 21 day of February 1957