

T17N
R1W
Sec 15
A67-11330

Fork

Elkville

MICROFILMED
OCT 25 1982

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: **A67-11330**
Date Received: 12/14/1989
Receipt No: W007121
Received By: _____

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

1. Name: JOHN E ELSBERRY 208-253-1102
Address: BOX 97
FRUITVALE ID 83620

2. Date of Priority: JUL 1, 1961

3. Source: UNN DRAIN Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	15	SE	NW			ADAMS

5. Description of diverting works:
DAM, DITCH, SUB. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.310		

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

8. Total consumptive use is 46.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	2.0
			SE	NW		IRR	13.4

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.4
					Total Acres	15.4

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:
WATER COLLECTED THROUGH THE DRAINAGE DITCH, BACKED UP AT DAM
CAUSING SUB IRRIGATION TO THE PLACE OF USE.
OWNERSHIP CHANGED BY LH 12/15/93.

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: _____

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State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DEC 13 1993

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 7-9-90

LEGAL DESCRIPTION OF PROPERTY: Township 17 Range 1 West
Section 15, NW 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.

- ☐ 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: A67-00083AA; A67-04122A; A67-11330; A67-11332
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MELVIN RYALS
HC 67 Box 2220
COUNCIL ID 83612
- ☐ New Owner/Claimant (Purchaser): JOHN E. ELSBERG
- ☐ New Mailing Address: Box 97 Fruitvale Idaho 83620
- ☐ New Telephone Number: (208) 253-1102
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x 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: Copy of Deed
(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) John E. Elsborg Date 12-9-93
Date _____
- ☐ 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: 12-15-93 By: JH

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 12-15-93 By: JH

Claim Numbers of Split, if any:

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

Witnessed the hand of said Common Seal.

(NOTARY SEAL)



State of Idaho
County of Adams

} m.

On the

9th

day of July

A.D. 1990

personally appeared before me **MELVIN D. RYALS and JUNE RYALS,**
husband and wife.

the signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.

[Signature]
(NOTARY PUBLIC)

Residing at: Council, Idaho

My Commission expires: 10/2/94

MAIL DEED TO:

Burton & Kroll

P. O. Box 367

Weiser, Idaho 83672

MAIL TAX NOTICE TO:

Name **Mr. & Mrs. John E. Elsberry**

Address **HC64, Box 352J**

City & State **Council, Id.** Zip **83612**

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Aug 19 1994

No. 78831

WARRANTY DEED

Melvin D. & June Ryals

--70--

John Eugene & Sandra Lynn

Elsberry

Dated July 9, 1990

STATE OF IDAHO

County of Adams

I hereby certify that this instrument was
filed for record at request of

Timberline Title & Escrow

at 49 minutes past

o'clock P. M. this 10 day

of July, A.D. 1990

In my office, and duly recorded in Book 52M

of Deeds at page 537-4

Michael Fisk

Ex-Officio Recorder

By *[Signature]*
Deputy

Fee \$ 12.00

POOR ORIGINAL

EXHIBIT A

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.
Section 15: NW $\frac{1}{4}$ But excepting therefrom 7 certain tracts of land severally described as follows:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING at a point 10 feet South of the Northeast corner of the NW $\frac{1}{4}$ of said Section 15 and running thence South along the East line of said NW $\frac{1}{4}$ 417.4 feet; thence West 208.7 feet; thence North 204.5 feet; thence Westerly 214.4 feet to a point 218.7 feet South of the North line of said NW $\frac{1}{4}$ of Section 15; thence North 208.7 feet; thence East, parallel to and 10 feet South of the North line of said NW $\frac{1}{4}$ 417.4 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range, more particularly described as follows: COMMENCING at the Southwest corner of tract "S" of the Townsite of Fruitvale, Idaho, as shown by the plat of such Townsite on file in the office of the County Recorder of Adams County, Idaho and running thence West 50 feet; thence 64 feet in a Southeasterly direction to a point 40 feet South of the point of beginning; thence North 40 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING 16 feet South and 16 feet West of the Northwest corner of tract "S" in said Fruitvale Townsite and running thence West 174 feet to the East bank of the Glenn-McMahan Irrigation ditch; thence in a Southeasterly direction along the East bank of said ditch 128 feet; thence South across said ditch 12 feet to the West bank thereof; thence in a Southeasterly direction 56 feet; thence in a Northeasterly direction 49 feet; thence North 115 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: COMMENCING at a point 818.6 feet South of the Northwest corner of the NE $\frac{1}{4}$ of said Section 15 and thence West 16 feet; thence North to a point 16 feet West of the Northwest corner of tract "S" of the said Fruitvale Townsite; thence 16 feet East to said Northwest corner of said tract "S", thence South to the PLACE OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING at the Southeast corner of the NE $\frac{1}{4}$ of said Section 15 thence North along the East line thereof 435 feet; thence in a Southwesterly direction 88 feet to a point 16 feet West of the North

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POOR ORIGINAL

EXHIBIT A CONTINUED

and South center line of said Section 15; thence South, 16 feet West of and parallel to North and South center line; 369 feet; thence in a Northeasterly direction 24 feet to the POINT OF BEGINNING:

A parcel of land in the NE1/4 of said Section, Township and Range more particularly described as follows: BEGINNING at a point 427.4 feet South of the Quarter corner common to Sections 10 and 15; thence West 208.7 feet to the TRUE POINT AND PLACE OF BEGINNING; thence continuing West and parallel to the North line of Section 15, 208.7 feet, thence North 208.7 feet, thence East 208.7 feet, thence South 208.7 feet to the TRUE POINT AND PLACE OF BEGINNING:

A tract or parcel of land in the NW1/4 of said Section, Township and Range described as follows: COMMENCING therefore at the Section corner common to Sections 9, 10, 15 and 16, Township 17 North, Range 1 West, Boise Meridian; thence East on and along the North line of said Section 15, a distance of approximately 310 feet to a Point where said Section line is intersected by the westerly line of the road connecting the Fruitvale-West Fork County Road and the Fruitvale-Ridge County Road; thence on a curve right, on and along the northerly and westerly boundary of said connecting road to its intersection with the northerly line of said Fruitvale-Ridge County Road, as now established; thence Westerly, on and along the Northerly side of said Fruitvale-Ridge County Road to its intersection with the West line of said Section 15; thence North, on the West line of Section 15 to the Northwest corner of Section 15, to the POINT AND PLACE OF BEGINNING.

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

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Ident. Number: A67-11330
Date Received: 12/14/1989
Receipt No: W007121
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN D. RYALS 208-253-4753
Address: HC 67, BOX 2220
COUNCIL, ID 83612

2. Date of Priority: JUL 01, 1961

3. Source: UNN DRAIN Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
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5. Description of diverting works:
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0.310 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 46.2 Acre Feet Per Annum.

9. Non-irrigation uses:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	2.0
			SE	NW		IRR	13.4
Section Acres							15.4

10. Place of Use: Continued

Total Acres 15.4

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
 NONE

14. Remarks:
 WATER COLLECTED THROUGH THE DRAINAGE DITCH, BACKED UP AT DAM
 CAUSING SUB IRRIGATION TO THE PLACE OF USE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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Number of attachments: 1

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): *Malvin A. Egan* Date: 12/14/89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Dec. 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994





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

December 16, 1993

Re: Notices of Claim to a Water Right Nos. A67-00083AA, A67-04122A,
A67-11330, A67-11332

John E. Elsberry
Box 97
Fruitvale, ID 83620

Mr. Elsberry:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:1
Enclosure

cc: Melvin Ryals

MICROFILMED

AUG 19 1994