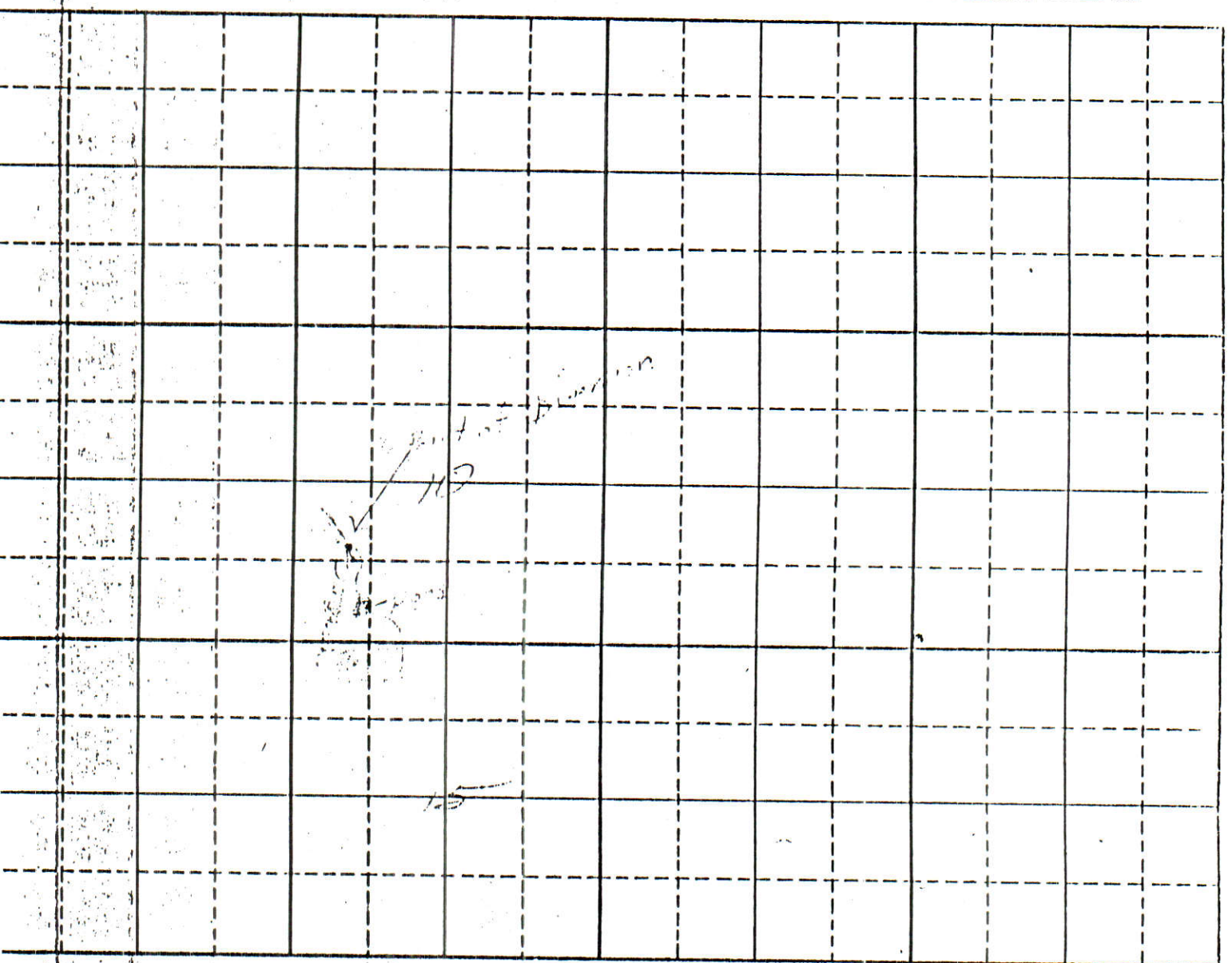




MICROFILMED
OCT 22 1988

POOR ORIGINAL

(8) Remarks used for submergence



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Blaine) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affilants knowledge.

Sworn to before me this 28th day of March

William D. Dygert
(Claimant)

Erwin A. Leake
Notary Public

Residing at Council, Idaho 83612

My commission expires Life

For Department Use Only

Received by JB Date 4/1/75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JB Date 4/1/75
\$10.00 fee received by C. Date 4/1/75
Approved for publication by OK Date 4-21-75
Published in Blaine
Dates 4-21-75

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: A67-04115B
Date Received: 12/14/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN E ELSBERRY
Address: BOX 97
FRUITVALE ID

83620

2. Date of Priority: APR 15, 1900

3. Source: WEISER RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	10	NW	SW			ADAMS

5. Description of diverting works:
HEADGATE, DITCH-1320' LONG, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	07/15	0.960		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 52.00 A.F.A.

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	6.0
			NW	NW		IRR	7.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	13.0
					Total Acres	13.0

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:

CHANGED PLACE OF USE AND ADDED ONE ACRE. THE PLACE OF USE
OREVIOUSLY INDICATED IN NE1/4 OF SECTION 15 HAS NEVER BEEN OWNED
BY MR. RYALS.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A67-04115, FEE PAID UNDER RECEIPT NO. W007121
(12/22/1993, MM).
UPON REVIEW IT APPEARS THAT A SIGNED COPY OF THE SPLIT CLAIM IS
NOT NECESSARY. THE AMENDMENT MENTIONED ABOVE OCCURED BEFORE THE
SPLIT OCCURRED. 09/30/1994 MM.

15. Basis of Claim: STATUTORY CLAIM



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: A67-000834A; A67-04122A; A67-11330; A67-11332
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MELVIN RYALS
HC 67 Box 3230
COUNCIL ID 83612
- ☐ New Owner/Claimant (Purchaser): JOHN E. ELSBERG
- ☐ New Mailing Address: Box 97 Fruitvale Idaho 83630
- ☐ New Telephone Number: (208) 353-1102
- ☐ 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:

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

Witnessed by me, Clerk of the Court, on the 9th day of July, 1990, at Council, Idaho.

Michael Fisk
 Clerk of the Court



State of Idaho }
 County of Adams } ss. On the 9th day of July, A.D. 1990

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

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

Sandra Wilson
 (Notary Public)

Residing at: Council, Idaho My Commission expires: 10/7/94

MAIL DEED TO:	MAIL TAX NOTICE TO:
Burton & Kroll	Name Mr. & Mrs. John E. Elsberry
P. O. Box 367	Address HC64, Box 352J
Weiser, Idaho 83672	City & State Council, Id. 83612

No. 78831

WARRANTY DEED

Melvin D. & June Ryals
 --TO--

John Eugene & Sandra Lynn
Elsberry

Dated July 9, 1990

STATE OF IDAHO }
 County of Adams } ss.

I hereby certify that this instrument was
 filed for record at request of
Timberline Title & Escrow
 at 49 minutes past 1
 o'clock P. M., this 10 day
 of July, A.D. 1990
 in my office, and duly recorded in Book 42M
 of Deeds at page 437-438

Michael Fisk
 Notary Public

Sandra Wilson
 Deputy

Fees \$ 12.00

WARRANTY DEED

POOF ORIGINAL

Printed and for sale by Green-Clark Company, Boise, Idaho

(Optional)

Recorded ☐

Microfilmed ☐

Indexed ☐

Platted ☐

Deed Card ☐

Compared ☐

☐

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Key Punched ☐

Master File ☐

Abstracted ☐

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To Treasurer ☐

☐

☐

☐

DO NOT WRITE ABOVE THIS LINE

WARRANTY DEED

MELVIN D. NYALS and JUNE NYALS, husband and wife,

GRANTOR(S)

of Council

County of

Adams

State of Idaho

hereby CONVEYS, GRANTS and WARRANTS TO

JOHN EUGENE ELSBERRY and SANDRA LYNN ELSBERRY, husband and wife,

GRANTEE(S)

whose current address is HC64, Box 3520, Council, Id. 83612

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)

the following described tract(s) of land in

Adams

County, State of Idaho:

More particularly described on attached Exhibit "A"

Location of above described property

House No.

Street

POOR ORIGINAL

EXHIBIT A

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.
Section 15: NW¼ 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 NW¼ of said Section 15 and running thence South along the East line of said NW¼ 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 NW¼ of Section 15; thence North 208.7 feet; thence East, parallel to and 10 feet South of the North line of said NW¼ 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 NE¼ 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 NE¼NW¼ 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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AUG 19 1994

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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.

RECORDED

AUG 19 1924

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: A67-04115
Date Received: 12/14/1989
Receipt No: W007121
Received By: Lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 15, 1900

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	10	NW	SW			ADAMS

5. Description of diverting works:
HEADGATE, DITCH-1320' LONG, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	07/15	0.960		

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 48.00 A.F.A.

8. Total consumptive use is 75.0 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	10	SW	SW		IRR	6.0
			SE	SW		IRR	6.0
						Section Acres	12.0

A67-04115

Page 1

Date: 12/14/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	6.0
			NW	NW		IRR	7.0
						Section Acres	13.0
						Total Acres	25.0

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:
CHANGED PLACE OF USE AND ADDED ONE ACRE. THE PLACE OF USE
PREVIOUSLY INDICATED IN NE1/4 OF SECTION 15 HAS NEVER BEEN OWNED
BY MR. RYALS.

15. Basis of Claim: STATUTORY CLAIM

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: 3

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): Melvin S. Dyck 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
Residing at Boise, Idaho
My Commission My Commission Expires December 8, 1994



Claim No. 67-4115

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

42-225a, Idaho Code, a person may file a claim to a right to use water which has location to beneficial use. The filing of this claim does not confirm the water right is only. It may, however, become the basis for future adjudication of the water right

Notice is hereby given that

Notice is hereby given that Melvin D. Byrle (name of claimant)
of Fort Vale, Idaho 83628 (mailing address), claims a right to the diversion and beneficial use of

the public water of the State of Idaho

The extent and nature of said claim is as follows:-

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Wiscasset River
Wiscasset River, tributary to, Snake River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	Use	Period of Use:	From	To
48 inches	11/19/10	Period of Use:	From 4/15	To 7/1
Amount	Use	Period of Use:	From	To
Amount	Use	Period of Use:	From	To
(cfs, gpm or a/l)	(dom., irri., stock, etc.)			(both dates inclusive)

- (3) Total quantity of water claimed: 96 cubic feet per second, or 20 acre feet per annum, and/or gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 8-15-1966

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion; (give location of point where water is diverted from its source)

1/4 Sec. 10 Twp. 7N Rgc. 10 B. M. County of 10

Additional points of diversion:

- D) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 10/2/17

length of ditch 1320 ft.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

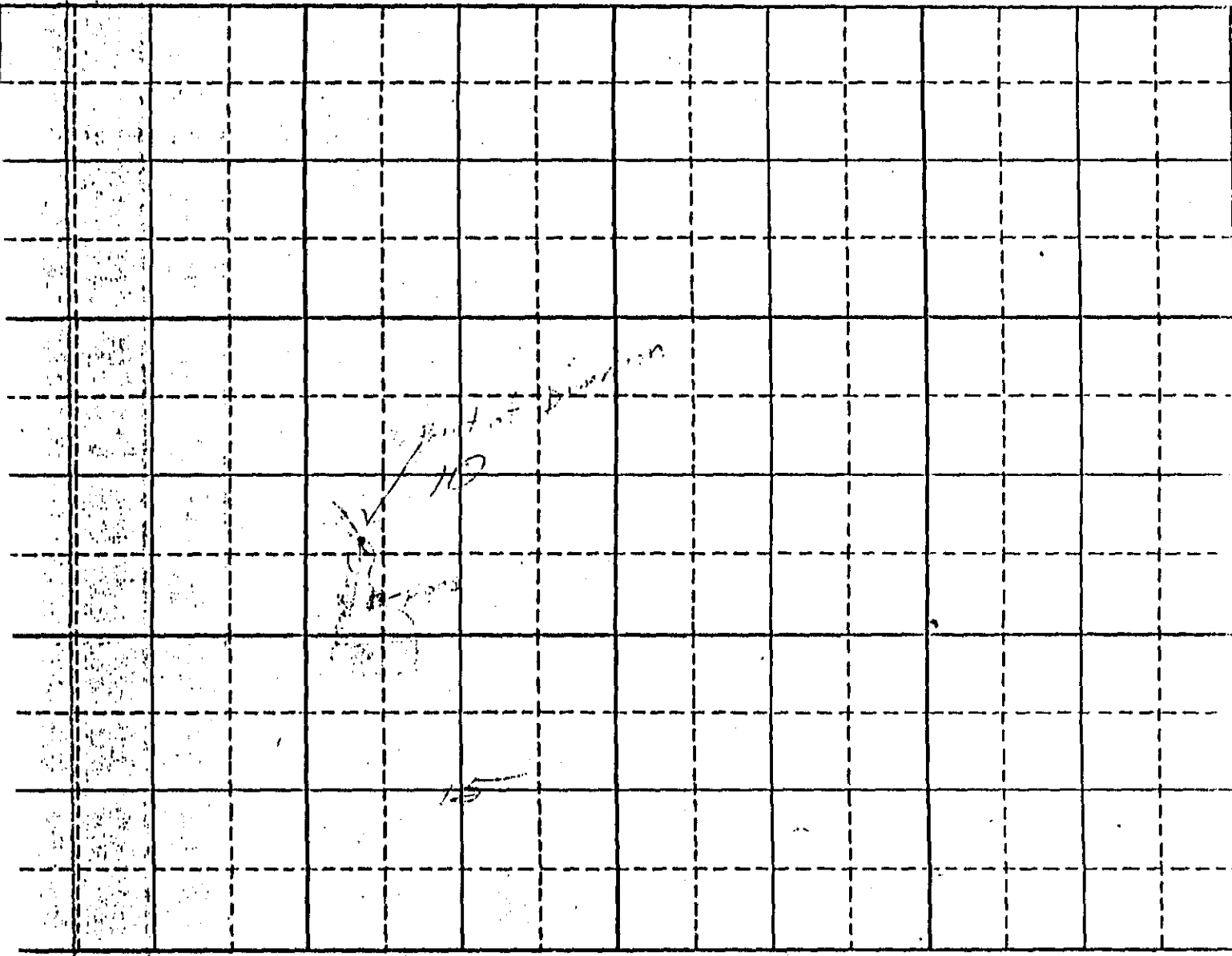
Total No. of acres 51.0

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:** _____

- (7) If you are claiming water as a member of an organization, list name of organization:

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(8) Remarks used for Subirrigation



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Blaine) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 28th day of March

William D. Dyer
(Claimant)

Erwin A. Kiskel
Notary Public
Residing at Council, Idaho 83612

My commission expires Life

For Department Use Only

Received by 10-23 Date 4/1/75 Exception filed by: Forwarded to Date
Prelim. check by 10-23 Date 4/1/75 claimant by:
\$10.00 fee received by 10-23 Date 4/1/75
Approved for publication by OK. 4-21-75
Published in Blaine
Dates 10-23



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 24, 2003

PAUL E NICHOLLS
MAXINE J NICHOLLS
2624 FRUITVALE RD
FRUITVALE ID 83620

RE: Water Right No. 67-4115

Dear Claimant(s):

Enclosed is the Notice of Change in Water Right Ownership form you recently asked to be mailed to you. In reviewing the above referenced claim number, it was discovered that this particular claim has previously been split. One portion is located in the SW $\frac{1}{4}$ of Section 10, Township 17N, Range 1W, and is for 12 acres. In addition, this claim is already in your name. The claim number for this portion is 67-4115A. The other portion is located in the NW $\frac{1}{4}$ of Section 15, Township 17N, 1W, and is for 13 acres. This portion is in the name of John Elsberry and is numbered as 67-4115B. I have enclosed a profile report for each portion for your review.

If you purchased the 13 acres currently in the name of Elsberry, then you will need to complete the change of ownership form and submit it with the necessary information. If you only own the 12 acres currently in your name, no further action is required at this time.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures



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: September 30, 1994

RE: Original Notice of Claim to a Water Right No(s). A67-04115

Renumbered to Notice of Claim to a Water Right No. A67-04115B

[JOHN E ELSBERRY]
BOX 97
FRUITVALE ID 83620

[]

Dear Claimant(s):

We have received and processed the Change of Ownership form submitted on the Original Notice of Claim to a Water Right Number as referenced above. This change of ownership required a split of this original claim resulting in the renumbering of the original claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right Number for your portion is referenced above. The right holders of the remaining portion have also been notified of this split and renumbering of their original claim.

Enclosed is a copy of this new claim which now reflects your portion of the original water right. Please keep this copy for your files and refer to the new claim number when corresponding with our office. If you have any questions concerning this letter or the enclosed claim, please feel free to contact this office.

Sincerely,

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

Enclosure

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OCT 22 1996



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

December 23, 1993

R. KEITH HIGGINSON
DIRECTOR

JOHN E ELSBERRY
BOX 97
FRUITVALE ID 83620

RE: Notice of Claim No. A67-04115B

Dear Mr. Elsberry:

Mr. Ryals came into our office on December 21, 1993, to obtain information about his water rights, and the change of ownership of some of his rights to the property which you are now buying from him. It appears that the ownership of those rights have been changed, except for a right that is appurtenant to Twp 17N, Rge. 01W, Sections 10 and 15 (Claim number A67-04115).

Mr. Ryals has informed us that you have an agreement with him that the water rights appurtenant to section 15 belong to you. Claim number A67-04115 is for lands in both section 10 and in section 15. Since this land is now split between yourself and Mr. Ryals, it is our understanding that Mr. Ryals intends for the water rights in section 15 to be in your name.

Accordingly, I have split Claim No. A67-04115. Enclosed is a claim which represents your part of this claim, numbered A67-04115B.

I calculated the cubic feet per second (cfs) for the split by dividing the originally claimed cfs by the original amount of acres ($.960 \text{ cfs} \div 25 \text{ acres}$) to get $.0384 \text{ cfs/acre}$. Since you now own 13 acres, your share of the claimed water right is $.50 \text{ cfs}$ ($.0384 \times 13 = .50 \text{ cfs}$).

I understand that you will continue to use the same diversion point as Mr. Ryals. If you ever want to put in your own point of diversion, you must first receive an approved Transfer from this Department. Please contact this office if or when you put in or change your diversion point.

I have attached a map to the claim. Please indicate the current point of diversion and the place of use for the acres you are purchasing from Mr. Ryals.

Please review the entire claim, and if you agree with the information stated in the claim, please return it to this office after adding your notarized signature.

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I have enclosed a Change of Ownership form. The instructions are on the back of the form. This form is to change the ownership for the water right number A67-04115 in Twp. 17N, Rge. 01W, Section 15. Please complete this form and return it to this office, to my attention.

Thank you very much for your assistance in this matter. If you have any questions, or need additional information, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci', written in dark ink.

Maria Minicucci
Water Agent, Adjudication Bureau

MM/m
Enc.s

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OCT 22 1996

COUNTY: Adams

EMPLOYEE: M. M. Indicucci

Mr. Ryals stated that he had sold all of his land in Section 15 to Mr. Elsberry, and that it was their agreement that the water claimed in A67-04115 would be split in proportion to the acres in each section. Mr. Elsberry will continue to use the same POD - the water runs from Mr. Ryals' property onto Mr. Elsberry property.

I told ~~Mr.~~ Mr. Ryals, and will write to Mr. ~~Elst~~ Elsberry, explaining that an additional or different point of diversion will require a transfer application.

I told Mr. Ryals I would send a split claim form to him ~~to~~ to be ^{signed} notarized. I will send the other half of the split (claim form) to Mr. Elsberry with an explanation to be signed & notarized.

John E Elsberry
Box 97
FRUITVALE 83620

MICROFILMED
OCT 22 1996