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OCT 01 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: **A67-04122A**
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: MAY 1, 1898

3. Source: WEISER RIVER, WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	01W	32	SW	SE			ADAMS

5. Description of diverting works:
CONC. HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/14	1.400		

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

8. Total consumptive use is 134.7 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	NW	NW		IRR	19.0
			SW	NW		IRR	25.9

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	44.9
					Total Acres	44.9

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:

A67-00083A, A67-00082D, A67-00058A, A67-04115

14. Remarks:

PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.

MR. RYALS HAS OPTED TO FILE ONE CLAIM ONLY FOR THE EARLIEST PRIORITY DATE IN THE SRBA.

THIS IS A SPLIT OFF OF A67-04122. THIS IS UNDERSTOOD TO BE A FLOODWATER RIGHT.

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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AUG 05 1994

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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AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

POOR ORIGINAL

RECEIVED

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

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. Elsbury Date 12-9-93
- ☐ Signature of Former Owner/Claimant(s): _____ 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: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 12-15-93 By: JD

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

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State of Idaho
County of Adams

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

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

Residing at: Council, Idaho

My Commission expires: 10/7/94

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 3520

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

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 62M

of Deeds at page 437-438

Michael Fisk

Deputy Recorder

Sandra Lynn

Deputy

Fee \$ 12.00

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AUG 25 1990

COPIES

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To Treasurer

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DO NOT WRITE ABOVE THIS LINE

WARRANTY DEED

KEVIN D. RYALS and JUNE RYALS, husband and wife,

of Council County of Adams

GRANTOR(S)
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

Home No.

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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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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: A67-04122A
Date Received: 12/14/1989
Receipt No: W007121
Received By: CW

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: MAY 01, 1898

3. Source: WEISER RIVER, WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	01W	32	SW	SE			ADAMS

5. Description of diverting works:
CONC. HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/14	1.400		

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

8. Total consumptive use is 134.7 Acre Feet Per Annum.

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NW	NW		IRR	19.0
			SW	NW		IRR	25.9
Section Acres							44.9

A67-04122A

Page 1

Date: 12/14/89

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10. Place of Use: Continued

Total Acres 44.9

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:

A67-00083A, A67-00082D, A67-00058A, A67-04115

14. Remarks:

PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.

MR. RYALS HAS OPTED TO FILE ONE CLAIM ONLY FOR THE EARLIEST
PRIORITY DATE IN THE SRBA.

THIS IS A SPLIT OFF OF A67-04122. THIS IS UNDERSTOOD TO BE A
FLOODWATER RIGHT.

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: 4

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. Dyer* 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 ~~Expires~~ *My Commission Expires December 8, 1994*

AG 7-04122A





Section 42-225a, Idaho Code

(7) If you are claiming water as a member of an organization, list name of organization: T. J. Glenn Ditch
(Also known as the West Fork Ditch Co.)

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

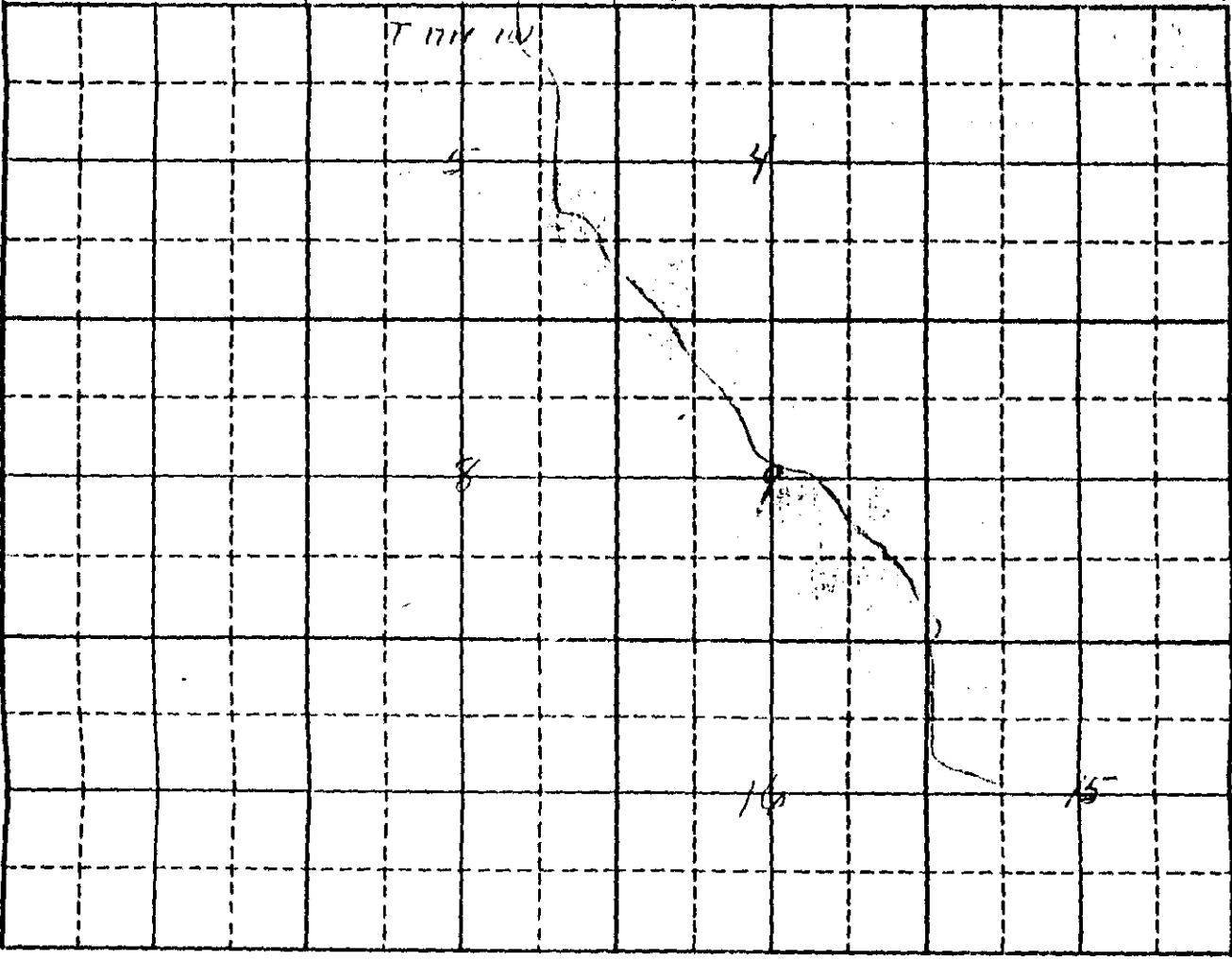
Signed this 31 day of May 1989

[Signature]

32

T 18 N 1 W

Point of Diversion



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 Adams) 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 11 day of August 1989

[Signature]
Notary Public
Residing at Council Bluffs

My commission expires *[Signature]*

For Department Use Only

Received by *[Signature]* Date 8/15/89 Exception filed by: Forwarded to Date
Prelim. check by *[Signature]* Date Approved for publication by
\$10.00 fee received by *[Signature]* Date
Published in Adams County Leader
Dates Sept 4 & 11 1989



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 05 1994