

67-00276E  
(still shared with Hieber)

priority 5/1/1889

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 67-00276E  
Date Received: 10/20/89  
Receipt No:  
Received By:

RECEIVED

MAR 14 2001

WATER RESOURCES  
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): MARJORIE BEMIS  
PO BOX 188  
CAMBRIDGE ID USA 83610

Phone: (208)257-3817

2. Date of Priority: 05/01/1989

MB 1889

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     |
|----------|-------|---------|-----------------------|------------|
| 15N      | 03W   | 22      | NE SW SE              | WASHINGTON |
| 15N      | 03W   | 27      | SE SE NW              | WASHINGTON |

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

Purpose  
IRRIGATION

| From  | To    | C.F.S. | (or) A.F.A |
|-------|-------|--------|------------|
| 03/15 | 11/15 | 0.075  | 63         |

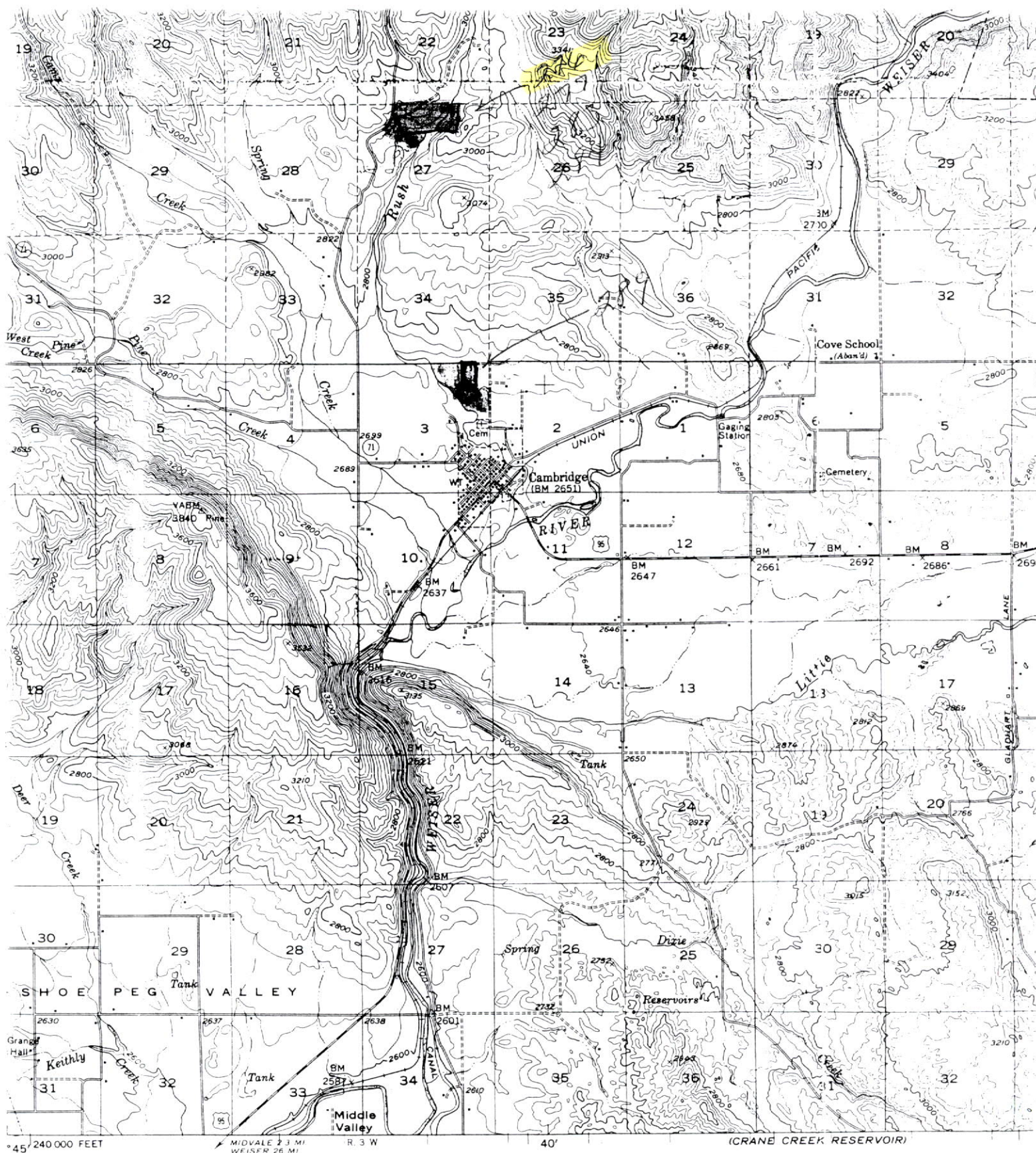
7. Total Quantity Appropriated is:  
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

67-276E

11/07/2000

Make  
copy of amended  
claim for  
file.



Maped, edited, and published by the Geological Survey

Control by USGS and USC&GS

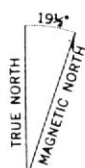
Topography from aerial photographs by multiplex methods  
Aerial photographs taken 1951. Field check 1957

Polyconic projection. 1927 North American datum  
10,000-foot grid based on Idaho coordinate system,  
west zone  
1000-meter Universal Transverse Mercator grid ticks,  
zone 11, shown in blue

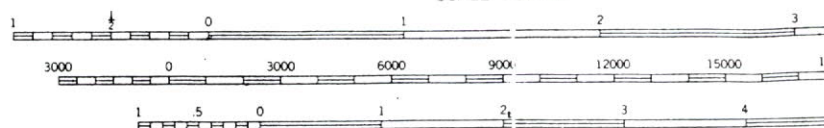
Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown

APPROXIMATE MEAN  
DECLINATION, 1957

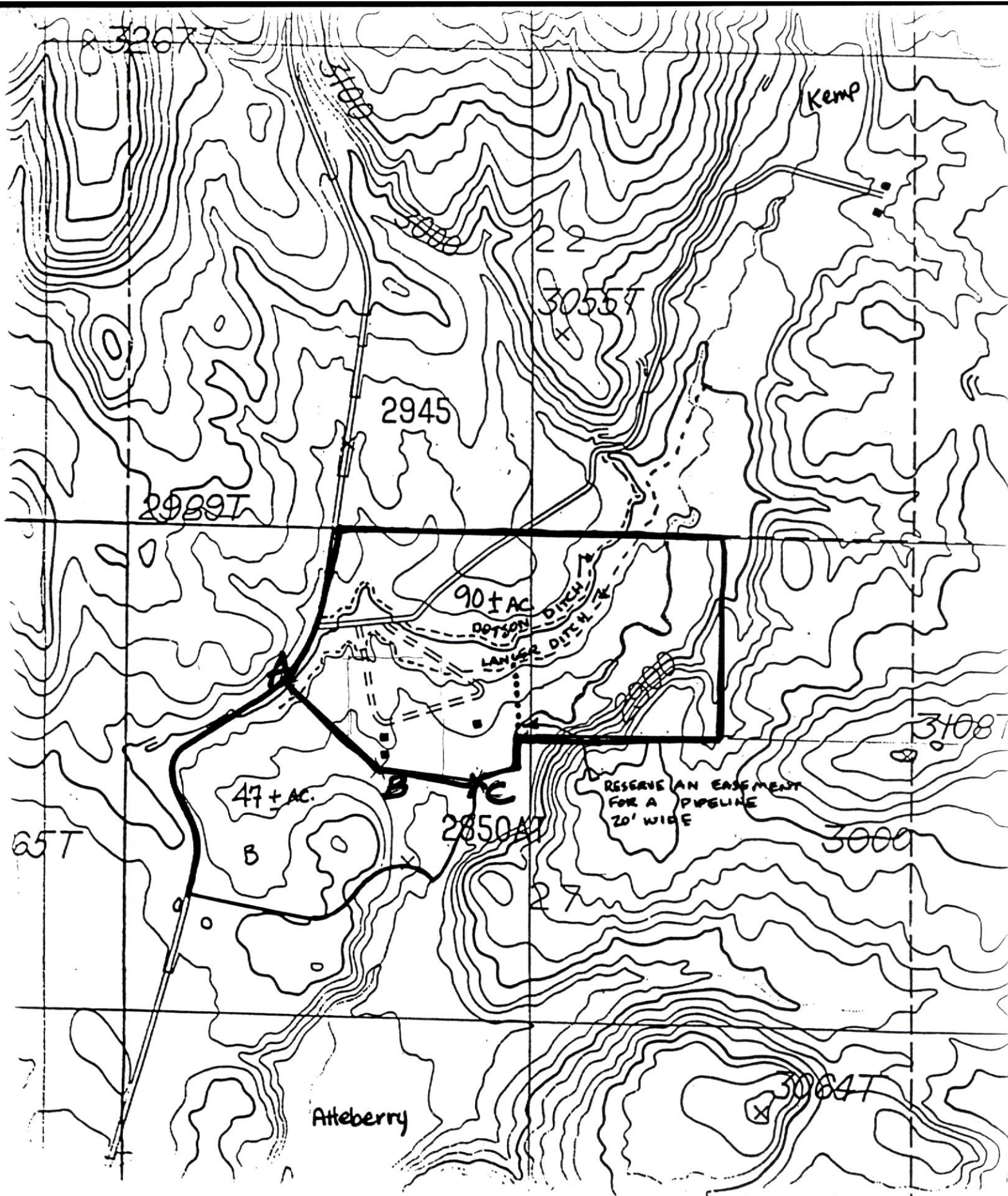


SCALE 1:62500



CONTOUR INTERVAL 40 FEET  
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



Atteberry piece  
(87+ acres)

EXHIBIT "B"

T 15N  
R 3W  
Sect. 27

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 67-276E  
Date Received: 10/20/89  
Receipt No:  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

MARJORIE BEMIS Phone: (208)257-3817  
PO BOX 188  
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1889

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     | Type |
|----------|-------|---------|-----------------------|------------|------|
| 15N      | 03W   | 22      | NE SW SE              | WASHINGTON |      |
| 15N      | 03W   | 27      | SE SE NW              | WASHINGTON |      |

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.075  | 63         |

7. Total Quantity Appropriated is:  
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 15N      | 03W   | 27      | SE NW          | IRRIGATION | 6     |

67-276E

03/19/2001

1

|    |    |               |    |
|----|----|---------------|----|
| SE | NW | IRRIGATION    | 15 |
|    |    | Section Acres | 21 |
|    |    | Total Acres   | 21 |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Item no. 5 - continued: Diversion No. 1 - Rock dam, headgate with weir, one mile earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep to place of use. Diversion no. 2 - Rock dam, headgate with weir, earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep direct to fields. Added the points of diversion and irr. acreage which was not included on the previously decreed water right. This right is the result of an ownership change, combined right of 67-00276B and 67-00276D. DB 11/7/2000.

15. Basis of Claim: Decreed

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:

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this  
of \_\_\_\_\_ 20\_\_

Notary Public

Residing at \_\_\_\_\_

My commission Expires \_\_\_\_\_

67-00276E  
(Still shared with H. H. H.)

priority 2/1/1989

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 (67-00276E)  
Date Received: 10/20/89  
Receipt No:  
Received By:

RECEIVED

MAR 14 2001

WATER RESOURCES  
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): MARJORIE BEMIS  
PO BOX 188  
CAMBRIDGE ID USA 83610

Phone: (208)257-3817

2. Date of Priority: 05/01/1989

MB

1889

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     |
|----------|-------|---------|-----------------------|------------|
| 15N      | 03W   | 22      | NE SW SE              | WASHINGTON |
| 15N      | 03W   | 27      | SE SE NW              | WASHINGTON |

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A. |
|------------|-------|-------|--------|-------------|
| IRRIGATION | 03/15 | 11/15 | 0.075  | 63          |

7. Total Quantity Appropriated is:  
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 15N      | 03W   | 27      | SE NW      |     | IRRIGATION    | 15    |
|          |       |         | SE NW      |     | IRRIGATION    | 6     |
|          |       |         |            |     | Section Acres | 21    |
|          |       |         |            |     | Total Acres   | 21    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Item no. 5 - continued: Diversion No. 1 - Rock dam, headgate with weir, one mile earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep to place of use. Diversion no. 2 - Rock dam, headgate with weir, earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep direct to fields.

Added the points of diversion and irr. acreage which was not included on the previously decreed water right. This right is the result of an ownership change, combined right of 67-00276B and 67-00276D. DB 11/7/2000.

15. Basis of Claim: Decreed

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 67-00276E  
Date Received: 10/20/89  
Receipt No:  
Received By:

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

1. Name of Claimant(s): MARJORIE BEMIS  
PO BOX 188  
CAMBRIDGE ID USA 83610

Phone: (208)257-3817

2. Date of Priority: 05/01/1989

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County     |
|----------|-------|---------|-----------------------|------------|
| 15N      | 03W   | 22      | NE SW SE              | WASHINGTON |
| 15N      | 03W   | 27      | SE SE NW              | WASHINGTON |

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.075  | 63         |

7. Total Quantity Appropriated is:  
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 15N      | 03W   | 27      | SE NW      |     | IRRIGATION    | 15    |
|          |       |         | SE NW      |     | IRRIGATION    | 6     |
|          |       |         |            |     | Section Acres | 21    |
|          |       |         |            |     | Total Acres   | 21    |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Item no. 5 - continued: Diversion No. 1 - Rock dam, headgate with weir, one mile earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep to place of use. Diversion no. 2 - Rock dam, headgate with weir, earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep direct to fields.

Added the points of diversion and irr. acreage which was not included on the previously decreed water right. This right is the result of an ownership change, combined right of 67-00276B and 67-00276D. DB 11/7/2000.

15. Basis of Claim: Decreed

# STATE OF IDAHO

## IDAHO DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s): \_\_\_\_\_  
Adjudication Claim No(s): AG7-00283A, AG7-00284A, AG7-00276D  
+ AG7-00277D
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND**
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
  - OR**
  - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant ETHEL PEARSON + ROBIN THORSEN  
PO BOX 205, CAMBRIDGE
4. New Owner/Claimant(s) MARJORIE BEMIS  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address PO BOX 188  
City, State and ZIP Code CAMBRIDGE, ID 83610  
New Telephone Number 208-252-3817
5. Date you acquired the property 3-1997
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

|                                                                 |                                |
|-----------------------------------------------------------------|--------------------------------|
| Number of acres you irrigate with this water right <u>55+/-</u> | Number and type of stock _____ |
| Diversion rate in CFS _____                                     |                                |
| Number of homes you acquired _____                              | Other uses _____               |

7. Signature of New Owner(s) or Claimant(s) Marjorie Bemis

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

# WARRANTY DEED

For Value Received

ETHEL J. PEARSON AND ROBIN THORSEN, both single persons

The grantors, do hereby grant, bargain, sell and convey unto  
MARJORIE BEMIS TRUST

the grantee, whose current address is  
P.O. BOX 188, CAMBRIDGE, ID 83610  
the following described premises, in

WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: MARCH , 1997

Ethel J. Pearson  
ETHEL J. PEARSON

Robin Thorsen  
ROBIN THORSEN

STATE OF IDAHO, COUNTY OF WASHINGTON  
On this day of MARCH , 19 97 ,  
before me, a notary public in and for the said State, personally  
appeared

ETHEL J. PEARSON AND ROBIN THORSEN

known or identified to me to be the person S whose name S  
subscribed to the within instrument, and acknowledged to me  
that THEY executed the same.

Notary Public

Residing at WEISER  
Comm. Expires 11/4/97

STATE OF IDAHO, COUNTY OF  
I hereby certify that this instrument was filed for record at the  
request of

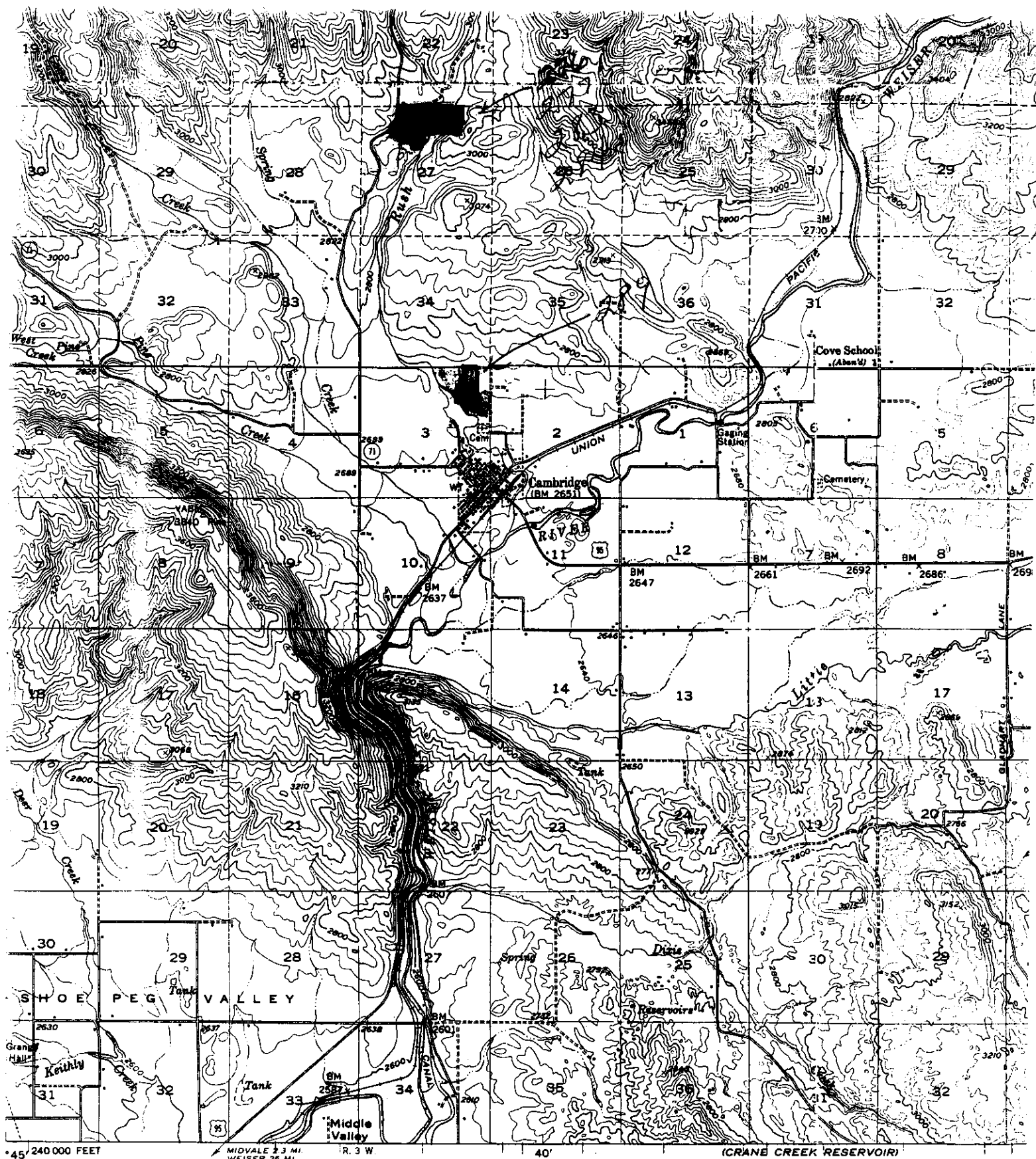
at minutes past o'clock M.,  
this day of  
19 , in my office, and duly recorded in Book  
of Deeds at Page

Ex-Officio Recorder

By Deputy.

Fees \$  
Mail to:

INSTRUMENT NO.



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods

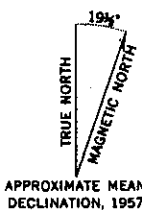
Aerial photographs taken 1951. Field check 1957

Polyconic projection. 1927 North American datum  
10,000-foot grid based on Idaho coordinate system,  
west zone

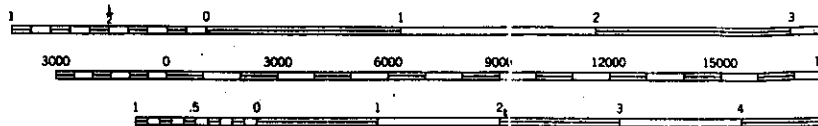
1000-meter Universal Transverse Mercator grid ticks,  
zone 11, shown in blue

Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown



SCALE 1:62500



CONTOUR INTERVAL 40 FEET  
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

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: A67-00276B  
Date Received: 10/20/1989  
Receipt No: X777777  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MARJORIE BEMIS 208-257-3817  
Address: PO BOX 188  
CAMBRIDGE ID 83610

2. Date of Priority: MAY 1, 1889

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County     |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 15N      | 03W   | 22      | NE     | SW     | SE     |     | WASHINGTON |
|          |       | 27      | SE     | SE     | NW     |     | WASHINGTON |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.020 |      |        |

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 15N      | 03W   | 27      | SE     | NW     |     | IRR | 6.0   |

Section Acres 6.0

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
A67-00277

14. Remarks:

ITEM 5-CONT'D: DIVERSION NO. 1-ROCK DAM, HEADGATE WITH WEIR, ONE MILE EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP TO PLACE OF USE. DIVERSION NO. 2-ROCK DAM, HEADGATE WITH WEIR, EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INCLUDED ON THE PREVIOUSLY DECREED WATER RIGHT.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A67-00276, FEE PAID UNDER RECEIPT NO. W006479 MTS 8/9/1995. OWNERSHIP CHANGE UPDATED DUE TO NEW DATA 4/10/96.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

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: \_\_\_\_\_

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: A67-00276D  
Date Received: 10/20/1989  
Receipt No: X777777  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ETHEL PEARSON 208-257-3541  
Address: PO BOX 205  
CAMBRIDGE ID 83610  
AND  
Name: ROBIN THORSEN 208-257-3541  
Address: PO BOX 205  
CAMBRIDGE ID 83610

2. Date of Priority: MAY 1, 1889

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 15N      | 03W   | 22      | NE     | SW     | SE  |     | WASHINGTON |
|          |       | 27      | SE     | SE     | NW  |     | WASHINGTON |

5. Description of diverting works:  
SEE REMARKS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.055 |      |        |

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

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

OCT 22 1990

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 15N           | 03W   | 27      | SE NW      |     | IRR | 15.0  |
| Section Acres |       |         |            |     |     | 15.0  |
| Total Acres   |       |         |            |     |     | 15.0  |

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:  
A67-00277

14. Remarks:

ITEM 5-CONT'D: DIVERSION NO. 1-ROCK DAM, HEADGATE WITH WEIR, ONE MILE EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP TO PLACE OF USE. DIVERSION NO. 2-ROCK DAM, HEADGATE WITH WEIR, EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INCLUDED ON THE PREVIOUSLY DECREED WATER RIGHT.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A67-00276, FEE PAID UNDER RECEIPT NO W006479 MTS 08/09/1995. OWNERSHIP CHANGE UPDATED 4/10/96 BASED ON NEW DATA THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A67-00276A, FEE PAID UNDER RECEIPT NO W006479. MTS 6/4/96

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

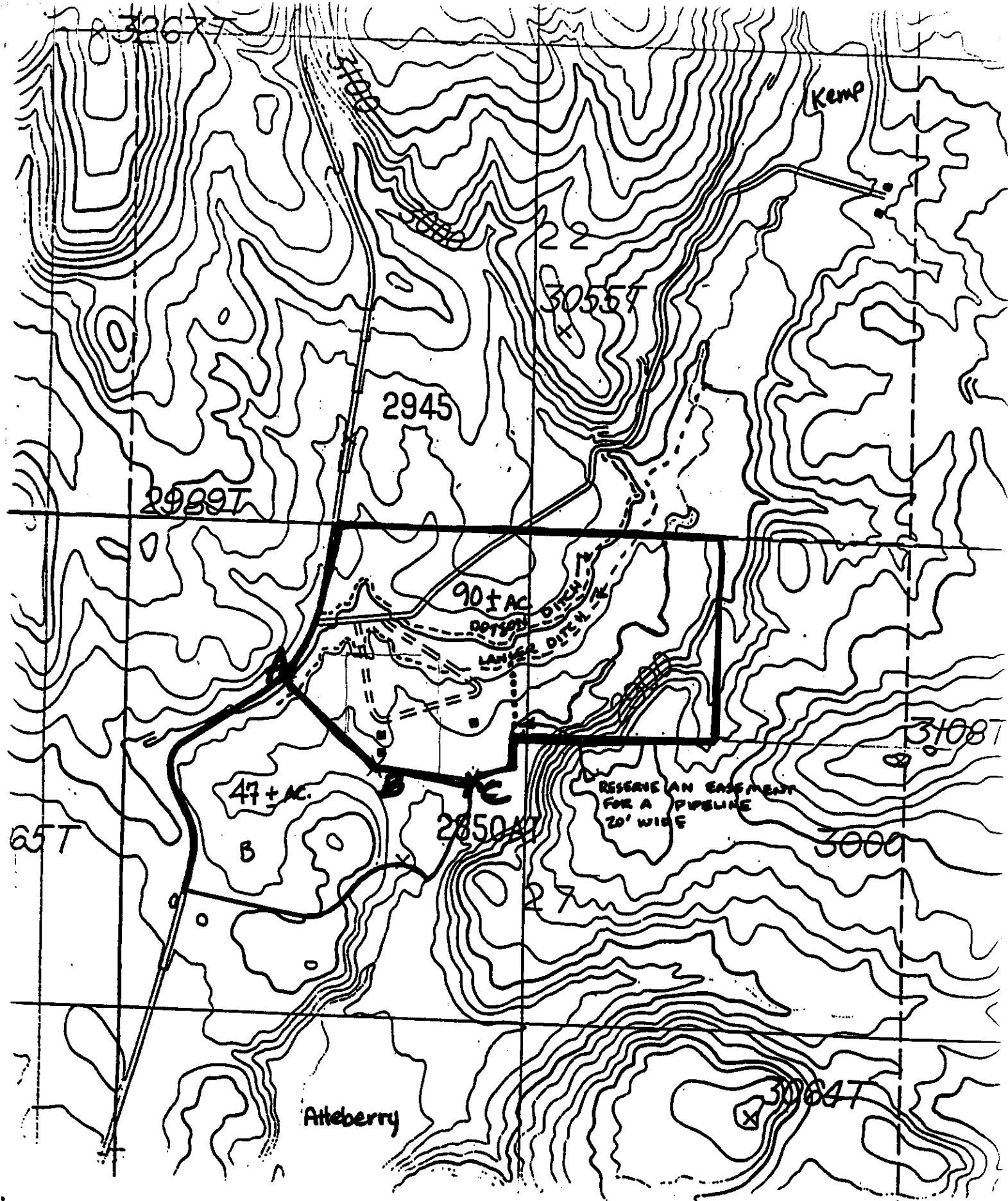
WILLIAM ALLISON

vs Decree Defendant

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: \_\_\_\_\_



Atteberry piece  
(87 ± acres)

EXHIBIT "B"

T 15 N  
R 3 W  
Sect. 27



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 28, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

John Eagle  
17624 N Applegate Rd  
Grants Pass, OR 97527

Re: Inquiry about Water Right Claims filed by W.G. and Shirley Atteberry

Dear Mr. Eagle:

During the course of two days, I received inquiries from Creed Noah, you, and the watermaster for the Weiser River, Bosco Bosler, about several water right claims filed by W.G. and Shirley Atteberry. The water right claims assert ownership of all or portions of water right nos. 67-267, 67-276, and 67-277. My search of the electronic database of the Idaho Department of Water Resources (IDWR) raised several questions that I will attempt to answer in this letter.

The IDWR database shows two active adjudication claims, numbered A67-267A and A67-267B, in the name of Atteberrys. When the two claim records are compared, the components of the records are identical to each other. Each claims a diversion rate of 0.25 cfs.

The original water right decreed in the case of Muir v. Allison, authorized a diversion rate of 0.27 cfs. The place of use described in the claim records does not match the original place of use. The priority date entered into the claim records does not match the priority date assigned by the Muir court. Bosco Bosler told me that water right 67-267 has been delivered to Ethel Pearson not to Atteberrys. I cannot find any hard copies of claim nos. A67-267A and A67-267B. Other adjudication records show that all of water right no. 67-267 was claimed in the Snake River Basin Adjudication by combining with other water rights in two other claims, numbered as A67-10042 (.003 cfs to Lamar & Ernestine Hill) and A67-12338 (0.266 cfs for Ethel Pearson & Robin Thorsen). In other words, nothing in the electronic records of IDWR matches with recorded historical information about water right no. 67-267.

Atteberrys also claimed water right no. 67-276. The flow rate, place of use, and priority date for water right 67-276 as decreed by the Muir court are identical to the numbers recorded in the claim reports for A67-267A and A67-267B.

After consulting with adjudication staff in this office, I have concluded that when Atteberrys attempted to file adjudication claims for water right no. 67-276, the number was transposed during data entry to 67-267. Sometime during the remainder of claims taking, the error was detected, but the original transposed entries were not removed from IDWR's database. As a result, Atteberrys do not own any portion of water right no. 67-267, and the water right has already been claimed elsewhere. The printouts for adjudication claim nos. 67-267A and 67-267B that were previously distributed should be discarded.

SCANNED

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John Eagle  
August 28, 2003  
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The history of the adjudication claims filed and recorded for water right nos. 67-276 and 67-277 is also confusing. Rather than recite the entire history, the following are the active adjudication claims pending before IDWR:

|                   |           |           |                     |
|-------------------|-----------|-----------|---------------------|
| Claim no. 67-276C | Atteberry | 0.175 cfs | Priority: 5/01/1889 |
| Claim no. 67-276E | Bemis     | 0.075 cfs | Priority: 5/01/1889 |
| Claim no. 67-277C | Atteberry | 0.104 cfs | Priority: 5/01/1892 |
| Claim no. 67-277E | Bemis     | 0.046 cfs | Priority: 5/01/1892 |

Previously distributed printouts for any other adjudication claims related to water right nos. 67-276 and 67-277 should be discarded. In particular, printouts for claim nos. 67-276A and 67-277A should be discarded because these numbered rights have been superceded.

I have enclosed summaries of the four active claims listed above with this letter. If you have questions please call.

Sincerely,



Gary Spackman

W.G. Atteberry  
Bosco Bosler  
Adjudication files  
Jan Shurte