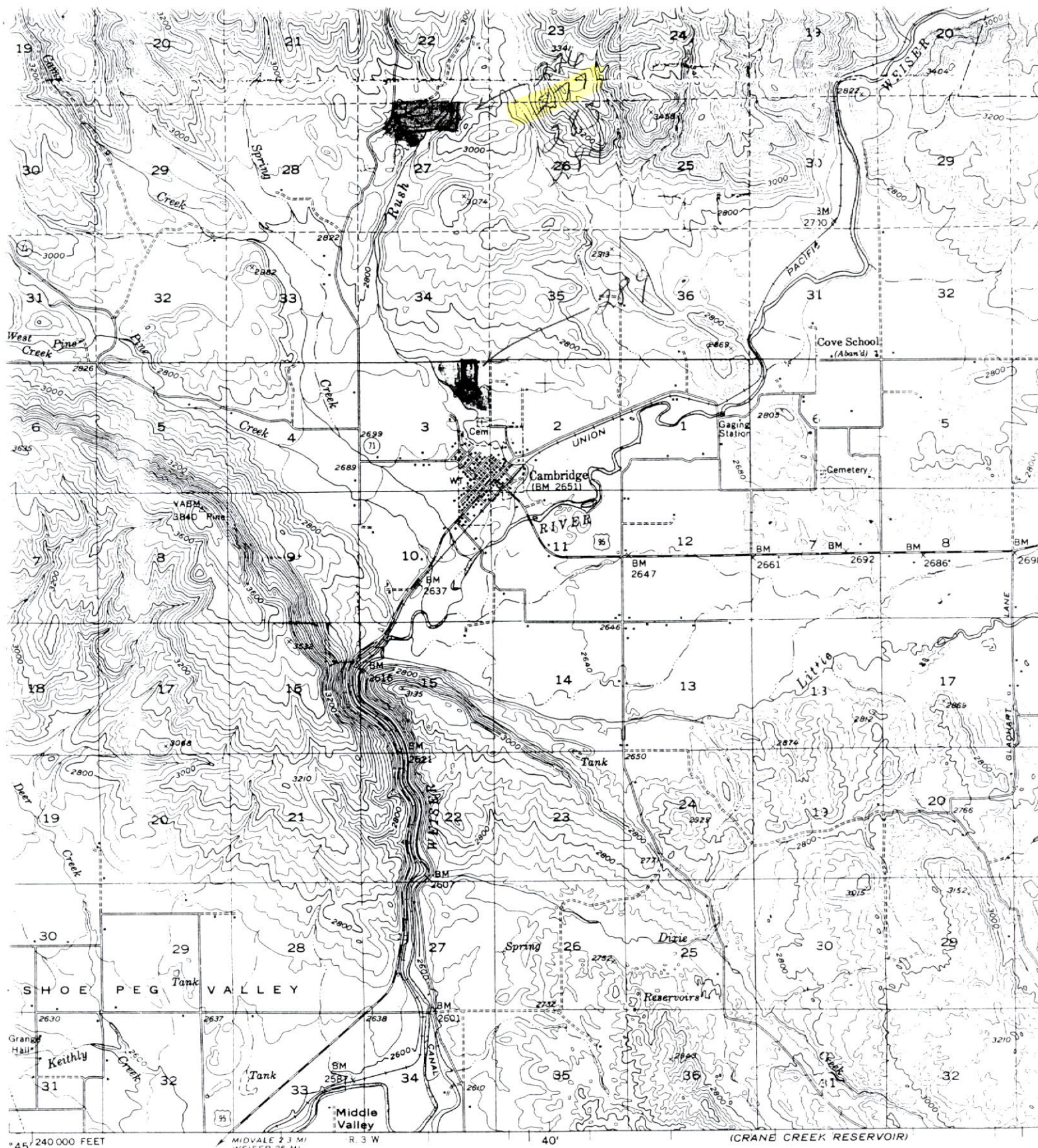




Mapped, edited, and published by the Geological Survey

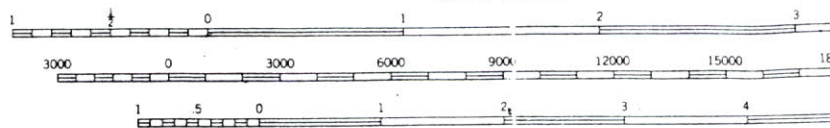
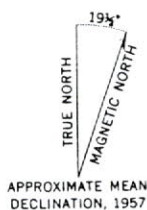
Control by USGS and USC&GS

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



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 67-00277E
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: 05/01/1892

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	0.046	63

7. Total Quantity Appropriated is:
0.046 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
			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 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 by 36 inches wide by 6 inches to 12 inches deep direct to fields.
Added points of diversion and irr. acreage which was not indicated on the previous decree.
This is the result of a change in ownership, and combined right of 67-00277B and 67-00277D. 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): A67-00283A, A67-00284A, A67-00276D
+ A67-00277D
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 BENNIS
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>50+/-</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 Bennis

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, 1997,
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.

Residing at WEISER, Idaho
Comm. Expires 11/4/97
Notary Public

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.

EXHIBIT "A"

FILE NO.: 100-97-5784

IN TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

A portion of the NW $\frac{1}{4}$ of Section 27 being more particularly described as follows:

Beginning at a point on the East line of said NW $\frac{1}{4}$ of Section 27 from which point the Northeast corner of said NW $\frac{1}{4}$ bears North 00°31'42" East a distance of 1556.25 feet;
Thence from said point of beginning South 00°31'42" West, along said East line, 850.00 feet;

Thence West 300.00 feet;

Thence North 77°35' West 458.00 feet;

Thence West 56.00 feet;

Thence South 62°05' West 297.00 feet;

Thence North 68°50' West 165.00 feet;

Thence South 86°29' West 978.14 feet to a point on the centerline of Rush Creek Road;

Thence along said road centerline the following Eight (8) consecutive courses:

1) North 09°21' East 250.99 feet;

2) Along the Arc of a curve to the left having a radius of 400 feet, a length of 273.43 feet and a chord that bears North 10°14' West 268.14 feet;

3) North 29°49' West 139.36 feet;

4) Along the Arc of a curve to the right having a radius of 300 feet; a length of 412.42 feet and a chord that bears North 09°34' East 380.70 feet;

5) North 48°57' East 151.90 feet;

6) Along the Arc of a curve to the right having a radius of 600 feet, a length of 105.94 feet and a chord that bears North 54°00'30" East 105.80 feet;

7) North 59°04' East 371.47 feet and

8) Along the Arc of a curve to the left having a radius of 800 feet, a length of 210.90 feet and a chord that bears North 51°30'52" East 210.29 feet;

Thence South 46°02'16" East 801.54 feet;

Thence South 80°22'10" East 690.04 feet to a point in the centerline of Rush Creek;

Thence along said centerline the following Two (2) courses:

1) North 51°28'20" East 40.54 feet and

2) North 66°00' East 113.00 feet;

Thence East 141.00 feet to the POINT OF BEGINNING.

Reserving therefrom a Twenty foot wide Easement for construction and maintenance of a Water Pipeline, said Easement being described as follows:

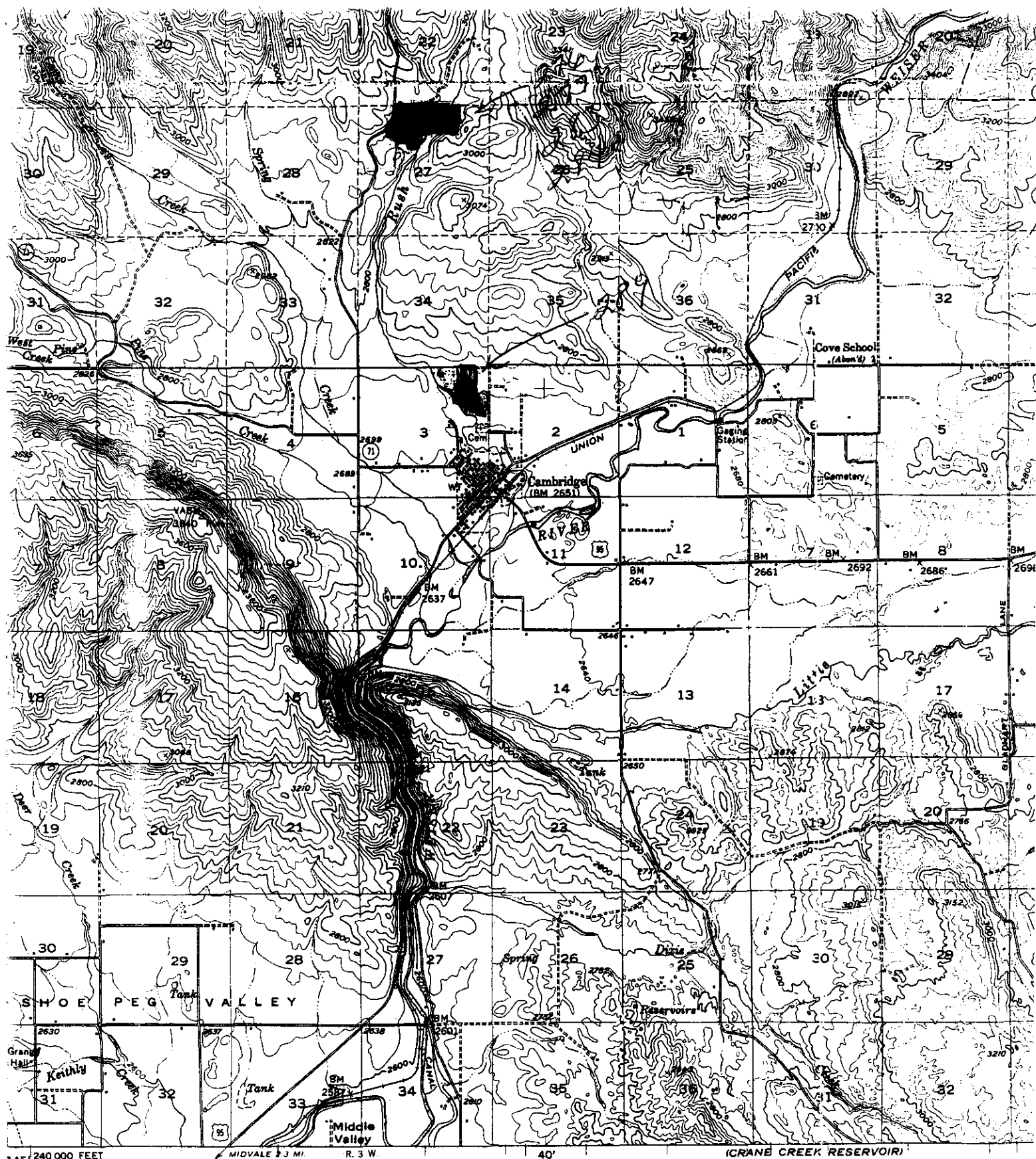
Beginning at a point on the East line of the NW $\frac{1}{4}$ of said Section 27 from which point the Northeast corner of said NW $\frac{1}{4}$ bears North 00°31'42" East 1556.25 feet;

thence from said point of beginning and along the East line of said Easement South 00°31'42" West 400 feet;

thence along the centerline of said Easement the following Two (2) consecutive courses:

1) South 77°36'10" West 500 feet; and

2) South 22°52'20" West 300 feet, more or less, to a point on the South line of the property herein described.



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

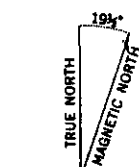
Topography from aerial photographs by multiplex methods
Aerial photographs taken 1951. Field check 1957

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

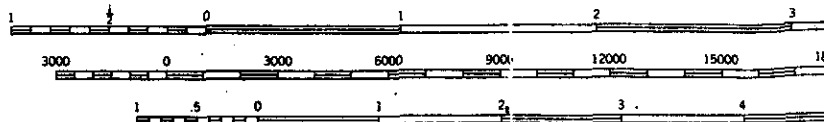
Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown



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 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: A67-00277B
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, 1892

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	0.013		

7. Total Quantity Appropriated is:
0.013 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:
A6700276

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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A67-00277, FEE PAID UNDER RECEIPT NO. W006479 MTS OWNERSHIP CHANGE UPDATED 4/11/96 DUE TO NEW DATA.

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: A67-00277D

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, 1892

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	0.033		

7. Total Quantity Appropriated is:
0.033 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:
A6700276A

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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A67-00277, FEE PAID UNDER RECEIPT NO. W006479. MTS 8/10/95 OWNERSHIP CHANGE UPDATED 4/10/96 DUE TO NEW DATA.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP OF A PORTION OF CLAIM A67-00277A, 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: _____



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.

John Eagle
August 28, 2003
Page -2-

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