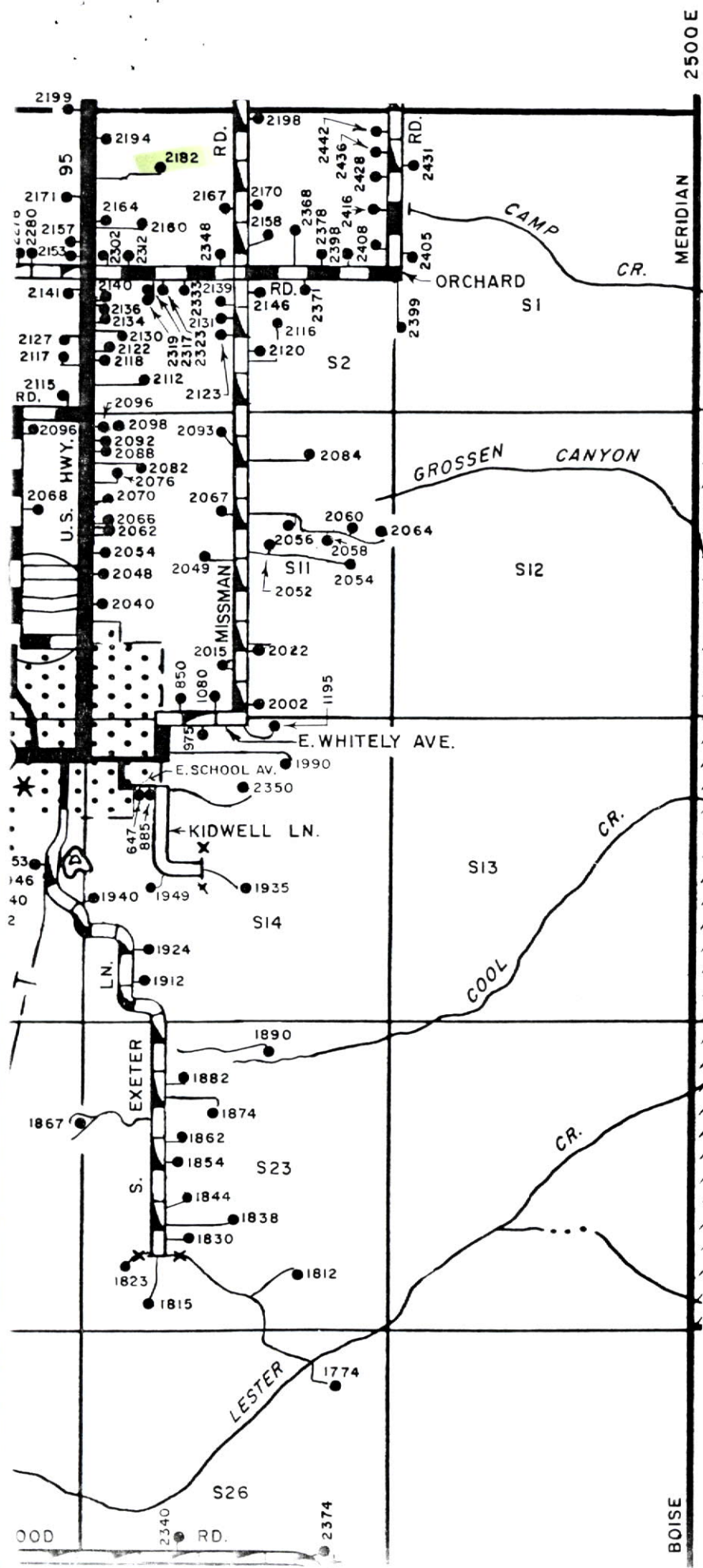
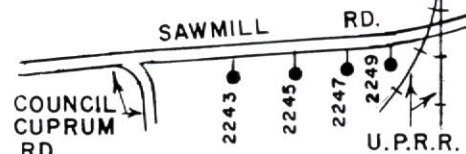
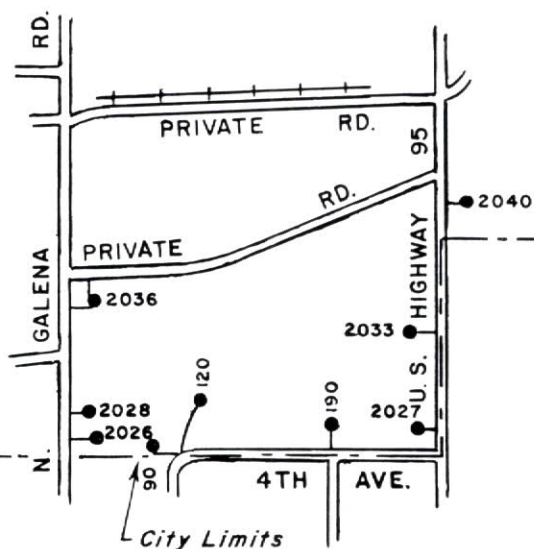




2200 N



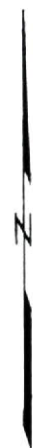
DETAIL B



DETAIL A

T.16N.

1900 N



MICROFILMED
OCT 22 1996

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: **A67-00348C**
Date Received: 1/ 4/1990
Receipt No: C013819
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ROSE K ABIDE
Address: 2182 HWY 95
COUNCIL ID 83612
OR
Name: WILLIAM P ABIDE
Address: 2182 HWY 95
COUNCIL ID 83612
2. Date of Priority: MAY 1, 1878
3. Source: MILL CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	SE	SE			ADAMS
5. Description of diverting works:
DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 228.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NE	NW		IRR	30.40

OCT 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NW	NW		IRR	25.0
			SW	NW		IRR	10.0
			SE	NW		IRR	11.0
					Section Acres		76.0
					Total Acres		76.0

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:
67-00141

14. Remarks:

HOOVER DITCH CARRIES WATER FROM CREEK.
TRANS. #539.
FILING INCLUDES WATER DIVERTED DURING HIGH WATER PERIODS.
CHANGE OF OWNERSHIP FROM WALK IN, APRIL 1, 1992, ORIGINAL OWNER
STEVE SCHWILLING. COPY OF DEED FOR PROOF. OWNERSHIP CHANGED BY
RDH APRIL 1, 1992.
OWNERSHIP CHANGED BY MM, 12/02/1993.
OWNERSHIP CHANGED 11/09/1994. WARRANTY DEED MATCHES DEED
SUBMITTED BY BRET ARMACOST, OWNER PREVIOUS TO GARY ARMACOST. MM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
NOV 4 1994

DATE OF CLOSING: 10/11/94

LEGAL DESCRIPTION OF PROPERTY: Township 16 N Range 02 W Department of Water Resources
Section 2 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.

RECEIVED
NOV 04 1994

WATER RESOURCES
WESTERN REGION

☐ 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:

A67-11407 + A67-00348C

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

Gary R. Armacost
HC R 59 Box 9
Oxbow, OR 97840

☐ New Owner/Claimant
(Purchaser):

William P. Abide or Rose K. Abide

☐ New Mailing Address:

2182 Hwy 95
Council, ID 83612

☐ New Telephone Number: () _____

☐ 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 recorded 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)

William P. Abide
Rose K. Abide

Date 10/12/94
Date 10-12-94

☐ 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: 11/09/1994 By: nn

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 11/09/1994 By: nn

Claim Numbers of Split, if any:

MICROFILMED

OCT 22 1994

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

RECEIVED

NOV 4 1994

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

CIVILIAN

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by BRET G. ARMACOST, as Domiciliary Foreign Personal Representative of the Estate of Gary Richard Armacost, pursuant to I.C. 15-4-204, Grantor, to WILLIAM P. ABIDE and ROSE K. ABIDE, husband and wife, Grantees; 2182 Hwy 95, Council, ID 83612

WHEREAS, Grantor was appointed Personal Representative of the Estate of Gary Richard Armacost, aka Gary Armacost, in Case No. 94-617, Circuit Court of the State of Oregon for the County of Baker, on the 5th day of October, 1994.

WHEREAS, Proof of Authority of Domiciliary Foreign Personal Representative has been filed in the District Court of the Third Judicial District, in and for the County of Adams, Magistrate Division, Case No. SP-94-00102, on the 11th day of October, 1994;

WHEREAS, Bret G. Armacost is now authorized, pursuant to I.C. 15-4-205, to exercise all powers of a local personal representative;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property located in Adams County, Idaho:

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 2: A tract of land more particularly described as follows:

Council Valley Orchard Tract described more fully as follows:

Lots 7, 8, 9 and 10 of Block 3 EXCEPTING from said Lot 7 a tract of land described as commencing at the Southeast corner of said Lot 7 of Block 3 and running thence North on and along the East line of Lot 7 a distance of 115 feet;

Thence West and parallel to the South side line of Lot 7 a distance of 150 feet;
 Thence South and parallel to the East line of Lot 7 a distance of 115 feet;
 Thence East along the South line of Lot 7 a distance of 150 feet to the POINT OF BEGINNING; AND

Lots 7, 8, and 9, and the East 1/2 of Lot 10, Block 4. All of said lots and blocks are numbered and designated on the official plat of Council Valley Orchards on file in the office of the county recorder, Adams County, Idaho.

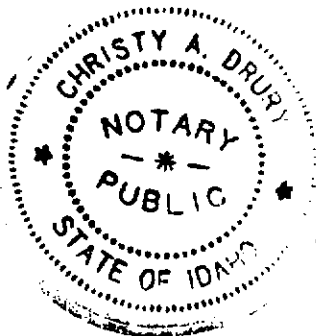
EXECUTED this 11 day of October, 1994.

Bret Armacost
 Bret Armacost
 Domiciliary Foreign Personal
 Representative of the
 Estate of Gary Armacost

STATE OF IDAHO)
)
 COUNTY OF Adams) ss.

On the 11th day of October, 1994, before me, the undersigned a Notary Public in and for said State, personally appeared BRET G. ARMACOST, known to me to be the person whose name is subscribed to the within instrument, as Domiciliary Foreign Personal Representative of the Estate of Gary Armacost, and acknowledged to me that he executed the same as such Domiciliary Foreign Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Christy A. Drury
 Notary Public for Idaho
 Residing at Frontier Lake
 My commission expires: 8/2/98

MICROFILMED
 OCT 22 1996

INSTRUMENT NO. 86813

State of Idaho)

County of Adams) ss.

Filed for record at the request of

Timberline Title & Escrow

16 min. past 11 o'clock A.M.

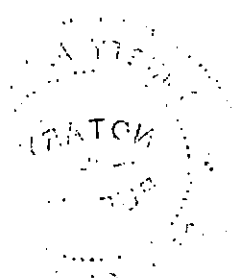
this 11th day of Oct, 19 94

MICHAEL FISK, RECORDER

by Peggy L. Lavelle
Deputy

Fee \$6.00

Return to; Timberline Title & Escrow



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: **A67-00348C**
Date Received: 1/ 4/1990
Receipt No: C013819
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GARY R ARMACOST 208-785-3372
Address: HCR 59 BOX 9
OXBOW OR 97840

2. Date of Priority: MAY 1, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	SE	SE			ADAMS

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is 228.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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AUG 05 1994

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NE	NW		IRR	30.0
			NW	NW		IRR	25.0
			SW	NW		IRR	10.0
			SE	NW		IRR	11.0

10. Place of Use: Continued

Section Acres 76.0

Total Acres 76.0

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:

67-00141

14. Remarks:

HOOVER DITCH CARRIES WATER FROM CREEK.

TRANS. #539.

FILING INCLUDES WATER DIVERTED DURING HIGH WATER PERIODS.

CHANGE OF OWNERSHIP FROM WALK IN, APRIL 1, 1992, ORIGINAL OWNER
STEVE SCHWILLING. COPY OF DEED FOR PROOF. OWNERSHIP CHANGED BY
RDH APRIL 1, 1992.

OWNERSHIP CHANGED BY MM, 12/02/1993.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

MICROFILMED

AUG 05 1994

RECEIVED

OCT 12 1993

Department of Water Resources
Western Regional OfficeNEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 01W
 Section 236 1/4 of 16N 1/4 of 16W 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: A67-00348C, A67-11407
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Bret - Doris Armacost
P.O. Box 437
- ☐ New Owner/Claimant (Purchaser): Council, ID. 93612
GARY R. Armacost
- ☐ New Mailing Address: HCR59 Box 9
Oxbow, OR 97840
- ☐ New Telephone Number: (503) 785-3372
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: _____

(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) Gary R. Armacost Date 10/12/93
 _____ Date _____
- ☐ Signature of Former Owner/Claimant(s) Bret Armacost Date 10-12-93
 _____ 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: 12/02/1993 By: MM

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions; and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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: **A67-00348C**
Date Received: 1/ 4/1990
Receipt No: C013819
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRET ARMACOST 208-253-6873
Address: PO BOX 437
COUNCIL ID 83612
OR
Name: DORIS ARMACOST 208-253-6873
Address: PO BOX 437
COUNCIL ID 83612

2. Date of Priority: MAY 1, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36	SE	SE			ADAMS

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is 228.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NE	NW		IRR	30.0

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OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NW	NW		IRR	25.0
			SW	NW		IRR	10.0
			SE	NW		IRR	11.0
						Section Acres	76.0
						Total Acres	76.0

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:
67-00141

14. Remarks:

HOOVER DITCH CARRIES WATER FROM CREEK.
TRANS. #539.
FILING INCLUDES WATER DIVERTED DURING HIGH WATER PERIODS.
CHANGE OF OWNERSHIP FROM WALK IN, APRIL 1, 1992, ORIGINAL OWNER
STEVE SCHWILLING. COPY OF DEED FOR PROOF. OWNERSHIP CHANGED BY
RDH APRIL 1, 1992.

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: _____

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OCT 01 1992

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
OCT 01 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 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: A67-00348C & A67-11407

☒ Name and Address of Former Owner/Claimant(s)(Seller): SCHWILLING, STEVE
3110 E OVERLAND
MERIDIAN, ID 83842

☒ New Owner/Claimant (Purchaser): Bret and/or Doris Armucost

☒ New Mailing Address: P.O. Box 437
Council, ID.
83612

☒ New Telephone Number: (208) 253 - 6873

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ 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: WARRANTY 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) Bret Armucost Date 4-1-92

☐ 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: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED
OCT 01 1992

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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

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The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

FOR VALUE RECEIVED, STEPHEN SCHWILLING, a widower, dealing with his sole and separate property, the Grantor, does hereby convey and warrant unto BRET G. ARMACOST and DORIS H. ARMACOST, husband and wife, whose address is Post Office Box 437, Council, Idaho 83612, the Grantees, the following-described premises located in the County of Adams, State of Idaho:

A Tract of land located in Section 2, Township 16 North, Range 1 West, Boise Meridian, more particularly described as follows:

Council Valley Orchard Tract described more fully as follows:

Lots 7, 8, 9 and 10 of Block 3, But Excepting from said Lot 7 a tract of land described as commencing at the Southeast corner of said Lot 7 of Block 3, and running thence North on and along the East line of Lot 7 a distance of 115 feet; thence West and parallel to the South side of Lot 7 a distance of 150 feet; thence South and parallel to the East line of Lot 7 a distance of 115 feet; thence East, along the South line of Lot 7 a distance of 150 feet to the POINT OF BEGINNING, and

Lots 7, 8, and 9, and the East 1/2 of Lot 10, Block 4.

All of said Lots and Blocks are numbered and designated on the Official Plat of Council Valley Orchards on file in the office of the County Recorder of Adams County, Idaho.

All water and water rights used upon or appurtenant to said property, however evidenced, including, but not limited to, 22-1/2 shares in East Fork Ditch Company, Ltd.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining to the property, including all existing fixtures; SUBJECT TO any and all easements, rights-of-way, or restrictions of record, and the exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the State of Idaho, or in other deeds of record, including, but not limited to, the

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following:

1. GENERAL TAXES and assessment for the year 1990, which are a lien but not yet due and payable.
2. A RIGHT OF WAY for the purpose of a public highway and right incidental thereto as set forth in a document Granted to the State of Idaho (No representation is made as to the present ownership of said right of way). Recorded March 31, 1936; Instrument No. 21920; Book 14 of Deeds, page 368 of Official Records. Affects Lot 9 of Block 4 of the Council Valley Orchards.
3. A RIGHT OF WAY for the purpose of a public highway and rights incidental thereto as set forth in a document Granted to the State of Idaho (No representation is made as to the present ownership of said right of way). Recorded March 31, 1936; Instrument No. 21910; Book 14 of Deeds, page 360 of Official Records. Affects Lot 7 of Block 4 of the Council Valley Orchards.
4. AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document Granted to Idaho Power Company, a corporation (No representation is made as to the present ownership of said easement). Recorded June 29, 1949; Instrument No. 32656; Book 5 of Misc., page 43 of Official Records. Affects Lot 7 of Block 4, Council Valley Orchards.
5. AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document Granted to Idaho Power Company, a corporation (No representation is made as to the present ownership of said easement). Recorded June 29, 1949; Instrument No. 32657; Book 5 of Misc., page 44 of Official Records. Affects Lots 8 and 9 of Block 4, Council Valley Orchards.
6. AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document Granted to Idaho Power Company, a corporation (No representation is made as to the present ownership of said easement). Recorded June 29, 1949; Instrument No. 32658; Book 5 of Misc., page 45 of Official Records. Affects Lot 10 of Block 4, Council Valley Orchards.
7. AN EASEMENT, RIGHT OF WAY AND RESERVATION Granted to Orchard Gravity Flow System, Inc., an Idaho Corporation (No representation is made as to the present ownership of said easement). Recorded August 25, 1982; Instrument No. 64765; in Book 11m of Misc., page 343 of Official Records, Affects all of said land.

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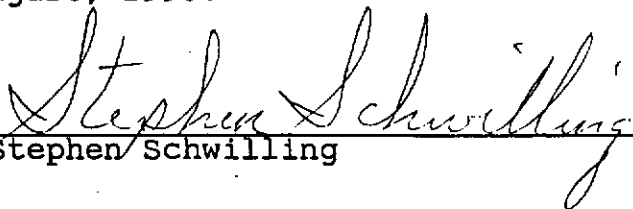
OCT 01 1992

8. ALL GRANTED and/or existing roadways and easements of record or in use. Recorded July 8, 1980; Instrument No. 60829; Book 34m of Deeds, Page 80 of Official Records.

9. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.

TO HAVE AND TO HOLD the said premises, with its improvements and appurtenances unto the said Grantee, their its successors and assigns forever.

DATED this 14th day of August, 1990.


Stephen Schwilling

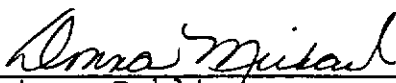
STATE OF IDAHO

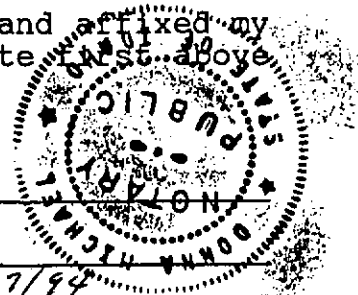
COUNTY OF Adams

)
:
: ss.
)

On this 14th day of August, 1990, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared STEPHEN SCHWILLING, a widower, dealing with his sole and separate property, known to me to be the person executing the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate written.


Notary Public
Residing at Council
My Commission expires: 10/7/94



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OCT 01 1992

INSTRUMENT NO. 79022

State of Idaho }
County of Adams }

Filed for record at the request of
Timberline Title & Escrow
21 min. past 4 o'clock P. M.
this 16 day of August, 1990
Bk 42M of Deeds PG.481-482

MICHAEL FISK, RECORDER

by Sarah Wilson Deputy

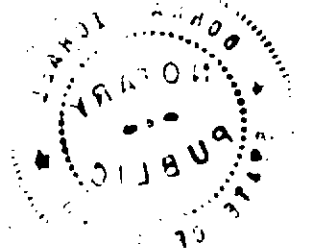
Fee \$ 9.00

Warranty Deed

Stephen Schwilling

to

Bret G. & Doris H. Armacost



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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: A67-00348C
Date Received: 1/04/1990
Receipt No: C013819
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

*Dropped erroneous T17N
in P/U. 1/05/90*

1. Name: STEVE SCHWILLING
Address: HC 62 BOX 1365
COUNCIL, ID

208-253-6006

83612

2. Date of Priority: MAY 01, 1878

3. Source: MILL CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	36		SE	SE		ADAMS

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

A.F.A.

8. Total consumptive use is 228.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NE	NW		IRR	30.0
			NW	NW		IRR	25.0
			SW	NW		IRR	10.0
			SE	NW		IRR	11.0

Section Acres 76.0

A67-00348C

Page 1

Date: 01/05/90

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OCT 01 1992

10. Place of Use: Continued

Total Acres 76.0

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:
67-00141

14. Remarks:
HOOVER DITCH CARRIES WATER FROM CREEK.
TRANS. #539.
FILING INCLUDES WATER DIVERTED DURING HIGH WATER PERIODS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

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: _____

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A67-00348C

Date Received: 1/02/1990

Receipt No: C 013819

Received By: J. Davison

REC-11

JAN 04 1990

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVE SCHWILLING 208-253-6006
Address: HC 62 BOX 1365
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	36	SE	SE			ADAMS

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is 228.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16N	01W	2	NE	NW		IRR	30.0
17N	01W	2	NW	NW		IRR	25.0
			SW	NW		IRR	10.0
			SE	NW		IRR	11.0

Section Acres 76.0

A67-00348C

Page 1

Date: 01/02/90

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OCT 01 1992

10. Place of Use: Continued

Total Acres 76.0

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:
67-00141

14. Remarks:
HOOVER DITCH CARRIES WATER FROM CREEK.
TRANS. #539.
FILING INCLUDES WATER DIVERTED DURING HIGH WATER PERIODS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

MICROFILMED
OCT 01 1992

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): Steve Schwalling Date: Jan 2, 1990

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of January 19 90

Seal

[Signature]
Notary Public

Residing at Boise, ID
My Commission Expires June 10, 1994

REC
JAN 04 1990

Department of Water Resources

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OCT 01 1992

CLAIMANT'S NAME Schwilling CLAIM IDENT. NO. A67-00348CDATE RECEIVED 1/04/90 CK # 598 AMOUNT \$ 50 of 75 YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO *
- Is the consumptive use correct? N/A ☒ YES ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *Corrected* *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☒ YES ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: [Signature] Date: 1/05/90

Claim must be returned to claimant: ☒ (Yes) ☐ (No)

Claimant must be notified of modifications: ☒ (Yes) ☐ (No)

Receipt Prepared by: [Signature] Date: 1/05/90 Checked by: OCT 11 1992

Claim data entered by: [Signature] + Corr. 70 Date: 1/05/90

Sent to claimant by: [Signature] Date: 1/05/90

Comments: Claimant states East Fork Ditch paid fee. East Fork did pay W00Z325 (#2204 3 claims)

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67-348C
67-348D
67-348E
67-348F

MEMORANDUM

To: Adjudication claims file nos. 67-00348 (All parts); Water District 67 File
From: Gary Spackman *Gary*
Date: July 18, 2003

Re: Quantities for various splits of water right no. 67-00348

The watermaster asked about the quantities of water he should deliver to water users owning a portion of water right no. 67-00348. One of the water users produced a 1994 letter from Dave Tuthill about this issue. Dave Tuthill determined that a typographical error in Water District 67 record keeping lead users of water right no. 67-00348 to believe they were entitled to more water than recognized by the Muir v. Allison decree. He discusses the error in the letter, and determines deliveries of water to several individual owners.

After reading the letter, I told Bosco Bosler, watermaster for the Weiser River, to follow the findings and conclusions of the letter.

A copy of the letter is attached to this memo. The letter and this memo should be placed in the water district files and in each of the adjudication claims related to water right no. 67-00348.



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

August 3, 1994

Bret &/or Doris Armacost (Former Owners)
P.O. Box 437
Council, ID 83612

Gary Armacost (New Owner)
HCR 59 Box 9
Oxbow, OR 97840

Ed E. &/or Shirley A. Engel
HC 62 Box 1310
Council, ID 83612

L.O. Vaile
Box 543
Council, ID 83612

RE: Water Right No. 67-00348, All Parts

Dear Wateruser:

In my letter dated October 23, 1992 to you in the above-referenced matter, I requested information regarding the rate of flow for water right no. 67-00348 to augment your claims to water rights. As I indicated, the Muir V. Allison decree limits this water right to 25 miner's inches (0.50 cubic feet per second), but your claims significantly exceed this amount.

The information received thus far in this matter appears to point to a typographical error that occurred in the records of Water District 67 many years ago. The watermaster delivery sheet (Attachment A) shows delivery of this water right in four portions, as follows:

O. Vaile	--	46"
W. Criss	--	6"
S. Schwilling	--	6.5"
G.W. Squires	--	6.5"

The Idaho Department of Water Resources transfer file summary (Attachment B) shows that this water right has been split into four portions, as follows:

A.G. Moore	--	6.25"	(.125 cfs)
J.W. Hoover	--	6"	(.12 cfs)
W.F. Winkler	--	6.5"	(.13 cfs)
W.H. Spahr	--	6.5"	(.13 cfs)

Page 2
Water Right No. 67-00348
August 3, 1994

Claims filed in the Snake River basin Adjudication are as follows:

O. Vaile	--	46"	(A67-00348E)
E. Engle	--	6.5"	(A67-00348D)
G. Armacost	--	25"	(A67-00348C)

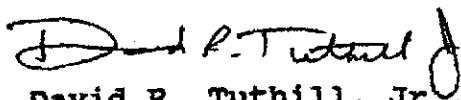
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

At this point there is still some sorting out to do to determine which portions of the original water right should be attributed to the claimants. This sorting out is a function of the adjudication process, which is scheduled to be arriving to Adams County in a few years. In the meantime, the waterusers will need to contact the Watermaster, Mr. Myers, to indicate what portions of the original water right they are using. To aid in this effort, I am enclosing with this letter copies of the four water right transfers that split and moved the original water right.

Accordingly, the Watermaster is directed to immediately limit the diversion under water right no. 67-00348, to be diverted from Mill Creek with priority date of May 1, 1878, to a total of 25" (0.50 cfs) for all parts. The waterusers are further advised that lockable controlling works and accurate measuring devices are required in order to receive water from the watermaster under these water rights.

If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures

cc: Jerry Myers, Watermaster

Larry Derie
2205 Jackson Cr. Rd.
Council, Idaho 83612
Sept. 2, 1992

Mr. Dave Tuthill
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:

I am writing concerning a water right on Mill Creek in Adams County Idaho.

The Muir Allison Decree, decreed a total of 25 inches of water for an 1878 water right on Mill Creek. The Watermaster's sheet shows he is delivering 65 inches on this 25 inch decreed right. After Rob Whitney and Jan researched the water right in October of 1991, they found the following: The 25 inch 1878 water right 67-0348 was split four ways.

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

The Watermaster's sheet shows Odell Vaile receiving 46 inches on right 67-0348A. The transfer sheet shows .125 CFS on 67-0348a. The research done by Rob and Jan could not find any justification for the extra 40 inches delivered to Odell Vaile on an 1878 water right on Mill Creek.

I believe the error should be corrected so that the other water rights on Mill Creek can be more fairly honored.

Sincerely,

Larry Derie



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: November 9, 1994

Re: Notice of Claim No(s). A67-00348C

A67-11407

[ROSE K ABIDE]
WILLIAM P ABIDE
2182 HWY 95
COUNCIL ID 83612

[]

Dear Claimant(s):

Enclosed is a copy(s) of the above referenced claim(s) which reflects the change in ownership of the land and appurtenant water right(s) to you.

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

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

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

Enclosure(s)

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OCT 22 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

DATE November 9, 1994

[GARY R ARMACOST]
HCR59 BOX 9
OXBOW OR 97840

[]

RE: Notice of Claim(s) No(s): A67-00348C
A67-11407

Dear Claimant:

Enclosed is a copy of the "Notice of Change of Water Right Ownership" which has been submitted to this office. This form identifies you as the former owner of the above-referenced water right(s).

This letter is to notify you that the ownership of the water right(s) has been changed to the name(s) identified as the New Owner/Claimant. This reflects the change in ownership of the land and appurtenant water right(s).

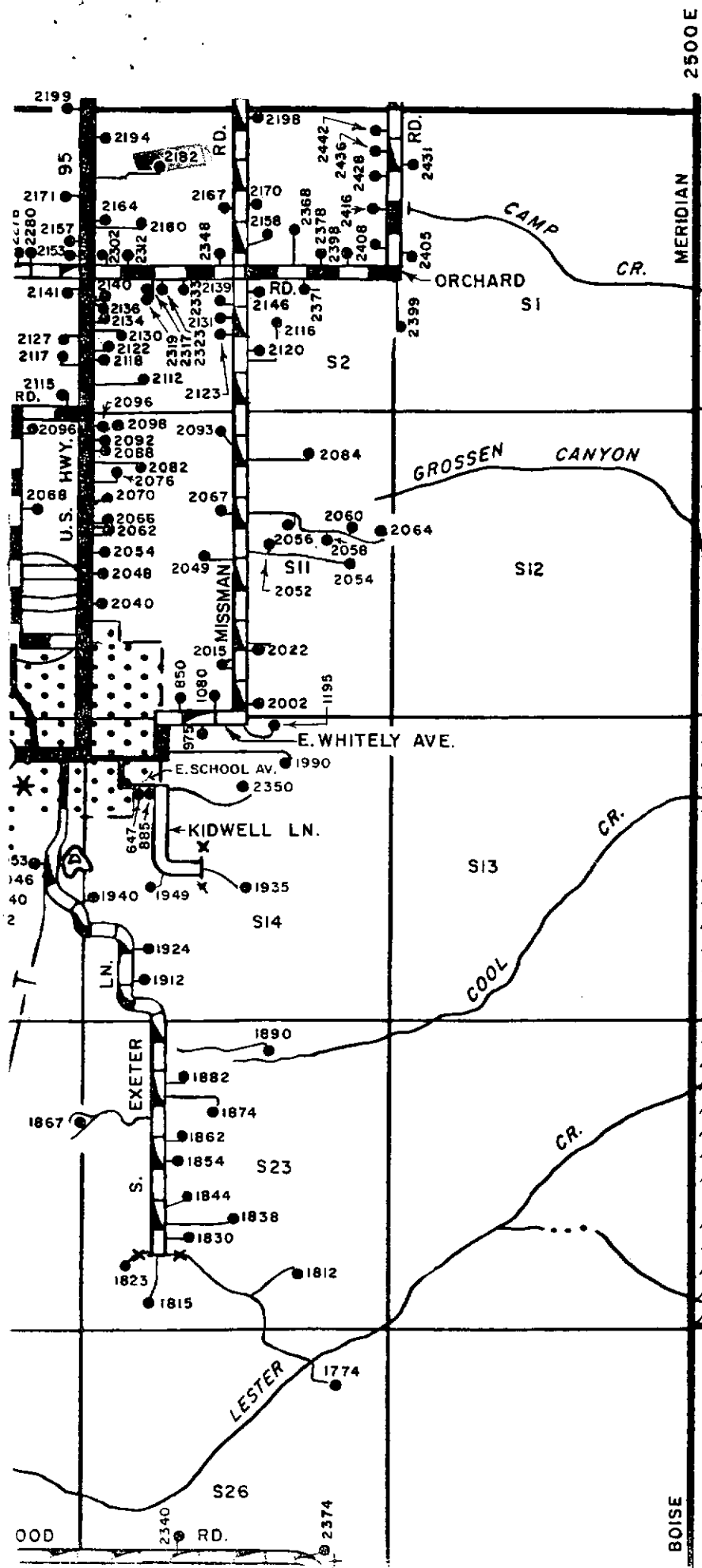
If you have any questions regarding this matter, please contact this office.

Sincerely,

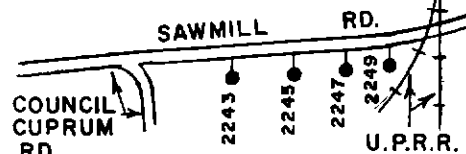
Adjudication Staff
Western Region Office

MM/m
Enc.

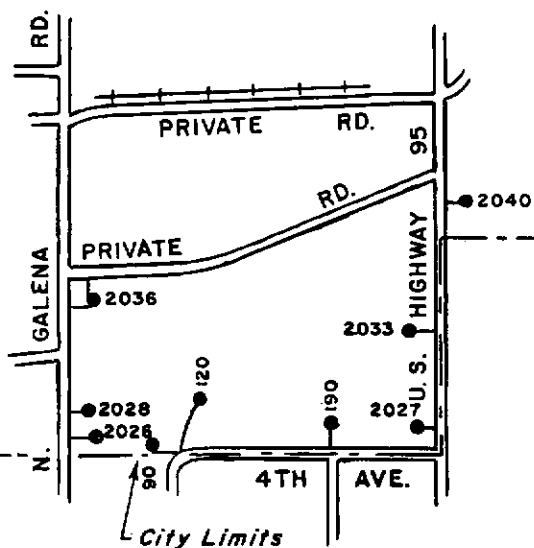
MICROFILMED
OCT 22 1996



2200 N



DETAIL B



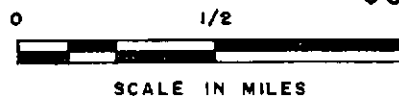
DETAIL A

T.16N.

1900 N



MICROFILMED
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

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

Bret &/or Doris Armacost (Former Owners)
P.O. Box 437
Council, ID 83612

Gary Armacost (New Owner)
HCR 59 Box 9
Oxbow, OR 97840

Ed E. &/or Shirley A. Engel
HC 62 Box 1310
Council, ID 83612

L.O. Vaile
Box 543
Council, ID 83612

RE: Water Right No. 67-00348, All Parts

Dear Wateruser:

In my letter dated October 23, 1992 to you in the above-referenced matter, I requested information regarding the rate of flow for water right no. 67-00348 to augment your claims to water rights. As I indicated, the Muir V. Allison decree limits this water right to 25 miner's inches (0.50 cubic feet per second), but your claims significantly exceed this amount.

The information received thus far in this matter appears to point to a typographical error that occurred in the records of Water District 67 many years ago. The watermaster delivery sheet (Attachment A) shows delivery of this water right in four portions, as follows:

O. Vaile	--	46"
W. Criss	--	6"
S. Schwilling	--	6.5"
G.W. Squires	--	6.5"

The Idaho Department of Water Resources transfer file summary (Attachment B) shows that this water right has been split into four portions, as follows:

A.G. Moore	--	6.25"	(.125 cfs)
J.W. Hoover	--	6"	(.12 cfs)
W.F. Winkler	--	6.5"	(.13 cfs)
W.H. Spahr	--	6.5"	(.13 cfs)

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OCT 22 1996

Page 2
Water Right No. 67-00348
August 3, 1994

Claims filed in the Snake River basin Adjudication are as follows:

O. Vaile	--	46"	(A67-00348E)
E. Engle	--	6.5"	(A67-00348D)
G. Armacost	--	25"	(A67-00348C)

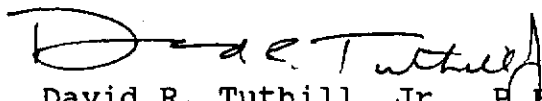
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

At this point there is still some sorting out to do to determine which portions of the original water right should be attributed to the claimants. This sorting out is a function of the adjudication process, which is scheduled to be arriving to Adams County in a few years. In the meantime, the waterusers will need to contact the Watermaster, Mr. Myers, to indicate what portions of the original water right they are using. To aid in this effort, I am enclosing with this letter copies of the four water right transfers that split and moved the original water right.

Accordingly, the Watermaster is directed to immediately limit the diversion under water right no. 67-00348, to be diverted from Mill Creek with priority date of May 1, 1878, to a total of 25" (0.50 cfs) for all parts. The waterusers are further advised that lockable controlling works and accurate measuring devices are required in order to receive water from the watermaster under these water rights.

If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,


David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosures

cc: Jerry Myers, Watermaster

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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

December 6, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[GARY R ARMACOST]
HCR 59 Box 9
[Oxbow OR 97840]

RE: Notice of Claim No.s: A67-00348C, A67-11407

Dear Claimant:

The enclosed copies of the above referenced documents reflect the change in ownership of the land and appurtenant water rights covered by these claims. These copies are for your files - please do not return them to this office.

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 do not hesitate to contact this office.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM/m
Enc.s

PHONE MESSAGE	TO	DATE		TIME	AM
	FROM	11-9		10:45	PM
	OF	Ed Engle		AREA CODE	
	67-0248	NO. 253-4830		EXT.	
MESSAGE	Will find in copy of deed				
	MICROFILMED				
	AUG 05 1994				
	SIGNED				
PHONED ☐		CALL BACK ☒	RETURNED CALL ☐	WANTS TO SEE YOU ☐	WILL CALL AGAIN ☐
		WAS IN ☐		URGENT ☐	

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OCT 22 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 23, 1992

BRET &/OR DORIS ARMACOST
PO BOX 437
COUNCIL ID 83612

ED E &/OR SHIRLEY A ENGEL
HC 62 BOX 1310
COUNCIL ID 83612

L O VALIE
BOX 543
COUNCIL ID 83612

Re: Water Right #67-0348, Including All Parts

Dear Water User:

This office has received a request to investigate the rate of flow authorized for the above-referenced water right. You have been identified as a recipient of this letter because you have filed a claim for a portion of this water right through the Snake River Basin Adjudication. The purpose of this letter is to request additional information regarding this water right.

The concern about rate of flow relates to the original decree of water rights in the Weiser River Basin filed in the case of Muir V. Allison. This decree, finalized in the 1920's, identifies water rights from Mill Creek. One of these water rights is dated May 1, 1878, and was decreed in the name of William Winkler, Lewis Winkler, Mrs. F.H. Hayner, John Kessler, Jim Kessler, Lewis Kessler, Bettie Dickerson, Janie Hart, Ida Blanchard, William Kessler, Elva Young and Rebecca Kessler, successors of Alexander Kessler, deceased, in the amount of 25 miners inches, or 0.50 cubic feet per second. This water right was numbered 67-0348 by the Department of Water Resources. The concern is that this water right has been delivered as having some greater value. One statement that we have received is that the water right is being delivered as 65 miners inches.

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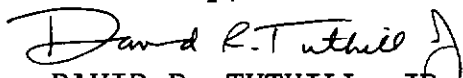
AUG 05 1994

The watermaster, Mr. Gerald K. Myers, researched his records and found that the amount being delivered under this water right presently is 58.5 inches, as shown on the enclosed copy of his letter to the Department of Water Resources.

Because of the noted discrepancies between the decree and the amount apparently being delivered, we need to investigate this water right prior to the next water delivery system. This letter provides you with an opportunity to further document the file regarding the reason for more than 25 miners inches of water being delivered under this water right. If we cannot construct a valid reason for this increased delivered amount, we will be required to direct the watermaster to reduce the rate of flow delivered under the right to 25 miners inches during the next delivery season. Therefore, please provide any further information that you have in this regard to me no later November 15, 1992, to aid in the investigation of this matter.

If you have questions regarding this process, please feel free to contact this office.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Copy of Letter from Gerald K. Myers
Copy of Muir v. Allison decree showing water right 67-0348.

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AUG 05 1994

Dept. Water Resources
David Tuthill

9-24-92

The records that I have
for what is delivered to the Chicken
Ranch ditch for water rights is as
follows.

# 67-0348-Trans. 445 -	46"	- 5-1-78
# 67-0348-Trans. 446 -	6"	- 5-1-78
# 67-0348-Trans. 447 -	6.5"	- 5-1-78
	<u>58.5"</u>	

The old Abstract shows
25" of water to this ditch. When
the Amount of water to this ditch
was changed, I have no knowledge
for the reason, for the change of
Amount of water delivery to this
ditch. The Watermaster Lawson
Howland also delivered 58.5" of
water to this ditch.

Watermaster Dist #67
Gerald K. Myers

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AUG 05 1994

J F Lowe
L J Rhinehart
Loren Rhinehart
Anna Morrow

38
31
40
5

June 5, 1902 67 0344
June 5, 1902 67 0345
June 5, 1902 67 0346
June 5, 1902 67 0347

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,
John Kessler, Jim Kessler, Lewis Kessler, Bettie
Dickerson, Janie Hart, Ida Blanchard, William
Kessler, Elva Young and Rebecca Kessler, suc-
cessors of Alexander Kessler, deceased
Frederick F Watriss, Grantee of Geo M Winkler

25
16 2/3
124
33 1/3
20 3/4

P H Schaff and F S Galey, Grantees of Samuel Harp

29

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krighbaum

41 2/3

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

29
37
21
27

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F
Middleton

37

Charles Lappin and A E Felmsley, Grantees of C S
Gibbs

54

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

16 Trans 284

B W Turnipseed

18

J V Morrison

18

C W Holmes

8

Council Valley Orchards

100

Unnamed Stream.

Council Valley Orchards

100

Frank S Galey

20

C W Holmes

10

C E McDonald High water 56

34

Fort Hall Creek

C T Hamill

4

Louis Harp

6

A L Freehafer and Margaret E Pike

10

67 0348
May 1, 1878 - Trans 504-517-524-531
May 1, 1881 67 0349
May 1, 1884 67 0350
May 1, 1893 67 0351
May 1, 1894 67 0352
May 1, 1882 67 0353
May 1, 1891 67 0354
May 1, 1884 67 0355

May 1, 1885 67 0356
May 1, 1894 67 0357
May 1, 1889 67 0358
May 1, 1886 67 0359
May 1, 1893 67 0360
May 1, 1894 67 0361
May 1, 1896 67 0362

May 1, 1899 67 0363
May 1, 1903 67 0364
July 1, 1909 67 0365
May 1, 1909 67 0366
June 1, 1906 67 0367

July 3, 1911 67 0368
March 17, 1913 67 0369
May 15, 1912 67 0370
July 2, 1892 67 0371

May 1, 1882 67 0372
May 1, 1889 67 0373
May 1, 1882 67 0374
June 1, 1911 67 0375
July 19, 1893 67 0376

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AUG 05 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 8, 1992

GERALD MEYERS
HC 70 BOX 2010
MIDVALE ID 83645

RE: Water Right #67-0348

Dear Gerry:

Enclosed please find a copy of a letter from Mr. Larry Derie, which identifies a potential discrepancy between the watermaster records and IDWR records regarding the above-referenced water right. Please take a look at your records, and give me a call at your convenience so that we can discuss the discrepancy that has been identified.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

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SEP - 4 1992

Department of Water Resources
Western Regional Office

Larry Derie
2205 Jackson Cr. Rd.
Council, Idaho 83612
Sept. 2, 1992

Mr. Dave Tuthill
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Tuthill:

I am writing concerning a water right on Mill Creek in Adams County Idaho.

The Muir Allison Decree, decreed a total of 25 inches of water for an 1878 water right on Mill Creek. The Watermaster's sheet shows he is delivering 65 inches on this 25 inch decreed right. After Rob Whitney and Jan researched the water right in October of 1991, they found the following: The 25 inch 1878 water right 67-0348 was split four ways.

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

The Watermaster's sheet shows Odell Vaile receiving 46 inches on right 67-0348A. The transfer sheet shows .125 CFS on 67-0348a. The research done by Rob and Jan could not find any justification for the extra 40 inches delivered to Odell Vaile on an 1878 water right on Mill Creek.

I believe the error should be corrected so that the other water rights on Mill Creek can be more fairly honored.

Sincerely,

Larry Derie
Larry Derie

ENC.

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AUG 05 1994

Oct 29, 1941 Jan found - 67-0348 this Total Tran. for water.

POOR ORIGINAL

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Winkler, Wm. et al	0.5		67-0348
50	Moore, A. G.	0.125	0.375	67-0348A
51	Hoover, John W.	0.12	0.255	67-0348B
55	Winkler, Wm. F.	0.13	0.125	67-0348C
73	Spahr, W. H.	0.13	0	67-0348D

RECEIVED

Copy of decree

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,
John Kessler, Jim Kessler, Lewis Kessler, Bettie
Dickerson, Janie Hart, Ida Blanchard, William
Kessler, Elva Young and Rebecca Kessler, suc-
cessors of Alexander Kessler, deceased
Frederick M Watriss, Grantee of Geo H Winkler

P H Schaff and F S Galey, Grantees of Samuel Harp
Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krighbaum

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F
Middleton

Charles Lappin and A E Felmley, Grantees of C S
Gibbs

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

B W Turnipseed

J V Morrison

38
31
40
5

June 5, 1902
June 5, 1902
June 5, 1902
June 5, 1902

25
16 2/3
12 1/2
33 1/3
20 3/4
37 1/2
29

67
May 1, 1878
May 1, 1881
May 1, 1884
May 1, 1893
May 1, (1891)
May 1, 1882
May 1, 1891

41 2/3

May 1, 1884

10 3/4

May 1, 1885

29

May 1, 1894

37 1/2

May 1, 1889

21 1/2

May 1, 1886

27 1/2

May 1, 1893

37 1/2

May 1, 1894

54

May 1, 1896

16

May 1, 1899

18

May 1, 1903

16

July 1, 1900

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AUG 05 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

A67-00348C+
Permanent file

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

STEVE SCHWILLING
HC 62, BOX 1365
COUNCIL, ID. 83612

Date: 3/6/90

Washington Co

RE: Notice of Claim to a Water Right in the Snake River Basin
Adjudication

Dear Claimant:

We are forwarding to you a data entered copy of the claim you filed in the Snake River Basin Adjudication.

We have interpreted the data from this claim in the process of data entry in a manner which we feel more accurately reflects the true status of this water right. The items that were modified are highlighted. Please review the enclosed claim to assure that these modifications are in agreement with this water right.

If you believe our data is incorrect, and you wish to make any changes to this Notice of Claim, initial the changes, sign the form, have your signatures notarized, and return it to this office within 30 days. If you believe the modifications are correct, you may retain this copy of your claim for your records.

Please feel free to contact this office if you have any questions.

Sincerely,

Helen Harrington-Thornton
Helen Harrington-Thornton
Senior Water Resource Agent
Adjudication Bureau

Enclosures:
Notice of Claim

A67-11407
A67-00348C

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OCT 01 1992

1/3/80

Dear Sirs

I'm enclosing \$75.00 for the filing
of my Mill Creek water right and my
domestic well. The East Fork Ditch
Company paid \$1.00 per acre on my
property when they filed my rights
for that water. Thanks

RECEIVED

JAN 04 1990

DC

Sincerely
Steve Schurling

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OCT 01 1992

CLAIMANT'S NAME: L.O. VaileDATE: 10/11/89EMPLOYEE: Heber H-TRE: Amount on Claim Exceeds Amount in Decree

his claim is based on information which Mrs. Vaile obtained from the watermaster. The watermaster told him he had 46" with an 1878 priority related to 67-00348.

The decree puts forward 25" total for 67-00348.

Mrs. Vaile has been receiving 46" (see attached abstract).

I was unable to determine what was going on. Mrs. Vaile did mention that there 'may be some 1881 water', but at the time, we could not determine any relationship with any such right.

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OCT 11 1992

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 1980	Proposed Charge 1981	Notes
67-348 Trans. # 445 ~~504~~ W. Winkler	5-1-78	O. Vail Trans 504	Council Orchards Lot 6, Blk 1 Pt. SESE 35-17-1 See Above Lots 5-9 Blk 1, Pt. Lots 3-4-5 Blk 7	46" ~~125~~	5.69	13.80	
67-348 Trans. # 446 J. Hoover	5-1-78	W. Criss c/o J. Doyle	Council Orchards Lot 8, Blk 3 E 1/2 Lot 10, Blk 4 <i>Winkler 13</i>	6" ~~12~~	<i>ok</i> Rch. .74	7.50	
67-348 Trans. # 447 W. Winkler	5-1-78	S. Schwilling	Lots 7-9-10, BLK 3	6.5"	.80	1.95	
67-348 Trans. # 448 W. Winkler	5-1-78	G.W. Squires Trans # 783	Pt. NWSW 36-17-1 <i>13</i>	6.5"	.80	7.50	
67-449 W.H. Spahr	5-1-84	" Trans # 884 after 7-1 of each Year	Pt. NWSW 36-17-1 <i>13</i>	5.5"	.68	1.65	
~~_____~~ F. Watress	5-1-81	C. Chapman	S 1/2 NW 1/4 N 1/2 SW 1/4 35-17-1 <i>17"</i> <i>R. Stovner & Deen</i>	~~_____~~	5.26	5.10	
~~_____~~ F. Watress	5-1-84	"	S 1/2 NW 35-17-1 <i>17"</i> <i>R. Stovner</i>	~~_____~~	3.87	3.75	
~~_____~~ Schaff/Galey	5-1-94	"	SE 1/4 34-17-1 <i>19"</i> <i>F. Stovner</i>	~~_____~~ <i>10"</i>	8.97	8.70	
~~_____~~ F. Watress	5-1-94	"	" ~~_____~~ <i>20"</i> <i>R. Stovner</i>	~~_____~~	6.34	6.15	
~~_____~~ F. Watress	5-1-95	"	" ~~_____~~ <i>20"</i> <i>R. Stovner</i>	~~_____~~	10.20	9.90	
355 Desert Sheep Co.	5-1-84	L. Derie	#1 & #2 L. Derie SE 1/4 34-17-1 (School teacher)	41.6"	12.81	12.48	
361 P. Schaff & T. Wait	5-1-91	L. Gould	SE 1/4 SF 1/4 27; NE 1/4 NE 1/4 34-17-1	25"	7.66	7.50	
353 Schaff & Galey	5-1-82	D. Harvey	Pt. SENE Pt. NSEF 35-17-1	7"	2.16	7.50	
67-353 Schaff & Galey	5-1-82	R. Schaefer	Pt. NESE 35-17-1	2"	.25	7.50	
353	5-1-81	R. St...	~~_____~~	~~_____~~	~~_____~~	~~_____~~	

OCT 01 1992

#353
37 1/2 T2
omulley