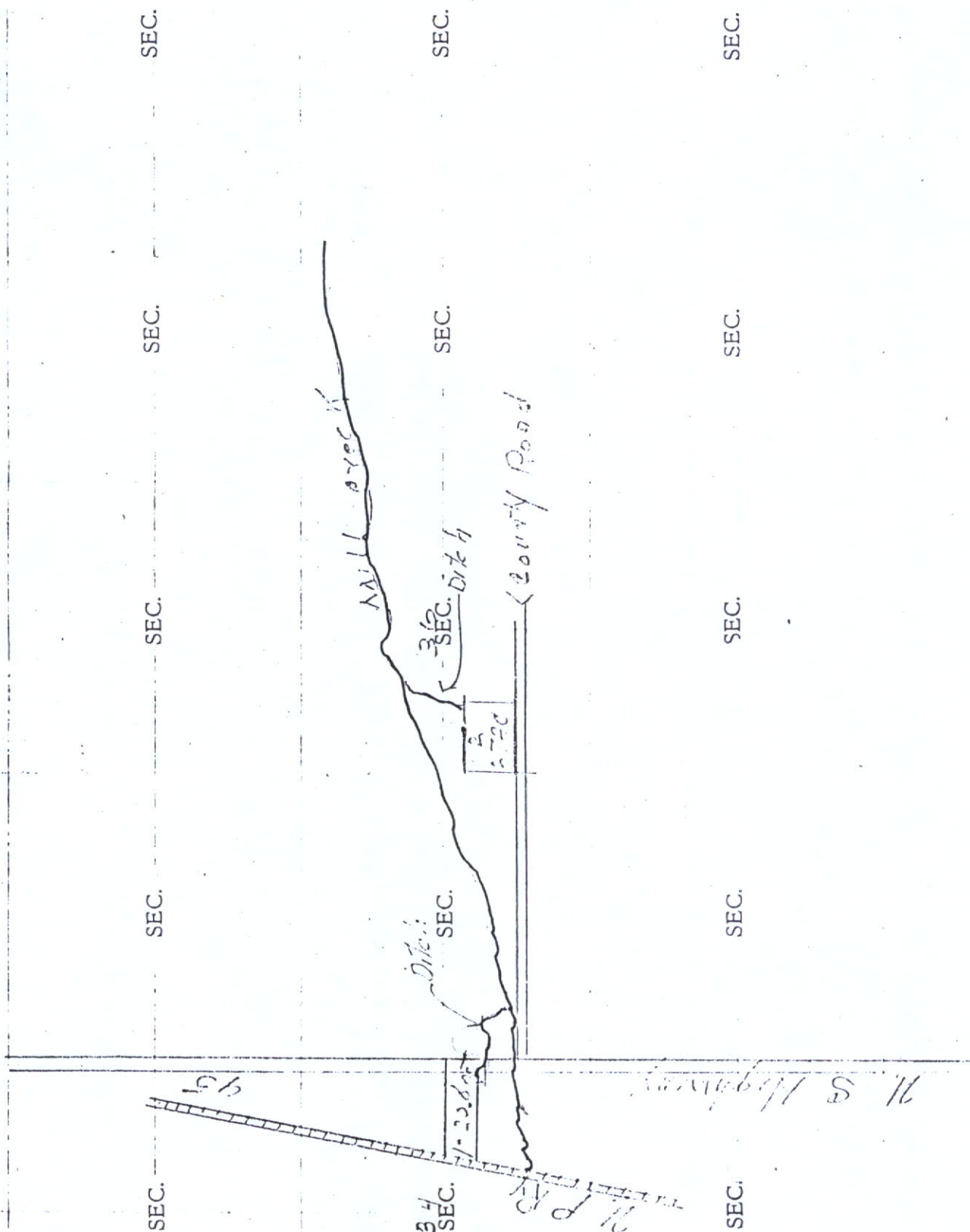
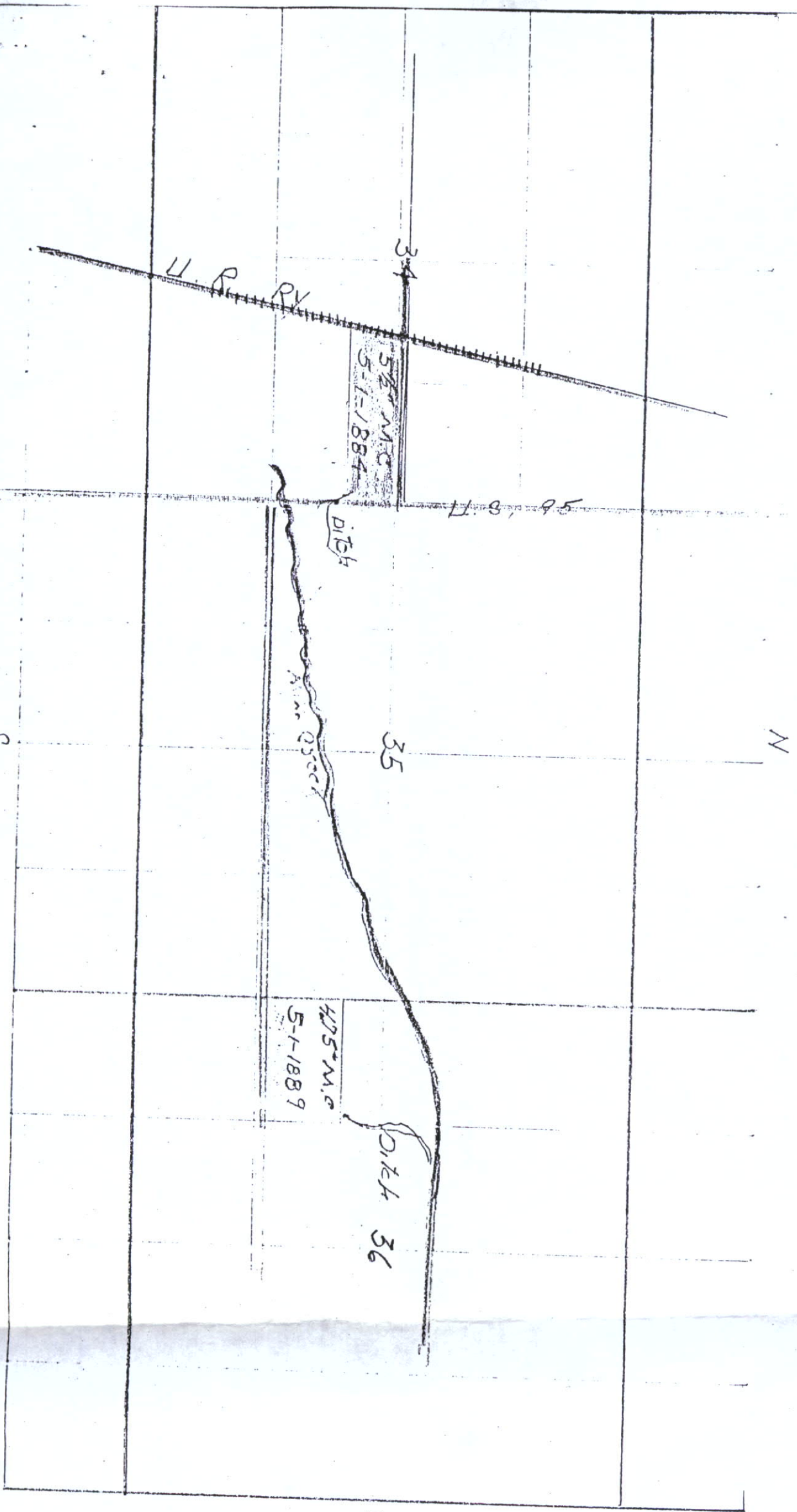


MICROFILMED
OCT 01 1992



BOTH TRACTS 1 AND 2 ARE OWNED BY APPLICANT, W. H. SPAHR;
 TRACT 1 of 20.8 ACRES HAS DECREED WATER RIGHT FROM MILL CREEK FOR 5.50" OF
 WATER UNDER PRIORITY OF MAY 1, 1884:
 TRACT 2 OF 27 ACRES HAS DECREED WATER RIGHT FROM MILL CREEK FOR 4.75" of
 WATER UNDER PRIORITY OF MAY 1, 1889:
 ROTATION PLAN IS TO MAKE BOTH RIGHTS AVAILABLE FOR USE ON TRACT 1 TO JULY
 FIRST OF EACH YEAR, AND FROM JULY FIRST OF EACH YEAR, TO USE BOTH RIGHTS
 FOR IRRIGATION OF TRACT 2: SEE ATTACHED EXHIBIT "A" FOR REASONS SUPPORTING
 THIS ROTATING USE



2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

to the tract
be
lly set.

the State of
provisions of

Applicant.
ary
Council
Date (to 10)

Sketch
rights
es by both

under Decree

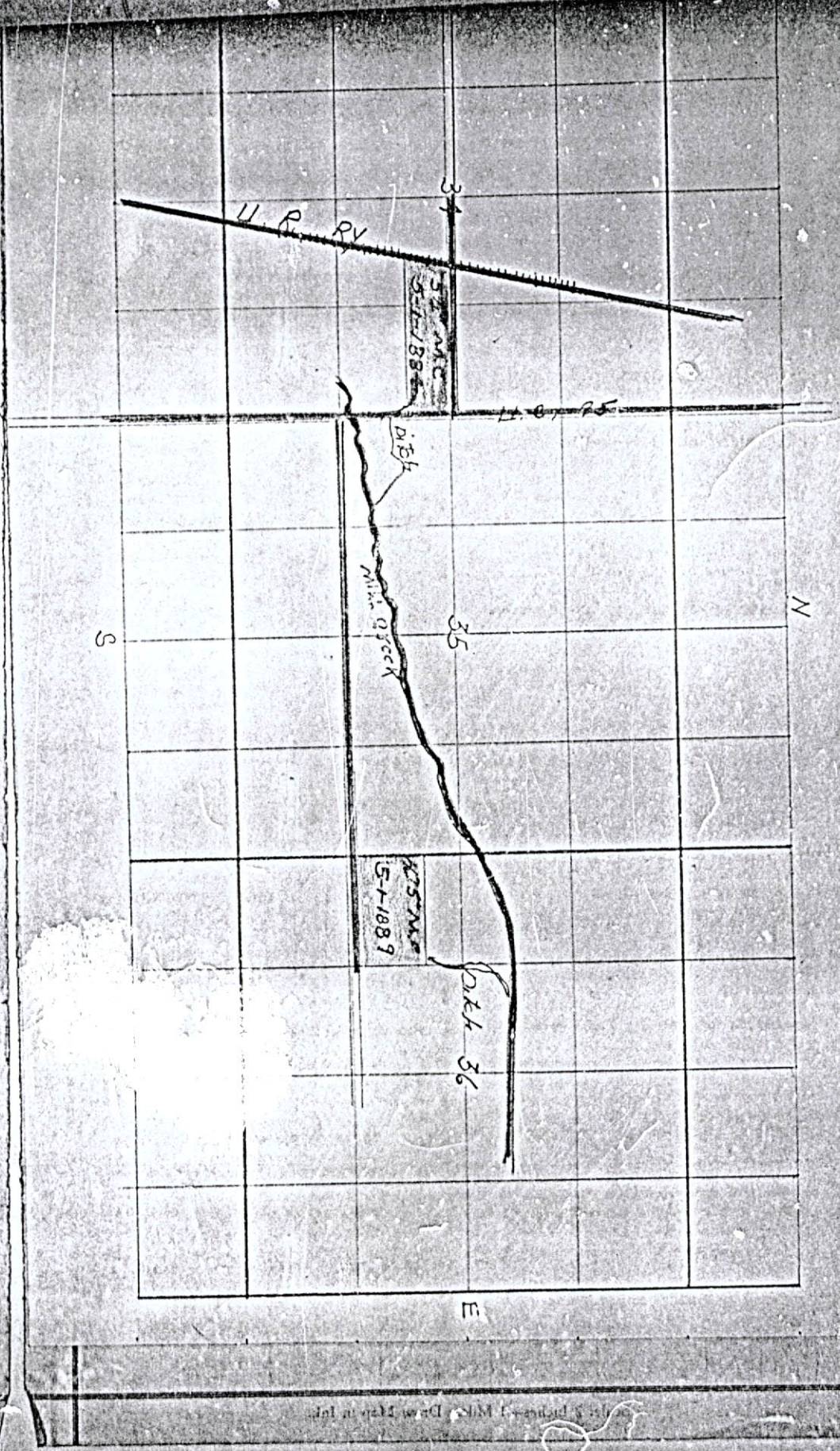
Will be
low
land

No. of range
Sketch
red? same

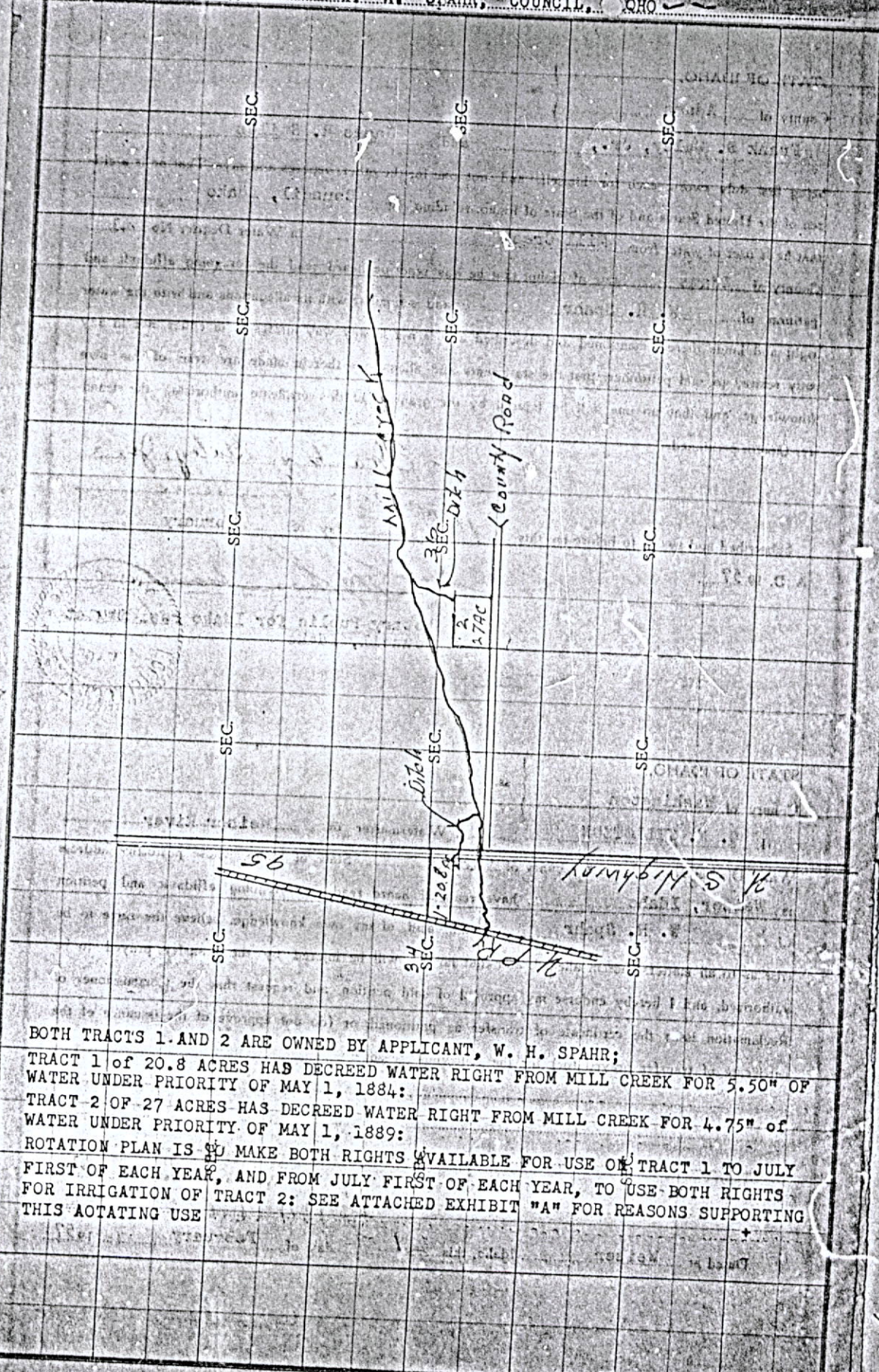
of this water?

all so, give
th tracts

Applicant.



Name of Applicant W. H. SPAHR, COUNCIL, OHIO



BOTH TRACTS 1 AND 2 ARE OWNED BY APPLICANT, W. H. SPAHR;
 TRACT 1 of 20.8 ACRES HAS DECEED WATER RIGHT FROM MILL CREEK FOR 5.50" OF
 WATER UNDER PRIORITY OF MAY 1, 1884;
 TRACT 2 OF 27 ACRES HAS DECEED WATER RIGHT FROM MILL CREEK FOR 4.75" of
 WATER UNDER PRIORITY OF MAY 1, 1889;
 ROTATION PLAN IS TO MAKE BOTH RIGHTS AVAILABLE FOR USE OF TRACT 1 TO JULY
 FIRST OF EACH YEAR, AND FROM JULY FIRST OF EACH YEAR, TO USE BOTH RIGHTS
 FOR IRRIGATION OF TRACT 2; SEE ATTACHED EXHIBIT "A" FOR REASONS SUPPORTING
 THIS ROTATING USE

Scale: 2 Inches—1 Mile. Draw Map in Ink.

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: A67-00355A
Date Received: 9/12/1989
Receipt No: W005909
Received By: -----

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: LARRY DERIE 208-253-6068
Address: HC 62, BOX 17
COUNCIL, ID 83612

Name: JUNE DERIE 208-253-6068
Address: HC 62, BOX 17
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1884

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	34	NE	SE			ADAMS
		35	NW	SW			ADAMS

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.830		

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

8. Total consumptive use is 201.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 HD CATTLE

MICROFILMED

OCT 01 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	34	NE	SE		IRR	18.0
			NW	SE		IRR	9.0
			SW	SE		IRR	22.0
			SE	SE		IRR	18.0
						Section Acres	67.0
						Total Acres	67.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

STOCKWATER USAGE SAME POU AS IRRIGATION.
THIS CLAIM IS FILED WITH AN ADDITIONAL 5.6" OF WATER. THE MUIR
ALLISON DECREE STATES THAT 41.6" OF WATER SHOULD GO TO THIS
PROPERTY AND THE WATERMASTER RECORDS SHOW THAT 41.6" HAVE BEEN
DELIVERED TO THIS PROPERTY TO DATE. THE RECORDS DO NOT
SUBSTANTIATE THE LOSS OF 5.6"; THEREFORE, WE ARE FILING THIS
CLAIM FOR 41.6" OF WATER.
5.5" WERE SPLIT IN 67-00355C TO W.H. SPAHR; HOWEVER, SPAHR
NEVER OWNED ANY OF THE DESERT SHEEP CO. LAND.

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

JOHN T. MUIR
Decree Plaintiff

WILLIAM ALLISON
vs 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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

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: A67-00355A
Date Received: 9/12/1989
Receipt No: W5909
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY DERIE 208-253-6068
Address: HC 62, BOX 17
COUNCIL, ID 83612

Name: JUNE DERIE 208-253-6068
Address: HC 62, BOX 17
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1884

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	34	NE	SE			ADAMS
		35	NW	SW			ADAMS

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.930		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/75 HD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	34	NE	SE		IRR	18.0
			NW	SE		IRR	9.0
			SW	SE		IRR	22.0
			SE	SE		IRR	18.0
						Section Acres	67.0
						Total Acres	67.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

STOCKWATER USAGE SAME POU AS IRRIGATION.
THIS CLAIM IS FILED WITH AN ADDITIONAL 5.6" OF WATER. THE MUIR ALLISON DECREE STATES THAT 41.6" OF WATER SHOULD GO TO THIS PROPERTY AND THE WATERMASTER RECORDS SHOW THAT 41.6" HAVE BEEN DELIVERED TO THIS PROPERTY TO DATE. THE RECORDS DO NOT SUBSTANTIATE THE LOSS OF 5.6"; THEREFORE, WE ARE FILING THIS CLAIM FOR 41.6" OF WATER.

5.5" WERE SPLIT IN 67-00355C TO W.H. SPAHR; HOWEVER, SPAHR NEVER OWNED ANY OF THE DESERT SHEEP CO. LAND.

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): x Larry Derie Date: x Sept 12, 1989
June Derie Date: Sept. 12, 1989

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day

of Sept. 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994



PHOTOFILMED
JUL 01 1962

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 198 7	Proposed Charge 198 8	Notes
67- 348 Trans 446 W. Winkler	5-1-78	L.O. Valle	00360001004A	46"	7.50	7/1/80	29.90
67- 348 Trans 446 J. Hoover	5-1-78	S. Schilling	00360003007A	6"	.60	1/60	3.90
67- 348 Trans 447 W. Winkler	5-1-78	"	00360003007A	6.5"	.60	1/60	4.20
67- 348 Trans 448	5-1-78	M. Engel	17N01W365400	6.5"	.60	1/60	4.20
67- 449 W.H. Spahr	5-1-84	"	17N01W365400	5.5"	.60	1/60	3.60
67- 349 F. Watress	5-1-81	Ronald Dean	17N01W355100	6.5"	7.50	7/1/80	7.50
67- 349 F. Watress	5-1-81 1/1/81	F. Stovner	17N01W351200	10"	1.00	1/1/80	6.50
67- 350 F. Watress	5-1-84	"	"	12.5"	1.20	1/1/80	8.10
67- 354 Schaff/Galey	5-1-91	"	"	19"	1.90	2/1/80	12.40
67- 353 Schaff/Galey	5-1-82	"	"	20.5"	2.10	1/1/80	13.30
67- 351 F. Watress	5-1-93	"	"	33.33"	3.30	1/1/80	21.70
67- 352 F. Watress	5-1-94	"	"	20.75"	2.10	1/1/80	13.50
67- 354 F. Watress	5-1-94	"	"	10"	1.00	1/1/80	6.50
67- 355 Desort	5-1-94	J. Dancie	17N01W347500	41.6"	7.50	7/1/80	27.00

4000000

MICROFILMED

OCT 01 1992

Water Right Number - 67-003552 - Adj. Flag Translation: Standard Water Right Number - Old (D) Number -

+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DESERT SHEEP CO.

1 -
2 -
3 -

State- ID Zip-

City-
Phone - 208-000-0000

+ - - - - Priority Date - - + - - - - Region - - - + - - - - Stage - - - + - - - - Status - - - +
05/01/1884 14 D - DECREED

+ - - - - Source - - - - + - - - - Tributary - - - - - +
MILL CREEK WEISER RIVER

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Rflg County

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Period From Period To

01 - IRRIGATION

0.720

+ - - - - Total Div. Rate - + - - - Total Div. Volume - + - - - Total Div. Capacity - + - - - Total Consumptive Use - + - - - KW Usage - +
0.720 83.95

+ - - - - Trn Rng Sec Tract Lot Acres Code Description County

17N	01W	34	NE SE	01	IRRIGATION	3	ADAMS
17N	01W	34	NW SE	01	IRRIGATION	3	ADAMS
17N	01W	34	SW SE	01	IRRIGATION	3	ADAMS
17N	01W	34	SE SE	01	IRRIGATION	3	ADAMS

Total Acres:

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - Remarks found.

+ - - - - Conditions of Approval - - - - - Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - - Decree Date - +
JOHN T. MUIR WILLIAM ALLISON 06/20/1921

MICROFILMED

OCT 01 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

WR0723NP
(OD-26)

Adj. flag translation: Standard Water Right Number

Water right number - 67-00355A

-	-	Audit Fields -	02/11/86	05/01/88	CONVERT	07/11/89	CURTIS
---	---	----------------	----------	----------	---------	----------	--------

[illegible]

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Catey Act	- 67
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- P
Decree Date	- 06/20/1921				

Office
Mar 10, 1913 2-461
INSTRUMENT NUMBER 2308.

WARRANTY DEED.

THIS INDENTURE, Made this 10th day of March, in the year of Our Lord one thousand nine hundred and thirteen between C. E. Cunningham and May G. Cunningham, husband and wife of Weiser, County of Washington, State of Idaho, the parties of the first part, and Elsa Harvey of Boise, County of Ada, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Three Thousand and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Adams County, State of Idaho, to-wit:

All that part of the South-east Quarter of Section Thirty-four, Township Seventeen, North of Range One, West of Boise Meridian, bounded and described as follows, to-wit:- Commencing therefor at the North-east corner of the South-east Quarter of said Section Thirty-four, running thence South along the East line of said Section Thirty-four, Five Hundred and Seven feet, thence West at right angles Seventeen Hundred and Eighty-one feet, more or less to the Right of Way of the P. & I. N. R. R. Company, thence Northerly along the East line of the said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South-east Quarter of the said Section Thirty-four, thence East along the North line of the said South-east Quarter of said Section Thirty-four, Sixteen Hundred Fifty-nine feet, more or less, to the place of beginning, containing twenty acres, together with Six and one-half miner's inches of the Waters of Mill Creek, being a portion of the Waters heretofore adjudicated to the said South-east Quarter of said Section Thirty-four, under Decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington, Recorded in Book B, of Judgments, at page 464 thereof, Records of Washington County, Idaho, said Six and one-half inches of water being the proportionate share of the lands herein conveyed of the waters so adjudicated, and all dams, ditches, flumes and irrigating works of what ever nature used upon, connected with, or in any appertaining to the lands herein conveyed.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whosoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

Original deed transferring 6 1/2" of 50" from a portion of the N 1/2, SE 1/4, Sec. 34, T 17 N, R 1 W

Feb 1910

Krigbaum to the ... F-47

This Indenture, made this 16th day of February 1910 Between Margaret L. Krigbaum of Council, County of Washington, State of Idaho, the party of the first part and C. E. Cunningham and H. M. Olson, of Council, in the County of Washington, State of Idaho, the parties of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twelve Thousand Dollars, lawful money of the United States to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold and by these presents does hereby grant, bargain, sell and convey and confirm unto the said parties of the second part, and to his heirs and assigns forever, all the following described real estate situated in the County of Washington, State of Idaho and particularly described as follows to wit:

The South East Quarter of Section Thirty Four (34) in Township Seventeen (17) North of Range One (1) West of the Boise Meridian and containing one hundred and sixty acres, less 6.21 acres decded to the Pacific and Idaho Northern Railway Co. for right of way over, through and across the said land which said deed is recorded in Book 16 at page 429 Deeds of Washington County, Idaho also excepting therefrom a tract of land containing five acres decded to William Dawson, which said land is described as follows.

Commencing at the S. E. corner of the S. E. 1/4 of the S. E. 1/4 of Section 34 Twp 17 N. R. 1 West B. M. and running thence west 80 rods, thence north at right angles 10 rods, thence east at right angles 80 rods, thence south at right angles 10 rods to the place of beginning the said tract of land conveyed hereby being 148.79 acres, more or less, together with all water and water rights and ditches thereunto belonging or in anywise appertaining including an adjudicated water right into and to the waters of Mill Creek, which adjudication was at the suit of Geo. M. Winkler vs Marion Young et al, wherein the party of the first part was adjudicated to be the owner of 50 inches, miners measurement, in and to the waters of Mill Creek from May 1st 1884 excepting from the said grant of water herein the amount of ~~one acre~~ (miners Measurement) heretofore granted to William Dawson the amount of adjudicated water herein conveyed by this deed being 48 inches (miners measurement).

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and thereversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the said property as well as in law as equity of the party of the first part.

To Have and to Hold the above mentioned and described premises together with the appurtenances unto the said parties of the second part and to their heirs and assigns forever. And the said party of the first part, her heirs the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns and against the party of the first part her heirs or assigns and against all and every person or persons whomever lawfully claiming or to claim the same shall warrant and by the presents forever defend.

In Witness Whereof I have hereunto set my hand and seal the day and year first above written.

Witness L. L. Burtenshaw

Margaret L. Krigbaum (Seal)

State of Idaho } ss
County of Washington }

This certifies that on this 16th day of February 1910, before me L. L. Burtenshaw a Notary Public in and for said County and State personally appeared Margaret L. Krigbaum personally known to me to be the identical person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the same In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 16th day of February 1910.

Seal (L. L. Burtenshaw Notary Public) (Washington County Idaho)

L. L. Burtenshaw Notary Public

Filed for record at request of H. M. Olson at 9, o'clock A. M. July 25, 1910.

Frank E. Smith Recorder

By B. B. Hunt Deputy

Fees \$1.80 (Deeds 28 - 59)

transfer of 2" of water from original 50"

THIS INDENTURE, Made the First day of May in the year of our Lord one thousand nine hundred and fourteen between C. A. Martin and Hilda A. Martin, his wife, of Council, County of Adams, State of Idaho the parties of the first part, and John Martin of Joseph, County of Wallowa State of Oregon, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twelve thousand (\$12000.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in County of Adams, State of Idaho, to-wit:

All that part of the South east quarter of Section Thirty-four (34) Township Seventeen (17) North of Range One (1) West of the Boise Meridian, described as follows, to-wit:- Commencing at the South west corner of said quarter section as the place of beginning, and running thence North 2626 feet to a point, thence East 889 feet to a point being on the West side of the right of way of the Pacific and Idaho Northern Railway as the same now crosses said quarter section, thence Southwesterly along said right of way 2700.8 feet to a point on the South line of said quarter section, thence west along said line 269 feet to place of beginning, containing 34.2 acres more or less.

Intending to convey all of said quarter section lying West of said right of way,

Also all that part of the South east quarter of Section Thirty-four (34) Township Seventeen (17) North of Range One (1) West of the Boise Meridian, described as follows, to-wit:- Commencing at a point 507 feet South of the North east corner of said South east quarter of Section 34 Township 17 North of Range 1, West of the Boise Meridian, as the place of beginning, and running thence West 1781 feet to a point and being on the East side of the right of way of the Pacific and Idaho Northern Railway as the same now crosses said quarter section, thence Southwesterly along said right of way 830.3 feet to a point, thence East 1977 feet to a point being on the East boundary line of said quarter section, thence North 806 feet to the place of Beginning, containing 34.7 acres more or less.

It being the intention by this description to convey all of the North half of the South east quarter of said Section lying East of said right of way, except twenty acres off of the North end thereof.

Also 22.2 inches of water in an adjudicated water right in and to the waters of Mill Creek, and also 7/13 interest in all ditches, laterals, flumes and dikes belonging to and used in connection with the irrigation of the 130 acre tract of land in said quarter section now owned by the parties of the first part.

Also all that part of the South east quarter of Section Thirty-four Township Seventeen North of Range One West of the Boise Meridian, described as follows, to-wit:- Commencing at a point 1313 feet south of North east corner of the South east quarter of Section 34, Township 17 North of Range 1, W.B.M., thence running west 1977 feet to the east boundary line of the Pacific and Idaho Northern Railway Company's right of way, thence Southwesterly along said right of way 1350 feet to the south boundary of said South east quarter of said Section 34, thence running East along said south boundary of said quarter section 950 feet, thence running North 165 feet to a point, thence East 1321 feet to the East boundary line of said quarter section, thence North along said East boundary line of said quarter section 1148 feet to the place of beginning, containing 59.3 acres more or less.

Together with 19.3 inches of water in Mill Creek, together with the necessary interest in all ditches, laterals, flumes &c, belong to and used in connection with the irrigation of said land, being an interest of 60/129 therein.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their

STATE OF IDAHO

County of Adams

ss.

W. H. SPAHR,

being first duly sworn, deposes and says:

That his name is W. H. SPAHR; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is COUNCIL, IDAHO

SEE ATTACHED MEMORANDUM

That he is the owner and using a certain water right, bearing date of priority of 19 for cubic feet per second of the waters of MILL CREEK County of ADAMS, State of Idaho, decreed to by decree of Judge, of the SEVENTH Judicial District of the State of Idaho, in and for the County of ADAMS, affirmed in the case of MUIR BROS. VS ALLISON vs, said decree bearing date of (or obtained by virtue of License No. issued by the State Engineer of the State of Idaho, dated, 19, bearing date of, 19) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 41 in the County of ADAMS and State of Idaho, to-wit: SEE ATTACHED EXHIBIT A for detailed explanation of Two(2) water rights involved and Application for a rotation use of both rights on separate tracts of land, both owned by Applicant

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By direct deeds of conveyance for land and water as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the See Exhibit of Section, Township, Range, B. M., and conducted to the above described lands through Two small ditches as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to Rotate ~~abandon~~ the use of 10.25" cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Adams and State of Idaho, to-wit:

See Attached Exhibit A for full explanation of proposed rotation use of both water rights upon both tracts of applicant's land

That his reasons for desiring to make such transfer are as follows: To permit more efficient, full season use of limited flow of Mill Creek upon two tracts of land, each of which now has one separate decreed right, by using both rights on one tract to July 1st of each year, and then both rights

another tract from and after July 1st of each year

The above info was found in the litigation file at State Water Resource office in search of early 1980.

That he intends to divert and convey said 10.25" ~~second feet~~ of water to the tract of land last above described in the following manner, to-wit: use of water will be rotated by use of existing ditches to two tracts as is more fully set forth in attached Exhibit A and in attached maps and sketches

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

W. K. Mahan
Applicant.

Subscribed and sworn to before me this 11th day of February
A. D. 19 57
[Signature]
Notary Public for Idaho at Council

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Mill Creek, in Adams County, Idaho
Where is the diversion point located? See attached Map and Sketch
Through what ditch is it now conducted? Two small ditches, per Map and Sketch
How much land is now irrigated by the water sought to be transferred? about 47 acres by both rights
Give the description: See attached Exhibit A

What is the total amount of water in inches, ~~or second feet~~, dedicated to said land? 10.25"
What kind of crops are being raised? Fruit, hay and pasture, small grain
How much water per acre is now required to irrigate said land? 5/8th" per Acre under Decree
What will be the effect on the land now irrigated, if the use of water on it is discontinued? Will be more efficient use of water by rotation to permit full use in low seasons without loss by small flow in creek channel to lower land
Give location of new point of diversion, if change is to be made. See Exhibits, No Change
Through what ditch will it be conducted after transfer? Same as now used, see Sketch
How much water will be required per acre to irrigate the land to which this water is transferred? same as now, or 5/8th" per acre is duty of water per decrees
Do you claim any other water right for the land from which you seek to abandon the use of this water?
If so, give amount, date and source. No
Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. Both rights will be made applicable to both tracts concerned under rotating use

Signed W. K. Mahan
Applicant.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

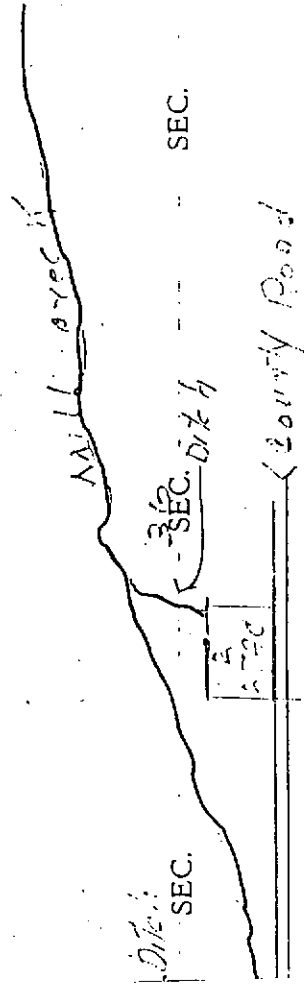
SEC.

SEC.

SEC.

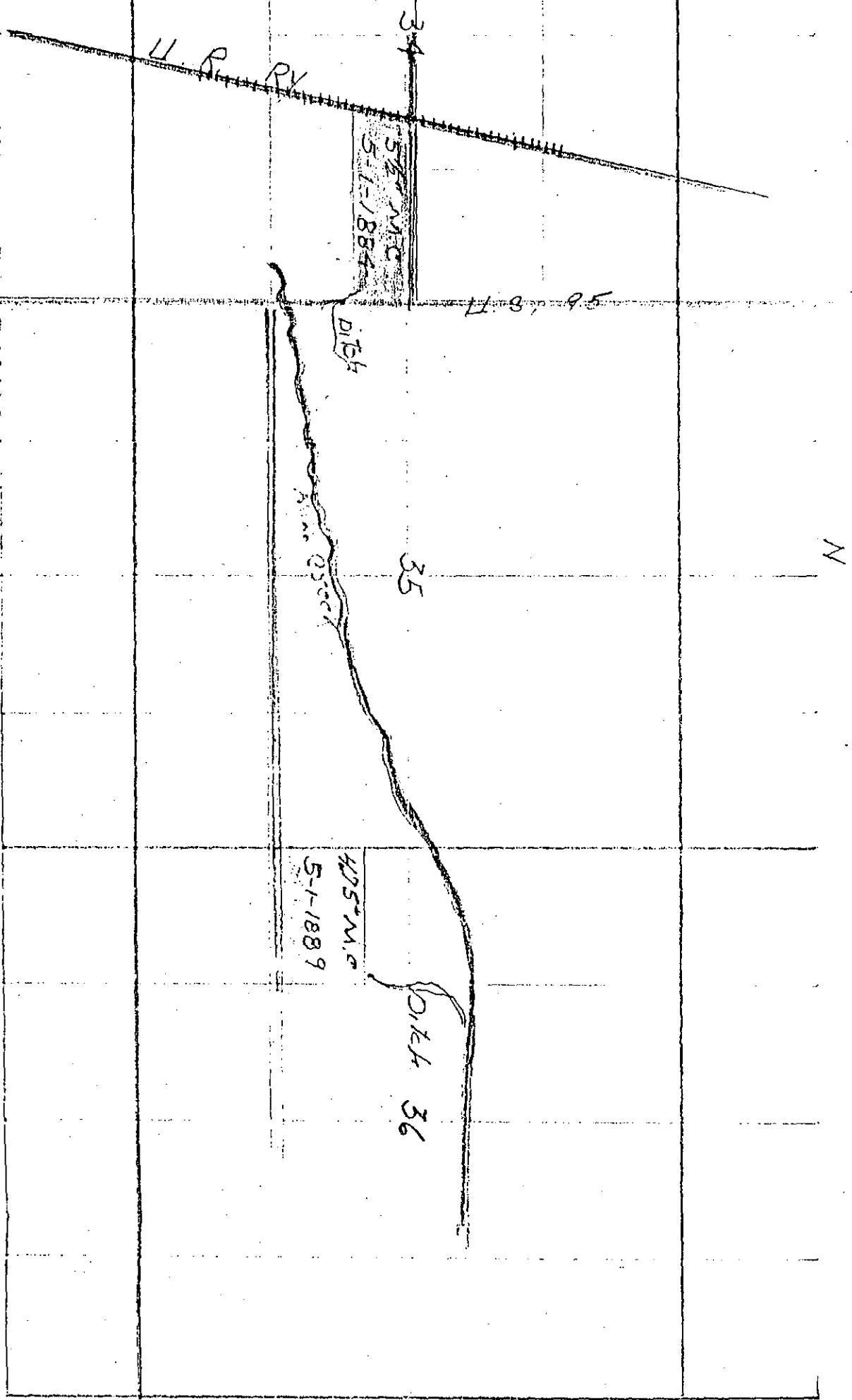
SEC.

SEC.



MICROFILMED

OCT 01 1992



11-8-95

3 During normal years, the flow of water in the channel of
4 Mill Creek, between diversion points for Tract 1 and Tract 2 is
5 ample to supply both the before described Decreed rights, or a
6 total of 10.25" inches of water, and due to sub-water, the locatic
of and kind of crops (fruit) grown on Tract No. 2, very little,
if any, use of water is required a before July 1st of the Average
year.

7 Tract 1 is arid land, adapted to growing of alfalfa or
8 small grains and if irrigated to July 1st. will produce very
good crops of hay and grain.

9 In normal years, the flow of water in Mill Creek between
10 Diversion points for Tracts 1 and 2, after July 1st, is so
11 reduced in volume that very little, if any, water is available
12 under the decreed right of May 1, 1884 for us upon Tract 1, and
13 a great deal of water is lost by seepage and evaporation between
14 diversion points 1 and 2 so that the water right for tract 1 is
15 of little use or value after July 1st of the average year.
16 There is, however, in all normal years, a sufficient flow of
17 water in Mill Creek at the diversion point for Tract 2 to fill
18 both the Decreed Rights herein described, or a total of 10.25"
19 and the total of such flow can be used upon, and is required for,
20 the 27 acres contained in Tract 2 and using the late season
21 flow upon this tract of land prevents the loss of water by
22 seepage and evaporation which occurs when attempt is made to
23 conduct only 5.50" inches of water down the channel of Mill
24 Creek to the Diversion Point for Tract No. 1.

25 PROPOSAL

26 Applicant proposes to establish a ROTATING USE of both
27 the water rights herein described for use upon both of the
28 tracts of land herein described, and in the following manner:

- 29 (a) Both the 5.50" right of May 1, 1884, and the 4.75"
30 right of May 1, 1889, or a total of 10.25" of water
31 to be used upon the 20.8 acre tract (no. 1) in the
32 SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M. to JULY 1st
of each year: and
- (b) Both the 5.50" right of May 1, 1884 and the 4.75"
right of May 1, 1889, or a total of 10.25" of Mill
Creek water to be used upon the 27 acre tract No. 2)
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Twp. 17 N. R. 1 W. B. M. from and
after July 1st. of each year:
- (c) Diversion points from Mill Creek will remain as they
presently exist, and the same diversion ditches will be
used as at the present time.

Dated February 11th. 1957.

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
20

The land last above described is irrigated by the before described water right, and the water is diverted from the North side of Mill Creek at a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Twp. 17 N. R. 1 W. B. M. which is about 1200 feet Easterly from the North and South Highway (U S 95) and is conveyed in a general westerly direction across said highway and to about the Southeast corner of the tract of land first herein described:

(2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho,

and the Decreed water right for the last above described tract of land is described as follows:

A right of 4.75" from Mill Creek in Adams County, Idaho, under priority date of May 1st. 1889 under Decree of the District Court of the Seventh Judicial District of the State of Idaho, and approved and set forth in the Abstract of Judgment in the water adjudication suit for the Weiser River, and tributaries, in the action of Muir Bros., plaintiffs, vs. Allison, et al, defendants.

The applicant, W. H. Spahr, acquired ownership of the last before described tract of land more than 46 years ago, by direct chain of deeds, together with deed for such 4.75" of water of Mill Creek, and for more than 46 years last past, such water right has been officially recognized as appurtenant to said last described tract of land, and such water has been used for the irrigation thereof during each and every year during all of such period.

The land last above described is irrigated by use of the before described water right and the water is diverted from Mill Creek at a point on the southerly side of such creek which is approximately in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 17 N. R. 1 W. B. M. and is then conveyed through a small ditch and conduit leading South and Southwesterly some 700 to 800 feet to approximately the Northeast corner of the tract of land last above described, ie Tract 2:

GENERAL COMMENTS

As before noted, the applicant, W. H. Spahr, owns both the tracts designed as 1 and 2 and is the holder of both the before described decreed water rights from Mill Creek.

Tract 1 is situated one full mile west of tract 2, and the point of diversion from Mill Creek for the water decreed to Tract 1 is one full mile West of the diversion point for the water decreed to tract 2. All of the irrigated land lying along Mill Creek, between Tracts 1 and 2, is owned by Frank S. Galey, Jr., whose consent to the transfer herein applied for, accompanies this Application.

The water for tract 1 (right of 5 $\frac{1}{2}$ ", priority of May 1, 1889) is the lowest diversion made from Mill Creek and no irrigated land below the present diversion point is effected by this application.

1957

1 RE APPLICATION OF W. H. SPAHR FOR PERMIT TO
2 TRANSFER WATER RIGHTS FOR ROTATING USE UPON
3 TRACTS UPON WHICH RIGHTS ARE NOW APPURTENANT

4
5 EXHIBIT A

6 The Applicant, W. H. Spahr, of Council, Idaho, is now
7 owner of two separate parcels of land, irrigated from Mill Creek,
8 in Adams County, under two separate decreed water rights from
9 Mill Creek and the purpose of this Application is to secure
10 official permission to use both of such rights for the irrigation
of one (the lower) of said tracts of land until July 1st of
each year, and after July 1st of each year, to use both of such
water rights for the irrigation of the other (upper) tract.

11 The Two tracts of land, and the two separate decreed water
rights therefor, are severally described as follows:

12 (1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township
13 17 North, Range 1 West Boise Meridian, particularly described
as follows:

14 Commencing at the Northeast corner of the Southeast
15 Quarter of said Section 34, said Township and Range,
16 and running thence South along the East line of said
17 Section 34, a distance of 507 feet; thence West, at
18 right angles, 1781 feet, more or less, to the East
19 line of the right of way of the Pacific and Idaho
20 Northern Railway Company (now Union Pacific Railroad
21 Company) right of way; thence northerly on and along
the easterly line of said railway right of way, 521.5
feet, more or less, to a point on the North line of the
Southeast Quarter of said Section 34; thence East, on and
along the North line of the Southeast Quarter of said
Section 34, a distance of 1659 feet, more or less, to
the point and place of beginning, and containing
approximately 20.8 acres,

22 And the Decreed water right for the above described tract of land
23 is described as follows:

24 A Right of 5 $\frac{1}{2}$ " from Mill Creek in Adams County, Idaho,
25 under priority date of May 1st. 1884, being in part, the
26 water right decreed to Margaret Krigbaum (or 50") for
27 use upon the SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M., in
the water adjudication suit of George M. Winkler, plaintiff
vs. J. Marion Young--Margaret E. Krigbaum,--et al, and
which Decree is approved and set forth in the Abstract of
Judgment in the Weiser River Adjudication suit of Muir
Bros. vs Allison.

28
29 The Applicant, W. H. Spahr, acquired by direct chain of deeds,
30 the tract of land first above described, together with deed
for 5 $\frac{1}{2}$ " of the above decreed water, and for more than
31 years, last past, such amount of decreed water has been
officially recognized as a right for the above described lands
32 and has been used each irrigation season, by applicant, for
irrigation of such lands:

THIS INSTRUMENT, Made this Sixth day of June in the year of our Lord one thousand nine hundred and Fifty Seven between WILLIAM H. SPAHR, whose name is sometimes written on instruments of record as "William H. Spahr" and LUCY J. SPAHR, husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and JOHN P. JACOBS and MARY T. JACOBS, husband and wife, of Council County of Adams State of Idaho the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of THREE THOUSAND AND NO/100 DOLLARS, _____ of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Adams, State of Idaho, to wit:

All that part of the Southeast Quarter of Section Thirty-four (34) in Township Seventeen (17) North, Range One (1) West, Boise Meridian, particularly described as follows, to-wit:

Commencing therefor at the Northeast corner of the Southeast Quarter of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the right of way of the Pacific & Idaho Northern Railway (now Union Pacific Railroad); thence northerly, on and along the easterly line of said railway right of way, 521½ feet, more or less, to the North line of said Southeast Quarter of Section 34; thence East, along the North line of said Southeast Quarter of said Section 34, 1659 feet, more or less, to the point and place of beginning, containing approximately 20 acres, but Subject, However, to the right of way of U. S. Highway 95, as now established upon and along the East line of said Section 34, and together with all water and water rights, ditches and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises including, under "Order Granting Transfer" No. 884 of the Department of Reclamation of the State of Idaho, under date of May 29th. 1957, the right to use for the irrigation of the before described premises, to the First day of July of each year, waters of Mill Creek, in respective amounts and of respective priorities, as follows, to-wit:

5.5 miners inches under priority of May 1, 1884, and

4.75 miners inches under priority of May 1, 1889,

such last described water and water rights, by the terms and provisions of said Order No. 884, Granting Transfer of Water Rights, being appurtenant from and after July First of each year for irrigation of lands other than the premises hereby conveyed unto second parties.

INTERNAL REVENUE STAMPS ATTACHED AND CANCELLED \$3.30

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said

premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in Presence of _____

William H. Spahr (SEAL)
Lucy J. Spahr (SEAL)

STATE OF IDAHO,)
) ss.
County of Adams)

On this 6th day of June in the year 1957, before me Carl H. Swanstrom, a Notary Public in and for said State, personally appeared WILLIAM H. SPAHR and LUCY J. SPAHR, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(NOTARIAL SEAL)

Carl H. Swanstrom
Notary Public
Residing at Council, Idaho

Recorded at the request of Adams County Abstract Company at 05 minutes past 1 o'clock P. M. on the 26th day of September, 1957.

Anna Mink Schwartz, Recorder
By Claire A. Perkins, Deputy

Fee \$2.00

711 770 - 2.00

TRANSFER REVIEW FOR RIGHTS NOS. 67-0355 & 67-0363

Requested by Phil Rasser on 10/31/79

Right No. 67-0355

Margaret Krigbaum 41 ²/₃ in. 5/1/1884
mill Creek 0.83 cfs

Transfer No. 884

Rights transferred:

67-0355	5.5 in (0.11 cfs)
67-0363	<u>4.75 in</u> (0.095 cfs)
	10.25 in (0.205 cfs)

Right No. 67-0363

James A. Huston &

William Spahr 16 in 5/1/1899
Mill Creek 0.32 cfs

MICROFILMED

OCT 01 1992

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

Huston, James A. &
Spahr, Wm.

0.32

67-0363

884

Spahr, W. H.

0.095

0.225

67-0363A

R

E

E

S

N

A

1
MICROFILMED
T R

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

(Desert Sheep Co. sub. for
C.A. Martin, Grantee for
Margaret Krigbaum.

Certificate of Water Right
Transferred Right No. 884

THIS IS TO CERTIFY That W. H. Spahr, of Council, Idaho, is the owner of, and using a certain water right for 5.50 miner's inches with priority of May 1, 1884, and 4.75 miner's inches with priority of May 1, 1889 from the waters of Mill Creek, a tributary of Weiser River, decreed in the name of Desert Sheep Co. sub. for C.A. Martin, Grantee for Margaret Krigbaum, and Huston and Spahr, respectively, By Decree of District Court of the seventh judicial District, in the case of:

HUIR DROS., Plaintiffs

-vs-

William Allison et al,
Defendants

That said decree has been entered in the records of the State Department of Reclamation, in volume 4 of Decrees, beginning at page 354 and bearing date of June 20, 1921.

That said 5.50 minor inches, with date of priority of May 1, 1884, is made appurtenant by said decree to the following described lands to-wit:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres.

That said 4.75 inches, with date of priority of May 1, 1889 is appurtenant by said decree to the following described lands to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

5.5 miner inches with priority of May 1, 1884 and
4.75 miner inches with priority of May 1, 1889

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 5.50 miner inches of the waters of Mill Creek, with priority of May 1, 1884, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water shall remain appurtenant to the following described lands, to-wit:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34, in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

Said 5.50 miner inches of water to be used on the above described lands from the beginning of the irrigation season until July 1, of each year.

By this certificate, the right of use of the said 5.50 miner inches, is hereby transferred and made appurtenant to the following described lands, to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho,

and to be used on the last above described lands from July 1, to the end of the irrigation season of each year.

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 4.75 miner inches of the waters of Mill Creek, with priority of May 1, 1889, made before the State Reclamation Engineer, of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water, shall remain appurtenant to the following described lands, to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

Said 4.75 miner inches to be used on the above described lands from July 1, to the end of the irrigation season of each year, and by said certificate of transfer, the right is hereby granted to transfer the use of 4.75 miner inches to the following described lands, to-wit:

(1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows;

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

and to be used on the last above described lands from the beginning of the irrigation season until July 1, of each year.

That the water right hereby transferred has heretofore been diverted from Mill Creek as follows:

That the 5.50 miner inches appurtenant to lands in Section 34 in Township 17 North, Range 1 West B.M. through a private ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 17 North, Range 1 West, B.M.

That the 4.75 miner inches of water appurtenant to lands in Section 36, Township 17 North, Range 1 West, B.M. through a private ditch with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M.

That the water right hereby transferred will hereafter be diverted from Mill Creek, with point of diversion described as being in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 17 North, Range 1 West, B.M. from the beginning of the irrigation season to July 1, of each year, and from a point of diversion from Mill Creek described as being in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M., From July 1, to the end of the irrigation season of each year.

That the right to the use of the water aforesaid, hereby confirmed is restricted to and according to the above stated provisions, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, 1957.

MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
W.H. Spahr, Council, Idaho)
For a Transfer of Water Right, in)
Adams County, Idaho.)

ORDER GRANTING TRANSFER

No. 884

WHEREAS, On the 29th day of March 1957, at the Department of Reclamation of the State of Idaho, in Boise, Idaho, this matter of an application of W.H. Spahr of Council, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, A.D. 1957.

MARK R. KULP

State Reclamation Engineer

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

Krigbaum, Margaret

0.833

67-0355

884

Spahr, W. H.

0.11

~~0.723~~

67-0355A

R

~~0.833~~

~~67-0355~~

884

~~0.11~~

~~67-0355B~~

LE

0.723

67-0355 A

0.11 *

67-0355 C

0.11 *

67-0355 D

LE

* WATER DELIVERED

S

N

A

MICROFILMED

R

T

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

(Desert Sheep Co. sub. for
C.A. Martin, Grantee for
Margaret Krigbaum.

Certificate of Water Right
Transferred Right No. 884

THIS IS TO CERTIFY That W. H. Spahr, of Council, Idaho, is the owner of, and using a certain water right for 5.50 miner's inches with priority of May 1, 1884, and 4.75 miner's inches with priority of May 1, 1889 from the waters of Mill Creek, a tributary of Weiser River, decreed in the name of Desert Sheep Co. sub. for C.A. Martin, Grantee for Margaret Krigbaum, and Huston and Spahr, respectively, By Decree of District Court of the seventh judicial District, in the case of:

MUIR BROS., Plaintiffs

-vs-

William Allison et al,
Defendants

That said decree has been entered in the records of the State Department of Reclamation, in volume 4 of Decrees, beginning at page 354 and bearing date of June 20, 1921.

That said 5.50 miner inches, with date of priority of May 1, 1884, is made appurtenant by said decree to the following described lands to-wit:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres.

That said 4.75 inches, with date of priority of May 1, 1889 is made appurtenant by said decree to the following described lands to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

The said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

5.5 miner inches with priority of May 1, 1884 and
4.75 miner inches with priority of May 1, 1889

MICROFILMED

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 5.50 miner inches of the waters of Mill Creek, with priority of May 1, 1884, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water shall remain appurtenant to the following described lands, to-wit:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34, in Township 17 North, Range 1 West Boise, Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

Said 5.50 miner inches of water to be used on the above described lands From the beginning of the irrigation season until July 1, of each year.

By this certificate, the right of use of the said 5.50 miner inches, is hereby transferred and made appurtenant to the following described lands, to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho,

and to be used on the last above described lands from July 1, to the end of the irrigation season of each year.

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 4.75 miner inches of the waters of Mill Creek, with priority of May 1, 1889, made before the State Reclamation Engineer, of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water, shall remain appurtenant to the following described lands, to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

Said 4.75 miner inches to be used on the above described lands from July 1, to the end of the irrigation season of each year, and by said certificate of transfer, the right is hereby granted to transfer the use of 4.75 miner inches to the following described lands, to-wit:

(1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

and to be used on the last above described lands from the beginning of the irrigation season until July 1, of each year.

That the water right hereby transferred has heretofore been diverted from Mill Creek as follows:

That the 5.50 miner inches appurtenant to lands in Section 34 in Township 17 North, Range 1 West B.M. through a private ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 17 North, Range 1 West, B.M.

That the 4.75 miner inches of water appurtenant to lands in Section 36, Township 17 North, Range 1 West, B.M. through a private ditch with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M.

That the water right hereby transferred will hereafter be diverted from Mill Creek, with point of diversion described as being in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Township 17 North, Range 1 West, B.M. from the beginning of the irrigation season to July 1, of each year, and from a point of diversion from Mill Creek described as being in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M., From July 1, to the end of the irrigation season of each year.

That the right to the use of the water aforesaid, hereby confirmed is restricted to and according to the above stated provisions, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, 1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
W.H. Spahr, Council, Idaho)
For a Transfer of Water Right, in)
Adams County, Idaho.)

ORDER GRANTING TRANSFER

No. 884

WHEREAS, On the 29th day of March 1957, at the Department of Reclamation of the State of Idaho, in Boise, Idaho, this matter of an application of W.H. Spahr of Council, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, A.D. 1957.

Mark R. Kulp

MARK R. KULP

State Reclamation Engineer

COPY

DO NOT FILM

RE APPLICATION OF W. H. SPAHR FOR PERMIT TO
TRANSFER WATER RIGHTS FOR ROTATING USE UPON

TRACTS UPON WHICH RIGHTS ARE NOW APPURTENANT

EXHIBIT A

The Applicant, W. H. Spahr, of Council, Idaho, is now owner of two separate parcels of land, irrigated from Mill Creek, in Adams County, under two separate decreed water rights from Mill Creek and the purpose of this Application is to secure official permission to use both of such rights for the irrigation of one (the lower) of said tracts of land until July 1st of each year, and after July 1st of each year to use both of such water rights for the irrigation of the other (upper) tract.

The Two tracts of land, and the two separate decreed water rights therefor, are severally described as follows:

(1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, later with right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, (and containing approximately 20.8 acres, more or less).

And the Decreed water right for the above described tract of land is described as follows:

A Right of 51" from Mill Creek in Adams County, Idaho, under priority date of May 1st, 1884, being in part, the water right decreed to Margaret Krigbaum (or 502) for use upon the SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M., in the water adjudication suit of George M. Winkler, Plaintiff vs. J. Marion Young--Margaret E. Krigbaum,--Ethal, and

which Decree is approved and set forth in the Abstract of Judgment in the Weiser River Adjudication suit of Muir Bros. vs. Allison, one full mile west of Boise, and the part of a commission from Mill Creek for the water decreed to

The Applicant, W. H. Spahr, acquired by direct chain of deeds, the tract of land first above described, together with deed for 51" of the above decreed water, and for more than 16 years, last past, such amount of decreed water has been officially recognized as a right for the above described lands and has been used each irrigation season, by applicant, for irrigation of such lands.

Page One

CARL M. SWANSTROM
ATTORNEY AT LAW
COUNCIL, IDAHO

PAGE TWO, Re Application of W. H. SPAHR, EXHIBIT "A"

The land last above described is irrigated by the before described water right, and the water is diverted from the North side of Mill Creek at a point in the SW 1/4 Sec. 36, Twp. 17 N. R. 1 W. B. M. which is about 1200 feet E. from the North and South Highway (U. S. 95) and is conveyed in a general westerly direction across said highway and to about the Southeast corner of the tract of land first herein described:

(2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho, and the Decreed water right for the last above described tract of land is described as follows: A right of 4.75" from Mill Creek in Adams County, Idaho, under priority date of May 1st, 1889, under Decree of the District Court of the Seventh Judicial District of the State of Idaho, and approved and set forth in the Abstract of Judgment in the water adjudication suit for the Weiser and River, and tributaries, in the action of Muir Bros. et al. plaintiffs, vs. Allison, et al. defendants. The applicant, W. H. Spahr, acquired ownership of the last before described tract of land more than 46 years ago, by direct chain of deeds, together with deed for such 4.75" of water of Mill Creek, and for more than 46 years last past, such water right has been officially recognized as appurtenant to said last described tract of land, and such water has been used for the irrigation thereof during each and every year during all of such period. The land last above described is irrigated by use of the before described water right and the water is diverted from Mill Creek at a point on the southerly side of such creek which is approximately in the SE 1/4 NW 1/4, Section 36, Township 17 N. R. 1 W. B. M. and is then conveyed through a small ditch and conduit leading South and Southwesterly some 700 to 800 feet to approximately the Northeast corner of the tract of land last above described, i.e. Tract 2.

GENERAL COMMENTS

As before noted, the applicant, W. H. Spahr, owns both the tracts designed as 1 and 2 and is the holder of both the before described decreed water rights from Mill Creek.

Tract 1 is situated one full mile west of tract 2, and the point of diversion from Mill Creek for the water decreed to Tract 1 is one full mile west of the diversion point for the water decreed to tract 2. All of the irrigated land lying along Mill Creek, between Tracts 1 and 2, is owned by Frank S. Galey, Jr., whose consent to the transfer herein applied for, accompanies this Application.

The water for tract 1 (right of 5", priority of May 1, 1884) is the lowest diversion made from Mill Creek and no irrigated land below the present diversion point is effected by this application.

PAGE THREE, Re Application of W. H. SPAHR, EXHIBIT "A"

During normal years, the flow of water in the channel of Mill Creek, between diversion points for Tract 1 and Tract 2 is ample to supply both the before described Decreed rights, or a total of 10.25" inches of water, and due to sub-water, the location of and kind of crops (fruit) grown on Tract No. 2, very little, if any, use of water is required before July 1st of the Average year.

Tract 1 is arid land, adapted to growing of alfalfa or small grains and if irrigated to July 1st. will produce very good crops of hay and grain.

In normal years, the flow of water in Mill Creek between Diversion points for Tracts 1 and 2, after July 1st, is so reduced in volume that very little, if any, water is available under the decreed right of May 1, 1884 for use upon Tract 1, and a great deal of water is lost by seepage and evaporation between diversion points 1 and 2 so that the water right for tract 1 is of little use or value after July 1st of the average year. There is, however, in all normal years, a sufficient flow of water in Mill Creek at the diversion point for Tract 2 to fill both the Decreed Rights herein described, or a total of 10.25" and the total of such flow can be used upon, and is required for, the 27 acres contained in Tract 2 and using the late season flow upon this tract of land prevents the loss of water by seepage and evaporation which occurs when attempt is made to conduct only 5.50" inches of water down the channel of Mill Creek to the Diversion Point for Tract No. 1.

PROPOSAL

Applicant proposes to establish a ROTATING USE of both the water rights herein described for use upon both of the tracts of land herein described, and in the following manner:

- (a) Both the 5.50" right of May 1, 1884, and the 4.75" right of May 1, 1889, or a total of 10.25" of water to be used upon the 20.8 acre tract (no. 1) in the SE 1/4, Sec. 34, Twp. 17 N. R. 1 W. B. M. to JULY 1st of each year: and
- (b) Both the 5.50" right of May 1, 1884 and the 4.75" right of May 1, 1889, or a total of 10.25" of Mill Creek water to be used upon the 27 acre tract No. 2) NW 1/4 SW 1/4 Sec. 36, Twp. 17 N. R. 1 W. B. M. from and after July 1st. of each year:
- (c) Diversion points from Mill Creek will remain as they presently exist, and the same diversion ditches will be used as at the present time.

Dated February 11th. 1957.

W. H. Spahr
Applicant

CARL H. SWANETROM
ATTORNEY AT LAW
COUNCIL, IDAHO

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

(Desert Sheep Co. sub. for
C.A. Martin, Grantee for
Margaret Krigbaum.)

Certificate of Water Right
Transferred Right No. 884

THIS IS TO CERTIFY That W. H. Spahr, of Council, Idaho, is the owner of, and using a certain water right for 5.50 miner's inches with priority of May 1, 1884, and 4.75 miner's inches with priority of May 1, 1889 from the waters of Mill Creek, a tributary of Weiser River, decreed in the name of Desert Sheep Co. sub. for C.A. Martin, Grantee for Margaret Krigbaum, and Huston and Spahr, respectively, By Decree of District Court of the seventh judicial District, in the case of:

MUIR BROS., Plaintiffs

-vs-

William Allison et al,
Defendants

That said decree has been entered in the records of the State Department of Reclamation, in volume 4 of Decrees, beginning at page 354 and bearing date of June 20, 1921.

That said 5.50 miner inches, with date of priority of May 1, 1884, is made appurtenant by said decree to the following described lands to-wit:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres.

That said 4.75 inches, with date of priority of May 1, 1889 is made appurtenant by said decree to the following described lands to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

5.5 miner inches with priority of May 1, 1884, and
4.75 miner inches with priority of May 1, 1889

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 5.50 miner inches of the waters of Mill Creek, with priority of May 1, 1884, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water shall remain appurtenant to the following described lands, to-wit:

- (1) All that part of the SE $\frac{1}{4}$ of Section 34, in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

Said 5.50 miner inches of water to be used on the above described lands from the beginning of the irrigation season until July 1, of each year.

By this certificate, the right of use of the said 5.50 miner inches, is hereby transferred and made appurtenant to the following described lands, to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho,

and to be used on the last above described lands from July 1, to the end of the irrigation season of each year.

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 4.75 miner inches of the waters of Mill Creek, with priority of May 1, 1889, made before the State Reclamation Engineer, of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water, shall remain appurtenant to the following described lands, to-wit:

- (2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

Said 4.75 miner inches to be used on the above described lands from July 1, to the end of the irrigation season of each year, and by said certificate of transfer, the right is hereby granted to transfer the use of 4.75 miner inches to the following described lands, to-wit:

(1) All that part of the SE $\frac{1}{4}$ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

and to be used on the last above described lands from the beginning of the irrigation season until July 1, of each year.

That the water right hereby transferred has heretofore been diverted from Mill Creek as follows:

That the 5.50 miner inches appurtenant to lands in Section 34 in Township 17 North, Range 1 West B.M. through a private ditch with point of diversion in the SW $\frac{1}{4}$ Section 35, Township 17 North, Range 1 West, B.M.

That the 4.75 miner inches of water appurtenant to lands in Section 36, Township 17 North, Range 1 West, B.M. through a private ditch with point of diversion in the SE $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M.

That the water right hereby transferred will hereafter be diverted from Mill Creek, with point of diversion described as being in SW $\frac{1}{4}$ Section 35, Township 17 North, Range 1 West, B.M. from the beginning of the irrigation season to July 1, of each year, and from a point of diversion from Mill Creek described as being in the SE $\frac{1}{4}$ Section 36, Township 17 North, Range 1 West, B.M., from July 1, to the end of the irrigation season of each year.

That the right to the use of the water aforesaid, hereby confirmed is restricted to and according to the above stated provisions, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, 1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of
W.H. Spahr, Council, Idaho
For a Transfer of Water Right, in
Adams County, Idaho.

ORDER GRANTING TRANSFER

No. 884

WHEREAS, On the 29th day of March 1957, at the Department of Reclamation of the State of Idaho, in Boise, Idaho, this matter of an application of W.H. Spahr of Council, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, A.D. 1957.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

COPY

J F Lowe

38

June 5, 1902 67 0344

L J Rhinehart

31

June 5, 1902 67 0345

Loren Rhinehart

40

June 5, 1902 67 0346

Anna Morrow

5

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

25

May 1, 1878 67 0348

Frederick W Watriss, Grantee of Geo H Winkler

16 2/3

May 1, 1881 67 0349

124

May 1, 1884 67 0350

33 1/3

May 1, 1893 67 0351

20 3/4

May 1, 1894 67 0352

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

374

May 1, 1882 67 0353

29

May 1, 1891 67 0354

Deseret Sheep Company sub for C A Martin, Grantee

of Margaret Krigbaum

41 2/3

May 1, 1884 67 0355

Mill Creek (Con)

Council Valley Orchards, Grantee of J Harlon

Young

10 3/4

May 1, 1885 67 0356

29

May 1, 1894 67 0357

Application For Transfer of Water Right

RECEIVED
FEB 2 5 1957
Department of Reclamation

STATE OF IDAHO

County of Adams

W. H. SPAHR,

being first duly sworn, deposes and says:

That his name is W. H. SPAHR that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is COUNCIL, IDAHO

SEE ATTACHED MEMORANDUM

That he is the owner and using a certain water right bearing date of priority of APRIL 13 1919 for 10.25 cubic feet per second of the waters of MILL CREEK

County of ADAMS State of Idaho decreed to

by decree of Judge of the SEVENTH Judicial District of the State of

Idaho, in and for the County of ADAMS affirmed in the case of MUIR BROS. VS

ALLISON said decree bearing date of

(or obtained by virtue of License No. issued by the State Engineer of the State of Idaho,

dated, 19, bearing date of

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. 11 in the County of ADAMS and State of Idaho, to-wit: SEE ATTACHED

EXHIBIT A for detailed explanation of Two (2) water rights involved and

Application for a rotation use of both rights on separate tracts of

land, both owned by Applicant.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, to-wit: By direct deeds of conveyance for land and water as per abstract of title of said water right hereto attached and made a part of this statement.

as per abstract of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream in the See Exhibit Section Township Range B. M. and con-

ducted to the above described lands through Two small ditches as per map herewith and of this affidavit made a part.

Rotate That affiant and petitioner desires to rotate the use of 10.25 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract situate, lying and being in the County of Adams and State of Idaho, to-wit:

See Attached Exhibit A for full explanation of proposed rotation

use of both water rights upon both tracts of applicant's land

That his reasons for desiring to make such transfer are as follows: To permit more efficient full season use of limited flow of Mill Creek upon two tracts of

land, each of which now has one separate decreed right, by using both

rights on one tract to July 1st of each year, and then both rights

upon another tract from and after July 1st of each year

That he intends to divert and convey said 10.25" of water to the tract of land last above described in the following manner, to-wit: use of water will be rotated by use of existing ditches to two tracts as is more fully set forth in attached Exhibit A and in attached maps and sketches.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Subscribed and sworn to before me this 11th day of February, A. D. 19 57.

Notary Public for Idaho at Council Bluffs, Iowa.

From what stream is the water diverted? Mill Creek, in Adams County, Idaho.
Where is the diversion point located? See attached Map and Sketch
Through what ditch is it now conducted? Two small ditches, per Map and Sketch
How much land is now irrigated by the water sought to be transferred? about 47 acres by both rights
Give the description: See attached Exhibit A

What is the total amount of water in inches, ~~or less~~, dedicated to said land? 10.25"

What kind of crops are being raised? Fruit, hay and pasture, small grain

How much water per acre is now required to irrigate said land? 5/8th" per acre under Decrees

What will be the effect on the land now irrigated, if the use of water on it is discontinued? Will be more efficient use of water by rotation to permit full use in low seasons without loss by small flow in creek channel to lower land

Give location of new point of diversion, if change is to be made: See Exhibits, No Change

Through what ditch will it be conducted after transfer? Same as now used, see Sketch

How much water will be required per acre to irrigate the land to which this water is transferred? same as now, or 5/8th" per acre is duty of water per decrees

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source: No

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source: Both rights will be made applicable to both tracts concerned under rotating use.

Signed and sworn to before me this 11th day of February, A. D. 19 57.

Notary Public for Idaho at Council Bluffs, Iowa.

CARL H. SWANSTROM
ATTORNEY AT LAW
COUNCIL BLUFFS, IOWA

to the tract

ly ant

the State of

provisions of

Applicant

County

Council

Board

no

the

rights

by both

shall

the

25

under Decree

Will be

low

land

No. 1

Sketch

red

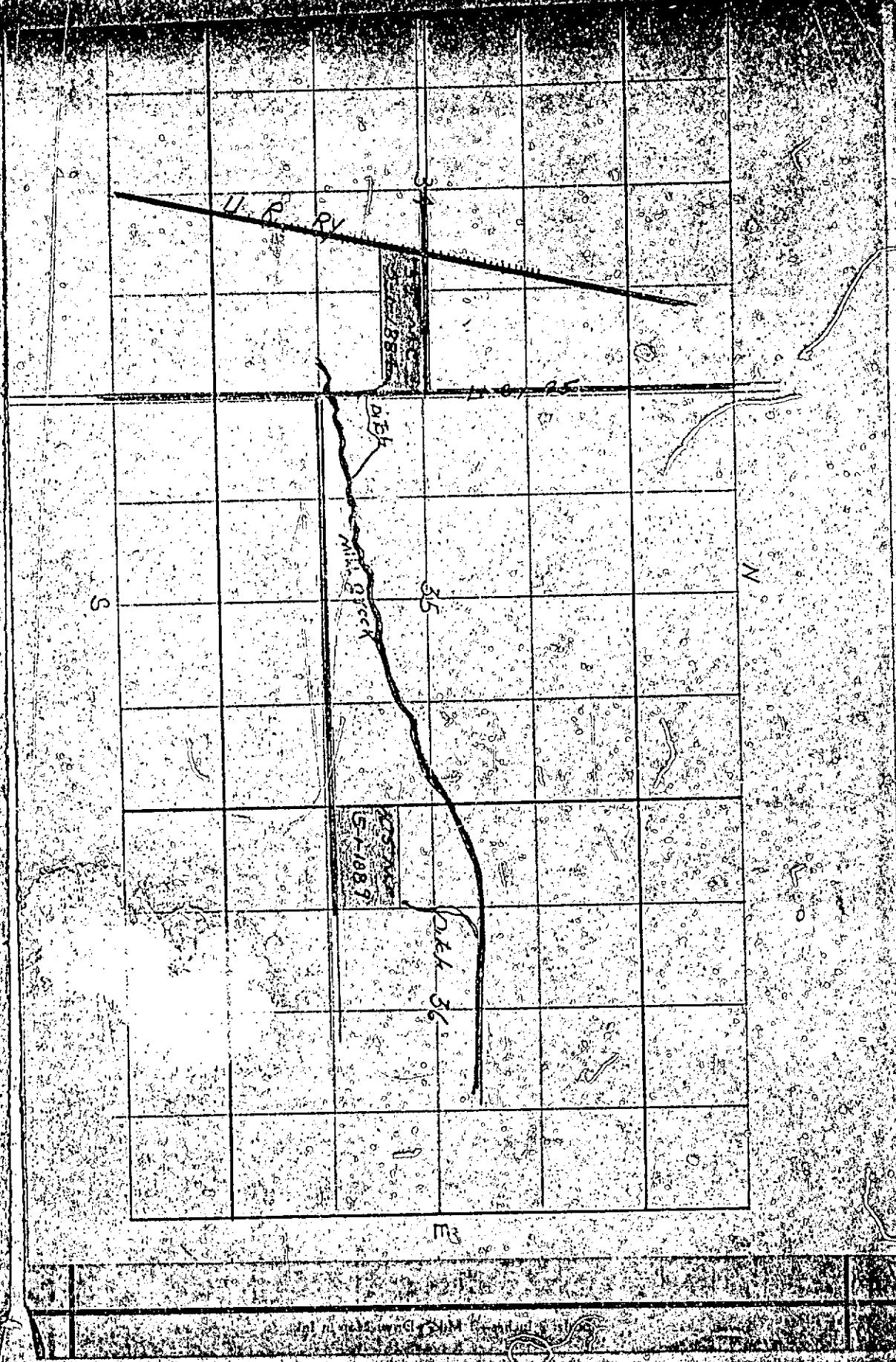
same

of this water

will so give

ch tracts

Applicant



STATE OF IDAHO

County of Adams

Frank S. Galey, Jr.

and James R. Stiles

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Council, Idaho

that he is user of water from Mill Creek

County of Adams State of Idaho; that he has read or heard read the foregoing affidavit and petition of W. H. Spahr

and is familiar with its allegations and with the facts right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer herein petitioned.

Subscribed and sworn to before me this 14th day of February A.D. 1957

Notary Public for Idaho residing at Council, Idaho

STATE OF IDAHO

County of Washington

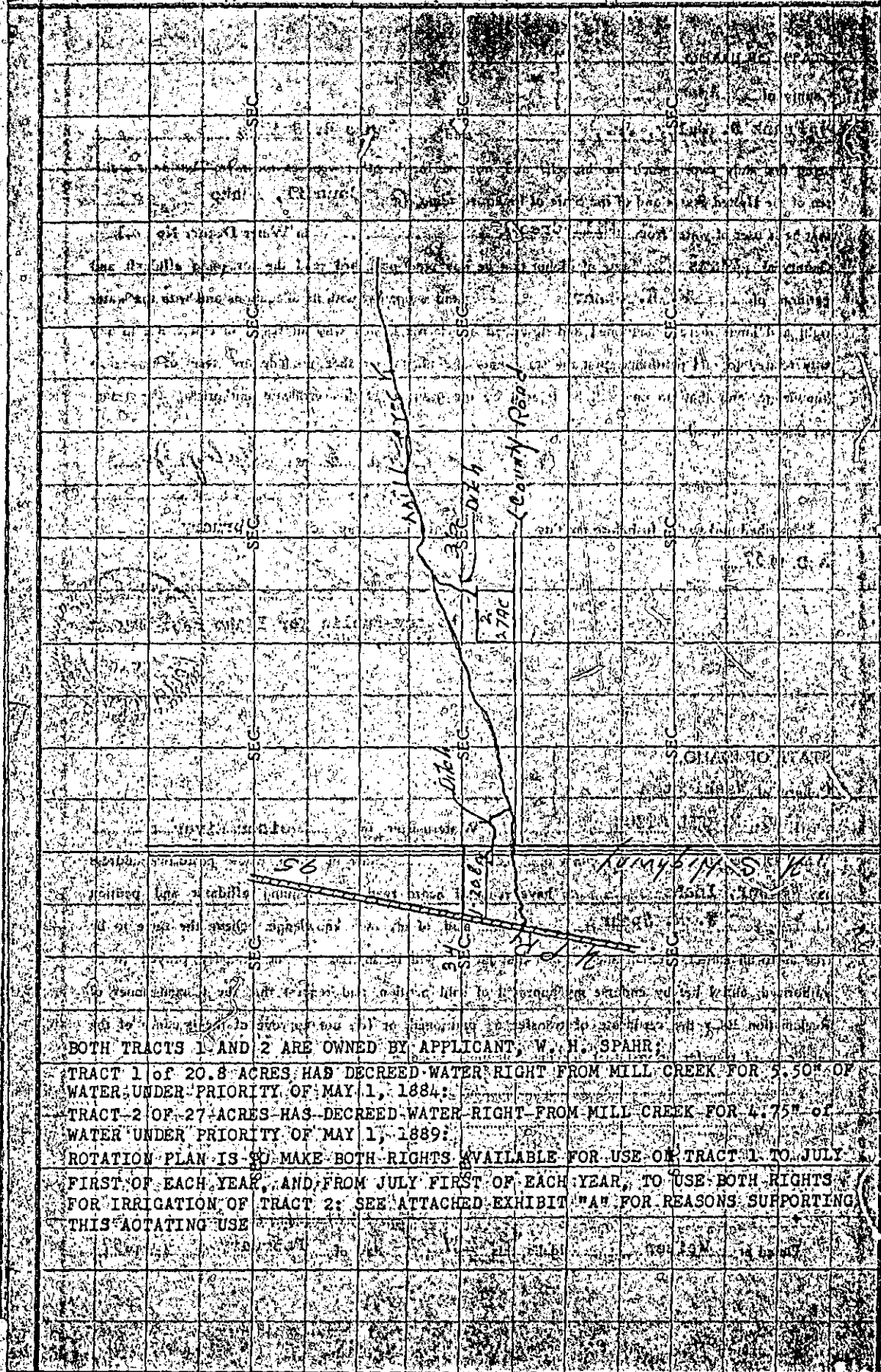
I. G. M. TILLOTSON

Water District No. 41 County of Adams State of Idaho, whose postoffice address is Welsler, Idaho

W. H. Spahr have read or heard read the foregoing affidavit and petition of W. H. Spahr and, of my own knowledge, believe the same to be true as to all matters therein alleged and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioners of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

IT IS THE ORDER OF THE COMMISSIONERS OF RECLAMATION that the certificate of transfer be issued to the petitioner herein.

Name of Applicant: W. H. SPAHR, COUNCIL, QHO



BOTH TRACTS 1 AND 2 ARE OWNED BY APPLICANT, W. H. SPAHR.

TRACT 1 OF 20.8 ACRES HAS DECREED WATER RIGHT FROM MILL CREEK FOR 5.50" OF WATER UNDER PRIORITY OF MAY 1, 1884.

TRACT 2 OF 27 ACRES HAS DECREED WATER RIGHT FROM MILL CREEK FOR 4.75" OF WATER UNDER PRIORITY OF MAY 1, 1889.

ROTATION PLAN IS TO MAKE BOTH RIGHTS AVAILABLE FOR USE ON TRACT 1 TO JULY FIRST OF EACH YEAR, AND FROM JULY FIRST OF EACH YEAR, TO USE BOTH RIGHTS FOR IRRIGATION OF TRACT 2: SEE ATTACHED EXHIBIT "A" FOR REASONS SUPPORTING THIS ROTATING USE.

Scale: 2 Inches = 1 Mile. Draw Map in Ink

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that W. H. Spahr of Council, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and place of use of the waters of Mill Creek as follows:

Amount: 5-1/2 Miner's Inches. Priority May 1, 1884

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 17 N., Range 1 W., B. M.

Place of Use: Commencing at the NE corner of the SE $\frac{1}{4}$, Section 34, Twp. 17 N., Range 1 W., thence South 507 feet, thence East 1781 feet, thence along East line of U. P. Railroad right-of-way, North 521 feet, thence East 1659 feet consisting of 20.8 Acres. Also 4.75 miner's inches from Mill Creek with priority of May 1, 1889, with --

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 17 N., Range 1 W., B. M.

Place of Use: South 27 Acres of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 36, Twp. 17 N., R. 1 W., B. M.

To be transferred to:

Amount: 10.25 Miner's inches consisting of 5.50 miner's inches with priority of May 1st, 1884 and 4.75 miner's inches with priority of May 1, 1889.

Point of Diversion: In the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Twp. 17 N., Range 1 W., B. M.

For Use on the Following Described lands: Commencing in the NE corner of the SE $\frac{1}{4}$, Section 34, Twp. 17 N., R. 1 W., thence South 507 feet, thence East 1781 feet, thence along East line of U. P. Railroad right-of-way, North 521 feet, thence East 1659 feet consisting of 20.8 Acres and South 27 acres of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Twp. 17 N., Range 1 W., B. M.

Subject to the Following Provision:

The water transferred will be used on lands above described as being in Sec. 34 from April 1st to July 1st; from July 1st, the balance of the irrigation season to lands as above described as being in Section 36.

And that on the 29th day of March, 1957, at 10 o'clock A. M., at Room 107
State House, Boise, Idaho before the State Reclamation Engineer, or his
authorized agent, the opportunity will be given to any and all persons to appear
and present, for his consideration any reason or reasons why a certificate should
not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer

March 5, 1957

Re: Application for Transfer of
Water Right - W. H. Spahr

Mr. Carl H. Swanstrom,
Attorney at Law
Council, Idaho

Dear Mr. Swanstrom:

We wish to acknowledge receipt of Application for Transfer of Water Right in the name of Mr. W. H. Spahr, of Council, Idaho. It will be necessary to transfer the water away from the two separate tracts of land, then transfer the total amount of 10.25 inches back to all the land making the 10.25 inches appurtenant to both parcels of land.

We are returning one copy of the application to you as this Department does not require an application in duplicate.

We are also enclosing a copy of the publication notice mailed to the "Adams County Leader" of this date. We are enclosing this copy for your information and request that you look over the publication notice and if same requires any changes, please feel free to make any correction that you think is necessary and notify the paper prior to publication. At the end of two weeks' publication in the paper, you may remit Affidavit of the Publication furnished by the paper and \$1.00 statutory recording fee to this Department, after which if there are no protests against the transfer of water right, the Affidavit of Transfer will be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:ab
Enclosures

CARL H. SWANSTROM
ATTORNEY AND COUNSELOR AT LAW
COUNCIL, IDAHO

February 18th 1957

RECEIVED
FEB 25 1957
Department of Reclamation

Mr. Mark Kulp
Commissioner of Reclamation
State House
Boise

Dear Mr. Kulp:

I have enclosed duplicate application forms in connection with a request by Mr. W. H. Spahr, of Council, for permission to have officially sanctioned, a rotating use of two (2) small Mill Creek Water Rights, both of which are owned by him in connection with two separate tracts of real property, both owned by him. The applications have been approved by Frank S. Galey, Jr. and James R. Stiles, two water right holders in Mill Creek and the only persons who could possibly be affected by the proposed plan. Also, the proposals are approved by Mr. Tillotson, Water Master of District 41.

The proposed plan for rotating use of water on both tracts will increase the efficiency of use of water and will prevent the loss of use of the 5" right in late seasons--it being too small to come on down an otherwise dry channel to the point of diversion.

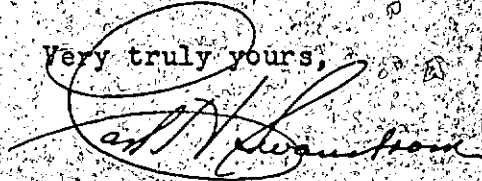
If you approve of the application, notice may be published in the

ADAMS COUNTY LEADER

a weekly newspaper published each Friday at Council, Idaho and I will arrange for payment of publishing costs on receipt of the notice. If you will advise me of the fees of the Department in this connection, I will immediately forward you a check to cover.

Thanking you for your good attention to this application and trusting it will meet with your approval, I am,

Very truly yours,



CHS:s
encl-2

March 5, 1957

Re: Application for Transfer of
Water Right - W. H. Spahr

Mr. Carl H. Swanstrom,
Attorney at Law
Council, Idaho

Dear Mr. Swanstrom:

We wish to acknowledge receipt of Application for Transfer of Water Right in the name of Mr. W. H. Spahr, of Council, Idaho. It will be necessary to transfer the water away from the two separate tracts of land, then transfer the total amount of 10.25 inches back to all the land making the 10.25 inches appurtenant to both parcels of land.

We are returning one copy of the application to you as this Department does not require an application in duplicate.

We are also enclosing a copy of the publication notice mailed to the "Adams County Leader" of this date. We are enclosing this copy for your information and request that you look over the publication notice and if same requires any changes, please feel free to make any correction that you think is necessary and notify the paper prior to publication. At the end of two weeks' publication in the paper, you may remit Affidavit of the Publication furnished by the paper and \$1.00 statutory recording fee to this Department, after which if there are no protests against the transfer of water right, the Affidavit of Transfer will be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:ab
Enclosures

COPY

ADAMS COUNTY LEADER

Only Newspaper Published In and Serving Adams County

RECEIVED
MAR 13 1957
Department of Reclamation

HARRIET K. and BERT J. ROGERS

Editors and Publishers

COUNCIL, IDAHO

Mar. 11, 1957

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho:

Dear Sir:

This is to acknowledge receipt of copy for a legal publication
"Notice of proposed transfer of water right" for W.H. Spahr, Council
Idaho which will be published Mar. 15-22.

Very truly yours

Bert J. Rogers
Bert J. Rogers

April 23, 1957

RE: Application of Mr. W. H. Spahr for
change of place of use of water

Mr. Carl H. Swanstrom
Attorney and Counselor at Law
Council, Idaho

Dear Mr. Swanstrom:

We acknowledge receipt of your letter in regard to the
Application of Mr. W. H. Spahr for change of place of use of water.

Mr. Thompson is out of the city for a few days and as soon
as he returns the Certificate of Transfer will be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

CARL H. SWANSTROM
ATTORNEY AND COUNSELOR AT LAW
COUNCIL, IDAHO

April 19th 1957

RECEIVED
APR 22 1957
Department of Reclamation

Mr. Roy W. Thompson
Supervisor of Water Distribution
Dept. of Reclamation
State House
Boise

Re Application of W. H. Spahr for
change of place of use of water

Dear Mr. Thompson:

We have exchanged some correspondence relative to the above application for transfer of place of use of certain water rights in Mill Creek, Adams County;

The hearing on the application was noticed for March 29th but it was not possible for me to be in Boise on that date. However I was certain no objections would be filed so I did not delegate any one to appear in our behalf.

My son, Roger Swanstrom, delivered to your office, about 10 days ago, proof of publication of the notice which was published in the Adams County Leader, at Council.

May I assume that the required order for transfer of places of use will now be entered?

Thanking you for your reply, I am,

Very truly yours,



May 29, 1957

Re: Transfer of Water Right
W. H. Spahr

Mr. Carl H. Swanstrom
Attorney and Counselor At Law
Council, Idaho

Dear Mr. Swanstrom:

Enclosed is Certificate of Water Transfer in the name
and for Mr. W. H. Spahr, Council, Idaho, which we hope will meet
with your approval. Also, enclosed is an unsigned copy for your
files.

Copy of transfer together with a copy of this letter
is being sent to Mr. G. M. Tillotson by this same mail.

The statutory fee of \$1.00 for recording the transfer
may be remitted to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT/nls
Enc:

cc: Mr. G. M. Tillotson, Watermaster
Water District No. 41
203 East Galloway
Weiser, Idaho

CARL H. SWANSTROM

ATTORNEY AND COUNSELOR AT LAW

COUNCIL, IDAHO

March 19 1957

RECEIVED
MAR 21 1957

Department of Reclamation

Mr. Roy W. Thompson,
Supervisor of Water Distribution
Department of Reclamation
State of Idaho
State House
Boise

Re Application of W. H. Spahr for
change of place of use

Dear Mr. Thompson:

This is in response to your letter of March 5th, addressed to
Adams County Leader and a copy of which, together with copy of
notice intended for publication, you sent to me.

It was not at first observed that an error had been made in the
description of one of the tracts of land involved. If you will
note in Exhibit A, attached to the application which you have
one file, at about line 161, page 1, the typed description reads---

"thence West, at right angles, 1781 feet, more or less to the
East line of the right of way---(etc)" (underscoring supplied)

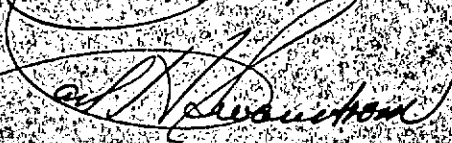
while in the notice for publication which was prepared in your
offices, the description reads---

"thence East 1781 feet, thence along East line of U P Railroad---

and this same description is again repeated in the fourth paragraph
following.

This error was detected after first publication and has been corrected
(as per clipping enclosed) and I am sure the Leader will mail you
a copy of the Leader showing the corrected description. I would
suggest that original records in your office might be corrected
to correspond. Thanks very much for your aid in this matter.

Very truly yours,



June 4, 1957

RE: Transfer of Water Right No. 884
W. H. Spahr

Mr. Carl H. Swanstrom
Attorney and Counselor at Law
Council, Idaho

Dear Mr. Swanstrom:

We acknowledge receipt of your check in the amount of \$1.00
to cover the fee in the Transfer of Water Right No. 884, in the name
of W. H. Spahr.

We inclose departmental receipt No. 28632 for that fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Enc. - 1 receipt

CARL H. SWANSTROM
ROGER SWANSTROM

LAW OFFICES
SWANSTROM & SWANSTROM

ATTORNEYS AND COUNSELORS AT LAW
COUNCIL, IDAHO

May 31st 1957

RECEIVED
JUN 4 1957
Department of Reclamation

Department of Reclamation of Idaho
State House
Boise

Re Transfer Water Right, W H Spahr

Gentlemen:

Reference is made to the letter written by Mr. Roy W. Thompson
in connection with the above matter on May 29th.

I have enclosed my check for \$1.00 in payment of the fees of the
Department.

Receipt of the order is acknowledged and I wish to thank you for
the help given in this matter.

Very truly yours,

SWANSTROM AND SWANSTROM

By *Carl H. Swanstrom*