

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4095

NAME AND ADDRESS: SARAH B HUBBARD
PO BOX 377
NEW MEADOWS ID 83654

SOURCE: SPRING

TRIBUTARY: MUD CREEK

QUANTITY: 0.700 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1924

POINT OF
DIVERSION:

T19N R01E S27 NESESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.050 CFS
IRRIGATION	04/01 10/31	0.700 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S26	NWSW	1.60	T19N R01E S26	SWSW	27.00
T19N R01E S26	SESW	0.40	T19N R01E S27	NESE	1.40
T19N R01E S27	SESE	4.60			

STOCKWATER same as IRRIGATION

35 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 200 range cattle.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 28, 2007

Rex Eller
PO Box 464
New Meadows, ID 83654

Re: Snake River Basin (SRBA) Claim Nos. 78-4094 and 78-4095

Dear Rex:

Please find enclosed the revised recommendations with GIS layouts (maps) for the SRBA claims referenced above. The SRBA Court has set a deadline of December 31, 2007 for filing the amended Director's Reports for these claims. So, please review the recommendations with Sarah, and contact me no later than December 14, 2007 if you have any additional information that could result in modifying the recommendations.

You will note that the priority date for claim no. 78-4094 has not been recommended with the date claimed. That is because none of the information provided in the 1963 tax records supported the irrigation of more acres than have been recommended for claim nos. 78-4095 and 78-4096, both of which have priority dates earlier than 1963. Therefore, I relied completely on the affidavit of Doris Hubbard in order to arrive at the 1970 priority date for this claim. If Thomas has any memory of the irrigation system that utilizes the portable pumps in Mud Creek prior to 1970, perhaps he could describe that system with dates of use in another affidavit.

You also supplied a posted notice in the name of Charles Sundholm dated September 8, 1902 for land in Township 19 North, Range 1 East, Section 22, SENE and NESE. There are no SRBA claims filed for the irrigation of the lands described in the posted notice, so I am uncertain as how the posted notice relates to the SRBA claims that have been filed.

If you have any questions or wish to provide additional information, you may contact me by phone at (208) 287-4917, or by email at Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Section Manager, Adjudication Bureau

Enclosures:

Recommendations for 78-4094 and 78-4095
with GIS layouts

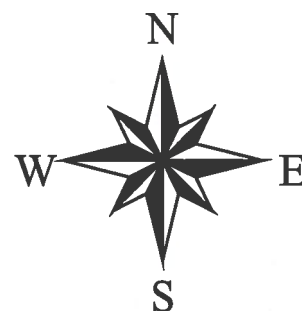
SCANNED
NOV 28 2007

78-4095



T19N R01E S26 & S27

Map prepared by: Carter Fritschle
Date prepared: 11/27/07
2004 NAIP Photography
Idaho Department of Water Resources



11/27/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4095

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PO BOX 377
NEW MEADOWS ID 83654

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TRIBUTARY: MUD CREEK

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PRIORITY DATE: 05/01/1924

POINT OF DIVERSION:

T19N R01E S27 NESESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.050 CFS
IRRIGATION	04/01 10/31	0.700 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S26	NWSW	1.60	T19N R01E S26	SWSW	27.00
T19N R01E S26	SESW	0.40	T19N R01E S27	NESE	1.40
T19N R01E S27	SESE	4.60			

STOCKWATER same as IRRIGATION

35 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 200 range cattle.

Hubbard

78-4094, 78-4095 & 78-4096

Evidence of priority date material

1924 Tax assessment record

T19N	R1E	Sec. 27	SWNE	20	ac
			NESE	<u>15</u>	ac
				35	ac

1963 Tax assessment record

T19N	R1E	Sec 23	49	ac
		Sec 26	92	ac
		Sec 27	<u>7</u>	ac
			148	ac

1965 Tax assessment record

T19N	R1E	Sec. 23	49	ac
------	-----	---------	----	----

78-4096 (7-2-1902 priority)

T19N	R1E	Sec 23	49	ac
		Sec 26	<u>63</u>	ac
			112	ac

(92 ac - 63 ac = 29 ac)

78-4095 (5-1-1924 priority)

T19N	R1E	Sec 26	30	ac
		Sec 27	<u>5</u>	
			35	ac

(112 ac + 35 ac = 147 ac)

78-4094 (6-1-1970 priority)

T19N	R1E	Sec 22	31.2	ac
		Sec 27	<u>46.1</u>	ac
			77.3	ac

SCANNED

NOV 25 2007

CS 11-27-07

RECEIVED

OCT 24 2007

DEPARTMENT OF
WATER RESOURCES

Carter water Rights # 78-4094 + 78-4095

I'm sorry this is getting to you so late.
I was waiting for two letter I just received.
Also you will find a copy of a water
Right that goes to Sec 22 T 19.

We would like to start using this
next year. I hope all of this helps!

We would like to thank you, and
your staff for all the help.

Rex + Terri Eller
208-347-2583.

P.O. Box 464
New Meadows Id
83654.

12/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-4095

NAME AND ADDRESS: SARAH B MC DANIEL HUBBARD
PO BOX 377
NEW MEADOWS ID 83654

CHESTER W HUBBARD
PO BOX 377
NEW MEADOWS ID 83654

SOURCE: SPRING

TRIBUTARY: MUD CREEK

QUANTITY: 0.050 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1924

POINT OF DIVERSION:

T19N R01E S27 NESESE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

04/01 10/31

0.050 CFS

PLACE OF USE: STOCKWATER in ADAMS County

T19N R01E S27 SESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 200 range cattle.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4095

WATER RIGHT NUMBER: 78-4095

Owner TypeName and Address

Current Owner

SARAH B MC DANIEL HUBBARD ✓

PO BOX 377

NEW MEADOWS, ID 83654

Current Owner

CHESTER W HUBBARD — deceased

PO BOX 377

NEW MEADOWS, ID 83654

Priority Date: 05/01/1924 ✓

Basis:

~~Statutory Claim~~ B1U

Status:

Active

Source

spring

Tributary

Mud Ck.

Beneficial Use

From To

Diversion RateAnnual Volume

STOCKWATER ✓

4/01 to 10/31 ✓

0.050 CFS ✓

IRRIGATION

4/15 to 10/15

~~0.700 CFS~~

Total Diversion:

~~0.700 CFS~~

no evidence of priority

Location of Point(s) of Diversion

19N 1E 27 NE SESE

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N	01E	27																	X

IRRIGATION

out - no evidence of priority

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N	01E	26																	22.0
19N	01E	27													2.0		11.0		13.0

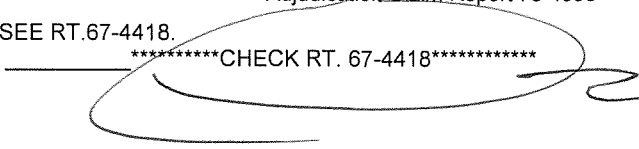
Total Acres: 35

Conditions of Approval:in office
review by
pw 12/21/06

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4095

1. SEE RT.67-4418.

*****CHECK RT. 67-4418*****
Remarks:Comments:Dates and Other Information:

Claim Received Date: 5/5/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

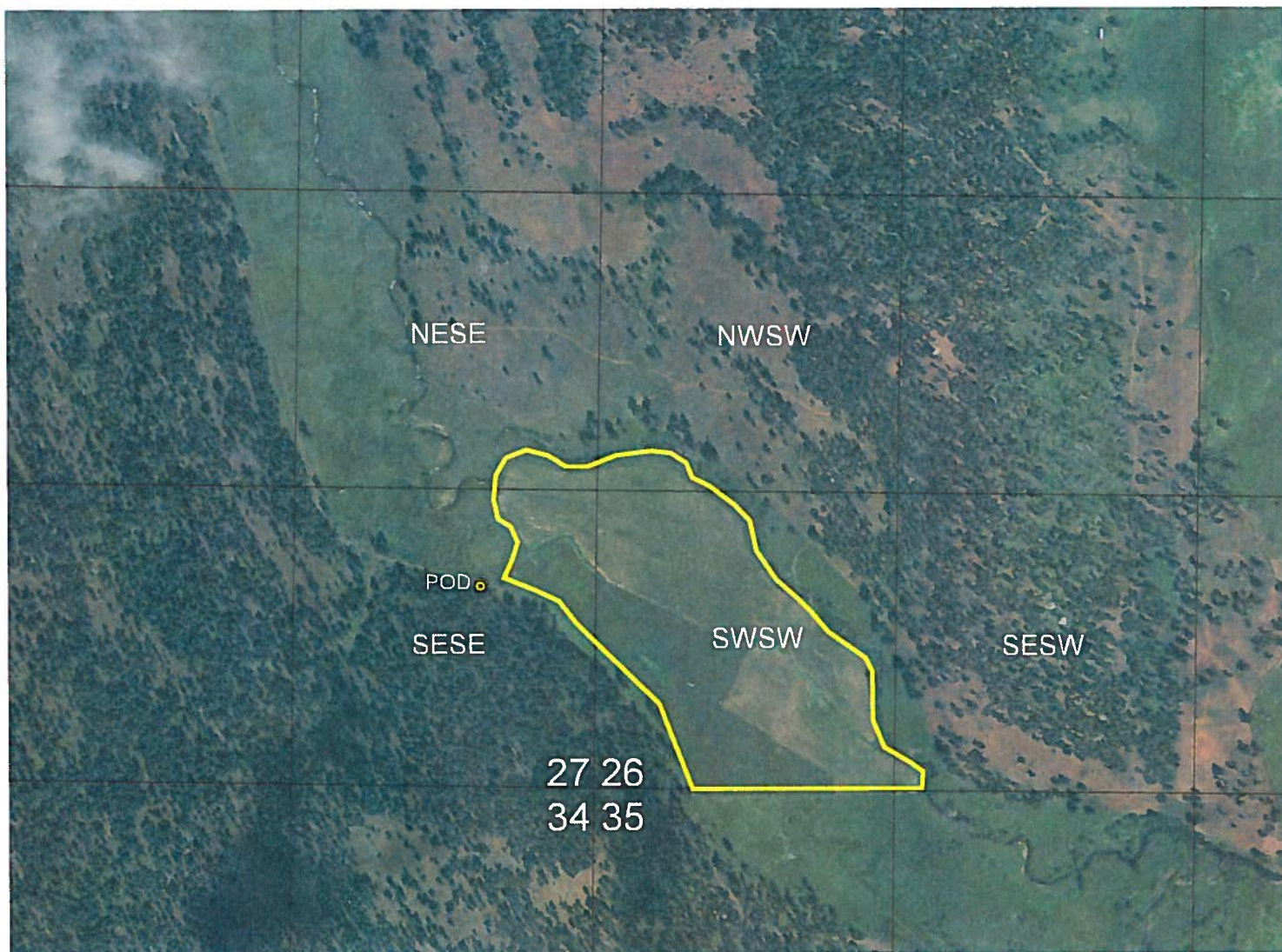
Mitigation Plan: False

Combined Use Limits:

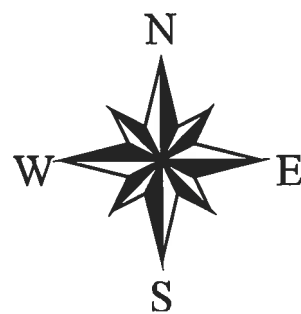
*only
statutory
claim on
file w/ IDWR
this day.*

Water Supply Bank:

78-4095



T19N R01E S26 & S27



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: A78-04095
Date Received: 6/02/1988 5-4-88
Receipt No: C000549

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

1. Name: CHESTER W. HUBBARD
Address: P.O. BOX 377
NEW MEADOWS, ID 83654

AND/OR

Name: SARAH B. HUBBARD
Address: P.O. BOX 377
NEW MEADOWS, ID 83654

2. Date of Priority: MAY 01, 1924

3. Source: Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	01E	27	NW	SE	SE		ADAMS

5. Description of diverting works:
SPRING INTO DITCH (GRAVITY FLOW SYSTEM)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.700		
STOCKWATER	04/01	10/31	0.050		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 200 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	01E	26	NW	SW		IRR	2.0
			SW	SW		IRR	20.0
						Section Acres	22.0
		27	NE	SE		IRR	2.0
			SE	SE		IRR	11.0
			SE	SE		STOCK	
						Section Acres	13.0
						Total Acres	35.0

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:
SEE RT.67-4418.
*****CHECK RT. 67-4418*****

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
OCT 06 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: 39356
Ident. Number A 78 - 04095
Date Received 5-4-88
Receipt Number 48643 C000549
CJ

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chester W. and/or Sarah B Hubbard Phone () _____

Mailing Address P.O. Box 377 New Meadows ID Zip 83654

2. Date of Priority (Only one (1) per claim) May 1, 1924

3. Source of water supply (a) Spring
which is tributary to (b) Mud Creek

4. a. Location of existing point of diversion is: Township 19N Range 1E Section 27,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Adams

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Spring into ditch (gravity flow)

MICROFILMED
OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount .70 or _____

For stockwater purposes from 4-1 to 10-31 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .75 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 70 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 Head cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	1E	26										2	20		~~2~~			~~11~~	~~22~~
		27													2			11	13
		27																5	

Total number of acres irrigated 35

11. In which county (ies) are lands listed above as place of use located? Adams

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Last Name Hubbard Ident No. A78-04095

Copies: White -State, Yellow-Claimant

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OCT 06 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-4095
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 -1-

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) X Chester Hubbard Date 5-4-88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 4th day of May 19 88

SEAL

Notary Public Carter Fritschler

Residing at Eagle, Id.

My Commission Expires 3-21-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
OCT 06 1992

Last Name Hubbard Ident. Number A78-04095

Copies White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Chester Hubbard

(Name of Claimant)

Box 82, New Meadows, ID

(Mailing Address)

Telephone No. _____

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1924

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

spring

tributary to Mudd Creek/Little Salmon River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Both dates inclusive)	(Mo., Day)
Quantity <u>0.70 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>May 1</u>	To	<u>Oct 31</u>
Quantity _____	Use _____	Period of Use From _____	To	_____
Quantity _____	Use _____	Period of Use From _____	To	_____
Quantity _____	Use _____	Period of Use From _____	To	_____
Quantity _____	Use _____	Period of Use From _____	To	_____

- (4) 0.70 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

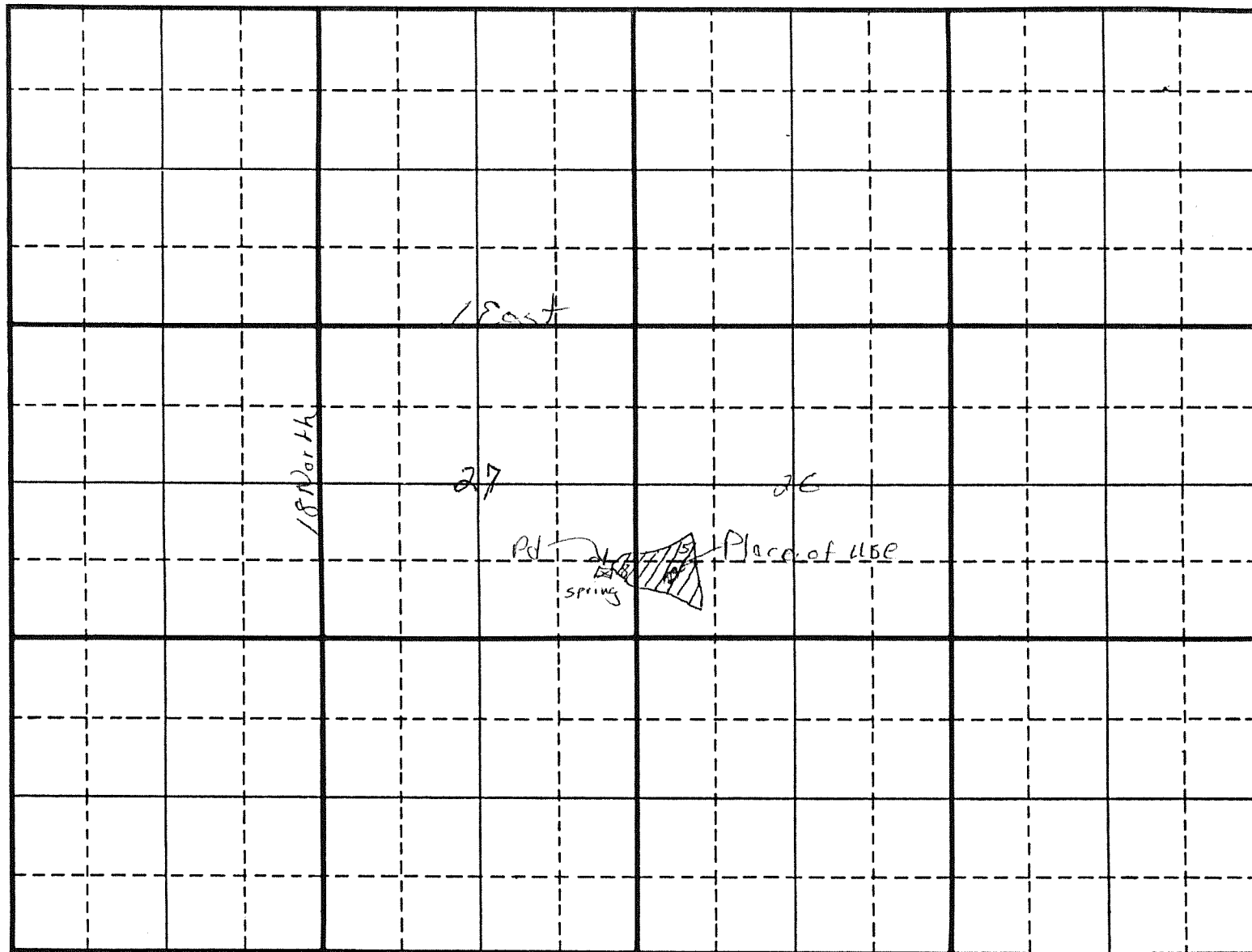
- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SE ¼, Sec. 27 Twp. 18N Rge. 1E B.M., County of Adams

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. gravity ditch to field.

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

FROM Carter Fritschle

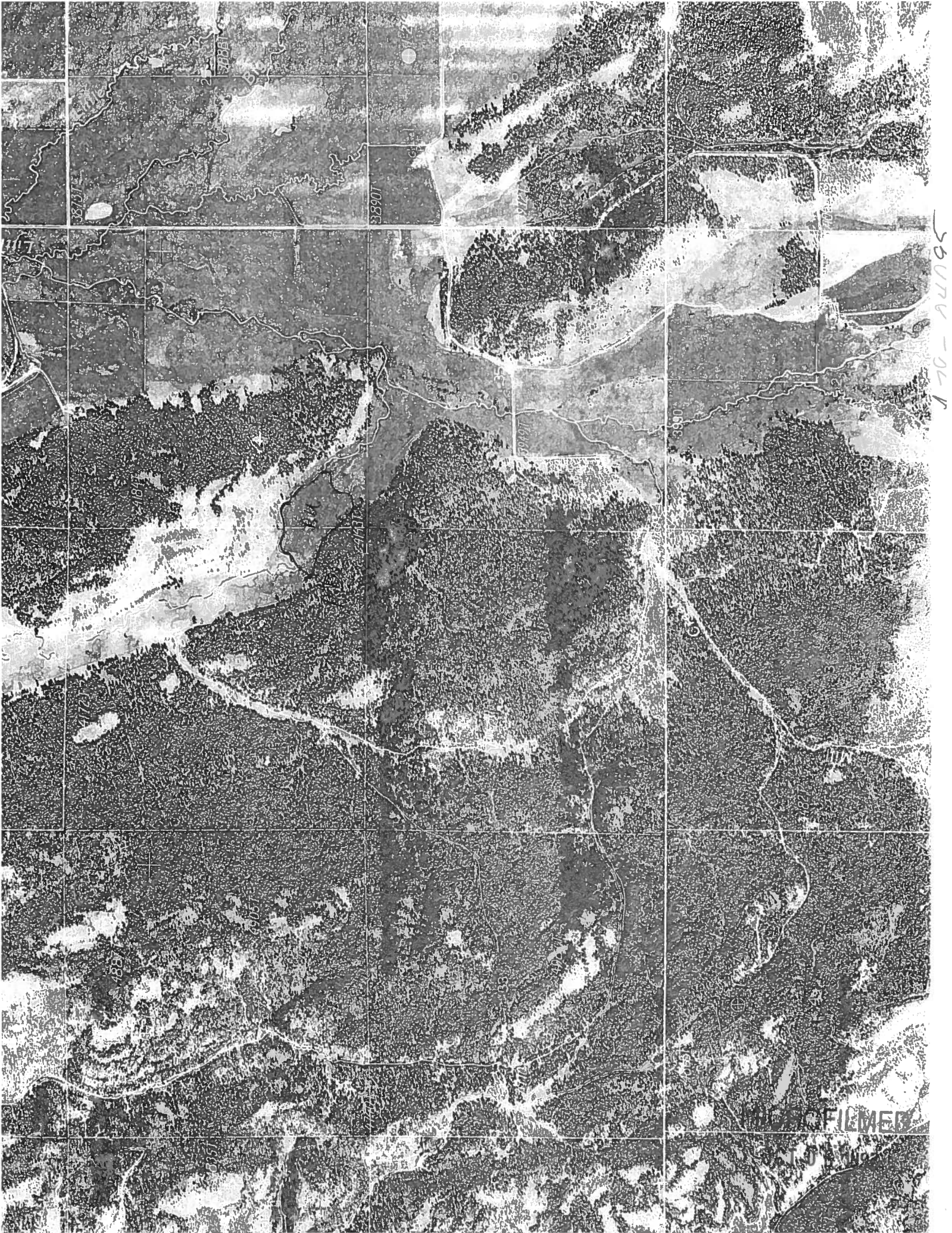
DATE 7-7-88

TO File 67-4418

SUBJECT

Location of P.D.^{& P.U.} is actually Township 19 North, which puts this water right in Basin 78. An adjudication claim has been filed for this right using the original no. 78-4095. Amending the "243" claim to show the proper Township would serve no useful purpose at this time, therefore, 67-4418 will not be claimed in the SRBA. Carter Fritschle
SIGNATURE

MICROFILMED
OCT 06 1992



177-2095

PHOTO FILMED

SEP 10 1964

232

Sec. 27

ASSESSMENT ROLL FOR THE YEAR 1924
REAL PROPERTY

TOWNSHIP 19 North RANGE 1 East BOISE MERIDIAN

[illegible]

Sec. 22 & 27

Chester + Sally Hubbard

water Right 78-84095

The real property described on this sheet is situate in Adams County, Idaho,

ASSESSMENT ROLL FOR THE YEAR 1967
RANCH PROPERTY

Line No.	Tax Receipt No.	OWNER'S OR REPUTED OWNER'S NAME AND ADDRESS	DESCRIPTION	CLASSIFICATION OF LANDS																CATTLE										HORSES AND MULES 30	SHEEP AND GOATS 31-34	HOGS 35	MACHINERY 50	NOT OTHERWISE CLASSIFIED			Line No.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
				IRRIGATED AGRICULTURE 1		SUB-IRRIGATED AGRICULTURE 2		GRAZING 4		NON-IRRIGATED AGRICULTURE 5		DRY GRAZING 6		TIMBER LAND 8		RE-PRODUCTION LAND 9-14		TRACTS 11		WASTE 16	IMPROVEMENTS ON LAND	TOTAL VALUE OF PROP. ERTY 17	CATTLE				RANGE & DAIRY BULLS 25	MILE COWS 26	COMMON 28					YEARLINGS 29																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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This is for water Right # 78-4094

ASSESSMENT ROLL FOR THE YEAR 1963
RANCH PROPERTY

3383

Chester + Sally Hubbard
Water Right # 78-4094

The real property described on this sheet is situate in Adams County, Idaho

ASSESSMENT ROLL FOR THE YEAR 1965
RANCH PROPERTY

[illegible]