

Saxton, Craig

To: dshaw@eroresources.com
Subject: Seid, Kenneth B67 preliminary Recommendations

Good Morning Dave,

I am sending you the preliminary recommendations for Kenneth Seid a little ahead of time so you can review them. The preliminary mailing is actually going out on November 20th, but these recommendation are probably not what your claimant expected so I want you to have some time to look at them.

The main issue I can see is that as far as I can tell, Mr. Seid has enlarged his water use well over his decreed rights. I recommended as much acreage as I could base on the decreed rights. 67-14403 claims flood water on top of the decreed rights. I do not have any documentation supporting when the acres up an above those decreed were added so I recommended 67-14403 directly on top of the decreed acres for the standard 3/8 inches per acre that bring use of the flood water and the decreed water up to one inch per acre.

You will see that the shape on the layouts is larger than the 511.6 acres recommended. The shape is 667.3 acres. In order to recommend the additional acres under right 67-14403, I need some sort of evidence of when that additional ground first started being irrigated.

Anyway, you know how it goes. Take a look at the recommendations and let me know what you think. I can tell you that I am most likely not going to make changes before the preliminary mailing goes out, but hopefully, if Mr. Seid feels changes need to be made, we can get the information into me and change them before the directors report goes out so you don't have to file an objection.

67-7253B & C appear to be Mr. Seids water rights. We need a change of ownership for those.

Lastly, water master records show that 67-507, 67-509, 67-510, and 67-511 are delivered to Kennith Seid but are not claimed in the SRBA. I didn't know if there was a reason for that so I thought I would bring it to your attention.

Thanks,

Craig L. Saxton
287-4916
craig.saxton@idwr.idaho.gov



Zip Prelim Rec
Kenneth Seid (1...

11/07/2006

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

RIGHT NUMBER: 67-153

NAME AND ADDRESS: KENNETH SEID
2504 SMITH RD
MIDVALE ID 83645

SOURCE: HOPPER CREEK

TRIBUTARY: KEITHLY CREEK

QUANTITY: 0.160 CFS

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION:

T14N R03W S31 SENENW Within WASHINGTON County

T14N R04W S36 NESWNE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.160 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T14N R03W S30 Lot 4 SWSW	24.00	T14N R03W S30	SESW	18.00
T14N R03W S31	NENE 0.20	T14N R03W S31	NWNE	11.00
T14N R03W S31	SWNE 7.10	T14N R03W S31	SENE	0.50
T14N R03W S31	NENW 26.00	T14N R03W S31 Lot 2 SWNW		26.00
T14N R03W S31	SENW 26.00	T14N R03W S31	NESW	26.00
T14N R03W S31 Lot 3 NWSW	25.00	T14N R03W S31	NESE	17.00
T14N R03W S31	NWSE 25.00	T14N R04W S25	SESW	25.00
T14N R04W S25	NESE 0.10	T14N R04W S25	NWSE	1.80
T14N R04W S25	SWSE 25.00	T14N R04W S25	SESE	25.00
T14N R04W S35	SENE 25.00	T14N R04W S35	NESE	21.00
T14N R04W S36	NENE 25.00	T14N R04W S36	NWNE	25.00
T14N R04W S36	SWNE 25.00	T14N R04W S36	NENW	25.00
T14N R04W S36	SWNW 25.00	T14N R04W S36	SENW	25.00
T14N R04W S36	NWSW 6.90			

511.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 511.6 acres in a single irrigation season. Combined Right Nos.: 67-152, 67-153, 67-168, 67-171, 67-182B, and 67-14404

This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for



Idaho Department of Water Resources

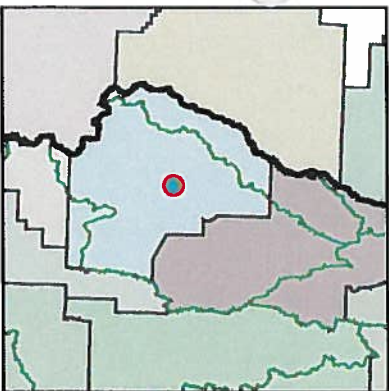
SRBA Recommendation:

67-153

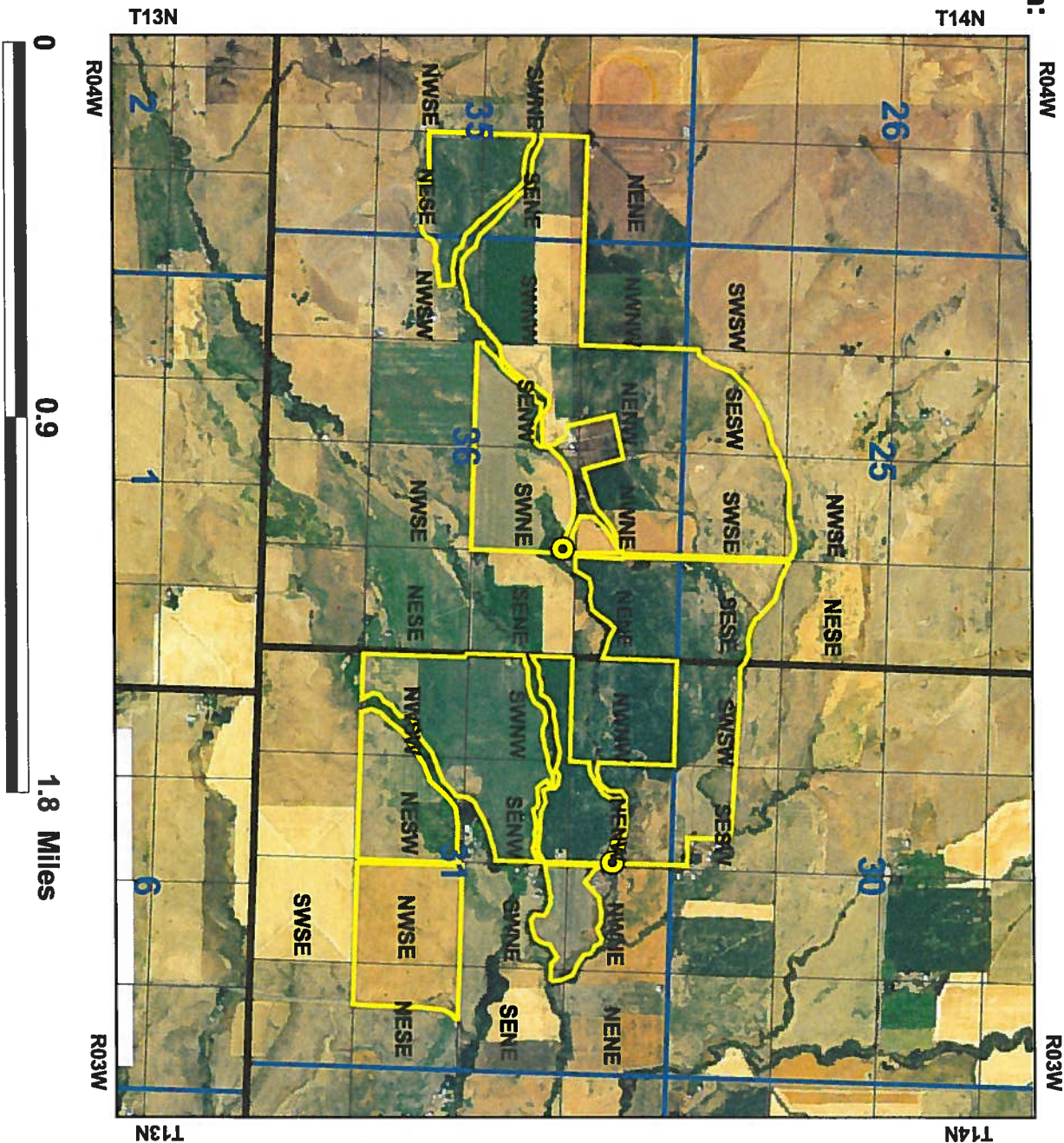
(Irrigation)

Legend

-  **Point of Diversion**
-  **Place of Use**
-  **Townships**
-  **PLS Sections**
-  **Quarter Quarters**



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Tuesday, November 7, 2006
1987/88 Aerial Photography

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



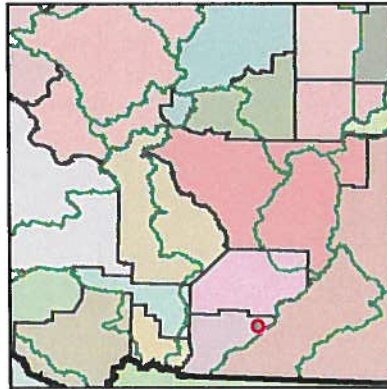
Idaho Department of Water Resources

SRBA Recommendation:

63-3310
(Irrigation)

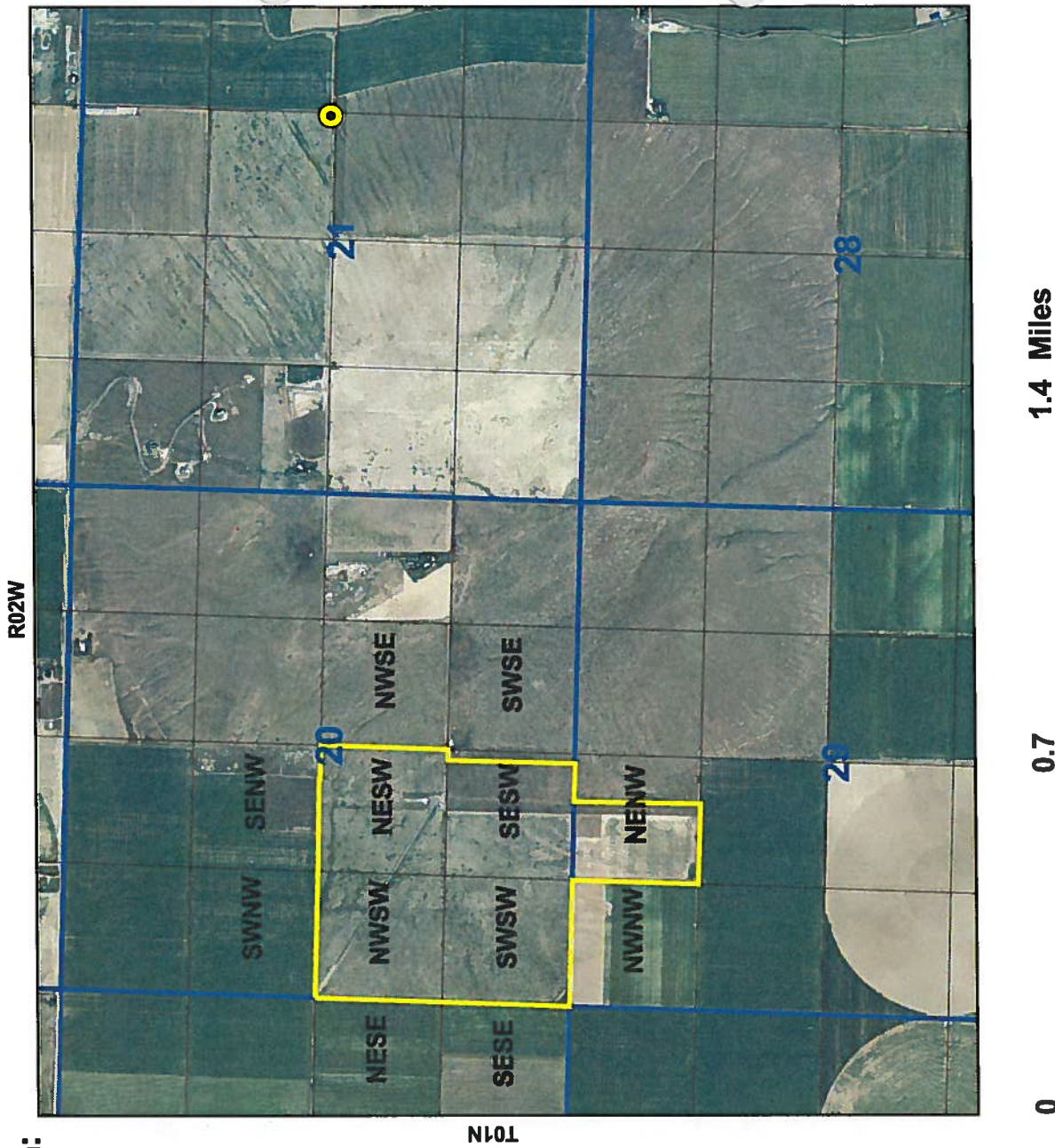
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

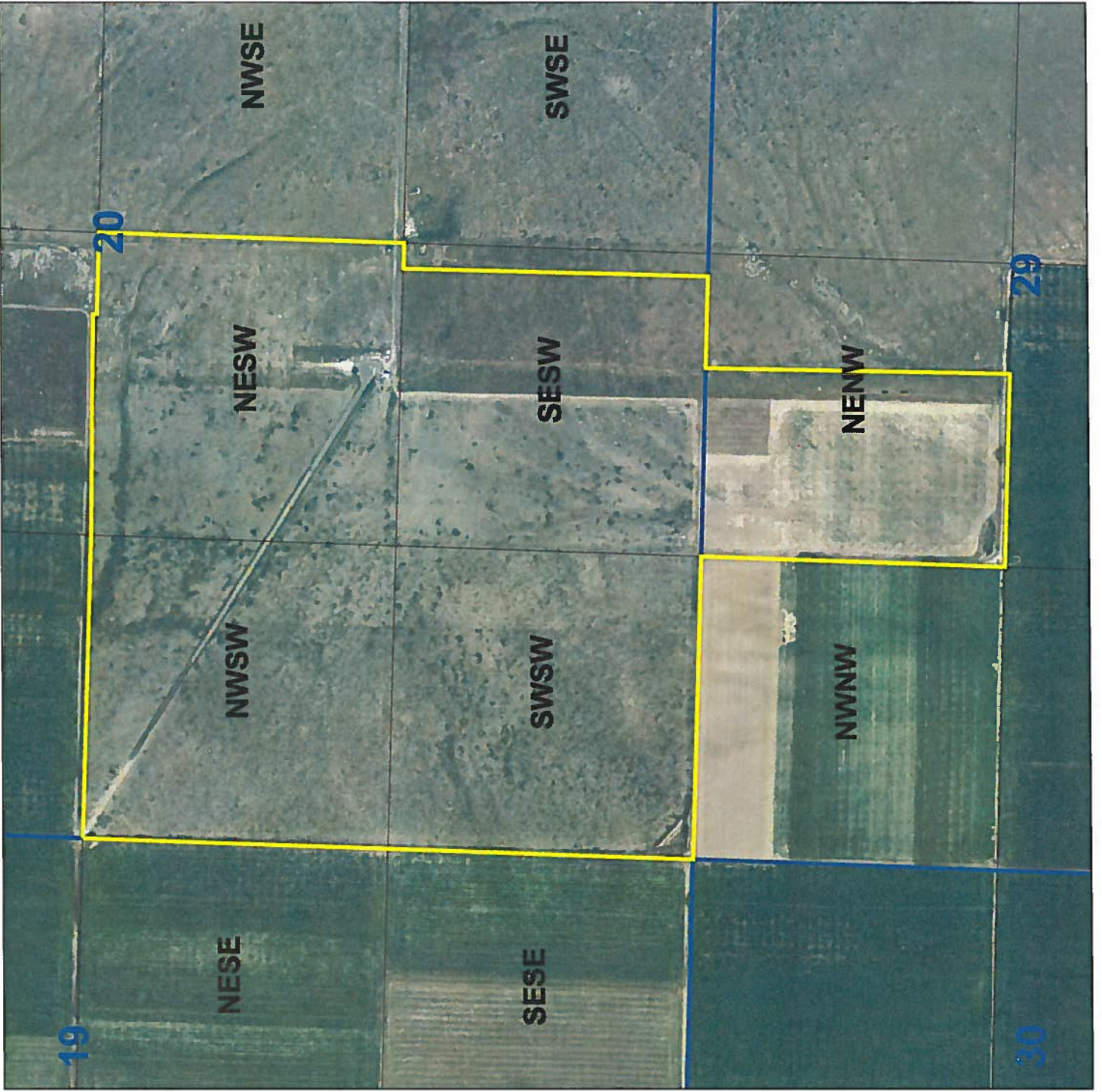
Prepared by M. Ciscell
On Tuesday, November 7, 2006
2004 Aerial Photography



Owner: Brian J Good

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

63-3310



Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	152		Decreed	Active	1879-05-15	1.25	209	KEITHLY CRE IRRIGATION	SEID, KENN	Claim	
67	153		Decreed	Active	1897-05-01	0.16	209	LITTLE KEITH IRRIGATION	SEID, KENN	Claim	
67	168		Decreed	Active	1884-05-15	1	330	KEITHLY CRE IRRIGATION	SEID, KENN	Claim	
67	171		Decreed	Active	1896-05-15	0.07	60	KEITHLY CRE IRRIGATION	SEID, KENN	Claim	
67	182 B		Decreed	Active	1877-05-15	3		KEITHLY CRE IRRIGATION	SEID, KENN	Claim	
67	2143		License	Active	6/19/1924	1		HOPPER CRE IRRIGATION	SEID, KENN	Claim	
67	14404		Decreed	Active	1883-05-15	0.92		KEITHLY CRE IRRIGATION	SEID, KENN	Claim	
67	7523 B		License	Active	1/29/1981	0.78	37	KEITHLY CRE IRRIGATION	CORBETT, N	wrAdjudicationClaim	
67	7523 C		License	Active	1/29/1981	0.45	26.5	KEITHLY CRE IRRIGATION	CORBETT, V	wrAdjudicationClaim	

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	152		Decreed		1879-05-15	1.25	100	KEITHLY CRE IRRIGATION	SEID, KENN	Recommendation	
67	153		Decreed		1897-05-01	0.16	12.8	LITTLE KEITH IRRIGATION	SEID, KENN	Recommendation	
67	168		Decreed		1884-05-15	1	80	HOPPER CRE IRRIGATION	SEID, KENN	Recommendation	
67	171		Decreed		1896-05-15	0.07	5.6	KEITHLY CRE IRRIGATION	SEID, KENN	Recommendation	
67	182 B		Decreed	Active	1877-05-15	3	240	KEITHLY CRE IRRIGATION	SEID, KENN	Recommendation	
67	14404		Decreed	Active	1883-05-15	0.915	73.2	KEITHLY CRE IRRIGATION	SEID, KENN	Recommendation	
67	14403		Beneficial	Active	6/21/1921	6.385	511.6	HOPPER CRE IRRIGATION	SEID, KENN	Recommendation	
						3.84	511.6	HOPPER CRE IRRIGATION	SEID, KENN	Recommendation	
						10.232	511.6	= 1 inch per acre			
67	2143		License	Active	6/19/1924	1	60	HOPPER CRE IRRIGATION	SEID, KENN	Recommendation	
67	7523 B		License		1/29/1981	0.62	37	KEITHLY CRE IRRIGATION	CORBETT, N	Recommendation	
67	7523 C		License		1/29/1981	0.45	25.5	KEITHLY CRE IRRIGATION	CORBETT, V	Recommendation	

Water Master Delivery Records

Page #	Parcel	Name	Inches	W/R #	Original Owner	Priority
13	14N04W257200	SEID, KENNETH	62.50	152	C W Randleman	5/15/1879
13	14N04W257200	SEID, KENNETH	8.00	153	C W Randleman	6/8/1884
13	14N03W324810	KENNETH SEID	50.00	168	E Wiggins	5/15/1884
11	13N03W060600	VERLINDA WAITE	3.5	171	Wm Wicks	5/15/1896
12	14N04W254800	KENNETH SEID	2.00	159	W F Seid	5/15/1883
12	14N04W254800	KENNETH SEID	44.00	158	W F Seid	5/15/1883
12	14N04W254800	KENNETH SEID	100.00	182	Sara Keithley	5/15/1877
11	14N04W363600	KENNETH SEID	50.00	182	Sara Keithley	5/15/1877
14	14N03W311800	SEID, KENNETH	78	7523	Wm Corbett	6/29/1981

Claimed by Kenneth Seid

67-14404

12	14N04W263600	KENNETH SEID	2.50	507	J W Laphs	5/1/1885
12	14N03W314230	KENNETH SEID	39.00	509	J M Hopper	5/1/1897
12	14N03W314230	KENNETH SEID	20.00	510	J M Hopper	5/1/1911
12	14N03W314230	KENNETH SEID	20.00	511	L Hopper	5/1/1910
14	14N03W324810	SEID, KENNETH	35	2176	E Wiggins	5/3/1945
11	14N03W304900	SEID, KENNETH	11.00	170	W J Hopper	5/15/1885

Not claimed by Kenneth Seid

205.5 328.8

Not claimed, but are delivered

67	507	Decreed Active	1885-05-01	0.05	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	508	Decreed Active	1886-05-01	0.8	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	509	Decreed Active	1897-05-01	0.78	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	510	Decreed Active	5/1/1911	0.4	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	511	Decreed Active	4/1/1910	0.4	HOPPER CRT IRRIGATION HOPPER, LE wrWaterRight

WR

67	7107	Closed	8/30/1972	1	WASTE WAY IRRIGATION SEID, KENNETH wrWaterApplication
67	7107	Relinquished	8/30/1972	1	WASTE WAY IRRIGATION SEID, KENNETH wrWaterPermit
67	507	Decreed Active	1885-05-01	0.05	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	508	Decreed Active	1886-05-01	0.8	HOPPER CRT IRRIGATION LAPISH, J W wrWaterRight
67	509	Decreed Active	1897-05-01	0.78	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	510	Decreed Active	5/1/1911	0.4	HOPPER CRT IRRIGATION HOPPER, JO wrWaterRight
67	511	Decreed Active	4/1/1910	0.4	HOPPER CRT IRRIGATION HOPPER, LE wrWaterRight

Basin

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rates(cst)	Acres	Source	Water Users Committee	Source Label
67		152 A		Rejected	1879-05-15		0.68	KEITHLY CRE IRRIGATION SEID	KENNE Claim	
67		153 A		Rejected	1897-05-01		0.14	HOPPER CRE IRRIGATION SEID	KENNE Claim	
67		159		Rejected	1883-05-15		0.92	KEITHLY CRE IRRIGATION SEID	KENNE Claim	
67		167		Rejected	1886-05-15		0.1	HOPPER CRE IRRIGATION SEID	KENNE Claim	
67		7072		Rejected	2/9/1972		0.04	HOT CREEK IRRIGATION SEID	KENNE Claim	
67		7107		Rejected	8/30/1972		1	WASTE WAY IRRIGATION SEID	KENNE Claim	
67		7174		Rejected	8/28/1973		0.2	UNNAMED S IRRIGATION SEID	KENNE Claim	
67		11340		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, I SEID	KENNE Claim	
67		11341		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, I SEID	KENNE Claim	
67		11342		Rejected	1879-05-15		0.24	GROUND WA STOCKWATE SEID	KENNE Claim	
67		11343		Rejected	1879-05-15		0.24	GROUND WA STOCKWATE SEID	KENNE Claim	
67		11344		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, I SEID	KENNE Claim	
67		11345		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, I SEID	KENNE Claim	
67		11346		Rejected	1879-05-15		0.24	GROUND WA STOCKWATE SEID	KENNE Claim	
67		11347		Beneficial Temporary	1879-05-15		0.68	KEITHLY CRE IRRIGATION SEID	KENNE Claim	

Basin Sequence

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rater(s)	Acres	Source	Water Users Committee	Source Label
67		152 A		Rejected	1879-05-15		0.68	KEITHLY CRE IRRIGATION	SEID, KENNE	Recommendation
67		153 A		Rejected	1897-05-01		0.14	HOPPER CRE IRRIGATION	SEID, KENNE	Recommendation
67		159		Rejected	1883-05-15		0.92	KEITHLY CRE IRRIGATION	SEID, KENNE	Recommendation
67		167		Rejected	1886-05-15		0.1	HOPPER CRE IRRIGATION	SEID, KENNE	Recommendation
67		7072		Rejected	2/9/1972		0.04	HOT CREEK IRRIGATION	SEID, KENNE	Recommendation
67		7107		Rejected	8/30/1972		1	WASTE WAY IRRIGATION	SEID, KENNE	Recommendation
67		7174		Rejected	8/28/1973		0.2	UNNAMED S IRRIGATION	SEID, KENNE	Recommendation
67		11340		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation
67		11341		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation
67		11342		Rejected	1879-05-15		0.24	GROUND WA STOCKWATE	SEID, KENNE	Recommendation
67		11343		Rejected	1879-05-15		0.24	GROUND WA STOCKWATE	SEID, KENNE	Recommendation
67		11344		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation
67		11345		Rejected	1879-05-15		0.24	GROUND WA DOMESTIC, ; SEID,	KENNE	Recommendation
67		11346		Rejected	1879-05-15		0.24	GROUND WA STOCKWATE	SEID, KENNE	Recommendation

Seid, Kenneth

CFS

Craig L. Saxton

11/7/2006

Children Acres

511.6

Memorandum

Date: April 20, 2006

To: Keithly Creek and Hopper Creek Files
CC: Chris Bromely

Subject: Keithly Creek and Hopper Creek decrees

Muir vs. Allison included Keithly Creek as a source. However, in the decree, Keithly Creek is recognized as having two forks that were formerly known as **Big Creek** and **Little Creek** (This information can be found on pg 107 of *Muir vs. Allison* or at the end of the section that categorizes water rights by the source.) In *Muir vs. Allison* the Keithly Creek rights are designated as 67-149 thru 67-182 and Keithly Creek is decreed as the source.

Now, what was **Little Creek** is known as **Hopper Creek** and what was **Big Creek** is known as Keithly Creek.

Issue #1: *Muir vs. Allison* decreed some rights with a source as Keithly Creek but now we call that source **Hopper Creek**.

Proposed Solution: Recommend *Muir vs. Allison* rights decreed from what was known as Little Creek with a source of Hopper Creek. No accomplished change in source because the source never really changed.

.....
John Hopper v. Leonard Hopper et al. (Washington County, August 19, 1931) decree B67-F, described decreed rights 67-507 thru 67-511 with a source as Hopper Creek. However, *Muir vs. Allison* decreed rights on this stream that were not included in ***Hopper vs. Hopper***.

The parties in *Hopper vs. Hopper* were not party to *Muir vs. Allison* (or at least are not listed in *Muir vs. Allison*).

Decreed rights 67-507 thru 67-511 have priority dates that are mixed in with the *Muir vs. Allison* priority dates. Meaning the 1931 decree didn't decree rights, as a group, for better or worse priority dates than what was decreed in *Muir vs. Allison*. It looks as if 67-507 thru 67-511 were missed in *Muir vs. Allison* but were there, so when decreed in 1931, the priority dates could date back into *Muir vs. Allison*.

Issue #2: There are two separate decrees for the same source and it does not appear that one supercedes the other.

Proposed Solution: Actually, I don't see this as a big issue. I will just recommend the *Hopper vs. Hopper* rights as they were decreed, and the *Muir vs. Allison* rights from that source as they were decreed, except for changing the source to Hopper Creek.

Field Investigation Information Form

Claim Number: A67-00153

Claimant: Kenneth Seid

Contact:

Address: 2504 Smith Road

City: Midvale

State: Idaho 83645

Phone: 208-355-2339

Alternate Phone:

Is there a new owner? Yes: No: X If yes, complete new owner information section

Point of Diversion Location: Township: 14N Range: 03W Section: 31 QQQ: NE QQ: SE Q: NE

Point of Diversion Location: Township: 14N Range: 04W Section: 36 QQQ: NE QQ: SW Q: NE

Site Tag Number: GPS Location: Section 31 = 2282470 - 1482342

Site Tag Number: GPS Location: Section 36 = 44*30'38.68" N - 116*44'46.25" W

Description of Diversion Works: Headgate, Ditch, Pump, Pipeline, Sprinklers.

Examination Date and Narrative: On July 20, 2006, Gene Gibson performed a field examination on the Points of Diversion and redirection, means of Conveyance, and the Places of Use on the above claim. GPS readings were taken and an examination of the claimed Points of Diversion and redirection. Examined the means of conveyance from claimed Points of diversion and redirection to the claimed Places of Use. Reviewed the claimed Places of Use in the file and compared it to the area that could be irrigated in the field.

The following is my findings:

- a. The Points of Diversion claimed were found and are operable.
- b. The means of conveyance from the Points of Diversion to some of the Places of Use were found and are operable.
- c. Some of the claimed Places of Use can be irrigated from the claimed Points of Diversion.
- d. The number of irrigated acres in the field was not measured; therefore the number of acres claimed may or may not be accurate.
- e. The claimed POU's shown (as cross hatched) on the map in the S ½ Section 25 and the SW ¼ Section 30 at the time of the field exam did not have a means of conveyance for irrigation.
- f. See pictures and map for POD and POU locations.

Field Examiner:



Date: 9-13-2006

KENNETH SEID
T4N R03W S31
2282470 1482342

NESENE

POD

POD

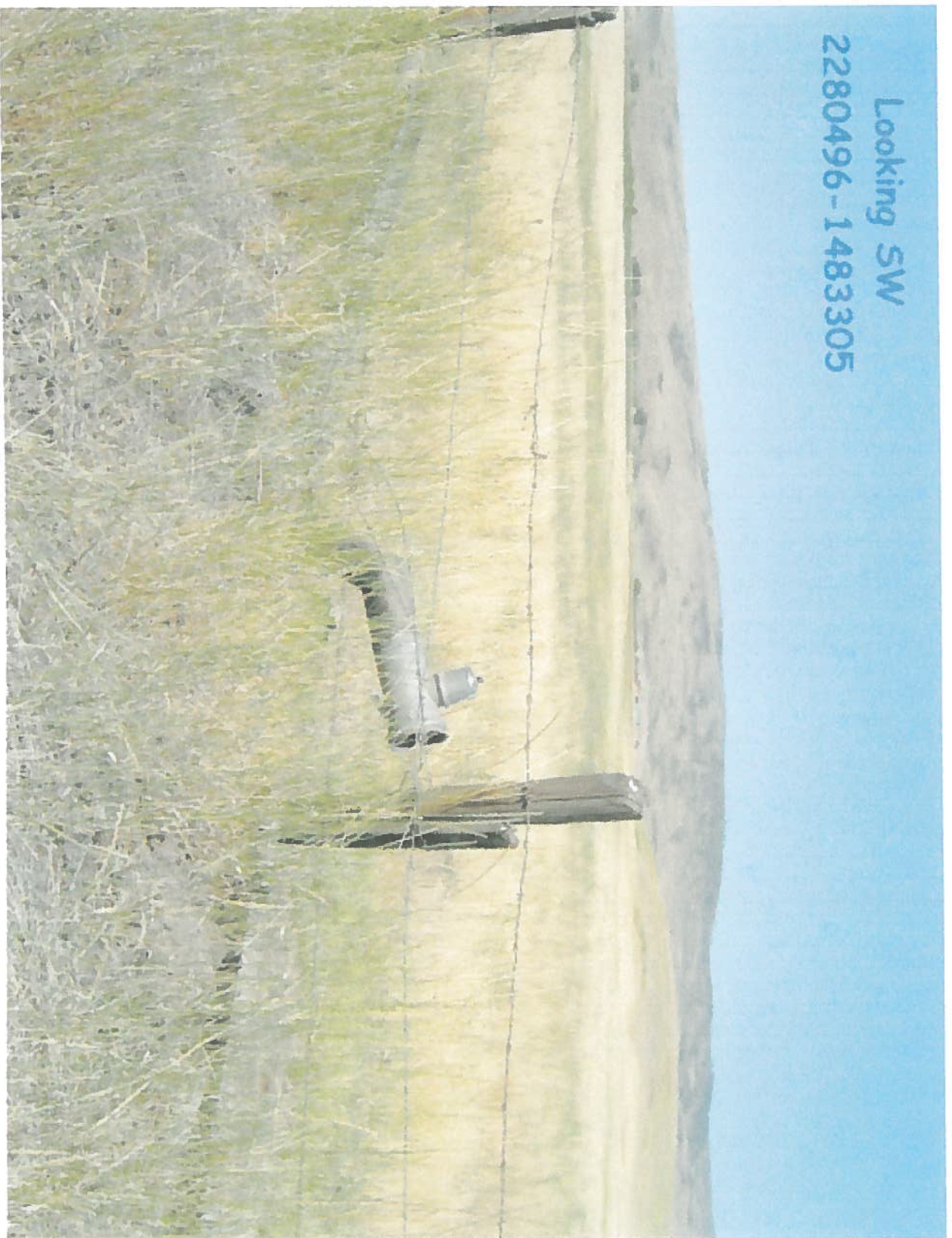


Kennth Seid
T14N R04W S-36 NESWNE
44:30:38.68" N
116:44:46.25W
REDIVERSION

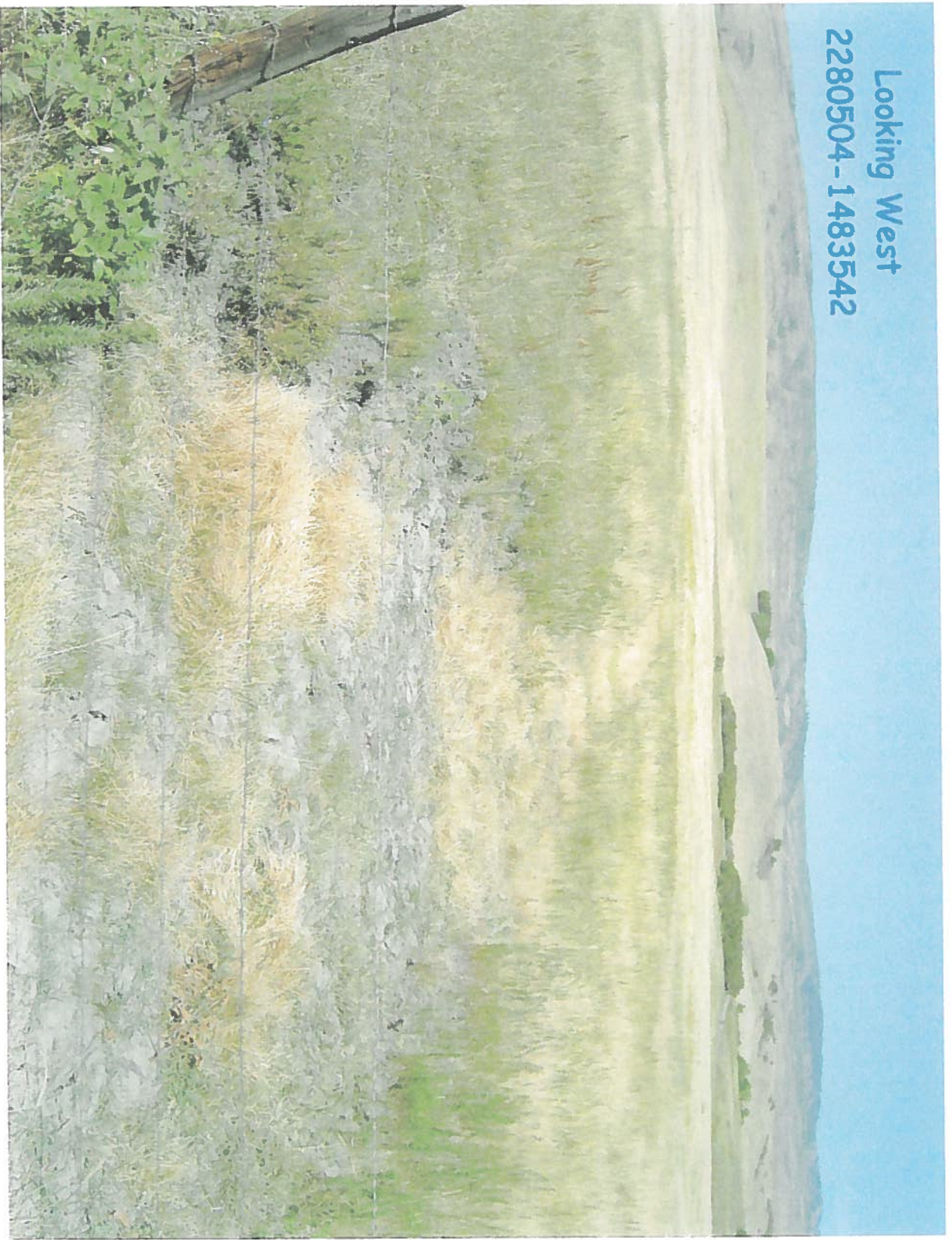


Looking SW

2280496-1483305



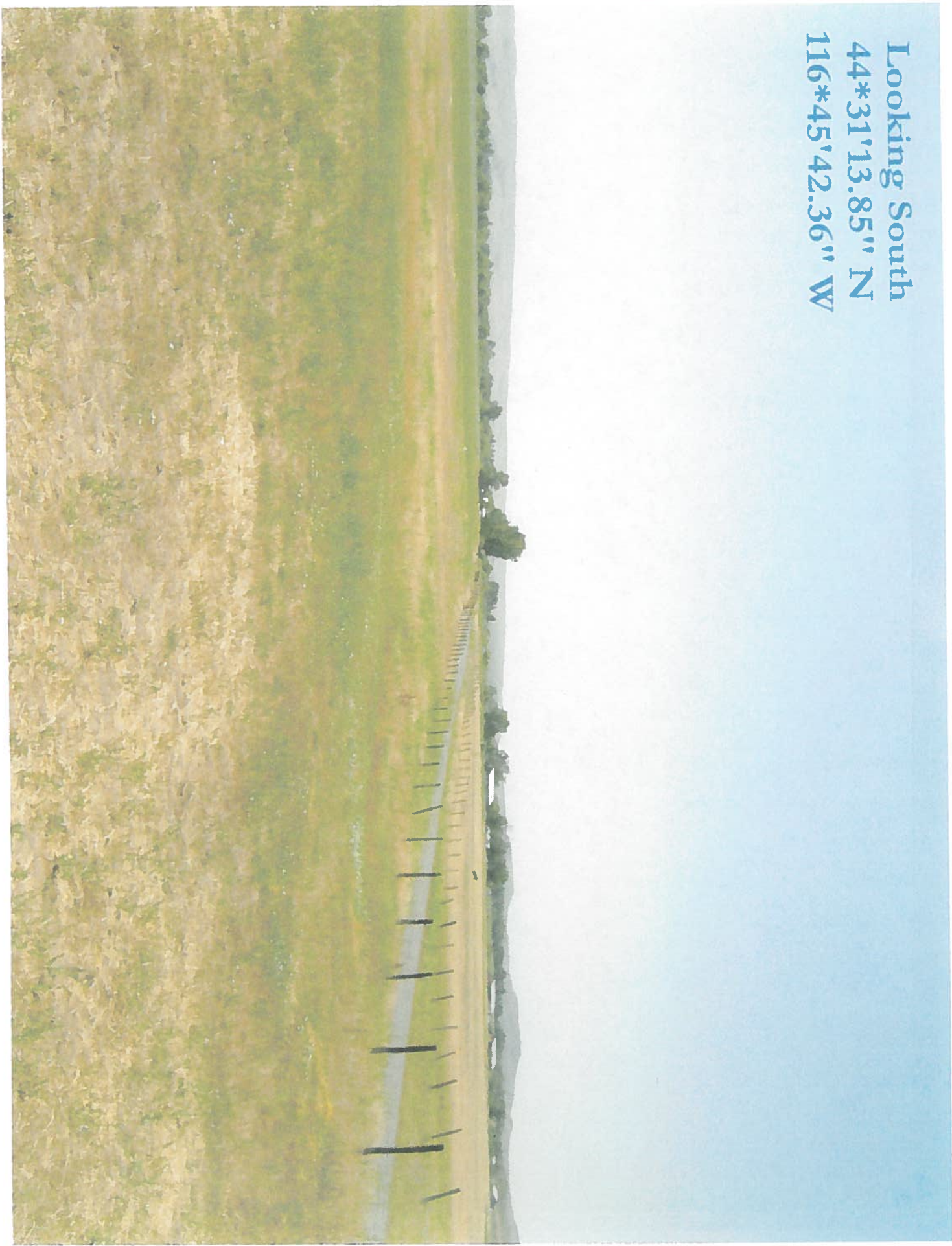
Looking West
2280504-1483542



Looking East
2280150-1483538



Looking South
44°31'13.85" N
116°45'42.36" W



Looking SE
44°31'13.85" N
116°45'42.36" W



KENNETH C. COOPER

2280150-1

LOOKING EAST



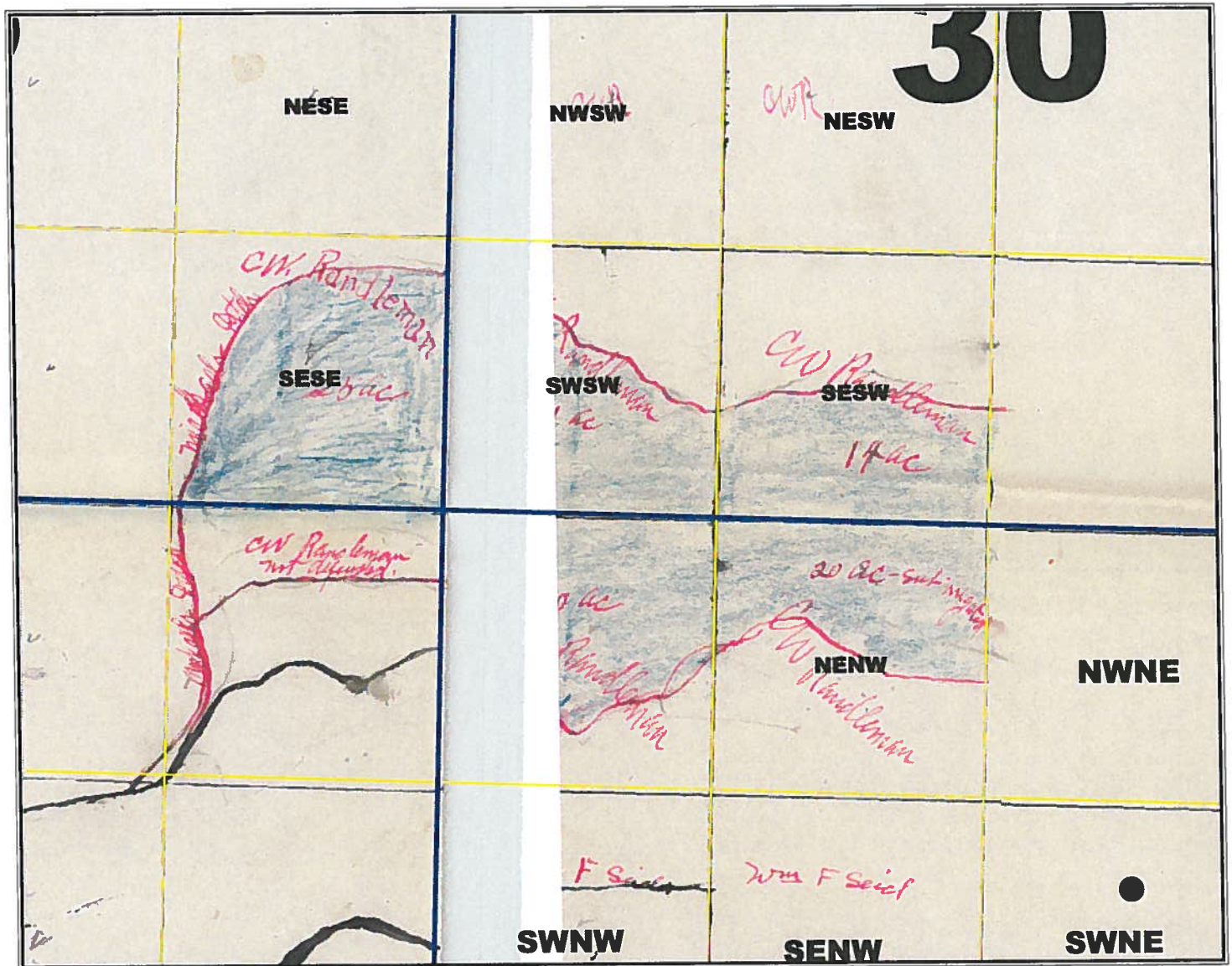


State of Idaho

Muir vs. Allison Decree Map

Decree Owner: Randleman, Curt W

Claimant: Seid, Kenneth



1320

0

1320

2640 Feet



Point(s) of Diversion



POU N/A



Claimed Place of Use



Tax Lot Data

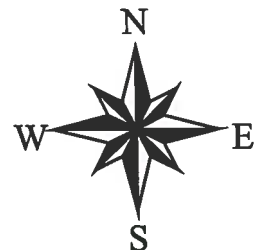


Quarter Quarter Lines



Section Lines

Total Irrigated Acres = 100



Prepared By: Craig L. Saxton

Date: April 2006

Janet Ketcham
J B Hamilton
Whitney P James
Council Valley Orchards Company
Henry Van Kleeck

West Fork Weiser River.
E. J. Glenn Ditch.

T J Glenn
Joel Glenn
C L Ham
J H Bridgewood

Osborn-Grooms Ditch.

C. L Ham
Bridgewood and Riddell

Keithley Creek.

Andrew M Reed

Chloe Keithley
Curt W Randleman

Curt W Randleman - Little Keithley Creek

Victor L Hopper

Allen Seid
Charles T Reavis

W F Seid

William D Potter

William Wiggins
Frank Towell

Forrest Burns and Clifford Burns

Edward M Wiggins
John Zencher
Walter J Hopper
William Wicks
Otho Towell

Carrie Clayton
Jacob Ader
E M Stewart
James Keithley

20 July 1, 1905 67 0138
10 July 1, 1905 67 0139
40 July 1, 1905 67 0140
110 July 1, 1905 67 0141
274 July 1, 1905 67 0142

Start here

53 May 1, 1898 67 0143
15 May 1, 1900 67 0144
4 May 1, 1900 67 0145
8 May 1, 1900 67 0146
22 May 1, 1900 67 0147
26 May 1, 1900 67 0148

64 May 15, 1871 67 0149
64 May 15, 1906 67 0150
274 May 15, 1877 67 0151
624 May 15, 1879 67 0152

8 May 1, 1897 67 0153

64 May 15, 1879 67 0154
2 May 15, 1879 67 0155

20 May 15, 1882 67 0156
48 3/4 May 15, 1883 67 0157

43 3/4 May 15, 1883 67 0158
2 May 15, 1883 67 0159

2 May 15, 1883 67 0160
24 May 15, 1889 67 0161

7 May 15, 1901 67 0162
24 May 15, 1884 67 0163

18 3/4 May 15, 1884 67 0164
9 3/0 May 15, 1899 67 0165

74 May 15, 1884 67 0166
5 May 15, 1886 67 0167

50 May 15, 1884 67 0168
84 May 15, 1885 67 0169

11 May 15, 1885 67 0170
34 May 15, 1896 67 0171

64 May 1, 1886 67 0172
20 May 15, 1899 67 0173

2 May 15, 1886 67 0174
20 May 15, 1890 67 0175

4 May 15, 1890 67 0176
24 May 15, 1877 67 0177

C T WARD: Lot 3 of Block 4 of the Whiteley Addition to the Town of Council consisting of about one (1) acre.

MINNIE RAMBO: The West 12 1/2 acres of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 1 West Boise Meridian.

E C SMITH: Lots 21-24 inclusive, of Block 1 Whiteley Addition to the Town of Council comprising approximately 3 acres.

CARRIE M LOWE: Lots 22-27 inclusive, of Block II of Perrills Division of the Town of Council.

J D NEAL: Lots 1-5 inclusive, of Block 7 of Perrills Division of Council.

RILEY ATKINSON: The North twenty-five (25) acres of the Southeast Quarter of the Northeast Quarter of Section 15 and the Northeast Quarter of the Northwest Quarter of Section 11 all in Township 16 North, Range 1 West Boise Meridian.

FAY McDIWNEY: The Northeast Quarter of the Northeast Quarter of Section 3, Township 16 North, Range 1 West Boise Meridian.

JANET KETCHUM: The Northwest Quarter of the Northeast Quarter of Section 10, Township 16 North, Range 1 West Boise Meridian.

J. B HAMILTON: The South half of the Northeast Quarter of the Northeast Quarter of Section 3, Township 16 North, Range 1 West Boise Meridian.

WHITNEY P JAMES: The Northwest Quarter of Section 1, Township 16 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The Northwest Quarter, the South half of the Northeast Quarter, the North half of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter, all in Section 2, Township 16 North, Range 1 West Boise Meridian.

HENRY VAN KLECK: The Southwest Quarter of the Northeast Quarter and the South half of Lot 2, Section 3, Township 16 North Range 1 West Boise Meridian.

T J GLENN: The Southeast Quarter of Section 9, Township 17 North, Range 1 West Boise Meridian.

JORGE GLENN: The Southwest Quarter of the Southwest Quarter of Section 10 and the Northeast Quarter of the Northeast Quarter of Section 16, Township 16 North, Range 1 West Boise Meridian.

C L HAM: The Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian.

J H BRIDGEWOOD and BRIDGEWOOD & RIDDELL: The Southwest Quarter of the Southeast Quarter of Section 32, Township 18 North, Range 1 West Boise Meridian, the West half of the Northeast Quarter and the Northwest Quarter of the Southwest Quarter of Section 5, the Northeast Quarter of the Southeast Quarter and the South half of the Southeast Quarter of Section 5, the North half of the Northeast Quarter of Section 8, the West half of the Northwest Quarter of Section 9, Township 17 North, Range 1 West Boise Meridian.

ANDREW M RUTED: The Southeast Quarter of the Northwest Quarter, the East half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter, Section 5, Township 13 North, Range 3 West Boise Meridian.

CHLOE KEITHLEY: The North half of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

CURT W RANLIERMAN: The East Half of the Southeast Quarter Section 25, Township 14 North, Range 4 West Boise Meridian, and Lots 3 and 4 of the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 30, and the

Northeast Quarter of the Northwest Quarter and Lot 1, Section 31, Township 14 North, Range 3 West Boise Meridian.

VICTOR L HOPPER: The Southeast Quarter of the Northwest Quarter, Section 30, Township 14 North, Range 3 West Boise Meridian.

ALLEN SKID: The Southwest Quarter of the Northeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

CHARLES T REAVIS: Lots 2, 3, 4 and the Southwest Quarter of the Northwest Quarter, Section 1, Township 13 North, Range 4 West Boise Meridian, excepting a tract of about six acres out of the said Lot 4.

W F SKID: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and Lot 3, Section 31, Township 14 North, Range 3 West Boise Meridian.

WILLIAM S POTTER: The West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 35, Township 14 North, Range 4 West and Lot 2, Section 2, Township 13 North, Range 4 West Boise Meridian. Also an irregular tract of eight acres out of the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 35, Township 14 North, Range 4 West Boise Meridian.

WILLIAM WIGGINS: Lot 3, Section 19, Township 14 North, Range 3 West Boise Meridian.

FRANK TOWELL: The Northeast Quarter of the Northeast Quarter and the South half of the Northeast Quarter Section 2, Township 13 North, Range 4 West Boise Meridian.

FOURNEY BURNS AND CLIFFORD BURNS: The North half of the Northeast Quarter Section 31, Township 14 North, Range 3 West Boise Meridian.

EDWARD M WIGGINS: The Southeast Quarter Section 32, Township 14 North, Range 3 West Boise Meridian.

JOHN ZIMMER: The Southeast Quarter of the Northwest Quarter Section 35, Township 14 North, Range 4 West Boise Meridian.

WALTER J HOPPER: The Southwest Quarter of the Southwest Quarter Section 36, and an irregular tract out of the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 35, all in Township 14 North, Range 4 West, and also an irregular tract of about six acres out of the Northwest corner of Lot 4, Section 1, Township 13 North, Range 4 West Boise Meridian.

WILLIAM WICKS: The Northwest Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 3 West Boise Meridian.

OTHO TOWELL: The South half of the Northwest Quarter, Section 2, Township 13 North Range 4 West Boise Meridian.

CARRIE CLAYTON: The South half of the Northeast Quarter Section 31, Township 14 North, Range 3 West Boise Meridian.

JACOB ADER: The Northwest Quarter of the Southeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

E M STEWART: The Southwest Quarter of the Southeast Quarter of Section 30, Township 14 North, Range 3 West Boise Meridian.

JAMES KEITHLEY: The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

WALTER C KEITHLEY: The Southeast Quarter of the Southeast Quarter of Section 36, Township 14 North, Range 4 West Boise Meridian.

JUL 24 1906

KEITHLEY CREEK.

That Keithley Creek is a tributary of the Weiser River and consists of two forks commonly known as Big Keithley and Little Keithley Creeks. Which said creeks were formerly known as and are referred to in the evidence as Big Keithley Creek and Little Creek.

That the defendant, Jacob Ader, is entitled to 20 inches of water from Keithley Creek for use upon the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 30, Twp. 14 N., R. 3 W., B. M., under priority date May 15, 1890.

That the defendant, E. M. Stewart, is entitled to 4 inches of water from Keithley Creek for the irrigation of 6 acres situated in ~~xxxxxx~~ the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, Twp. 14 N., R. 3 W., B. M., under priority date, May 15, 1890.

That the defendant, James Keithley is entitled to 26 $\frac{1}{2}$ inches of water from Keithley Creek for the irrigation of 42 acres of land situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 14 N., R. 4 W., B. M., under priority date, May 15, 1877.

That the defendant, Chloe Keithley, is entitled to 27 $\frac{1}{2}$ inches of water from Keithley Creek for the irrigation of 44 acres of land situated in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, Twp. 14 N., R. 4 W., B. M., under priority date, May 15, 1877.

That the defendant, John Zacher, is entitled to 8 $\frac{1}{2}$ inches of water from Keithley Creek for use upon 13 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Twp. 14 N., R. 4 W., B. M., under priority date, May 15, 1885.

That the defendant, Walter J. Hopper, is entitled to 11 inches of water from Keithley Creek for use upon 17 acres of land situated in Lot 4, Sec. 1, Twp. 13 N., and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Twp. 14 N. R. 4 W. B. M., under priority date, May 15, 1885.

That the defendant, Curt W. Randleman, is entitled to 62 $\frac{1}{2}$ inches of water from Keithley Creek for use upon 100

WATER RIGHTS

acres of land situated in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 25, Twp. 14 N., R. 4 W., B. M., and Lots 3 and 4 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, Twp. 14 N., R. 3 W. and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 4, Sec. 30 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Lot 1, Sec. 31, Twp. 14 N. R. 3 W., B. M. under priority date, May 15, 1879.

That the defendant, W. F. Seid, is entitled to 29 inches of water from Keithley Creek for use upon 46 acres of land situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 3, Sec. 31, Twp. 14 N., R. 3 W., B. M. under priority date, May 15, 1883 for 2 inches of said water and May 15, 1885 for 27 inches of said water.

That the defendant, Walter G. Keithley, is entitled to 16 inches of water from Keithley Creek for use upon the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 14 N., R. 4 W., B. M., under priority date, May 15, 1899.

That the defendant, William Wicks, is entitled to 3 $\frac{1}{2}$ inches of water from Keithley Creek diverted from the slough in the William Seid land for use upon 5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, Twp. 14 N., R. 3 W., B. M., Under priority date, May 15, 1896.

That the defendant, Andrew M. Reed, is entitled to 12 $\frac{1}{2}$ inches of water from Keithley Creek for use upon 20 acres of land situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, Twp. 13 N. R. 3 W., B. M., 6 $\frac{1}{2}$ inches thereof under priority date, May 15, 1871 and 6 $\frac{1}{2}$ inches thereof under priority date, May 15, 1906.

That the defendant, William Wiggins, is entitled to 2 $\frac{1}{2}$ inches of water from the Warm Springs a tributary of Keithley Creek for use upon 2 $\frac{1}{2}$ acres of land in Lot 3, Sec. 19, Twp. 14 N., R. 3 W., B. M., under priority date, May 15, 1884.

JUL 2 4 1896