

09/08/2009

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

RIGHT NUMBER: 67-348C

NAME AND ADDRESS: WILLIAM P ABIDE
PO BOX 3080
HAILEY ID 83333

ROSE K ABIDE
PO BOX 3080
HAILEY ID 83333

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 05/01/1878

POINT OF DIVERSION:

T17N R01W S36 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.250 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S02 Lot 3 NENW	29.00	T16N R01W S02 Lot 4 NWNW	21.00
T16N R01W S02 SWNW	8.00	T16N R01W S02 SENW	7.80

65.8 ACRES TOTAL

This right is limited to the irrigation of 20.0 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 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 point of diversion pursuant to Section 42-1425, Idaho Code.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	A.	Subcase <u>67-00348C</u>
	)		(Insert water right no.)
Case No. 39576	)		
	)		STANDARD FORM 1
	)		OBJECTION
_____	)		

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: WILLIAM P. AND ROSE ABIDE

Address: P.O. Box 3080
Hailey, Idaho 83333

Daytime Phone: 208 578-5203

Name & Address of Attorney, if any:
Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: WILLIAM P. AND ROSE ABIDE

Address: P.O. Box 3080
Hailey, Idaho 83333

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☒ **Name and Address**
Should be: P.O. Box 3080, Hailey, Idaho 83333
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: T 16N R01W S02 NENW - 7.5 acres, NWNW - 7.5 acres,
SWNW - 2.5 acres, SENW - 2.5 acres
10. ☐ **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): The place of use and address were erroneously recommended.

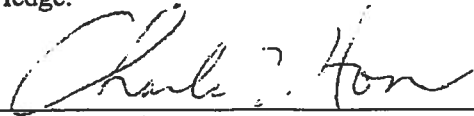
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

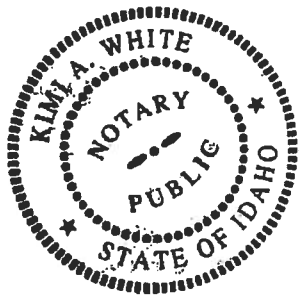
Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Charles L. Honsinger

Subscribed and sworn to before me on: May 9, 2008





Notary Public for Ada
Residing at: Ada, Idaho
My Commission Expires: 04/21/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 9, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: WILLIAM P. AND ROSE ABIDE

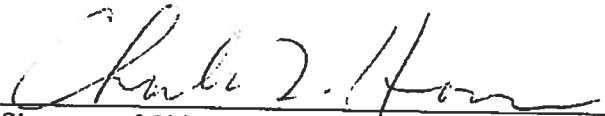
Address: P.O. Box 3080
Hailey, Idaho 83333

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

05/16/2008

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

RIGHT NUMBER: 67-348C

NAME AND ADDRESS: WILLIAM P ABIDE
PO BOX 3080
HAILEY ID 83333

ROSE K ABIDE
PO BOX 3080
HAILEY ID 83333

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 05/01/1878

POINT OF
DIVERSION:

T17N R01W S36 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	0.250 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T16N R01W S02 Lot 3 NENW	5.00	T16N R01W S02 Lot 4 NWNW 5.00
	T16N R01W S02 SWNW	5.00	T16N R01W S02 SENW 5.00

20 ACRES TOTAL

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

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 - Decreed

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



RECEIVED
MAY 12 2008
DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAY 08 2008
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark *
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

May 7, 2008

Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Notice of Change of Ownership - Water Right No. 67-00348C

Dear Sir or Madam:

Enclosed herewith please find the above-referenced Notice of Change of Address that I hereby submit to the Idaho Department of Water Resources on behalf of my clients, William and Rose Abide. Please process the change as soon as possible, and contact me with any questions or concerns.

Sincerely,

Charles L. Honsinger

enclosure

cc: Clients

SCANNED

MAY 17 2008

RECEIVED

MAY 08 2008

WATER RESOURCES
WESTERN REGION

For Office Use Only

Updated by *slm*Date *5-16-08*STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES*NCAP prepared***CHANGE IN ADDRESS**This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

- [] Water Right Number(s): 67-00348C
- [] Name(s): WILLIAM P. ABIDE
ROSE K. ABIDE
- [] Old Mailing Address: 2182 HWY 95
COUNCIL, ID 83612
- [] New Mailing Address: P.O. Box 3080
HAILEY, ID 83333
- Telephone Number: (208) 578-5203
- Email: babide@ctcweb.net
- [] Signature(s) of Owner(s) William P. Abide

(Include your title if on behalf of company or organization)

Date: 5/7/2008

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033*OK*
C. S. S.
5-16-08

SCANNED

MAY 12 2008

D. L. Evans Bank

"Idaho's Hometown Community Bank Since 1904"



WFA

RECEIVED

APR 04 2008

DEPARTMENT OF
WATER RESOURCES

April 2, 2008

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

4-8-08
WIR
UPD. SK
4-15-08
AJ Record
updated
C. Smyth

Re: Water Rights ^{Adj.} 67-348C and ^{PD} 67-11407

To Whom It May Concern:

Our Security Interest in the above referenced Water Rights has been satisfied and therefore, future notifications pertaining to the above mentioned Water Rights are no longer required by D. L. Evans Bank.

If you have any questions, you can contact me at (208) 736-9300.

Sincerely,

Andrea Hofland

Andrea Hofland

D L Evans Bank

Loan Processing Department

SCANNED

APR 11 2008

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNIT
0015222
MAILED 08

RECEIVED

NOV 1 1995

UNITED STATES POSTAL SERVICE

RECEIVED
BOISE, ID
NOV 1 1995

NOE

WR# 67-348C

4-2-07

New Address

PO Box 51

Council ID 83612

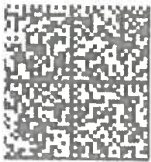
ROSE K ABIDE

WILLIAM P ABIDE
2182 HWY 95
COUNCIL ID 83612

SCANNED

FEB 7 2007

UNITED STATES POSTAL SERVICE
FIRST CLASS
02 1A
0004389393
MAILED FROM ZIP CODE 83702



FIRST CLASS

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098



RECEIVED

MAR 23 2007

DEPARTMENT OF
WATER RESOURCES

Director's Report
WR # 67-348C

WILLIAM P. ARIDE

ROSE K. ARIDE

2182 HWY 75

COUNCIL ID 83612

SCANNED

MAR 13 2007

COPYSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESuA DE
RECEIVED

OCT 20 2006

DEPARTMENT OF
WATER RESOURCES**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 67-348C & 67,11407 ✓ *Done in WR*
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
- A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
- D. L. Evans Bank
P.O. Box 87
Twin Falls, ID 83303
4. Name of Water Right Owner/Claimant(s)
WILLIAM P. ABIDE
5. Expiration Date of Notification Period AUGUST 5, 2007
- Is this a Renewal of Request for Notification? ☐ YES ☐ NO
7. Signature(s) (and title if applicable)
Melinda Johnson
Loan Processor

For Office Use Only

Received by	Date	Fee
Receipted by <u>AMB</u>	Date <u>10-20-06</u>	<u>\$ 50.00</u>
Processed by <u>ASHERMAN</u>	Date <u>2-5-07</u>	Receipt No. <u>1082442</u>
		WR _____ Date _____

SCANNED
JAN 30 2007

INSTRUMENT NO. 111551

MODIFICATION AGREEMENT

2017101977

This Agreement, entered into this 7th day of August 2006, by and between
^{aka} WILLIAM P. ABIDE SR.
WILLIAM P. ABIDE AND ROSE K. ABIDE, as Grantors, **D. L. EVANS BANK**,
as Beneficiary/Lender, and **TIMBERLINE TITLE & ESCROW**, an Idaho
Corporation, as Trustee, as pertains to that certain Real Estate Deed of Trust
recorded 11th day of March, 2005 as Instrument No. 108369, and modified 18th
day of April, 2006, recorded 26th day of April 2006 as Instrument No. 111545,
records of Adams County, Idaho.

WITNESSETH:

WHEREAS, on the 4th day of March, 2005, WILLIAM P. ABIDE AND
ROSE K. ABIDE executed a Promissory Note in the principal amount of **TWO
HUNDRED THOUSAND DOLLARS AND NO/100** (\$200,000.00), bearing
interest at the rate of 7.0% percent (The Published Wall Street Journal Prime
Rate plus 1.50%) and due the 5th day of March, 2006, and modified April 18,
2006, recorded the 26th day of April, 2006 as Instrument No. 111545 extending
the maturity date to 5th day of July 2006, which said note was secured by a Deed
of Trust upon the following described real estate located in Adams, County,
Idaho

To-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, D.L. EVANS BANK is the owner of said Promissory Note and
Real Estate Deed of Trust, and the parties hereto desire to modify said Note and
Real Estate Deed of Trust.

Instrument # 112551

COUNCIL, ADAMS, IDAHO

2006-09-01

04:11:55 No. of Pages: 4

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEED OF TRUST, MODIFICATION

SCANNED
JAN 30 2007

NOW THEREFORE, for a good and valuable consideration, it is hereby agreed said Promissory Note and Real Estate Deed of Trust are modified as follows:

1) Promissory Note # 2017101977 is being replaced with note # 2017102516 dated August 7, 2006 in the principal amount of ***TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO/100*** (\$250,000.00) with a maturity date of August 5, 2007.

2) ADDING WATER RIGHT VERBIAGE FOR 38 ACRES

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 67-348C WITH A CLAIMED PRIORITY OF MAY 1, 1878 TO 0.5 CFS OF THE WATERS OF MILL CREEK, A TRIBUTARY OF THE WEISER RIVER FOR 76 ACRES & ALSO THE SAME WATER RIGHT NO. 67-348C WITH A CLAIMED PRIORITY OF MAY 1, 1878 TO 0.25 CFS OF THE WATERS OF MILL CREEK, A TRIBUTARY OF THE WEISER RIVER FOR 4 LOTS AND 20 ACRES AND WATER RIGHT NO. 67-11407 WITH A CLAIMED PRIORITY OF JULY 1, 1870 TO 0.04 CFS OF GROUND WATER, TOGETHER WITH ANY AND ALL OTHER WATER RIGHTS AND DITCH RIGHTS APPURTENANT TO THE ABOVE DESCRIBED PREMISES.

IT IS FURTHER AGREED that the Promissory Note and Real Estate securing said note shall in all other respects remain as there in specified, changed only as herein set forth.

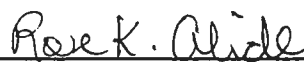
IN WITNESS WHEREOF, The Grantors have caused these presents to be executed and D.L. Evans Bank has caused these presents to be executed by the officer, the day of year first above written.

D. L. EVANS BANK

BY: 



William P. Abide, aka WILLIAM P. ABIDE SR.



Rose K. Abide

SCANNED
JAN 30 2007

STATE OF IDAHO)

) ss

COUNTY OF)

Adams

aka WILLIAM
P. ABIDE SR.

On this 28th day of August, 2006, before me, the undersigned, A Notary Public in and for said State, personally appeared William P. Abide and Rose K. Abide known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Rebecca J. Stoller
NOTARY PUBLIC FOR IDAHO
RESIDING AT Boise
MY COMMISSION EXPIRES 8/08/08

STATE OF IDAHO)

) ss

COUNTY OF)

Adams)

On this 31st day of August, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Reed Coleman, known or identified to me to be the SVP of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Rebecca J. Stoller
Notary Public
Residing at: Boise
My Commission Expires: 8/08/08

SCANNED
JAN 30 2007

EXHIBIT "A"

LOTS 7, 8, 9 AND 10 OF BLOCK 3, COUNCIL VALLEY ORCHARDS, ADAMS COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE ADAMS COUNTY RECORDER IN BOOK 1 OF PLATS PAGE 20.

EXCEPTING FROM SAID LOT 7 A TRACT OF LAND DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7 OF BLOCK 3 AND RUNNING THENCE NORTH ON AND ALONG THE EAST LINE OF LOT 7 A DISTANCE OF 115 FEET; THENCE WEST AND PARALLEL TO THE SOUTH SIDE LINE OF LOT 7 A DISTANCE OF 150 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF LOT 7 A DISTANCE OF 115 FEET; THENCE EAST, ALONG THE SOUTH LINE OF LOT 7, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

05/31/2006

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

RIGHT NUMBER: 67-348C

NAME AND ADDRESS: WILLIAM P ABIDE
2182 HWY 95
COUNCIL ID 83612

ROSE K ABIDE
2182 HWY 95
COUNCIL ID 83612

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 05/01/1878

POINT OF DIVERSION:

T17N R01W S36 NWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.250 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S02 Lot 3 NENW	5.00	T16N R01W S02 Lot 4 NWNW	5.00
T16N R01W S02 SWNW	5.00	T16N R01W S02 SENW	5.00

20 ACRES TOTAL

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

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 - Decreed

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

Idaho Department of Water Resources

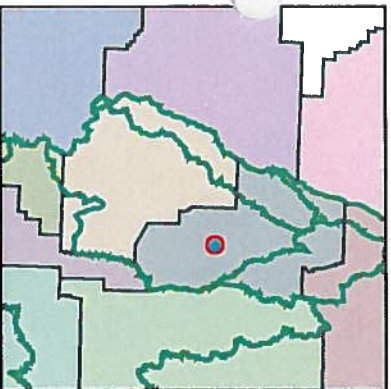


SRBA Recommendation:

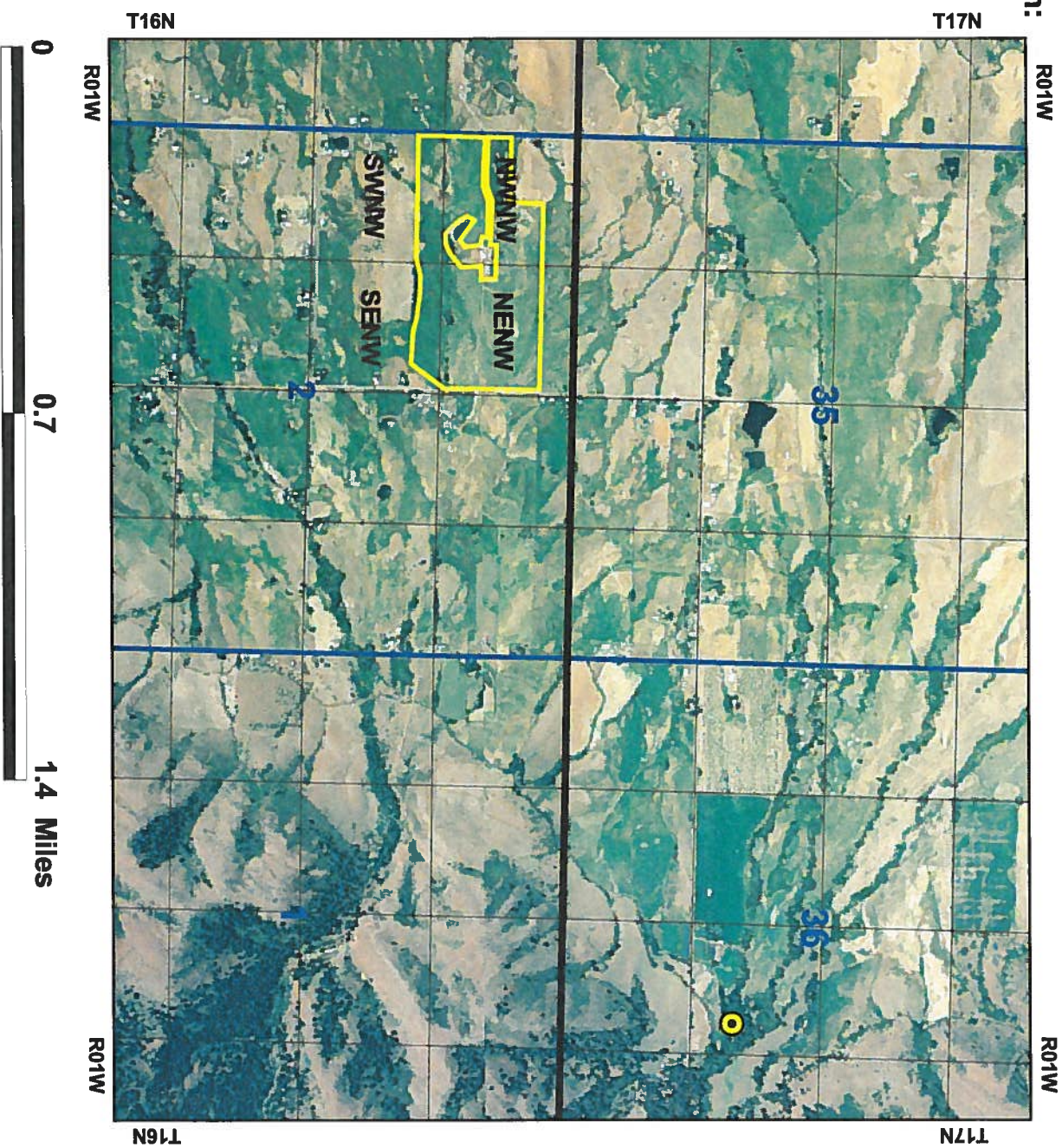
67-348C

Legend

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

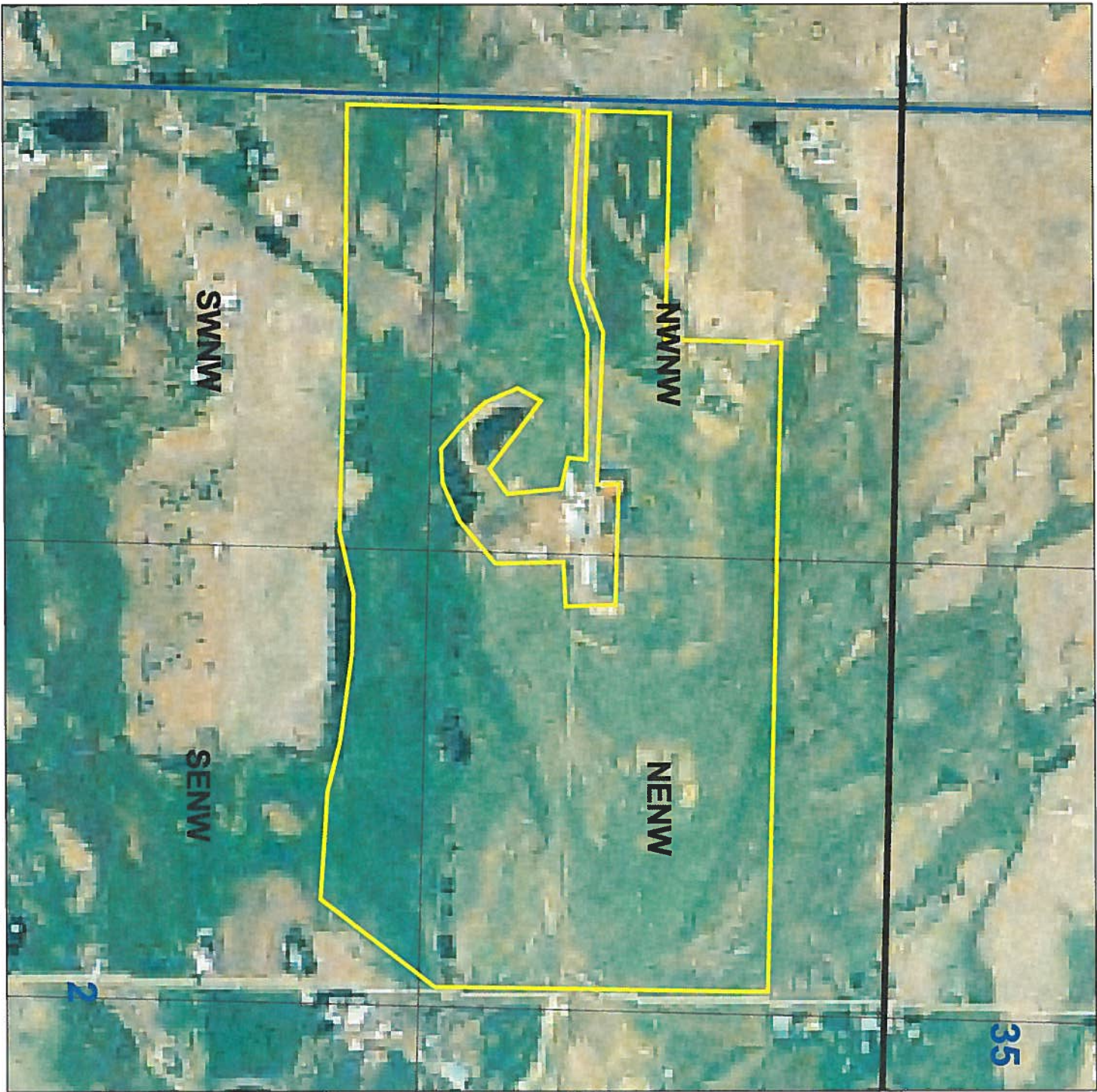
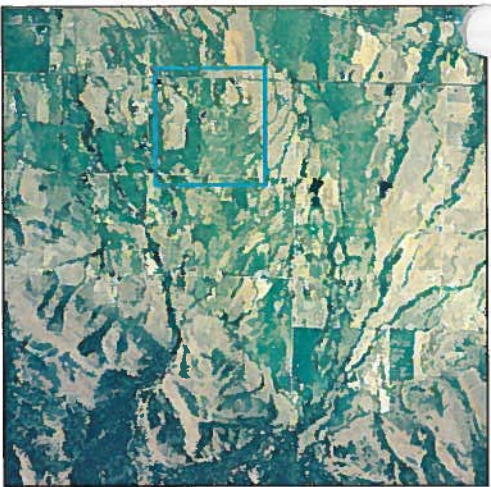


Adams County
IDWR Basin 67



Prepared by C. Saxton
On Wednesday, May 31, 2006
1987/88 Aerial Photography

67-348C



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348C V1

WATER RIGHT NUMBER: 67-348C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM P ABIDE 2182 HWY 95 COUNCIL, ID 83612
Original Owner	BRET ARMACOST PO BOX 87 COUNCIL, ID 83612 (208)253-4360
Original Owner	STEVE SCHWILLING HC 62 BOX 1365 COUNCIL, ID 83612 (208)253-6006
Original Owner	DORIS ARMACOST PO BOX 87 COUNCIL, ID 83612 (208)253-4360
Original Owner	GARY R ARMACOST 50558 HOMESTEAD RD OXBOW, OR 97840-5901 (208)785-3372
Original Owner	WILLIAM F WINKLER COUNCIL, ID 83612
Current Owner	ROSE K ABIDE 2182 HWY 95 COUNCIL, ID 83612

Priority Date: 05/01/1878

Basis: Decreed

Status: Active

Source

MILL CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.250 CFS

Annual VolumeTotal Diversion:

0.250 CFS

Location of Point(s) of Diversion

MILL CREEK

ADAMS County

NW1/4SE1/4

Sec. 36, Twp 17N, Rge 01W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE		
				NE		NW		SW		SE		Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348C V1

16N 01W 2	5.0	5.0	5.0	5.0	20.0
	L 3	L 4			

Total Acres: 20

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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.

Remarks:Comments:

1. csaxton 5/31/2006 TR 539 and 517

Comment: This claim represents two portions of original decreed right 67-348 as defined in TR 517 and TR 539. At 5/8 inches per acre this right is limited to 20 acres. However, the additional acreage can be covered by E. Fk Ditch Company shares.

2. csaxton 5/31/2006 Flood Water

Comment: No flood water claim was filed.

3. csaxton 5/31/2006 POD

Comment: POD in different QQ than defined by TR 517. There are enough PODs close together that I can not say it did not change and was just an error in the legal description.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number: 67

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:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	7/29/2004 10:12:45 AM	segbert			Active
POD	7/29/2004 10:13:14 AM	segbert			Active
POD	7/29/2004 10:24:36 AM	segbert			Active
Source	7/29/2004 10:25:00 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348C V1

POU	7/29/2004 10:26:18 AM	segbert	Active
Use	7/29/2004 10:30:13 AM	segbert	Active
Season	7/29/2004 10:30:34 AM	segbert	Active
Quantity	7/29/2004 10:31:25 AM	segbert	Active
Contacts	5/31/2006 3:37:16 PM	csaxton	Active
Priority Date	5/31/2006 3:38:09 PM	csaxton	Active
POD	5/31/2006 3:39:12 PM	csaxton	Active
Source	5/31/2006 3:40:22 PM	csaxton	Active
POU	5/31/2006 3:41:11 PM	csaxton	Active
Use	5/31/2006 3:54:21 PM	csaxton	Active
Season	5/31/2006 3:54:58 PM	csaxton	Active
Quantity	5/31/2006 3:55:13 PM	csaxton	Active
Summary		05/31/2006 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/31/2006 3:52:53 PM	csaxton	Updated shape
Season	5/31/2006 3:55:12 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/31/2006 3:55:27 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348C V1

Summary	5/31/2006 3:56:22 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	5/31/2006 3:38:21 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/31/2006 3:39:25 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	5/31/2006 3:40:34 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348C V1

POU	5/31/2006 3:41:23 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 8. Can the claim be verified as an accomplished transfer? (No) 14. Is a POU remark and/or condition required?
Use	5/31/2006 3:54:35 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	7/29/2004 10:24:35 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?
Source	7/29/2004 10:24:59 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	5/31/2006 3:51:47 PM	csaxton	Updated PLS for Active POU
POD	5/31/2006 3:53:09 PM	csaxton	Updated PLS
Contacts	5/31/2006 3:37:28 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POU	5/31/2006 3:51:22 PM	csaxton	Updated shape for Active POU
Priority Date	7/29/2004 10:12:44 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	7/29/2004 10:13:13 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
POU	7/29/2004 10:28:02 AM	segbert	Created polygon from PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-348C V1

POU	7/29/2004 10:26:18 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file?
Use	7/29/2004 10:30:13 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	7/29/2004 10:30:33 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	7/29/2004 10:31:25 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

Water Supply Bank:

Split history for Decreed Right 67-00348

WR History

Claimed

Claimed

67-00348 Council Valley TR 504, 517, 539, 783
0.5 cfs
40 ac
0 af
Acres calculated at 5/8 in per acre

67-00348A	Moore	0.125	TR 504	67-00348C	Abide	0.5	
	Lot 6, Blk 1	0			76		
67-00348B	Hoover	0.12	TR 517	67-00348D	Smith	0.13	
	Lot 8, Blk 3	0			26		
67-00348C	Winkler	0.13	TR 539	67-00348E	Lawrence/Fort	0.92	
	Lot 8, Blk 3				65		
	Lot 10, Blk 4				0		
67-00348D	Spahr	0.130	TR 783	67-00348F	Spahr/Phillips	0.02	
		27			1		
		0			0		

67-00348C	Abide	0.25	TR 539
		20.0	TR 517
67-00348D	Smith	0.13	TR 783
		10.4	
67-00348E	Lawrence/Fort	0.125	TR 504
		10.0	
67-00348F	Spahr/Phillips	0	
		0	

Not in WM deliver Records
Not in Decreed POU

Total CFS Transferred = 0.505
Total AC Transferred = 40.4

Sum CFS =	1.57
Sum Acre =	168
Sum AF =	n/a

Sum CFS =	0.505
Sum Acre =	40.4
Sum AF =	n/a

Extra CFS =	-1.07
Extra Acre =	-128
Extra AFA =	n/a

Extra CFS =	0.000
Extra Acre =	0
Extra AFA =	n/a

*Last updated 6-6-05 (csaxton)
For digital copy of Excel spreadsheet file: See Craig L. Saxton

Water Master Records

Page #	Parcel Number	Name	Water in Inches	File #	Original Owner	Priority Date
21	0006000100	LAWRENC	6	348-446	TRANS & WINKLER	5/1/78 TR 504
21	0006000300	ABIDE, WN	6	348-446	TRANS & J HOOVER	5/1/78 TR 517
21	0006000300	ABIDE, WN	6.5	348-447	TRANS & WINKLER	5/1/78 TR 539
21	17N01W365	SMITH, KU	6.5	348-448	TRANS	5/1/78 TR 783
			25			

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

MEMORANDUM

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

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

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

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

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

SCANNED
APR 02 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

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

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

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

L.O. Vaile
Box 543
Council, ID 83612

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

Dear Wateruser:

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

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

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

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

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

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

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

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

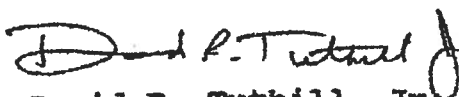
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

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

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

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

Sincerely,



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

Enclosures

cc: Jerry Myers, Watermaster

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

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

Dear Mr. Tuthill:

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

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

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

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

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

Sincerely,

Larry Derie



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: November 9, 1994

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

A67-11407

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

[]

Dear Claimant(s):

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

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

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

Sincerely,

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

Enclosure(s)

MICROFILMED
OCT 22 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DATE November 9, 1994

[GARY R ARMACOST]
HCR59 BOX 9
OXBOW OR 97840

[]

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

A67-11407

Dear Claimant:

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

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

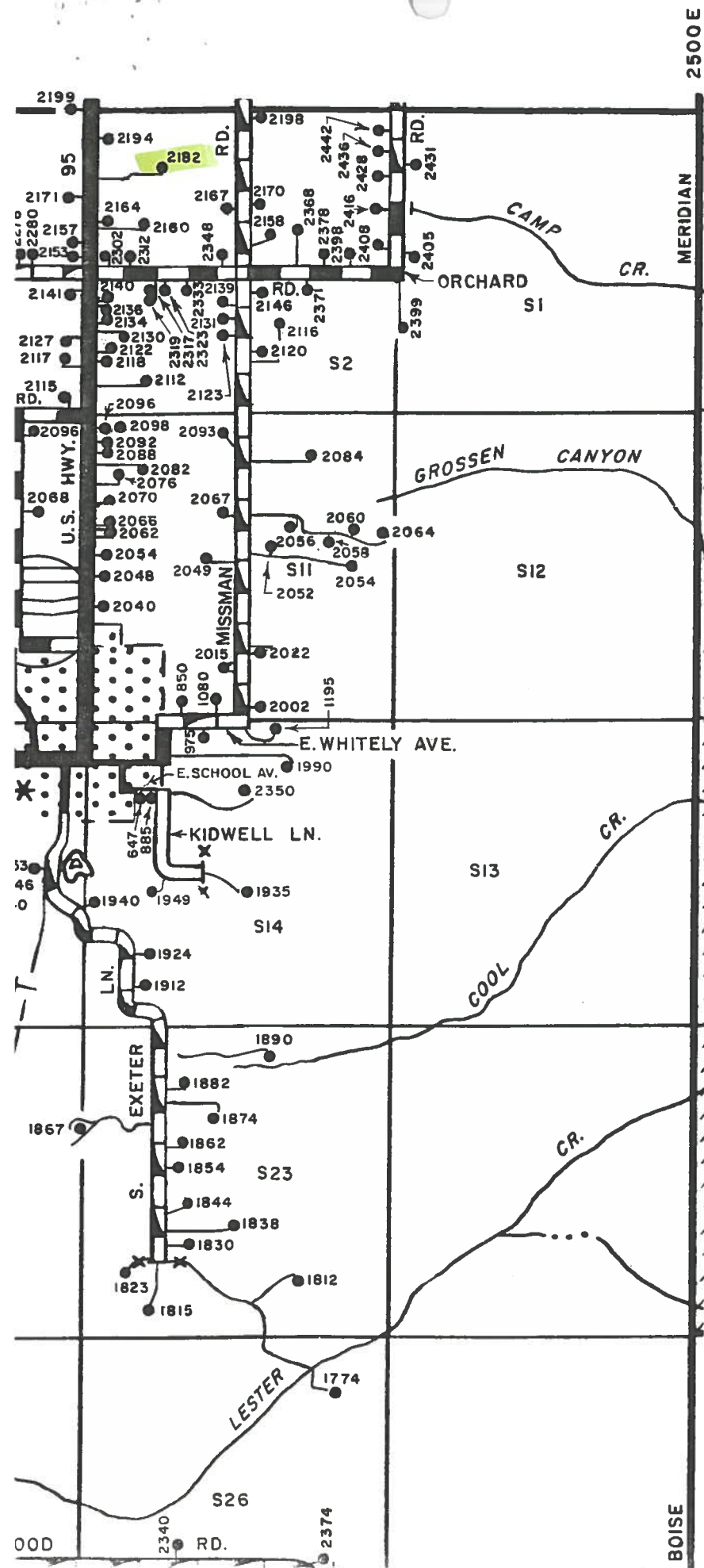
If you have any questions regarding this matter, please contact this office.

Sincerely,

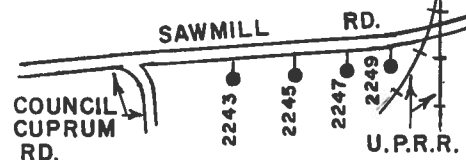
Adjudication Staff
Western Region Office

MM/m
Enc.

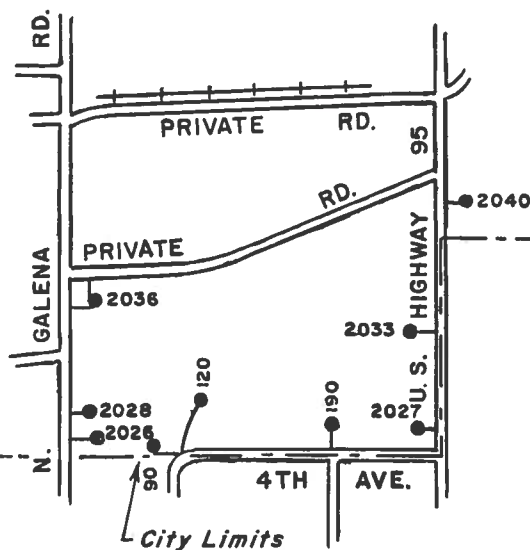
MICROFILMED
OCT 22 1996



2200 N



DETAIL B



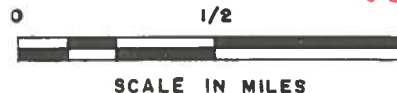
DETAIL A

T.16N.

1900 N



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OCT 22 1996





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 3, 1994

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

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

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

L.O. Vaile
Box 543
Council, ID 83612

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

Dear Wateruser:

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

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

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

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

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

MICROFILMED
OCT 22 1996

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

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

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

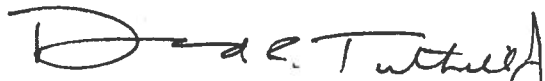
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

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

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

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

Sincerely,



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

Enclosures

cc: Jerry Myers, Watermaster

MICROFILMED

OCT 22 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 6, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

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

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

Dear Claimant:

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

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

If you have any questions concerning the enclosed claims, please do not hesitate to contact this office.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM/m
Enc.s

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

MICROFILMED
OCT 22 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 23, 1992

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

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

L O VALIE
BOX 543
COUNCIL ID 83612

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

Dear Water User:

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

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

MICROFILMED

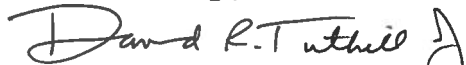
AUG 05 1994

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

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

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

Sincerely,



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

DRT:st

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

MICROFILMED

AUG 05 1994

Dept. Water Resources
David Tuthill

9-24-92

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

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

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

Watermaster Dist #67
Gerald K. Myers

MICROFILMED

AUG 05 1994

J F Lowe
L J Rhinehart
Loren Rhinehart
Anna Morrow

38
31
40
5

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

Mill Creek.

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

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

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

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

29
41 2/3

May 1, 1884 Trans 884 67 0355

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

10 3/4
29
37 1/2
21 1/2
27 1/2

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

J D Poyner and John Poyner

George T Ellis

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

37 1/2

May 1, 1894 67 0361

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

54

May 1, 1896 67 0362

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

16 Trans 884

May 1, 1899 67 0363

B W Turnipseed

18

May 1, 1903 67 0364

J V Morrison

15

July 1, 1909 67 0365

C W Holmes

8 1/2

May 1, 1909 67 0366

Council Valley Orchards

100

June 1, 1906 67 0367

Unnamed Stream.

Council Valley Orchards

100

July 3, 1911 67 0368

Frank S Galey

20

March 17, 1913 67 0369

C W Holmes

10

May 16, 1912 67 0370

C E McDonald High water 56

34

July 2, 1892 67 0371

Fort Hall Creek

C T Hamill

4

May 1, 1882 67 0372

Louis Harp

4

May 1, 1889 67 0373

6

May 1, 1882 67 0374

11

June 1, 1911 67 0375

10

July 19, 1893 67 0376

A L Frechafer and Margaret E Pike

MICROFILMED
AUG 05 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 8, 1992

GERALD MEYERS
HC 70 BOX 2010
MIDVALE ID 83645

RE: Water Right #67-0348

Dear Gerry:

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

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dave', is written over the typed name of David R. Tuthill, Jr.

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

DRT:st

MICROFILMED

AUG 05 1994

RECEIVED
SEP - 4 1992

Department of Water Resources
Western Regional Office

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

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

Dear Mr. Tuthill:

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

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

67-0348A

67-0348B (COPY INCLUDED)

67-0348C

67-0348D

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

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

Sincerely,

Larry Derie
Larry Derie

ENC.

MICROFILMED

AUG 05 1994

POOR ORIGINAL

Oct 29, 1991 Jan found - 67-0348 this Total tran. for 104.8

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
504	Winkler, Wm. et al	0.5		67-0348
517	Moore, A. G.	0.125	0.375	67-0348A
535	Hoover, John W.	0.12	0.255	67-0348B
783	Winkler, Wm. F.	0.13	0.125	67-0348C
	Spahr, W. B.	0.13	0	67-0348D

MICROFILMED
AUG 05 1994

Copy of decree

Mill Creek.

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

38
31
40
5

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

25

16 2/3

12 1/2

33 1/3

20 3/4

37 1/2

29

41 2/3

10 3/4

29

37 1/2

21 1/2

27 1/2

37 1/2

54

16

18

67
May 1, 1878

May 1, 1881

May 1, 1884

May 1, 1893

May 1, 1882

May 1, 1882

May 1, 1891

May 1, 1884

May 1, 1885

May 1, 1894

May 1, 1889

May 1, 1886

May 1, 1893

May 1, 1894

May 1, 1896

May 1, 1899

May 1, 1903

MICROFILMED
AUG 05 1994

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

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

J D Poyner and John Poyner
George T Ellis

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

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

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

W Turnipseed



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

A67-00348C+
Permanent file

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

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

Date: 3/6/90

Washington
Co

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

Dear Claimant:

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

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

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

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

Sincerely,

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

Enclosures:

Notice of Claim

A67-11407
A67-00348C

MICROFILMED

OCT 01 1992

1/3/80

Dear Sirs

I'm enclosing \$75⁰⁰ for the filing
of my Mill Creek water right and my
domestic well. The East Fork Ditch
Company paid \$1⁰⁰ per acre on my
property when they filed my rights
for that water. Thanks

RECEIVED

JAN 04 1990

DE

Sincerely
Steve Schurley

MICROFILMED

OCT 01 1992

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

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

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

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

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

MICROFILMED
OCT 11 1992

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 1980	Proposed Charge 1981	Notes
67-348 Trans. # 445 <u>504</u> W. Winkler	5-1-78	O. Vail Trans #504	Council Orchards Lot 6, Blk 1 Pt. SESE 35-17-1 See Above Lots 5-9 Blk 1, Pt. Lots 3-4-5 Blk 7	46" <u>125</u>	5.69	13.80	
67-348 Trans. # 446 J. Hoover	5-1-78	W. Criss c/o J. Doyle	Council Orchards Lot 8, Blk 3 E 1/2 Lot 10, Blk 4 <u>Winkler 13</u>	6" <u>12</u>	^{20K} Ranch .74	7.50	
67-348 Trans. # 447 W. Winkler	5-1-78	S. Schwillling	Lots 7-9-10, BLK 3	6.5"	.80	1.95	
67-348 Trans. # 448 W. Winkler	5-1-78	G.W. Squires Trans # 783	Pt. NWSW 36-17-1	6.5"	.80	7.50	
67-449 W.H. Spahr	5-1-84	" Trans # 884 after 7-1 of each Year	Pt. NWSW 36-17-1	5.5"	.68	1.65	
~~67-449~~ F. Watress	5-1-81	C. Chapman	S 1/2 NW 1/4 N 1/2 SW 1/4 35-17-1 <u>8. Stovner & Derie</u>	<u>17"</u> 7"	5.26	5.10	
~~67-449~~ F. Watress	5-1-84	"	S 1/2 NW 35-17-1 <u>8. Stovner</u>	~~17"~~	3.87	3.75	
~~67-449~~ Schaff/Galey	5-1-94	"	SE 1/4 34-17-1 <u>Stoker</u>	<u>29"</u> 10"	8.97	8.70	
~~67-449~~ F. Watress	5-1-94	"	" <u>8. R. Stovner</u>	~~29"~~	6.34	6.15	
~~67-449~~ F. Watress	5-1-95	"	" <u>8. R. Stovner</u>	~~29"~~	10.20	9.90	
67-355 Desert Sheep Co.	5-1-84	L. Derie	#1 & #2 L. Derie SE 1/4 34-17-1 (School teacher)	41.6"	12.81	12.48	
67-361 P. Schaff & T. Wait	<u>94</u> 5-1-91	L. Gould	SF 1/4 SF 1/4 27; NE 1/4 NE 1/4 34-17-1	25"	7.66	7.50	
67-353 Schaff & Galey	5-1-82	D. Harvey	Pt. SENE Pt. NFSE 35-17-1	7"	2.16	7.50	
67-353 Schaff & Galey	5-1-82	R. Schaefer	Pt. NFSE 35-17-1	2"	.25	7.50	
67-353 Schaff & Galey	5-1-81	F. Stovner	~~353~~	~~2"~~	~~.25~~	~~7.50~~	

OCT 01 1992

#353
37 1/2
on way

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 517

THIS IS TO CERTIFY, That JOHN W. HOOVER, of Council, County of Adams, State of Idaho, is the owner of, and using, a certain water right bearing date of priority of May 1, 1878, for 0.12 cubic feet per second of the waters of MILL CREEK, a tributary of WEIGER RIVER, County of Adams, State of Idaho, decreed to W. F. Winkler, by decree of Hon. Ed. L. Bryan, Judge of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, in the case of

MUIR BROTHERS vs. ALLISON, et al,

said decree bearing date of June 20, 1921, for the purpose of irrigating the following described lands situate, lying and being in Water District No. 41, in the County of Adams, State of Idaho, to-wit:

A tract of land in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Ten (10), in Township Sixteen (16) North of Range One (1) West of the Boise Meridian, containing approximately thirty-three acres, more or less;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Book 4 of Decrees, at page 354;

That said JOHN W. HOOVER has become the owner thereof by direct conveyance from W. F. Winkler;

That upon the application of JOHN W. HOOVER for a transfer of 0.12 cubic feet per second made before the Commissioner of Reclamation of the State of Idaho, and the said application having been GRANTED, the right to the use of

0.12 cubic feet per second of the waters of MILL CREEK upon the lands above described, is hereby ABANDONED, and the lands to be

irrigated under such right, and to which the water right hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows:

Lot Eight (8) of Block Three (3) of the Council Valley Orchards, according to the official plat thereof on file in the office of the County Recorder of Adams County, Idaho, and located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-five (35), in Township Seventeen (17) North of Range One (1) West of the Boise Meridian,

situate, lying and being in Water District No. 41, in the County of Adams, State of Idaho, said water 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:

0.12 cubic feet per second, dated May 1, 1878.

The water right hereby transferred has heretofore been diverted from said MILL CREEK at the following point:

In the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-four (34), in Township Seventeen (17) North of Range One (1) West of the Boise Meridian, through a ditch known as the Winkler Ditch;

and will hereafter be diverted at the following point:

In the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-six (36), in Township Seventeen (17) North, Range One (1) West of the Boise Meridian, through a ditch known as the Hoover, et al, ditch.

That in addition to the foregoing right, the last above described lands have appurtenant to them only a "flood" or "high-water" right;

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 21st day of February, 1933.

E. W. FARIS
Commissioner of Reclamation

(SEAL)

By *James H. Coffey*
Director of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

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

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ROSE K ABIDE
Address: 2182 HWY 95
COUNCIL ID

83612

OR

Name: WILLIAM P ABIDE
Address: 2182 HWY 95
COUNCIL ID

83612

2. Date of Priority: MAY 1, 1878

3. Source: MILL CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

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

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

A.F.A.

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

9. Non-irrigation uses:

10. Place of Use:

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

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OCT 22 1996

10. Place of Use: Continued

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

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00141

14. Remarks:

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

NOV 4 1994

DATE OF CLOSING: 10/11/94

LEGAL DESCRIPTION OF PROPERTY: Township 16 N Range 02 W Department of Water Resources
Section 2, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

NOV 04 1994

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A67-11407 + A67-00348C
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Gary R. Armacost
HC R 59 Box 9
Oxbow, OR 97840
- ☐ New Owner/Claimant (Purchaser): William P. Abide or Rose K. Abide
- ☐ New Mailing Address: 2182 Hwy 95
Council, ID 83612
- ☐ New Telephone Number: () -
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: copy of recorded Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): William P. Abide Date 10/12/94
Rose K. Abide Date 10-12-94
- ☐ Signature of Former Owner/Claimant(s): Date
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/09/1994 By: nn

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 11/09/1994 By: nn

Claim Numbers of Split, if any:

MICROFILMED

OCT 22 1996

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

DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE'S DEED

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

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

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

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

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

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

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

Council Valley Orchard Tract described more fully as follows:

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

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

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

EXECUTED this 11 day of October, 1994.

Bret Armacost

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

STATE OF IDAHO)

COUNTY OF Adams)

SS.

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

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



Christy A. Drury
 Notary Public for Idaho
 Residing at Frontier Lake
 My commission expires: 8/1/98

MICROFILMED
 OCT 22 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

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

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

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

2. Date of Priority: MAY 1, 1878

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

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

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

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

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

9. Non-irrigation uses:

10. Place of Use:

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AUG 05 1994

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

10. Place of Use: Continued

Section Acres 76.0

Total Acres 76.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00141

14. Remarks:

HOOVER DITCH CARRIES WATER FROM CREEK.
TRANS. #539.
FILING INCLUDES WATER DIVERTED DURING HIGH WATER PERIODS.
CHANGE OF OWNERSHIP FROM WALK IN, APRIL 1, 1992, ORIGINAL OWNER
STEVE SCHWILLING. COPY OF DEED FOR PROOF. OWNERSHIP CHANGED BY
RDH APRIL 1, 1992.
OWNERSHIP CHANGED BY MM, 12/02/1993.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

MICROFILMED
AUG 05 1994

RECEIVED

OCT 1 2 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Department of Water Resources
Western Regional Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 01W
Section 236, 1/4 of 16N 1/4 of 17W 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR:

A67-00348C, A67-11407

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

Bret - Doris Armacost

P.O. Box 437

[] New Owner/Claimant
(Purchaser):

Council, ID. 93612

GARY R. Armacost

[] New Mailing Address:

HCR59 Box 9

Oxbow, OR 97840

[] New Telephone Number:

(503) 785 - 3372

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New
Owner/Claimant(s)

Gary R. Armacost

Date 10/12/93

Date _____

[] Signature of Former
Owner/Claimant(s):

Bret Armacost

Date 10-12-93

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/02/1993 By: MM

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

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

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

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

2. Date of Priority: MAY 1, 1878

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

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

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

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

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

9. Non-irrigation uses:

10. Place of Use:

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

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10. Place of Use: Continued

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

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00141

14. Remarks:

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
OCT 01 1992

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 01 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A67-00348C & A67-11407

☒ Name and Address of Former
Owner/Claimant(s)(Seller): SCHWILLING, STEVE

3110 E OVERLAND

MERIDIAN, ID 83842

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

☒ New Mailing Address: P.O. Box 437

Council, ID.

83612

☒ New Telephone Number: (208) 253 - 6873

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of
ownership, describe
proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s): Bret Armacost Date 4-1-92

Date _____

☐ Signature of Former
Owner/Claimant(s): _____ Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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OCT 01 1992

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

WARRANTY DEED

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

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

Council Valley Orchard Tract described more fully as follows:

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

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

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

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

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

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following:

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

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

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

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

DATED this 14th day of August, 1990.

Stephen Schwilling
Stephen Schwilling

STATE OF IDAHO

COUNTY OF Adams

)
: ss.
)

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

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

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



MICROFILMED
OCT 01 1992

INSTRUMENT NO. 79022

State of Idaho }
County of Adams } ss.

Filed for record at the request of
Timberline Title & Escrow

21 min. past 4 o'clock P. M.

this 16 day of August, 1990

Bk 42M of Deeds PG. 481-482

MICHAEL FISK, RECORDER

by Sarah Wilson
Deputy

Fee \$ 9.00

Warranty Deed

Stephen Schwilling

to

Bret G. & Doris H. Armacost



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: A67-00348C

Date Received: 1/04/1990

Receipt No: C013819

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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

208-253-6006

83612

2. Date of Priority: MAY 01, 1878

3. Source: MILL CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

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

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

A.F.A.

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

9. Non-irrigation uses:

10. Place of Use:

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

Section Acres 76.0

A67-00348C

Page 1

Date: 01/05/90

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 76.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00141

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

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

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00348C
Date Received: 1/02/1990
Receipt No: C013819
Received By: J. Dawson

REC
JAN 04 1990

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

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

2. Date of Priority: MAY 01, 1878

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

4. Point of Diversion:

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

5. Description of diverting works:
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8. Total consumptive use is 228.0 Acre Feet Per Annum.

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10. Place of Use:

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

Section Acres 76.0

A67-00348C

Page 1

Date: 01/02/90

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Total Acres 76.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00141

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

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

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

MICROFILMED
OCT 01 1992

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Steve Schwalling

Date:

Jan 2, 1990

Date:

State of Idaho

)

) SS.

County of

Ada

)

Subscribed and sworn (or affirmed) before me this 2 day

of January 19 90

[Signature]
Notary Public

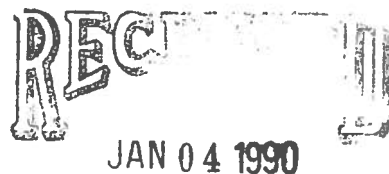
Seal

Residing at

Boise, ID

My Commission Expires

June 10, 1994



Department of Water Resources

MICROFILMED
OCT 01 1992

CLAIMANT'S NAME Schwinding CLAS IDENT. NO. A67-00348CDATE RECEIVED 1/04/90 CK # 598 AMOUNT \$ 50 of 75

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

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

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by: [Signature] + Corr. PD

Sent to claimant by:

Date:

Date: 1/05/89

Checked by:

Date:

OCT 11 1992

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

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