

05/31/2006

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

RIGHT NUMBER: 67-348E  
NAME AND ADDRESS: VONDA LAWRENCE  
PO BOX 445  
COUNCIL ID 83612  
VICKI LYNN FORD  
PO BOX 445  
COUNCIL ID 83612

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER  
QUANTITY: 0.125 CFS  
PRIORITY DATE: 05/01/1878  
POINT OF DIVERSION:

T17N R01W S36 SENWSE 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          | 0.125 CFS       |

PLACE OF USE: IRRIGATION Within ADAMS County

|                          |       |               |      |       |
|--------------------------|-------|---------------|------|-------|
| T16N R01W S02 Lot 1 NENE | 10.00 | T17N R01W S35 | SWSE | 16.00 |
| T17N R01W S35            | SESE  | 34.00         |      |       |

60 ACRES TOTAL

This right is limited to the irrigation of 10.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 60.0 acres in a single irrigation season. Combined Right Nos.: 67-348E, 67-356D, 67-357, and 67-358.

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 place of use pursuant to Section 42-1425, Idaho Code.

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

# Idaho Department of Water Resources

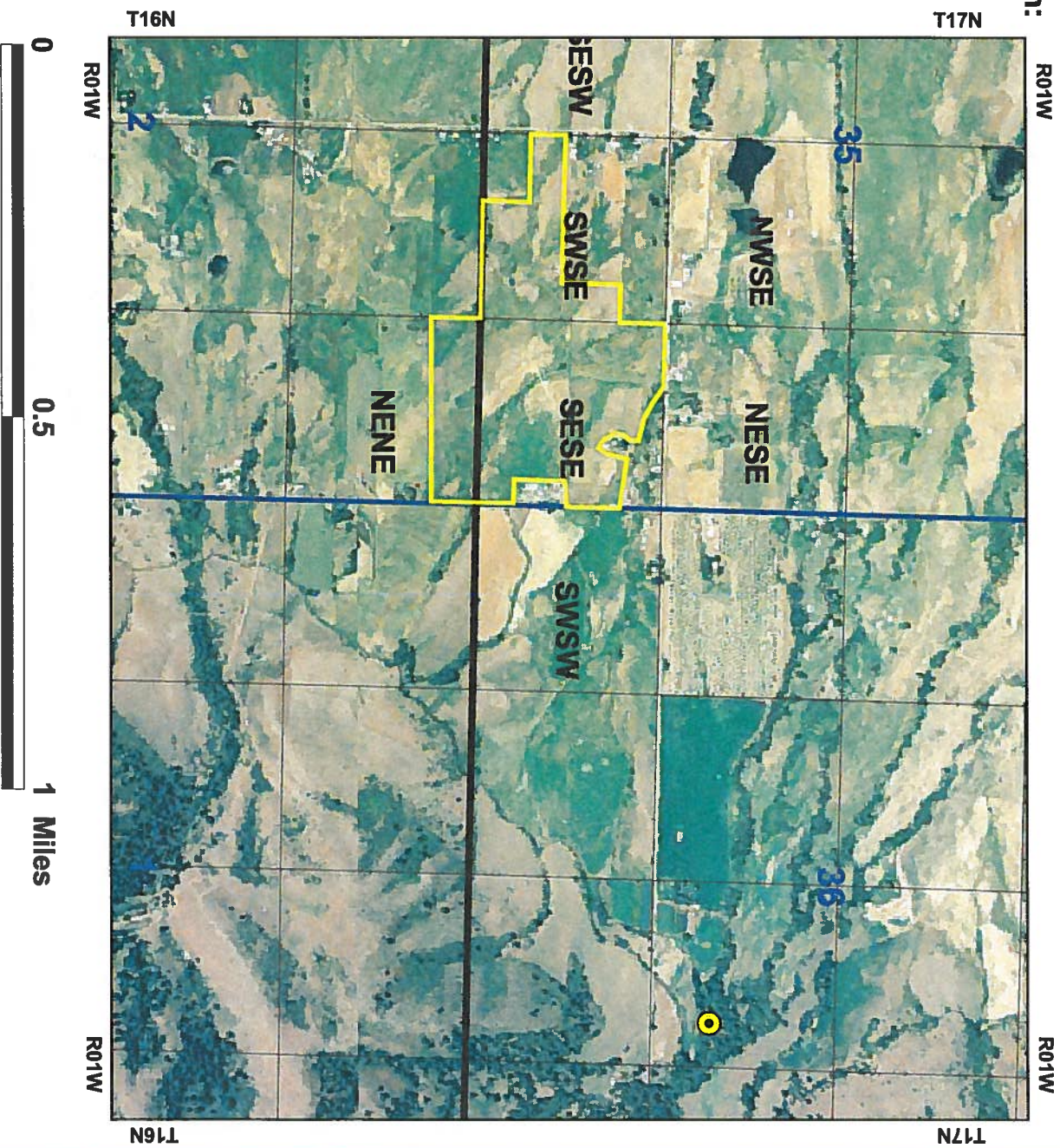
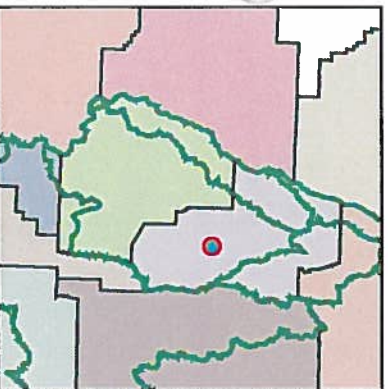


SRBA Recommendation:

**67-348E**

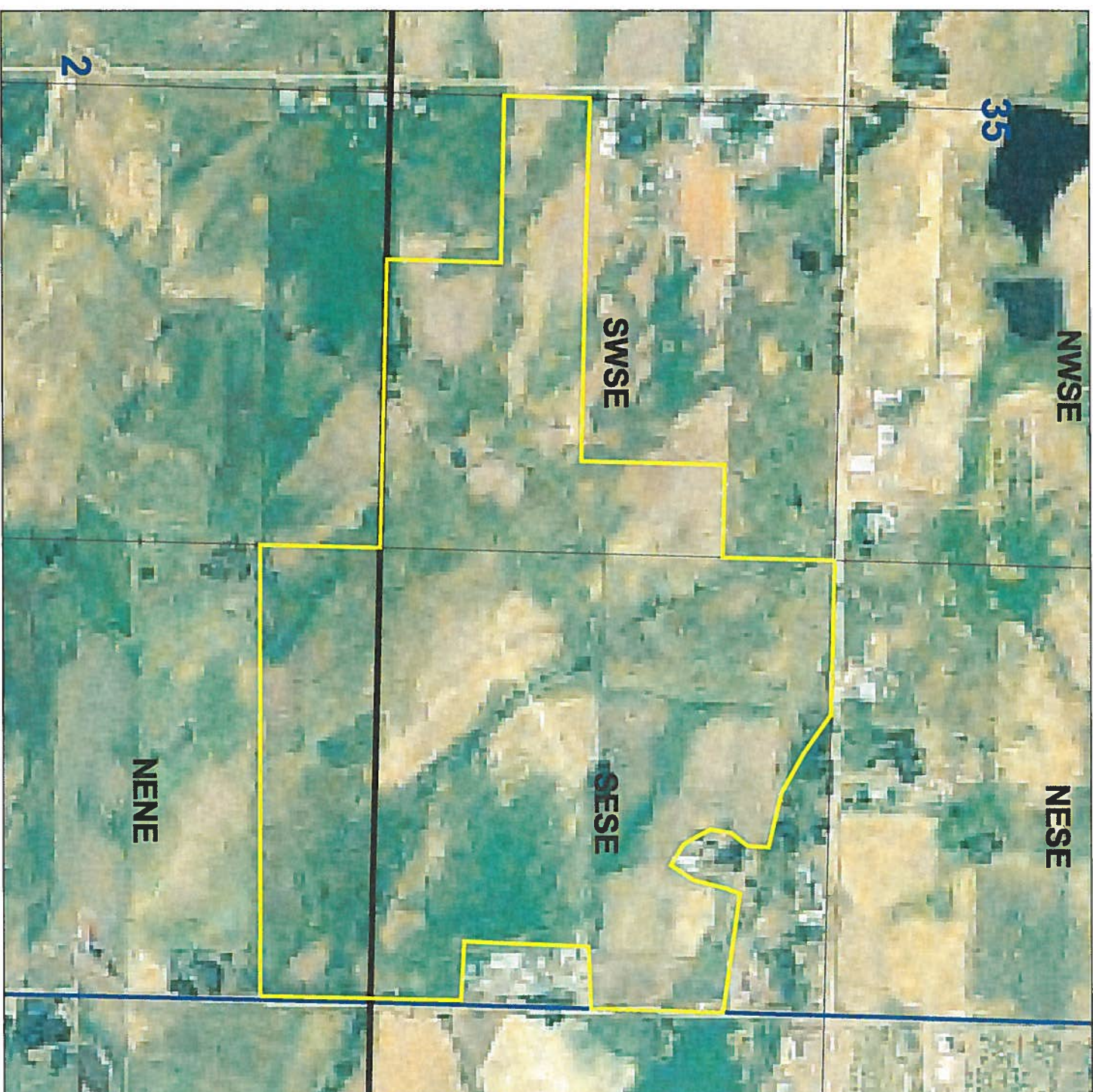
## Legend

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



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

**67-348E**



## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-348E V1

WATER RIGHT NUMBER: 67-348E V1

| <u>Owner Type</u> | <u>Name and Address</u>                                             |
|-------------------|---------------------------------------------------------------------|
| Current Owner     | VONDA LAWRENCE<br>PO BOX 445<br>COUNCIL, ID 83612<br>(208)253-4200  |
| Current Owner     | VICKI LYNN FORD<br>PO BOX 445<br>COUNCIL, ID 83612<br>(208)253-4200 |
| Original Owner    | L O VAILE<br>2466 ORCHARD RD<br>COUNCIL, ID 83612<br>(208)253-4434  |

Priority Date: 05/01/1878

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| MILL CREEK    | WEISER RIVER     |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 0.125 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.125 CFS             |                      |

Location of Point(s) of Diversion

|              |                 |                                 |
|--------------|-----------------|---------------------------------|
| MILL CREEK   | SE1/4NW1/4SE1/4 | Sec. 36, Twp 17N, Rge 01W, B.M. |
| ADAMS County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|--------|
|     |     |     | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 16N | 01W | 2   | 10.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |      |      | 10.0   |
|     |     |     | L 1  |    |    |    |    |    |    |    |    |    |    |    |    |    |      |      |        |
| 17N | 01W | 35  |      |    |    |    |    |    |    |    |    |    |    |    |    |    | 16.0 | 34.0 | 50.0   |

Total Acres: 60

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-348E V1

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.
3. K06 This right is limited to the irrigation of 10.0 acres within the place of use described above in a single irrigation season.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. E56 The rights listed below are limited to the irrigation of a combined total of 60.0 acres in a single irrigation season. Combined Right Nos.: 67-348E, 67-356D, 67-357, and 67-358.

Remarks:Comments:

1. csaxton 5/31/2006 TR 504

Comment: This right represents TR 504 or water right record 67-348A. Claimant owns the POU described in TR 504

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:  
 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:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Priority Date  | 7/29/2004 10:53:54 AM     | segbert         |                           |                 | Active        |
| POD            | 7/29/2004 10:54:31 AM     | segbert         |                           |                 | Active        |
| Source         | 7/29/2004 10:58:16 AM     | segbert         |                           |                 | Active        |
| POU            | 7/29/2004 10:59:09 AM     | segbert         |                           |                 | Active        |
| Use            | 7/29/2004 11:06:49 AM     | segbert         |                           |                 | Active        |
| Season         | 7/29/2004 11:07:07 AM     | segbert         |                           |                 | Active        |
| Quantity       | 7/29/2004 11:07:48 AM     | segbert         |                           |                 | Active        |
| Contacts       | 5/31/2006 12:11:12 PM     | csaxton         |                           |                 | Active        |
| Priority Date  | 5/31/2006 12:11:42 PM     | csaxton         |                           |                 | Active        |
| POD            | 5/31/2006 12:14:08 PM     | csaxton         |                           |                 | Active        |
| POD            | 5/31/2006 12:17:11 PM     | csaxton         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-348E V1

|          |                       |         |        |
|----------|-----------------------|---------|--------|
| Source   | 5/31/2006 12:17:22 PM | csaxton | Active |
| POU      | 5/31/2006 12:18:25 PM | csaxton | Active |
| Use      | 5/31/2006 12:21:28 PM | csaxton | Active |
| Season   | 5/31/2006 12:21:41 PM | csaxton | Active |
| Quantity | 5/31/2006 12:22:27 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------|------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 5/31/2006 12:11:09 PM  | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Desktop Review.                                                                                                                                                                                                                                                                                                                                                                                   |
| POD            | 5/31/2006 12:14:05 PM  | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                              |
| General        | 5/31/2006 12:11:39 PM  | csaxton         | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                        |
| POD            | 5/31/2006 12:17:07 PM  | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(No) 5. Can the claimed POD be verified using the water right file?<br>(Yes) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 7. Can the change be verified as an accomplished transfer?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required? |
| Source         | 5/31/2006 12:17:18 PM  | csaxton         | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                            |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-348E V1

|        |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------|-----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU    | 5/31/2006 12:18:21 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(No) 6. Can the claimed POU be verified using the water right file?</p> <p>(Yes) 7. Is there evidence that there has been a change in the POU?</p> <p>(Yes) 8. Can the claim be verified as an accomplished transfer?</p> <p>(Yes) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 8 - Recommended as PPU on more land then defined by TR 504.</p> <p>Description for Question 13 - In office review.</p> |
| POD    | 5/31/2006 12:14:19 PM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Use    | 5/31/2006 12:21:24 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| POD    | 5/31/2006 12:14:32 PM | csaxton | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POU    | 5/31/2006 12:18:41 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| POU    | 5/31/2006 12:20:44 PM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Season | 5/31/2006 12:21:37 PM | csaxton | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p>                                                                                       |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-348E V1

|               |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------|-----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity      | 5/31/2006 12:22:24 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p>                                                                  |
| Summary       | 5/31/2006 12:31:21 PM | csaxton | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POU           | 5/31/2006 12:18:53 PM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU           | 5/31/2006 12:20:53 PM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU           | 7/29/2004 1:55:53 PM  | segbert | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| POD           | 7/29/2004 10:54:32 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Priority Date | 7/29/2004 10:53:55 AM | segbert | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p>                                                                                                                                                                                                                                                                                                  |
| POD           | 7/29/2004 10:57:27 AM | segbert | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Source        | 7/29/2004 10:58:17 AM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-348E V1

|          |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 7/29/2004 10:59:09 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p>                                                                                                                                                                                                                                                                                              |
| Use      | 7/29/2004 11:06:49 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p>                                                                                                                                                                                                                                                                                                              |
| Season   | 7/29/2004 11:07:08 AM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(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?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> |
| Quantity | 7/29/2004 11:07:48 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p>                                                                                                                                                                                                                                                                                   |

Water Supply Bank:

# Claim

| Basin | Sequence | Suffix | Basis                | Status     | Priority Date | Rate(cfs) | Acres | Source     | Water Use(s) | Owner(s)        | Source Table |
|-------|----------|--------|----------------------|------------|---------------|-----------|-------|------------|--------------|-----------------|--------------|
| 67    | 348      | E      | Decreed              | Active     | 1878-05-01    | 0.92      |       | MILL CREEK | IRRIGATION   | FORD, VICKI     | Claim        |
| 67    | 356      | D      | Decreed              | Active     | 1885-05-01    | 0.22      |       | MILL CREEK | IRRIGATION   | FORD, VICKI     | Claim        |
| 67    | 357      |        | Decreed              | Active     | 1889-05-01    | 0.58      | 65    | MILL CREEK | IRRIGATION   | FORD, VICKI     | Claim        |
| 67    | 358      |        | Decreed              | Active     | 1889-05-01    | 0.75      | 65    | MILL CREEK | IRRIGATION   | FORD, VICKI     | Claim        |
| 67    | 4082     |        | B-use                | Active     | 1878-06-01    | 1.53      |       | MILL CREEK | IRRIGATION   | FORD, VICKI     | Claim        |
| 67    | 4529     |        | Standing C Withdrawn | 10/20/1902 | 0.18          |           |       | SPRING     | IRRIGATION   | LAWRENCE        | Claim        |
| 67    | 11488    |        | B-use                | Active     | 6/5/1902      | 0.8       |       | COOL CREEK | IRRIGATION   | LAWRENCE, Claim |              |
| 67    | 11489    |        | B-use                | Active     | 6/5/1902      | 0.4       |       | COOL CREEK | IRRIGATION   | LAWRENCE, Claim |              |
| 67    | 14486    |        | B-use                | Active     | 6/20/1952     | 0.36      |       | COOL CREEK | IRRIGATION   | CAIRNS, TEF     | Claim        |

# Recommendation

| Basin              | Sequence | Suffix | Basis        | Status  | Priority Date | Rate(cfs) | Acres | Source     | Water Use(s) | Owner(s)    | Source Table |
|--------------------|----------|--------|--------------|---------|---------------|-----------|-------|------------|--------------|-------------|--------------|
| 67                 | 348      | E      | Decreed      |         | 1878-05-01    | 0.128     | 10    | MILL CREEK | IRRIGATION   | FORD, VICKI | Recommend    |
| 67                 | 356      | D      | Decreed      |         | 1885-05-01    | 0.078     | 6.24  | MILL CREEK | IRRIGATION   | FORD, VICKI | Recommend    |
| 67                 | 357      |        | Decreed      |         | 1894-05-01    | 0.58      | 46.4  | MILL CREEK | IRRIGATION   | FORD, VICKI | Recommend    |
| 67                 | 358      |        | Decreed      |         | 1889-05-01    | 0.75      | 60    | MILL CREEK | IRRIGATION   | FORD, VICKI | Recommend    |
| 67                 | 4082     |        | Beneficial U | Decreed | 1878-06-01    | 0         | 0     | MILL CREEK | IRRIGATION   | FORD, VICKI | Recommend    |
| CFS and AC Limit = |          |        |              |         |               | 1.2       | 60    |            |              |             |              |
| 67                 | 11488    |        | Beneficial U | Active  | 6/5/1902      | 0.4       | 20    | COOL CREEK | IRRIGATION   | LAWRENCE    | Recommend    |
| 67                 | 11489    |        | Beneficial U | Active  | 6/5/1902      | 0.4       | 20    | COOL CREEK | IRRIGATION   | LAWRENCE    | Recommend    |
| 67                 | 14486    |        | Beneficial U | Active  | 6/20/1952     | 0.054     | 16    | COOL CREEK | IRRIGATION   | CAIRNS, TEF | Recommend    |
| Total =            |          |        |              |         |               | 0.854     | 48.5  |            |              |             |              |

# WR

| Basin | Sequence | Suffix | Basis   | Status | Priority Date | Rate(cfs) | Acres | Source              | Water Use(s)           | Owner(s)               | Source Table |
|-------|----------|--------|---------|--------|---------------|-----------|-------|---------------------|------------------------|------------------------|--------------|
| 67    | 4152     |        | Decreed | Active | 6/20/1950     | 0.14      |       | SPRINGS             | DOMESTIC, IDE HAAS, HE | wrWaterRight           |              |
| 67    | 4287     |        | Decreed | Active | 10/1/1978     | 0.02      |       | GROUND WA` DOMESTIC | FORD, VICKI            | wrWaterRight           |              |
| 67    | 10144    |        | Decreed | Active | 6/30/1977     | 0.04      |       | GROUND WA` DOMESTIC | LAWRENCE, wrWaterRight |                        |              |
| 67    | 10145    |        | Decreed | Active | 6/30/1948     | 0.02      |       | SPRING              | STOCKWATE              | LAWRENCE, wrWaterRight |              |
| 67    | 10699    |        | Decreed | Active | 4/1/1911      | 0.04      |       | GROUND WA` DOMESTIC | FORD, VICKI            | wrWaterRight           |              |

| Page | Parcel       | Name  | Water in | File    | Original Ownr | Priority |
|------|--------------|-------|----------|---------|---------------|----------|
| #    | Number       |       | Inches   | #       |               | Date     |
| 21   | P00060001004 | LAWRE | 6        | 348-446 | ANS & WINKL   | 5/1/78   |
| 21   | P00060001004 | LAWRE | 37.5     | 357     |               | 5/1/89   |

# 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 |
|           | Lot 6, Blk 1   | 0     |        |
| 67-00348B | Hoover         | 0.12  | TR 517 |
|           | Lot 8, Blk 3   | 0     |        |
| 67-00348C | Winkler        | 0.13  | TR 539 |
|           | Lot 8, Blk 3   |       |        |
|           | Lot 10, Blk 4  |       |        |
| 67-00348D | Spahr          | 0.130 | TR 783 |
|           |                | 27    |        |
|           |                | 0     |        |
| 67-00348E | Abide          | 0.5   |        |
|           |                | 76    |        |
|           |                | 0     |        |
| 67-00348D | Smith          | 0.13  |        |
|           |                | 26    |        |
|           |                | 0     |        |
| 67-00348E | Lawrence/Fort  | 0.92  |        |
|           |                | 65    |        |
|           |                | 0     |        |
| 67-00348F | Spahr/Phillips | 0.02  |        |
|           |                | 1     |        |
|           |                | 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 Acres = | 168  |
| Sum AF =    | n/a  |

|             |       |
|-------------|-------|
| Sum CFS =   | 0.505 |
| Sum Acres = | 40.4  |
| Sum AF =    | n/a   |

|               |       |
|---------------|-------|
| Extra CFS =   | -1.07 |
| Extra Acres = | -128  |
| Extra AFA =   | n/a   |

|               |       |
|---------------|-------|
| Extra CFS =   | 0.000 |
| Extra Acres = | 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        |
| 21                   | 0006000300    | ABIDE, WN | 6               | 348-446 | TRANS & J HOOVER | 5/1/78        |
| 21                   | 0006000300    | ABIDE, WN | 6.5             | 348-447 | TRANS & WINKLER  | 5/1/78        |
| 21                   | 17N01W36S     | SMITH, KU | 6.5             | 348-448 | TRANS            | 5/1/78        |
|                      |               |           | 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) |

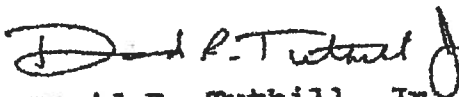
It appears that sometime in the past, the O.D. Vaile water right mistakenly had a "4" added before the "6", resulting in "46" rather than "6".

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

August 3, 1994

Bret &/or Doris Armacost (Former Owners)  
P.O. Box 437  
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Box 543  
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RE: Water Right No. 67-00348, All Parts

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|---------------|----|------|
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| 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) |

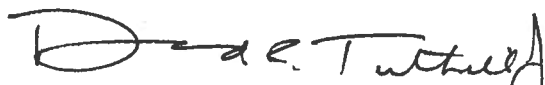
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If any party has additional information in this matter, I would welcome such information for further review.

Sincerely,



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

Enclosures

cc: Jerry Myers, Watermaster

MICROFILMED  
OCT 22 1996

E 9-10-93  
FILE AG7-00348ENAME OF PARTY O'Dell Vaile (L.O.)  
EMPLOYEE Linda WernerRE: Claimant called & told me that the Watermaster on Mill cut his water delivery back because of a protest by Larry Dixie.File AG7-00348E contains information regarding this. It appears that water has been delivered incorrectly at 58.5" when the decree only allotted 25". Consequently, he was cut back in the 1993 water year.There is a stat. claim numbered 67-4082, unclaimed in SRBA & in Vaile's name. P.O.U. different than that claimed in AG7-348E. Sent claimant a copy of this, copy of claims he did file & map. Advised him to review this info. & if he determines that water has been used on appropriate lands to file a claim.Claimant also told me he has an address change to: 2466 Orchard Rd.Council ID 83612 **MICROFILMED**

Wife - Betty

**AUG 05 1994**chg address on AG7-11527, 04287, 10699,  
10702 & 00348E9-15-93Sent claimant copy of letter dated 10-23-92 from D. Tutthill, 9-24-92 signed by Herald Myers & portion of decree. Per daughter's request



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

September 10, 1993

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

O'DELL VAILE  
2466 ORCHARD RD  
COUNCIL ID 83612

Dear Mr. Vaile;

Enclosed you will find information relating to the Notice of Claims to a Water Right you filed in the Snake River Basin Adjudication. (SRBA) The sources on these claims are wells, springs and Mill creek irrigation. They are numbered A67-00348E, 67-04082, A67-04287, A67-10699, A67-10702, A67-11528. The claims pertaining to Mill creek usage are A67-00348E and 67-04082. I have enclosed the other reports to give you a comprehensive record of what you have filed.

Claim number A67-00348E is for irrigation from Mill creek in T17N, R1W, Section 35, S1/2SE1/4. This is based on the early decreed right from the Weiser river adjudication of 1920. Statutory claim number 67-04082 is for irrigation from Mill creek in T16N, R1W, Section 2, N1/2NE1/4. This claim is based on beneficial use and **was not** filed in the SRBA.

I have also enclosed a map outlining both of the above areas. Please review this information to determine where your water usage exists. If you are, in fact, using water on your land based on the above statutory claim, and the land listed on this claim is no longer irrigated from that source, then you may file a claim asserting your usage from this source in the SRBA.

I am enclosing a Notice of Claim form with instructions. The filing fee will be \$50.00 plus a variable fee of \$1.00 per acre based on the number of acres irrigated. If these acres are the same as those claimed on A67-00348E then the fee is \$50.00 because you are only required to pay for irrigated acreage one time.

If you find you still have questions after reviewing this information, feel free to contact me.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosures

MICROFILMED

AUG 05 1994

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CERTIFICATE OF WATER RIGHT  
Transferred Right No. 504

THIS IS TO CERTIFY That A. G. MOORE 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 6-1/4 inches per second of the waters of MILL CREEK, tributary to WEISER RIVER, County of Adams, State of Idaho, decreed to WILLIAM WINKLER, et al., by decree of Judge ED. L. BRYAN of the 7th Judicial District of the State of Idaho in and for the County of Washington, in the case of:

MUIR BROS. -vs- ALLISON, et al.

said decree bearing date of June 20, 1921, for the purpose of irrigating the following described lands situated, lying and being in WATER DISTRICT No. 41, in the counties of Washington and Adams, State of Idaho, to-wit:

Northeast Quarter of Northwest Quarter, Section 10,  
Township 16 North, Range 1 West of Boise Meridian

in Adams County, Idaho; and that said decree has been entered in the records of the Department of Reclamation of Idaho in Book 4 of Decrees at page 354; and that said A. G. MOORE is the person who has become the owner thereof by deeds of conveyance;

THAT, Upon the application of A. G. MOORE for a transfer of water right made before the Commissioner of Reclamation of Idaho and the said application having been granted, the right to the use of 6-1/4 inches of the waters of MILL CREEK, tributary to WEISER RIVER, 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, by this certificate, become appurtenant for irrigation and domestic purposes are described as follows:

Lot Six (6) in Block One (1) of the COUNCIL VALLEY ORCHARDS, as per official plat thereof and being a part of Southeast Quarter of Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ), Section Thirty-five (35), Township Seventeen (17) North, Range One (1) West of Boise Meridian;

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:

6-1/4 inches (0.125 cubic foot per second) dated May 1, 1878

MICROFILMED

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

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, Township 17 North, Range 1 West  
of Boise Meridian

through applicant's private ditch, known as the WINKLER-KISLER DITCH, and will hereafter be diverted from said MILL CREEK at a point in the:

NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 36, Township 17 North, Range 1 West  
of Boise Meridian

through a ditch, known as the MILL CREEK DITCH;

THAT, No right to the use of water on the lands last above described exists at the date of this certificate except as hereinafter stated: A small right out of MILL CREEK with a very late date of priority; this right is usually lost during the month of May;

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.

WITNESS, The seal and signature of the Commissioner of Reclamation of Idaho, affixed at Boise this 17th day of September, 1931.

  
Commissioner of Reclamation

| TRANSFER NO. | NAME               | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO.        |
|--------------|--------------------|------------------|-------------------|---------------------|
|              | Winkler, Wm. et al | 0.5              |                   | 67-0348             |
| 504.         | Moore, A. G.       | 0.125            | 0.375             | 67-0348A            |
| 517          | Hoover, John W.    | 0.12             | 0.255             | <del>67-0348B</del> |
| 539          | Winkler, Wm. F.    | 0.13             | 0.125             | 67-0348C            |
| 783          | Spahr, W. H.       | 0.13             | 0                 | 67-0348D            |

EE

EE

S

N

A

RECEIVED

T

J F Lowe

L J Rhinehart

Loren Rhinehart

Anna Morrow

38 ✓

31 ✓

40 ✓

5 ✓

Mill Creek.

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

25 ✓

Frederick N Watriss, Grantee of Geo M Winkler

16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

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

37 1/2 ✓

29 ✓

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

41 2/3 ✓

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion  
Young

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

J D Poyner and John Poyner

George T Ellis

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

37 1/2 ✓

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

54 ✓

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

16 ✓ Trans 384

18 ✓

18 ✓

8 1/2 ✓

100 ✓

B W Turnipseed

J V Morrison

C W Holmes

Council Valley Orchards

Unnamed Stream.

Council Valley Orchards

100 ✓

20 ✓

10 ✓

34 ✓

4 ✓

4 ✓

6 ✓

11 ✓

C T Hamill

Louis Harp

A L Freehafer and Margaret P Dike

June 5, 1902 67 0344

June 5, 1902 67 0345

June 5, 1902 67 0346

June 5, 1902 67 0347

67 0348

May 1, 1878 Trans 504-517-539-711

May 1, 1881 67 0349

May 1, 1884 67 0350

May 1, 1893 67 0351

May 1, 1894 67 0352

May 1, 1882 67 0353

May 1, 1891 67 0354

May 1, 1884 Trans 504-517-539-711 67 0355

May 1, 1885 67 0356

May 1, 1894 67 0357

May 1, 1889 67 0358

May 1, 1886 67 0359

May 1, 1893 67 0360

May 1, 1894 67 0361

May 1, 1896 67 0362

May 1, 1899 67 0363

May 1, 1903 67 0364

July 1, 1909 67 0365

May 1, 1909 67 0366

June 1, 1906 67 0367

July 3, 1911 67 0368

March 17, 1913 67 0369

May 16, 1912 67 0370

July 2, 1892 67 0371

May 1, 1882 67 0372

May 1, 1889 67 0373

May 1, 1882 67 0374

June 1, 1911 67 0375

JUL 24 1996

WILLIAM WINKLER, LEWIS WINKLER, MISS 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: The Southwest Quarter of the Northeast Quarter, Section 10, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10 in Township 16 North, Range 1 West Boise Meridian.

FREDERICK N WATRIS: The South half of the Northwest Quarter and the North half of the Southwest Quarter, Section 35, Township 17 North Range 1 West Boise Meridian.

P H SCHAFY AND F B GALEY: The South half of the Northeast Quarter and the North half of the Southeast Quarter Section 35, Township 17 North, Range 1, West Boise Meridian.

DESERT SINK COMPANY: The Southeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The South half of the Southeast Quarter, Section 35, Township 17 North, Range 1 West Boise Meridian and the North half of the Northeast Quarter, Section 2, Township 16 North, Range 1 West Boise Meridian.

J D POYNTER AND JOHN POYNTER: The North half of the Southwest Quarter and the West half of the Northwest Quarter of Section 36, Township 17 North, Range 1 West Boise Meridian.

GEORGE T WILLIS: The Southeast Quarter of the Southeast Quarter, Section 4, the Southwest Quarter of the Northwest Quarter, Section 3, and a tract bounded as follows, commencing at the Southwest corner of lot 1, said Section 4, thence north along the west side of said lot 20 rods, thence east 80 rods, thence south 20 rods, thence west 80 rods to the place of beginning, all in Township 16 North, Range 1 West Boise Meridian.

P H SCHAFY AND THOMAS L WATT: The North half of the Northwest Quarter Section 35, and 70 acres east of the right of way of the P & I N Ry. in the Southeast Quarter of the Southeast Quarter Section 27, and the Northeast Quarter of the Northeast Quarter Section 34, all in Township 17 North, Range 1 West Boise Meridian.

*see check*  
CHARLES LAPPIN AND A E FREMLEY: The West half of the Southwest Quarter of Section 25, and the east half of the southeast Quarter of Section 26, Township 17 North, Range 1, West Boise Meridian.

JAMES A HUSTON, JR. and WM H SPAHR: The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 36, Township 17 North Range 1 West Boise Meridian.

B W TURNISHED: Lot 4, the Southeast Quarter of the Southwest Quarter, and the South half of the Southeast Quarter Section 31, Township 17 North, Range 1 East Boise Meridian.

J V MORRISON: The Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 4, Township 16 North, Range 1 West Boise Meridian.

O W HOLMES: The Northwest Quarter of the Southwest Quarter Section 3, Township 16 North, Range 1 West Boise Meridian.

FRANK S GALEY: Northwest Quarter Southeast Quarter and Northeast Quarter Southeast Quarter Section 35, Township 17 North, Range 1 West Boise Meridian.

LOUIS HARP: The South half of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, Section 23, and the Southeast Quarter of the Southeast Quarter Section 14, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

# MILL CREEK RIGHTS.

Deseret Sheep Company, substituted for C. A. Martin,  
Grantee of Margaret Krigbaum,

41 2/3 May 1, 1884

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,

25 " " 1878

Charles Lappin and A. E.  
Felmley, Grantee of C. S. Gibbs,

54 " " 1896

J. D. Poynor and John Poynor,

21 1/2 " " 1886

B. W. Turnipseed,

18 " " 1903

Frederick M. Watriss,  
Grantee of Geo. M.  
Winkler,

16 2/3 " " 1881  
12 1/2 " " 1884  
33 1/3 " " 1893  
20 3/4 " " "

P. H. Schaff and  
F. S. Galey, Grantees  
Samuel Hark

37 1/2 " " 1882  
29 " " 1891

Council Valley Orchards  
Grantee J. Marion Young

10 3/4 " " 1885  
29 " " 1894  
37 1/2 " " 1889

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

16 " " 1899

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

37 1/2 " " 1894

27 1/2 " " 1893

George T. Ellis

16 July 1 1909

J. V. Morrison,

8 1/2 May 1 1909

C. W. Holmes

RECORDED

JUL 24 1899

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 67-348E  
Date Received: 8/16/1994  
Receipt No: C012102  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VONDA LAWRENCE Phone: (208)253-4200

PO BOX 445  
COUNCIL ID USA 83612

VICKI LYNN FORD Phone: (208)253-4200

PO BOX 445  
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1878

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 | Type |
|----------|-------|---------|-----------------------|----|----|--------|------|
| 17N      | 01W   | 36      | SW                    | NE | SE | ADAMS  |      |

5. Description of diverting works:

HOOVER DITCH FROM MILL CREEK

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.92   |            |

7. Total Quantity Appropriated is:  
0.92 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 16N      | 01W   | 2       | NE         | NE  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 10    |
| 17N      | 01W   | 35      | SW         | SE  | IRRIGATION    | 18    |
|          |       |         | SE         | SE  | IRRIGATION    | 37    |
|          |       |         |            |     | Section Acres | 55    |
|          |       |         |            |     | Total Acres   | 65    |

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:

14. Remarks:

THIS WATER RIGHT IS ALSO DESCRIBED IN STAT. CLAIM 67-04082.  
HOWEVER, LEGAL DESCRIPTIONS ON ORIGINAL CLAIM WERE INCORRECT.  
THIS CLAIM IS BASED ON THE ORIGINAL WINKLER WATER RIGHT (67-348) AND IS USED ON  
LANDS LOCATED WITHIN LOTS 4-9, BLOCK 1, COUNCIL VALLEY ORCHARDS.  
THIS WATER IS DELIVERED BY THE WATERMASTER BY INSTRUMENT NO.  
00360001004A, 46".

15. Basis of Claim: Decreed



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 17, 2005

VONDA LAWRENCE  
VICKI LYNN FORD  
PO BOX 445  
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)  
Notices of Claim to a Water Right #67-348E, 67-356D and 67-358

Dear Claimants:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Enclosed are copies of your Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Technical Section

SS:region

Enclosures:

Copies of Notices of Claim Referenced Above

SCANNED  
JUN 17 2005

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

APR 25 2005

WATER RESOURCES  
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

RECEIVED

MAY 05 2005

DEPARTMENT OF  
WATER RESOURCES

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. Just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a particular water right in which case division of the existing water right or adjudication claim record will be required.

| Water Right No(s). | Adjudication Claim No(s). | Split | Water Right No(s). | Adjudication Claim No(s). | Split |
|--------------------|---------------------------|-------|--------------------|---------------------------|-------|
| 67-358             | - ok to change All CS     |       |                    |                           |       |
| 67-348E            | - ok to change All CS     |       |                    |                           |       |
| 67-356D            | OK to change CS           |       |                    |                           |       |
| 67-4287 VI         | cc: W.A.                  |       |                    |                           |       |
| 67-10699 VI        |                           |       |                    |                           |       |

5-6-05

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

L.O. Vaile  
 2466 Orchard Rd, Council, ID 83612

4. New Owner/Claimant(s)

VONDA LAWRENCE OR Vicki Ford

Name Connector (Check one): and, ☒ or, ☐ and/or

New Mailing Address

PO Box 445

City, State and ZIP Code

Council, ID 83612

New Telephone Number

(208) 253-4200

5. Date you acquired the property

July 20, 1995

SCANNED

JUN 17 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Wanda Lawrence  
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

|                        |                        |                                                 |
|------------------------|------------------------|-------------------------------------------------|
| Received by <u>KLB</u> | Date <u>4/25/05</u>    | Fee <u>\$50.00 (for 67-4287 &amp; 67-10699)</u> |
| Received by _____      | Date _____             | Receipt No. <u>W032849</u>                      |
| Processed by <u>PS</u> | AJ Date <u>6-17-05</u> | WR _____ Date _____                             |

*OK to Change 6-7-05*

**SCANNED**  
**JUN 17 2005**

Vonda Marie Lawrence  
Vicki Lynn Ford  
PO Box 445  
Council, ID 83612

April 20, 2005

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Notice of Name Change in Water Right Ownership  
#s 67-358, 67-348E, 67-356D, 67-4287VI, and 67-10699VI

The property described on the Quitclaim deed as Lands in Council Valley Orchards from our father, Leonard O Vaile, is located in the SE1/4 of Section 35, Township 17 North Range 1 West, and in the NE1/4 of Section 2, Township 16 North Range 1 West.

The \$1 per acre irrigation fee has been paid.

Sincerely,



Vonda Lawrence

SCANNED  
JUN 17 2005

# QUITCLAIM DEED

INSTRUMENT NO. 94599  
PAGE 1 OF 1

For Value Received Leonard Odell Vaile, aka L. O. Vaile, an unmarried man

do hereby convey, release, remise and forever quitclaim unto Vicki Lynn Ford, a married woman dealing in her sole and separate property and Vonda Marie Lawrence, a married woman dealing in her sole and separate property whose current address is PO Box 445, Council, ID 83612

the following described premises, to-wit:

W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 33, Township 17 North, Range 1 West, Boise Meridian. (200 acres dry grazing and agricultural land)

S $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28:  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 32:  
NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 33: All in township 17 North, Range 1 West, Boise Meridian.

Lands in Council Valley Orchards, as designated upon official Plats of Council Valley Orchards and First and Second Additions to Council Valley Orchards on file in the office of the County Recorder of Adams County, Idaho: Lots 4, 5, 6, 7, 8 and 9, Block 1, Council Valley Orchards and Lots 1 and 2, Block 7, Second Addition to Council Valley Orchards. But Excepting therefrom the North 416 feet of the West 1040 feet of said Lots 1 and 2: The East 6.3 acres of Lot 3 of Block 7 of the Second Addition to Council Valley Orchards. Together with all appurtenant water rights and all tenements, hereidtements and appurtenances to said premises belonging or appertaining. (acreage 67.54, more or less).

together with their appurtenances.

Dated: July 20 - 95

Leonard Odell Vaile

STATE OF IDAHO, COUNTY OF Adams  
On this 20th day of July, 1995,  
before me, a Notary Public in and for the said State, personally  
appeared

Leonard Odell Vaile

known to me to be the person whose name  
subscribed to the within instrument, and acknowledged to me that  
executed the same.

Julie E. Wilson

Notary Public,  
Idaho

Residing at Council  
Comm. Expires 5-20-98

STATE OF IDAHO, COUNTY OF Adams  
I hereby certify that this instrument was filed for record at the  
request of Vonda Lawrence

at 10 minutes past 8 o'clock A.M.,  
this 28 day of August  
1998, in my office, and duly recorded in Book  
of Deeds at page

MICHAEL FISK

Ex-Officio Recorder

By Proctor Pinkel

Deputy

Fees \$3.00  
Mail to: Vonda Lawrence  
In Person

INSTRUMENT NO. 94599

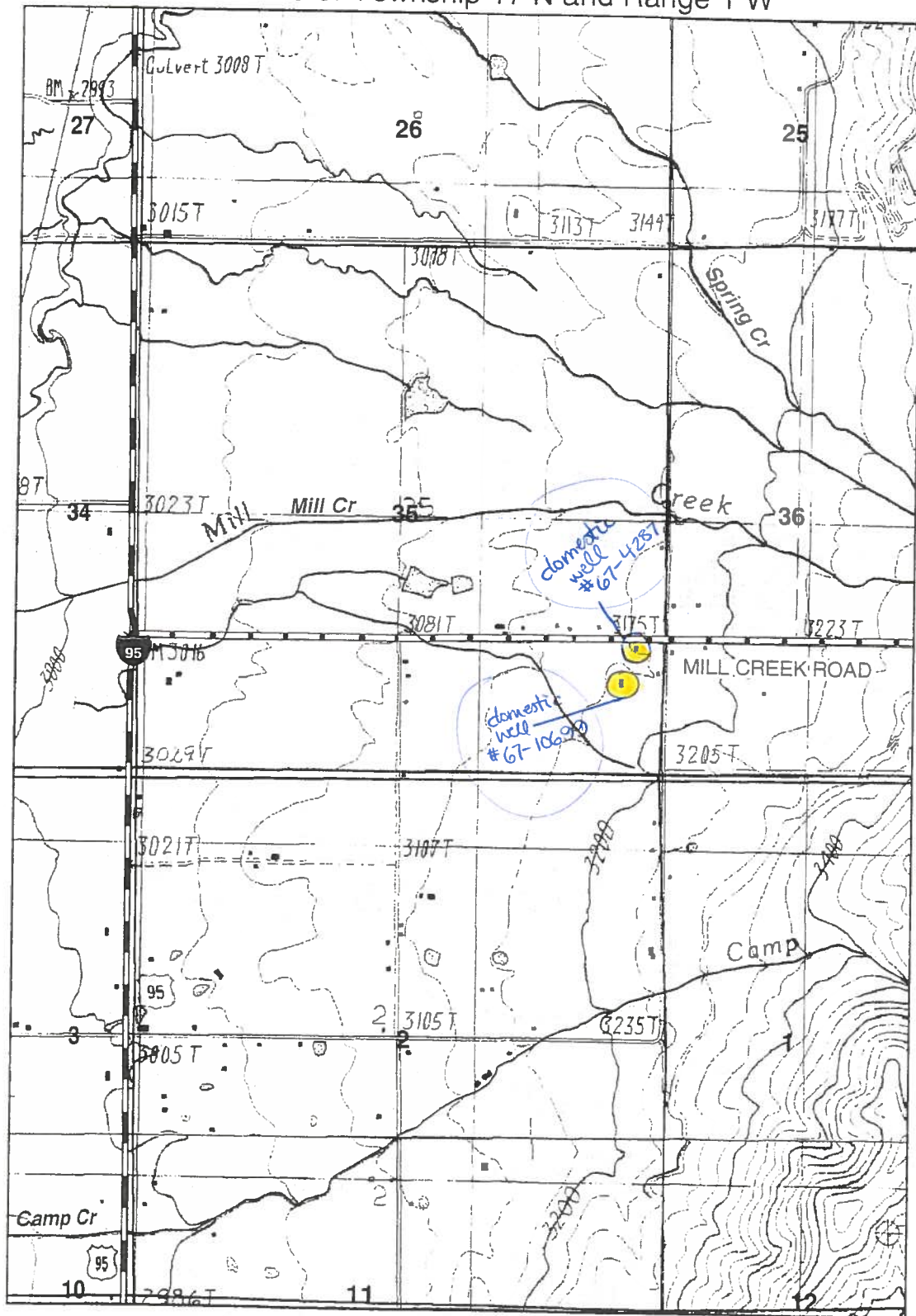
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SCANNED

JUN 17 2005

Domestic Well for #67-4287  
#67-10699

Section 35 of Township 17 N and Range 1 W



SCANNED

JUN 17 2005

FILED

MAR 9 1973

A.M. 2:00 P.M.

Margie M. Fadden  
Clerk  
Ester Stover CLERK deputy

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS  
(Magistrate's Division, In Probate)

In the Matter of the Estate of ) Probate No. 37  
CORAL B. VAILLE, )  
Deceased. ) STATEMENT OF INTESTACY OF A  
COMMUNITY PROPERTY ESTATE AND  
DETERMINATION OF HEIRSHIP.

The application of Leonard O. Vaile for a statement of  
intestacy of community estate with a surviving spouse having come  
before the Court for consideration this 9th day of March, 1973,  
the Court makes the following findings:

1. The decedent, Coral B. Vaile, died February 6, 1970  
at the age of 44, domiciled in Adams County, Idaho and is  
survived by Leonard O. Vaile.

2. The decedent left no will.

3. The decedent's estate consists solely of community  
property of the decedent and the surviving spouse.

4. The surviving spouse of the decedent is Leonard O.  
Vaile and he is the sole heir of the decedent.

5. The community property described in said  
Application, hereinbefore referred to, is situated in  
Adams County, Idaho and is described as follows:

REAL PROPERTY:

NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, Township 17  
North, Range 1 West, Boise Meridian.  
(200 acres dry grazing and agricultural land)

Equity in SE $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 28:  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33:  
NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33: All in Township 17 North, Range  
1 West, Boise Meridian.  
(Under Contract of purchase from State of Idaho)

Lands in Council Valley Orchards, as designated upon  
official Plats of Council Valley Orchards and First  
and Second Additions to Council Valley Orchards on file  
in the office of the County Recorder of Adams County,  
Idaho: Lots 4, 5, 6, 7, 8 and 9, Block 1, Council Valley  
Orchards and Lots 1 and 2, Block 7, Second Addition to  
Council Valley Orchards. But Excepting therefrom the  
North 416 feet of the West 1040 feet of said Lots 1 and  
2: The East 6 $\frac{1}{2}$  acres of Lot 3 of Block 7 of the Second  
Addition to Council Valley Orchards. Together with all  
appurtenant water rights and all tenements, hereditaments  
and appurtenances to said premises belonging or appertain-  
ing. (Acreage 67.54, more or less).

PERSONAL PROPERTY:

Various motor vehicles.  
Various farm equipment.  
Livestock (cattle and horses).  
Household furniture and appliances.

RECEIVED

MAY 03 2005

WATER RESOURCES  
WESTERN REGION

SCANNED

JUN 17 2005

-1-

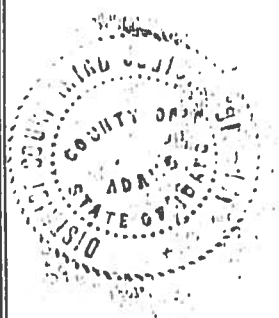
STATEMENT

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Cash on hand on deposited in Bank.  
DATED this 9th day of March, 1973.

ROBERT W. WHITEMAN  
ROBERT W. WHITEMAN  
Magistrate in and for Adams County,  
Idaho.

State of Idaho } ss  
County of Adams }  
I, the undersigned Recorder and Clerk of the District  
Court of Adams County, State of Idaho, do hereby  
certify that the foregoing is a true and correct  
copy of the original as it is in my office and in my custody.  
IN WITNESS WHEREOF, I have set my hand and af-  
fixed my official seal on this 9<sup>th</sup> day of March  
19 73  
Mar. McFadden  
Clerk of the District Court  
and County Recorder  
Steve Struss  
Deputy



## WARRANTY DEED

THIS INDENTURE, Made this 17th day of February in the year of our Lord one thousand and nine hundred and Fifty Four, between FRANK S. GALEY, Jr., and GWENDOLYN R. GALEY, husband and wife, of Council, County of Adams, State of Idaho the parties of the first part, and L. O. VAILE and CORAL B. VAILE, husband and wife, of Council, County of Adams, State of Idaho the parties of the second part.

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

Lots Four (4), Five (5) and Six (6) of Block One (1) of the Council Valley Orchards as said Lots are numbered and designated on the official Plat thereof on file in the office of the County Recorder of Adams County, Idaho,

And Together with all water and water rights, ditches and ditch rights, and irrigation works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, including all water of Mill Creek Decreed to said lands and all East Fork Ditch Company Water which, by use, has become appurtenant to said lands

Internal Revenue stamps attached and canceled \$3.30

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

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or

never DEFEND.

unto set their

Jr. (Seal)  
Y (Seal)

SCANNED  
JUN 17 2005

THIS INDENTURE, Made this 17th day of July in the year of our Lord one thousand nine hundred and Fifty-three between MARY ANDERSON, Widow, of Council County of Adams State of Idaho the party of the first part, and L. O. VAILE and CORAL B. VAILE, husband and wife, of Council County of Adams State of Idaho, the parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of SEVENTY FIVE HUNDRED AND NO/100 DOLLARS, lawful money of the United States of America, to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Adams, State of Idaho, to wit:

Lot Seven (7), containing 10.0 Acres; Lot Eight (8), containing 2.62 Acres; Lot Nine (9), containing 8.42 Acres of Block One (1) of the Council Valley Orchards and as said Lots are designated on the official Plat thereof on file in the Office of the County Recorder of Adams County; And, Lot One (1), containing 9.35 Acres and Lot Two (2), containing 9.84 Acres of Block Seven (7), Second Addition to the Council Valley Orchards and as said Lots are designated on the Official Plat thereof on file in the Office of the County Recorder of Adams County.

I. R. \$8.25 attached and cancelled.

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

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

her heirs, and  
to claim the

hand

SCANNED

JUN 17 2005

SCANNED

JUN 17 2005

THIS INDENTURE, Made this 17th day of July in the year of our Lord one thousand nine hundred and Fifty-three between MARY ANDERSON, Widow, of Council County of Adams State of Idaho the party of the first part, and L. O. VAILE and CORAL B. VAILE, husband and wife, of Council County of Adams State of Idaho, the parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of SEVENTY FIVE HUNDRED AND NO/100 DOLIARS, lawful money of the United States of America, to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Adams, State of Idaho, to wit:

Lot Seven (7), containing 10.0 Acres; Lot Eight (8), containing 2.62 Acres; Lot Nine (9), containing 8.42 Acres of Block One (1) of the Council Valley Orchards and as said Lots are designated on the official Plat thereof on file in the Office of the County Recorder of Adams County; And, Lot One (1), containing 9.35 Acres and Lot Two (2), containing 9.84 Acres of Block Seven (7), Second Addition to the Council Valley Orchards and as said Lots are designated on the Official Plat thereof on file in the Office of the County Recorder of Adams County.

I. R. \$3.25 attached and cancelled.

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

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in  
Presence of \_\_\_\_\_

Mary Anderson (Seal)

STATE OF IDAHO,  
County of Adams ) ss.

On this 17th day of July in the year 1953, before me Carl H. Swanstrom, a Notary Public in and for said State, personally appeared MARY ANDERSON, Widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(NOTARIAL SEAL)

Carl H. Swanstrom  
Notary Public  
Residing at Council, Idaho

Recorded at the request of L. O. Vaile at 01 minute past 11 o'clock A. M. this 20th day of July, A. D. 1953.

Mabel Hoover, Recorder

Fee \$1.50

SCANNED  
JUN 17 2005

SCANNED  
JUN 17 2005

INSTRUMENT NO. 38714

## WARRANTY DEED

THIS INDENTURE, Made this 15th day of November in the year of our Lord one thousand nine hundred and Fifty-four, between R. H. CASEMAN and JOSEPHINE CASEMAN, husband and wife, of Council, County of Adams, State of Idaho the parties of the first part, and L. O. VAILE and CORAL B. VAILE, husband and wife of Council, County of Adams, State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of FIVE HUNDRED FIFTY DOLLARS (\$550.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part and to their heirs and assigns forever, all of the following described real estate, situated in the, County of Adams, State of Idaho, to-wit:

The East Six and One-Half acres of Lot Three (3) of  
Block Seven (7) of Council Valley Orchards according to the official  
plat thereof on file in the Office of the County Recorder of  
of Adams County, Idaho, and together with Five (5) shares of the  
East Fork Ditch Company and the water and water rights thereby  
represented.

Internal Revenue Stamps Attached and Cancelled \$1.10

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

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

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

|                              |                   |        |
|------------------------------|-------------------|--------|
| Signed, Sealed and Delivered | R. H. Caseman     | (Seal) |
| in Presence of _____         | Josephine Caseman | (Seal) |
| STATE OF IDAHO,        )     |                   |        |
| )                            | ss.               |        |
| County of Adams        )     |                   |        |

SCANNED  
JUN 17 2005

On this 15th day of November in the year 1954, before me Carl H. Swanstrom, a Notary Public in and for said State, personally appeared R. H. CASEMAN and JOSEPHINE CASEMAN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(NOTARIAL SEAL)

Carl H. Swanstrom  
Notary Public for the State of Idaho,  
Residing at Council, Idaho

Recorded at the request of Mrs. L. O. Vaile at 10 minutes past 11 o'clock A.M. on the 17th day of June A.D. 1958.

Fee \$1.50

Anna F. Schwartz, Recorder  
By Marie McFadden, Deputy

mme a.s.

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: A67-00348E  
Date Received: 10/10/1989  
Receipt No: C012102/wd7928  
Received By: DM \$10

(10 add'l  
acres)

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: L O VAILE 208-253-4434  
Address: 2466 ORCHARD RD  
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 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 17N      | 01W   | 36      | SW     | NE     | SE     |     | ADAMS  |

5. Description of diverting works:  
HOOVER DITCH FROM MILL CREEK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.920 |      |        |

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

8. Total consumptive use is 165.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use           | Acres |
|----------|-------|---------|--------|--------|-----|---------------|-------|
| 16N      | 01W   | 2       | NE     | NE     |     | IRR           | 10.0  |
|          |       |         |        |        |     | Section Acres | 10.0  |
| 17N      | 01W   | 35      | SW     | SE     |     | IRR           | 18.0  |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 17N           | 01W   | 35      | SE         | SE  | IRR | 37.0  |
| Section Acres |       |         |            |     |     | 55.0  |
| Total Acres   |       |         |            |     |     | 65.0  |

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:  
EAST FORK DITCH COMPANY

14. Remarks:

THIS WATER RIGHT IS ALSO DESCRIBED IN STAT. CLAIM 67-04082.  
HOWEVER, LEGAL DESCRIPTIONS ON ORIGINAL CLAIM WERE INCORRECT.  
THIS CLAIM IS BASED ON THE ORIGINAL WINKLER WATER RIGHT (67-348)  
AND IS USED ON LANDS LOCATED WITHIN LOTS 4-9, BLOCK 1,  
COUNCIL VALLEY ORCHARDS.  
THIS WATER IS DELIVERED BY THE WATERMASTER BY INSTRUMENT NO.  
00360001004A, 46".

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

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 x 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): Odell Vail Date: 8/16/94  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> day  
of Aug 19 94 D. Dr. Tuttle  
Notary Public

Seal

Residing at Boise Id  
My Commission Expires 9/15/94

MICROFILMED  
OCT 22 1990

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: A67-00348E  
Date Received: 10/10/1989  
Receipt No: 012102  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: L. O. VAILE 208-253-4434  
Address: BOX 543  
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      | SW     | NE     | SE  |     | ADAMS  |
5. Description of diverting works:  
HOOVER DITCH FROM MILL CREEK
6. Water is used for the following purposes:
- | Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.920 |      |        |
7. Total Quantity Appropriated is:  
0.920 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 165.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 17N           | 01W   | 35      | SW     | SE  |     | IRR | 18.0  |
|               |       |         | SE     | SE  |     | IRR | 37.0  |
| Section Acres |       |         |        |     |     |     | 55.0  |

10. Place of Use: Continued

Total Acres 55.0

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:  
EAST FORK DITCH COMPANY

14. Remarks:

THIS WATER RIGHT IS ALSO DESCRIBED IN STAT. CLAIM 67-04082.  
HOWEVER, LEGAL DESCRIPTIONS ON ORIGINAL CLAIM WERE INCORRECT.  
THIS CLAIM IS BASED ON THE ORIGINAL WINKLER WATER RIGHT (67-348)  
AND IS USED ON LANDS LOCATED WITHIN LOTS 4-9, BLOCK 1,  
COUNCIL VALLEY ORCHARDS.  
THIS WATER IS DELIVERED BY THE WATERMASTER BY INSTRUMENT NO.  
00360001004A, 46".

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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Decree Plaintiff

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2 maps

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): [Signature] Date: 10-10-89  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 10<sup>th</sup> day  
of October 19 89 [Signature]  
Notary Public

Seal

Residing at Helen Harrington, Notary Public  
Residing at Boise, Idaho  
My Commission Expires Expires December 1, 1994

Place of use



R141

B-246

1-2

L. HARVEY

C 7.3

A 4.7

B 11.3

A 7.3

B-219

J. BALDERSON

D 9.2

E 3.5

F 1.0

G 8.8

I 16.6

L 1.3

K 7.4

J 1.6

B-41

W. SPAHR

A 20.8

M 15.5

N 2.6

P 1.7

DITCH

DITCH

B-270

1-2 D. MORITZ

E 2.5

D 5.0

C 12.0

A 4.8

S 2.6

Q 11.5

G 5.1

F 8.7

H 5.3

C 17.7

B-239

C. CHILDERS

B 19.4

A 2.9

F 6.9

MICROFILMED

OCT 01 1952