

CONVERSATIONAL MEMORANDUM

Date: November 30, 2005

To: File 67-355A

From: Craig L. Saxton

Subject: Phone Call

NOE review -
NO change made
VLM 12/14/06

June Derie called me today and disagreed with the letter I sent her telling her that I would recommend claim 67-355A as defined by TR 884. In the letter I said that the "intent" of TR 884 was to take 5.5 inches from the 41.5" decreed under 67-355.

A memo I put in the file states it as the following:

After reviewing the evidence, it was concluded that despite documentation provided by Mr. Derie, the "intent" of the transfer was, among other things, to take 5.5 inches from decreed right 67-355 and move that water as defined by TR 884. The water master delivery records appear to be in violation of TR 884, and the deed provided by Mr. Derie showing 41.6 inches on his property does not out-weigh the administrative action of the transfer.

Ms. Derie argued today that in the application for transfer, it states that the "intent" of the transfer was to take 5.5 inches from a 50" water right that was decreed in 1906 (superceded by Muir vs. Allison). The application for transfer specifically states that:

"A right of 5 1/2" from Mill Creek in Adams Co, Idaho, under priority date of May 1st. 1994, being in part, the use upon the SE..... In the water adjudication suite of George M. Winkler, plaintiff, vs. J. Marion Young -- Margaret E. Krigbaum, -- et al, ..." This is the 1906 decree.

However the "action" of TR 884 was to take the water from 67-355 defined in Muir vs. Allison. It reads that 5.5 inches is taken from ***"...priority of May 1 1884, ... in the name of Deseret Sheep Co. sub. for C.A. Martin, Grantee for Margaret Krigbaum, and Houston and Spar, respectively, by decree of District court of the seventh judicial District, in the case of Muir ... vs. ... Allison"***.

Ms. Derie told me she will be sending additional information to support the delivery of the full diversion rate of 41.5" to her property historically.

I informed Ms. Derie that I would look through any information she sent and would put it in the file, but I felt that I would probably not be able to change the recommendation and if that was the case, she should file an objection with the SRBA court at the time the directors report is issued.

Ms. Derie said that she would like to get it straightened out before it goes to court as the judge would not listen to her. I tried to explain that I did not feel that was the case and actually told her what I felt were the points she should argue in front of the court.

A W Gordon

25

May 1, 1901 0437

J W Meeneely, sub for John Leitchlieter

13

June 1, 1902 0438

John Woods

7

June 1, 1909 0439

Elizabeth Woods

10

June 1, 1909 0440

Woods Lindsay Ditch

Anna Hutchinson

8

June 1, 1885 0441

Edward Manning

12 1/2

June 1, 1885 0442

D K Lindsay

46

June 1, 1885 0443

J W Corriell

8

June 1, 1886 0444

S T Logan

17

June 1, 1895 0445

America Lindsay Ditch.

America Lindsay

12 1/2

June 1, 1875 0446

Cora Hutchinson

28

June 1, 1875 0447

J I Linder

22 1/2

June 1, 1875 0448

O L Byers

37 1/2

June 1, 1877 0449

W G Martin

22

June 1, 1881 0450

Hill Lindsay Ditch.

33

June 1, 1901 0451

J I Linder

50

June 1, 1887 0452

Albert McOwrell

19

June 1, 1889 0453

Joslin Ditch.

H J Joslin

17

June 1, 1887 0454

King Hill Ditch.

Georgine Ludwig

(King Hill Creek)

87

June 1, 1907 0455

RECEIVED
NOV 15 2006
IDWR
BOISE

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-355A

JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122
Telephone Number: (208)741-0343

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

1. Describe the portion of the proposed recommendation with which you disagree (e.g. 41.75 inch. priority date, period of use, source):

05/01/1884, 03/15/-11/15 THE MUIR-ALLISON DECREE SHOWS 0.833 CFS.
NOT 0.723 CFS ENCLOSED FILLING P.1-2-SPAHR + 2 DREDS + DE

2. Describe the changes you wish to make in the proposed recommendation:

PLEASE MAKE 0.833 CFS
41.6 LIKE THE DECREE

3. Give a brief explanation as to why you disagree with these portions:

THE SPAHR 67-00355C TRANSFER TOOK THE
5.5" FROM THE 50 INCHES NOT THE DESERT SHEEP
CO. LAND 41.6" OR 0.833 CFS

NO I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/25/06

SIGNATURE: Larry Derie

Please print your name: LARRY DERIE

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC - 6 2006

11/14/2006

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

RECEIVED
DEC 05 2006
IDAHO DEPARTMENT OF
WATER RESOURCES

RIGHT NUMBER: 67-355A
NAME AND ADDRESS: JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 0.723 CFS

The rights listed below are limited to a total combined diversion rate for irrigation purposes of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:
T17N R01W S34 NESE Rediversion Within ADAMS County
T17N R01W S34 NESE Injection Within ADAMS County
T17N R01W S35 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03/15 11/15	0.723 CFS
PLACE OF USE:	IRRIGATION in ADAMS County		833
	T17N R01W S34 NESE	18.00	T17N R01W S34 NWSE 9.30
	T17N R01W S34 SWSE	22.00	T17N R01W S34 SESE 8.50
	57.8 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

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

SCANNED
DEC - 6 2006

Martin CA to
Desert

Oct 25, 1916

50 5-544

INSTRUMENT NO. 5740

owner at time
of Murray
Decree

THIS INSTRUMENT, Made this 25th day of October in the year of our Lord one thousand nine hundred and sixteen, between C. A. Martin, and Hilda A. Martin husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and The Deseret Sheep Company, (a corporation) of Boise County of Ada State of Idaho the party of the second part.

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

All of the part of the S. E. 1/4 of Sec. 34 twp 17 N. R. 1. west B. M. as follows,; Commencing at the S. W. corner of said quarter section, as the place of beginning and running thence north 2626 feet to a point, thence east 889 feet to a point on the west side of the right of way of the P. & I. R. Railroad as the same now crosses the said quarter section, thence southwesterly along the said right of way 2700.8, to a point on the south line of said quarter section, thence west along the said line 269 feet to the place of beginning, containing 34.2 acres more or less intending to convey all that part of said quarter section lying and being west of the said railroad right of way, Also all of that part of the S. E. 1/4 of Sec. 34 described as follows, Commencing at a point 507 feet south of the N.E. corner of the S. E. 1/4 of said Sec. 34 Twp 17 N/ R. 1 West B.M., as the place of beginning, and running thence west 1781 feet to the point being on the east side of the right of way of the P and I.R. Railroad as the same crosses the said quarter section, thence in a southwesterly direction along said right of way 830.3 feet to a point, thence east 1977 feet to a point being on the east boundary line of said quarter section, thence north 806 feet to the place of beginning containing 24.7 acres more or less it being the intention by this description to convey all of the North 1/2 of the S. E. 1/4 of said section lying east of said Railroad right of way except 20 acres off the north end thereof, also 22.2 inches of water in the adjudicated water right of Margaret L. Brigaum in and to the waters of Mill creek, also 7/13 interest in all ditches, and laterals flumes and dykes used to convey said water, and used in connection with the irrigation of said lands or any part thereof belonging to the parties of the first part, Also all that part of the S.E. 1/4 of section 34, twp 17 N.R. 1. west B.M. commencing at a point 1:13 feet south of the N. E. corner of the S.E. 1/4 of sec. 34 said twp and range thence running west 1977 feet to the east boundary line of the P and I. R. Railroad right of way through said tract, thence southwesterly along the said right of way to the south boundary of said S. E. 1/4 of the S. E. 1/4 of said section 34 said twp and range the distance being 1350 feet, thence running east along the south boundary of said quarter section 950 feet thence running north 165 feet to a point, thence east 1321 feet to the east boundary line of said quarter of said section, thence north along the east boundary of said quarter 1148 feet to the place of beginning containing 59.3 acres more or less together with 19.3 inches of water from said adjudicated water right from the waters of Mill creek together with all ditches and irrigation works used to convey said water, being 60/129 interest therein:

The intention of the grantors herein being to convey by this deed all of their interest in and to the said lands and premises being 128.2 acres, and 41.5 inches of water,

This grant is subject to a mortgage upon said premises dated Dec. 21st 1915 executed by the parties of the first part to Richard DeArmond, C. E. Cunningham and David Dunbar, recorded in Book 5 at page 239 Mortgages of Adams County, Idaho; together with the accrued interest thereof, and all taxes due upon said premises which the said party of the second part hereby assumes and agrees to pay.

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

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

RECEIVED
DEPARTMENT OF
WATER RESOURCES

Nelson
Dopp

Desert

Aug 22/1912

Cumington
to the

Desert
Now Deseret
property

See your map
for part to
irrigate

22.2
19.3
41.5

inches
for Deseret
Desert Sheep
Co. according
to Murray Allison
Decree

Nov 15/95
Sold to

Dopp
by Gale

June 22
1912

There
are no
head
gates
and
No
water
with
this
property

Deseret
property

Note:
"except
20 acres
off the
north"
is the
Specie
property
Int. #
38238
or 6981

62-00355C
Transfer
attached

Feb 16 1910

Krigbaum to Cunningham & Olson

F-47

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

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

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

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

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and 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 as in law as equity of the party of the first part.

To Have and to Hold the above mentioned and described premises together with the appurtenances unto the said parties of the second part and to their heirs and assigns forever.

And the said party of the first part, her heirs the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns and against the party of the first part her heirs or assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same shall warrant and by the presents forever defend.

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

Witness

L. L. Burtenshaw

Margaret L. Krigbaum (Seal)

State of Idaho)

County of Washington) ss

This certifies that on this 16th day of February 1910, before me L. L. Burtenshaw a Notary Public in and for said County and State personally appeared Margaret L. Krigbaum personally known to me to be the identical person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the same.

In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 16th day of February 1910.

SCANNED

255 2 2000

Shows
50 inches
That Spahr
refers to
in the
Transfer
Int. # 382386981
or - 62-003558

Copy of decree

Sent to Denise
by Water
Resource office
in 1980's.

38

June 5, 1902

31

June 5, 1902

40

June 5, 1902

5

June 5, 1902

Mill Creek.

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

25

May 1, 1878

Frederick N Watriss, Grantee of Geo H Winkler

14 2/3

May 1, 1881

12 1/2

May 1, 1884

33 1/3

May 1, 1893

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

20 3/4

May 1, 1882

DERIE NOW → Never owned by Spahr
↓ or his previous owners of the 20 acres
Deseret Sheep Company sub for C A Martin, Grantee

29

May 1, 1891

of Margaret Krigbaum

41 2/3

May 1, 1884

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

10 3/4

May 1, 1885

29

May 1, 1894

37 1/2

May 1, 1889

21 1/2

May 1, 1886

27 1/2

May 1, 1893

J D Poyner and John Poyner

George T Ellis

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

Middleton

37 1/2

May 1, 1894

Charles Lappin and A E Welmley, Grantees of C S

Gibbs

54

May 1, 1896

James A Huston Jr. and William Spahr, Grantees

of John and J D Poyner

16

May 1, 1899

B W Turnipseed

18

May 1, 1903

J V Morrison

16

July 1, 1909

C W Holmes

8 1/2

May 1, 1909

Council Valley Orchards

100 SCANNED

REC - 2 0000

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

EXHIBIT A

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

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

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

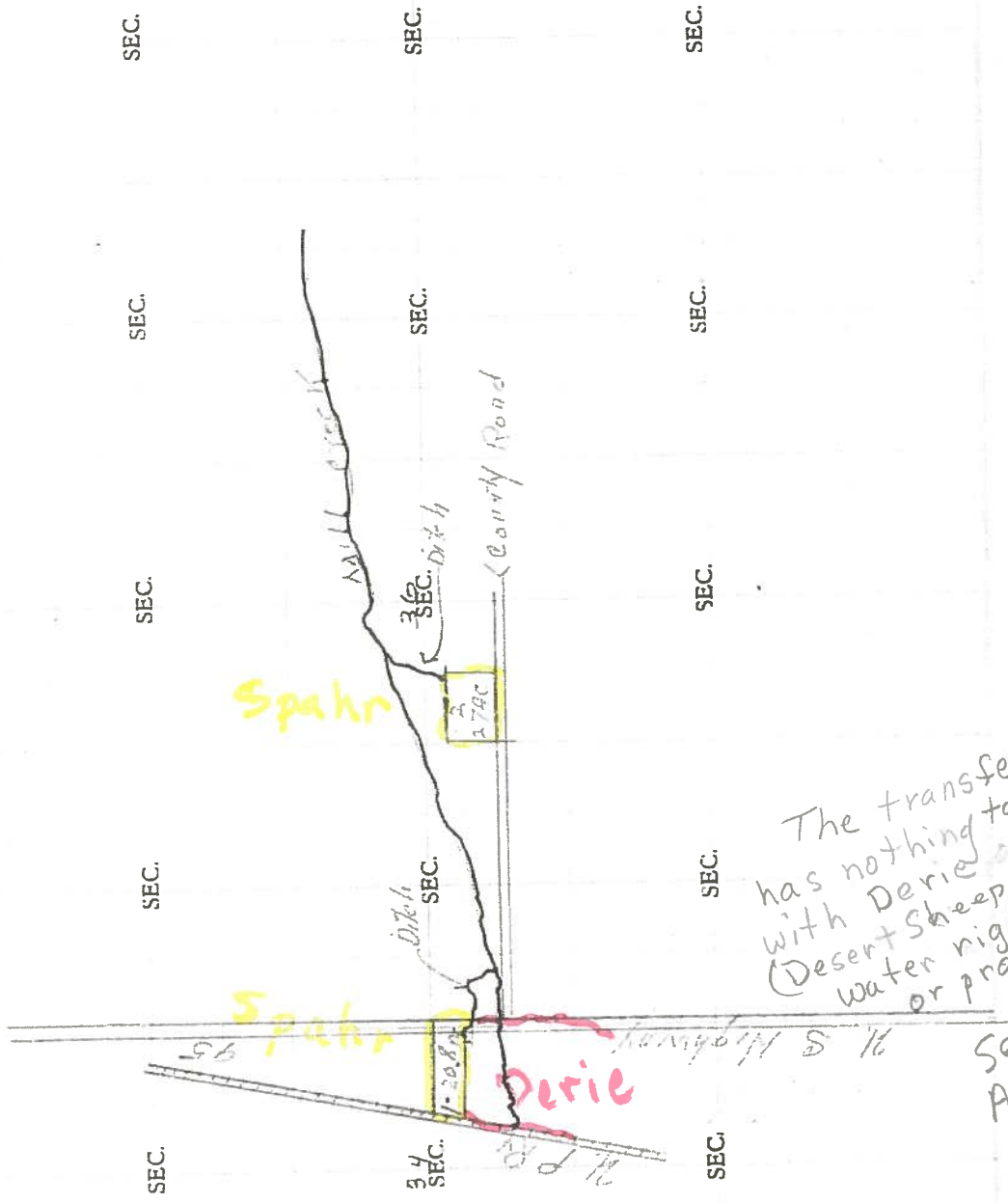
Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres, Deed Oct. 25, 1916

And the Decreed water right for the above described tract of land is described as follows: Deed Feb. 16, 1910

A Right of 5 $\frac{1}{2}$ " from Mill Creek in Adams County, Idaho, under priority date of May 1st, 1884, being in part, the water right decreed to Margaret Krigbaum (or 502) for use upon the SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M., in the water adjudication suit of George M. Winkler, plaintiff, vs. J. Marion Young--Margaret E. Krigbaum,--et al, and which Decree is approved and set forth in the Abstract of Judgment in the Weiser River Adjudication suit of Muir Bros. vs Allison.

The Applicant, W. H. Spahr, acquired by direct chain of deeds, the tract of land first above described, together with deed for 5 $\frac{1}{2}$ " of the above decreed water, and for more than 26 years, last past, such amount of decreed water has been officially recognized as a right for the above described lands and has been used each irrigation season, by applicant, for irrigation of such lands:

See enclose
deeds
Feb. 16, 1910
and
Oct. 25, 1916
L.H. 5740
Know
Spahr
property
Washt
Part of
the Deri
Desert She
Co. Propert
See deed
Oct 25, 1916
to see Deri
22.2
19.3
11.5
x



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

Spahr
 Spahr

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

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

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

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

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

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

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

GENERAL COMMENTS

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

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

The water for tract 1 (right of 5 $\frac{1}{2}$ ", priority of May 1, 1884) is the lowest diversion made from Mill Creek and no irrigated land below the present diversion point is effected by this application.

The rest of the pages deal with Spahr combining his water rights and has nothing to do with Denie (Desert Sheep Co.) rights.

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

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

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

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

PROPOSAL

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

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

Dated February 11th. 1957.


Applicant

Application For Transfer of Water Right

RECEIVED
FEB 23 1907
Department of Reclam

STATE OF IDAHO

County of Adams

ss.

W. H. SPAHR,

being first duly sworn, deposes and says:

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

SEE ATTACHED MEMORANDUM

That he is the owner and using a certain water right, bearing date of priority of 19 for cubic feet per second of the waters of MILL CREEK

County of ADAMS, State of Idaho, decreed to

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

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

ALLISON said decree bearing date of

(or obtained by virtue of License No. 19 issued by the State Engineer of the State of Idaho,

dated 19 bearing date of 19)

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

No. 41 in the County of ADAMS and State of Idaho, to-wit: SEE ATTACHED

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

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

land, both owned by Applicant

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By direct deeds of conveyance for land and water

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

That said waters are now diverted from said stream in the See Exhibit of Section 1 Township 1 Range 1 B. M. and con-

ducted to the above described lands through Two small ditches

as per map herewith and of this affidavit made a part:

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

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

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

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These tracts (share only a property line) of land are completely different than Deric (Desert Sheep Co.) land.

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

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

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

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

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Mill Creek, in Adams County, Idaho
Where is the diversion point located? See attached Map and Sketch
Through what ditch is it now conducted? Two small ditches, per Map and Sketch
How much land is now irrigated by the water sought to be transferred? about 42 acres by both rights
Give the description: See attached Exhibit A
What is the total amount of water in inches, or ~~second~~ ~~feet~~, dedicated to said land? 10.25"
What kind of crops are being raised? Fruit, hay and pasture, small grain
How much water per acre is now required to irrigate said land? 5/8th" per Acre under Decree
What will be the effect on the land now irrigated, if the use of water on it is discontinued? Will be more efficient use of water by rotation to permit full use in low seasons without loss by small flow in creek channel to lower land
Give location of new point of diversion, if change is to be made. See Exhibits, No Change
Through what ditch will it be conducted after transfer? Same as now used, see Sketch
How much water will be required per acre to irrigate the land to which this water is transferred? same as now, or 5/8th" per acre is duty of water per decrees
Do you claim any other water right for the land from which you seek to abandon the use of this water? If so, give amount, date and source. No
Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. Both rights will be made applicable to both tracts concerned under rotating use

Signed W. K. Shahr Applicant

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DEC - 6 2006

STATE OF IDAHO.

County of Adams

ss.

Frank S. Galey, Jr.,

and James R. Stiles

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Council, Idaho that he is user of water from Mill Creek in Water District No. 41 County of Adams, State of Idaho; that he has read or heard read the foregoing affidavit and petition of W. H. Spahr and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

14th

day of

February

A. D. 1957

Notary Public for Idaho residing at
Council, Idaho

STATE OF IDAHO.

County of Washington

ss.

I, G. M. TILLOTSON

Watermaster of Weiser River

Water District No. 41, County of Adams, State of Idaho, whose postoffice address is Weiser, Idaho have read or heard read the foregoing affidavit and petition of W. H. Spahr and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Watermaster Dist. No. 41

G. M. Tillotson

Dated at Weiser

Idaho, this 21

day of

February

1957

SCANNED

DEC - 6 2006

Water master report 1979

MILL CREEK (P.2)

This copy is from
before we bought
property in 1980.

					COUNTY		PAGE 47	
					Adams			
FILE NO.	FILE DATE	DECEASED OWNER	PRESENT OWNER	DESCRIPTION	CFS	CREED	FLOOD	STORAGE
67-350	5-1-84	Fredrick Watress	Carl Chapman	S 1/4 35-17-1	0.25	12.5"	18.75"	1979 1980 actual 1980 3.62 3.87
67-350	5-1-84	P.H. Schoff F.S. Galey	Carl Chapman	Pt. S 1/4 NE, 1/4 N 1/2 SE 35-17-1	0.41	20.5"	30.75"	5.44 6.34
67-355	5-1-84	Desert Sheep Co	Carl Chapman	SE 1/4 34-17-1	0.8333	41.6"	62"	12.00 12.81
67-354	5-1-91	Schaff/Galey	Carl Chapman	SE 1/4 34-17-1	0.58	29"	43.5"	8.38 8.97
67-352	5-1-94	F. Watress	Carl Chapman	See above	0.415	20.5"	30.75"	5.92 6.34
67-351	5-1-95	F. Watress	Carl Chapman	See above	0.666	33"	44.5"	9.54 10.20
67-361	5-1-91	P.H. Schaff & Thomas Watt	LESTER COULD SE 1/4 SE 1/4 27; NE 1/4 NE 1/4 34-17-1	.50	25"	37.0"	10.82 7.66	
67-353	5-1-82	Schaff/Galey	Bud Stiles	Pt. SENE, Pt. NESE 35-17-1	0.14	7"	10.5"	2.02 2.16
67-353	5-1-82	Schaff/Galey	Bud Stiles %Richard Schaefer	Pt. NESE 35-17-1	0.04	2"	-	24 .25
67-353	5-1-82	Schaff/Galey	Bud Stiles %James Camp	Pt. NESE 35-17-1	0.16	8"	-	.92 .99
67-4132			James Camp	NESE 35-17-1	0.48		24"	2.78 2.97
67-356	5-1-85		COUNCIL VALLEY ORCHARDS -- 1" per 10A Lot					
			J. Marion Young Hubert Woods Myrtle Edwards	Lot 3, Blk 1 Lot 3, Blk 1 Lot 1, Blk 6	1" 4.14" 5.14"			12 .12 .48 .51 .60 .64
			Fred Stovner	Lot 2, Blk 1, Lot 5-6-7, Blk 7	20.2"			2.34 2.50

Water master report 1979

MILL CREEK

FILE NO.	FILE	DECEASED OWNER	PRESENT OWNER	DESCRIPTION	CFS	CREED	FLOOD
67-350	5-1-8	Fredrick Watress	Carl Chapman	S 1/4 NW 35-17-1	0.25	12.5"	18.75"
67-350	5-1-8	P.H. Schoff F.S. Galey	Carl Chapman	Pt. S 1/4 NE, 1/4 NE SE 35-17-1	0.41	20.5"	30.75"
67-355	5-1-8	Desert Sheep Co	Carl Chapman	SE 1/4 34-17-1	0.8333	41.6"	62"
67-354	5-1-9	Schaff/Galey	Carl Chapman	SE 1/4 34-17-1	0.58	29"	43.5"
67-352	5-1-9	F. Watress	Carl Chapman	See above	0.415	20.5"	30.75"
67-351	5-1-9	F. Watress	Carl Chapman	See above	0.666	33"	44.5"
67-361	5-1-91	P.H. Schaff & Thomas Watt	LESTER GOULD	SE 1/4 27; NE 1/4 NE 1/4 34-17-1	.50	25"	37.0"
67-353	5-1-82	Schaff/Galey	Bud Stiles	Pt. SENE, Pt. NESE 35-17-1	0.14	7"	10.5"
67-353	5-1-82	Schaff/Galey	Bud Stiles %Richard Schaefer	Pt. NESE 35-17-1	0.04	2"	-
67-353	5-1-82	Schaff/Galey	Bud Stiles %James Camp	Pt. NESE 35-17-1	0.16	8"	-
67-4132		James Camp	COUNCIL VALLEY ORCHARDS	-- 1" per 10A Lot	0.42		24"
67-356	5-1-85	Fred Stovner	J. Marion Young Hubert Woods Marty Edwards	Lot 3, Blk 1 Lot 3, Blk 1 Lot 1, Blk 6		1" 4.14" 5.14"	-

Adams

COUNTY

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This is a copy of water rights (1979) that we found before we bought the Desert Sheep Co. (Chapman) property in 1980. The 41.6 inches is on the other side. (Please note the #884 is on this side by Spahr 67-449, but not by 67-355)

My printer won't copy 8 1/2" x 14" paper. (Sorry)

Chris. Appleton
18 W.R. Lk. Jan
COUNTY

MILL CREEK

Adams

FILE NO.	FILE DATE	DECEASED OWNER	PRESENT OWNER	DESCRIPTION	CFS	CREED	FLOOD	ST
67-348 Trans. 67-445	5-1-78	Wm. Winkler	Odell Vail Trans. 504	Council Orchards Lot 6, Blk 1, Pt. SESE 35-17-1 See above Lots 5-9 Blk 1, Pt. Lots 3-4-5, Blk 7	0.125	6.75" ✓ 14.5" 16.75"	✓A	
67-4107			Odell Vail	NESW 33-17-1; SESW 28-17-1 (Unnamed Stream)	4AF	8" (46)		1.5
67-348 Trans. #67-446	5-1-78	John Hoover	Wm. Criss %Jerry Doyle Steve Schuilling	Council Orchards, Lot 8, Blk 3; E 1/2 Lot 10, Blk 4	0.12	6" ✓B		
67-348 Trans. #67-447	5-1-78	Wm. Winkler	Wm. Criss %Jerry Doyle Trans. #539 Steve Schuilling	Lots 7-9-10, Blk 3	0.13	6.5" ✓		0
67-4085			Wm. Criss %Jerry Doyle Steve Schuilling	NW 1/4 2-16-1	70AF		35"	
67-4082			Odell Vail	Lots 1 & 2 2-16-1	1.50		75"	
67-348 Trans. #67-448	5-1-78 #67-448	Wm. Winkler	G.W. Squires Trans. #783	Pt. NWSW 36-17-1	0.13	6.5" ✓		
67-449	5-1-84	W. H. Spahr	G.W. Squires Trans. #884 after 7-1 of each year	Pt. NWSW 36-17-1	0.11	5.5"		
67-349	5-1-81	Fredrick Watress	Carl Chapman	S 1/2 NW 1/4 35-17-1	0.3333	17"	25.5"	

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DEC 07 2005

DEC 07 2005

DEPARTMENT OF
WATER RESOURCES920 Jonathan Rd.
Weiser, ID 83672
Nov. 30, 2005

Re: Preliminary recommendations for Snake River Basin Adjudication (SRBA) claims 67-355A.

Dear Craig L. Saxton:

Thank you for keeping us informed and always encouraging with "feel free to contact me and I will be more than happy to work with you to try to find a solution". Realizing that every water right is unique and determining the relationship of the all of the facts is a daunting task. Here are some more papers for your consideration, as we discussed on the phone.

Please review the statements in the 1957 Application for Transfer and we would like you to recommend that 41.6 inches for 67-355A be like in the first re-adjudication filing started on 9/12/1989. (See a copy of that filing hereto attached.) The 1957 Application for Transfer written by Spahr's lawyer, Swanstrom, states: "A Right of 5 ½ " from Mill Creek in Adams County, Idaho, under priority date of May 1st. 1884, being in part, the water right decreed to Margaret Krigbaum (or 50") for use upon the SE 1/4, Sec. 34, Twp. 17 N. R. 1 W. B. M. in Muir Bros. vs. Allison." (See Exhibit A p.1 hereto attached that you sent to us.), thus, the 5 ½ inches should be taken from the 50 inches. Please note that **no** place in Spahr's Application of Transfer is the Deseret Sheep Co. (67-355) mentioned.

Also, from our phone conversation you mentioned that the water masters' records show the 41.6 inches being delivered to the Derie (Deseret Sheep Co.) property. In 1980, before we purchased the property from Chapman, we went to the Water Resources Dept. to check on the water rights. (hereto attached the 1979 Mill Creek water master papers) Please note there is **no** mention of the #884 by the Deseret Sheep Co. (Chapman) 67-355 water right on p. 2. On p.1 just under the Spahr water right the #884 is listed.

In 1989, when working on the re-adjudication with Robyn from the Water Resources Dept., she checked Sec. 34 for all of filings. The #884 Transfer number appeared. She was unable to find the transfer papers and after much searching, she found the Application for Transfer #884 in the Water Resources Legal Dept. She said that she would do more research and see why the #884 was in the Legal Dept. Later, she sent us the copy of the Muir vs. Allison Decree (hereto attached) that has **no** #884 listed by Deseret Sheep Co. (67-355). The 1987 Mill Creek water master paper (hereto attached) has **no** #884 by 67-355 (Derie). She concluded that the Transfer #884 was **not** related to the 41.6 inches of decreed water right of the Deseret Sheep Co. (Derie), thus, as shown by the "14. Remarks:" on the 9/12/1989 filing of the 67-355A (hereto attached).

As you stated and we also discussed on the phone: Galey and Stiles had no objection to the transfer of the 5 ½" from Spahr's Sec. 34 property to Section 36 property, and the moving of point of diversion up Mill Creek in the paper signed by Galey, Stiles and Watermaster Tillotson. There is **no** mention of taking the 5 ½ inches of water from the Galey's (Deseret Sheep. Co.) property and/or Galey's water rights.

Thank you for reviewing the information about the 67-355 water right. Hopefully, the delivery of the 41.6 inches to Derie (Chapman) property by water masters, the copies of the 1979 and 1987 water master papers, the Decree copy send to us by Robyn, and the fact that Application for Transfer stated: "A Right of 5 ½"... of May 1st. 1884, being part, of the water right decreed to Margaret Krigbaum (or 50") are the facts that you need to recommend that the 41.6 inches water right belonged to the Derie (Deseret Sheep Co.) property like in the filing of 9/12/1989 for re-adjudication.

Respectfully submitted,
Larry and June Derie

June Derie

As per our
phone conversation
There are 5
papers of copies
about history of
Derie's 67-355, plus
1 copy for Howrigan.

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DEC 07 2005
SCANNED
DEC 07 2005

Exhibit A That
Craig sent to us

P.1063

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

EXHIBIT A

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

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

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

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

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

A Right of 5 $\frac{1}{2}$ " from Mill Creek in Adams County, Idaho, under priority date of May 1st. 1884, being in part, the water right decreed to Margaret Krigbaum (or 502) for use upon the SE $\frac{1}{4}$, Sec. 34, Twp. 17 N. R. 1 W. B. M., in the water adjudication suit of George M. Winkler, plaintiff, vs. J. Marion Young--Margaret E. Krigbaum,--et al, and which Decree is approved and set forth in the Abstract of Judgment in the Weiser River Adjudication suit of Muir Bros. vs Allison.

The Applicant, W. H. Spahr, acquired by direct chain of deeds, the tract of land first above described, together with deed for 5 $\frac{1}{2}$ " of the above decreed water, and for more than 26 years, last past, such amount of decreed water has been officially recognized as a right for the above described lands and has been used each irrigation season, by applicant, for irrigation of such lands:

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DEC 07 2005

We already seen
Deeds (Harvey-191
or Spahr and Desert
Sheep Co. 1916) showi
the railroad... "exce
20 acres off the nor
end". That 20+ acres
the Spahr (Rice)
property. over

Spahr's lawyer
Swanstrom wrote
this to take
5 $\frac{1}{2}$ inches
from 50 inch

There is
NO mention
of the Desert
Sheep Co. wat
(67-355) (46 in)
Spahr's (884
application
for trans

Harvey
(1913) and
Desert Sheep Co.
(1916) Deeds
show (S)
Harvey
were
owners
during
the 1913-1918
mill 1929
when Spahr
bought this
property
of 20.8 acres in
sec. 34 North
of and not
part of the
Desert Sheep
Co. (Desert)
property.

W. H. SWANSTROM
ATTORNEY AT LAW
COUNCIL, IDAHO

Feb. 16 1910

Krigbaum to Cunningham & Olson, F-4

The Harvey

1913) and

Martin to

Deseret (1916)

was already cut

showing

the division

of Spahr's farm

this properly

of Krigbaum.

Craig,

like we

said on

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Our copy

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The

deed of

Oct 25, 1916

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sent earlier

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the

19.3 ~ 59.3 acres

27.2 ~ 38.1

71.5 inches (approx)

for Deseret Sheep Co.

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

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

The South East Quarter of Section Thirty Four (34) in Township

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

Commencing at the S. E. corner of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 34 Twp 17 N. R. 1 West B. M. and running thence west 80 rods, thence north at right angles 10 rods, thence east at right angles 80 rods, thence south at right angles 10 rods to the place of beginning the said tract of land conveyed hereby being 146.79 acres, more or less, together with all water and water rights and ditches thereunto belonging or in anywise appertaining including an adjudicated water right into and to the waters of Mill Creek, which adjudication was at the suit of Geo. M. Winkler vs Marion Young et al, wherein the party of the first part was adjudicated to be the owner of 50 inches, miners measurement, in and to the waters of Mill Creek from May 1st 1884 excepting from the said grant of water herein the amount of ~~two inches~~ (miners measurement) heretofore granted to William Dawson the amount of adjudicated water herein conveyed by this deed being 48 inches (miners measurement).

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and 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 as in law as equity of the party of the first part.

To Have and to Hold the above mentioned and described premises together with the appurtenances unto the said parties of the second part and to their heirs and assigns forever.

And the said party of the first part, her heirs the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns and against the party of the first part her heirs or assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same shall warrant and by the presents forever defend.

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

Witness

L. L. Burtenshaw

State of Idaho)

County of Washington) ss

County of Washington)

County of Washington)

Margaret L. Krigbaum (Seal)

This certifies that on this 16th day of February 1910, before me L. L. Burtenshaw a Notary Public in and for said County and State personally appeared Margaret L. Krigbaum personally known to me to be the identical person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the said

In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 16th day of February 1910.

SCANNED

DEC 17 2005

Exhibit - 1989 Filing

Copy of Derie's
filing in 1989

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 67-355A
Date Received: 9/12/1989
Receipt No: W005909
Received By:

with
Robyn's
Cos. Water
Res. Dep
help.

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

1. Name of Claimant(s)

JUNE I DERIE Phone: (208)253-6068

2205 JACKSON CREEK RD
COUNCIL ID USA 83612

920 Jonathan Rd.
Weiser, ID 83672

LARRY D DERIE Phone: (208)253-6068 208-549-0133

2205 JACKSON CREEK RD
COUNCIL ID USA 83612

920 Jonathan Rd.
Weiser, ID 83672

2. Date of Priority: 05/01/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	34	NE SE	ADAMS	
17N	01W	35	NW SW	ADAMS	

5. Description of diverting works:

HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.83	

7. Total Quantity Appropriated is:

0.83 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

67-355A

08/25/2004 Sent
with papers from
WRD Sept. 02, 2005.

SCANNED

See:
- Decree copy
- 1987 Water inst
record paper

Copy of decree

Robyn of the
Water Res. Dept.
Sent a copy to
the Denies.
Please Note the
884 was only printed
by Huston & Spahr
Water right.

Mill Creek.

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

38

31

40

June 5, 1902 *K*

June 5, 1902 *K*

June 5, 1902 *K*

June 5, 1902 *K*

25 *★*

16 2/3 *★*

12 1/2

33 1/3

20 3/4

37 1/2 *★*

29

67
May 1, 1878 *342*

May 1, 1881 *649*

May 1, 1884 *651*

May 1, 1893 *651*

May 1, (1894) *651*

May 1, 1882 *53*

May 1, 1891 *54*

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

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

41 2/3

May 1, 1884 *355*

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

10 3/4

29

37 1/2

21 1/2

27 1/2

May 1, 1885 *56*

May 1, 1894 *57*

May 1, 1889 *58*

May 1, 1886 *59*

May 1, 1893 *60*

J D Poyner and John Poyner

George T Ellis

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

Middleton

37 1/2

May 1, 1894 *61*

Charles Lappin and A E Felmley, Grantees of C S

Gibbs

54

May 1, 1896 *62*

James A Huston Jr. and William Spahr, Grantees

of John and J D Poyner

16

Trans 724

May 1, 1899 *63*

B W Turnipseed

18

May 1, 1903 *64*

J V Morrison

16

July 1, 1909 *65*

C W Holmes

8 1/2

May 1, 1909 *66*

SCANNED

DEC 17 2005

SCANNED

Sent by Robyn, WR State Dept WR on Oct. 29, 1991

File # and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 1987	Proposed Charge 1988
67-348 Trans W. Winkler	5-1-78	L.O. Vatile	00360001004A	46"	7.50	7/150
67-348 Trans I. Hoover	5-1-78	S. Schmittling	00360003007A	6"	.60	1/150
67-348 Trans W. Winkler	5-1-78	"	00360003007A	6.5"	.60	1/160
67-348 Trans 448	5-1-78	Ed. Engel	17N01W36S400	6.5"	.60	1/160
67-449 H. Spain	5-1-84	"	17N01W36S400	6.5"	.60	1/160
67-349 F. Watress	5-1-81	Ronald Dean	17N01W35S100	6.5"	7.50	7/150
67-349 F. Watress	5-1-81	F. Bloemer	17N01W35S100	10"	1.00	1/150
67-350 F. Watress	5-1-84	"	"	12.5"	1.20	1/150
67-354 Richard Galey	5-1-91	"	"	12"	1.90	2/250
67-355 Richard Galey	5-1-92	"	"	11.5"	2.10	2/250
67-351 F. Watress	5-1-93	"	"	33.33"	3.30	4/400
67-352 F. Watress	5-1-94	"	"	20.75"	2.10	13/400
67-354 F. Watress	5-1-94	"	"	10"	1.00	1/150
67-355 Desert Co	5-1-94	L. Decker	17N01W34S500	44.6"	7.50	7/150

11/08/2005

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

RIGHT NUMBER: 67-355A

NAME AND ADDRESS: JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122

LARRY D DERIE
920 JONATHAN RD
WEISER ID 83672-5122

SOURCE: MILL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.723 CFS

The rights listed below are limited to a total combined diversion rate of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T17N R01W S34 NESE Rediversion Within ADAMS County

T17N R01W S34 NESE Injection Within ADAMS County

T17N R01W S35 NWSW 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	0.723 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S34	NESE	18.0	T17N R01W S34	NWSE	9.3
T17N R01W S34	SWSE	22.0	T17N R01W S34	SESE	8.5

57.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

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.

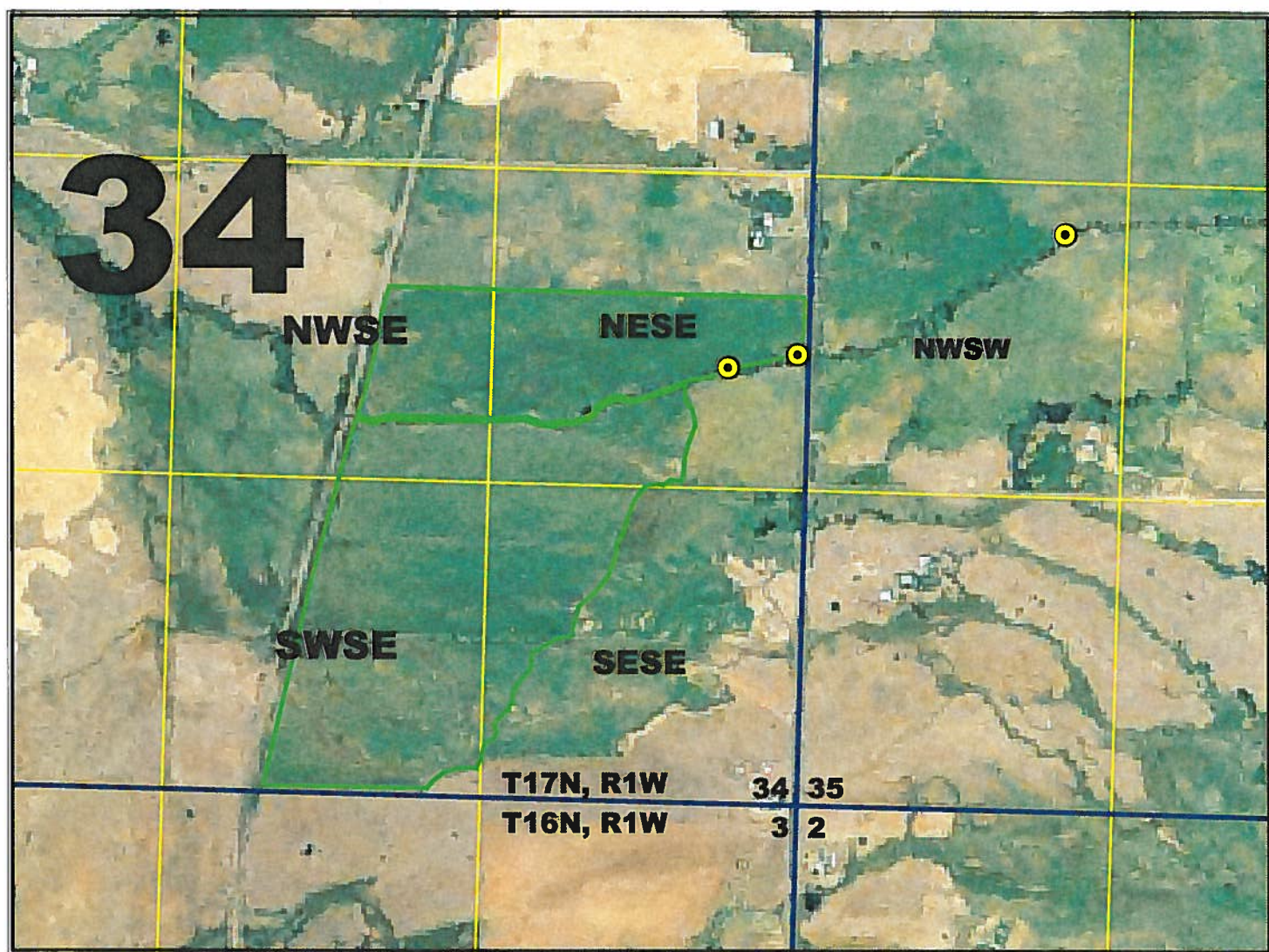
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-355A and 67-4337



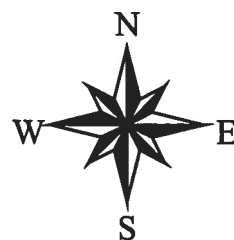
1350 0 1350 2700 Feet

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-355A V1

WATER RIGHT NUMBER: 67-355A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNE I DERIE 920 JONATHAN RD WEISER, ID 83672-5122 (208)741-0343
Current Owner	LARRY D DERIE 920 JONATHAN RD WEISER, ID 83672-5122
Original Owner	DESERT SHEEP CO , ID

Priority Date: 05/01/1884

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	0.723 CFS	
	<u>Total Diversion:</u>	0.723 CFS	

Location of Point(s) of Diversion

MILL CREEK	NE1/4SE1/4	Sec. 34, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	
MILL CREEK	NW1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
MILL CREEK	NE1/4SE1/4	Sec. 34, Twp 17N, Rge 01W, B.M.
ADAMS County	(Injection)	

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	
17N	01W	34													18.0	9.3	22.0	8.5	57.8

Total Acres: 57.8

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 81.3 acres in a single irrigation season. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-355A 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. E52 The rights listed below are limited to a total combined diversion rate of 1.63 cfs. Combined Right Nos.: 67-355A, 67-4337, and 67-10171.

Remarks:Comments:

1. csaxton 11/8/2005 TR 884

Comment: This right is recommended as the remainder of 67-355 after approval of TR 884

2. csaxton 11/8/2005 Diversion Rate & Acreage

Comment: TR 884 moved 5.5 inches from the original decreed amount of 41 2/3 inches, leaving a diversion rate for the remainder, or 67-355A, of 0.723 cfs. At 5/8 inches per acre, this is 57.8 acres.

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:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	7/30/2004 11:31:15 AM	segbert			Active
POD	7/30/2004 11:34:07 AM	segbert			Active
Source	7/30/2004 11:34:53 AM	segbert			Active
POU	7/30/2004 11:35:05 AM	segbert			Active
Use	7/30/2004 11:37:41 AM	segbert			Active
Season	7/30/2004 11:38:17 AM	segbert			Active
Quantity	7/30/2004 11:38:54 AM	segbert			Active
Contacts	11/8/2005 2:26:36 PM	csaxton			Active
Priority Date	11/8/2005 2:26:58 PM	csaxton			Active
POD	11/8/2005 3:51:49 PM	csaxton			Active
Source	11/8/2005 4:04:33 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-355A V1

POU	11/8/2005 4:12:45 PM	csaxton	Active
Use	11/8/2005 4:31:19 PM	csaxton	Active
Season	11/8/2005 4:31:44 PM	csaxton	Active
Quantity	11/8/2005 4:33:56 PM	csaxton	Active
Summary	11/08/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/8/2005 3:57:00 PM	csaxton	Updated shape
POD	11/8/2005 4:04:23 PM	csaxton	Updated shape
POD	7/30/2004 11:34:07 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?
Source	7/30/2004 11:34:53 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/30/2004 11:35:05 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	7/30/2004 11:37:42 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Quantity	7/30/2004 11:38:54 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume?
Season	7/30/2004 11:38:17 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-355A V1

Priority Date	7/30/2004 11:31:15 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
Contacts	11/8/2005 2:26:49 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE by Bosco Bosler - write up on 10/17/05.
General	11/8/2005 2:27:11 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/8/2005 3:52:21 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	11/8/2005 4:05:07 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	11/8/2005 4:12:48 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	11/8/2005 4:13:30 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-355A V1

Use	11/8/2005 4:30:36 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	11/8/2005 4:28:09 PM	csaxton	Updated shape for Active POU
POU	11/8/2005 4:28:28 PM	csaxton	Updated PLS for Active POU
Season	11/8/2005 4:31:01 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	11/8/2005 4:13:51 PM	csaxton	Updated PLS for Active POU
Quantity	11/8/2005 4:33:14 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/8/2005 4:42:54 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 9, 2005

LARRY D DERIE
JUNE I DERIE
920 JONATHAN RD
WEISER ID 83672-5122

RE: Preliminary recommendations for Snake River Basin Adjudication (SRBA) claims 67-355A, 67-4337, and 67-10171.

Dear Mr. and Ms. Derie,

We have reviewed the documentation you provided supporting your argument that Transfer 884 did not move 5.5 inches of decreed right 67-355 from your property. I regret to inform you that after reviewing that data, my guidance is to recommend claim 67-355A as defined by Transfer 884.

As a courtesy, I am enclosing copies of the preliminary recommendations for 67-355A, 67-4337, and 67-10171 for your review. You will be mailed another copy of this in the spring, which would be your normal notification from the department. I am also sending you a copy of the memo I have put in the file explaining the decision to recommend 67-355A as we did.

The court will then send you copies of the recommendation again. **At this time, you may file an objection to your recommendation and be heard by the SRBA court.**

To briefly summarize the recommendations:

67-355A will be recommended for 0.723 cfs on 57.8 acres. 67-4337 is the flood water right with a priority date of May 10, 1918 (one day after Muir vs. Allison was signed), and is recommended directly on top of your decreed water at 3/8 inches per acre to bring you up to 1 full inch per acre on that 57.8 acres.

67-10171 was recommended for waste water on 81.3 acres at 1 inch per acre.

The place of use shapes were based on the maps submitted in Bosco Boslers field exam write up.

I know this is not the recommendation you were looking for, but I am sending it to you now because I wanted you to have a chance to look at the preliminary recommendation

so you knew were IDWR stood and were not waiting till spring to find out what our decision was.

If you feel there is an error in the recommendation other than the recommended diversion rate and irrigated acres for 67-355A, please feel free to contact me and I will be more than happy to work with you and try to find a solution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

MEMORANDUM

Date: October 14, 2005

To: File 67-355A, 355C, 355D, 67-363C, 67-336E, 67-363F

From: Craig L. Saxton

Subject: Meeting to discuss the validity of TR 884

Claimant of 67-355A, Larry and June Derie, argue that TR 884 did not move 5.5 inches of decreed right from their property. They argued that the full diversion rate defined by decreed right 67-355 (41.6 inches) is applicable to the property they currently own and was never transferred.

Evidence provided from claimant can be summarized by:

- Water Master Records showing delivery of 41.6 of 1884 water to Derie.
- 1980 deed to a portion of the Derie property listing 41.6 inches on the deed.
- Portions of a deed trail evidencing that 67-355, when decreed to the property owned by Mr. Derie now, and was never originally applicable to the 20 acres that TR 884 moved it from and to.
- 1918 deed for the 20 acres now owned by Rice – showing 6.5” of water from Mill creek.

After reviewing the evidence, it was concluded that despite documentation provided by Mr. Derie, **the intent of the transfer was, among other things, to take 5.5 inches from decreed right 67-355 and move that water as defined by TR 884.** The water master delivery records appear to be in violation of TR 884, and the deed provided by Mr. Derie showing 41.6 inches on his property does not out-weigh the administrative action of the transfer.

The 6.5 inches applicable to the 20 acres now owned by Rice are not related to the water that was described in TR 884 and therefore does not affect the validity of TR 884 in anyway.

In addition, the owner of the property in which water right 67-355 was applicable to, had no objections to TR 884 and was signed by himself as well as the water master at the time.

My guidance is to recommend SRBA claims associated with TR 884, as defined by TR 884.

Derie Claim Matrix

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	355	A	Decreed	Active	1884-05-01	0.83	67	MILL CREEK	IRRIGATION	DERIE, JUNE I	Claim
67	4337		Statutory	Active	1884-05-01	1.04	67	MILL CREEK	IRRIGATION	DERIE, JUNE I	Claim
67	10171		Beneficial I	Active	1884-05-01	1.71	84	WASTE WATER	IRRIGATION,	DERIE, JUNE I	Claim

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	355	A	Decreed	Active	1884-05-01	0.723	57.8	MILL CREEK	IRRIGATION	DERIE, JUNE I	Recommendation
67	4337		Beneficial I	Active	5/10/1918	0.433	57.8	MILL CREEK	IRRIGATION	DERIE, JUNE I	Recommendation
Total CFS =						1.156	57.8				

67	10171		Beneficial I	Active	3/15/1969	1.63	81.3	WASTE WATER	IRRIGATION,	DERIE, JUNE I	Recommendation
----	-------	--	--------------	--------	-----------	------	------	-------------	-------------	---------------	----------------

All three rights limited to 81.3 acres and 1.63 cfs
 Mill Creek POU and Waste Water POU overlap of 57.8 acres.

Split/Overlap Analysis

Water Right Number: 67-355A & 67-4337

					Parent	Children				
Twp	Rng	Sec	Q-Q	Lot	67-355A & 67-4337	Actual				
17N	1W	34	NESE		18	18				
			NWSE		9	9.3				
			SWSE		22	22				
			SESE		18	8.5				
					67	57.8				

Limit =	57.8	0
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Water Right Number: 67-10171

Twp	Rng	Sec	Q-Q	Lot	Parent 67-10171	Actual				
17N	1W	34	NESE		20	24				
			NWSE		9	9.3				
			SWSE		24	22				
			SESE		31	26				
					84	81.3				

[illegible]

Trp	Ring	Sec	O-Q	Lot	Source	ASL	SSAL	Post-Sprinkler Water Regime	ASL	SSAL
					Hydroxyl	0.37	Hydroxyl	0.37	0.099	0.099
					2.5 ft		no pattern data	0.175 (0.073)	0.081 (0.115)	
17N	01W	34	NE-SE					X		
			SW-SE					X		
			NE-SW					X		
			SE-SW					X		
17N	01W	36	EW-WW					X		
			SW-WW					X		
			SE-SW					X		
			WW-SW					X		
			NE-SW					X		

[illegible]

Clues 1142f It quadratically formed neck. See remarks section on slide.
The drawing was made by C. Salomon on 1142f. Stand her F.E. - see post-4 from C. Salomon on file.

Assignment note on 1142f: Stand her F.E. - see post-4 from C. Salomon on file.

Challenge this page to the left over 50S

"The drawing will probably have to prove down to match the transfer or may have to be changed to a 3ND style."

*Change this guy to the net over 300
**the quantity will probably have to come down to match the transfer, or may have to be changed to a 300 split

[illegible]

Clues 11421 is **quadratically formed**, **has** **numeric** **action** on **old**.
 The **old** is **11421**. The **new** is **11421**.
Acclaimed **note** on **11421**: Stand for F.E. - see post-4 from C. Salton on the

Contacts Data Entry Form

Claim Number: 67-355A

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JUNE I DERIE	920 JONATHAN RD	WEISER	ID	83672-512 (208)741-0343	
Current Owner	LARRY D DERIE	920 JONATHAN RD	WEISER	ID	83672-512	
Original Owner	DESERT SHEEP CO			ID		

Date of Field Exam:

9/15/05

Time:

9:00

Accompanied By: _____

Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number 67-355A

Claimed Priority Date: 5/1/1884

Claimed Basis: Decreed☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 5/1/1884

Water Right Basis: Decreed

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

As Decreed 6 Sept 11-8-05

Reviewer: BoscoDate: 10/17/05

Point of Diversion and Source Data Entry Form

Claim Number 67-355A

Claimed Point of Diversion and Source

T17N R01W S34 NESE Within ADAMS County Source: MILL CREEK WEISER RIVER

T17N R01W S35 NWSW Within ADAMS County Source: MILL CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of Q	QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

Upper POD	230 7795	~~150~~ 1510092
Lower POD	230 7362	1509926
Reinjection	230 7451	1509942

Reviewer: BoscoDate: 0/17/05

Deire Reinject to Mill Cr.
Tag# A0016621



GPS

2307451

1509942

Derie Pond
Tag # A0014044
WR# 355A + 4337



MPS
2307795
1510092

Deer Lower Mill Cr. POD
Tag # A0016620
WR# 6355A + 4337



GPS

~~20 2304451~~
~~1509912~~
2307362
1509926

Place Of Use Data Entry Form

Claim Number 67-355A

Claimed Place Of Use

T17N R01W S34	NESE	18.0	T17N R01W S34	NWSE	9.0
T17N R01W S34	SWSE	22.0	T17N R01W S34	SESE	18.0

Total Acres 67

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T17N R01W S34	NESE	T17N R01W S34	NWSE
T17N R01W S34	SWSE	T17N R01W S34	SESE

Total Acres

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Looks good but Arc View is the last word

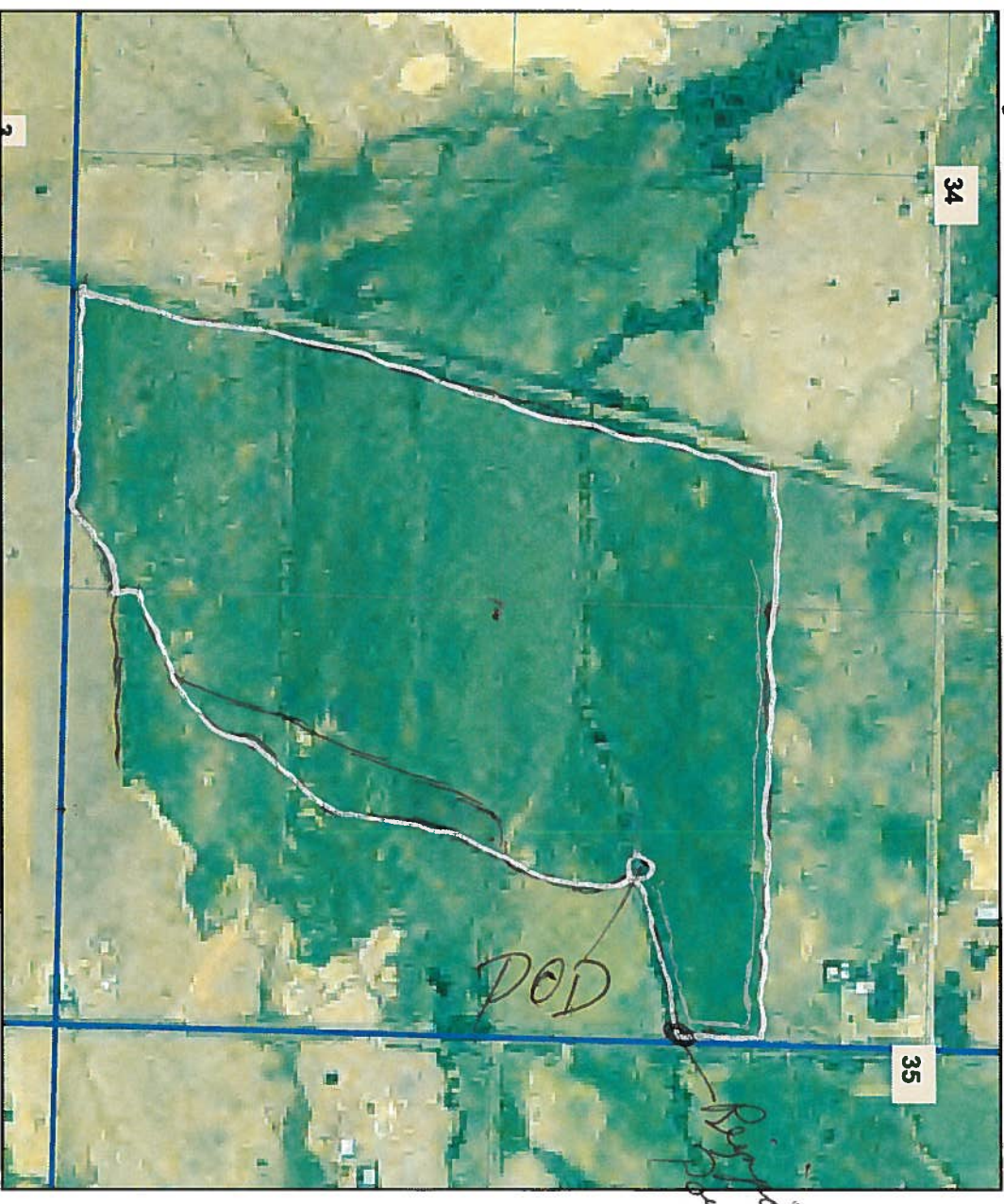
Reviewer: BoscoDate: 10/17/05

Idaho Department of Water Resources



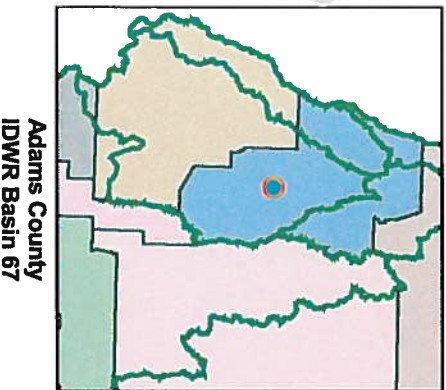
T17N R01W

Adjudication Claim Number: **67-355A**



Legend

- ☐ PLS Sections
- ☐ GCDBQuarter Quarters



Prepared by M. Van Bussum
On Wednesday, August 24, 2005
1987 Aerial Photography

Purpose of Use Data Entry Form

Claim Number 67-355A

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Reviewer:

Bosco

Date:

10/17/05

Period of Use and Quantity Data Entry Form

Claim Number 67-355A

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.83	

Overall Diversion Rate 0.83

Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	/	/	0.72	

Overall Diversion Rate 0.72

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3-15	11-15	0.723	N/A

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

0.83 cfs is what has been delivered historically.

Rec 0.723 Per TR 884. C. S. Smith
11-8-05

Reviewer: BoscoDate: 10/17/05

MEMORANDUM

Date: July 15, 2005

To: File

From: Monica Van Bussum

RE: SRBA claims 67-355A, 67-355C, 67-355D, 67-363C, 67-363E, 67-363F, 67-14097, and 67-11421

Attached: Spreadsheet of water history and copy of Transfer 884

This note is being put in all files to explain allocation of water after Transfer 884, and to aid the reviewer in doing the final recommendations for these claims.

The Muir v. Allison Decree and Transfer 884

67-355

Basic decree facts:

Users: Deseret Sheep Company sub for CA Martin, Grantee of Margaret Krigbaum

Source: Mill Creek

Quantity: 41 2/3 inches = 0.83 cfs

POU: 66.7 acres at 5/8 inch to the acre

NWSE, NESE, SWSE, SESE (or, southeast quarter) of Section 34 T17N R01W

67-363

Basic decree facts:

Users: James A Huston Jr and William Spahr, Grantees of John and JD Poyner

Source: Mill Creek

Quantity: 16 inches = 0.32 cfs

POU: 25.6 acres at 5/8 inch to the acre

NWNW, SWNW, NWSW of Section 36, T17N R01W

Transfer 884

Transfer 884 was signed 29 May 1957. This transfer pertains to decreed rights 67-355 and 67-363. William Spahr was the owner of two tracts of land, one tract overlain by 355 water and another overlain by 363 water.

Spahr wanted to change the place of use for his 355 and 363 water, but only during a certain part of the season. He wanted to combine the 355 and 363 water onto 355 POU from 03/15 to 06/30 and then he wanted to combine the use of 355 and 363 water onto the 363 POU from 07/01 to 11/15. In essence, he wanted more water on the 355 POU early in the year, and then stop watering the 355 POU on 07/01 to put all the water on the 363 POU.

Since Spahr only owned part of the decreed POU for 355 and 363, when the transfer was approved and signed, decreed rights 355 and 363 were essentially split into three parts. One part of each, the larger portion, remained as it had been with the water/acreage going to parties holding the land not owned by Spahr. Two parts were dedicated to Spahr's new rights (one with a designated irrigation season 03/15 to 06/30 for the 355 POU and the other with a designated irrigation season 07/01 to 11/15 for the 363 POU). Hence, there are two splits of 355 with Spahr's name, each with a different POU and season of irrigation and the same for 363. For more information, see the left-hand tables in the attached spreadsheet.

5.5 (=0.11 cfs) inches of 355 water were allotted for this task, as were 4.75 (=0.095 cfs) inches of 363 water.

SRBA claims

For more information on the claims, see the right hand side of attached spreadsheet.

67-355

355C

Quantity: 0.11 cfs (= 5.5 inches)

Acreage: 18

Season: 03/15 to 06/30

The claimant is claiming Spahr's split of 355 (355C) for the first part of the irrigation. This complies with what we know about the outcome of Transfer 884 and appears good to go, perhaps with moderate acreage modification. This is also on the same POU as Spahr's 355 land, also making us good to go.

355D

Quantity: 0.13 cfs (= 6.5 inches)

Acreage: 27

Season : 03/15 to 11/15

This claim will have to be modified in order to be recommended. It claims a POU on Spahr's 355D property (part of the original 363 POU), but includes the entire irrigation season. We can recommend the acreage, but will have to modify season of use to 07/01

to 11/15 and quantity to 0.11 cfs to comply with Transfer 884. Spahr was not allowed to use 355 water on this POU from 03/15 to 06/30.

355A

Quantity: 0.83 cfs

Acreage: 67

Season: 03/15 to 11/15

This claim will have to be modified in order to be recommended. It appears to claim all of the original Muir v. Allison decreed quantity and acreage. Since a transfer was approved in 1959, the claim will have to be modified to comply with the transfer. The quantity will have to be modified to 0.723 cfs (0.83 was the original decreed amount and Transfer 884 appropriated 0.11 cfs as noted above, so $0.83 - 0.11 = 0.723$). The acreage may have to be modified as well. The season of use will not have to be modified.

11421

Quantity: 0.42 cfs

Acreage: 21

Season: 03/15 to 11/15

There is a long remark on 11421 that is probably worth reading. In short, it suggests 11421 may need to have its basis amended to decreed and related to 67-355. We do not believe this is the case, as all 355 water has already been appropriated, and properly so.

67-363

363C

Quantity: 0.1 cfs

Acreage: 18

Season: 03/15 – 06/30

The same claimant claiming 355C is claiming 363C. This is appropriate, as it follows Spahr's 363C water right. This claim can be recommended as is, with maybe some slight acreage modifications depending on the lay of the land. The quantity also would be more appropriately recommended as 0.095 to comply with the 4.75 inches of 363 water mentioned in the transfer.

363E

Quantity: 0.32

Acreage: 38

Season: 03/15 – 11/05

There is documentation in the 363 backfile of this claimant writing to determine when their water right was reduced. They have claimed the full water right, but this will have

to be modified in accordance with Transfer 884. Probably they should have claimed the 363A allotment of 0.225 cfs (the flow left over after Spahr's transfer with $0.32 - 0.095 = 0.225$), and that is how we should recommend it.

363F

Quantity: 0.1

Acreage: 27

Season: 07/01-11/15

The same claimant claiming 355D is claiming 363F. This is appropriate, as it follows Spahr's 363D water right. This claim can be recommended as is, with maybe some slight acreage modifications depending on the lay of the land. The quantity also would be more appropriately recommended as 0.095 to comply with the 4.75 inches of 363 water mentioned in the transfer.

14097

Quantity: 0.530 cfs

Acreage: 40 (see note below)

Season: 07/01 – 11/15

The notes in this file say it is a combination of 363D and 67-359. The full 14097 claim is for 0.530 cfs. 363D was originally claimed for 07/01 to 11/15, but when it was combined with 359, the irrigation season was changed to 03/15 to 11/15. It appears this claim should not be recommended for 363 water, but we should recommend it as 359 water. All of the 363 water has apparently been appropriated by the other 363 claims, and properly so.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

Certificate of Water Right
Transferred Right No. 884

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

MUIR BROS., Plaintiffs

-vs-

William Allison et al,
Defendants

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

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

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

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

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

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

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

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

RECORDED

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

- (1) All that part of the SE¹ of Section 34, in Township 17 North, Range 1 West Boise, Meridian, particularly described as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

RECEIVED

SEP 14 2004

DEPARTMENT OF
WATER RESOURCES

State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

September 3, 2004

LARRY AND JUNE DERIE
920 JONATHAN RD
WEISER ID 83672-5122*all cards modified 9-15-04*RE: Snake River Basin Adjudication (SRBA) *MC* *#* *MC*
Notices of Claim to a Water Right *#67-355A*, *67-4038*, *67-4103*, *67-4336*
67-4337, *67-4445*, *67-7983*, *67-10171*, *67-14434*, *67-14436* and *67-14438*

Dear Claimants:

MC = Mill Creek June Derie

The Postal Service advised us your address has changed to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list **any other water rights you have**, and return this letter by September 21, 2004. Thank you for your help.**If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.**

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

SCANNED

SEP 14 2004

The address is correct as shown above or as otherwise changed.

Larry Derie June Derie

Water Right Holder's Signature

208 741 0343

Telephone No.

67-4038 appears to be house well and should have been transferred to TJ Finchen, 2205 Jackson Cr. Rd Council ID

67-11025 appears to have all been transferred to TJ Finchen when a part should have been left with

Derie

Dates of Property Deeds to Derie's Property

Chapman to Derie	July 11, 1980
Pearce to Chapman	Oct. 24, 1975
Galey to Pearce	Dec. 27, 1971
Galey, F. & E. to Galey, F. Jr. & G.	Dec. 1, 1953
Deseret Sheep to Galey, F. & E.	Jan. 15, 1926
Martin, C. A. to Deseret Sheep Co.	Oct. 25, 1916

Rice – Kampeter

Dates of Property Deeds of approximately 20.8 acres

Jacobs, M. to Kampeter, W. & A.	Dec. 26, 1978
Jacobs, M. to Rice, W. & H.	Dec. 26, 1978
Spahr, W. to Jacobs, J. & M.	Sept. 26, 1957
Application for Transfer of 5.5" of water By Spahr, William	Feb. 11, 1957
Harvey, E. to Spahr, William	Dec. 6, 1929
Harvey, Eliza to Harvey, Earl	Feb. 18, 1918
Cunningham, C. E. & May to Harvey, Eliza	Mar. 10, 1913

First-Class Mail
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USPS
Permit No. G-10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Accounting in English

60-10971

2009

U.S. POST

DER 1205

67-355A

4337

11/10/17

44-1A

1-1436

5. 14300

1-7-20

W 01417

1-430

~~1537~~

445

$$83612 + 3244 = 86852$$

JUNE 1 DEPIE

LARRY D DERIE

2205 JACKSON CR
COUNCIL ID 83612

DEARIES

096127005 1A03

06 08/11/04

CONTRACT

F04M 3547

09-01-70 NATHAN RD
30801-3081 ID 03672-9122

4. The fourth part of the document discusses the implications of the study and the conclusions drawn from the results. It highlights the key findings and their significance for the field of research.

5. The fifth part of the document provides a summary of the study and a list of references. It also includes a list of figures and tables used in the document.

67-7983.

5.45 MG

[illegible]

RECEIVED

OCT 11 2005

Department of Water Resources

Book 6
P. 336Owner at time
of Muir vs.
Allison Decree

THIS INDENTURE, Made this Eighteenth day of February in the year of our Lord Nineteen Hundred and Eighteen, between Elza Harvey and Martha F. Harvey, his wife, of the County of Washington, State of Idaho, the parties of the first part, and Earl H. Harvey of the County of Washington, State of Idaho, the party of the second part.

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

All that part of the South east Quarter of Section Thirty-four in Township Seventeen North of Range One, West of the Boise Meridian, and bounded and described as follows, to-wit:-

Commencing at the north east corner of the South east Quarter of said Section Thirty four and running thence South along the East line of said Section Thirty four, Five hundred and seven feet; thence West at right angles Seventeen hundred and eighty-one feet, more or less, to the Right of Way of the Pacific and Idaho Northern Railroad; thence Northerly along the East line of said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South east Quarter of said Section Thirty four; thence East along the North line of said South east Quarter of said Section Thirty four, Sixteen Hundred and Fifty nine feet, more or less, to the place of beginning, containing 20 acres.

Together with Six and one-half miner's inches of the waters of Mill Creek, being a portion of the said waters heretofore adjudicated to said South east Quarter of said Section Thirty four under the Decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, which decree is recorded in Book B of Judgments at page 464 of the records of said Washington County said Six and one-half inches of water being the proportionate share of the waters so adjudicated, and all dams, ditches, flumes and irrigation works of whatever nature used upon, connected with, or in anywise appertaining to the lands herein conveyed.

This conveyance is made subject to a mortgage on said premises for the sum of \$600.00 and interest thereon executed to one Rosa Konzer, which said mortgage said party of the second part assumes and agrees to pay as a part of the consideration.

These deeds
show that the
Spahr and Deseret
Sheep Co. lands
were separate
before the Muir
vs. Allison Decree.

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

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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

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

Signed, sealed and delivered
in the Presence of

ELZA HARVEY (SEAL)
MARTHA F. HARVEY (SEAL)

U.S.I.R.-Documentary
\$1.00 cancelled.
2/17/18 E.H.

State of Idaho)
County of Washington.) SE

On this 18th day of February in the year 1918, before me, J. L. Richards, a Notary Public in and for said county and state, personally appeared Elza Harvey and Martha F. Harvey, his 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.

SEAL
* * * * *
Notary Public

J. L. Richards,
Notary Public,
Residing at Weiser, Idaho.

My commission expires Sept 18, 1919.

Recorded at the request of Jesse L. Richards at 10 minutes past 9 o'clock A.M. this 27th day of February A. D. 1918.
Fees \$1.40
E. C. Smith, Recorder.

E. C. R. Smith

THIS INDENTURE, Made this sixth day of December in the year of our Lord one thousand nine hundred and twenty nine, between EARL NEWTON HARVEY of Council County of Adams State of Idaho the party of the first part, and WILLIAM H. SPHAR 50 of Council County of Adams State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN and No/100 (and other valuable consideration) DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Adams, State of Idaho, to-wit:

All that part of the Southeast Quarter of Section Thirty-four (34) in Township Seventeen (17) North of Range One (1) West, Boise Meridian particularly described as follows, to-wit: Commencing therefor at the Northeast corner of the Southeast Quarter of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West at right angles 1781 feet, more or less, to the right-of-way of the Pacific & Idaho Northern Railway; thence Northerly along the East line of said right-of-way 521½ feet, more or less, to the North line of said Southeast Quarter of Section 34; thence East along the North line of said Southeast Quarter of said Section 34, 1659 feet, more or less, to the place of beginning, containing Twenty (20) acres, together with 6½ inches of the waters of Mill Creek, being a portion of the waters heretofore adjudicated to the said Southeast Quarter of said Section 34 under decree of the District Court of the Seventh Judicial District of the State of Idaho in and for Washington County, recorded in Book B of Judgments at page 464, records of Washington County, Idaho, and conveying and intending to convey the proportionate part of said waters so adjudicated to the whole of said lands and premises which are actually appurtenant to these lands and premises.

And the said party of the first part WARRANTS That said lands and premises are his sole and separate property, acquired before his marriage; that neither he, or any member of his family, occupies the same or any part thereof as a homestead for himself or family and that he has full and absolute right to deed and convey the same without the consent or signature of his wife.

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 party of the second part, and to his heirs and assigns forever, and the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and his 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.

See Instrument
No. 5740
That 22.2 inches
of water on
34.7 acres
plus 19.3 inches
of water on
59.3 acres
remained on the
Deseret deed
on Derie's
property.

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

Signed, sealed and delivered

Earl Newton Harvey (Seal)

in presence of - - - - -

State of Idaho)
) ss
County of Adams)

On this 6th day of December in the year 1929, before me Carl H. Swanstrom a Notary Public in and for said State, personally appeared Earl Newton Harvey known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Carl H. Swanstrom

(NOTARIAL SEAL)

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

Recorded at the request of W. H. Spahr at 2 o'clock P. M. this 7th day of March, 1930.
Fees \$1.60

Matilda Moser, Recorder.

m-jch

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

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

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

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

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

4.75 miners inches under priority of May 1, 1889,

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

INTERNAL REVENUE STAMPS ATTACHED AND CANCELLED \$3.30

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

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

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

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

Signed, Sealed and Delivered
in Presence of _____

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

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

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

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

(NOTARIAL SEAL)

Carl H. Swanstrom
Notary Public
Residing at Council, Idaho

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

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

Fee \$2.00

717 779 - 12.12

BSPG 547

Owner at time of
Muir vs. Allison
Decree

RECEIVED

OCT 11 2005

Department of Water Resources

THIS INDENTURE, Made this 25th day of October in the year of our Lord one thousand nine hundred and sixteen, between C. A. Martin, and Hilda A. Martin husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and The Deseret Sheep Company, (a corporation) of Boise County of Ada State of Idaho the party of the second part.

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

All of the part of the S. E. 1/4 of Sec. 34 Twp 17 N. R. 1. west B. M. as follows; Commencing at the S. W. corner of said quarter section, as the place of beginning and running thence north 2626 feet to a point, thence east 889 feet to a point on the west side of the right of way of the P. & I. N. Railroad as the same now crosses the said quarter section, thence southwesterly along the said right of way 2700. 6, to a point on the south line of said quarter section, thence west along the said line 269 feet to the place of beginning, containing 34.2 acres more or less intending to convey all that part of said quarter section lying and being west of the said railroad right of way, also all of that part of the S. E. 1/4 of Sec. 34 described as follows, Commencing at a point 507 feet south of the U.E. corner of the S. E. 1/4 of said Sec. 34 Twp 17 N/ R. 1 West B.M., as the place of beginning, and running thence west 1781 feet to the point being on the east side of the right of way of the P and I.N. Railroad as the same crosses the said quarter section, thence in a southwesterly direction along said right of way 830.3 feet to a point, thence east 1977 feet to a point being on the east boundary line of said quarter section, thence north 806 feet to the place of beginning containing 34.7 acres more or less it being the intention by this description to convey all of the North 1/2 of the S. E. 1/4 of said section lying east of said Railroad right of way except 20 acres off the north end thereof, also 22.2 inches of water in the adjudicated water right of Margaret L. Krigbaum in and to the waters of Mill creek, also 7/13 interest in all ditches, and laterals flumes and dikes used to convey said water, and used in connection with the irrigation of said lands or any part thereof belonging to the parties of the first part, Also all that part of the S.E. 1/4 of section 34, Twp 17 N.R. 1. west B.M. commencing at a point 1313 feet south of the N. E. corner of the S.E. 1/4 of sec. 34 said Twp and range thence running west 1977 feet to the east boundary line of the P and I. N. Railroad right of way through said tract, thence southwesterly along the said right of way to the south boundary of said S. E. 1/4 of the S. E. 1/4 of said section 34 said Twp and range the distance being 1350 feet, thence running east along the south boundary of said quarter section 950 feet thence running north 165 feet to a point, thence east 1321 feet to the east boundary line of said quarter of said section, thence north along the east boundary of said quarter 1148 feet to the place of beginning containing 59.3 acres more or less together with 19.3 inches of water from said adjudicated water right from the waters of Mill creek together with all ditches and irrigating works used to convey said water, being 60/129 interest therein:
The intention of the grantors herein being to convey by this deed all of their interest in and to the said lands and premises being 128.2 acres, and 41.5 inches of water,

This grant is subject to a mortgage upon said premises dated Dec. 21st 1915 executed by the parties of the first part to Richard Dearmond, C. E. Cunningham and David Dunbar, recorded in Book 5 at page 239 Mortgages of Adams County, Idaho; together with the accrued interest thereof, and all taxes due upon said premises which the said party of the second part hereby assumes and agrees to pay.

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

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

These deeds
show that the
Deseret Sheep Co.
and Spahr lands
were separate
before the Muir vs
Allison Decree.

Nov. 15, 1955
Sold to
DOPP
There are
no head gates
and no water
to this part.
(See the
deed
Inst. No. 36955)

Derie
Land

Note:
except
20 acres
off the
north is
the Spahr
property.
Instrument
No. 39238
and 6981

34.7
acres

22.2
inches
water

59.3
acres

19.3
inches
water

part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

C. A. Martin (SEAL)

Hilda A. Martin (SEAL)

STATE OF IDAHO,)
County of Adams) ss.

On this 25th day of October in the year 1916 before me L. L. Burtenshaw, a Notary Public in and for said County, personally appeared C. A. Martin and Hilda A. Martin his wife known to me to be the persons whose name_ are subscribed to the within instrument, and 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.

(S E A L)
L. L. Burtenshaw
Notary Public
Adams County, Idaho.

L. L. Burtenshaw
Notary Public, for Adams County
Idaho, residing at Council, Idaho;

Recorded at the request of L. L. Burtenshaw at 40 minutes past 9 o'clock A. M., this 8th day of Dec. A. D. 1916

C. W. Holmes
Ex-Officio Recorder

Fees, \$2.20

WARRANTY DEED

For Value Received CARL R. CHAPMAN and MARTHA CHAPMAN, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto LARRY DERIE and JUNE DERIE,
husband and wife,

the grantee s, the following described real estate situated in Adams County,
State of Idaho, to-wit:

A parcel of land situated in the SE $\frac{1}{4}$ of Section 34, Twp. 17
N, R 1 W, B.M. more particularly described as follows:

Commencing at the East $\frac{1}{4}$ corner of Section 34; thence
South 507.00 ft. along the east line of said Section
to a point; thence S 89°28'27" W - 33.00 ft. to the
west right of way line of U.S. Highway 95, and the true
point of beginning; thence S 89°28'27" W parallel to the
north line of said SE $\frac{1}{4}$ - 1738.01 ft. to a point on the
east right of way line of the Union Pacific Railroad
Company; thence S 13°41'48" W - 1542.55 ft. along the
easterly right of way line of the Union Pacific Railroad
Company; thence N 88°49'58" E - 2103.62 ft. to a point
on the west right of way line of U.S. Highway 95; thence
North along the right of way line of U.S. 95 and parallel
to the east line of said SE $\frac{1}{4}$ - 254.48 ft.; thence West -
330.00 ft.; thence North - 396.00 ft.; thence East -
330.00 ft. to a point on the west right of way line of
U.S. Highway 95; thence North along the right of way line
of U.S. 95 and parallel to the east line of said SE $\frac{1}{4}$ -
821.30 ft. to the true point of beginning, and containing
62.361 acres.

Together with all water, water rights, ditches and ditch
rights appurtenant thereto and in anywise belonging, including
but not limited to 41.6 inches of water in Mill Creek and any
waste water crossing the property and flowing into the existing
upper pond.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 11 day of July, 19 80

Carl R. Chapman
Carl R. Chapman
Martha Chapman
Martha Chapman

Deeds for Derie
See 34

STATE OF IDAHO, COUNTY OF Washington
On this 11 day of July, 1980,
before me, a notary public in and for said State, personally
appeared CARL R. CHAPMAN and
MARTHA CHAPMAN, husband
and wife,

known to me to be the persons who se name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at Weiser
Comm. Expires
Notary Public
, Idaho

STATE OF IDAHO, COUNTY OF Adams

I hereby certify that this instrument was filed for record at
the request of June Derie

at 10 minutes past 10:00 o'clock am.,
this 1st day of June
1981, in my office, and duly recorded in Book 34M
of Deeds at page 375.

Esther Stover

Ex-Officio Recorder

By

Fees \$ 2.00

Mail to:

Larry & June Derie

Deputy.

Warranty Deed

Indexed

WARRANTY DEED

For value received CARL R. CHAPMAN and MARTHA R. CHAPMAN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LARRY DERIE and JUNE DERIE, husband and wife, the Grantees, whose address is Star Route, Council, Idaho 83612, the following described premises in Adams County, Idaho, to wit:

See attached Exhibit "A".

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the Grantees that they, the Grantors, are the owners in fee simple of said premises; that the said premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 18 day of August, 1982.

Carl R. Chapman
CARL R. CHAPMAN
Martha J. Chapman
MARTHA J. CHAPMAN
Martha Jean Chapman

STATE OF IDAHO)
) ss.
County of Adams)

On this 18th day of Aug., 1982, before me, a Notary Public in and for the said State, personally appeared CARL R. CHAPMAN and MARTHA J. CHAPMAN, 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.

Ronald Shuman
Notary Public for Idaho.
Residing at Council, Idaho.

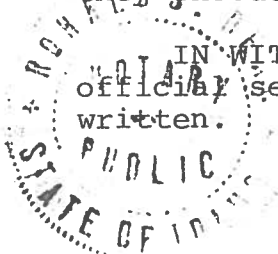


EXHIBIT "A"

A parcel of land lying and situated within the SE $\frac{1}{4}$ of Section 34, Township 17 North, Range 1 West of the Boise Meridian, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ of Section 34, Township 17 North, Range 1 West of the Boise Meridian;

Thence North, 165.00 feet along the east line of said SE $\frac{1}{4}$;

Thence S 89°26'45" W, parallel to the south line of said SE $\frac{1}{4}$, 33.00 feet to the westerly right-of-way line of U.S. Highway 95 and the TRUE POINT OF BEGINNING;

Thence North, parallel to the east line of said SE $\frac{1}{4}$ and along the westerly right-of-way line of U.S. Highway 95, a distance of 478.12 feet;

Thence S 88°49'58" W - 2103.62 feet to a point on the easterly right-of-way line of the Union Pacific Railroad Company;

Thence S 13°41'48" W - 321.03 feet along the easterly right-of-way line of the Union Pacific Railroad to a point of curvature;

Thence continuing along the easterly right-of-way line of the Union Pacific Railroad a distance of 315.42 feet along a 2,814.79 foot radius curve left with a central angle of 6°25'14", and a long chord bearing S 10°29'11" W - 315.25 feet to a point on the south line of said SE $\frac{1}{4}$;

Thence N 89°26'45" E - 949.68 feet along the south line of said SE $\frac{1}{4}$;

Thence North, parallel to the east line of said SE $\frac{1}{4}$, a distance of 165.00 feet;

Thence N 89°26'45" E, parallel to the south line of said SE $\frac{1}{4}$, a distance of 1287.00 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: 1. All liens, levies and assessments of the Flood Control District No. 3 of the State of Idaho. 2. All liens, levies and assessments of the Council Valley Rural Fire Protection District No. 1. 3. An easement over the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34; (and other lands), dated September 6, 1940, to Mountain States Telephone and Telegraph Company by instrument recorded September 25, 1940 in Book 4 M of Miscellaneous on page 143, of the records of Adams County, Idaho. 4. An easement over the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, dated July 6, 1951, to Mountain States Telephone and Telegraph Company, recorded August 21, 1951, in Book 5 M of Miscellaneous on page 188, of the records of Adams County, Idaho.

WARRANTY DEED

For Value Received FRANK S. GALEY, JR. and GWENDOLYN R. GALEY, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto IVAN S. PEARCE (a one half interest as his sole and separate property) and MONTY J. PEARCE (a one half interest as his sole and separate property), the grantees, the following described premises, in Adams County, Idaho, to wit:

PARCEL I:

All that part of Southeast Quarter Section 34, Township 17 North, Range 1 West, B.M., described as follows: Commencing at a point 507 feet South of Northeast corner of said Southeast Quarter of said Section 34, said township and range as a point of beginning of the tract hereby described and running thence West 1,781 feet to a point, on the East side of the right of way of Union Pacific Railroad Company as the same is now located over and across said Southeast Quarter; thence Southwesterly on and along the Easterly side of such railroad right of way, 830.3 feet to a point; thence East 1,977 feet to a point on the East line of said Southeast Quarter of said Section 34; thence North, on and along such East line, 806 feet to the point and place of beginning, containing 34.7 acres more or less, it being the intention, by this description, to describe and convey all the North Half of Southeast Quarter of said Section 34 lying East of said railroad right of way, except 20 acres off the North end thereof.

PARCEL II:

Also that part of the Southeast Quarter of said Section 34 said township and range described as follows: Commencing at a point 1,313 feet South of the Northeast corner of the Southeast Quarter of said Section 34 as the point of beginning of the tract hereby described, and running thence West 1,977 feet to the East boundary line of the right of way of the Union Pacific Railroad Company, as the same is now located over and across said Southeast Quarter; thence Southwesterly on and along the

h
m
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h

Dopp

WARRANTY DEED

THIS INDENTURE, made this 15th day of November, 1955, 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 CECIL H. DOPP and ALDA A. DOPP, 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 TWO THOUSAND AND NO/100 Dollars lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the County of Adams, State of Idaho, to-wit:

All of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Seventeen (17) North and Range One (1) West Boise Meridian, described as follows: Commencing at the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-four (34), said Township and Range as the point of beginning of the tract hereby described and running thence North 2626 feet to a point; thence East 889 feet to a point on the West side of the right of way of the UPRR Co., as the same is now located over and across said Southeast Quarter (SE $\frac{1}{4}$); thence Southwesterly on and along the westerly side of such railroad right of way, 2700.8 feet to a point on the South line of said Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-four (34); thence West on and along said South line 269 feet to the point and place of beginning, containing 34.2 acres more or less, and intending to describe and convey all that part of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-four (34), said Township and Range, lying West of the right of way of the UPRR Co. Containing 34.2 acres, more or less.

Internal Revenue stamps attached and canceled \$2.20.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder, and remainders, and 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.

Executed and Delivered in the Presence of

Frank S. Galey, Jr. (SEAL)
Gwendolyn R. Galey (SEAL)

Dopp
property
sold off
Deserve
Property
by Fran
Galey
Nov. 15
1955
No
water
right
include
in this
deed

WARRANTY DEED

For Value Received FRANK S. GALEY, JR. and GWENDOLYN R. GALEY, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto IVAN S. PEARCE (a one half interest as his sole and separate property) and MONTY J. PEARCE (a one half interest as his sole and separate property), the grantees, the following described premises, in Adams County, Idaho, to wit:

PARCEL I:

All that part of Southeast Quarter Section 34, Township 17 North, Range 1 West, B.M., described as follows: Commencing at a point 507 feet South of Northeast corner of said Southeast Quarter of said Section 34, said township and range as a point of beginning of the tract hereby described and running thence West 1,781 feet to a point, on the East side of the right of way of Union Pacific Railroad Company as the same is now located over and across said Southeast Quarter; thence Southwesterly on and along the Easterly side of such railroad right of way, 830.3 feet to a point; thence East 1,977 feet to a point on the East line of said Southeast Quarter of said Section 34; thence North, on and along such East line, 806 feet to the point and place of beginning, containing 34.7 acres more or less, it being the intention, by this description, to describe and convey all the North Half of Southeast Quarter of said Section 34 lying East of said railroad right of way, except 20 acres off the North end thereof.

PARCEL II:

Also that part of the Southeast Quarter of said Section 34 said township and range described as follows: Commencing at a point 1,313 feet South of the Northeast corner of the Southeast Quarter of said Section 34 as the point of beginning of the tract hereby described, and running thence West 1,977 feet to the East boundary line of the right of way of the Union Pacific Railroad Company, as the same is now located over and across said Southeast Quarter; thence Southwesterly on and along the

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 67-355A
Date Received: 9/12/1989
Receipt No: W005909
Received By:

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

1. Name of Claimant(s)

JUNE I DERIE Phone: (208)741-0343

920 JONATHAN RD
WEISER ID USA 83672-5122

LARRY D DERIE Phone:

920 JONATHAN RD
WEISER ID USA 83672-5122

2. Date of Priority: 05/01/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	34	NE SE	ADAMS	
17N	01W	35	NW SW	ADAMS	

5. Description of diverting works:

HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.83	

7. Total Quantity Appropriated is:
0.83 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
17N	01W	34	NE	SE	IRRIGATION	18
			NW	SE	IRRIGATION	9
			SW	SE	IRRIGATION	22
			SE	SE	IRRIGATION	18
					Section Acres	67
					Total Acres	67

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:

STOCKWATER USAGE SAME POU AS IRRIGATION.

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

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

15. Basis of Claim: Decreed

16. Signature(s)

AS REQUESTED By BOSCO

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Claim Number(s): 67-355A, 4337, 10171

Previous Mailing Address: Larry or June Derie
Hc 62 Box 17
COUNCIL IDA 83612

New Mailing Address: LARRY or JUNE DERIE
920 JONATHAN RD
WEISER IDA 83672

Telephone Number: (208) 549 0133

Signature of Claimant(s): Larry Derie LARRY DERIE
June Derie June Derie

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____

SCANNED

SEP 20 2005

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

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

CIVIL CASE NUMBER: 39576

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

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

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

2. Date of Priority: MAY 01, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	34	NE	SE			ADAMS
		35	NW	SW			ADAMS

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

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

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

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

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

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10. Place of Use:

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

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

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

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

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

V5

Decree Defendant

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 198 7	Proposed Charge 198 8	Notes
343 Trans W. Winkler	5-1-78	L.O. Valle	00360001004A	46"	7.50	~~11.50~~	29.90
343 Trans J. Hoover	5-1-78	S. Schilling	00360003007A	6"	.60	~~1.60~~	3.90
343 Trans W. Winkler	5-1-78	"	00360003007A	6.5"	.60	~~1.60~~	4.20
346 Trans W.H. Spahr	5-1-78	Ed. Engel	17N01W36S400	6.5"	.60	~~1.60~~	4.20
349 F. Watress	5-1-81	"	17N01W36S400	5.5"	.60	~~1.60~~	3.60
349 F. Watress	5-1-81	Ronald Dean	17N01W35S100	6.5"	7.50	~~11.50~~	7.50
349 F. Watress	5-1-81	F. Stovner	17N01W35S1200	10"	1.00	~~1.50~~	6.50
350 F. Watress	5-1-84	"	"	12.5"	1.20	~~1.90~~	8.10
354 Schaff/Galey	5-1-91	"	"	19"	1.90	~~2.40~~	12.1
353 Schaff/Galey	5-1-82	"	"	20.5"	2.10	~~3.40~~	13.30
351 F. Watress	5-1-93	"	"	33.33"	3.30	~~3.40~~	21.70
352 F. Watress	5-1-94	"	"	20.75"	2.10	~~3.40~~	13.50
354 F. Watress	5-1-94	"	"	10"	1.00	~~1.50~~	6.50
355 Desert	5-1-94	"	17N01W34S500	41.6"	7.50	~~7.50~~	27.00

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Water Right Number - 67-00355A Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - -

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

1 -
2 -
3 -

City- Phone - 208-000-0000 State- ID Zip-

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

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

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -
Twn Rng Sec Tract Lot RFlg County

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

01 - IRRIGATION

0.720

+ - - - Total Div. Rate - - + + - - - Total Div. Volume - - + + - - - Total Div. Capacity - - + + - - - Total Consumptive Use - - + + - - - KW Usage - - +
0.720 83.45

+ - - - - - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - -
Twn Rng Rng Sec Tract Lot Acres Code

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

Total Acres:

+ - - - Diversion Means -

+ - - - Non-Irrigation Use -

+ - - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - No Remarks found.

+ - - - - - - - - - - - - - - - Conditions of Approval - - - - - No Conditions of Approval found.

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

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OCT 0 1 1992

[illegible]

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

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OCT 01 1992

Mar 10, 1913 2-461

INSTRUMENT NUMBER 2308.

WARRANTY DEED.

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

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

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

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

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

Original deed transferring 6 1/2" of 50" from a portion of the N 1/2, SE 1/4, Sec. 34, T17N, R1W

REC-147
Krigbaum
This Indenture, made this 16th day of February, 1910, between Margaret L. Krigbaum of Council, County of Washington, State of Idaho, the party of the first part and C. E. Cunningham and H. M. Olson, of Council, in the County of Washington, State of Idaho, the parties of the second part.

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

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

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

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

To Have and to Hold the above mentioned and described premises together with the appurtenances unto the said parties of the second part and to their heirs and assigns forever.

And the said party of the first part, her heirs the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns and against the party of the first part her heirs or assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same shall warrant and by the presents forever defend.

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

Witness
L. L. Burtenshaw

Margaret L. Krigbaum (Seal)

State of Idaho }
County of Washington } ss

This certifies that on this 16th day of February 1910, before me L. L. Burtenshaw a Notary Public in and for said County and State personally appeared Margaret L. Krigbaum personally known to me to be the identical person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the same.

In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 16th day of February 1910.

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

L. L. Burtenshaw
Notary Public

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

Frank E. Smith
Recorder

By B. B. Hunt
Deputy

Fees \$1.80
(Deeds 28 - 59)

*transfer of 2" of water
original 50"*

001 0 1 1225
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THIS INDENTURE, Made the First day of May in the year of our Lord one thousand nine hundred and Fourteen between C. A. Martin and Hilda A. Martin, his wife, of Council, County of Adams, State of Idaho the parties of the first part, and John Martin of Joseph, County of Wallowa State of Oregon, the party of the second part,

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

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

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

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

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

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

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

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

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

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

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

County of Adam } ss.

W. H. SPAHR,

That his name is W. H. SPAHR, being first duly sworn, deposes and says:; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is COUNCIL, IDAHO

SEE ATTACHED MEMORANDUM

That he is the owner and using a certain water right, bearing date of priority of 19, for cubic feet per second of the waters of MILL CREEK

County of ADAMS, State of Idaho, decreed to by decree of Judge, of the SEVENTH Judicial District of the State of

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

 , said decree bearing date of (or obtained by virtue of License No. , issued by the State Engineer of the State of Idaho, dated , 19 , bearing date of , 19)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 41 in the County of ADAMS and State of Idaho, to-wit: SEE ATTACHED EXHIBIT A for detailed explanation of Two(2) water rights involved and Application for a rotation use of both rights on separate tracts of land, both owned by Applicant

 and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. By direct deeds of conveyance for land and water

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

That said waters are now diverted from said stream in the See Exhibit of Section , Township , Range , B. M., and conducted to the above described lands through Two small ditches

as per map herewith and of this affidavit made a part;

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

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

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

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

OCT 8 1980

NOV 11 1980

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

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

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

W. K. Mahan
Applicant.

Subscribed and sworn to before me this 11th day of February

A. D. 19 57

[Signature]
Notary Public for Idaho at Council

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Mill Creek, in Adams County, Idaho

Where is the diversion point located? See attached Map and Sketch

Through what ditch is it now conducted? Two small ditches, per Map and Sketch

How much land is now irrigated by the water sought to be transferred? about 47 acres by both rights

Give the description: See attached Exhibit A

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

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

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

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

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

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

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

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

If so, give amount, date and source. No

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

Signed

W. K. Mahan

Applicant.

OCT 11 1955

PROBOLITWED

U. R. Ry

525 M.C.
5-1-1884

L. 8, 95

Ditch

35 sec

35

425 M.C.
5-1-1889

Ditch 36

N

S

E

500 10 100

100 10 100

100 10 100

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

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

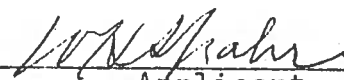
In normal years, the flow of water in Mill Creek between Diversion points for Tracts 1 and 2, after July 1st, is so reduced in volume that very little, if any, water is available under the decreed right of May 1, 1884 for us upon Tract 1, and a great deal of water is lost by seepage and evaporation between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

PROPOSAL

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

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

Dated February 11th. 1957.


Applicant

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

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

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

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

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

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

GENERAL COMMENTS

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

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

The water for tract 1 (right of 5 $\frac{1}{2}$ ", priority of May 1, 1888) is the lowest diversion made from Mill Creek and no irrigated land below the present diversion point is effected by this application.

1957

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

EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

4.75 miners inches under priority of May 1, 1889,

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

INTERNAL REVENUE STAMPS ATTACHED AND CANCELLED \$3.30

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

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

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

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

Signed, Sealed and Delivered
in Presence of _____

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

STATE OF IDAHO,)
County of Adams) ss.

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

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

(NOTARIAL SEAL)

Carl H. Swanstrom
Notary Public
Residing at Council, Idaho

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

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

Fee \$2.00

77 M.S. - C.A.

OCT 1 1957
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TRANSFER REVIEW FOR RIGHTS NOS. 67-0355 & 67-0363

Requested by Phil Rassier on 10/31/79

Right No. 67-0355

Margaret Krigbaum 41 ²/₃ in. 5/1/1884

mill Creek 0.83 cfs

Transfer No. 884

Rights transferred:

67-0355 5.5 in (0.11 cfs)

67-0363 4.75 in (0.095 cfs)

10.25 in (0.205 cfs)

Right No. 67-0363

James A. Huston &

William Spahr

16 in 5/1/1899

Mill Creek

0.32 cfs

MICROFILMED

OCT 01 1992

| TRANSFER NO. | NAME | AMOUNT
C.F.S. | BALANCE
C.F.S. | RIGHT
NO. |
|--------------|----------------------------------|------------------|-------------------|--------------|
| | Huston, James A. &
Spahr, Wm. | 0.32 | | 67-0363 |
| 884 | Spahr, W. H. | 0.095 | 0.225 | 67-0363A |

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

Certificate of Water Right
Transferred Right No. 884

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

MUIR BROS., Plaintiffs

-vs-

William Allison et al,
Defendants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MARK R. KULP

State Reclamation Engineer

OCT 8 1955

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

W.H. Spahr, Council, Idaho)

For a Transfer of Water Right, in)
Adams County, Idaho.)

ORDER GRANTING TRANSFER

No. 884

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

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

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

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

MARK R. KULP

State Reclamation Engineer

OCT 11 1957

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

Krigbaum, Margaret

0.833

67-0355

884

Spahr, W. H.

0.11

~~0.723~~

67-0355A

R

~~0.833~~

~~67-0355~~

884

~~0.11~~

II

~~67-0355B~~

0.723

67-0355 A

0.11 *

67-0355 C

0.12 *

67-0355 D

* WATER DELIVERED

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

Certificate of Water Right
Transferred Right No. 884

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

MUIR BROS., Plaintiffs

-vs-

William Allison et al,
Defendants

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

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

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

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

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

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

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

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

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1921

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

OCT 11 1955

RECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

ORDER GRANTING TRANSFER

No. 884

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

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

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

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

Mark R. Kulp

MARK R. KULP

State Reclamation Engineer

COPY

OCT 1 1957

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00355A
Date Received: 9/12/1989
Receipt No: W5909
Received By: hw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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

2. Date of Priority: MAY 01, 1884

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 17N | 01W | 34 | NE | SE | | | ADAMS |
| | | 35 | NW | SW | | | ADAMS |

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

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

10. Place of Use:

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

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

VS

WILLIAM ALLISON

Decree Defendant

MICROFILMED
OCT 01 1992

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): x Larry Derie Date: x Sept 12, 1989
June Derie Date: Sept. 12, 1989

State of Idaho)
County of Ada) SS.

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

of Sept. 19 89

Linda Werner
Notary Public

Seal

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

