

05/24/2006

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

RIGHT NUMBER: 67-276E

NAME AND ADDRESS: MARJORIE BEMIS
2995 CEMETERY RD
PO BOX 188
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.075 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T15N R03W S22 NESWSE Within WASHINGTON County

T15N R03W S27 SESENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.075 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T15N R03W S27 SENW 9.60

9.6 ACRES TOTAL

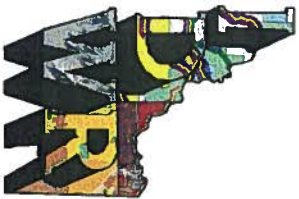
9.6 The rights listed below are limited to the irrigation of a combined total of ~~22.4~~ acres in a single irrigation season. Combined Right Nos.: 67-276E & 67-277E

This right is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



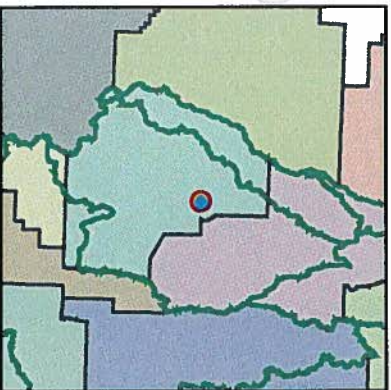
Idaho Department of Water Resources

SRBA Recommendation:

67-276E

Legend

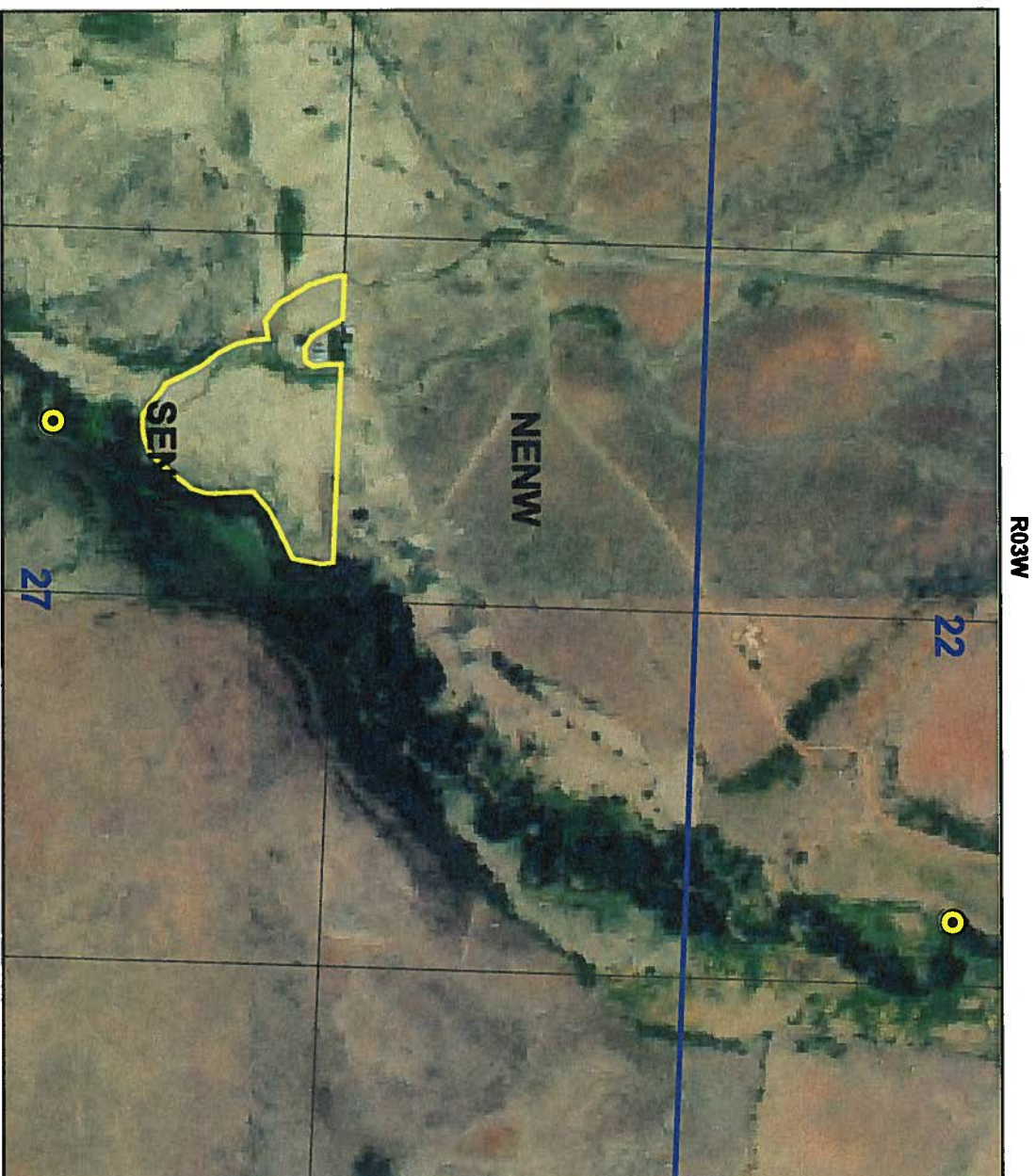
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

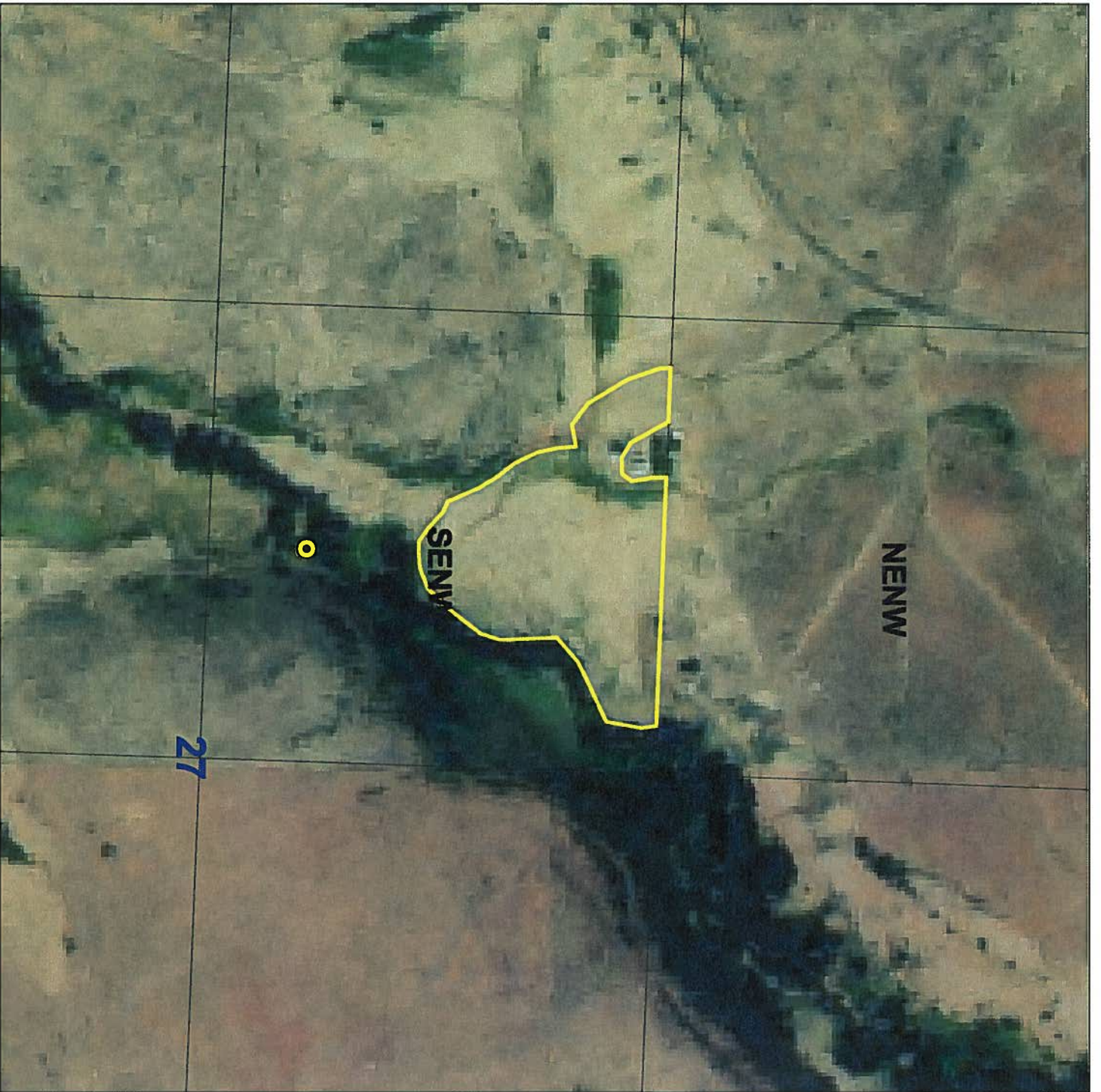


T15N



Prepared by C. Saxton
On Wednesday, May 24, 2006
1987/88 Aerial Photography

67-276E



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-276E V1

WATER RIGHT NUMBER: 67-276E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARJORIE BEMIS 2995 CEMETERY RD PO BOX 188 CAMBRIDGE, ID 83610 (208)257-3817

Priority Date: 05/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RUSH 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 10/31	0.075 CFS	
	<u>Total Diversion:</u>	0.075 CFS	

Location of Point(s) of Diversion

RUSH CREEK	NE1/4SW1/4SE1/4	Sec. 22, Twp 15N, Rge 03W, B.M.
WASHINGTON County		
RUSH CREEK	SE1/4SE1/4NW1/4	Sec. 27, Twp 15N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	27								9.6									9.6

Total Acres: 9.6

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of ^{9.6}~~22.4~~ acres in a single irrigation season. Combined Right Nos.: 67-276E & 67-277E
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 6.0 acres within the place of use described above in a single irrigation season.

Remarks:

Split History of 67-276

Water Right History

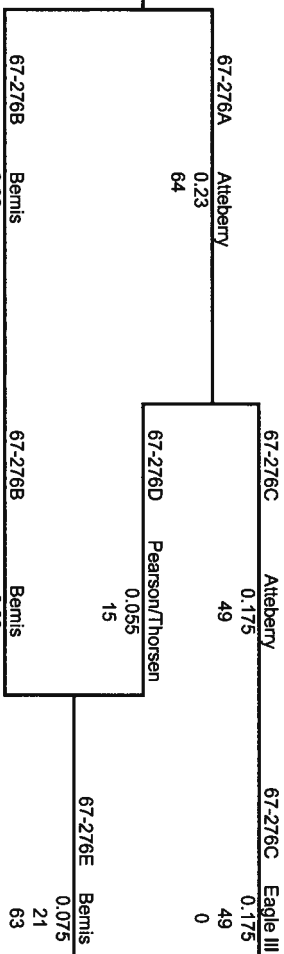
Claim History

Claim History

Recommendation

67-276	Byers
0.25	cfs
20	ac
0	af

67-276	Atteberry
0.25	
70	
0	



67-276C	Eagle III
0.175	
14	
0	

67-276E	Bemis
0.075	
6	
0	

Acre @ 5/8 " per acre

Created by Craig L. Saxton 3-13-06

Disaffirm
Recommend

Sum CFS =	0.25
Sum Acre =	70
Sum AFA =	63

Sum CFS =	0.25
Sum Acre =	20
Sum AFA =	0

Extra CFS =	0
Extra Acre =	-50
Extra AFA =	-63

Extra CFS =	0
Extra Acre =	0
Extra AFA =	0

Water Master Records

Page #	Parcel #	Name	ter in Inc	File #	Original Owner	Priority Date
30	15N03W	Eagle, John	8.75	276	Edward Byers	5/1/1889
29	15N03W	MARJORIE	3.75	276	Edward Byers	5/1/1889
30	15N03W	Eagle, John	5.25	277	Edward Byers	5/1/1892
29	15N03W	MARJORIE	2.25	277	Edward Byers	5/1/1892

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority D_e</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Vol(a)</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Table</u>
67	276	E	Decreed	Active	1889-05-0'	0.08	21	63	RUSH CRT IRRIGATIC BEMIS, MARJd	Claim	
67	277	E	Decreed	Active	1892-05-0'	0.05	21	63	RUSH CRT IRRIGATIC BEMIS, MARJd	Claim	
67	283			Active	1892-05-0'	0.32	55	165	RUSH CRT IRRIGATIC BEMIS, MARJd	Claim	
67	284		Decreed	Active	1894-05-0'	0.12	55	165	RUSH CRT IRRIGATIC BEMIS, MARJd	Claim	

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority D_e</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Vol(a)</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Table</u>
67	276	E	Decreed		1889-05-0'	0.075	6	0	RUSH CRT IRRIGATIC BEMIS, MARJd	Recommendation	
67	277	E	Decreed		1892-05-0'	0.045	3.6	0	RUSH CRT IRRIGATIC BEMIS, MARJd	Recommendation	
						0.12	9.6				

67	283			Active	1892-05-0'	0.32	25.6	165	RUSH CRT IRRIGATIC BEMIS, MARJd	Recommendation	
67	284		Decreed		1894-05-0'	0.12	9.6	165	RUSH CRT IRRIGATIC BEMIS, MARJd	Recommendation	
						0.44	30				

<u>Page #</u>	<u>Parcel #</u>	<u>Name</u>	<u>ater in Inch</u>	<u>File #</u>	<u>iginal Own</u>	<u>Priority Date</u>
29	15N03W27	MARJd	3.75	276	dward Bye	5/1/1889
29	15N03W27	MARJd	2.25	277	dward Bye	5/1/1892
30	15N03W27	Eagle, J	16.00	283	H B Poyner	5/1/1892
30	15N03W27	Eagle, J	6.00	284	H B Poyner	5/1/1894



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 28, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

John Eagle
17624 N Applegate Rd
Grants Pass, OR 97527

Re: Inquiry about Water Right Claims filed by W.G. and Shirley Atteberry

Dear Mr. Eagle:

During the course of two days, I received inquiries from Creed Noah, you, and the watermaster for the Weiser River, Bosco Bosler, about several water right claims filed by W.G. and Shirley Atteberry. The water right claims assert ownership of all or portions of water right nos. 67-267, 67-276, and 67-277. My search of the electronic database of the Idaho Department of Water Resources (IDWR) raised several questions that I will attempt to answer in this letter.

The IDWR database shows two active adjudication claims, numbered A67-267A and A67-267B, in the name of Atteberrys. When the two claim records are compared, the components of the records are identical to each other. Each claims a diversion rate of 0.25 cfs.

The original water right decreed in the case of Muir v. Allison, authorized a diversion rate of 0.27 cfs. The place of use described in the claim records does not match the original place of use. The priority date entered into the claim records does not match the priority date assigned by the Muir court. Bosco Bosler told me that water right 67-267 has been delivered to Ethel Pearson not to Atteberrys. I cannot find any hard copies of claim nos. A67-267A and A67-267B. Other adjudication records show that all of water right no. 67-267 was claimed in the Snake River Basin Adjudication by combining with other water rights in two other claims, numbered as A67-10042 (.003 cfs to Lamar & Ernestine Hill) and A67-12338 (0.266 cfs for Ethel Pearson & Robin Thorsen). In other words, nothing in the electronic records of IDWR matches with recorded historical information about water right no. 67-267.

Atteberrys also claimed water right no. 67-276. The flow rate, place of use, and priority date for water right 67-276 as decreed by the Muir court are identical to the numbers recorded in the claim reports for A67-267A and A67-267B.

After consulting with adjudication staff in this office, I have concluded that when Atteberrys attempted to file adjudication claims for water right no. 67-276, the number was transposed during data entry to 67-267. Sometime during the remainder of claims taking, the error was detected, but the original transposed entries were not removed from IDWR's database. As a result, Atteberrys do not own any portion of water right no. 67-267, and the water right has already been claimed elsewhere. The printouts for adjudication claim nos. 67-267A and 67-267B that were previously distributed should be discarded.

SCANNED

APR 02 2004

SCANNED

SCANNED

APR 02 2004

APR 02 2004

John Eagle
August 28, 2003
Page -2-

The history of the adjudication claims filed and recorded for water right nos. 67-276 and 67-277 is also confusing. Rather than recite the entire history, the following are the active adjudication claims pending before IDWR:

Claim no. 67-276C	Atteberry	0.175 cfs	Priority: 5/01/1889
Claim no. 67-276E	Bemis	0.075 cfs	Priority: 5/01/1889
Claim no. 67-277C	Atteberry	0.104 cfs	Priority: 5/01/1892
Claim no. 67-277E	Bemis	0.046 cfs	Priority: 5/01/1892

Previously distributed printouts for any other adjudication claims related to water right nos. 67-276 and 67-277 should be discarded. In particular, printouts for claim nos. 67-276A and 67-277A should be discarded because these numbered rights have been superceded.

I have enclosed summaries of the four active claims listed above with this letter. If you have questions please call.

Sincerely,



Gary Spackman

W.G. Atteberry
Bosco Bosler
Adjudication files
Jan Shurte

George W. Hall (cont.)

Fred H Suiter and Grace Z Suiter

G E Schmitts

John Tinsley

Elizabeth Norton

John Norton

Louis Robson

G W Tuttle

George A Jefferson

Hattie Macey

Rush Creek (Con)

J M Atwell

Edward Dyers, sub for William Cope

Eva Barber

✓ Jerome B Cox

Nels C Nelson

R E Wilson and Edwin J Hill

" " " "

Hub B Poyner

✓ W H Gibson

✓ Minta Dugger

J Edward Wicks

Charles F Hulet

A H Nunnales

A L Kingsbury

A Milton Hinshaw

James L Warren

John Carrick

Elihu W Hinshaw, sub for Devaney & Carter

Philbrick & Greenwood

Walter E Ford

William Thelen

E E Lorton

Marion C Potter

Daniel W Brndshaw

Silas L Craddock

Edward E Lorton

Rush Creek (Con)

Charles R Edwards

E E Edwards admin of David G Edwards Metate

Joseph Hutchings (Beaver Creek)

11 1/2

6 1/2

12 1/2

4 3/8

- 13 5/8

- 2 3/8

- 4 3/4

- 2 3/8

- 2 3/8

3 1/8

12 3/8

19

9 1/2

12 1/2

- 7 1/2

16 T 6 7/8

19

12 1/2

16

136

16

6

2 1/2

1 1/2

19

31 1/2

14

7 1/2

19

75

32

18 1/2

3 1/8

3 3/4

12 1/2

25

9 3/8

19

23

63

27

20

45

May 1, 1896 ✓ 67 0263

May 1, 1901 ✓ 67 0264

Aug. 23, 1883 67 0265 T 1765

Aug 23 1883 ✓ 67 0266

Aug 23, 1883 ✓ 67 0267 T 1765

Aug 23, 1883 ✓ 67 0268 T 1765

Aug 23, 1883 ✓ 67 0269 T 1765

Aug 23, 1883 ✓ 67 0270 T 1765

Aug 23, 1883 ✓ 67 0271 T 1765

May 1, 1884 ✓ 67 0272 T 1765

May 1, 1890 ✓ 67 0273 T 1765

May 1, 1887 ✓ 67 0274

May 1, 1888 ✓ 67 0275

May 1, 1889 ✓ 67 0276

May 1, 1892 ✓ 67 0277

May 1, 1890 ✓ 67 0278

May 1, 1890 ✓ 67 0279 see memo

April 30, 1890 ✓ 67 0280

May 1, 1891 ✓ 67 0281

Oct 29, 1908 ✓ 67 0282

May 1, 1892 ✓ 67 0283

May 1, 1894 ✓ 67 0284

May 1, 1894 ✓ 67 0285

May 1, 1894 ✓ 67 0286

May 1, 1895 ✓ 67 0287

May 1, 1895 ✓ 67 0288

May 1, 1895 ✓ 67 0289

May 1, 1895 ✓ 67 0290

May 1, 1896 ✓ 67 0291

May 1, 1897 ✓ 67 0292

May 1, 1899 ✓ 67 0293

May 1, 1899 ✓ 67 0294

June 1, 1900 ✓ 67 0295

May 1, 1902 ✓ 67 0296

May 23, 1903 ✓ 67 0297

May 1, 1904 ✓ 67 0298

May 1, 1904 ✓ 67 0299

Oct 29, 1908 ✓ 67 0300

Oct 29, 1908 ✓ 67 0301

Oct 29, 1908 ✓ 67 0302

March 20, 1911 ✓ 67 0303 T 222

March 20, 1911 ✓ 67 0304

June 1, 1883 ✓ 67 0305

JUL 2 4 1936

Name	Amount (Inches)	Date	Land Descriptions
RUSH CREEK (Cont.)			
50 C. E. Schmitz	4 3/8 ✓	8-23-83 ✓	Part NE 1/4 SW 1/4, Sec. 2, T. 14 N., R. 3 W.
51 John Tinsley	13 5/8 ✓	8-23-83 ✓	NE 1/4 SW 1/4, Sec. 2, T. 14 N., R. 3 W.
52 Elizabeth Norton	2 3/8 ✓	8-23-83 ✓	E 1/2 NW 1/4 SW 1/4 NW 1/4, Sec. 2; T. 14 N., R. 3 W.
53 John Norton	4 3/4 ✓	8-23-83 ✓	NW 1/4 SE 1/4 NW 1/4 Sec. 2; T. 14 N., R. 3 W.
54 Louis Robson	2 3/8 ✓	8-23-83 ✓	E 1/2 NE 1/4 SW 1/4 NW 1/4 Sec. 2, T. 14 N., R. 3 W.
55 C. W. Tuttle	2 3/8 ✓	8-23-83 ✓	W 1/2 NE 1/4 SW 1/4 NW 1/4, Sec. 2, T. 14 N., R. 3 W.
56 George A. Jefferson	3 1/8 ✓ 12 3/8 ✓	5--1-84 ✓ 5--1-90 ✓	Lot 1, Sec. 4, T. 14 N., R. 3 W.
57 Hattie Macey	19 ✓	5--1-87 ✓	Lot 3, Sec. 3, T. 14 N., R. 3 W.
58 J. M. Atwell	9 1/2 ✓	5--1-88 ✓	W 1/2 NW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4, Sec. 34, T. 14 N., R. 3 W.
59 Edward Byers, sub for William Cope	12 1/2 ✓ 7 1/2 ✓	5--1-89 ✓ 5--1-92 ✓	S 1/2 SW 1/4, NE 1/4 SW 1/4, SE 1/4 NW 1/4, Sec. 27, T. 15 N., R. 3 W.
60 Eva Barber	16 ✓	5--1-90 ✓	S 1/2 NE 1/4, Sec. 2, T. 14 N., R. 3 W.
61 Jerome B. Cox	19 ✓	5--1-90 ✓	W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4, Sec. 2, T. 15 N., R. 3 W.
62 Nels C. Nelson	12 1/2 ✓	4-30-90 ✓	N 1/2 NE 1/4 SE 1/4, Sec. 3; NW 1/4 NW 1/4 SW 1/4, Sec. 2, T. 14 N., R. 3 W.
63 R. E. Wilson & Edwin J. Hill	16 ✓ 136 ✓	5--1-91 ✓ 10-29-08 ✓	E 1/2 SE 1/4, Sec. 26; S 1/2 SW 1/4, Sec. 25; N 1/2 NW 1/4, NW 1/4 NE 1/4, Sec. 36, T. 15 N., R. 3 W.
Hub B. Pymor	16 ✓ 6 ✓	5--1-92 ✓ 5--1-94 ✓	W 1/2 NW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4, Sec. 27, T. 15 N., R. 3 W.
W. H. Gibson	2 1/2 ✓	5--1-94 ✓	W 1/2 NE 1/4, Sec. 10, T. 15 N., R. 3 W.
Minta Dugger	1 1/2 ✓	5--1-94 ✓	NE 1/4 SE 1/4, Sec. 10; T. 15 N., R. 3 W.
J. Edward Wicks	19 ✓	5--1-95 ✓	W 1/2 SE 1/4, SE 1/4 SE 1/4, Sec. 3; NE 1/4 NE 1/4, Sec. 10, T. 15 N., R. 3 W.
Charles F. Hulet	31 1/4 ✓	5--1-95 ✓	S 1/2 NE 1/4, S 1/2 SE 1/4 NE 1/4, Sec. 3; T. 14 N., R. 3 W.

Township 14 North, Range 3 West Boise Meridian, save and excepting therefrom the right of way of the P & I N Railway.

248 ELIZABETH NORTON: The east half of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter Section 2, Township 14 North, Range 3 West Boise Meridian.

249 JOHN NORTON: The Northwest Quarter of the Southeast Quarter of the Northwest Quarter Section 2, Township 14 North, Range 3, West Boise Meridian.

270 LOUIS ROBSON: East half Northeast Quarter Southwest Quarter Northwest Quarter, Section 2, Township 14, North, Range 3 West Boise Meridian.

271 C W TUTTLE: The West half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter Section 2, Township 14 North, Range 3 West Boise Meridian.

272-73 GEORGE A JEFFERSON: Lot number 1, Section 4, Township 14 North, Range 3 West Boise Meridian.

274 HATTIE MACEY: Lot 3, Section 3, Township 14 North, Range 3 West Boise Meridian.

275 J M ATWELL: The West half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 34, Township 15 North, Range 3 West Boise Meridian.

276-77 EDWARD BYERS: The South half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 27, Township 15, North, Range 3 West Boise Meridian.

278 EVA BARBER: The South half of the Northeast Quarter of Section 2, Township 14 North, Range 3 West Boise Meridian.

279 ✓ JEROME B COX: The West half of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter, Section 2, Township 15 North, Range 3 West Boise Meridian.

280 NELS C NIELSEN: The North half of the Northeast Quarter of the Southeast Quarter of Section 3; and the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 2, Township 14 North, Range 3 West Boise Meridian.

R E WILSON AND EDWIN J HILL: The East half of the Southeast Quarter of Section 26, the South half of the Southwest Quarter of Section 25, and the North half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 36, Township 15 North, Range 3 West Boise Meridian.

HUB B FOYNER: The West half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 27, Township 15 North, Range 3 West Boise Meridian.

✓ W H GIBSON: The West half of the Northeast Quarter of Section 10, Township 15 North, Range 3 West Boise Meridian.

MINTA DUGGER: The Northeast Quarter of the Southeast Quarter of Section 10, Township 15 North, Range 3 West Boise Meridian.

J EDWARD WICKS: The West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 3 and the Northeast Quarter of the Northeast Quarter of Section 10, all in Township 15 North, Range 3 West Boise Meridian.

CHARLES F HULBERT: The South half of the Northeast Quarter, and the South half of the South half of the North half of the Northeast Quarter of Section 3, Township 14 North, Range 3 West Boise Meridian.

A H HUNHALEN: The North Three Quarter of Lot 1, Section 3, Township 14 North, Range 3 West Boise Meridian.

JUL 24 1926

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 67-276E
Date Received: 10/20/89
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

MARJORIE BEMIS Phone: (208)257-3817

PO BOX 188
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	22	NE SW SE	WASHINGTON	
15N	03W	27	SE SE NW	WASHINGTON	

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.075	63

7. Total Quantity Appropriated is:
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
15N	03W	27	SE NW	IRRIGATION	6

SCANNED
APR 02 2004

SE NW

IRRIGATION 15

Section Acres 21

Total Acres 21

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Item no. 5 - continued: Diversion No. 1 - Rock dam, headgate with weir, one mile earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep to place of use. Diversion no. 2 - Rock dam, headgate with weir, earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep direct to fields.

Added the points of diversion and irr. acreage which was not included on the previously decreed water right.

This right is the result of an ownership change, combined right of 67-00276B and 67-00276D. DB 11/7/2000.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

67-00276E
(STW shared with HHeber)

priority 5/1/1989

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 67-00276E
Date Received: 10/20/89
Receipt No:
Received By:

RECEIVED

MAR 14 2001

WATER RESOURCES
WESTERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): MARJORIE BEMIS
PO BOX 188
CAMBRIDGE ID USA 83610

Phone: (208)257-3817

2. Date of Priority: 05/01/1989

MB 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15N	03W	22	NE SW SE	WASHINGTON
15N	03W	27	SE SE NW	WASHINGTON

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S. (or) A.F.A.
03/15 11/15 0.075 63

7. Total Quantity Appropriated is:
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	27	SE NW		IRRIGATION	15
			SE NW		IRRIGATION	6
					Section Acres	21
					Total Acres	21

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Item no. 5 - continued: Diversion No. 1 - Rock dam, headgate with weir, one mile earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep to place of use. Diversion no. 2 - Rock dam, headgate with weir, earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep direct to fields.

Added the points of diversion and irr. acreage which was not included on the previously decreed water right. This right is the result of an ownership change, combined right of 67-00276B and 67-00276D. DB 11/7/2000.

15. Basis of Claim: Decreed

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 67-00276E
Date Received: 10/20/89
Receipt No:
Received By:

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

1. Name of Claimant(s): MARJORIE BEMIS
PO BOX 188
CAMBRIDGE ID USA 83610

Phone: (208)257-3817

2. Date of Priority: 05/01/1989

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
15N	03W	22	NE SW SE	WASHINGTON
15N	03W	27	SE SE NW	WASHINGTON

5. Description of diverting works:

See Remarks

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.075	63

7. Total Quantity Appropriated is:
0.075 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	27	SE NW		IRRIGATION	15
			SE NW		IRRIGATION	6
					Section Acres	21
					Total Acres	21

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Item no. 5 - continued: Diversion No. 1 - Rock dam, headgate with weir, one mile earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep to place of use. Diversion no. 2 - Rock dam, headgate with weir, earthlined ditch 18 inches to 36 inches wide by 6 inches to 12 inches deep direct to fields.

Added the points of diversion and irr. acreage which was not included on the previously decreed water right.

This right is the result of an ownership change, combined right of 67-00276B and 67-00276D. DB 11/7/2000.

15. Basis of Claim: Decreed

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): A67-00283A, A67-00284A, A67-00276D
+ A67-00277D
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s).
(These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant ETHEL PEARSON & ROBIN THORSEN
PO BOX 205, CAMBRIDGE
4. New Owner/Claimant(s) MARJORIE BEMIS
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address PO BOX 188
City, State and ZIP Code CAMBRIDGE, ID 83610
New Telephone Number (208) 252-3817
5. Date you acquired the property 3-1997
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>5¹ to 1</u>	Number and type of stock _____
Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____	

7. Signature of New Owner(s) Marjorie Bemis
or Claimant(s) _____

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

WARRANTY DEED

For Value Received

ETHEL J. PEARSON AND ROBIN THORSEN, both single persons

The grantors, do hereby grant, bargain, sell and convey unto
MARJORIE BEMIS TRUST

the grantee, whose current address is
P.O. BOX 188, CAMBRIDGE, ID 83610
the following described premises, in

WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenant thereto
and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions,
dedications, mineral leases, mineral reservations and mineral conveyances of record.

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

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

Dated: MARCH, 1997

Ethel J. Pearson
ETHEL J. PEARSON

Robin Thorsen
ROBIN THORSEN

STATE OF IDAHO, COUNTY OF WASHINGTON
On this day of MARCH, 1997,
before me, a notary public in and for the said State, personally
appeared

ETHEL J. PEARSON AND ROBIN THORSEN

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

Residing at
Comm. Expires

WEISER
11/4/97

Notary Public
, Idaho

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

at minutes past o'clock M.,
this day of
19, in my office, and duly recorded in Book
of Deeds at Page

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT NO.

EXHIBIT "A"

FILE NO.: 100-97-5784

IN TOWNSHIP 15 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, WASHINGTON COUNTY, IDAHO:

A portion of the NW $\frac{1}{4}$ of Section 27 being more particularly described as follows:

Beginning at a point on the East line of said NW $\frac{1}{4}$ of Section 27 from which point the Northeast corner of said NW $\frac{1}{4}$ bears North 00°31'42" East a distance of 1556.25 feet;
Thence from said point of beginning South 00°31'42" West, along said East line, 850.00 feet;

Thence West 300.00 feet;

Thence North 77°35' West 458.00 feet;

Thence West 56.00 feet;

Thence South 62°05' West 297.00 feet;

Thence North 68°50' West 165.00 feet;

Thence South 86°29' West 978.14 feet to a point on the centerline of Rush Creek Road;

Thence along said road centerline the following Eight (8) consecutive courses:

1) North 09°21' East 250.99 feet;

2) Along the Arc of a curve to the left having a radius of 400 feet, a length of 273.43 feet and a chord that bears North 10°14' West 268.14 feet;

3) North 29°49' West 139.36 feet;

4) Along the Arc of a curve to the right having a radius of 300 feet; a length of 412.42 feet and a chord that bears North 09°34' East 380.70 feet;

5) North 48°57' East 151.90 feet;

6) Along the Arc of a curve to the right having a radius of 600 feet, a length of 105.94 feet and a chord that bears North 54°00'30" East 105.80 feet;

7) North 59°04' East 371.47 feet and

8) Along the Arc of a curve to the left having a radius of 800 feet, a length of 210.90 feet and a chord that bears North 51°30'52" East 210.29 feet;

Thence South 46°02'16" East 801.54 feet;

Thence South 80°22'10" East 690.04 feet to a point in the centerline of Rush Creek;

Thence along said centerline the following Two (2) courses:

1) North 51°28'20" East 40.54 feet and

2) North 66°00' East 113.00 feet;

Thence East 141.00 feet to the POINT OF BEGINNING.

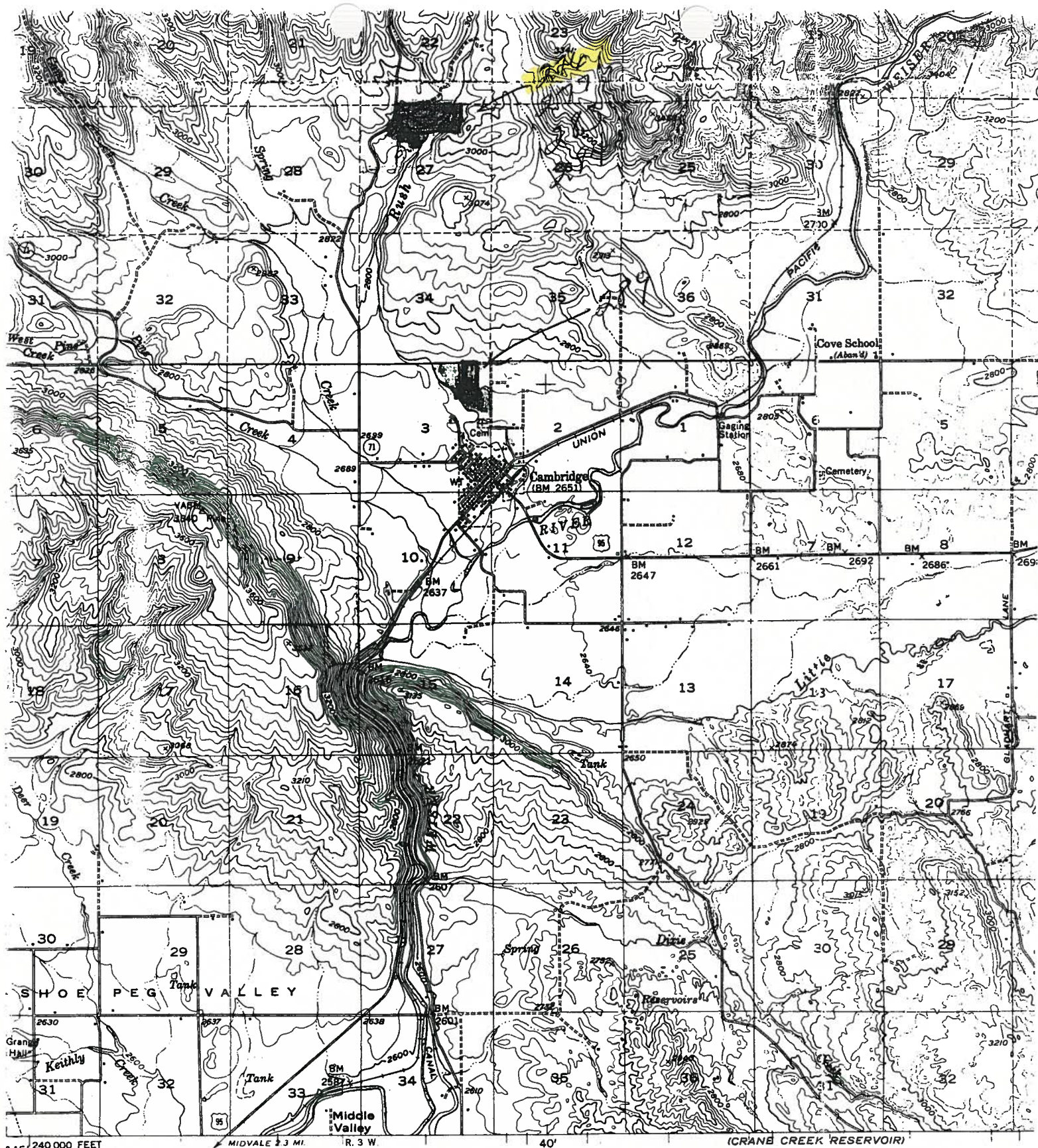
Reserving therefrom a Twenty foot wide Easement for construction and maintenance of a Water Pipeline, said Easement being described as follows:

Beginning at a point on the East line of the NW $\frac{1}{4}$ of said Section 27 from which point the Northeast corner of said NW $\frac{1}{4}$ bears North 00°31'42" East 1556.25 feet;
thence from said point of beginning and along the East line of said Easement South 00°31'42" West 400 feet;

thence along the centerline of said Easement the following Two (2) consecutive courses:

1) South 77°36'10" West 500 feet; and

2) South 22°52'20" West 300 feet, more or less, to a point on the South line of the property herein described.



• 45' 240 000 FEET

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods

Aerial photographs taken 1951. Field check 1957

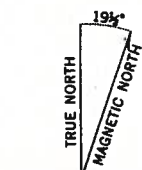
Polyconic projection. 1927 North American datum

10,000-foot grid based on Idaho coordinate system, west zone

1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

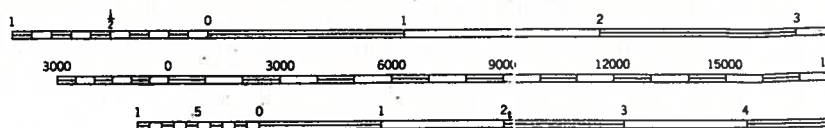
Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown



APPROXIMATE MEAN DECLINATION, 1957

SCALE 1:62500



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

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: A67-00276B

Date Received: 10/20/1989

Receipt No: X777777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARJORIE BEMIS
Address: PO BOX 188
CAMBRIDGE ID 83610
208-257-3817

2. Date of Priority: MAY 1, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	22	NE	SW	SE		WASHINGTON
		27	SE	SE	NW		WASHINGTON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	03W	27	SE	NW		IRR	6.0

Section Acres 6.0

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00277

14. Remarks:

ITEM 5-CONT'D: DIVERSION NO. 1-ROCK DAM, HEADGATE WITH WEIR, ONE MILE EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP TO PLACE OF USE. DIVERSION NO. 2-ROCK DAM, HEADGATE WITH WEIR, EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INCLUDED ON THE PREVIOUSLY DECREED WATER RIGHT.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A67-00276, FEE PAID UNDER RECEIPT NO. W006479 MTS 8/9/1995. OWNERSHIP CHANGE UPDATED DUE TO NEW DATA 4/10/96.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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: A67-00276D
Date Received: 10/20/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ETHEL PEARSON 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610
AND
Name: ROBIN THORSEN 208-257-3541
Address: PO BOX 205
CAMBRIDGE ID 83610

2. Date of Priority: MAY 1, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	22	NE	SW	SE		WASHINGTON
		27	SE	SE	NW		WASHINGTON

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.055		

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

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

OCT 22 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	03W	27	SE	NW		IRR	15.0
Section Acres							15.0
Total Acres							15.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00277

14. Remarks:

ITEM 5-CONT'D: DIVERSION NO. 1-ROCK DAM, HEADGATE WITH WEIR, ONE MILE EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP TO PLACE OF USE. DIVERSION NO. 2-ROCK DAM, HEADGATE WITH WEIR, EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INCLUDED ON THE PREVIOUSLY DECREED WATER RIGHT.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A67-00276, FEE PAID UNDER RECEIPT NO W006479 MTS 08/09/1995. OWNERSHIP CHANGE UPDATED 4/10/96 BASED ON NEW DATA THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A67-00276A, FEE PAID UNDER RECEIPT NO W006479. MTS 6/4/96

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

