



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 3, 2007

JOHN W EAGLE III
MARY H EAGLE
PO BOX 388
CAMBRIDGE ID 83610

RE: Notice of Error (NOE) Reply for 67-276C and 67-277C

Dear Mr. and Ms. Eagle,

I met with you at the Basin 67 public meeting on November 19, 2006. At that time we discussed your concern that more acreage was irrigated than was recommended under decreed rights 67-276C and 67-277C. Since IDWR cannot recommend more acreage than was originally decreed under the above rights, notes on the NOE reply indicate that you need to file a beneficial use claim for the additional acreage above the historical decreed acreage that is now irrigated. A beneficial use claim is a claim to a water right that has been developed through historical use, but has never been recorded.

At this time, the Directors report has been submitted to the SRBA court. If you want to pursue the additional irrigated acreage we spoke about on 11-19-2006, you will need to submit a Motion to File a Late Claim (SF4) to the Snake River Basin Adjudication (SRBA) court. For your convenience, I am enclosing the forms needed to submit a motion to file a late claim, along with a draft claim I prepared based on our discussion on 11-19-2006

New Claim 67-14818:

Please look over the claim and initial any changes you wish to make. There are a couple of things I would like to address in order to explain why I prepared the claim the way I did.

Item 2: My notes indicate that the claim should have a 1940 priority date, however, I do not recall how we came to that date. However we came up with the 1940 priority date, you will need to provide evidence that supports beneficial use of the Rush Creek water for the purpose of irrigating that acreage above the decreed acres recommended under rights 67-276C and 67-277C. This evidence needs to be provided at the time you submit the SF4 form and the claim to the SRBA court.

The request for not only evidence of priority but evidence supporting beneficial use of the claimed water is also addressed on page 2 of the SF4 Form (last item on the page). This could include items such as a description of how the property is irrigated, the capacity of the diversion system, and how the delivery system works.

Your claim will not be accepted or will be disallowed without evidence supporting beneficial use.

Item 4: I filled out the claimed points of diversion to be the same as those recommended for rights 67-276C and 67-277C.

Item 6: The diversion rate of 0.33 cfs was filled in for the claimed diversion rate. This diversion rate along with the diversion rate recommended under rights 67-276C and 67-277C is enough water to irrigate 31 acres at one inch per acre. One inch per acre (0.02 cfs) is the greatest diversion rate IDWR can recommend.

Item 10: The acreage claimed is that which was found based on the shape you drew on the layout for 67-277C in our meeting on 11-19-2006.

This is your claim. Please feel free to make any changes on the claim you feel necessary. The way I filled out the claim is simply a suggestion and you can claim whatever you want. Just cross out the old stuff and initial the changes you wish to make.

Motion to File a late Notice of Claim (SF4):

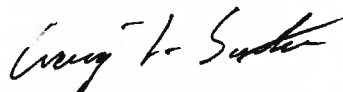
Page 1: Subcase: The subcase number is your water right claim number or **67-14818.**

Page 2: Under the heading, "MOTION TO FILE A LATE NOTICE OF CLAIM", the **first** item asks why you didn't file this claim before. My interpretation of why you are filing this claim now would be because that your predecessors had originally claimed more acres than originally were decreed under 67-276C and 67-277C and that additional acreage was not recommended because that was an enlargement of a decreed right. Your predecessors did not know at the time that a separate claim needed to be filed for the later developed appropriation of water.

Page 3: The filing fee for this claim is \$200.00. The fee breakdown is \$100.00 per claim and \$100.00 per court ordered late fee. (I noted earlier that you can make any changes on the claim you wish. The filing fee will remain \$200.00 unless you claim over 49 acres in which fees were already paid. Any acreage claimed over 49 increases the filing fee \$2.00 per acre.)

I know this can be complicated so please look over the documents I have included and feel free to contact myself or the SRBA court (208.736.3011) if you have any questions.

Respectfully submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

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: 67-276C

MARY H EAGLE
PO BOX 388
CAMBRIDGE ID 83610
Telephone Number: (208)257-3706

JOHN W EAGLE III
PO BOX 388
CAMBRIDGE ID 83610
Telephone Number: (208)257-3706

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

POU

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

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

*Need to file B-use claim w/ 1940
Priority + Additional acreage as shown on
map.*

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

DATE:

11/29/06

SIGNATURE:

John Eagle

Please print your name:

John EAGLE

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

SCANNED
DEC 08 2006

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: 67-277C

MARY H EAGLE
PO BOX 388
CAMBRIDGE ID 83610
Telephone Number: (208)257-3706

JOHN W EAGLE III
PO BOX 388
CAMBRIDGE ID 83610
Telephone Number: (208)257-3706

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

Same as 67-276C

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

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

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

DATE: 11/29/06

SIGNATURE: *John Eagle*

Please print your name

John EAGLE

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

SCANNED
DEC 08 2006



Idaho Department of Water Resources

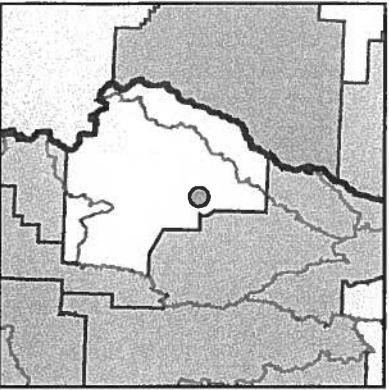
SRBA Recommendation:

67-277C
(Irrigation)

SCANNED
DEC 08 2006

Legend

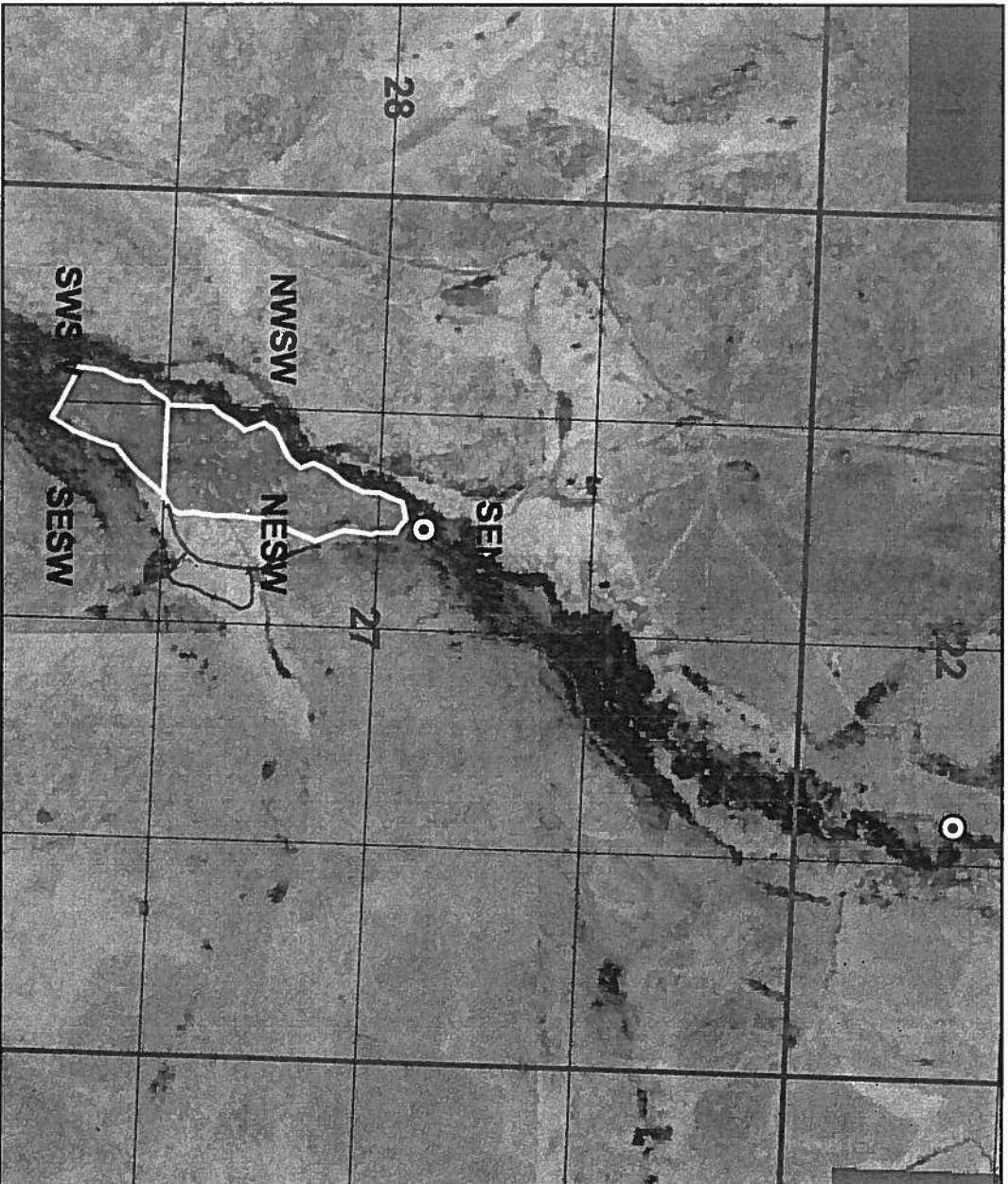
- Point of Diversion
Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67



T15N



0 0.5 1 Miles

Prepared by IDWR State Office
On Tuesday, November 14, 2006
1987/88 Aerial Photography

05/24/2006

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

RIGHT NUMBER: 67-277C
NAME AND ADDRESS: MARY H EAGLE
PO BOX 388
CAMBRIDGE ID 83610
JOHN W EAGLE III
PO BOX 388
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 0.105 CFS
PRIORITY DATE: 05/01/1892
POINT OF DIVERSION:

T15N R03W S22 NESWSE Within WASHINGTON County
T15N R03W S27 SESENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.105 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T15N R03W S27	SENW	0.70	T15N R03W S27	NESW	15.00
T15N R03W S27	SWSW	2.10	T15N R03W S27	SESW	4.60

22.4 ACRES TOTAL

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.: 67-276C & 67-277C

This right is limited to the irrigation of 8.4 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

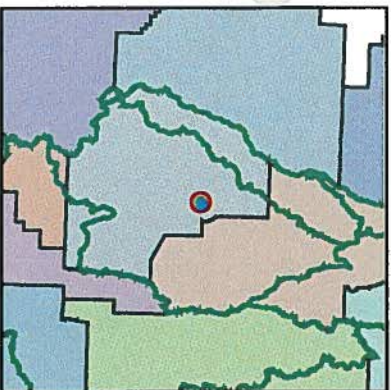


SRBA Recommendation:

67-277C

Legend

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

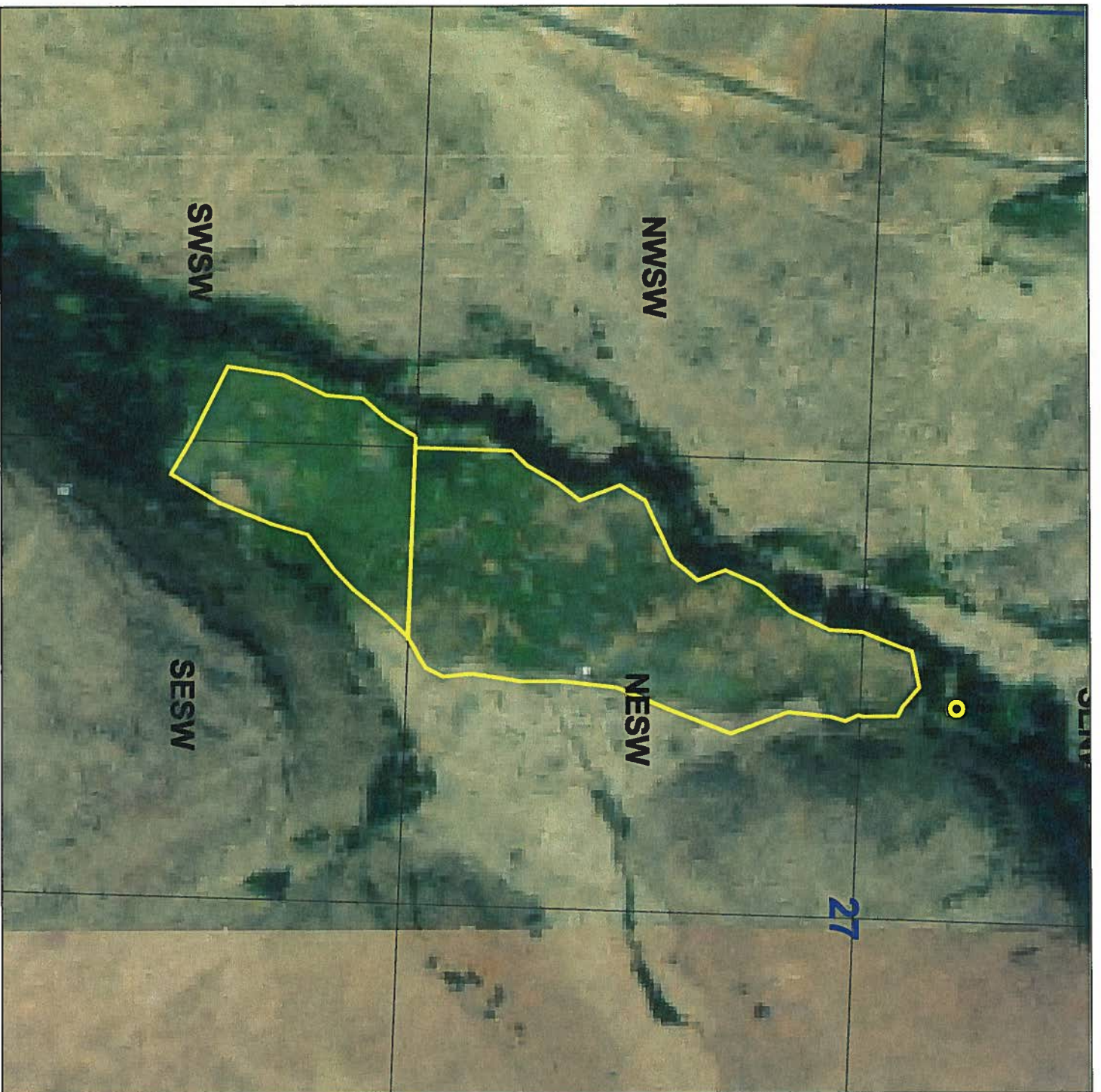


Washington County
IDWR Basin 67



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

67-277C



Adjudication Recommendation Report 67-277C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHIRLEY S ATTEBERRY 3494 RUSH CREEK RD CAMBRIDGE, ID 83610-5110
Current Owner	MARY H EAGLE PO BOX 388 CAMBRIDGE, ID 83610 (208)257-3706
Current Owner	JOHN W EAGLE III PO BOX 388 CAMBRIDGE, ID 83610 (208)257-3706
Original Owner	EDWARD BYERS , ID
Original Owner	WILLIAM P COPE 8211 BALSAM DR BOZEMAN, MT 59715 (406)587-7061
Original Owner	W G ATTEBERRY 3494 RUSH CREEK RD CAMBRIDGE, ID 83610-5110

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.105 CFS	
	<u>Total Diversion:</u>	0.105 CFS	

<u>Location of Point(s) of Diversion</u>		
RUSH CREEK WASHINGTON County	SE1/4SE1/4NW1/4	Sec. 27, Twp 15N, Rge 03W, B.M.
RUSH CREEK WASHINGTON County	NE1/4SW1/4SE1/4	Sec. 22, Twp 15N, Rge 03W, B.M.

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							.7	15.0		2.1	4.6						22.4

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-277C V1

Total Acres: 22.4

Conditions of Approval:

1. 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.
2. E56 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.: 67-276C & 67-277C
3. K06 This right is limited to the irrigation of 8.4 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. csaxton 5/24/2006 Diversion Rate

Comment: Diversion Rate claimed is 0.104 cfs. Water master delivery records show delivery of 0.105 cfs. This error is simply a rounding error in splitting the right through change of ownership. Recommend 0.105 cfs.

2. csaxton 5/24/2006 Copied From Claim (1)

Comment: ITEM 5-CONTD: 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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A67-00277, FEE PAID UNDER RECEIPT NO. W006479. MTS 8/10/95 OWNERSHIP CHANGE UPDATED 4/10/96 DUE TO NEW DATA.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A67-00277A, FEE PAID UNDER RECEIPT NO W006479. MTS 6/4/96

3. csaxton 5/24/2006 Copied From Claim (2)

Comment: This claim is the result of a split for a portion of 67-277A

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: AND/OR

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Split History of 67-277

Water Right History

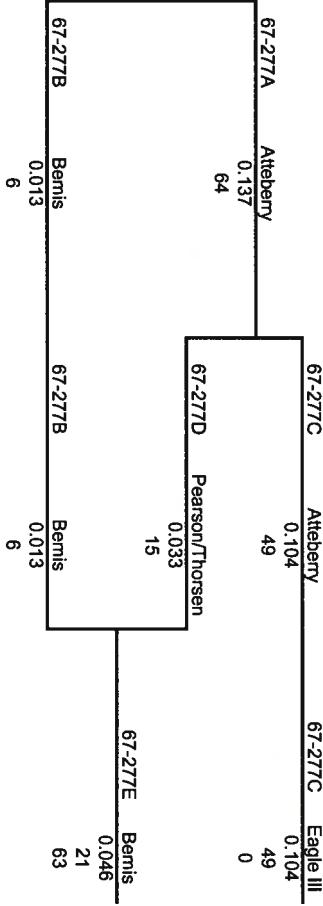
Claim History

Claim History

Recommendation

67-277	Byers
0.15	cfs
12	ac
0	af

67-277	Atteberry
0.15	
70	
0	



67-277C	Eagle III
0.105	
8.4	
0	

67-277E	Bemis
0.045	
3.6	
0	

Last Modified 5-24-06

Dissemination
Recommend

Sum CFS =	0.15
Sum Acres =	70
Sum AFA =	63

Extra CFS =	0
Extra Acres =	-58
Extra AFA =	-63

Sum CFS =	0.15
Sum Acres =	12
Sum AFA =	0

Extra CFS =	0
Extra Acres =	0
Extra AFA =	0

Water Master Records

Page #	Parcel #	Name	Iter in Inc	File #	Original O	Priority Date
30	15N03W	Eagle,	8.75	276	Edward B	5/1/1889
29	15N03W	MARJC	3.75	276	Edward B	5/1/1889
30	15N03W	Eagle,	5.25	277	Edward B	5/1/1892
29	15N03W	MARJC	2.25	277	Edward B	5/1/1892



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.

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

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 67-277C
Date Received: 10/20/1989
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

MARY H EAGLE Phone: (208)257-3706

PO BOX 388
CAMBRIDGE ID USA 83610

JOHN W EAGLE III Phone: (208)257-3706

PO BOX 388
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1892

3. Source: RUSH CREEK , RUSH 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
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	3/15	11/15	0.104	

7. Total Quantity Appropriated is:
0.104 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
15N	03W	27	SE	NW	IRRIGATION	4
			NE	SW	IRRIGATION	25
			SW	SW	IRRIGATION	10
			SE	SW	IRRIGATION	10
Section Acres						49
Total Acres						49

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split for a portion of 67-277A

ITEM 5-CONTD: 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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

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THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A67-00277A, FEE PAID UNDER RECEIPT NO W006479. MTS 6/4/96

15. Basis of Claim: Decreed

16. Signature(s)

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

RECEIVED

NOV 12 2003

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-277A	AG-277C	?			
67-11069	IN SRC 11, T15N R3W - NOT ON ADJUD	NO	CC: W.A.	3-10-05	PA

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) W.G. ATTEBERRY AND SHIRLEY S. ATTEBERRY
4. New Owner/Claimant(s) JOHN W. EAGLE III AND/OR MARY H. EAGLE
 Name Connector (Check one): [] and, [] or, [X] and/or
- New Mailing Address 17624 N. APPLGATE ROAD
- City, State and ZIP Code GRANTS PASS, OR 97527
- New Telephone Number (541) 846-6578 208 550 0698
5. Date you acquired the property _____

SCANNED

MAR 10 2006

SCANNED
 MAR - 9 2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

For Office Use Only

Received by DH Date 11-12-03 Fee \$25- 67-11069
 Received by DH Date 11-12-03 Receipt No. W031097
 Processed by P. J. M. A. Date 3-10-05 WR _____ Date _____

SCANNED

MAR 10 2005

OK to change 1.5 2-7-05

WARRANTY DEED

For Value Received

THE ATTEBERRY FAMILY TRUST

does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto

JOHN W. EAGLE III AND MARY H. EAGLE, husband and wife

whose current address is 17624 N. APPLGATE ROAD
GRANTS PASS, OR 97527

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

In Township 15 North, Range 3 West of the Boise Meridian, Washington County, Idaho:

Section 27: SW1/4SE1/4;

Section 34: NE1/4NE1/4.

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 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 they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 22, 2003

THE ATTEBERRY FAMILY TRUST

W.G. Atteberry TRUSTEE
BY: W. G. ATTEBERRY, TRUSTEEShirley S. Atteberry Trustee
BY: SHIRLEY S. ATTEBERRY, TRUSTEE

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 22nd day of OCTOBER, 2003, before me, a notary public in and for the said State, Personally appeared W.G. ATTEBERRY AND SHIRLEY S. ATTEBERRY as TRUSTEES for THE ATTEBERRY FAMILY TRUST known to me to be the persons whose names are subscribed to the within instrument as TRUSTEES, and acknowledged to me that they executed the same as such TRUSTEES.

Instrument # 191799
WEISER, WASHINGTON, IDAHO
2003-11-05 02:37:00 No. of Pages: 1
Recorded for: AMERITITLE
SHARON WIDNER Fee: 3.00
Ex-Officio Recorder Deputy McKnight
Index to: DEED

Bonnie A Fisk
Notary Public
Residing at Council Idaho
Comm. Expires 11/21/03



SCANNED

MAR 10 2005

EXHIBIT "A"

PARCEL I:

In Township 15 North, Range 3 West of the Boise Meridian, Washington County, Idaho:

Section 26: SW $\frac{1}{4}$ SW $\frac{1}{4}$; ✓

Section 27: All that portion of the SW $\frac{1}{4}$ lying Easterly of the center line of Rush Creek Road, and N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

AND

A portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 27, Township 15 North, Range 3 West of the Boise Meridian, 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 2406.25 feet;

LN: 1493881.36

Thence West 300.00 feet;

E: 2286880.04

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 Southerly along the center line of Rush Creek Road to the South line of said S $\frac{1}{2}$ NW $\frac{1}{4}$;

Thence East along the S $\frac{1}{2}$ NW $\frac{1}{4}$ to the SE corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$;

Thence North along the East line of said S $\frac{1}{2}$ NW $\frac{1}{4}$ to the True Point of Beginning.

PARCEL II:

In Township 15 North, Range 3 West of the Boise Meridian, Washington County, Idaho:

Section 27: SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

SCANNED

MAR 10 2005

WARRANTY DEED

191798

For Value Received

W.G. ATTEBERRY AND SHIRLEY S. ATTEBERRY as Trustees for the ATTEBERRY REVOCABLE LIVING TRUST DATED FEBRUARY 21, 1989

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

JOHN W. EAGLE III AND MARY H. EAGLE, husband and wife

whose current address is 17624 N. APPLGATE ROAD
GRANTS PASS, OR 97527

the following described premises, to-wit:

IN WASHINGTON COUNTY, IDAHO:

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 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 they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 22, 2003

THE ATTEBERRY REVOCABLE LIVING TRUST DATED FEBRUARY 21, 1989

W.G. Atteberry TRUSTEE
BY: W.G. ATTEBERRY, TRUSTEE

Shirley S. Atteberry Trustee
BY: SHIRLEY S. ATTEBERRY, TRUSTEE

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 22nd day of OCTOBER, 2003, before me, a notary public in and for the said State, Personally appeared W.G. ATTEBERRY AND SHIRLEY S. ATTEBERRY as Trustees for the ATTEBERRY REVOCABLE LIVING TRUST DATED FEBRUARY 21, 1989 known to me to be the persons whose names are subscribed to the within instrument as TRUSTEES, and acknowledged to me that they executed the same as such TRUSTEES.

Instrument # 191798

WEISER, WASHINGTON, IDAHO
2003-11-05 02:37:00 No. of Pages: 2
Recorded for: AMERITITLE
SHARON WIDNER Fee: 6.00
Ex-Officio Recorder Deputy Sharon Widner
Index to: DEED

Bonnie A. Fisk
Notary Public
Residing at Council, Idaho
Comm. Expires 11/21/03



SCANNED

MAR 10 2005

EXHIBIT "A"

PARCEL I:

In Township 15 North, Range 3 West of the Boise Meridian, Washington County, Idaho:

Section 26: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 27: All that portion of the SW $\frac{1}{4}$ lying Easterly of the center line of Rush Creek Road, and N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

AND

A portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 27, Township 15 North, Range 3 West of the Boise Meridian, 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 2406.25 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;

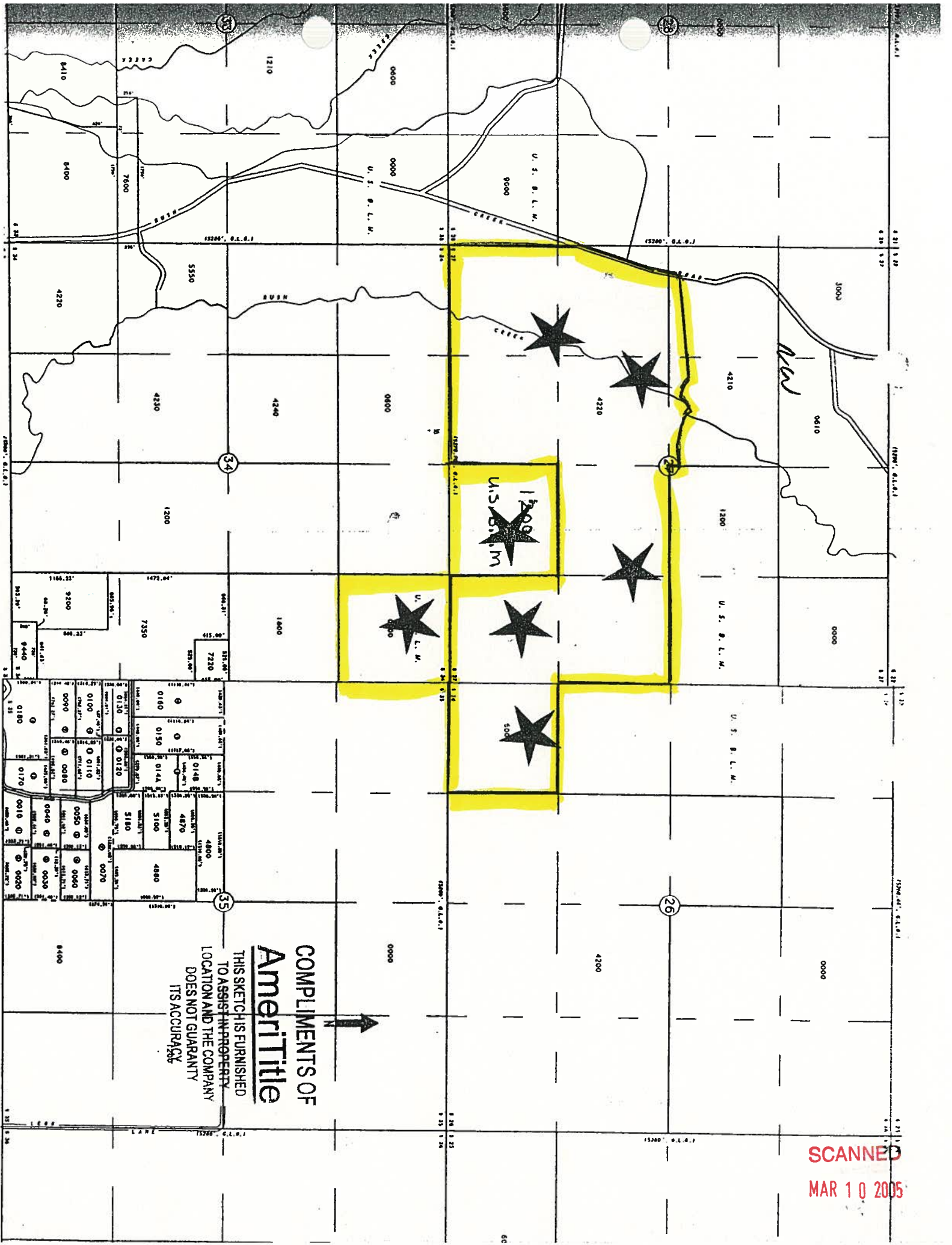
Thence Southerly along the center line of Rush Creek Road to the South line of said S $\frac{1}{2}$ NW $\frac{1}{4}$;

Thence East along the S $\frac{1}{2}$ NW $\frac{1}{4}$ to the SE corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$;

Thence North along the East line of said S $\frac{1}{2}$ NW $\frac{1}{4}$ to the True Point of Beginning.

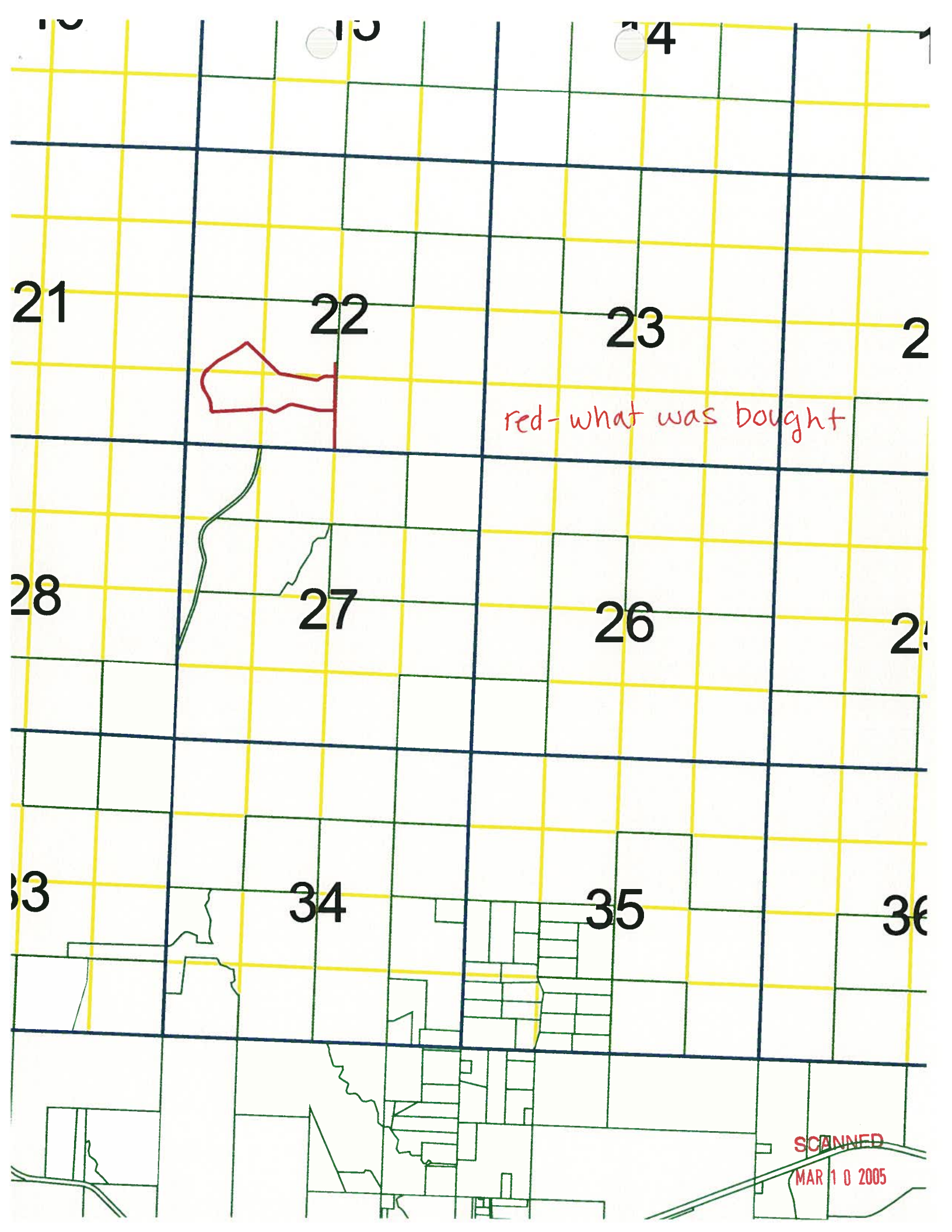
SCANNED

MAR 10 2005



COMPLIMENTS OF
AmeriTitle
THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY

SCANNED
MAR 10 2005



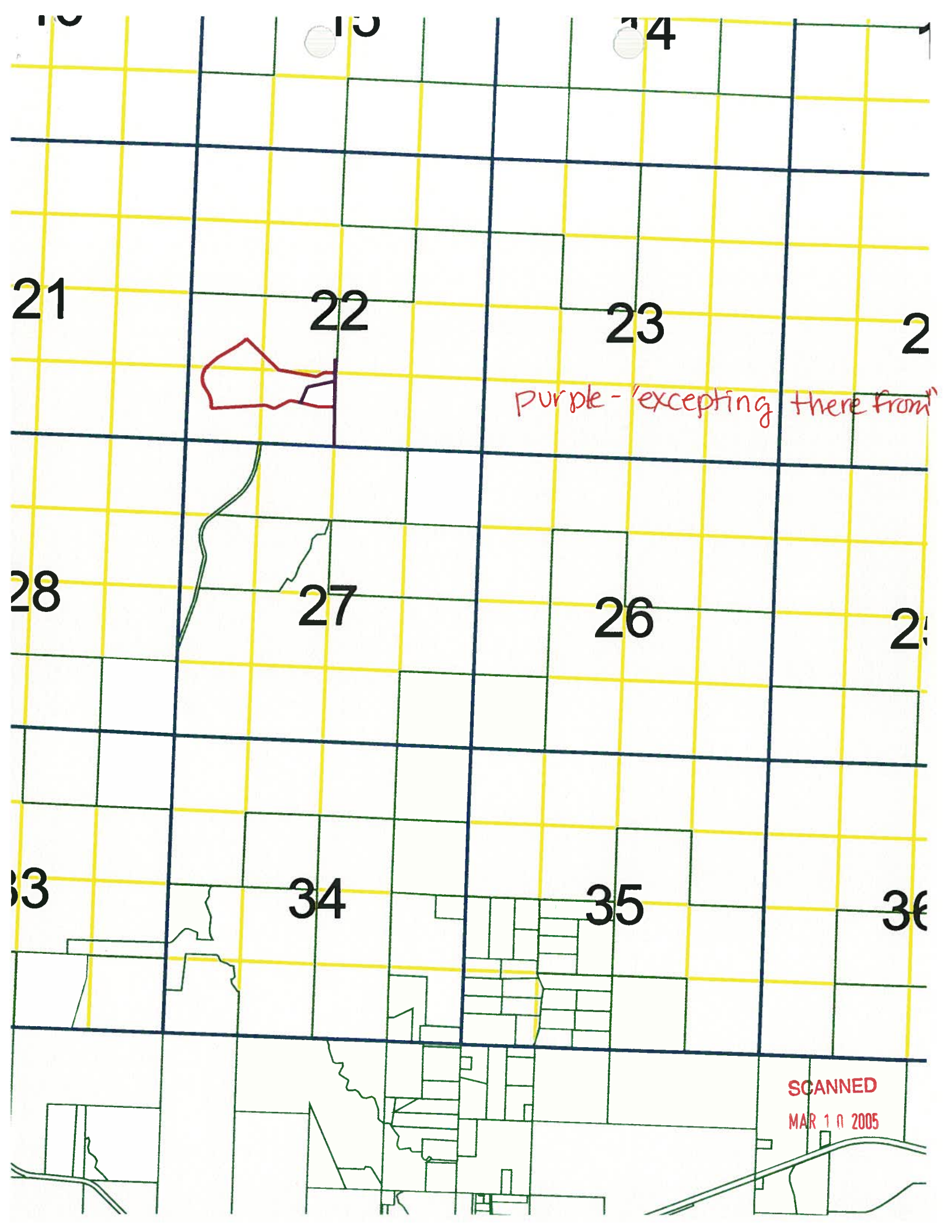
21 22 23 24

28 27 26 25

33 34 35 36

red- what was bought

SCANNED
MAR 10 2005



purple - 'excepting there from'

SCANNED
MAR 10 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 67-277C
Date Received: 10/20/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHIRLEY S ATTEBERRY
3494 RUSH CREEK RD
CAMBRIDGE ID USA 83610-5110

Phone:

W G ATTEBERRY
3494 RUSH CREEK RD
CAMBRIDGE ID USA 83610-5110

Phone:

2. Date of Priority: 05/01/1892

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	3/15	11/15	0.104	

7. Total Quantity Appropriated is:
0.104 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
15N	03W	27	SE	NW	IRRIGATION	4
			NE	SW	IRRIGATION	25
			SW	SW	IRRIGATION	10
			SE	SW	IRRIGATION	10
					Section Acres	49
					Total Acres	49

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:

This claim is the result of a split for a portion of 67-277A

ITEM 5-CONTD: 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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM A67-00277, FEE PAID UNDER RECEIPT NO. W006479. MTS 8/10/95 OWNERSHIP CHANGE UPDATED 4/10/96 DUE TO NEW DATA.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A67-00277A, FEE PAID UNDER RECEIPT NO W006479. MTS 6/4/96

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: **A67-00277C**
Date Received: 10/20/1989
Receipt No: X777777
Received By: _____

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

1. Name: W G ATTEBERRY
Address: 3494 RUSH CREEK RD
CAMBRIDGE ID 83610-5110
OR
Name: SHIRLEY S ATTEBERRY
Address: 3494 RUSH CREEK RD
CAMBRIDGE ID 83610-5110

2. Date of Priority: MAY 1, 1892

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	0.104		

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

8. Total consumptive use is 147.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
15N	03W	27	SE	NW		IRR	4.0
			NE	SW		IRR	25.0
			SW	SW		IRR	10.0
			SE	SW		IRR	10.0

Section Acres 49.0

Total Acres 49.0

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:
A6700276A

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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM A67-00277, FEE PAID UNDER RECEIPT NO. W006479. MTS 8/10/95
OWNERSHIP CHANGE UPDATED 4/10/96 DUE TO NEW DATA.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF
CLAIM A67-00277A, 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: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 7/17/95

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

RECEIVED

MAR 08 1996

WATER RESOURCES
WESTERN REGION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): W.G. ATTEBERRY AND SHIRLEY S. ATTEBERRY
3494 RUSH CREEK ROAD
CAMBRIDGE, ID 83610
- ☐ New Owner/Claimant (Purchaser): ETHEL PEARSON AND ROBIN THORSEN
- ☐ New Mailing Address: P.O. BOX 205
CAMBRIDGE, ID 83610
- ☐ New Telephone Number: (208) 257-3541
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: RECORDED WARRANTY DEED

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

- ☐ Signature of New Owner/Claimant(s): Ethel J. Pearson Date 7-14-95
Robin Thorsen Date 7-14-95
- ☐ Signature of Former Owner/Claimant(s): W.G. Atteberry Date 7-14-95
Shirley S. Atteberry Date 7-14-95
- (Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

OCT 22 1996

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

EXHIBIT "A"

RECEIVED

MAR 08 1996

WATER RESOURCES
WESTERN REGION

FILE NO.: 100-95-4902

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.

MICROFILMED

OCT 22 1990

WARRANTY DEED

For Value Received

W.G. ATTEBERRY AND SHIRLEY S. ATTEBERRY as Trustees of the ATTEBERRY REVOCABLE LIVING TRUST DATED FEBRUARY 21, 1989

The grantors, do hereby grant, bargain, sell and convey unto

ETHEL J. PEARSON AND ROBIN THORSEN, both single persons

the grantees, whose current address is

P.O. BOX 205, 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 s
 their heirs and assigns forever. And the said Grantor s do hereby covenant to and
 with the said Grantee s, that they 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: JULY , 1995

W.G. Atteberry, TRUSTEE
 W.G. ATTEBERRY, TRUSTEES

Shirley S. Atteberry, Trustee
 SHIRLEY S. ATTEBERRY, TRUSTEES

STATE OF IDAHO

COUNTY OF WASHINGTON

On this 25 day of July, in the year 1995, before
 me, the undersigned, a Notary Public in and for said State,
 personally appeared W.G. Atteberry & Shirley S. Atteberry as
Trustees of the Atteberry Revocable Living Trust Dated
February 21, 1989, known or identified to me to be the person whose name is subscribed
 to the within instrument, and acknowledged to me that he executed the same as such
Trustee.

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

Notary Public for Idaho
 Residing at Weiser
 My Commission Expires: 11/1/97

STATE OF IDAHO, COUNTY OF WASHINGTON

I hereby certify that this instrument was filed for record at the request of WEISER VALLEY TITLE

at 33 minutes past FIFTEEN o'clock P.M.,
 this 17TH day of JULY
 1995, in my office, and duly recorded in Book
XX Deeds BY #163644

SHARON WIDNER
 Ex-Officio Recorder

By Lisa McKnight
 Fees \$ 6.00
 Mail to: WEISER VALLEY TITLE

Comp. Index
 Comp. Rel.
 Film
 Compare
 Card Rel.
 Bk. Rel.
 Up-date
 Return
 Copy

INSTRUMENT NO.

MICROFILMED

OCT 22 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00277
Date Received: 10/20/1989
Receipt No: W006479
Received By: _____

RECEIVED
SEP 02 1992

COPY FOR Department of Water Resources
YOUR FILES Western Regional Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

COPY FOR
YOUR FILES

1. Name: W G ATTEBERRY
Address: 3494 RUSH CREEK RD
CAMBRIDGE ID

83610-5110

OR

Name: SHIRLEY S ATTEBERRY
Address: 3494 RUSH CREEK RD
CAMBRIDGE ID

83610-5110

2. Date of Priority: MAY 1, 1892

3. Source: RUSH CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	0.150		

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

A.F.A.

8. Total consumptive use is 210.0 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	25.0
			NE		SW		IRR	25.0
			SW		SW		IRR	10.0
			SE		SW		IRR	10.0
							Section Acres	70.0
							Total Acres	70.0

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:
A6700276

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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail.

For publications, tape an old address label over name and old address sections and complete new address.

Your Name (Print or type. Last name, first name, middle initial.) ATTEBERRY, W. G.					
Old Address	No. & Street 1608 KIT CARSON WAY	Apt./Suite No. A	PO Box	RR No.	Rural Box No.
	City ROSEVILLE,	State CA	ZIP + 4 95661-1111		
New Address	No. & Street 3444 RUSH CREEK ROAD	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City CAMBRIDGE	State ID	ZIP + 4 83610-5110		
Sign Here WG Atteberry		Date new address in effect 6-15-92		Keyline No. (If any)	

PS Form 3576, November 1990

RECEIVER: Be sure to record the above new address.

MICROFILMED
OCT 01 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00277
Date Received: 10/18/1989
Receipt No: W006479
Received By: DEJW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W.G. ATTEBERRY 916-782-3725
Address: 1608 A KIT CARSON WAY
ROSEVILLE, CA 95661
OR
Name: SHIRLEY S. ATTEBERRY 916-782-3725
Address: 1608 A KIT CARSON WAY
ROSEVILLE, CA 95661

2. Date of Priority: MAY 01, 1892

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	0.150		

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

8. Total consumptive use is 210.0 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	25.0
			NE	SW		IRR	25.0
			SW	SW		IRR	10.0
			SE	SW		IRR	10.0
						Section Acres	70.0
						Total Acres	70.0

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:
A6700276

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" X 36" WIDE BY 6" TO 12" DEEP DIRECT TO FIELDS.

ADDED THE POINTS OF DIVERSION AND IRR. ACREAGE WHICH WAS NOT INDICATED ON THE PREVIOUS DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-0277Date Received 10-20-89Receipt Number 2006479

RECEIVED

OCT 20 1989

**NOTICE OF CLAIM
TO A
WATER RIGHT**

Department of Water Resources
Western Regional Office

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) W.G. or Shirley S. Atteberry Phone (916) 782-3725

Mailing Address 1608 A Kit Carson Wy., Roseville, CA Zip 95661

2. Date of Priority (Only one (1) per claim) 05-01-1892

3. Source of water supply (a) Rush Creek
which is tributary to (b) Weiser River

4. a. Location of existing point of diversion is: Township 15N Range 3W Section 22,
NE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Washington

Additional points of diversion if any: T15N, R3W, Section 27, SE 1/4 of SE 1/4 of NW 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion No. 1. Rock dam, headgate with
weir, one mile earthlined ditch 18" to 36" wide by 6" to 12" deep to place of use.
Diversion No. 2. Rock dam, headgate with weir, earthlined ditch 18" x 36" wide by
6" to 12" deep direct to fields.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.15 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 22.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15N	3W	27								25	25		10	10					70

Total number of acres irrigated 70

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
67-0276 or None ()

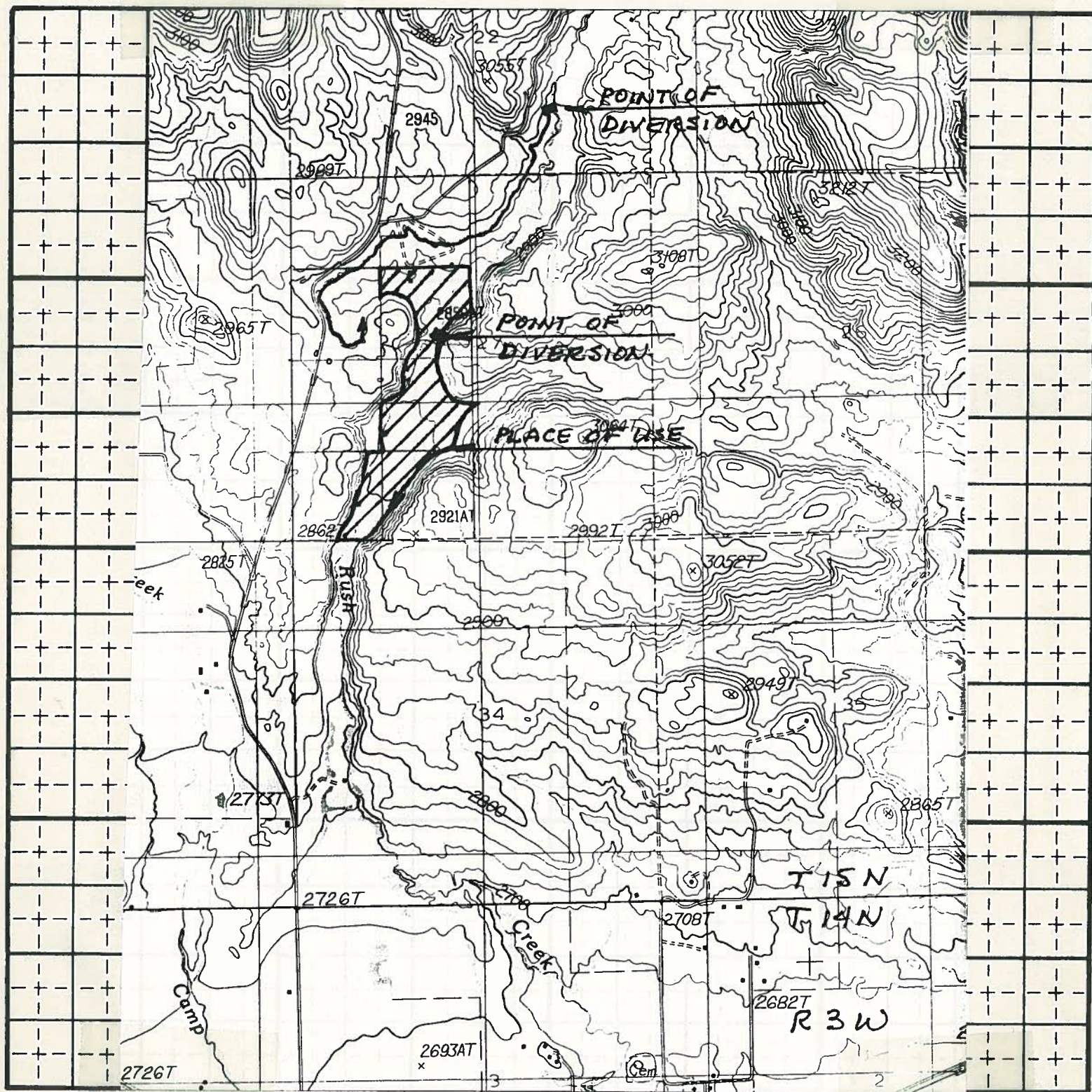
14. Remarks:

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Last Name ATTEBERRY Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



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Last Name ATTEBERRY

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ _____
If applicable provide IDWR Water Right Number 67-0277
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) WG Atteberry Date 10-18-89
Shirley S Atteberry Date Oct 18, 1989

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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OCT 01 1992

Last Name ATTEBERRY Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number	- 67-00277	Adj.	Flag Translation:	Standard Water Right Number	Old (D) Number
+	- - - - -	Last Name	- - - - +	+ - - - - Address	- - - - -

*** C - CURRENT OWNER ***
BYERS

EDWARD

1 1
1 2

ಆದಂ

WILLIAM

State-Zip-

State- Zip-

[illegible]

```

+ - - - - Source - - - - - +
RUSH CREEK
+ - - - - Tributary - - - - - +
WEISER RIVER

```

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

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

01 - IRRIGATION

0.150

	+ - Total Div. Rate	+ - Total Div. Volume	+ - Total Div. Capacity	+ - Total Consumptive Use	+ - KW Usage
	0.150				

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

87 WASHINGTON
87 WASHINGTON
87 WASHINGTON
87 WASHINGTON

01 IRRIGATION
01 IRRIGATION
01 IRRIGATION
01 IRRIGATION

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

	Remarks
	No Remarks found.

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Water right number - 67-00277	Adj. flag translation: Standard Water Right Number
+ - - - -	- - - - - Old Water Right Numbers - - - - -
+ - - - -	- - - - - Old Water Right Numbers - - - - -
	No Old Water Right Numbers found.
+ - - - -	- - - - - Conditions of Approval - - - - -
	No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +
JOHN T. MUIR	WILLIAM ALLISON
+ - - Audit Fields - 04/01/85	05/01/88 CONVERT
+ - - - -	- - - - - Water Rights Dates and Flags Area - - - - -
Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000
Start Work Date - 00/00/0000	Verified Date - 04/01/1985
Order Show Cause - 00/00/0000	Receipt Number -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000
Decree Date - 06/20/1921	Presumption Flag -
	Field Exam Fee -
	Swan Falls -
	Temporary Right - P
	DLE/Carey Act -
	Water District - 67
	Transfer/Amended -
	Microfilm Roll Number -

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11/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Attiberry, W. R. & Shirley CLAIM IDENT. NO. AG7-0277

DATE RECEIVED 10-20-89 CK # 1455 AMOUNT \$ 830

- | | YES | NO | Require Info? |
|--|-------------------------------------|--------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? N/A | ☒ | ☐ | |
| Is the consumptive use correct? N/A | ☒ | ☐ | (210) |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. Has the claimant requested a monthly docket sheet? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? Exempt | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: ZW Date: 11-14-89

Claim must be returned to claimant: ☐ (Yes) ☒ (No)

Claimant must be sent a copy of amended claim for approval: ☐ (Yes) ☒ (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: _____ Date: _____
Sent to claimant by: _____ Date: _____
Checked by: _____ Date: _____

Comments: _____

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