

11/14/2006

RECEIVED

DEC 08 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-280A

ETHEL J PEARSON

~~PO BOX 205~~

2982 Cutler Rd

CAMBRIDGE ID 83610

Telephone Number: (208)257-~~2541~~ 3541

ROBIN L THORSEN

~~PO BOX 205~~

2982 Cutler Rd.

CAMBRIDGE ID 83610

Telephone Number: (208)257-~~2541~~ 3541

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
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: 12-6-06

SIGNATURE:

Ethel J. Pearson

Please print your name:

Ethel J. Pearson

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

SCANNED

DEC 11 2006

12/11/2006

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

RIGHT NUMBER: 67-14259

NAME AND ADDRESS: JUDY A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672

CHARLES A PHILLIPS
1226 MANN CREEK RD
WEISER ID 83672-5528

SOURCE: MANN CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.600 CFS

order This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.

PRIORITY DATE: 03/29/1913

This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.

POINT OF DIVERSION:

T12N R05W S11 SESENE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.600 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County

T12N R04W S18	SESW	17.00	T12N R04W S19	NENW	23.00
---------------	------	-------	---------------	------	-------

40 ACRES TOTAL

Right Nos. 67-14259 and 67-14261 are limited to the irrigation of a combined total of 40 acres 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

Adjudication Recommendation Report 67-14259 V1

WATER RIGHT NUMBER: 67-14259 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GEORGE E COOLEY
	, ID
Original Owner	LINDA J GOMEZ 1500 THOUSAND SPRINGS RD WEISER, ID 83672 (208)549-0651
Original Owner	STEVE GOMEZ 1506 THOUSAND SPRINGS RD WEISER, ID 83672 (208)549-0651
Current Owner	JUDY A PHILLIPS 1226 MANN CREEK RD WEISER, ID 83672
Current Owner	CHARLES A PHILLIPS 1226 MANN CREEK RD WEISER, ID 83672-5528 (208)549-1658

Priority Date: 03/29/1913

Basis: Decreed

Status: Active

Source

MANN CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

0.600 CFS

Annual VolumeTotal Diversion:

0.600 CFS

Location of Point(s) of Diversion

MANN CREEK

SE1/4SE1/4NE1/4

Sec. 11, Twp 12N, Rge 05W, B.M.

WASHINGTON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
12N	04W	18	NE	NW	SW	SE	17.0
12N	04W	19				23.0	23.0

Total Acres: 40

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14259 V1

Conditions of Approval:

1. 167 This right shall receive 100% of its decreed amount until the natural flow of the waters of Mann Creek shall decrease so that all rights cannot receive 100%, at which time this right and other various decreed rights, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), shall be cut to 70% of the said amounts, beginning with the latest right and proceeding to the earliest right in the order of priority.
2. 168 This right is a Secondary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, is subordinate only to all rights identified as Primary Rights on Mann Creek.
3. 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.
4. E55 Right Nos. 67-14259 and 67-14261 are limited to the irrigation of a combined total of 40 acres in a single irrigation season.

Remarks:Comments:

1. mvanbussum 12/11/2006 NOE Quantity

Comment: Per NOE process, realized this claim had not been recommended is proportional share. I increased cfs to give claim its full proportion of 0.60 cfs.

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			08/22/2005	dnarsavage	Active
Priority Date	8/22/2005 9:51:49 AM	dnarsavage			Active
POD	8/22/2005 9:52:00 AM	dnarsavage			Active
Source	8/22/2005 9:52:11 AM	dnarsavage			Active
POU	8/22/2005 9:52:30 AM	dnarsavage			Active
Use	8/22/2005 9:52:51 AM	dnarsavage			Active

03/22/2006

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

RIGHT NUMBER: 67-280A

NAME AND ADDRESS: ETHEL J PEARSON
PO BOX 205
CAMBRIDGE ID 83610

ROBIN L THORSEN
PO BOX 205
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 04/30/1890

POINT OF DIVERSION:

T14N R03W S3 NESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.050 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R03W S03 NESE 4.00

4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

03/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-280A V1

WATER RIGHT NUMBER: 67-280A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DON J SCHULTZ PO BOX 332 CAMBRIDGE, ID 83610 (208)257-3797
Current Owner	ETHEL J PEARSON PO BOX 205 CAMBRIDGE, ID 83610 (208)257-2541
Current Owner	ROBIN L THORSEN PO BOX 205 CAMBRIDGE, ID 83610 (208)257-2541
Original Owner	NELS C NELSON CAMBRIDGE, ID 83610

Priority Date: 04/30/1890

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	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

RUSH CREEK	NE1/4SE1/4	Sec. 3, Twp 14N, 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	
14N	03W	3													4.0				4.0

Total Acres: 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-280A V1

Remarks:Comments:

1. awamtje 6/18/2004 Water Use
Comment: Decree does not list water use for this right
2. awamtje 6/18/2004 Quantity
Comment: Claim differs in quantity amount decreed
3. csaxton 3/21/2006 Order
Comment: Recommendation based on 1985 order regarding protest of TR 3092.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

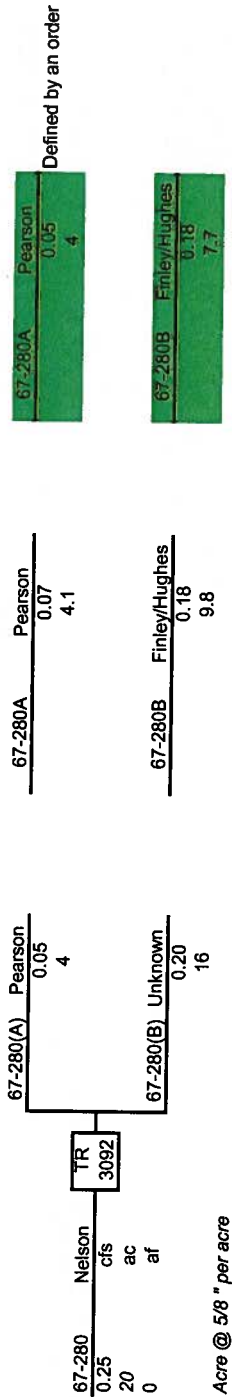
<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/18/2004 1:30:37 PM	awamtje			Active
Source	6/18/2004 1:30:52 PM	awamtje			Active
POU	6/18/2004 1:45:56 PM	awamtje			Active
Use	6/18/2004 1:46:09 PM	awamtje			Active
Season	6/18/2004 1:46:42 PM	awamtje			Active
Quantity	6/18/2004 1:47:21 PM	awamtje			Active
Contacts	3/21/2006 4:04:30 PM	csaxton			Active
Priority Date	3/21/2006 4:05:03 PM	csaxton			Active
POD	3/21/2006 4:05:19 PM	csaxton			Active
POU	3/21/2006 5:12:22 PM	csaxton			Active
Quantity	3/21/2006 5:12:24 PM	csaxton			Active
Season	3/21/2006 5:12:24 PM	csaxton			Active
Source	3/21/2006 5:12:24 PM	csaxton			Active

Split History of 67-280

Water Right History

Claim History

Recommendation



Sum CFS =	0.23
Sum Acre =	11.7
Extra CFS =	0.02
Extra Acre =	8.3

Sum CFS =	0.25
Sum Acre =	13.9
Extra CFS =	0
Extra Acre =	6.1

Created by Craig L. Saxton 3-13-06

Disallow
Recommend

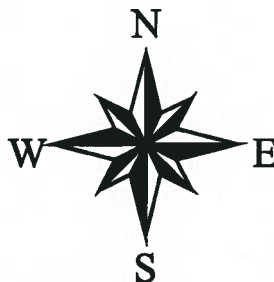
Idaho Department of Water Resources

67-280A



400 0 400 800 1200 1600 Feet

T14N, R03W, S3



Prepared by Anita L. Warntjes
June 18, 2004
Adj 1987 True Color Photo

Contacts Data Entry Form

Claim Number: 67-280A

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	DON J SCHULTZ	PO BOX 332	CAMBRIDGE	ID	83610	(208)257-3797
Current Owner	ETHEL J PEARSON	PO BOX 205	CAMBRIDGE	ID	83610	(208)257- ~~2544~~
Current Owner	ROBIN L THORSEN	PO BOX 205	CAMBRIDGE	ID	83610	(208)257- ~~2544~~ 3541
Original Owner	NELS C NELSON		CAMBRIDGE	ID	83610	

Date of Field Exam: 11-11-05 Time: 1730Accompanied By: Ethel Pearson Phone Number: 1-208-257-3541Relationship to Claimant: Owner

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

Reviewer: Date: 11-11-05

Priority Date Data Entry Form

Claim Number 67-280A

Claimed Priority Date: 4/30/1890

Claimed Basis: Decreed

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date

Recommended Basis

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

Decreed

Reviewer:



Date: 11-11-05

Point of Diversion and Source Data Entry Form

Claim Number 67-280A

Claimed Point of Diversion and Source

T14N R03W S3 NESE Within WASHINGTON County Source: RUSH CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Rush Creek

Tributary To

Weiser River

Twp

Rge

Sec

Gov Lot

QQQ of QQ of Q

County

Source

#104 A0016799

Washington

2287298
1489693

Tractor PTO Pump.

4 SPRINKLERS

Other rights from this POD?

No

Document how the POD and Source were verified:

Reviewer:



Date:

11-11-05

Place Of Use Data Entry Form

Claim Number 67-280A

Claimed Place Of Use

T14N R03W S03 NESE 4.1

Total Acres 4.1

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

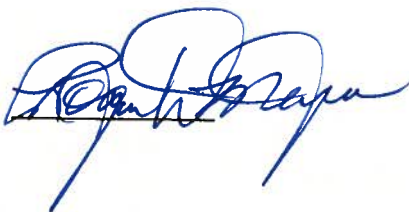
☐ See corrections to claimed POU above

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

Total Acres _____

Document how the POU was verified:

Reviewer:



Date:

11-11-05

Purpose of Use Data Entry Form

Claim Number 67-280A

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

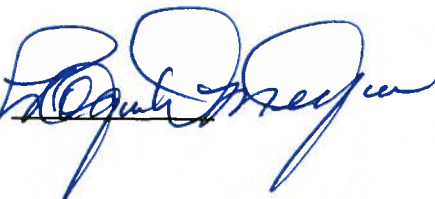
Water Use	Number of Homes	Number of Stock	Acre Limit
-----------	-----------------	-----------------	------------

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
IRR	0	4 HORSES		0

Document how the Purpose of Use was verified:

Reviewer:



Date:

11-11-05

Period of Use and Quantity Data Entry Form

Claim Number 67-280A

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	9/01	0.07	

Overall Diversion Rate 0.07

Overall Diversion Volume

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

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate

Overall Diversion Volume

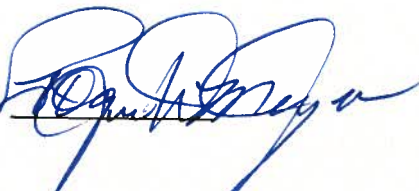
Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRR	3/15	11/15		

Overall Diversion Rate

Overall Diversion Volume

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

Reviewer: 

Date: 11-11-05

CA. BRIDGE

67-28DA Ethel Pearson 2982 Cuthbert Rd 257-3541
ROBIN L. Pearson 257-2541

#A 0016799

104

1-Picture

POD

GPS New location

2297298

1489693

POU.

See map

Pump
H.P.

tractor with PTO

sprinklers

4 when water is available

Pay/Date

4-30-1890

(Docketed.)

Per letter IDWR dated Oct. 16, 1985-
A. Kenneth DAWN, Director
C.F.S. 0.05



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN 16 1999

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 29, 1999

ETHEL J PEARSON
ROBIN L THORSEN
2982 CUTLER LN
CAMBRIDGE ID 83610-5166

6-7-99
response
-ss

Re: Snake River Basin Adjudication (SRBA)
Water Rights #67-10167, A67-00265B, A67-00280A, A67-02242
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Claimant Signature

Telephone No.

SCANNED
APR 02 2004

return
to sender

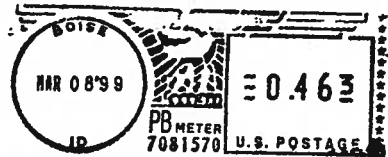
fee due 50¢

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

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

ADDRESS SERVICE
REQUESTED

REBUN
FIRST



IMPORTANT WATER RIGHT INFORMATION

A67-00265B, A67-00280A, A67-02242
Thor 205

A67-00265

67-10167
66 ROBIN L THORSEN
ETHEL J PEARSON
PO BOX 205
CAMBRIDGE ID 83610

THORSEN 67-10167 1470 US 03/12/99
FORM 3547
THORSEN 80 ROBIN
2702 CUTLER LN
CAMBRIDGE ID 83610-5166

AUTO 83610



U.S. POSTAL SERVICE
PS FORM 3547



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 4, 1996

Re: Notice of Claim to a Water Right No. A67-00280A

ETHEL J PEARSON
ROBIN L THORSEN
PO BOX 205
CAMBRIDGE ID 83610

Claimant(s):

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

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

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

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosure

cc: Donald Schultz

MICROFILMED
OCT 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 24, 1993

RE: Notice of Claim No. A67-00280A

Don J. Schultz
P.O. Box 332
Cambridge, ID 83610

Dear Mr. Schultz:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands that were sold to Jerry Hughes and Carole Finley. Please be advised that our computer would only take 4.1 acres in the data entry of the place of use. I have added a remark which shows that you actually irrigate 4.15 acres.

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

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

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED

AUG 05 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF
APPLICATION FOR TRANSFER NO. 3092 OF WATER RIGHT
NO. 67-0280 IN THE NAME OF DONALD J. &/OR BETSY R.
SCHULTZ &/OR ROBIN L. THORSEN &/OR ETHEL J. PEARSON

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

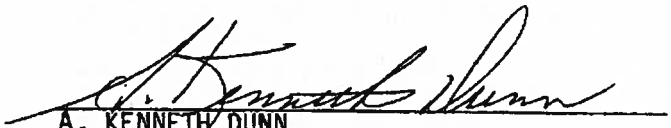
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on August 29, 1985, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 16th day of October, 1985..


A. KENNETH DUNN
Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST APPROVAL OF
APPLICATION FOR TRANSFER NO. 3092 OF WATER RIGHT
NO. 67-0280 IN THE NAME OF DONALD J. &/OR BETSY R.
SCHULTZ &/OR ROBIN L. THORSEN &/OR ETHEL J. PEARSON

PROPOSED
MEMORANDUM DECISION
AND ORDER

On September 17, 1984, Donald J. and Betsy R. Schultz, Robin L. Thorsen and Ethel J. Pearson applied to the Idaho Department of Water Resources to change the point of diversion for water right No. 67-0280.

Notice of this application was published in the Upper County News Reporter newspaper, Cambridge, Idaho on December 6 and 13, 1984. A protest against the approval of the application for transfer was received on December 24, 1984 from the following water users of Rush Creek: Thomas Hubbard, Rex D. Jones, Sharon G. Jones, Melvin Dotson, Robert L. Bumgarner, Carrol Kemp, James Bumgarner, Kermit L. Wiggins, Gary Farrens, Jack Rippen and Keith Ford.

On February 12, 1985, a conference was held in Cambridge, Idaho. The applicants, Donald J. Schultz, Betsy R. Schultz and Robin L. Thorsen were present and represented themselves and the protestants, James Bumgarner, Thomas Hubbard, Jack Rippen, Gary Farrens, Carroll Kemp, Melvin Dotson, Keith Ford, Kermit Wiggins, Rex D. Jones and Sharon G. Jones were present and represented themselves. The applicant Ethel Pearson was not present but was represented by Robin L. Thorsen. The protestant Robert L. Bumgarner was not present and was not represented at the conference. The primary issue raised by the protestants was the amount of loss that would occur in the stream channel between the old point of diversion and the proposed point of diversion which could affect the water rights of other water users on Rush Creek.

MICROFILMED

Based on the information collected at the conference, the official files and records of the Department of Water Resources and the Director's understanding of the law, the hearing officer for the Director of the Department of Water Resources proposes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. The applicants are the owners of four acres of irrigated land within the boundaries of the lands described to be covered by this water right in the Muir vs Allison Decree dated June 20, 1921.

2. The applicants are seeking to change the location of the point of diversion from its historical location to a point downstream approximately one and one-quarter miles and adjacent to the lands to be irrigated.

3. The historic point of diversion has been the last downstream point of diversion on Rush Creek to which water has been delivered.

4. Historically, the entire flow of Rush Creek has, during low flow periods, been diverted from its channel at the old point of diversion for this water right.

5. Protestants expressed concern that if the entire water right were delivered to the new downstream point of diversion that additional seepage losses would occur and the water lost to seepage would reduce water available under existing water rights.

6. Protestant Robert L. Bumgarner was not present nor was he represented at the conference.

CONCLUSIONS OF LAW

1. The applicants are entitled to water for four acres of lands or 0.05 cubic feet per second of water from this water right.

2. Seepage losses that will occur as a result of this transfer must be

deducted from the applicants' water right to prevent damage to other existing water rights.

3. The proposed transfer is not contrary to local public interest nor will it result in an expansion of an existing water right.

4. The applicants are entitled to change the point of diversion with certain conditions and limitations.

5. The protest of Robert L. Bumgarner should be dismissed for failure to appear at the time and place of the conference.

ANALYSIS

The applicants own a tract of land a portion of which was previously owned by Nels C. Nelson as described in the Muir vs Allison Decree of June 20, 1921. A comparison of the land owned by the applicants with the land owned by Nels C. Nelson as described in the decree indicates four acres of irrigated land are now owned by the applicants within the lands previously owned by Nels C. Nelson. This water right, numbered 67-0280, was decreed to Nels C. Nelson with an April 30, 1890 priority date to be used within 30 acres of land owned by Mr. Nelson.

The Muir vs Allison Decree provided five-eighths inch of water per acre of irrigated land. Since 0.25 cubic feet per second of water was decreed under this water right, we must assume Mr. Nelson was irrigating 20 acres of land. Since the applicants now own and irrigate four acres of land within what had been the Nelson property, we conclude the applicants are entitled to 0.05 cubic feet per second of water under this water right, which amounts to five-eighths of an inch per acre of water for four acres.

In order to protect existing water rights from being reduced by seepage losses resulting in delivery of water through an additional one and one-quarter miles of Rush Creek, the applicants' water must continue to be measured at the

old point of diversion. This will be accomplished by allowing the applicants entitlement, 0.05 cubic feet per second, to be released downstream in Rush Creek at the original point of diversion which was the location of the old Town Ditch.

If the applicants' entitlement after being released at the old point of diversion ceases to reach the applicants' new point of diversion, the watermaster will no longer be required to make a release since the water being released could not be applied to a beneficial use.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the Application for Transfer No. 3092 be APPROVED subject to the following conditions:

1. The maximum rate of diversion to which the applicants are entitled under this right is 0.05 cubic feet per second.
2. This rate of diversion shall be measured at the old point of diversion which was the location of the diversion to the old Town Ditch.
3. The diversion and use of water under this water right shall be regulated by a watermaster of Water District No. 67.

IT IS FURTHER ORDERED that the protest of Robert L. Bumgarner is hereby DISMISSED.

Dated this 27th day of August, 1985.


BOBBY D. FLEENOR
Hearing Officer

Transfer No. 3092Water Right No. 67-0280STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Donald J. &/or Betsy R. Schultz &/or Robin L. Thorsen &/or Ethel J. Pearson Phone 257-3797
Post Office address Box 332, Cambridge, ID 83610

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 67-0280 Decreed to Nels C. Nelson (Name)
in case of John T. Muir vs William Allison
dated in 6/20/1921 in 7TH JUDICIAL DIST. county of WASHINGTON
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Rush Creek tributary to Weiser River4. Date of priority 4/30/1890

5. Water is used for the following purposes:

amount .25cfs for irrigation purposes from 3/15 to 11/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. .25 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is Not on decree or abstract % of Section _____
Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>14N</u>	<u>3W</u>	<u>2</u>																	<u>5</u>
		<u>3</u>																	<u>15</u>

Total number of acres to be irrigated 209. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years _____

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

MICROFILMED

3. Place of use: NO CHANGE

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted .25 c.f.s. &/or _____ acre feet
- b. Description of diverting works Sump; 2 - 3 hp motors with 2 inch intake and outlet pipes
- c. Describe the reasons for the proposed changes Abandon the ditch

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3 Township 14N
Range 3W, B.M., Washington County
Additional points _____

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

A hand-drawn map on graph paper. The map is oriented with North at the top. It shows a section of land with several labeled areas and measurements.

- Top Right:** A rectangular area is labeled "MICROFILMED".
- Center:** A rectangular area is labeled "R34W".
- Bottom Center:** A rectangular area is labeled "P.D." with "P.D." written above it.
- Bottom Right:** A rectangular area is labeled "P.D." with "P.D." written above it.
- Left Side:** A rectangular area is labeled "T 14" with "N" written below it.
- Measurements:**
 - A horizontal line segment is labeled "3" below it.
 - A horizontal line segment is labeled "2" below it.
 - A vertical line segment is labeled "S N E" vertically along it.
- Note:** A note at the bottom left reads: "note: old P.D. not listed on decree or abstract."

Total number of acres to be irrigated

[illegible]

c. Describe the lands (place of use to which the right will be transferred):

RECEIVED

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Donald J. Schultz
Betsy R. Schultz

Edna J. Pearson
Robin Thorsen
(Signature of Applicant)

Subscribed and sworn to before me this 17 day of September, 19 84

Ronald J. Shaff
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 67-0280 and said application is hereby Approved, subject to the following limitations and conditions:
PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Witness my hand this 16th day of October, 19 85

St. James

FOR DEPARTMENT USE ONLY

Water Users of Rush Creek: Thomas Hubbard, Rex D. Jones & Sharon G. Jones, Melvin Dotson, Robert L. Bungarner, Carrol Kemp, James Bungarner, Kermit L. Wiggins, Gary Farrens, Jack Rippen, Keith Ford

Received by SKM Date 9/17/84 Protest filed by SKM
Prelim. check by SKM Fee 50 Fee # 34534
Received by SKM Date 9/17/84
Published in Upper County News Reporter Copies of protest forwarded by SKM
Pub. dates 12/6 & 12/13/84 Hearing held by BDF & OBS Date 2/12/85
Watermaster recommendation requested on 11/29/84 Recommended for approval denial
12/4/84 rec'd. 12/4/84 by OBS

George W. Hall (cont.)

Fred H Suiter and Grace Z Suiter

C E Schmitz

John Tinsley

Elizabeth Norton

John Norton

Louis Robson

C W Tuttle

George A Jefferson

Hattie Macey

Rush Creek (Con)

J M Atwell

Edward Byers, 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 Nunnalee

A L Kingsbury

A Milton Hinshaw

James L Warren

John Carriek

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 Estate

Joseph Hutchings (Beaver Creek)

114

64

124

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

94

124

74

16 T 6%

19

124

16

136

16

6

24

14

19

344

14

74

19

75

32

184

3 1/8

3 3/4

124

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 #3106

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 # 1953

May 1, 1890 67 0273 T # 1955

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 sec 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 24 1946

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, 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. 18 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. Poynor	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 NW 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 BARNER: 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 NIELSON: 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 B 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 POYNTER: 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 HULBT: 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 NUNDALEN: The North Three Quarter of Lot 1, Section 3, Township 14 North, Range 3 West Boise Meridian.

JUL 24 1936

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: **A67-00280A**
Date Received: 10/11/1989
Receipt No: X777777
Received By: _____

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

1. Name: ETHEL J PEARSON 208-257-2541
Address: PO BOX 205
CAMBRIDGE ID 83610
AND
Name: ROBIN L THORSEN 208-257-2541
Address: PO BOX 205
CAMBRIDGE ID 83610

2. Date of Priority: APR 30, 1890

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
14N	03W	3	NE	SE			WASHINGTON

5. Description of diverting works:
PUMP IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	09/01	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	3	NE	SE		IRR	4.1

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.1
					Total Acres	4.1

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:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A67-00280, FEE PAID UNDER RECEIPT NO. W006207. ACRES IRRIGATED = 4.15. KW 3/24/1993 OWNERSHIP CHANGED BY LH 8/30/96.

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)

RECEIVED

AUG 27 1996

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 4/22/96

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

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

☐ Water Right Number(s)
 Assigned by IDWR: A67-00280A

☐ Name and Address of Former Owner/Claimant(s)(Seller): DONALD SCHULTZ
175 4TH ST.
WEISER, ID 83672

☐ New Owner/Claimant (Purchaser): ETHEL J. PEARSON AND ROBIN L. THORSEN

☐ New Mailing Address: P.O. BOX 205
CAMBRIDGE, ID 83610

☐ New Telephone Number: (208) 257 - 2541

☐ 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 4-22-96

☐ Signature of Former Owner/Claimant(s): Robin L. Thorsen Date 4-28-96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8-30-96 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 8-30-96 By: JD

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

WARRANTY DEED

For Value Received

DONALD J. SCHULTZ, a widower

RECEIVED

AUG 27 1996

WATER RESOURCES
WESTERN REGION

The grantor, do es hereby grant, bargain, sell and convey unto

ETHEL J. PEARSON AND ROBIN L. THORSEN, both single persons
the grantee s, whose current address is

the following described premises, in

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 GranteeS
THEIR heirs and assigns forever. And the said Grantor do ES hereby covenant to and
with the said Grantee S, that he IS the owner in fee simple of said premises; that they are free
from all incumbrances

MICROFILMED

OCT 22 1996

EXHIBIT "A"

RECEIVED

AUG 27 1996

WATER RESOURCES
WESTERN REGION

FILE NO.: 100-96-5332

Lots 1, 2 and the Northeasterly 15 feet of Lot 3, Block 63 of Moses H. Hopper's Division to the City of Cambridge, Idaho, as the same appears on the official plat in the office of the County Recorder of Washington County, Idaho.

AND ALSO

A parcel of land situated within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, Township 14 North, Range 3 West of the Boise Meridian, Washington County, Idaho, more particularly described as follows:

Beginning at a point where Rush Creek intersects the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3;
Thence West along said North line to a point 230 feet East of the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3;
Thence South, parallel to the East line of said Section 3, a distance of 254 feet;
Thence West, parallel to the South line of said Section 3, a distance of 110 feet;
Thence South, parallel to the East line of said Section 3, a distance of 195 feet;
Thence S 47°45' E a distance of 186 feet, more or less, to the end of Fifth Street (City of Cambridge, Idaho);
Thence East, across the end of Fifth Street and parallel to the North line of said Section 3, a distance of 90 feet;
Thence in a southeasterly direction along the northerly line of Block 63, Moses H. Hopper's Division to the City of Cambridge, Idaho, a distance of 300 feet, more or less, to the end of Fourth Street;
Thence easterly 100 feet, more or less, to the northwest corner of Central High School Block;
Thence southeasterly along the northerly line of Central High School Block (also known as Block 58) 140 feet, more or less, to the northwest corner of the 20 foot alley running N 42°15'00" E through said Block 58;
Thence N 29°00'00" E 280 feet, more or less, to intersect Rush Creek;
Thence in a northerly and westerly direction, continuing along the channel of Rush Creek to the point of beginning.

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.

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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON J SCHULTZ

Address: PO BOX 332

CAMBRIDGE ID

208-257-3797

83610

2. Date of Priority: APR 30, 1890

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
14N	03W	3	NE	SE			WASHINGTON

5. Description of diverting works:
PUMP IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	09/01	0.070		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	3	NE	SE		IRR	4.1

Section Acres 4.1

Total Acres 4.1

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:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A67-00280, FEE PAID UNDER RECEIPT NO. W006207. ACRES
IRRIGATED = 4.15. KW 3/24/1993

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: _____

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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 _____

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AUG 05 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 12/12/91

RECEIVED
DEC 26 1991

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

RECEIVED
MAR 22 1993

Department of Water Resources
Western Regional Office

SEE ATTACHED LEGAL

☐ 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): DONALD J. SCHULTZ AND BETSY R. SCHULTZ
P.O. BOX 332

☐ New Owner/Claimant (Purchaser): CAMBRIDGE, ID 83610

JERRY SCOTT HUGHES
CAROLE JEAN FINLEY

☐ New Mailing Address: _____
P.O. BOX 217
CAMBRIDGE, IDAHO 83610

☐ New Telephone Number: () _____ - _____

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

YES, SEE ATTACHED WARRANTY DEED
AND MAP

☐ 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): Jerry Scott Hughes Date 12/10/91
Carole Jean Finley Date 12/10/91
☐ Signature of Former Owner/Claimant(s): Donald J. Schultz Date 12-10-91
Betsy R. Schultz Date 12-10-91

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed: _____

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any: _____

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

WARRANTY DEED

For Value Received

DONALD J. SCHULTZ AND BETSY R. SCHULTZ, husband and wife

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

JERRY SCOTT HUGHES AND CAROLE JEAN FINLEY, HUSBAND AND WIFE

the grantees, whose current address is

P.O. BOX 217, CAMBRIDGE, ID 83610

the following described premises, in

WASHINGTON

County Idaho, to-wit:

A parcel of land situated within the NE1/4SE1/4 of Section 3 and the NW1/4SE1/4 of Section 2, Township 14 North, Range 3 West, Boise Meridian, more particularly described as follows:

Beginning at a point on the northeasterly line of Central High School Block (also known as Block 58) of Moses H. Hopper Division to the City of Cambridge, Idaho, which point bears N 47°45'00"W - 180 feet along the northeasterly line of said Block 58 from the Northeast corner of said Block 58 (which point of beginning is the northwest corner of the 20.00 foot wide alley running N 42°15'00" E through said Block 58);

Thence S 47°45'00"E - 398 feet along the northeasterly line of said Block 58 and Block 40 of said Hopper Division to the northwest corner of Lot 1 of said Block 40;

Thence in an easterly direction a distance of 148.88 feet to a point which is N 42°15'00"E - 50.00 feet from the northeast corner of said Lot 1;

Thence N 42°15'00"E - 30.00 feet;

Thence S 47°45'00"E - 80.00 feet to the southwest corner of Block 33 of said Hopper Division;

Thence N 42°15'00"E - 312.45 feet (formerly 318.5 feet, more or less) to the northwest corner of Lot 12 of said Block 33;

Thence continuing N 42°15'00"E - 75.00 feet on a line extended parallel to Second Street from said northwest corner of said Lot 12 of Block 33;

Thence N 74°21'58"E - 249.12 feet (formerly East - 225 feet, more or less) to the new (from 1911 Deed, Moses H. Hopper to Nels C. Nelson) channel of Rush Creek and the West line of J. M. Childers land (1908);

Thence North along said new channel of Rush Creek and said west line of J. M. Childers land a distance of 254 feet, more or less, to the line extended N 42°15'00"E parallel to Second Street from said northwest corner of said Lot 12;

Thence in a northerly and westerly direction, continuing along the channel of Rush Creek, to a point which bears N 28° E - 280 feet, more or less from the point of beginning;

Thence S 28° W - 280 feet, more or less, to the point of beginning.

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 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: DECEMBER 10, 1991

Donald J. Schultz
DONALD J. SCHULTZ

Betsy R. Schultz
BETSY R. SCHULTZ

STATE OF IDAHO, COUNTY OF WASHINGTON
On this 10TH day of DECEMBER, 1991,
before me, a notary public in and for the said State, personally
appeared
DONALD J. SCHULTZ AND BETSY R.
SCHULTZ.

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.

Janne R. Schultz
Notary Public
Residing at WEISER
Comm. Expires 3/27/97

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

at 02 minutes past 3:00 o'clock P. M.,
this 11TH day of DECEMBER
1991, in my office, and duly recorded in Book
of Deeds ~~XXXX~~ # 153398

MARY KAUTZ
Ex-Officio Recorder

By Kenneth R. Schultz
Fees \$ 3.00
Mall to: WEISER VALLEY TITLE

Deputy
Comp. Index
Comp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Data

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AUG 05 1994

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: A67-00280
Date Received: 10/03/1989
Receipt No: 20016207
Received By: _____

Department of Water Resources
Western Regional Office

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

1. Name: DON J. SCHULTZ
Address: P.O. BOX 332
CAMBRIDGE, ID 83610 208-257-3797

2. Date of Priority: APR 30, 1890

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
14N	03W	3	NE	SE			WASHINGTON

5. Description of diverting works:
PUMP IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	09/01	0.250		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	2	NW	SW		IRR	4.0
						Section Acres	4.0
		3	NE	SE		IRR	10.0
						Section Acres	10.0

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10. Place of Use: Continued

Total Acres 14.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

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16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): X Donald J. Schultz Date: _____
_____ Date: _____

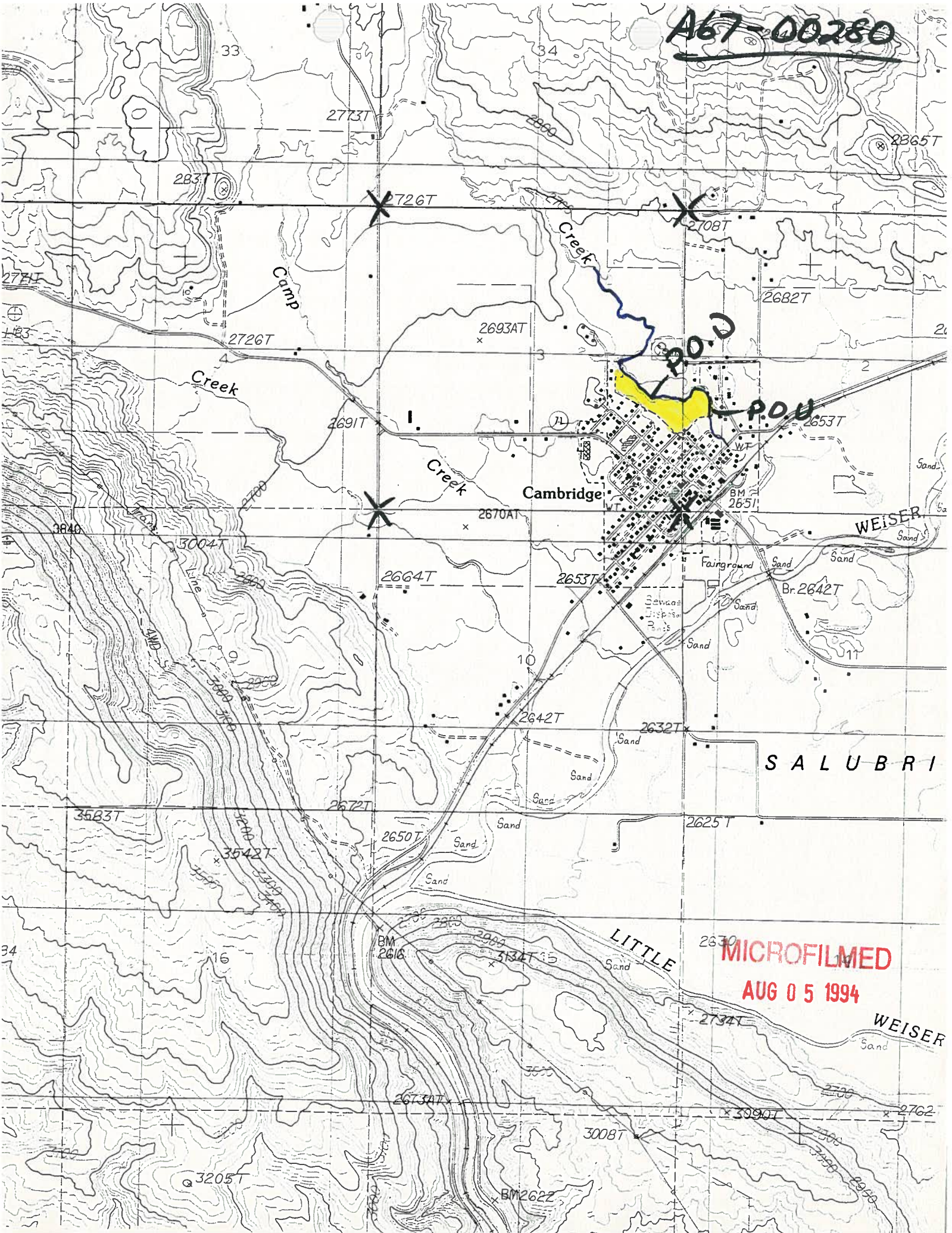
State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of October 19 89 Allen Bearclaw
Notary Public

Seal

Residing at Rathbun
My Commission Expires 7/20/89

A67-00280



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AUG 05 1994