

05/24/2006

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

RIGHT NUMBER: 67-283

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

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.320 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T15N R03W S22 NESWSE 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	0.320 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T15N R03W S27	NWNE	5.30	T15N R03W S27	NENW	6.50
T15N R03W S27	NWNW	2.60	T15N R03W S27	SWNW	14.00
T15N R03W S27	SENW	1.60			

30 ACRES TOTAL

This right is limited to the irrigation of 25.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season. Combined Right Nos.: 67-283 & 67-284

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



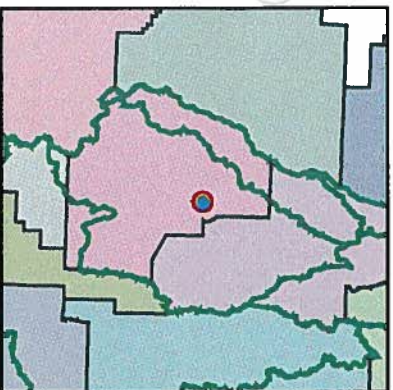
Idaho Department of Water Resources

SRBA Recommendation:

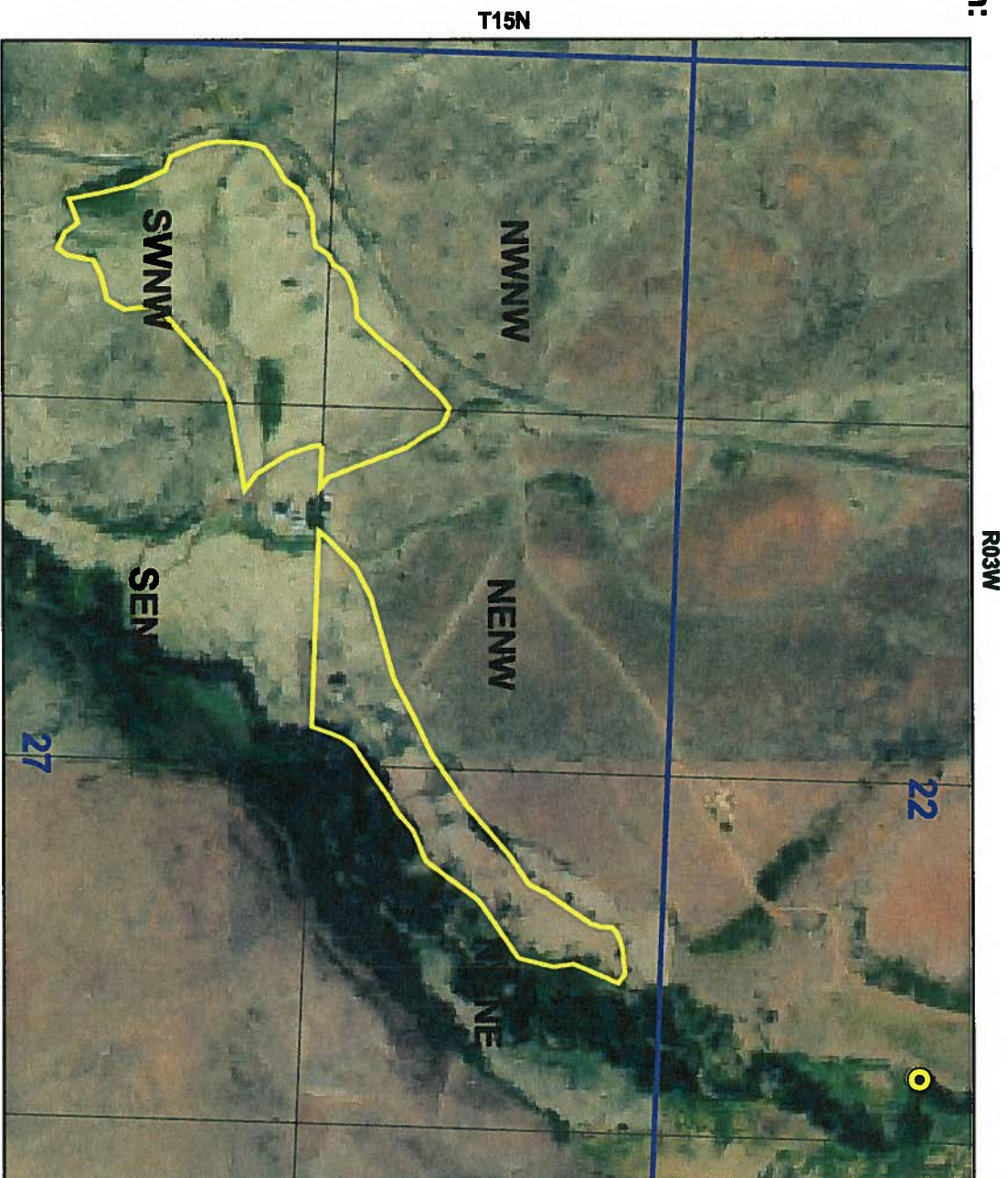
67-283

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-283 V1

WATER RIGHT NUMBER: 67-283 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HUB B POYNER
	, ID
Original Owner	W G ATTEBERRY 3494 RUSH CREEK RD CAMBRIDGE, ID 83610-5110
Original Owner	SHIRLEY S ATTEBERRY 3494 RUSH CREEK RD CAMBRIDGE, ID 83610-5110
Current Owner	MARJORIE BEMIS 2995 CEMETERY RD PO BOX 188 CAMBRIDGE, ID 83610 (208)257-3817

Priority Date: 05/01/1892

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	0.320 CFS	
	<u>Total Diversion:</u>	0.320 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	27		5.3			6.5	2.6	14.0	1.6									30.0

Total Acres: 30

Conditions of Approval:

1. K06 This right is limited to the irrigation of 25.6 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-283 V1

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 30.0 acres in a single irrigation season. Combined Right Nos.: 67-283 & 67-284

Remarks:Comments:

1. csaxton 5/24/2006 Acres

Comment: Found less acreage than claimed or decreed. But by recommending less acreage, still is not exceeding one inch per acres.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: 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:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	3/16/2005 3:30:59 PM	dnarsavage			Active
POD	3/16/2005 3:32:26 PM	dnarsavage			Active
Source	3/16/2005 3:32:54 PM	dnarsavage			Active
Use	3/16/2005 3:33:29 PM	dnarsavage			Active
Season	3/16/2005 3:34:54 PM	dnarsavage			Active
Quantity	3/16/2005 3:39:20 PM	dnarsavage			Active
Summary			03/16/2005	dnarsavage	Active
POU	3/16/2005 3:42:20 PM	dnarsavage			Active
Summary			05/24/2006	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	5/24/2006 3:26:53 PM	csaxton	Updated shape for Active POU

Split History of 67-283

Water Right History

Claim History

Recommendation

67-283	Poyner
0.32	cfs
25.6	ac
0	af

Acre @ 5/8 " per acre

67-283	Ateberry
0.32	55
	0

67-283A	Pearson/Thorsen
0.134	23
67-283B	Bemis
.186	32

67-283	Bemis
0.32	55
	165

67-283	Bemis
0.32	25.6
	0

Last Modified by Craig L. Saxton 5-24-06

Disafflow
Recommend

Sum CFS =	0.32
Sum Acre=	55
Sum AFA =	165

Sum CFS =	0.32
Sum Acre=	25.6
Sum AFA =	0

Extra CFS =	0
Extra Acre=	-29.4
Extra AFA =	-165

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

Water Master Records

Page #	Parcel #	Name	Water in Inches	File #	Original O	Priority Date
30	15N03W274	Eagle, John W	16.00	283	H B Poyne	5/1/1892
30	15N03W274	Eagle, John W	6.00	284	H B Poyne	5/1/1894

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Vol(a)	Source	Water Use	Owner(s)	Source Table
67	276	E	Decreed	Active	1889-05-01	0.08	21	63	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Claim
67	277	E	Decreed	Active	1892-05-01	0.05	21	63	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Claim
67	283			Active	1892-05-01	0.32	55	165	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Claim
67	284		Decreed	Active	1894-05-01	0.12	55	165	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Claim

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Vol(a)	Source	Water Use	Owner(s)	Source Table
67	276	E	Decreed		1889-05-01	0.075	6	0	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Recommendation
67	277	E	Decreed		1892-05-01	0.045	3.6	0	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Recommendation
						0.12	9.6					
67	283			Active	1892-05-01	0.32	25.6	165	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Recommendation
67	284		Decreed		1894-05-01	0.12	9.6	165	RUSH CRI	IRRIGATIC	BEMIS, MARJ	Recommendation
						0.44	30					

Page #	Parcel #	Name	Water in Inch	File #	Original Own	Priority Date
29	15N03W21	MARJO	3.75	276	Edward Bye	5/1/1889
29	15N03W21	MARJO	2.25	277	Edward Bye	5/1/1892
30	15N03W21	Eagle, J	16.00	283	H B Poyner	5/1/1892
30	15N03W21	Eagle, J	6.00	284	H B Poyner	5/1/1894

George W. Hall (cont.)

Fred M Suiter and Grace Z Suiter

C E Schmits

John Tinsley

Elizabeth Norton

John Norton

Louie 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 R Wilson and Edwin J Hill

" " " "

Hub B Poyner

✓ W H Gibson

✓ Minta Dugger

J Edward Wicks

Charles F Hulet

A H Nunnallee

A L Kingsbury

A Milton Hinshaw

James L Warren

John Carriock

Elihu W Hinshaw, sub for Devaney & Carter

Philbrick & Greenwood

Walter E Ford

William Thelen

E E Lorton

Marion C Potter

Daniel W Brndshaw

Bilas L Craddock

Edward E Lorton

Rush Creek (Con)

Charles R Edwards

E E Edwards admin of David G Edwards Metate

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 676

19

124

16

136

16

6

24

14

19

314

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 see memo

April 30, 1890 67 0280

May 1, 1891 67 0281

Oct 29, 1908 67 0282

May 1, 1892 67 0283

May 1, 1894 67 0284

May 1, 1894 67 0285

May 1, 1894 67 0286

May 1, 1895 67 0287

May 1, 1895 67 0288

May 1, 1895 67 0289

May 1, 1895 67 0290

May 1, 1896 67 0291

May 1, 1897 67 0292

May 1, 1899 67 0293

May 1, 1899 67 0294

June 1, 1900 67 0295

May 1, 1902 67 0296

May 23, 1903 67 0297

May 1, 1904 67 0298

May 1, 1904 67 0299

Oct 29, 1908 67 0300

Oct 29, 1908 67 0301

Oct 29, 1908 67 0302

March 20, 1911 67 0303 T 222

March 20, 1911 67 0304

June 1, 1883 67 0305

Name	Amount (Inches)	Date	Land Descriptions
RUSH CREEK (Cont.)			
50 C. E. Schmitz	4 3/8 ✓	8-23-83 ✓	Part NE 1/4 SW 1/4, Sec. 2, T. 14 N., R. 3 W.
51 John Tinsley	13 5/8 ✓	8-23-83 ✓	NE 1/4 SW 1/4, Sec. 2, T. 14 N., R. 3 W.
52 Elizabeth Norton	2 3/8 ✓	8-23-83 ✓	E 1/2 NW 1/4 SW 1/4 NW 1/4, Sec. 2; T. 14 N., R. 3 W.
53 John Norton	4 3/4 ✓	8-23-83 ✓	NW 1/4 SE 1/4 NW 1/4 Sec. 2; T. 14 N., R. 3 W.
54 Louis Robson	2 3/8 ✓	8-23-83 ✓	E 1/2 NE 1/4 SW 1/4 NW 1/4 Sec. 2, T. 14 N., R. 3 W.
55 C. W. Tuttle	2 3/8 ✓	8-23-83 ✓	W 1/2 NE 1/4 SW 1/4 NW 1/4, Sec. 2, T. 14 N., R. 3 W.
56 George A. Jefferson	3 1/8 ✓ 12 3/8 ✓	5--1-84 ✓ 5--1-90 ✓	Lot 1, Sec. 4, T. 14 N., R. 3 W.
57 Hattie Macey	19 ✓	5--1-87 ✓	Lot 3, Sec. 3, T. 14 N., R. 3 W.
58 J. M. Atwell	9 1/2 ✓	5--1-88 ✓	W 1/2 NW 1/4, NE 1/4 NW 1/4, NW 1/4 NE 1/4, Sec. 34, T. 15 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.

268 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.

269 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 ROBINSON: East half Northwest 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 BYRNS: The South half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 27, Township 15, North, Range 3 West Boise Meridian.

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

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

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

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

A H HUNNALEM: 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 67-00283
Date Received: 10/20/89
Receipt No:
Received By:

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

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

Phone: (208)257-3817

2. Date of Priority: 05/01/1892

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
15N	03W	22	NE SW SE	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	0.32	165

7. Total Quantity Appropriated is:
0.32 C.F.S. and/or 165 A.F.A.

8. Total consumptive use:

SCANNED
APR 02 2004

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	27	NW NW		IRRIGATION	5
			NE NW		IRRIGATION	15
			NW NE		IRRIGATION	15
			SW NW		IRRIGATION	20
Section Acres						55
Total Acres						55

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

ITEM 5-CONT'D: ROCK DAM, HEADGATE WITH WEIR AND ONE MILE OF EARTHLINED DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP
ADDED POINT OF DIVERSION AND IRRIGATED ACREAGES WHICH WERE NOT SHOWN ON THE PREVIOUSLY DECREED WATER RIGHT
SEE NOS A67-00283A & A67-00283B
This claim is the result of an ownership change, and combined right of 67-00283A and 67-00283B. DB 11/8/2000.

15. Basis of Claim:

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

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

Number of acres you irrigate with this water right <u>55 to 1</u>	Number and type of stock _____
Diversion rate in CFS _____	
Number of homes you acquired _____	Other uses _____

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

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

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

WARRANTY DEED

For Value Received

ETHEL J. PEARSON AND ROBIN THORSEN, both single persons

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

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

WASHINGTON

County Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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

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

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

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

Dated: MARCH, 1997

Ethel J. Pearson
ETHEL J. PEARSON

Robin Thorsen
ROBIN THORSEN

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

ETHEL J. PEARSON AND ROBIN THORSEN

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

Residing at
Comm. Expires

WEISER
11/4/97

Notary Public
, Idaho

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

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

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT NO.

EXHIBIT "A"

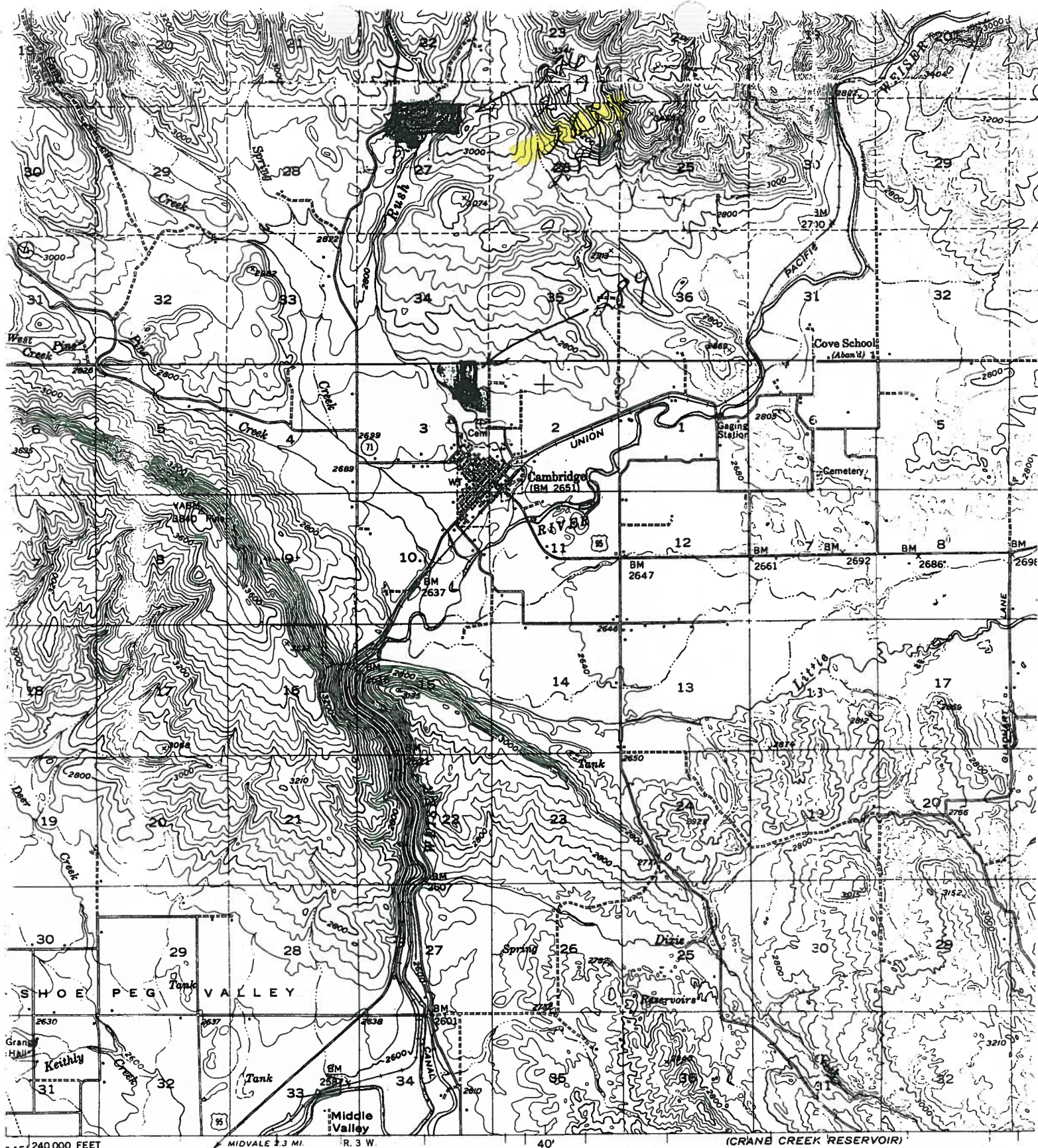
FILE NO.: 100-97-5784

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

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

Beginning at a point on the East line of said NW $\frac{1}{4}$ of Section 27 from which point the Northeast corner of said NW $\frac{1}{4}$ bears North 00°31'42" East a distance of 1556.25 feet;
Thence from said point of beginning South 00°31'42" West, along said East line, 850.00 feet;
Thence West 300.00 feet;
Thence North 77°35' West 458.00 feet;
Thence West 56.00 feet;
Thence South 62°05' West 297.00 feet;
Thence North 68°50' West 165.00 feet;
Thence South 86°29' West 978.14 feet to a point on the centerline of Rush Creek Road;
Thence along said road centerline the following Eight (8) consecutive courses:
1) North 09°21' East 250.99 feet;
2) Along the Arc of a curve to the left having a radius of 400 feet, a length of 273.43 feet and a chord that bears North 10°14' West 268.14 feet;
3) North 29°49' West 139.36 feet;
4) Along the Arc of a curve to the right having a radius of 300 feet; a length of 412.42 feet and a chord that bears North 09°34' East 380.70 feet;
5) North 48°57' East 151.90 feet;
6) Along the Arc of a curve to the right having a radius of 600 feet, a length of 105.94 feet and a chord that bears North 54°00'30" East 105.80 feet;
7) North 59°04' East 371.47 feet and
8) Along the Arc of a curve to the left having a radius of 800 feet, a length of 210.90 feet and a chord that bears North 51°30'52" East 210.29 feet;
Thence South 46°02'16" East 801.54 feet;
Thence South 80°22'10" East 690.04 feet to a point in the centerline of Rush Creek;
Thence along said centerline the following Two (2) courses:
1) North 51°28'20" East 40.54 feet and
2) North 66°00' East 113.00 feet;
Thence East 141.00 feet to the POINT OF BEGINNING.

Reserving therefrom a Twenty foot wide Easement for construction and maintenance of a Water Pipeline, said Easement being described as follows:
Beginning at a point on the East line of the NW $\frac{1}{4}$ of said Section 27 from which point the Northeast corner of said NW $\frac{1}{4}$ bears North 00°31'42" East 1556.25 feet;
thence from said point of beginning and along the East line of said Easement South 00°31'42" West 400 feet;
thence along the centerline of said Easement the following Two (2) consecutive courses:
1) South 77°36'10" West 500 feet; and
2) South 22°52'20" West 300 feet, more or less, to a point on the South line of the property herein described.



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods
Aerial photographs taken 1951. Field check 1957

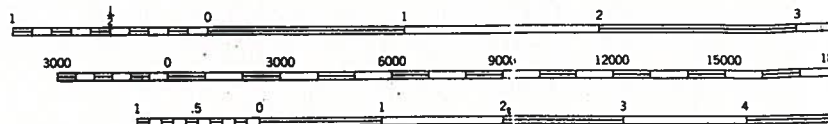
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
west zone
1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

Dashed land lines indicate approximate locations

Unchecked elevations are shown in brown

APPROXIMATE MEAN
DECLINATION, 1957

SCALE 1:62500



CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00283B
Date Received: 10/20/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAY 1, 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

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	0.186		

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

8. Total consumptive use is 96.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	03W	27	NW	NE		IRR	15.0
			NE	NW		IRR	15.0
			NW	NW		IRR	2.0

Section Acres 32.0

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10. Place of Use: Continued

Total Acres 32.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00284

14. Remarks:

ITEM 5-CONT'D: ROCK DAM, HEADGATE WITH WEIR AND ONE MILE OF
EARTHLINE DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP.

ADDED POINT OF DIVERSION AND IRRIGATED ACREAGES WHICH WERE NOT
SHOWN ON THE PREVIOUSLY DECREED WATER RIGHT.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF
CLAIM A67-00283, FEE PAID UNDER RECEIPT NO W006479. MTS

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: _____

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: A67-00283A
Date Received: 10/20/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

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	Lot	County
15N	03W	22	NE	SW	SE		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	0.134		

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

8. Total consumptive use is 69.0 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	NW	NW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	27	SW NW		IRR	20.0
Section Acres						23.0
Total Acres						23.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-00284

14. Remarks:

ITEM 5-CONT'D: ROCK DAM, HEADGATE WITH WEIR AND ONE MILE OF EARTHLINED DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP.

ADDED POINT OF DIVERSION AND IRRIGATED ACREAGES WHICH WERE NOT SHOWN ON THE PREVIOUSLY DECREED WATER RIGHT.

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A PORTION OF CLAIM A67-00283, FEE PAID UNDER RECEIPT NO W006479. MTS CHANGE OF OWNERSHIP BY MTS 6/4/96. FEE PAID UNDER RECEIPT W006479

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: _____

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A67-00283 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT CLAIM

*** O - ORIGINAL OWNER ***
POYNER

State- ID Zip- 83610

HUB B

State- ID Zip- X

ATTEBERRY

W G

State- ID Zip- 836105110

ATTEBERRY

SHIRLEY S

State- ID Zip- 836105110

+ - - Priority Date - - + - - - - Region - - - + - - - Stage - - - + - - - Status - - - +
05/01/1892 14 WESTERN Z - SEE REMARKS

+ - - - - Source - - - - + - - - - Tributary - - - - - +
RUSH CREEK WEISER RIVER
SPLIT CLAIM SEE REMARKS

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County

15N 03W 22 NE SW SE (87) WASHINGTON

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

01 - IRRIGATION 03/15 11/15 0.320

+ - - Total Div. Rate - - + - - Total Div. Volume - + - - - Total Consumptive Use - + - - - KW Usage - +
0.320 165.0

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

15N	03W	27	NW	NE	15.0	01	IRRIGATION	(87)	WASHINGTON
15N	03W	27	NE	NW	15.0	01	IRRIGATION	(87)	WASHINGTON
15N	03W	27	NW	NW	5.0	01	IRRIGATION	(87)	WASHINGTON
15N	03W	27	SW	NW	20.0	01	IRRIGATION	(87)	WASHINGTON

Total Acres: 55.0

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Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - A67-00284

ITEM 5-CONT'D: ROCK DAM, HEADGATE WITH WEIR AND ONE MILE OF
EARTHLEINED DITCH 18" TO 36" WIDE BY 6" TO 12" DEEP.
ADDED POINT OF DIVERSION AND IRRIGATED ACRES WHICH WERE NOT
SHOWN ON THE PREVIOUSLY DECREED WATER RIGHT.
SEE NOS A67-00283A & A67-00283B

	No Old Water Right Numbers Found	Old Water Right Numbers	
+ + + + +	- - - - -	- - - - -	+ + + + +

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

+ - - -	- Decree Plaintiff	- - - +
JOHN T. MUIR		
+ - - -	- Decree Defendant	- - - +
WILLIAM ALLISON		
		+ - Decree Date -
		00/00/0000

	+	-Comments-	+
No Comments Found			

+ - - Audit Fields - - + 00/00/00

	Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
	Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
	Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
	Claim Received Date	- 10/20/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
			Receipt Number	- W006479	Water District	- 67
			POU Ownership Flag	- Y	Federal/State Indicator	- S
			Name Connector	- OR	Presumption Flag	- C
				-	Notice of Error Flag	-

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