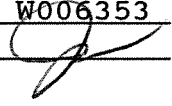


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A67-00515B
Date Received: 10/18/1989
Receipt No: W006353
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSS TARTER 208-549-2216
Address: 1487 MANN CREEK RD
WEISER ID 83672

Name: JACKIE TARTER 208-549-2216
Address: 1487 MANN CREEK RD
WEISER ID 83672

2. Date of Priority: JUN 1, 1874

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	11	SE	SE	NE		WASHINGTON

5. Description of diverting works:
HEDGATE IN MANN CREEK DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.260		

7. Total Quantity Appropriated is:
0.260 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
12N	05W	24	NE	NE		IRR	13.00

SCANNED
APR 06 2004
MICROFILMED
OCT 22 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	13.0
					Total Acres	13.0

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: / /

E. V. JEFFERSON ET. AL.
Decree Plaintiff

THOMAS HIGGENBOTHAM ET. AL.
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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OCT 22 1996

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A67-00575BDate Received 10-18-89Receipt Number W00 6353

RECEIVED

OCT 18 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) Ross and/or Jackie Tarter Phone (208) 549-2216
Mailing Address 1487 Mann Cr. Road Weiser Idaho zip 83672
2. Date of Priority (Only one (1) per claim) Decreed 1921 See Item #15
3. Source of water supply (a) Mann Cr. Ditch Res. for priority date
which is tributary to (b) ~~Mann Cr. Ditch~~, Weiser River.
4. a. Location of existing point of diversion is: Township 12 N Range 4 W Section 18,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Washington
Additional points of diversion if any: NONE
b. If instream flow, beginning point of claimed instream flow is:
Township 12 N Range 5 W Section 11, SE 1/4 of SE 1/4 of NE 1/4, P.
Govt. Lot _____ B.M., County of WASH.
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.
HEAD GATE IN MANN CREEK DITCH*

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OCT 22 1996

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 .26 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .26 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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	
<u>12N</u>	<u>5W</u>	<u>24</u>	<u>13</u>																<u>13</u>

Total number of acres irrigated 13

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

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

or None (☒)

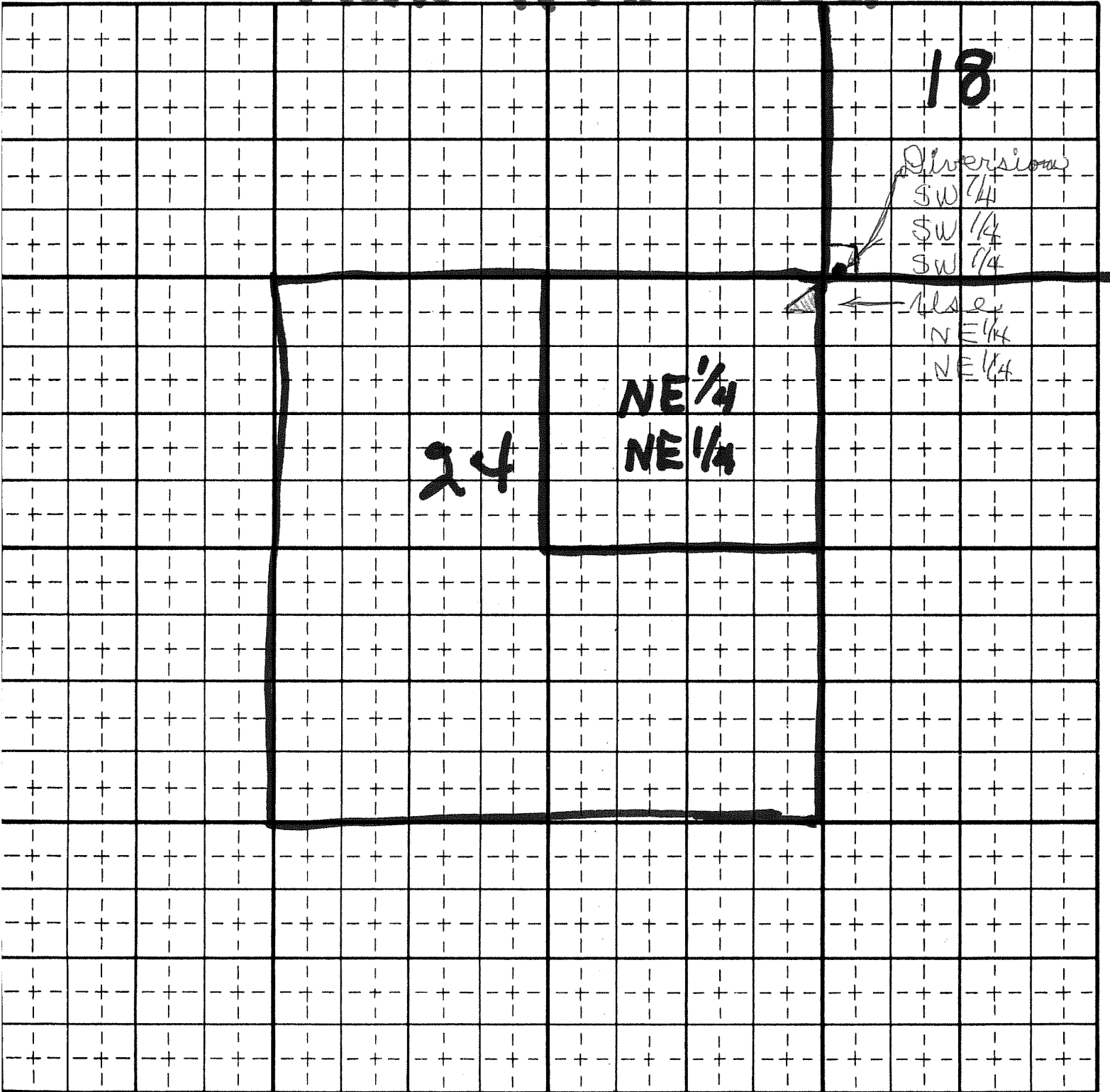
14. Remarks:

Last Name R. TARTER Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

T12N R4W SEC.24



See attached legal MICROFILMED

OCT 22 1996

Last Name PARTER

Ident No.

Copies: White-State, Yellow-Claimant

POOR ORIGINAL

parcel of land situated within the NE1/4NE1/4 of Section 19, Township 12 North, Range 4 West, Boise Meridian, more particularly described as follows:

Beginning at the northeast corner of the NE1/4NE1/4 of said Section 19; (northwest corner of Government Lot 1 of said Section 19);

Thence S $0^{\circ}19'11''$ E - 570.00 feet along the east line of said NE1/4NE1/4 to the TRUE POINT OF BEGINNING;

Thence S $89^{\circ}40'49''$ W - 143.00 feet;

Thence S $0^{\circ}19'11''$ E, parallel to the east line of said NE1/4NE1/4, a distance of 25.00 feet;

Thence S $89^{\circ}40'49''$ W - 187.00 feet;

Thence S $30^{\circ}50'17''$ W - 274.37 feet;

Thence N $89^{\circ}42'38''$ W - 212.80 feet to a point on the southeasterly right-of-way line of U. S. Highway 95;

Thence southwesterly along the southeasterly right-of-way line of U. S. Highway 95 to the point of intersection of said Highway right-of-way with the East bank of Mann Creek;

Thence in a southerly direction along the East bank of Mann Creek to a point 2 rods north of the south line of said NE1/4NE1/4;

Thence East, parallel to the south line of said NE1/4NE1/4, a distance of 2 rods to the east line of said NE1/4NE1/4;

Thence S $0^{\circ}19'11''$ E - 2 rods along the east line of said NE1/4NE1/4 to the southwest corner of said NE1/4NE1/4 (southwest corner of said Government Lot 1);

Thence East 2 rods along the south line of said Government Lot 1 to the northeast corner of said Government Lot 1;

Thence N $0^{\circ}19'11''$ W, parallel to the west line of said Government Lot 1, a distance of 570.00 feet south of the north line of said Government Lot 1 to a point;

Thence West 4.00 feet to a point on the west right-of-way line of an existing County Road known as Mann Creek Road;

Thence S $89^{\circ}40'49''$ W - 29.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING: The right-of-way as now established of an existing County Road known as Mann Creek Road.

R. TARTER

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number _____ Priority 1874
Court 7th JUDICIAL Case Number _____ Decree Date 6-3-21
Plaintiff vs Defendant JEFFERSON VS HIGGENBOTHAM

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 1

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

Signature of Claimant (s) x Jackie Carter Date Oct. 10, 1989
Date _____

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 Wash.) SS.

Subscribed and sworn (or affirmed) before me this tenth day of October 19 89

SEAL

Notary Public Louise Tarter

Residing at Weiser, Ida.

My Commission Expires 1/31/94

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 _____

Last Name TARTER Ident. Number _____

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OCT 22 1989

Copies White-State, Yellow-Claimant

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

W006353

Date:
Time:

10/18/89
14:06:51

Received
From:

TARTER, JACKIE

Type of Payment

ADJUDICATION CLAIM FEE

Program Acct Class

0410162 9337 6490

Amount

\$63.00

Total

\$63.00

CHECK 777

Idaho Department of Water Resources

Region: WESTERN

Signature: *Lori Harris*

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OCT 22 1989

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME

Taster, Ross or Jackie

CLAIM IDENT. NO.

A67-00515B

DATE RECEIVED 10-18-89 RECEIPT # 2006353 FEE PAID \$6300 FEE REQ'D \$6300

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	X		*
2. Is a priority date entered?	X		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	X		*
3. (a) Is a source entered?	X		*
(b) Is a tributary to entered? (if required) N/A	X		
4. Is the legal description of the p.d. sufficient?	X		*
5. Is there a description of the diverting works?	X		
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	X		*
Is the period of use included?	X		
Is a quantity claimed for each use?	X		*
7. Is a total quantity claimed entered?	X		
8. If required is a consumptive use entered? N/A		X	
Is the consumptive use correct? N/A			
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?			*
10. Is (are) the place(s) of use and purpose(s) indicated?	X		*
11. Is (are) the county(ies) entered?	X		
12. Is the ownership of p.u. checked?	X		
13. Are other water rights listed or "none" indicated?	X		
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	X		
15. Is the basis of the claim indicated?	X		
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?		X	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	X		
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	X		
19. Is the claim signed by the claimant, and is the signature appropriate?	X		
20. Has the claim been signed, sealed, and dated by a notary?	X		
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	X		
22. Is the fee enclosed correct? Exempt	X		

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OCT 22 1995

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-515B V1

WATER RIGHT NUMBER: 67-515B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROSS TARTER 1487 MANNS CREEK RD WEISER, ID 83672 (208)549-2216
Original Owner	J A TARTER , ID
Current Owner	JACKIE TARTER 1487 MANN CREEK RD WEISER, ID 83672 (208)549-2216

Priority Date: 06/01/1874

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MANNS CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.210 CFS	
	<u>Total Diversion:</u>	0.210 CFS	

Location of Point(s) of Diversion

MANNS 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	24	10.5																10.5

Total Acres: 10.5

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515B V1

2. 169 This right is a Primary Right, as established by the district court in Jefferson et al. v. Higgenbotham et al. (Washington County, June 3, 1921), and, as such, irrespective of priority, is senior to all Secondary 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.

Remarks:Comments:

1. segbert 5/24/2004 Priority Date

Comment: The decree does not have a month and day - just a year. The claim has a month and day.

2. segbert 5/24/2004 POU

Comment: The tax lot data has a Richard Ross Tarter owning 3 acres - not the 13 in the claim

3. segbert 5/24/2004 Quantity

Comment: The WR has been split since the decree so I do not know how much goes to each portion of the split.

4. segbert 6/1/2004 Season

Comment: Needs shoulder remark

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	5/24/2004 9:59:07 AM	segbert			Active
POD	5/24/2004 10:13:41 AM	segbert			Active
Source	5/24/2004 10:14:08 AM	segbert			Active
POU	5/24/2004 10:17:36 AM	segbert			Active
Season	5/24/2004 10:58:38 AM	segbert			Active
Quantity	5/24/2004 10:59:20 AM	segbert			Active
Use	5/24/2004 11:03:56 AM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515B V1

Season	6/1/2004 3:51:07 PM	segbert	Active
Season	6/10/2004 8:55:53 AM	mcase	Active
Summary	11/09/2005	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/24/2004 10:13:41 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License?
Source	5/24/2004 10:14:07 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
Season	5/24/2004 10:58:38 AM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
Quantity	5/24/2004 10:59:19 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Priority Date	5/24/2004 9:59:06 AM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POU	5/24/2004 10:21:10 AM	segbert	Edited shape boundary
Use	5/24/2004 11:03:56 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515B V1

POU	5/24/2004 10:17:35 AM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	9/28/2005 10:15:25 AM	dnarsavage	Updated shape for Active POU
Season	6/10/2004 8:55:55 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
POU	9/28/2005 10:15:34 AM	dnarsavage	Updated PLS for Active POU
POD	8/11/2005 2:09:45 PM	dnarsavage	Correlated PODID 619287 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:45 PM	dnarsavage	Correlated PODID 619287 from SpatialDataID 304975 to SpatialDataID 9560
POD	8/11/2005 2:09:45 PM	dnarsavage	Correlated PODID 619287 from SpatialDataID 304975 to SpatialDataID 9560
POU	11/9/2005 1:06:12 PM	dnarsavage	Updated PLS for Active POU
Summary	11/9/2005 1:07:38 PM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-515B V1

Season	6/1/2004 3:51:02 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
POU	8/22/2005 1:33:55 PM	dnarsavage	Updated shape for Active POU
POU	8/22/2005 1:34:20 PM	dnarsavage	Updated PLS for Active POU
POU	8/22/2005 1:36:13 PM	dnarsavage	Edited shape boundary
POU	8/22/2005 1:34:04 PM	dnarsavage	Edited Season Of Use

Water Supply Bank:

Split Analysis

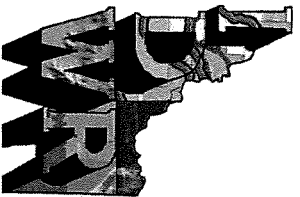
Water Right Number: 67-515
Diversion Rate: 1.6744 CFS
Reviewer Name: Dan Narsavage
Date: 12/22/2005

[illegible]

2.62 acres not found

67-515 (83.7 ac & 1.67 cfs)	67-515A (7.0 ac & 0.14 cfs)
	67-515B (10.4 ac & 0.21 cfs)
	67-515C (5.5 ac & 0.11 cfs)
	67-11519 (58.2 ac & 1.16 cfs)

Right No:	Rate of Diversion	Irrigated Acres	CFS / Acre
67-515	1.6744	83.72	0.020
67-515A	0.14	7	0.020
67-515B	0.21	10.4	0.020
67-515C	0.11	5.5	0.020
67-11519	1.16	58.2	0.020



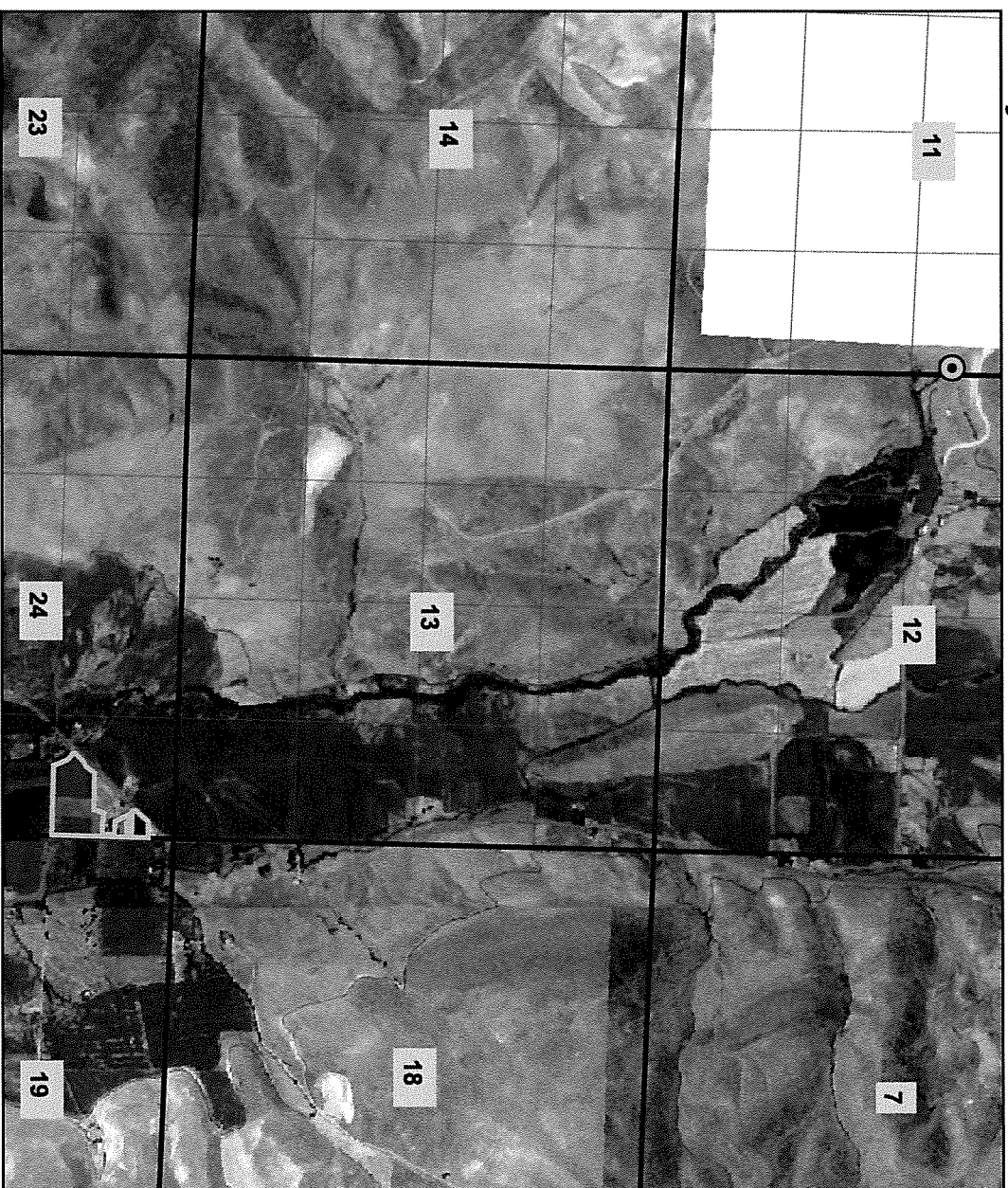
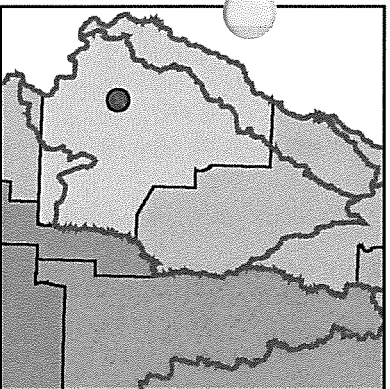
Idaho Department of Water Resources

Adjudication Claim Number: **67-515B**

T12N R05W

Legend

-  Point of Diversion
-  Place of Use
-  PLS Sections
-  GCDBQuarter Quarters



Prepared by D. Narsavage
On Monday, December 5, 2005
1987/88 Aerial Photography