

**STARTING
LEFT
SIDE OF
FILE**

7. Total Quantity Appropriated is:
0.577 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	04W	14	SW	NE	IRRIGATION	4
			SE	NW	IRRIGATION	9
			NE	SW	IRRIGATION	19
			SE	SW	IRRIGATION	5
					Section Acres	37
					Total Acres	37

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

DEFENDANT IS ENTITLED TO THE FIRST AND BEST RIGHT TO ANY WATERS OF SAID STREAM.

Claimed diversion rate is 0.557 cfs. Decreed diversion rate is 0.577 cfs. There are no other claims for the un-claimed cfs. Claim was created and data entered by IDWR personnel. I am sure this is simply a typo. I am amending the claimed diversion rate to 0.577 cfs (csaxton 5-15-06).

15. Basis of Claim: Decreed

16. Signature(s)

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

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 67-659
Date Received: 10/17/1989
Receipt No: C012258
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL CRAIG CARPENTER Phone: (208)549-1457

2264 WEISER RIVER RD
WEISER ID USA 83672

MARY LOUISE PURCELL Phone: (208)549-1457

2264 WEISER RIVER RD
WEISER ID USA 83672

FRANK ROBERT CHRESTESEN Phone: (208)549-1457

2264 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/10/1913

3. Source: LOWER CRANE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	14	NE SW NE	WASHINGTON	

5. Description of diverting works:

CONCRETE DIVERSION DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.557	

7. Total Quantity Appropriated is:
0.557 C.F.S.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

RECEIVED
MAR 24 2005
DEPARTMENT OF
WATER RESOURCES

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A67-00659	—			—
	P.O. A67-10709	—			—
	A67-02074	—			—
		—			—
		—			—

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

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

OR

If your water right(s) and/or adjudication claim(s) 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(s) Clarence C. Chrestesen
4. New Owner/Claimant(s) 2264 Weiser River Road, Weiser, ID 83672
Frank Robert Chrestesen (13/24), Mary Louise Purcell (7/24) and Michael Craig Carpenter (4/24)
- Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 2264 Weiser River Road
- City, State and ZIP Code Weiser, Idaho 83672
- New Telephone Number (208) 549-1457
5. Date you acquired the property January 7, 2002

cc: W.A. 3-25-05
-PR

SCANNED
APR 11 2005

IV.

Waiver of Final Accounting and Waiver of Notice signed by each of the heirs and devisees has been filed herein, and the estate is in a condition to be closed.

V.

The decedent, Martha M. Chrestesen, died testate on October 15, 1987, and everything passed at the time of her death to her husband, Clarence C. Chrestesen pursuant to Community Property Agreement and by operation of Will. Decedent, Clarence C. Chrestesen, died on the 8th day of March, 2002, a resident of Weiser, Washington County, Idaho, a widower, and having no children. Pursuant to the Will of the decedent, the following persons are entitled to distribution of the estate as follows:

A 25% interest in certain real property located in Washington County, Idaho, to MICHAEL CRAIG CARPENTER.
A 25% interest in certain real property located in Washington County, Idaho, to MARY LOUISE PURCELL.
A 50% interest in certain real property located in Washington County, Idaho, to FRANK ROBERT CHRESTESEN,

which real property has been deeded to these individuals as directed in decedent's will.

Balance of estate absolutely to Frank Robert Chrestesen

IT IS THEREFORE HEREBY ORDERED AND DECREED:

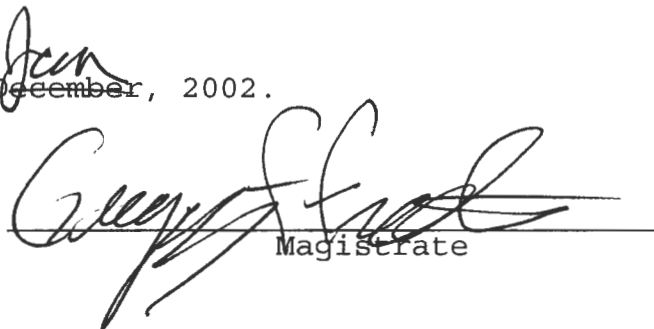
1. All remaining estate assets are hereby decreed absolutely to FRANK ROBERT CHRESTESEN.

2. The Personal Representative is directed to make distribution of the remaining estate property and any other

property of the decedent or the estate not now known or discovered to the person in the manner set forth above.

3. That upon distribution of the remaining estate property, the Personal Representative is discharged from any further duties, obligations or liabilities in the above referenced estate.

DATED this 7 day of Dec, 2002.


Magistrate

SCANNED
APR 11 2005

3 ** DECREE OF DISTRIBUTION

STATE OF IDAHO }
County of Washington } ss

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

Witness my hand and seal this
SHARON WIDNER, CLERK DISTRICT COURT

7 day of Sept 20 04
By: Eliehanra Deputy

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: A67-00659
Date Received: 10-16-89
Receipt No: C012258
Received By: D. Keatley
RET

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 16 1989

Department of Water Resources

1. Name: CLARENCE C. CHRESTESEN
Address: 2264 WEISER RIVER ROAD
WEISER, ID

83672

2. Date of Priority: APR 10, 1913

3. Source: LOWER CRANE CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	04W	14	NE	SW	NE		WASHINGTON

5. Description of diverting works:
CONCRETE DIVERSION DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.557		

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

A.F.A.

8. Total consumptive use is 129.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	04W	14	SW	NE		IRR	4.0
			SE	NW		IRR	9.0
			NE	SW		IRR	19.0
			SE	SW		IRR	5.0

Section Acres 37.0

A67-00659

Page

1

Date: 10/11/89

SCANNED
APR 07 2004

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OCT 01 1992

10. Place of Use: Continued

Total Acres 37.0

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:
DEFENDANT IS ENTITLED TO THE FIRST AND BEST RIGHT TO ANY WATERS
OF SAID STREAM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

J. N. HARRIS

Decree Plaintiff

vs

JAMES K. MARTIN ET. AL.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2 (maps)

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 Clarence C. Christensen Date: X 10, 13, 89

Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of OCTOBER 19 89

Joe T. Burton
Notary Public

Seal

Residing at Weiser

My Commission Expires Sept 27, 1992



D 68 7.2
(P68)

4.8 Pasture

Feed lot

3 Pond

4.6 Pasture

4.4 house 1910

19.7

Farm land

D 50

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SCANNED
APR 07 2004

14 12
23 24

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)06/30/89 14:16:14
Page 1

Water Right Number - 67-00659

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CHRESTENSEN

N. C.

1 -
2 -
3 -
City-
Phone -

State- Zip-

*** O - ORIGINAL OWNER ***
HARRIS

J. N.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
04/10/1913+ - - Region - - - +
14+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
LOWER CRANE CREEK+ - - Tributary - - - - - +
WEISER RIVER+ - - TwN Rng Sec Tract Lot RFlg Point of Diversion - - - - - +
County+ - - Code Description - - - - - Water Use - - - - - +
Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.557

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.557+ - - TwN Rng Sec Tract Lot Acres Place of Use - - - - - +
Code Description County11N 04W 14 SW NE
11N 04W 14 SE NW
11N 04W 14 NE SW
11N 04W 14 SE SW01 IRRIGATION
01 IRRIGATION
01 IRRIGATION
01 IRRIGATION87 WASHINGTON
87 WASHINGTON
87 WASHINGTON
87 WASHINGTON

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -OCT 01 1992
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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

06/30/89 14:16:14
Page 2

Water right number - 67-00659

Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - -
DEFENDANT IS ENTITLED TO THE FIRST AND BEST RIGHT TO ANY WATERS
OF SAID STREAM.

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

+ - - - - Decree Plaintiff - - - +
J. N. HARRIS
+ - - - - Decree Defendant - - - +
JAMES K. MARTIN ET. AL.
+ - Decree Date - +
04/10/1913

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - -
Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 04/10/1913
Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 00/00/0000
Receipt Number -
Appl Received - 00/00/0000
Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District - 67
Transfer/Amended -

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17 3. The legal description of said real property covered by
18 this agreement is as follows:

19 The following described property located in Washington
20 County, State of Idaho:

21 ✓ N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 11 North, Range 3 West of
22 the Boise Meridian - 80 Acres 67-7590

23 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 11 North, Range 3
24 West of the Boise Meridian - 200 Acres 67-7590

25 E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 11 North,
26 Range 4 West of the Boise Meridian - 160 Acres 67-00659

27 ✓ SW $\frac{1}{4}$, Section 20, Township 11 North, Range 3 West of
28 the Boise Meridian - 160 Acres

29 W $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 11 North, Range
30 3 West of the Boise Meridian - 440 Acres 65-7590, 67-2074

31 ✓ S $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 11 North, Range 3 West of
32 the Boise Meridian - 80 Acres

1 N $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 11
2 North, Range 3 West of the Boise Meridian - 240 Acres 67-2074

3 ✓ E $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 11 North, Range 3 West
of the Boise Meridian - 80 Acres

1 ✓ Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 11 North, Range
2 3 West of the Boise Meridian - 74.23 Acres

3 ✓ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 11 North, Range
3 West of the Boise Meridian - 80 Acres

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4/5/1989

FEDERAL CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Christesen

CLAIM IDENT. NO.

AL67-00659

DATE RECEIVED

10/14/89

CK #

C012258

AMOUNT \$

82.00

YES

NO

Required Info?

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

Claim checked by: AB

Date:

5/17/90

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by: AB
Claim data entered by: AB
Sent to claimant by: AB

Date:

Date: 5/17/90

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

OCT 01 1992

**STARTING
RIGHT
SIDE OF
FILE**

11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-659

MICHAEL CRAIG CARPENTER
2264 WEISER RIVER RD
WEISER ID 83672
Telephone Number: (208)549-1457

MARY LOUISE PURCELL
2264 WEISER RIVER RD
WEISER ID 83672
Telephone Number: (208)549-1457

FRANK ROBERT CHRESTESEN
2264 WEISER RIVER RD
WEISER ID 83672
Telephone Number: (208)549-1457

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: 11/29/06 SIGNATURE: Frank Chrestesen

Please print your name: Frank Chrestesen

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

Crane Creek Adjudicated Water

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 67-659
Date Received: 10/17/1989
Receipt No: C012258
Received By:

COPY FOR YOUR FILE

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL CRAIG CARPENTER Phone: (208)549-1457

2264 WEISER RIVER RD
WEISER ID USA 83672

MARY LOUISE PURCELL Phone: (208)549-1457

2264 WEISER RIVER RD
WEISER ID USA 83672

FRANK ROBERT CHRESTESEN Phone: (208)549-1457

2264 WEISER RIVER RD
WEISER ID USA 83672

2. Date of Priority: 04/10/1913

3. Source: LOWER CRANE CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	04W	14	NE SW NE	WASHINGTON	

5. Description of diverting works:

CONCRETE DIVERSION DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.557	

7. Total Quantity Appropriated is:
0.557 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	04W	14	SW	NE	IRRIGATION	4
			SE	NW	IRRIGATION	9
			NE	SW	IRRIGATION	19
			SE	SW	IRRIGATION	5
					Section Acres	37
					Total Acres	37

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:

15. Basis of Claim: Decreed

05/16/2006

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

RIGHT NUMBER: 67-659

NAME AND ADDRESS: MICHAEL CRAIG CARPENTER
2264 WEISER RIVER RD
WEISER ID 83672

MARY LOUISE PURCELL
2264 WEISER RIVER RD
WEISER ID 83672

FRANK ROBERT CHRESTESEN
2264 WEISER RIVER RD
WEISER ID 83672

SOURCE: CRANE CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.577 CFS

PRIORITY DATE: 04/10/1913

Pursuant to a call in times of scarcity, this right is senior to Right Nos:
67-10650, 67-662, 67-673, 67-14413, 67-14414, 67-663B, 67-664A,
67-14310, and 67-666B

POINT OF DIVERSION:

T11N R04W S14 NESWNE 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	0.577 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R04W S14	SWNE	1.50	T11N R04W S14	SENW	5.50
T11N R04W S14	NESW	18.00	T11N R04W S14	SESW	4.00

29 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



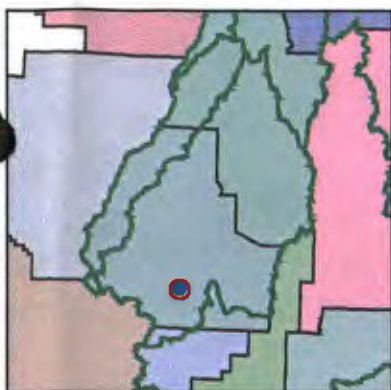
Idaho Department of Water Resources

SRBA Recommendation:

67-659

Legend

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



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

A horizontal scale bar with markings for 0, 0.2, and 0.4 miles.

Prepared by C. Saxton
On Monday, May 15, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-659 V1

WATER RIGHT NUMBER: 67-659 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J N HARRIS
	, ID
Original Owner	CLARENCE C CHRESTESEN 2264 WEISER RIVER RD WEISER, ID 83672
Current Owner	MICHAEL CRAIG CARPENTER 2264 WEISER RIVER RD WEISER, ID 83672 (208)549-1457
Current Owner	MARY LOUISE PURCELL 2264 WEISER RIVER RD WEISER, ID 83672 (208)549-1457
Current Owner	FRANK ROBERT CHRESTESEN 2264 WEISER RIVER RD WEISER, ID 83672 (208)549-1457

Priority Date: 04/10/1913

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CRANE 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	0.577 CFS	
	<u>Total Diversion:</u>	0.577 CFS	

Location of Point(s) of Diversion

CRANE CREEK	NE1/4SW1/4NE1/4	Sec. 14, Twp 11N, Rge 04W, 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	
11N	04W	14			1.5					5.5	18.0			4.0					29.0

Total Acres: 29

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-659 V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Pursuant to a call in times of scarcity, this right is senior to Right Nos: 67-10650, 67-662, 67-673, 67-14413, 67-14414, 67-663B, 67-664A, 67-14310, and 67-666B

Remarks:Comments:

1. dnarsavage 2/9/2005 POU

Comment: Updated Shape

2. csaxton 5/15/2006 Priority

Comment: Priority date recommended for Harris vs. Martin decreed rights is 4-10-1913 or the day the decree was signed.

3. csaxton 5/15/2006 Acreage

Comment: Claimed POU is much larger than decreed POU. Actual FSA photos and aerial photography seem to indicate that only the decreed # of acres are irrigated anyway.

4. csaxton 5/15/2006 Diversion Rate

Comment: Claimant has storage water.

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: 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	2/9/2005 10:12:57 AM	dnarsavage			Active
POD	2/9/2005 10:15:00 AM	dnarsavage			Active
Source	2/9/2005 10:15:35 AM	dnarsavage			Active
POU	2/9/2005 10:16:34 AM	dnarsavage			Active
Use	2/9/2005 10:16:52 AM	dnarsavage			Active
Season	2/9/2005 10:31:25 AM	dnarsavage			Active
Quantity	2/9/2005 10:33:00 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-659 V1

Contacts	5/15/2006 4:02:26 PM	csaxton	Active
Priority Date	5/15/2006 4:08:18 PM	csaxton	Active
POD	5/15/2006 4:08:30 PM	csaxton	Active
Source	5/15/2006 4:11:30 PM	csaxton	Active
POU	5/15/2006 4:11:59 PM	csaxton	Active
Use	5/15/2006 4:12:54 PM	csaxton	Active
Season	5/15/2006 4:14:02 PM	csaxton	Active
Quantity	5/15/2006 4:37:34 PM	csaxton	Active
Summary		05/15/2006 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	5/15/2006 4:09:42 PM	csaxton	Updated shape
POD	5/15/2006 4:09:57 PM	csaxton	Updated PLS
POU	5/15/2006 4:11:59 PM	csaxton	(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? (No) 14. Is a POU remark and/or condition required?
POU	5/15/2006 4:12:25 PM	csaxton	Updated shape for Active POU
Use	5/15/2006 4:12:54 PM	csaxton	(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? (No) 13. Is a Purpose of Use remark and/or condition required?
General	5/15/2006 4:08:18 PM	csaxton	(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? (No) 5. Does the decree or license have a Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-659 V1

POD	5/15/2006 4:08:30 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	5/15/2006 4:11:30 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (No) 5. Can the claimed source be verified using the water right file? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Just a discrepancy in the name of the source. Source name was decreed as Crane Creek and USGS quad names source Crane Creek.
POU	5/15/2006 4:12:33 PM	csaxton	Updated PLS for Active POU
Season	5/15/2006 4:14:02 PM	csaxton	(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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/15/2006 4:37:34 PM	csaxton	(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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-659 V1

Summary	5/15/2006 4:39:48 PM	csaxton	(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? (No) 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?
Priority Date	2/9/2005 10:12:57 AM	dnarsavage	(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? (No) 16. Is a Priority Date remark and/or condition required?
POU	2/9/2005 10:31:11 AM	dnarsavage	Edited Season Of Use
Season	2/9/2005 10:31:25 AM	dnarsavage	(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? (No) 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?
POD	2/9/2005 10:15:00 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	2/9/2005 10:15:35 AM	dnarsavage	(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? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-659 V1

POU	2/9/2005 10:16:34 AM	dnarsavage	(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?
Use	2/9/2005 10:16:53 AM	dnarsavage	(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? (No) 13. Is a Purpose of Use remark and/or condition required?
Quantity	2/9/2005 10:33:00 AM	dnarsavage	(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? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	5/15/2006 4:02:27 PM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop Review

Water Supply Bank:

572

TOWNSHIP 11, Range 4 West

67-14549

141

Frank Robert Chrestesen

2264 Weiser River Road
Weiser, Idaho 83672
(208) 549-1457

RECEIVED
MAR 24 2005
DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Post Office Box 83720
Boise, Idaho 83720-0098

Attention: Ms. Sally Sherman
Technical Records Specialist
Adjudication Bureau

Re: Claim Nos. A67-00659, A67-10709, A67-0274 and Notice of Claim
to a Water Right

Dear Ms. Sherman:

Enclosed please find a "Notice of Change in Water Right Ownership" transferring the claims currently in the name of Clarence C. Chrestesen, deceased, to the devisees under his last will and testament. A certified copy of the decree of distribution in Mr. Chrestesen's estate is attached to the notice.

The percentages of ownership shown after the claimant's names may be somewhat confusing. Clarence C. Chrestesen only owned a half interest in the property to which the above claims apply. The other half interest was owned in equal shares by Mary Louise Purcell, Frank Robert Chrestesen and Martha Jean Chrestesen. Martha Jean passed away leaving her interest $1/6$ interest $2/24$ to her husband, Mr. Gregorson, and $1/24$ to each of her children, Michael Craig Carpenter and Gina Gregorson. Frank Robert Chrestesen purchased Mr. Gregorson's $2/24$ interest and Gina Gregorson's $1/24$ interest which results in him owning $13/24$ interest, Mary Louise Purcell owning a $7/24$ interest and Michael Craig Carpenter owning a $4/24$ interest. Sorry this is so confusing.

Pursuant to your e-mail with Jacque Wray on March 15th, the copy of the decree of distribution is the only documentation attached to the notice. We have clearly checked the "and" connector in the middle of the page as instructed. The \$25.00 fee for filing this ownership change is included in the \$82.00 check enclosed.

Also enclosed is a "Notice of Claim to a Water Right" together with the filing fee of \$57.00 as there are seven acres being irrigated under this claim.

If there is any additional information you require, please do not hesitate to get in touch with me at the phone number listed above. Thank you in advance for your cooperation and assistance,

Sincerely,

Frank Robert Chrestesen

Enclosures

Sherman, Sally

From: Sherman, Sally
Sent: Tuesday, March 15, 2005 10:02 AM
To: 'JACQUE WRAY'
Subject: RE: Adjudication Claims Nos. A 67-00659, A67-10709 and A67-02074

Hi Jacque. If my number is busy, you should've been put through to my voice mail like everyone else has. Something must've been wrong with our system when you called.

Anyway, please don't attach copies of claims because we already have them in our database. The Decree of Distribution should satisfy item 2. Don't forget the name connector in the middle of the form, if it will apply.

67-10709 has been decreed, so you will need to submit \$25.00 with your ownership change. email me again if you have any more questions or concerns.

...Sally

-----Original Message-----

From: JACQUE WRAY [mailto:wrayjacque@MSN.com]
Sent: Tuesday, March 15, 2005 9:37 AM
To: ssherman@idwr.state.id.us
Subject: Adjudication Claims Nos. A 67-00659, A67-10709 and A67-02074

Sorry about sending an incomplete e-mail, when I went to put in the section symbol, alt S, it automatically sent it. Sorry.

The following claims are in the name of Clarence C. Chrestesen, who is now deceased. I'm trying to help Bud (Frank Robert Chrestesen), one of the devisees, get the property put in the names of the heirs inheriting the property. I have copies of the three claims listed above. My question is, can I attach copies of those claims, or at least their attachments, to the "Notice of Change In Water Right Ownership" form to satisfy section 2 of the form? I have a certified copy of the Decree of Distribution to attach showing the change in ownership.

I've been trying to call you for two weeks now, but the number always seems to be busy.

Jacque Wray
 208-549-0765

325-05

Craig - P/s call
 Ms. Jacque Wray e
 ("Jackie")

549-0765 re this
 ol/change. She works
 out of her home. jwr!
 - Sal

3/25/2005

MEMO TO FILE

TO : # 67-00659 + 67-02074

CLAIM: Clarence Chrestensen

FROM: Linda Werner

Date: 5-9-90

A check of AJ5, AJQ1 &
secured claim file for WA
cnty indicates no ADJ.
claim was filed for the
above two water rights

MICROFILMED

OCT 01 1992

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 367

WEISER, IDAHO 83672

IRA T. BURTON
CHARLES R. KROLL

208 549 1652

October 13, 1989

IDAHO DEPT. OF WATER RESOURCES
ATTN: Helen Harrington
1301 N. Orchard
Boise, ID 83706

RECEIVED
OCT 16 1989

Re: Water Rights Claims

Department of Water Resources

Dear Helen:

Enclosed for filing please find Notice of Claim to
A Water Right for the following:

1. James L. Mason (2);
2. Clarence C. Chrestesen (3);
3. Rosemary Wilson (2);
4. Tommy Macomb (2);
5. Blanche A. Beggs (2);
6. Shirley F. Smith (3);
7. L. C. & Myrla Cheney (3); and
8. Myrtle M. Witte & Genevieve L. Witte (1).

If you have any questions concerning these Notices, please
contact me.

Sincerely yours,

BURTON & KROLL
Ira T. Burton

IRA T. BURTON
Attorney at Law

ITB:jas
Enclosure

SCANNED
APR 07 2004

MICROFILMED

OCT 01 1992

OCT 01 1992

June 30, 1989

Ira T. Burton
Burton & Kroll
Attorneys at Law
PO Box 367
Weiser, ID 83672

Dear Mr. Burton;

In reply to your letter of June 23, 1989. Enclosed you will find information on water rights for Clarence C. Chrestensen.

Water right number 67-00659 is for the Crane Creek source and water right number 67-02074 shows two sources, a spring and Bear Creek.

Also enclosed are the forms necessary for filing a claim to a water right, along with instructions. If I can be of further assistance, please don't hesitate to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resources Agent
Adjudication Section

Enclosures

MICROFILMED
OCT 01 1992

RECEIVED

JUL 03 1989

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 387

WEISER, IDAHO 83672

IRA T. BURTON
CHARLES R. KROLL

Department of Water Resources
Western Regional Office
208 549 1652

June 30, 1989

IDAHO WATER RESOURCES DEPT.
Western Region
2734 Airport Road
Boise, ID 83705

Re: Clarence C. Chrestesen - Snake River
Basin Water Adjudication

Dear Sirs:

On June 23, 1989, I sent a letter to you concerning Clarence C. Chrestesen. I am enclosing a copy of that letter. Please note that I misspelled Mr. Chrestesen's name throughout the letter and also the water rights on Crane Creek should be 27-85/100ths miners inches instead of 17-85/100ths.

Sincerely yours,

BURTON & KROLL



IRA T. BURTON

ITB:jas
Enclosure

cc Clarence C. Chrestesen

MICROFILMED

OCT 01 1992

BURTON & KROLL

ATTORNEYS AT LAW

P. O. BOX 367

WEISER, IDAHO 83672

IRA T. BURTON

CHARLES R. KROLL

*Don
Linda*
RECEIVED
JUN 26 1989
Department of Water Resources
Western Regional Office
Boise 549 1652

June 23, 1989

IDAHO WATER RESOURCES DEPT.
Western Region
2735 Airport Road
Boise, ID 83705

Re: Clarence C. Chrestensen - Snake River
Basin Water Adjudication

Dear Sirs:

Would you please send to me the necessary documents to file water rights in reference to Civil Case No. 39576 on behalf of Clarence C. Chrestensen for water rights to lands located in Washington County, Idaho.

In addition to the necessary forms, we also need copies of any documentation currently held by the Idaho Department of Water Resources concerning past water rights. I am enclosing a copy of the legal description upon which the water rights are located. The water rights may be in the names Clarence C. Chrestensen, Chris A. Chrestensen, or C. A. Chrestensen. We believe that the water rights are as follows:

Crane Creek - 17-85/100ths miners inches established around 1900;

A spring located on Bear Creek of 10 inches established around 1910 - 1915; and

Flood water rights of 50 acre feet on Bear Creek also established around 1910 -1915.

MICROFILMED

OCT 01 1992

IDAHO WATER RESOURCES DEPT.

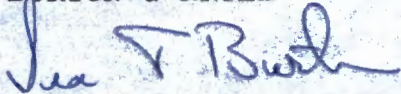
June 23, 1989

Page 2

All of these water rights should have been filed on with the Department of Water Resources and, although I realize that we have to refile, I need the prior documentation in order to prepare the necessary refiling documents.

Sincerely yours,

BURTON & KROLL



IRA T. BURTON

ITB:jas
Enclosure

cc Clarence Chrestensen

MICROFILMED

OCT 01 1992

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

J N Harris,

Plaintiff,

vs

DECREE.

James K Martin, William Theurer,
Wash Hings, George Kiser, Ed Wil-
burn, George W Triplew, Henry
Applegate, and William Applegate,
co-partners as Applegate Brothers
O A Purcell and Grane Creek
Irrigation, Land and Power Company
a corporation,
Present Defendants

4-10-13

This action having heretofore come on for hearing before the Court for the purpose of adjudicating and determining the priorities in right to the use of the waters of Grane Creek, in the said County of Washington, State of Idaho, as between the plaintiff and the several defendants, when Ed R Coulter, appeared as counsel for the plaintiff and the defendants Martin, Theurer and Wilburn, and Harris & Smith appeared for all other defendants, when evidence both oral and documentary is submitted to the Court and the cause is taken under advisement by the court.

After due deliberation thereon, and the law and the facts being by the court fully considered and understood, the Court makes and files its findings of fact and conclusions of law, it is now ordered, adjudged and decreed and this does order, adjudge and decree:

First: That Grane Creek, in said County and State is now and was at the time of the beginning of this action, one of the public streams of the State of Idaho, and the Waters thereof subject to diversion and appropriation.

Second: That the plaintiff J N Harris is and for many years past has been the owner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 14 Twp 11 N R 4 W Boise Me, and prior to the location, diversion or appropriation by any other person of any of the waters of said stream, constructed a ditch therefrom and constructed a dam at the head thereof, and by such means diverted and appropriated for cultivation and irrigation 27.65 miners inches of the waters of said stream and thereby acquired and is entitled to the first and best right to any of the waters thereof to said amount for use on his said land.

Third: That the defendants James K Martin and William Theurer and their granters are now and for a long time past have been the owners in severalty of the following described lands, to-wit: The said Martin the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 13, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14, Twp 11 N R 4 W Boise Me; and the said Theurer the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 12, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 13 Twp 11 N R 4 W Boise Me and that prior to the location, diversion or appropriation of any of the waters of said stream, except by the plaintiff, the granters of these defendants constructed a ditch from said stream with a dam at the head thereof,

RECORDED
JUL 24 1996

by means of which there were diverted for the irrigation and cultivation of a portion of the lands of these defendants 23.43 miners inches of water, and that these defendants are now and for a long time past have been the owners of such ditch and water right and are declared to be second in right to the waters of said stream, in the amount of 9.87 miners inches to the said Martin and 13.56 miners inches to the said Theurer, which rights are equal and co-incident, except as to amounts of water to which each is entitled.

Fourth: That the defendant, Wash Hinge and his grantors are and for many years have been the owners of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and lots 2 and 3 Sec 7 Twp 11 N R 3 W and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 12, Twp 11 N R 4 W Boise Mo and that prior to the location, diversion or appropriation of any of the waters of said stream except the locations, appropriations and diversions of the plaintiff and the grantors of the defendants Martin and Theurer as hereinbefore made to appear, the grantors of this defendant constructed a ditch from said stream with a dam at the head thereof, by means of which they diverted and appropriated from said stream for the irrigation of a portion of the lands in this paragraph above set out, 9.45 inches of water, measured under a four inch pressure, and that this defendant is now the owner of said ditch and water right and is third in right to the use of the waters of said stream.

Fifth: That the defendants, George W Triplov, Henry Applegate and William Applegate, co-partners as Applegate Brothers and O A Purcell and the owners in severality of the following lands, to-wit: The defendant Triplov the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 Twp 11 N R 4 W Boise Mo, the defendants Applegate Brothers the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14 Twp 11 N R 4 W Boise Mo and the defendant O A Purcell the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 10 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 15 Twp 11 N R 4 W Boise Mo, and that prior to the location appropriation or diversion of any of the waters of said stream except the locations, diversions and appropriations of the plaintiff and the defendants Martin, Theurer and Hinge, these defendants and their grantors constructed a ditch from said stream with a dam at the head thereof whereby they did divert and appropriate for the irrigation and cultivation of their several parcels of land 105.60 inches of water, measured under a four inch pressure, in amounts to each of these defendants and their grantors as follows, to-wit: To the defendant Triplov 44.88 to the defendants Applegate Brothers 18.47 and to the defendant Purcell 42.25 inches and these defendants are and for a long time past have been jointly the owners of said ditch and water right in shares to each as aforesaid, and their rights are equal and co-incident except as to the amount of water to which each is entitled, and said right is fourth in point of time to the use of the waters of said stream.

Sixth: That for many years last past the defendant Ed Wilburn has been and now is the owner of NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 11 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 14, Twp 11 N R 4 W Boise Mo., and that prior to the location, appropriation or diversion of any of the waters of said stream, except the locations diversions and appropriations of the plaintiff and the defendants Martin, Theurer, Hinge, Triplov, Applegate Brothers and Purcell, this defendant acquired and entered into the possession of a ditch and water right to the extent of four miners

JUL 24 1906

inches, for the irrigation and cultivation of a portion of his said lands and has continued in the possession of the same and now is the owner thereof and in point of time is the fifth in right to the use of the waters of said stream to the extent of four ^{miners} inches of water.

Seventh: That the defendant George W Kiser is and for many years last past has been the owner of the $S\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 12 Twp 11 N R 4 W Boise Me and that prior to the location, diversion of any of the waters of said stream, except the locations and appropriations of the plaintiff and the defendants, Martin, Theurer, Hinge, Tripfow, Applegate Brothers, Purcell and Wilburn this defendant acquired the ownership and entered into the possession of a ditch and water right which he has ever since owned and possessed by the means of which he has irrigated and cultivated a portion of his said land, and has acquired the sixth right in point of time of appropriation to 29.36 miners inches of the waters of said stream.

Eighth: That at a time subsequent to the locations and appropriations hereinbefore mentioned, the said defendant Ed Wilburn constructed a ditch from said stream, at the head of which he placed a dam and by means of said ditch and dam diverted and conveyed to and upon the lands described in the sixth paragraph of this decree 22 miners inches of water for the irrigation and cultivation of a portion of his said lands and has long been in the occupation and use of said amount of water and has acquired the seventh right in point of time to the use of the waters of said stream.

Ninth: That at a time subsequent to the locations and appropriations hereinbefore mentioned, the defendant Crane Creek Irrigation Land and Power Company, a corporation acquired the title to the NE $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 13 Twp 11 N R 4 W Boise Me and the right to the ditch and water right thereon which ditch is taken from said stream and has been ever since this defendant acquired the title to said lands, used to convey water upon a portion of said lands for the irrigation and cultivation thereof, and this defendant has acquired and is entitled to the eighth right, in point of time to the use of 11.76 miners inches of water.

Tenth: That the several rights of the parties to this action are hereby decreed and the order of the several water rights adjudicated and the amount to which each party is entitled is as follows, to-wit:

- 67-0659 First right, J N Harris, plaintiff 27.85 miners inches.
- 67-0660 Second right, J K Martin and William Theurer, defendants, Martin 9.87 miners inches, and Theurer 13.56 miners inches.
67-0671
- 67-0661 Third right, Wash Hinge defendant, 9.45 miners inches.
- 67-0662 Fourth right, George W Tripfow, Applegate Brothers, and O A Purcell, Defendants, Tripfow 44.88 miners inches, Applegate Brothers 18.47 miners inches and Purcell 42.25 miners inches.
67-0672 67-0673
- 67-0663 Fifth right, Ed Wilburn, 4 miners inches.
- 67-0664 Sixth right, George W Kiser, 29.36 miners inches.

JUL 24 1896

67-0665

67-0666

Seventh right Ed Wilburn 22 miners inches.

Eighth right, Crane Creek Irrigation Land and Power Company 11.76 miners inches.

It is further ordered, adjudged and decreed that in diverting and conducting waters from said stream, each of the parties to this action shall do so in the most approved economical and practical manner in order to avoid loss and waste.

That each and every party defendant to this action be and he is hereby restrained and forever enjoined from taking any of the waters from said stream when such taking will reduce the the amount flowing in said stream below the amount hereinbefore decreed to prior appropriators.

That each party to this action pay his own costs including the charges for the survey of each of their respective pieces of lands.

Witness my hand this 10th day of April 1913.

Ed L Bryan, District Judge

Filed and entered April 22, 1913.

Frank E. Smith, Clerk

State of Idaho

County of Washington

ss

I, Frank E Smith, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, do hereby certify that the within ~~and foregoing is a full, true and correct copy of the Judgment rendered and entered in the~~ action entitled J N Harris, Plaintiff against James K Martin, William Theurer, Wash Hinge, George Kiser, Ed Wilburn, George W Triplow, Henry Applegate, and William Applegate, co-partners as Applegate Brothers, O A Purcell and Crane Creek Irrigation Land and Power Company, a corporation, Present Defendants, as the same appears of record in ~~Instrument Book~~ "C" at page 475, records of said Court and County.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court this 12th day of May, 1913.

Frank E Smith

Clerk of said Court

My Harriet Smith
Deputy

Received and filed for record in the office
of the State Engineer at Boise, Idaho, at

J. B. King
STATE ENGINEER

RECORDED
JUL 24 1996