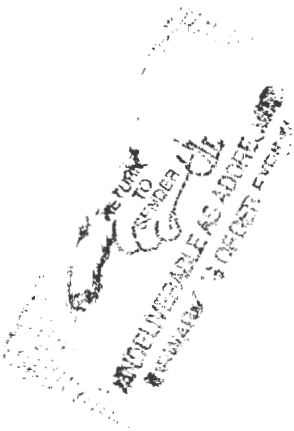


ADDRESS SERVICE
REQUESTED



clb needed?
Stan & Judy Barkley
2093 Missman Rd.
Council ID 83612
comment in Quicklook
mrb6122007

SCANNED
FEB 27 2007

ROBERT D MASON

THERESA L MASON
2093 MISSMAN RD
COUNCIL ID 83612

NOE
WR # 67-2329A

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES POSTAGE
\$ 00.870
000438939 JAN 19 2007
MAILED FROM CODE 83702

RECEIVED
JAN 23 2007
DEPARTMENT OF
WATER RESOURCES



UT7

THERESA L MASON

ROBERT D MASON
2093 MISSMAN RD
COUNCIL ID 83512

Director's Report
WR # 67-2329A

SCANNED

MAR 13 2007



09/26/2006

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

RIGHT NUMBER: 67-2329A
NAME AND ADDRESS: ROBERT D MASON
2093 MISSMAN RD
COUNCIL ID 83612

THERESA L MASON
2093 MISSMAN RD
COUNCIL ID 83612

SOURCE: UNNAMED DRAIN TRIBUTARY: WEISER RIVER
QUANTITY: 0.100 CFS
PRIORITY DATE: 09/02/1964
POINT OF DIVERSION:

T16N R01W S2 SESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.100 CFS 48.00 AFY

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S02	SESW	10.00	T16N R01W S11	NENW	35.00
---------------	------	-------	---------------	------	-------

45 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 - License

Use of this right is combined with water from East Fork Ditch Company.



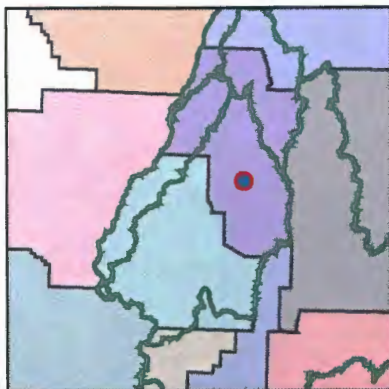
Idaho Department of Water Resources

SRBA Recommendation:

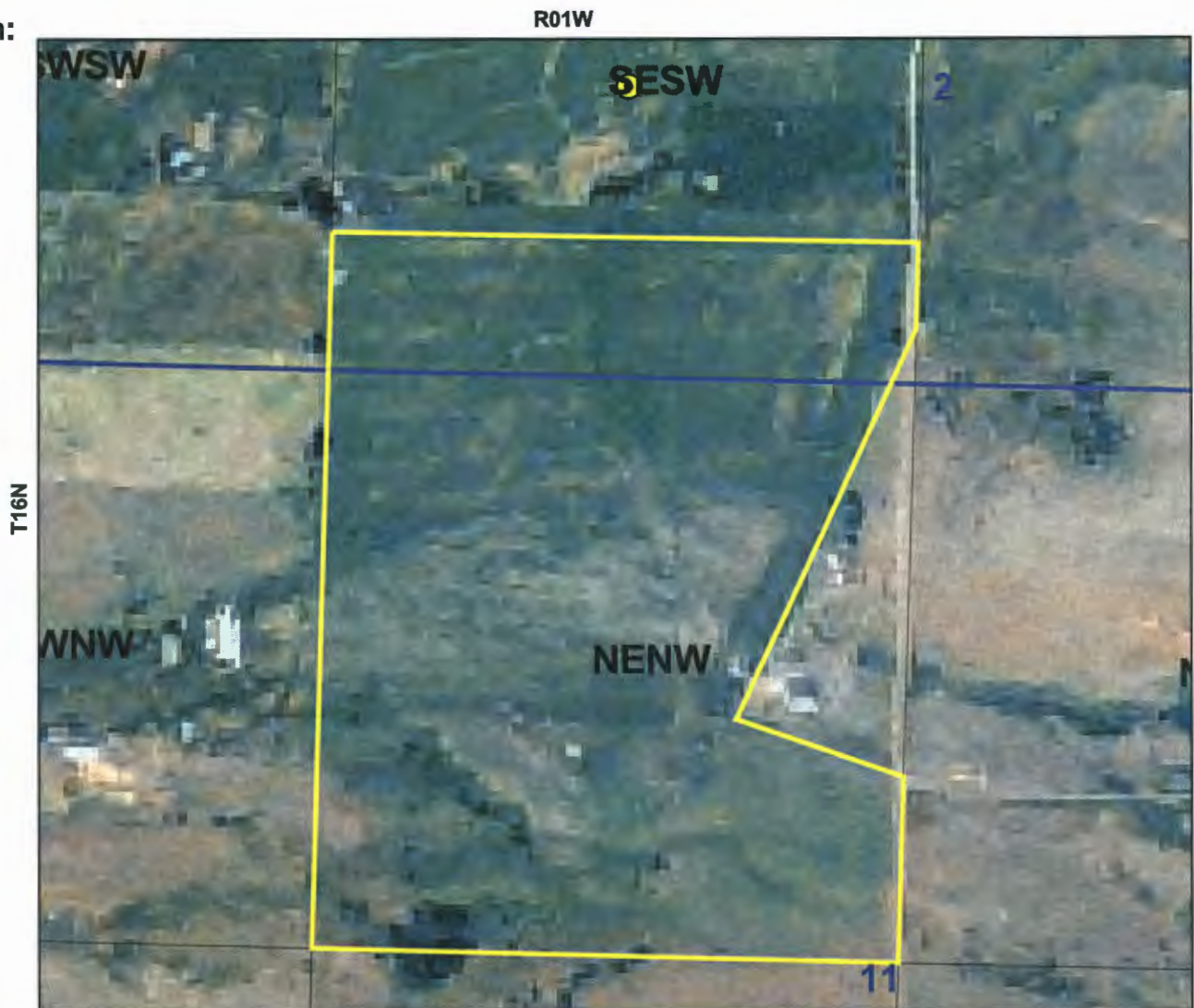
67-2329A

Legend

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



Adams County
IDWR Basin 67



0

0.2

0.4 Miles

Prepared by M. Mount
On Tuesday, September 26, 2006
1987/88 Aerial Photography

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: **A67-02329A**
Date Received: 12/ 6/1989
Receipt No: X777777
Received By: _____

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

1. Name: THERESA L MASON
Address: 2093 MISSMAN RD
COUNCIL ID

83612

OR

Name: ROBERT D MASON
Address: 2093 MISSMAN RD
COUNCIL ID

83612

2. Date of Priority: SEP 2, 1964

3. Source: UNNAMED DRAIN Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	01W	2		SE	SW		ADAMS

5. Description of diverting works:
TILE DRAIN TO POND. WATER IS PUMPED FROM POND TO IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	SE	SW		IRR	10.0
						Section Acres	10.0
		11	NE	NW		IRR	35.0
						Section Acres	35.0
						Total Acres	45.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE OF OWNERSHIP FOR A67-02329.
FEE PAID UNDER RECEIPT NO W006880. MTS 5/7/1996

15. Basis of Claim: LICENSE

Water Right Number: 32044

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 18 1995

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 16N Range 1W
Section 2, SE 1/4 of SW 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

MAY 06 1996

WATER RESOURCES
WESTERN REGION

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

[] Water Right Number(s)
Assigned by IDWR: _____

A67-02329

[] Name and Address of Former
Owner/Claimant(s)(Seller): _____

ROBERT & THERESA L. MASON2093 MISSMAN RD.COUNCIL, ID 83612

[] New Owner/Claimant
(Purchaser): _____

DANIEL H. & KRISTI HAMILTON

[] New Mailing Address: _____

2131 MISSMAN RD.COUNCIL, ID. 83612

[] New Telephone Number: _____

(208) 253-6418

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

HALF (1/2) OF POND IS MASON'S. HALF (1/2)
IS HAMILTON'S. POND IS BETWEEN BOTH
PROPERTIES. (SEE ATTACHED MAP)

[] Attach proof of
ownership, describe
proof attached: _____

WARRANTY DEED

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

[] Signature of New
Owner/Claimant(s) _____

Date 5-15-95Date 5-10-95

[] Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 5-7-96 By: MTS

Claim Numbers of Split, if any:

See chain of title documents from
11-30-1972 to 5-20-94 in file A67-02329B

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

MICROFILMED

OCT 22 1996

Idaho Department of Water Resources

67-2329A



1000 0 1000 2000 3000 4000 Feet

T16N, R01W, S2 & S11



SCANNED
MAY 10 2004

Prepared by Anita L. Warntjes
January 26, 2004
1993/94 True Color Photo

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2329A V1

WATER RIGHT NUMBER: 67-2329A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAZEL L BEAR
Current Owner	COUNCIL, ID 83612 ROBERT D MASON 2093 MISSMAN RD COUNCIL, ID 83612
Original Owner	JOHN A BEAR HC 62 BOX 1256 COUNCIL, ID 83612 (208)256-4428
Current Owner	THERESA L MASON 2093 MISSMAN RD COUNCIL, ID 83612

Priority Date: 09/02/1964

Basis: License

Status:

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.100 CFS	48.00 AF
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN SE1/4SW1/4 Sec. 2, Twp 16N, Rge 01W, B.M.
ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
16N	01W	2					10.0
16N	01W	11					35.0
Total Acres:			45				

Conditions of Approval:

Remarks:

DRAFT

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2329A V1

Comments:

1. mcase 6/21/2004 POD
Comment: POD shape not created - no clear map.

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:
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	6/21/2004 4:02:04 PM	mcase			
POD	6/21/2004 4:12:18 PM	mcase			
Source	6/21/2004 4:12:28 PM	mcase			
POU	6/21/2004 4:12:50 PM	mcase			
Use	6/21/2004 4:13:24 PM	mcase			
Season	6/21/2004 4:15:50 PM	mcase			
Quantity	6/21/2004 4:16:30 PM	mcase			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	6/21/2004 4:12:18 PM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Source	6/21/2004 4:12:28 PM	mcase	(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?

06/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2329A V1

POU	6/21/2004 4:12:51 PM	mcase	(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	6/21/2004 4:13:24 PM	mcase	(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?
Season	6/21/2004 4:15:51 PM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (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	6/21/2004 4:16:30 PM	mcase	(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? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Parent diversion licensed for 73 AF. Proportional annual diversion is 48 AF.
Priority Date	6/21/2004 4:02:04 PM	mcase	(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	1/26/2004 3:25:22 PM	awamtje	Edited shape boundary



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

May 7, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT & THERESA MASON
2093 MISSMAN RD
COUNCIL ID 83612

RE: Change of Ownership and split of A67-02329

Dear Mr & Mrs Mason:

Enclosed for your records is a copy of Snake River Basin Adjudication claim A67-02329A. This claim is a split of claim A67-02329 as a result of a change of ownership request we received from Daniel & Kristi Hamilton. Deeds they provided reflect they now own part of the land relating to claim A67-02329 and are entitled to a prorated portion of the water right claim.

There is nothing you need to do at this time concerning your claim. If we need additional information when it is reviewed at a later date we will contact you at that time. In the mean time please call me at the number below if you have any questions.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

OwnershipMasona6702329

MICROFILMED
OCT 22 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 29, 1996

PHILIP E. BATT
GOVERNOR

DAN & KRISTI HAMILTON
2131 MISSMAN RD
COUNCIL ID 83612

KARL J. DREHER
DIRECTOR

RE CHANGE OF OWNERSHIP FOR A67-02329

Dear Dan & Kristi:

I'm writing as a follow up to my letter dated September 12, 1995 (copy enclosed) in reference to the change of ownership request you submitted for SRBA claim A67-02329. Since I did not receive a reply, I'm not sure if you received my letter and the ownership change form I returned to you.

I'd appreciate your response as soon as possible.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

ENC
OWNERHAMILTONA6702329FOLLOWUP

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OCT 22 1996

RECEIVED

MAY 18 1995

WATER RESOURCES
WESTERN REGION

Thanks for sending
this information. I
have enclosed a plot
map to show where
the pond is located.
As you can see the
pond is split by
both properties and
we were told when
we purchased the
property that the pond
is shared. Thanks
again.

Kristi Hamilton

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OCT 22 1996

POOR ORIGINAL

RECEIVED

APR 11 1996

WATER RESOURCES
WESTERN REGION

4-9-96

Dear Mr. Schulte,

This is all the information I received from Timberline Title & Escrow. It looks to me like John Bear quitclaimed the property we now own to Hazel Bear and she quitclaimed the property now owned by the Mason's to John Bear in 1986. In 1989, John Bear filed a claim to pond listing 69 acres as being irrigated when according to records, he only owned 50 acres of said land at that time. Also he put "yes" down on question 12 of A67-02329 "Do you own property listed above as place of use? According to warranty deed dated November 14, 1986 - Mark and Beatrice B. Stewart owned the property that the pond

MICROFILMED

OCT 22 1996

borders and where the spring is located that feeds the pond.

This is all very confusing but I hope this information is helpful. If you have any questions please feel free to call anytime at 253-6418. Thank you for all your help in this matter.

Sincerely,
Kristi Hamilton

RECEIVED

APR 19 1996

WATER RESOURCES
WESTERN REGION

4-17-96

Dear Mr. Schulte,

As per our phone conversation on April 16, 1996, I am sending the transfer from Stewart to Krupp. I also received the "claim to a water right" sent by you. I will contact John Bear and the East Fork Ditch Co. to see if we can figure out what this was for and I will advise you at a later date.

Thank you for your concern in this matter.

Sincerely,
Kristi Hamilton

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OCT 22 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 12, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dan & Kristi Hamilton
2131 Missman Rd
Council ID 83612

Dear Dan & Kristi:

Enclosed is the Notice of Change of Water Right Ownership you submitted for claim A67-02329. The notice indicates you want to split the ownership of the claim one-half to you and one-half to the Masons based on an equal ownership of a pond. We envision a conflict with splitting the claim equally because the land to which the water right is appurtenant is not owned equally between yourselves and the Masons.

The water right is appurtenant to 69 acres within an 80 acre parcel; 34 acres in the SESW, Section 2 and 35 acres in the NENW Section 11. Each of the 69 acres is entitled to a prorated share of the licensed diversion rate of .15 cfs. The two Warranty Deeds we have in file indicate you own 30 acres of the original 80 acres and the Masons own the other 50 acres. However, the exact number of the irrigated acres out of the 69 acres you own versus those owned by the Masons is not clear. We do know, however, that the water right should be split prorated based on the licensed acres owned by each party.

We need additional direction from you on how to split claim A67-02329. We also need the Mason's signature on the Notice of Change of Water Right Ownership form. Normally, we don't require both the new owners and former owner's signatures. However, because the Masons are the owners of the claim and not the conveying party in your Deed, we need their concurrence on how the claim's ownership should be split.

Enclosed is a copy of an ASCS aerial map for your use if needed and a new change of ownership form if you want to refile. Call me at the number below if you have any questions or discussion concerning this matter.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc

OWNERHAMILTONA6702329

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OCT 22 1996

POOR ORIGINAL

$$.15 \text{ gpa} / 69 \text{ acc} = .00217 \text{ gpa/acc.}$$
$$\text{Hamilton} = 24 \times .00247 = .05928$$
$$M_{\text{max}} = 45 \times 10^3 = 45 \text{ kN}$$

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OCT 22 1996

0.2

Split Tree

POOR ORIGINAL

A67-02329 (N/O Mason)

DR: .15 cfs CU: 207 ofa

P/D: 16N, 1W, S2, SESW

P/U: 16N, 1W, S2, SESW - 34 ac

S11, NENW - 35 ac

-02329A (N/O Mason)

DR: .10 cfs CU: 135 ofa

P/D: 16N, 1W, S2, SESW

P/U: 16N, 1W, S2, SESW - 10 ac

S11, NENW - 35 ac

-02329B (N/O Hamilton)

DR: .05 cfs CU: 72 ofa

P/D: 16N, 1W, S2, SESW

P/U: 16N, 1W, S2, SESW - 24 ac

MICROFILMED

OCT 22 1996

Chain of Title - A67-02329

POOR ORIGINAL

11-30-72 Patchoff
to John & Hazel Bear

50 ac
30 ac
S2, SESW & S11, NENW
↔ 80 ac. ↔

1-31-1979 Lease issued to
John & Hazel Bear

69 ac.

11-6-1986 John Bear to
Hazel Bear

S2, N $\frac{1}{2}$ S $\frac{1}{2}$ SESW
N $\frac{1}{2}$ SESW
30 ac.

11-12-1986 Hazel Bear to
John Bear

S2, S $\frac{1}{2}$ S $\frac{1}{2}$ SESW
S11, NENW
50 ac

11-14-1986 Hazel Bear to
Mark & Beatrice Stewart

S2, N $\frac{1}{2}$ SESW
N $\frac{1}{2}$ S $\frac{1}{2}$ SESW
30 ac

12-6-1989 John Bear files A67-02329 for 69 ac.

11-25-92 John Bear to
Robert & Theresa Mason

S2, S $\frac{1}{2}$ S $\frac{1}{2}$ SESW
S11, NENW
50 ac.

A67-02329 ownership changed to Masons.

9-29-91 Stewart to Mason

S2, N $\frac{1}{2}$ SESW
N $\frac{1}{2}$ S $\frac{1}{2}$ SESW

5-20-94 Mason to
Laurie

MICROFILMED
OCT 22 1996

Ownership A67-02329

12-6-89. Filed by Baer - 69 ac & .15 cfs.

(35 ac - NENW, S11
34 ac - SESW, S2.)

11-25-92. Ownership change to Mason - 69 ac & .15 cfs

1. WD conveys the South 50 ac. to Mason.
a - Baer to Mason

5-18-95. Ownership change request by Hamilton

1. WD conveys the North 30 ac to Hamilton
a - Krupp to Hamilton (6-1-94)

5-7-96. Claim A67-02329 split:

A67-02329 A - Mason = .10 cfs for 45 acres

A67-02329 B - Hamilton = .05 cfs for 24 acres



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

Date April 9, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

[ROBERT OR THERESA MASON
2093 MISSMAN RD
COUNCIL ID 83612
[]

Notice of Claim No.(s) A67-02329

Dear Claimant:

Enclosed is a copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

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

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

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

PLEASE NOTE: During review of this information other rights were found which may be appurtenant to the property you bought from John Bear. Right numbers A67-11413 and A67-11416 were filed by East Fork Ditch Company. You may want to inquire with them about these rights. Also-right number 67-04093 was filed as a statutory claim at an earlier date but was not claimed by Mr. Bear in the Snake River Basin Adjudication. I am sending a profile report of this right showing how it was claimed earlier. Note that the place of use seems to be claimed incorrectly. Our records support this. If you are using this water and want to file a claim on it I am enclosing a Notice of Claim to a Water Right, with instructions. The profile report will guide you in completing the claim form; however, the water usage should be filed as it is actually being used.

If you have any questions regarding this information, feel free to contact me.

MICROFILMED MICROFILMED
OCT 22 1996 AUG 05 1994

WARRANTY DEED

For Value Received JOHN A. BEAR, a married man

the grantor . does hereby grant, bargain, sell and convey unto
ROBERT D. MASON and THERESA L. MASON, husband and wife

the grantees, whose current address is, 2093 Missman Road, Council, ID
83612

the following described premises, in Adams County, Idaho, to-wit:

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho.

Section 2: S1/2S1/2SE1/4SW1/4

Section 11: NE1/4NW1/4

EXCEPTING county road right-of-way.

SUBJECT TO THE FOLLOWING:

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded April 23, 1948 in Book 4 of Misc. at page 549, record of Adams County, Idaho.

AN EASEMENT including terms and conditions thereof from JOHN A. BEAR and HAZEL L. BEAR, DAVID R. RUDGER and LAVONNE D. RUDGER, FERD MULLER and STELLA MULLER, KENNETH A. SCHWARTZ and SARAH C. SCHWARTZ, and JOE SCHWILLING, as Grantors, to ORCHARD GRAVITY FLOW SYSTEM, INC. an Idaho corporation, as Grantee, recorded August 25, 1982 as Instr. No. 64765, records of Adams County, Idaho.

BILL OF SALE, including terms and conditions thereof, from LILLIAN BEAR to JOHN A. BEAR, recorded December 11, 1991 as Instr. No. 81333, records of Adams County, Idaho.

RIGHT, TITLE AND INTEREST in and to mobile home.

EXCEPTING right-of-way for county roads as now established.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that

MICROFILMED
OCT 22 1996

~~MICROFILMED~~
~~AUG 05 1994~~

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/28/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A. BEAR	09/02/1964	IRRIGATION	03-15 11-15	0.15 CFS	73.0 AFA
C	HAZEL L. BEAR					
	COUNCIL ID					
TOTAL DIVERSION:					0.15 CFS	73.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T16N R01W S02 SESW

ADAMS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
16N	01W	2	:																	----
16N	01W	11	:																	34.0
																				35.0
																				69.0
																				TOTAL ACRES

POU County: ADAMS

Other Water Rights Listing Overlapping Place(s) of use:

A67-00109 A67-00136 A67-11413 A67-11416

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

COMB.
114 TO
A67-11413

EAST FORK DITCH CO.

AUG 05 1994

MICROFILMED

OCT 22 1996

MICROFILMED

Claim No. 67-4093

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that John A. Bear - (previously Floyd W. McFadden property)
(name of claimant)
of Star Rt. , Council, ID 83612 claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Weiser River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) East Fork Ditch Co.,
East Fork of Weiser River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>1.6</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>April 15</u>	To	<u>Oct. 15</u>
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/l)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 1.6 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) Feb. 20, 1963
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15 Twp. 17 N. Rgc. 1 E B.M. County of Adams
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. East Fork ditch, gravity system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 70

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization: East Fork Ditch Co.

~~MICROFILMEID~~

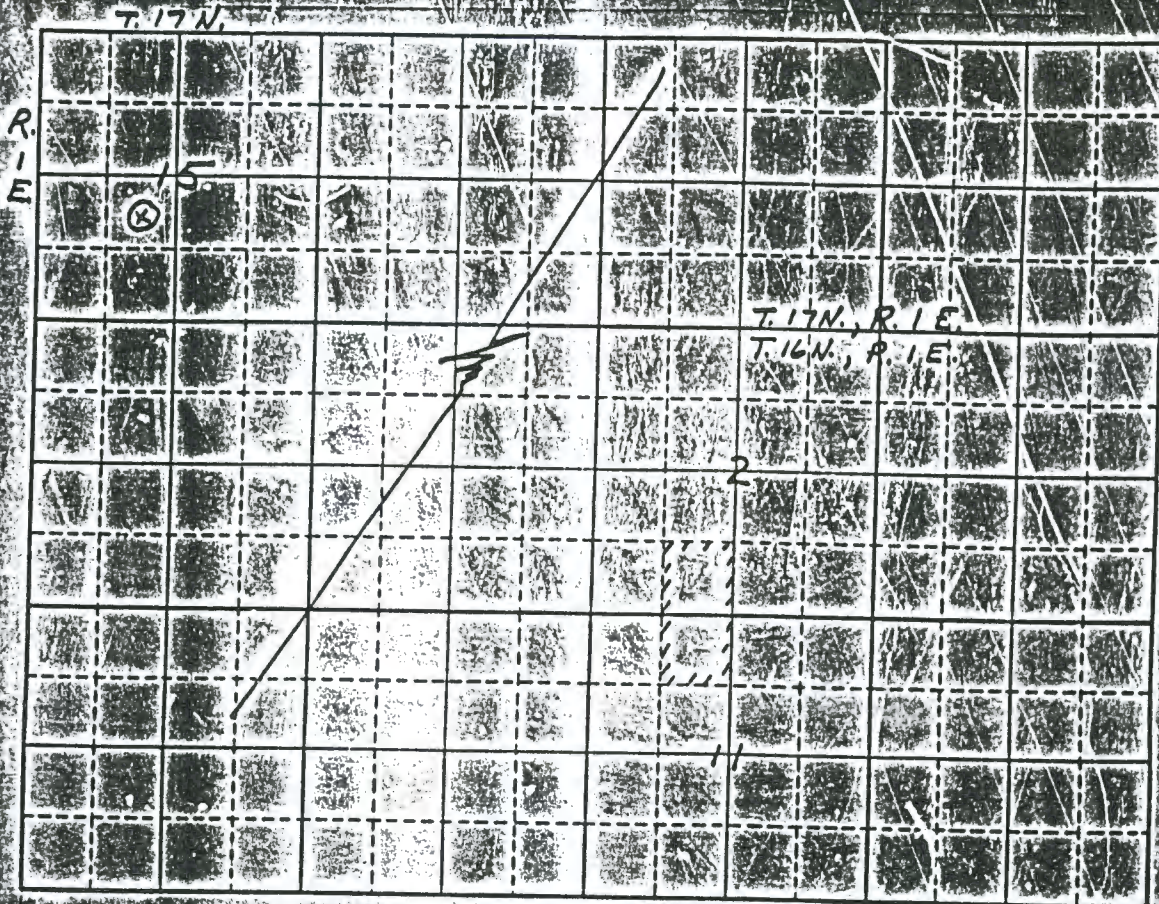
~~AUG 05 1994~~

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OCT 22 1996

POOR ORIGINAL

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of IDAHO

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 23RD day of OCTOBER, 1974

John A. Bear
(Claimant)
Paul Shuman
Notary Public
Residing at COUNCIL IDAHO

My commission expires 10-23-74

For Department Use Only

Received by <u>ant</u>	Date <u>10-25-74</u>	Exception filed by <u>WA</u>	Forwarded to	Date
Prelim. check by <u>SLP</u>	Date <u>10-25-74</u>		claimant by:	
\$10.00 fee received by <u>SW</u>	Date <u>10-25-74</u>	# <u>15294</u>		
Approved for publication by <u>Ca</u>	Date <u>11-25-74</u>	<u>11-25-74</u>		
Published in <u>Adams County</u>	Date <u>11-25-74</u>			
Dates <u>Nov. 11, 1974</u>				

RECEIVED

RECEIVED

POOR ORIGINAL

October 8, 1974

Re: Claim to a Water Right

Mr. John A. Bear
Star Route
Council, ID 83612

Dear Mr. Bear:

We are returning your claim to a water right and check No. 1241 in the amount of \$10.00, for additional information.

The source of water is given as East Fork of Weiser River. The map shows a point of diversion in Sec. 15 from Bench Creek. Our maps show the head of the East Fork Ditch as being in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 17 N, R. 1 E, B.M. This agrees with the section, township, and range shown on the map. Only the 40 acre subdivision is different.

The place of use is given as NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2. The map shows the land in Sec. 11 as the NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Please supply this information and return the claim and check to us for processing.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:cla

Enclosure

MICROFILMED

ACT 12 1976

MICROFILMED

AUG 05 1974

October 21, 1974

Mr. John A. Bear
Star Route
Council, ID 83612

Dear Mr. Bear:

We are returning your claim to a water right form and fee check of \$10.00 once again. Our previous letter was not too clear concerning item 5A of the claim form. The point of diversion of the East Fork Ditch is in the NE 1/4, Sec. 15, T. 17 N. R. 1 E. Your claim should be corrected to indicate this location of your diversion.

I have taken the liberty of retyping the correct information on a new form. The original claim has been altered several times since your signature, therefore, its validity could be questioned. It would be best if you could sign this new form before a notary and return it with your fee check.

If you have any further questions, please feel free to contact this department. Thank you for your cooperation.

Sincerely,

M. CLAYNE BARRON
W. R. Technician II

MCB:cla

Enclosure

RECEIVED
OCT 27 1974
MONTANA

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

October 28, 1974

Mr. John A. Baar
Saar Rt.
Council, ID 83612

Dear Mr. Baar:

Enclosed is your Receipt No. 15294 in the amount of \$ 10.00 for
Claim to a Water Right No. 67-4093 which was received in this office
on Oct. 25, 1974

Sincerely,

CATHY L. ATKINSON
Stenographer

CLATC

Enclosure

ENCLOSURE
OCT 21 1974