

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: 67-2329B

KRISTI HAMILTON
2131 MISSMAN RD
COUNCIL ID 83612
Telephone Number: (208)253-6418

DANIEL H HAMILTON
2131 MISSMAN RD
COUNCIL ID 83612
Telephone Number: (208)253-6418

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *Prior owner filed wrong - talked to Vicki - will file objection*

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: Kristi Hamilton
Please print your name: KRISTI HAMILTON

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

run note: I talked to Kristi @ the public meeting. About who reviewed claim no longer @ IDWR. License was not in file & status was stat claim. Kristi wanted to make sure pond was covered by a vt. claim is based on a license & pond part of diversion system. no obj. needed.

SCANNED
DEC 08 2006
SCANNED
DEC 08 2006

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

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

1. Name: DANIEL H HAMILTON 208-253-6418
Address: 2131 MISSMAN RD
COUNCIL ID IDAHO
AND/OR
Name: KRISTI HAMILTON 208-253-6418
Address: 2131 MISSMAN RD
COUNCIL ID IDAHO

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	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	0.050		

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

8. Total consumptive use is 72.0 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	24.0
Section Acres						24.0
Total Acres						24.0

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 OF 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 _____, 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. MASON
2093 MISSMAN RD.

☐ New Owner/Claimant (Purchaser): COUNCIL, ID 83612
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? ☒ yes ☐ 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) [Signature] Date 5-15-95

☐ Signature of Former Owner/Claimant(s): [Signature] Date 5-10-95

(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

RECEIVED

MAY 18 1992

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form, please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

MICROFILMED

DEC 5 1990

WARRANTY DEED

INSTRUMENT NO. 86025

For Value Received DANIEL B. KRUPP and VICKIE J. KRUPP, husband and wife
the grantors , do hereby grant, bargain, sell and convey unto
DANIEL H. HAMILTON and KRISTI HAMILTON, husband and wife
the grantees, whose current address is, 2131 Missman Road, Council, ID 83612
the following described premises, in Adams County, Idaho, to-wit:
SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees , that they are the owners in fee simple of said premises;
that they are free from all incumbrances excepting for all easements of record, rights of
way, matters visible, and all matters of record and title.

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

Date: May 20, 1994

Daniel B. Krupp
Daniel B. Krupp

Vickie J. Krupp
Vickie J. Krupp

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

On this 20 day of June, in the year of 1994, before me
a Notary Public, personally appeared
DANIEL B. KRUPP & VICKIE J. KRUPP
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same

at 00 minutes past 2 o'clock P.M.
this 2nd day of June, 1994, in my
office, and duly recorded in Book ----
of Deeds at page -----

Jeffery J. Muller
Notary Public
Residing at Council, Idaho
Commission expires: 1/14/2000

MICHAEL FISK

Ex-Officio Recorder

By: Leahy Fisk
Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow
In Person

#94-198

RECEIVED

MAY 18 1995

MICROFILMED
OCT 22 1996

WATER RESOURCES
WESTERN REGION

EXHIBIT "A"

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 2: N1/2SE1/4SW1/4 and N1/2S1/2SE1/4SW1/4

SUBJECT TO THE FOLLOWING:

GENERAL TAXES AND ASSESSMENTS for the year 1994 which are a lien but not yet due or payable.

EASEMENT for the purpose of conveying irrigation water and rights incidental thereto as set forth in a document granted to ORCHARD GRAVITY FLOW SYSTEM (no representation is made as to the present ownership of said easement), recorded August 25, 1982 in Book 11M of Misc. at page 343 as Instr. No. 64765, records of Adams County, Idaho.

EASEMENT for the purpose of an irrigation pipeline and rights incidental thereto as set forth in a document granted to JOHN A. BEAR (no representation is made as to the present ownership of said easement), recorded November 17, 1986 in Book 40M of Deeds at page 20 as Instr. No. 73335, records of Adams County, Idaho.

EASEMENTS AND RIGHTS-OF-WAY as set forth in a Warranty Deed, recorded December 18, 1986 in Book 40M of Deeds at page 49 as Instr. No. 73495, records of Adams County, Idaho.

MORTGAGE dated September 28, 1991 between DANIEL B. KRUPP and VICKIE J. KRUPP, husband and wife, parties of the first part, and BEATRICE B. STEWART, a widow, party of the second part, to secure the sum of \$60,000.00 and any other sums or obligations secured thereby, recorded September 30, 1991 in Book 29M of Mortgages at page 344 as Instr. No. 81009, re-recorded November 18, 1991 in Book 29M of Mortgagegs at page 380 as Instr. No. 81213, records of Adams County, Idaho.

RECEIVED

MAY 18 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 22 1996

WARRANTY DEED

RECEIVED

APR 19 1996

For Value Received BEATRICE B. STEWART, a widow

WATER RESOURCES
WESTERN REGION

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

DANIEL B. KRUPP and VICKIE J. KRUPP, husband and wife

the grantee s, whose current address is HC 62 Box 1240 Council Id. 83612

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

Township 16 North, Range 1 West, Boise Meridian

Section 2: N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GranteeS, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantee s, that s he is the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: September 28, 1991

Beatrice B. Stewart
Beatrice B. Stewart

STATE OF IDAHO
COUNTY OF Adams

On this 28th day of September, in the year 1991, before me, a Notary Public, personally appeared BEATRICE B. STEWART known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s he executed the same.

Notary Public

Residing at Council, Idaho.

Commission expires: 10/7/94

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 47 minutes past 8 o'clock AM.,
this 30 day of September
1991, in my office, and duly recorded in Book 43M
of Deeds at page 449

Michael Fisk

Ex-Officio Recorder

By

Fees \$ 3.00

Mail to:

Indexed

INSTRUMENT No.

81008

Chicago Title Insurance
Company of Idaho



POOR ORIGINAL

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 they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that he will warranty and defend the same from all lawful claims whatsoever.

Date: November 25, 1992

John A. Bear
John A. Bear

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

On this 25th day of November, in the year of 1992, before me
a Notary Public, personally appeared
JOHN A. BEAR
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that he executed the same

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

Timberline Title & Escrow
at 17 minutes past 1 o'clock P.M.
this 25 day of November, 1992, in my
and duly recorded in Book-----
of Deeds at page -----

Michael Fisk
Michael Fisk

Ex-Officio Recorder

By: *Sarah J. Wilson*

Deputy

Fees \$ 3.00

Mail to:

83198

INSTRUMENT NO.

MICROFILMED

OCT 22 1996



WARRANTY DEED

RECEIVED

APR 11 1996

WATER RESOURCES
WESTERN REGION

FOR VALUE RECEIVED, HAZEL L. BEAR, Grantor, of Adams County, Idaho, hereby conveys, grants and warrants to MARK A. STEWART and BEATRICE B. STEWART, husband and wife, the following-described real property located in the County of Adams, State of Idaho, more particularly described as follows, to-wit:

Township 16 North, Range 1 West, Boise Meridian, in Section 2: N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$. 3000.

SUBJECT TO irrigation pipeline easement to John A. Bear for purposes of maintaining the existing underground irrigation pipe and for purposes of entering upon said property for purposes of turning on and turning off irrigation water to benefit the property herein quitclaimed to the Grantee.

Together with the tenements, hereditaments and appurtenances appertaining thereto.

DATED This 14 day of November, 1986.

Hazel L. Bear
Hazel L. Bear

STATE OF)

) ss.

COUNTY OF)

On this 14 day of November, 1986, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared HAZEL L. BEAR, known to me to be the person executing the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



F. Fred Gleason
Notary Public
Residing at Council
My Commission expires: 1992

Mail Deed and Tax Notices to: Mark A. and Beatrice B. Stewart

INSTRUMENT NO. 75233

State of Idaho }
County of Adams } ss.

Filed for record at the request of
Adams County Real Estate

20 min. past 11 o'clock A.M.
this 13 day of January, 19 88
Bk 40M of Deeds PG. 415

MICHAEL FISK, RECORDER

by

Deputy

MICROFILMED
OCT 22 1996

73334

QUITCLAIM DEED

FOR VALUE RECEIVED, JOHN A. BEAR, Grantor, does hereby convey, release, remise, and forever quitclaim unto HAZEL L. BEAR, whose current address is: Council, Idaho 83612, Grantee, the following-described real property located in the County of Adams, State of Idaho, to-wit:

TOWNSHIP 16 NORTH, RANGE 1 WEST, BOISE MERIDIAN,
SECTION 2: N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

30 ac.

Together with all appurtenances thereto.

DATED This 6th day of November, 1968.

John A. Bear
John A. Bear

STATE OF IDAHO

)

: ss.

COUNTY OF Washington

)

On this 6th day of November, 1986, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JOHN A. BEAR, known to me to be the person executing the within instrument, and acknowledged to me that he executed the same.

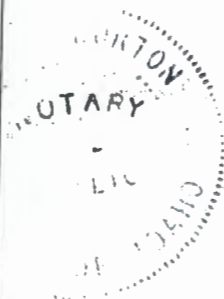
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Lee T. Burton

Notary Public

Residing at Weiser

My Commission expires: Sept 27, 1992



MICROFILMED
OCT 22 1996

W

POOR ORIGINAL

QUITCLAIM DEED

For Value Received

HAZEL L. BEAR

do hereby convey, release, remise and forever quit claim

unto JOHN A. BEAR , HC 62, Box 1260, Council, Id. 83612

the following described premises, to-wit:

Situate in the County of Adams, State of Idaho, to-wit:

TOWNSHIP 16 NORTH, RANGE 1 WEST, BOISE MERIDIAN,
 SECTION 2: S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
 SECTION 11: NE $\frac{1}{4}$ NW $\frac{1}{4}$

50ac.

Together with all appurtenances thereto, and further together with an Easement to go upon the N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Township 16 North, Range 1 West of the Boise Meridian in Adams County, Idaho, for purposes of maintaining the existing underground irrigation pipe and for purposes of entering upon said property for purposes of turning on and turning off irrigation water to benefit the property herein quitclaimed to the Grantee.

together with their appurtenances.

dated: November 12th, 1986.

Hazel L Bear

STATE OF IDAHO, COUNTY OF

On this 12th day of November 1986,
 before me, a notary public in and for said State, personally
 appeared HAZEL L. BEAR

known to me to be the person whose name is
 subscribed to the within instrument, and acknowledged to
 me that she executed the same.

Michael T. Fisk

Notary Public

residing at *Wendover, ID*, Idaho
 Comm. Expires *April 1992*

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at
 the request of Adams County Real Estate

at 47 minutes past 1 o'clock P.m.,
 this 17th day of November
 1986, in my office, and duly recorded in Book 40M
 of Deeds at page 020

Michael Fisk

Ex-Officio Recorder

By *Michael Fisk* Deputy.

Fees \$ 2.00

Mail to: Ira Burton

POOR ORIGINAL

INSTRUMENT NO. 73334

State of Idaho }
County of Adams }

Filed for record at the request of
Adams County Real Estate

46 min. past 1 o'clock P. M.
this 17th day of November, 1986
Bk40M of Deeds PG.019

MICHAEL FISK, RECORDER

by *Janis Dees* Deputy
Fee \$ 2.00

QUITCLAIM DEED

John A. Bear

to

Hazel L. Bear

11-6-86

MICROFILMED
OCT 22 1996

POOR ORIGINAL

WARRANTY DEED

For Value Received ALBERT R. RATCLIFF and NORMA J. RATCLIFF, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto JOHN A. BEAR and HAZEL L. BEAR, husband and wife, *of Council*

the grantee S, the following described real estate situated in Adams County, State of Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 11, all in Township 16 North, Range 1 West, Boise Meridian.

Together with all tenements, hereditaments and appurtenances and all water, water rights, ditches and ditch rights and irrigation works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, particularly including, but not limited to, the water and water rights evidenced by 40 shares of the corporate stock of East Fork Ditch Company, Ltd., but subject to any Right of way for public road along the East side of said land; to easement of record for location of power line poles and easement for any ditches of East Fork Ditch Company, Ltd., all as now established upon, along or across said lands.

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

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

Dated this 30th day of November, 19 72

Albert R. Ratcliff

Norma J. Ratcliff

STATE OF IDAHO, COUNTY OF Washington
On this 30th day of November, 19 72
before me, a notary public in and for said State, personally
appeared ALBERT R. RATCLIFF and
NORMA J. RATCLIFF, husband and
wife,

known to me to be the person S whose name S are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Frederick L. Weiser
Notary Public
Residing at Weiser, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at
the request of Fred Glemser

at 01 minutes past 4 o'clock Pm.,
this 18th day of December
19 86, in my office, and duly recorded in Book 40M
of Deeds at page 050.

Michael Fisk

Ex-Officio Recorder

By *Cheryl K...* Deputy.

Fees \$ 2.00

Mail to: will be picked up by Fred Glemser

INSTRUMENT NO.

73495

MICROFILMED

OCT 22 1996

POOR ORIGINAL

73494

WARRANTY DEED

For Value Received, We, FLOYD W. McFADDEN and RUTH L. McFADDEN, husband and wife, of Council, Idaho, the Grantors, do hereby grant, bargain, sell and convey unto ALBERT R. RATCLIFF and NORMA J. RATCLIFF, husband and wife, of Council, Idaho, the Grantees, the following described premises, situate in Adams County, Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 11, all in Township 16 North, Range 1 West, Boise Meridian. Together with all tenements, hereditaments and appurtenances and all water, water rights, ditches and ditch rights and irrigation works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, particularly including, but not limited to, the water and water rights evidenced by 40 shares of the corporate stock of East Fork Ditch Company, Ltd., But subject to any right of ways for public road along the East side of said land; to easement of record for location of power line poles and easement for any ditches of East Fork Ditch Company, Ltd., all as now established upon, along or across said lands.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 5th, 1967.

Floyd W. McFadden

Ruth L. McFadden

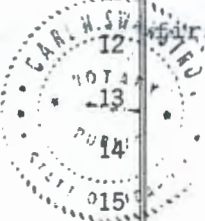
POOR ORIGINAL

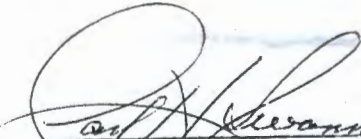
1 STATE OF IDAHO)
2 : ss.
3 County of Adams)

4 On this 5TH day of September, 1967, before me, the
5 undersigned, a Notary Public in and for the State of Idaho,
6 personally appeared FLOYD W. McFADDEN and RUTH L. McFADDEN,
7 husband and wife, known to me to be the persons whose names are
8 subscribed to the within instrument, and acknowledged to me that
9 they executed the same.

10 IN WITNESS WHEREOF, I have hereunto set my hand and
11 affixed my official seal, the day and year in this certificate

12 first above written.




Notary Public for Idaho, residing
at Council, Idaho.

MICROFILMED
OCT 22 1996

POOR ORIGINAL

73494

INSTRUMENT NO.

State of Idaho }
County of Adams } ss.

Filed for record at the recorder's office

Fred Glemser

00 min. past 4 o'clock P.M.

this 18th day of December, 1986

Bk 40M of Deeds PG 049

MICHAEL FISK REC.

by

Fee \$ 4.00

WARRANTY DEED

Floyd W. & Ruth L. McFadden
to

Albert R. & Norma J. Ratcliff

Dated: 9-05-67

MICROFILMED

OCT 22 1996

Idaho Department of Water Resources

67-2329B



1000 0 1000 2000 3000 Feet

T16N, R01W, S2



SCANNED
MAY 10 2004

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

1/21/81W
#32044

67-2329



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32044/67-2329 Priority Sept. 2, 1964 Amount 0.15 cfs

THIS IS TO CERTIFY, that JOHN A. &/or HAZEL L. BEAR
of Council, Idaho, has complied with the terms and conditions of Permit
No. 32044/67-2329 issued pursuant to Application for Permit dated September 2, 1964,
and has submitted proof to the Department of Water Resources on July 15, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.15 cfs of water from subterranean (tile drain),
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>0.15</u> cfs and	<u>73.0 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.15 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
73.0 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 2,
Twp. 16 N, Rge. 1 W, B.M. in the County of Adams

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16 N	1 W	2													34
		11													35

Total number of acres irrigated 69

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
November, 19 74.

MICROFILMED

Director

Notation about ownership

FIELD REPORT

Hazel L.

John A. Bear - new owner

- 7 Permit lists "subterranean" in

- Tributary to _____

- Other uses: _____

- Other Points of Diversions: _____

Description of diverting works: 4" pump w/33 hp AC gas motor.

Note: denier ditch, pond + sprinkler system.

Measuring device required: yes ☐ no ☒

- [illegible]

MICROFILMED

DATE OF EXAM 10-2-79

ACREAGE
Found 69.0
Recommended 69.0

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 0.15 c.f.s. V = 2.76 AF/Ann. from Mar 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.15 cfs Method of measurement Mannings Equation

Total Q recommended 0.15 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 2.76 A.F. / Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

See Attachment

SYSTEM DESCRIPTION:

8" Tile & Steel pipeline from spring into holding pond
(Approx 1/4 Acre Surface Area). 600 gpm relief pump
(RAWI-FLOW, Ser # 8734-12) w/ 6" mainline & 45" Buckner
heads w/ 1 1/2" nozzles.

REMARKS:

Assignment form has been mailed to Mr. McFadden, 10-11-79

Examiner's Signature W. Clayton Brown Date 10-2-79

Checked by _____ Date _____

Approved by _____ Date _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

[illegible]

10. Remarks: These will be waste water and irrigation water from the East Ford ditch run into the pond and scraped out or partly of the very wet seasonal land irrigated with pumps.

Total number of acres irrigated 40 A

The above information is a true statement of the extent to which the above numbered permit has been developed.

7-11-69
(Date)

Floyd William McFadden
(Signature)

State of Idaho)
County of Adams) ss.

On this 17th day of July, 1969, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



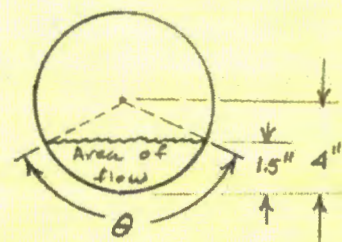
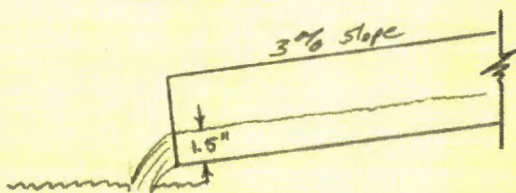
Notary Public residing at Council, Idaho

My commission expires 2-13-72 ✓

Measurement Method & Calculations for Permit #67-2329

Problem: An underground spring had been tapped and carried to a holding pond thru an 8" pipeline. the pipeline entered the pond such that a 5 gal can, or wier could not be used for the purpose of obtaining an accurate measurement of flow.

Given: Water flowing from an 8" pipeline as described below.



Solution: Apply Mannings Equation for computing open channel flows within a pipe.

$$Q = \frac{1.486}{n} R^{2/3} S^{1/2} A$$

$$n = \text{fair iron pipe} = 0.014$$

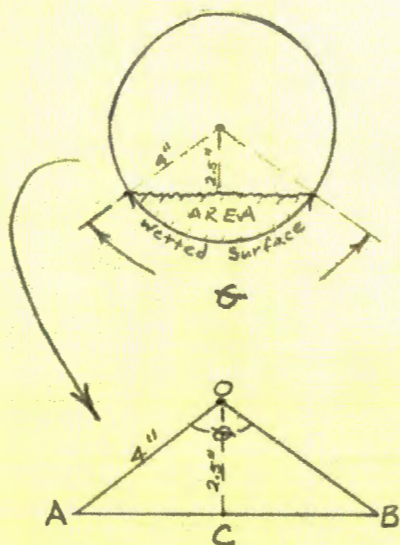
$$S = 3\% = 0.03 = \text{slope}$$

$$R = \frac{\text{Area of flow}}{\text{wetted Perimeter}}$$

$$A = \text{Area of flow in pipe}$$

We must first find the length of the wetted perimeter & the area of flow.

MICROFILMED



Line AC = 3.122

$$\cos \frac{1}{2} \theta = \frac{2.5}{4} = .625$$

$$\theta = 102^{\circ} 38''$$

Area of Sector between angle θ

$$= \frac{\pi r^2 \theta}{360} = \frac{(3.14159)(16)(102.63)}{360}$$

$$= 14.3298 \text{ Sq. in.}$$

Area of Sector = $\frac{\$r}{2}$ where

$\$$ = Length of wetted perimeter

r = radius

$$14.3298 = \frac{\$r}{2} = \frac{(\$)(4)}{2}$$

$$7.1649 \text{ in} = \$ = .59707 \text{ ft.}$$

Area of flow = Area of Sector - Area of triangle AOB

$$\text{Area of Triangle AOB} = ((4) \sin \frac{1}{2} \theta)(2.5)$$

$$= (4)(.78061)(2.5) = 7.8061 \text{ sq. in.}$$

$$\text{Area of flow} = 14.3298 - 7.8061 = 6.5237 \text{ sq. in.}$$

$$\text{Area of flow} = 0.0453 \text{ sq. ft.}$$

MANNINGS EQUATION:

$$Q = \frac{1.486}{n} R^{2/3} S^{1/2} A$$

$$R = \frac{0.0453}{0.59707} = .07587$$

$$Q = \frac{1.486}{0.014} (.03)^{1/2} (.07587)^{2/3} (0.0453)$$

$$Q = \frac{1.486}{0.014} (.1732) (.0057562)^{1/3} (.0453)$$

$$Q = \frac{1.486}{0.014} (.1732)(.1793)(.0453) = 0.1493 \text{ cfs}$$

$$Q = 0.1493 \text{ cfs or } 67.2 \text{ gpm.}$$

State of Idaho
Department of Water Resources

RECEIVED

OCT 22 1974

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Floyd William McFadden, hereby assign to John A. &/or Hazel L. Bear
of Council, Idaho 83612 Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 67-2329
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. 67-32044 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

SE 1/4 - 40 acres NE 1/4 40 acres

POINT OF DIVERSION NE 1/4

ACRE FT. OF STORAGE 1.05 acre FT

.02 CUBIC FEET PER SECOND

Made this 21ST day of OCTOBER, 19 74.

Floyd William McFadden
Permit Holder

Ruth L. McFadden
Spouse of Permit Holder

State of Idaho)
County of Adams) ss.

On this 21ST day of OCTOBER, 19 74, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.



Anne S. Braun
Notary Public residing at
Council, IDAHO



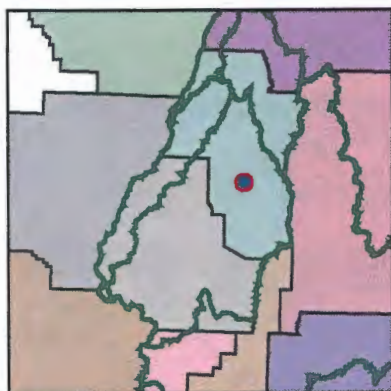
Idaho Department of Water Resources

SRBA Recommendation:

67-2329B

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



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

09/26/2006

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

RIGHT NUMBER: 67-2329B

NAME AND ADDRESS: KRISTI HAMILTON
2131 MISSMAN RD
COUNCIL ID 83612

DANIEL H HAMILTON
2131 MISSMAN RD
COUNCIL ID 83612

SOURCE: UNNAMED DRAIN

TRIBUTARY: WEISER RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 09/02/1964

POINT OF DIVERSION:

T16N R01W S2 SESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.050 CFS
25.00 AFY

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S02 SESW 24.00

24 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
Adjudication Recommendation Report 67-2329B V1

WATER RIGHT NUMBER: 67-2329B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT D MASON 2093 MISSMAN RD COUNCIL, ID 83612
Original Owner	HAZEL L BEAR COUNCIL, ID 83612
Original Owner	JOHN A BEAR HC 62 BOX 1256 COUNCIL, ID 83612 (208)256-4428
Current Owner	KRISTI HAMILTON 2131 MISSMAN RD COUNCIL, ID 83612 (208)253-6418
Current Owner	DANIEL H HAMILTON 2131 MISSMAN RD COUNCIL, ID 83612 (208)253-6418
Original 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 To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.050 CFS	25.00 AF
<u>Total Diversion:</u>		0.050 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					24.0

Total Acres: 24

DRAFT

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

Conditions of Approval:

Remarks:

Comments:

1. mcase 6/21/2004 POD
Comment: POD shape not created - no good 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: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/21/2004 4:20:51 PM	mcase			
POD	6/21/2004 4:21:05 PM	mcase			
Source	6/21/2004 4:21:31 PM	mcase			
POU	6/21/2004 4:21:48 PM	mcase			
Use	6/21/2004 4:21:59 PM	mcase			
Season	6/21/2004 4:22:30 PM	mcase			
Quantity	6/21/2004 4:23:02 PM	mcase			

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2329B V1

Season	6/21/2004 4:22:30 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 4:23:02 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 25 AF.
Priority Date	6/21/2004 4:20:52 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?
POD	6/21/2004 4:21:05 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 4:21:31 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?
POU	6/21/2004 4:21:49 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 4:22:00 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?
POU	1/26/2004 3:36:51 PM	awarnlje	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2329B V1



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

DANIEL & KRISTI HAMILTON
2131 MISSMAN RD
COUNCIL ID 83612

KARL J. DREHER
DIRECTOR

RE: Change of ownership and split of A67-02329

Dear Dan & Kristi:

Enclosed for your records is a copy of Snake River Basin Adjudication claim A67-02329B. This claim is a result of your recent change of ownership request and a split of claim A67-02329. There is nothing else you need to do at this time. If we need additional information when we review your claim at a later date we contact you at that time.

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.

OwnerHamiltonA6702329B

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

MICROFILMED

OCT 22 1996

RECEIVED

APR 11 1996

WATER RESOURCES
WESTERN REGION

49-96

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 Masson'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 own 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

MICROFILMED
OCT 22 1996

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 Hameltor

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

September 12, 1995

PHILIP E. BATT
GOVERNOR

Dan & Kristi Hamilton
2131 Missman Rd
Council ID 83612

KARL J. DREHER
DIRECTOR

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

MICROFILMED

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

MICROFILMED

OCT 22 1996

Split Tree

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

SII, 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

SII, 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

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Chain of Title - A67-02329

11-30-72 Patchiffs
to John & Hazel Bear

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

1-31-1979 License issued to
John & Hazel Bear 69 acres.

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 acres

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.

9-28-91 Stewart to Krupp

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

5-20-94 Krupp to
Hamilton

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

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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 (6-4-94)

5-7-96 Claim A67-02329 split:

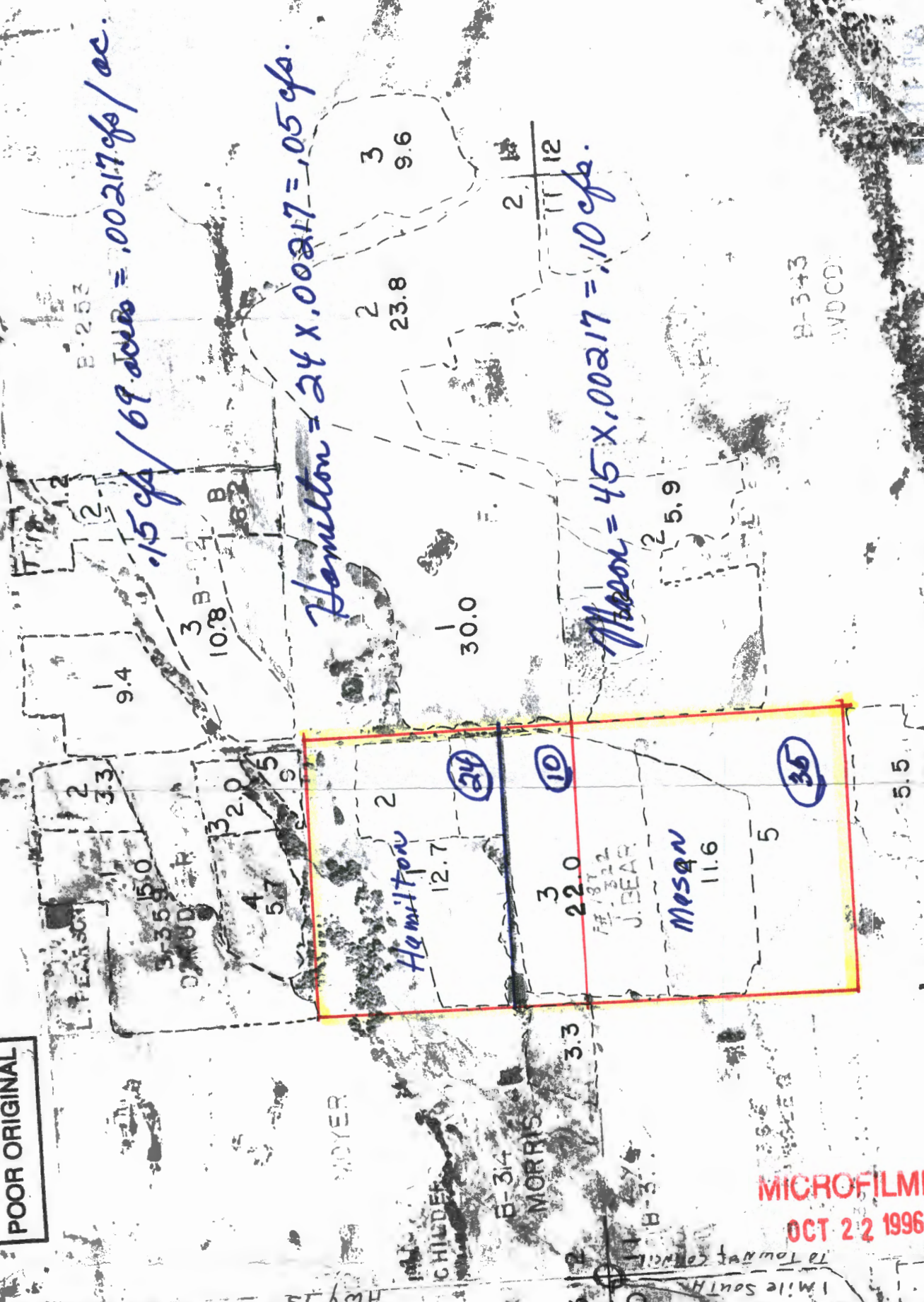
A67-02329 A - Mason = .10 cfs for 45 acres

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

POOR ORIGINAL

$$M_{\text{max}} = 45 \times 100217 = 10 \text{ cfs.}$$

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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

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.

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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
they are free from all incumbrances
excepting for all easements of record, rights of way, matters visible, and all matters of
record and title.

and that he will warranty and defend the same from all lawful claims whatsoever.

Date: November 25, 1992

John A. Bear
John A. Bear

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

On this 25th day of November, in the year of 1992, before me
a Notary Public, personally appeared
JOHN A. BEAR
known or identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that he executed the same

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

Timberline Title & Escrow
at 17 minutes past 1 o'clock P.M.
this 25 day of November, 1992, in my
and duly recorded in Book-----
of Deeds at page -----

Christy A. Drury
Notary Public

Residing at

Commission expires: 8/4/98

Michael Fisk

Ex-Officio Recorder

By: Sarah Wilson

Deputy

Fees \$ 3.00

Mail to:

Indexed

83198

INSTRUMENT NO. _____

DATE: 12/28/92
PAGE: 1

Stage: LICENSE

ADAMS County

POU County: ADAMS

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

COMB.
114 TO
A67-11413

1416 EAST FORK DITCH CO.

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POOR ORIGINAL

Claim No. 67-4093

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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/f)	(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) East Fork Ditch Co. 1944
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 1/4 SW 1/4 Sec. 15 Twp. 17 N. Rge. 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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16	N	11					40												40
		2											30						30

Total No. of acres 70

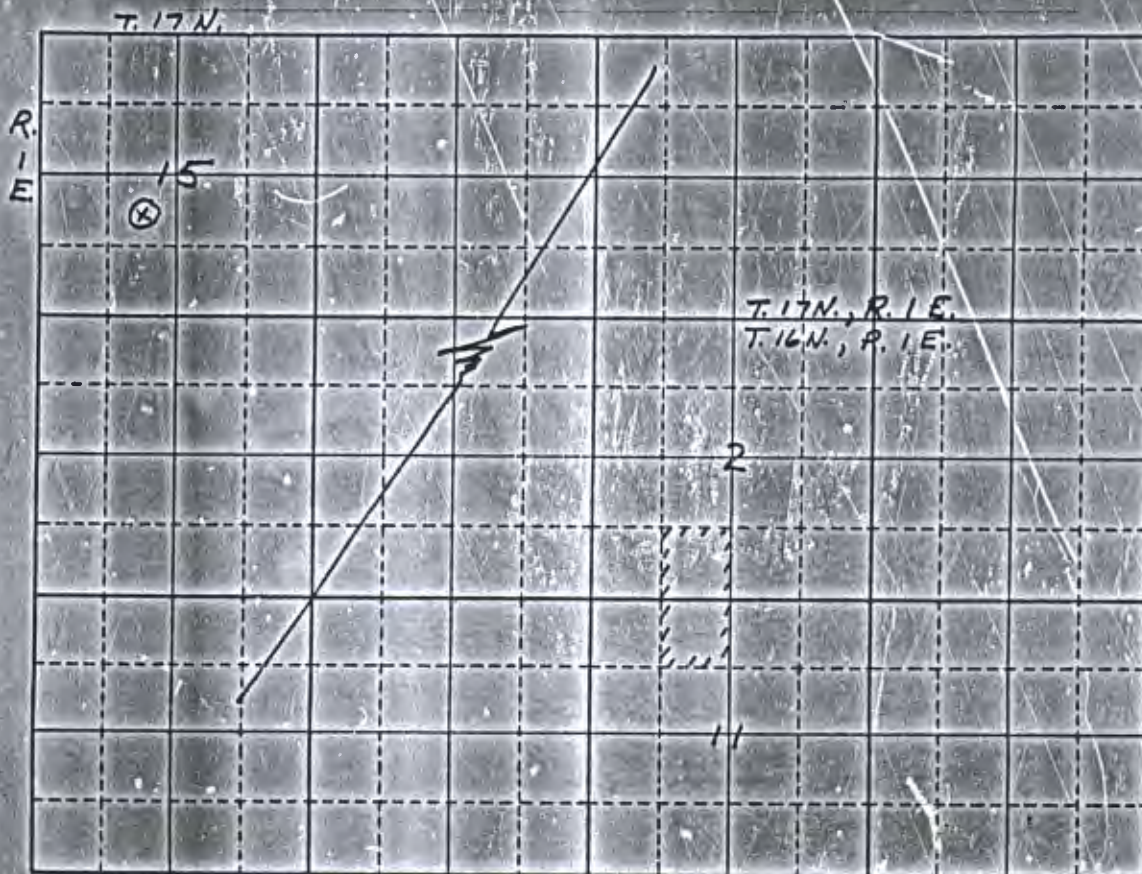
B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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

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(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

ss.

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

(Claimant)

19 74

Notary Public

Residing at COUNCIL IDAHO

My commission expires 10-23-74

For Department Use Only

Received by <u>mt</u>	Date <u>10-25-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JLP</u>	Date <u>10-25-74</u>		claimant by:	
\$10.00 fee received by <u>SW</u>	Date <u>10-25-74</u>	# <u>15274</u>		
Approved for publication by <u>Ca</u>	Date <u>11-20-74</u>	<u>Cl.</u>		
Published in <u>Adams County Journal</u>	Date <u>11-2-74</u>	<u>State of Idaho</u>		
Dates <u>Nov 7 & 14, 1974</u>		<u>11-2-74</u>		

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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 $\frac{1}{4}$ NW $\frac{1}{4}$, 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

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AUG 05 1994

POOR ORIGINAL

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

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AUG 05 1994

POOR ORIGINAL

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. Bear
Saar Rt.
Council, ID 83612

Dear Mr. Bear:

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

CLA:c

Enclosure

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AUG 15 1984