

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: A67-04013A
Date Received: 11/09/1989
Receipt No: 0012775
Received By: RAT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANNELIESE TURNER 208-253-4486
Address: P.O. BOX C
COUNCIL, ID 83612

AND/OR

Name: FRED L. TURNER 208-253-4486
Address: P.O. BOX C
COUNCIL, ID 83612

2. Date of Priority: MAR 04, 1901

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

4. Point of Diversion:

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

5. Description of diverting works:
BOARDS USED TO DIVERT WATER INTO EAST FORK DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.142		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

SCANNED
APR 08 2004

A67-04013A

Page 1

Date: 11/09/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NE	SE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

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:
EAST FORK DITCH SHARES

14. Remarks:

UPSTREAM FROM THE CULVERT WHICH CARRIES EAST FORK DITCH OVER CAMP CREEK, BOARDS CAN BE INSTALLED OR REMOVED WHICH ALLOW FOR THE WATER TO BE DIVERTED INTO THE EAST FORK DITCH.
THIS CLAIM IS FOR 1/7TH OF THE ORIGINAL STATUTORY CLAIM;
REMAINDER OF THE CLAIMED WATER IS BELIEVED TO BELONG TO THE MULLERS.

15. Basis of Claim: BENEFICIAL USE

TAX LOTS - do not show
any 1 person as
owners - but you is
appert. to posted notice &
P/D

16. Signature(s)

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

Number of attachments: 3 pages ^{Deed (2 pg)} map (1 pg)

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): Leticia Turner Date: Nov. 9/1989
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of November 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

1 DEED OF INTEREST TO CLAIM OF WATER RIGHT

2 FERD MULLER and STELLA MULLER, husband and wife, grantors,
3 do hereby grant, bargain, sell and convey unto FRED TURNER and
4 ANNALIESE TURNER, husband and wife, the following interest in a
5 claim to water right situate in Adams County, Idaho, to-wit:

6 An undivided one-seventh interest in and to State
7 of Idaho Department of Water Administration claim
8 to a water right, No. 67-4013, as filed of record
9 in the office of the Department of Water Administra-
10 tion, Statehouse Annex 2, Boise, Idaho 83707, which
11 said water right is for the flood waters of Camp
12 Creek, the point of diversion of which is in the
13 Southwest Quarter of the Northwest Quarter of Sec-
14 tion 1, Township 16 North, Range 1 West of Boise
15 Meridian, located on Camp Creek, a tributary to
16 Weiser River, in Adams County, Idaho, with a date
17 of priority of March 4, 1901.

18 TO HAVE AND TO HOLD the undivided interest in said water
19 right unto said grantees, their heirs and assigns, for application
20 and use by the grantees, their successors and assigns, on Lots 5,
21 5A, 6, 7 and 8 of Block 6 of the First Addition to the Council
22 Valley Orchard, as said lots are platted and designated on the
23 official plat of said First Addition to Council Valley Orchard
24 on file in the office of the County Recorder of Adams County, Idaho;
25 and the Northwest Quarter of the Northwest Quarter of the Southwest
26 Quarter of Section 1, Township 16 North, Range 1 West of Boise
27 Meridian.

28 Dated this ____ day of September, 1980.

29 _____
30 Ferd Muller

31 _____
32 Stella Muller

MICROFILMED
OCT 02 1992

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

4 On this, the _____ day of September, 1980, before me, the
5 undersigned, a Notary Public in and for said State, personally
6 appeared FERD MULLER and STELLA MULLER, husband and wife, known
7 to me to be the persons whose names are subscribed to the foregoing
8 instrument, and acknowledged to me that they executed the same.

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

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Notary Public for Idaho
Residing at _____, Idaho

RECEIVED

11/14/2006

NOTICE OF ERROR
REPLY

DEPARTMENT OF
WATER RESOURCES

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.

RECEIVED

DEC 06 2006

DEPARTMENT OF
WATER RESOURCES

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

Water right number: 67-4013A

ANNELIESE TURNER

PO BOX C

COUNCIL ID 83612

Telephone Number: (208)253-4486

FRED L TURNER

PO BOX C

COUNCIL ID 83612

Telephone Number: (208)253-4486

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Quantity → where does 0.142 CFS come from.
Period of Use → Camp Creek runs before 03/15 and
sometime after 11/15

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: 04 Dec 2006 SIGNATURE: Fred L. Turner

Please print your name: _____

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

spoke with Anneliese Turner 12/13/06 and resolved her questions on the phone. yd.

SCANNED
DEC 08 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4013A V1

WATER RIGHT NUMBER: 67-4013A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STELLA M MULLER PO BOX 7 COUNCIL, ID 83612 (208)253-4573
Current Owner	ANNELIESE TURNER PO BOX C COUNCIL, ID 83612 (208)253-4486
Original Owner	FERD MULLER PO BOX 7 COUNCIL, ID 83612 (208)253-1173
Current Owner	FRED L TURNER PO BOX C COUNCIL, ID 83612 (208)253-4486

Priority Date: 03/04/1901

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.142 CFS	
	<u>Total Diversion:</u>	0.142 CFS	

Location of Point(s) of Diversion

CAMP CREEK	SW1/4SW1/4NW1/4	Sec. 1,	Twp 16N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
16N	01W	2																	30.0	30.0

Total Acres: 30

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4013A V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments: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>
Contacts	2/24/2005 2:05:21 PM	awarntje			Active
Priority Date	2/24/2005 2:14:53 PM	awarntje			Active
POU	2/24/2005 2:29:16 PM	awarntje			Active
POD	2/24/2005 2:42:06 PM	awarntje			Active
POD	2/24/2005 2:42:14 PM	awarntje			Active
Source	2/24/2005 2:42:44 PM	awarntje			Active
Use	2/24/2005 2:43:25 PM	awarntje			Active
Season	2/24/2005 2:45:31 PM	awarntje			Active
Quantity	2/24/2005 2:45:43 PM	awarntje			Active
Summary			02/24/2005	awarntje	Active
Contacts	9/8/2006 8:39:48 AM	mmount			Active
Priority Date	9/8/2006 8:40:10 AM	mmount			Active
POD	9/8/2006 8:40:23 AM	mmount			Active
Source	9/8/2006 8:40:41 AM	mmount			Active
POU	9/8/2006 8:41:02 AM	mmount			Active
Use	9/8/2006 8:41:41 AM	mmount			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4013A V1

Season	9/8/2006 8:42:47 AM	mmount	Active
Quantity	9/8/2006 8:43:40 AM	mmount	Active
Summary		09/08/2006	mmount Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/8/2006 8:39:33 AM	mmount	Updated shape
POU	9/8/2006 8:37:51 AM	mmount	Updated shape for Active POU
Contacts	9/8/2006 8:39:48 AM	mmount	(No) 1. Do you want to schedule an appointment? Comment for 1: desk review
General	9/8/2006 8:40:10 AM	mmount	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (Yes) 8. Is the basis of claim a posted notice? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	9/8/2006 8:40:24 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	9/8/2006 8:40:41 AM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (Yes) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Aerial photo
POU	9/8/2006 8:41:03 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Aerial photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4013A V1

Use	9/8/2006 8:41:42 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Aerial photo, claim file
Season	9/8/2006 8:42:47 AM	mmount	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/8/2006 8:43:40 AM	mmount	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Amount claimed is less than .2 cfs - does not need a measurement.
Summary	9/8/2006 8:44:14 AM	mmount	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4013A V1

Contacts	2/24/2005 2:05:21 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POU	2/24/2005 2:29:16 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU?
Priority Date	2/24/2005 2:14:54 PM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (Yes) 8. Is the basis of claim a posted notice?
POD	2/24/2005 2:41:22 PM	awarntje	Edited point location
POD	2/24/2005 2:42:15 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Use	2/24/2005 2:43:26 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	2/24/2005 2:45:32 PM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4013A V1

Summary	2/24/2005 2:47:13 PM	awarntje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	2/24/2005 2:24:30 PM	awarntje	Edited shape boundary
POD	2/24/2005 2:42:06 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD?
Source	2/24/2005 2:42:44 PM	awarntje	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (Yes) 6. Is the basis of claim a Posted Notice?
Quantity	2/24/2005 2:45:44 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is the basis of claim a posted notice?

Water Supply Bank:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



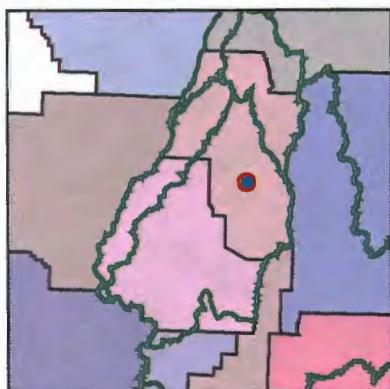
Idaho Department of Water Resources

SRBA Recommendation:

67-4013A

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 Friday, September 8, 2006
1987/88 Aerial Photography

CONVERSATIONAL MEMORANDUM

Date: January 12, 2006

To: File 67-4013A

From: Craig L. Saxton

Subject: Phone Call – Evidence of Priority

Received a call from Annelise Turner regarding EOP. She spoke with Carter about this previously. When Carter spoke with her, Carter must have looked at the back file and found a reference to a Notice of a Water Right dating back to 1901 referring to Book A, Page 140, and told her to go get it. She did, and is sending it in along with a short history of the water use on her property.

Notes from the conversation:

The property was all apple orchards and a lot of it still is. She irrigates mostly pasture land now that was orchards. They take the water out on the "top" side of their property. The creek runs down along the property and at the "bottom" of their property, Camp creek enters E. Fork Ditch.

Annelise stated that they have 1/7th of the water from Camp Creek. Later she referenced 7 shares. That is about all I know.

JAN 18 2006

DEPARTMENT OF
WATER RESOURCES

Dear Mr. Saxton,

This letter is in relation to Claim of Water Right # 67-4013A,

My wife, Anneliese Turner has contacted a large number of old residents of Council, Idaho, to see what they know of the historical usage of Camp Creek water. This has been a very difficult undertaking, with little solid evidence resulting because of the many land transfers, the death of most of the people involved in land ownership and the many people who have moved away.

I have located a Water Right Claim #2-58 for Camp Creek, dated 04 March 1901 by a Cynthia Black, filed on behalf of 'Rea, Wilson and Lovejoy'. The purpose of this claim was to 'irrigate 100 acres'. Around 1920 a man named Bassbender and another man named Brown appear to have owned this property, as well as the property South of ours that was owned by Ferd and Stella Mueller. Another old timer said the man named Brown owned the property North of ours which would have included the Camp Creek area.

We were told that from about 1902 to around 1960?, Camp Creek water was used to irrigate the 'Brown' tract's apple and cherry orchards, which may have included our present property. We still have appx 15 acres of very old, un-irrigated 50+ year apple trees on our property, and a half dozen trees that are still watered by the EFDC and Camp Creek water.

We were also told that around 1943-44, a man named Alfred Roeder, had a small house on Camp Creek and had a large and very fine vegetable garden that was watered by Camp Creek. In addition, a Mr. Floyd Camp lived for a time along Camp Creek who used Camp Creek water.

In 1971, Ferd Mueller filed for all of Camp Creek Water. There was an existing small north to south ditch leading from Camp Creek to the Mueller property. We were told that water was used to irrigate pasture and for a garden near his house.

We purchased our property in 1978 from Orville Shaw along with 25 shares of East Fork Ditch Company water. The Shaws live here 7 years, and purchased the property from Fern Siple, who had lived here for about ten years. There was also a Woods who lived here earlier. Existing EFDC water, co mingled with Camp Creek was used by the Woods, Siples, the Shaws, the Muellers and ourselves for pasture irrigation and gardens.

In 1979 a group of men organized a Sprinkler Irrigation company to bring water to several farms. Additional EFDC water was diverted and co mingled with the EFDC and Camp Creek water. The Sprinkler company deeded us 1/7 of Camp Creek water, at that time.

I have spoken with many of the oldest residence of Council. Many have difficulty remembering what day it is, but some were very alert and sure about their information. I have heard them speak of watering the apple orchards with Camp Creek water, but at the time of the Woods, Siples, Shaws and ourselves, the orchards above our ditch, (East) were no longer irrigated, but trees below the ditch continued to use Camp Creek and EFDC water. Among the people I spoke with were,

Herb Woods 92 years old	Eilene Nelson	85 years old
Sue Hoffman 80 years old	Jim Camp	60 years old
Mary Dickenson 60's	Marylyn Shaw, Jerry Balderson and others	

Mr Saxton, I am a writer who prides himself on accuracy of data contained in my writings. I am not pleased to submit to you rumors from 80 year women. For example, we can find no one who has even heard of the people who Cynthia Black filed in their behalf. The second difficulty has been that the land has been in so many different forms, large acreages, then broken into smaller and smaller parcels.

Anneliese Turner Fred Turner
Anneliese and Fred Turner
12 Jan 2006

* Enclosed is a copy of the 1901 Water Right Filing by Cynthia Black

SCANNED

JAN 18 2006

Notice of Water Right.

State of Idaho

County of Washington) SS

To All Concerned, Notice is Hereby Given:

1st. That Cynthia Black of Council, Idaho, hereby claims the use of the waters of Camp Creek Gulch, to the extent of one cubic foot per second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows; At or near the center of Sec One Tp 16 N R 1 W E M (thence in an irregular Southwestern direction)

2d. The purpose for which said water is intended to be used is irrigation. The place of intended use is on the SE $\frac{1}{4}$ Sec 2 Twp 16 1 W B M

3d. It is intended to divert said water by means of a ditch or conduit. The general course of the proposed conduit is Southwest . The length of the proposed conduit is about three fourth of a mile. The destination of the proposed conduit is to East line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 2 Twp 16 1 W B M It is intended to use said waters for irrigating the following described lands. SE $\frac{1}{4}$ Sec 2 Twp 16 1 W B M , that portion of which the water may be lead upon. The area of lands proposed to be irrigated by said conduit is about 100 acres.

WITNESS my hand at Council, Idaho, this 4th day of March 1901

her
Cynthia X Black
mark
Claimant.

State of Idaho

County of Washington) SS

~~Cynthia Black being first duly sworn depose and say that she is of~~
lawful age and the claimant of the water right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy , was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 4th day of March 1901 at 22 minutes past 3 o'clock P M

her
Cynthia X Black
mark

Subscribed and sworn to before me this 4th day of March 1901. And I further certify, that on the date last above given, personally appeared before me the affiant above named, known to me to be the person whose name is subscribed to 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

D J Richardson, Justice of the
Peace, Council, Idaho.

Filed for record at request of Rhea, Wilson & Lovejoy at 5-o'clock P M this
8th day of March A D 1901

I F Smith,

Ex-Officio Recorder

Fees \$1.05

(Water Rights-2-58

SCANNED
JAN 18 2006

MEMORANDUM

TO: Chris Bromley
FROM: Anita Warntjes
DATE: February 24, 2005
RE: 67-4013A, 67-4013B, 67-4013C - Water Right Recorded –Book A

I have three claims that have detailed proof of the priority date of their water right as being recorded: "Notice of Water Right Recorded March 8, 1091 in Book A water Rights Page 140 Records of Adams County, Idaho by Cynthia Black.

Did you scan these records or is there a way to verify this type of information?

RECEIVED

AFFIDAVIT OF POSSESSION

JUN 15 1971

Department of Water Resources

STATE OF IDAHO)
: ss
COUNTY OF ADAMS)

WE, Bradley Plummer and Neva Plummer, husband and wife, being first duly sworn upon oath depose and say that:

1. We are and have been a resident of Adams County, State of Idaho, for 31 years last past.
2. During the years of 1947 to 1952 owned and operated the following property:

Township 16 North, Range 1 West, Boise Meridian.

Section 1: All that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ described as commencing therefor at the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and running thence North on the West line of said Section, a distance of 660 feet; thence East and parallel to the South line of said Section a distance of 780 feet; thence South, and parallel to the West line of said Section, a distance of 660 feet to the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence in a straight line, in a southwesterly direction to the Southwest corner of said Section; thence North on the West line of said Section, a distance of 1,320 feet, more or less, to the place of beginning.

Section 2: S $\frac{1}{2}$ SE $\frac{1}{4}$, and a tract of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as commencing therefor at the Southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, and running thence North on the East line of said Section to a point where the road following a ravine intersects said Section line; thence in a Southwesterly direction and following the center of the road to a point where said road intersects the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section; thence East on said South line to the point and place of beginning.

3. During this time we had full use of the waters from Camp Creek for the above described property, the right conveyed to us from the former Owner, Vern. Missman, who also had full use of the water for the years he owned the property. We had always understood that this water right was an established water right to this certain property.

Bradley Plummer
Neva Plummer

Subscribed and sworn to before me this 5 day of June, 1971.



Darrel J. Morris
Notary Public for Idaho
Residing at: Council
My Commission expires: 9-23-72

RECEIVED
FEB 28 2005
DEPARTMENT OF
WATER RESOURCES

Notice of Water Right.

State of Idaho

County of Washington) SS

To All Concerned, Notice is Hereby Given:

1st. That Cynthia Black of Council, Idaho, hereby claims the use of the waters of Camp Creek Gulch, to the extent of one cubic foot per second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows; At or near the center of Sec One Tp 16 N R 1 W B M (thence in an irregular Southwestern direction)

2d. The purpose for which said water is intended to be used is irrigation. The place of intended use is on the SE $\frac{1}{4}$ Sec 2 Twp 16 1 W B M

3d. It is intended to divert said water by means of a ditch or conduit. The general course of the proposed conduit is Southwest . The length of the proposed conduit is about three fourth of a mile. The destination of the proposed conduit is to East line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 2 Twp 16 1 W B M It is intended to use said waters for irrigating the following described lands. SE $\frac{1}{4}$ Sec 2 Twp 16 1 W B M , that portion of which the water may be lead upon. The area of lands proposed to be irrigated by said conduit is about 100 acres.

WITNESS my hand at Council, Idaho, this 4th day of March 1901

her
Cynthia X Black
mark
Claimant.

State of Idaho

County of Washington) SS

Cynthia Black being first duly sworn depose and say that she is of lawful age and the claimant of the water right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy , was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 4th day of March 1901 at 22 minutes past 3 o'clock P M

her
Cynthia X Black
mark

Subscribed and sworn to before me this 4th day of March 1901. And I further certify, that on the date last above given, personally appeared before me the affiant above named, known to me to be the person whose name is subscribed to 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

D J Richardson, Justice of the
Peace, Council, Idaho.

Filed for record at request of Rhea, Wilson & Lovejoy at 5 o'clock P M this
8th day of March A D 1901

I F Smith,

Ex-Officio Recorder

Fees \$1.05

(Water Rights-2-58

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____. Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

- d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 80

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

Identification No. _____

Claim No. 67-4013

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ferd Muller and Stella Muller
post office address Box 7 Council, Idaho 83612
2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 1 Township 16 N
Range 1 W B.M. located on Camp Creek
(name of source)
tributary to Weiser River in Adams County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>March 4, 1901</u>	amount: <u>1</u>	c.f.s. or	acre feet
	amount: _____	c.f.s. or	acre feet
	amount: _____	c.f.s. or	acre feet
Total claimed <u>1</u> c.f.s. or _____ acre feet.			
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>irrigation</u>	period of use from <u>May 1st</u> to <u>Oct 31st</u>	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of Earth Dam
Open Ditch; length is 3/4 mile; height is 2 feet;
width at bottom is 1 1/2 feet; width at top is 3 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

67 4013

AFFIDAVIT OF POSSESSION

RECEIVED

JUN 16 1971

STATE OF IDAHO)

County of Adams)

Department of Water Administration

WE, Maurice W. Ball and Anna R. Ball, husband and wife, being first duly sworn upon oath depose and say that:

1. We had been a resident of Adams County, State of Idaho, for 27 years; And during the years of 1952 to 1962 owned and operated the following property:

Township 16 North, Range 1 West, Boise Meridian.

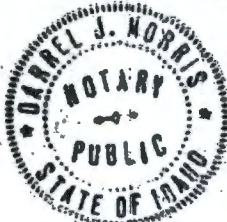
Section 1: All that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ described as commencing therefor at the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and running thence North on the West line of said Section, a distance of 660 feet; thence East and parallel to the South line of said Section, a distance of 780 feet; thence South, and parallel to the West line of said Section, a distance of 660 feet to the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence in a straight line, in a southwesterly direction, to the Southwest corner of said Section; thence North on the West line of said Section, a distance of 1,320 feet, more or less, to the place of beginning.

Section 2: S $\frac{1}{4}$ SE $\frac{1}{4}$, and a tract of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ described as commencing therefore at the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and running thence North on the East line of said Section to a point where the road following a ravine intersects said Section line; thence in a Southwesterly direction and following the center of said road to a point where said road intersects the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence East on said South line to the point and place of beginning.

AND, during this time, we had full use of the waters from Camp Creek for the above described property; the right conveyed to us from the former owner, Bradley and Neva Plummer, whom also had full use of the water for the years they owned the property. It was understood that this water right was an established water right to this property.

Maurice W. Ball
Anna R. Ball

Subscribed and sworn to before me this 2 day of June, 1971.



Darrel J. Morris
Notary Public for Idaho
Residing at:
My Commission expires: 9-23-72

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch
Siple-Muller Ditch. The other users and their respective
interests in the ditch are (if known) Orville Shaw 1/2 interest; He having purchased Siple
interest

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

1) Notice of Water Right Recorded March 8, 1901 in Book A Water Rights
Page 140, Records of Adams County, Idaho By Cynthia Black

2) Affidavit of Maurice W. Ball available and enclosed.

3) Affidavit of Bradley Plummer available and enclosed.

(Certified Copy of Notice of Water Right, available if needed, from courthouse
records; please advise)

4) Existing Water Right is 55 shares in East Fork Ditch Co.

State of Idaho

County of Adams ss.

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 affiants knowledge.

Zurd Muller
Claimant

Sworn to before me this 7th day of June, 1971

William K. Hodges
Notary Public
Residing at Council, Idaho

My commission expires Feb. 13, 1972

For Department Use Only

Received by <u>is</u> Date <u>6/15/71</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>is</u> Date <u>6-23-71</u>	_____	_____	_____
Fee received by <u>is</u> Date <u>6/23/71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>is</u>	_____	_____	_____
Published in <u>Adams County LEADER</u> Dates <u>7-8 & 7-15-71</u>	_____	_____	_____

67 4013