

07/21/2006

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

RIGHT NUMBER: 67-4115A

NAME AND ADDRESS: MAXINE J NICHOLS
PO BOX 6
FRUITVALE ID 83620

PAUL E NICHOLS
PO BOX 6
FRUITVALE ID 83620

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R01W S10 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.200 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S10

SWSW

5.00

T17N R01W S10

SESW

5.00

10 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 - Beneficial Use

Idaho Department of Water Resources

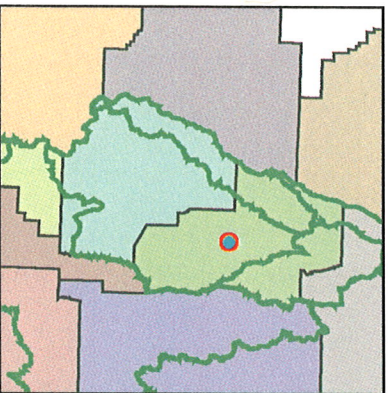


SRBA Recommendation:

67-4115A

Legend

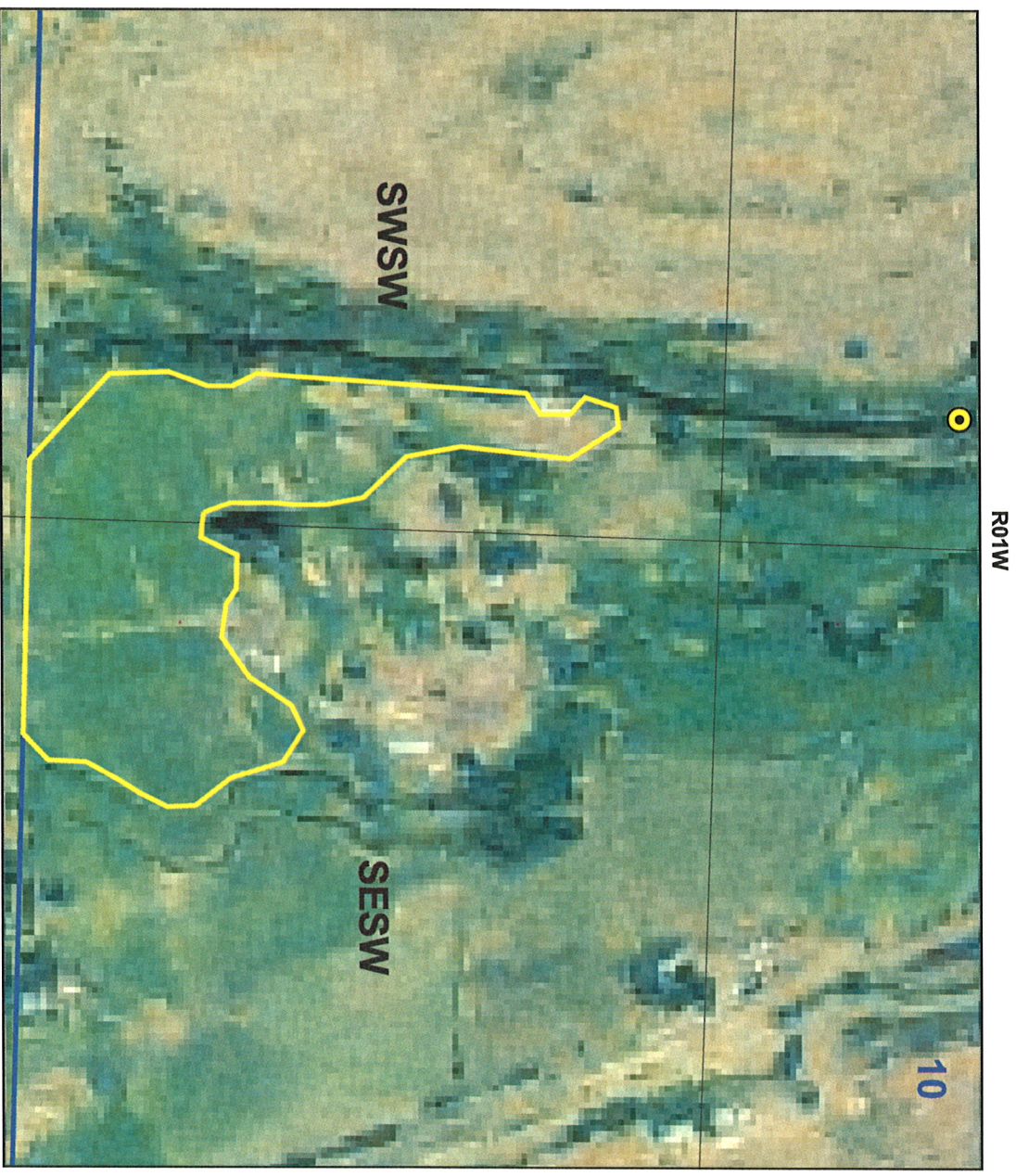
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 67



T17N



Prepared by C. Saxton
On Friday, July 21, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115A V1

WATER RIGHT NUMBER: 67-4115A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAXINE J NICHOLS PO BOX 6 FRUITVALE, ID 83620 (208)253-4730
Original Owner	MELVIN D RYALS 2243 SAWMILL RD COUNCIL, ID 83612-5003 (208)253-4753
Current Owner	PAUL E NICHOLS PO BOX 6 FRUITVALE, ID 83620 (208)253-4730

Priority Date: 03/15/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEISER RIVER	SNAKE 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	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NW1/4SW1/4	Sec. 10, Twp 17N, 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	
17N	01W	10									5.0			5.0					10.0

Total Acres: 10

Conditions of Approval:

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4115A V1

Comments:

1. csaxton 7/21/2006 POU

Comment: Claimant provided a map with POU outlined when they submitted Evidence of Priority. This seems to fit with the aerial photography and I do not see a reason to dispute it.

2. csaxton 7/21/2006 Priority Date

Comment: 67-4115B is recommended with a priority of one day after the decree since it is flood water to decreed water in the form of Lost Valley Reservoir shares. Since this is a split off of that right, recommend one day after the decree.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
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	7/21/2006 7:51:25 AM	csaxton			Active
Priority Date	7/21/2006 7:56:33 AM	csaxton			Active
POD	7/21/2006 7:56:41 AM	csaxton			Active
Source	7/21/2006 7:57:24 AM	csaxton			Active
POU	7/21/2006 7:57:47 AM	csaxton			Active
Use	7/21/2006 7:59:45 AM	csaxton			Active
Season	7/21/2006 8:00:31 AM	csaxton			Active
Quantity	7/21/2006 8:01:05 AM	csaxton			Active
Summary			07/21/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/21/2006 7:51:31 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115A V1

General	7/21/2006 7:56:40 AM	csaxton	(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? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from neighbor.
POD	7/21/2006 7:56:48 AM	csaxton	(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?
POD	7/21/2006 7:57:03 AM	csaxton	Updated shape
Source	7/21/2006 7:57:31 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 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 - Desktop Review
POU	7/21/2006 7:57:54 AM	csaxton	(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 - Map provided by claimant and photography.
POD	7/21/2006 7:57:13 AM	csaxton	Updated PLS
POU	7/21/2006 7:58:12 AM	csaxton	Updated shape for Active POU
POU	7/21/2006 7:58:19 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115A V1

Use	7/21/2006 7:59:52 AM	csaxton	(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 - Desktop Review
Season	7/21/2006 8:00:39 AM	csaxton	(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	7/21/2006 8:01:12 AM	csaxton	(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 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 - No measurement required for recommendations of 0.20 cfs or less.
Summary	7/21/2006 8:02:12 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

POU needs to be confirmed

POD - needs to be GPSed.

- on Nichols map Monica has
needs flow measurement
evidence of priority okay to 1920

Fortana

Nichols

Nichols

Litchfield

P. Kan

S. Kam

Kamerduja, S.



September 8, 2005

67-4115A
Paul E. & Maxine J. Nichols
2624 Fruitvale/Glendale Rd.
Fruitvale, Idaho 83612

State of Idaho
Department of Water Resources
ATTENTION: CRAIG L. SAXTON
PO Box 83720
Boise, Idaho 83720-0098

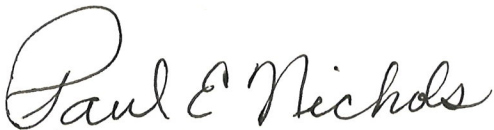
Re: Evidence of Priority Date

Dear Mr. Saxton:

Enclosed please find an Affidavit of Mrs. Amy Grace Glenn, along with copy of map for Adjudication Claim Number 67-4115A.

If you need further information, please advise.

Thank you.



PAUL E. NICHOLS
2624 Fruitvale/Glendale Rd.
Fruitvale, Idaho 83612

PEN:mjn

Enclosures

P.S. Please change our address to the one above as we no longer have a Post Office in Fruitvale, Idaho. The mail is delivered via rural route carrier. Thank you.

SCANNED

SEP 13 2005

IN THE MATTER OF NOTICE)
OF CLAIM TO A WATER RIGHT)
NO. 67-4115A)
_____)

A F F I D A V I T

STATE OF IDAHO)
) ss.
County of Adams)

Amy Grace Glenn, being first duly sworn, deposes and says:

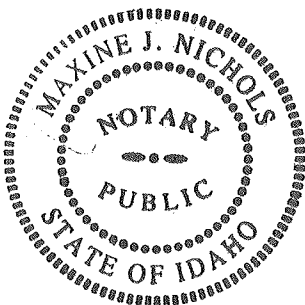
That I was born May 12, 1915 in Fruitvale, Adams County, Idaho and have lived here all my 90 years. I know this parcel of land, shown on this map, and it has been irrigated as long as I remember.

I know this land has been under irrigation before 1900, because my husband, Fred Andrew Glenn's grandfather, George Robertson, put this land under irrigation between 1880 and 1884.

Amy Grace Glenn
AMY GRACE GLENN

SUBSCRIBED AND SWORN to before me this 11th Day of September, 2005.

Maxine J. Nichols
Notary Public for Idaho
Residing at: Fruitvale
My Commission Expires: 5/24/06



SCANNED

SEP 13 2005

Idaho Department of Water Resources



T17N R01W

Adjudication Claim Number: **67-4115A**

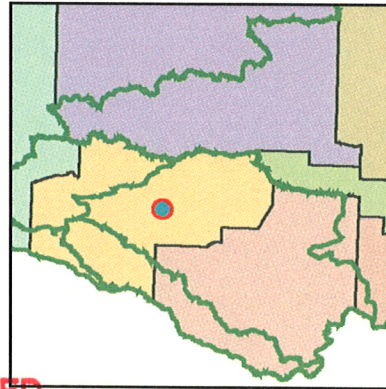
Legend

PLS Sections

GCDBQuarter Quarters

SCANNED

SEP 13 2005



Adams County
IDWR Basin 67

Prepared by M. Van Bussum
On Wednesday, August 31, 2005
1987 Aerial Photography



11/14/2006
RECEIVED
DEC 18 2006
DEPARTMENT OF
WATER RESOURCES

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: 67-4115A

MAXINE J NICHOLS

~~PO BOX 6~~ 2624 Fruitvale Glendale Rd.

FRUITVALE ID ~~83620~~ 83612

Telephone Number: (208)253-4730

PAUL E NICHOLS

~~PO BOX 6~~ 2624 Fruitvale Glendale Rd.

FRUITVALE ID ~~83620~~ 83612

Telephone Number: (208)253-4730

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

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

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-13-06

SIGNATURE:

Paul E Nichols

Please print your name:

Paul E. Nichols

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

SCANNED

DEC 18 2006

Claim No. 67-4115

CLAIM TO A WATER RIGHT

42-225a, Idaho Code, a person may file a claim to a right to use water which has relation to beneficial use. The filing of this claim does not confirm the water right is only. It may, however, become the basis for future adjudication of the water right

by the Court.

McVine D. Byrd
(name of claimant)

the public water of the State of Idaho

The extent and nature of said claim is as follows:-

- (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	Use	Period of Use:	From	To
48 inches	11192110N		4/15	7/15
Amount	Use	Period of Use:	From	To
Amount	Use	Period of Use:	From	To
(cfs, gpm or a/l)	(dom., fri., stock, etc.)		(both dates inclusive)	

- (3) Total quantity of water claimed: 96 cubic feet per second, or 50 acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 12-15-1966

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)

100 1/4, 30 1/4, Sec. 10 Twp. 7N Rge. 10 B. M. County of Adair

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. 1000 ft. x 100 ft.

Length of ditch 1320 ft.

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

[illegible]

Total No. of acres 24.0

- 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:

POOR ORIGINAL

7(8)	Remarks	used for submergence

A grid of graph paper with handwritten notes and a small diagram. The grid is composed of solid lines forming a 10x10 grid of squares, with dashed lines forming a 20x20 grid of smaller squares. In the center-left area, there is a small diagram consisting of a vertical line segment with a horizontal line segment extending to the right from its midpoint. A small circle is drawn at the end of the horizontal segment. To the right of this diagram, the text "Point of Intersection" is written diagonally. Below this text, the number "102" is written. Further down and to the right, the number "15" is written. The grid is mostly empty, with some faint, illegible markings in the top-left corner.

Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of) 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.

Sworn to before me this 28th day of March

William D. Wagoner
(Claimant)

Notary Public
Residing at _____ Council, Idaho 83612

My commission expires Life

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$10.00 Fee received by	Date			
Approved for publication by	Date			
Published in				
Dates				

WITNESS the hand of said Clerk this

day of July A.D. 1990

Melvin D. Ryals
Melvin D. Ryals
June Ryals
June Ryals

(NOTARY SEAL)



State of Idaho
County of Adams

On the 9th day of July A.D. 1990

personally appeared before me MELVIN D. RYALS and JUNE RYALS,
husband and wife,

the signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.

Sandra Michael
(NOTARY PUBLIC)

Residing at: Council, Idaho

My Commission expires: 10/7/94

MAIL DEED TO:

Burton & Kroll

P. O. Box 367

Weiser, Idaho 83672

MAIL TAX NOTICE TO:

Name Mr. & Mrs. John E. Elsberry

Address BC64, Box 352J

City & State Council, Id. Zip 83612

No. 78831

WARRANTY DEED

Melvin D. & June Ryals

-TO-

John Eugene & Sandra Lynn

Elsberry

Dated July 9, 1990

STATE OF IDAHO

County of Adams

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

Timberline Title & Escrow

at 49 minutes past 1

o'clock P. M., this 10 day

of July, A.D. 1990

in my office, and duly recorded in Book 42M

of Deeds at page 537-438

Michael Fisk

Ex-Officio Recorder.

Sandra J. Wilson
Deputy.

Fees \$ 12.00

MICROFILMED

APR 10 1991

WARRANTY DEED

POOR ORIGINAL

Printed and for sale by Sperry-Turner Company, Boise, Idaho

(Optional)
Recorded
Microfilmed
Indexed

☐
☐
☐

Platted
Deed Card
Compared

☐
☐
☐

Key Punched
Master File
Abstracted

☐
☐
☐

To Treasurer

☐
☐

DO NOT WRITE ABOVE THIS LINE

WARRANTY DEED

MELVIN D. RYALS and JUNE RYALS, husband and wife,
of Council County of Adams

GRANTOR(S)
State of Idaho

hereby CONVEYS, GRANTS and WARRANTS TO

JOHN EUGENE ELSBERRY and SANDRA LYNN ELSBERRY, husband and wife,
GRANTEE(S)

whose current address is HC64, Box 3520, Council, Id. 83612
for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

Dollars (\$10.00)

the following described tract(s) of land in

Adams

County, State of Idaho:

More particularly described on attached Exhibit "A"

Location of above described property

House No.

Street

APCOA ORIGINAL

EXHIBIT A

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.
Section 15: NW¼ But excepting therefrom 7 certain tracts of land severally described as follows:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING at a point 10 feet South of the Northeast corner of the NW¼ of said Section 15 and running thence South along the East line of said NW¼ 417.4 feet; thence West 208.7 feet; thence North 204.5 feet; thence Westerly 214.4 feet to a point 218.7 feet South of the North line of said NW¼ of Section 15; thence North 208.7 feet; thence East, parallel to and 10 feet South of the North line of said NW¼ 417.4 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range, more particularly described as follows: COMMENCING at the Southwest corner of tract "S" of the Townsite of Fruitvale, Idaho, as shown by the plat of such Townsite on file in the office of the County Recorder of Adams County, Idaho and running thence West 50 feet; thence 64 feet in a Southeasterly direction to a point 40 feet South of the point of beginning; thence North 40 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING 16 feet South and 16 feet West of the Northwest corner of tract "S" in said Fruitvale Townsite and running thence West 174 feet to the East bank of the Glenn-McMahan irrigation ditch; thence in a Southeasterly direction along the East bank of said ditch 128 feet; thence South across said ditch 12 feet to the West bank thereof; thence in a Southeasterly direction 56 feet; thence in a Northeasterly direction 49 feet; thence North 115 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: COMMENCING at a point 818.6 feet South of the Northwest corner of the NE¼ of said Section 15 and thence West 16 feet; thence North to a point 16 feet West of the Northwest corner of tract "S" of the said Fruitvale Townsite; thence 16 feet East to said Northwest corner of said tract "S", thence South to the PLACE OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING at the Southeast corner of the NE¼NW¼ of said Section 15 thence North along the East line thereof 435 feet; thence in a Southwesterly direction 88 feet to a point 16 feet West of the North

AUG 18 1939

POOR ORIGINAL

EXHIBIT A CONTINUED

and South center line of said Section 15; thence South, 16 feet West of and parallel to North and South center line; 369 feet; thence in a Northeasterly direction 24 feet to the POINT OF BEGINNING:

A parcel of land in the NE1/4 of said Section, Township and Range more particularly described as follows: BEGINNING at a point 427.4 feet South of the Quarter corner common to Sections 10 and 15; thence West 208.7 feet to the TRUE POINT AND PLACE OF BEGINNING; thence continuing West and parallel to the North line of Section 15, 208.7 feet, thence North 208.7 feet, thence East 208.7 feet, thence South 208.7 feet to the TRUE POINT AND PLACE OF BEGINNING:

A tract or parcel of land in the NW1/4 of said Section, Township and Range described as follows: COMMENCING therefore at the Section corner common to Sections 9, 10, 15 and 16, Township 17 North, Range 1 West, Boise Meridian; thence East on and along the North line of said Section 15, a distance of approximately 310 feet to a Point where said Section line is intersected by the westerly line of the road connecting the Fruitvale-West Fork County Road and the Fruitvale-Ridge County Road; thence on a curve right, on and along the northerly and westerly boundary of said connecting road to its intersection with the northerly line of said Fruitvale-Ridge County Road, as now established; thence Westerly, on and along the Northerly side of said Fruitvale-Ridge County Road to its intersection with the West line of said Section 15; thence North, on the West line of Section 15 to the Northwest corner of Section 15, to the POINT AND PLACE OF BEGINNING.

MICROFILMED

AUG 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 24, 2003

PAUL E NICHOLLS
MAXINE J NICHOLLS
2624 FRUITVALE RD
FRUITVALE ID 83620

RE: Water Right No. 67-4115

Dear Claimant(s):

Enclosed is the Notice of Change in Water Right Ownership form you recently asked to be mailed to you. In reviewing the above referenced claim number, it was discovered that this particular claim has previously been split. One portion is located in the SW ¼ of Section 10, Township 17N, Range 1W, and is for 12 acres. In addition, this claim is already in your name. The claim number for this portion is 67-4115A. The other portion is located in the NW ¼ of Section 15, Township 17N, 1W, and is for 13 acres. This portion is in the name of John Elsberry and is numbered as 67-4115B. I have enclosed a profile report for each portion for your review.

If you purchased the 13 acres currently in the name of Elsberry, then you will need to complete the change of ownership form and submit it with the necessary information. If you only own the 12 acres currently in your name, no further action is required at this time.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

SCANNED
APR 08 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 20, 1996

Re: Notice of Claim to a Water Right No. A67-00058A, A67-00082D,
A67-04115A, A67-11331

PAUL E NICHOLS
MAXINE J NICHOLS
BOX 6
FRUITVALE ID 83620

Mr. & Mrs. Nichols:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosures

MICROFILMED
OCT 22 1996

WEISER VALLEY TITLE, INC.

8/14/96

PAUL E. & MAXINE J. NICHOLS
BOX 6
FRUITVALE, ID 83620

RE: WATER RIGHTS TRANSFER

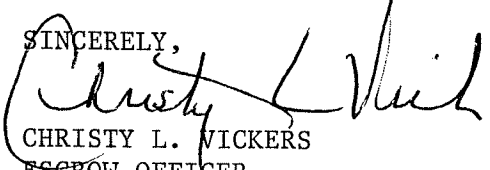
DEAR PAUL & MAXINE:

PLEASE FIND ENCLOSED THE DOCUMENT FOR YOU TO SIGN WHERE INDICATED TO TRANSFER THE WATER RIGHTS INTO YOUR NAME. PLEASE ATTACH A COPY OF THE **WARRANTY DEED** TO THE TRANSFER NOTICE ALONG THE OTHER ATTACHMENTS AND SEND TO:

DEPT. OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705

PLEASE CALL IF YOU HAVE ANY QUESTIONS.

SINCERELY,


CHRISTY L. VICKERS
ESCROW OFFICER

encl.

P.O. Box 591

128 East Main

Weiser, Idaho 83672

(208) 549-1792

Fax 208-549-1794

RECEIVED

SEP 03 1996

WATER RESOURCES
WESTERN REGION

67-04115

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: September 30, 1994

Re: Original Notice of Claim to a Water Right No. A67-04115

Renumbered to Notice of Claim to a Water Right No. A67-04115A

[MELVIN D RYALS]
HC 67 BOX 2220
COUNCIL ID 83612

[]

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosure

MICROFILMED
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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R SIMPLOT SELF DECLARATION REVOC TRUST	12/31/1860	STOCKWATER STORAGE	01-01 12-31	0.23 CFS	166.00 AFA
	J R SIMPLOT AS TRUSTEE		STOCKWATER FROM STORAGE	01-01 12-31		
	ATTN RONALD N GRAVES					
	PO BOX 27					
	BOSIE ID 83707					
	(208) 336-2110					
TOTAL DIVERSION:					0.23 CFS	

Water Source: SPRINGS

Tributary to: JACKS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R02E S11 NESE
S13 SENE OMYHEE County
OMYHEE County

POU County:

Non-Irrigation Uses: STOCKWATER 1000 HEAD RANGE CATTLE

Other Rights: NONE

Remarks: PARCEL NO. RP 0190502
PARCEL NO. RP 0190504

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/29/94 MILLER



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 23, 1993

MEVLIN D RYALS
HC 67 BOX 2220
COUNCIL ID 83612

RE: Notice of Claim No. A67-04115A

Dear Mr. Ryals:

Enclosed is the claim referenced above. This is a split claim which reflects the change of ownership of the lands in Twp. 17N, Rge. 01W, section 15, with you retaining ownership of the lands and appurtenant water rights in Twp. 17N, Rge. 01W, section 10.

I calculated the cubic feet per second (cfs) for the split by dividing the originally claimed cfs by the original amount of acres ($.960 \text{ cfs} \div 25 \text{ acres}$) to get $.0384 \text{ cfs/acre}$. Since you now own 12 acres, your share of the claimed water is $.46 \text{ cfs}$ ($.0384 \times 12 = .46$).

I have also attached a map to the claim; please indicate the point of diversion and the place of use for the acres for which you have retained ownership.

Please review the entire claim, and if you agree with the information stated in the claim, please return it to this office after adding your notarized signature.

If you have any questions or need additional information, please contact our office.

Sincerely,

Maria Minicucci
Water Agent, Adjudication Bureau

MM/m
Enc.

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OCT 22 1996

CLAIMANT'S NAME: Mervin Ryals & John Elsberry DATE: 12/22/1993
COUNTY: Adams
EMPLOYEE: M. MURICUCCI

Mr. Ryals came into Western yesterday to discuss a change of ownership letter he had received. After discussing the matter, we discovered that he had one claim which had not had the ownership change done.

Mr. Ryals stated that he had sold all of his land in Section 15 to Mr. Elsberry, and that it was their agreement that the water claimed in A67-04115 would be split in proportion to the acres in each section. Mr. Elsberry will continue to use the same POD - the water runs from Mr. Ryals' property onto Mr. Elsberry property. I told ~~Mr.~~ Mr. Ryals, and will write to Mr. ~~Elst~~ Elsberry, explaining that an additional or different point of diversion will require a transfer application.

I told Mr. Ryals I would send a split claim form to him ~~to~~ to be ^{signed} notarized. I will send the other half of the split (claim form) to Mr. Elsberry with an explanation to be signed & notarized.

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OCT 22 1996