

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: **A67-04115B**
Date Received: 12/14/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN E ELSBERRY
Address: BOX 97
FRUITVALE ID

83620

2. Date of Priority: APR 15, 1900

3. Source: WEISER RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	10		NW	SW		ADAMS

5. Description of diverting works:
HEADGATE, DITCH-1320' LONG, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	07/15	0.960		

7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) 52.00 A.F.A.

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	6.0
			NW	NW		IRR	7.0

SCANNED
APR 08 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	13.0
					Total Acres	13.0

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:

CHANGED PLACE OF USE AND ADDED ONE ACRE. THE PLACE OF USE
OREVIOUSLY INDICATED IN NE1/4 OF SECTION 15 HAS NEVER BEEN OWNED
BY MR. RYALS.
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM NO. A67-04115, FEE PAID UNDER RECEIPT NO. W007121
(12/22/1993, MM).
UPON REVIEW IT APPEARS THAT A SIGNED COPY OF THE SPLIT CLAIM IS
NOT NECESSARY. THE AMENDMENT MENTIONED ABOVE OCCURED BEFORE THE
SPLIT OCCURRED. 09/30/1994 MM.

15. Basis of Claim: STATUTORY CLAIM



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DEC 13 1993

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 7-9-90

LEGAL DESCRIPTION OF PROPERTY: Township 17 Range 1 West
Section 15, NW 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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: A67-00083AA; A67-04132A; A67-11330; A67-11332
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MELVIN RYALS
HC 67 Box 2230
COUNCIL ID 83612
- ☐ New Owner/Claimant (Purchaser): JOHN E. ELSBERG
- ☐ New Mailing Address: Box 97 Fruitvale Idaho 83620
- ☐ New Telephone Number: (208) 253-1102
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of 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) John E. Elsborg Date 12-9-93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12-15-93 By: JDH

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 12-15-93 By: JDH

Claim Numbers of Split, if any:

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

WITNESS the hand of said Grantee 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

} ss. 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.

Michael Fisk
(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 HC64, 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 } ss.

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.

Sarah Wilson
Deputy

Fees \$ 12.00

WARRANTY DEED

POOR ORIGINAL

Printed and for sale by Ryan-Tark 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

POOR ORIGINAL

EXHIBIT A

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.
Section 15: NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of said Section 15 and running thence South along the East line of said NW $\frac{1}{4}$ 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 NW $\frac{1}{4}$ of Section 15; thence North 208.7 feet; thence East, parallel to and 10 feet South of the North line of said NW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ 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 NE $\frac{1}{4}$ 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

MICROFILMED

AUG 18 1934

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.

AUG 19 1994

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: A67-04115
Date Received: 12/14/1989
Receipt No: W007121
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MEVLIN D. RYALS
Address: HC 67, BOX 2220
COUNCIL, ID 83612
208-253-4753
2. Date of Priority: APR 15, 1900
3. Source: WEISER RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 17N | 01W | 10 | NW | SW | | | ADAMS |
5. Description of diverting works:
HEADGATE, DITCH-1320' LONG, GRAVITY FLOW
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 07/15 | 0.960 | | |
7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 48.00 A.F.A.
8. Total consumptive use is 75.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	10	SW	SW		IRR	6.0
			SE	SW		IRR	6.0
Section Acres							12.0

A67-04115

Page 1

Date: 12/14/89

MICROFILMED
OCT 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	6.0
			NW	NW		IRR	7.0
Section Acres							13.0
Total Acres							25.0

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:
CHANGED PLACE OF USE AND ADDED ONE ACRE. THE PLACE OF USE
PREVIOUSLY INDICATED IN NE1/4 OF SECTION 15 HAS NEVER BEEN OWNED
BY MR. RYALS.

15. Basis of Claim: STATUTORY CLAIM

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: 3

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): Melvin S. Dyke Date: 12/14/89
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Dec. 19 89

Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
Residing at Boise, Idaho
My Commission Expires December 8, 1994



- (7) If you are claiming water as a member of an organization, list name of organization:

POOR ORIGINAL

used for - *Schizoglyphus*

A hand-drawn graph on a grid. The x-axis is labeled 'Time' and the y-axis is labeled 'Temperature'. A line starts at approximately (0, 10) and ends at (10, 20). The line is labeled 'Temperature vs Time'.

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 Alameda

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. Ogden
(Claimant)

19 75
Edwin A. Leaker
Public

Residing at _____ Council, Idaho 83612

My commission expires Life

For Department Use Only

Received by 21 Date 4/1/75

Prelim. check by 168 Date 7/1/75
Date 12/1/75

\$10.00 fee received by Date 4/1/73
 Date 4/1/73

Approved for publication by Ch. C. 4-21-75

Published in Colony of the Philippines

Dates 1942 1943 1944 1945

Exception filed by: Forwarded to Date:

Forwarded to _____ Date _____

claimant by:

Date _____

12/13/2006

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

RIGHT NUMBER: 67-4115B

NAME AND ADDRESS: JOHN E ELSBERRY
PO BOX 698
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.290 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

0.290 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S15

NENW

10.50

T17N R01W S15

NWNW

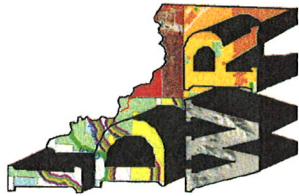
4.50

15 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

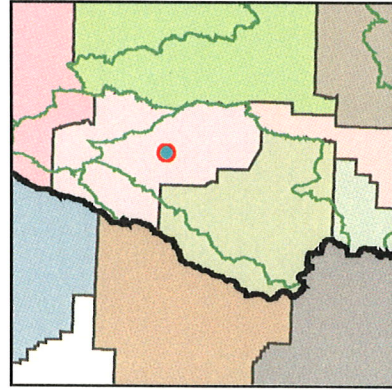
SRBA Recommendation:

67-4115B

(Irrigation)

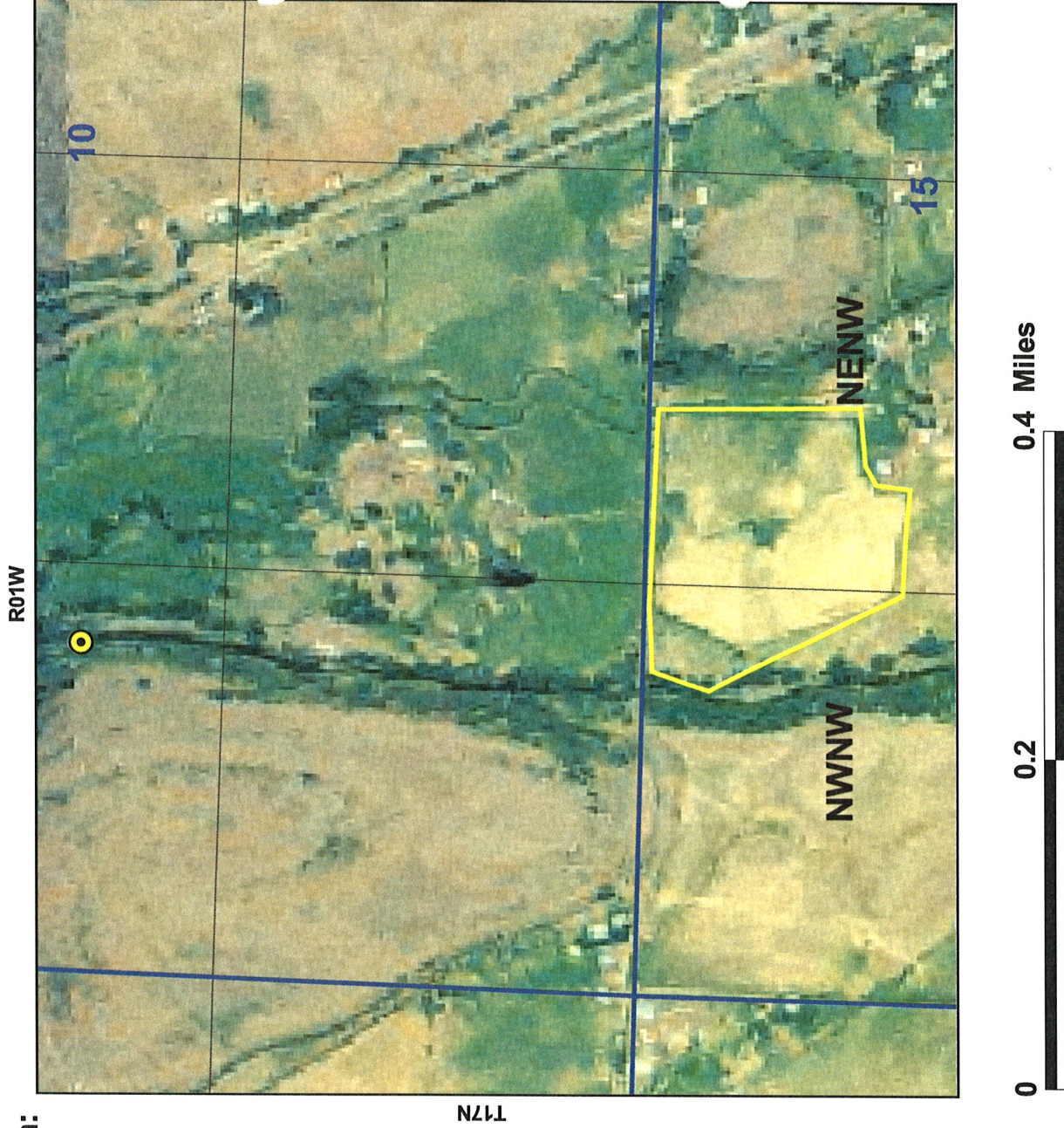
Legend

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

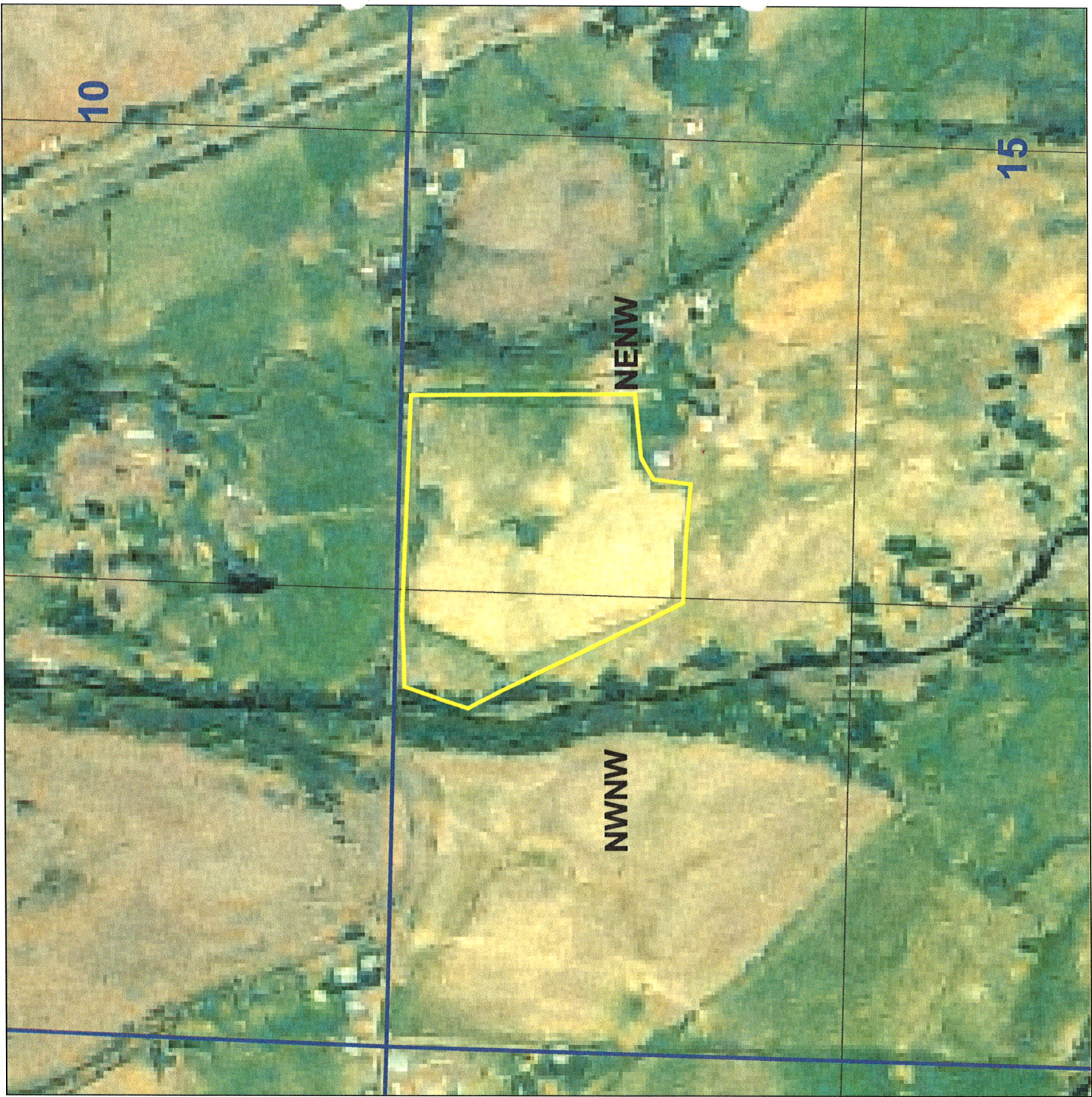


Adams County
IDWR Basin 67

Prepared by IDWR State Office
On Wednesday, December 13, 2006
1987/88 Aerial Photography



67-4115B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115B V1

WATER RIGHT NUMBER: 67-4115B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MELVIN D RYALS 2243 SAWMILL RD COUNCIL, ID 83612-5003 (208)253-4753
Current Owner	JOHN E ELSBERRY PO BOX 698 COUNCIL, ID 83612

Priority Date: 05/10/1918

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	0.290 CFS	
	<u>Total Diversion:</u>	0.290 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				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	15					10.5	4.5											15.0

Total Acres: 15

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 67-4115B V1

Comments:

1. csaxton 7/21/2006 Copied From Claim (1)

Comment: CHANGED PLACE OF USE AND ADDED ONE ACRE. THE PLACE OF USE PREVIOUSLY INDICATED IN NE1/4 OF SECTION 15 HAS NEVER BEEN OWNED BY MR. RYALS.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A67-04115, FEE PAID UNDER RECEIPT NO. W007121 (12/22/1993, MM).

UPON REVIEW IT APPEARS THAT A SIGNED COPY OF THE SPLIT CLAIM IS NOT NECESSARY. THE AMENDMENT MENTIONED ABOVE OCCURED BEFORE THE SPLIT OCCURRED. 09/30/1994 MM.

2. csaxton 7/21/2006 Recommendation

Comment: Field exam by Melanie Vining. Good map in file.

3. mvanbussum 12/13/2006 NOE POU and Quantity

Comment: Per NOE process, claimant stated POU is larger and needed additional water. Reviewed claimant correspondence with field exam completed July 2005 and enlarged POU and recommended accordant quantity.

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>
Priority Date	7/21/2006 1:07:02 PM	csaxton			Active
Contacts	7/21/2006 1:07:46 PM	csaxton			Active
POD	7/21/2006 1:07:56 PM	csaxton			Active
Source	7/21/2006 1:09:29 PM	csaxton			Active
POU	7/21/2006 1:09:40 PM	csaxton			Active
Use	7/21/2006 1:10:20 PM	csaxton			Active
Season	7/21/2006 1:10:29 PM	csaxton			Active
Quantity	7/21/2006 1:12:43 PM	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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115B V1

POU	12/13/2006 4:15:54 PM	mvanbussum	Updated PLS for Active POU
POU	12/13/2006 4:15:44 PM	mvanbussum	Updated shape for Active POU
POD	7/21/2006 1:08:38 PM	csaxton	Updated shape
Contacts	7/21/2006 1:07:17 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE by Melanie Vining on 7-28-05.
POD	7/21/2006 1:07:27 PM	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?
POU	7/21/2006 1:09:35 PM	csaxton	Updated PLS for Active POU
General	7/21/2006 1:06:33 PM	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? (Yes) 15. Is the basis of claim coded correctly? Description for Question 12/13 - Direct overlap of decreed water in the form of shares with Lost Vally Reservoir. One day after the decree.
Source	7/21/2006 1:09:00 PM	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 - FE by Melanie Vining on 7-28-05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115B V1

POU	7/21/2006 1:09:10 PM	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 - FE by Melanie Vining on 7-28-05.
POU	7/21/2006 1:09:27 PM	csaxton	Updated shape for Active POU
Use	7/21/2006 1:09:51 PM	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 - FE by Melanie Vining on 7-28-05.
Season	7/21/2006 1:10:00 PM	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 1:12:13 PM	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 need to measure recommended rights for 0.20 cfs or less. Due to time, I am not going to measure this right that is 0.21 cfs. The ditch carries Lost Valley share water and no doubt can divert the recommended diversion rate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4115B V1

Summary	7/21/2006 1:14:07 PM	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? (Yes) 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?
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Water Supply Bank:

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: 67-4115B

JOHN E ELSBERRY
PO BOX 698
COUNCIL ID 83612

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

Place of use should be 13 ac

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:

See map w/ -NOE Form

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

DATE:

11-29-06

SIGNATURE:

John Elsberry

Please print your name:

John Elsberry

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

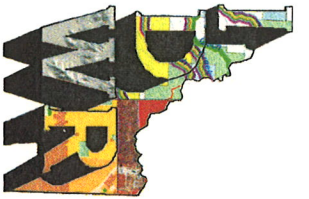
NOE review

*enlarged POU & quantity - corresponds
with field exam July 2005*

MLB

12-13-2006

SCANNED
DEC 08 2006



Idaho Department of Water Resources

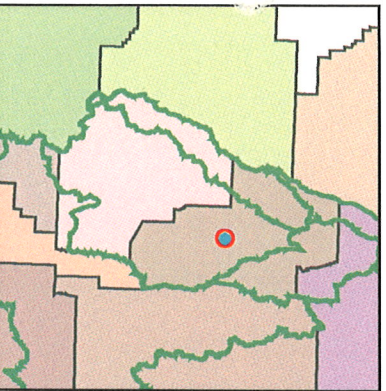
SRBA Recommendation:

67-4115B

SCANNED
DEC 08 2006

Legend

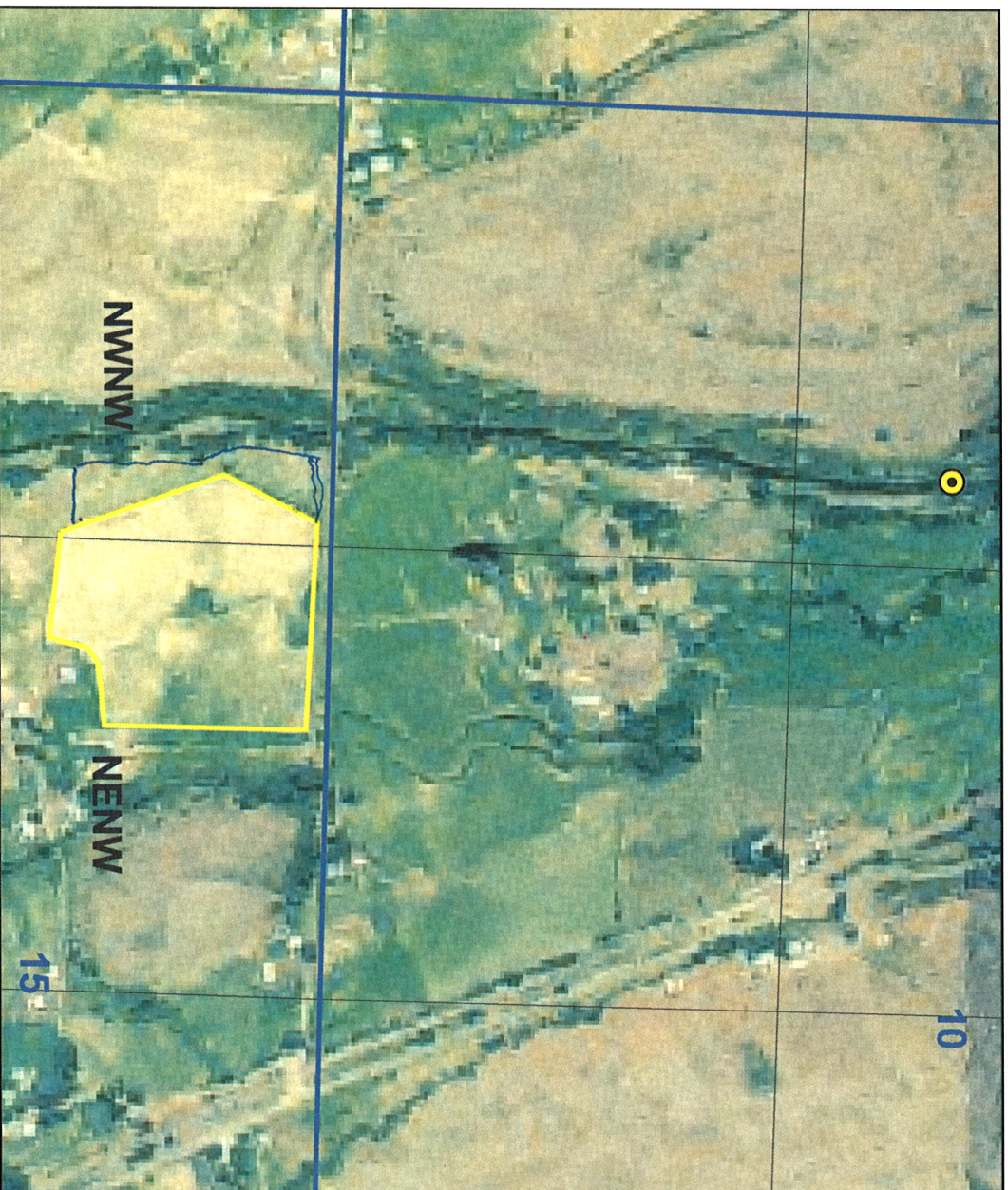
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Adams County
IDWR Basin 67



T17N



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

Priority Date Data Entry Form

Claim Number 67-4115B

Claimed Priority Date: 4/15/1900

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Mr Elsberry will submit evidence of priority
No decreed right on this property except
Lost Valley Res. shares
↓
do these support evid. of prior?

Reviewer: MVDate: 7/28/05

Point of Diversion and Source Data Entry Form

Claim Number 67-4115B

Claimed Point of Diversion and Source

T17N R01W S10 NWSW Within ADAMS County Source: WEISER RIVER SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified:

Bosco GPS d 10014007 A0014012

oops, this info for 67-11330

~~This is the Farmers Canal. Not a canal (ditch)~~

right, just means of conveyance for this "floodwater"

see map

Reviewer: mvDate: 7/28/05

Place Of Use Data Entry Form

Claim Number 67-4115B

Claimed Place Of Use

T17N R01W S15 NENW 6.0 T17N R01W S15 NWNW 7.0
Total Acres 13

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres ____

Document how the POU was verified:

F.E.

Reviewer: MV.Date: 7/28/05

Purpose of Use Data Entry Form

Claim Number 67-4115B

Claimed Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

Recommended Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit Number of Other

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Document how the Purpose of Use was verified:

F.E.

Reviewer:

MV

Date:

7/28/05

Period of Use and Quantity Data Entry Form

Claim Number 67-4115B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	7/15	0.96	
Overall Diversion Rate	0.5	Overall Diversion Volume	52	

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Overall Diversion Rate		Overall Diversion Volume		

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

↓
Please review in-office

diversion/quantity: per water master, Farnes Canal

capable of carrying 400" water.
may need flow measurement on
Calle Busco - he tagged ditch

Reviewer: mvDate: 7/28/05

Contacts Data Entry Form

Claim Number: 67-4115B

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	MELVIN D RYALS	2243 SAWMILL RD	COUNCIL	ID	83612-500	(208)253-4753
Current Owner	JOHN E ELSBERRY	BOX 97	FRUITVALE	ID	83620	

Date of Field Exam: 7/28/05 Time: 9amAccompanied By: John Elsberry Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

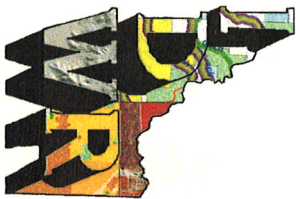
property lies on corner of West Fork + Ridge Rd.

new address/phone: (I forgot change address forms - here is info)

mail:PO BOX 698
Council ID 83612physical:2625 W. Fork Rd.
Council, ID 83612

phone: (208) 741-0716 (cell)

Reviewer: MVDate: 7/28/05



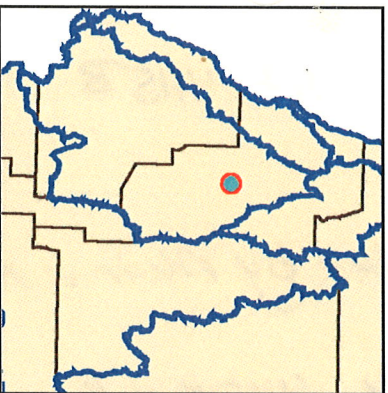
Idaho Department of Water Resources

— = ditch
— = field boundary

T17N R01W

Legend

- Adams taxlots
- GCD B17N01W GCD B
- PLSS Section Lines Gcd b_sections.shp
- B-67 streams.shp



Adams County
IDWR Basin 67



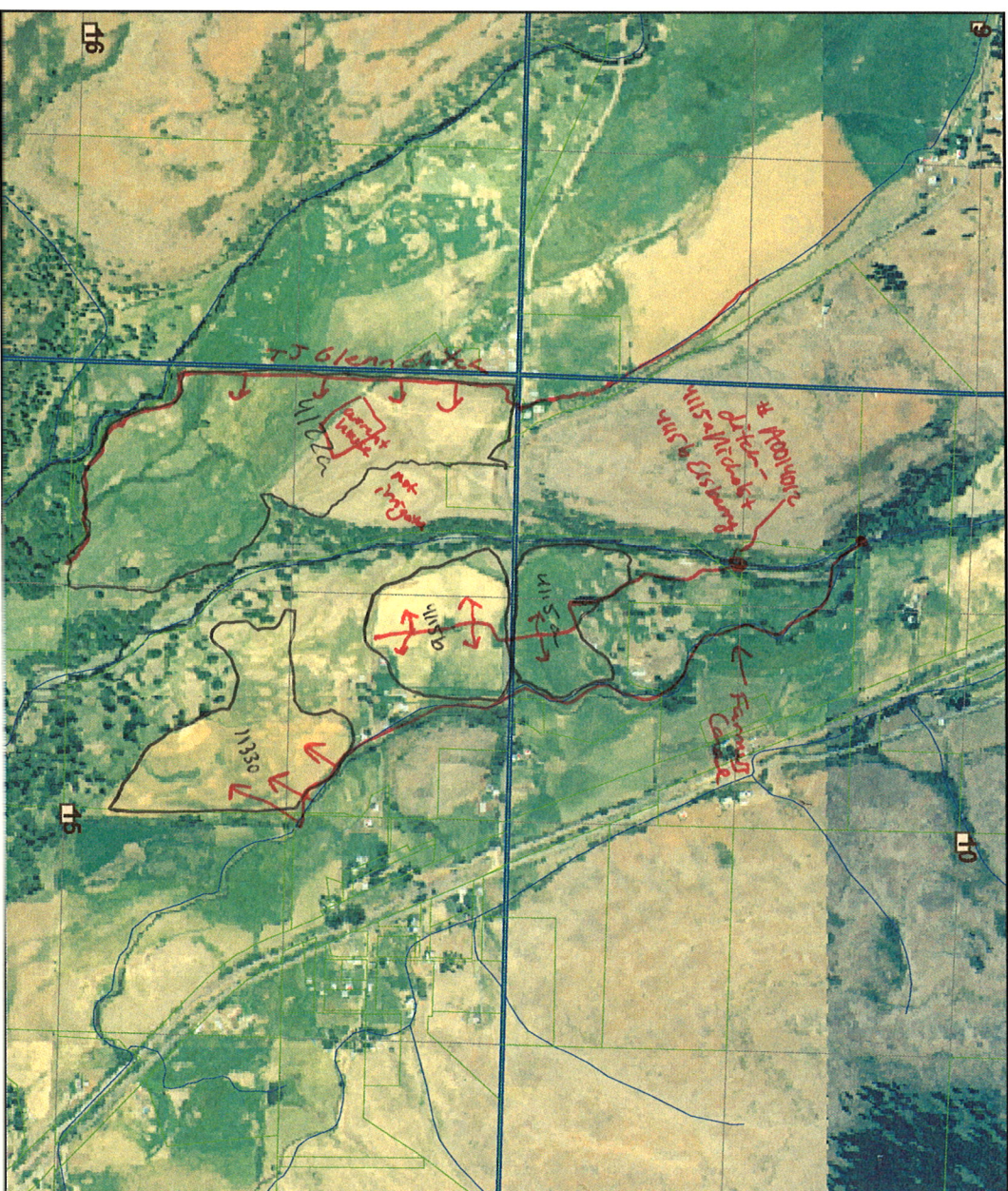
Adjudication Claim Number:

67-41115 B

John Elsberry

Paul Nichols

Bellin
4122a-
Elsberry



0 0.5 1 Miles

411

Prepared by M. Van Bussum
On Wednesday, July 13, 2005
1987 Aerial Photography

Needs:

67-4115B

7/15/05:

Evidence of priority - limited by Meir v. Allison

GPS POU - Good for both 4115A & B

Confirm POU on map is correct

RECEIVED
SEP 14 2005
Department of Water Resources

September 11, 2005

67-4115B & 11330
John E. Elsberry
P. O. Box 698
Council, 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 coapy of map for
Adjudication Claim Numbers 67-4115B & 11330.

If you need further information, please advise.

Thank you.



JOHN E. ELSBERRY
P. C. Box 698
Council, Idaho 83612

JEE:mjn

Enclosures

P.S. Please change my address to the one above. Thank you

address changed 10/06/05 MVB.

SCANNED
SEP 15 2005

IN THE MATTER OF NOTICE)
OF CLAIM TO A WATER RIGHT)
NO. 67-4115B & 11330)
_____)

A F F I D A V I T

STATE OF IDAHO)
) ss.
County of Adams)

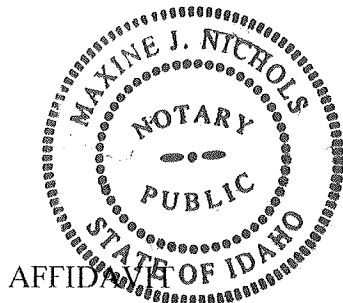
Amy Grace Glenn, being first duly sworn, deposes and says:

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 15 2005

Idaho Department of Water Resources



Adjudication Claim Number: **67-4115B** #11330

Adjudication Claim Number: 67-4115B #11330

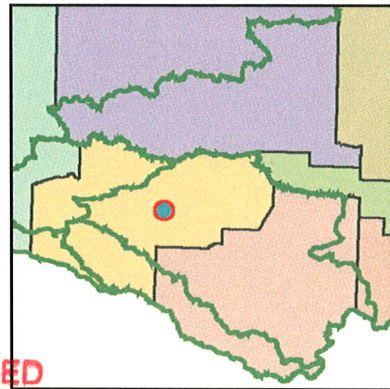
T17N R01W

Legend

PLS Sections
GCDBQuarter Quarters

SCANNED

SEP 15 2005



Adams County
IDWR Basin 67



0 0.2 0.4 Miles

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



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,

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date: September 30, 1994

RE: Original Notice of Claim to a Water Right No(s). A67-04115

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

[JOHN E ELSBERRY
BOX 97
FRUITVALE ID 83620]

[]

Dear Claimant(s):

We have received and processed the Change of Ownership form submitted on the Original Notice of Claim to a Water Right Number as referenced above. This change of ownership required a split of this original claim resulting in the renumbering of the original claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right Number for your portion is referenced above. The right holders of the remaining portion have also been notified of this split and renumbering of their original claim.

Enclosed is a copy of this new claim which now reflects your portion of the original water right. Please keep this copy for your files and refer to the new claim number when corresponding with our office. If you have any questions concerning this letter or the enclosed claim, please feel free to contact this office.

Sincerely,

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

Enclosure

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

December 23, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JOHN E. ELSBERRY
BOX 97
FRUITVALE ID 83620

RE: Notice of Claim No. A67-04115B

Dear Mr. Elsberry:

Mr. Ryals came into our office on December 21, 1993, to obtain information about his water rights, and the change of ownership of some of his rights to the property which you are now buying from him. It appears that the ownership of those rights have been changed, except for a right that is appurtenant to Twp 17N, Rge. 01W, Sections 10 and 15 (Claim number A67-04115).

Mr. Ryals has informed us that you have an agreement with him that the water rights appurtenant to section 15 belong to you. Claim number A67-04115 is for lands in both section 10 and in section 15. Since this land is now split between yourself and Mr. Ryals, it is our understanding that Mr. Ryals intends for the water rights in section 15 to be in your name.

Accordingly, I have split Claim No. A67-04115. Enclosed is a claim which represents your part of this claim, numbered A67-04115B.

I calculated the cubic feet per second (cfs) for the split by dividing the originally claimed cfs by the original amount of acres (.960 cfs ÷ 25 acres) to get .0384 cfs/acre. Since you now own 13 acres, your share of the claimed water right is .50 cfs (.0384 X 13 = .50 cfs).

I understand that you will continue to use the same diversion point as Mr. Ryals. If you ever want to put in your own point of diversion, you must first receive an approved Transfer from this Department. Please contact this office if or when you put in or change your diversion point.

I have attached a map to the claim. Please indicate the current point of diversion and the place of use for the acres you are purchasing from Mr. Ryals.

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.

MICROFILMED
OCT 22 1996

I have enclosed a Change of Ownership form. The instructions are on the back of the form. This form is to change the ownership for the water right number A67-04115 in Twp. 17N, Rge. 01W, Section 15. Please complete this form and return it to this office, to my attention.

Thank you very much for your assistance in this matter. If you have any questions, or need additional information, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Minicucci', written in a cursive style.

Maria Minicucci
Water Agent, Adjudication Bureau

MM/m
Enc.s

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

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.

John F Elsberry
Box 97
FRUITVALE 83620

MICROFILMED
OCT 22 1996