

Notice of error changes  
made. Claimant  
sent changed copies.  
see comments on  
proof report for  
more info.

lg  
12/12/06

12/12/2006

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

---

RIGHT NUMBER: 67-4122A  
NAME AND ADDRESS: JAN BELLIN  
PO BOX 22  
COUNCIL ID 83612  
  
BRUCE BELLIN  
PO BOX 22  
COUNCIL ID 83612

SOURCE: WEST FORK WEISER RIVER                      TRIBUTARY: WEISER RIVER  
QUANTITY: 0.900 CFS  
PRIORITY DATE: 05/10/1918  
POINT OF DIVERSION:

T18N R01W S32 SWSE Within ADAMS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.900 CFS       |

PLACE OF USE: IRRIGATION in ADAMS County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T17N R01W S15 | NWNW | 14.00 | T17N R01W S15 | SWNW | 29.00 |
| T17N R01W S15 | SENW | 1.90  |               |      |       |

44.9 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



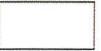
# Idaho Department of Water Resources

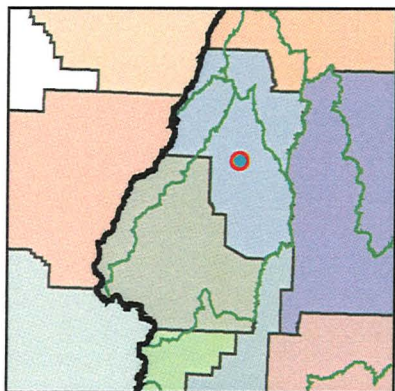
SRBA Recommendation:

**67-4122A**

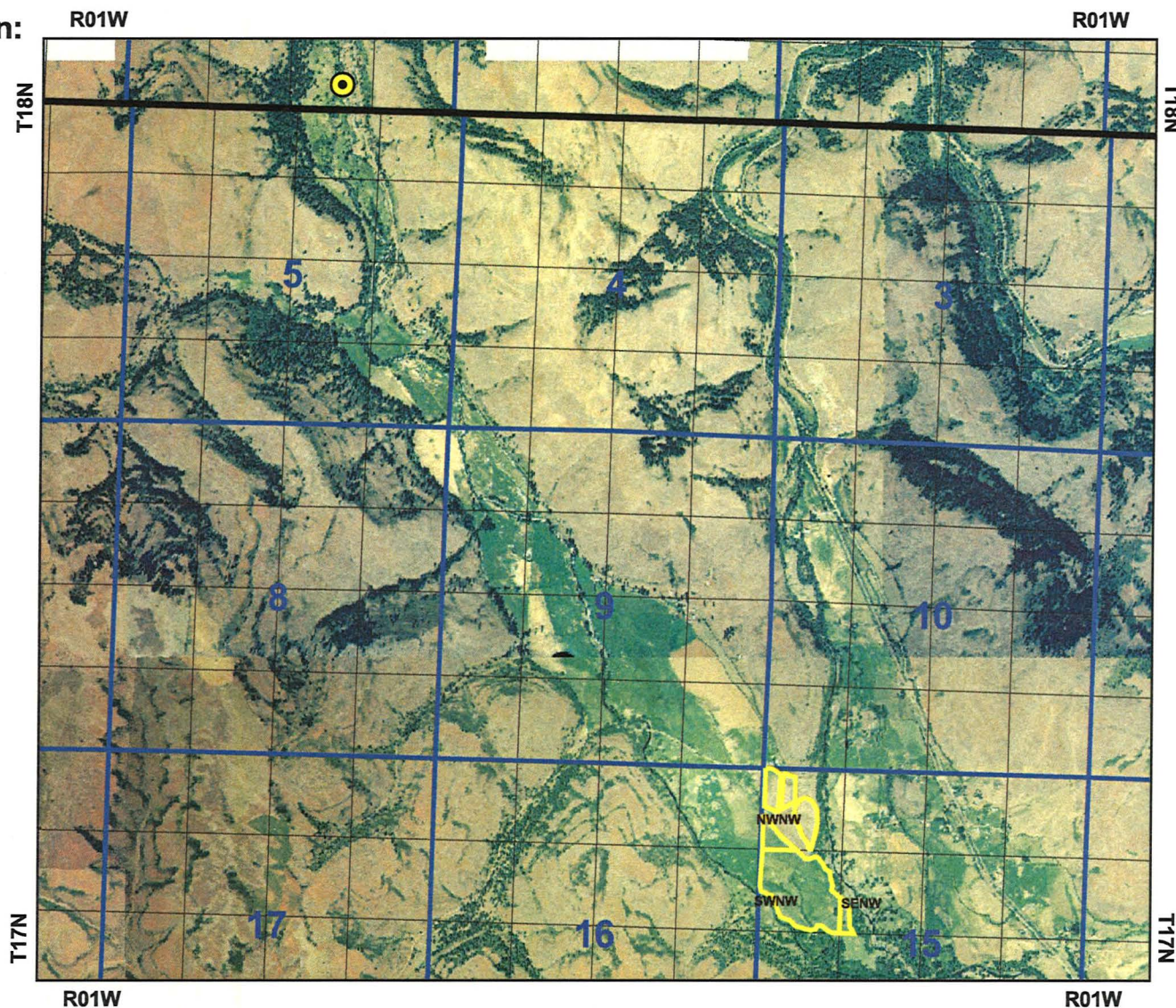
(Irrigation)

## Legend

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



Adams County  
IDWR Basin 67



0 1 2 Miles

Prepared by L. Graves  
On Tuesday, December 12, 2006  
1987/88 Aerial Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4122A V1

WATER RIGHT NUMBER: 67-4122A V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Original Owner    | MELVIN D RYALS<br>2243 SAWMILL RD<br>COUNCIL, ID 83612-5003<br>(208)253-4753 |
| Original Owner    | T J GLENN DITCH<br>AKA WEST FORK DITCH CO<br>FRUITVALE, ID 83620             |
| Original Owner    | JOHN E ELSBERRY<br>PO BOX 698<br>COUNCIL, ID 83612                           |
| Current Owner     | JAN BELLIN<br>PO BOX 22<br>COUNCIL, ID 83612<br>(208)253-0216                |
| Current Owner     | BRUCE BELLIN<br>PO BOX 22<br>COUNCIL, ID 83612<br>(208)253-0216              |

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

| <u>Source</u>          | <u>Tributary</u> |
|------------------------|------------------|
| WEST FORK WEISER RIVER | 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          | 0.900 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.900 CFS             |                      |

Location of Point(s) of Diversion

|                        |            |                                 |
|------------------------|------------|---------------------------------|
| WEST FORK WEISER RIVER | SW1/4SE1/4 | Sec. 32, Twp 18N, Rge 01W, B.M. |
| ADAMS County           |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           | SW        |           |           |           | SE        |           |           |           | Totals    |      |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |      |
| 17N | 01W | 15  |           |           |           |           |           | 14.0      | 29.0      | 1.9       |           |           |           |           |           |           |           |           | 44.9 |

Total Acres: 44.9

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-4122A 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:

1. mvanbussum 3/31/2006 Priority Date  
Comment: Evidence of priority is Lost Valley Reservoir shares. Recommend priority date one day after the decree, per IDWR policy within the Muir v. Allison decree.
2. mvanbussum 3/31/2006 Source  
Comment: This water is carried in the TJ Glenn Ditch.
3. mvanbussum 3/31/2006 POU  
Comment: Per claimant map, POU is slightly in SENW.
4. mvanbussum 3/31/2006 Period of Use  
Comment: Recommended standard season of use.
5. mvanbussum 3/31/2006 Quantity  
Comment: Recommended 35.6 acres at 0.02 cfs per acre = 0.712 cfs.
6. mvanbussum 3/31/2006 copied from remarks  
Comment: PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.  
MR. RYALS HAS OPTED TO FILE ONE CLAIM ONLY FOR THE EARLIEST PRIORITY DATE IN THE SRBA.  
THIS IS A SPLIT OFF OF A67-04122. THIS IS UNDERSTOOD TO BE A FLOODWATER RIGHT.  
OWNERSHIP CHANGED BY LH 12/15/93.
7. Igraves 12/12/2006 Notice of Error  
Comment: Acres increased to claimed acres per notice of error. Jan Bellin stated in telecon 12/12/2006 that the map she submitted with the change in ownership info was inaccurate. She said she should have outlined more acres in the NWNW. Flow rate was also increased as a result of the change.

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:

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: 67-4122A

JAN BELLIN  
PO BOX 22  
COUNCIL ID 83612  
Telephone Number: (208)253-0216

BRUCE BELLIN  
PO BOX 22  
COUNCIL ID 83612  
Telephone Number: (208)253-0216

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

*acorage is too small*

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

*place of use should have additional acorage - claim 45 ac. please  
-thanks*

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: \_\_\_\_\_ SIGNATURE: *Jan Bellin*  
Please print your name: JAN BELLIN

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

SCANNED  
DEC 08 2006

03/31/2006

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

RIGHT NUMBER: 67-4122A

NAME AND ADDRESS: JAN BELLIN  
PO BOX 22  
COUNCIL ID 83612

BRUCE BELLIN  
PO BOX 22  
COUNCIL ID 83612

SOURCE: WEST FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.712 CFS

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T18N R01W S32 SWSE Within ADAMS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/15 11/15          | 0.712 CFS       |

PLACE OF USE: IRRIGATION Within ADAMS County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T17N R01W S15 | NWNW | 5.00 | T17N R01W S15 | SWNW | 29.00 |
| T17N R01W S15 | SENW | 1.60 |               |      |       |

35.6 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



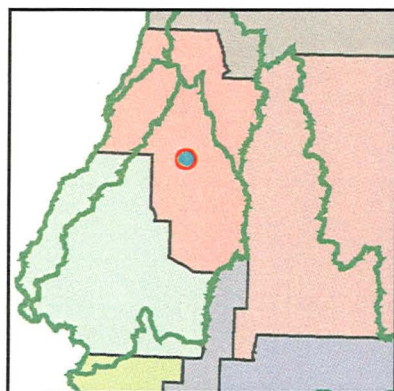
# Idaho Department of Water Resources

Adjudication Claim:

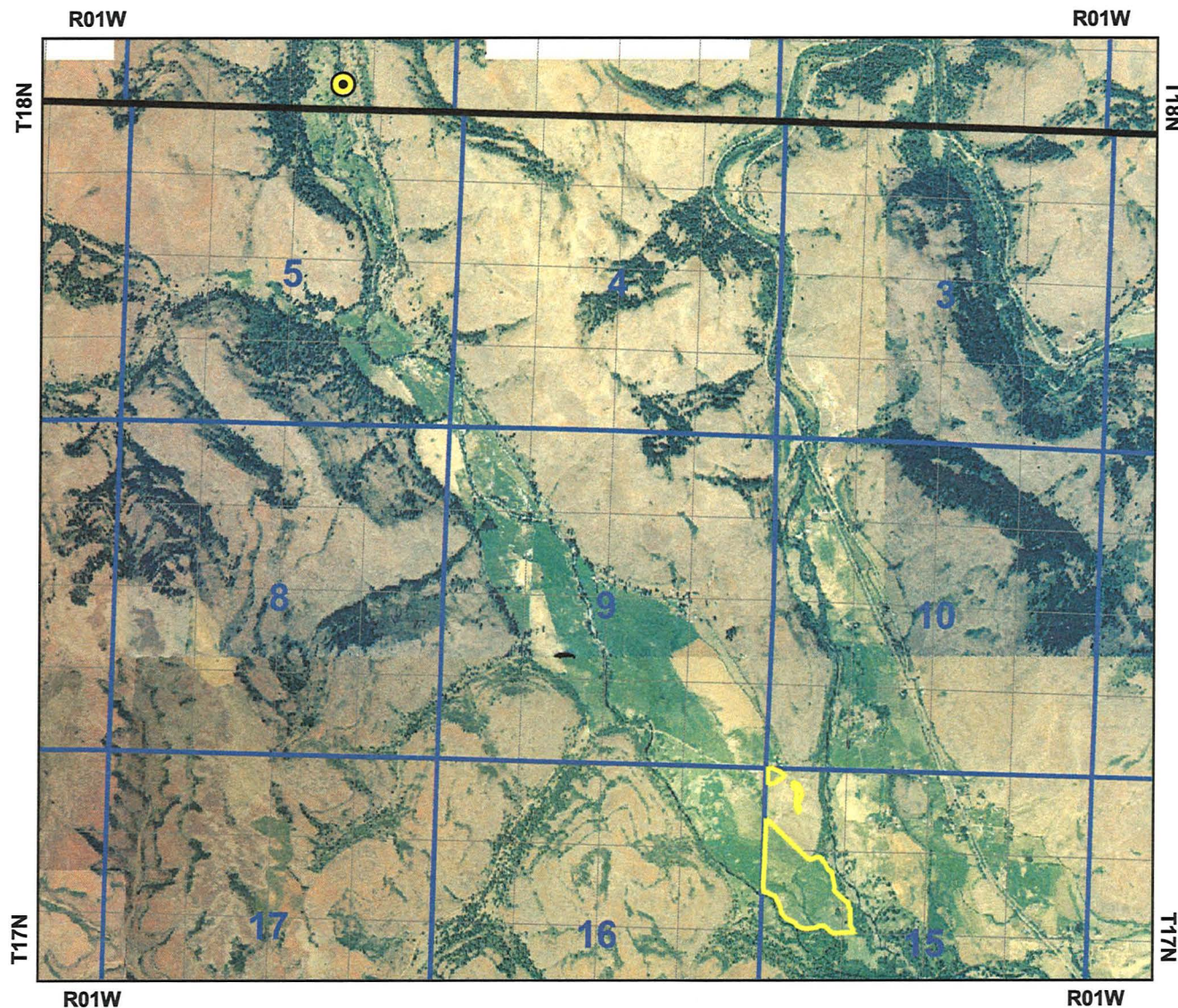
**67-4122A**

## Legend

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



Adams County  
IDWR Basin 67



0 1 2 Miles

Prepared by M. Van Bussum  
On Monday, April 3, 2006  
1987/88 Aerial Photography

## MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: December 27, 2005

RE: Change of ownership for 67-4122A

I am sending this file to Sally for a change of ownership on this date. It appears the claimant is asking us not only to change the ownership on the claim, but to change the ownership of the shares, as well. When we get the file back after the change of ownership is done, we need to:

- 1) Contact the claimant about the completed ownership change and tell them we can not change the ownership on their shares of Lost Valley water.
- 2) Return the photocopies of share certificates to the claimants after making copies of them. These share certificates can establish the priority date for 67-4122A.

3/31 MVB

From claim comments, this claim is for floodwater. It appears claimants knew to make that distinction, so recommend as live water. No EOP needed - Lost Valley - give one day after the decree.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s).            | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|----------------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| Lost Valley<br>Reservoir Co #165 | 67-4122                      | A     |                       |                              |       |
| Lost Valley<br>Reservoir Co #167 | 67-4122                      | A     |                       |                              |       |
|                                  |                              |       |                       |                              |       |
|                                  |                              |       |                       |                              |       |
|                                  |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John Elsberry  
PO Box 698, Council, ID 83612
4. New Owner/Claimant(s) Bruce & Jan Bellin  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 22
- City, State and ZIP Code Council, ID 83612
- New Telephone Number (208) 253-0216
5. Date you acquired the property 11/16/98

*okay to change in full MVB 12-27-05*

SCANNED  
MAR - 9 2006

SCANNED  
SEP 19 2005

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

*Bruce Bellini*  
*Jan Bellini*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

#### For Office Use Only

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by *[Signature]* AJ Date 3-9-06 WR \_\_\_\_\_ Date \_\_\_\_\_

SCANNED

MAR - 9 2006

SCANNED

SEP 1 9 2005

No. 165

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Shares Two

## Lost Valley Reservoir Company

CAPITAL STOCK \$120,000.00

RESERVOIR STOCK

12,000 SHARES \$10.00 EACH

This is to Certify, That BRUCE BELLIN & JAN BELLIN - TRUST W/T/A <sup>THE BELLIN FAMILY</sup>  
is the owner of Two shares of Class A of the Reservoir capital stock of the LOST VALLEY RESERVOIR  
COMPANY, fully paid and transferable only on the books of the Company, by the holder hereof in person or by attorney, on  
surrender of this certificate properly endorsed, subject, however, to the conditions, restrictions and provisions upon which  
all stock of the Company is issued and owned as provided in the By-Laws of the Company which are here referred to and  
made a part hereof, and are that it is divided into Classes A and B. Each full share of Class A stock entitles the owner  
thereof to have a first and prior perpetual right to the use of, and receive during the statutory Irrigation season in each  
year, one acre foot of water, if available and stored in the reservoir designated by the Company as the "Lost Valley Res-

ervoir" at the point of delivery from such reservoir, for irrigation and domestic uses on LAND

in section 15, Twp. 17 N, Range 1 W. B. M., in ADAMS County, Idaho, and shall be that  
proportionate part of 6,950 acre feet of water, if available and stored for distribution by the Company from the present  
capacity of said reservoir of the Company, as each share of Class A stock shall bear to the whole number of subsisting  
Class A shares of said stock representing all of said 6,950 acre feet of storage water, if available and stored for distribu-  
tion by the Company from the present capacity of said reservoir; and this certificate also entitles the owner (subject to  
the provisions contained in the By-Laws of the Company) to a prior proportionate interest in 6,950 acre feet of water  
capacity of said reservoir, and in said dam and reservoir, and rights of way, privileges and franchises for said dam and  
reservoir, and in the water rights and water appropriations used in storing 6,950 acre feet of water in said reservoir,  
based upon 6,950 shares of Class A reservoir stock of the capital stock of the company, and subject further to such charges  
and costs in the operation, maintenance, repairs and replacement of said reservoir, and regulations, as may be determined  
upon from time to time by the Board of Directors.

In Witness Whereof, The said Corporation has caused this certificate to be signed by its  
duly authorized officers and its corporate seal to be affixed this 26<sup>th</sup> day  
of March, A. D. 1999.

ATTEST:

LOST VALLEY RESERVOIR COMPANY,

Margaret E. Merk  
Secretary.

By Dale A. Barton  
President.

No. 167

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Shares 8

# Lost Valley Reservoir Company

CAPITAL STOCK \$120,000.00

RESERVOIR STOCK

12,000 SHARES \$10.00 EACH

This is to Certify, That BRUCE BELLIN & JAN BELLIN - THE BELLIN FAMILY TRUST - W/T/A

is the owner of Eight shares of Class A of the Reservoir capital stock of the LOST VALLEY RESERVOIR COMPANY, fully paid and transferable only on the books of the Company, by the holder hereof in person or by attorney, on surrender of this certificate properly endorsed, subject, however, to the conditions, restrictions and provisions upon which all stock of the Company is issued and owned as provided in the By-Laws of the Company which are here referred to and made a part hereof, and are that it is divided into Classes A and B. Each full share of Class A stock entitles the owner thereof to have a first and prior perpetual right to the use of, and receive during the statutory Irrigation season in each year, one acre foot of water, if available and stored in the reservoir designated by the Company as the "Lost Valley Res-

ervoir" at the point of delivery from such reservoir, for irrigation and domestic uses on LAND

in section 15, Twp. 17N., Range 1 W. B. M., in PADAOS County, Idaho, and shall be that proportionate part of 6,950 acre feet of water, if available and stored for distribution by the Company from the present capacity of said reservoir of the Company, as each share of Class A stock shall bear to the whole number of subsisting Class A shares of said stock representing all of said 6,950 acre feet of storage water, if available and stored for distribution by the Company from the present capacity of said reservoir; and this certificate also entitles the owner (subject to the provisions contained in the By-Laws of the Company) to a prior proportionate interest in 6,950 acre feet of water capacity of said reservoir, and in said dam and reservoir, and rights of way, privileges and franchises for said dam and reservoir, and in the water rights and water appropriations used in storing 6,950 acre feet of water in said reservoir, based upon 6,950 shares of Class A reservoir stock of the capital stock of the company, and subject further to such charges and costs in the operation, maintenance, repairs and replacement of said reservoir, and regulations, as may be determined upon from time to time by the Board of Directors.

In Witness Whereof, The said Corporation has caused this certificate to be signed by its duly authorized officers and its corporate seal to be affixed this 26<sup>th</sup> day of March, A. D. 1999.

ATTEST:

LOST VALLEY RESERVOIR COMPANY,

Margaret E. Merk  
Secretary.

By Del Bart  
President.

For Value Received, JOHN EUGENE ELSEBERRY, aka JOHN E. ELSEBERRY, a divorced man  
the grantor, does hereby grant, bargain, sell and convey unto  
BRUCE BELLIN and JAN BELLIN, as Trustees of THE BELLIN FAMILY TRUST UTA DATED MAY 20, 1997  
the grantees, whose current address is P.O. Box 22, Council, ID 83612  
the following described premises, in Adams County, Idaho, to-wit:

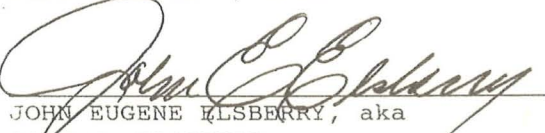
SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TOGETHER WITH a 20 foot easement as set forth in deed recorded November 20,  
1998 as Instr. No. 95140.

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

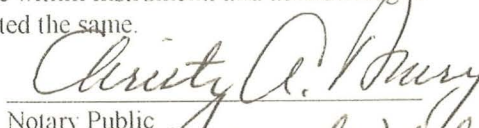
and that they will warrant and defend the same from all lawful claims whatsoever.

Date: March 4, 1999

  
JOHN EUGENE ELSEBERRY, aka  
JOHN E. ELSEBERRY

STATE OF Idaho )  
COUNTY OF Adams ) ss

On this 4<sup>th</sup> day of March in the year of 1999, before me  
a Notary Public in and for said State, personally appeared  
JOHN EUGENE ELSEBERRY, aka JOHN E. ELSEBERRY  
known or identified to me to be the person whose name  
are subscribed to the within instrument, and acknowledged  
to me that he executed the same.

  
Notary Public

Residing at Shimik, Idaho

Commission expires: 8/4/04

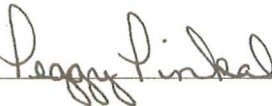


STATE OF IDAHO, COUNTY OF ADAMS  
I hereby certify that this instrument was filed for record  
at the request of Timberline Title & Escrow

at 05 minutes past 9 o'clock AM.  
this 5 day of March, 1999, in my  
office, and duly recorded in Book  
of Deeds at page

MICHAEL FISK

Ex-Officio Recorder

By: 

Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow

#99-117

SCANNED

SEP 19 2005

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho  
Section 15: A parcel of land in the NW1/4NW1/4 more particularly  
described as: Beginning at the Northwest corner of Section 15;  
Thence South along the West line a distance of 856 feet more or less  
to an existing fence and the REAL POINT OF BEGINNING;

Thence Southeasterly along said existing fence line to a point 690  
feet East and 1450 feet South of the Northwest section corner;

Thence East parallel to the North section line 460 feet more or less  
to the center of the Weiser River which point is 1450 feet South and  
1150 feet East of the Northwest section corner;

Thence South along the thread of the Weiser River to its intersection  
with the South line of the NW1/4;

Thence West along the South boundary to a point that is 1157.91 feet  
West of the Southwest corner of the NW1/4;

Thence North 54° 25' 44" West a distance of 181.62 feet;

Thence South 63° 50' 56" West a distance of 182.09 feet;

Thence North 87° 24' 41" West a distance of 217.16 feet;

Thence North 42° 46' 23" West a distance of 171.15 feet;

Thence North 73° 43' 56" West a distance of 129.30 feet;

Thence North 26° 17' 10" West a distance of 398.66 feet;

Thence North 76° 06' 24" West a distance of 218.47 feet to a point on  
the West boundary of the SW1/4NW1/4;

Thence North along the West boundary of the NW1/4 to the REAL POINT  
OF BEGINNING.

EXCEPTING the bed of the Weiser River as now established.

## WARRANTY DEED

INSTRUMENT NO. **95140**  
PAGE 1 OF 2

For Value Received, JOHN EUGENE ELSEBERRY, aka JOHN E. ELSEBERRY, a divorced man  
the grantor, does hereby grant, bargain, sell and convey unto  
BRUCE BELLIN and JAN BELLIN, as Trustees of THE BELLIN FAMILY TRUST UTA DATED MAY 20, 1997  
the grantees, whose current address is P.O. Box 369, Marsing, ID 83639  
the following described premises, in Adams County, Idaho, to-wit:

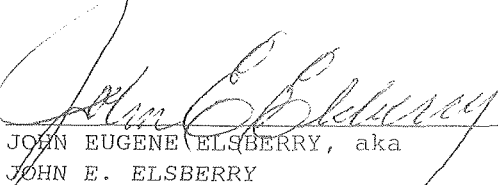
**SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF**

RESERVING unto the Grantor, an 20' easement along the West side of property in the NW4  
adjacent to Fisk's fence line in Section 15.

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

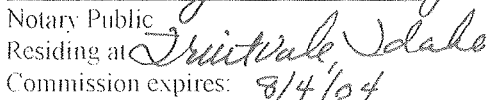
and that he will warrant and defend the same from all lawful claims whatsoever.

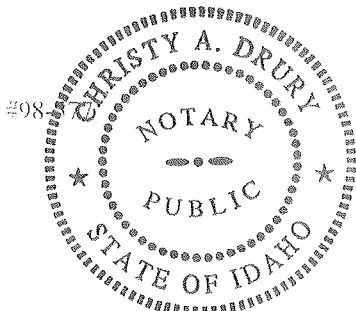
Date: November 16, 1998

  
JOHN EUGENE ELSEBERRY, aka  
JOHN E. ELSEBERRY

STATE OF Idaho )  
COUNTY OF Adams ) ss

On this 17<sup>th</sup> day of Nov, in the year of 1998, before me  
a Notary Public, personally appeared JOHN EUGENE  
ELSEBERRY, aka JOHN E. ELSEBERRY  
known or identified to me to be the person whose name  
is subscribed to the within instrument, and acknowledged  
to me that he executed the same.

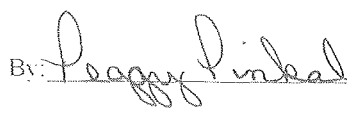
  
Notary Public  
Residing at Trutvale, Idaho  
Commission expires: 8/4/04



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

at 02 minutes past 2 o'clock PM.  
this 20 day of Nov, 1998, in my  
office, and duly recorded in Book  
of Deeds at page

MICHAEL FISK  
Ex-Officio Recorder

By:   
Deputy

Fees \$ 6.00  
Mail to: Timberline Title & Escrow

SCANNED

SEP 19 2005

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 15: A parcel of land situated in the NW1/4NW1/4 more particularly described as follows:

Beginning in the Northwest corner of Section 15;

Thence South on the West line a distance of 856 feet, more or less, to an existing fence;

Thence Southeasterly along an established fence line to a point 690 feet East and 1450 feet South of the Northwest section corner;

Thence East parallel to the North Section line a distance of 460 feet more or less to the center of the Weiser River to which point is 1450 feet South and 1150 feet East of the Northwest section corner;

Thence North along the thread of the Weiser River to the North line of Section 15;

Thence North 89° 02' 10" West 971 feet more or less along the Section line feet to the REAL POINT OF BEGINNING.

EXCEPTING the bed of the Weiser River as now established.

EXCEPTING THEREFROM a parcel in the NW1/4NW1/4 of said Section, Township and Range more particularly described as follows:

Commencing at the section corner common to Sections 9, 10, 15 and 16 of T17NR1WBM;

Thence East 570 feet on and along the section line common to Sections 10 and 15 to the REAL POINT OF BEGINNING;

Thence South 415.7 feet parallel to the West line of said Section 15 to a point;

Thence East 252 feet parallel to the North section line of Section 15 to a point;

Thence North 415.7 feet parallel to the West line of said Section 15 to a point;

Thence West 252 feet on and along the North line of Section 15 to the REAL POINT OF BEGINNING.

EXCEPTING the West Fork of the Weiser River County Road right-of-way, the Weiser River, and the Pleasant Ridge county Road right-of-way as presently established.

SCANNED

SEP 19 2005



# Idaho Department of Water Resources

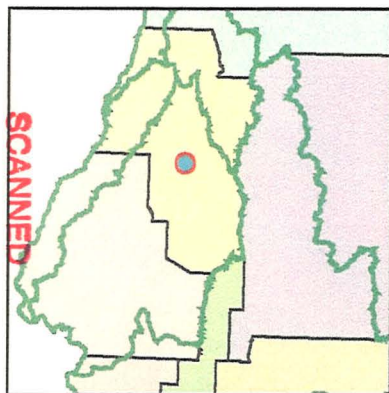
Adjudication Claim Number: **67-4122A**

T17N R01W

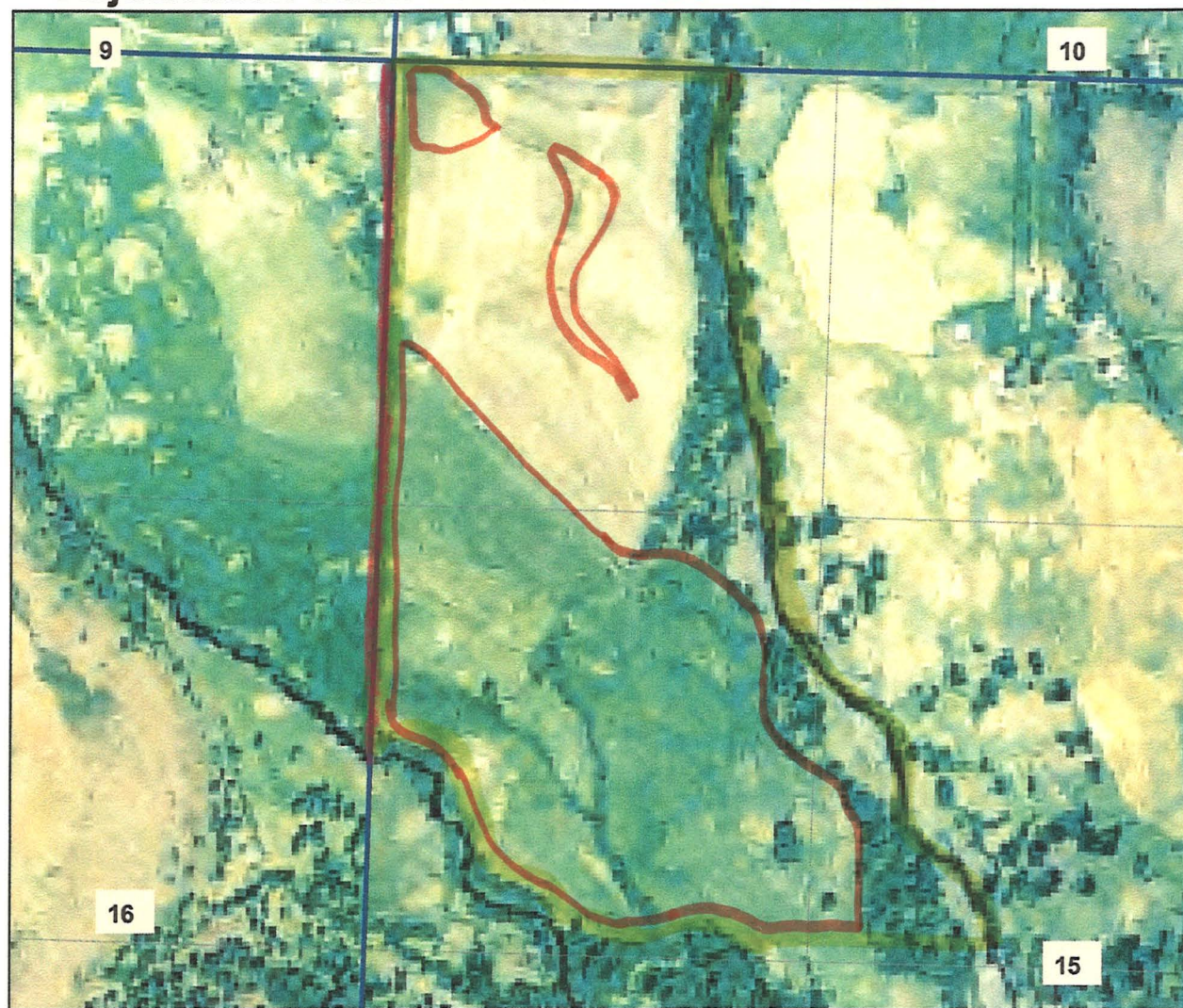
Point of Diversion not on this map:  
SW 1/4 SE 1/4 Sec 32 T18N R01W

## Legend

- Property Boundary
- Irrigated acres
- TJ Glenn Ditch  
AKA West Fork Ditch Co.
- PLS Sections
- GCDBQuarter Quarters



Adams County  
IDWR Basin 67



0 0.2 0.4 Miles

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

SEP 19 2005

SCANNED

IN THE MATTER OF )  
NOTICE OF CLAIM TO )  
A WATER RIGHT NO.(S) )

AFFIDAVIT

67-4122A )  
 )  
 )  
 )  
State of Idaho )  
County of Adams )

I, Amy Grace Glenn being first duly sworn,

deposes and says: I, Amy Grace Glenn was born on  
May 12, 1915 in Fruitvale, Adams County, Idaho and  
have lived here all my 90 years. I know this parcel of  
land, and it has been irrigated as long as I remember.  
I know this land has been under irrigation before 1900,  
because my husband's (Fred Andrew Glenn) great uncle,  
Tom J. Glenn (TJ Glenn) had put this land under irrigation  
between 1895 to 1900.



Amy Grace Glenn  
(Signature)

Subscribed and sworn to before me this  
day 11<sup>th</sup> of September, 192005.

Maxine J. Nichols  
(Notary Public)

Residing at Fruitvale, Idaho

My Commission Expires 5/24/06

SCANNED  
SEP 19 2005



# Idaho Department of Water Resources

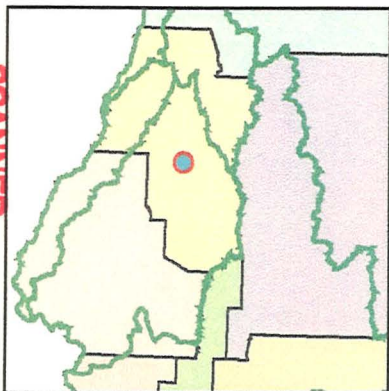
Adjudication Claim Number: **67-4122A**

**T17N R01W**

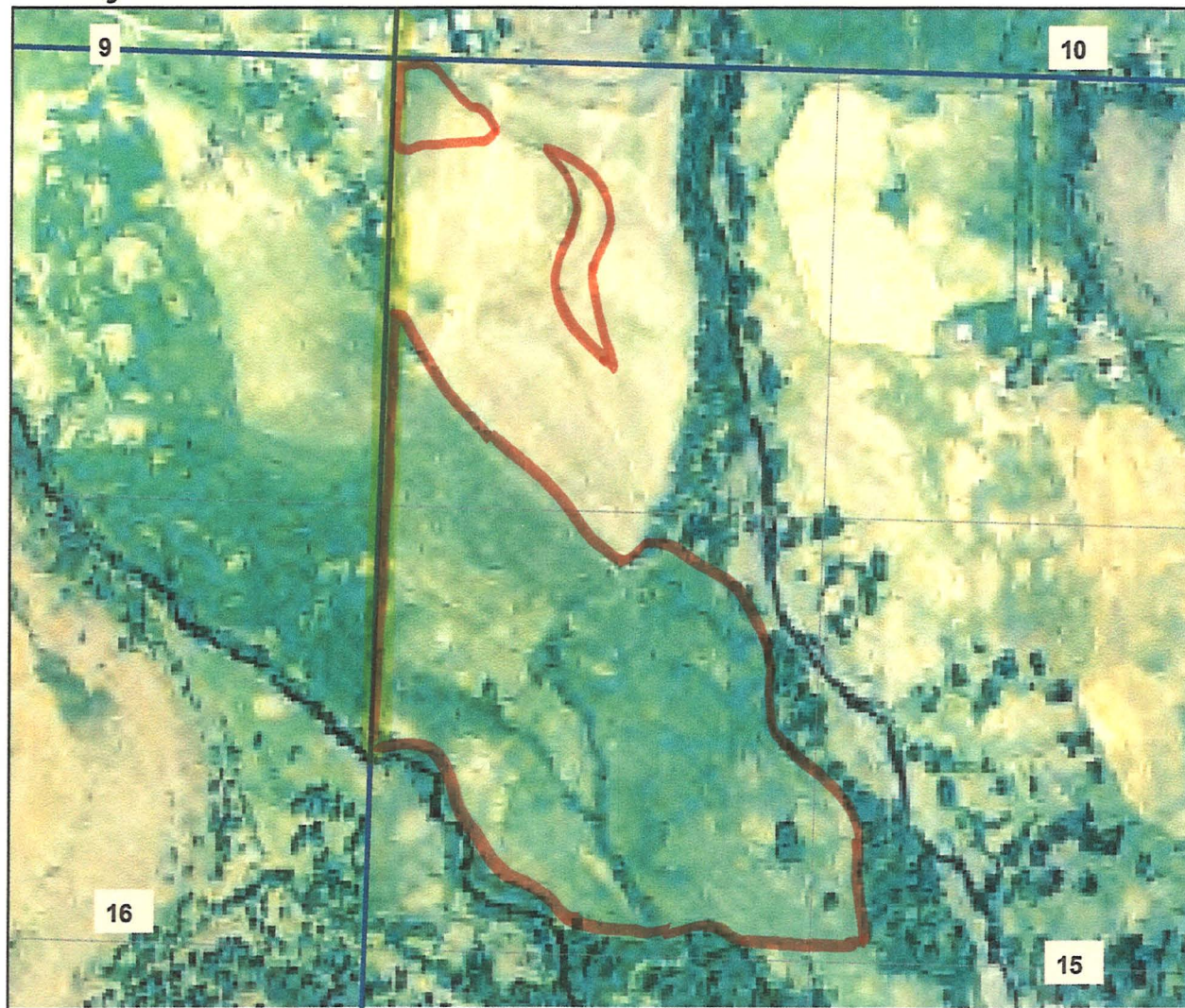
POINT OF DIVERSION NOT ON THIS MAP

## Legend

-  TJ Glenn ditch
-  Irrigated ground
-  PLS Sections
-  GCDBQuarter Quarters



Adams County  
IDWR Basin 67



0 0.2 0.4 Miles



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

SEP 19 2005

SCANNED

~~7/15/05:~~

~~67-11330~~

~~Notes~~

GPS POD

Confirm POD

evidence of priority - need for 7/1/61

Flow measurement?

~~XXXXXXXXXX~~

Bellins Jan & Bruce  
253-0216

check ~~water~~ right

(will submit c/o for this right)

67-4122A

\* needs evidence of priority - earliest after decree <sup>1918</sup>

POD: #A0014009 - TJ Glenn ditch leaves West Fork Weiser R.

Confirm POD

Bellins (owners) also have Reservoir shares (Lost Valley) - do these carry evid. of prior in same POD or not, b/c they are "mobile" water?

no Flow measurement needed: per watermaster  
Capacity of TJ Glenn ditch is 300".



~~called 253-1102 - got answering machine for company "Saimans" - apparently the wrong # - need to locate claimant~~

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 67-4122A  
Date Received: 12/14/1989  
Receipt No: W007121  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAN BELLIN Phone: (208)253-0216

PO BOX 22  
COUNCIL ID USA 83612

BRUCE BELLIN Phone: (208)253-0216

PO BOX 22  
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1898

3. Source: WEISER RIVER WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 18N      | 01W   | 32      | SW SE                 | ADAMS  |      |

5. Description of diverting works:

CONC. HEADGATE, DITCH

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/15 | 10/14 | 1.4    |            |

7. Total Quantity Appropriated is:  
1.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 17N      | 01W   | 15      | NW  | NW     |     | IRRIGATION    | 19    |
|          |       |         | SW  | NW     |     | IRRIGATION    | 25.9  |
|          |       |         |     |        |     | Section Acres | 44.9  |
|          |       |         |     |        |     | Total Acres   | 44.9  |

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.  
THIS IS A SPLIT OFF OF A67-04122. THIS IS UNDERSTOOD TO BE A FLOODWATER RIGHT.

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 9, 2006

BRUCE AND JAN BELLIN  
PO BOX 22  
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)  
Notice of Claim to a Water Right #67-4122A

Dear Claimants:

We have processed your change in ownership of the Notice of Claim referenced above. Thank you for your patience.

Enclosed is a copy of your Notice of Claim for your file. Please refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Technical Section

SS:state  
Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED

MAR - 9 2006

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A67-04122A**  
Date Received: 12/14/1989  
Receipt No: W007121  
Received By: \_\_\_\_\_

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

1. Name: JOHN E ELSBERRY 208-253-1102  
Address: BOX 97  
FRUITVALE ID 83620

2. Date of Priority: MAY 1, 1898

3. Source: WEISER RIVER, WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 18N      | 01W   | 32      | SW     | SE     |     |     | ADAMS  |

5. Description of diverting works:  
CONC. HEADGATE, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/14 | 1.400 |      |        |

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

8. Total consumptive use is 134.7 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      | NW     | NW  |     | IRR | 19.0  |
|          |       |         | SW     | NW  |     | IRR | 25.9  |

**MICROFILMED**

**AUG 05 1994**

**SCANNED**

**APR 08 2004**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 44.9  |
|          |       |         |            |     | Total Acres   | 44.9  |

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:

A67-00083A, A67-00082D, A67-00058A, A67-04115

14. Remarks:

PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.

MR. RYALS HAS OPTED TO FILE ONE CLAIM ONLY FOR THE EARLIEST PRIORITY DATE IN THE SRBA.

THIS IS A SPLIT OFF OF A67-04122. THIS IS UNDERSTOOD TO BE A FLOODWATER RIGHT.

OWNERSHIP CHANGED BY LH 12/15/93.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

**MICROFILMED**  
**AUG 05 1994**

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**MICROFILMED**  
**AUG 05 1994**



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

POOR ORIGINAL

RECEIVED

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

DEC 13 1993

WATER RESOURCES  
WESTERN REGION

DATE 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 1, BM.  
Lot 1, Block 1, Subdivision/Townsite 1.  
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; A67-04122A; 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. ELSBERRY
- ☐ 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. Elsberry 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: AD

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 12-15-93 By: AD

Claim Numbers of Split, if any:

MICROFILMED

AUG 05 1994

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

WITNESS the hand of said Grantors this

day of July A.D. 1990.

POOR ORIGINAL



State of Idaho  
County of Adams

On the 9<sup>th</sup> 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.

*Anna 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 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

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.

Fee \$ 12.00

MICROFILMED  
AUG 05 1994

WARRANTY DEED

POOR ORIGINAL

Printed and for sale by Spaw-Tech 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  
hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)  
State of Idaho

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.

MICROFILMED

AUG 05 1994

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 $\frac{1}{4}$ NW $\frac{1}{4}$  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 05 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: A67-04122A  
Date Received: 12/14/1989  
Receipt No: W007121  
Received By:     LW    

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MELVIN D. RYALS 208-253-4753  
Address: HC 67, BOX 2220  
COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1898

3. Source: WEISER RIVER, WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 18N      | 01W   | 32      | SW     | SE     |     |     | ADAMS  |

5. Description of diverting works:  
CONC. HEADGATE, DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/14 | 1.400  |      |        |

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

8. Total consumptive use is 134.7 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      | NW     | NW  |     | IRR | 19.0  |
|               |       |         | SW     | NW  |     | IRR | 25.9  |
| Section Acres |       |         |        |     |     |     | 44.9  |

A67-04122A

Page 1

Date: 12/14/89

MICROFILMED  
OCT 02 1992

10. Place of Use: Continued

Total Acres 44.9

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:

A67-00083A, A67-00082D, A67-00058A, A67-04115

14. Remarks:

PRIORITY DATES ARE 5-1-1898 OF 3.2 CFS. & 5-1-1900 4.8 CFS.

MR. RYALS HAS OPTED TO FILE ONE CLAIM ONLY FOR THE EARLIEST  
PRIORITY DATE IN THE SRBA.

THIS IS A SPLIT OFF OF A67-04122. THIS IS UNDERSTOOD TO BE A  
FLOODWATER RIGHT.

15. Basis of Claim: BENEFICIAL USE

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: 4

**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): X *Melvin S. Dyer* Date: X 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 A. Werner*  
Notary Public

Seal

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

AG 7-041224

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P/30  
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10-10-71

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Sec 15

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467-04122

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## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

## CLAIM TO A WATER RIGHT

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

Notice is hereby given that T.J. Glenn Ditch (name of claimant)

of Fruitvale, ID 83620, claims a right to the diversion and beneficial use of (mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) West Fork Weiser River, tributary to,

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|                     |                            |                                                       |
|---------------------|----------------------------|-------------------------------------------------------|
| Amount <u>8 cfs</u> | Use <u>Irrigation</u>      | Period of Use: From <u>April 15</u> To <u>Oct. 14</u> |
| Amount _____        | Use _____                  | Period of Use: From _____ To _____                    |
| Amount _____        | Use _____                  | Period of Use: From _____ To _____                    |
| (cfs, gpm or a/f)   | (dom., irri., stock, etc.) | (both dates inclusive)                                |

(3) Total quantity of water claimed: 8 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 5-1-1898 - 3.2 cfs, 5-1-1900 - 4.8 cfs

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water

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The foregoing is a true and certified copy of  
the document on file at the department of  
Water Resources.

T 18 N 1 W

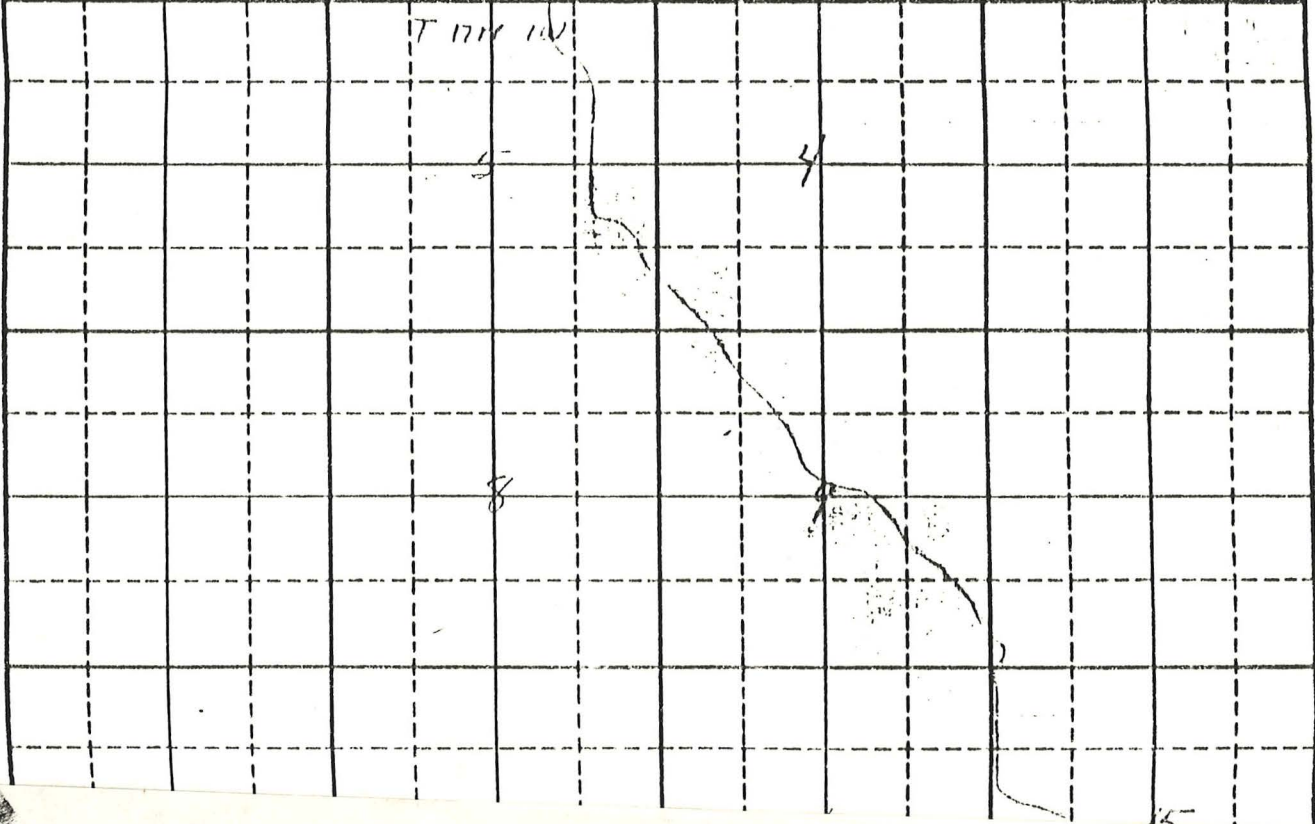
Signed this 31 day of May 19 89

*E. Glen Saylor*

32

Point of Diversion

T 17 N 1 W



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OCT 02 1992



# 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 16, 1993

Re: Notices of Claim to a Water Right Nos. A67-00083AA, A67-04122A,  
A67-11330, A67-11332

John E. Elsberry  
Box 97  
Fruitvale, ID 83620

Mr. Elsberry:

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,

Adjudication Staff  
Department of Water Resources  
Western Region Office  
(208) 334-2190

LH:l  
Enclosure

cc: Melvin Ryals

MICROFILMED  
AUG 05 1994

**AMMENDED**

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Section 42-225a, Idaho Code

## CLAIM TO A WATER RIGHT

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

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of Fruitvale, ID 83620, claims a right to the diversion and beneficial use of  
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) West Fork Weiser River  
\_\_\_\_\_, tributary to, \_\_\_\_\_

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|        |                      |     |                              |                |      |                 |    |                        |
|--------|----------------------|-----|------------------------------|----------------|------|-----------------|----|------------------------|
| Amount | <u>8 cfs</u>         | Use | <u>Irrigation</u>            | Period of Use: | From | <u>April 15</u> | To | <u>Oct. 14</u>         |
| Amount | _____                | Use | _____                        | Period of Use: | From | _____           | To | _____                  |
| Amount | _____                | Use | _____                        | Period of Use: | From | _____           | To | _____                  |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri,<br>stock, etc.) |                |      |                 |    | (both dates inclusive) |

- (3) Total quantity of water claimed: 8 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 5-1-1898 - 3.2 cfs, 5-1-1900 - 4.8 cfs

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)  
 SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Sec. 32 Twp. 18 N Rge. 1W B. M. County of Adams  
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. There is a diversion dam of rocks and a concrete, screw down typw headgate. There is no measuring device at the present time. The headgate is model #101F 24".

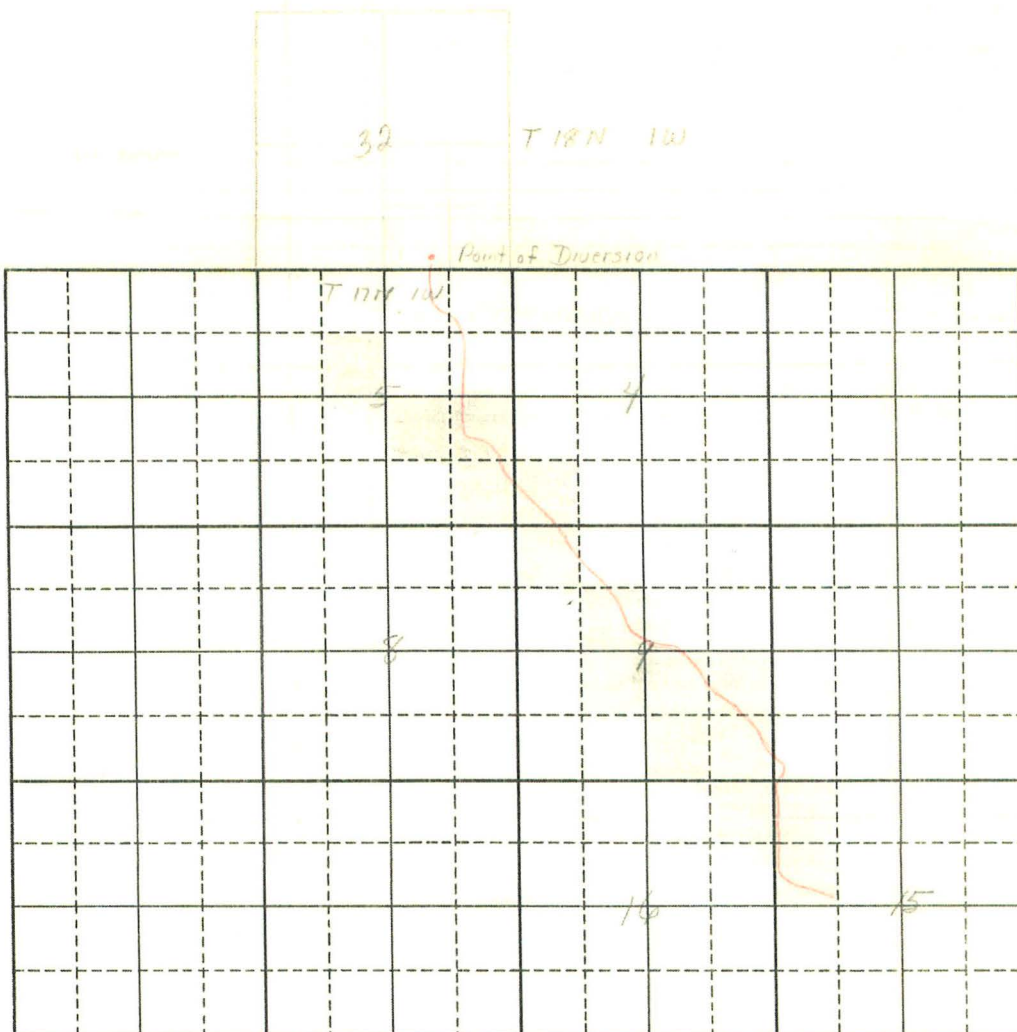
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 261

- 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: T. J. Glenn Ditch  
( Also know as the West Fork Ditch Co.)



Scale: 2 inches equal 1 mile.

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

State of Idaho )  
 ) ss.  
 County of Adams )

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 11 day of August

Edwin D. Fisher  
 (Claimant) pres.  
Edwin D. Fisher  
 Notary Public  
 Residing at Council Bluffs

My commission expires Sept

#### For Department Use Only

|                                         |                     |                     |              |      |
|-----------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>du</u>                   | Date <u>8/15/15</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>-0-</u>             | Date                |                     | claimant by: |      |
| \$10.00 fee received by <u>-0-</u>      | Date                |                     |              |      |
| Approved for publication by             |                     |                     |              |      |
| Published in <u>Adams County Leader</u> |                     |                     |              |      |
| Dates <u>Sept 4 &amp; 11</u>            |                     |                     |              |      |

**Claim No**

## Section 42-225a, Idaho Code

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

Notice is hereby given that T. J. Glenn Ditch  
(name of claimant)

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) West Fork Weiser River  
\_\_\_\_\_, tributary to, \_\_\_\_\_

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|                     |                       |                                                       |
|---------------------|-----------------------|-------------------------------------------------------|
| Amount <u>8 cfs</u> | Use <u>Irrigation</u> | Period of Use: From <u>April 15</u> To <u>Oct. 14</u> |
| Amount _____        | Use _____             | Period of Use: From _____ To _____                    |
| Amount _____        | Use _____             | Period of Use: From _____ To _____                    |
| (cfs, gpm)          | (dom., irri.,         | (both dates inclusive)                                |

(4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1898 - 3,2 C.F.S.  
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.

A) Point of diversion: (give location of point where water is diverted from its source)  
SE ¼ SW ¼, Sec. 32 Twp. 18N Rge. 1 W B. M. County of Adams  
 Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. There is a diversion dam of rocks and a concrete, screw down type headgate. There is no measuring device at the present time. The headgate is model #101F 24".

(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.

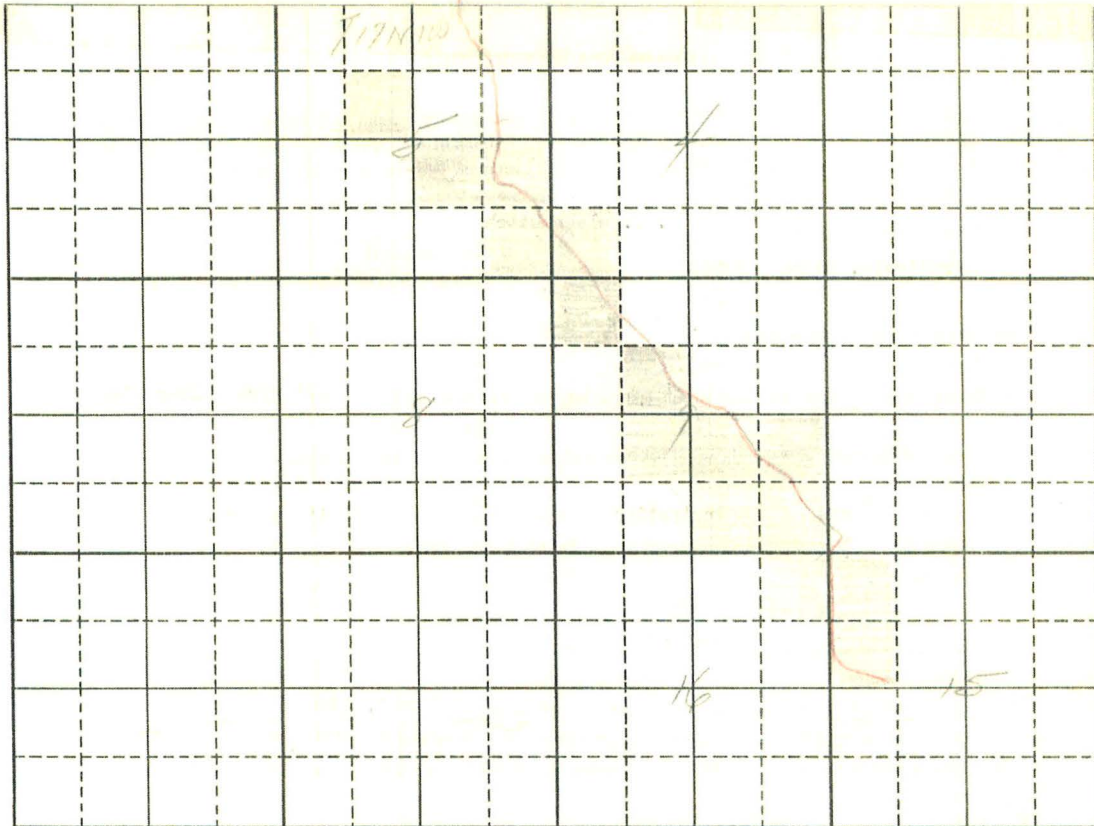
[illegible]

Total No. of acres 261

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(7) If you are claiming water as a member of an organization, list name of organization: T. J. Glenn Ditch  
(Also known as the West Fork Ditch Co.)

~~RESTRICTED~~



Scale: 2 inches equal 1 mile.

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

State of Idaho )  
 ) ss.  
County of Adams )

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 15th day of April

A B Schmitt  
(Claimant)

Harwin D. Lester  
Notary Public  
Residing at Council, Idaho

My commission expires Life

#### For Department Use Only

|                                           |                     |                     |              |      |
|-------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>AGB</u>                    | Date <u>4-17-75</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>AGB</u>               | Date <u>4/17/75</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>AGB</u>        | Date <u>4/17/75</u> | <u>#501</u>         |              |      |
| Approved for publication by <u>AGB</u>    | Date <u>5-13-75</u> |                     |              |      |
| Published in <u>Adams County Register</u> |                     |                     |              |      |
| Dates <u>May 1 &amp; May 8</u>            | <u>4/24/75</u>      |                     |              |      |