11/14/2006

RECEIVED
DEC 05 2006
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

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

Water right number: 67-4127

HELEN L RICE
PO BOX 536
COUNCIL ID 83612
Telephone Number: (208)253-4784

WARREN N RICE
PO BOX 536
COUNCIL ID 83612
Telephone Number: (208)253-4784

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

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

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

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

DATE: 11-30-06 **SIGNATURE:** Helen Rice

Please print your name: Helen Rice

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

SCANNED
DEC - 6 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: **A67-04127**
Date Received: 12/11/1989
Receipt No: W007072
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARREN N. RICE 208-253-4784
   Address: HC 62, BOX 1455
   COUNCIL, ID 83612
   OR
   Name: HELEN L. RICE 208-253-4784
   Address: HC 62, BOX 1455
   COUNCIL, ID 83612

2. Date of Priority: MAY 01, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	01W	35	NW SW		ADAMS

5. Description of diverting works:
   GRAVITY DIVERSION FROM MILL CK. FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	05/01	07/20	0.600	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE.

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APR 0 8 2004

MICROFILMED
OCT 0 2 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
17N	01W	34	NE	SE		IRR	14.0
			NW	SE		IRR	4.0
						Section Acres	18.0
						Total Acres	18.0

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:
CLAIM NO.'S A67-00355C & A67-00363C.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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OCT 02 1992

16. Signature(s)

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

Number of attachments: 1

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): Helen Rice Date: 12-11-89

_____ Date: _____

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 11th day of December 19 89

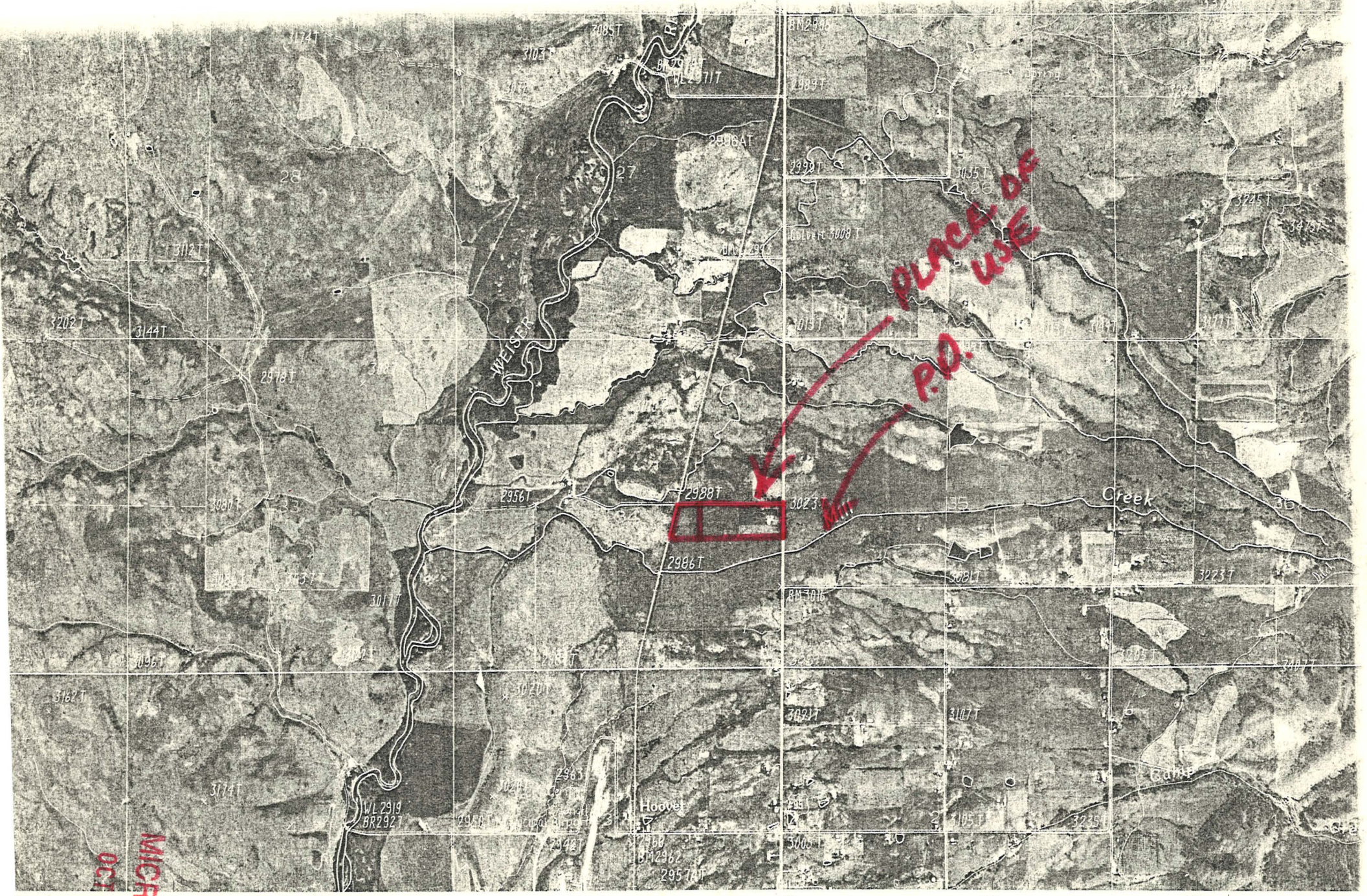
Jan Shute
Notary Public

Seal

Residing at Meridian, ID

My Commission Expires 9-14-94

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OCT 0 2 1992



542 27' 30" 544 545 546 25' 547

SCALE 1:24 000

1 0 1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 .5 0 1 KILOMETER

ice

cale

Idaho coordinate

MICROFILMED
OCT 0 2 1992

#67-412 Warren & Helen Rice

(2)

Mor-ty No.	Name of User	Description of Land				Source of Supply	Priority Date			Priority Inches
26.	Village of Cambridge	NE¼ NE¼	10	14	3W	Rush Creek	8	23	83	2.875
		W½ SW¼	2	14	3W					
		E½ SE¼	3	14	3W					
26.	Leroy T. Braden	5 Acres in SW¼ NW¼	2	14	3W	Rush Creek	8	23	83	2.50
26.	Fred M. & Grace Suiter	NE¼ NW¼	2	14	3W	Rush Creek	8	23	83	12.50
26.	C. E. Schmitz	7 Acres in NE¼ SW¼	2	14	3W	Rush Creek	8	23	83	4.375
		S½ SW¼	32	15	3W					
		NW¼ NE¼, NE¼ NW¼	5	14	3W					
26.	John Tingley	NE¼ SW¼	2	14	3W	Rush Cheek	8	23	83	13.625
26.	Elizabeth Norton	5 Acres in SW¼ NW¼	2	14	3W	Rush Creek	8	23	83	2.375
26.	John Norton	10 Acres in SE¼ NW¼	2	14	3W	Rush Creek	8	23	83	4.75
26.	G. W. Tuttle	5 Acres in SW¼ NW¼	2	14	3W	Rush Creek	8	23	83	2.375
27.	Weiser Irrigation District					Main Weiser	8	29	83	1500.00
28.	George A. Jefferson	NE¼ NE¼	4	14	3W	Rush Creek	5	1	84	3.125
28.	Mrs. William E. Gladhart	NW¼, N½ SW¼	16	14	2W	Little Weiser	5	1	54	121.00
28.	Deseret Sheep Company	SE¼	34	17	1W	Mill Creek	5	1	84	41.67
28.	Frederick M. Watris					Mill Creek	5	1	84	12.50
28.	C. M. Gilmer & Frank Peck	S½ NE¼	5	17	2W	Hornet Creek	5	1	84	37.50
		SW¼	4	17	2W					
28.	Dale Donnally	N½ NE¼, SW¼ NE¼	31	17	1W	Hornet Creek	5	1	84	50.00
28.	C. E. Schmitz					Pine Creek	5	1	84	5.00
29.	J. Emmett Pfost	SE¼ SW¼	31	15	2W	Main Weiser	5	6	84	125.00
		W½ NE¼, NE¼ NW¼, S½ NW¼	5	14	2W					
29.	R. E. Wilson	N½ NW¼	31	15	2W	Main Weiser	5	6	84	25.00
30.	William Wiggins	NE¼ NW¼	19	14	3W	Keithley Creek	5	15	84	2.50
30.	Frank Towell	NE¼ NE¼, S½ NE¼	2	14	3W	Keithley Creek	5	15	84	18.75
30.	Forrest & Clifford Burns	N½ NE¼	31	14	3W	Keithley Creek	5	15	84	7.50
30.	Edward M. Wiggins	SE¼	32	14	3W	Keithley Creek	5	15	84	50.00
31.	Isaac McMahan	N½ SW¼, N½ SE¼, SW¼ SE¼	15	17	1W	Main Weiser	5	31	84	10.00
		SW¼ NW¼	14	17	1W					
31.	Lester M. McMahan	SE¼ NE¼	15	17	1W	Main Weiser	5	31	84	4.00
32.	Rollie A. McMahan	NW¼ SW¼	14	17	1W	Main Weiser	6	1	84	4.00
32.	Samuel E. McMahan	SW¼ NE¼	15	17	1W	Main Weiser	6	1	84	22.00
32.	William M. Glenn	SW¼ SW¼	14	17	1W	Main Weiser	6	1	84	45.00
		SE¼ SE¼	15	17	1W					
		E½ NE¼	22	17	1W					
32.	George Robertson	SW¼ NW¼, N½ SW¼, SE¼ SW¼	10	17	1W	Main Weiser	6	1	84	5.00
32.	Nels Buhl					Pine Creek	6	1	84	30.00
32.	R. F. Couts	SW¼ NE¼, S½ NW¼, NW¼ SE¼	32	15	1W	Little Weiser	6	1	84	34.00
32.	William Phipps	S½ SW¼, SW¼ SE¼	26	16	1W	Cottonwood Creek	6	1	84	50.00
		NW¼ NE¼	35	16	1W					
32.	James H. Phillips	SE¼ NE¼	5	14	3W	Pine Creek	6	5	84	17.50
		S½ NW¼, NW¼ SW¼	4	14	3W					
34.	P. W. Higgins	SW¼ NE¼, SE¼ NW¼	34	16	1W	Cottonwood Creek	9	6	84	20.00
		5 Acres in NE¼ NW¼	34	16	1W					
34.	Edgar Moser	NE¼ NW¼, SE¼ SW¼	27	16	1W	Cottonwood Creek	9	6	84	22.50
34.	Council Valley Orchards	S½ SE¼	35	17	1W	Mill Creek	5	1	85	10.75
		N½ NE¼	2	16	1W					
35.	S. E. & Florence C. Dare					Hornet Creek	5	1	85	16.00
36.	John Zencher	SE¼ NW¼	35	14	4W	Keithley Creek	5	15	85	8.50
36.	Walter J. Hopper	SW¼ SW¼	36	14	4W	Keithley Creek	5	15	85	11.00
		6 Acres in NW¼ NW¼	1	13	4W					
37.	J. D. Bailey	SE¼ SW¼, SW¼ SE¼	4	14	1W	Little Weiser	6	1	85	15.00
37.	Leander Lindsay	SE¼	22	14	1W	Little Weiser	6	1	85	17.00
37.	E. H. Richardson	NW¼ NE¼, S½ NE¼, NW¼ SE¼	1	13	1W	Little Weiser	6	1	85	29.00
37.	Anna Hutchinson					Little Weiser	6	1	85	8.00
37.	Edward Manning					Little Weiser	6	1	85	12.50
37.	D. K. Lindsay	N½ NE¼, N½ NW¼, SW¼ NW¼	22	14	1W	Little Weiser	6	1	85	46.00
37.	Georgine Ludwig					Little Weiser	6	1	85	87.00
37.	Richard Johnson					Little Weiser	6	1	85	7.00
38.	B. M. Holt	N½ NE¼ W½ SW¼	32	17	1W	Hornet Creek	4	1	86	62.50
		S½ SE¼	31	17	1W					
		W½ NW¼	5	16	1W					
		N½ NE¼, N½ NW¼, N½ SE¼	6	16	1W					
		E½ NE¼	1	16	2W					
39.	W. H. Thomason					Little Weiser	5	1	86	44.00
39.	Edith K. Devaney and Ella Mae Carter	NE¼ SW¼, N½ SE¼	18	14	2W	Little Weiser	5	1	86	22.50
		NW¼ SW¼	17	14	2W					
39.	Enoch Bloomstrom	N½ SW¼	10	14	3W	Pine Creek	5	1	86	12.50
39.	Chas. Lappin & A. E. Felmley	W½ SW¼	25	17	1W	Mill Creek	5	1	86	54.00
40.	Forrest & Clifford Burns	E½ SE¼	26	17	1W	Keithley Creek	5	15	86	5.00
40.	Otho Towell	S½ NW¼	2	13	4W	Keithley Creek	5	15	86	6.25
40.	Carrie Clayton	S½ NE¼	31	14	3W	Keithley Creek	5	15	86	2.00
41.	C. F. Hulet	NE¼	3	14	3W	Pine Creek	6	1	86	31.50
		N½ SW¼	10	14	3W					
41.	American Falls Dev. Co.	E½ SW¼, S½ SE¼	34	16	3W	Cow Creek	6	1	86	47.00
41.	J. W. Coriell					Little Weiser	6	1	86	8.00
41.	W. C. Shearer	SW¼ SE¼	32	15	1W	Little Weiser	6	1	86	1.00
41.	C. E. Kennedy	W½ SW¼	32	15	1W	Little Weiser	6	1	86	14.00
		E½ NE¼, N½ SE¼	31	15	1W					
41.	Henry E. Warner and Earl Welston	N½ SW¼	30	17	1W	Hornet Creek	6	1	86	37.50
		SW¼ SW¼	19	17	1W					
42.	B. F. Janes	15 Acres in SW¼ SW¼	12	14	3W	Main Weiser	7	4	86	10.00
42.	Marion Smith	N½ NW¼, E½ SW¼	7	14	2W	Main Weiser	7	4	86	90.00
		NW¼	13	14	3W					
42.	R. H. Martin Estate	SE¼, SW¼	12	14	3W	Main Weiser	7	4	86	90.00
42.	Weiser Irrigation District					Main Weiser	5	1	87	250.00
43.	Hattie Macey	NE¼ NW¼	3	14	3W	Rush Creek	5	1	87	19.00
43.	Marion Smith					Little Weiser	5	1	87	92.00
43.	W. D. Morey	N½ NW¼	17	14	2W	Little Weiser	5	1	87	162.50
		SW¼	8	14	2W					
		SE¼	7	14	2W					
		NE¼	18	14	2W					
43.	Mrs. Margaret A. Crouter	W½ NE¼, E½ NW¼	18	14	2W	Little Weiser	5	1	87	65.00
43.	R. H. Martin Estate					Little Weiser	5	1	87	90.00
43.	Samuel A. Mentzer	W½ NE¼, SE¼ NE¼, N½ SE¼	13	14	3W	Little Weiser	5	1	87	94.00
44.	J. I. Linder					Little Weiser	6	1	87	50.00
44.	H. L. Joslin	NE¼ NW¼	10	14	1W	Little Weiser	6	1	87	17.00
44.	Mrs. H. L. Ware	NW¼ NW¼	10	14	1W	Little Weiser	6	1	87	32.00
		20 Acres in NE¼ NE¼	9	14	1W					
44.	J. T. Muir & W. H. Muir	W½ NE¼, E½ NW¼, N½ SW¼, SE¼ SW¼	3	10	4W	Main Weiser	6	1	87	112.50
44.	G. F. Smith et al	SE¼ NE¼, Lot 1	3	10	4W	Main Weiser	6	1	87	62.50
		SW¼ NW¼, Lot 3 and 4	2	10	4W					
44.	I. A. Whiteley	SW¼ NE¼, SE¼ NW¼, N½ SE¼	27	16	1W	Cottonwood Creek	6	1	87	31.375
44.	Geo. Robertson					Main Weiser	6	1	87	30.00
45.	J. E. Lawrence & Clark Adams	S½ SW¼, SE¼ SE¼	15	17	2W	Hornet Creek	8	31	87	56.25
		20 Acres in NE¼ NE¼	30	17	2W					
46.	Middle Valley Irrig. Ditch Co.					Main Weiser	11	1	87	700.00
47.	Weiser Irrigation District					Main Weiser	5	1	88	250.00
47.	J. M. Atwell	NW¼ NE¼, N½ NW¼, SW¼, NW¼	34	15	3W	Rush Creek	5	1	88	9.50
48.	J. A. Darland	W½ NE¼, E½ NW¼	16	17	2W	Hornet Creek	6	1	88	25.00
48.	I. A. Whitely					Cottonwood Creek	6	1	88	15.625
48.	G. E. Steward					Little Weiser	6	1	88	25.00
49.	Joseph C. Allison	S½ NE¼, SW¼, NW¼ SE¼	22	16	4W	Pine Creek	6	26	88	18.00
49.	William W. Allison	S½ SW¼	15	16	4W	Pine Creek	6	26	88	12.00
		N¼ NE¼, N½ NW¼, 20 Acres in SW¼ NE¼	22	16	4W					
50.	Harold E. Kinney	NE¼	23	15	4W	Pine Creek	8	15	88	35.00
		8 Acres in SE¼ SE¼	14	15	4W					
50.	Nathaniel H. Wells	SW¼ NW¼, W½ SW¼ SE¼ SW¼	24	15	4W	Pine Creek	8	15	88	31.00
		12 Acres in E½ NE¼	23	15	4W					
51.	Rebecca Wilson					Hornet Creek	12	1	88	50.00
52.	Weiser Irrigation District					Main Weiser	5	1	89	300.00
52.	Middle Valley Irrig. Ditch Co.					Main Weiser	5	1	89	500.00
52.	John & J. D. Poyner	W½ NW¼, N½ SW¼	36	17	1W	Mill Creek	5	1	89	22.50
52.	Council Valley Orcards					Mill Creek	5	1	89	37.50
52.	Jas. A. Houston & Wm. Spahr	W½ NW¼, NW¼ SW¼	36	17	1W	Mill Creek	5	1	89	16.00
52.	Enoch Bloomstrom					Pine Creek	5	1	89	22.50
52.	Edward Byers	SE¼ NW¼, E½ SW¼, SW¼ SW¼	27	15	3W	Rush Creek	5	1	89	12.50

SCANNED
SEP 2 6 2005

67-4127 Warren & Nulen Rice

(3)

Priority No.	Name of User	Description of Land				Source of Supply	Priority Date			Priority Inches
52.	G. T. Hamil					Fort Hall Creek	5	1	89	4.00
53.	Wm. S. Potter					Keithley Creek	5	15	89	2.25
54.	J. W. Galloway	SW¼	1	10	5W	Main Weiser	6	1	89	70.00
54.	J. Newton & Bessie Wingfield	20 Acres in SE¼ SE¼	2	10	5W	Main Weiser	6	1	89	15.00
54.	Albert McDowell	SE¼ NE¼	4	14	1W	Little Weiser	6	1	89	19.00
54.	G. W. Phipps	N½ NW¼	34	16	1W	Cottonwood Creek	6	1	89	37.50
54.	James H. McGinley	N½ SW¼, N½ SE¼, SE¼ SE¼	26	16	1W	Cottonwood Creek	6	1	89	3.00
		NE¼ NE¼	35	16	1W					
55.	A. Kampeter	S½ SE¼	5	17	2W	Hornet Creek	12	31	89	35.50
		SW¼ SW¼	4	17	2W					
		NW¼ NW¼	9	17	2W					
56.	Village of Cambridge					Rush Creek	4	30	90	20.00
56.	Moses H. Hopper					Rush Creek	4	30	90	1.00
56.	Nels C. Nelson	N½ NE¼	3	14	3W	Rush Creek	4	30	90	12.50
		10 Acres in NW¼ SW¼	2	14	3W					
57.	George W. Hall					Rush Creek	5	1	90	12.50
57.	George A. Jefferson					Rush Creek	5	1	90	12.375
57.	Eva Barber	S½ NE¼	2	14	3W	Rush Creek	5	1	90	16.00
57.	Jerome B. Cox	SE¼ NE¼, N½ SE¼, SW¼ SE¼	2	15	3W	Rush Creek	5	1	90	19.00
57.	Weiser Irrigation District					Main Weiser	5	1	90	200.00
57.	James W. Tindell	NE¼ NE¼, SW¼ NE¼, E½ NW¼	31	15	3W	Pine Creek	5	1	90	32.50
58.	Jacob Ader	NW¼ SE¼	30	14	3W	Welthley Creek	5	15	90	20.00
58.	E. M. Stewart	SW¼ SE¼	30	14	3W	Keithley Creek	5	15	90	4.00
58.	James Keithley	SE¼ SW¼, SW¼ SE¼	36	14	4W	Keithley Creek	5	15	90	26.25
59.	D. W. Hutchinson	E½ NE¼	5	14	1W	Little Weiser	6	1	90	19.00
		SW¼ NW¼, NW¼ SE¼	4	14	1W					
59.	T. B. Biggerstaff	S½ SE¼	2	17	1W	Main Weiser	6	1	90	45.00
		S½ SW¼	1	17	1W					
60.	Michael Ward	NE¼	32	15	3W	Pine Creek	6	3	90	47.50
61.	Jas. H. McGinley					Cottonwood Creek	7	1	90	72.00
62.	Mary E. Houston	E½ NE¼, SW¼ NE¼, SE¼ NW¼	26	16	1W	Cottonwood Creek	7	2	90	25.00
63.	Weiser Irrigation District					Main Weiser	5	1	91	200.00
63.	E. E. Edwards	W½ NE¼, SE¼ NE¼, N½ NW¼	33	15	3W	Pine Creek	5	1	91	165.00
		SE¼ NW¼, SE¼ SW¼, N½ SE¼	33	15	3W					
		S½ SW¼, SW¼ SE¼	28	15	3W					
63.	Fannie E. Baker	E½ NE¼	9	15	4W	Pine Creek	5	1	91	6.00
		SW¼ NW¼	10	15	4W					
		SE¼ SE¼	4	15	4W					
63.	R. E. Wilson and Edwin J. Hill	E½ SE¼	26	15	3W	Ruch Creek	5	1	91	16.00
		S½ SW¼	25	15	3W					
		NW¼ NE¼, N½ NW¼	36	15	3W					
63.	Henry Mosman	SE¼	8	14	2W	Little Weiser	5	1	91	85.00
63.	Stella Beigh	17 Acres in SW¼ SW¼	9	14	2W	Little Weiser	5	1	91	12.00
63.	H. L. Snyder	20 Acres in SW¼ SW¼, N½ SW¼, SE¼ SW¼	9	14	2W	Little Weiser	5	1	91	66.00
63.	M. C. Wilkerson	SE¼	9	14	2W	Little Weiser	5	1	91	82.00
		NW¼ NE¼	16	14	2W					
63.	W. M. Baccus	S½ SE¼	4	15	1W	Middle Fork	5	1	91	14.00
63.	Catherine Austin	SW¼	4	15	1W	Middle Fork	5	1	91	24.00
		NE¼ SE¼	5	15	1W					
63.	P. H. Schaff and F. S. Galey					Mill Creek	5	1	91	29.00
64.	Mattie E. Gray	NE¼ SE¼	32	15	1W	Little Weiser	6	1	91	23.00
		SW¼ SW¼	33	15	1W					
64	Denbrae Sheep Co	SE¼ NW¼, E½ SE¼	32	16	4W	Pine Creek	6	1	91	15.00
		NW¼ SW¼, SW¼ NW¼	33	16	4W					
		N½ NW¼	4	15	4W					
64.	Mark Winkler	S½ NE¼, NE¼ SW¼, NW¼ SE¼	27	17	1W	Main Weiser	6	1	91	60.00
64.	Carrie Winkler	NE¼ SE¼	27	17	1W	Main Weiser	6	1	91	10.00
64.	E. Hinkle	S½ NW¼ W½ SW¼	34	17	1W	Main Weiser	6	1	91	50.00
		SE¼ NE¼, E½ SE¼	33	17	1W					
		NE¼ NE¼	4	16	1W					
64.	S. A. Moudy and E. Hinkle	S½ NE¼	34	17	1W	Main Weiser	6	1	91	19.00
64.	George Gould	SE¼ SW¼, SW¼ SE¼, Part SE¼ SE¼	27	17	1W	Main Weiser	6	1	91	82.00
		NW¼ NE¼, NE¼ NW¼, Part NE¼ NE¼	34	17	1W					
65.	William Hanson	NE¼ NE¼	5	17	2W	Hornet Creek	12	31	91	12.00
		NW¼ NW¼	4	17	2W					
65.	Mattie M. Keyes	N½ SW¼, SW¼ SW¼, NW¼ SE¼	15	17	2W	Hornet Creek	12	31	91	16.0
66.	Weiser Irrigation District					Main Weiser	5	1	92	150.
66.	John Schwenkfelder	NW¼	15	14	2W	Little Weiser	5	1	92	145.00
		E½ NE¼	16	14	2W					
66.	Jacob Moritz	S½ NE¼	15	14	2W	Little Weiser	5	1	92	49.00
		NW¼ SE¼	16	14	2W					
66.	Leslie Johnson	N½ NE¼	15	14	2W	Little Weiser	5	1	92	95.00
		S½ SE¼	10	14	2W					
66.	S. N. York					Little Weiser	5	1	92	25.00
66.	William Niemeyer	W½ SE¼, SE¼ SE¼	24	15	4W	Pine Creek	5	1	92	7.00
		E½ NE¼, NE¼ SE¼	25	15	4W					
		N½ NW¼	30	15	3W					
66.	Mary Marquis	NW¼ SW¼	32	15	3W	Pine Creek	5	1	92	21.00
		SW¼ SE¼, NW¼ NW¼, SE¼ SW¼, E½ SE¼	31	15	3W					
		SE¼ SE¼	36	15	4W					
		NE¼ NW¼	6	14	3W					
66.	Edward Byers					Rush Creek	5	1	92	7.50
66.	Hub B. Poyner	NW¼ NE¼, N½ NW¼, SW¼ NW¼	27	15	3W	Rush Creek	5	1	92	16.00
66.	J. P. Ogilvie	S½ NW¼	11	15	2W	Goodrich Creek	5	1	92	10.00
		SE¼ NE¼, NE¼ SE¼	10	15	2W					
67.	William Phipps					Cottonwood Creek	6	1	92	3.00
68.	C. E. McDonald	SW¼ NE¼, N½ SE¼, SE¼ SE¼	23	11	4W	Main Weiser	7	2	92	56.00
		SW¼ SW¼	25	11	4W					
69.	Weiser Irrigation District					Main Weiser	5	1	93	200.00
69.	Mary Marquis					Pine Creek	5	1	93	25.00
69.	F. M. Watris					Mill Creek	6	1	93	33.33
69.	George T. Ellis	SW¼ NW¼	3	16	1W	Mill Creek	5	1	93	27.50
		10 Acres in NE¼ NE¼, SE¼ SE¼	4	16	1W					
69.	W. J. Wilson	N½ NW¼, SW¼ NW¼	23	17	2W	Hornet Creek	5	1	93	47.00
		SE¼ NE¼	22	17	2W					
70.	A. L. Freehafer & Margaret Pike	E½ SW¼, W½ SE¼, Part SW¼ SW¼	23	17	1W	Fort Hall Creek	7	1	93	47.00
71.	Weiser Irrigation District					Main Weiser	5	1	94	150.00
71.	M. C. Wilkerson					Little Weiser	5	1	94	25.00
71.	Albert Moritz	S½ SE¼	16	14	2W	Little Weiser	5	1	94	35.00
		N½ NE¼	21	14	2W					
71.	Ben Woden	NE¼ N½ NW¼	13	15	1W	Middle Fork	5	1	94	30.00
		N½ NE¼	14	15	1W					
71.	Council Valley Orchards					Mill Creek	5	1	94	29.00
71.	P. H. Schaff & Thos. L. Watr	N½ NW¼	35	17	1W	Mill Creek	5	1	94	37.50
		SE¼ SE¼	27	17	1W					
		NE¼ NE¼	34	17	1W					
71.	F. M. Watris					Mill Creek	5	1	94	20.75
71.	H. B. Poyner					Rush Creek	5	1	94	6.00
71.	W. H. Gibson	W½ NE¼	10	15	3W	Rush Creek	5	1	94	2.50
71.	Minta Duggar	NE¼ SE¼	10	15	3W	Rush Creek	5	1	94	1.50
72.	Walter Benson	SE¼ NE¼, E½ SE¼, SW¼ SE¼	9	14	1W	Little Weiser	6	1	94	6.00
73.	P. H. Miller	SE¼ SW¼	4	17	2W	Hornet Creek	4	2	95	38.50
		E½ NW¼, SW¼ NW¼	9	17	2W					
74.	P. H. Miller					Hornet Creek	4	30	95	25.00
75.	Weiser Irrigation District					Main Weiser	5	1	95	150.00
75.	Village of Cambridge					Rush Creek	5	1	95	2.125
75.	J. Edward Wicks	W½ SE¼, SE¼ SE¼	3	15	3W	Rush Creek	5	1	95	19.00
		NE¼ NE¼	10	15	3W					
75.	Chas. F. Hulet					Rush Creek	5	1	95	31.25
75.	A. H. Nunnalee	30 Acres in NE¼ NE¼	3	14	3W	Rush Creek	5	1	95	14.00
75.	A. L. Kingsbury	30 Acres in NW¼ NE¼	3	14	3W	Rush Creek	5	1	95	7.50
76.	Jesse Buzzard	S½ SE¼	23	15	1W	Fall Creek	6	1	95	26.00
		N½ NE¼	26	15	1W					
76.	Annie Carson	NE¼	27	14	1W	Little Weiser	6	1	95	35.00
76.	J. W. Frasier	N½ NE¼	34	14	1W	Little Weiser	6	1	95	31.00
76.	Willette L. Frasier	N½ NW¼	35	14	1W	Little Weiser	6	1	95	42.00
76.	Chris Behnen	NW¼ NE¼	35	14	1W	Little Weiser	6	1	95	8.00
76.	S. T. Logan	NW¼ NE¼, E½ NW¼	26	14	1W	Little Weiser	6	1	95	17.00
77.	Frank Peck	SE¼ NW¼	5	17	2W	Hornet Creek	6	30	95	10.00

SCANNED
SEP 2 6 2005

Warren + Helen Rice claim #07-4127

FINAL RECEIVERS RECEIPT 808

APPLICATION NO 1631

HOMESTEAD

Recievers Office, Boise City, Idaho.

Dec 11", 1890.

Recieved of James H. Krigbaum, the sum of Six Dollars, being the ballance of payment required by law, for the entry of of the South East Quarter of Section 34 in Township 17 N. of Range 1 W containing 160 Acres, under Section 2291 Revised Statutes of the United States.

Joseph Perrault

Receiver

$6/00

$4/00 Testimony fee required, no of written words 1780 rate per 100 words 22½ cents

Filed for record Dec 28th 1890 at 30 min. past 9 A. M.

O. M. Harvey

Recorder

(Deeds 4 - 383)

SCANNED

SEP 2 6 2005

GEO. P. BARNARD & CO., ST. LOUIS

This Indenture, made this 30th day of November 1906 by and between Emma F. Eberhardt of Gross, County of Boise, State of Idaho and Dollie M. Bowman of Marysville, State of Washington, A. R. Krigbaum of Meadows, Washington County, Idaho, James B. Krigbaum of Midvale, Washington County, Idaho, Thomas E. Krigbaum of Vancouver, B. C., Edward M. Krigbaum and Marcus E. Krigbaum of Council, Washington County, Idaho, sole heirs at law of the estate of James H. Krigbaum, deceased, parties of the first part and Margaret L. Krigbaum, widow of the said James H. Krigbaum, deceased, the party of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents grant, bargain, sell and convey unto the said party of the second part and to her heirs and assigns forever, all and singular the following described real estate situate in the County of Washington, State of Idaho and particularly described as follows towit:

The S. E. ¼ (South East Quarter) of Section Thirty Four (34) in Twp. 17 N. R. 1 West B. M. including all water and water rights, ditches and irrigation works thereunto belonging or in anywise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

To Have and to Hold all and singular the said and above described premises together with the appurtenances thereunto belonging unto the said party of the second part and to her heirs and assigns forever.

And the said and above named Edward M. Krigbaum and Marcus E. Krigbaum does hereby renounce, in favor of the said party of the second part, and does hereby convey to her all rights and claims that they may have under and by virtue of a certain will, being the last will and testament of James H. Krigbaum deceased dated October 3rd, 1901 and recorded in Book One of Wills of Washington County, Idaho on the 14th day of December 1904_.

And the said parties of the first part does hereby covenant with the said party of the second part that said and above described real estate is free from all incumbrance and that they will warrant and defend the same against the lawful claims and demands of all persons whomsoever.

In Witness Whereof we have hereunto set our hands and seals this 30th day of November 1906.

Witnesses

F. G. Merrick

F. G. Merrick

Emma F. Eberhardt Seal
Dollie M. Bowman Seal
A. R. Krigbaum Seal
James B. Krigbaum Seal
Thomas E. Krigbaum Seal
Edward M. Krigbaum Seal
Marcus E. Krigbaum Seal

A C K N O W L E D G E M E N T S

No 1

State of Idaho)
) ss
County of Boise)

This certifies that on this 22nd day of Dec 1909 before me Sherman Glenn a Notary Public in and for said County and State, personally appeared Emma F. Eberhardt, personally known to me to be the identical person described in and whose name is subscribed to the within instrument and therein described as a married woman and upon examination by me made apart and without the hearing of her said husband I made known to her the contents of the within instrument and the effect of her signing the same and her rights in relation thereto and thereupon she acknowledged to me that she executed the said instrument and that she did not wish to retract such execution.

In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 22nd day of Dec 1909.

Sherman Glenn

(Notarial Seal)

Notary Public

No. 2

State of Washington)
) ss
County of Snohomish)

This certifies that on this 23rd day of February 1907 before me F. G. Merrick a Notary Public in and for said County and State, personally appeared Dollie M. Bowman personally known to me to be the identical person described in and whose name is subscribed to the within instrument and therein described as a married woman and upon examination by _, made apart and without the hearing of her said husband I made known to her the contents of the within instrument and the effect of her signing the same and her rights in relation thereto and thereupon she acknowledged to me that she executed the said instrument and that she did not wish to retract such execution,

In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 23rd day of February 1907.

F. G. Merrick

(Notarial Seal)

Notary Public

(No 3)

State of Idaho)
) ss
County of Washington)

This certifies that on this 15th day of December 1906 before me William E. Webb a Notary Public in and for said County and State, personally appeared A. R. Krigbaum personally known to me to be the identical person whose name is subscribed to the with in instrument and he acknowledged to me that he executed the same.

SCANNED
SEP 2 6 2005

Instrument No. 15871

DEED RECORD

Warren + Helen Rice #11
claim # 67-4127

Book No. F

This Indenture, made this 16th day of February 1910 between Margaret L. Krigbaum of Council, County of Washington, State of Idaho, the party of the first part and C. E. Cunningham and H. M. Olson, of Council, in the County of Washington, State of Idaho, the parties of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of Twelve Thousand Dollars, lawful money of the United States to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold and by these presents does hereby grant, bargain, sell and convey and confirm unto the said parties of the second part, and to his heirs and assign forever, all the following described real estate situated in the County of Washington, State of Idaho and particularly described as follows towit:

The South East Quarter of Section Thirty Four (34) in Township Seventeen (17) North of Range One (1) West of the Boise Meridian and containing one hundred and sixty acres, less 6.21 acres deeded to the Pacific and Idaho Northern Railway Co. for right of way over, through and across the said land which said deed is recorded in Book 16 at page 429 Deeds of Washington County, Idaho also excepting therefrom a tract of land containing five acres deeded to William Dawson, which said land is described as follows.

Commencing at the S. E. corner of the S. E. ¼ of the S. E. ¼ of Section 34 Twp 17 N. R. 1 West B. M. and running thence west 80 rods, thence north at right angles 10 rods, thence east at right angles 80 rods, thence south at right angles 10 rods to the place of beginning the said tract of land conveyed hereby being 148.79 acres, more or less, together with all water and water rights and ditches thereunto belonging or in anywise appertaining including an adjudicated water right into and to the waters of Mill Creek, which adjudication was at the suit of Geo. M. Winkler vs Marion Young et al, wherein the party of the first part was adjudicated to be the owner of 50 inches, miners measurement, in and to the waters of Mill Creek from May 1st 1884 excepting from the said grant of water herein the amount of two inches (miners Measurement) heretofore granted to William Dawson the amount of adjudicated water herein conveyed by this deed being 48 inches (miners measurement).

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the said property as well as in law as equity of the party of the first part.

To Have and to Hold the above mentioned and described premises together with the appurtenences unto the said parties of the second part and to their heirs and assigns forever.
And the said party of the first part, her heirs the said premises in the quiet and peaceable possession of the said party of the second part, their heirs and assigns and against the party of the first part her heirs or assigns and against all and every person or persons whomsoever lawfully claiming or to claim the same shall warrant and by the presents forever defend.
In Witness Whereof I have hereunto set my hand and seal the day and year first above written.

Witness
L. L. Burtenshaw

Margaret L. Krigbaum (Seal)

State of Idaho)
) ss
County of Washington)

This certifies that on this 16th day of February 1910, before me L. L. Burtenshaw a Notary Public in and for said County and State personally appeared Margaret L. Krigbaum personally known to me to be the identical person whose name is subscribed to the foregoing instrument and she acknowledged to me that she executed the same.
In Witness Whereof I have hereunto set my hand and affixed my notarial seal this 16th day of February 1910.

Seal
(L. L. Burtenshaw Notary Public)
(Washington County Idaho)

L. L. Burtenshaw
Notary Public

Filed for record at request of H. M. Olson at 9, o'clock A. M. July 25, 1910.

Frank E. Smith
Recorder

By B. B. Hunt
Deputy

Fees $1.80

(Deeds 28 - 59)

SCANNED
SEP 2 6 2005

Warren & Helen Rice
claim # 07-4137

WARRANTY DEED NO. 164

LIMS-YORK CO. PRINTERS & BINDERS, BOISE 14698

This Indenture, Made this 23rd day of July in the year of our Lord one thousand nine hundred and Ten between Henry M. Olson and Dolores S. Olson, husband and wife, of Council, County of Washington State of Idaho the parties of the first part, and C. Earle E. Cunningham of Weiser County of Washington State of Idaho the party of the second part,

Witnesseth, That the said parties of the first part for and in consideration of the sum of One Dollar and other valuable considerations, Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in ~~Adams~~ Washington County, State of Idaho, to-wit:

All the S.E. One fourth (¼) of section Thirty four (34) in Twp. Seventeen (17) N.R. One (1) West B.M., except therefrom the deeded right of way of the Pacific & Idaho Northern Railway, said right of way being about Six (6) acres, and except a further tract of Five (5) acres along and in the South side of the S.E. ¼ of said S.E. ¼ of said section 34 said Twp., and Range, the land and rights being conveyed herein being about 150 acres, more or less, together with all water rights ditches, flumes and irrigation works used upon and appurtenant thereto, the conveyance here being an undivided one half interest to the above described real estate.

Together With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

To have and to Hold all and singular the above mentioned and described premises together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of
E. W Bowman

Henry M. Olson SEAL
Dolores S. Olson SEAL
SEAL
SEAL

STATE OF IDAHO,
Washington County of ~~Adams~~, ss.

On this 23rd day of July in the year 1910, before me E. W Bowman, a Notary Public in and for said County, personally appeared Henry M. Olson and Dolores S. Olson, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same, ~~and on this~~ day of in the year 19, ~~before me, the~~ officer above described, personally appeared known to me to be the person whose name is subscribed to the within instrument, ~~described as a married~~ woman; and upon an examination without the hearing of her husband, I made her ~~acquainted with~~ the contents of the instrument, and thereupon she acknowledged to me that she executed the same, ~~and that~~ she does not wish to retract such execution.

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

E. W Bowman
Notary Public

(Seal)

Recorded at request of C. E. Cunningham at 2:30 o'clock P. M., this 5 day of April 1911.

By ..... Deputy.

Fees $ 1.20

E. W Holmes
County Recorder.

SCANNED
SEP 26 2005

Warren & Helen Rice #67-4127

INSTRUMENT NUMBER 2308.

WARRANTY DEED.

THIS INDENTURE, Made this 10th day of March, in the year of Our Lord one thousand nine hundred and thirteen between C. E. Cunningham and May G. Cunningham, husband and wife of Weiser, County of Washington, State of Idaho, the parties of the first part, and Elza Harvey of Boise, County of Ada, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Three Thousand and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Adams County, State of Idaho, to-wit:

All that part of the South-east Quarter of Section Thirty-four, Township Seventeen, North of Range One, West of Boise Meridian, bounded and described as follows, to-wit;- Commencing therefor at the North-east corner of the South-east Quarter of said Section Thirty-four, running thence South along the East line of said Section Thirty-four, Five Hundred and Seven feet, thence West at right angles Seventeen Hundred and Eighty-one feet, more or less to the Right of Way of the P. & I. N. R. R. Company, thence Northerly along the East line of the said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South-east Quarter of the said Section Thirty-four, thence East along the North line of the said South-east Quarter of said Section Thirty-four, Sixteen Hundred Fifty-nine feet, more or less, to the place of beginning, containing twenty acres, together with Six and one-half miner's inches of the Waters of Mill Creek, being a portion of the Waters heretofore adjudicated to the said South-east Quarter of said Section Thirty-four, under Decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington, Recorded in Book B, of Judgments, at page 464 thereof, Records of Washington County, Idaho, said Six and one-half inches of water being the proportionate share of the lands herein conveyed of the waters so adjudicated, and all dams, ditches, flumes and irrigating works of what ever nature used upon, connected with, or in any ____ appertaining to the lands herein conveyed.

TOGETHER, With all and singular the tenements, heriditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

SCANNED
SEP 2 6 2005

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

C. E. Cunningham (Seal)

Signed, sealed and delivered
in the presence of

May G. Cunningham (Seal)

P. H. Kneeland

Adelaide M. Freeman

STATE OF OREGON, }
} ss.
County of Multnomah. }

On this 10th day of March in the year 1913, before me Edna Lewis Johnson a Notary Public, in and for said County and State, personally appeared C. E. Cunningham and May G. Cunningham known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Edna Lewis Johnson
Notary Public.

(Seal)

Edna Lewis Johnson
Notary Public
State of Oregon.

My commission expires,
December 9, 1914.

Recorded at the request of E. S. Clapp, at 7 minutes past 2 o'clock, P. M., this 13th day of March, A. D., 1913.

C. W. Holmes, Ex-Officio Recorder.

By India C. Hess, Deputy.

Fees, $1.40.

SCANNED
SEP 2 6 2005

Yanna & Helen Rice
Loan # 67-4137

INSTRUMENT NO. 6981.

THIS INDENTURE, Made this Eighteenth day of February in the year of our Lord Nineteen Hundred and Eighteen, between Elza Harvey and Martha F. Harvey, his wife, of the County of Washington, State of Idaho, the parties of the first part, and Earl H. Harvey of the County of Washington, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assighs forever, all the following described real estate, situated in Adams County, State of Idaho, to-wit:-

All that part of the South east Quarter of Section Thirty-four in Township Seventeen North of Range One, West of the Boise Meridian, and bounded and described as follows, to-wit:-

Commencing at the north east corner of the South east Quarter of said Section Thirty four and running thence South along the East line of said Section Thirty four, Five hundred and seven feet; thence West at right angles Seventeen hundred and eighty-one feet, more or less, to the Right of Way of the Pacific and Idaho Northern Railroad; thence Northerly along the East line of said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South east Quarter of said Section Thirty four; thence East along the North line of said South east Quarter of said Section Thirty four, Sixteen Hundred and Fifty nine feet, more or less, to the place of beginning, containing 20 acres.

Together with Six and one-half miner's inches of the waters of Mill Creek, being a portion of the said waters heretofore adjudicated to said South east Quarter of said Section Thirty four under the Decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, which decree is recorded in Book B of Judgments at page 464 of the records of said Washington County said Six and one-half inches of water being the proportionate share of the waters so adjudicated, and all dams, ditches, flumes and irrigation works of whatever nature used upon, connected with, or in anywise appertaining to the lands herein conveyed.

This conveyance is made subject to a mortgage on said premises for the sum of $600.00 and interest thereon executed to one Rosa Konzer, which said mortgage said party of the second part assumes and agrees to pay as a part of the consideration.

SCANNED
SEP 2 6 2005

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said parties of the first part;

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the Presence of

ELZA HARVEY (SEAL)
MARTHA F. HARVEY (SEAL)

- - - - - - - - - - - - - - - - -

- - - - - - - - - - - - - - - - -

U.S.I.R.-Documentary
$1.00 cancelled.
2/17/18 E.H.

- - - - - - - -

State of Idaho)
: SS
County of Washington.)

On this 18th day of February in the year 1918, before me, J. L. Richards, a Notary Public in and for said county and state, personally appeared Elza Harvey and Martha F. Harvey, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

SEAL
* * * * *
- - - -
Notary Public
- - - - -
- - -

J. L. Richards,
Notary Public,
Residing at Weiser, Idaho.

My commission expires Sept 18, 1919.

Recorded at the request of Jesse L. Richards at 10 minutes past 9 o'clock

SCANNED
SEP 2 6 2005

Warren & Helen Rice
claim #67-4127

DEED RECORD, No. 12

INSTRUMENT NO. 17641

THIS INDENTURE, Made this sixth day of December in the year of our Lord one thousand nine hundred and twenty nine, between EARL NEWTON HARVEY of Council County of Adams State of Idaho the party of the first part, and WILLIAM H. SPHAR of Council County of Adams State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN and No/100 (and other valuable consideration) DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Adams, State of Idaho, to-wit:

All that part of the Southeast Quarter of Section Thirty-four (34) in Township Seventeen (17) North of Range One (1) West, Boise Meridian particularly described as follows, to-wit: Commencing therefor at the Northeast corner of the Southeast Quarter of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West at right angles 1781 feet, more or less, to the right-of-way of the Pacific & Idaho Northern Railway; thence Northerly along the East line of said right-of-way 521½ feet, more or less, to the North line of said Southeast Quarter of Section 34; thence East along the North line of said Southeast Quarter of said Section 34, 1659 feet, more or less, to the place of beginning, containing Twenty (20) acres, together with 6½ inches of the waters of Mill Creek, being a portion of the waters heretofore adjudicated to the said Southeast Quarter of said Section 34 under decree of the District Court of the Seventh Judicial District of the State of Idaho in and for Washington County, recorded in Book B of Judgments at page 464, records of Washington County, Idaho, and conveying and intending to convey the proportionate part of said waters so adjudicated to the whole of said lands and premises which are actually appurtenant to these lands and premises.

And the said party of the first part WARRANTS That said lands and premises are his sole and separate property, acquired before his marriage; that neither he, or any member of his family, occupies the same or any part thereof as a homestead for himself of family and that he has full and absolute right to deed and convey the same without the consent or signature of his wife.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever, and the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

SCANNED
SEP 7 6 2005

CAPITAL NEWS PUBLISHING CO., BOISE 83703

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in presence of - - - - - - -

Earl Newton Harvey (Seal)

State of Idaho)
) ss
County of Adams)

On this 6th day of December in the year 1929, before me Carl H. Swanstrom a Notary Public in and for said State, personally appeared Earl Newton Harvey known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Carl H. Swanstrom

(NOTARIAL SEAL)

Notary Public for the State of Idaho,
Residing at Council, Idaho.

Recorded at the request of W. H. Spahr at 2 o'clock P. M. this 7th day of March, 1930.
Fees $1.60

Matilda Moser, Recorder.

SCANNED
SEP 2 6 2005

Warren + Helen Rice
claim # 67-4137

DEED RECORD No. 24

INSTRUMENT NO. 38238

SYMS-YORK CO., BOISE 29870

THIS INDENTURE, Made this Sixth day of June in the year of our Lord one thousand nine hundred and Fifty Seven between WILLIAM H. SPAHR, whose name is sometimes written on instruments of record as "William H. Sphar" and LUCY J. SPAHR, husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and JOHN P. JACOBS and MARY T. JACOBS, husband and wife, of Council County of Adams State of Idaho the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of THREE THOUSAND AND NO/100 DOLLARS, _____ of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Adams, State of Idaho, to wit:

All that part of the Southeast Quarter of Section Thirty-four (34) in Township Seventeen (17) North, Range One (1) West, Boise Meridian, particularly described as follows, to-wit:

Commencing therefor at the Northeast corner of the Southeast Quarter of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the right of way of the Pacific & Idaho Northern Railway (now Union Pacific Railroad); thence northerly, on and along the easterly line of said railway right of way, 521½ feet, more or less, to the North line of said Southeast Quarter of Section 34; thence East, along the North line of said Southeast Quarter of said Section 34, 1659 feet, more or less, to the point and place of beginning, containing approximately 20 acres, but Subject, However, to the right of way of U. S. Highway 95, as now established upon and along the East line of said Section 34,

and together with all water and water rights, ditches and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises including, under "Order Granting Transfer" No. 884 of the Department of Reclamation of the State of Idaho, under date of May 29th. 1957, the right to use for the irrigation of the before described premises, to the First day of July of each year, waters of Mill Creek, in respective amounts and of respective priorities, as follows, to-wit:

5.5 miners inches under priority of May 1, 1884, and

4.75 miners inches under prioity of May 1, 1889,

such last described water and water rights, by the terms and provisions of said Order No. 884, Granting Transfer of Water Rights, being appurtenant from and after July First of each year for irrigation of lands other than the premises hereby conveyed unto second parties.

INTERNAL REVENUE STAMPS ATTACHED AND CANCELLED $3.30

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said

SCANNED
SEP 7 6 2005

premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presance of _____

William H. Spahr (SEAL)
Lucy J. Spahr (SEAL)

STATE OF IDAHO,)
) ss.
County of Adams)

On this 6th day of June in the year 1957, before me Carl H. Swanstrom, a Notary Public in and for said State, personally appeared WILLIAM H. SPAHR and LUCY J. SPAHR, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(NOTARIAL SEAL)

Carl H. Swanstrom
Notary Public
Residing at Council, Idaho

Recorded at the request of Adams County Abstract Company at 05 minutes past 1 o'clock P. M. on the 26th day of September, 1957.

Anna Mink Schwartz, Recorder
By Claire A. Perkins, Deputy

Fee $2.00

W. M. C. - E. P.

SCANNED
SEP 2 6 2005

11/25/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4127

NAME AND ADDRESS: HELEN L RICE
PO BOX 536
COUNCIL ID 83612

WARREN N RICE
PO BOX 536
COUNCIL ID 83612

SOURCE: MILL CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.328 CFS

The rights listed below are limited to a total combined diversion rate of 0.328 cfs. Combined Right Nos.: 67-355C, 67-363C, and 67-4127

PRIORITY DATE: 05/10/1918

POINT OF DIVERSION:

T17N R01W S35 NWSW Within ADAMS County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.328 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S34	NESE	13.0	T17N R01W S34	NWSE	3.4

16.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 16.4 acres in a single irrigation season. Combined Right Nos.: 67-355C, 67-363C, and 67-4127.

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.

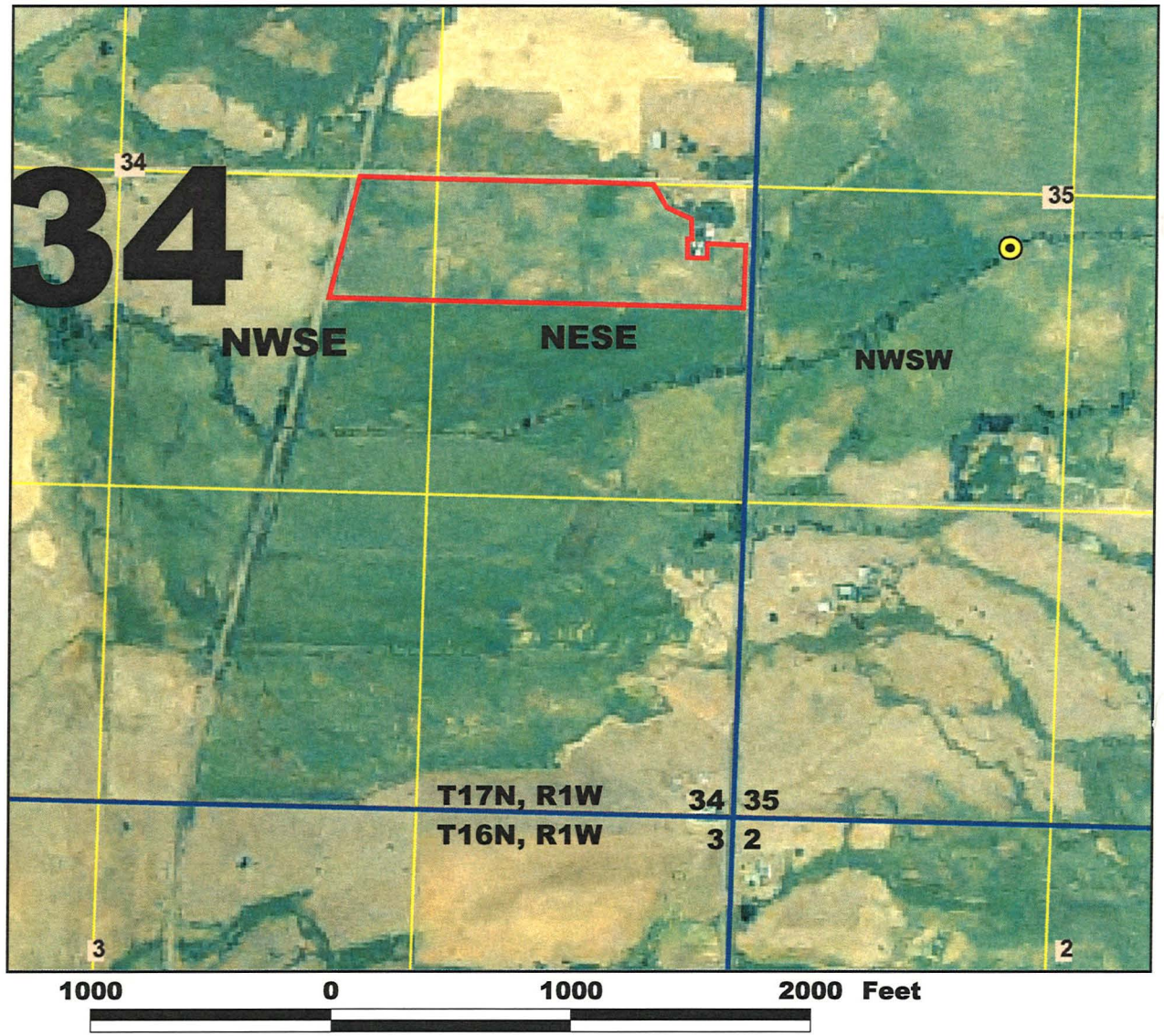
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

Adjudication Claim Number:

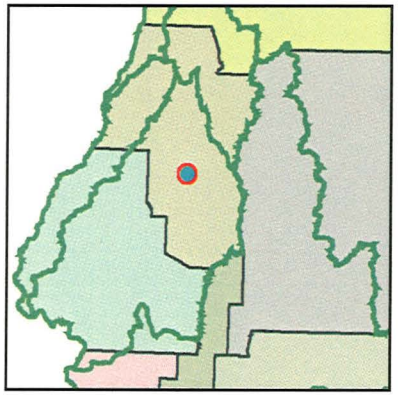
67-355C, 67-363C, and 67-4127

T16N R01W
T17N R01W



Legend

- Point of Diversion
- Place of Use
- B67 sections.shp
- T16n01w.shp
- T17n01w.shp



Adams County
IDWR Basin 67

N

Prepared by C. Saxton
On Friday, November 25, 2005
1987 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4127 V1

WATER RIGHT NUMBER: 67-4127 V1

Owner Type	Name and Address
Original Owner	JOHN P JACOBS STAR RT COUNCIL, ID 83612
Current Owner	HELEN L RICE PO BOX 536 COUNCIL, ID 83612 (208)253-4784
Current Owner	WARREN N RICE PO BOX 536 COUNCIL, ID 83612 (208)253-4784

Priority Date: 05/10/1918

Basis: Beneficial Use

Status: Active

Source	Tributary
MILL CREEK	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	11/15	0.328 CFS	
		Total Diversion:	0.328 CFS	

Location of Point(s) of Diversion

MILL CREEK NW1/4SW1/4 Sec. 35, Twp 17N, Rge 01W, B.M.

ADAMS County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	34													13.0	3.4			16.4

Total Acres: 16.4

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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 16.4 acres in a single irrigation season. Combined Right Nos.: 67-355C, 67-363C, and 67-4127.
3. E52 The rights listed below are limited to a total combined diversion rate of 0.328 cfs. Combined Right Nos.: 67-355C, 67-363C, and 67-4127

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4127 V1

Remarks:

Comments:

1. csaxton 11/25/2005 Priority
Comment: This is a direct overlap with 67-355C and 67-363C. No additional EOP needed. Give one day after the decree.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	11/25/2005 9:55:59 AM	csaxton			Active
Priority Date	11/25/2005 9:56:19 AM	csaxton			Active
POD	11/25/2005 9:56:58 AM	csaxton			Active
Source	11/25/2005 9:59:07 AM	csaxton			Active
POU	11/25/2005 9:59:49 AM	csaxton			Active
Use	11/25/2005 10:02:24 AM	csaxton			Active
Season	11/25/2005 10:02:44 AM	csaxton			Active
Quantity	11/25/2005 10:04:36 AM	csaxton			Active
Summary			11/25/2005	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POU	11/25/2005 10:00:35 AM	csaxton	Updated shape for 67 355 c
POU	11/25/2005 10:00:45 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:50 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:51 AM	csaxton	Updated shape for 0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4127 V1

POU	11/25/2005 10:00:42 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:46 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:47 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:50 AM	csaxton	Updated shape for 0
Contacts	11/25/2005 9:56:05 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review
General	11/25/2005 9:56:25 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - This is a direct overlap with 67-355C and 67-363C. No additional EOP needed. Give one day after the decree.
POD	11/25/2005 9:57:04 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/25/2005 9:58:03 AM	csaxton	Updated shape
POU	11/25/2005 10:00:45 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:49 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:01:40 AM	csaxton	Updated PLS for Active POU
POU	11/25/2005 10:01:41 AM	csaxton	Updated PLS for 67 355 c

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4127 V1

Use	11/25/2005 10:02:30 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Direct overlap with decreed rights 67-355C and 67-363C.
Season	11/25/2005 10:02:50 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/25/2005 10:04:42 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 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 - Recommendation for 0.20 cfs or less do not require measurement per David Tuthill.
POU	11/25/2005 10:00:43 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:44 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:51 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:01:43 AM	csaxton	Updated PLS for 67 363 c

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4127 V1

Summary	11/25/2005 10:06:39 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 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?
POD	11/25/2005 9:58:18 AM	csaxton	Updated PLS
POU	11/25/2005 10:00:30 AM	csaxton	Updated shape for Active POU
POU	11/25/2005 10:00:41 AM	csaxton	Updated shape for 67 363 c
POU	11/25/2005 10:00:41 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:43 AM	csaxton	Updated shape for 0
Source	11/25/2005 9:59:13 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Desktop Review
POU	11/25/2005 9:59:55 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Direct overlap with decreed rights 67-355C and 67-363C.
POU	11/25/2005 10:00:44 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:46 AM	csaxton	Updated shape for 0
POU	11/25/2005 10:00:48 AM	csaxton	Updated shape for 0

Water Supply Bank:

Contacts Data Entry Form

Claim Number: 67-4127

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	WARREN N RICE	PO BOX 536	COUNCIL	ID	83612	(208)253-4784
Original Owner	JOHN P JACOBS	STAR RT	COUNCIL	ID	83612	
Current Owner	HELEN L RICE	PO BOX 536	COUNCIL	ID	83612	(208)253-4784

Date of Field Exam: __**Desktop Review**_____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

Ownership information looks accurate_____

_____

_____

_____

Reviewer: **Craig L. Saxton** Date: **11/25/05**

Priority Date Data Entry Form

Claim Number 67-4127

Claimed Priority Date: 5/1/1889 Claimed Basis: Statutory Claim

__ **Use Claimed Priority Date and Basis as Recommended Priority Date and Basis**

Water Right Priority Date: 5/1/1889 Water Right Basis: Statutory Claim

Recommended Priority Date _**5/10/1918**__ Recommended Basis __**Beneficial use**_____

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

This is a direct overlap with 67-355C and 67-363C. No additional EOP needed. Give one day after the decree.

Reviewer: **Craig L. Saxton** Date: **11/25/05**

IDWR Field Exam Form 11/25/2005

Point of Diversion and Source Data Entry Form

Claim Number 67-4127

Claimed Point of Diversion and Source

T17N R01W S35 NWSW Within ADAMS County Source: MILL CREEK WEISER RIVER

_X Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T17N R01W S35 NWSW Within ADAMS County

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? __67-355C, 67-363C, and 67-4127.

Document how the POD and Source were verified:

GPS point taken by Bosco Bosler on 8/2/04: A0014044

Reviewer: **Craig L. Saxton** Date: **11/25/05**

IDWR Field Exam Form 11/25/2005

Place Of Use Data Entry Form

Claim Number 67-4127

Claimed Place Of Use

T17N R01W S34	NESE	14.0	T17N R01W S34	NWSE	4.0

Total Acres 18

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

T17N R01W S34	NESE	16.0	T17N R01W S34	NWSE	4.0

Total Acres 20

Recommended Place of Use _____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
17N	**1W**	**34**	**NWSE**		**Adams**		**13.0**	**Irrigation**
17N	**1W**	**34**	**NESE**		**Adams**		**3.4**	**Irrigation**

Total Acres **16.4**

Document how the POU was verified:

1987 NAPP photography_____

_____

Reviewer: **Craig L. Saxton** Date: **11/25/05**

Purpose of Use Data Entry Form

Claim Number 67-4127

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

_X_ **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
IRRIGATION			

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Reviewer: **Craig L. Saxton** Date: **11/25/05**

IDWR Field Exam Form 11/25/2005

Period of Use and Quantity Data Entry Form

Claim Number 67-4127

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/01	7/20	0.6	

Overall Diversion Rate 0.6 Overall Diversion Volume

__ **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
IRRIGATION	5/01	7/20	0.6	

Overall Diversion Rate 0.6 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	**3/15**	**11/15**	**0.328**	**N/A**

Overall Diversion Rate ___**0.328**_____ Overall Diversion Volume __**N/A**_____

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

This Claim is for flood water that directly overlaps 67-355C and 67-363C.

This right recommended at one inch per acre as the overlap decree rights have a limited SOU. This right will be good for year round use, but in reality, since it is basically flood water, odds are it won't be available by the beginning of July anyway.

Season of use recommended as IDWR standard for the area

The following rights used in combination are limited to .328 cfs: 67-355C, 67-363C, and 67-4127.

Reviewer: **Craig L. Saxton** Date: **11/25/05**

Claim:

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	355	C	Decreed	1884-05-01	0.11	18	MILL CREEK	IRRIGATION	RICE, HELEN L (Current	wrAdjudicationClaim
67	363	C	Decreed	1889-05-01	0.1	18	MILL CREEK	IRRIGATION	RICE, HELEN L (Current	wrAdjudicationClaim
67	4127		Statutory C	1889-05-01	0.6	18	MILL CREEK	IRRIGATION	RICE, HELEN L (Current	wrAdjudicationClaim

Recommendation

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	355	C	Decreed	1884-05-01	0.11	8.8	MILL CREEK	IRRIGATION	RICE, HELEN L (Current	wrAdjudicationClaim
67	363	C	Decreed	1889-05-01	0.095	7.6	MILL CREEK	IRRIGATION	RICE, HELEN L (Current	wrAdjudicationClaim
				Total CFS	0.205					
				Inches =	10.25					
				@ 5/8 " =	16.4					

Use of these rights is only from 3/15 to 6/30. Unless it is a real wet summer, this property doesn't have water in the late summer.

This right recommended at one inch per acre as the overlap decree rights have a limited SOU.

67	4127		Statutory C	1889-05-01	0.328	16.4	MILL CREEK	IRRIGATION	RICE, HELEN L (Current	wrAdjudicationClaim

Watermaster records do not show delivery to Rice.

Other Water Rights:						Vol				
67	7152		Decreed	7/16/1973	0.04	1.2	GROUND WA	DOMESTIC	JENKINS, NELLO A (Cur	wrWaterRight
67	7233		License	11/20/1974	0.02	1.2	GROUND WA	DOMESTIC	RICE, WARREN N (Curr	wrWaterRight
67	7491		License	3/18/1980	0.04	1.2	GROUND WA	DOMESTIC	RICE, HELEN L (Current	wrWaterRight
67	11294		Decreed	1/1/1959	0.04		GROUND WA	DOMESTIC	RICE, HELEN L (Current	wrWaterRight

Partially Decreed

Not filed on in the SRBA and it should have been. This will be lost, but appears to be covered with other Dom claims

MEMORANDUM

Date: July 15, 2005

To: File

From: Monica Van Bussum

RE: SRBA claims 67-355A, 67-355C, 67-355D, 67-363C, 67-363E, 67-363F, 67-14097, and 67-11421

Attached: Spreadsheet of water history and copy of Transfer 884

This note is being put in all files to explain allocation of water after Transfer 884, and to aid the reviewer in doing the final recommendations for these claims.

The Muir v. Allison Decree and Transfer 884

67-355

Basic decree facts:
Users: Deseret Sheep Company sub for CA Martin, Grantee of Margaret Krigbaum
Source: Mill Creek
Quantity: 41 2/3 inches = 0.83 cfs
POU: 66.7 acres at 5/8 inch to the acre
NWSE, NESE, SWSE, SESE (or, southeast quarter) of Section 34 T17N R01W

67-363

Basic decree facts:
Users: James A Huston Jr and William Spahr, Grantees of John and JD Poyner
Source: Mill Creek
Quantity: 16 inches = 0.32 cfs
POU: 25.6 acres at 5/8 inch to the acre
NWNW, SWNW, NWSW of Section 36, T17N R01W

Transfer 884

Transfer 884 was signed 29 May 1957. This transfer pertains to decreed rights 67-355 and 67-363. William Spahr was the owner of two tracts of land, one tract overlain by 355 water and another overlain by 363 water.

Spahr wanted to change the place of use for his 355 and 363 water, but only during a certain part of the season. He wanted to combine the 355 and 363 water onto 355 POU from 03/15 to 06/30 and then he wanted to combine the use of 355 and 363 water onto the 363 POU from 07/01 to 11/15. In essence, he wanted more water on the 355 POU early in the year, and then stop watering the 355 POU on 07/01 to put all the water on the 363 POU.

Since Spahr only owned part of the decreed POU for 355 and 363, when the transfer was approved and signed, decreed rights 355 and 363 were essentially split into three parts. One part of each, the larger portion, remained as it had been with the water/acreage going to parties holding the land not owned by Spahr. Two parts were dedicated to Spahr's new rights (one with a designated irrigation season 03/15 to 06/30 for the 355 POU and the other with a designated irrigation season 07/01 to 11/15 for the 363 POU). Hence, there are two splits of 355 with Spahr's name, each with a different POU and season of irrigation and the same for 363. For more information, see the left-hand tables in the attached spreadsheet.

5.5 (=0.11 cfs) inches of 355 water were allotted for this task, as were 4.75 (=0.095 cfs) inches of 363 water.

SRBA claims

For more information on the claims, see the right hand side of attached spreadsheet.

67-355

355C
Quantity: 0.11 cfs (= 5.5 inches)
Acreage: 18
Season: 03/15 to 06/30

The claimant is claiming Spahr's split of 355 (355C) for the first part of the irrigation. This complies with what we know about the outcome of Transfer 884 and appears good to go, perhaps with moderate acreage modification. This is also on the same POU as Spahr's 355 land, also making us good to go.

355D
Quantity: 0.13 cfs (= 6.5 inches)
Acreage: 27
Season : 03/15 to 11/15

This claim will have to be modified in order to be recommended. It claims a POU on Spahr's 355D property (part of the original 363 POU), but includes the entire irrigation season. We can recommend the acreage, but will have to modify season of use to 07/01

to 11/15 and quantity to 0.11 cfs to comply with Transfer 884. Spahr was not allowed to use 355 water on this POU from 03/15 to 06/30.

355A
Quantity: 0.83 cfs
Acreage: 67
Season: 03/15 to 11/15

This claim will have to be modified in order to be recommended. It appears to claim all of the original Muir v. Allison decreed quantity and acreage. Since a transfer was approved in 1959, the claim will have to be modified to comply with the transfer. The quantity will have to be modified to 0.723 cfs (0.83 was the original decreed amount and Transfer 884 appropriated 0.11 cfs as noted above, so 0.83 – 0.11 = 0.723). The acreage may have to be modified as well. The season of use will not have to be modified.

11421
Quantity: 0.42 cfs
Acreage: 21
Season: 03/15 to 11/15

There is a long remark on 11421 that is probably worth reading. In short, it suggests 11421 may need to have its basis amended to decreed and related to 67-355. We do not believe this is the case, as all 355 water has already been appropriated, and properly so.

67-363

363C
Quantity: 0.1 cfs
Acreage: 18
Season: 03/15 – 06/30

The same claimant claiming 355C is claiming 363C. This is appropriate, as it follows Spahr's 363C water right. This claim can be recommended as is, with maybe some slight acreage modifications depending on the lay of the land. The quantity also would be more appropriately recommended as 0.095 to comply with the 4.75 inches of 363 water mentioned in the transfer.

363E
Quantity: 0.32
Acreage: 38
Season: 03/15 – 11/05

There is documentation in the 363 backfile of this claimant writing to determine when their water right was reduced. They have claimed the full water right, but this will have

to be modified in accordance with Transfer 884. Probably they should have claimed the 363A allotment of 0.225 cfs (the flow left over after Spahr's transfer with 0.32 – 0.095 = 0.225), and that is how we should recommend it.

363F
Quantity: 0.1
Acreage: 27
Season: 07/01-11/15

The same claimant claiming 355D is claiming 363F. This is appropriate, as it follows Spahr's 363D water right. This claim can be recommended as is, with maybe some slight acreage modifications depending on the lay of the land. The quantity also would be more appropriately recommended as 0.095 to comply with the 4.75 inches of 363 water mentioned in the transfer.

14097
Quantity: 0.530 cfs
Acreage: 40 (see note below)
Season: 07/01 – 11/15

The notes in this file say it is a combination of 363D and 67-359. The full 14097 claim is for 0.530 cfs. 363D was originally claimed for 07/01 to 11/15, but when it was combined with 359, the irrigation season was changed to 03/15 to 11/15. It appears this claim should not be recommended for 363 water, but we should recommend it as 359 water. All of the 363 water has apparently been appropriated by the other 363 claims, and properly so.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

(Desert Sheep Co. sub. for
(C.A. Martin, Grantee for
(Margaret Krigbaum.

Certificate of Water Right
Transferred Right No. 884

THIS IS TO CERTIFY That W. H. Spahr, of Council, Idaho, is the owner of, and using a certain water right for 5.50 miner's inches with priority of May 1, 1884, and 4.75 miner's inches with priority of May 1, 1889 from the waters of Mill Creek, a tributary of Weiser River, decreed in the name of Desert Sheep Co. sub. for C.A. Martin, Grantee for Margaret Krigbaum, and Huston and Spahr, respectively, By Decree of District Court of the seventh judidial District, in the case of:

MUIR BROS., Plaintiffs

-vs-

William Allison et al,
Defendants

That said decree has been entered in the records of the State Department of Reclamation, in volume 4 of Decrees, beginning at page 354 and bearing date of June 20, 1921.

That said 5.50 miner inches, with date of priority of Mayl, 1884, is made appurtenant by said decree to the following described lands to-wit:

(1) All that part of the SE¼ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres.

That said 4.75 inches, with date of priority of May 1, 1889 is made appurtenant by said decree to the following described lands to-wit:

(2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

5.5 miner inches with priority of May 1, 1884 and
4.75miner inches with priority of May 1, 1889

MICROFILMED

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 5.50 miner inches of the waters of Mill Creek, with priority of May1, 1884, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water shall remain appurtenant to the following described lands, to-wit:

(1) All that part of the SE¼ of Section 34, in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

Said 5.50 miner inches of water to be used on the above described lands From the beginning of the irrigation season until July 1, of each year.

By this certificate, the right of use of the said 5.50 miner inches, is hereby transferred and made appurtenant to the following described lands, to-wit:

(2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho,

and to be used on the last above described lands from July 1, to the end of the irrigation season of each year.

And that now, upon the application of W. H. Spahr of Council, Idaho, for the transfer of 4.75 miner inches of the waters of Mill Creek, with priority of May1, 1889, made before the State Reclamation Engineer, of the State of Idaho, and said application having been granted, by this certificate, the right to the use of said water, shall remain appurtenant to the following described lands, to-wit:

(2) The South 27 acres of the Northwest Quarter of the Southwest Quarter of Section 36, in Township 17 North, Range 1 West, Boise Meridian, in Adams County, Idaho.

Said 4.75 miner inches to be used on the above described lands from July 1, to the end of the irrigation season of each year, and by said certificate of transfer, the right is hereby granted to transfer the use of 4.75 miner inches to the following described lands, to-wit:

(1) All that part of the SE¼ of Section 34 in Township 17 North, Range 1 West Boise Meridian, particularly described as follows:

> Commencing at the Northeast corner of the Southeast Quarter of said Section 34, said Township and Range, and running thence South along the East line of said Section 34, a distance of 507 feet; thence West, at right angles, 1781 feet, more or less, to the East line of the right of way of the Pacific and Idaho Northern Railway Company (now Union Pacific Railroad Company) right of way; thence northerly on and along the easterly line of said railway right of way, 521.5 feet, more or less, to a point on the North line of the Southeast Quarter of said Section 34; thence East, on and along the North line of the Southeast Quarter of said Section 34, a distance of 1659 feet, more or less, to the point and place of beginning, and containing approximately 20.8 acres,

and to be used on the last above described lands from the beginning of the irrigation season until July 1, of each year.

That the water right hereby transferred has heretofore been diverted from Mill Creek as follows:

> That the 5.50 miner inches appurtenant to lands in Section 34 in Township 17 North, Range 1 West B.M. through a private ditch with point of diversion in the SW¼SW¼ Section 35, Township 17 North, Range 1 West, B.M.
>
> That the 4.75 miner inches of water appurtenant to lands in Section 36, Township 17 North, Range 1 West, B.M. through a private ditch with point of diversion in the SE¼NW¼ Section 36, Township 17 North, Range 1 West, B.M.

That the water right hereby transferred will hereafter be diverted from Mill Creek, with point of diversion described as being in SW¼SW¼ Section 35, Township 17 North, Range 1 West, B.M. from the beginning of the irrigation season to July 1, of each year, and from a point of diversion from Mill Creek described as being in the SE¼NW¼ Section 36, Township 17 North, Range 1 West, B.M., From July 1, to the end of the irrigation season of each year.

That the right to the use of the water aforesaid, hereby confirmed is restricted to and according to the above stated provisions, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of May, 1957.

Mark R. Kulp

MARK R. KULP

State Reclamation Engineer

Split/Overlap Analysis - Water Right No.: 355

					Decree	Post-transfer Water Rights				
Twp	Rng	Sec	Q-Q	Lot	355	355A	355C	355D		
					Deseret Sheep Co	Desert Sheep Co	Spahr	Spahr (split from 363?)		
					0.83	0.723	0.11	0.11		cfs
					66.7		29.8			ac
						no season listed	03/15 - 06/30	07/01 - 11/15		
17N	01W	34	NWSE		X	X	X			
			NESE		X	X	X			
			SWSE		X	X				
			SESE		X	X				
			NESW							
			SESW							
17N	01W	36	NWSW					X		

					Decree	Claims				
Twp	Rng	Sec	Q-Q	Lot	355	355A*	355C	355D**	11421?	
						Derio	Rice	Smith	Nelson	
					0.83	0.83	0.11	0.13	0.42	cfs
					66.7	67	18	27	21	ac
						03/15 - 11/15	03/15 - 06/30	03/15 - 11/15	03/15 - 11/15	season
17N	01W	34	NWSE		X	9	4		6	
			NESE		X	18	14			
			SWSE		X	22			8	
			SESE		X	18				
			NESW						4	
			SESW						3	
17N	01W	36	NWSW					27		
						67	18	27	21	133

Claim 11421 is questionably decreed basis. See remarks section on claim.
Current basis for 11421 is beneficial use.
Additional note on 11421: Send for FE - see post-it from C. Saxton on file.

*change this guy to the left over 355
**his quantity will probably have to come down to match the transfer; or may have to be changed to a 363 split

Split/Overlap Analysis - Water Right No.: 363

					Decree	Post-transfer Water Rights				
Twp	Rng	Sec	Q-Q	Lot	363	363A	363C	363D		
					Huston & Spahr	Houston	Spahr	Spahr		
					0.32	0.22	0.1	0.095**		cfs
					25.6					ac
						no season listed	03/15 - 06/31	07/01-11/15		
17N	01W	34	NWSE				X			
			NESE				X			
			SWSE				X			
			SESE				X			
			NESW							
			SESW							
17N	01W	36	NWNW		X	X				
			NENW		X					
			SWNW			X				
			SENW							
			NWSW		X	X				
			NESW					X		

					Decree	Claims				
Twp	Rng	Sec	Q-Q	Lot	363	363C	363E	363F	14097	
					Huston & Spahr	Rice	Harvey	Smith	Balderson	
					0.32	0.1	0.32	0.1	0.1	cfs
					25.6	18	38	27		ac
						03/15 - 06/31	03/15 - 11/05	07/01 - 11/15	07/01 - 11/15	season
17N	01W	34	NWSE			4				
			NESE			14				
			SWSE							
			SESE							
			NESW							
			SESW							
17N	01W	36	NWNW		X					
			NENW		X					
			SWNW				28			
			SENW							
			NWSW		X		10	27		
			NESW						40	
						18	38	27	40	123

Left over after transfer = 0.225 (0.32 - 0.095 = 0.225)

*363B was later split into 363C and 363D
**In the Water Right database, 363D is listed as having 0.1cfs. The 0.095 here is bookkeeping to keep track of the distribution of water after the transfer. 363D represents the 4.75 inches transferred in 884.

*363D is no longer active and set to See Remarks status.
Remarks say it has been combined with 359 and claimed as 140967.
The full 14097 claim is for 0.530 cfs, but the original 363D claim was for 0.1 cfs, hence the quantity used here.
363D was originally claimed for 07/01 to 11/15, but when it was combined with 359, the irrigation season was changed to 03/15 to 11/15.

RECEIVED
SEP 26 2005
Department of Water Resources

September 14, 2005

Warren & Helen Rice
P.O. Box 536
Council, ID 83612

Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-9815

Re: Water Right Number 67-4127

Dear Mr. Saxton,

I am enclosing what proof I have to date but am unable to meet the September 16th deadline because Adams County is absolutely swamped with requests for information. I called your office today and was told that the deadline would be extended because of this problem. I will send you the rest as soon as it is available.

Sincerely,

Helen Rice

Helen Rice

based partly on 355

SCANNED
SEP 26 2005

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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2005

67-4127
Warren N & Helen L Rice
PO BOX 536
COUNCIL, ID 83612

RESPONSE DEADLINE
SEPTEMBER 16, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number(s) shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. A map of the general area stated in your claim is also enclosed. If you irrigate, please outline the location of lands irrigated based on your claim, as well as the location of any points of diversion, if possible. If you have a claim other than irrigation, please outline the location of your place of use (i.e. house) and note the location of wells or other points of diversion. Please submit the completed map along with your evidence of priority. This will assist me in making a more accurate recommendation of your claim(s).

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. You can contact the Basin 67 team via e-mail at B67questions@IDWR.idaho.gov. If you wish to call, our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the Adjudication.

Sincerely,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED
SEP 2 6 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4127

WATER RIGHT NUMBER: 67-4127

Owner Type	Name and Address
Current Owner	WARREN N RICE PO BOX 536 COUNCIL, ID 83612 (208)253-4784
Original Owner	JOHN P JACOBS STAR RT COUNCIL, ID 83612
Current Owner	HELEN L RICE PO BOX 536 COUNCIL, ID 83612 (208)253-4784

Priority Date: 05/01/1889

Basis: Statutory Claim

Status: Active

Source	Tributary
MILL CREEK	WEISER RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	5/01 to 7/20	0.600 CFS	
	Total Diversion:	0.600 CFS	

Location of Point(s) of Diversion

MILL CREEK NW1/4SW1/4 Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T17N R01W S34	NESE	14.0	T17N R01W S34	NWSE	4.0

Total Acres: 18

Conditions of Approval:

Remarks:

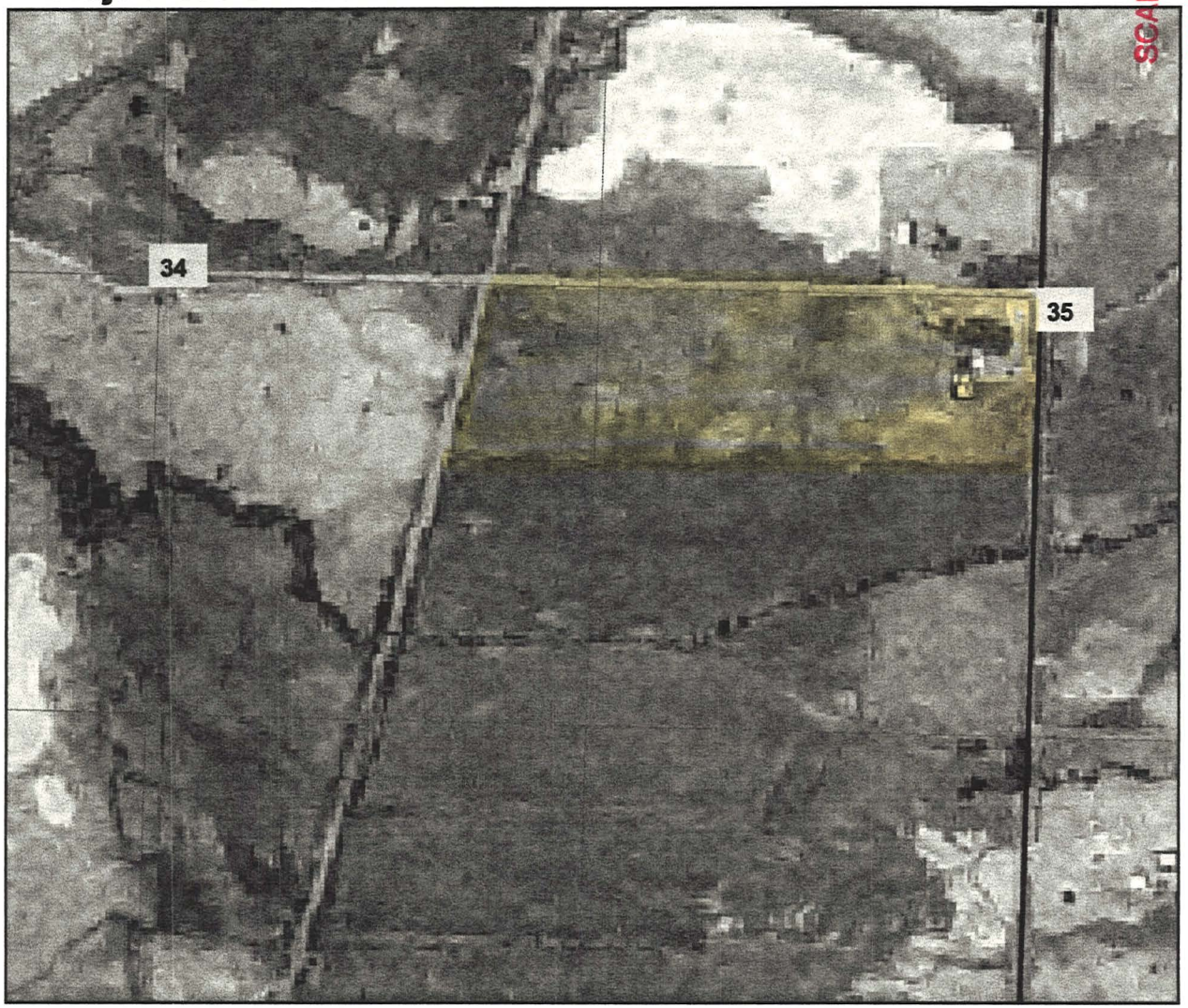
SCANNED
SEP 2 6 2005

Idaho Department of Water Resources

Adjudication Claim Number: 67-4127

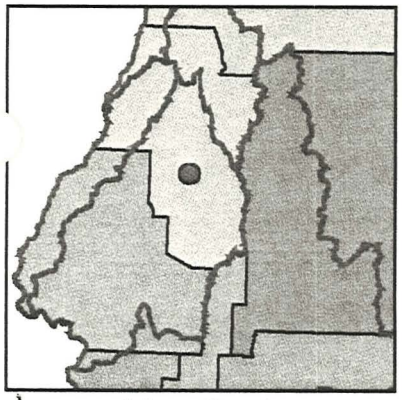
SCANNED SEP 2 6 2005

T17N R01W



Legend

PLS Sections
GCDBQuarter Quarters



Adams County
IDWR Basin 67

N

0 0.2 0.4 Miles

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


Point of
← diversion
SCANNED

Warren & Helen Rice
claim # 67-4127

WARRANTY DEED

For Value Received MARY T. JACOBS, a widow,

the grantor , does hereby grant, bargain, sell and convey unto WARREN RICE and HELEN RICE, husband and wife,

the grantees , whose current address is Post Office Box 246, Council, Idaho 83612

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

Township 17 North, Range 1 West, Boise Meridian, Section 34: A tract or parcel of land situated in the SE 1/4 of said Section more particularly described as follows:

Commencing therefor at the Northeast corner of the SE 1/4 of said Section, Township and Range and running thence South along the East line of said Section 34, a distance of 507 feet; thence West at right angles 682 feet; thence North at right angles on a line parallel to the East line of said Section 34 a distance of 507 feet to the North line of said SE 1/4 of Section 34; thence East along the North line of said SE 1/4 of said Section 34 a distance of 682 feet to the POINT AND PLACE OF BEGINNING, but SUBJECT, HOWEVER, to the right of way of U.S. Highway 95, as now established upon and along the East line of said Section 34, and together with all water and water rights, ditches and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises.

TO HAVE AND TO HOLD the [illegible], 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 she is the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: December 26, 1978

Mary T. Jacobs

MARY T. JACOBS

STATE OF IDAHO, COUNTY OF [illegible]

On this [illegible] day of [illegible], 19[illegible], before me, a notary public in and for the said State, personally appeared MARY T. JACOBS

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

Notary Public

Residing at Boise, Idaho

Comm. Expires [illegible]

STATE OF IDAHO, COUNTY OF Adams

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

Adams County Abstract

at 15 minutes past 2 o'clock p M., this 29th day of December, 19 78 in my office, and duly recorded in Book 33 M of Deeds at Page 96

Esther Stover
Ex-Officio Recorder

By [illegible] Deputy.

Fees $ 1.00

Mail to:

INSTRUMENT No. 58293

SCANNED
SEP 26 2005

WARRANTY DEED

Irrev. Helen Rice claim # 67-4137

For Value Received MARY T. JACOBS, a widow,

the grantor , do es hereby grant, bargain, sell and convey unto WILLIAM KAMPETER and APRIL KAMPETER, husband and wife,

the grantee s, whose current address is Post Office Box 492, Council, Idaho 83612

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

Township 17 North, Range 1 West, Boise Meridian, Section 34: A tract or parcel of land situated in the SE 1/4 of said Section more particularly described as follows:

Commencing therefor at the Northeast corner of the SE 1/4 of said Section, Township and Range and running thence West along the North line of said SE 1/4 of said Section 34 a distance of 682 feet to the point and PLACE OF BEGINNING; thence South at right angles and along a line parallel to the East line of said Section 34 a distance of 507 feet; thence West at right angles 1,099 feet, more or less, to the right of way to the Pacific and Idaho Northern Railroad (now Union Pacific Railroad); thence Northerly on and along the Easterly line of said railway right of way, 521 1/2 feet, more or less, to the North line of said SE 1/4 of Section 34; thence East along the North line of said SE 1/4 of said Section 34 a distance of 977 feet, more or less, to the point and PLACE OF BEGINNING, and together with all water and water rights, ditches and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises.

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 she is the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: December 26, 1978

Mary T. Jacobs

MARY T. JACOBS

STATE OF IDAHO, COUNTY OF ADA:

On this 29th day of December, 19 78, before me, a notary public in and for the said State, personally appeared MARY T. JACOBS

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

Notary Public

STATE OF IDAHO, COUNTY OF Adams

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

at 13 minutes past 2 o'clock PM., this 29th day of December, 19 78, in my office, and duly recorded in Book 33 M of Deeds at Page 95

Esther Stover
Ex-Officio Recorder

By Madeline Turner
Deputy.

SCANNED SEP 7 6 2005

INSTRUMENT No. 58629

Warren & Helen Rice
dec. # 67-4127

WARRANTY DEED

For Value Received WILLIAM KAMPETER and APRIL KAMPETER
husband and wife

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

WARREN E. RICE and HELEN L. RICE, husband and wife

the grantee s , whose current address is HC 62 Box 1455, Council, Id. 83612

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

Township 17 North, Range 1 West, Boise Meridian
Section 34: A tract or parcel of land situated in the SE1/4 of said Section more particularly described as follows:

COMMENCING therefor at the Northeast corner of the SE1/4 of said Section, Township and Range and running thence West along the North line of said SE1/4 of said Section 34 a distance of 682 feet to the point and PLACE OF BEGINNING; thence South at right angles and along a line parallel to the East line of said Section 34 a distance of 507 feet; thence West at right angles, 1,099 feet, more or less, to the right of way to the Pacific and Idaho Northern Railroad (now Union Pacific Railroad); thence Northerly on and along the Easterly line of said railway right of way, 521 1/2 feet, more or less, to the North line of said SE1/4 of Section 34; thence East along the North line of said SE1/4 of said Section 34 a distance of 977 feet, more or less, to the point and PLACE OF BEGINNING.

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

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

Dated: November 13, 1989

William Kampeter
William Kampeter

April Kampeter
April Kampeter

STATE OF IDAHO
COUNTY OF Adams } ss
On this 14th day of November, in the year 19 89, before me, a Notary Public, personally appeared WILLIAM KAMPETER and APRIL KAMPETER known or identified to me to be the person whose name s are subscribed to the within instrument, and acknowledged to me that the y executed the same.

Notary Public
Residing at Weiser, Idaho.
Commission expires 10/7/94

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

at 20 minutes past 2 o'clock PM., this 14 day of November, 1989, in my office, and duly recorded in Book 42M of Deeds at page 165

Michael Fisk
Ex-Officio Recorder

By _____ Deputy.

Fees $ 3.00
Mail to:

INSTRUMENT No. 77801

SCANNED
SEP 26 2005

Chicago Title Insurance Company of Idaho

Reorder Form No. SY413825

Prim #63-4127

1W34230AA 14-00
HWY 95
WARREN & HELEN*
536
L ID 83612-0536

1W SEC 34

Date	Bk & Pg	Comments
12/2/11	33M/96	

ssor, Council, Idaho

VILLIAM & APRIL KAMPETER
P.O. Box 492
Council 83612

T 17N R 1W SEC. 34
IN NENESE
12.08 Ac. C-14

17N 1W 34 7200

Date	Bk & Pg	Comments
12/2/11	33M/95	
	42M/165	

19		Tax Year 19			Tax Year 19			Tax Year 19			
ots	Mrkt. Value	Category	Acres/Lots	Mrkt. Value	Category	Acres/Lots	Mrkt. Value	Category	Acres/Lots	Mrkt. Value	Category
		19			19			19			19
		Sub Total			Sub Total			Sub Total			Sub Total

Mrkt. Value		Mrkt. Value		Mrkt. Value		Mrkt. Value	
	Sub Total		Sub			Sub Total	
	TOTAL					TOTAL	

SCANNED
SEP 26 2005

RECEIVED
SEP 16 2005
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4127

WATER RIGHT NUMBER: 67-4127

Owner Type	Name and Address
Current Owner	WARREN N RICE PO BOX 536 COUNCIL, ID 83612 (208)253-4784
Original Owner	JOHN P JACOBS STAR RT COUNCIL, ID 83612
Current Owner	HELEN L RICE PO BOX 536 COUNCIL, ID 83612 (208)253-4784

Rice – overlaps 355 not sure if direct overlap

Priority Date: 05/01/1889

Basis: Statutory Claim

Status: Active

Source	Tributary
MILL CREEK	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	5/01	7/20	0.600 CFS	
		Total Diversion:	0.600 CFS	

Location of Point(s) of Diversion

MILL CREEK NW1/4SW1/4 Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County

Place of Use

IRRIGATION Within ADAMS County

T17N R01W S34	NESE	14.0	T17N R01W S34	NWSE	4.0

Total Acres: 18

Conditions of Approval:

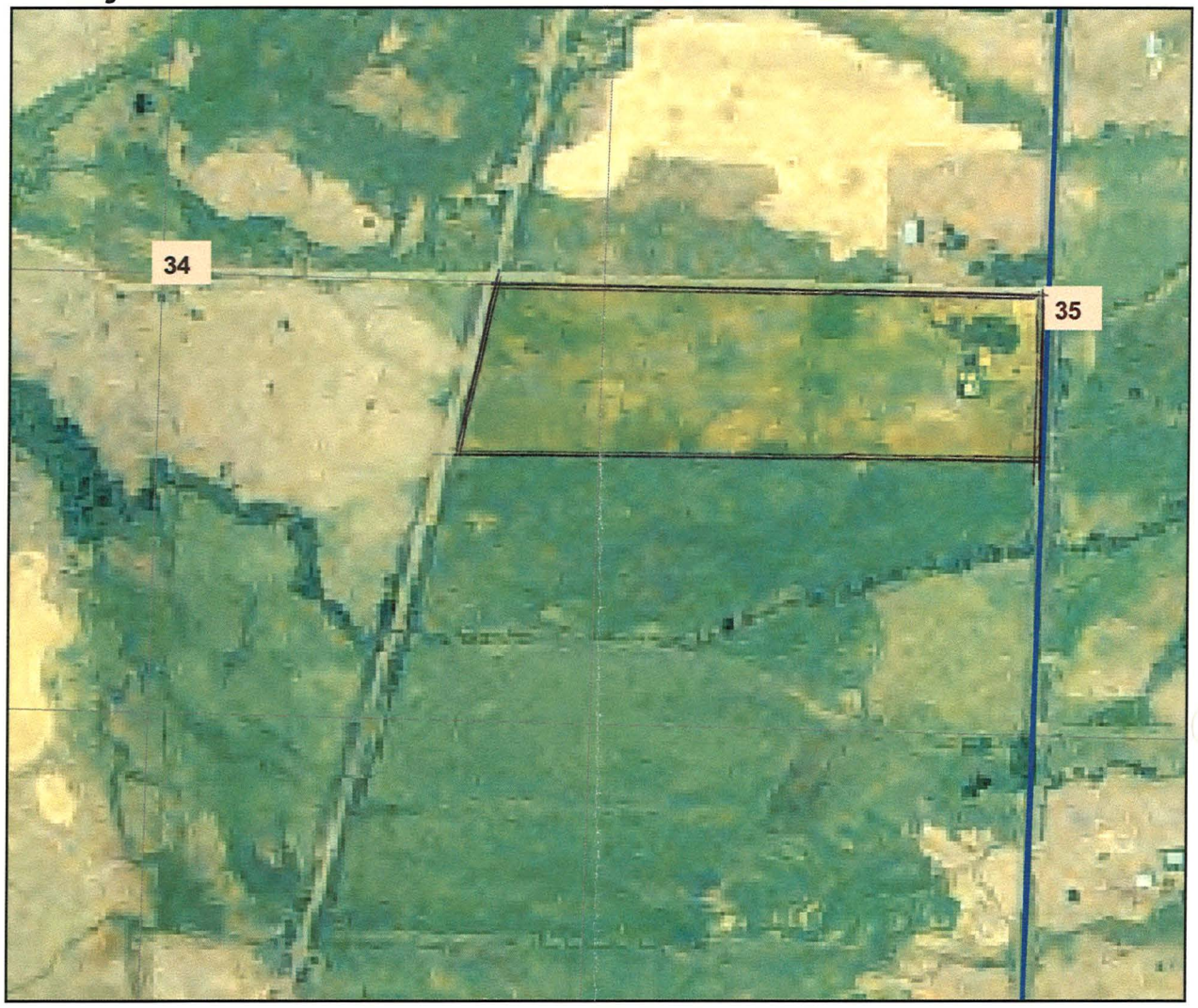
Remarks:

SCANNED
SEP 19 2005

Idaho Department of Water Resources

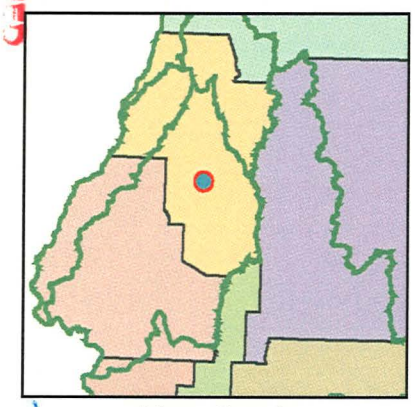
Adjudication Claim Number: **67-4127**

T17N R01W



Legend

PLS Sections
GCDBQuarter Quarters



Adams County
IDWR Basin 67

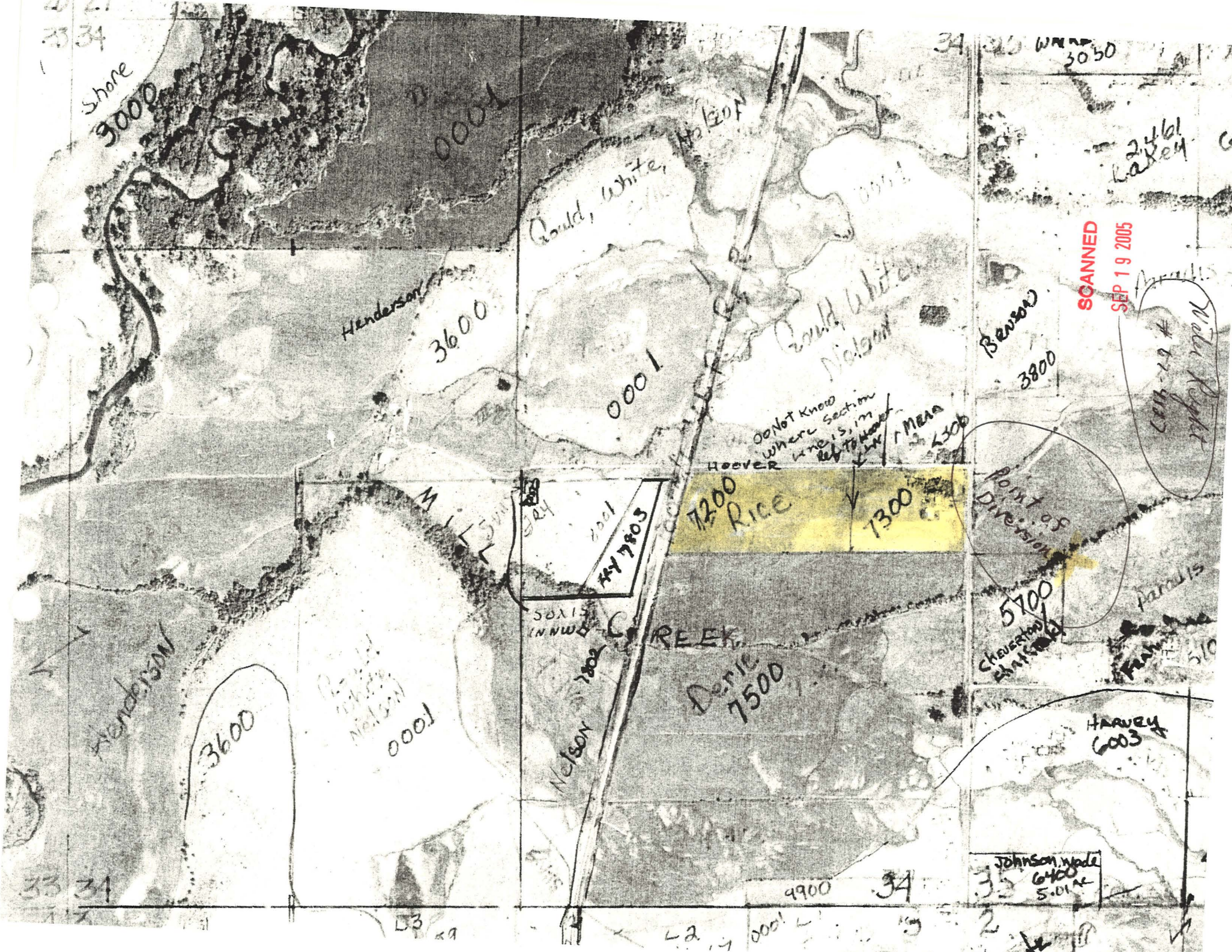
N

0 0.2 0.4 Miles

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

Point of Diversion #

SEP 1 9 2005


Shore
3000
0001
Gould, White, Nelson
Henderson
3600
0001
Gould White Nelson
Benson
3800
Do Not Know where section line is, in relation to Hoover Lk
Hoover
7200
RICE
7300
Point of Diversion
5700
Shevertons
Gray
0001
44 7503
Section 1 (NW)
CREEK
Nelson
7500
Derie
Harvey
6003
Johnson, Wade
6400
5.01 Ac
9900
34
33
SCANNED
SEP 19 2005

September 14, 2005

Warren & Helen Rice
P.O. Box 536
Council, ID 83612

Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-9815

Re: Water Right Number 67-4127

Dear Mr. Saxton,

I am enclosing what proof I have to date but am unable to meet the September 16th deadline because Adams County is absolutely swamped with requests for information. I called your office today and was told that the deadline would be extended because of this problem. I will send you the rest as soon as it is available.

Sincerely,

Helen Rice

Helen Rice

SCANNED
SEP 19 2005

#67-412, Warren & Helen Re

INSTRUMENT NUMBER 2308.

WARRANTY DEED.

THIS INDENTURE, Made this 10th day of March, in the year of Our Lord one thousand nine hundred and thirteen between C. H. Cunningham and May G. Cunningham, husband and wife of Weiser, County of Washington, State of Idaho, the parties of the first part, and Elza Harvey of Boise, County of Ada, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Three Thousand and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Adams County, State of Idaho, to-wit:

All that part of the South-east Quarter of Section Thirty-four, Township Seventeen, North of Range One, West of Boise Meridian, bounded and described as follows, to-wit;- Commencing therefor at the North-east corner of the South-east Quarter of said Section Thirty-four, running thence South along the East line of said Section Thirty-four, Five Hundred and Seven feet, thence West at right angles Seventeen Hundred and Eighty-one feet, more or less to the Right of Way of the P. & I. N. R. R. Company, thence Northerly along the East line of the said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South-east Quarter of the said Section Thirty-four, thence East along the North line of the said South-east Quarter of said Section Thirty-four, Sixteen Hundred Fifty-nine feet, more or less, to the place of beginning, containing twenty acres, together with Six and one-half miner's inches of the Waters of Mill Creek, being a portion of the Waters heretofore adjudicated to the said South-east Quarter of said Section Thirty-four, under Decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington, Recorded in Book B, of Judgments, at page 464 thereof, Records of Washington County, Idaho, said Six and one-half inches of water being the proportionate share of the lands herein conveyed of the waters so adjudicated, and all dams, ditches, flumes and irrigating works of what ever nature used upon, connected with, or in any ____ appertaining to the lands herein conveyed.

TOGETHER, With all and singular the tenements, heriditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

SCANNED
SEP 19 2005

#67-4121 Warren v Nelson Re

INSTRUMENT NUMBER 2308.

WARRANTY DEED.

THIS INDENTURE, Made this 10th day of March, in the year of Our Lord one thousand nine hundred and thirteen between C. T. Cunningham and May G. Cunningham, husband and wife of Weiser, County of Washington, State of Idaho, the parties of the first part, and Ella Harvey of Boise, County of Ada, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Three Thousand and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Adams County, State of Idaho, to-wit:

All that part of the South-east Quarter of Section Thirty-four, Township Seventeen, North of Range One, West of Boise Meridian, bounded and described as follows, to-wit;- Commencing therefor at the North-east corner of the South-east Quarter of said Section Thirty-four, running thence South along the East line of said Section Thirty-four, Five Hundred and Seven feet, thence West at right angles Seventeen Hundred and Eighty-one feet, more or less to the Right of Way of the P. & I. N. R. R. Company, thence Northerly along the East line of the said Right of Way, Five Hundred Twenty and one-half feet, more or less, to the North line of the said South-east Quarter of the said Section Thirty-four, thence East along the North line of the said South-east Quarter of said Section Thirty-four, Sixteen Hundred Fifty-nine feet, more or less, to the place of beginning, containing twenty acres, together with Six and one-half miner's inches of the Waters of Mill Creek, being a portion of the Waters heretofore adjudicated to the said South-east Quarter of said Section Thirty-four, under Decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington, Recorded in Book B, of Judgments, at page 464 thereof, Records of Washington County, Idaho, said Six and one-half inches of water being the proportionate share of the lands herein conveyed of the waters so adjudicated, and all dams, ditches, flumes and irrigating works of what ever nature used upon, connected with, or in any ____ appertaining to the lands herein conveyed.

TOGETHER, With all and singular the tenements, heriditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

SCANNED
SEP 19 2005

67-4127 Warren & Helen Rice

(3)

Priority No.	Name of User	Description of Land				Source of Supply	Priority Date			Priority Inches
52.	G. T. Hamil					Fort Hall Creek	5	1	89	4.00
53.	Wm. S. Potter					Keithley Creek	5	15	89	2.25
54.	J. W. Galloway	SW¼	1	10	5W	Main Weiser	6	1	89	70.00
54.	J. Newton & Bessie Wingfield	20 Acres in SE¼ SE¼	2	10	5W	Main Weiser	6	1	89	15.00
54.	Albert McDowell	SE¼ NE¼	4	14	1W	Little Weiser	6	1	89	19.00
54.	G. W. Phipps	N½ NW¼	34	16	1W	Cottonwood Creek	6	1	89	37.50
54.	James H. McGinley	N½ SW¼, N½ SE¼, SE¼ SE¼	26	16	1W	Cottonwood Creek	6	1	89	3.00
		NE¼ NE¼	35	16	1W					
55.	A. Kampeter	S½ SE¼	5	17	2W	Hornet Creek	12	31	89	35.50
		SW¼ SW¼	4	17	2W					
		NW¼ NW¼	9	17	2W					
56.	Village of Cambridge					Rush Creek	4	30	90	20.00
56.	Moses H. Hopper					Rush Creek	4	30	90	1.00
56.	Nels C. Nelson	N½ NE¼	3	14	3W	Rush Creek	4	30	90	12.50
		10 Acres in NW¼ SW¼	2	14	3W					
57.	George W. Hall					Rush Creek	5	1	90	12.50
57.	George A. Jefferson					Rush Creek	5	1	90	12.375
57.	Eva Barber	S½ NE¼	2	14	3W	Rush Creek	5	1	90	16.00
57.	Jerome B. Cox	SE¼ NE¼, N½ SE¼, SW¼ SE¼	2	15	3W	Rush Creek	5	1	90	19.00
57.	Weiser Irrigation District					Main Weiser	5	1	90	200.00
57.	James W. Tindell	NE¼ NE¼, SW¼ NE¼, E½ NW¼	31	15	3W	Pine Creek	5	1	90	32.50
58.	Jacob Ader	NW¼ SE¼	30	14	3W	Weithley Creek	5	15	90	20.00
58.	E. M. Stewart	SW¼ SE¼	30	14	3W	Keithley Creek	5	15	90	4.00
58.	James Keithley	SE¼ SW¼, SW¼ SE¼	36	14	4W	Keithley Creek	5	15	90	26.25
59.	D. W. Hutchinson	E½ NE¼	5	14	1W	Little Weiser	6	1	90	19.00
		SW¼ NW¼, NW¼ SE¼	4	14	1W					
59.	T. B. Biggerstaff	S½ SE¼	2	17	1W	Main Weiser	6	1	90	45.00
		S½ SW¼	1	17	1W					
60.	Michael Ward	NE¼	32	15	3W	Pine Creek	6	3	90	47.50
61.	Jas. H. McGinley					Cottonwood Creek	7	1	90	72.00
62.	Mary E. Houston	E½ NE¼, SW¼ NE¼, SE¼ NW¼	26	16	1W	Cottonwood Creek	7	2	90	25.00
63.	Weiser Irrigation District					Main Weiser	5	1	91	200.00
63.	E. E. Edwards	W½ NE¼, SE¼ NE¼, N½ NW¼	33	15	3W	Pine Creek	5	1	91	165.00
		SE¼ NW¼, SE¼ SW¼, N½ SE¼	33	15	3W					
		S½ SW¼, SW¼ SE¼	28	15	3W					
63.	Fannie E. Baker	E½ NE¼	9	15	4W	Pine Creek	5	1	91	6.00
		SW¼ NW¼	10	15	4W					
		SE¼ SE¼	4	15	4W					
63.	R. E. Wilson and Edwin J. Hill	E½ SE¼	26	15	3W	Rush Creek	5	1	91	16.00
		S½ SW¼	25	15	3W					
		NW¼ NE¼, N½ NW¼	36	15	3W					
63.	Henry Mosman	SE¼	8	14	2W	Little Weiser	5	1	91	85.00
63.	Stella Beigh	17 Acres in SW¼ SW¼	9	14	2W	Little Weiser	5	1	91	12.00
63.	H. L. Snyder	20 Acres in SW¼ SW¼, N½ SW¼, SE¼ SW¼	9	14	2W	Little Weiser	5	1	91	66.00
63.	M. C. Wilkerson	SE¼	9	14	2W	Little Weiser	5	1	91	82.00
		NW¼ NE¼	16	14	2W					
63.	W. M. Baccus	S½ SE¼	4	15	1W	Middle Fork	5	1	91	14.00
63.	Catherine Austin	SW¼	4	15	1W	Middle Fork	5	1	91	24.00
		NE¼ SE¼	5	15	1W					
63.	P. H. Schaff and F. S. Galey					Mill Creek	5	1	91	29.00
64.	Mattie E. Gray	NE¼ SE¼	32	15	1W	Little Weiser	6	1	91	23.00
		SW¼ SW¼	33	15	1W					
64.	Denbrae Sheep Co.	SE¼ NW¼, E½ SE¼	32	16	4W	Pine Creek	6	1	91	15.00
		NW¼ SW¼, SW¼ NW¼	33	16	4W					
		N½ NW¼	4	15	4W					
64.	Mark Winkler	S½ NE¼, NE¼ SW¼, NW¼ SE¼	27	17	1W	Main Weiser	6	1	91	60.00
64.	Carrie Winkler	NE¼ SE¼	27	17	1W	Main Weiser	6	1	91	10.00
64.	E. Hinkle	S½ NW¼ W½ SW¼	34	17	1W	Main Weiser	6	1	91	50.00
		SE¼ NE¼, E½ SE¼	33	17	1W					
		NE¼ NE¼	4	16	1W					
64.	S. A. Moudy and E. Hinkle	S½ NE¼	34	17	1W	Main Weiser	6	1	91	19.00
64.	George Gould	SE¼ SW¼, SW¼ SE¼, Part SE¼ SE¼	27	17	1W	Main Weiser	6	1	91	82.00
		NW¼ NE¼, NE¼ NW¼, Part NE¼ NE¼	34	17	1W					
65.	William Hanson	NE¼ NE¼	5	17	2W	Hornet Creek	12	31	91	12.00
		NW¼ NW¼	4	17	2W					
65.	Mattie M. Keyes	N½ SW¼, SW¼ SW¼, NW¼ SE¼	15	17	2W	Hornet Creek	12	31	91	16.0
66.	Weiser Irrigation District					Main Weiser	5	1	92	150.
66.	John Schwenkfelder	NW¼	15	14	2W	Little Weiser	5	1	92	145.00
		E½ NE¼	16	14	2W					
66.	Jacob Moritz	S½ NE¼	15	14	2W	Little Weiser	5	1	92	49.00
		NW¼ SE¼	16	14	2W					
66.	Leslie Johnson	N½ NE¼	15	14	2W	Little Weiser	5	1	92	95.00
		S½ SE¼	10	14	2W					
66.	S. N. York					Little Weiser	5	1	92	25.00
66.	William Niemeyer	W½ SE¼, SE¼ SE¼	24	15	4W	Pine Creek	5	1	92	7.00
		E½ NE¼, NE¼ SE¼	25	15	4W					
		N½ NW¼	30	15	3W					
66.	Mary Marquis	NW¼ SW¼	32	15	3W	Pine Creek	5	1	92	21.00
		SW¼ SE¼, NW¼ NW¼, SE¼ SW¼, E½ SE¼	31	15	3W					
		SE¼ SE¼	36	15	4W					
		NE¼ NW¼	6	14	3W					
66.	Edward Byers					Rush Creek	5	1	92	7.50
66.	Hub B. Poyner	NW¼ NE¼, N½ NW¼, SW¼ NW¼	27	15	3W	Rush Creek	5	1	92	16.00
66.	J. P. Ogilvie	S½ NW¼	11	15	2W	Goodrich Creek	5	1	92	10.00
		SE¼ NE¼, NE¼ SE¼	10	15	2W					
67.	William Phipps					Cottonwood Creek	6	1	92	3.00
68.	C. E. McDonald	SW¼ NE¼, N½ SE¼, SE¼ SE¼	23	11	4W	Main Weiser	7	2	92	56.00
		SW¼ SW¼	25	11	4W					
69.	Weiser Irrigation District					Main Weiser	5	1	93	200.00
69.	Mary Marquis					Pine Creek	5	1	93	25.00
69.	F. M. Watris					Mill Creek	5	1	93	33.33
69.	George T. Ellis	SW¼ NW¼	3	16	1W	Mill Creek	5	1	93	27.50
		10 Acres in NE¼ NE¼, SE¼ SE¼	4	16	1W					
69.	W. J. Wilson	N½ NW¼, SW¼ NW¼	23	17	2W	Hornet Creek	5	1	93	47.00
		SE¼ NE¼	22	17	2W					
70.	A. L. Freehafer & Margaret Pike	E½ SW¼, W½ SE¼, Part SW¼ SW¼	23	17	1W	Fort Hall Creek	7	1	93	47.00
71.	Weiser Irrigation District					Main Weiser	5	1	94	150.00
71.	M. C. Wilkerson					Little Weiser	5	1	94	25.00
71.	Albert Moritz	S½ SE¼	16	14	2W	Little Weiser	5	1	94	35.00
		N½ NE¼	21	14	2W					
71.	Ben Worden	NE¼ N½ NW¼	13	15	1W	Middle Fork	5	1	94	30.00
		N½ NE¼	14	15	1W					
71.	Council Valley Orchards					Mill Creek	5	1	94	29.00
71.	P. H. Schaff & Thos. L. Watr	N½ NW¼	35	17	1W	Mill Creek	5	1	94	37.50
		SE¼ SE¼	27	17	1W					
		NE¼ NE¼	34	17	1W					
71.	F. M. Watris					Mill Creek	5	1	94	20.75
71.	H. B. Poyner					Rush Creek	5	1	94	6.00
71.	W. H. Gibson	W½ NE¼	10	15	3W	Rush Creek	5	1	94	2.50
71.	Minta Duggar	NE¼ SE¼	10	15	3W	Rush Creek	5	1	94	1.50
72.	Walter Benson	SE¼ NE¼, E½ SE¼, SW¼ SE¼	9	14	1W	Little Weiser	6	1	94	6.00
73.	P. H. Miller	SE¼ SW¼	4	17	2W	Hornet Creek	4	2	95	38.50
		E½ NW¼, SW¼ NW¼	9	17	2W					
74.	P. H. Miller					Hornet Creek	4	30	95	25.00
75.	Weiser Irrigation District					Main Weiser	5	1	95	150.00
75.	Village of Cambridge					Rush Creek	5	1	95	2.125
75.	J. Edward Wicks	W½ SE¼, SE¼ SE¼	3	15	3W	Rush Creek	5	1	95	19.00
		NE¼ NE¼	10	15	3W					
75.	Chas. F. Hulet					Rush Creek	5	1	95	31.25
75.	A. H. Nunnalee	30 Acres in NE¼ NE¼	3	14	3W	Rush Creek	5	1	95	14.00
75.	A. L. Kingsbury	30 Acres in NW¼ NE¼	3	14	3W	Rush Creek	5	1	95	7.50
76.	Jesse Buzzard	S½ SE¼	23	15	1W	Fall Creek	6	1	95	26.00
		N½ NE¼	26	15	1W					
76.	Annie Carson	NE¼	27	14	1W	Little Weiser	6	1	95	35.00
76.	J. W. Frasier	N½ NE¼	34	14	1W	Little Weiser	6	1	95	31.00
76.	Willette L. Frasier	N½ NW¼	35	14	1W	Little Weiser	6	1	95	42.00
76.	Chris Behnen	NW¼ NE¼	35	14	1W	Little Weiser	6	1	95	8.00
76.	S. T. Logan	NW¼ NE¼, E½ NW¼	26	14	1W	Little Weiser	6	1	95	17.00
77.	Frank Peck	SE¼ NW¼	5	17	2W	Hornet Creek	6	30	95	10.00

SCANNED
SEP 19 2005

#67-412; Warren & Helen Rice

(2)

ior-ity No.	Name of User	Description of Land				Source of Supply	Priority Date, Priority Inches			
26.	Village of Cambridge	NE¼ NE¼	10	14	3W	Rush Creek	8	23	83	2.875
		W½ SW¼	2	14	3W					
		E½ SE¼	3	14	3W					
26.	Leroy T. Braden	5 Acres in SW¼ NW¼	2	14	3W	Rush Creek	8	23	83	2.50
26.	Fred M. & Grace Suiter	NE¼ NW¼	2	14	3W	Rush Creek	8	23	83	12.50
26.	C. E. Schmitz	7 Acres in NE¼ SW¼	2	14	3W	Rush Creek	8	23	83	4.375
		S½ SW¼	32	15	3W					
		NW¼ NE¼, NE¼ NW¼	5	14	3W					
26.	John Tingley	NE¼ SW¼	2	14	3W	Rush Cheek	8	23	83	13.625
26.	Elizabeth Norton	5 Acres in SW¼ NW¼	2	14	3W	Rush Creek	8	23	83	2.375
26.	John Norton	10 Acres in SE¼ NW¼	2	14	3W	Rush Creek	8	23	83	4.75
26.	G. W. Tuttle	5 Acres in SW¼ NW¼	2	14	3W	Rush Creek	8	23	83	2.375
27.	Weiser Irrigation District					Main Weiser	8	29	83	1500.00
28.	George A. Jefferson	NE¼ NE¼	4	14	3W	Rush Creek	5	1	84	3.125
28.	Mrs. William E. Gladhart	NW¼, N½ SW¼	16	14	2W	Little Weiser	5	1	84	121.00
28.	Deseret Sheep Company	SE¼	34	17	1W	Mill Creek	5	1	84	41.67
28.	Frederick M. Watris					Mill Creek	5	1	84	12.50
28.	C. M. Gilmer & Frank Peck	S½ NE¼	5	17	2W	Hornet Creek	5	1	84	37.50
		SW¼	4	17	2W					
28.	Dale Donnally	N½ NE¼, SW¼ NE¼	31	17	1W	Hornet Creek	5	1	84	50.00
28.	C. E. Schmitz					Pine Creek	5	1	84	5.00
29.	J. Emmett Frost	SE¼ SW¼	31	15	2W	Main Weiser	5	6	84	125.00
		W½ NE¼, NE¼ NW¼, S½ NW¼	5	14	2W					
29.	R. E. Wilson	N½ NW¼	31	15	2W	Main Weiser	5	6	84	25.00
30.	William Wiggins	NE¼ NW¼	19	14	3W	Keithley Creek	5	15	84	2.50
30.	Frank Towell	NE¼ NE¼, S½ NE¼	2	14	3W	Keithley Creek	5	15	84	18.75
30.	Forrest & Clifford Burns	N½ NE¼	31	14	3W	Keithley Creek	5	15	84	7.50
30.	Edward M. Wiggins	SE¼	32	14	3W	Keithley Creek	5	15	84	50.00
31.	Isaac McMahan	N½ SW¼, N½ SE¼, SW¼ SE¼	15	17	1W	Main Weiser	5	31	84	10.00
		SW¼ NW¼	14	17	1W					
31.	Lester M. McMahan	SE¼ NE¼	15	17	1W	Main Weiser	5	31	84	4.00
32.	Rollie A. McMahan	NW¼ SW¼	14	17	1W	Main Weiser	6	1	84	4.00
32.	Samuel E. McMahan	SW¼ NE¼	15	17	1W	Main Weiser	6	1	84	22.00
32.	William M. Glenn	SW¼ SW¼	14	17	1W	Main Weiser	6	1	84	45.00
		SE¼ SE¼	15	17	1W					
		E½ NE¼	22	17	1W					
32.	George Robertson	SW¼ NW¼, N½ SW¼, SE¼ SW¼	10	17	1W	Main Weiser	6	1	84	5.00
32.	Nels Buhl					Pine Creek	6	1	84	30.00
32.	R. F. Couts	SW¼ NE¼, S½ NW¼, NW¼ SE¼	32	15	1W	Little Weiser	6	1	84	34.00
32.	William Phipps	S½ SW¼, SW¼ SE¼	26	16	1W	Cottonwood Creek	6	1	84	50.00
		NW¼ NE¼	35	16	1W					
33.	James H. Phillips	SE¼ NE¼	5	14	3W	Pine Creek	6	5	84	17.50
		S½ NW¼, NW¼ SW¼	4	14	3W					
34.	P. W. Higgins	SW¼ NE¼, SE¼ NW¼	34	16	1W	Cottonwood Creek	9	6	84	20.00
		5 Acres in NE¼ NW¼	34	16	1W					
34.	Edgar Moser	NE¼ NW¼, SE¼ SW¼	27	16	1W	Cottonwood Creek	9	6	84	22.50
34.	Council Valley Orchards	S½ SE¼	35	17	1W	Mill Creek	5	1	85	10.75
		N½ NE¼	2	16	1W					
35.	S. E. & Florence C. Dare					Hornet Creek	5	1	85	16.00
36.	John Zencher	SE¼ NW¼	35	14	4W	Keithley Creek	5	15	85	8.50
36.	Walter J. Hopper	SW¼ SW¼	36	14	4W	Keithley Creek	5	15	85	11.00
		6 Acres in NW¼ NW¼	1	13	4W					
37.	J. D. Bailey	SE¼ SW¼, SW¼ SE¼	4	14	1W	Little Weiser	6	1	85	15.00
37.	Leander Lindsay	SE¼	22	14	1W	Little Weiser	6	1	85	17.00
37.	E. H. Richardson	NW¼ NE¼, S½ NE¼, NW¼ SE¼	1	13	1W	Little Weiser	6	1	85	29.00
37.	Anna Hutchinson					Little Weiser	6	1	85	8.00
37.	Edward Manning					Little Weiser	6	1	85	12.50
37.	D. K. Lindsay	N½ NE¼, N½ NW¼, SW¼ NW¼	22	14	1W	Little Weiser	6	1	85	46.00
37.	Georgine Ludwig					Little Weiser	6	1	85	37.00
37.	Richard Johnson					Little Weiser	6	1	85	7.00
38.	B. M. Holt	N½ NE¼ W½ SW¼	32	17	1W	Hornet Creek	4	1	86	62.50
		S½ SE¼	31	17	1W					
		W½ NW¼	5	16	1W					
		N½ NE¼, N½ NW¼, N½ SE¼	6	16	1W					
		E½ NE¼	1	16	2W					
39.	W. H. Thomason					Little Weiser	5	1	86	44.00
39.	Edith K. Devaney and Ella Mae Carter	NE¼ SW¼, N½ SE¼	18	14	2W	Little Weiser	5	1	86	22.50
		NW¼ SW¼	17	14	2W					
39.	Enoch Bloomstrom	N½ SW¼	10	14	3W	Pine Creek	5	1	86	12.50
39.	Chas. Lappin & A. E. Felmley	W½ SW¼	25	17	1W	Mill Creek	5	1	86	54.00
40.	Forrest & Clifford Burns	E½ SE¼	26	17	1W	Keithley Creek	5	15	86	5.00
40.	Otho Towell	S½ NW¼	2	13	4W	Keithley Creek	5	15	86	6.25
40.	Carrie Clayton	S½ NE¼	31	14	3W	Keithley Creek	5	15	86	2.00
41.	C. F. Hulet	NE¼	3	14	3W	Pine Creek	6	1	86	31.50
		N½ SW¼	10	14	3W					
41.	American Falls Dev. Co.	E½ SW¼, S½ SE¼	34	16	3W	Cow Creek	6	1	86	47.00
41.	J. W. Coriell					Little Weiser	6	1	86	8.00
41.	W. C. Shearer	SW¼ SE¼	32	15	1W	Little Weiser	6	1	86	1.00
41.	C. E. Kennedy	W½ SW¼	32	15	1W	Little Weiser	6	1	86	14.00
		E½ NE¼, N½ SE¼	31	15	1W					
41.	Henry E. Warner and Earl Wolston	N½ SW¼	30	17	1W	Hornet Creek	6	1	86	37.50
		SW¼ SW¼	19	17	1W					
42.	B. F. Janes	15 Acres in SW¼ SW¼	12	14	3W	Main Weiser	7	4	86	10.00
42.	Marion Smith	N½ NW¼, E½ SW¼	7	14	2W	Main Weiser	7	4	86	90.00
		NW¼	13	14	3W					
42.	R. H. Martin Estate	SE¼, SW¼	12	14	3W	Main Weiser	7	4	86	90.00
42.	Weiser Irrigation District					Main Weiser	5	1	87	250.00
43.	Hattie Macey	NE¼ NW¼	3	14	3W	Rush Creek	5	1	87	19.00
43.	Marion Smith					Little Weiser	5	1	87	92.00
43.	W. D. Morey	N½ NW¼	17	14	2W	Little Weiser	5	1	87	162.50
		SW¼	8	14	2W					
		SE¼	7	14	2W					
		NE¼	18	14	2W					
43.	Mrs. Margaret A. Crouter	W½ NE¼, E½ NW¼	18	14	2W	Little Weiser	5	1	87	65.00
43.	R. H. Martin Estate					Little Weiser	5	1	87	90.00
43.	Samuel A. Mentzer	W½ NE¼, SE¼ NE¼, N½ SE¼	13	14	3W	Little Weiser	5	1	87	94.00
44.	J. I. Linder					Little Weiser	6	1	87	50.00
44.	H. L. Joslin	NE¼ NW¼	10	14	1W	Little Weiser	6	1	87	17.00
44.	Mrs. H. L. Ware	NW¼ NW¼	10	14	1W	Little Weiser	6	1	87	32.00
		20 Acres in NE¼ NE¼	9	14	1W					
44.	J. T. Muir & W. H. Muir	W½ NE¼, E½ NW¼, N½ SW¼, SE¼ SW¼	3	10	4W	Main Weiser	6	1	87	112.50
44.	G. F. Smith et al	SE¼ NE¼, Lot 1	3	10	4W	Main Weiser	6	1	87	62.50
		SW¼ NW¼, Lot 3 and 4	2	10	4W					
44.	I. A. Whiteley	SW¼ NE¼, SE¼ NW¼, N½ SE¼	27	16	1W	Cottonwood Creek	6	1	87	31.375
44.	Geo. Robertson					Main Weiser	6	1	87	30.00
45.	J. E. Lawrence & Clark Adams	S½ SW¼, SE¼ SE¼	15	17	2W	Hornet Creek	8	31	87	56.25
		20 Acres in NE¼ NE¼	30	17	2W					
46.	Middle Valley Irrig. Ditch Co.					Main Weiser	11	1	87	700.00
47.	Weiser Irrigation District					Main Weiser	5	1	88	250.00
47.	J. M. Atwell	NW¼ NE¼, N½ NW¼, SW¼, NW¼	34	15	3W	Rush Creek	5	1	88	9.50
48.	J. A. Darland	W½ NE¼, E½ NW¼	16	17	2W	Hornet Creek	6	1	88	25.00
48.	I. A. Whitely					Cottonwood Creek	6	1	88	15.625
48.	G. E. Steward					Little Weiser	6	1	88	25.00
49.	Joseph C. Allison	S½ NE¼, SW¼, NW¼ SE¼	22	16	4W	Pine Creek	6	26	88	18.00
49.	William W. Allison	S½ SW¼	15	16	4W	Pine Creek	6	26	88	12.00
		N¼ NE¼, N½ NW¼, 20 Acres in SW¼ NE¼	22	16	4W					
50.	Harold E. Kinney	NE¼	23	15	4W	Pine Creek	8	15	88	35.00
		8 Acres in SE¼ SE¼	14	15	4W					
50.	Nathaniel H. Wells	SW¼ NW¼, W½ SW¼ SE¼ SW¼	24	15	4W	Pine Creek	8	15	88	31.00
		12 Acres in E½ NE¼	23	15	4W					
51.	Rebecca Wilson					Hornet Creek	12	1	88	50.00
52.	Weiser Irrigation District					Main Weiser	5	1	89	300.00
52.	Middle Valley Irrig. Ditch Co.					Main Weiser	5	1	89	500.00
52.	John & J. D. Poyner	W½ NW¼, N½ SW¼	36	17	1W	Mill Creek	5	1	89	22.50
52.	Council Valley Orcards					Mill Creek	5	1	89	37.50
52.	Jas. A. Houston & Wm. Spahr	W½ NW¼, NW¼ SW¼	36	17	1W	Mill Creek	5	1	89	16.00
52.	Enoch Bloomstrom					Pine Creek	5	1	89	22.50
52.	Edward Byers	NE¼ NW¼, E½ SW¼, SW¼ SW¼	27	15	3W	Rush Creek	5	1	89	12.50

SCANNED
SEP 19 2005

Claim No. 63-11117

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 John P. Jacobs (name of claimant)

of Star Route, Council, ID 83612 (mailing address), claims a right to the diversion and beneficial use of 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) Mill Creek, tributary to, Weiser River

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

Amount 30 inches Use Irrigation Period of Use: From May 1 To July 20

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: 30 inches ~~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) 5-1-89

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)

NW ¼ SW ¼, Sec. 35 Twp. 17N 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. ditch

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	1W	34													16	4			20

Total No. of acres 20

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: _____