

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-4129A
Date Received: 11/6/1989
Receipt No: C012659
Received By:

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

1. Name of Claimant(s)

JEFFREY S HOWARD Phone: (623) 703-2711

2035 COUNCIL-CUPRUM RD
COUNCIL ID USA 83612

BRENDA G HOWARD Phone: (623) 703-2711

2035 COUNCIL-CUPRUM RD
COUNCIL ID USA 83612

2. Date of Priority: 03/15/1905

3. Source: SPRINGS Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
16N	01W	2	SE	SE	NW	ADAMS	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	2	SE	NW	IRRIGATION	5
					Section Acres	5
					Total Acres	5

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:

14. Remarks:

ORIGINAL STATUTORY CLAIM IDENTIFIED SOURCE AS WASTEWATER; ACTUAL SOURCE IS NATURAL SEEPAGE WHICH OCCURS YEAR-ROUND AND DOES NOT SEEM TO BE A RESULT OF IRRIGATION.

NATURAL SEEPAGE RESULTS IN A BOGGY AREA; THE WATER ACCUMULATES NEAR THE NORTHWEST CORNER OF THE HOUSE AND FLOWS INTO A DITCH ACROSS MY PROPERTY AND ULTIMATELY FLOWS INTO A DITCH WHICH FLOWS ALONG ORCHARD ROAD.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

RECEIVED**NOV 08 2005**

Department of Water Resources

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
67-4129A					
67-11229					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Earl M. and Katherine M. Upah
2348 Orchard Road, Council, ID 83612
4. New Owner/Claimant(s) Jeffrey S. and Brenda G. Howard
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2035 Council-Cuprum Road
 City, State and ZIP Code Council, ID 83612
 New Telephone Number (623) 703-2711
5. Date you acquired the property June 10, 2005

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

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

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

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

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

For Office Use Only

Received by <u>MM</u>	Date <u>11.8.05</u>	Fee <u>\$ 25.00/kc</u>
Received by _____	Date _____	Receipt No. <u>0071574</u>
Processed by _____	AJ Date _____	WR _____ Date _____

INSTRUMENT NO. 109146

RECORDING REQUESTED BY
Lawyers Title Insurance Corporation
AND WHEN RECORDED MAIL TO:

JEFFREY S. HOWARD
BRENDA G. HOWARD
2609 N. 127TH AVENUE
PHOENIX, AZ 85323

Instrument # 109146

COUNCIL, ADAMS, IDAHO

2005-06-15

03:47:25 No. of Pages: 4

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEED

ESCROW NO.: 01455909 - 605 - SH2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
Katherine M. Upah, a widow and The Heirs and Devisees of Earl M. Upah, deceased
do/does hereby convey to
Jeffrey S. Howard and Brenda G. Howard, husband and wife
the following real property situated in ADAMS County, IDAHO:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: June 9, 2005

SELLERS:

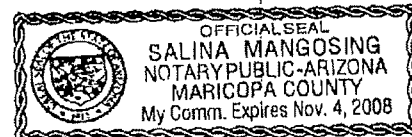
Katherine M. Upah by Paula Schuck
Katherine M. Upah by Paula Schuck as her Attorney in Fact
as her attorney in fact

The Heirs and Devisees of Earl M. Upah, deceased

Jeffrey S. Howard
Jeffrey S. Howard, Personal Representative of the Estate of
Earl M. Upah

State of Arizona
County of Maricopa

} SS:



On June 9, 2005 before me personally appeared Jeffrey S. Howard, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)

Salina Mangosing
Notary Public
Commission Expires: _____

Escrow No.: 01455909 - 605 - SH2

State of Idaho

County of Adams

} SS:

On _____, 20__, before me personally appeared Paula Schuck, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and who acknowledged that he/she signed the above/attached document in his or her authorized capacity (ies)

(Seal)

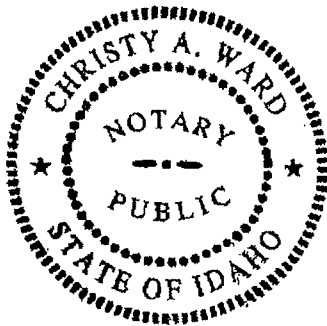
Notary Public

Commission Expires: _____

STATE OF IDAHO)
) ss
County of Adams)

On this 10th day of June, in the year of 2005, before me, a Notary Public in and for said State, personally appeared PAULA SCHUCK, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of KATHERINE M. UPAH and acknowledged to me that she subscribed the name of KATHERINE M. UPAH thereto as principal, and her own name as attorney in fact.

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



Christy A. Ward
Notary Public for Idaho
Residing at Indian Valley
Commission expires: 9-17-10

EXHIBIT "A"

Lot 2 of Block 3, Council Valley Orchards, as said lot and block are set forth on the official plat thereof recorded in the Adams County Recorder's Office.

AND

A portion of the public road as platted in the First Addition to Council Valley Orchards Subdivision as set forth on the official plat thereof filed in Book 1 Plats page 20 in the Adams County Recorder's Office, and situated in the SE1/4NW1/4 of Section 2, Township 16 North, Range 1 West, Boise Meridian, more particularly described as follows:

Commencing at the Southeast corner of said SE1/4NW1/4;

Thence N 00° 11'15" W along the Easterly boundary of said SE1/4NW1/4 a distance of 20.00 feet;

Thence N 89° 55'43" W parallel with the Southerly boundary of said SE1/4NW1/4 a distance of 20.00 feet to the Real Point of Beginning;

Thence continuing N 89° 55'43" W a distance of 648.26 feet;

Thence N 00° 07'22" W a distance of 22.47 feet to the Southwest corner of Lot 2, Block 3, Council Valley Orchards Subdivision;

Thence N 89° 51'09" E along the Southerly boundary of said Lot 2 a distance of 648.23 feet to the Southeast corner of said Lot 2;

Thence S 00° 11'15" E parallel with said Easterly boundary a distance of 24.94 feet to the Real Point of Beginning;



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: A67-04129A
Date Received: 11/06/1989
Receipt No: CD12-659
Received By: Kat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL M. UPAH 208-253-4457
Address: HC 62, BOX 1380
COUNCIL, ID 83612
OR
Name: KATHERINE M. UPAH 208-253-4457
Address: HC 62, BOX 1380
COUNCIL, ID 83612

2. Date of Priority: MAR 15, 1905

3. Source: SPRINGS Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	2	SE	SE	NW		ADAMS

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	SE	NW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
EAST FORK DITCH SHARES

14. Remarks:

ORIGINAL STATUTORY CLAIM IDENTIFIED SOURCE AS WASTEWATER; ACTUAL SOURCE IS NATURAL SEEPAGE WHICH OCCURS YEAR-ROUND AND DOES NOT SEEM TO BE A RESULT OF IRRIGATION.
NATURAL SEEPAGE RESULTS IN A BOGGY AREA; THE WATER ACCUMULATES NEAR THE NORTHWEST CORNER OF THE HOUSE AND FLOWS INTO A DITCH ACROSS MY PROPERTY AND ULTIMATELY FLOWS INTO A DITCH WHICH FLOWS ALONG ORCHARD ROAD.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1 map

For Individuals:

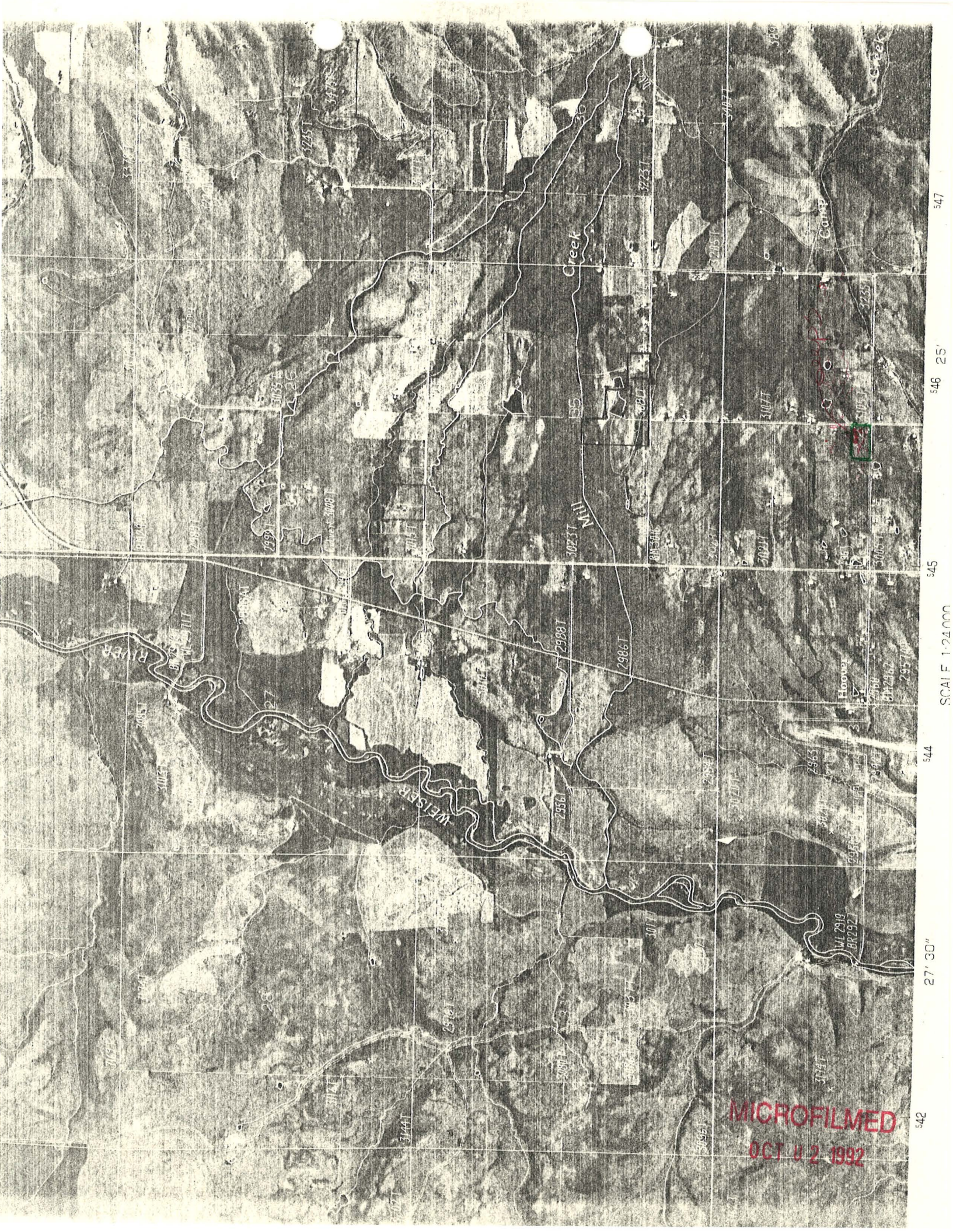
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Katherine M. Upah Date: XII-6-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of November 19 89
Seal
Helen Harrington
Notary Public
Helen Harrington, Notary Public
Residing at Boise, Idaho
Residing at Commission Expires December 1, 1994
My Commission Expires _____



MICROFILMED
OCT 12 1992

542 27' 30" 544 SCALE 1:24000 545 546 25' 547

P/D changed per
Notice of Error.

ly
12/12/06

11/14/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 67-4129A

JEFFREY S HOWARD
2035 COUNCIL-CUPRUM RD
COUNCIL ID 83612
Telephone Number: (623) 703-2711

BRENDA G HOWARD
2035 COUNCIL-CUPRUM RD
COUNCIL ID 83612
Telephone Number: (623) 703-2711

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

SPRING LOCATION WRONG SPOKE w/ VICKY 11/29/06 - COUNCIL

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: *11/29/06*

SIGNATURE: *[Signature]*

Please print your name: *JEFF S HOWARD*

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

SCANNED
DEC 08 2006
SCANNED
DEC 08 2006



Idaho Department of Water Resources

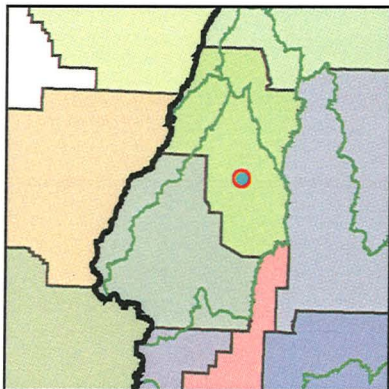
SRBA Recommendation:

67-4129A

(Irrigation)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by IDWR State Office
On Friday, December 8, 2006
1987/88 Aerial Photography

12/20/2005

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

RIGHT NUMBER: 67-4129A

NAME AND ADDRESS: JEFFREY S HOWARD
2035 COUNCIL-CUPRUM RD
COUNCIL ID 83612

BRENDA G HOWARD
2035 COUNCIL-CUPRUM RD
COUNCIL ID 83612

SOURCE: SPRINGS

TRIBUTARY: WEISER RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 03/15/1905

POINT OF DIVERSION:

T16N R01W S2 SESENW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.100 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S02 SENW 3.7

3.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Property is also known as Lot 2, Blk 3, Part of Vac Road, council Valley Orchards.



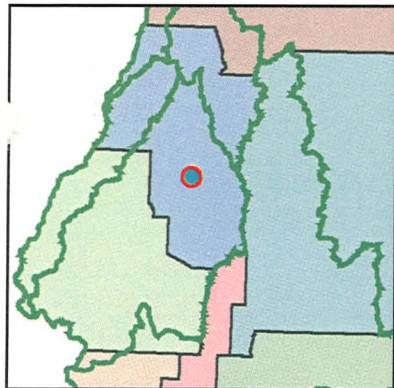
Idaho Department of Water Resources

Adjudication Claim Number: **67-4129 A**

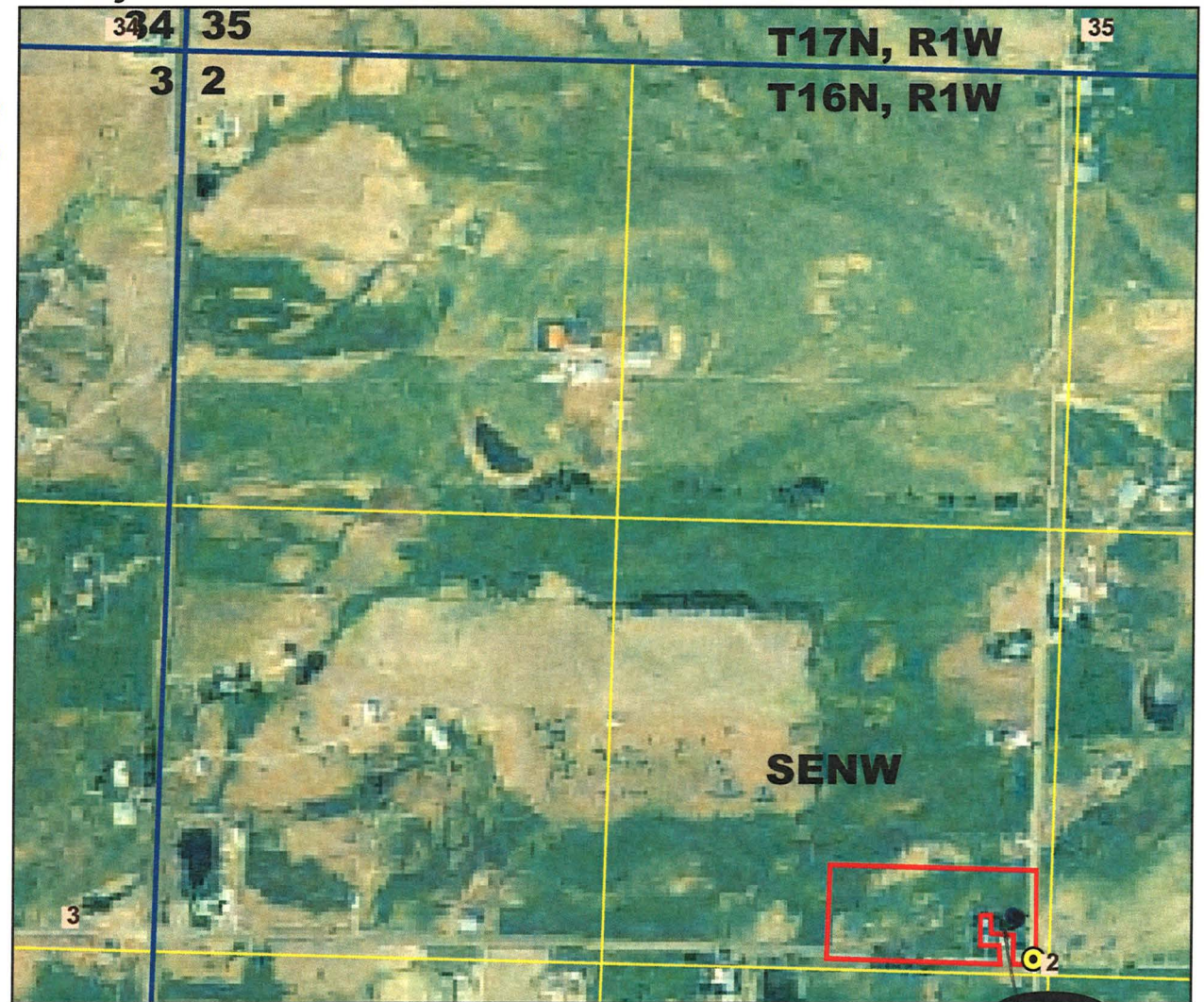
T16N R01W
T17N R01W

Legend

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



Adams County
IDWR Basin 67



Prepared by C. Saxton
On Tuesday, December 20, 2005
1987 Aerial Photography

*change
POD*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

WATER RIGHT NUMBER: 67-4129A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFREY S HOWARD 2035 COUNCIL-CUPRUM RD COUNCIL, ID 83612 (623) 703-2711
Current Owner	BRENDA G HOWARD 2035 COUNCIL-CUPRUM RD COUNCIL, ID 83612 (623) 703-2711
Original Owner	KATHERINE M UPAH 2348 ORCHARD RD COUNCIL, ID 83612 (208)253-4457
Original Owner	EARL M UPAH 2348 ORCHARD RD COUNCIL, ID 83612 (208)253-4457

Priority Date: 03/15/1905

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4SE1/4NW1/4	Sec. 2,	Twp 16N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16N	01W	2								3.7									3.7

Total Acres: 3.7

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. J01 Property is also known as Lot 2, Blk 3, Part of Vac Road, council Valley Orchards.

Remarks:Comments:

1. csaxton 12/20/2005 Source

Comment: Source listed as springs because the POD is actually springs that seep. There does not seem to be one defined spring.

2. csaxton 12/20/2005 From Claim

Comment: ORIGINAL STATUTORY CLAIM IDENTIFIED SOURCE AS WASTEWATER; ACTUAL SOURCE IS NATURAL SEEPAGE WHICH OCCURS YEAR-ROUND AND DOES NOT SEEM TO BE A RESULT OF IRRIGATION. NATURAL SEEPAGE RESULTS IN A BOGGY AREA; THE WATER ACCUMULATES NEAR THE NORTHWEST CORNER OF THE HOUSE AND FLOWS INTO A DITCH ACROSS MY PROPERTY AND ULTIMATELY FLOWS INTO A DITCH WHICH FLOWS ALONG ORCHARD ROAD.

3. mvanbussum 12/8/2006 NOE POD

Comment: Changed POD per NOE correspondence.

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:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/20/2005 8:44:27 AM	csaxton			Active
Priority Date	12/20/2005 8:45:37 AM	csaxton			Active
POD	12/20/2005 8:45:47 AM	csaxton			Active
Source	12/20/2005 8:47:53 AM	csaxton			Active
POU	12/20/2005 8:49:21 AM	csaxton			Active
Use	12/20/2005 8:50:24 AM	csaxton			Active
Season	12/20/2005 8:50:52 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

Quantity	12/20/2005 8:53:44 AM	csaxton	Active
Summary	12/20/2005	csaxton	Active
POD	12/8/2006 11:37:18 AM	mvanbussum	Active
Summary	12/08/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	12/20/2005 8:48:20 AM	csaxton	Updated shape
POU	12/20/2005 8:50:51 AM	csaxton	Updated shape for Active POU
Contacts	12/20/2005 8:45:02 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POU	12/20/2005 8:51:00 AM	csaxton	Updated PLS for Active POU
POD	12/8/2006 11:38:09 AM	mvanbussum	Updated shape
POD	12/8/2006 11:37:17 AM	mvanbussum	(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?
Summary	12/8/2006 11:38:49 AM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	12/20/2005 8:46:57 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

Summary	12/20/2005 8:57:38 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
---------	-----------------------	---------	---

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

General	12/20/2005 8:46:17 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 - Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence: Documents submitted by the claimant show that the property was homesteaded in 1889. In 1905 (priority date claimed), a deed to BW turnip seed indicates water rights on the property from Mill Creek. I have spoke with the claimant numerous times (documented in file) and am told by the claimant that the spring is a naturally occurring spring that flows and seeps onto the property. In order to prevent the spring from flooding the claimants home, the water is diverted away from the house through ditches. Those ditches are used to irrigate the claimants pasture. It seems apparent that form the time the home was built, the spring would need to be diverted to prevent flooding the house. I feel that the establishment of the homestead indicates that a home could have been built at that time, but I feel it is safe to assume that by 1905, the home was built based on the documents supplied. An affidavit from a neighbor with first hand knowledge confirms the history of the spring as described above, but can not verify use back to 1905. I feel there is enough information to support the claimed priority date of 3/15/05.
POD	12/20/2005 8:46:29 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

Source	12/20/2005 8:48:54 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 - Conversation with claimant.
POU	12/20/2005 8:50:36 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 - NAPP photography.
Use	12/20/2005 8:51:39 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 - Claimant contact.
Season	12/20/2005 8:52:07 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4129A V1

Quantity	12/20/2005 8:54:59 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David tuthill, recommendations for 0.20 cfs or less do not require measurement.
----------	-----------------------	---------	---

Water Supply Bank:

Contacts Data Entry Form**Claim Number: 67-4129A**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JEFFREY S HOWARD	2035 COUNCIL-CUPRUM RD	COUNCIL	ID	83612	(623) 703-2711
Current Owner	BRENDA G HOWARD	2035 COUNCIL-CUPRUM RD	COUNCIL	ID	83612	(623) 703-2711
Original Owner	KATHERINE M UPAH	2348 ORCHARD RD	COUNCIL	ID	83612	(208)253-4457
Original Owner	EARL M UPAH	2348 ORCHARD RD	COUNCIL	ID	83612	(208)253-4457

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:

Claimant contact information was updated through change of ownership on 12-19-05.

Reviewer: **Craig L. Saxton**Date: **12-20-05**

Priority Date Data Entry Form

Claim Number 67-4129A

Claimed Priority Date: 3/15/1905

Claimed Basis: Beneficial Use

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

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date ____

Recommended Basis _____

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

Documents submitted by the claimant show that the property was homesteaded in 1889. In 1905 (priority date claimed), a deed to BW turnip seed indicates water rights on the property from Mill Creek.

I have spoke with the claimant numerous times (documented in file) and am told by the claimant that the spring is a naturally occurring spring that flows and seeps onto the property. In order to prevent the spring from flooding the claimants home, the water is diverted away from the house through ditches. Those ditches are used to irrigate the claimants pasture. It seems apparent that form the time the home was built, the spring would need to be diverted to prevent flooding the house. I feel that the establishment of the homestead indicates that a home could have been built at that time, but I feel it is safe to assume that by 1905, the home was built based on the documents supplied.

An affidavit from a neighbor with first hand knowledge confirms the history of the spring as described above, but can not verify use back to 1905.

I feel there is enough information to support the claimed priority date of 3/15/05.

Reviewer: Craig L. Saxton

Date: 12-20-05

Point of Diversion and Source Data Entry Form

Claim Number 67-4129A

Claimed Point of Diversion and Source

T16N R01W S2 SESENW Within ADAMS County Source: SPRINGS WEISER RIVER

X Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

Location of POD determined by speaking with the claimant and looking at the claim map. Claimant stated that the spring was behind the house and was diverted past the house to the field. Looking at the aerial photography, this would put the spring in the SE corner of the property.

Reviewer: **Craig L. Saxton**Date: **12-20-05**

Place Of Use Data Entry Form

Claim Number 67-4129A

Claimed Place Of Use

T16N R01W S02 SENW 5.0

Total Acres 5

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
16N	1W	2	SE	SW	ADAMS		3.7	IRRIGATION

Total Acres 3.7

Document how the POU was verified:

Aerial photography and claim map. _____

J01: Lot 2, Blk 3, Part of Vac Road, Council Valley Orchards _____

Reviewer: Craig L. Saxton

Date: 12-20-05

Purpose of Use Data Entry Form

Claim Number 67-4129A

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

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:

Conversation with claimant. _____

Period of Use and Quantity Data Entry Form

Claim Number 67-4129A

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.1	

Overall Diversion Rate 0.1

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

Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.10	N/A

Overall Diversion Rate 0.10

Overall Diversion Volume _____

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

Can recommend up to 1.5 inches per acre for 5 acres or less. Thus at 3.7 acres I can recommend the full diversion rate claimed of 0.10 cfs.

NOTE: No "B" portion was claimed. This claim was claimed as a split for only a portion of the original statutory diversion rate. However, the remaining portion was not claimed. Leave as 67-4129A in case someone files on the other portion at a later date.

Reviewer: **Craig L. Saxton**Date: **12-20-05**

Saxton, Craig

To: Saxton, Craig
Subject: RE: Notice of change of Water right ownership form

Jeff,

Merry Christmas to you too. I am attaching the preliminary recommendation I plan to submit to the SRBA court next spring/fall. Take a look at it and let me know if you have any questions or concerns.

Note that I went ahead and recommended the 1905 priority date claimed based on the information you gave me and our conversations of how the system works. The irrigated acreage was found to be 3.7 acres removing roads and the houses.

If it looks ok, then not further action needs to be taken at this time. You will receive this same information in a bulk mailing when we complete recommendations in the entire basin. At that time, if we haven't worked out any "bugs" in the recommendation already, that will be the time to address them. But I think we can take care of them now.

Then, the recommendations will be submitted to the SRBA court. At this time they will mail it all out to you again (without the picture) and at that time you can look at everyone's recommendation in the basin and file an objection if you feel someone was recommended something incorrectly. You can also file an objection to your own recommendation if we "agree to disagree" on your recommendation. At that time you will have a chance to be heard by the SRBA court.

Hope all is well with you and best wishes to your family.

Respectfully submitted,

Craig L. Saxton

-----Original Message-----

From: Howard, Jeffrey (SGM) [mailto:jhoward@phxhs.k12.az.us]
Sent: Monday, December 19, 2005 2:38 PM
To: Saxton, Craig
Subject: RE: Notice of change of Water right ownership form

Craig, good afternoon and Merry Christmas. I just wanted to touch base with you reference the Water Rights issue. Since I have not heard anything since submitting the last batch of info, I assume all is well.

Can you give me a quick update?

Thanks

Jeff S Howard
Sergeant Major, US Army (Retired)
Phoenix Union High School District
JROTC Operations
Phone: 602-764-1301
Email: jhoward@phxhs.k12.az.us

"My God. How little do my countrymen know what precious blessings they are in possession of, and which no other people on earth enjoy"
Thomas Jefferson

RECEIVED

NOV 08 2005

Department of Water Resources

Jeffrey S. and Brenda G. Howard
2035 Council Cuprum Road
Council, ID 83612

November 2, 2005

Mr. Craig L. Saxton
Idaho Department of Water Resources
SRBA State
P.O. Box 83720
Boise, ID 83707-9815

RE: Evidence of Priority Date
Water Right No: 67-4129A

Dear Mr. Saxton:

Per your letter dated August 30, 2005, we are responding to the request for evidence of a priority date of water rights for the real property located at 2348 Orchard Road, Council, Idaho 83612.

Attached are the following documents:

1. **Affidavit from Herbert Woods:** Mr. Woods is 92 years old and has lived on Orchard Road over 60 years. As indicated by the affidavit, he has stated that there has been natural seepage on said property for more than sixty years and that there has been no change to the rate, flow or direction in all of that time.
2. **Abstract of Title:**
 - a. May 22, 1889: Declaration of Homestead filed by William A. Norcross.
 - b. August 4, 1891: Patent granted by the United States of America for water rights, mineral rights, etc.
 - c. August 12, 1889: Deed to George W. Farliegh
 - d. February 1, 1895: Deed to John F. F. Brewster – water rights, irrigating ditches, etc. (Page 9)
 - e. August 16, 1905: Deed to B.W. Turnipseed – water rights, irrigating ditches, etc. (Page 13)
 - f. April 20, 1908: Deed to J. J. Allison – water rights, dams, etc. (Page 14)
 - g. March 18, 1909: Deed to R. T. Carter – water rights adjudicated by decree dated June, 1906, Permit No. 2067 (Page 18)
 - h. November 15, 1909: Deed to J. J. Allison – water rights Permit No. 2067 (Page 20)
 - i. February 1, 1911: Deed to C. E. Miesse – water rights Permit No. 2067 & Permit No. 6904 (Page 21)
 - j. January, 1912: Deed to Council Valley Orchards Limited – water rights Permit 2067. (Page 26)

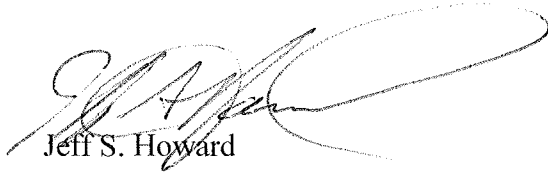
SCANNED

NOV 08 2005

- k. November 25, 1911: Water License No. 2067 – Grants a perpetual right dating from June 2, 1906. (Page 27)
- l. May 17, 1912: Deed to Charles N. Pritchard – water rights, ditches, etc. (Page 28)
- m. November 15, 1913: Water License No. 7653 – Authorizing water rights with a priority of July 3, 1911. (Page 34)
- n. July 29, 1921: Decree – Setting out water rights, amounts in Inches and dates of priority for each party involved in the litigation. (Page 35)

These documents should provide the necessary documentation to prove that water rights have been established on said property with a priority date of June 1906. If you have any questions or need anything further, please do not hesitate to contact me. Thank you, in advance, for your assistance.

Sincerely,



Jeff S. Howard

Encl: Affidavit
Abstract of Title

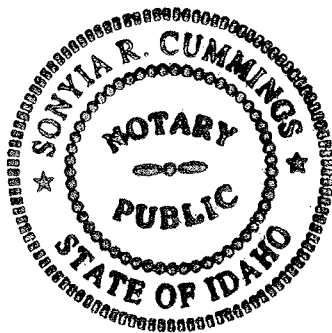
SCW:NER

NOV 08 2015

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO)
67-4129A)
STATE OF IDAHO)
COUNTY OF ADAMS)

AFFIDAVIT

HERBERT Woods BEING DULY SWORN,
DEPOSES AND SAYS: I HAVE LIVED IN OR AROUND ORCHARD RD,
COUNCIL, ID FOR OVER SIXTY YEARS AND HAVE FIRST HAND
KNOWLEDGE OF THE PROERTY LOCATED ON THE CORNER OF MISSMAN
AND ORCHARD ROADS. THE PROPERTY HAD BEEN PREVIOUSLY OWNED
BY EARL M. UPAH SINCE 1965 AND RALPH R. BASS PREVIOUS TO 1965. I
CAN ATTEST TO THE FACT THAT THERE HAS ALWAYS BEEN NATURAL
SEEPAGE (POSSIBLY A SPRING) ON THE PROPERTY NEAR THE HOUSE. THIS
ALSO HAS CAUSED THE BASEMENT OF THE HOUSE TO BE WET YEAR
ROUND AS THE WATER FLOWS DOWN THE PROPERTY TO A DITCH
ORCHARD ROAD. TO MY RECOLLECTION THERE HAS BEEN NO CHANGE TO
THE RATE, FLOW OR DIRECTION OF ANY WATER SOURCE ON THE
PROPERTY SINCE THE PROPERTY WAS ESTABLISHED.



Herbert Woods
(Signature)

Subscribed and sworn to before me this
day 28th of October, 2005

Sonya R. Cummings
(Notary Public)

Residing at Wesa, Idaho

My Commission Expires 05/05/06

60-41290

NOV 9 8 2005

c a p t i o n

a b s t r a c t o f t i t l e

No.6818

To the following described real estate situated in
Adams County, State of Idaho, to-wit:

LOT 2 of BLOCK 3,
COUNCIL VALLEY ORCHARDS,
Adams County, Idaho.

o o o o o

Prepared by
ADAMS COUNTY ABSTRACT COMPANY
Council, Idaho

SCANNED

NOV 08 2005

PLAT OF

COUNCIL VALLEY ORCHARDS ADAMS CO. IDAHO.

Scale: 1 inch = 600 Ft.

Prepared by
ADAMS COUNTY ABSTRACT CO.,
COUNCIL,
IDAHO.



The United States of America,
Certificate No. 1071,

to

William A. Norcross.

P A T E N T

Dated August 4, 1891
Recorded Jan. 4, 1893
Book 1 Cash Entry Patents
Page 33

WHEREAS, William A. Norcross, of Washington County Idaho Territory has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho Territory, whereby it appears that full payment has been made by the said William A. Norcross according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the Acts supplemental thereto, for the

The South east quarter of the North west quarter of Section Two in township sixteen North of Range one West of Boise Meridian in Idaho Territory containing --(with other lands not material to this abstract)--one hundred and sixty one acres and seventy four hundredths of an acre,

according to the Official Plat of the Survey of the said lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said William A. Norcross

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, Have Given And Granted, and by these presents Do Give and Grant, unto the said William A. Norcross and to his heirs, the said Tract above described; To Have and To Hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said William A. Norcross and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

By the President: Benjamin Harrison

(S E A L)
United States
General Land Office

By Ellen Maryland Asst Secretary

I R Conwell Recorder of the
General Land Office.

Recorded Vol

(Transcribed from Book 5 Deeds, page 406, Records of Washington County, Idaho)

Wm A Norcross and Rosa
L Norcross his wife,

to

Wilson Bros.

M O R T G A G E

Dated May 18, 1889
Recorded May 27, 1889
Book A, Mortgages
Page 59
Amount \$331.40

First parties mortgage to second parties the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 N., R. 1 W. -- (and other lands not material to this abstract) in Washington County, Territory of Idaho, to secure the payment of the principal sum of \$331.40 and interest thereon at 1 $\frac{1}{2}$ % per month.

William A Norcross

Rosa L Norcross

Acknowledged May 18, 1889 in Washington County, Territory of Idaho by William A Norcross and Rosa L his wife, before Norman H Camp, Justice of the Peace, Council Valley Precinct.

MARGINAL SATISFACTION AS FOLLOWS:

"We hereby acknowledge full and complete satisfaction of this mortgage and of the debt secured thereby.

Wilson Bros per R E Wilson

"Signed and acknowledged before me this 3d day of Dec 1889

O. M. Harvey"

(Transcribed from Book 1, Mtgs, page 794, Records of Washington County, Idaho)

SCANNED

NOV 16 2005

98

William A. Norcross,

to

The Public.

DECLARATION OF HOMESTEAD

Dated May 22, 1889
Recorded June 22, 1889
Book 1, Misc. Record
Page 57

RECITES substantially that William A. Norcross certifies and declares that he is married, and at the time of making this declaration actually resides with his wife and two children on the lands and premises in Washington County, Idaho described as follows, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16 North, Range 1 West of
Boise Meridian, (and other lands not material to this abstract)

That it is his intention to and he hereby does select and claim the said premises, the actual cash value of which he estimates to be \$1200.00, as a homestead.

William A Norcross

Acknowledged June 22, 1889 by William A Norcross before
Frank Harris, a Notary Public for Washington County, State
of Idaho. Seal.

(Transcribed from Book 1, Decl. Homestead, ^{Page 57,} Records of Washington County, Ida.)

William A. Norcross and Rosa
L. Norcross, Husband and wife,

to

J. F. F. Brewster.

M O R T G A G E

Dated July 8, 1889
Recorded July 25, 1889
Book A, Mortgages
Pages 66-67
Amount \$600.00

First parties mortgage to second party the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 2, Twp. 16 N. R 1 W. B.M. in Washington County, Territory of Idaho --(and other lands not material to this abstract)--to secure the payment of the principal sum of \$600.00 and interest at 8% per annum.

William A. Norcross (Seal)
Rosa L. Norcross (Seal)

Acknowledged July 11, 1889 by William A. Norcross and Rosa L. Norcross, his wife, before Norman H. Camp, Justice of the Peace, Council Valley Precinct, Washington County, Territory of Idaho.

(Transcribed from Book 2, Mtgs, page 34, Records of Washington County, Idaho)

J. F. F. Brewster,

to

William A. Norcross
and Rosa L. his wife.

SATISFACTION OF MORTGAGE

Dated August 20, 1889
Recorded Oct. 22, 1892
Book A, Satisfactions
Page 21

In consideration of the payment of the debt named therein I release the mortgage made by William A. Norcross and Rosa L. his wife, dated July 8th 1889 on the South East Quarter of the North West Quarter of Section 2, Township 16 North of Range 1 West of the Boise Meridian --(and other lands not material to this abstract)--to me which is recorded in Book 2 of Mortgages pages 34, 35, 36 of the records of Washington County.

Witnesses: C. A. Lawrence
Herbert B. Dodge

J.F.F.Brewster (Seal)

Acknowledged Aug. 20th, 1889 in Suffolk County, Massachusetts by J.F.F.Brewster, known to be the person whose name is affixed to the above release, before Chas. Hall Adams, Commissioner of Deeds of Idaho Territory. Seal.

(Transcribed from Book 1, Releases, page 174, Records of Washington County, Idaho)

William A. Norcross and
Rosa L. Norcross, his wife,

to

George W. Farleigh.

W A R R A N T Y D E E D

Dated August 12, 1889
Recorded Aug. 14, 1889
Book A, Deeds
Page 154
Consideration \$600.00

Grant, bargain, sell and convey and confirm

All that certain piece or parcel of land, situate, lying and
being in Council Valley, Washington County, Idaho Territory and being
described as following:

Being the South East Quarter of the North West Quarter
--(and other lands not material to this abstract)--
of Section 2, Township 16, North, Range 1 West Boise
Meridian.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims. And the said Rosa L. Norcross
wife of the said William A. Norcross, hereby releases all
her right of dower in and to said premises.

Witness: J. F. Morrison
Oscar Pressley

William A. Norcross (L.S.)

Rosa L. Norcross (L.S.)

Acknowledged August 12th, 1889, in Washington County, Idaho,
by William A. Norcross and Rosa L. Norcross, his wife, known
to be the persons whose names are subscribed to the within
instrument (the said Rosa L. Norcross being examined without
the hearing of her husband), before Norman H. Camp, a Justice
of the Peace, Council Valley Precinct, Washington County, Ter-
ritory of Idaho.

George W. Farleigh and Varian
E. Farleigh, Husband and wife,

to

John F. F. Brewster.

M O R T G A G E

Dated December 14, 1892
Recorded Jan. 4, 1893
Book A, Mortgages
Pages 173-174
Amount \$800.00

First parties mortgage to second party SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16
N. R. 1 W. B.M. in Washington County, Idaho (also other lands not mater-
ial to this abstract)--to secure the payment of the sum of \$800.00 and
interest at 10% per annum.

George W. Farleigh (Seal)
Varian E. Farleigh (Seal)

Acknowledged January 2, 1893 by George W. Farleigh and Var-
ian E. Farleigh, his wife, before W. D. Shaw, Notary Public
for Washington County, Idaho. Seal.

(Transcribed from Book 3, Mtgs, page 73, Records of Washington County, Idaho)

John F. F. Brewster,

to

George W. Farleigh
and wife.

SATISFACTION OF MORTGAGE

Dated February 14, 1895
Recorded Feb. 25, 1895
Book A, Satisfactions
Page 35

Hereby release the mortgage made by George W. Farleigh and wife to
me for the sum of Eight Hundred Dollars, dated December 14th 1892 and
recorded in Book 3 of Mortgages on page 73 of the records of Washington
County State of Idaho on the 4th" day of January upon the following des-
cribed lands, situated in the County of Washington and State of Idaho
towit:

The South east Quarter of the North West Quarter of Section
Two(2) in Township Sixteen (16) North and Range One (1) West
of the Boise Meridian containing --(with other lands not mat-
erial to this abstract)--161.74 acres, according to U.S.Survey

and further certifies that said mortgage, together with the debt thereby
secured, is fully paid, satisfied and discharged.

Witnesses: Herbert R. Coe
Herbert B. Dodge

John F. F. Brewster

Acknowledged Feb. 14", 1895 in Suffolk County, Massachusetts by
John F.F.Brewster, known to be the person whose name is subscribed
to the within instrument, before John P.R.Sherman, Notary Public
for said Suffolk County, Massachusetts. Seal.

(Transcribed from Book 1, Releases, page 269, Records of Washington County, Idaho)

George W. Farleigh and
Varian E. Farleigh, hus-
band and wife,

to

John F. F. Brewster.

D E E D

Dated February 1, 1895
Recorded Feb. 6, 1895
Book A, Deeds
Page 362
Consideration \$1.00

Grant, bargain, sell and convey

All the following bounded and described real property, situated
in the County of Washington and State of Idaho.

The South East Quarter of the North West Quarter of
Section Two (2) in Township Sixteen (16) North of
Range One (1) West of the Boise Meridian containing
--(with other lands not material to this abstract)--
161.74 acres more or less according to the U. S. Gov-
ernment Survey.

Together with all water, water rights, irrigating ditches, aque-
ducts, canals, appropriations, franchises and privileges upon, leading
to, connected with or usually had and enjoyed in connection with said
premises and every part and parcel thereof (including dower and claim
of dower)

Witness: Sherwood Burr
S. C. Matteson

George W. Farleigh

Varian E. Farleigh

Acknowledged February 1, 1895 in Lane County, Oregon, by
George W. Farleigh and Varian E. Farleigh, husband and
wife, known to be the identical persons described in and
who executed the within instrument, (the said Varian E.
Farleigh, wife of the said George W. Farleigh being exam-
ined separate and apart from her said husband), before
Sherwood Burr, Notary Public for the State of Oregon. Seal.

John F. F. Brewster and
Martha C. Brewster, his
wife,

to

New England Mortgage Sec-
urity Company, of the
State of Connecticut.

D E E D

Dated October 30, 1895
Recorded Sept. 7, 1899
Book B, Deeds
Page 55

Consideration \$1.00 & OVC

Quitclaim

All their interest, claim and demand in and to the following
described real estate situated in the County of Washington, State of
Idaho, to-wit:

The Southeast quarter of the Northwest
quarter of section two in township sixteen
North of Range one West containing --(with
other lands not material hereto)--one hun-
dred and sixty one and 74/100 acres more or
less.

Together with all water, water rights, irrigating ditches, aque-
ducts, canals appropriation, franchises, and privileges upon, leading
to, or connected with or usually had and enjoyed in connection with
such premises and every part and parcel thereof.

Witnesses: Herbert B. Dodge
Herbert R. Coe

John F. F. Brewster (Seal)

Martha C. Brewster (Seal)

Acknowledged October 30th, 1895 by John F. F. Brewster and
Martha C. Brewster his wife, personally known to be the
identical persons whose names are subscribed to the within
and foregoing deed as grantors, before John P. R. Sherman,
Notary Public for Suffolk County, State of Massachusetts.
Seal.

John F F Brewster and Martha C Brewster, his wife,

to

The New England Mortgage Security Company, of the State of Connecticut.

QUIT CLAIM DEED

Dated October 24, 1901
Recorded May 28, 1903
Book B, Deeds
Page 620

Consideration \$1.00 & OVC

Quit claim

All their interest, claim and demand in and to the following described real estate situated in the County of Washington, and State of Idaho, to-wit:-

The South east quarter of the North west quarter of Section Two (2) in Township Sixteen (16) North of Range one (1) West, containing --(with other lands not material to this abstract)--one hundred and Sixty one and 74/100 acres more or less,

together with all water, water rights, irrigating ditches, aqueducts, canals, appropriations, franchises and privileges upon, leading to, connected with or usually had and enjoyed in connection with said premises and every part and parcel thereof.

And the said Martha C Brewster hereby relinquishes all her right of dower in the above described premises.

This deed is made to correct an error which exists in the acknowledgment of a former deed made by first parties to second party and dated October 30th, 1895.

Witnesses: Minnie Harron
Joseph E Mooney

John F F Brewster

Martha C Brewster

Acknowledged Oct. 24th, 1901 in Suffolk County, Massachusetts by John F F Brewster and Martha C Brewster, known to be the persons whose names are subscribed to the within instrument, described as a married woman and upon examination without the hearing of her husband, before Joseph E Mooney, Notary Public for Suffolk County, State of Massachusetts.
Seal.

The New England Security Co.,

and

B. W. Turnipseed.

A G R E E M E N T

Dated April 20, 1903
Recorded May 27, 1903
Book A, Bonds for Deed
Pages 158-159
Consideration \$525.00

RECITES substantially that first party agrees to sell, and second party agrees to buy, the lands in Washington County, State of Idaho, described as follows, to-wit:

SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 _ of Range 1 W. B. M. -- (and other lands not material to this abstract)

for the sum of \$525.00 on which said second party has paid the sum of \$150.00, the balance being payable in annual installments of \$125.00 each, with accrued interest at 8% per annum.

The New England Mortgage Security Co.

By W. G. Bosworth Owner

B. W. Turnipseed Purchaser

(Transcribed from Book 1, Bonds for Deed, page 386, Records of Washington Co. Idaho)

The New England Mortgage
Security Company, of the
State of Connecticut,

to

B. W. Turnipseed.

W A R R A N T Y D E E D

Dated August 16, 1905
Recorded Aug. 29, 1905
Book D, Deeds
Page 198
Consideration \$525.00

Grant, bargain, sell, convey and confirm

The real estate in the County of Washington and State of Idaho
described as follows to wit:

The South East Quarter of the North West Quarter of
Section Two (2) Township Sixteen (16) North of Range
One (1) West of the Boise Meridian and containing^o--
(with other lands not material to this abstract) ---
One Hundred Sixty One and 74/100 acres, more or less
according to the U. S. Government Survey

together with all water, water rights, irrigating ditches, aqueducts,
canals, appropriations, franchises and privileges upon, leading to,
connected with or usually had and enjoyed in connection with said prem-
ises and every part and parcel thereof.

The intention being to convey hereby an absolute title in fee to
said real estate.

COVENANTS: Free from encumbrances; has full right, power and authority
to sell same; will warrant and defend the title against all
lawful claims, excepting taxes for 1903 and subsequent years.

In Witness Whereof the said party of the first part has hereunto
set its hand and affixed its corporate seal the day and year first here-
in written.

The New England Mortgage Security Co.

Witnesses: David S. Rogers
Herbert B. Dodge

By W. G. Bosworth President.

(CORPORATE SEAL)

Acknowledged Aug. 16, 1905 in New York County, N.Y. by the New
England Mortgage Security Company by W. G. Bosworth its President,
personally known to be the identical person who executed the fore-
going deed, that he is the President of said Company, that the
seal attached is the corporate seal of said Company, that said
deed was signed and sealed in behalf of said Company under the au-
thority conferred upon him by its by laws and as the voluntary
act and deed of said corporation, before M.L. Seamsns, Notary Pub-
lic for Kings County, State of New York, with certificate filed
in New York County. Seal.

(Transcribed from Book 16 Deeds, page 485, Records of Washington County, Idaho)

B W Turnipseed and C M
Turnipseed, husband and
wife,
to

J J Allison.

W A R R A N T Y DEED

Dated April 20, 1908
Recorded April 21, 1908
Book E, Deeds
Page 343
Consideration \$3100.00

Grant, bargain, sell, convey and confirm

The following described real estate, situate in the County of
Washington, State of Idaho, to-wit:

The South east quarter of the North west quarter of
Section Two (2) Township Sixteen (16) North of Range
One (1) West, Boise Meridian, containing --(with other
lands not material to this abstract)--one hundred
sixty-one and 74/100 acres more or less;

also all water, water rights, dams, ditches, flumes and irrigating works
of whatever nature belonging to, used upon or in any wise appertaining
to said lands, including all the rights of said first parties under
Permit #2067, issued by the State Engineer, of the State of Idaho, for
the diversion of Two (2) second feet of water for irrigation and domes-
tic use on said lands, out of Mill Creek.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

Witness: A. L. Freehafer
J. A. Carr

B. W. Turnipseed (Seal)

C. M. Turnipseed (Seal)

Acknowledged April 20th, 1908 in Washington County, Idaho,
by B W Turnipseed and C M Turnipseed, known to be the per-
sons whose names are subscribed to the within instrument,
before A. L. Freehafer, Notary Public in and for said Wash-
ington County, State of Idaho. Seal.

J J Allison and Charlotte F
Allison, husband and wife,

to

B.W. Turnipseed.

M O R T G A G E

Dated April 20, 1908
Recorded Apl. 22, 1908
Book B, Mortgages
Page 301
Amount \$1500.00

First parties mortgage to second party the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 N., Range 1 West of Boise Meridian, in Washington County, Idaho, containing --(with other lands not material to this abstract)--161.74 acres, more or less (also water rights), to secure the payment of a promissory note of even date for the principal sum of \$1500.00 and interest thereon at 9% per annum.

J J Allison (Seal)
Charlotte F Allison (Seal)

Acknowledged April 20th, 1908 by J J Allison and Charlotte F Allison, before A L Freehafer, Notary Public for Washington Co., Idaho. Seal.

(Transcribed from Book 10 Mtgs, page 484, Records of Washington County, Idaho)

B. W. Turnipseed,

to

First Bank of Council
Limited.

ASSIGNMENT OF MORTGAGE

Dated December 2, 1908
Recorded Apl. 26, 1910
Book A, Assignments
Page 97
Consideration \$1500.00

Does by these presents grant, bargain, sell, assign, transfer and set over a certain Indenture of Mortgage bearing date the 20th day of April A. D. 1908 made and executed by J. J. Allison and Charlotte F. Allison husband and wife, mortgagors to B. W. Turnipseed mortgagee, recorded in Book 10 of Mortgages page 484 of the Records in the office of the County Recorder of the County of Washington, State of Idaho.

Together with the note therein described and the money due and to grow due thereon with interest as therein provided, and in case of payment to discharge the same as fully as the said first party might or could do if these presents were not made.

B. W. Turnipseed

Witness: L. D. Hill
A. L. Freehafer

Acknowledged December 2nd, 1908 in Washington County, Idaho, by B. W. Turnipseed, known to be the person whose name is subscribed to the within instrument, before A. L. Freehafer, Notary Public in and for said Washington County, Idaho. Seal.

(Transcribed from Book 4, Assignments, page 160, Records of Washington Co., Ida)

The First Bank of Council Ltd.,
a corporation of Idaho with
principal place of business at
Council therein,
to

J. J. Allison and Charlotte F.
Allison, husband and wife.

SATISFACTION OF MORTGAGE

Dated May 5, 1910
Recorded May 6, 1910
Book A, Satisfactions
Page 425

Does hereby certify and declare that a certain mortgage, bearing date the 20th day of April A. D. 1908 made and executed by J. J. Allison and Charlotte F. Allison, husband and wife, the parties of the first part therein, to B. W. Turnipseed the party of the second part therein and recorded in the office of the County Recorder of Washington County, Idaho on the 22nd day of April 1908, in Book 10 of Mortgages at page 484 and assigned by said party of the second part to the First Bank of Council, Ltd on the 2d day of December 1908, said assignment being recorded in the office of the County Recorder of the County of Washington, State of Idaho in Book 4 of Assignments on page 160 on the 26th day of April A. D. 1910, together with the debt thereby secured is fully paid, satisfied and discharged.

IN WITNESS WHEREOF said First Bank of Council, Ltd, has caused these presents to be signed in its name by its President and its corporate seal to be affixed, attested by its Cashier, this 5th day of May 1910-.

First Bank of Council Ltd

Attest: H. M. Jorgens
Cashier

Frank E. Brown President

(CORPORATE SEAL)

Acknowledged May 5th, 1910 in Washington County, Idaho, by Frank E. Brown, known to be the President of the corporation that executed the within instrument, that such corporation executed the same, before A. L. Freehafer, Notary Public for said Washington County, State of Idaho. Seal.

John J Allison and Char-
lotte F Allison, his wife,

to

Ernest V Orford.

M O R T G A G E

Dated June 24, 1910
Recorded June 28, 1910
Book B, Mortgages
Pages 623-624
Amount: \$5000.00

First parties mortgage to second party the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16 N., R. 1 W.B.M. (and water rights) in Washington County, Idaho, to secure the payment of the principal sum of \$5000.00 and interest thereon at 8% per annum.

John J Allison (Seal)
Charlotte F Allison (Seal)

Acknowledged June 25, 1910 by John J Allison and Charlotte F Allison, his wife, before Edna L Hice, Notary Public for Ada County, Idaho. Seal.

(Transcribed from Book 14, Mtgs, page 60, Records of Washington County, Idaho)

Ernest V. Orford,

to

John J. Allison and Charlotte
F. Allison.

SATISFACTION OF MORTGAGE

Dated February 28, 1911
Recorded Apl. 25, 1911
Book 1, Satisfactions
Page 35

Hereby certify and declare that a certain mortgage, bearing date the 24th day of June A.D. 1910, made and executed by John J. Allison and Charlotte F. Allison the parties of the first part therein, to Ernest V. Orford the party of the second part therein, recorded in the office of the County Recorder of the County of Washington State of Idaho, in Book 14 of Mortgages, on page 60 on the 28th day of June A.D. 1910, together with the debt thereby secured, is fully paid, satisfied and discharged.

Ernest V. Orford (Seal)

Witness: O. H. Shoemaker

Acknowledged March 6th, 1911 in Owyhee County, Idaho, by Ernest V. Orford, known to be the person whose name is subscribed to the within instrument, before Robert T. Pim, Notary Public in and for said Owyhee County, State of Idaho. Seal.

J J Allison and Charlotte
F Allison, his wife,

to

R T Carter, as Trustee for
R T Carter and O M Carter.

W A R R A N T Y DEED

Dated March 18, 1909
Recorded Mar. 20, 1909
Book E, Deeds
Page 561
Consideration: \$11,200.00

Grant, bargain, sell, convey and confirm

All the following described real estate situated in Washington
County, State of Idaho, to-wit:-

An undivided two-thirds interest in and to

The Southeast Quarter of the Northwest Quarter (S E 1/4
of N W 1/4) of Section Two (2) Township Sixteen (16)
North of Range One (1) West of Boise Meridian -- (and
other lands not material to this abstract)

Alson all water, water rights, ditches and irrigating works of
whatever nature belonging or pertaining to said lands, including water
rights as adjudicated by decree of the District Court of the Seventh
Judicial District of the State of Idaho, in and for the County of Wash-
ington, in the month of June, 1906, and all rights under Permit No. 2067
issued by the State Engineer of the State of Idaho, for the diversion
of Two (2) second feet of water for irrigation and domestic use on said
lands out of Mill Creek.

Subject to Mortgage of \$1500.00 to B W Turnipseed, dated April
20th, 1908, and Mortgage of \$300.00 to James M Young, dated April 15th,
1908, and taxes for the year 1909.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

Witness: W S Bruce

J. J. Allison (Seal)
Charlotte F Allison (Seal)

Acknowledged March 18th, 1909 in Ada County, Idaho, by
J J Allison and Charlotte F Allison, his wife, known to
be the persons whose names are subscribed to the within
instrument, before W S Bruce, Notary Public in and for
said Ada County, State of Idaho. Seal.

(Transcribed from Book 22 Deeds, page 122, Records of Washington County, Idaho)

O. M. Carter (unmarried),

to

R. T. Carter.

Q U I T C L A I M D E E D

Dated September 1, 1909

Recorded Feb. 9, 1910

Book F, Deeds

Page 298

Consideration: \$1000.00

Remise, release and forever quitclaim

All those certain lots, pieces or parcels of land situate, lying and being in County of Washington, State of Idaho bounded and particularly described as follows towit:

The South East Quarter of the North West Quarter
(S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$) of Section Two (2) Township
Sixteen (16) North of Range One (1), West of Boise
Meridian--(and other lands not material to this abstract)

also all water, water rights, ditches and irrigating works of whatever nature belonging or pertaining to said land, including the water rights as adjudicated by decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington in the month of June 1906 and all rights under permit No 2067 issued by the State Engineer of the State of Idaho for the diversion of Two (2) second feet of water for irrigation and domestic use on said lands out of Mill Creek, subject to existing mortgages.

Witness: O. O. Haga

O. M. Carter (Seal)

Acknowledged October 1st, 1909 in Ada County, Idaho, by
O. M. Carter, known to be the person whose name is subscribed to the within instrument, before Oliver O. Haga,
Notary Public in and for said Ada County, State of Idaho.
Seal.

R. T. Carter and Sallie
Carter (husband and wife),

to

J. J. Allison.

D E E D

Dated November 15, 1909

Recorded Apl 12, 1912

Book F, Deeds

Page 375

Consideration: \$10,000.00

Grant, bargain, sell and convey

All those certain pieces or parcels of land situate, lying and being in the County of Washington and State of Idaho, bounded and more particularly described as follows towit:

The South East Quarter of the North West Quarter
(S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$) of Section Two (2) Township
Sixteen (16) North of Range One (1) West of Boise
Meridian -- (and other lands not material to this
abstract)

also all water, water rights, ditches and irrigation works of whatever nature belonging or pertaining to said land, including water rights as adjudicated by Decree of the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Washington in the month of June 1906, and all rights under Permit No 2067 issued by the State Engineer of the State of Idaho for the diversion of Two (2) second feet of water for irrigation and domestic use on said lands out of Mill Creek.

It being understood first parties are the owners of only an undivided two thirds ($\frac{2}{3}$) interest in the property above described, and the same is conveyed, subject to all existing mortgages, claims and incumbrances, including taxes, all of which second party assumes and agrees to pay.

R. T. Carter (Seal)

Sallie Carter (Seal)

Acknowledged Dec. 3rd, 1909 in Audrain County, Missouri,
by R. T. Carter and Sallie Carter (husband and wife),
known to be the persons whose names are subscribed to the
within instrument, before C. A. Witherspoon, Notary Public
in and for said Audrain County, State of Missouri.
Seal.

(Transcribed from Book 26 Deeds, page 286, Records of Washington County, Idaho)

J. J. Allison and Charlotte
F. Allison, his wife,

to

C. E. Miesse.

W A R R A N T Y D E E D

Dated February 1, 1911
Recorded April 15, 1911
Book 1, Deeds
Page 20
Consideration \$24,000.00

Grant, bargain, sell, convey and confirm

All the following described real estate, situated in Washington
County, State of Idaho, to-wit:

S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Sec. 2, Twp. 16 N. Range 1 West B. M.--(And
other lands not material to this abstract)

together with all water, water rights, ditches, and irrigation works of
whatever nature belonging to or pertaining to said land, including
water rights as adjudicated by decree of the District Court of the
Seventh Judicial District of the State of Idaho, in and for the County
of Washington in the month of June, 1906, and all rights under Permit
No. 2067 issued by the State Engineer of the State of Idaho for the
diversion of two second feet of water for irrigation and domestic use
on said lands out of Mill Creek, excepting, however, one-half cubic
feet per second out of Permit No. 2067 heretofore sold by first parties;
and also all water rights evidenced by Permit No. 6904 issued by the
State Engineer of the State of Idaho.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

J J Allison Seal

Charlotte F. Allison Seal

Acknowledged February 1st, 1911 in Ada County, Idaho, by
J. J. Allison and Charlotte F. Allison, known to be the
persons whose names are subscribed to the within instru-
ment, before Edna L. Hice, Notary Public in and for said
Ada County, State of Idaho. Seal.

Charles E. Miesse and E.
Grace Miesse, husband and
wife,

to

J. J. Allison.

M O R T G A G E

Dated March 1, 1911
Recorded Apl. 15, 1911
Book 2, Mortgages
Pages 10-11
Amount: \$12000.00

First parties mortgage to second party the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 2, Twp. 16 N. R. 1 W. B.M. --(and other lands not material to this abstract)-- in Washington County, Idaho, to secure the payment of two promissory notes for the aggregate principal sum of \$12,000.00 and interest thereon at 8% per annum.

Charles E. Miesse (Seal)
E. Grace Miesse (Seal)

Acknowledged Feb. 24, 1911 by Charles E. Miesse, before M. Belle Carnahan, Notary Public for Cook County, Illinois. Seal.

Acknowledged March 1, 1911 by E. Grace Miesse before B.C.Strong, Notary Public for Los Angeles County, California. Seal.

J. J. Allison and Charlotte F.
Allison, his wife,

to

Charles E. Miesse and E. Grace
Miesse, husband and wife.

SATISFACTION OF MORTGAGE

Dated July 5, 1912
Recorded July 17, 1912
Book 1, Satisfactions
Page 194

Do hereby certify and declare that a certain mortgage, bearing date the first day of March A. D. 1911, made and executed by Charles E. Miesse and E. Grace Miesse husband and wife the parties of the first part therein, to J. J. Allison the party of the second part therein recorded in the office of the County Recorder of the County of Adams State of Idaho, in Book 2 of Mortgages, on pages 10 and 11 on the 15th day of April A.D. 1911, together with the debt thereby secured, is fully paid, satisfied and discharged.

Witness: B. Q. Pettenfill

J. J. Allison (Seal)
Charlotte F. Allison (Seal)

Acknowledged July 5th, 1912 in Ada County, Idaho by J. J. Allison and Charlotte F. Allison, his wife, known to be the persons whose names are subscribed to the within instrument, before Benj. Q. Pettengill, Notary Public for said Ada County, State of Idaho. Seal.

SCANNED

Book 1 of Plats, page 16
Recorded May 20, 1911

PLAT OF COUNCIL VALLEY ORCHARDS
ADAMS CO., IDAHO.

Know all men by these presents, that I, Charles H. Miesse of Chicago Illinois, am the owner of the following described lands, situated in Adams County, State of Idaho, to-wit: lots 1, 3, and 4, the S. half of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 2, T. 16 N., R. 1 W., B.M., also the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, T. 17 N., R. 1 W., B.M. containing 280 acres, and that I do hereby plat, lay out and subdivide the said described lands into lots, blocks, streets, boulevards and alleys to be known as (Council Valley Orchards, Limited), all as shown by this plat. And that I do hereby dedicate to the use of the public a right of way over and across the streets, boulevards and alleys shown on the accompanying plat, reserving to myself, my heirs and assigns, the right to erect and lay electric light, telegraph and telephone poles and wires, and to construct railways, whether operated by steam, electric or other power, and to construct canals and other conduits for carrying water over, on under, and across such streets, boulevards and alleys.

Charles E. Miesse

Acknowledged May 1st, 1911 in Cook County, Illinois by Charles E. Miesse, known to be the person described in and whose name is subscribed to and who executed the foregoing instrument, before Mary E. Painter, Notary Public for said Cook County, State of Illinois. Commission expires July 25, 1914. Seal.

I, Warren G. Swendsen, do hereby certify that the following is a correct description of the land included in the accompanying plat which has been platted and subdivided as shown by said plat, to-wit: lots 1, 3, and 4, the S $\frac{1}{2}$ of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 2 T. 16 N., R. 1 W., B.M., also the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 35, T. 17 N., R. 1 W., B. & M. known as (Council Valley Orchards, Limited), and that this plat has been prepared by actual survey made under my supervision and that the same is true and correct.

Warren G. Swendsen
Engineer.

J. J. Allison and Charlotte
F. Allison, husband and wife,

to

Charles E. Miessen and E. Grace
Miesse, husband and wife.

PARTIAL SATISFACTION OF
MORTGAGE
Dated January 30, 1912
Recorded Feb. 6, 1912
Book 1, Satisfactions

Page 135

Recites substantially that in consideration of the payment of the sum of \$50.00 to J. J. Allison of the first part by the said second parties, the said first parties hereby grant, release, quit claim and set over unto said second parties

Lot 2 of Block 3 of Council Valley Orchards as shown by the official plat of said Orchards filed May 20, 1911 in the office of the County Recorder of Adams County, Idaho

being a part of the lands covered by the mortgage made March 1st, 1911 by second parties herein to J. J. Allison and recorded April 15, 1911 in said County Recorder's office in Book 2 of Mortgages at pages 10 & 11, it being the intent that the lands hereby conveyed and released shall forever be discharged from the said mortgage and that the rest of the lands in the said mortgage specified shall remain to the said first parties herein as heretofore.

Witness: Edna L. Hice

J. J. Allison (Seal)

Charlotte F. Allison (Seal)

Acknowledged Feb. 2nd, 1912 in Ada County, Idaho by J. J. Allison and Charlotte F. Allison, his wife, known to be the persons whose names are subscribed to the within instrument, before Edna L. Hice, Notary Public in and for said Ada County, State of Idaho. Seal.

Charles E. Miesse and E.
Grace Miesse, his wife,

to

Council Valley Orchards Limit-
ed, a corporation of Idaho.

WARRANTY DEED

Dated July 3, 1911
Recorded July 10, 1911
Book 2, Deeds
Page 56
Consideration: \$1.00&OG&VC

CONVEY and WARRANT

The following described Real Estate, to-wit:

Lots One (1) Three (3) and Four (4) and the South half
of the Northwest quarter, and South West quarter of
North East quarter of Section two (2) Township Sixteen
(16) North Range One (1) West; and the South East quart-
er of the South East quarter of Section Thirty-five (35)
Township Seventeen (17) North Range One (1) West B. M.
situated in the County of Adams in the State of Idaho

hereby releasing and waiving all rights under and by virtue of the Home-
stead Exemption Laws of the State of Illinois and of Idaho subject how-
ever to two mortgages given to secure an aggregate indebtedness of Four-
teen Thousand Dollars (\$14000.00)

Witness: A. M. Wallsten

Charles E. Miesse (Seal)

E. Grace Miesse (Seal)

Acknowledged July 3rd, 1911 in Cook County,
Illinois by Charles E. Miesse and E. Grace
Miesse, his wife, known to be the persons
whose names are subscribed to the foregoing
instrument, before Francis A. Harper, Notary
Public for Cook County, State of Illinois.
Seal.

J. J. Allison and Charlotte
F. Allison, husband and wife,

to

Council Valley Orchards, a
corporation of Idaho.

W A R R A N T Y DEED

Dated January --, 1912
Recorded Feby. 6, 1912
Book 1, Deeds
Page 148
Consideration \$1.00

Grant, bargain, sell, convey and confirm

All the following described real estate, situated in Adams County,
State of Idaho, to-wit:

All that certain ditch and water right described in Water License No. 2067, issued to grantor J. J. Allison by the State Engineer of the State of Idaho, on the 25th day of November, A. D., 1911, said Water License No. 2067 granting and being "a perpetual right, dating from June 2nd, 1906, to the use of Two cubic feet per second of the waters of Mill Creek, in the County of Adams (formerly in Washington County) and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 36, Township Seventeen North, Range One West of the Boise Meridian, about eighty rods up Mill Creek from the point described above, and conducted to and upon

160 acres in the Northwest quarter of Section 2,
Township Sixteen North, Range One West of the
Boise Meridian,

for the purpose of irrigation and domestic use."

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

J. J. Allison Seal
Charlotte F. Allison Seal

Acknowledged Feb. 2nd, 1912 in Ada County, Idaho, by J. J. Allison and Charlotte F. Allison, husband and wife, known to be the persons whose names are subscribed to the within instrument, before Edna L. Hice, Notary Public in and for said Ada County, State of Idaho. Seal.

State of Idaho, A. E. Robinson, State Engineer,

WATER LICENSE No. 2067

to

Dated November 25, 1911
Recorded Feb. 6, 1912
Book A, Water Rights
Pages 221-222

J. J. Allison.

RECITES Substantially that on June 18th, 1908, Benjamin W. Turnipseed, the holder of Permit No. 2067, covering the diversion of 2 cubic feet per second of the waters of Mill Creek in Washington County, Idaho with a priority of June 2, 1906, duly made proof of the completion of adequate wrks for such diversion, and certificate of the State Engineer was issued confirming such completion.

That on April 20th, 1908, said Benjamin W. Turnipseed transferred all his interest in and to said permit No. 2067 to J. J. Allison, who duly made proof on Sept. 10th, 1910 of the application to beneficial use of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I, hereby grant and confirm to J. J. Allison, the holder and owner of said Permit No. 2067, a perpetual right, dating from June 2nd, 1906, to the use of 2 cubic feet per second of the waters of Mill Creek, in the County of Washington, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast Corner of the Northwest quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 36, Township 17 North, Range 1, West of the Boise Meridian, about 80 rods up Mill Creek from the point mentioned above, and conducted to and upon

160 acres in the Northwest quarter (NW $\frac{1}{4}$), Section 2, Township 16 North, Range 1, West of the Boise Meridian,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and ^{the} seal of my office at Boise, Idaho, this 25th day of November, A. D. 1911.

A. E. Robinson
State Engineer.

(S E A L)
State Engineer of Idaho.

Recorded Nov. 25th, 1911, in Book 2 of Licenses page 983.

ARTICLES OF INCORPORATION

of the

COUNCIL VALLEY ORCHARDS, LTD.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, have this day voluntarily associated ourselves together for the purpose of forming a corporation under and by virtue of the laws of the State of Idaho; and we hereby certify

I. Name: Council Valley Orchards, Limited.

II. Purposes for which formed are (among other things) to purchase, acquire, own, hold, sell, transfer, mortgage, lease and dispose of real property of all kinds; to purchase, own, construct, sell, lease, operate, mortgage or otherwise acquire and dispose of ditches, canals, water rights or other waters for irrigation or other purposes necessary or desirable; to lend money and to give and take mortgages, and to do all things whatsoever necessary to be done in order to carry out the object, purposes and business of the corporation.

III. Place for the transaction of the principal business of the corporation shall be Council, Adams County, Idaho.

IV. Term of existence is fifty years from date of incorporation.

V. Number of directors shall be five

VI. Amount of capital stock shall be \$100,000.00 divided into 10,000 shares of the par value of \$10.00 each; amount of capital stock actually subscribed is \$100,000.00. (here follows list of names of subscribers, and the respective amounts subscribed by each)

VII. Directors to be elected for the term of one year at the first stockholders' meeting and thereafter at each succeeding annual meeting of the stockholders.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 17th day of May, in the year 1911.

Charles E Miesse	(Seal)
Winfield S Williams	(Seal)
Milton G Cage	(Seal)
John W Cage	(Seal)
E J Frawley	(Seal)

Acknowledged May 17, 1911 in Ada County, Idaho by the above-named signatories, known to be the persons whose names are subscribed to the within instrument, before James S. Bogart, Notary Public for said Ada County, State of Idaho. Seal.

Council Valley Orchards, Ltd.,
a corporation of Idaho,

to

Charles N. Pritchard.

W A R R A N T Y DEED

Dated August 20, 1911
Recorded May 17, 1912
Book 2, Deeds
Page 253

Consideration \$2425.00

Grant, Bargain, Sell, Convey and Confirm

All that certain lot, piece, or parcel of land situate, lying and being in Adams County, State of Idaho, to-wit:

Lot 2 in Block 3 of the Council Valley Orchards as numbered and designated on the official plat of said Orchards now on file in the office of the County Recorder of said County, the same being a part of Lots 1, 3, and 4, the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section Two, Township 16 N., R. 1 W., B. M., and of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section Thirty-five Tp. 17 N. R. 1 W., B. M., the said lot containing four & 85/100ths (4.85) acres (more or less);

and also all waters, water rights, ditches, dams, flumes, and irrigating works of whatever nature used upon, belonging to, or in any wise appertaining to said lands.

COVENANTS: Quiet and peaceable possession will warrant and defend against all lawful claims.

IN WITNESS WHEREOF, The said Council Valley Orchards, Ltd., by resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its President and its duly attested corporate seal to be hereunto affixed by its Asst. Secretary, the day and year first above written.

COUNCIL VALLEY ORCHARDS, LTD.

Attest: M. E. Hogan, Asst. Secretary.

By C. E. Miesse, President.

(CORPORATE SEAL)

Acknowledged May 6th, 1912 in Cook County, Illinois by C. E. Miesse, known to be the President of the corporation that executed the foregoing instrument, that such corporation executed the same, before Mary E. Painter, Notary Public for the State of Illinois. Commission expires July 25, 1914. Seal.

Charles N. Pritchard and
Fannie M. Pritchard (his
wife),

to

Council Valley Orchards,
Limited, a corporation of
Idaho.

M O R T G A G E

Dated August 20, 1911
Recorded May 17, 1912
Book 2, Mortgages
Pages 168-169-170

Amount \$775.00

First parties mortgage to second party Lot 2 in Block 3 of the
Council Valley Orchards, as numbered and designated on the official plat
of said Orchards on file in the office of the County Recorder of Adams
County, State of Idaho.

GIVEN to secure the payment of two promissory notes of even date here-
with, one for \$625.00 and the other for \$150.00, the first of
which is payable in two annual installments, on or before Jan. 1,
1915 and 1916, respectively, with interest at 6% per annum payable
semi-annually on Jan. 1st and July 1st in each year until maturity;
the second of said promissory notes is payable on or before Jan.
1, 1915, with interest at 6% per annum. Interest on both notes
after maturity shall be 12% per annum. (Copy of note not set out)

Witness: Three

Charles N. Pritchard (Seal)

Fannie M. Pritchard (Seal)

Acknowledged April 11th, 1912 by Charles N. Pritchard and
Fannie M. Pritchard before Archie G. Kennedy, Notary Public
for DeKalb County and State of Illinois. Seal.

Council Valley Orchards, Co., (Ltd.)
a corporation of Idaho,

to

Adams County, State of Idaho.

RIGHT OF WAY DEED

Dated April 9, 1912
Recorded April 9, 1912
Book 2, Deeds
Page 235
Consideration \$1.00

Remise, release and forever quitclaim

All the following described real estate, situate in the County of Adams, and State of Idaho, and bounded and described as follows, to-wit:

A strip of land, for road purposes described as follows, to-wit: beginning at a point on the east boundary of the County road leading from Council to Meadows, $\frac{1}{2}$ mile south of the south boundary line of Township 17 N. R. 1, west B. M. and running thence east $\frac{1}{4}$ of a mile, thence north $12\frac{1}{2}$ feet, thence west $\frac{1}{4}$ of a mile, thence south $12\frac{1}{2}$ feet to the point of beginning, also the following described land for road purposes, a strip of land 25 feet wide, beginning at a point $\frac{1}{2}$ mile south of the south boundary line of said twp 17 N.R. 1 west B. M. and $\frac{1}{4}$ mile east of said present County road running from Council to Meadows aforesaid, the said point of beginning being the east boundary line of the said tract of land hereinbefore described, and running thence east $\frac{3}{4}$ of a mile, the said tract of land being $12\frac{1}{2}$ feet wide, on either side of the quarter line running east and west from said point of beginning.

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

COUNCIL VALLEY ORCHARDS, LTD.

Witness: L. L. Burtenshaw

By C. E. Miesse (Seal)
President.

Acknowledged April 9th, 1912 in Adams County, Idaho by C.E. Miesse, President of the corporation that executed the foregoing instrument, known to be the person whose name is subscribed thereto, that such Corporation executed the same, before L. L. Burtenshaw, Notary Public in and for said Adams County, State of Idaho. Seal.

Charles N. Pritchard and Fanny
M. Pritchard (his wife),

to

Chas. E. Miesse.

W A R R A N T Y D E E D

Dated November 29, 1912

Recorded Dec. 17, 1912

Book 2, Deeds

Page 413

Consideration \$1.00 & OVC

Convey and Warrant

The following described Real Estate, to-wit:

Lot Two (2) in Block Three (3) of the Council Valley Orchards, as numbered and designated on the official plat of said Orchards now on file in the Office of the County Recorder of Adams County, State of Idaho, the same being a part of Lots, 1, 3 & 4, the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 2, T.P. 16 N., R. 1, W. B. M. and of the S. E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 35, T. P. 17, N. R. 1, W. B. M., the said lot containing four & 85/100ths (4.85) acres (more or less);

also all water, water rights, ditches, dams flumes, and irrigating works of whatsoever nature used upon, belonging to or in anywise appertaining to said lands.

Subject to a mortgage for \$775.00 in favor of the Council Valley Orchards, dated August 20th, 1911.

Situated in the _____ of _____ in the County of Adams in the State of Idaho hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State of _____.

Charles N. Pritchard (Seal)

Fanny M. Pritchard (Seal)

Acknowledged Nov. 30th, 1912 in DeKalb County, Illinois, by Charles N. Pritchard and Fanny M. Pritchard, his wife, personally known to be the same persons whose names are subscribed to the foregoing instrument, before Margaret C. Wiltberger, Notary Public in and for said DeKalb County, State of Illinois. Seal.

Chas. E. Miesse and E. Grace
Miesse (his wife),

to

Fanny M. Pritchard.

W A R R A N T Y D E E D

Dated November 29, 1912

Recorded Dec. 17, 1912

Book 2, Deeds

Page 414

Consideration \$1.00 & OC

Convey and Warrant

The following described Real Estate, to-wit:

Lot Two (2) in Block Three (3) of the Council Valley Orchards, as numbered and designated on the official plat of said Orchards now on file in the Office of the County Recorder of Adams County, State of Idaho, the same being a part of Lots 1, 3 & 4, the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Sec. 2, T. P. 16 N., R. 1, W. B. M. and of the S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sect. 35, T. P. 17, N., R. 1, W. B. M., the said lot containing four & 85/100ths (4.85) acres (more or less);

also all water, water rights, ditches, dams, flumes, and irrigating works of whatsoever nature used upon, belonging to or in anywise appertaining to said lands.

Situated in the County of Adams in the State of Idaho hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State of _____.

Subject to a mortgage for \$775.00 in favor of the Council Valley Orchards dated Aug. 20th, 1911.

Chas. E. Miesse (Seal)

E. Grace Miesse (Seal)

Acknowledged Dec. 6th, 1912 in Cook County, Illinois, by Chas. E. Miesse and E. Grace Miesse personally known to be the persons whose names are subscribed to the foregoing instrument, before Mary E. Coughlin, Notary Public in and for said Cook County, State of Illinois. Seal.

F. P. King, State Engineer
of the State of Idaho.

to

Charles H. Miesse and Philip
H. Schaff

CERTIFICATE OF COMPLETION OF WORKS

Dated November 15th, 1913
Recorded October 10, 1916
Book A of Water Rights
Page 255

This is to certify that Charles H. Miesse and Philip H. Schaff, of Council, County of Adams, and State of Idaho, the holders of Permit No 7653, issued upon Application No. 11000, bearing date of priority of July 3, 1911, authorizing the diversion of two (2) second feet of the waters of an unnamed stream, County of Adams, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use two (2) second-feet of the waters of an unnamed stream; that the point of diversion of said waters is at a point in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec 35, T. 17 N., R. 1 W. B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

SE $\frac{1}{2}$ of NW $\frac{1}{4}$ & Lots 2 and 3 and 4, Sec. 2, T.
16 N., R. 1 W. B. M., SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35,
T. 17 N., R. 1 W. B. M., containing 240 acres.

Witness my hand this 15th day of November, A. D. 1913.

F. P. King

State Engineer of the State of Idaho.

State of Idaho,
F. P. King State Engineer

to

Charles E. Miesse and
Philip H. Schaff

WATER LICENSE NO. 7653

Dated November 15, 1913
Recorded Oct. 10, 1916
Book A of Water Rights
Page 256

RECITES Substantially that on December 23rd, 1912 Charles E. Miesse and Philip H. Schaff, the holders of Permit No. 7653, covering the diversion of 2 cubic feet per second of the waters of an unnamed stream in Adams County, Idaho, with a priority of July 3, 1911 duly made proof of the completion of adequate works for such diversion and of the application to beneficial use of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Charles E. Miesse and Philip H. Schaff of Council, County of Adams, State of Idaho, the holders and owners of said Permit No. 7653, a perpetual right, dating from July 3, 1911, to the use of two (2) cubic feet per second of the waters of an unnamed stream, in the County of Adams and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, T. 17 N., R. 1 W. B. M. and conducted to and upon 220 acres, divided as follows:

40 acres in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, T. 17 N., R. 1 W. B. M.;
20 acres in Lot 2, 40 acres in Lot 3, 40 acres in Lot 4,
40 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 40 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$, all in
Sec. 2, T. 16 N., R. 1 W. B. M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 15th day of November A. D. Nineteen hundred and thirteen.

(SEAL)
State Engineer of Idaho

F. P. King
State Engineer

Recorded July 29, 1921
Book 2, Judgments
Pages 111 to 170, incl.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON.

John T. Muir and Wm. H. Muir,
partners doing business under
firm name of Muir Brothers,

vs.

William Allison, Council Val-
ley Orchards, Limited, et al,

Plaintiffs,

Defendants.

D E C R E E

It is ordered, adjudged and decreed that the waters of the Weiser River and all of its tributaries be and the same are hereby decreed to the plaintiffs herein and to the various defendants and cross-complainants hereinafter named, in the following amounts and from the dates and in the order of priority hereinafter stated, each inch of water as hereinafter stated being the equivalent of one fiftieth of a cubic second foot flow, said waters to be diverted from the said Weiser River and its tributaries by the plaintiffs and defendants and cross complainants hereinafter named and through the ditches and from the various tributaries of the said Weiser River hereinafter named:

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN
INCHES WITH DATES OF PRIORITY

Names	Amounts in Inches	Dates
East Fork Weiser River East Fork Ditch		
Council Valley Orchards Company	110	July 1, 1905
Mill Creek (Con.)		
Council Valley Orchards	100	June 1, 1906
Unnamed Stream		
Council Valley Orchards	100	July 3, 1911

(and other parties, amounts allotted and dates of priority)

The said water allotted and decreed as aforesaid is for use upon the several tracts of land hereinafter set forth following the name of the party to whom such allotment is made.

COUNCIL VALLEY ORCHARDS: The Northwest Quarter (and other lands) all in Section 2, Township 16 North, Range 1 West Boise Meridian.

(and other parties and lands, the same not being under search in this abstract)

The waters herein allotted and decreed are to be appurtenant to and for use upon the lands of the plaintiffs and the said defendants and cross complainants which said lands are directly under and served with said water by and from the canals, ditches and tributary streams above mentioned.

It is also ordered in this decree that all persons to whom waters are herein decreed shall construct diversion works (irrigating heads to be the equivalent of $\frac{5}{8}$ of a miners' inch to the acre continuous flow) for the purpose of measuring in inches and second feet the water diverted, shall use such water for a beneficial use only, and shall not divert more water than is awarded under this decree unless such diversion does not interfere with the amount of water awarded to any of the other parties to this action.

It is also ordered that the foregoing allotments are made on the basis of $\frac{5}{8}$ of an inch to the acre, and whenever the water flow is insufficient to supply the various allotments on that basis, the latest appropriators in order of time shall be denied the use of said water, so that the supply to the prior users shall be maintained at $\frac{5}{8}$ of a miners' inch per acre.

Also ordered that the costs of trial incurred in this cause, amounting to the sum of \$6647.38 is to be collected from the various parties to this suit on the basis of 22.7¢ per miners' inch or fraction thereof herein allotted and decreed, and that such costs shall be a lien upon the allotments of water acquired hereunder, to be paid within sixty days of the date of this decree; and if not so paid, then the right to the use of water allotted under this decree shall be suspended until the officer in control of the water distribution as herein allotted shall have been notified by the Clerk of said Court that said costs have been paid.

A list of the parties, amount of water allotted to each, and the amount of costs assessed to each party, shows the following:

Names	Inches	Amt.	Pd.	Bal. Due
Council Valley Orchards	110	\$24.97	\$23.10	\$ 1.87
" " "	277	63.09	50.10	12.99

(and other parties and allotments, with amounts due thereon)

It is further ordered, that a copy of this decree, certified under his seal of office be transmitted by the Clerk of this Court to the Clerk of the district court of Adams County in which said County a portion of the real estate affected by this decree is situated.

Dated June 20, 1921.

Ed L Bryan Judge.

Filed and Entered June 21, 1921.

Frank E. Smith

Clerk District Court.

(Attached is CERTIFICATE of Frank E. Smith, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for Washington County, that the within and foregoing is a true and complete copy of the record of the Decree rendered in the above entitled court on June 20th, 1921, as the same appears of record in Book "E" of Judgments at pages 301 to 358, records of said Court. Under his Official Seal and dated July 27th, 1921.

Abstracter's Note:

The foregoing is an abstracted copy of the amended decree entered in the action of John T. Muir et al vs. Wm. Allison et al after appeal to the Supreme Court of the State of Idaho from the decree of the District Court in and for Washington County, Idaho dated May 9, 1918, a certified copy of which said decree last above referred to was recorded June 27, 1918 in the records of Adams County, Idaho on pages 471 to 530 inclusive of Book 1 of Judgments therein.

C E R T I F I C A T E

Recorded March 21, 1934
Book 3 of Misc. Record
Page 419

STATE OF IDAHO)
County of Washington) ss.

I, FRANK E. SMITH, Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, hereby certify that the action entitled W. M. Muir et al vs. Alex Allison et al. (said case being an action to adjudicate the waters of the Weiser River and tributaries), was tried in Washington County and that all costs in said action due Washington County have been paid.

I further certify that several Executions, issued out of this Court to recover some of the balances of costs which were not paid at that time, have been lost or never returned to this office, the money collected on such Executions having been paid to the attorneys who advanced the costs, and for this reason I am unable to certify the amounts paid by the different litigants.

WITNESS My hand and the seal of said Court this 15th day of March, 1934.

(S E A L)
District Court
Seventh Judicial District
Washington County, Idaho.

Frank E. Smith
Clerk of the District
Court.

Mabel Martin, County Treasurer
and Ex-Officio Tax Collector of
Adams County, Idaho, (hereinafter
referred to as "Tax Collector"),

to

Adams County, State of Idaho.

T A X D E E D

Dated January 6, 1936
Recorded May 22, 1936
Book 14, Deeds
Pages 456 to 465 incl.
Consideration: \$12.70 (and
other sums for other tracts
not material to this abst.)

RECITES substantially that the lands hereinafter described were
duly assessed in the names of the respective parties as hereinafter set
out, for the year, or years, 1928, and/or, 1928 and 1929, and/or, 1928,
1929 and 1930, and/or, 1928, 1929, 1930 and 1931, and or for the year or
years 1928, or 1929, or 1930, or 1931, as is hereinafter set forth in
connection with each respective tract of land hereinafter described,
which taxes were and are a lien upon said respective parcels of land, and
are now delinquent and unpaid, and that one, or two, installment or in-
stallments of such delinquent tax charged against each respective tract,

of property hereinafter described, and payable as provided by Section 4,
Chapter 93, Idaho Session Laws, regular session, 1936, is, or are, now
unpaid, or is more than 12 months past due, as fully appears in connec-
tion with each respective parcel of land hereinafter described, and is
unpaid.

That such delinquency was duly entered against said lands, on or
before the first Monday in January, 1929, and on or before the first Mon-
day in January, 1930, and on or before the first Monday in January, 1931,
and on or before the first Monday in January, 1932, respectively on the
Real Property Assessment Roll, which delinquency entries, under the pro-
visions of Section 61-1009, Idaho Code, Annotated (3241, Idaho Compiled
Statutes, 1919), operated as a tax sale of said respective parcels of
property to said Tax Collector as a grantee in trust for Adams County,
Idaho; that the said delinquency entries respectively stated all matters
and things required by law to be stated therein.

That the said Tax Collector did heretofore issue, at the time and
in the manner prescribed by law, a notice of such delinquency with re-
spect to each tract of land hereinafter described, and that deed there-
for would issue to Adams County, Idaho on Jan. 6th, 1936, and served the
same on each respective property owner, being the person whose name is
hereinafter set forth in connection with each respective parcel of prop-
erty, as required by Section 61-1027, Idaho Code, Annotated, (or as re-
quired by said Section as amended by Chapter 32, Session Laws of Idaho
for 1935), and at the same time said Tax Collector did send a further
notice of such pending tax deed to each holder of a mortgage on said re-
spective tracts of land who had filed request for such notice, by regis-
tered mail, all as more fully appears in connection with each respective
tract of land hereinafter described and conveyed; that the said Tax Col-
lector did file a written record of such service in the office of the
County Recorder and Auditor of Adams County, Idaho.

That the said property has not been redeemed, and that the time for redemption has expired, and that the said Tax Collector, pursuant to law, and in consideration of the premises and of the respective sums of money set opposite the respective parcels of property hereinafter described, being the amount of taxes, interest and penalty for which said respective delinquency entries were respectively made, does grant, bargain, sell, convey and confirm unto the County of Adams, State of Idaho the following described lots, tracts or parcels of property situated in Adams County, Idaho, and in connection with each such respective description is set forth the name of the person to whom said property was assessed, the year or years for which assessed, the year or years for which said taxes became delinquent and delinquency entries made, the amount of the taxes, with interest and penalty, the date and manner of giving notice of pending tax deed and the person to whom or upon whom such notice was given or served, the name of any mortgage holder who had filed request for notice and to whom notice was given, and the number or numbers of semi-annual installments of one year's taxes which were not paid, or the time any one such installment is past due and unpaid, to-wit:

Lot 2, Block 3 Council Valley Orchards, assessed to F. M. Pritchard for years 1930 and 1931; delinquency entries made first Monday in January 1931 and 1932; total taxes and penalties for said years 1930, 1931, \$12.70 of which two semi-annual installments of one year's tax are past due; notice of pending tax deed issued September 17, 1934 and served on Wm. Marks the contract owner, by registered mail.

(and other tracts, parties to whom assessed, and for what year or years, date delinquency entries made, and dates Notice of Pending Tax Deed made and served, and on whom served, the same being immaterial to this abstract)

(OFFICIAL SEAL)

Mabel Martin
County Treasurer and Ex-Officio
Tax Collector of Adams County, Idaho.

Acknowledged March 3d, 1936 in Adams County, Idaho, by Mabel Martin, known to be the County Treasurer and Ex-Officio Tax Collector of Adams County, Idaho, and who executed the foregoing deed as such, that she executed the same as such officer, before Carl H. Swanstrom, Notary Public for the State of Idaho, residing at Council, Idaho. Seal.

RECORDED
MAY 6 1935

County of Adams, State
of Idaho,

to

John W. Hoover.

DEED OF COUNTY PROPERTY

Dated July 3, 1937
Recorded July 8, 1937
Book 15, Deeds
Pages 130-131
Consideration \$10.00

RECITES substantially: That on Feb. 8th, 1937, it was determined by order of the Board of County Commissioners of said Adams County that the hereinafter described property of said county was not necessary for its use and should therefore, pursuant to the provisions of Section 3423 Compiled Statutes of Idaho, as amended, be sold at public auction on April 14th, 1937; that after publication of notice of such sale on Mar. 5th, 1937 and until April 9th, 1937, being thirty days prior thereto, in The Adams County Leader, affidavit of which publication has been filed with said Board of County Commissioners, and at the time advertised for said sale the said land was sold to the second party herein, who was the highest bidder therefor, for the sum of \$10.00, which sum he has paid to the Treasurer of said Adams County.

In consideration, therefore, of the said sum thus paid, and pursuant to law, the first party herein does hereby grant, bargain, sell, convey and confirm unto said second party, all that certain tract or parcel of land situated in the County of Adams, State of Idaho, and more particularly described as follows:

Lot Two (2), Block Three (3) of Council Valley Orchards, as the same is platted and of record in the office of the County Recorder of Adams County, Idaho.

IN WITNESS WHEREOF, The Board of County Commissioners of said County has caused the name of said County to be hereunto subscribed by the chairman of said board, and the seal of said Board of Commissioners to be hereunto affixed.

ADAMS COUNTY

Attest: Matilda Moser
County Auditor and ex-Officio
Clerk of the Board of County
Commissioners.

By J. W. Frasier
Chairman, Board of County
Commissioners.

(OFFICIAL SEAL)

Acknowledged July 3rd, 1937, in Adams County, Idaho by J. W. Frasier, known to be the chairman of the Board of County Commissioners of said Adams County, that he executed the foregoing instrument as such officer, before J. L. Johnson, Probate Judge in and for said Adams County, State of Idaho. Seal.

Recorded June 14, 1938
Book 15, Deeds, pages 471-2

IN THE DISTRICT COURT OF THE TENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF IDAHO.

John W. Hoover,	Plaintiff,	:	
		:	No. 4581
-vs-		:	
		:	DECREE OF DIVORCE
Ida Hoover,	Defendant.	:	

This cause came on for hearing before the Hon. Miles S. Johnson, District Judge, in open court at Grangeville, Idaho, on this 6th day of June, 1938, it appearing that personal service of summons has been had upon the defendant and the time for answering having expired and the defendant having failed to file any answer, or appearance herein either in person or by attorney, and the default of the said defendant being duly and regularly entered in the premises for such failure to appear and answer the plaintiff's complaint, and the evidence of the plaintiff both oral and documentary having been introduced and the evidence having been by the Court duly heard and considered and the Court being fully advised in the premises and finding and deciding that the allegations contained in the plaintiff's complaint are true, and that he is entitled to the relief prayed for in his said complaint,

NOW, THEREFORE, upon motion of Wilbur L. Campbell, Attorney for the plaintiff:

IT IS HEREBY ORDERED, ADJUDGED And DECREED and this does so ORDER, ADJUDGE and DECREE that the bonds of matrimony existing between the plaintiff and defendant be and the same are hereby dissolved, and that the plaintiff and defendant are divorced.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that subject to the further order of the Court as to allowance to the defendant for the care, support and maintenance of the two minor children of the plaintiff and defendant, that the agreement for property division, maintenance and support heretofore entered into by the parties hereto and introduced and marked in evidence on the trial of this cause as Exhibit 1, is approved and confirmed by the Court, and that the same is approved and confirmed and that the provisions thereof as therein made and set forth are binding upon each of the parties respectively, both as concerns the division of the property of the community of the plaintiff and defendant and the provisions for maintenance and support of the defendant by the plaintiff; and that the home, residence and property now used, occupied and possessed by the defendant and the two minor children in the city of Boise, Idaho, be and the same is hereby set apart to the defendant to have and to hold as her own sole and separate property and estate, together with the furnishings, furniture and personal property therein contained as provided in said property settlement above mentioned and referred to, subject to the express terms, covenants and agreements contained in the said property

agreement above referred to as Exhibit 1 and marked in evidence in this cause and action.

AND IT IS FURTHER ORDERED, ADJUDGED and DECREED that pursuant to the terms, covenants and agreements contained in said Exhibit 1, above referred to and running between the plaintiff and defendant, that all other property and estate of every kind and nature held, owned and possessed and acquired as community property and estate and as property of the community whether real, personal or mixed, be and the same, and every part and parcel thereof, is hereby set over unto the plaintiff to have and to hold as his sole and separate property and estate, together with the income, rents and profits thereof, therein and thereto.

(here follows paragraph relating to the care, custody and control, during their minority, of the two children of said marriage)

That the real property so set out to the plaintiff to have and to hold as his sole and separate property and estate, including all interest of the defendant therein, is situated in Adams County, State of Idaho, and is described as follows, to-wit:

Lot 2, Block 3, Council Valley Orchards. --(and other lands not material to this abstract)

(here follows legal description of real property set over to the defendant as her sole and separate estate, not material hereto)

Done in open court at Grangeville, Idaho, in said judicial district on the 6th day of June, 1938.

Entered and Filed Jun. 11, 1938,
Henry Telcher, Clerk of District Court,
By W. N. Knox, Deputy.

Miles S. Johnson District Judge

(CERTIFIED June 11th, 1938, under his official seal, by Henry Telcher, Clerk of said District Court, by W. N. Knox, Deputy, as a full and correct copy of the Decree of Divorce in the above-entitled action, as the same appears on file and of record on page 221 of volume 8 of Judgments, records of said court, together with the filing marks thereon)

John W. Hoover, not
married,

to

Charles V. Fry.

W A R R A N T Y DEED

Dated November 9, 1940
Recorded Feb. 1, 1941
Book 17, Deeds
Page 220
Consideration \$25.00

Grant, bargain, sell, convey and confirm

All the following described real estate situated in Council Valley
Orchards, County of Adams, State of Idaho, to-wit:

Lot Two (2) of Block Three (3) of the Council Valley
Orchards, as said lot is numbered and designated upon
the official plat of said Council Valley Orchards, on
file in the office of the County Recorder of Adams
County, Idaho.

COVENANTS: Quiet and peaceful possession will warrant and defend
against all lawful claims.

John W. Hoover (Seal)

Acknowledged Nov. 9th, 1940 in Adams County, Idaho, by John
W. Hoover, not married, known to be the person whose name
is subscribed to the within instrument, before Carl H. Swan-
strom, Notary Public for the State of Idaho, residing at
Council, Idaho. Seal.

Charles V. Fry and Elsie
G. Fry, husband and wife,

to

Ben W. Summers and Nora-
edith Summers, his wife.

W A R R A N T Y DEED

Dated March 25, 1946
Recorded Oct. 25, 1946
Book 20, Deeds
Page 129
Consideration: \$2125.00

Grant, bargain, sell, convey and confirm

All of the following described real estate, situated in the
County of Adams, State of Idaho, to-wit:

Lot Two (2) of Block Three (3) of the Council Valley
Orchards tract and as said Lot is numbered and desig-
nated on the official Plat of said Council Valley Orch-
ards tract on file and of record in the office of the
County Recorder of Adams County, Idaho,

but subject to taxes, pro-rated to June 1st. of 1946.

COVENANTS: Quiet and peaceable possession will warrant and defend
against all lawful claims.

Charles V. Fry (Seal)

(\$2.75 U.S. I.R. Doc. Stamps
affixed and cancelled)

Elsie G. Fry (Seal)

Acknowledged March 25th, 1946 in Adams County, Idaho
by Charles V. Fry and Elsie G. Fry, husband and wife,
known to be the persons whose names are subscribed to
the within instrument, before Carl H. Swanstrom, Not-
ary Public for the State of Idaho, residing at Council,
Adams County therein. Seal.

CERTIFICATE No. 6818

ADAMS COUNTY ABSTRACT COMPANY, Bonded Abstracter, of Council, Idaho, HEREBY CERTIFIES that the foregoing Abstract of Title No. 6818, consisting of pages numbered from -1- to -45-, both inclusive, constitutes a correct abstract of all instruments filed or recorded in the office of the County Recorder of Adams County, Idaho, affecting the title to the lands in said Adams County described as follows, to-wit:

Lot 2 of Block 3 in Council Valley Orchards, Adams County, State of Idaho.

EXCEPTING, However, from the said records in the office of the County Recorder of Adams County, Idaho, the Affidavits and Returns of Tax collector made in connection with the foreclosure of tax liens for the years 1930 and 1931.

AND FURTHER CERTIFIES that there are no Judgments or Liens of any kind against any of the grantees therein named, as shown by the Judgment Docket of the District Court of the State of Idaho in and for Adams County, which are a lien upon the lands above described.

TAXES to and including the tax for the year 1949 have been paid in full (or cancelled) on the above-described lands.

THIS CERTIFICATE No. 6818 is made to BEN W. SUMMERS and NORA-EDITH SUMMERS, at the request of Carl H. Swanstrom, Esqre., Attorney-at-law, Council, Idaho.

IN WITNESS WHEREOF, Adams County Abstract Company, of Council, Idaho, has caused this certificate to be executed by its President and its official seal to be hereto affixed this 4th. day of February, A. D. 1950, at 8:00 o'clock A.M.

ADAMS COUNTY ABSTRACT COMPANY,

By


President.

Saxton, Craig

To: Howard, Jeffrey (SGM)
Subject: RE: Notice of change of Water right ownership form



Public Notice
67-4129.pdf

Sargent Howard,

Thank you for contacting me. I am sorry about your loss. Take the time you need and as we spoke about before, just get it to me when you can.

Short Story:

I think what you found was the advertisement to the public that the Statutory claim was filed. I have attached a copy of the ad we have on record. If it looks the same as what you found, then that is not sufficient to support the priority date because it is simply a notice that the original statutory claim was filed.

Anything will help, but the affidavit from someone with first hand knowledge should take care of what I need. And if it doesn't, I will let you know. Just a reminder, what we are looking for in an affidavit is, when (date), to what extent (amount of water or acreage) and how that affidavit writer knows this (I almost fell in the ditch when I was a kid and I am 70 yrs old).

Long Story:

Historically, water rights were established through a couple of main processes. Posted notices which is best compared to staking a mining claim. In about 1902 or 1904 the licensing process was put in place where you filed for a permit, developed a water right, and then got a license. Water rights were also established through decrees or court cases.

This is going somewhere, I promise.

So we had all these ways to establish a water right, but IDWR still new there were a lot of water rights out there that hadn't been through one of the above mentioned processes. So they told everyone to file a statutory claim on these historical water rights. your uncle did this in 1975. When he filed the claim, IDWR advertised the fact that your uncle made a claim to a water right in the local paper and that is what the attached document is. Then IDWR had all these claims and did nothing with them. We didn't prove up on them, verify them, or anything.

The SRBA comes along and we ask everyone, including the license and decree holders to file again. Now we are veifing them.

So the conclusion of this story is that the advertisement that you found, is just restating the claim... and the claim hasn't been validated.

Thank you for your attention to this matter.

Craig

-----Original Message-----

From: Howard, Jeffrey (SGM) [mailto:jhoward@phxhs.k12.az.us]
Sent: Thursday, October 20, 2005 12:55 PM
To: Saxton, Craig
Subject: RE: Notice of change of Water right ownership form

Mr Saxton, I wanted to touch base with since it has been over 1 month

since last contact. In addition to being out of town, my grandmother, who resided in Council, passed away on 22 Sep. I just returned from handling the arrangements and the Estate and am now working on the required paperwork on the water issue. In my research I found an excerpt from the Adams County Leader (local Paper at the time) dated July 3 and July 10 1975. It is a notice of Claim of Water Right No. 674129. It shows beneficial use of .2 cf per second, and shows a priority date of 1905. Along with the affidavit would this be of use?

Jeff S Howard
Sergeant Major, US Army (Retired)
Phoenix Union High School District
JROTC Operations
Phone: 602-764-1301
Email: jhoward@phxhs.k12.az.us
" HE HAS HONOR IF HE HOLDS HIMSELF TO AN IDEAL OF CONDUCT THOUGH IT IS
INCONVENIENT, UNPROFITABLE, OR DANGEROUS TO DO SO"

-----Original Message-----

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, September 14, 2005 11:08 AM
To: Howard, Jeffrey (SGM)
Subject: Notice of change of Water right ownership form

Sergeant Howard,

Attached is the change of ownership form I spoke with you about on the phone. I sort of miss-lead you on the phone about the filing fee.

It is true that there is no filing fee to change ownership on 67-4129A as it has not been partially decreed by the SRBA court (finalized).

However, you spoke about the well so I did a search for a water right from the well and found 67-11229. This has been partially decreed by the SRBA court, which means it is a done deal and we don't have to worry about it, but it also means that there is a \$25 fee to change ownership on it.

Please submit the completed change of ownership form listing both water rights 67-4129A and 67-11229 with a \$25 filing fee, and a copy of your deed showing that you own the property that the water rights are applicable too, and the evidence of priority you come up with.

We will review it and let you know if we have any questions.

Thanks again for working on this. I apologize for the inconvenience, but these are the steps that need to be taken get these water rights partially decreed.

Thanks,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication bureau
craig.saxton@idwr.idaho.gov

<<67-11229.RTF>> <<Change of Ownership.pdf>>

CONVERSATIONAL MEMORANDUM

Date: September 14 2005

To: File 67-4129A

From: Craig L. Saxton

Subject: Evidence of priority

Received a call from Sargant Jeff Howard (623-703-2711). He now owns his aunt and uncles property as they have passed (Eral and Kathren Upah). He is sending in change of ownership that I sent him through e-mail as well as he is going to work on EOP for the spring but he needs an extension.

We spoke a lot about the spring being mostly seepage that runs over the fields. But it does sound like there are some ditches that divert the water mostly away from the house, but it leads the water to the field for irrigation. This sounds to me like a form of diverting works.

He is going to send in the information as soon as possible.

jhoward@phxhs.k12.az.us

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, September 14, 2005 12:08 PM
To: 'jhoward@phxhs.k12.az.us'
Subject: Notice of change of Water right ownership form

Sergeant Howard,

Attached is the change of ownership form I spoke with you about on the phone. I sort of miss-lead you on the phone about the filing fee.

It is true that there is no filing fee to change ownership on 67-4129A as it has not been partially decreed by the SRBA court (finalized).

However, you spoke about the well so I did a search for a water right from the well and found 67-11229. This has been partially decreed by the SRBA court, which means it is a done deal and we don't have to worry about it, but it also means that there is a \$25 fee to change ownership on it.

Please submit the completed change of ownership form listing both water rights 67-4129A and 67-11229 with a \$25 filing fee, and a copy of your deed showing that you own the property that the water rights are applicable too, and the evidence of priority you come up with.

We will review it and let you know if we have any questions.

Thanks again for working on this. I apologize for the inconvenience, but these are the steps that need to be taken get these water rights partially decreed.

Thanks,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication bureau
craig.saxton@idwr.idaho.gov



67-11229.RTF

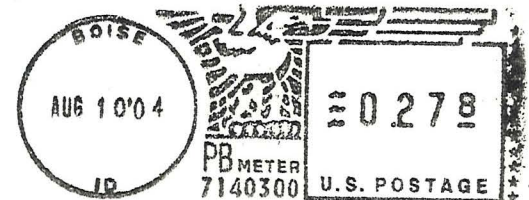


Change of
Ownership.pdf

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



RECEIVED
AUG 12 2004
DEPARTMENT OF
WATER RESOURCES

EARL M UPAH
KATHERINE M UPAH
HC 62 BOX 1380
COUNCIL ID 83612

FAACTMS 83612



2348 Orchard Rd
Council, ID 83612

SCANNED
AUG 17 2004

67-4129A
67-1122980.
cc: W.A.
Re cons Modified
8-15-04
-ss

Claim No. 67-4129

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

Department of Water Resources

CLAIM TO A WATER RIGHT

JUN 16 1975

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 Earl M. ~~for~~ Katherine Upah
(name of claimant)
of Star Rt Council Id. 83612, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) waste
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|-----------------|----|------------------------|
| Amount | <u>10" inch</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>April 15</u> | To | <u>Oct 1</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 10 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) ~~REDACTED~~ 1905

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 2 Twp. 16N Rge. 1W B. M. County of Adams
 Additional points of diversion: waste water

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.

[illegible]

Total No. of acres 10

- 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: _____

1944

T 16 N R 1 W

2

Sec 2

175

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

Sworn to before me this 11th day of

Received by if Date 6-16-75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KHF Date 6/16/75 claimant by: _____
\$10.00 fee received by one Date 6/16/75 #1568
Approved for publication by ack cla 7-16-75 _____
Published in Widener County Standard _____
Dates July 3 & 10 _____