

SERVICE
QUESTED

- ☒ Undeliverable as
Addressed
- ☐ Moved, Left No Address
 - ☐ Unclaimed
 - ☐ Refused
 - ☐ Attempted - Not Known
 - ☐ No Such Street
 - ☐ No Such Number
 - ☐ No Receptacle
 - ☐ Deceased
 - ☐ Vacant

RECEIVED
NOV 24 2006
DEPARTMENT
WATER RESOURCES

ELAINE P JOHNSTON

PETER L JOHNSTON
PO BOX 723
COUNCIL ID 83612

NDCE
WR # 67-4248

2164 Highway 25
COUNCIL ID 83612

taxlots
mk6 6/11/2007

SCANNED
FEB 27 2007

NDE
WR # 67-4248

RECEIVED
NOV 24 2006
DEPARTMENT OF
WATER RESOURCES

ADDRESS SERVICE
REQUESTED

RETURNED TO
SENDER
UNDELIVERABLE AS ADDRESSED
FORTHWITH ORDER EXPIRED



- Undeliverable as
Addressed
- ☐ Moved
 - ☐ Unclaimed
 - ☐ Refused
 - ☐ No Such Street
 - ☐ No Such Number
 - ☐ Deceased
 - ☐ Vacant

do done 11/2006
new owners
Johnstons
mub 4/12/2007

CONRAD K FRANCIS
CATHERINE M FRANCIS
BOX 321
COUNCIL ID 83612

SCANNED
FEB 27 2007

Van Bussum, Monica

From: Saxton, Craig
Sent: Wednesday, November 01, 2006 1:01 PM
To: Van Bussum, Monica
Subject: Change of Ownership for 67-4248

Monica,

Attached is a copy of a letter sent by the claimant indirectly requesting a change of ownership as well as a deed. I checked the deed and it does match the POU for 67-4249 which is why the ownership for 67-4249 wasn't changed. However, based on our conversation earlier, since we are confident that the POU claimed under 67-4249 was a typo or error by flipping the QQ description around from SWNW to NWSW, we can recommend the POU correctly as it is. Then we can change ownership on the accurate recommendation. We cannot change ownership on the claim as the legal doesn't fit the Johnston's deed.

The reason we are able to use the letter is best explained by an example. Changing ownership is often mistakenly described as transferring the water right. I have received transfer applications which were intended to change ownership only. We went ahead and changed ownership as all the documentation was there, just in a different format. So the letter is the same idea. We have the name, address, signatures, deed. Just in a different format. So we can use the information to make the change.

Lastly, the letter doesn't speak of 67-4248 as one of the rights that needed an ownership change. Two thoughts on this:
1) Often when reviewing a change of ownership we will find rights that aren't on the C/O form but belong to the property in question. We will add those to the list and change ownership on them. Secondly, I think 67-4248 would have been added in the letter if the correct legal description was on the claim. So I don't see the fact that the number wasn't on the letter is an issue.

You can add a copy of this e-mail to the file as documentation for why we changed ownership.

Craig L. Saxton



2006110113325722
9.pdf

*Re and modified
11-7-06
js*

SCANNED
NOV 07 2006

WARRANTY DEED

CONRAD K. FRANCIS and CATHERINE M. FRANCIS,
husband and wife

do hereby grant bargain sell and convey unto

PETER L. JOHNSTON and ELAINE P. JOHNSTON,
husband and wife

the grantee's whose current address is 2164 U.S. Highway 95, P.O. Box 723,
Council, Idaho 83612

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

Lots 5 and 6, Block 4, COUNCIL VALLEY ORCHARDS SUBDIVISION, Adams
County, Idaho, according to the official Plat thereof on file in
office of the Adams County Recorder.

Lot 5, Block 3 COUNCIL VALLEY ORCHARDS SUBDIVISION, Adams County,
according to the official Plat thereof on file in the office of
Adams County Recorder.

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

except for all easements of record, rights of way, matter
visible, and all matters of record and title.

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

Dated July 18, 1991

Conrad K. Francis

Catherine M. Francis

STATE OF IDAHO
COUNTY OF Adams
On this 18 day of July in the
year 1991 before me, Notary Public, personally appeared
CONRAD K. FRANCIS & CATHERINE M. FRANCIS
known and identified to me to be the person whose name's are
in the foregoing instrument and acknowledged to me
that they executed the same for the purposes and consideration therein expressed.
My Comm. expires: 10/7/94

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for re-
quest of Timberline Title & Escrow
at 30 minutes past 10 o'clock
this 18 day of July
1991 in my office, and duly recorded in Book 4
of Deeds at page 344

Michael Fisk

Ex-Officio Notary

By Sarah J. [Signature]
Fees \$ 3.00
Mail to: NOV 19 1992

Chicago Title Insurance
Company of Idaho

RECEIVED

OCT 13 1992

Department of Water Resources

October 9, 1992

Elaine P. Johnston
P.O. Box 723
Council, ID 83612
(208)253-6098

State of Idaho
Department of Water Resources
1301 N. Orchard
Boise, ID 83706

Re: Claim No. 67-4249
Application No. 67-7379

Dear Sir:

In July of 1991 my husband, Peter L. Johnston, and I
purchased the property on which the wells in the above cited
claim and application are located. It was my understanding
from the sellers, Kathy and Conrad Francis, that it would be
necessary for us to transfer the wells to our name.

The well in Claim No. 67-4249 provides water for our
residence only. The well in Application No. 67-7379 was
drilled in 1976 in anticipation of building a house at the
site, but has never been used. It appears from the documents
in my possession that this application may have lapsed.

Would you please notify me as to what, if any, procedure
is necessary to transfer our domestic well to our name. We
would also like to know what would have to be done if we
wished to install a pump and use the second well for
irrigation or other purposes at some future date.

I know these requests are somewhat vague, but the
information at my disposal is vague and I don't know what
needs to be done. I have enclosed copies of the claim and
application, as well as a copy of the deed to the property.
I would appreciate any assistance and direction you may be
able to provide in this matter.

Sincerely,

Elaine P. Johnston
Elaine P. Johnston

RECEIVED
NOV 19 1992

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: **A67-04248**
Date Received: 12/14/1989
Receipt No: W007124
Received By: _____

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

1. Name: CATHERINE M FRANCIS 208-253-4721
Address: BOX 321
COUNCIL ID 83612
OR
Name: CONRAD K FRANCIS 208-253-4721
Address: BOX 321
COUNCIL ID 83612

2. Date of Priority: APR 1, 1949

3. Source: SPRING Trib. to: WEISER RIVER

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY FLOW THROUGH DITCHES & PIPELINES & STOCKWATER POND.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.080		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 HEAD MIXED

MICROFILMED **SCANNED**
AUG 03 1994 **APR 08 2004**

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	2	NW	SW		IRR	3.0
			NW	SW		STOCK	
					Section Acres		3.0
					Total Acres		3.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED
AUG 03 1994

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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AUG 03 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A67-04248

Date Received

12-14-89

Receipt Number

W007124

RECEIVED

DEC 14 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FRANCIS, CATHERINE M^{RS} CONRAD K. Phone (208) 253-4721Mailing Address Box 321, Council, ID Zip 836122. Date of Priority (Only one (1) per claim) 04/01/19493. Source of water supply (a) SPRING
which is tributary to (b) WEISER RIVER4. a. Location of existing point of diversion is: Township 16N Range 1W Section 02,
NW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.GRAVITY FLOW THRU DITCHES & PIPELINES & STOCKWATER POND 38'x120'x3'

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AUG 03 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 10/01 amount 0.08 or _____

For STOCKWATER purposes from 01/01 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 9.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER FOR 13 HEAD/MIXED.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>16N</u>	<u>01W</u>	<u>02</u>							<u>3.0</u>										<u>3.0</u>
"	"	"							<u>S</u>										

Total number of acres irrigated 3.0

11. In which county (ies) are lands listed above as place of use located? ADAMS

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

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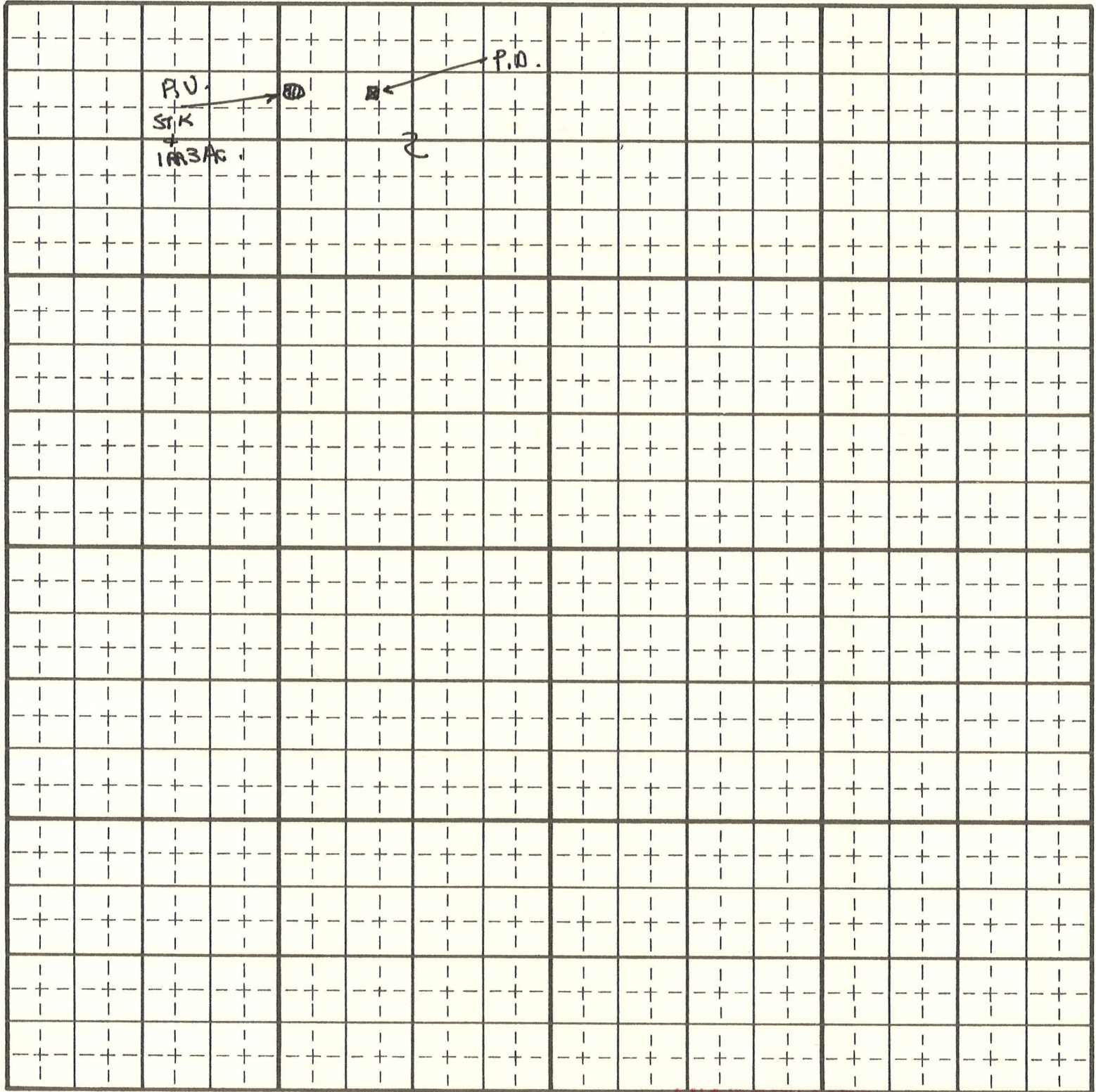
Last Name FRANCIS Ident No. A67-04248

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T16N R1W Sec 2



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AUG 03 1994

Last Name FRANCIS

Ident No. A67-04248

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 67-04248

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Catherine M. Francis Date 12-5-89

Conrad K Francis Date 12-5-89

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of ADAMS)

SS.

Subscribed and sworn (or affirmed) before me this 5th day of DECEMBER 1989

SEAL

Notary Public Dorothy E. Sully

Residing at BOISE, ID

My Commission Expires 11/08/1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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AUG 03 1994

Last Name FRANCIS Ident. Number A67-04248

Copies White-State, Yellow-Claimant

Water Right Number - 67-04248

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NIGHTINGALE

CATHERINE MARY

1 - P.O. BOX 321

2 -

3 -

City- COUNCIL

State- ID Zip- 83612

Phone -

NIGHTINGALE

SAMUEL

1 - P.O. BOX 321

2 -

3 -

City- COUNCIL

State- ID Zip- 83612

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1949 14 WESTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

16N 01W 2 SE NW (3) ADAMS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/01 0.080
04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.100

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

16N 01W 2 SW SW 3.0 01 IRRIGATION (3) ADAMS

Total Acres: 3.0

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/15 RANGE.

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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AUG 3 1994

Water right number - 67-04248

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 02/20/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 02/20/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

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AUG 03 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Francis Catherine de Conbad CI 1 IDENT. NO. A67-04248DATE RECEIVED 12-14-89 RECEIPT # 0007124 FEE PAID \$ 53.00 FEE REQ'D \$ 53.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	<u>X</u>	<u> </u>	*
2. Is a priority date entered?	<u>X</u>	<u> </u>	*
Is the priority date acceptable in view of mandatory filing dates?	<u>X</u>	<u> </u>	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	<u>X</u>	<u> </u>	*
(b) Is a tributary to entered? (if required) N/A <u> </u>	<u>X</u>	<u> </u>	
4. Is the legal description of the p.d. sufficient?	<u>X</u>	<u> </u>	*
5. Is there a description of the diverting works?	<u>X</u>	<u> </u>	
6. Are the water uses appropriate for the form?	<u>X</u>	<u> </u>	*
The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
Is the period of use included?	<u>X</u>	<u> </u>	
Is a quantity claimed for each use?	<u>X</u>	<u> </u>	*
7. Is a total quantity claimed entered?	<u>X</u>	<u> </u>	
8. If required is a consumptive use entered? N/A <u> </u>	<u>X</u>	<u> </u>	
Is the consumptive use correct? N/A <u> </u>	<u> </u>	<u> </u>	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	<u>X</u>	<u> </u>	*
If multiple domestic, is single ownership indicated?	<u> </u>	<u> </u>	
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>	<u> </u>	*
11. Is (are) the county(ies) entered?	<u>X</u>	<u> </u>	
12. Is the ownership of p.u. checked?	<u>X</u>	<u> </u>	
13. Are other water rights listed or "none" indicated?	<u>X</u>	<u> </u>	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A <u>X</u>	<u> </u>	<u> </u>	
15. Is the basis of the claim indicated?	<u>X</u>	<u> </u>	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A <u>X</u>	<u> </u>	<u> </u>	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?	<u> </u>	<u> </u>	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A <u>X</u>	<u> </u>	<u> </u>	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A <u>X</u>	<u> </u>	<u> </u>	
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>	<u> </u>	*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	<u> </u>	*
21. Was this claim filed on time?	<u>X</u>	<u> </u>	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved?	<u>X</u>	<u> </u>	*
22. Is the fee enclosed correct? Exempt <u> </u>	<u> </u>	<u> </u>	*

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AUG 03 1994

YES NO

23. Is this claim being re-☐ted and returned to claimant?
24. Can this claim be data entered?
25. Was claim modified?

X
X
X

If yes, do modifications require notification to claimant?
Note: Modifications made must be explained in comments stating
where the information for any changes was found.

Claim reviewed by: Zed Date 4-12-94
Claim data entered by: Zed Date 6-20-94

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Tributary is shown as Weiser River rather than
sinks, POB shown in SW NW not SW SW.

RECEIVED
FBI - GUA

NOTICE OF CLAIM TO A WATER RIGHT

NO. 67-4248

Notice is hereby given that CATHERINE MARY &/or SAMUEL NIGHTINGALE
P. O. Box 321, Council, ID

has filed a claim to a water right established by diversion and application
to beneficial use of 0.1 cubic feet per second ~~XXXXXXX~~ of water
from an unnamed spring

with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2 T16N-R1W B.M., Adams
County.

The water is claimed to be used from Jan 1 to Dec 31
for stockwater and from Apr 1 to Oct 1 for irrigation of 3 acres

with a priority date of April 1, 1949 ;
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2 T16N-R1W B.M.

Any exception to this claim of water right may be filed with the Direc-
tor of the Idaho Department of Water Resources, 92 South Cole Road, Boise,
Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader, Council, Idaho
on April 6, 1978 and April 13, 1978.

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant CATHERINE MARY NIGHTINGALE Phone: 253-4721
MERTON SAMUEL NIGHTINGALE
post office address P.O. BOX 321 COUNCIL IDAHO 83612
2. Source of water supply UN NAMED SPRING which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 Township 16
Range 1W B.M. ADAMS County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into A DITCH at a point in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 Township 16 Range 1W B.M. ADAMS
4. Water will be used for the following purposes:
Amount .08 CFS for IRRIGATION purpose from APRIL 1 to OCT. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 CFS for STOCK WATER purpose from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .1 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. GRAVITY FLOW THROUGH DITCHES AND PIPE LINES AND STOCK WATER POND 33 FEET WIDE X 120 FEET LONG X APPROXIMATELY 3 FEET DEEP
- b. Height of storage dam 3 feet, active reservoir capacity .27 acre feet; total reservoir capacity .27 acre feet, materials used in storage dam: EARTH
Period of year during which storage will occur JAN 1 to DEC 31 inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is _____ years. SYSTEM HAS BEEN IN OPERATION FOR A NUMBER OF YEARS.
b. Estimated construction cost is \$ N/A.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2 Township 16
Range 1W B.M.
(2) Amount of power to be generated: N/A hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 10 BEEF CATTLE AND 5 HORSES
(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water N/A.
(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16	1W	2						3											3

Total number of acres to be irrigated 3

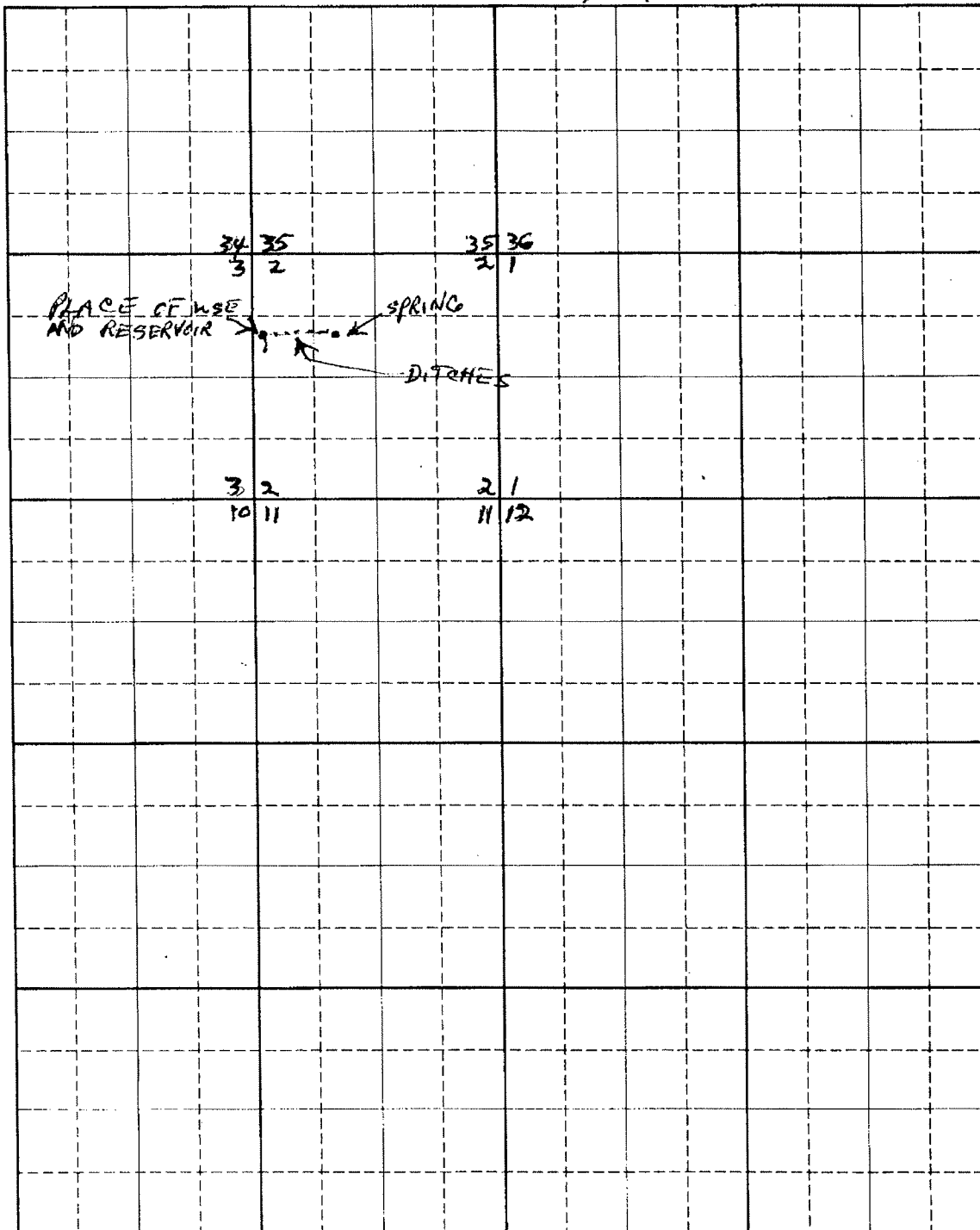
c. Describe any other water rights used for the same purposes as described above. NONE

9. a. Who owns the property at the point of diversion MERTON S. and Catherine m. Nightingale
b. Who owns the land to be irrigated or place of use MERTON S. and Catherine m. Nightingale
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This Spring and irrigation system was developed
an unknown number of years ago by an earlier
land owner. It has been in use for many years.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

16-1W SEC-2



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Merton Samuel Nightingale
(Applicant)
Catherine Mary Nightingale

Received by y Date 3-30-78 Time 11:41
Date 7/22/77 Time 8:30
Preliminary check by _____ Fee \$ 92-293
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

Director

NOTICE OF CORRECTION

Notice is hereby given that notice of Claim to a Water Right No. 67-4248 in the name of Catherine Mary &/or Samuel Nightingale, P. O. Box 321, Council, Idaho was published in error on April 6 and 13, 1978.

The point of diversion was advertised as being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2 T16N-R1W B.M., Adams County. WHEREAS, the actual point of diversion is located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2 T16N-R1W B.M.

Any exception to this claim of water right may be filed with the Director of the Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader, Council, Idaho on April 20, 1978 and April 27, 1978.

MICROFILMED

11/07/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4248

NAME AND ADDRESS: ELAINE P JOHNSTON
PO BOX 723
COUNCIL ID 83612

PETER L JOHNSTON
PO BOX 723
COUNCIL ID 83612

SOURCE: SPRING TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 04/01/1949

POINT OF
DIVERSION: T16N R01W S2 NWSEW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S02 SWNW 3.00

STOCKWATER in ADAMS County

T16N R01W S02 SWNW

3 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

11/02/2006

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

RIGHT NUMBER: 67-4248

NAME AND ADDRESS: CONRAD K FRANCIS
BOX 321
COUNCIL ID 83612

CATHERINE M FRANCIS
BOX 321
COUNCIL ID 83612

SOURCE: SPRING TRIBUTARY: WEISER RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T16N R01W S2 NWSNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.060 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S02 SWNW 3.00

STOCKWATER in ADAMS County

T16N R01W S02 SWNW

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

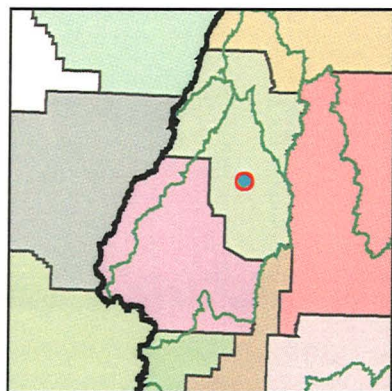
SRBA Recommendation:

67-4248

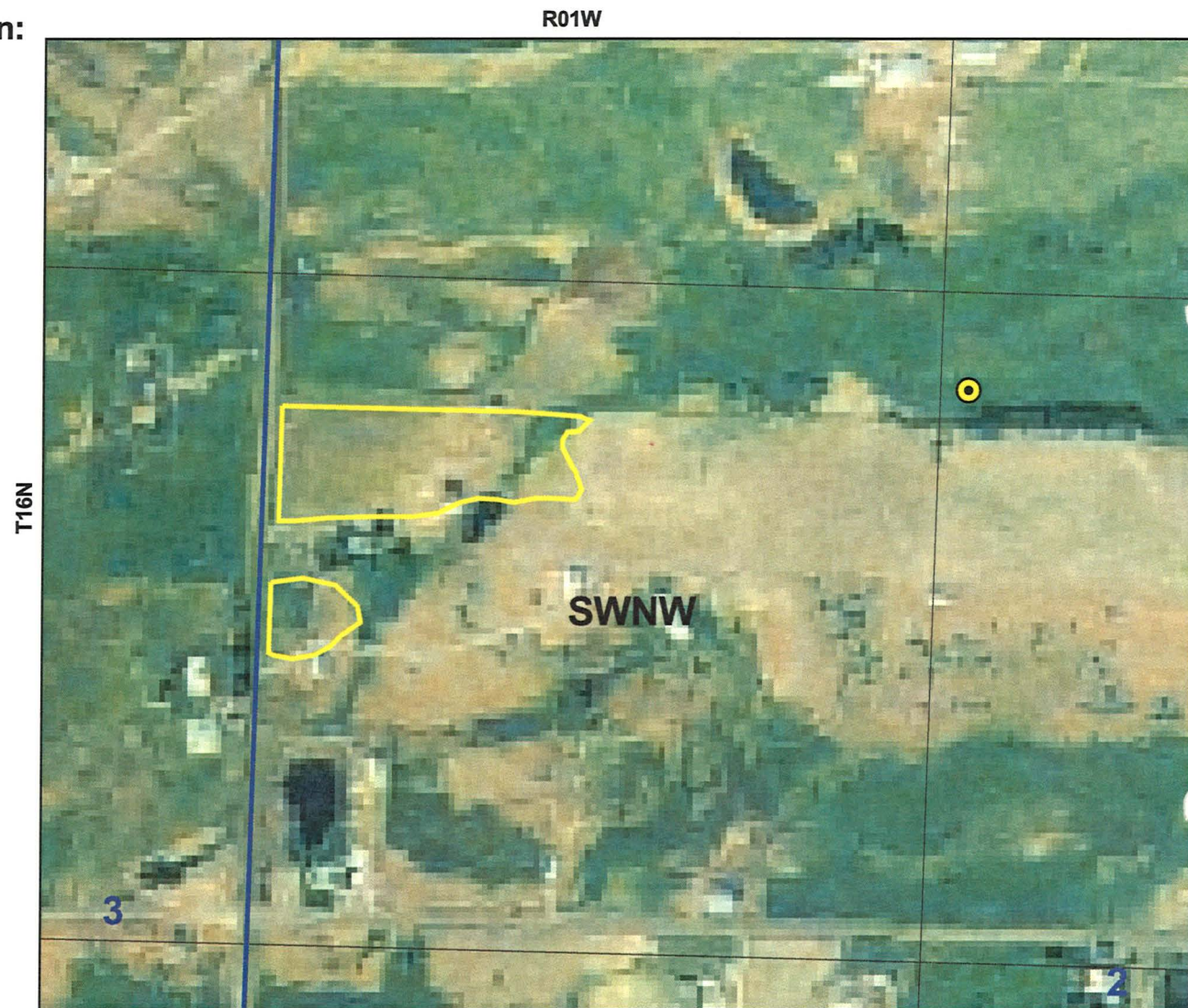
(Irrigation)

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 M. Van Bussum
On Thursday, November 2, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4248 V1

WATER RIGHT NUMBER: 67-4248 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONRAD K FRANCIS BOX 321 COUNCIL, ID 83612 (208)253-4721
Current Owner	CATHERINE M FRANCIS BOX 321 COUNCIL, ID 83612 (208)253-4721
Original Owner	CATHERINE MARY NIGHTINGALE PO BOX 321 COUNCIL, ID 83612
Original Owner	SAMUEL NIGHTINGALE PO BOX 321 COUNCIL, ID 83612

Priority Date: 04/01/1949

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/15 to 11/15	0.060 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

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

Place of Use

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
16N 01W 2							X										

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4248 V1

16N 01W 2			3.0				3.0
Total Acres: 3							

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. mvanbussum 10/31/2006 POU

Comment: It appears the legal was claimed incorrectly and should be SWNW instead of NWSW.

2. csaxton 11/1/2006 Ownership

Comment: Since claim was filed with the wrong QQ for the POU, the submitted change of ownership could not be processed as the new owner (Johnston) does not own the claimed POU. However, the recommendation for this right will correct the POU and place it on Johnstons property so the ownership on the Recommendation only can be changed to Johnston.

3. mvanbussum 11/1/2006 Priority Date

Comment: Water from the spring flows into East Fork Ditch (run by East Fork Ditch Co Ltd) before running into claimant pond. Priority dates for East Fork Ditch Co Ltd B-Use claims are 7-1-1905 and 5-1-1948, both of which are before claimed priority date for 67-4248. Since East fork Ditch Co Ltd has an earlier priority date, conveyance for water under 67-4248 must have been established in order for water for the spring to run through. Recommend priority date as claimed.

4. mvanbussum 11/2/2006 Quantity

Comment: Recommended IDWR standard 1 inch per acre.

5. mvanbussum 11/2/2006 Period of Use

Comment: Recommended IDWR standard season of use.

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4248 V1

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	11/2/2006 3:27:03 PM	mvanbussum			Active
Priority Date	11/2/2006 3:27:31 PM	mvanbussum			Active
POD	11/2/2006 3:27:44 PM	mvanbussum			Active
Source	11/2/2006 3:31:47 PM	mvanbussum			Active
POU	11/2/2006 3:32:05 PM	mvanbussum			Active
Use	11/2/2006 3:37:34 PM	mvanbussum			Active
Season	11/2/2006 3:38:00 PM	mvanbussum			Active
Quantity	11/2/2006 3:39:15 PM	mvanbussum			Active
Summary			11/02/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/2/2006 3:27:14 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
General	11/2/2006 3:27:42 PM	mvanbussum	(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 - Water from the spring flows into East Fork Ditch (run by East Fork Ditch Co Ltd) before running into claimant pond. Priority dates for East Fork Ditch Co Ltd B-Use claims are 7-1-1905 and 5-1-1948, both of which are before claimed priority date for 67-4248. Since East fork Ditch Co Ltd has an earlier priority date, conveyance for water under 67-4248 must have been established in order for water for the spring to run through.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4248 V1

POD	11/2/2006 3:27:56 PM	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? (No) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required?
POD	11/2/2006 3:30:37 PM	mvanbussum	Updated shape
Source	11/2/2006 3:31:59 PM	mvanbussum	(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 - Communication with claimant verified source.
POU	11/2/2006 3:36:41 PM	mvanbussum	Updated shape for Active POU
POU	11/2/2006 3:36:49 PM	mvanbussum	Updated PLS for Active POU
POU	11/2/2006 3:37:18 PM	mvanbussum	Updated shape for Active POU
Use	11/2/2006 3:37:47 PM	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 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 - Imagery and communication with claimant verified use.
Season	11/2/2006 3:38:12 PM	mvanbussum	(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?
POU	11/2/2006 3:40:27 PM	mvanbussum	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4248 V1

POU	11/2/2006 3:32:17 PM	mvanbussum	(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 - Imagery verified POU.
Quantity	11/2/2006 3:39:28 PM	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 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 Dave Tuthill, if recommended flow is less than 0.2 cfs, no flow measurement is required.
Summary	11/2/2006 3:41:11 PM	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? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

67-4248
Con Francis
Pete + Elaine Johnston
253 6098 correct phone

10-31-06 MVB

Spoke w/ Elaine + Pete - they bought from the Francis
they bought in 1991, George Robinson owned for 30 yrs.
Rod Barker lives across the street
Pete will be working on EOP

I will send c/o

* It appears legal for POU was claimed incorrectly
and should be SWNW instead of NWSW -
per tax lot data

Pete + Elaine Johnston

2104 Hwy 95

Council ID 83612

11-1-06 MVB

See comment in QuickLook re: EOP

EOP established through East Fork Ditch Co Ltd.
rights

11-2-2006 MVB

Per conversation with Pete Johnston, POU is
claimed in correctly + should be SWNW