

Institute Canal Company Inc.

[illegible]

Receipt Details for ID M004800

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/4/1989 2:19:47 PM	10/4/1989	Mobile	\$950.00	Check
Payer	INSTITUTE CANAL CO., INC.			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1176			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$950.00	ADJUDICATION FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	4250		\$850.00	Claim
67	10557		\$50.00	Claim
67	10558		\$50.00	Claim

Print Report

12/12/06
DBF

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number(s): 67-4250, 67-10558, 67-10557

Previous Mailing Address: 1165 Olds Ferry Rd.
Weiser, ID 83672

New Mailing Address: 1242 Indianhead Rd
Weiser, ID 83672

Telephone Number: 208 549-1691

Signature of all Claimant(s): Debra Stephens

Please print your name below your signature.

Debra Stephens

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

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: 67-4250

INSTITUTE CANAL CO INC

1165 OLDS FERRY RD

WEISER ID 83672

Telephone Number: (208) 549-1967

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

chg in address

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

check POA - see attached Map

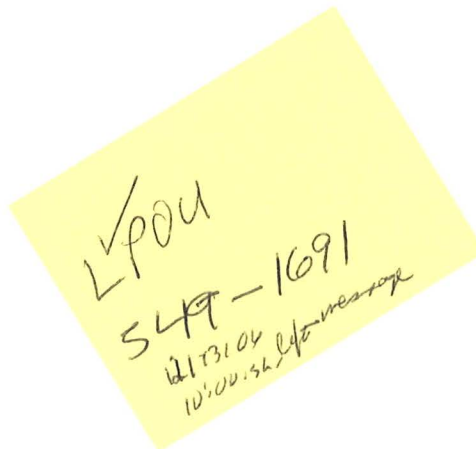
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-29-06 SIGNATURE: *Debra Stephens*

Please print your name: Debra Stephens

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



SCANNED
DEC 08 2006

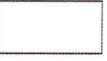


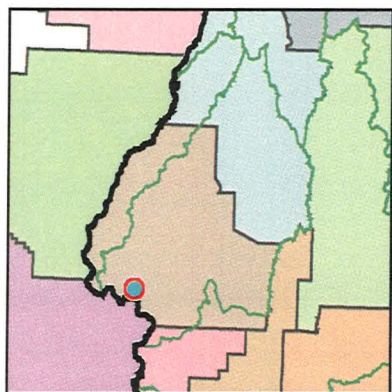
Institute Canal Co Inc

SRBA Recommendation: 67-4250

Service Area Boundary
GIS Place of Use Illustration

Legend

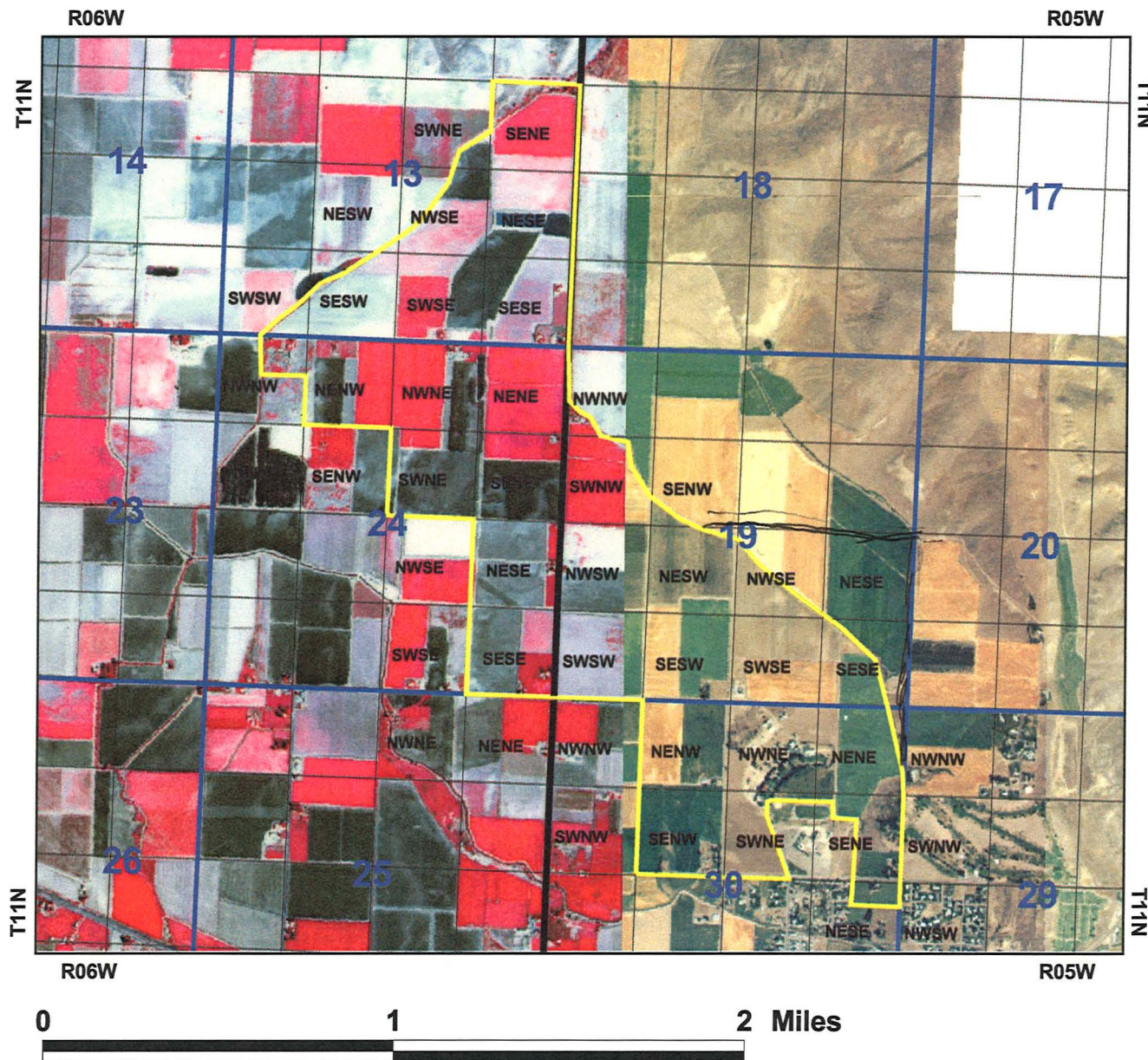
-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

Prepared by IDWR State Office
On Wednesday, November 15, 2006
1987/88 Aerial Photography

*check map
→ square up in sec 19*



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4250 V1

WATER RIGHT NUMBER: 67-4250 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	INSTITUTE CANAL CO INC 1165 OLDS FERRY RD WEISER, ID 83672 (208)549-1967

Priority Date: 03/01/1919

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	16.000 CFS	
	<u>Total Diversion:</u>	16.000 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NE1/4NE1/4	Sec. 35, Twp 11N, Rge 04W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 05W 19						X L 1	X L 2	X	X	X L 3	X L 4	X		X	X	X	
11N 05W 30	X	X	X	X	X			X					X				
11N 06W 13			X	X					X		X	X	X	X	X	X	
11N 06W 24	X	X	X	X	X	X							X			X	

Total Acres: 809

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4250 V1

2. K06 This right is limited to the irrigation of 809 acres within the place of use described above in a single irrigation season.
3. 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. dfavreau 11/9/2006 priority date

Comment: Information in file indicates completion of works in 1919.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	7/21/2005 2:53:44 PM	awarntje			Active
Priority Date	7/21/2005 2:55:13 PM	awarntje			Active
POU	7/21/2005 2:56:43 PM	awarntje			Active
Source	7/21/2005 3:02:23 PM	awarntje			Active
Use	7/21/2005 3:27:27 PM	awarntje			Active
Season	7/21/2005 3:30:05 PM	awarntje			Active
Quantity	7/21/2005 3:31:15 PM	awarntje			Active
Summary			07/21/2005	awarntje	Active
POD	7/21/2005 3:39:06 PM	awarntje			Active
Priority Date	11/8/2006 5:31:12 PM	dfavreau			Active
POD	11/8/2006 5:31:32 PM	dfavreau			Active
POU	11/8/2006 5:36:32 PM	dfavreau			Active
Source	11/8/2006 5:39:52 PM	dfavreau			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4250 V1

Use	11/8/2006 5:40:23 PM	dfavreau	Active
Season	11/8/2006 5:40:56 PM	dfavreau	Active
Quantity	11/8/2006 5:41:38 PM	dfavreau	Active
Summary	11/08/2006	dfavreau	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	7/21/2005 2:59:32 PM	awarntje	Updated shape for Active POU
POU	7/21/2005 3:01:09 PM	awarntje	Updated PLS for Active POU
Contacts	7/21/2005 2:53:45 PM	awarntje	(No) 1. Do you want to schedule an appointment? Comment for 1: Sufficient info in file
POU	7/21/2005 2:56:43 PM	awarntje	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
General	7/21/2005 2:55:13 PM	awarntje	(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?
Source	7/21/2005 3:02:23 PM	awarntje	(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?
Use	7/21/2005 3:27:28 PM	awarntje	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4250 V1

Season	7/21/2005 3:30:05 PM	awarntje	(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? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	7/21/2005 3:31:15 PM	awarntje	(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?
Summary	7/21/2005 3:37:18 PM	awarntje	(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?
POD	7/22/2005 9:22:10 AM	awarntje	Updated shape
POD	7/21/2005 3:39:07 PM	awarntje	(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?
POD	11/8/2006 5:21:42 PM	dfavreau	Updated shape
POD	11/8/2006 5:22:22 PM	dfavreau	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4250 V1

POD	11/8/2006 5:31:32 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	11/8/2006 5:35:43 PM	dfavreau	Updated PLS for Active POU
POU	11/8/2006 5:36:33 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
POU	5/13/2005 11:03:14 AM	awarntje	Updated shape for Active POU
POU	5/13/2005 12:44:33 PM	awarntje	Updated shape for Active POU
POU	5/13/2005 12:47:00 PM	awarntje	Updated shape for Active POU
General	11/8/2006 5:31:13 PM	dfavreau	(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 - Day after Muir V. Allison
POU	11/8/2006 5:35:26 PM	dfavreau	Updated shape for Active POU
Source	11/8/2006 5:39:53 PM	dfavreau	(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 - via contract in file with Weiser Irr. District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4250 V1

Use	11/8/2006 5:40:23 PM	dfavreau	(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 - GIS Review of aerial photography
Season	11/8/2006 5:40:56 PM	dfavreau	(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? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/8/2006 5:41:39 PM	dfavreau	(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 - Based on information of the flow of the Galloway Canal provided by Weiser Irr. District.
Summary	11/8/2006 5:43:04 PM	dfavreau	(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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4250 V1

67-4250

Weiser Irrigation District
P.O. box 591
Weiser, Idaho 83672
208-414-1792
fax 208-414-1794

October 23, 2002

Lori Graves
Sr. Water Resource Agent
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
OCT 24 2002
WATER RESOURCES
WESTERN REGION

RE : Institute Canal Co.

Dear Lori:

In 1918 the Weiser Irrigation District entered into an agreement with the Weiser Bench Irrigation Company to conduct water through our Galloway Canal to about 2500 acres lying outside the District boundary. The Weiser Bench Irrigation Co. was to enlarge the canal to carry 2000 inches over and above the existing 8000 inches at proposed pump site., and secure their own water. Enclosed is a copy of the system.. On March 1, 1923 the Weiser Bench Irrigation Company applied to the Department of Reclamation of the State of Idaho for flood waters of the Weiser River under application No. 22357. Permit No. 15786 to appropriate water was issued to the Weiser Bench Irrigation Co.. A pump house and pipe system was built from the Galloway Canal to the Weiser Bench area. The canal system was foreclosed on by L.F. Easton and he received a Master Deed recorded September 1925 as Instrument No. 46336. The system operated under and agreement dated April 7, 1927. According to the Idaho Department of Water Resource archived records, they contacted Mr. Snow in early 1928 requesting him to submit the completion of work and prove of water application. It was not forth coming. Ed Snow was the attorney in charge of the Weiser Bench Irrigation Co on behalf of Easton. The application and permit was cancelled by Director George Carter on July 25, 1928 and no license was issued. Easton in Deed recorded in Feb 1936 in Book 54 of Deeds at page 502 conveyed all of his interest to the INSTITUTE CANAL COMPANY. Also in 1936 the Galloway Dam was built and a new agreement was entered into with the Institute Canal Co. . It reduced the flow to 800 inches and allowed the use of Crane Creek storage water. In 1954 an amendment was signed. I am enclosing all 3 contracts.

Continued

SCANNED
APR 08 2004

Institute Canal Co Continued

Enclosed is a map of the 800 acres under the Institute Canal. It is marked in yellow. Additional land to the north and west is irrigated by "overflow" water from the Institute Canal. In early spring, the pumps are left on and 2 - 5 acre and 1 1 acre pond are filled with Weiser River flood water delivered by the Galloway canal. Several hundred acres outside the Institute Canal Co is irrigated . This was brought to the attention of the Institute Canal Secretary and enclosed is her response dated November 7, 1995.

The Weiser Irrigation District objects to the Institute Canal Co. claim of 800 inches under claim No. A67-04250. The Weiser Irrigation District has been providing flood water from its Muir vs Allison Decree and the 1936 license and decree.

Sincerely yours,



Jay Edwards

enc.

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho,

*Proof of Beneficial use
on Institute Canal.* 1931

Dear Sir:

For the past 18 years, ^{From 1913 to 1930} I have been an officer of the Intermountain Institute as its Treasurer & General Manager and as such officer I have had direct charge of the distribution of the lands of the Intermountain Institute and of the distribution of the water of these lands. I have also been a member of the Crane Creek Administration Board from its organization to June 1930 and as such member have had intimate knowledge of the business of said board and of the distribution of the waters from Crane Creek Reservoir.

The Weiser Bench Irrigation system was completed in the summer of 1919 and the water was used for a few weeks. The first water was from the Weiser River and later from Crane Creek Reservoir. In June 1919 the Weiser Bench acquired the Renwick property near the reservoir, and now flooded by it. This property had an injunction against overflowing by the reservoir and the districts, and for some years we traded the right to overflow, for additional water from the reservoir.

In other words, we permitted the Crane Creek and Sunnyside Irrigation Districts to overflow our property in exchange for the water to use on our own lands. This continued until the reorganization of the two districts by W. B. Roberson in 1921 or 1922. At the time of the reorganization we traded in the Renwick property and agreed to pay additional money for our right in the reservoir for certain water storage.

Beginning with the season of 1920 the Weiser Bench used Weiser River Water so long as there were flood waters. Some years there were flood waters up to July 1st, in other years later. This water was used on five to eight hundred acres

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of Institute lands, and has been used constantly and ever year since. The late water for these lands has come from Crane Creek Reservoir; which by the above mentioned exchange agreement was obtained, and later by outright purchase of a storage right.

The lands watered since the organization of the Weiser Bench were parts of Sections thirteen, twenty-four and twenty-five in Township eleven, North of Range six, West, and Sections nineteen and thirty in Township eleven, North of Range five, West of Boise Meridian.

During the life of the Weiser Bench Company there were two years that the Butterfield lands did not use any water , but each year down to now the Institute has had Weiser River water on these lands up until about the first of July. After the flood water reached below the adjudicated rights we drew from storage water in Crane Creek Reservoir.

The Weiser Bench Irrigation Company built their pumping plant and ditches in 1919. At the time the Crane Creek project was reorganized in 1921 L. B. Easton held a mortgage for some \$40,000.00 on lands in the district. A deal was made by which the Weiser Bench was to receive a storage right in the reservoir of ~~2~~ four thousand acre feet, for which a mortgage was given to Easton by the Weiser Bench Company covering the storage right, the pumping plant and ditches. This agreement was ~~not~~ fulfilled and in 1927 it was foreclosed by Easton.

The Weiser Bench Company has, since the foreclosure proceedings, leased from Easton the pumping plant, and storage rights and operated it as we had done previously.

These Institute lands have never had any other irrigation water than what came from the Bench Company. The whole district was organized and built up upon the water rights in the Weiser River and the Crane Creek Reservoir, and each year from 1920 on, the Institute lands have been watered by this Weiser River water during the flood water season and from the Crane Creek Reservoir during the remainder of the irrigation season. Without these rights in the river and the reservoir the Institute lands are worthless. The title to these lands has been in the Intermountain Institute for many years.

Arthur H. Morgan.

STATE OF WASHINGTON, Ø
County of King, Ø ss.

A. H. Morgan, first being duly sworn on his oath deposes and says: That he is the affiant in the above affidavit and says that he has read the above and foregoing affidavit and that all of the averments therein contained are true as he verily believes.

A. H. Morgan

Subscribed and sworn to before me this 27th day of December 1931.

K. L. Thornley
Notary Public for Washington;
Residing at Seattle Wash
My Commission will expire Jan 24 1935

14823

RECEIVED
JAN 24 1935
NOTARY PUBLIC
WASHINGTON

MASTER'S DEED

THIS INDENTURE, Made and entered into this 15th day of April, 1925, between W O Sloan of Boise, Idaho, as Special Master Commissioner appointed by the District Court of the United States for the District of Idaho, Southern Division, party of the first part, and L F Easton of LaCrosse, Wisconsin, party of the second part.

WITNESSETH: That whereas a decree was made and entered by said Court on the 12th day of February 1925, in a suit then pending in said Court in which L F Easton was plaintiff and Weiser Bench Irrigation Company, a corporation, Butterfield Livestock Company, Limited, a corporation, The Intermountain Institute, a corporation, and W P Roberson were defendants, wherein and whereby it was adjudged and decreed that plaintiff should recover from defendants the aggregate sum, including interest, attorneys fees and costs, of \$48,864.23, together with interest at 7% per annum from the date of entry of said decree, and

WHEREAS it was further adjudged and decreed that said sum of money were a first charge and prior lien upon all of the property described in said decree, and which is hereinafter described in this indenture, and

WHEREAS, it was further provided by said decree that unless the defendant Weiser Bench Irrigation Company should on or before the 25th day of February 1925, pay or cause to be paid to plaintiff the amount of money in said decree adjudged to be due to it and hereinafter stated, and that in default of such payment all the property described in said decree should be sold as an entirety, in one parcel, without valuation, appraisal, or redemption, at public auction, to the highest bidder or bidders, at the front door of the Courthouse in Weiser, County of Washington, State of Idaho, on the day to be fixed by said Special Master Commissioner, and the published notice of the time and place, manner and conditions of said sale should be given by publication, describing the property to be sold, the terms of sale and the time and place of said sale, said publication to be at least once a week for four successive weeks preceding the date of said sale in a newspaper published and in general circulation in Washington County, State of Idaho, and

WHEREAS, it was provided by the terms of said decree that any of the parties to said suit might bid and purchase at said sale; and

WHEREAS, it was further provided in said decree that the purchaser or purchasers, his or their assigns, should take and hold said property, free and clear of all the liens or claims of any of the parties to said suit, and

WHEREAS, neither said defendant, Weiser Bench Irrigation Company, or any other defendant in said cause, nor any one in its or their behalf, made payment of the sums adjudged by said decree to be due as aforesaid, and

WHEREAS, said Special Master Commissioner, upon such default being made in the payment of said sum of money, and in accordance with the terms of said decree, fixed as the day and hour for said sale the 6th day of April, 1925, at two o'clock in the afternoon of said day, and did cause notice of said sale to be advertised by publication as in said decree provided, and

WHEREAS, said Special Master Commissioner, in obedience to said decree, did on the 6th day of April, 1925, at two o'clock in the afternoon of said day, at the front door of the County Courthouse, in Weiser, Washington County, Idaho, sell as an entirety, and in one parcel, without redemption, the property hereinafter described and described in said decree of foreclosure, at which sale the said property was struck off and sold to L F Easton, the plaintiff in the action in which said sale was ordered for the sum of \$35,086.00, he being the highest and best bidder, and that being the highest and best bid therefor, and

WHEREAS, said Special Master Commissioner did thereafter make and file the report of his said sale to the District Court of the United States for the District of Idaho, and

WHEREAS, by an order duly entered in said court and cause on the 13th day of April, 1925, upon due notice and consent by all the parties to said cause, said sale was confirmed and made absolute in said L F Easton, the party of the second part to this indenture,

NOW, THEREFORE, in pursuance of the authority vested in me by said decree, and pursuant to the instructions of the court therein and in the order of confirmation of sale in consideration of the sum of \$35,086.00 to me paid in accordance with the terms and conditions of said decree and of said sale by L F Easton, the party of the second part, have granted, bargained, sold, transferred, conveyed, assigned and set over, and by these presents do grant, bargain, sell, transfer, convey, assign and set over unto said L F Easton, the party of the second part, in fee simple, all the right, title and equity of redemption of the Weiser Bench Irrigation Company, and of every other party in the above named cause, and of every person or persons claiming through or under any of said parties of, in and to, all and singular the property, lands, rights and franchises in and by said decree ordered to be sold, to-wit:

All of the right, title and interest belonging to Weiser Bench Irrigation Company in and to that certain reservoir known as the Crane Creek Reservoir and the water rights in connection therewith, hereinafter more particularly described, located in Washington County, Idaho, said right being the right perpetually annually to store and impound in said reservoir 6,700 acre feet of water of Crane Creek and its tributaries, and a proportionate interest in said reservoir and the water rights in connection therewith. Said Crane Creek

Reservoir is more

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Reservoir is more particularly described as follows:

(a) That certain reservoir dam located in the Southeast quarter of the south-
east quarter of Section 19, Township 12 North, Range 2 West of Boise Meridian, together
with all excavations, embankments, spillways, conduits and structures used in connection
therewith.

(b) All lands flooded by said reservoir, said lands being located in Sections
1, 2, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, in
Township 12 North, Range 2 West of the Boise Meridian, including all rights granted by the
Government of the United States through the approval, on October 26, 1907, by Thomas Ryan,
acting Secretary of the Interior, of that certain application for reservoir right of way,
according to the map and plat thereof, a duplicate of which is on file in the United
States Land Office at Boise, Idaho, and all rights granted by the Government of the United
States through the approval, on August 22, 1913, by the Secretary of the Interior, of that
certain application for right of way for reservoir and spillway purposes, according to
the map and plat thereof, a duplicate of which is on file in the said United States Land
Office at Boise, Idaho, which maps and plats are hereby referred to for a more particular
description of the rights of way so granted.

The water rights hereby conveyed are more particularly described as follows:

Those certain water permits numbered respectively 1920, 6030 and 6034, issued
from the office of the State Engineer of the State of Idaho to Edwin D Ford;

Those certain water permits No R228 for 50,000 acre feet of the waters of Crane
Creek, and No 14,023 for 300 second feet of the waters of Crane Creek issued from the
office of the Commissioner of Reclamation of the State of Idaho to Edwin Snow, with
priority dating from on or about April 9, 1920; all of said permits relating to the
appropriation of the waters of Crane Creek and its tributaries, together with all water
appropriations and water rights not herein particularly specified heretofore appropriated
by or on behalf of or in the interest of any of the owners of interests in said Crane
Creek Reservoir for use in connection with said reservoir.

Also all of the rights claimed by Weiser Bench Irrigation Company from the
Weiser Irrigation District, a corporation of Washington County, Idaho,
under which the Weiser Bench Irrigation Company acquired a right to annually transmit and
carry through the canal of the Weiser Irrigation District 2,000 miner's inches of water
during each irrigation season perpetually for the irrigation of the lands of the stock-
holders of the Weiser Bench Irrigation Company, all of which more fully appears in that
certain contract between the Weiser Bench Irrigation Company and the Weiser Irrigation
District, which contract is dated the 4th day of December, 1918, and recorded in Book 2
of contracts in the office of the County Recorder of Washington County, Idaho, at pages
290-296.

Also that certain application to the State of Idaho for permit to appropriate
the flood waters of the Weiser River, which application was made by the Weiser Bench
Irrigation Company, on the 1st day of March, 1923, and which application is number 22357
now of Record in the office of the Department of Reclamation of the State of Idaho.

Also the following described lands, located in Washington County, Idaho, to-wit:

Beginning at a point in said Northwest quarter of Southwest Quarter of Section
29, whence the west quarter corner of Section 29 bears north 25 feet and south 89 degrees
47' west 903 feet, and running thence south 300 feet; thence north 89 degrees 47' East 10
feet; thence South 800 feet; thence South 89 degrees 47' West 60 feet; thence South 171'

to the Weiser Irrigation District Canal; thence South 80 degrees 34' East 101.4 feet along said canal; thence leaving canal North 188 feet; thence South 89 degrees 47' West 20 feet; thence north 1100 feet to the County Road; thence South 89 degrees 47' West 30 feet to place of beginning, all in Township 11 North of Range 5 West B M, and containing an area of .986 of an acre. Together with all buildings, and pump houses thereon, including all motors, pumps, machinery, and all other equipment in the pump houses and buildings located on said lands hereinbefore described. Also the wooden conduit pipe leading from said pumps to the canal of the Weiser Bench Irrigation Company, which wooden conduit is approximately 2640 feet in length and runs from said pump house for said distance in a northerly or northwesterly direction to the head of the irrigation canal of the Weiser Bench Company, in Section 29, Township 11 North of Range 5 West B M; and also about six miles of irrigation canal belonging to the Weiser Bench Irrigation Company, including all right-of-way for said canal and all laterals leading from the canal belonging to said Weiser Bench Irrigation Company, said main canal beginning at said point in section 29, in Township 11 North of Range 5 W B M, and runs thence in a northwesterly direction across sections 29, 30, 19 and 18, in Township 11 North of Range 5 West B M, Sections 13, 12, 14, 11, 10 and 15 in Township 11 North of Range 6 W B M.

Also all rights-of-way, water, water rights, easements, lands and assets of any kind, belonging to the said Weiser Bench Irrigation Company, a corporation.

Together with all and singular the privileges, tenements, hereditaments and appurtenances, water, water rights, ditches, laterals, rights-of-way, franchises and appropriations thereunto belonging or in anywise appertaining.

Also all the rents, revenues and profits from the said mortgaged premises to date of sale under this decree.

TO HAVE AND TO HOLD unto L F Easton, his heirs and assigns forever, in fee simple estate, together with all the rights, privileges, appurtenances and immunities thereunto appurtenant, and to enjoy the same free and discharged of all the title, interests, liens and encumbrances of all the parties in said decrees mentioned and free from all redemption.

IN WITNESS WHEREOF, the party of the first part, by virtue of authority vested in him as aforesaid, has hereunto set his hand and seal this 15th day of April, 1925.

Signed in the presence of:

W G SLOAN
Special Master Commissioner

STATE OF IDAHO }
County of Ada } SS

On this 24th day of September A D 1925, personally appeared before me, the undersigned, a Notary Public in and for said State of Idaho, duly appointed, qualified and commissioned as such, W G Sloan, Special Master Commissioner, whose name is signed to the foregoing instrument and who is personally known to me to be the same person described in and who executed the foregoing deed as special master commissioner, and who is personally known to me to be such special master commissioner, and he duly acknowledged the execution of the foregoing instrument to be his act and deed, and that he executed the same as his free and voluntary act for the uses and purposes therein set forth, and as such Special Master Commissioner.

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DEED

THIS INDENTURE, made this 4th day of January, 1936, between L. F. EASTON and MARIE ESTELLE EASTON, his wife, of LaCrosse, Wisconsin, parties of the first part, and INSTITUTE CANAL COMPANY, an Idaho corporation, party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, lawful money of the United States, to them in hand paid by the said party of the second part, receipt whereof is hereby acknowledged, do by these presents grant, remise, release and forever quietclaim unto the said party of the second part, its successors and assigns forever, all the following described property, lying in the County of Washington, State of Idaho, particularly described as follows, to-wit:

All that certain property granted and conveyed to L. F. Easton, one of the parties of the first part herein, by W. G. Sloan, of Boise, Idaho, as Special Master Commissioner appointed by the District Court of the United States, for the District of Idaho, Southern Division, said deed being dated April 15, 1925, and recorded in Book 46 of Deeds, at page 76, in the office of the County Recorder of Washington County, Idaho. The property conveyed by the deed of said Special Master Commissioner is generally described therein as follows:

Item I. All of the right, title and interest formerly belonging to Weiser Bench Irrigation Company in and to that certain reservoir known as the Crane Creek Reservoir and the water rights in connection therewith, hereinafter more particularly described, located in Washington County, Idaho, said right being the right perpetually annually to store and impound in said reservoir 6,700 acre feet of water of Crane Creek and its tributaries, and a proportionate interest in said reservoir and the water rights in connection therewith.

Said Crane Creek Reservoir is more particularly described as follows:

- (a) That certain reservoir dam located in the Southeast Quarter of the Southeast Quarter of Section 19, Township 12 North, Range 2 West of the Boise Meridian, together with all excavations, embankments, spillways, conduits and structures used in connection therewith.
- (b) All lands flooded by said reservoir, said lands being located in Sections 1, 2, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, in Township 12 North, Range 2 West of the Boise Meridian, including all rights granted by the Government of the United States through the approval, on October 26, 1907, by Thomas Ryan, acting Secretary of the Interior, of that certain application for Reservoir right of way, according to the map and plat thereof, a duplicate of which is on file in the United States Land Office at Boise, Idaho, and all rights granted by the Government of the United States through the approval, on August 22, 1913, by the Secretary of the Interior, of that certain application for right of way for reservoir and spillway purposes, according to the map and plat thereof, a duplicate of which is on file in the said United States Land Office at Boise, Idaho, which maps and plats are hereby referred to for a more particular description of the rights of way so granted.
- (c) The water rights connected with said Crane Creek Reservoir which are in part more particularly described as follows:

Those certain water permits numbered respectively 1720, 6830 and 6834, issued from the office of the State Engineer of the State of Idaho to Edwin D. Ford;

Those certain water permits No. R226 for 50,000 acre feet of the waters of Crane Creek, and No. 14,823 for 300 second feet of the waters of Crane Creek issued from the office of the Commissioner of Reclamation of the State of Idaho to Edwin Snow, with priority dating from on or about April 9, 1920; all of said permits relate to the appropriation of the waters of Crane Creek and its tributaries, together with all water appropriations and water rights not herein particularly specified heretofore appropriated by or on behalf of

or in the interest of any of the owners of interests in said Crane Creek Reservoir for use in connection with said reservoir.

Item II. Also all of the rights acquired by Weiser Bench Irrigation Company from the Weiser Irrigation District, a quasi-municipal corporation of Washington County, Idaho, under which the Weiser Bench Irrigation Company acquired a right to annually transmit and carry through the canal of the Weiser Irrigation District 2,000 miner's inches of water during each irrigation season perpetually for the irrigation of the lands of the stockholders of the Weiser Bench Irrigation Company, all of which more fully appears in that certain contract between the Weiser Bench Irrigation Company and the Weiser Irrigation District, which contract is dated the 4th day of December, 1915, and recorded in Book 2 of contracts in the office of the County Recorder of Washington County, Idaho, at pages 290-296.

Item III. Also that certain application to the State of Idaho for permit to appropriate the flood waters of the Weiser River; which application was made by the Weiser Bench Irrigation Company, on the 1st day of March, 1923, and which application is number 22357 now of record in the office of the Department of Reclamation of the State of Idaho.

Item IV. Also the following described lands, located in Washington County, Idaho, to-wit:

Beginning at a point in said Northwest quarter of Southwest quarter of Section 29, whence the west quarter corner of Section 29 bears North 25 feet and South 89 degrees 47' West 903 feet, and running thence South 300 feet; thence North 89 degrees 47' East 10 feet, thence South 600 feet; thence South 89 degrees 47' West 60 feet; thence South 171' to the Weiser Irrigation District Canal; thence South 80 degrees 34' East 101.4 feet along said canal; thence leaving canal North 188 feet; thence South 89 degrees 47' West 20 feet; thence North 1100 feet to the County Road; thence South 89 degrees 47' West 30 feet to place of beginning, all in Township 11 North of Range 5 West B. M., and containing an area of .986 of an acre. Together with all buildings, and pump houses thereon, including all motors, pumps, machinery, and all other equipment in the pump houses and buildings located on said lands hereinbefore described. Also the wooden conduit leading from said pumps to the canal of the Weiser Bench Irrigation Company, which wooden conduit is approximately 2640 feet in length and runs from said pump house for said distance in a northerly or northwesterly direction to the head of the irrigation canal of the Weiser Bench Company, in Section 29, Township 11 North of Range 5 West B. M.; and also about six miles of irrigation canal belonging to the Weiser Bench Irrigation Company, including all right-of-way for said canal and all laterals leading from the canal belonging to said Weiser Bench Irrigation Company, said main canal beginning at said point in Section 29, in Township 11 North of Range 5 W. B. M., and runs thence in a northwesterly direction across Sections 29, 30, 19 and 18, in Township 11 North of Range 5 West, B. M., Sections 13, 12, 14, 11, 10 and 15 in Township 11 North of Range 6, W. B. M.

There is expressly excepted and excluded from this grant and conveyance a certain portion of the entire property hereinabove designated, which excepted portion is described as follows:

2,500 acre feet of the secondary water and water storage in what is known as the Crane Creek Reservoir, said Reservoir being located in Sections 1, 2, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30 in Township 12 North, Range 2 West of the Boise Meridian, together with the proportionate interest that said 2,500 acre feet of storage,

storage rights and water rights bears to 52,000 acre feet (the total primary and secondary storage right in said reservoir being 52,000 acre feet) in the ownership of all lands in said reservoir, all water rights, permits, dams, and other structures and appurtenances used or useful in connection with the storage of water in said reservoir and the discharge and conducting water therefrom down Crane Creek to and into the Weiser River.

Said excepted portion is this day being conveyed by the grantors to Intermountain Institute, an Idaho corporation.

It is the controlling intention hereof to convey to the grantee herein (subject to the obligations herein assumed by said grantee and with the exception above recited) (a) all right, title and interest in and to the waters of Crane Creek, (b) all right, title and interest in and to the said Crane Creek Reservoir, (c) all right, title and interest in and to the waters of Weiser River, (d) all right, title and interest in and to a carriage right for the waters of said Crane Creek and Weiser River through the canal of Weiser Irrigation District, (e) all right, title, and interest in what is known as the Weiser Bench Pumping Plant and the Weiser Bench ditch system near Weiser, Idaho, owned by the grantors herein, and formerly owned by the Weiser Bench Irrigation Company, an Idaho corporation, and acquired by the grantors under the grantor's deed heretofore mentioned, including all water rights, privileges, appurtenances, structures, conduits or other property owned or enjoyed by the grantors in connection with said irrigation works and system whether herein specifically described or not.

The rights and privileges as amongst themselves of the owners of water rights in said Crane Creek Reservoir and the relative dignity and priority of "Primary" rights and "Secondary" rights in said reservoir are as fixed and determined by an agreement between the owners thereof dated April 18, 1923, as amended by an agreement dated December 16, 1925, and this conveyance is made subject to said agreement and said amended agreement.

This conveyance is made subject to all charges and assessments heretofore levied or assessed, or hereafter to be levied and assessed by the Crane Creek Reservoir Board and/or the Weiser Irrigation District on account of the storage in Crane Creek Reservoir and the flowage through the canal of the said Weiser Irrigation District of the water or water rights conveyed by this deed; and subject also to all other past and future charges, assessments and taxes arising from the use, operation and maintenance of the water rights and irrigation works and pumping plant herein conveyed, or any part thereof, all of which charges and assessments and taxes, both those heretofore and hereafter levied or incurred, the grantee herein hereby expressly assumes and agrees to pay.

TO HAVE AND TO HOLD unto the said Institute Canal Company, its successors and assigns forever.

IN WITNESS WHEREOF the parties of the first part have executed this indenture the day and year first above written.

L. F. Easton

Marie Estelle Easton

STATE OF WISCONSIN }
County of La Crosse } ss.

On this 15th day of January, 1936, before me, H. K. Holley, a Notary Public in and for said county and state, personally appeared L. F. Easton and Marie Estelle Easton, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Seal
(H. K. Holley, Notary Public)
(La Crosse County, Wisconsin)

H. K. Holley, Notary Public
for Wisconsin
County of La Crosse
Residence: La Crosse
My commission expires Jan. 10, 1937

\$5.00 Documentary Revenue Stamp (FDR 1-4-36).

Filed for record at the request of F. D. Ryan at 10:00 o'clock A. M., February 10, 1936.

Fee \$4.00

Mary Werneth, Recorder
By Laura L. Knight, Deputy

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

CLAIM TO A WATER RIGHT

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

Notice is hereby given that The Institute Canal Co.
(name of claimant)
of Route I Weiser, Idaho 83672
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Weiser River, tributary to, Snake River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 16 cfs Use irrigation Period of Use: From 4/15 To 10/15
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: 16 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) 1918

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)
NE ¼ NE ¼, Sec. 35 Twp. 10N Rge. 4W B. M. County of Washington
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. The water is diverted from the Weiser River into the Galloway ditch and rediverted from the Galloway by pump at the NE corner of the SW ¼ Sec. 29 T11 n - R5W

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

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11N	6W	13				16									40			39	95
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11N	6W	24	40	20	22	40									40		20	40	222
11N	5W	30	40	8	7	40	40		30						5				170

Total No. of acres 800

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: None

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

INSTITUTE CANAL COMPANY

WEISER, IDAHO

July 22, 1978

Dept of Water Resources
Western Region
92 South Cole Road
Boise, Idaho

Att:
Mr. Robert W. Hamilton
Mr. David B. Shaw

Dear Sirs:

Re. Claim to water right no 67-4250

In an attempt to answer your questions concerning the water right claimed by the Institute Canal Co. I have enclosed two excerpts from the original contract dated Dec. 4th 1918.

I did not have this contract when I asked for a 1918 date, it took some research to even find out that it had been recorded.

As far as I can determine the pumps must have been installed in 1919. It would have been impossible to irrigate any of the ground which they planned to irrigate without the use of pumps, as it all lays above the Galloway ditch. This is also noted in the contract.

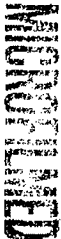
As to why this was not included in the 1921 decree I cannot say. A.G. Butterfield owned much of the land lying under the present Institute Canal Co. at that time. I see that he had requested x amount of water but I fail to see where he was awarded any rights. It has been some time now since I have read the 1921 decree but it seems to me that the Weiser Bench Irrigation district should have been the one requesting the water rights and not A.G. Butterfield, even though he was probably the Weiser Bench Irrigation district at that time.

I am sorry that it took so long to answer your questions but this is a matter for the middle of winter and not during summer.

Institute Canal Co.
Wayne L. Johnson
Secretary

P.S. I am enclosing some negatives of the pictures I took of the discharge gates at Crane Creek Res. would you please see that Joe Bartley gets them.

Thanks Waynw



280

INSTRUMENT NO 32758

This agreement made and entered in to this 4th day of December, 1918 by and between Weiser Irrigation District, a Quasi municipal corporation, located in Washington County, Idaho, the party of the first part and Weiser Bench Irrigation Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, with it's principal place of business at Weiser, Washington County, Idaho, party of the second part, WITNESSETH:

That, whereas the said party of the first part is the owner of a certain canal, irrigation system, and appurtenances located in Washington County, Idaho which said canal begins at the point about Seven hundred and Forty five (745) feet East and Six hundred and Forty (640) feet South of the Northwest corner of Lot Three, Section Three Township Ten North Range Four West in Washington County Idaho, and running thence in a Southwesterly and Westerly direction through and across the following described tracts of land, to wit:

Begin at River in Lot Three (3) thence Lot Four (4), Section Three (3) Township Ten (10) _ Range Four (4) West, thence across lot One (1) Section Four

May 5, 1978

Re: Claim to a Water Right No. 67-4250

Institute Canal Company
c/o Wayne Johnson
Route 1
Weiser, ID 83672

Dear Mr. Johnson:

In regards to the claim filed by the above company, a question has been raised because the diversion is from the Galloway Ditch by pump. The priority date claimed is 1918. Was this water diverted by gravity system and the pumps installed in recent years? Any information you can supply will make your claim more useful to your company.

Another question was raised as to why this right was not included in the 1921 dated decree?

Any help you can give on these two questions will be helpful.

Sincerely,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:rf

UNRECORDED

WEISER IRRIGATION DISTRICT

VS

INSTITUTE CANAL COMPANY

96037-01

ORIGINALLY TO HAVE 2500 ACRES WITH THE WEISER BENCH IRRIGATION COMPANY AT THE PUMP THERE MUST BE 8000 INCHES NET TO WEISER IRRIGATION DISTRICT. ALL LOSS BY SEEPAGE, EVAPORATION TO BE BORN BY SECOND PARTY. SECOND PARTY TO GET THEIR OWN WATER. WEISER BENCH WAS TO PAY 1/5TH COST OF BETTERMENT AND IMPROVEMENTS WHICH INCLUDES CLEAN OUT, MAINTENANCE AND DITCH RIDERS.

IN 1936 THE INSTITUTE CANAL COMPANY ACQUIRED OWNERSHIP OF ALL THE RIGHTS OF THE WEISER BENCH IRRIGATION COMPANY. THE FLOWAGE RIGHT AT THE PUMP SITE WAS REDUCED TO 1000 MINER'S INCHES. THEY AGREED TO PUMP ONLY 800 INCHES. ANY EXCESS WATER FROM SAID PRIMARY AND SECONDARY RIGHTS, THE WEISER IRRIGATION DISTRICT MAY USE. THE USE OF EXCESS WATER IS IN LIEU OF MAINTENANCE FEE. IF EXCEEDS 800 INCHES, THE INSTITUTE WILL PAY ITS PRORATE PRIMARY SHARE. THE CANAL COMPANY OWNS 4000 PRIMARY AND 200 SECONDARY SHARES OF CRANE CREEK STORAGE.

IN 1954 THE AGREEMENT WAS MADE TO DEFINE OBLIGATIONS. THE INSTITUTE WAS TO PAY \$150.00 AND 1/9TH THE COST OF REPAIR OF ANY DAMAGE BY "ACT OF GOD". THIS AMENDMENT PREVAILS SO LONG AS THE INSTITUTE CANAL COMPANY CONVEYS NOT TO EXCEED 800 MINER'S INCHES. IF THEY DO THEY PAY THE SAME AS OTHERS.

THE INSTITUTE CANAL COMPANY DOES NOT HAVE ANY ADJUDICATED WATER FROM MUIR VS. ALLISON. IN THE CONVEYANCE FROM L. F. EASTON AND MARIE EASTON TO THE INSTITUTE CANAL COMPANY IT MENTIONS A FLOOD WATER APPLICATION BY WEISER BENCH IRRIGATION COMPANY ON MARCH 1, 1923 WITH APPLICATION NUMBER 22357. THE INFORMATION PROVIDED THE WEISER IRRIGATION DISTRICT BY THE STATE DOES NOT SHOW THAT CLAIM WAS EVER FINISHED. THE WEISER IRRIGATION DISTRICT FURNISHED THE SPRING FLOOD WATER AND ANY WASTAGE TO THE INSTITUTE CANAL COMPANY. WE FURTHER FIND THAT THE INSTITUTE CANAL PROVIDES WATER TO 957.6 ACRES WHICH IS 800 ACRES WITHIN THE COMPANY BOUNDARIES AND 105.8 ACRES (CHENEY) AND 51.8 ACRES (JOHNSON) OUTSIDE.

INSTITUTE CANAL COMPANY

WEISER, IDAHO

November 7 1995

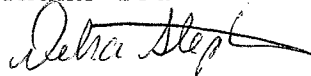
Jay Edwards
Weiser Valley Title
124 E Main
Weiser Id 83672

Jay;

Thank You for your recent letter of information. The ponds that you refer to as the Johnson ponds and the Cheney Trust ponds are filled from waste water at the end of the canal. True, we do not at this time charge for the water, but the Board of Directors do take into consideration that Wayne Johnson served the canal at little of no payment for over thirty years. Plus the Cheney ponds are known as Gish Amanos ponds, he also has served on the board doing spraying, demossing etc at no cost to the canal. We like to think that when work needs done, everyone will pitch in and help each other. By doing so, this keeps the cost down for everyone served by this canal.

You will find that we are legal to pump 800 inches of water from Crane Creek Reservoir. At no time known to me have we ever pulled more than our share. Which I am sure Jackie Wray can advise you of. We also have a water wehr at the Golf Course where the water surfaces. I can say with confidence that we do not use 940.8 shares of water ever. You may pass this information on to the directors of the Weiser Irrigation.

Thank You



Secretary
Institute Canal Company

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: A67-04250
Date Received: 10/04/1989
Receipt No: MO04806
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: INSTITUTE CANAL CO., INC. 208-549-1967
Address: 1165 OLDS FERRY RD.
WEISER, ID 83672

2. Date of Priority: APR 01, 1918

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	04W	35	SE	NE	NE		WASHINGTON
	05W	29	SE	NW	SW		WASHINGTON

5. Description of diverting works:
HEADGATE ON GALLOWAY DITCH- DELIVERED THRU GALLOWAY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	16.000		

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

8. Total consumptive use is 2800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	05W	19	NW	NW		IRR	4.0
			SW	NW		IRR	36.0
			SE	NW		IRR	3.0

SCANNED

APR 08 2004

A67-04250

Page 1

Date: 10/04/89

MICROFILMED

SCANNED OCT 02 1992

APR 08 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
11N	05W	19	NE	SW		IRR	37.0	
			NW	SW		IRR	40.0	
			SW	SW		IRR	40.0	
			SE	SW		IRR	40.0	
			NW	SE		IRR	17.0	
			SW	SE		IRR	40.0	
			SE	SE		IRR	20.0	
			Section Acres					277.0
		30	NE	NE		IRR	38.0	
			NW	NE		IRR	33.0	
			SW	NE		IRR	27.0	
			SE	NE		IRR	15.0	
			NE	NW		IRR	40.0	
			SE	NW		IRR	30.0	
			NE	SE		IRR	5.0	
			Section Acres					188.0
	06W	13	SE	NE		IRR	16.0	
			NE	SE		IRR	40.0	
			SE	SE		IRR	39.0	
			Section Acres					95.0
		24	NE	NE		IRR	40.0	
			NW	NE		IRR	30.0	
			SW	NE		IRR	30.0	
			SE	NE		IRR	40.0	
			NE	SE		IRR	40.0	
			SW	SE		IRR	20.0	
			SE	SE		IRR	40.0	
			Section Acres					240.0
			Total Acres					800.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

A67-10557 & A67-10558

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER ON THE WEISER RIVER.

A67-04250

Page 2

Date: 10/04/89

MICROFILMED
OCT 02 1992

14. Remarks: Continued

THE WATER IS DIVERTED FROM THE WEISER RIVER AT THE POD T11N, R4W, SECTION 35 AND REDIVERTED INTO THE IV=NSTITUTE CANAL CO. DITCH AT THE POD IN T11N, R5W, SECTION 29.

SEE CLAIM A67-10557 FOR DESCRIPTION OF DIVERSION SYSTEM.

INSTITUTE CANAL CO. IS OWNED BY THE SHARE HOLDERS.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am SECRETARY of
Title
INSTITUTE CANAL CO. INC., that I have signed the foregoing
Organization
document in the space below as SECRETARY of
Title
INSTITUTE CANAL CO. INC. and that the statements contained in the
Organization
foregoing document are true and correct.

W. L. Johnson
Signature of Authorized Agent

INSTITUTE CANAL CO. INC.
Title and Organization

OCT. 4, 1989
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 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
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2. Date of Priority: APR 01, 1918

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	04W	35	SE	NE	NE		WASHINGTON
	05W	29	SE	NW	SW		WASHINGTON

5. Description of diverting works:
HEADGATE ON GALLOWAY DITCH- DELIVERED THRU GALLOWAY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	16.000		

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

8. Total consumptive use is 2800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	05W	19	NW	NW		IRR	4.0
			SW	NW		IRR	36.0
			SE	NW		IRR	3.0

A67-04250

Page 1

Date: 10/04/89

MICROFILMED

OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	05W	19	NE		SW		IRR	37.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	17.0
			SW		SE		IRR	40.0
			SE		SE		IRR	20.0
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		24	NE		NE		IRR	40.0
			NW		NE		IRR	30.0
			SW		NE		IRR	30.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			SW		SE		IRR	20.0
			SE		SE		IRR	40.0
			Section Acres					240.0
			Total Acres					800.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-10557 & A67-10558

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER ON THE WEISER RIVER.

A67-04250

Page

2

Date: 10/04/89

MICROFILMED

OCT 02 1992

14. Remarks: Continued

THE WATER IS DIVERTED FROM THE WEISER RIVER AT THE POD T11N, R4W, SECTION 35 AND REDIVERTED INTO THE IV=NSTITUTE CANAL CO. DITCH AT THE POD IN T11N, R5W, SECTION 29.

SEE CLAIM A67-10557 FOR DESCRIPTION OF DIVERSION SYSTEM.

INSTITUTE CANAL CO. IS OWNED BY THE SHARE HOLDERS.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am SECRETARY of

INSTITUTE CANAL CO. INC., that I have signed the foregoing

document in the space below as SECRETARY of

INSTITUTE CANAL CO. INC. and that the statements contained in the foregoing document are true and correct.

W. L. Johnson
Signature of Authorized Agent

Sec. INSTITUTE CANAL CO. INC.
Title and Organization

OCT. 4, 1989
Date

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of October 19 89

Anna Daunhoff
Notary Public

Seal

Anna Daunhoff, Notary Public
Residing at Residing at Boise, Idaho
My Commission Expires December 7, 1994
My Commission Expires _____

AJ5807NP
(OD-117)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJ. LISTING OF WATER RIGHTS

DATE: 08/23/95
PAGE: 4

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A67-04250	INSTITUTE CANAL CO INC 1165 OLDS FERRY RD WEISER ID 83672	04/01/1918	IRRIGATION	04-15 10-15	16.00 CFS	BENEFICIAL USE

TOTAL DIVERSION RATE: 16.00 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA
CONSUMPTIVE USE: 2800.0 AFA

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T11N R04W S35	SENE
R05W S29	SENWSW

PLACE OF USE: IRRIGATION

T11N R05W S19	NWNW	4.0	SWNW	36.0	SENW	3.0	NESW	37.0	NWSW	40.0
	SWSW	40.0	SESW	40.0	NWSE	17.0	SWSE	40.0	SESE	20.0
S30	NENE	38.0	NWNE	33.0	SWNE	27.0	SENE	15.0	NENW	40.0
	SENE	30.0	NESE	5.0						
R06W S13	SENE	16.0	NESE	40.0	SESE	39.0				
S24	NENE	40.0	NWNE	30.0	SWNE	30.0	SENE	40.0	NESE	40.0
	SWSE	20.0	SESE	40.0						

800.0 ACRES TOTAL

DIVERSION MEANS: HEADGATE ON GALLOWAY DITCH- DELIVERED THRU GALLOWAY DITCH

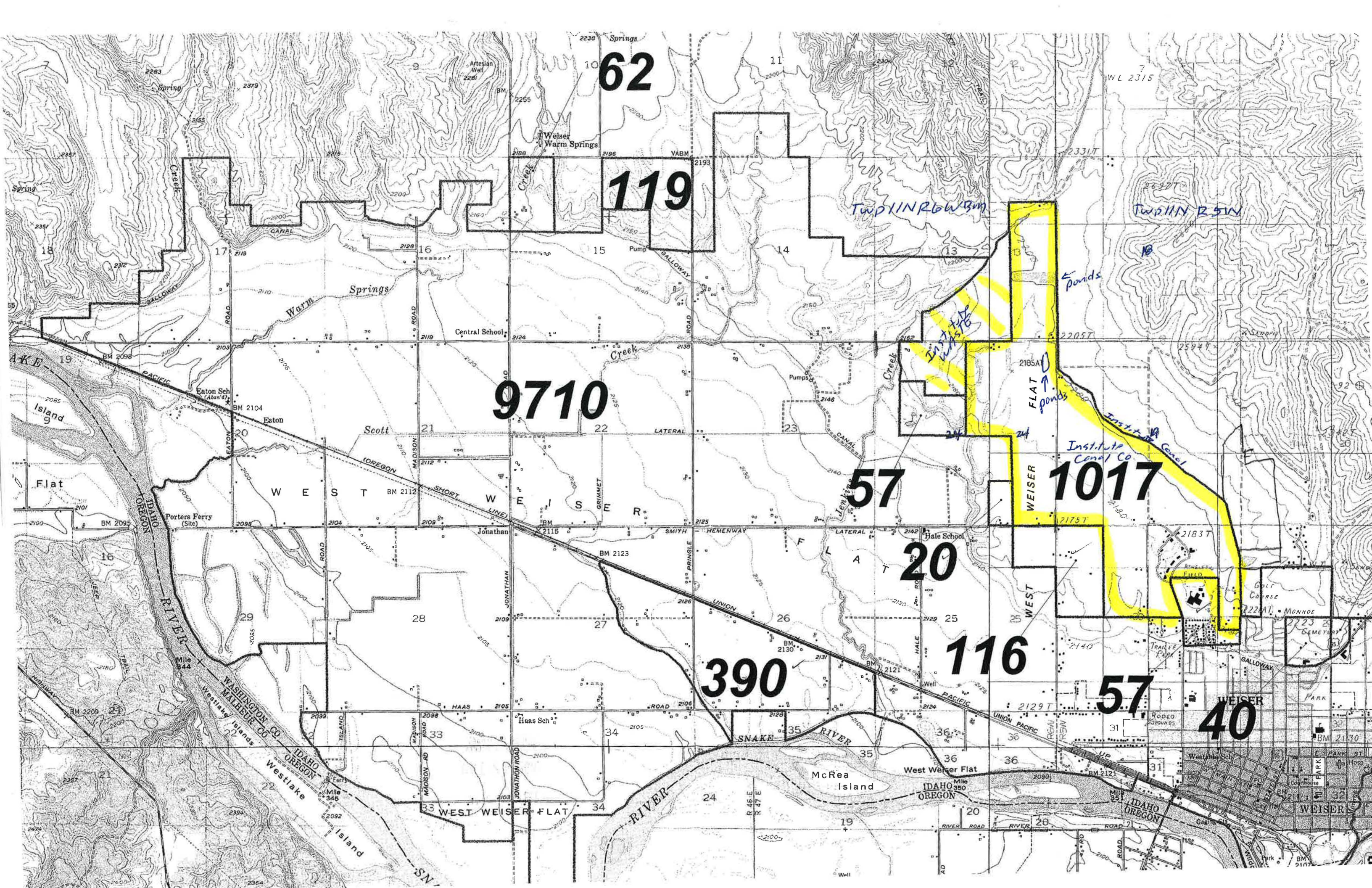
REMARKS: THIS CLAIM IS FOR FLOOD WATER ON THE WEISER RIVER.

THE WATER IS DIVERTED FROM THE WEISER RIVER AT THE POD T11N, R4W,
SECTION 35 AND REDIVERTED INTO THE IV=NSTITUTE CANAL CO. DITCH
AT THE POD IN T11N, R5W, SECTION 29.

SEE CLAIM A67-10557 FOR DESCRIPTION OF DIVERSION SYSTEM.

INSTITUTE CANAL CO. IS OWNED BY THE SHARE HOLDERS.

OTHER RIGHTS: A67-10557 & A67-10558



62

119

9710

57

1017

20

116

390

57

40



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 5, 1995

JAY EDWARDS
WEISER VALLEY TITLE
PO BOX 591
WEISER, ID 83672

Re: Institute Canal Co., Inc.

Dear Jay:

Enclosed are copies of the claims filed by Institute Canal Company in the Snake River Basin Adjudication. If you have any questions regarding these claims, please feel free to contact our office.

Sincerely,

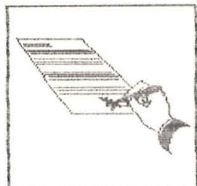
Adjudication Section
Department of Water Resources
Western Region

LH:1

Enclosures

SCANNED
APR 08 2004

MICROFILMED
OCT 23 1996



CLOSINGS-ESCROWS
TITLE INSURANCE

WEISER VALLEY TITLE, INC.

POB 591
128 EAST MAIN ST.
WEISER, ID 83672
(208) 549-1792

August 28, 1995

RECEIVED

AUG 30 1995

IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE, IDAHO 83705

WATER RESOURCES
WESTERN REGION

RE: INSTITUTE CANAL CO., INC.

Dear Sir:

I am doing research on the water rights in the Weiser area. Would you please provide a list of the water rights with a copy which are owned by the Institute Canal Co. The land they irrigate is in Twp. 11 N., R. 5 W. B.M. sections 19 and 30 and in Twp. 11 N., R. 6 W. B.M. Sections 13 and 24. I have been told that they have 3 listings A67-10557, A67-10558 and A67-04250.

If there is any cost, please bill me.

Thank you for your help.

Jay Edwards

MICROFILMED
OCT 23 1996

Scale: 1 inch = 1000 feet.

T. 11 N., R. 6 W.

R. 5 W.

