

06/14/2006

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

RIGHT NUMBER: 67-4294

NAME AND ADDRESS: JOHN C BONNER
2009 WIDNER RD
MIDVALE ID 83645

JOY FAERBER
2009 WIDNER RD
MIDVALE ID 83645-5345

SOURCE: BANNER CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 03/15/1900

POINT OF DIVERSION:

T13N R03W S19 SESESE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T13N R03W S19	SWSE	5.00	T13N R03W S19	SESE	15.00
T13N R03W S29	NWNW	30.00	T13N R03W S30	NENE	35.00
T13N R03W S30	NWNE	15.00			

100 ACRES TOTAL

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

Ownership changed by DB 12/18/2001

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



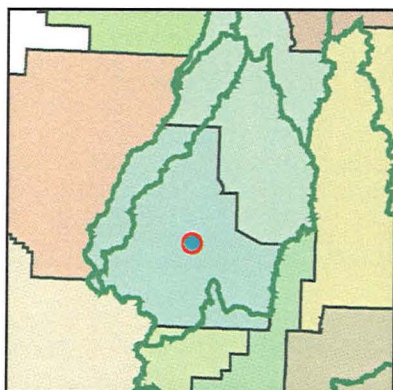
Idaho Department of Water Resources

SRBA Recommendation:

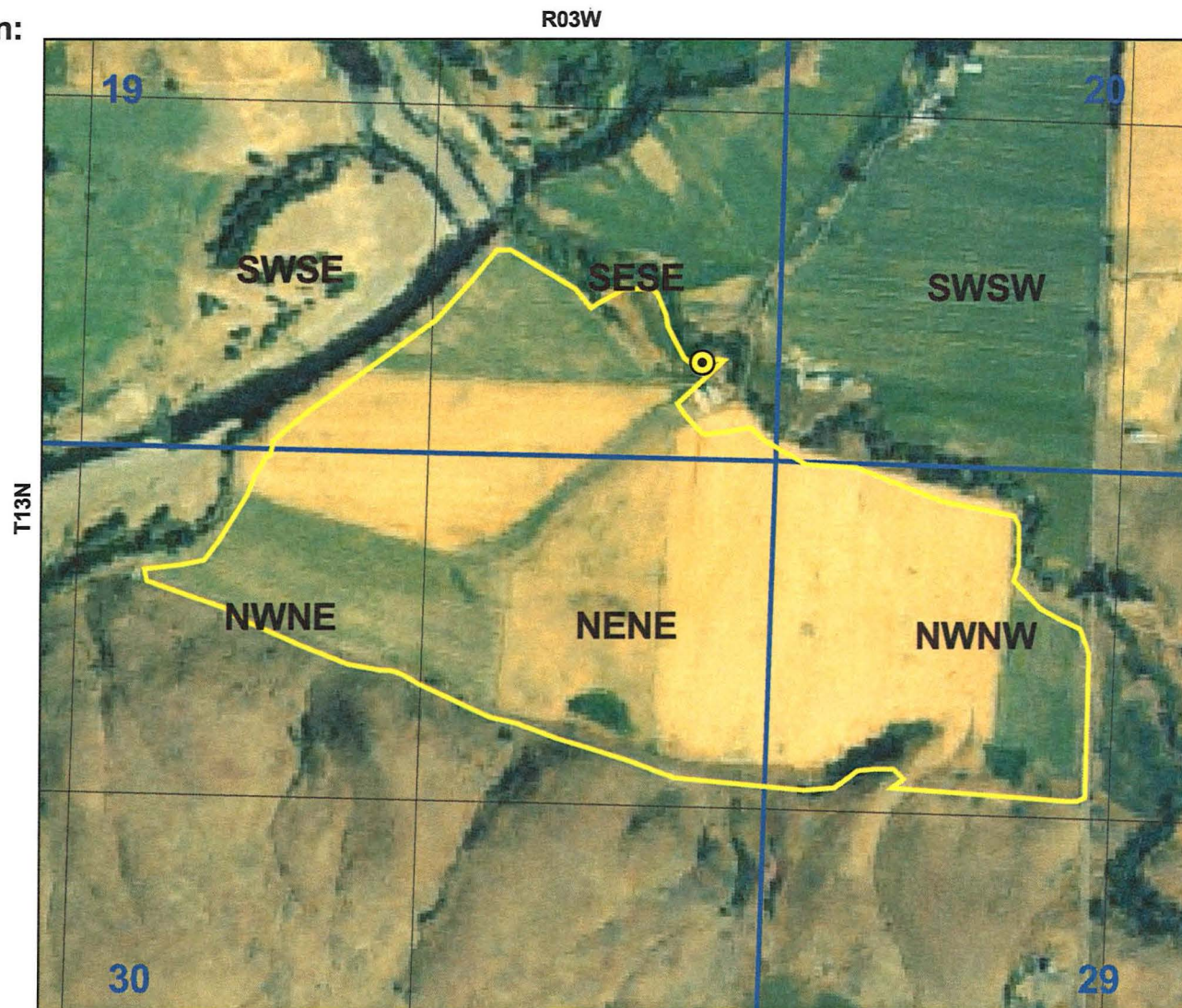
67-4294

Legend

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



Washington County
IDWR Basin 67



Prepared by M. Van Bussum
On Monday, June 19, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4294 V1

WATER RIGHT NUMBER: 67-4294 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLIFFORD L BONNER MIDVALE, ID 83645 (208)355-2309
Current Owner	JOHN C BONNER 2009 WIDNER RD MIDVALE, ID 83645 (208)355-2105
Current Owner	JOY FAERBER 2009 WIDNER RD MIDVALE, ID 83645-5345 (208)355-2105

Priority Date: 03/15/1900

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BANNER CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BANNER CREEK	SE1/4SE1/4SE1/4	Sec. 19, Twp 13N, Rge 03W, 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	
13N	03W	19															5.0	15.0	20.0
13N	03W	29							30.0										30.0
13N	03W	30	35.0	15.0															50.0

Total Acres: 100

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4294 V1

1. Ownership changed by DB 12/18/2001
2. 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 6/14/2006 Quantity

Comment: Claimed 100 acres and 1 cfs, which equates to roughly one-half inch per acre. Recommended quantity as claimed.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/14/2006 2:33:53 PM	mvanbussum			Active
Priority Date	6/14/2006 2:41:49 PM	mvanbussum			Active
POD	6/14/2006 2:50:48 PM	mvanbussum			Active
Source	6/14/2006 2:56:05 PM	mvanbussum			Active
POU	6/14/2006 2:56:31 PM	mvanbussum			Active
Use	6/14/2006 2:58:50 PM	mvanbussum			Active
Season	6/14/2006 2:59:08 PM	mvanbussum			Active
Quantity	6/14/2006 3:01:39 PM	mvanbussum			Active
Summary			06/14/2006	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4294 V1

Contacts	6/14/2006 2:33:52 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam conducted 6-7-2006.
General	6/14/2006 2:41:49 PM	mvanbussum	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (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 - Land patents from 1899 and 1900 mentioned a ditch from Banner Creek and irrigation from said creek.
POD	6/14/2006 2:50:47 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 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	6/14/2006 2:56:50 PM	mvanbussum	Updated shape for Active POU
POU	6/14/2006 2:57:05 PM	mvanbussum	Updated PLS for Active POU
POD	6/14/2006 2:51:02 PM	mvanbussum	Updated shape
Quantity	6/14/2006 3:01:39 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? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Calculated capacity of diversion works is 9.24 cfs. See spreadsheet in file.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4294 V1

Summary	6/14/2006 3:02:24 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?
Source	6/14/2006 2:56:04 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 - Field exam conducted 6-7-2006.
POU	6/14/2006 2:56:31 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 - Field exam conducted 6-7-2006. Imagery supports field exam.
Use	6/14/2006 2:58:50 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 - Field exam conducted 6-7-2006. Imagery supports field exam.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4294 V1

Season	6/14/2006 2:59:08 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 administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
--------	----------------------	------------	---

Water Supply Bank:

RECEIVED

NOV 21 2006

DEPARTMENT OF
WATER RESOURCES

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: 67-4294

JOHN C BONNER
2009 WIDNER RD
MIDVALE ID 83645
Telephone Number: (208)355-2105

JOY FAERBER
2009 WIDNER RD
MIDVALE ID 83645-5345
Telephone Number: (208)355-2105

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

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

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

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

DATE: Nov 20, 06

SIGNATURE: John C Bonner

Please print your name: John C. Bonner

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

SCANNED
NOV 24 2006

Priority Date Data Entry Form

Claim Number 67-4294

Claimed Priority Date: 5/1/1899

Claimed Basis: Statutory Claim

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

Water Right Priority Date: 5/1/1899

Water Right Basis: Statutory Claim

Recommended Priority Date Recommended Basis

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

rec 1st of irrigation season 1900

EOP in file - water right patents

Reviewer: MVBDate: 6-5-2006

Point of Diversion and Source Data Entry Form

Claim Number 67-4294

Claimed Point of Diversion and Source

T13N R03W S19 SESESE Within WASHINGTON County Source: BANNER CREEK WEISER RIVER

 Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T13N R03W S19 SESE Within WASHINGTON County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

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

Other rights from this POD? _____

Document how the POD and Source were verified:

u/GEMotor
A0017646 Cornell Serial: 1/441
30hp.
196 feet distance from creek to fields
20 ft lift

Reviewer: MVBDate: 6-7-06

Place Of Use Data Entry Form

Claim Number 67-4294

Claimed Place Of Use

T13N R03W S19	SWSE	5.00	T13N R03W S19	SESE	10.00
T13N R03W S29	NWNW	35.00	T13N R03W S30	NENE	35.00
T13N R03W S30	NWNE	15.00			

Total Acres 100

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T13N R03W S19	SWSE	5.00	T13N R03W S19	SESE	10.00
T13N R03W S29	NWNW	35.00	T13N R03W S30	NENE	35.00
T13N R03W S30	NWNE	15.00			

Total Acres 100

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

Total Acres _____

Document how the POU was verified:

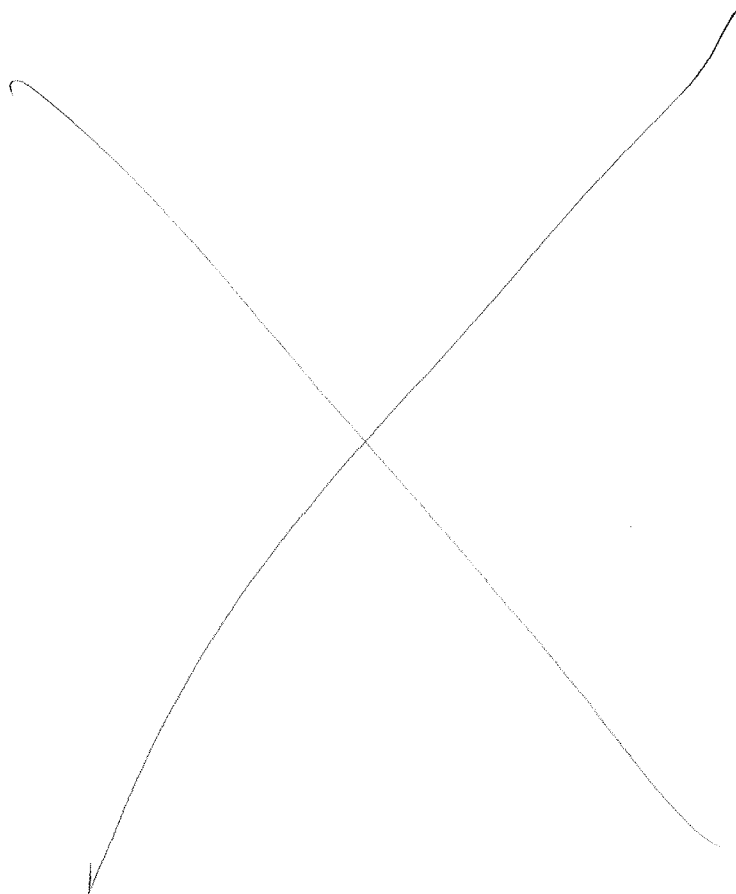
See layout

MLB

6-7-2006

Reviewer: _____

Date: _____



Purpose of Use Data Entry Form

Claim Number 67-4294

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Irrigation				

Document how the Purpose of Use was verified:

Irrigation confirmed by imagery & field exam.

Reviewer: MLBDate: 6-7-2006

Period of Use and Quantity Data Entry Form

Claim Number 67-4294

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	9/15	1	

Overall Diversion Rate 1 Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/15	9/15	1	

Overall Diversion Rate 1 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

recommend IDWR standard season of use

see attached ~~gs~~ spreadsheet for theoretical diversion capacity

recommend 1" to the acre or as claimed

$$100 \text{ ac} \times \frac{.02 \text{ cfs}}{\text{ac}} = 2 \text{ cfs}$$

claimed 1 cfs - recommend as claimed

Reviewer: MLB

Date: 6-7-2006

Contacts Data Entry Form

Claim Number: 67-4294

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	CLIFFORD L BONNER		MIDVALE	ID	83645	(208)355-2309
Current Owner	JOHN C BONNER	2009 WIDNER RD	MIDVALE	ID	83645	(208)355-2105
Current Owner	JOY FAERBER	2009 WIDNER RD	MIDVALE	ID	83645-534	(208)355-2105

5

Date of Field Exam: 6-7-2006 Time: 8:45amAccompanied By: John Phone Number: 355-2105

Relationship to Claimant: _____

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

Reviewer: MLBDate: 6-7-2006



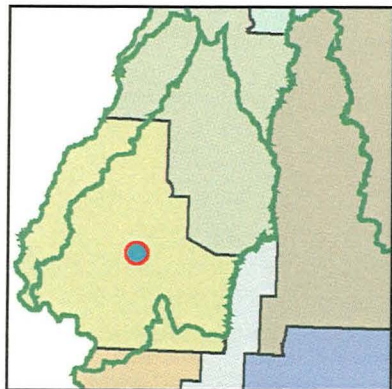
Idaho Department of Water Resources

Adjudication Claim Number: **67-4294**

T13N R03W

Legend

- PLSS Section LinesGcdb_sections.shp
- GCDB13N03W GCDB
- 05_24FE.shp
- Waypoint
- B-67 streams.shp



Washington County
IDWR Basin 67



0 0.4 0.8 Miles

Prepared by M. Van Bussum
On Monday, June 5, 2006
2004 NAIP Aerial Photography

very end of Middle Valley Ditch
~~when water~~ it's there
or it's short, so
he's just going to the pivot

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 67-4294
 Examiner: Monica Van Bussum
 Date of Field Exam: 6/14/2006

P/D No.:	Pump #1	Pump #2	Pump #3
PUMP HORSEPOWER	30	0	0
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	20	0	0
DISCHARGE PRESSURE	0	0	0
RATE OF FLOW (cfs)	9.24	#DIV/0!	#DIV/0! #####

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes:



A0017646. Bonner's pump off of Banner Creek. Banner Creek is flowing from right to left in the picture on the far side. The pipe visible in the middle of the picture continues to the southwest, where it goes up and out to the fields as shown in the layout in the file. Photo taken facing north-northwest.



View of Banner Creek downstream of pump. Where current is visible in stream is where pipe for pump is located. Pump is located to the left of this picture. Photo taken facing northwest.



The pipe shown spilling into Banner Creek here is Middle Valley Ditch water. Bonner uses very little of this water, although he owns a number of shares. He is using Banner Creek water almost exclusively, as opposed to Middle Valley Ditch water. Photo taken facing north-northeast.

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: 13 Oct 2005

RE: EOP for 67-4294 and 67-4555

Jerrold Widner submitted EOP for 67-4555 and was hoping it would apply to his neighbor's claim as well. Neighbor is John C. Bonner, claim 67-4294. Craig and I did some investigating and determined Banner Creek was not party to the decree and Widner's EOP was sufficient for both claims to 1900.

RECEIVED

SEP 27 2005

DEPARTMENT OF
WATER RESOURCES

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

67-4294

AFFIDAVIT

State of Idaho)
County of Washington)

John C Bonner being first duly sworn,

deposes and says: After researching old
records of this water right. I
feel that the priority date and
diversion rate should be left as is.

Please see the enclosed records

If you have any questions contact
me at 208-355-2105 or email
JC Bon 2000 @ yahoo

Thank you

John C Bonner
(Signature)

Subscribed and sworn to before me this
day _____ of _____, 19____.

SEAL

(Notary Public)

SCANNED

SEP 27 2005

Residing at _____.

My Commission Expires _____.



Idaho Department of Water Resources

Adjudication Claim Number: **67-4294**

T13N R03W

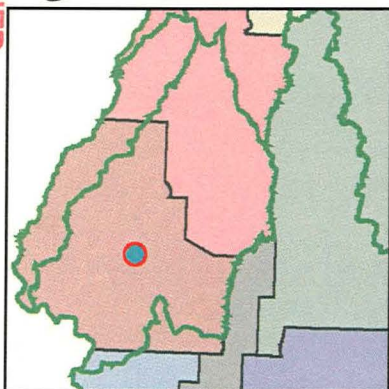
Legend

X indicates today's
POD

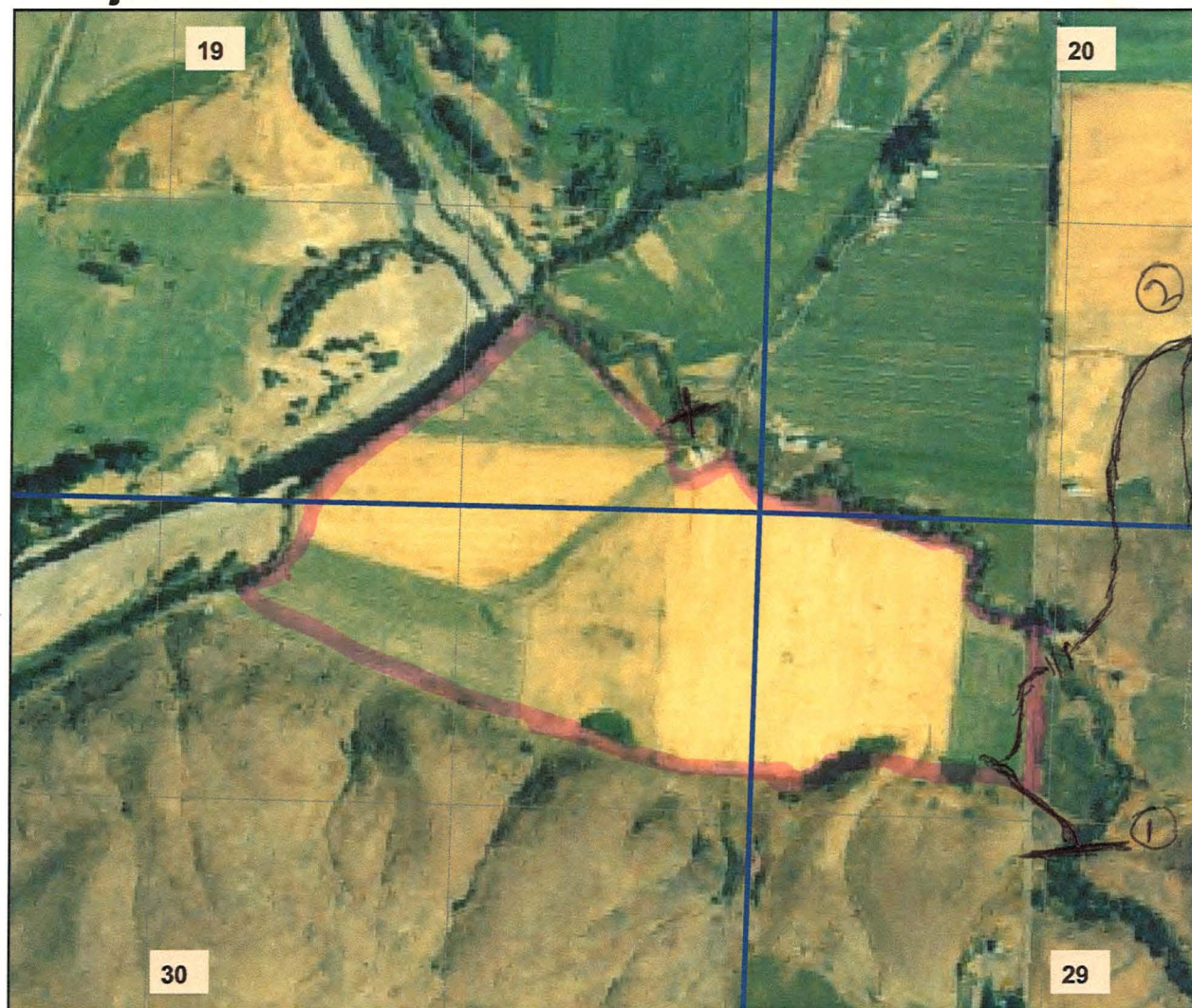
① old diversion
and ditch from
Creek

PLS Sections
GCDB Quarter Quarters

② Middle Valley Ditch
Flume



Washington County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by D. Narsavage
On Thursday, September 1, 2005
1987 Aerial Photography

SEP 7 7 2005

SCANNED

Land was homesteaded in 1893 and 1894 by Byron Day and Frances Fletcher. In 1899 the land was sold and the water in what was then known as Bannock creek was acknowledged in the deed. In 1900 the water of Bannock creek along with a said ditch from the creek was again acknowledged , which states that the waters of the creek were being used on the lands. The land was sold in 1902 with mention of water rights and 12 shares of stock in the Middle Valley Ditch. In a mortgage dated 1904 the water of Banner creek is mentioned along with the 12 shares of stock. I am to assume that the creek name change was between 1900 and 1904. A portion of the land was sold in 1909 and the water of the creek was split with two thirds going with the land. There is mention of flumes ,laterals and ditches in the deed along with shares in the Middle Valley Ditch. Land and water were sold in 1909 the water of Banner creek and stock in Middle Valley Ditch again recorded in the deed. In a deed dated 1912 the water, water rights, ditches flumes laterals and the two thirds interest in Banner creek are recorded Four shares of stock in the Middle Valley Ditch are included in the recording. In 1918 my family purchased the property along with water rights. The water of Banner creek was used in conjunction with Middle Valley Ditch waters. The creek water is used on the same lands today by way of pumping rather than the flumes, ditches and laterals that are mentioned in the deeds. Banner creek was not mentioned specifically in the Muir Allison decree because the lands were and still are under the 3300 acres lying between the Middle Valley Ditch canal and the river.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-4294

WATER RIGHT NUMBER: 67-4294

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CLIFFORD L BONNER MIDVALE, ID 83645 (208)355-2309
Current Owner	JOHN C BONNER 2009 WIDNER RD MIDVALE, ID 83645 (208)355-2105
Current Owner	JOY FAERBER 2009 WIDNER RD MIDVALE, ID 83645-5345 (208)355-2105

Priority Date: 05/01/1899

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
BANNER CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 9/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BANNER CREEK	SE1/4SE1/4SE1/4	Sec. 19, Twp 13N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION Within WASHINGTON County

T13N R03W S19	SWSE	5.0	T13N R03W S19	SESE	10.0
T13N R03W S29	NWNW	35.0	T13N R03W S30	NENE	35.0
T13N R03W S30	NWNE	15.0			

Total Acres: 100

Conditions of Approval:

1. Ownership changed by DB 12/18/2001

Remarks:

SCANNED
SEP 27 2005

3 - 584

c

The United States of America, ()
By Grover Cleveland, President, X
By M. McKean, Secretary, X
L.Q.C. Lamar, Recorder of General X
Land Office. (Seal G. L. O.)

Patent

Dated May 11, 1894

TO

Recorded March 12, 1895

Book 6, Deeds, Page 390

Francis Fletcher

Grants: ABSTRACT

The west half of the southwest quarter of Section 20,
the southeast quarter of the southeast quarter of Section 19, and
the northeast quarter of the northeast quarter of Section 30 ALL
in Township 13 North of Range 3 West of the Boise Meridian, Idaho,
containing 160 acres.

5-757

The United States of America	§	Patent
By the President:		
Benjamin Harrison	§	Dated January 21st, 1893
By E Macfarland		
Asst Secretary	§	Filed August 26th, 1901
D P Roberts, Recorder of		
the General Land Office	§	Book 11 Deeds page 335
(Seal)		

To

Byron S Day

.....

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho, whereby it appears that pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Byron S Day has been established and duly consummated, in conformity to law, for the

South West quarter of the South East quarter, and the South East quarter of the South West quarter of Section Nineteen, and the north East quarter of the North west quarter, and the North West quarter of the North East quarter of Section Thirty, in Township thirteen North of range Three West of Boise Meridian, in Idaho, containing one hundred and sixty acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General.

NOW KNOW YE, That there is therefore granted by the

5 - 350

c

Harvey Widner and Sarah A.
Widner, his wife, (Harvey Widner
signs by his mark)

TO

N. L. Newman

Warranty Deed
Dated Nov. 7, 1899
Recorded Nov. 11, 1899
Book 10, Deeds, Page 256
Consideration \$1.00
One Witness

A c k n o w l e d g e d

Nov. 7, 1899, before Frank Harris, N.P., Washington County, Idaho, Seal.
Wife acknowledges separate from her husband,

Grant, bargain, sell, convey and confirm the following described real estate situate in Washington County, Idaho, to-wit:

The north half of the northwest quarter of Section 29 in
Township 13 North of Range 3 West of the Boise Meridian, containing
80 acres. And also all right, title and interest in and to the water
of Bannock Creek in Middle Valley in said County.

N.L. Newman and Sarah E.
Newman, his wife.

TO

H.A. Hicks

Warranty Deed.
Dated July 14th 1900.
Filed August 1st 1900.
Book 9 of Deeds Page 406.
Consideration \$1800.00
Witnesses 1.

A C K N O W L E D G E D

July 14th 1900, before Frank Harris N.P. Washington County, Idaho, wife examined separate and apart from husband, official seal affixed

Grants, bargains, sells, conveys and confirms all the following described real estate situated in Washington County, Idaho, to wit:

The North half of the North West quarter of Section Twenty-nine in Township Thirteen North of Range Three West of the Boise Meridian.

Together with a certain ditch leading thereto from Bannock Creek and the right to the waters flowing in said ditch.

6. 79
c

Hester A. Hicks and Henry A. Hicks, her husband,	Warranty Deed
	Dated May 24, 1902
	Recorded June 12, 1902
TO	Book 12, Deeds, Page 171
	Consideration \$6000.00
Sophia Fouts	One Witness

A c k n o w l e d g e d

June 3, 1902, before R.E. Wilson, N.P., Washington County, Idaho, Seal.
Wife acknowledges apart from her husband.

Grant, bargain, sell, convey and confirm the following described real estate situate in Washington County, Idaho, to-wit:

The southeast quarter of the southeast quarter of Section 19; the west half of the southwest quarter of Section 20; the northeast quarter of the northeast quarter of Section 30 and the north half of the northwest quarter of Section 29 ALL in Township 13 North of Range 3 West of the Boise Meridian, containing 240 acres, more or less. Together with all water rights, including twelve shares of stock in Middle Valley Irrigating Ditch Co.

9 - 542
c

Samuel Fouts and Sophia Fouts,
husband and wife,

To

A. Vicle

Ø Mortgage
Ø Dated June 24, 1904
Ø Recorded June 27, 1904
Ø Book 7, Mortgages, Page 378
Ø Consideration \$4000.00
Ø No Witness

A c k n o w l e d g e d

June 24, 1904, before R. C. McKinney, N.P., Washington Co., Idaho, Seal.

Mortgage the following described real estate situate in
Washington County, Idaho, to-wit:

The southeast quarter of the southeast quarter of Section 19;
the west half of the southwest quarter of Section 20; the northeast
quarter of the northeast quarter of Section 30; and the north half of
the northwest quarter of Section 29 ALL in Township 13 North of Range
3 West of the Boise Meridian, containing 240 acres. Together with all
water of Banner Creek and 12 shares of Capital Stock in the Middle
Valley Ditch Co.

Secures the payment of a certain note for \$4000.00, payable
June 1, 1914, and bearing interest as therein specified.

Sophia Fouts and S. Fouts,
her husband.

Warranty Deed.
Dated May 26th 1909.
Filed June 3rd, 1909.
Book 22 of Deeds Page 414.
Consideration \$5000.00
Witnesses O.

TO

Albert D. Hayden.

A C K N O W L E D G E D

May 26th 1909 before C.H. Brittenham N.P. Washington County,
Idaho, Official seal affixed.

Grants, bargains, sells, conveys and confirms all the
following described real estate situated in Washington County,
Idaho, to wit:

The North West quarter of the North West quarter of
Section 29 and the North East quarter of the North East quarter
of Section 30 also a strip of land 8 rods wide, containing four
acres on the South end of the South West quarter of the South
West quarter of Section 20 in Township Thirteen North of Range
Three West of the B.M. containing 84 acres.

Together with all water, water rights, flumes, laterals,
and ditches belonging thereto and used thereon or four shares
in Middle Valley Ditch Co. and 2/3 interest in Banner Creek
Water right.

SCANNED

SEP 27 2005

21-272

Albert D. Hayden and Myra

Hayden, his wife.

TO

Sophia Fouts

Warranty Deed.

Dated November 8th 1909.

Filed December 11th 1909.

Book 23 of Deeds Page 495.

Consideration \$5500.00

Witnesses 1.

A C K N O W L E D G E D

November 8th 1909, before C.H. Brittenham, M.P. Washington County, Idaho, Official seal affixed.

Grants, bargains, sells, conveys and confirms all the following described real estate situated in Washington County, Idaho, to wit:

The North West quarter of the North West quarter of Section 29, and the North East quarter of the North East quarter of Section 30, also a strip 8 rods wide, containing four acres on the South end of the South West quarter of the South West quarter of Section 20 all in Township Thirteen North of Range Three West of the B.M. containing 84 acres.

Together with all water, water rights etc. or four shares of Middle Valley Ditch Co. and 2/3 interest in Banner Creek Water right.

Second party assumes and agrees to pay a Mortgage dated October 1st 1909 for \$2500 made to Jonathan Reavis and recorded in Book 12 of Mortgages Page 6.

SCANNED

105 SEP 27 2005

Sophia Fouts and Samuel Fouts,	Warranty Deed.
her husband.	Dated April 1st 1912.
	Filed May 28th 1912.
TO	Book 27 of Deeds Page 595.
First National Bank of	Consideration \$5000.00
Caldwell.	Witnesses 1.

A C K N O W L E D G E D

April 5th 1912 before Edgar L. Ashton N.P. Twin Falls County, Idaho, Official seal affixed.

Grants, bargains, sells, conveys and confirms all the following described real estate situated in Washington County, Idaho, to wit:

The North West quarter of the North West quarter of Section 29, and the North East quarter of the North East quarter of Section 30 also a strip of land 8 rods wide containing four acres off of the South end of the South West quarter of the South West quarter of Section 20 all in Township Thirteen North of Range Three West of the B.M. containing 84 acres more or less.

Together with all water, water rights, ditches, flumes laterals and rights of way for ditches used upon and in connection with said premises including four shares of the Capital stock of Middle Valley Ditch and 2/3 interest in Banner Creek water right. Subject to a Mortgage dated March 28th 1912 to the

Oregon Mortgage Co. Limited.

112 SCANNED

SEP 27 2005

31 - 149

c

Sophia Fouts and Samuel Fouts,
wife and husband,

Quit Claim Deed

Dated July 1, 1915

Recorded July 26, 1915

Book 33, Deeds, Page 174

Consideration \$1.00

First National Bank of Caldwell,
Idaho.

A c k n o w l e d g e d

July 20, 1915, before Edgar L. Ashton, N.P., Twinn Falls, Idaho, Seal.

Remise, release and forever quit claim the following described real estate situate in Washington County, Idaho, to-wit:

The northwest quarter of the northwest quarter of Section 29 the northeast quarter of the northeast quarter of Section 30, and a strip of land eight rods in width on the south side of the southwest quarter of the southwest quarter of Section 20 ALL in Township 13 North of Range 3 West of the Boise Meridian, comprising 84 acres of land, more or less, together with all water, water rights, ditches, flumes, laterals and rights-of-way for ditches belonging to or used upon or in connection with said premises and including four shares of the capital stock of Middle Valley Ditch Company and a two-thirds interest in the Banner Creek water right.

36-920

Christian Meyer and
Bertha Meyer,
his wife,

To

C B Bonner

Warranty Deed

Dated November 7th, 1918

Filed November 11, 1918

Book 37 Deeds page 569

Consideration \$10.00

\$35.00 Doc Revenue Stamps

A C K N O W L E D G E D

November 8th, 1918 before A M Henke, Notary Public, Midvale,
Idaho; (Seal)

Grant, bargain, sell, convey and confirm, all the
following described real estate, situated in Washington
County, State of Idaho, to-wit:

The West Half of the Southwest Quarter of Section
20; the Northwest Quarter of the Northwest Quarter of Section
29; the South Half of the Southeast Quarter and all that part
of the Southeast Quarter of the Southwest Quarter of Section
19, lying South and East of the right-of-way of the Pacific
and Idaho Northern Railway, as the same is now located; and
the North Half of the Northeast Quarter and all that part of
the Northeast Quarter of the Northwest Quarter of Section 30,
lying South and East of the right-of-way of the Pacific and
Idaho Northern Railway, as the same is now located. All
being in Township 13 North of Range 3 West of the Boise Meri-
dian, Idaho, and containing 341 acres, more or less; together
with all water, water rights, ditches, laterals and flumes
thereunto belonging.

#321

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

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

Plaintiffs,

DECREE.

vs

William Allison; et al;
Defendants.

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

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

NAMES	AMOUNTS IN INCHES	DATES
MAIN WEISER RIVER		
MIDDLE VALLEY DITCH		
Middle Valley Irrigating Ditch Company	1000 inches	July 7, 1883
	700 "	Nov 1, 1887
	500 "	May 1, 1889

SCANNED

SEP 27 2005

#321

-2-

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

MIDDLE VALLEY IRRIGATING DITCH COMPANY: Lands in Sections 33 and 34, Township 14 N R 3 W B M, east and south of the Weiser River; and the lands in the following sections in Township 13 N R 3 W B M, east and south of the Weiser River, to wit: Sec 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, 21, 29 and 30 all in Washington County, Idaho, and containing a total of 3,300 acres, more or less, the same being all the land in said sections lying between the canal and the river.

(Also other allotments described herein.)

This decree provides, among other things, as follows:

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths (5/8) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths (5/8) of an inch per acre, or its equivalent in irrigation heads, during the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths (5/8) of an inch per acre, measured at the various di-

SCANNED

SEP 27 2005

128

version points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as hereinbefore made, on the basis of five-eighths ($5/8$) of one miners' inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and so on up the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miners' inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

WEISER, IDAHO
It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miners inch to the acre continuous flow, and it is hereby decreed and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties thus diverting the water are not applying the same to a beneficial use or are permitting the same to waste.

Dated June 20th, 1921.

Filed and entered June 21 1921
Book E Judgments page 301.

Ed L Bryan
Judge.

SCANNED

SEP 27 2005

Middle Valley Ditch.

Middle Valley Irrigating Ditch Company

Allison Jewell Ditch.

Alexander Allison

Joseph Allison

Eugene Looney

Harry Coon

Smith-Janes-Martin Ditch

B. F. Janes

Marion Smith

Heirs of R H Martin

Post-Weston Ditch.

J Emmett Pfost

Grace Everest

Goldie Abernathy

Fred Jewell

John A Pfost

Farmers Canal.

Mark Winkler

Carrie Winkler

E Hinkle

S A Moudy and E Hinkle

George Gould

Frank Hahn Ditch.

Frank Hahn

Glenn McMahon Ditch.

Isaac McMahon

For Power

Hollie A. McMahon

Samuel E McMahon

William M Glenn

Lester I McMahon

1000/ July 7, 1886 67 0023
700/ Nov. 1, 1887 67 0024
500/ May 1, 1889 67 0025

68/ July 4, 1882 67 0026
54/ May 1, 1902 67 0027
100/ July 4, 1882 67 0028
100/ July 4, 1882 67 0029
165/ July 4, 1882 67 0030

10/ July 4, 1886 67 0031
90/ July 4, 1886 67 0032
90/ July 4, 1886 67 0033

125/ May 6, 1884 67 0034
25/ May 6, 1884 67 0035
50/ Aug. 27, 1910 67 0036
50/ Aug. 27, 1910 67 0037
41/ March 25, 1911 67 0038

60/ June 1, 1891 67 0039
19/ June 1, 1891 67 0040
50/ June 1, 1891 67 0041
32/ Jan 1, 1900 67 0042
19/ June 1, 1891 67 0043
82/ June 1, 1891 67 0044
7/ June 1, 1905 67 0045

33/ June 1, 1902 67 0046
38/ June 1, 1903 67 0047
36/ June 1, 1904 67 0048
83/ June 1, 1905 67 0049

10/ May 31, 1884 67 0050
9/ May 1, 1901 67 0051
400/ July 1, 1908 67 0052
4/ June 1, 1884 67 0053
22/ June 1, 1884 67 0054
45/ June 1, 1884 67 0055
4/ May 31, 1884 67 0056

thence South 1320 ft; thence east 660 ft; thence south 660 ft; thence east 1320 ft. to a point when the east quarter-corner of Sec. 34 bears north 660 ft; thence south 660 ft; thence east 2640 ft; thence south 660 ft; thence east 660 ft; thence south 660 ft. to a point whence south quarter-corner of Sec. 35 bears west 660 ft; thence west 3300 to the southeast corner of Section 34; thence north 660 ft; thence west 660 ft; thence north 660 ft; thence west 1320 ft; thence north 660 ft; thence west 660 ft; thence north 1320 ft; thence west 660 ft; thence north 660 ft; thence west 1980 ft. to a point whence the northeast corner of Section 33 bears north 1320 ft; thence North 660 ft; thence west 5280 ft; to a point when the northeast corner of Section 32 bears north 660 ft; thence south 660 ft. to the north line of Park St. in the City of Weiser; thence west 450 ft. to the center line of Walnut St; thence south 433 feet to the center line of Liberty St; thence West 660 ft. to the center line of Elm St; thence south 660 ft. to the center line of Main Street; thence west to the center of Monroe Creek; thence along the center of the channel of Monroe Creek to the center of Commercial St; thence west to the center of intersection of Walker St; thence south along center line of Walker St; to the North line of O S L Ry. right-of-way; thence southeasterly along north line of right-of-way to Weiser River; thence down along right bank of Weiser River to its west mouth at Snake River; thence down along the north bank of Snake River to point at center line on south side of Lot 3, Section 19, Township 11 North Range 6 West of Boise Meridian; thence north 197 feet to north line of Section 19 in said Township and Range; thence east 660 ft; thence north 660 ft; thence east 1320 ft; thence north 660 ft; thence east 1320 ft. to west line of section 17 same township and range; thence north 660 ft; thence east 660 ft; thence north 660 ft; thence east 1320 ft; thence north 660 ft; thence west 660 ft; thence north 1980 ft. to the west line of said section 17; thence east 1320 ft; thence south 1320 ft; thence east 660 ft; thence south 660 ft; thence east 1320 ft; thence north 660 ft; thence east 396 ft; thence north 660 ft; thence east 1320 ft; thence south 660 ft; thence east 660 ft; to east line of section 16 same township and range; thence east 3960 ft; thence south 660 ft; thence east 1980 ft; thence south 1320 ft; thence east 1320 ft; thence south 660 ft; thence east 660 ft; thence south 1320 ft; to south line of Section 14; thence east 660 ft; same township and range; thence east 1320 ft; thence south 660 ft; thence south 1980 ft; thence east 660 ft; to east line of Section 23, same Township and Range; thence south 660 ft; thence east 3300 ft; thence south 2640 ft; thence east 660 ft; thence south 1320 ft; thence east 1320 ft to east line of section 25 same township and range; thence south 660 ft; thence east 3300 ft; thence south 660 ft; thence east 5280 ft; thence north 660 ft; thence east 1980 ft; to east line of section 29 same township and range; thence south 1320 ft; thence west 660 ft; thence south 1320 ft. to the place of beginning.

Also, 120 acres of land lying outside of said district and along the line of and below the old Haven-Durbin-Jeffrey Ditch.

C. E. McDONALD. The Southwest Quarter of the Northeast Quarter, North half Southeast Quarter; Southeast Quarter of the Southeast Quarter, Section 23; Southwest Quarter of the Southwest Quarter, Section 25, Township 11 North Range 4 West Boise Meridian.

MIDDLE VALLEY IRRIGATING DITCH COMPANY. Lands in Section 33 and 34, Township 14 North Range 3 West Boise Meridian, east and south of the Weiser River, and the lands

JUL 24 1996

SCANNED

SEP 27 2005

in the following Sections in Township 13 North, Range 3 West Boise Meridian, east and south of the Weiser River, to wit: Sections 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, 21, 29 and 30, all in Washington County, State of Idaho, and containing a total of 3,300 acres more or less, the same being all the lands in said sections lying between the canal and the river.

ALEXANDER ALLISON. The east half of the southwest quarter ($E\frac{1}{2}SW\frac{1}{4}$) Northwest quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 11 and all that portion of the Northeast Quarter ($NE\frac{1}{4}$) and the South half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Sec. 11, lying east and south of the center line of the Weiser River, all in Township 14 North, Range 3 West Boise Meridian, containing an area of 223 acres.

JOSEPH C ALLISON: All of the Southeast Quarter ($SE\frac{1}{4}$) of Section 11, Township 14 North, Range 3 West Boise Meridian, containing an area of 160 acres.

EUGENE LOONEY: The Northeast Quarter ($NE\frac{1}{4}$) of Section 14 in Township 14 North, Range 3 West Boise Meridian, containing 160 acres.

HARRY M. COON: The Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section 11; Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) Section 15, the North half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$) the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), and the Northeast Quarter ($NE\frac{1}{4}$) and the Northeast Quarter of the Southeast ($NE\frac{1}{4}SE\frac{1}{4}$) of Section 15, and the Northwest Quarter ($NW\frac{1}{4}$) and the Southwest Quarter of Section 14 all in Township 14 North, Range 3 West, containing 720 acres.

B F JAMES: The following described lands lying in the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section 12, Township 14 North, Range 3 West Boise Meridian to-wit:

Commencing at a point 280' North from the Southwest corner of the Southwest Quarter of Section 12, Township 14 North, Range 3 West and running thence East 180' thence South 100' thence East 227'; thence North 100' thence East 167' thence South 50' thence East 210'; thence North 150' thence East 317' thence south 150' thence East 149'; thence South 240'; thence East 110' more or less, to the southeast corner of the Southwest Quarter of the Southwest Quarter of Section 12, Township 14 North, Range 3 West Boise Meridian; thence due North 490' thence West 506'; thence North 168' thence West 814', more or less, to the section line, thence due South along the section line 378' more or less, to the place of beginning, containing an area of 15 acres.

MARION SMITH: The East half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and sixty acres out of the West Half ($W\frac{1}{2}$) of said Northwest Quarter of Section 13, Township 14 North Range 3 West Boise Meridian, containing 140 acres.

HEIRS OF R H MARTIN: The Southwest Quarter of Section 12, Township 14 North, Range 3 West Boise Meridian; excepting therefrom fifteen (15) acres above described as the property of B F James.

J PERCETT PFOST: The Southeast Quarter of the Southwest Quarter of Section 31, Township 15 North, Range 2 West Boise Meridian and the West half of the Northeast Quarter, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter Section 31 Township 14 North, Range 2 West Boise Meridian.

GRACE EVEREST: Lots 3 and 4 Section 31, Township 15 North, Range 2 West Boise Meridian, containing 119.74 acres.

GOLDIE ABRINATHY: The South half of the Southeast Quarter of Section 31, Township 15 North, Range 2 West Boise Meridian.

Amend
9-14-49

SCANNED
SEP 27 2005

39-740

WHEREAS, The Union Central Life Insurance Company has heretofore executed and recorded in Washington County, Idaho, instruments relating to real property, including releases and partial releases of Mortgages; and

WHEREAS, It is alleged that these instruments are defective by reason of the fact that they do not recite they were executed by authority of the Board of Directors and that no authority appears of record to show such authority;

NOW THEREFORE, The Union Central Life Insurance Company, by Jesse R Clark, its President, hereunto duly authorized by the Board of Directors of said Company, does hereby ratify and confirm all such instruments, hereinbefore referred to.

IN WITNESS WHEREOF, The said The Union Central Life Insurance Company has hereunto caused its name to be subscribed and its corporate seal to be affixed by Jesse R Clark, Its President, duly authorized by its Board of Directors.

Dated this 16th day of August, 1920.

THE UNION CENTRAL LIFE
INSURANCE COMPANY

By J R Clark
President

(Corporate Seal)

Attest: Jesse R Clark, Jr
Assistant Treasurer

ACKNOWLEDGED: August 16th, 1920 before D H Pottenger, Notary Public, Hamilton County, Ohio; (Seal)

Filed September 18, 1920
Book 2 Miscellaneous page 474.

9 - 542
c

Samuel Fouts and Sophia Fouts,	Ø	Mortgage
husband and wife,	Ø	Dated June 24, 1904
	Ø	Recorded June 27, 1904
To	Ø	Book 7, Mortgages, Page 378
	Ø	Consideration \$4000.00
A. Vieler	Ø	No Witness

A c k n o w l e d g e d

June 24, 1904, before R. C. McKinney, N.P., Washington Co., Idaho, Seal.

Mortgage the following described real estate situate in
Washington County, Idaho, to-wit:

The southeast quarter of the southeast quarter of Section 19;
the west half of the southwest quarter of Section 20; the northeast
quarter of the northeast quarter of Section 30; and the north half of
the northwest quarter of Section 29 ALL in Township 13 North of Range
3 West of the Boise Meridian, containing 240 acres. Together with all
water of Banner Creek and 12 shares of Capital Stock in the Middle
Valley Ditch Co.

Secures the payment of a certain note for \$4000.00, payable
June 1, 1914, and bearing interest as therein specified.

07-4294 - JOHN BONNER

MR BONNER CAME IN TO SUBMIT EVIDENCE OF PRIORITY ON 9-6-05 AND BROUGHT AN ABSTRACT OF TITLE ON HIS LAND. HE TOOK OUT TWO SHEETS FROM THE ~70-80 SHEETS AVAILABLE AND I PHOTOCOPIED THEM, & PUT THEM INTO THE CLAIM FILE. LORI PEW SCANNED THEM INTO THE BACKFILE AS WELL.

ONE OF THESE TWO SHEETS ~~SAYS~~ GIVES A DESCRIPTION OF HIS PROPERTY AND THEN SAYS, "AND ALL THE WATERS OF BANNER CREEK." SHOULD WE TAKE THIS LITERALLY?

I ALSO GAVE MR BONNER A LARGE EXCERPT FROM MUIR VS ALLISON, AND HE ~~WAS~~ ~~SAID~~ SAID THAT HE WOULD GO THROUGH IT LOOKING FOR A LEGAL DESCRIPTION THAT MATCHED HIS.

DANIEL L. NARSANAGE

9-7-05

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): _____

[] Old Mailing Address: _____

[] New Mailing Address: _____

[] Telephone Number: _____

[] Signature of Claimant: _____

[] Date: _____

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-4294
Date Received: 7/24/1989
Receipt No: C008463
Received By:

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

1. Name of Claimant(s): JOHN C BONNER
HC 70 BOX 2080
MIDVALE ID USA 83645

Phone: (208) 355-2105

JOY FAERBER
HC 70 BOX 2080
MIDVALE ID USA 83645

Phone: (208) 355-2105

2. Date of Priority: 05/01/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	03W	19	SE SE SE	WASHINGTON	

5. Description of diverting works:

PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	9/15	1	

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

See map
in - 2210A

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	03W	19	SW SE		IRRIGATION	5
			SE SE		IRRIGATION	10
					Section Acres	15
13N	03W	29	NW NW		IRRIGATION	35
					Section Acres	35
13N	03W	30	NE NE		IRRIGATION	35
			NW NE		IRRIGATION	15
					Section Acres	50
					Total Acres	100

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:

14. Remarks:

Ownership changed by DB 12/18/2001

15. Basis of Claim: Statutory Claim

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 05 1999

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A67-04294 A67-02210A
 Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Cliff L Bonner

4. New Owner/Claimant(s) John C Bonner & Joy Faerber
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address He 70 Box 2080
 City, State and ZIP Code Middle, ID 83645
 New Telephone Number (208) 355 2105

5. Date you acquired the property 10-93

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 130 Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) John C Bonner

 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

Filed October 19, 1993

 MARY KAUTZ
 CLERK DISTRICT COURT
 By Evelyn Stover

 DEPUTY MAGISTRATE DN.

 A.M. 4:00 P.M.

MAGISTRATE DIVISION

** 1 DECREE OF DISTRIBUTION

IV.

The heirs under the will of decedent, Clifford Leland Bonner, have Waived their right to a Final Accounting or notice, and the estate is in a condition to be closed.

V.

The decedent died testate on the 8th day of February, 1993. The following persons are entitled to distribution of the remaining estate property:

Margaret Ardelle Bonner, surviving spouse
John Charles Bonner, son
Joy Beth Faerber, daughter

IT IS THEREFORE HEREBY ORDERED AND DECREED:

1. Pursuant to decedent's will, all estate property is hereby distributed as follows:

- A. 1/2 Ranch (Exhibit "A" attached), together with all ranch equipment to son, JOHN CHARLES BONNER, SUBJECT to the right of Margaret Ardelle Bonner to reside on the premises for so long as she wishes.
- B. 1/2 Ranch (Exhibit "A"), to daughter, JOY BETH FAERBER, subject to option of John Charles Bonner to purchase that one-half interest pursuant to the Last Will and Testament of decedent and subject to the right of Margaret Ardelle Bonner to reside on the premises for so long as she wishes.
- C. Balance of estate property which consists of bank accounts, investments, and all other personal property to wife, MARGARET ARDELLE BONNER.

2. The Personal Representative is directed to make distribution of the remaining estate property and any other property of the decedent or the estate not now known or discovered to the person in the manner set forth above.

3. That upon distribution of the remaining estate property, the Personal Representative is discharged from any further duties, obligations or liabilities in the above referenced estate.

DATED this 19 day of October, 1993.

Gregory M. Oufel

Magistrate

STATE OF IDAHO }
County of Washington } ss
I hereby certify that the foregoing
instrument is a true and correct copy
of the original on file in this office.
Dated Oct 19 1993
Mary Kautz, Clerk of the District Court
Evelyn Stover
Deputy Clerk of Magistrate Division

INSTRUMENT NO. 158290
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

BURTON & KROLL LAW OFFICE

47 Min. past 8:00 o'clock A M.

This 21ST day of OCTOBER 19 93

INDEX TO DEED DECREE

MARY KAUTZ, Recorder. Fee: \$12.00

By Carol Pyhurst Deputy

BURTON & KROLL LAW OFFICE
WEISER, IDAHO

Cmp. Index ✓
Cmp. Rel.
Film
Compare
Card Rel.
Bk. Rel.
Up-date
Return

The following described real property situate in Washington County, Idaho:

The West Half of the Southwest Quarter of Section Twenty (20); the South Half of the Southeast Quarter and all that part of the Southeast Quarter of the Southwest Quarter lying Easterly of the P & I N Railway right-of-way as same crosses said forty (40) acre tract, all in Section Nineteen (19); all that part of the Northeast Quarter of the Northwest Quarter lying easterly of the P & I N Railway right-of-way, and the North Half of the Northeast Quarter; the South Half of the North Half; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter, all in Section Thirty (30); the Northwest Quarter of the Northwest Quarter of Section Twenty-nine (29), all in Township Thirteen (13) North of Range Three (3) West of the Boise Meridian.

Township 13 North, Range 3 West of the Boise Meridian
Section 30: Government Lot 3, and the Northeast Quarter, Southwest Quarter.

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: A67-04294
Date Received: 7/24/1989
Receipt No: C008463
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFFORD L. BONNER 208-355-2309
Address: MIDVALE, ID 83645

2. Date of Priority: MAY 01, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	03W	19	SE	SE	SE		WASHINGTON

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	03W	19	SW	SE		IRR	5.0
			SE	SE		IRR	10.0
						Section Acres	15.0

A67-04294

Page 1

Date: 07/24/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03W	29	NW	NW		IRR	35.0
						Section Acres	35.0
		30	NE	NE		IRR	35.0
			NW	NE		IRR	15.0
						Section Acres	50.0
						Total Acres	100.0

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:
67-2210A

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: _____

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 _____

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: A67-04294
Date Received: 7/24/1989
Receipt No: COO 8463
Received By: BA3

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFFORD L. BONNER 208-355-2309
Address: MIDVALE, ID 83645

2. Date of Priority: MAY 01, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	03W	19	SE	SE	SE		WASHINGTON

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13N	03W	19	SW	SE		IRR	5.0
			SE	SE		IRR	10.0
						Section Acres	15.0

A67-04294

Page 1

Date: 07/24/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	03W	29	NW	NW		IRR	35.0
						Section Acres	35.0
		30	NE	NE		IRR	35.0
			NW	NE		IRR	15.0
						Section Acres	50.0
						Total Acres	100.0

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:
67-2210A

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 0

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): Chiff Bonner Date: 7-24-89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 34 day
of July 19 89
_____ Seal
Notary Public
BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
Residing at MY COMMISSION EXPIRES APRIL 11, 1995
My Commission Expires _____