

01/09/2006

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

RIGHT NUMBER: 67-4340

NAME AND ADDRESS: VICTOR WARD
BOX 77
INDIAN VALLEY ID 83632

SOURCE: LITTLE WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.920 CFS

PRIORITY DATE: 01/01/1964

POINT OF DIVERSION:

T14N R01W S23 SESWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.920 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T14N R01W S14

SWNW

14.00

T14N R01W S14

NWSW

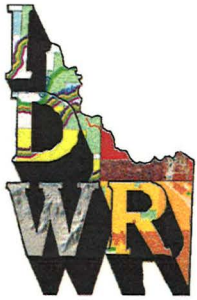
32.00

46 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



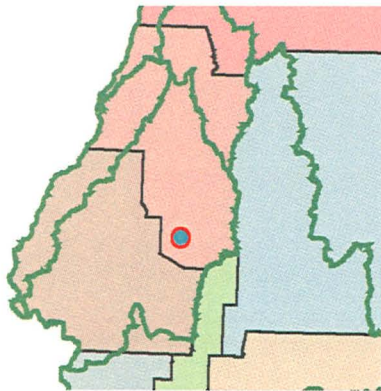
Idaho Department of Water Resources

Adjudication Claim Number: **67-4340**

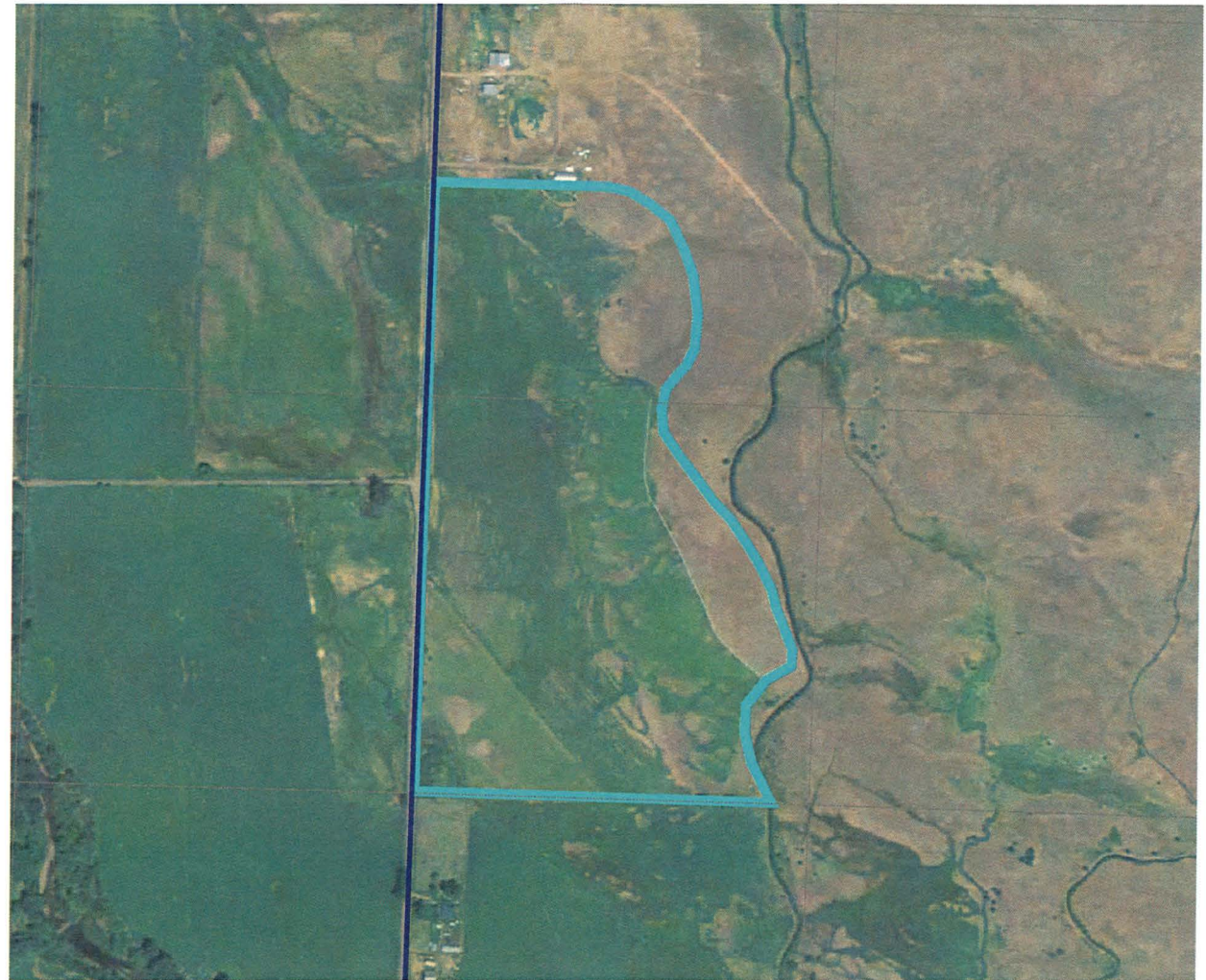
T14N R01W

Legend

- Point(s) of diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



Washington County
IDWR Basin 67



Irrigated acres: 46



Prepared by M. Van Bussum
On Monday, January 9, 2006
2004 NAIP Aerial Photography



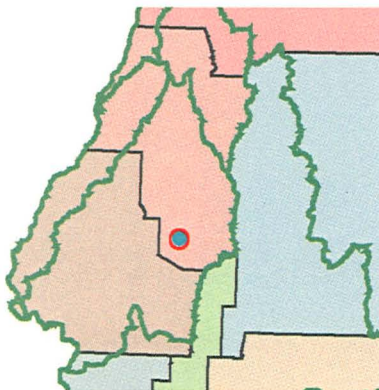
Idaho Department of Water Resources

Adjudication Claim Number: **67-4340**

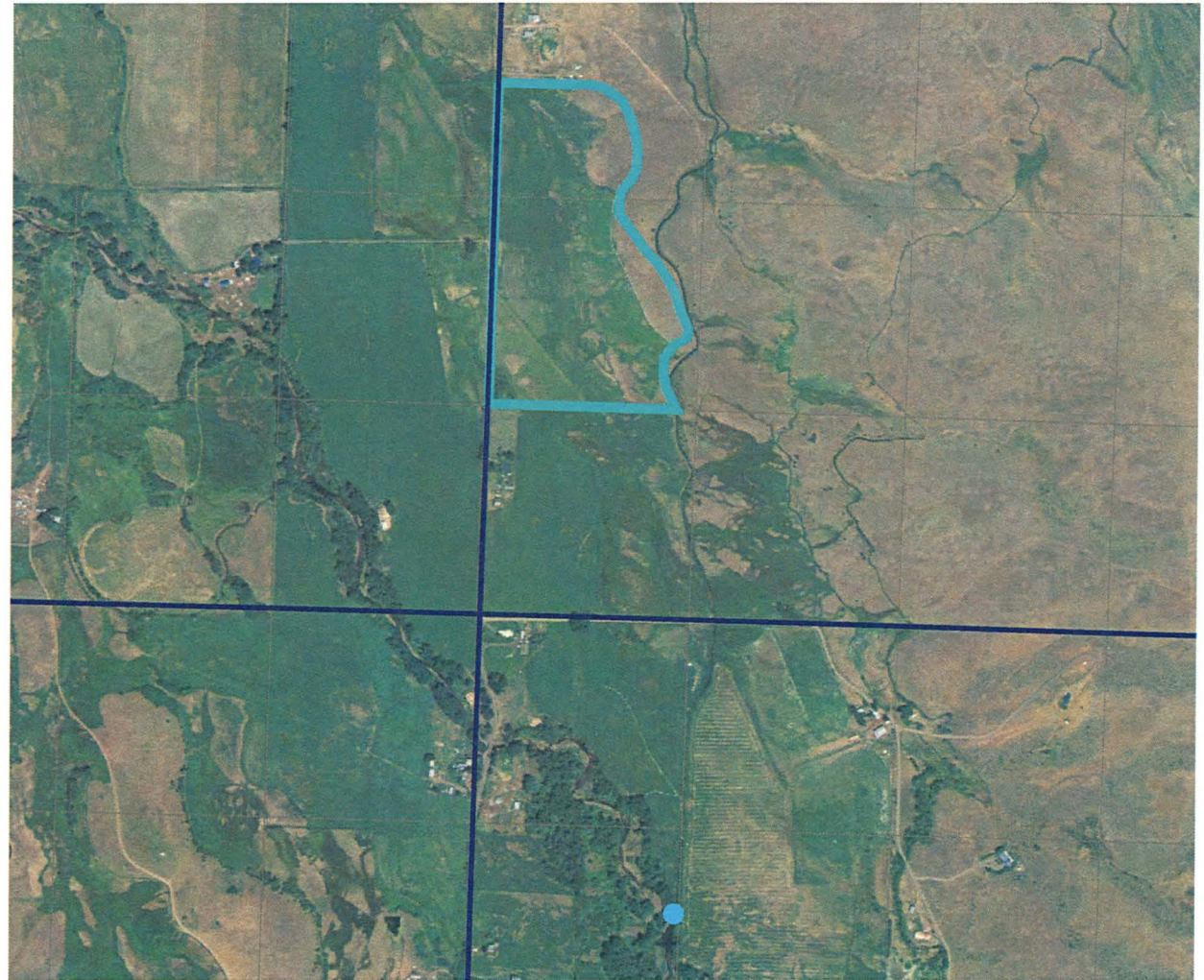
T14N R01W

Legend

- Point(s) of diversion
- Place of Use
- Quarter Quarter Lines
- Section Lines



Washington County
IDWR Basin 67



Irrigated acres: 46

Prepared by M. Van Bussum
On Monday, January 9, 2006
2004 NAIP Aerial Photography



Priority Date Data Entry Form

Claim Number 67-4340

Claimed Priority Date: 1/1/1964

Claimed Basis: Statutory Claim

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

Water Right Priority Date: 1/1/1964

Water Right Basis: Statutory Claim

Recommended Priority Date Recommended Basis Beneficial Use

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

affidavit from John J. Clelland

Reviewer: MVB

Date: 1-3-06

RECEIVED

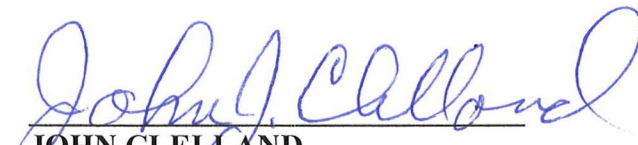
NOV 10 2005

Department of Water Resources

AFFIDAVIT

I, JOHN CLELLAND, hereby swear and certify as to the following:

In regards to the real property currently owned by Victor L. Ward in Indian Valley, Idaho, I helped my father ^{in 1952} farm that property in 1952 and know that the property has been farmed since that time. Flood water (reference #67-4340) has always been utilized in farming this property.


JOHN CLELLAND

STATE OF IDAHO

COUNTY OF Adams

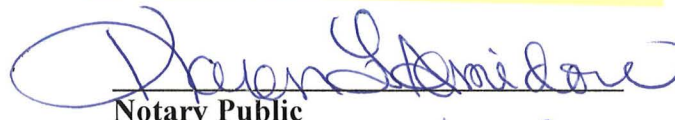
On this 7th day of Nov
for said State, personally a
JOHN CLELLAND
known or identified to me
instrument, and being by
are true, and acknowledge

67-4340
This is B-coded
to your Desk

L. E. Smith
11-29-05

Public in and

to the within
ments therein



Notary Public

Residing At: Cambridge, ID

Commission Expires: 6/26/2009



SCANNED

NOV 10 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2005

MR. VICTOR WARD
BOX 77
INDIAN VALLEY ID 83632

RE: Evidence of Priority for Snake River Basin Adjudication (SRBA) claim 67-4340

Dear Mr. Ward:

On 4-22-05 an IDWR employed contractor, Roger Meyer, met with you to conduct a field exam for SRBA claim 67-4340. One of the items addressed was evidence of priority for the claim, or the date that water was first used from the Little Weiser River to irrigate the property and for in-stream stock watering.

An affidavit was provided by you at that time. The affidavit stated that you purchased 160 acres from Otis Babcock and your Warranty Deed states that water used on the property has a priority date of 1/1/1964 (copy enclosed). We have a copy of the Quitclaim Deed in the file citing "all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby." This statement is a general statement added to many deeds but is insufficient for establishing the existence of a water right or the date of priority for the claim.

Claim 67-4340 claims a priority date of 1-1-1964. IDWR needs evidence that supports that date in order to make a favorable recommendation to the SRBA court. If no further documentation is received within sixty (60) days from today's date, IDWR will have no choice but to recommend this claim as disallowed to the SRBA court as it does not contain sufficient evidence to establish a priority date.

Enclosed for your convenience is a pamphlet titled "Evidence of Priority" that lists examples of types of priority evidence that can be used to support your claim.

Please feel free to contact me with any questions.

Respectfully submitted,

Monica P. Van Bussum
Water Resource Agent
Adjudication Bureau

Enclosure(s)

Point of Diversion and Source Data Entry Form

Claim Number 67-4340

Claimed Point of Diversion and Source

T14N R01W S23 SESWNW Within ADAMS County Source: LITTLE WEISER RIVER WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T14N R01W S23 SENW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

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

Other rights from this POD? 67-412, 67-417

Document how the POD and Source were verified:

POD given by FE is POD off of canal; POD recommended
is POD for canal off of Little Weiser

6/15/18

Reviewer: MVBDate: 1-3-06

Place Of Use Data Entry Form

Claim Number 67-4340

Claimed Place Of Use

T14N R01W S14 SWNW 35.0 T14N R01W S14 NWSW 35.0
Total Acres 70

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T14N R01W S14 SWNW 35.0 T14N R01W S14 NWSW 35.0
Total Acres 70

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
14N	01W	14	SWNW		Adams		14	irrigation
14N	01W	14	NWSW		Adams		32	irrigation

Total Acres

46

Document how the POU was verified:

per Roger Meyer's map from FE 4/22/2005

Reviewer: MVB

Date: 1-3-06

Purpose of Use Data Entry Form

Claim Number 67-4340

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

Document how the Purpose of Use was verified:

FE 4/22/2005
260 sheep
60 beef

Reviewer: MVBDate: 1-3-2006

Period of Use and Quantity Data Entry Form

Claim Number 67-4340

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1.5	

Overall Diversion Rate 1.5

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	4/01	11/01	1.5	

Overall Diversion Rate 1.5

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	3/15	10/31		

Overall Diversion Rate

Overall Diversion Volume

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

$$46 \text{ ac} \times \frac{0.02 \text{ cfs}}{\text{ac}} = 0.92 \text{ cfs}$$

standard season of use

per water master Little Weiser River
Roger Meyer, ditch can hold 1 cfs.

Reviewer: _____

Date: _____

Van Bussum, Monica

From: rjmeyer@ctcweb.net
Sent: Wednesday, January 04, 2006 12:02 AM
To: Van Bussum, Monica
Subject: Re: Ward ditch

Monica

Do you have any idea how much trouble you are? But just for you I will do it.
Grays Creek Ditch has a 12 foot Cipolletti Weir total Inches across is 15 1/8 inches or just to be nice 55.5 CFS.
Victor Ward and Dave Veselka use the same headgate that dumps into a 2' x 3' sump. Off of that sump they have a two 10 inch pipes one for each party. The way it is set up, only one can use it at a time. Now get your math book out. This is gravity flow. Just for you he has 40 inches of reservoir water rights and some AJD water But total no more than 50 inches or 1.00 CFS.
Hope you had a nice Christmas and New Year.

Roger

Contacts Data Entry Form

Claim Number: 67-4340

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	VICTOR WARD	BOX 77	INDIAN VALLEY	ID	83632	(208)256-4496
Original Owner	OTIS BABCOCK	3131 FULLER RD	EMMETT	ID	83617	(208)365-6575
Original Owner	FLORENCE I BABCOCK	3131 FULLER RD	EMMETT	ID	83617	(208)365-6575

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

Reviewer: _____

Date: _____

67-04340 Victor WARD

Gray Creek CANAL & Gravity IRR.

#A 0016722

POD. 024

2307078

1485653

2 other POD From this POD.

POW

OK See Map

260 Sheep 60 Beef.

PEI/Date

See AFFIDAVIT written by
Victor WARD.

To Whom it May Concern

I Victor Ward

bought 160 Acres from
Otis Babcock and my Warranty
deed states that water used
on this Property has a
priority date of 1-1-1964.

Victor L. Ward

024 # ADD16722

IDWR Field Exam Form

04/15/2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	VICTOR WARD	BOX 77	INDIAN VALLEY	ID	83632	(208)256-4496
Original Owner	OTIS BABCOCK	3131 FULLER RD	EMMETT	ID	83617	(208)365-6575
Original Owner	FLORENCE I BABCOCK	3131 FULLER RD	EMMETT	ID	83617	(208)365-6575

Date of Field Exam: 4-22-05 Time: 10: AM

Accompanied By: Victor Phone Number: 208-256-4496

Relationship to Claimant: Owner

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

Reviewer:



Date:

4-22-05

Priority Date Data Entry Form

Claim Number 67-4340

Claimed Priority Date: 1/1/1964

Claimed Basis: Statutory Claim

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

Water Right Priority Date: 1/1/1964

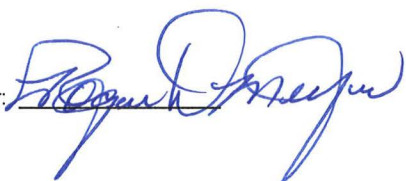
Water Right Basis: Statutory Claim

Recommended Priority Date _ _ _

Recommended Basis _____

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

Reviewer: _____



Date: _____

4-22-05

Point of Diversion and Source Data Entry Form

Claim Number 67-4340

Claimed Point of Diversion and Source

T14N R01W S23 SESWNW Within ADAMS County Source: LITTLE WEISER RIVER WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T14N R01W S23 SENW Within ADAMS County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	See map	_____	_____	_____	_____	2307078 1485653
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? 2

Document how the POD and Source were verified:

_____ FE _____

Reviewer: Robert MeyerDate: 4-22-05

Place Of Use Data Entry Form

Claim Number 67-4340

Claimed Place Of Use

T14N R01W S14 SWNW 35.0 T14N R01W S14 NWSW 35.0
Total Acres 70

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

T14N R01W S14 SWNW 35.0 T14N R01W S14 NWSW 35.0
Total Acres 70

Recommended Place of Use

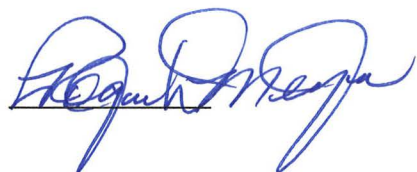
_____ See corrections to claimed POU above

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

Total Acres 38

Document how the POU was verified:

Reviewer:



Date:

4-22-05

Purpose of Use Data Entry Form

Claim Number 67-4340

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
IRR	1	260 Sheep 60 Beef		
Stock water out of the Ditch in the				
Summer				

Document how the Purpose of Use was verified:

Reviewer:



Date:

4-22-05

Period of Use and Quantity Data Entry Form**Claim Number 67-4340**

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1.5	

Overall Diversion Rate 1.5

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	4/01	11/01	1.5	

Overall Diversion Rate 1.5

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:

Reviewer: Date: 4-22-05

Idaho Department of Water Resources



Adjudication Claim Number: **67-4340**



BAENS
COVERAGES



Legend

- Section Lines
- GCDB14N01W GCDB



0 0.2 0.4 Miles

Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery



#A0016722 POD.JPG

To Whom it May Concern

I Victor Ward

bought 160 Acres from
Otis Babcock and my Warranty
deed states that water used
on this Property has a
priority date of 1-1-1964.

Victor L. Ward

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: **A67-04340**
Date Received: 2/ 6/1990
Receipt No: W008440
Received By: _____

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

1. Name: VICTOR WARD 208-256-4496
Address: BOX 77
INDIAN VALLEY ID 83632

2. Date of Priority: JAN 1, 1964

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	01W	23	SE	SW	NW		ADAMS

5. Description of diverting works:
GRAYS CREEK CANAL & GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	14	SW	NW		IRR	35.0
			NW	SW		IRR	35.0
Section Acres							70.0

10. Place of Use: Continued

Total Acres 70.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

LITTLE WEISER IRR. DIST. 67-00412, 67-00417

14. Remarks:

OWNERSHIP CHANGE BY MTS 2/26/1996

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

FEB 01 1996

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 5-1-90

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 1 West
 Section 14, 1/4 of 1/4 of 1/4 Govt. Lot 1, BM. SWNE, S2NW
 Lot 1, Block 1, Subdivision/Townsite 1.
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A67-04340
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Ottis Babcock
3131 Fuller Rd. Emmett, Id. 83617
- ☐ New Owner/Claimant (Purchaser): Victor Ward
- ☐ New Mailing Address: Box 77
Indian Valley, Id. 83632
- ☐ New Telephone Number: (208) 256-4496
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Victor L. Ward Date 1-28-96
- ☐ Signature of Former Owner/Claimant(s): Ottis C. Babcock Date 2/23/96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

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: 2-26-96 By: MTS

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

MICROFILMED

OCT 23 1996

MEMORANDUM OF CONTRACT

Do Not
Record

Sellers: OTIS C. BABCOCK and FLORENCE I. BABCOCK
3131 Fuller Road
Emmett, Idaho 83617

Buyers: VICTOR L. WARD and PEGGY L. HAREN
Box 359
Cambridge, Idaho 83610

RECEIVED

FEB 01 1996

WATER RESOURCES
WESTERN REGION

Property:

PR

A parcel of land lying and situated in Adams County, Idaho, in Section 14, Township 14 North, Range 1 West of the Boise Meridian, more particularly described as follows:

The Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); The South one-half of the Northwest one-quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$); and the Northwest one-quarter of the Southwest one-quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$).

NOTICE IS HEREBY GIVEN that the Sellers named herein have entered into a Real Estate Purchase Agreement with the Buyers named herein for the sale of the above-described real property. Completion of the Real Estate Purchase Agreement by the Buyers shall result in the property being conveyed to the Buyers.

DATED this 2nd day of May, 1990.

SELLER:

BUYER:

Otis C. Babcock
OTIS C. BABCOCK

Victor L. Ward
VICTOR L. WARD

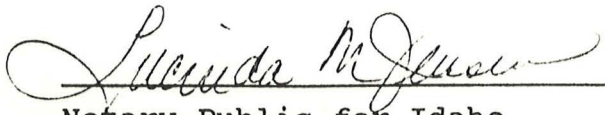
Florence I. Babcock
FLORENCE I. BABCOCK

Peggy L. Haren
PEGGY L. HAREN
2.

STATE OF IDAHO)
)
County of Gem) ss.

On this 2nd day of May, 1990, before me, the undersigned, a Notary Public for Idaho, personally appeared OTIS C. BABCOCK and FLORENCE I. BABCOCK, 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.

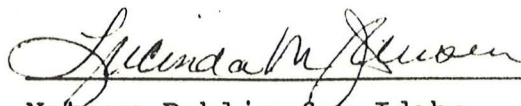
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 6-30-94

STATE OF IDAHO)
)
County of Gem) ss.

On this 2nd day of May, 1990, before me, the undersigned, a Notary Public for Idaho, personally appeared VICTOR L. WARD and PEGGY L. HAREN, 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.


Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 6-30-94

Contract of Sale of Real Property

A parcel of land lying and situated in Adams County, Idaho, in Section 14, Township 14 North, Range 1 West of the Boise Meridian, more particularly described as follows:

The Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); The South one-half of the Northwest one-quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$); and the Northwest one-quarter of the Southwest one-quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

TOGETHER WITH any and all water and water rights represented by that certain Claim To Water Right No. 67-4340 Amended.

SAID WATER RIGHT to irrigate 70 acres with a total quantity of 1.5 cubic feet per second.



Department of Water Resources

2735 Airport Way, Boise, Idaho 83705

**BRUCE A. SCHULD
SR. WATER RESOURCE AGENT
ADJUDICATION BUREAU
WESTERN REGION
(208) 334-2190**

RECEIVED

FEB 01 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 23 1996

In case of default

QUITCLAIM DEED

RECEIVED

FEB 01 1996

WATER RESOURCES
WESTERN REGION

GRANTORS, VICTOR L. WARD and PEGGY L. HAREN, of Cambridge, County of Washington, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged do REMISE, RELEASE and forever QUITCLAIM unto OTIS C. BABCOCK and FLORENCE I. BABCOCK, husband and wife, whose current address is 3131 Fuller Road, Emmett, County of Gem, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate, situated in Adams County, State of Idaho, to-wit:

A parcel of land lying and situated in Adams County, Idaho, in Section 14, Township 14 North, Range 1 West of the Boise Meridian, more particularly described as follows:

PR

The Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); The South one-half of the Northwest one-quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$); and the Northwest one-quarter of the Southwest one-quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$).

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

Subject to such rights, easements, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor does hereby acknowledge that it is the intention of this instrument to convey not only its entire present interest in the above described property, but also any, every and all right, title and interest after acquired by Grantor, its heirs and assigns.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set its hand this 2nd day of May, 1990.

Victor L. Ward
VICTOR L. WARD

Peggy L. Haren
PEGGY L. HAREN

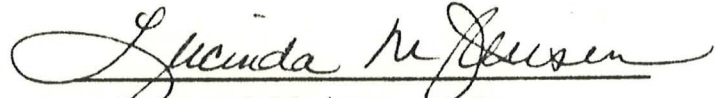
STATE OF IDAHO)

County of Gem)

ss.

On this 2nd day of May, 1990, before me, the undersigned, a Notary Public for Idaho, personally appeared VICTOR L. WARD and PEGGY L. HAREN, 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.



Notary Public for Idaho

Residing at Emmett, Idaho

My Commission Expires 6-30-94

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: A67-04340
Date Received: 11/08/1989
Receipt No: W008440
Received By: PAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OTIS BABCOCK 208-365-6575
Address: 3131 FULLER ROAD
EMMETT, ID 83617

OR
Name: FLORENCE I. BABCOCK 208-365-6575
Address: 3131 FULLER ROAD
EMMETT, ID 83617

2. Date of Priority: JAN 01, 1964

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	01W	23	SE	SW	NW		ADAMS

5. Description of diverting works:
GRAYS CREEK CANAL & GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	01W	14	SW	NW		IRR	35.0
			NW	SW		IRR	35.0
					Section Acres		70.0
					Total Acres		70.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

C BEN ROSS IRR. VIA LITTLE WEISER IRR. DIST.

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: ① 1

For Individuals:

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

Signature of Claimant(s): Otis E. Babcock Date: 11/8/89
Florence J Babcock Date: 11/8/89

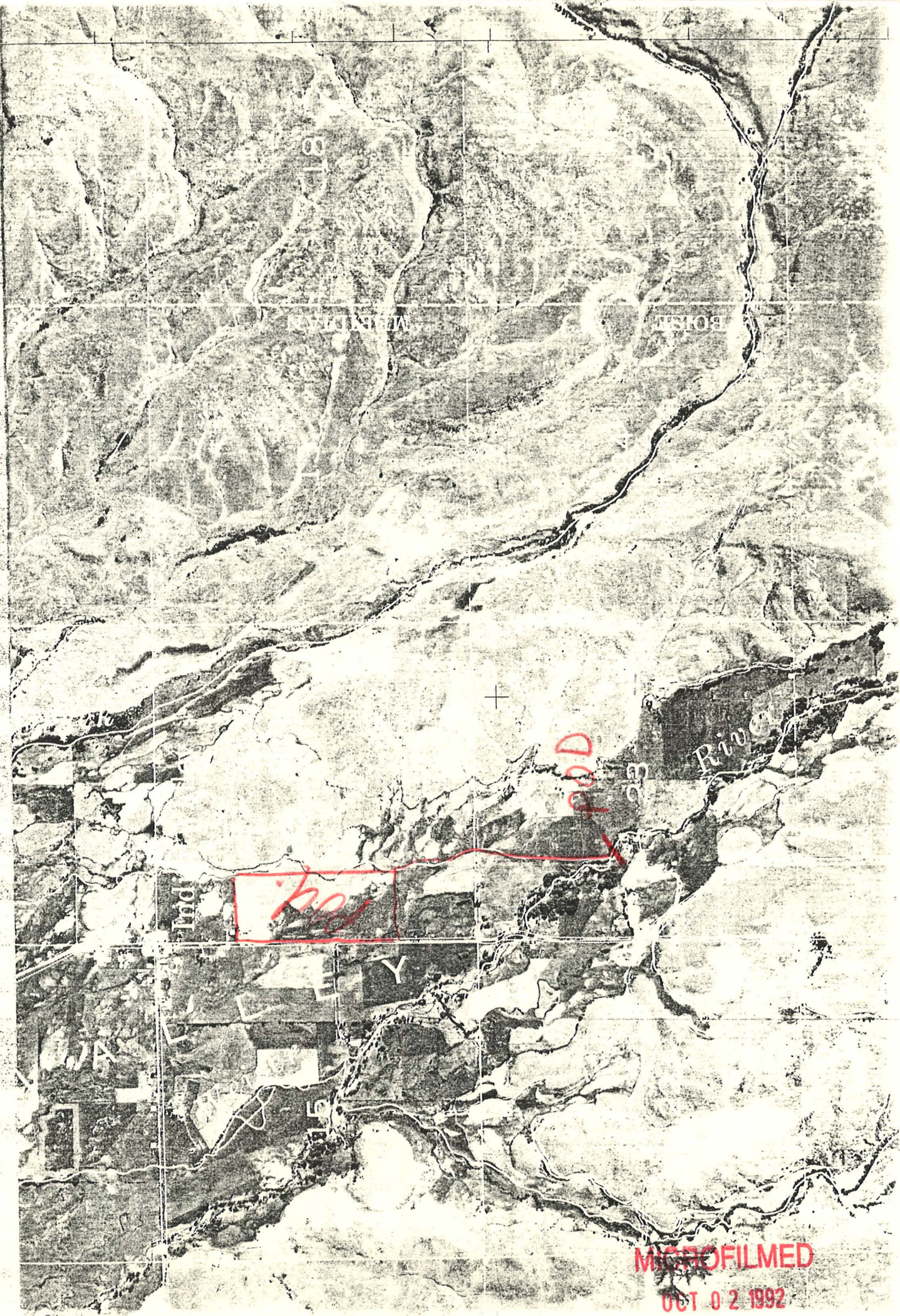
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of November 19 89 Bruce A. Schuld
Notary Public

Seal

Residing at _____
My Commission Expires _____

BRUCE A. SCHULD, NOTARY PUBLIC
RESIDENT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995



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OCT 02 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 26, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VICTOR WARD
BOX 77
INDIAN VALLEY ID 83632

RE: SRBA Claim A67-04340

Dear Mr Ward:

Enclosed for your records is a copy of claim A67-04340 reflecting the claim ownership has been changed into your name. Also enclosed is a copy of the Notice of Change of Water Right Ownership you previously submitted. Please note that Otis Babcock signed the ownership change form on February 23, 1996.

We received your change of ownership form on February 1, 1996 but I delayed in changing our ownership records until I could visit with Mr Babcock about claims A67-00412 & A67-00417. As I discussed with you previously, Mr Babcock originally claimed these two rights on the same ground you own in Section 14 that also relate to claim A67-04340 because he thought he was claiming storage water from Ben Ross Reservoir. After he found out that A67-00412 & A67-00417 were decreed live water rights from the Little Weiser River, he recognized his error. When he was in my office on February 23, he amended the claims to reflect land in Sections 26 & 27 where he believes the water may have been used historically.

We want you to be fully apprised of the transactions discussed in the above paragraph. If you have any questions or concerns about the amended claims please let us know.

Sincerely,

/S/ MTS

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

CC: Otis Babcock

OwnershipWardA6704340

SCANNED
APR 14 2004

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OCT 23 1996

DATE 1-26-96FILE A67-04340, A67-00412
A67-00417NAME OF PARTY Victor WardEMPLOYEE Mel Schulte

RE: Mr. Ward called at the request of his realtor, Ceed Noah to provide us with information about the water he uses on his property, in 14N, 01W, S14 and the ownership history. He indicated he uses Little Weiser River water beginning in April and C Ben Ross Reservoir water starting in July. It appears the live flow water relates to
"(A)" 67-04340.

Otis Babcock claimed two decreed rights, 67-00412 and 67-00417 to the same P1U as 67-04340 but the decreed rights are not appurtenant to any land in S14. Mr Ward said that the land on the East side of Ben Ross Reservoir has not been irrigated since 1935 when the delivery ditch was torn out. The decreed rights were decreed to lands primarily on the East side of the reservoir - possible forfeiture of both rights or accomplished transfer. Accomplished transfer is suspect because Otis Babcock submitted a change of ownership on 12-8-95 to transfer claims to David & Jane Buehler with land in S23, S26 & S27, 14N, 01W.

A change of ownership was mailed to Mr. Ward for A67-04340.

It appears A67-00412 & 00417 should be amended to change the P1U.

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OCT 23 1996

WR5809NP
No. 67-04340

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/26/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OTIS BABCOCK INDIAN VALLEY ID 83632	01/01/1964	IRRIGATION	04-01 11-01	1.500 CFS	
TOTAL DIVERSION:					1.500 CFS	

Water Source: LITTLE WEISER RIVER

Tributary to: WEISER RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T14N R01W S23

SENW

ADAMS County

Place of use Legal Description for: IRRIGATION

NE																NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	:	---
14N	01W	14	:									:									:							:	70.0
TOTAL ACRES																												70.0	

Pou County: ADAMS

Dates:	App. Received:	Priority Date:	01/01/1964
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

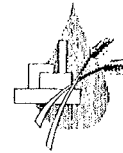
Misc:	Water District Number:	Field Exam Fee:
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OCT 23 1996

AMENDED

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED CLAIM TO A WATER RIGHT AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Otis Babcock
(Name of Claimant)
Indian Valley, Idaho 83632 Telephone No. 256-4342
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) January 1, 1964

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
 Little Weiser River tributary to Weiser River

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

		(Both dates inclusive)			
(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)	
Quantity	1.5	Use Irrigation	Period of Use From 4/1	To	11/1
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	

(4) 1.5 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 23 Twp. 14N Rge. 1W B.M., County of Adams
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Grays Creek canal, gravity irrigation.

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

[illegible]

No. of acres 70

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

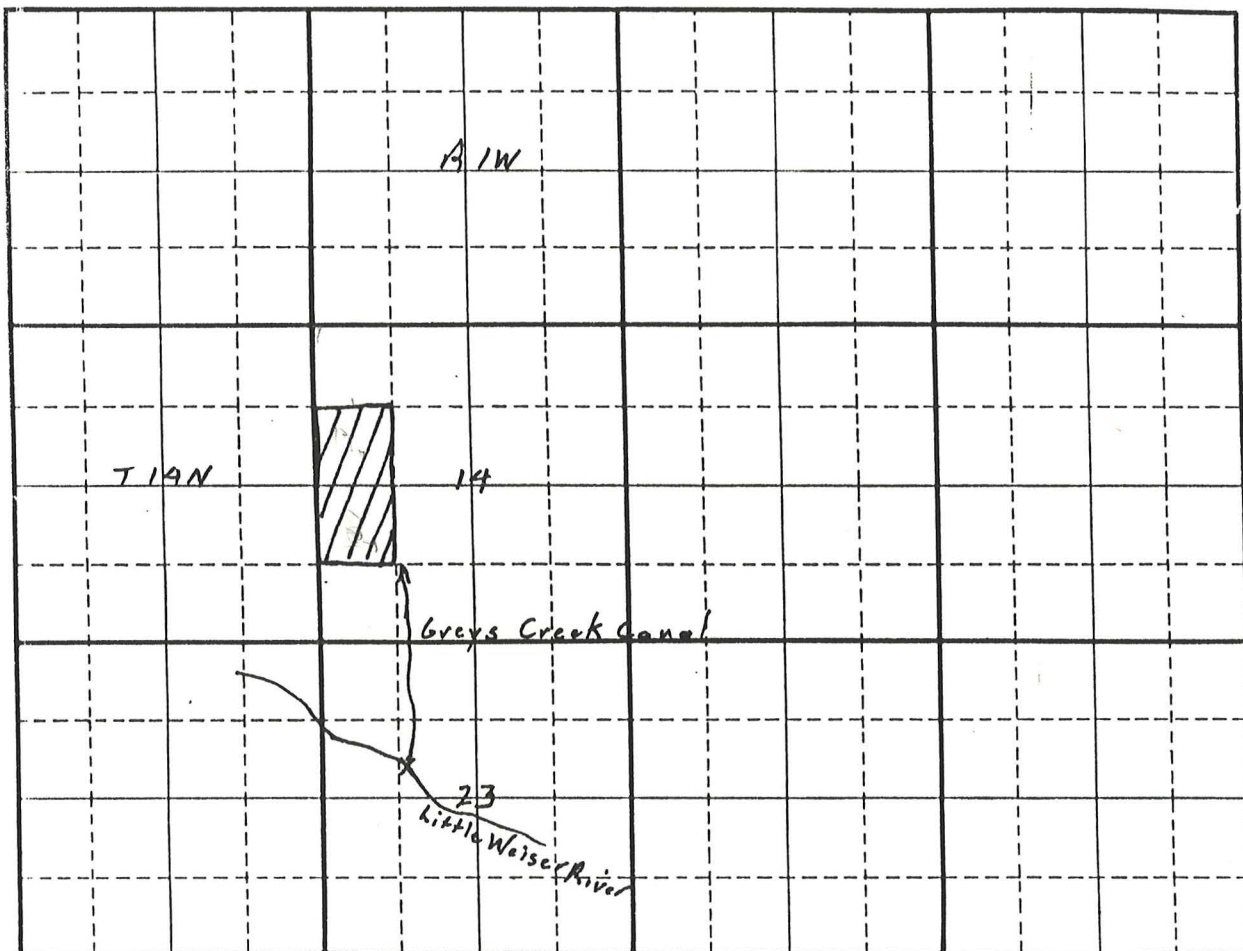
(7) If you are claiming water as a member of an organization, list name of organization:

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POOR ORIGINAL

Remarks Flood waters of the Little Weiser River



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Washington) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Otis Beebe et al
(Claimant)

Sworn to before me this 27th day of May, 1951.

William H. Hunsicker
Notary Public
Residing at Cambria, Idaho

My commission expires 11-15-53

FOR DEPARTMENT USE ONLY

Received by WHS Date 2/29/81 Exception filed by: _____ Date _____
Prelim. check by WHS Date 6/2/81 Forwarded to claimant by: _____
\$30.00 fee received by WHS Date 6/2/81
Published in Booms Co. Recorder
Dates 2/11 & 6/18/81

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OCT 23 1996