

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

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.

Water right number: 67-4559

JACK W FRASIER
2123 AIRPORT RD
COUNCIL ID 83612
Telephone Number: (208) 253-4758

- Period on Use.
of acres (40 instead of 6)

- change from 6 to 40 acres
period of use, change from 03/15 11/15 to 1/01 - 12/31
quantity from 0.120 to 0.300

- The portions on this are different and less than on the original right that we have

DATE: Dec 7, 2006 SIGNATURE: Jack Frasier
Please print your name: JACK FRASIER

12-19-06 : spoke w/ Jack on 12/11/06 and explained
C. ~~length~~ average issue and that his stock water
12-19-06 was ok.
: Name Changed
: Div Rate is based on ac which can't
be changed

SCANNED
DEC 13 2006

Dec. 7, 2006

Craig Saxton:

Dear Sir:

I called your office on Dec. 8 to try and make an appointment with you to get right # 67-366 changed from Yates's name to ours. We thought this had already been done.

There are two rights to this property which we purchased in 2001. One right was transferred to our name (# 67-4559), but evidently the other one (# 67-366) wasn't. I have to be in Boise on Dec. 21 and am hopeful I can meet with you on this matter.

Addressed
C. Saxton
12-19-06

Thank you:
Jack Frasier
2123 Airport Rd
Council, Idaho 83612
phone # 208-253-4758

12/14/2006

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

RIGHT NUMBER: 67-4559

NAME AND ADDRESS: NYLA FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

JACK W FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

SOURCE: UNNAMED STREAM

TRIBUTARY: WEISER RIVER

QUANTITY: 0.120 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs at the field headgate.

PRIORITY DATE: 05/16/1912

POINT OF DIVERSION:

T16N R01W S3 SENWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

IRRIGATION

03/15 11/15

0.120 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S03 NWSW 6.00

STOCKWATER same as IRRIGATION

6 ACRES TOTAL

Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 - Decreed

Stockwater use is for 90 range cattle.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

JACK AND NYLA FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

RE: NOTICE OF ERROR FILED ON WATER RIGHTS 67-366 AND 67-4559

Dear Mr. and Ms. Frasier:

I was asked to review the notice of error for the above files. The notice of error stated that there were more acres irrigated than what was recommended by Craig Saxton. Mr. Saxton reduced the number of acres from the 40 acres claimed and the 13.6 acres allowable under the Allison vs. Muir decree to 6 acres for both rights. In reviewing the maps made by Mr. Saxton, I agree totally with Mr. Saxton that only 6 acres could have been irrigated under these rights. The only way additional acres could have been irrigated is to run water uphill. I could find no evidence of that occurring in the aerial photos available in our office dating back to 1975.

Mr. Saxton also reduced the rate of diversion to 0.12 cfs or an inch (0.02 cfs) per acre. In my review, I discussed this issue with Mr. Saxton, and we both agreed that we shouldn't reduce the decreed right (67-366) to 0.12 cfs. The decreed right is diverted approximately 3 miles from the place of use. It is more than reasonable to assume that there would be a significant amount of ditch loss by transporting this small amount of water that distance. Therefore, we have determined that we will leave the diversion rate at the amount decreed in Allison vs. Muir at 0.17 cfs at the point of diversion. The right will be limited to 0.12 cfs at the field headgate, and the remaining 0.05 cfs will be allowed to account for ditch loss from the point of diversion to the field headgate.

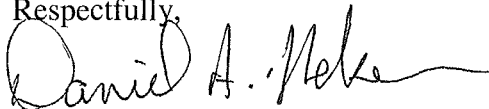
Page 2
Frasier
12/14/2006

No changes will be made to 67-4559, other than a tweak to one of the conditions that will limit the total water used on the 6 acres to an inch per acre at the field headgate. What this means is that you can only apply 6 inches of water or 0.12 cfs on your fields at any given time. You will be able to combine the two water rights in any combinations available to you as long as you do not go over the inch per acre limitation. An inch per acre at the field headgate is the maximum amount of water we can allow.

I have enclosed copies of the corrected recommendations with this letter. You should be getting a final copy of these rights that will show exactly what we will be sending to the courts within the few weeks. **Please carefully check every aspect of all of your water rights in this mailing.** It is rare that a mistake is made, but it can happen. If you find that something on the water rights are not correct at that time, you will want to make sure you file an objection to the court, and contact Craig Saxton to ensure they will be decreed correctly.

If you have any questions or concerns please contact Craig Saxton at 287-4800 or myself at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

Enclosures

Adjudication Recommendation Report 67-4559 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NYLA FRASIER 2123 AIRPORT RD COUNCIL, ID 83612 (208) 253-4758
Current Owner	JACK W FRASIER 2123 AIRPORT RD COUNCIL, ID 83612 (208) 253-4758
Original Owner	PHYLLIS R YATES 2502 CEMETERY LN COUNCIL, ID 83612-5241 (208) 253-6915
Original Owner	MARK C YATES 2502 CEMETERY LN COUNCIL, ID 83612 (208) 253-6915
Original Owner	DIANE J YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Original Owner	CLINTON T YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241
Original Owner	LYNN M REINHOLD 2502 CEMETERY LN COUNCIL, ID 83612 (208) 253-6915

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.120 CFS	
	Total Diversion:	0.120 CFS	

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	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

16N 01W 3	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
																	6.0

Total Acres: 6

STOCKWATER same as IRRIGATIONConditions of Approval:

1. X02 Stockwater use is for 90 range cattle.
2. E55 Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. E51 Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs **at the field headgate.**
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4559 V1

Comments:

1. csaxton 3/28/2006 Source

Comment: The water use described under this claim appears to be that of the use described under 67-370. Recommend un-named stream as source. This observation is supported in the remarks on the claim.

2. csaxton 3/28/2006 Priority Date

Comment: The priority date of 1930 can be recommended as decree 67-370 appears to describe this water use with a 1912 priority date. I cannot recommend this right with all the elements of decreed right 67-370 as all elements were not claimed. I will solicit and amended claim, but until claim is actually amended, the recommendation will have to be the closest we can give them to the decree 67-370 within the parameters claimed.

3. csaxton 3/28/2006 Diversion Rate

Comment: Recommend 1 inch per acre.

4. csaxton 3/28/2006 Storage Pond

Comment: There is a storage pond that was built in 1983. A permit application will need to be filed. It cannot be recommended under this claim.

5. csaxton 3/28/2006 Copied From Claim (1)

Comment: THIS CLAIM LIKELY DESCRIBES THE SAME WATER USE AS WAS DECREED AS 67-00370; HOWEVER, AT THE TIME OF FILING, CAN ONLY ACCURATELY DETERMINE THE WATER USE TO 1930. ANY ADDITIONAL MATERIAL WE UNCOVER WILL BE SUBMITTED.

6. csaxton 5/10/2006 Amended Claim

Comment: Claim amended to describe the same water use as was decreed as 67-370.

7. dnelson 12/14/2006 Notice of Error Review

Comment: I was asked to review the notice of error for the above files. The notice of error stated that there were more acres irrigated than what was recommended by Craig Saxton. Mr. Saxton reduced the number of acres from the 40 acres claimed and the 13.6 acres allowable under the Allison vs. Muir decree to 6 acres for both 63-366 and 63-4559. In reviewing the maps made by Mr. Saxton, I agree totally with Mr. Saxton that only 6 acres could have been irrigated under these rights. The only way additional acres could have been irrigated is to run water uphill. I could find no evidence of that occurring in the aerial photos available in our office dating back to 1975.

Mr. Saxton also reduced the rate of diversion to 0.12 cfs or an inch (0.02 cfs) per acre. In my review, I discussed this issue with Mr. Saxton, and we both agreed that we should not reduce the decreed right (67-366) to 0.12 cfs. The decreed right is diverted approximately 3 miles from the place of use. It is more than reasonable to assume that there would be a significant amount of ditch loss by transporting this small amount of water that distance. Therefore, we have determined that we will leave the diversion rate at the amount decreed in Allison vs. Muir at 0.17 cfs at the point of diversion. The right will be limited to 0.12 cfs at the field headgate, and the remaining 0.05 cfs will be allowed to account for ditch loss from the point of diversion to the field headgate.

No changes will be made to 67-4559, other than a tweak to one of the conditions that will limit the total water used on the 6 acres to an inch per acre at the field headgate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/28/2006 10:25:32 AM	csaxton			Active
Priority Date	3/28/2006 10:26:49 AM	csaxton			Active
POD	3/28/2006 10:27:03 AM	csaxton			Active
Source	3/28/2006 10:29:23 AM	csaxton			Active
POU	3/28/2006 10:30:42 AM	csaxton			Active
Use	3/28/2006 10:30:59 AM	csaxton			Active
Quantity	3/28/2006 10:43:12 AM	csaxton			Active
Summary			03/28/2006	csaxton	Active
Season	3/28/2006 10:50:20 AM	csaxton			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	3/28/2006 10:25:37 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 6/28/05.
POD	3/28/2006 10:27:07 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	3/28/2006 10:27:34 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

General	3/28/2006 10:26:54 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - The priority date of 1930 can be recommended as decree 67-370 appears to describe this water use with a 1912 priority date, yet 67-370 is not claimed.
Source	3/28/2006 10:29:28 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - The source is the source described in 67-370 which should have been claimed.
POU	3/28/2006 10:30:48 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam by Melanie Vining on 6/28/05.
Use	3/28/2006 10:31:04 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam by Melanie Vining on 6/28/05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

Quantity	3/28/2006 10:43:18 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Claims for 0.20 cfs or less do not require measurement.
Summary	3/28/2006 10:46:33 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?
Season	3/28/2006 10:50:27 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	5/10/2006 1:11:22 PM	csaxton	Updated PLS for Active POU
POD	3/28/2006 10:28:29 AM	csaxton	Updated PLS
POU	5/10/2006 1:11:11 PM	csaxton	Updated shape for Active POU

Water Supply Bank:

04/03/2006

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

RIGHT NUMBER: 67-4559

NAME AND ADDRESS: PHYLLIS R YATES
2502 CEMETERY LN
COUNCIL ID 83612-5241

MARK C YATES
2502 CEMETERY LN
COUNCIL ID 83612

LYNN M REINHOLD
2502 CEMETERY LN
COUNCIL ID 83612

SOURCE: UNNAMED STREAM

TRIBUTARY: WEISER RIVER

QUANTITY: 0.120 CFS

Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs.

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION:
T16N R01W S3 SENWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	03/15 11/15	0.120 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S03 NWSW 40.00

STOCKWATER Within ADAMS County

T16N R01W S03 NWSW

40 ACRES TOTAL

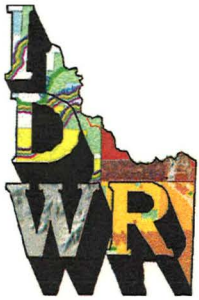
Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.

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

Stockwater use is for 90 range cattle.



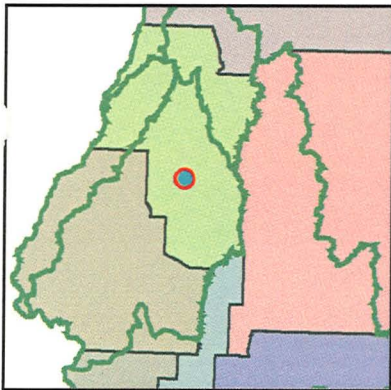
Idaho Department of Water Resources

Adjudication Claim Number: **67-4559**

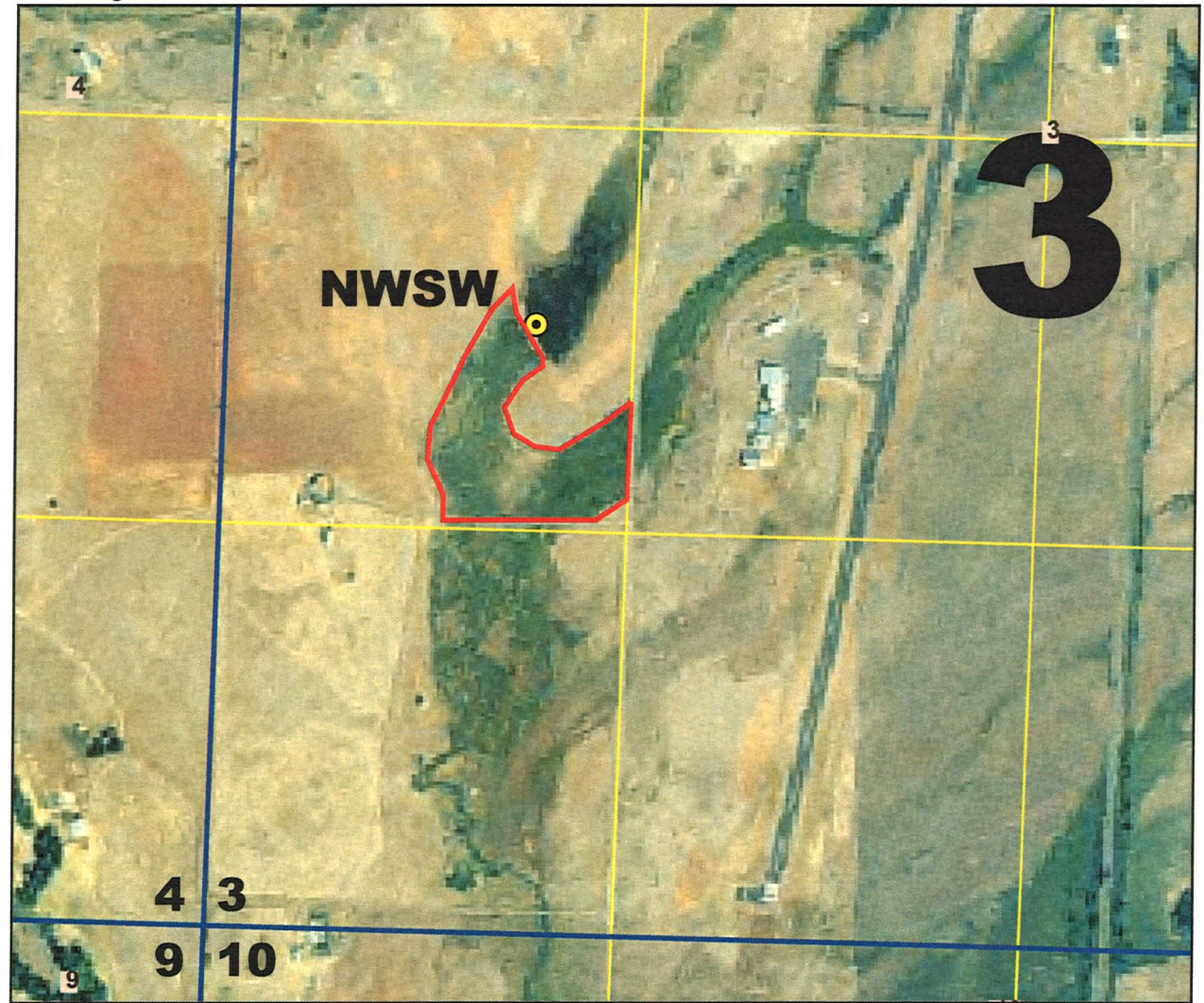
T16N R01W

Legend

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



Adams County
IDWR Basin 67



1320

0

1320 Feet

Prepared by C. Saxton
On Tuesday, March 28, 2006
1987 Aerial Photography



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

March 28, 2006

JACK W FRASIER
NYLA J FRASIER
2123 AIRPORT RD
COUNCIL ID 83612

RE: Change of Ownership for claims 67-366 and 67-4559 and amendment of 67-4559

Dear Mr. and Ms. Frasier,

It has come to our attention that you may have recently purchased a tract of land in Adams County. According to our records, the property to which I am referring to was most recently owned by Phyllis, Mark, and Diane Yates. The legal description is as follows:

T16N R01W S03 NW1/4 SW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA). IDWR is currently in the processing of reviewing the Adjudication claims in basin 67. We recommend that if, in fact, you now own the property in question, and do use the water for the purposes claimed, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

In addition, in reviewing claim 67-4559, it appears that the water use claimed under 67-4559 is the same as was decreed in 67-366. If you are the current owner of the property that claim 67-4559 is applicable to, I feel it would be in your benefit to amend the claim to represent the elements of 67-366.

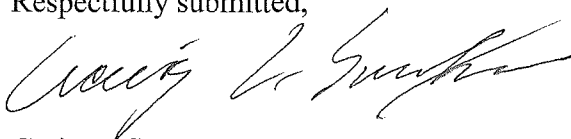
For your convenience is an amended claim. I have highlighted in yellow the changes I have made. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office ASAP.

To summarize:

We need to fill out a change of ownership form so the water rights are in your name. Then, we can amend one of the claims for an earlier priority date.

If you have any questions regarding this matter, please call this office at 287-4916.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Adjudication Recommendation Report 67-4559 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PHYLLIS R YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241 (208)253-6840
Current Owner	MARK C YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Current Owner	DIANE J YATES 4200 HELLS CANYON DAM RD OXBOW, OR 97840
Original Owner	CLINTON T YATES 2123 AIRPORT RD COUNCIL, ID 83612-5241

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.030 CFS	
IRRIGATION	03/15 to 11/15	0.120 CFS	
	Total Diversion:	0.120 CFS	

UNNAMED STREAM SE1/4NW1/4SW1/4 Sec. 3, Twp 16N, Rge 01W, B.M.
ADAMS County

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
16N	01W	3										X							

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>		
16N	01W	3									40.0									40.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

Total Acres: 40

Conditions of Approval:

1. X02 Stockwater use is for 90 range cattle.
2. E55 Right Nos. 67-366 and 67-4559 are limited to the irrigation of a combined total of 6.0 acres in a single irrigation season.
3. E51 Right Nos. 67-366 and 67-4559 are limited to a total combined diversion rate of 0.12 cfs.
4. 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. csaxton 3/28/2006 Source

Comment: The water use described under this claim appears to be that of the use described under 67-370. Recommend un-named stream as source. This observation is supported in the remarks on the claim.

2. csaxton 3/28/2006 Priority Date

Comment: The priority date of 1930 can be recommended as decree 67-370 appears to describe this water use with a 1912 priority date. I cannot recommend this right with all the elements of decreed right 67-370 as all elements were not claimed. I will solicit and amended claim, but until claim is actually amended, the recommendation will have to be the closest we can give them to the decree 67-370 within the parameters claimed.

3. csaxton 3/28/2006 Diversion Rate

Comment: Recommend 1 inch per acre.

4. csaxton 3/28/2006 Storage Pond

Comment: There is a storage pond that was built in 1983. A permit application will need to be filed. It cannot be recommended under this claim.

5. csaxton 3/28/2006 Copied From Claim (1)

Comment: THIS CLAIM LIKELY DESCRIBES THE SAME WATER USE AS WAS DECREED AS 67-00370; HOWEVER, AT THE TIME OF FILING, CAN ONLY ACCURATELY DETERMINE THE WATER USE TO 1930. ANY ADDITIONAL MATERIAL WE UNCOVER WILL BE SUBMITTED.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

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: AND
 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	3/28/2006 10:25:32 AM	csaxton			Active
Priority Date	3/28/2006 10:26:49 AM	csaxton			Active
POD	3/28/2006 10:27:03 AM	csaxton			Active
Source	3/28/2006 10:29:23 AM	csaxton			Active
POU	3/28/2006 10:30:42 AM	csaxton			Active
Use	3/28/2006 10:30:59 AM	csaxton			Active
Quantity	3/28/2006 10:43:12 AM	csaxton			Active
Summary			03/28/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	3/28/2006 10:25:37 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam by Melanie Vining on 6/28/05.
POD	3/28/2006 10:27:07 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	3/28/2006 10:27:34 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

General	3/28/2006 10:26:54 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - The priority date of 1930 can be recommended as decree 67-370 appears to describe this water use with a 1912 priority date, yet 67-370 is not claimed.
Source	3/28/2006 10:29:28 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - The source is the source described in 67-370 which should have been claimed.
POU	3/28/2006 10:30:48 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam by Melanie Vining on 6/28/05.
Use	3/28/2006 10:31:04 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam by Melanie Vining on 6/28/05.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4559 V1

Quantity	3/28/2006 10:43:18 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Claims for 0.20 cfs or less do not require measurement.
Summary	3/28/2006 10:46:33 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	3/28/2006 10:28:29 AM	csaxton	Updated PLS

Water Supply Bank:

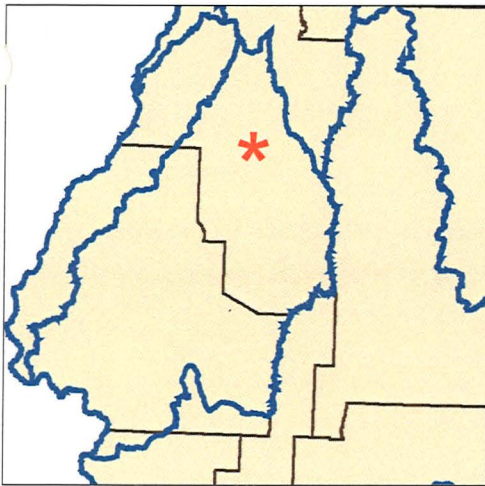
3-28-06: This right should be amended to
decreed Right 67-370.

: Needs C/O to Fraiser

Idaho Department of Water Resources



Adjudication Claim Number: **67-4559**



Legend

GCDB17N01W GCDB
GCDB16N01W GCDB
PLSS Section LinesGcdb_sections.shp



0 0.2 0.4 Miles

A horizontal scale bar with markings at 0, 0.2, and 0.4 miles.

Prepared by M. Van Bussum
On Wednesday, June 1, 2005
1987 Aerial Photography

Priority Date Data Entry Form

Claim Number 67-4559

Claimed Priority Date: 1/1/1930

Claimed Basis: Statutory Claim

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

Water Right Priority Date: 1/1/1930

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:

(67-366)

This is same POU as decreed. Source is listed as wastewater, so probably doesn't qualify for 1918 (earliest priority) date that would otherwise be validated by sharing the POU w/ decreed water. Claim remarks state that water use has been accurately determined to 1930 (claimed DOP) so did not request further evidence from claimant.

Reviewer: MVDate: 6/28/05

Point of Diversion and Source Data Entry Form

Claim Number 67-4559

Claimed Point of Diversion and Source

T16N R01W S3 SENWSW Within ADAMS County Source: WASTE WATER WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T16N R01W S3 NWSW 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? _____

Document how the POD and Source were verified:

field exam - dam on map is correct location
 semi-flat terrain = rectangular ~~triangular~~ (more or less) shaped reservoir

capacity calculations: 80' x 200' x 8' reservoir

surface area: $\frac{(80')(200')}{43,560} = .37 \text{ acres}$

capacity: $.37 \times (8') = 2.94 \text{ acre-feet}$
 (flat bottom)

Reviewer: mvDate: 6/28/05

.3 cfs claimed x 2 = .6 af / 24 hr



Place Of Use Data Entry Form

Claim Number 67-4559

Claimed Place Of Use

T16N R01W S03 NWSW 40.0

T16N R01W S03 NWSW

Total Acres 40

___ Use Claimed POU as Recommended POU

Water Right Place Of Use

T16N R01W S03 NWSW 40.0

Total Acres 40

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:

f.c. - See amended shape, gppm x 13 acres

Reviewer: mvDate: 6/28/05

Purpose of Use Data Entry Form

Claim Number 67-4559

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION
STOCKWATER☒ 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
STOCKWATER

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:

for

Reviewer:

MV

Date:

6/28/05

Period of Use and Quantity Data Entry Form

Claim Number 67-4559

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	1/01	12/31	0.3	
STOCKWATER	1/01	12/31	0.3	

Overall Diversion Rate 0.3

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	1/01	12/31	0.3	
STOCKWATER	1/01	12/31	0.3	

Overall Diversion Rate 0.3

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:

period of use - IDWR reviewer, please verify

flow measurement may be needed

Reviewer: mvDate: 6/28/05

Contacts Data Entry Form

Claim Number: 67-4559

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	PHYLLIS R YATES	2502 CEMETERY LN	COUNCIL	ID	83612	(208)253-6053
Current Owner	MARK C YATES	2502 CEMETERY LN	COUNCIL	ID	83612	(208)253-6053
Current Owner	DIANE J YATES	2502 CEMETERY LN	COUNCIL	ID	83612	(208)253-6053
Current Owner	CLINTON T YATES	2123 AIRPORT RD	COUNCIL	ID	83612-524	

1

Date of Field Exam: 6/28/05 Time: 8:30 amAccompanied By: Nyla Frasier Phone Number: 253-4758Relationship to Claimant: ^{new} claimant

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

new owners: Jack + Nyla Frasier
will submit c/o

Reviewer: MVDate: 6/28/05

New owner: Jack Frasier 253-4758

bought from Phyllis Yates several years ago
(date?)

needs c/o

verify POU ~~POU~~

POU: Per previous owner's daughter means of conveyance for this water was a pump in a pond that caught the wastewater

may need evidence of priority;

this would be
for 16 acres @
5/8" / acre

Note in claim mentioned that this right may be the same as 67-370, (10") a decreed right. Legal ^{for} POU matches up, and property also contains 67-366, w/ same original (decreed) owner for each (CW Holmes). What other evidence is needed?

needs flow measurement ~~or pump info~~

6/28/05: FE - not currently pumping to irrigate and don't plan to. They only want to clean the low ground as irrigated (can be flood irrigated)
See outline on map for POU.

Department of Western Regional
Western Regional Subso

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.

Notice is hereby given that Clinton T. Yates or Phyllis R Yates

Council Id.

(Name of Claimant)

Telephone No. 253 4423

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) approximately 1930

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Waste water

tributary to Weiser River

(cfs, af) (Domestic, Irrigation, Stock, Etc.) (Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	0.3 Cfs	Use	Irrigation & stock	Period of Use From	Jan 1	To	Dec 31
----------	---------	-----	--------------------	--------------------	-------	----	--------

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 _____

Quantity		Use	Period of Use From	To
----------	--	-----	--------------------	----

(4) 03 TOTAL QUANTITY USED.

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SW ¼, Sec. 3 Twp. 16 N Rge. 1 W 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. Reservoir 80 Ft. by 200 Ft. to be constructed- Completion

Summer of 1983 - IMPROVEMENT TO SYSTEM ALREADY ESTABLISHED - PER PHONE CONV. OF 1-N-24 J6

(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 40

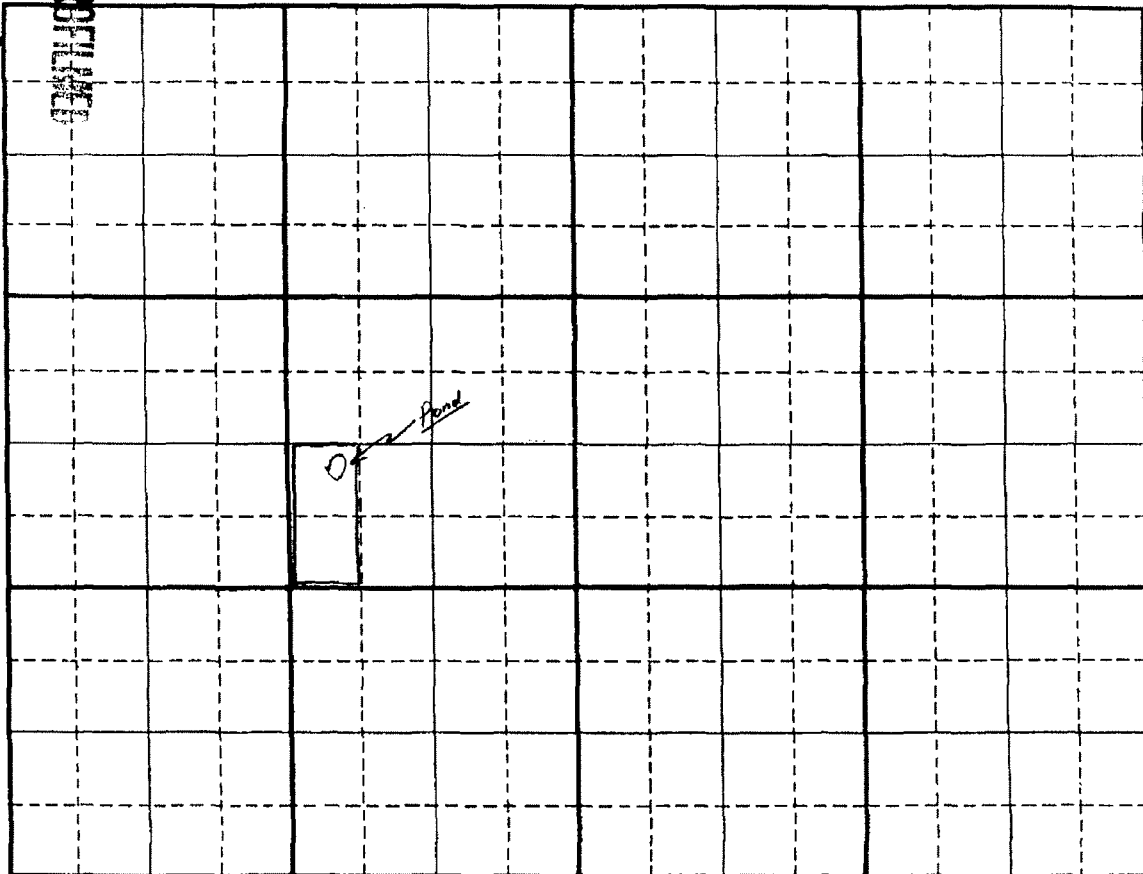
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Stock watering

NOTE: Include here the type and number of stock watered: 90 Hd Cattle

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

(8) Remarks _____



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 Adams) 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.

Sworn to before me this 30 day of June, 1983.

Clinton T. Yates
(Claimant)

Fred H. Harnett
Notary Public
Residing at Hammill

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by <u>mm</u>	Date <u>7-8-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JG</u>	Date <u>1-16-84</u>	Dick & Erma Armaco	claimant by: JP	3/13/84
\$30.00 fee received by <u>MM</u>	Date <u>7-8-83</u>	32373	Clifford E. Holcomb JP	3/14/84
Published in <u>Adams County Recorder</u>				
Dates <u>2/23 & 3/1/84</u>				

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan Fowler

Right Number 67-4559 Applicant YATES

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 3/2/84
- ☒ Claim published correctly. Adams County Ledger 2/23 + 3/1/84
- ☒ Exceptions processed. 30/32373

By DBS Date 3/29/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

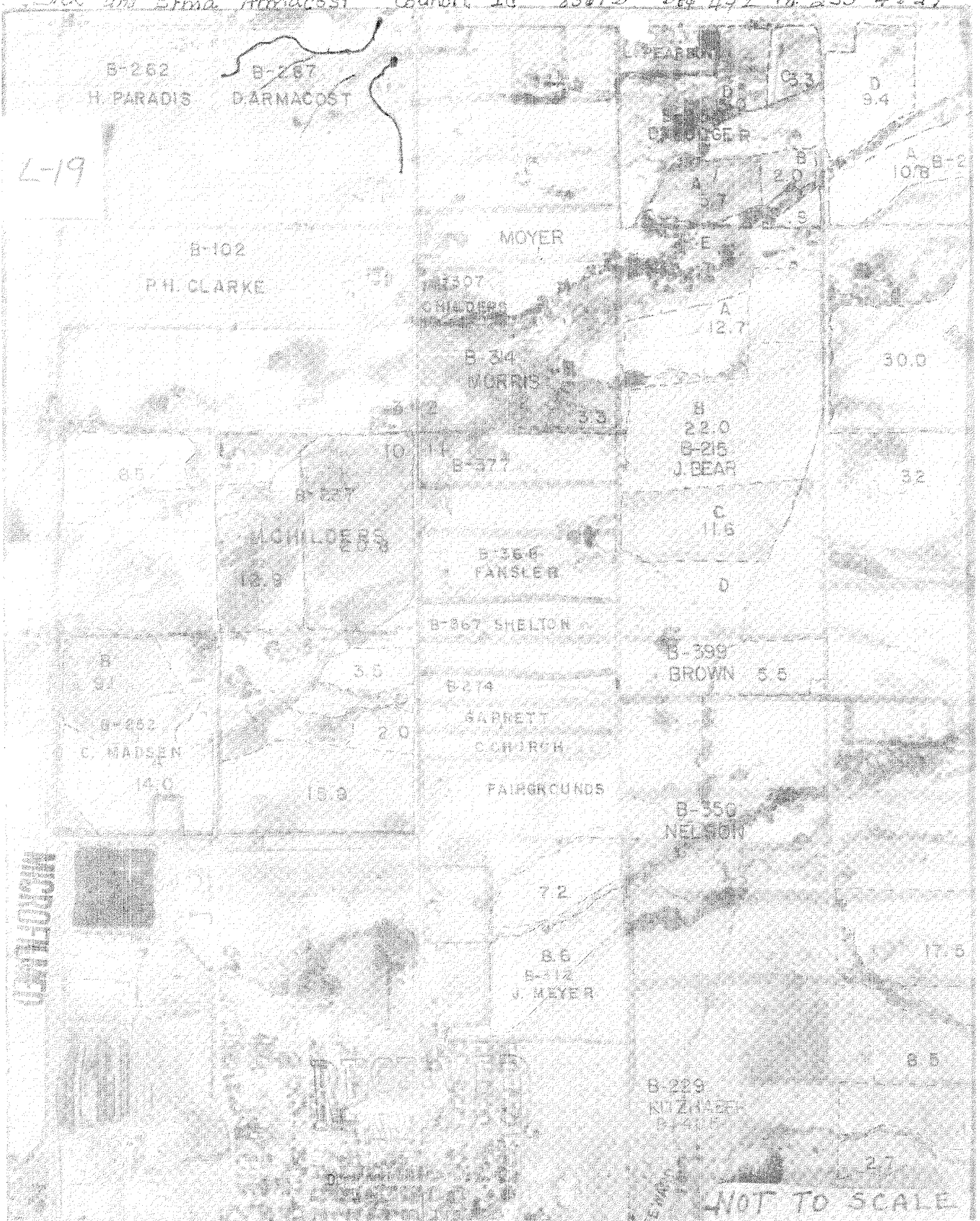
By sc Date 4/17/84

MICROFILMED

RECEIVED
APR 17 1984

Department of Water Resources

Dick and Erma Armacost Council Id 83612 Box 441 Ph 253-4827



J F Lowe
L J Rhinehart
Loren Rhinehart
Anna Morrow

38 ✓
31 ✓
40 ✓
5 ✓

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,
John Kessler, Jim Kessler, Lewis Kessler, Bettie
Dickerson, Janie Hart, Ida Blanchard, William
Kessler, Elva Young and Rebecca Kessler, suc-
cessors of Alexander Kessler, deceased

25 ✓

Frederick N Watrous, Grantee of Geo M Winkler

16 2/3 ✓

P H Schaff and F S Galey, Grantees of Samuel Harp

37 1/2 ✓

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krigbaum

29 ✓

Mill Creek (Con)

41 2/3 ✓

Council Valley Orchards, Grantee of J Marion
Young

10 3/4 ✓

J D Poyner and John Poyner

29 ✓

George T Ellis

37 1/2 ✓

P H Schaff and Thomas L Watt, Grantees of B F
Middleton

21 1/2 ✓

Charles Lappin and A R Felmley, Grantees of C S
Gibbs

27 1/2 ✓

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

37 1/2 ✓

B W Turnipseed

54 ✓

J V Morrison

16 Trans #84

C W Holmes

18 ✓

Council Valley Orchards

15 ✓

Unnamed Stream.

8 1/2 ✓

Council Valley Orchards

100 ✓

Frank S Galey

100 ✓

C W Holmes

20 ✓

C E McDonald High water 56

10 ✓

Fort Hall Creek

34 ✓

C T Hamill

4 ✓

Louis Harp

4 ✓

A L Freehafer and Margaret E Dike

6 ✓

11 ✓

June 5, 1902 67 0344

June 5, 1902 67 0345

June 5, 1902 67 0346

June 5, 1902 67 0347

67 0348

May 1, 1878 Trans #504-517-539-711

May 1, 1881 67 0349

May 1, 1884 67 0350

May 1, 1893 67 0351

May 1, 1894 67 0352

May 1, 1882 67 0353

May 1, 1891 67 0354

May 1, 1884 Trans #514 67 0355

May 1, 1885 67 0356

May 1, 1894 67 0357

May 1, 1889 67 0358

May 1, 1886 67 0359

May 1, 1893 67 0360

May 1, 1894 67 0361

May 1, 1896 67 0362

May 1, 1899 67 0363

May 1, 1903 67 0364

July 1, 1909 67 0365

May 1, 1909 67 0366

June 1, 1906 67 0367

July 3, 1911 67 0368

March 17, 1913 67 0369

May 16, 1912 67 0370

July 2, 1892 67 0371

May 1, 1882 67 0372

May 1, 1889 67 0373

May 1, 1882 67 0374

June 1, 1911 67 0375

JUL 24 1996

WILLIAM WINKLER, LEWIS WINKLER, MRS F H HAYNER, JOHN KESSLER, JIM KESSLER, LEWIS KESSLER, BETTIE DICKERSON, JANIE HART, IDA BLANCHARD, WILLIAM KESSLER, ELVA YOUNG AND REBECCA KESSLER, successors of Alexander Kessler, deceased: The Southwest Quarter of the Northeast Quarter, Section 10, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10 in Township 16 North, Range 1 West Boise Meridian.

FRIEDERICK N WATRIS: The South half of the Northwest Quarter and the North half of the Southwest Quarter, Section 35, Township 17 North Range 1 West Boise Meridian.

P H SCHAFF AND F S GALEY: The South half of the Northeast Quarter and the North half of the Southeast Quarter Section 35, Township 17 North, Range 1, West Boise Meridian.

DESERT SIDEW COMPANY: The Southeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The South half of the Southeast Quarter, Section 35, Township 17 North, Range 1 West Boise Meridian and the North half of the Northeast Quarter, Section 2, Township 16 North, Range 1 West Boise Meridian.

J D POYNIE AND JOHN POYNIE: The North half of the Southwest Quarter and the West half of the Northwest Quarter of Section 36, Township 17 North, Range 1 West Boise Meridian.

GEORGE T WELLS: The Southeast Quarter of the Southeast Quarter, Section 4, the Southwest Quarter of the Northwest Quarter, Section 3, and a tract bounded as follows, commencing at the Southwest corner of lot 1, said Section 4, thence north along the west side of said lot 20 rods, thence east 80 rods, thence south 20 rods, thence west 80 rods to the place of beginning, all in Township 16 North, Range 1 West Boise Meridian.

P H SCHAFF AND THOMAS L WATT: The North half of the Northwest Quarter Section 35, and 70 acres east of the right of way of the P & I N Ry. in the Southeast Quarter of the Southeast Quarter Section 27, and the Northeast Quarter of the Northeast Quarter Section 34, all in Township 17 North, Range 1 West Boise Meridian.

see chub
CHARLES LAPPIN AND A E FREMLEY: The West half of the Southwest Quarter of Section 25, and the east half of the southeast Quarter of Section 26, Township 17 North, Range 1, West Boise Meridian.

JAMES A HUSTON, JR. and WM H SPAHR: The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 36, Township 17 North Range 1 West Boise Meridian.

B W TURNIPSEED: Lot 4, the Southeast Quarter of the Southwest Quarter, and the South half of the Southeast Quarter Section 31, Township 17 North, Range 1 East Boise Meridian.

J V MORRISON: The Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 4, Township 16 North, Range 1 West Boise Meridian.

O W HOLMES: The Northwest Quarter of the Southwest Quarter Section 3, Township 16 North, Range 1 West Boise Meridian.

FRANK S GALEY: Northwest Quarter Southeast Quarter and Northeast Quarter Southeast Quarter Section 35, Township 17 North, Range 1 West Boise Meridian.

LOUIS HARP: The South half of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, Section 23, and the Southeast Quarter of the Southeast Quarter Section 14, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

EAST FORK DITCH (CON.)

Fay McBirney	20	July 1, 1905
Janet Ketchen	20	" " "
J. S. Hamilton	10	" " "
Whitney P. James	40	" " "
Council Valley Orchards Company	110	" " "
C. L. Weid	10	" " "
Henry Van Kleeck	27½	
Council Valley Orchards, (Mill Creek)	100	June 1, 1906
" " " (Unnamed stream)	100	July 3, 1911
Frank S. Caley, (Unnamed stream)	20	Mar. 17, 1913
T. B. Biggerstaff (Weiser River)	45	June 1, 1890
C. W. Holmes (Unnamed stream)	10	May 16, 1912

JUL 24 1996

RECEIVED

MAY 02 2006

DEPARTMENT OF
WATER RESOURCES

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 67-4559
Date Received: 12/18/1989
Receipt No: C013565
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: JACK Frasier Phone: 208-253-4758
2123 Airport Rd.
Council, Idaho 83612

Name: Nyla Frasier Phone: 208-253-4758
2123 Airport Rd.
Council, Idaho 83612

2. Date of Priority: 05/16/1912

3. Source: UNNAMED STREAM Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	3	SE NW SW	ADAMS	

5. Description of diverting works:

RESERVOIR, 80' X 200' X 8'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	0.12	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:

0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	3	NW	SW	IRRIGATION	6.0
			NW	SW	STOCKWATER	
					Section Acres	6.0
					Total Acres	6.0

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:

67-366

14. Remarks:

CLAIM AMENDED TO DESCRIBES THE SAME WATER USE AS WAS DECREED AS 67-00370.

Number of Stock: [REDACTED]
(Please fill in blank)

15. Basis of Claim: Decreed

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): *Jayla Frasier* Date: *5/1/2006*
Mya Frasier Date: *5/1/06*

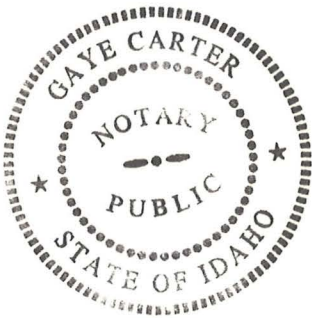
State of Idaho)
County of *Adams*) SS.

Subscribed and sworn (or affirmed) before me this *1st*
of *May* 20*06* *Gaye Carter*

Notary Public

Residing at *Council*

My commission Expires *9/2011*



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

RECEIVED
MAY 24 2006
DEPARTMENT OF
WATER RESOURCES

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

1

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
AS 67-4559	67-4559	none			
AS 67-366	67-366	none			

2

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. *NO Fee*

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Jack and Nyla Frasier
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
3123 Airport Rd
Council, Idaho 83612
(1) 208-253-4758
May 24, 2001

SCANNED

MAY 23 2006

SCANNED

OCT 17 2006

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

N/A

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

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

7.

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

Jack Frasier
W. J. Frasier

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

For Office Use Only

Received by _____ Date _____ Fee N/A
 Received by _____ Date _____ Receipt No. _____
 Processed by JAD AJ Date 12-13-00 WR _____ Date _____

SCANNED
MAY 03 2006

SCANNED
OCT 17 2006

For Value Received, THE C.T. & PHYLLIS YATES FAMILY TRUST and FLYING Y LIMITED PARTNERSHIP, an Idaho limited partnership

the grantors, do hereby grant, bargain, sell and convey unto
JACK W. FRASIER and NYLA J. FRASIER, husband and wife

the grantees, whose current address is, 2123 Airport Rd,
P.O. Box 208, Council, ID 83612

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

SEE ATTACHED EXHIBIT 'A' MADE A PART HEREOF

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title and that they will warrant and defend the same from all lawful claims whatsoever.

Date: May 21, 2001

THE C.T. & PHYLLIS YATES FAMILY TRUST

BY: Phyllis R. Yates
PHYLLIS R. YATES, Trustee

FLYING Y LIMITED PARTNERSHIP, an Idaho limited partnership

BY: Phyllis R. Yates
PHYLLIS R. YATES, as the surviving spouse of Clinton T. Yates, Partner

BY: Mark C. Yates
MARK C. YATES, Partner

Instrument # 99853

COUNCIL, ADAMS, IDAHO

2001-05-01

12:00:43 No. of Pages: 3

Recorded for: TRIMBLE TITLE & ESCROW

MICHAEL FISH

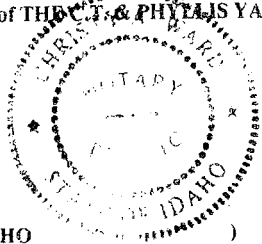
Fee: \$0.00

Ex-Officio Recorder Deputy

Index to: GDSO

STATE OF Idaho)
COUNTY OF Adams)

On this 24 day of May, in the year of 2001, before me, a Notary Public in and for said State, personally appeared PHYLLIS R. YATES, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of THE C.T. & PHYLLIS YATES FAMILY TRUST, and acknowledged to me that she executed the same as Trustee of THE C.T. & PHYLLIS YATES FAMILY TRUST.

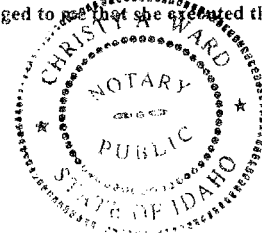


Notary Public
Residing at: Indian Valley
Commission expires: 9-17-04

SCANNED
OCT 17 2006

STATE OF IDAHO)

On this 24 day of May, in the year of 2001, before me, a Notary Public in and for said State, personally appeared PHYLLIS R. YATES, as the surviving spouse of Clinton T. Yates, known or identified to me to be one of the partners of FLYING Y LIMITED PARTNERSHIP, and who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.



Notary Public
Residing At: Indian Valley
Commission Expires: 9-17-04

PARCEL 1

Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 3: SW1/4NW1/4SW1/4

PARCEL 2

Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 3: E1/2W1/2SW1/4, NW1/4NW1/4SW1/4, NW1/4SW1/4SW1/4

EXCEPTING THEREFROM a strip 25 feet along the entire South line
of the SW1/4SW1/4 as set forth in Book 7 Deeds page 216

EXCEPTING the right-of-way of Airport Road

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 67-4559
Date Received: 12/18/1989
Receipt No: C013565
Received By:

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

1. Name of Claimant(s)

PHYLLIS R YATES Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612-5241

MARK C YATES Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612

LYNN M REINHOLD Phone: (208) 253-6915

2502 CEMETERY LN
COUNCIL ID USA 83612

2. Date of Priority: 01/01/1930

3. Source: WASTE WATER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	01W	3	SE NW SW	ADAMS	

5. Description of diverting works:

RESERVOIR, 80' X 200' X 8'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	12/31	0.3	
STOCKWATER	1/01	12/31	0.3	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	3	NW	SW	IRRIGATION	40
			NW	SW	STOCKWATER	
					Section Acres	40
					Total Acres	40

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM LIKELY DESCRIBES THE SAME WATER USE AS WAS DECREED AS 67-00370;
HOWEVER, AT THE TIME OF FILING, CAN ONLY ACCURATELY DETERMINE THE WATER USE TO 1930.
ANY ADDITIONAL MATERIAL WE UNCOVER WILL BE SUBMITTED.

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.

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: A67-04559
Date Received: 12/18/1989
Receipt No: C 013565
Received By: RLA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	C. T. YATES	208-253-6840
Address:	HC 62 BOX 1550 COUNCIL, ID	83612
AND/OR		
Name:	PHYLLIS R. YATES	208-253-6840
Address:	HC 62 BOX 1550 COUNCIL, ID	83612
AND/OR		
Name:	MARK C. YATES	208-253-6053
Address:	HC 67, BOX 2335 COUNCIL, ID	83612
AND/OR		
Name:	DIANE J. YATES	208-253-6053
Address:	HC 67, BOX 2335 COUNCIL, ID	83612

2. Date of Priority: JAN 01, 1930

3. Source: WASTE WATER Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	01W	3	SE	NW	SW		ADAMS

5. Description of diverting works:
RESERVOIR, 80' X 200' X 8'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.300		
STOCKWATER	01/01	12/31	0.300		

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

A.F.A.

A67-04559

Page 1

Date: 12/18/89

SCANNED
APR 14 2004

MICROFILMED
OCT 02 1992

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	3	NW	SW	IRR	40.0
			NW	SW	STOCK	
					Section Acres	40.0
					Total Acres	40.0

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:
A67-0366

14. Remarks:
THIS CLAIM LIKELY DESCRIBES THE SAME WATER USE AS WAS DECREED
AS 67-00370; HOWEVER, AT THE TIME OF FILING, CAN ONLY ACCURATELY
DETERMINE THE WATER USE TO 1930. ANY ADDITIONAL MATERIAL WE
UNCOVER WILL BE SUBMITTED.

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

Number of attachments: 1 (map.)

For Individuals:

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

Signature of Claimant(s): X *[Signature]* Date: X 12/18/89

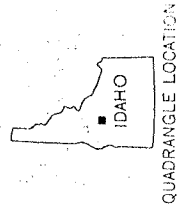
Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of December 19 89 *[Signature]*
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994



QUADRANGLE LOCATION

NOR

Idaho coordi

of grid,

techniques

images;

point

1992

MICROFILMED
OCT 0 1992

rvise

-scale

6060-104