

10/28/2006

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

RIGHT NUMBER: 67-10129

NAME AND ADDRESS: SUSAN J LOVELACE
2774 E MIGRATORY
BOISE ID 83706

GLEN S LOVELACE
2774 E MIGRATORY
BOISE ID 83706

SOURCE: WEST FORK WEISER RIVER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION:

T18N R01W S32 NWSE Within ADAMS County

T18N R01W S32 SWSE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.520 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S09 SENW 25.00 T17N R01W S09 NESW 37.00

STOCKWATER same as IRRIGATION

62 ACRES TOTAL

This right is limited to the irrigation of 41.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 62.0 acres in a single irrigation season. Combined Right Nos.: 67-4121, & 67-10129

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 -

Stockwater use is for 50 cows & 30 mules.



Idaho Department of Water Resources

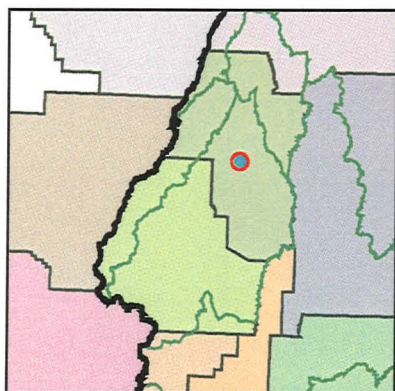
SRBA Recommendation:

67-10129

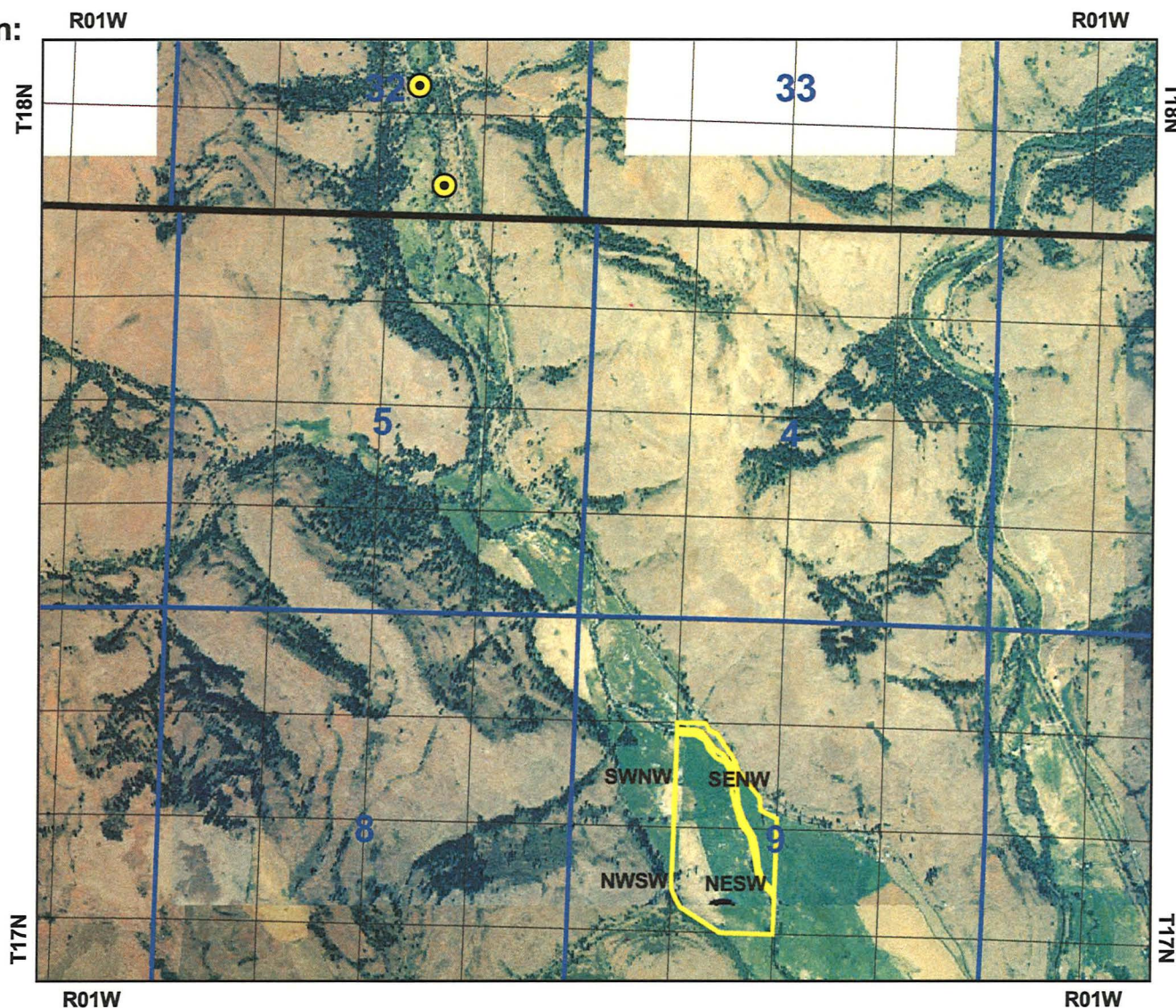
(Irrigation)

Legend

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



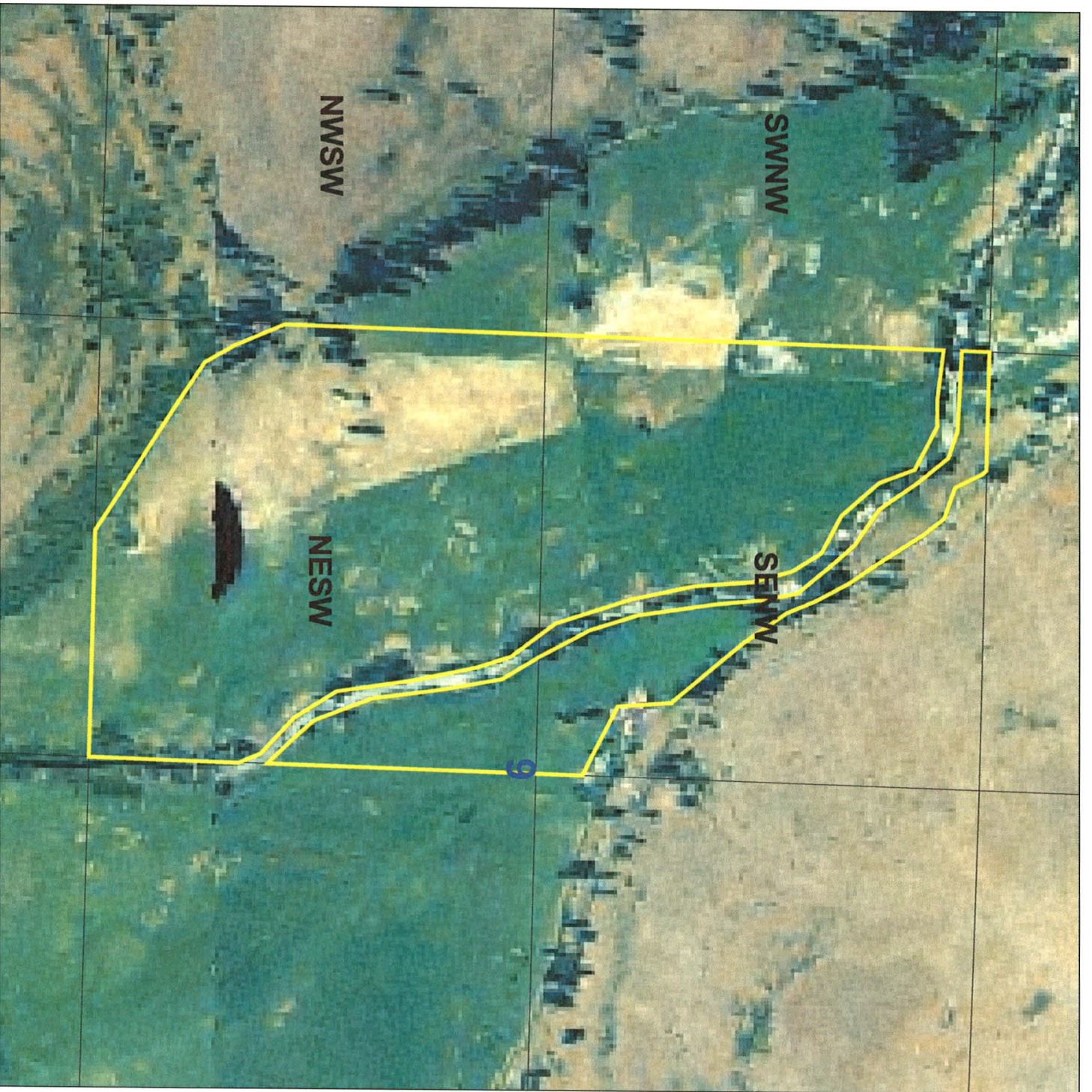
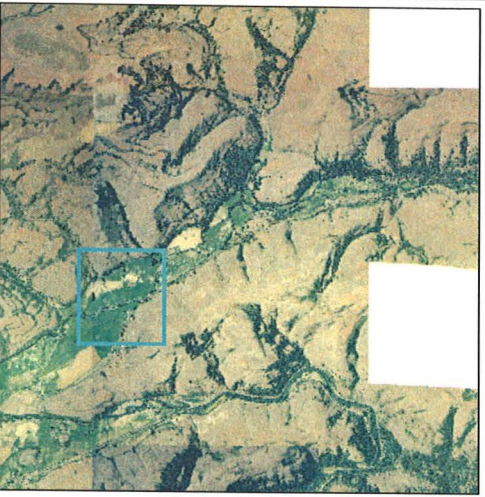
Adams County
IDWR Basin 67



0 0.9 1.8 Miles

Prepared by C. Saxton
On Saturday, October 28, 2006
1987/88 Aerial Photography

67-10129



Adjudication Recommendation Report 67-10129 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARGARET MERK 2671 WEST FORK RD FRUITVALE, ID 83612-6017 (208)253-4751
Original Owner	C L HAM , ZZ
Original Owner	LADELL MERK 2671 WEST FORK RD FRUITVALE, ID 83612-6017 (208)253-4751
Current Owner	SUSAN J LOVELACE 2774 E MIGRATORY BOISE, ID 83706 (208)383-0775
Current Owner	GLEN S LOVELACE 2774 E MIGRATORY BOISE, ID 83706 (208)383-0775

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
WEST FORK WEISER RIVER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.520 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	Total Diversion:	0.520 CFS	

WEST FORK WEISER RIVER ADAMS County	NW1/4SE1/4	Sec. 32, Twp 18N, Rge 01W, B.M.
WEST FORK WEISER RIVER ADAMS County	SW1/4SE1/4	Sec. 32, Twp 18N, Rge 01W, B.M.

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>	
17N	01W	9								25.0				37.0					62.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10129 V1

Total Acres: 62

STOCKWATER same as IRRIGATIONConditions of Approval:

1. X02 Stockwater use is for 50 cows & 30 mules.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 41.6 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 62.0 acres in a single irrigation season. Combined Right Nos.: 67-4121, & 67-10129

Remarks:Comments:

1. csaxton 10/28/2006 From Claim (1)

Comment: 0.44 CFS (22") CARRIED IN THE OSBORN GROOM DITCH.

0.08 CFS (4") CARRIED IN THE T. J. GLENN DITCH.

THIS IS A COMBINED CLAIM OF 67-00145 AND 67-00147.

***** 67-00145 AND 67-00147 WAS DECREED TO C. L. HAM

WITH A DECREE DATE OF 06/20/1921.

PLACE OF USE IN THE DECREE WAS FOR PROPERTIES IN T16N R01W SEC.9. PLACE OF USE BEING DELIVERED BY WATERMASTER IS IN T17N R01W SEC.9 LADELL AND MARGARET MERK ARE SUCCESSORS IN INTEREST TO C. L. HAM. SUMMATION: CLERICAL ERROR IN DECREE- T16N SHOULD BE T17N. ELR

***** VARIABLE FEE OVERLAP WITH A67-04121. TOTAL FEE THIS CLAIM-\$50.00 CHECK CORRECT LOCATION OF THE POINT OF DIVERSION. L.W.-2/26/90 AND ALSO PLACE OF USE.

ADDRESS CHANGED PER CLAIMANT LETTER (DB) 3/16/99.

2. csaxton 10/28/2006 POU

Comment: Recommended POU is in a different township than decreed. It appears that it was just an error on the decree as the claimed POU makes sense with the PODs and delivery system. Not flagging this with C05 as it appears that the POU never changed, rather it was incorrectly described.

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: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-10129 V1

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/28/2006 1:24:29 PM	csaxton			Active
Priority Date	10/28/2006 1:25:56 PM	csaxton			Active
POD	10/28/2006 1:26:04 PM	csaxton			Active
Source	10/28/2006 1:28:27 PM	csaxton			Active
POU	10/28/2006 1:29:03 PM	csaxton			Active
Use	10/28/2006 1:34:09 PM	csaxton			Active
Season	10/28/2006 1:34:45 PM	csaxton			Active
Quantity	10/28/2006 1:34:51 PM	csaxton			Active
Summary			10/28/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/28/2006 1:24:39 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	10/28/2006 1:27:28 PM	csaxton	Updated shape
POD	10/28/2006 1:27:44 PM	csaxton	Updated PLS
POD	10/28/2006 1:28:19 PM	csaxton	Updated shape
POU	10/28/2006 1:32:01 PM	csaxton	Updated PLS for Active POU
POD	10/28/2006 1:28:03 PM	csaxton	Updated PLS
POU	10/28/2006 1:31:53 PM	csaxton	Updated shape for Active POU
Use	10/28/2006 1:34:20 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/28/2006 1:34:56 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10129 V1

Quantity	10/28/2006 1:35:02 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/28/2006 1:37:02 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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? (Yes) 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?
General	10/28/2006 1:26:07 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/28/2006 1:26:15 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	10/28/2006 1:28:27 PM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-10129 V1

Source	10/28/2006 1:28:38 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/28/2006 1:29:14 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

Water Supply Bank:

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acre</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	4121		Statutory Clai	Active	6/1/1900	1.5		65 WEISER RIV	IRRIGATION, LOVELACE,		Claim
67	10129		Decreed	Active	5/1/1900	0.52		65 WEISER RIV	IRRIGATION, LOVELACE,		Claim

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acre</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	4121				6/1/1900	0.72	62	WEISER RIV	IRRIGATION, LOVELACE,		Recommendation
67	10129				5/1/1900	0.52	41.6	WEISER RIV	IRRIGATION, LOVELACE,		Recommendation
						1.24	63				

WR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acre</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	10127		Decreed	Active	6/1/1920	0.09		GROUND W/ DOMESTIC,	LOVELACE,		wrWaterRight
67	145		Decreed	Active	5/1/1900	0.08		WEISER RIV IRRIGATION	HAM, C L		CL wrWaterRight
67	147		Decreed	Active	5/1/1900	0.44		WEISER RIV IRRIGATION	HAM, C L		CL wrWaterRight

<u>Parcel #</u>	<u>Name</u>	<u>Inches</u>	<u>File #</u>	<u>Original Own</u>	<u>Priority</u>	
RP17N01W094200	MERK, LADELL	22	147		5/1/00	Now owner is Lovelace
RP17N01W094200	MERK, LADELL	4	145	CL HAM	5/1/00	Now owner is Lovelace
RP17N01W094200	MERK, LADELL	4.44		20 STG		
RP17N01W094201	MERK, LADELL	6		27 STG		



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

March 17, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Water Right No. 67-10127

LaDell Merk
Margaret Merk
2671 West Fork Rd
Fruitvale ID 83620

Dear Claimants:

Enclosed is a copy of the above referenced water right which reflects your change in address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

The address has also been changed on claim numbers A67-00081D, A67-02053B, A67-04121, and A67-10129.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region

DB:db

Enclosures

SCANNED
APR 08 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

LADELL AND/OR MARGARET MERK
BOX 10
FRUITVALE, ID. 83620

08/17/1989

DEAR CLAIMANTS:

ENCLOSED ARE NOTICE OF CLAIM NUMBERS A67-02053B, A67-00081D, A67-10129, A67-04121, AND A67-10127.

A67-02053B IS FOR THE 20 (C) SHARES OF LOST CREEK RESERVOIR AND REQUIRES YOUR SIGNATURE, NOTARIZATION, AND A FEE OF \$50.00.

A67-00081D IS FOR THE 10 (A) SHARES OF LOST VALLEY RESERVOIR AND REQUIRES YOUR SIGNATURE, NOTARIZATION, AND A FEE OF \$50.00.

A67-10129 IS FOR 26 MINERS INCHES OF WATER FROM THE WEST FORK OF THE WEISER RIVER AND IS BASED ON DECREES TO C. L. HAM (67-00145 & 67-00147). THE TWO DECREES HAVE BEEN COMBINED IN ORDER TO SAVE YOU AN ADDITIONAL \$50.00 FILING FEE IF A CLAIM HAD BEEN FILED ON EACH DECREE. THIS CLAIM REQUIRES YOUR SIGNATURE ON THE AUTHORIZATION TO COMBINE THE TWO WATER RIGHTS INTO ONE CLAIM AND ALSO REQUIRES YOUR SIGNATURE ON THE CLAIM, NOTARIZATION, AND A FEE OF \$50.00.

A67-04121 IS A CLAIM FOR FLOOD WATER FROM THE WEST FORK OF THE WEISER RIVER AND REQUIRES YOUR SIGNATURE AND NOTARIZATION. THE FEE HAS ALREADY BEEN PAID (RECEIPT # W003157). ATTACHED IS THE ORIGINAL CLAIM THAT YOU HAD SUBMITTED 06/08/1989 THAT CAN EITHER BE RETAINED OR DESTROYED.

A67-10127 IS A CLAIM FOR THE DOMESTIC/STOCKWATER USES FROM THE GROUNDWATER SOURCE AND REQUIRES YOUR SIGNATURE AND NOTARIZATION. THE FEE HAS ALREADY BEEN PAID (RECEIPT # W003157). ATTACHED IS THE ORIGINAL CLAIM THAT YOU HAD SUBMITTED 06/08/1989 THAT CAN EITHER BE RETAINED OR DESTROYED.

TOTAL FEES DUE= \$150.00

FEES CAN BE PAID ON ONE CHECK.

IF YOU HAVE ANY QUESTIONS, FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

ELDON L. ROUSH
SENIOR WATER RESOURCE AGENT

MICROFILMED
OCT 05 1992

AUTHORIZATION TO COMBINE WATER RIGHTS
WITHIN THE SNAKE RIVER BASIN ADJUDICATION

To Whom It May Concern:

I/We hereby authorize the Department of Water Resources to combine
Water Right numbers 67-00145 and 67-00147
into one filing of Notice of Claim to a Water Right acquired under
State Law; Identification Number A67-10129.

Signed at _____ this _____
day of _____, 19____.

Signature of Claimant(s): Radell Merks Date: 8-21-89
Margaret Merks Date: 8-21-89

Margaret:

Please include deed or other
conveyance showing that you are successor
to C.L. Hem.

Thanks

Eldon Roush

Eldon - Thanks for all your help

Deeds on back of this - Margaret

MICROFILMED
OCT 05 1992

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

06/27/2005

WATER RIGHT NO. 67-10129

*Same pool + PODs
as 67-4121*

Owner Type	Name and Address
Current Owner	LADELL MERK
Current Owner	MARGARET MERK
	2671 WEST FORK RD
	FRUITVALE, ID 83612-6017
	(208)253-4751
Original Owner	C L HAM

Priority Date: 05/01/1900 - priority date for 675
Basis: Decreed
Status: Active

Source	Tributary
WEST FORK WEISER RIVER	WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	0.52 CFS	
STOCKWATER	1/01	12/31	0.03 CFS	
Total Diversion			0.52 CFS	

.55 = 27.5"

Location of Point(s) of Diversion:

WEISER RIVER	NWSW	Sec. 09	Township 17N	Range 01W	ADAMS County
WEISER RIVER	SESE	Sec. 32	Township 18N	Range 01W	ADAMS County

*not right & according to
aerial photos*

*PODs - fallen from
TS Glenn
Osborn-Groan
ditches
A0014009
A0014010*

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADAMS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16N	01W	9		SE	27									
				SW	38									

65

Place of Use Legal Description: STOCKWATER ADAMS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16N	01W	9		SE										
				SW										

Total Acres: 65

Conditions of Approval:

1.	0.44 CFS (22") CARRIED IN THE OSBORN GROOM DITCH. 0.08 CFS (4") CARRIED IN THE T. J. GLENN DITCH. THIS IS A COMBINED CLAIM OF 67-00145 AND 67-00147. ***** 67-00145 AND 67-00147 WAS DECREED TO C. L. HAM WITH A DECREE DATE OF 06/20/1921. PLACE OF USE IN THE DECREE WAS FOR PROPERTIES IN T16N R01W SEC.9. PLACE OF USE BEING DELIVERED BY WATERMASTER IS IN T17N R01W SEC.9 LADELL AND MARGARET MERK ARE SUCCESSORS IN INTEREST TO C. L. HAM. SUMMATION: CLERICAL ERROR IN DECREE- T16N SHOULD BE T17N. ELR ***** VARIABLE FEE OVERLAP WITH A67-04121. TOTAL FEE THIS CLAIM-\$50.00 CHECK CORRECT LOCATION OF THE POINT OF DIVERSION. L.W.-2/26/90 AND ALSO PLACE OF USE. ADDRESS CHANGED PER CLAIMANT LETTER (DB) 3/16/99.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 67


 Close

 IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Claim Report

06/27/2005

WATER RIGHT NO. 67-2053B

*Handled by
Lost Valley*
*Same POW
as 67-4121*

Owner Type	Name and Address
Current Owner	LADELL MERK
Current Owner	MARGARET MERK 2671 WEST FORK RD FRUITVALE, ID 83612-6017 (208)253-4751
Original Owner	MESA ORCHARDS WATER CO

Priority Date: 05/27/1910

Basis: License

Status: Active

Source	Tributary
LOST CREEK	WEST FORK WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	1/01	12/31		20 AFA
IRRIGATION FROM STORAGE	4/15	10/15		20 AFA
Total Diversion			20 AFA	

Location of Point(s) of Diversion:

LOST CREEK	NWSW	Sec. 09	Township 17N	Range 01W	ADAMS County
LOST CREEK	SESE	Sec. 32	Township 18N	Range 01W	ADAMS County
LOST CREEK Rediversion	SENE	Sec. 28	Township 19N	Range 01W	ADAMS County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE ADAMS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
17N	01W	9		SEnw	27									
				NEsw	38									

Total Acres: 65

Conditions of Approval:

1.	THIS WATER RIGHT HAS BEEN LISTED IN THE WATER RIGHTS BASE AS BEING SUPERCEDED BY DECREE 67-00081. THIS APPEARS TO BE IN ERROR APPLICATION FOR PERMIT 6503 (67-02053) DATED MAY 27,1910. CERTIFICATE OF COMPLETION OF WORKS ISSUED 02/29/1916. MUIR -VS- ALLISON DECREE OF MAY 09,1918 WHICH INCLUDED 6250 AF STORAGE IN LOST VALLEY RESERVOIR TO ORCHARDS WATER CO., APPEALED TO IDAHO STATE SUPREME COURT. STATE SUPREME COURT REVERSED IN PART AND REMANDED BACK TO THE LOWER COURT THE MAY 09, 1918 DECREE; DATED 06/22/1920. LOWER COURT ISSUES MUIR -VS- ALLISON DECREE DATED JUNE 20, 1921. ORCHARD WATER CO. MADE SATISFACTORY PROOF OF BENEFICIAL USE TO DEPT. OF RECLAMATION ON AUGUST 23, 1921. LICENSE 6503 (67-02053) ISSUED ON MAY 10, 1922. TRANSFER # 378 FOR 5270 (67-02039) AND 6503 (67-02053) SIGNED AND SEALED JUNE 23, 1926. ELR ***** THIS CLAIM IS A SPLIT OF 67-02053. VARIABLE FEE OVERLAP WITH A67-04121. TOTAL FEE THIS CLAIM- \$50.00 ADDRESS CHANGED PER CLAIMANT LETTER (DB) 3/16/99. PLACE OF USE CORRECTED TO MATCH PURPOSE OF USE. DB 3/17/99.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

06/27/2005

WATER RIGHT NO. 67-81D

handled by
West Valley
Sene POU
as 67-4121

Owner Type	Name and Address
Current Owner	LADELL MERK
Current Owner	MARGARET MERK 2671 WEST FORK RD FRUITVALE, ID 83612-6017 (208)253-4751
Original Owner	EMMA BALL
Original Owner	ORCHARDS WATER CO MESA, ID 83643

Priority Date: 05/27/1910

Basis: Decreed

Status: Active

Source	Tributary
LOST CREEK LOST VALLEY RESERVOIR	WEST FORK WEISER RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	1/01	12/31		10 AFA
IRRIGATION FROM STORAGE	4/15	10/15		10 AFA
Total Diversion			10 AFA	

Location of Point(s) of Diversion:

--	--	--	--	--	--

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 67-10129
Date Received: 8/24/1989
Receipt No: W004887
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUSAN J LOVELACE Phone: (208)383-0775

2774 E MIGRATORY
BOISE ID USA 83706

GLEN S LOVELACE Phone: (208)383-0775

2774 E MIGRATORY
BOISE ID USA 83706

2. Date of Priority: 05/01/1900

3. Source: WEISER RIVER WEST FORK, WEISER RIVER WEST FORK Trib. to: WEISER RIVER ,
WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
18N	01W	32	SE	SE		ADAMS	
17N	01W	9	NW	SW		ADAMS	

5. Description of diverting works:

DITCHES TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.52	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:

0.52 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	9	NE	SW	IRRIGATION	38
			SE	NW	IRRIGATION	27
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
					Section Acres	65
					Total Acres	65

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

0.44 CFS (22") CARRIED IN THE OSBORN GROOM DITCH.
0.08 CFS (4") CARRIED IN THE T. J. GLENN DITCH.
THIS IS A COMBINED CLAIM OF 67-00145 AND 67-00147.
***** 67-00145 AND 67-00147 WAS DECREED TO C. L. HAM WITH A DECREE DATE OF 06/20/1921.
PLACE OF USE IN THE DECREE WAS FOR PROPERTIES IN T16N R01W SEC.9. PLACE OF USE BEING
DELIVERED BY WATERMASTER IS IN T17N R01W SEC.9 LADELL AND MARGARET MERK ARE
SUCCESSORS IN INTEREST TO C. L. HAM. SUMMATION: CLERICAL ERROR IN DECREE- T16N SHOULD
BE T17N. ELR *****
VARIABLE FEE OVERLAP WITH A67-04121. TOTAL FEE THIS CLAIM-\$50.00 CHECK CORRECT
LOCATION OF THE POINT OF DIVERSION. L.W.-2/26/90 AND ALSO PLACE OF USE.
ADDRESS CHANGED PER CLAIMANT LETTER (DB) 3/16/99.

15. Basis of Claim: Decreed

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: **A67-10129**
Date Received: 8/24/1989
Receipt No: W004887
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LADELL MERK 208-253-4751
Address: 2671 WEST FORK RD
FRUITVALE ID 83620
AND/OR
Name: MARGARET MERK 208-253-4751
Address: 2671 WEST FORK RD
FRUITVALE ID 83620

2. Date of Priority: MAY 1, 1900

3. Source: WEISER RIVER, WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	9	NW	SW			ADAMS
18N	01W	32	SE	SE			ADAMS

5. Description of diverting works:
DITCHES TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.520		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/S 50 COWS AND 30 MULES

SCANNED
APR 08 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	9	SE	NW		STOCK	
			SE	NW		IRR	27.0
			NE	SW		IRR	38.0
			NE	SW		STOCK	
						Section Acres	65.0
						Total Acres	65.0

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:
67-00081D, 00145, 00147, 02053

14. Remarks:

0.44 CFS (22") CARRIED IN THE OSBORN GROOM DITCH.
0.08 CFS (4") CARRIED IN THE T. J. GLENN DITCH.
THIS IS A COMBINED CLAIM OF 67-00145 AND 67-00147.

67-00145 AND 67-00147 WAS DECREED TO C. L. HAM WITH A DECREE DATE
OF 06/20/1921.
PLACE OF USE IN THE DECREE WAS FOR PROPERTIES IN T16N R01W SEC.9.
PLACE OF USE BEING DELIVERED BY WATERMASTER IS IN T17N R01W SEC.9
LADELL AND MARGARET MERK ARE SUCCESSORS IN INTEREST TO C. L. HAM.
SUMMATION: CLERICAL ERROR IN DECREE- T16N SHOULD BE T17N. ELR

VARIABLE FEE OVERLAP WITH A67-04121. TOTAL FEE THIS CLAIM-\$50.00
CHECK CORRECT LOCATION OF THE POINT OF DIVERSION. L.W.-2/26/90
AND ALSO PLACE OF USE.
ADDRESS CHANGED PER CLAIMANT LETTER (DB) 3/16/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 3, 1999
PAGE: 1

RIGHT NUMBER: 67-10127

NAME AND ADDRESS: LADELL MERK
MARGARET MERK
PO BOX 10
FRUITVALE ID 83620

NEW ADDRESS

LaDell Merk 2671-West Fork Rd.
Margaret Merk Fruitvale, Id.83620

SOURCE: GROUNDWATER

QUANTITY: 0.09 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 06/01/1920

POINT OF DIVERSION T17N R01W S09 SENW Within ADAMS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.05 CFS

PLACE OF USE: STOCKWATER Within ADAMS County
T17N R01W S09 SENW

DOMESTIC Within ADAMS County
T17N R01W S09 SENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 50 RANGE CATTLE & 30 HORSES/MULES
PARCEL NO. RP 17N01W094200 A

RECEIVED

MAR 16 1999

WATER RESOURCES
WESTERN REGION

Address change sent to I.D.W.R. Western Region and N. Orchard

Also Changed:

A67-00081 D

A67-02053 B

A67-04121

A67-10129

Margaret Merk

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: A67-10129

Date Received:

Receipt No: W004887

Received By: _____

RECEIVED

AUG 23 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LADELL MERK 208-253-4751
Address: BOX 10
FRUITVALE, ID 83620
AND/OR
Name: MARGARET MERK 208-253-4751
Address: BOX 10
FRUITVALE, ID 83620

2. Date of Priority: MAY 01, 1900

3. Source: WEISER RIVER, WEST FORK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	9	NW	SW			ADAMS
18N	01W	32	SE	SE			ADAMS

5. Description of diverting works:
DITCHES TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.520		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/S 50 COWS AND 30 MULES

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	9	SE	NW	IRR	27.0
			SE	NW	STOCK	
			NE	SW	IRR	38.0
			NE	SW	STOCK	
					Section Acres	65.0
					Total Acres	65.0

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:
67-00081D, 00145, 00147, 02053

14. Remarks:

0.44 CFS (22") CARRIED IN THE OSBORN GROOM DITCH.

0.08 CFS (4") CARRIED IN THE T. J. GLENN DITCH.

THIS IS A COMBINED CLAIM OF 67-00145 AND 67-00147.

67-00145 AND 67-00147 WAS DECREED TO C. L. HAM WITH A DECREE DATE
OF 06/20/1921.

PLACE OF USE IN THE DECREE WAS FOR PROPERTIES IN T16N R01W SEC.9.
PLACE OF USE BEING DELIVERED BY WATERMASTER IS IN T17N R01W SEC.9
LADELL AND MARGARET MERK ARE SUCCESSORS IN INTEREST TO C. L. HAM.

SUMMATION: CLERICAL ERROR IN DECREE- T16N SHOULD BE T17N. ELR

VARIABLE FEE OVERLAP WITH A67-04121. TOTAL FEE THIS CLAIM-\$50.00

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

VS

WILLIAM ALLISON

Decree Defendant

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OCT 05 1992

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): Radell Merk Date: 8-21-89
Margaret Merk Date: 8-21-89

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of August 19 89
Patricia Col
Notary Public

Seal

Residing at Council
My Commission Expires 10-23-93

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 67-00145 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
HAM C. L. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1900 14 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WEISER RIVER, WEST FORK WEISER RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

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

01 - IRRIGATION 0.080

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.080 4"

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

16N 01W 9 SE NW 01 IRRIGATION 3 ADAMS
16N 01W 9 NE SW 01 IRRIGATION 3 ADAMS

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
THIS WATER CARRIED IN THE T. J. GLENN DITCH.

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
JOHN T. MUIR WILLIAM ALLISON 06/20/1921

MICROFILMED
OCT 05 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 67-00145

Adj. flag translation: Standard Water Right Number

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 67
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/20/1921				

MICROFILMED
OCT 05 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 67-00147 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
HAM C. L. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1900 14 D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WEISER RIVER, WEST FORK WEISER RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

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

01 - IRRIGATION 0.440

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.440 22'

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

16N 01W 9 SE NW 01 IRRIGATION 3 ADAMS
16N 01W 9 NE SW 01 IRRIGATION 3 ADAMS

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
THIS WATER CARRIED IN THE OSBORN-GROOMS DITCH.

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

+ - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - Decree Date - +
JOHN T. MUIR WILLIAM ALLISON 06/20/1921

MICROFILMED
OCT 5 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 67-00147

Adj. flag translation: Standard Water Right Number

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 67
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 06/20/1921				

MICROFILMED
OCT 05 1992

[illegible]

THIS INDENTURE, Made this 16th day of June

in the year of our Lord one thousand nine hundred and Fifty Two between

*****ED. R. BLESSINGER and EDNA FAYE BLESSINGER, husband and wife,*****

of Fruitvale County of Adams State of Idaho

the parties of the first part, and LA DELL MERK and MARGARET MERK, husband and wife,

of Mt. Vernon County of State of Oregon

the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

*****TEN AND NO/100*****

DOLLARS,

(and other valuable consideration)

lawful money of the United States of America, to them in hand paid by the said parties of

the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and

by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second

part, and to their heirs and assigns forever, all the following described real estate situated in

the County of Adams State of Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter and the
Northeast Quarter of the Southwest Quarter of Section
Nine (9) in Township Seventeen (17) North, Range One (1)
West, Boise Meridian, and together with all water and water
rights, ditches and ditch rights and irrigating works of
whatever nature, used upon, connected with or in anywise
appurtenant to said premises, and particularly including,
but not being limited to

26 inches of the water of West Fork of the Weiser River
and Twenty (20) Acre feet of the storage water of Lost
Valley Reservoir, as evidenced by Stock Certificate
for 20 shares of the Class C stock of Lost Valley
Reservoir Company.

This conveyance is made subject to taxes on said premises for
1952, to be paid by second parties.

MICROFILMED
OCT 05 1992

INSTRUMENT NO. 8273

THIS INDENTURE, Made this eleventh day of July in the year of our Lord one thousand nine hundred and nineteen between C. L. HAM and EUNICE B. HAM, his wife, of Fruitvale, County of Adams, State of Idaho, the parties of the first part, and HENRIETTA CASEMAN, a widow, of Fruitvale, County of Adams, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of FIVE THOUSAND DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all the following described real estate, situated in Fruitvale, County of Adams, State of Idaho, to wit:

The Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 9, Township 17, North of Range 1 West of Boise Meridian, together with all water, water rights, dams, ditches, flumes and irrigation works of whatever nature used upon, connected with, or in anywise appertaining to said lands, together with .52 second feet of the waters of West Fork of Weiser River, adjudicated to said lands under decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, in the case of John T. Muir et als, vs William Allison, et als, which decree bears date May 9th, 1918. This conveyance is made subject to a mortgage on said lands for the principal sum of Twelve Hundred Dollars, together with the interest thereon held by Anna Hansen, and also subject to the taxes on the said lands for the year 1919, which said mortgage and its interest, and said taxes, the party of the second part hereby assumes and agrees to pay.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND, except as against said mortgage and taxes hereinbefore mentioned.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of

C. L. Ham (Seal)

Eunice B. Ham (Seal)

I. R. \$4.00 Cancelled.

STATE OF IDAHO,)
County of Adams) ss

On this eleventh day of July in the year 1919 before me James A. Stinson a Notary Public in and for said county, personally appeared C. L. Ham and Eunice

THIS INDENTURE, Made this 15th day of July, in the year of our Lord one thousand nine hundred and Forty Two, between HENRIETTA CASEMAN, widow, of Sunbury, County of _____, State of Pennsylvania, the party of the first part, and ROBERT L. DUKE, ANDREW S. DUKE and DOLLIE WARD, of Cascade, County of Valley, State of Idaho the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of FIVE THOUSAND AND NO/100 DOLLARS, lawful money of the United States of America, to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Adams, State of Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section Nine (9) in Township Seventeen (17) North, Range One (1) West, Boise Meridian, together with all water and water rights, ditch and ditch rights and irrigating works of whatever nature, used upon, connected with or in anywise appurtenant to said premises, particularly including, but not being limited to, 26 inches of decreed water from West Fork of the Weiser River and Twenty (20) shares of the Class C stock of the Lost Valley Reservoir Company, evidencing Twenty (20) acre feet of storage water of said Reservoir.

This conveyance is made subject to the lien of a mortgage in favor of The Federal Land Bank of Spokane, on which there is unpaid a balance of approximately \$1875.00, and to the lien of any taxes for the year 1942.

L. R. \$5.50 attached and cancelled.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said party of the first part.

TO HAVE AND TO HOLD, "all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN Henrietta Caseman (Seal)
PRESENCE OF

Witnessed by J. Luesa Stull (Seal)
 Mrs Hattie Larcom (Seal)

STATE OF PENNSYLVANIA)
County of Northumberland) ss.

On this 15th day of July in the year 1942, before me James Rogers, a Notary Public in and for said State, personally appeared HENRIETTA CASEMAN, widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

(NOTARIAL SEAL)

James Rogers Notary Public for the State of
Pa. Residing at Pa.
My Commission expires My Commission Expires
February 11, 1945

Recorded at request of Robt. L. Duke at 10 o'clock A. M., August 7, 1942.

Fee \$1.40

Matilda Moser

Recorder