

NOTICE OF ERROR
REPLY

11/14/2006

DEC 6 1 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-11330

JOHN E ELSBERRY
PO BOX 698
COUNCIL ID 83612

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 11-30-06

SIGNATURE:

Please print your name:

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

SCANNED

DEC - 4 2006

07/21/2006

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

RIGHT NUMBER: 67-11330

NAME AND ADDRESS: JOHN E ELSBERRY
PO BOX 698
COUNCIL ID 83612

SOURCE: WEISER RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.310 CFS

PRIORITY DATE: 07/01/1961

POINT OF DIVERSION:

T17N R01W S10 NWSW 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	0.310 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S15	NENW	3.40	T17N R01W S15	SENW	12.00
---------------	------	------	---------------	------	-------

15.4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



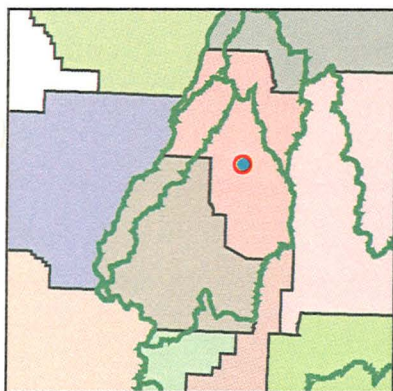
Idaho Department of Water Resources

SRBA Recommendation:

67-11330

Legend

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



Adams County
IDWR Basin 67

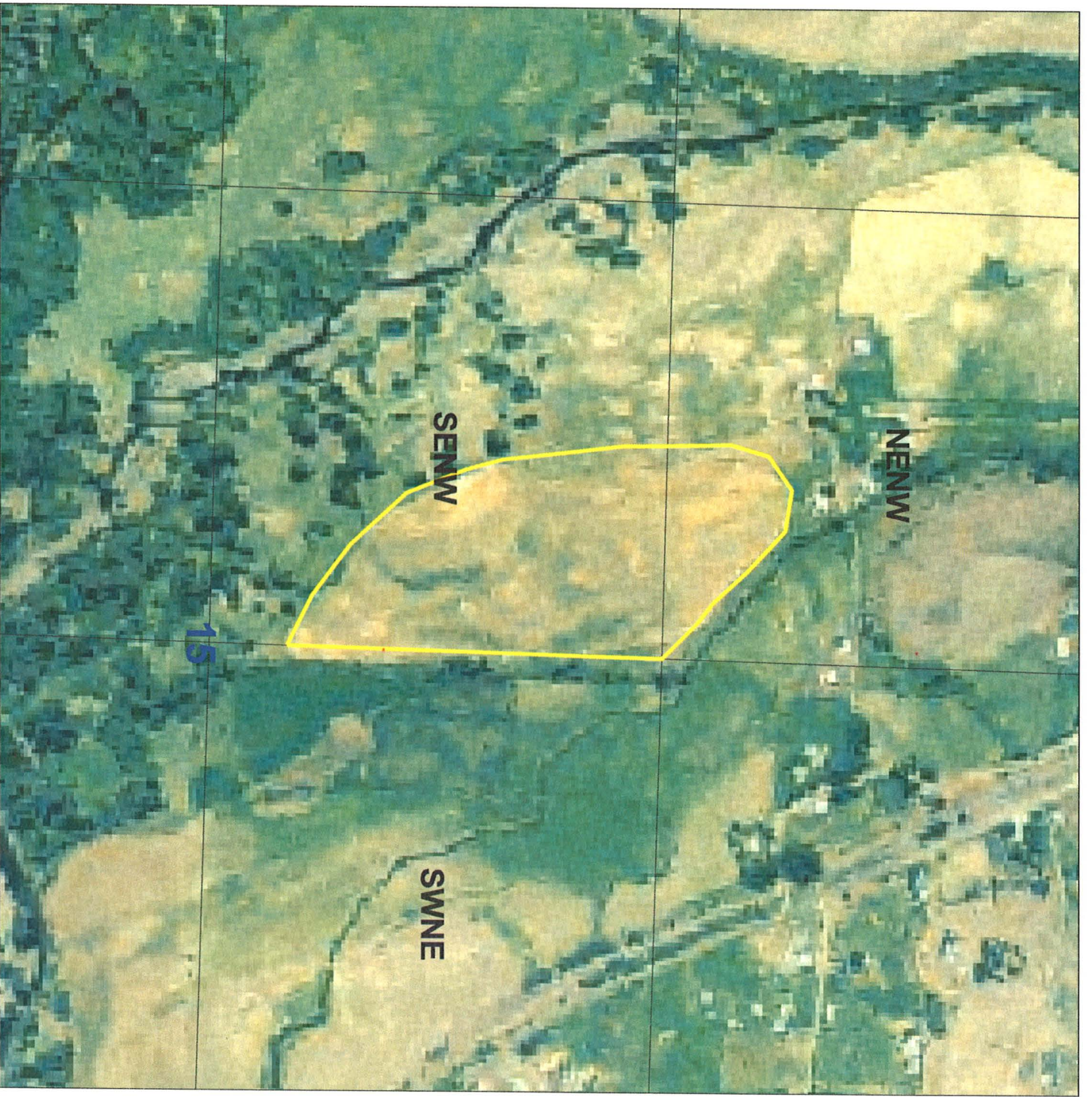
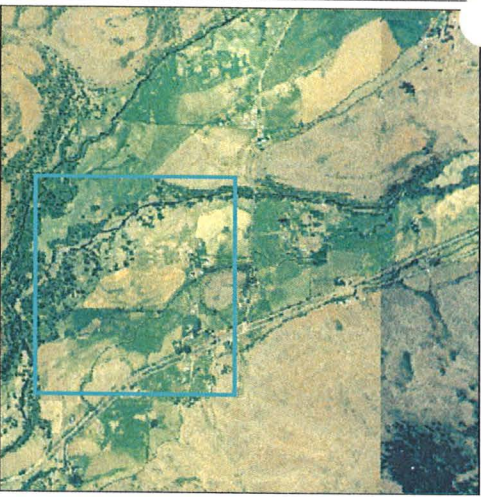


0 0.4 0.8 Miles



Prepared by C. Saxton
On Friday, July 21, 2006
1987/88 Aerial Photography

67-11330



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11330 V1

WATER RIGHT NUMBER: 67-11330 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MELVIN D RYALS 2243 SAWMILL RD COUNCIL, ID 83612-5003 (208)253-4753
Current Owner	JOHN E ELSBERRY PO BOX 698 COUNCIL, ID 83612

Priority Date: 07/01/1961

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.310 CFS	
	<u>Total Diversion:</u>	0.310 CFS	

Location of Point(s) of Diversion

WEISER RIVER	NW1/4SW1/4	Sec. 10, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	15					3.4			12.0									15.4

Total Acres: 15.4

Conditions of Approval:

1. 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 67-11330 V1

Comments:

1. csaxton 7/21/2006 Source

Comment: Notes in Melanie Vinings field report state that this water is not company water, but is delivered through Farmers canal. Then she shows the POD as the head of Farmers Canal which would make the source the Weiser River. Looking at the map, it looks like the drain is part of the delivery system.

2. csaxton 7/21/2006 Copied From Claim (1)

Comment: WATER COLLECTED THROUGH THE DRAINAGE DITCH, BACKED UP AT DAM CAUSING SUB IRRIGATION TO THE PLACE OF USE.
OWNERSHIP CHANGED BY LH 12/15/93.

3. csaxton 7/21/2006 POD

Comment: By re-defining the source, the POD changed to the POD recommended in the field exam.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	7/21/2006 1:40:30 PM	csaxton			Active
Priority Date	7/21/2006 1:41:17 PM	csaxton			Active
POD	7/21/2006 1:41:24 PM	csaxton			Active
Source	7/21/2006 1:41:34 PM	csaxton			Active
POU	7/21/2006 1:42:04 PM	csaxton			Active
Use	7/21/2006 1:42:14 PM	csaxton			Active
Season	7/21/2006 1:42:27 PM	csaxton			Active
Quantity	7/21/2006 1:43:12 PM	csaxton			Active
Source	7/21/2006 1:53:06 PM	csaxton			Active
Summary			07/21/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11330 V1

Contacts	7/21/2006 1:40:32 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE b y Melanie Vining on 7/28/05.
General	7/21/2006 1:41:19 PM	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 - Direct overlap with decreed water in the form of Lost Valley Reservoir shares. Rec one day after decree.
POD	7/21/2006 1:41:26 PM	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?
Source	7/21/2006 1:41:37 PM	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 - FE b y Melanie Vining on 7/28/05.
POU	7/21/2006 1:42:06 PM	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 - FE b y Melanie Vining on 7/28/05 and claimant map provided.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11330 V1

Use	7/21/2006 1:42:16 PM	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 - FE b y Melanie Vining on 7/28/05.
Season	7/21/2006 1:42:29 PM	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?
Quantity	7/21/2006 1:43:14 PM	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? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Carried in Farmers Canal. Water master states that the canal has the capacity to divert this water.
Source	7/21/2006 1:53:10 PM	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? (No) 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 - FE b y Melanie Vining on 7/28/05 and GPS by Bosco Bosler indicate that the source is the Weiser River. The drain ditch is just a means of conveyance.
POU	7/21/2006 3:07:50 PM	csaxton	Updated shape for Active POU
POD	7/21/2006 3:10:43 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11330 V1

POD	7/21/2006 3:11:04 PM	csaxton	Updated PLS
POU	7/21/2006 3:08:04 PM	csaxton	Updated PLS for Active POU
Summary	7/21/2006 3:11:25 PM	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? (No) 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?

Water Supply Bank:

RECEIVED
SEP 14 2005
Department of Water Resources

September 11, 2005

67-4115B & 11330
John E. Elsberry
P. O. Box 698
Council, Idaho 83612

State of Idaho
Department of Water Resources
ATTENTION: Craig L. Saxton
PO Box 83720
Boise, Idaho 83720-0098

Re: Evidence of Priority Date

Dear Mr. Saxton:

Enclosed please find an Affidavit of Mrs. Amy Grace Glenn, along with coapy of map for Adjudication Claim Numbers 67-4115B & 11330.

If you need further information, please advise.

Thank you.



JOHN E. ELSBERRY
P. O. Box 698
Council, Idaho 83612

JEE:mjn

Enclosures

P.S. Please change my address to the one above. Thank you.

address changed 10/06/05 MVB.

SCANNED

SEP 15 2005

IN THE MATTER OF NOTICE)
OF CLAIM TO A WATER RIGHT)
NO. 67-4115B & 11330)
_____)

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Adams)

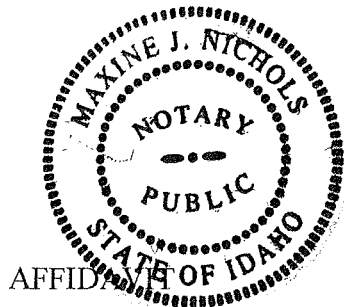
Amy Grace Glenn, being first duly sworn, deposes and says:

That I was born May 12, 1915 in Fruitvale, Adams County, Idaho and have lived here all my 90 years. I know this parcel of land, shown on this map, and it has been irrigated as long as I remember.

I know this land has been under irrigation before 1900, because my husband, Fred Andrew Glenn's grandfather, George Robertson, put this land under irrigation between 1880 and 1884.

Amy Grace Glenn
AMY GRACE GLENN

SUBSCRIBED AND SWORN to before me this 11th Day of September, 2005.



Maxine J. Nichols
Notary Public for Idaho
Residing at Fruitvale
My Commission Expires: 5/24/06

SCANNED

SEP 15 2005



Idaho Department of Water Resources

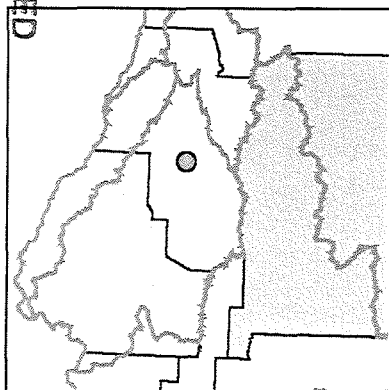
Adjudication Claim Number: **67-4115B** #11330

T17N R01W

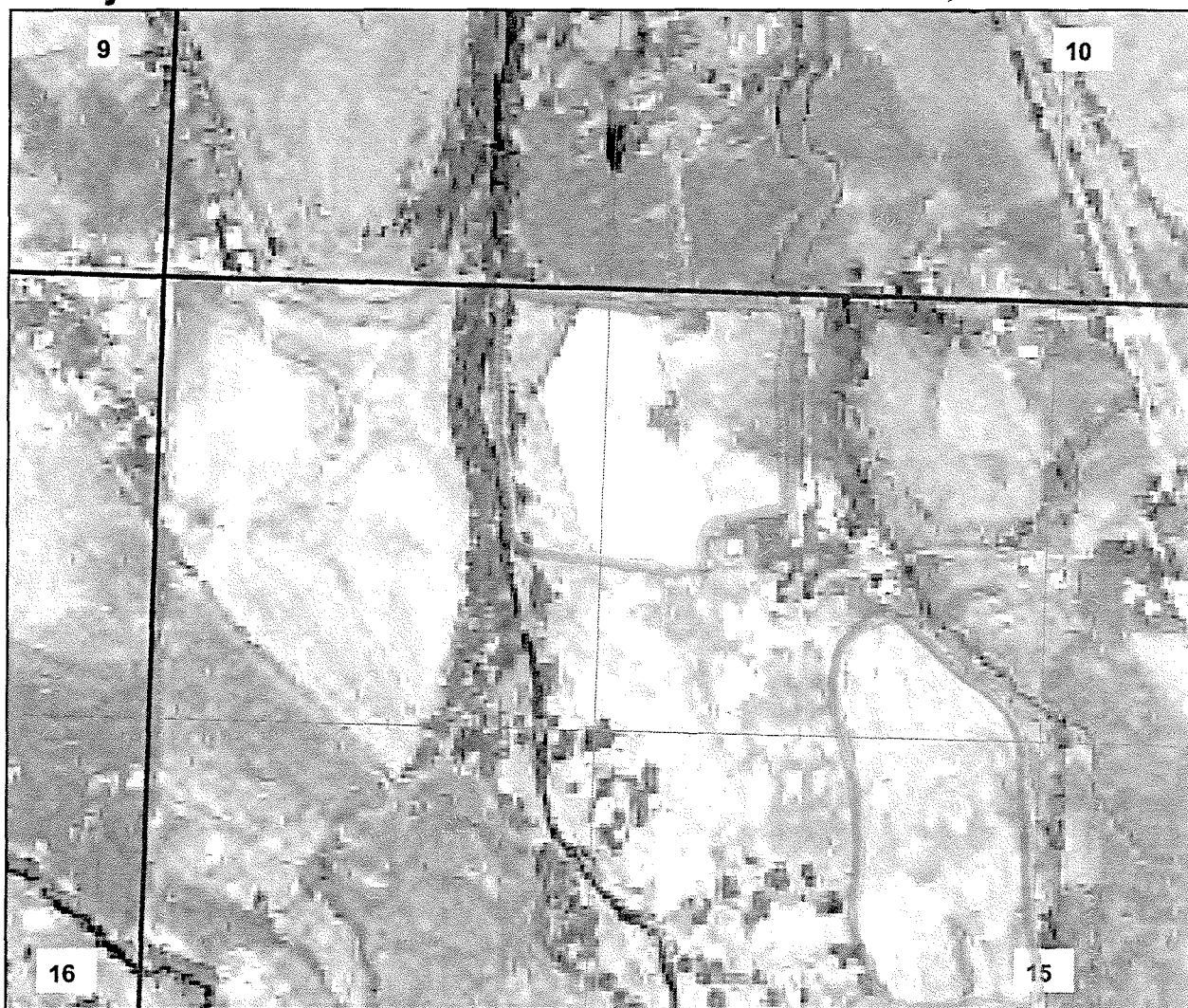
Legend

SCANNED

PLS Sections
GCDB Quarter Quarters



Adams County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by M. Van Bussum
On Wednesday, August 31, 2005
1987 Aerial Photography

SEP 15 2005

Priority Date Data Entry Form

Claim Number 67-11330

Claimed Priority Date: 7/1/1961

Claimed Basis: Beneficial Use

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

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date Recommended Basis

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

Mr Elsberry will submit evid. of prior.
Also owns Lost Valley Res. Shares - if these
overlap will they cover evid. of prior. for
this right?

has Lost Valley
water
does not need evid.
of priority per Don

Reviewer: MVDate: 7/28/05

Point of Diversion and Source Data Entry Form

Claim Number 67-11330

Claimed Point of Diversion and Source

T17N R01W S15 SENW Within ADAMS County Source: UNNAMED DRAIN WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

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:

Bosco Bosler GPS #A0014012
A0014007

This water not a ditch co. right but is carried in
Farmer's Canal

Reviewer: MVDate: 7/28/05

Place Of Use Data Entry Form

Claim Number 67-11330

Claimed Place Of Use

T17N R01W S15 NENW 2.0 T17N R01W S15 SENW 13.4
Total Acres 15.4

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

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:

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 67-11330

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

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:

F.E.

Reviewer: MVDate: 7/28/05

Period of Use and Quantity Data Entry Form

Claim Number 67-11330

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.31	

Overall Diversion Rate 0.31

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

Overall Diversion Rate

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:

↳ please review in-office

Farmers Canal Capacity, per Watermaster!

400", or 8 cfs

Reviewer: mvDate: 7/28/05

Contacts Data Entry Form

Claim Number: 67-11330

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	MELVIN D RYALS	2243 SAWMILL RD	COUNCIL	ID	83612-500	(208)253-4753
Current Owner	JOHN E ELSBERRY	BOX 97	FRUITVALE	ID	83620	(208)253-1102

Date of Field Exam: 7/28/05 Time: 9amAccompanied By: John Elsberry Phone Number: 741-0716

Relationship to Claimant: _____

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

(★) See 4115B for updated
info

Reviewer: mvDate: 7/28/05

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: **A67-11330**
Date Received: 12/14/1989
Receipt No: W007121
Received By: _____

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

1. Name: JOHN E ELSBERRY 208-253-1102
Address: BOX 97
FRUITVALE ID 83620

2. Date of Priority: JUL 1, 1961

3. Source: UNN DRAIN Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	15		SE	NW		ADAMS

5. Description of diverting works:
DAM, DITCH, SUB. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.310		

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

8. Total consumptive use is 46.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	2.0
			SE	NW		IRR	13.4

MICROFILMED
AUG 19 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.4
					Total Acres	15.4

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:
NONE

14. Remarks:
WATER COLLECTED THROUGH THE DRAINAGE DITCH, BACKED UP AT DAM
CAUSING SUB IRRIGATION TO THE PLACE OF USE.
OWNERSHIP CHANGED BY LH 12/15/93.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

AUG 19 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

AUG 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DEC 13 1993

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 7-9-90

LEGAL DESCRIPTION OF PROPERTY: Township 17 Range 1 West
 Section 15, NW 1/4 of 1/4 of 1/4 Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
 Assigned by IDWR: A67-000834A; A67-041224; A67-11330; A67-11332
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MELVIN RYALS
HC 67 Box 2220
COUNCIL ID 83612
- ☐ New Owner/Claimant (Purchaser): JOHN E. ELSBERGER
- ☐ New Mailing Address: Box 97 Fruitvale Idaho 83620
- ☐ New Telephone Number: (208) 253-1102
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of Deed
 (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) John E. Elsberger Date 12-9-93
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12-15-93 By: ATL

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 12-15-93 By: ATL

Claim Numbers of Split, if any:

MICROFILMED

AUG 19 1994

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

POOR ORIGINAL

WITNESS the hand of said Grantees this

day of July A.D. 1990.

(NOTARY SEAL)



State of Idaho
County of Adams

} ss. On the 9th day of July A.D. 1990

personally appeared before me **MELVIN D. RYALS and JUNE RYALS,**
husband and wife,

the signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.

Sandra M. Fisk
(NOTARY PUBLIC)

Residing at: Council, Idaho

My Commission expires: 10/7/94

MAIL DEED TO:

Burton & Kroll

P. O. Box 367

Weiser, Idaho 83672

MAIL TAX NOTICE TO:

Name Mr. & Mrs. John E. Elsberry

Address HC64, Box 352J

City & State Council, Id. Zip 83612

MICROFILMED

Aug 19 1994

No. 178831

WARRANTY DEED

Melvin D. & June Ryals

-TO-

John Eugene & Sandra Lynn

Elsberry

Dated July 9, 1990

STATE OF IDAHO

County of Adams

ss.

I hereby certify that this instrument was
filed for record at request of

Timberline Title & Escrow

at 49 minutes past 1

o'clock P. M., this 10 day

of July, A.D. 1990

in my office, and duly recorded in Book 42M

of Deeds at page 437-438

Michael Fisk

Ex-Officio Recorder.

By *Sandra J. Wilson* Deputy.

Fees \$ 12.00

999--WARRANTY DEED

POOR ORIGINAL

Printed and for sale by Ryan-Tork Company, Boise, Idaho

(Optional)
Recorded ☐
Microfilmed ☐
Indexed ☐

Platted ☐
Deed Card ☐
Compared ☐

Key Punched ☐
Master File ☐
Abstracted ☐

To Treasurer ☐

DO NOT WRITE ABOVE THIS LINE

WARRANTY DEED

MELVIN D. RYALS and JUNE RYALS, husband and wife,
of Council County of Adams
hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
State of Idaho

JOHN EUGENE ELSBERRY and SANDRA LYNN ELSBERRY, husband and wife,
GRANTEE(S)

whose current address is HC64, Box 3520, Council, Id. 83612

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)

the following described tract(s) of land in Adams County, State of Idaho:

More particularly described on attached Exhibit "A"

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Location of above described property

House No.

Street

POOR ORIGINAL

EXHIBIT A

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.
Section 15: NW¼ But excepting therefrom 7 certain tracts of land severally described as follows:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING at a point 10 feet South of the Northeast corner of the NW¼ of said Section 15 and running thence South along the East line of said NW¼ 417.4 feet; thence West 208.7 feet; thence North 204.5 feet; thence Westerly 214.4 feet to a point 218.7 feet South of the North line of said NW¼ of Section 15; thence North 208.7 feet; thence East, parallel to and 10 feet South of the North line of said NW¼ 417.4 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range, more particularly described as follows: COMMENCING at the Southwest corner of tract "S" of the Townsite of Fruitvale, Idaho, as shown by the plat of such Townsite on file in the office of the County Recorder of Adams County, Idaho and running thence West 50 feet; thence 64 feet in a Southeasterly direction to a point 40 feet South of the point of beginning; thence North 40 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING 16 feet South and 16 feet West of the Northwest corner of tract "S" in said Fruitvale Townsite and running thence West 174 feet to the East bank of the Glenn-McMahan irrigation ditch; thence in a Southeasterly direction along the East bank of said ditch 128 feet; thence South across said ditch 12 feet to the West bank thereof; thence in a Southeasterly direction 56 feet; thence in a Northeasterly direction 49 feet; thence North 115 feet to the POINT OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: COMMENCING at a point 818.6 feet South of the Northwest corner of the NE¼ of said Section 15 and thence West 16 feet; thence North to a point 16 feet West of the Northwest corner of tract "S" of the said Fruitvale Townsite; thence 16 feet East to said Northwest corner of said tract "S", thence South to the PLACE OF BEGINNING:

A tract of land in said Section, Township and Range more particularly described as follows: BEGINNING at the Southeast corner of the NE¼NW¼ of said Section 15 thence North along the East line thereof 435 feet; thence in a Southwesterly direction 88 feet to a point 16 feet West of the North

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POOR ORIGINAL

EXHIBIT A CONTINUED

and South center line of said Section 15; thence South, 16 feet West of and parallel to North and South center line; 369 feet; thence in a Northeasterly direction 24 feet to the POINT OF BEGINNING:

A parcel of land in the NE1/4 of said Section, Township and Range more particularly described as follows: BEGINNING at a point 427.4 feet South of the Quarter corner common to Sections 10 and 15; thence West 208.7 feet to the TRUE POINT AND PLACE OF BEGINNING; thence continuing West and parallel to the North line of Section 15, 208.7 feet, thence North 208.7 feet, thence East 208.7 feet, thence South 208.7 feet to the TRUE POINT AND PLACE OF BEGINNING:

A tract or parcel of land in the NW1/4 of said Section, Township and Range described as follows: COMMENCING therefore at the Section corner common to Sections 9, 10, 15 and 16, Township 17 North, Range 1 West, Boise Meridian; thence East on and along the North line of said Section 15, a distance of approximately 310 feet to a Point where said Section line is intersected by the westerly line of the road connecting the Fruitvale-West Fork County Road and the Fruitvale-Ridge County Road; thence on a curve right, on and along the northerly and westerly boundary of said connecting road to its intersection with the northerly line of said Fruitvale-Ridge County Road, as now established; thence Westerly, on and along the Northerly side of said Fruitvale-Ridge County Road to its intersection with the West line of said Section 15; thence North, on the West line of Section 15 to the Northwest corner of Section 15, to the POINT AND PLACE OF BEGINNING.

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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: A67-11330
Date Received: 12/14/1989
Receipt No: W007121
Received By: HW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN D. RYALS 208-253-4753
Address: HC 67, BOX 2220
COUNCIL, ID 83612

2. Date of Priority: JUL 01, 1961

3. Source: UNN DRAIN Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	15		SE		NW	ADAMS

5. Description of diverting works:
DAM, DITCH, SUB. IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.310		

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

8. Total consumptive use is 46.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NW		IRR	2.0
			SE	NW		IRR	13.4
						Section Acres	15.4

A67-11330

Page 1

Date: 12/14/89

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10. Place of Use: Continued

Total Acres 15.4

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:
NONE

14. Remarks:
WATER COLLECTED THROUGH THE DRAINAGE DITCH, BACKED UP AT DAM
CAUSING SUB IRRIGATION TO THE PLACE OF USE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Melvin A. Egan Date: 12/14/89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Dec. 19 89 Linda Werner
Notary Public

Seal

Residing at Linda A. Werner
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 8, 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 16, 1993

Re: Notices of Claim to a Water Right Nos. A67-00083AA, A67-04122A,
A67-11330, A67-11332

John E. Elsberry
Box 97
Fruitvale, ID 83620

Mr. Elsberry:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

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

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

cc: Melvin Ryals

MICROFILMED

AUG 19 1994