

RECEIVED

DEC 04 2006

DEPARTMENT OF
WATER RESOURCES

11/14/2006

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 67-14059

LORRAINE SELBY
2275 JONATHAN AVE
FRUITVALE ID 83612
Telephone Number: (208)253-4474

EDWARD G LUDWIG
PO BOX 107
COUNCIL ID 83612
Telephone Number: (208)~~253-4474~~ 253-6409

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

Priority date - should be - 06-01-1884

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

I wish to have my water rights separated from those of Edward G. Ludwig

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: Lorraine Selby
Please print your name: Lorraine Selby

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

Thank you, Monica - nice to have
met you yesterday!

NOE review - made ~~no~~ no change to priority date - received c/o
MVB 12-12-06

SCANNED
DEC - 4 2006

Monica Van Bussum

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

DEC 4 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
67-14059-OK to change MVB 12-12-06					

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)

Edward H. & Lorraine Ludwig
2275 Jonathan Ave.
Fruitvale, Idaho 83612

4. New Owner/Claimant(s)

Lorraine Selby
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2275 Jonathan Ave

City, State and ZIP Code

Fruitvale, Idaho - 83612

New Telephone Number

(208) 253-4474

5. Date you acquired the property

Aug. 4, 1995

} same
as
before

SCANNED
DEC - 4 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.

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) Louaine Selby
(include title if applicable) _____

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AS/MS AJ Date 12-26-06 WR _____ Date SCANNED

DEC - 6 2006

QUITCLAIM DEED

CORRECTION OF INST. #88821 RECORDED 9-25-95

For Value Received EDWARD LUDWIG also known as Edward G. Ludwig

does hereby convey, release, remise and forever quitclaim unto

whose current address is LORRAINE SELBY, formerly known as
Lorraine Ludwig
P. O. Box 38, Fruitvale, ID 83620

the following described premises, to-wit:

See attached Exhibit A

together with their appurtenances.

Dated:

Edward Ludwig
EDWARD LUDWIG

RECEIVED
DEC 04 2006
DEPT. OF LAND & WATER RESOURCES

STATE OF IDAHO)
COUNTY OF Adams) ss

INSTRUMENT NO. 90629
State of Idaho)
County of Adams) ss.

On this 30 day of August, 1996,
before me, a Notary Public in and for said State,
personally appeared EDWARD LUDWIG, known or
identified to me to be the person whose
name is subscribed to the within instrument
and acknowledged to me that he executed
the same.

Filed for record at the request of
Lorraine Selby
10 min. past 4 o'clock P.M.
this 4th day of Sept, 1996
MICHAEL FISK, RECORDER
by Deputy

Donna M. Misk
Notary Public
Residing at: Council
Commission Expires: 10-07-00

Fee \$6.00
Return to: Lorraine Selby
Box 38
Fruitvale, ID 83620

INSTRUMENT NO. 90629

EXHIBIT A

Tracts (or Lots) A, J, K, L and M, and Lots 143, 144, 145, 146, 147, 148, 149, 150, 151 and 152 of the Townsite of Fruitvale, Adams County, Idaho, as said tracts and lots are numbered, designated and shown on the official plat thereof on file in the Adams County Recorder's Office, and an adjoining tract or parcel of land described as follows:

Commencing therefor at the NW corner of Tract M of Fruitvale Townsite, as said tract is designated upon the official plat thereof, and running

Thence West 20 feet;
Thence South 250 feet;
Thence East 20 feet;
Thence North 250 feet.

AND

That portion of Lot I of the Townsite of Fruitvale, Adams County, Idaho, according to the official plat thereof on file in the Adams County Recorder's Office, more particularly described as follows:

Beginning at the SW corner of Lot I of said Townsite;

Thence North 00°08'00" East along the West boundary of said Lot I a distance of 124.9 feet;
Thence North 34°21'52" East 257.97 feet, more or less, to a point on the North boundary of Lot I;
Thence South 89°52'00" East 20.00 feet, more or less, to the NE corner of said Lot I;
Thence South 00°08'00" West 310.00 feet, more or less, to the SE corner of said Lot I;
Thence North 89°52'00" West 142.6 feet to the REAL POINT OF BEGINNING.

ALSO that portion of Lot H of the Townsite of Fruitvale, Adams County, Idaho, according to the official plat thereof on file in the Adams County Recorder's Office, more particularly described as follows:

Beginning at the SW corner of Lot H of said Townsite;

Thence South 89°52'00" East 51.2 feet to the REAL POINT OF BEGINNING;
Thence North 34°21'52" East 154.83 feet, more or less, to a point on the East boundary of said Lot H;
Thence South 00°08'00" West along the East boundary of said Lot H to the SE corner thereof; - - 124.9 feet
Thence North 89°52'00" West along the South boundary of said Lot H to the REAL POINT OF BEGINNING.

ALSO that portion of vacated Rome Beauty Avenue as shown on the plat of the Townsite of Fruitvale, Adams County, Idaho, as shown on the official plat thereof on file in the Adams County Recorder's Office more particularly described as follows:

Beginning at the NW corner of Lot I of said Townsite;

Thence South 89°52'00" East 122.7 feet to the REAL POINT OF BEGINNING;
Thence North 34°21'52" East 36.06 feet, more or less, to a point on the West line of Washington Street;
Thence South 00°08'00" West along the West line of Washington Street to the NE corner of said Lot I;
Thence North 89°52'00" West 20.00 feet along the North line of said Lot I to the REAL POINT OF BEGINNING.

EXCEPTING that portion of Lot A of the Townsite of Fruitvale, Adams County, Idaho, according to the official plat thereof on file in the Adams County Recorder's Office more particularly described as follows:

Beginning at the SW corner of Lot A of said Townsite;

Thence North along the West line of said Lot A a distance of 439.6 feet, more or less, to the NW corner of said Lot A;
Thence East at right angles along the North line of said Lot A a distance of 334.4 feet;
Thence South 34°21'52" West 540.44 feet, more or less, to a point on the South line of said Lot A;
Thence West along the South line of said Lot A a distance of 20.00 feet, more or less, to the POINT AND PLACE OF BEGINNING.

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, particularly including, but in nowise limited to, the water and ditch rights evidenced by eight (8) shares in the Seavey-Robertson Ditch, which ditch is sometimes called or referred to as the "Robertson-Seavey" Ditch.

SUBJECT TO all easements and/or rights-of-way for canals, irrigating ditches, lines of public utilities and private or public roads, if any, as now established upon, over or across said premises.

SCANNED
DEC - 4 2006

Tim Felton
Attorney at Law
P.O. Box 267
Weiser, Idaho 83672-0267
(208) 549-3763
Attorney for the Plaintiff

RECEIVED

DEC 04 2006

DEPT. OF
WATER RES.

FILED

AUG - 4 1995

1:45 P.M.

MICHAEL FISK

CLERK

DEPUTY

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS
MAGISTRATE DIVISION

LORRAINE SELBY (LUDWIG), Plaintiff,	CASE NO. CV 94-00204
vs.	
EDWARD LUDWIG, Defendant.	FINAL DECREE OF DIVORCE

Plaintiff's Address 2275 Jonathan Ave.
Fruitvale, Idaho 83620

Defendant's Address 209 North Dartmouth
Council, Idaho 83612

IT APPEARING That this matter having come before the Court on the 8th day of March, 1995, with the entry of an interim Decree of Divorce.

IT FURTHER APPEARING That the parties hereto, by and through their attorneys, have entered into a Stipulation and Agreement that a Final Decree of Divorce be entered consistent with the following provisions:

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. That the interim Decree of Divorce entered on the 8th day of March, 1995, is incorporated herein as if set in full.
2. That the parties hereto brought the following and respective real and personal property into the marital community as their sole and separate property.

1 - FINAL DECREE OF DIVORCE

SCANNED

DEC - 4 2006

Plaintiff's Real Property: One-half interest in inherited home and approximate 15 acres North of Council.

Plaintiff's Personal Property: Miscellaneous personal property in Plaintiff's possession.

Defendant's Real Property:

Building located at 203 Illinois, Council and known as the Council Valley Market.

One-seventh interest in inherited home located at 209 North Dartmouth, Council.

Defendant's Personal Property:

Debt Note of Associated Grocers accrued prior to marriage

Value of Council Valley Market inventory existing prior to marriage

Council Valley Market business existing prior to marriage

Council Valley Market equipment existing prior to marriage

Miscellaneous personal property in Defendant's possession

3. That since the marriage of the parties hereto, they have acquired real and personal community property to be distributed to the Plaintiff as set out in Exhibit "A".

4. That since the marriage of the parties hereto, they have acquired real and personal community property to be distributed to the Defendant as set out in Exhibit "B".

5. That the parties have sufficient resources to provide their own medical insurance and pay their own deductible amounts of medical charges which are not covered by that insurance.

6. That there is no reason to continue the temporary maintenance order entered by the Court on September 21, 1994.

7. That the July 15, 1995 payment pursuant to the temporary maintenance order entered by the Court on September 21, 1994 is considered part of the settlement of the parties and considered to not be due and payable by the Defendant.

8. That there is no reason to continue the temporary restraining order entered by this Court on June 3, 1994.

9. That the Defendant shall make the following payments as stipulated maintenance payments to Plaintiff, totaling \$21,000:

2 - FINAL DECREE OF DIVORCE

SCANNED

DEC - 4 2006

A. \$1,000 will be paid prior to the entry of the Final Decree of Divorce;

B. \$2,000 on or before October 15, 1995;

C. \$6,000 on or before July 15, 1996;

D. \$6,000 on or before July 15, 1997;

E. \$6,000 on or before July 15, 1998.

10. The parties have incurred debts during the marriage that should be paid as follows:

A. Each party should pay the debts incurred by that party since the separation on June 15, 1994 and hold the other party harmless therefrom.

B. The Defendant should be required to pay, defend, indemnify and hold harmless the Plaintiff for the indebtedness taken through this divorce.

debt obligation to Peters

debt obligation to Grasmick

Council Valley Market line of Credit with West One Bank

debt obligation on the approximate 18.92 acres of "river Property" more particularly described as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 17 North, Range 1 West of the Boise Meridian lying West of the West right-of-way of the UPRR and East and North of the Weiser River

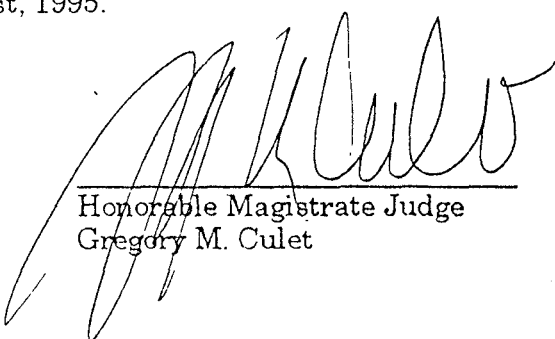
debt on Toyota pickup

1994 State and Federal Income Taxes

any other debt not listed, incurred by Defendant or by Defendant and Plaintiff, jointly, whereby a creditor may look to Plaintiff for payment

C. Each party shall be responsible for their own attorney's fees and costs incurred in the litigation of this proceeding.

DATED this 24th day of August, 1995.



Honorable Magistrate Judge
Gregory M. Culet

3 - FINAL DECREE OF DIVORCE

SCANNED
DEC - 4 2006

PROPERTY TO THE PLAINTIFF

1. Family Home
2. Mrs. Ludwig's interest in the estate of her mother.
3. 1977 Scout
4. Refrigerator
5. Washer & Dryer
6. Satellite Dish
7. Small Appliances
8. Vacuum Cleaner
9. Clip & Snip Business
10. Henry "J" automobile

PROPERTY TO THE DEFENDANT

1. 18.92 acres bare land more particularly described as follows:
NE ¼ SE ¼ of Section 15, Township 17 North, Range
1 West of the Boise Meridian lying West of the West
right-of-way of the UPRR and East and North of the
Weiser River
2. Council Valley Market Building
3. Council Valley Market Inventory
4. Council Valley Market Equipment
5. Council Valley Market Business
6. Mrs. Ludwig's separate property loan to the store for improvement
7. Farm Equipment
8. Evinrude Boat
9. Aluminum Boat
10. Wilderness Trailer
11. Terry Trailer
12. 1979 Dodge D50
13. 1994 Toyota
14. 1985 Chrysler
15. 1974 Chrysler
16. Honda 4-wheeler
17. Golf Cart
18. Golf Cart
19. IRA: A.E. Edwards & Sons account #312084209-025
20. Debenture note of Associated Grocers accrued during marriage

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 67-14059
Date Received: 12/22/1989
Receipt No: W007232
Received By:

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

1. Name of Claimant(s)

LORRAINE SELBY Phone: (208)253-4474

2275 JONATHAN AVE
FRUITVALE ID USA 83612

EDWARD G LUDWIG Phone: (208)253-4474

PO BOX 107
COUNCIL ID USA 83612

2. Date of Priority: 04/01/1901

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	4	NE NE NE	ADAMS	

5. Description of diverting works:

DIVERSION, HEADGATE, GRAVITY, DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.16	

7. Total Quantity Appropriated is:
0.16 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
17N	01W	15	NE	NE	IRRIGATION	12
					Section Acres	12
					Total Acres	12

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 BENEFICIAL USE RIGHT IS CLAIMED FOR SHARES HELD BY CLAIMANT IN ROBERTSON-SEAVEY DITCH FOR USE IN PLACE OF USE DESCRIBED. THE WATER WAS PROBABLY PART OF THE WATER ORIGINALLY DECREED TO THE ISAAC MCMAHAN PLACE (A PORTION) BUT THE NUMBER OR PORTION TO GIVE THE RIGHT IS NOT APPARENT.

15. Basis of Claim: Beneficial Use

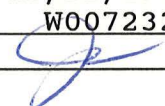
16. Signature(s)

(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.

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: **A67-14059**
Date Received: 12/22/1989
Receipt No: W007232
Received By: 

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

1. Name: EDWARD G LUDWIG 208-253-4474
Address: FRUITVALE ID 83620
OR
Name: LORRAINE O LUDWIG 208-253-4474
Address: FRUITVALE ID 83620

2. Date of Priority: APR 1, 1901

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	4	NE	NE	NE		ADAMS

5. Description of diverting works:
DIVERSION, HEADGATE, GRAVITY, DITCH TO P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		

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

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

SCANNED
APR 12 2004
MICROFILMED
OCT 22 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	NE	NE		IRR	12.0
Section Acres							12.0
Total Acres							12.0

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:
NONE

14. Remarks:

THIS BENEFICIAL USE RIGHT IS CLAIMED FOR SHARES HELD BY CLAIMANT IN ROBERTSON-SEAVEY DITCH FOR USE IN PLACE OF USE DESCRIBED. THE WATER WAS PROBABLY PART OF THE WATER ORIGINALLY DECREED TO THE ISAAC MCMAHAN PLACE (A PORTION) BUT THE NUMBER OR PORTION TO GIVE THE RIGHT IS NOT APPARENT.

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: _____

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 _____

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

Date Received

Receipt Number

A67-14059

12-22-89

W007232

RECEIVED

DEC 22 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) LUDWIG, EDWARD G. & LORRAINE O. Phone (208) 253-4474
Mailing Address FRUITVALE, ID. Zip 83620

2. Date of Priority (Only one (1) per claim) APRIL 1, 1901

3. Source of water supply (a) WEISER RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 17N Range 01W Section 04,
NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of ADAMS

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIVERSION, HEADGATE, GRAVITY,
DITCH TO P/U

MICROFILMED

OCT 22 1990

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 36.00 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER INCIDENTAL TO IRRIGATION

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	01W	15	12.0																12.0

Total number of acres irrigated 12.0

11. In which county (ies) are lands listed above as place of use located? ADAMS

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: THIS BENEFICIAL USE RT. IS CLAIMED FOR SHARES HELD BY CLAIMANT IN ROBERTSON-SEAVEY DITCH FOR USE IN PLACE OF USE DESCRIBED. THE WATER WAS PROBABLY PART OF THE WATER ORIGINALLY DECREED TO THE ISAAC McMAHAN PLACE (A PORTION), BUT THE # OR PORTION TO GIVE THE RIGHT IS NOT APPARENT.

Last Name LUDWIG Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED
OCT 22 1996

Last Name LUDWIG Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) *Eduard S. Ludwig* Date 12-14-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day of Dec 19 89

SEAL

Notary Public *Shirley E. Smith*

Residing at Boise, ID

My Commission Expires 11/08/1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name LUDWIG Ident. Number _____

MICROFILMED
OCT 22 1990

Copies White-State, Yellow-Claimant

SD-0604-2 Township: 17N		Range: 01W		Section: 15		Tract: NENE		Lot:			
S	L	STATE		O	S	Max # Records		40			
E	O	Water		W	T	Priority		Use			
L	Tract	T	Right No.	Last, First		N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---	---
---			67-00069	COX, C. E.		C		D	09/23/1901	01	IRR
---	NENE		67-00066	FRUITVALE TOWNSITE COM		C		D	09/23/1901	01	IRR
---	NENE		67-04114	ROBERTSON SEAVEY DITCH		C	7	S	05/01/1901	01	IRR
---	NENE		67-04115	RYALS, MEVLIN D.		C	3	S	04/15/1900	01	IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

MICROFILMED
OCT 22 1990

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Fredwig, Edward or Roddaine

CLAIM IDENT. NO. _____

DATE RECEIVED 12-22-89 RECEIPT # 2007232 FEE PAID \$ 62.00 FEE REQ'D \$ 62.00

	YES	NO	Require Info?
1. Is the name and address complete with zip code?	<u>X</u>	_____	*
2. Is a priority date entered?	<u>X</u>	_____	*
Is the priority date acceptable in view of mandatory filing dates?	<u>X</u>	_____	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	<u>X</u>	_____	*
(b) Is a tributary to entered? (if required) N/A _____	<u>X</u>	_____	
4. Is the legal description of the p.d. sufficient?	<u>X</u>	_____	*
5. Is there a description of the diverting works?	<u>X</u>	_____	
6. Are the water uses appropriate for the form?	<u>X</u>	_____	*
The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.			
Is the period of use included?	<u>X</u>	_____	
Is a quantity claimed for each use?	<u>X</u>	_____	*
7. Is a total quantity claimed entered?	<u>X</u>	_____	
8. If required is a consumptive use entered? N/A _____	<u>X</u>	_____	
Is the consumptive use correct? N/A _____	_____	_____	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?	<u>X</u>	_____	*
If multiple domestic, is single ownership indicated?	_____	_____	
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>	_____	*
11. Is (are) the county(ies) entered?	<u>X</u>	_____	
12. Is the ownership of p.u. checked?	<u>X</u>	_____	
13. Are other water rights listed or "none" indicated?	<u>X</u>	_____	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A _____	<u>X</u>	_____	
15. Is the basis of the claim indicated?	<u>X</u>	_____	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A _____	<u>X</u>	_____	
If yes, compare claim w/existing right and attach proof report noting any differences in comments.			
If no, was water right no. found?	_____	_____	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A _____	<u>X</u>	_____	
(If yes, attach a proof report & complete number change)			
NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A _____	<u>X</u>	_____	
19. Is the claim signed by the claimant, and is the signature appropriate?	<u>X</u>	_____	*
20. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	_____	*
21. Was this claim filed on time?	<u>X</u>	_____	*
(Check ML3 for date mailed-not all were mailed on the planned date)			
If no, was an extension of time filed & approved?	_____	_____	*
22. Is the fee enclosed correct? Exempt _____	<u>X</u>	_____	*

MICROFILMED

OCT 22 1996

YES

NO

23. Is this claim being rejected and returned to claimant?

☒☒

24. Can this claim be data entered?

☒☒

25. Was claim modified?

☐☒

If yes, do modifications require notification to claimant?

☐☐Note: Modifications made must be explained in comments stating
where the information for any changes was found.Claim reviewed by: Jed Date 9-19-94 Claim data entered by: Date

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER
THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE
RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: See remarks on claim.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14059 V1

WATER RIGHT NUMBER: 67-14059 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LORRAINE O LUDWIG C/O LORRAINE SELBY 2275 JONATHAN AVE FRUITVALE, ID 83612 (208)253-4474
Current Owner	LORRAINE SELBY 2275 JONATHAN AVE FRUITVALE, ID 83612 (208)253-4474
Previous Owner	EDWARD G LUDWIG PO BOX 107 COUNCIL, ID 83612 (208)253-4474

Priority Date: 09/23/1901

Basis: Decreed

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	0.058 CFS	
	<u>Total Diversion:</u>	0.058 CFS	

Location of Point(s) of Diversion

WEISER RIVER	L1 (SW1/4NE1/4NE1/4)	Sec. 4,	Twp 17N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION

Tw	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	4.6																4.6

Total Acres: 4.6

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.
2. W66 Use of this right is combined with water from Robertson Sevey Ditch Co.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14059 V1

Remarks:Comments:

1. mvanbussum 6/12/2006 Basis of Claim

Comment: Claimed with beneficial use basis but comment says this water could have been part of the Isaac McMahan decree. This water appears to have been appurtenant to the decree for Fruitvale Townsite. Recommending claim based on Fruitvale Townsite decreed right 67-66.

2. mvanbussum 6/12/2006 copied from remarks

Comment: THIS BENEFICIAL USE RIGHT IS CLAIMED FOR SHARES HELD BY CLAIMANT IN ROBERTSON-SEAVEY DITCH FOR USE IN PLACE OF USE DESCRIBED. THE WATER WAS PROBABLY PART OF THE WATER ORIGINALLY DECREED TO THE ISAAC MCMAHAN PLACE (A PORTION) BUT THE NUMBER OR PORTION TO GIVE THE RIGHT IS NOT APPARENT.

3. mvanbussum 12/12/2006 NOE Priority Date

Comment: Per NOE correspondence, claimant stated priority date should be 6-1-1884. Claimed 4-1-1901. Recommended as based on 67-66 for 09-23-1901 based on comments in original claim. See my previous note re: basis of claim. Without additional evidence of priority, no change in recommendation.

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	11/14/2005 1:58:16 PM	dnarsavage			Active
Priority Date	11/14/2005 1:58:33 PM	dnarsavage			Active
Contacts	6/12/2006 4:02:05 PM	mvanbussum			Active
Priority Date	6/12/2006 4:02:22 PM	mvanbussum			Active
POD	6/12/2006 4:02:56 PM	mvanbussum			Active
Source	6/12/2006 4:05:46 PM	mvanbussum			Active
POU	6/12/2006 4:06:00 PM	mvanbussum			Active
Use	6/12/2006 4:08:01 PM	mvanbussum			Active
Season	6/12/2006 4:08:21 PM	mvanbussum			Active



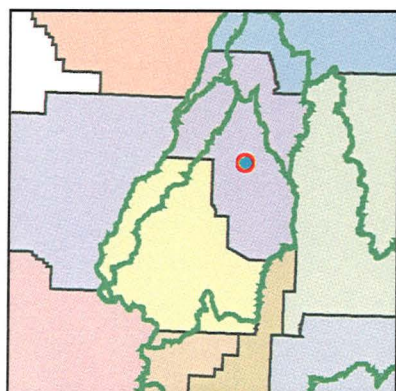
Idaho Department of Water Resources

SRBA Recommendation:

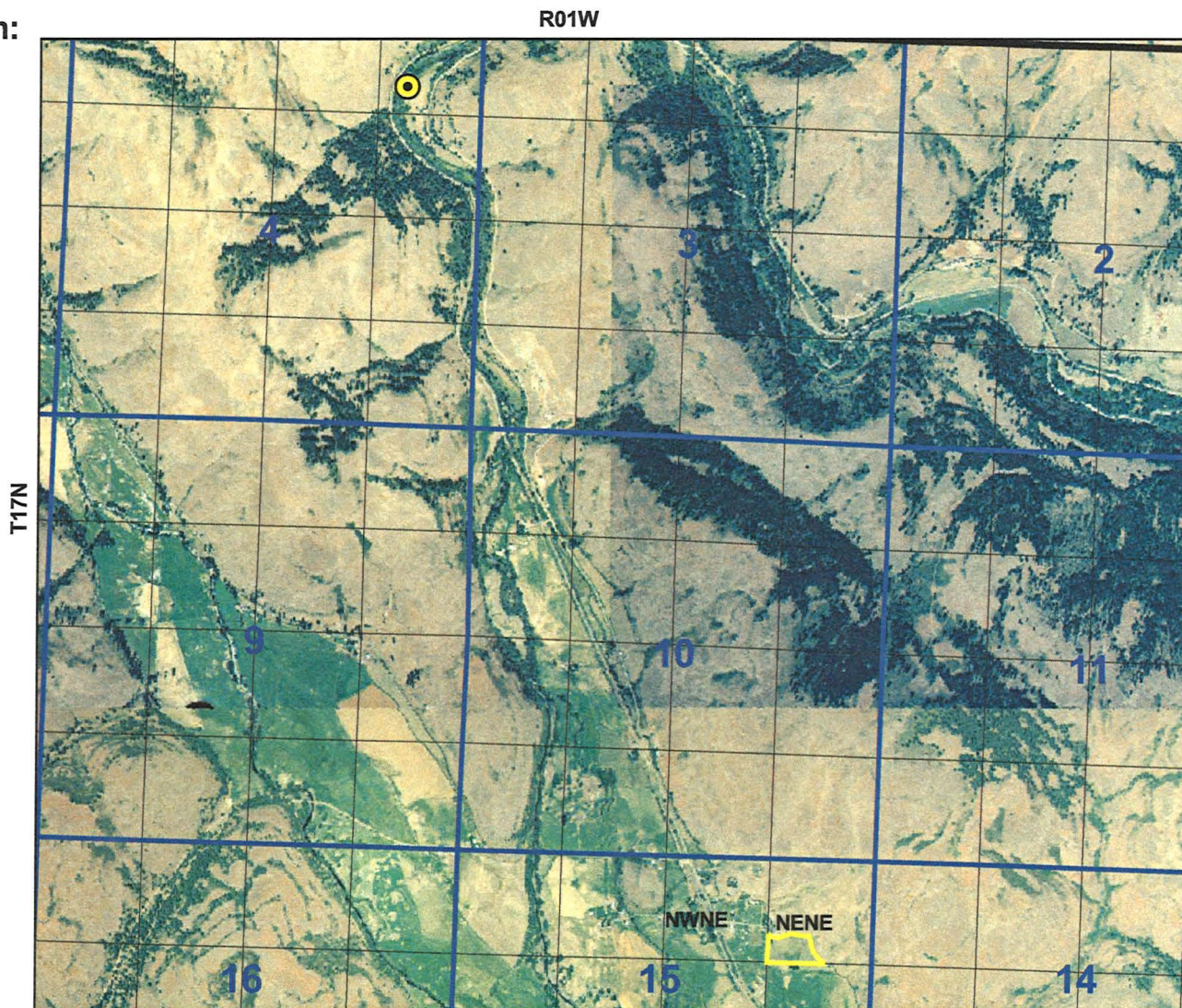
67-14059

Legend

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



Adams County
IDWR Basin 67

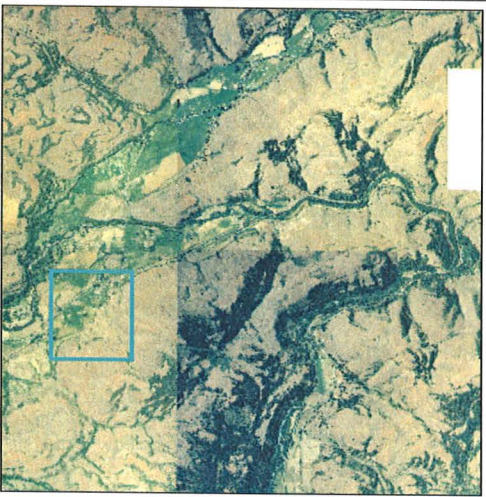


0 0.9 1.8 Miles



Prepared by M. Van Bussum
On Thursday, June 15, 2006
1987/88 Aerial Photography

67-14059



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14059 V1

WATER RIGHT NUMBER: 67-14059 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LORRAINE O LUDWIG C/O LORRAINE SELBY 2275 JONATHAN AVE FRUITVALE, ID 83612 (208)253-4474
Current Owner	LORRAINE SELBY 2275 JONATHAN AVE FRUITVALE, ID 83612 (208)253-4474
Current Owner	EDWARD G LUDWIG PO BOX 107 COUNCIL, ID 83612 (208)253-4474

Priority Date: 09/23/1901

Basis: Decreed

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	0.058 CFS	
<u>Total Diversion:</u>		0.058 CFS	

Location of Point(s) of Diversion

WEISER RIVER	L1 (SW1/4NE1/4NE1/4)	Sec. 4,	Twp 17N,	Rge 01W, B.M.
ADAMS County				

Place of Use

IRRIGATION

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>
17N	01W	15	4.6																4.6

Total Acres: 4.6

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 67-14059 V1

Comments:

1. mvanbussum 6/12/2006 Basis of Claim

Comment: Claimed with beneficial use basis but comment says this water could have been part of the Isaac McMahan decree. This water appears to have been appurtenant to the decree for Fruitvale Town site. Recommending claim based on Fruitvale Town site decreed right 67-66.

2. mvanbussum 6/12/2006 copied from remarks

Comment: THIS BENEFICIAL USE RIGHT IS CLAIMED FOR SHARES HELD BY CLAIMANT IN ROBERTSON-SEAVEY DITCH FOR USE IN PLACE OF USE DESCRIBED. THE WATER WAS PROBABLY PART OF THE WATER ORIGINALLY DECREED TO THE ISAAC MCMAHAN PLACE (A PORTION) BUT THE NUMBER OR PORTION TO GIVE THE RIGHT IS NOT APPARENT.

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	11/14/2005 1:58:16 PM	dnarsavage			Active
Priority Date	11/14/2005 1:58:33 PM	dnarsavage			Active
Contacts	6/12/2006 4:02:05 PM	mvanbussum			Active
Priority Date	6/12/2006 4:02:22 PM	mvanbussum			Active
POD	6/12/2006 4:02:56 PM	mvanbussum			Active
Source	6/12/2006 4:05:46 PM	mvanbussum			Active
POU	6/12/2006 4:06:00 PM	mvanbussum			Active
Use	6/12/2006 4:08:01 PM	mvanbussum			Active
Season	6/12/2006 4:08:21 PM	mvanbussum			Active
Quantity	6/12/2006 4:08:45 PM	mvanbussum			Active
Summary			06/12/2006	mvanbussum	Active

Verification Log:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14059 V1

Contacts	11/14/2005 1:58:17 PM	dnarsavage	(No) 1. Do you want to schedule an appointment?
General	11/14/2005 1:58:34 PM	dnarsavage	(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? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	8/14/2006 1:53:23 PM	csaxton	Updated PLS
POD	8/14/2006 1:53:13 PM	csaxton	Updated shape
Use	6/12/2006 4:08:23 PM	mvanbussum	(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	6/12/2006 4:08:43 PM	mvanbussum	(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?
Quantity	6/12/2006 4:09:07 PM	mvanbussum	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14059 V1

Summary	6/12/2006 4:10:35 PM	mvanbussum	(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? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (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?
POU	6/12/2006 4:07:57 PM	mvanbussum	Updated PLS for Active POU
Contacts	6/12/2006 4:02:27 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
POD	6/12/2006 4:03:17 PM	mvanbussum	(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?
General	6/12/2006 4:02:43 PM	mvanbussum	(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? (No) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	6/12/2006 4:05:48 PM	mvanbussum	Updated shape
Source	6/12/2006 4:06:08 PM	mvanbussum	(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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14059 V1

POU	6/12/2006 4:06:22 PM	mvanbussum	(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?
POU	6/12/2006 4:07:49 PM	mvanbussum	Updated shape for Active POU

Water Supply Bank:

Split history for Decreed Right 67-00066

WR

SRBA Claim

67-66	Fruitvale Townsite	67-66	Fruitvale Townsite
0.6	cfs	0.6	
48	ac	48	
0	af	0	

Acreage calculated at 5/8 inch per acre

67-00066A	McDowell	0.03		
		0.5	Domestic	In Decreed POU
67-00066B	Herrick	0.035		
		0.5	Domestic	In Decreed POU
67-00066C	Hug	0.07		
		5.6		In Decreed POU
67-00066D	Ringering	0.15		
		6		Part of claimed POU not in Decreed POU
67-00066E	Ellis	0.03		
		0.6		In Decreed POU
67-00066F	Getusky	0.03		
		2		In Decreed POU
67-00066G	Joslin	0.065		
		0.5	Domestic	In Decreed POU
67-00066H	Kamerdula	0.05		
		2		In Decreed POU
67-00066I	Friend	0.09		
		4.8		Not in decreed POU
67-00066J	Friend	0.04		
		2		In Decreed POU
67-14749	O'day	0.06		
		4		
67-14059	Shelby/Ludwig	0.16		
		12		

Sum CFS =	0.81
Sum Acre =	40.5
Sum AF =	n/a

Extra CFS =	36.5
Extra Acre =	7.5
Extrea AFA =	n/a

Recommendation

Rate/acre

67-00066A	Getusky, Justin	0.03		0.06
Domestic		0.5		
67-00066B	Getusky, Mike	0.036		0.072
Domestic		0.5		
67-00066C	Hug	0.06		0.0125
		4.8		
67-00066D	Ringering	0.038		0.0127
		3		
67-00066E	Ellis	0.018		0.03
		0.6		
67-00066F	Getusky, Mike	0.03		0.0176
		1.7		
67-00066G	Joslin	0.04		0.08
Domestic		0.5		
67-00066H	Kamerdula	0.05		0.028
		1.8		
67-00066I	Friend	0.09		0.0225
		4		
67-00066J	Friend	0		
		0		
67-14749	O'day	0.06		0.022
		2.7		
67-14059	Shelby/Ludwig	0.058		0.013
		4.6		
	Not claimed	0.09		0.0125
		7.2		

Sum CFS =	0.6
Sum Acre =	31.9
Sum AF =	n/a

Extra CFS =	0
Extra Acre =	16.1
Extrea AFA =	n/a

*Last updated 8-14-06 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton

Water Master Records

Page #	Parcel #	Name	Inches	File #	Original Owner	Priority Date
29	RP00080000042B	GETUSKY, JUSTIN	1.5	66	FRUITVALE	9/23/01
29	RP00080000032A	KAMERDULA, ANNA	2.5	66	FRUITVALE	9/23/01
29	RP00080000000DA	DAWSON, WM J	1.5	66	FRUITVALE	9/23/01
29	RP00080000137B	FRIEND, PETE & CHRIS	1.25	66	FRUITVALE	9/23/01
29	RP00080000122B	FRIEND, PETE & CHRIS	4.75	66	FRUITVALE	9/23/01
29	RP00080000112A	JOSLIN, JAMES	3	66	FRUITVALE	9/23/01
29	RP00080000000SC	O'DAY, DANNY & LESLIE	5.5	66	FRUITVALE	9/23/01
29	RP00080000000SC	O'DAY, DANNY & LESLIE	3	66	FRUITVALE	9/23/01
29	RP00080000103A	HERRICK, CHESTER	1.75	66	FRUITVALE	9/23/01
29	RP00080000062A	GETUSKY, MIKE	1.5	66	FRUITVALE	9/23/01
29	RP00080000153B	HUG, JAMES	3	66	FRUITVALE	9/23/01
29	RP00080000000PA	GEORGE, BOB	0.75	66	FRUITVALE	9/23/01

28.5

Mike Getusky

Not claimed/ Bob appears to be current owner.



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

February 1, 2006

MVB
2-1-06

LORRAINE SELBY
2275 JONATHAN AVENUE
FRUITVALE ID 83612

EDWARD G LUDWIG
PO BOX 107
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA) claim 67-14059

Dear Claimants:

Notice of Claim to a Water Right (claim) 67-14059 has been filed in the SRBA. In my initial review of 67-14059, I noticed a few discrepancies and would like to ask you about them.

Comments in 67-14059 mention the water claimed was probably part of the water originally decreed to the Isaac McMahan place, which started my investigation. It appears decreed right 67-00066, with priority date 09/23/1901, which was decreed to the Fruitvale Townsite, is applicable to the place of use claimed by 67-14059 as well as some of the surrounding area. Decreed rights have already been verified by the court and do not require evidence of priority from claimants. *It appears 67-14059 should not be claimed based on Beneficial Use, but rather a Decreed basis.* 67-14059 was filed as a Beneficial Use claim. Beneficial Use rights are established by the historic use of water, dating back to when water was first used for the purpose claimed. One of the first elements of the claim that require verification is the "priority date." Since there do appear to be decreed rights appurtenant to your property, you have two options:

- a. Option 1 – Amend your current claim to be based on 67-66. In case you choose this option, I have enclosed an amended claim showing the basis as "Decreed" and adjusting the priority date. If you choose this option, please look over the claim carefully and make sure it is accurate (including name, address and phone number), make any changes, sign it and have it notarized, and return it to me at this office.
- b. Option 2 – Leave 67-14059 as a Beneficial Use claim. In this case, you will be required to submit evidence of the priority date. I have enclosed a pamphlet on what types of evidence may be submitted.

As a point of information to you, the decree applicable to your place of use (known as the Muir v. Allison decree) gave 5/8 miner's inches to places of use within the decree. Most

Split/Overlap Analysis - Water Right No.:

67-14059

				Decree	Claims					Recommendations		
Tw	Rng	Sec	Q-Q		14059*					14059		
				RSDC	NONE	Ludwig				Ludwig/Selby		
				3.66		0.16				0.09		
17N	01W	3	NWSW	5								
		10	NWNW	6.5								
			SWNW	23								
			SESW	7								
			NESW	19								
			NWSW	10								
			SESW	33								
			SWSE	2.5								
		14	SWNW	17								
			NESW	15								
			NWSW	40								
			SWSW	14								
			SESW	16								
		15	NENE	7		12				4.7		
			NWNE	25								
			SWNE	34								
			SENE	33								
			NESW									
			NWSW									
			NESE									
			NWSE									
			SWSE									
			NENW									
		23	NENW	12								
			NWNW	14								
			SWNW	40								
			SESW	36								
			NESW	3								
			NWSW	30								
			SWSW	22								
			NESE	11								
			NWSE									
			SESE	11								
			SWSE									
			NWNE									
			SWNE									
		26	NWNW									
		27	NENE	6								
					0	12	0	0	0			
										4.7	0	0 acreage for each claim
										1.00	0.00	0.00 percent of total acreage
										4.70	0.00	0.00 acreage to recommend
										0.09	0.00	0.00 cfs to recommend
												4.7 Total acreage

*Lorraine Ludwig name change to Lorraine Selby.

*If they're going to claim part of decreed right, it's 66 (Fruitvale Townsite).

0.09 cfs
4.7 inches

*amend to decreed
67-66*

* THIS BENEFICIAL USE RIGHT IS CLAIMED FOR SHARES HELD BY CLAIMANT IN ROBERTSON-SEAVEY DITCH FOR USE IN PLACE OF USE DESCRIBED. THE WATER WAS PROBABLY PART OF THE WATER ORIGINALLY DECREED TO THE ISAAC MCMAHAN PLACE (A PORTION) BUT THE NUMBER OR PORTION TO GIVE THE RIGHT IS NOT APPARENT.