

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 67-14350
Date Received: 9/19/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DERONDA L FERGUSON
2335 MILL CREEK RD
COUNCIL ID USA 83612

Phone: (208) 253-6871

LOREN L FERGUSON
2335 MILL CREEK RD
COUNCIL ID USA 83612

Phone: (208) 253-6871

2. Date of Priority: 06/01/1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	35	SE	SW		ADAMS	
17N	01W	35	SW	SW		ADAMS	

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	

7. Total Quantity Appropriated is:
0.15 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	35	SE	SW	IRRIGATION	7.5
					Section Acres	7.5
					Total Acres	7.5

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 67-4080. DH 7/23/2002

Ownership changed by DH 11/12/2003

15. Basis of Claim: Beneficial Use

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

RECEIVED**NOV 03 2003****WATER RESOURCES
WESTERN REGION**

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
<u>67-14350</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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)

MICHAEL DEAN Krueger
FAYE LANGLAND Krueger

4. New Owner/Claimant(s)

LOREN L. AND DORINDA L. FERGUSON

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

New Mailing Address

2335 MILL Creek Rd

City, State and ZIP Code

COUNCIL ID 83612

New Telephone Number

208) 253-6871

5. Date you acquired the property

April 23, 2003

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)
(include title if applicable)

Louise L. Ferguson
Deonda L. Ferguson

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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

INSTRUMENT NO. 103554
PAGE 1 OF 3

Order No. 100-02-609
Escrow No. EA-70365 SK
Loan No. _____

Instrument # **103554**

COUNCIL, ADAMS, IDAHO

2003-04-23 03:37:46 No. of Pages: 3

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK Fee: 9.00

Ex-Officio Recorder Deputy Heagy Pinal

Index to: DEED

WHEN RECORDED MAIL TO GRANTEE:

1364941 State of Idaho

APN:

WARRANTY DEED

For Value Received Cendant Mobility Government Financial Services Corporation, the grantors, do hereby grant, bargain, sell and convey unto,

Loren L. Ferguson and Deronda L. Ferguson,
husband and wife

the grantees, whose current address is: 2335 Mill Creek Road, Council, Idaho 83612

the following described premises, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenants to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except current year taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that they will warrant and defend the same from all claims whatsoever.

Dated: 12.31.02

Diane Adair
Cendant Mobility Government Financial Services Corporation, BY Diane Adair
AUTHORIZED SIGNATORY OF BURROW
CLOSING MANAGEMENT CORPORATION
DBA BURROW SERVICES AS ATTORNEY-IN-FACT.

~~STATE OF CALIFORNIA
COUNTY OF LOS ANGELES SS.~~

~~On _____ before me, Katherine Owen personally appeared, Diane Adair, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.~~

~~Signature _____~~

~~My Commission Expires: _____~~

ALL PURPOSE ACKNOWLEDGEMENT

State of CALIFORNIA
County of LOS ANGELES

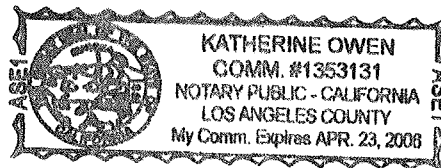
On 12-31-02 before me, Katherine Owen
Date

Personally appeared Diane Adair

() personally known to me – OR – (xx) proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are/subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/he/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand & official seal.

Katherine Owen
Signature of Notary



INSTRUMENT NO. 103554
PAGE 3 OF 3

CENDANT File No. 1364941-2

Property Address: 2335 Mill Creek Road, Council, ID 83612

EXHIBIT "A"

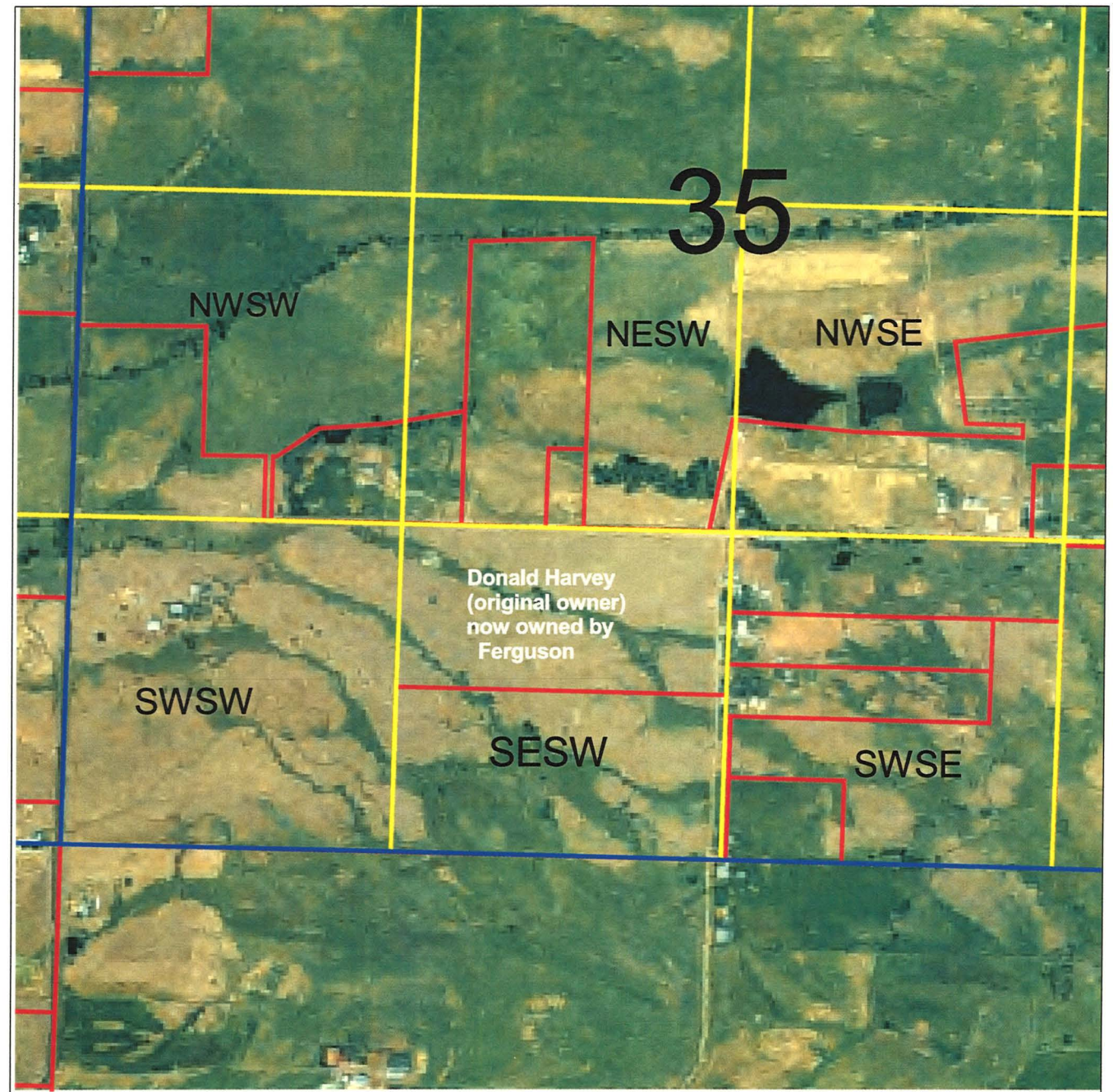
**Township 17 North, Range 1 West, Boise Meridain, Adams County, Idaho Section 35:
N1/2SE1/4SW1/4**

67-14350

17N 1W

Ferguson Property
is N. half of SESW

-  **Section Line**
-  **QQ Line**
-  **Tax Lot data**



0 0.1 0.2 Miles

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 67-14350
Date Received: 9/19/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL DEAN KRUEGER
30 PEARSON LN
MC CALL ID USA 83638

Phone: (208) 634-2294

FAYE LANGLAND KRUEGER
30 PEARSON LN
MC CALL ID USA 83638

Phone: (208) 634-2294

2. Date of Priority: 06/01/1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	35	SE	SW		ADAMS	
17N	01W	35	SW	SW		ADAMS	

5. Description of diverting works:

DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	

7. Total Quantity Appropriated is:
0.15 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	35	SE	SW	IRRIGATION	7.5
					Section Acres	7.5
					Total Acres	7.5

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 67-4080. DH 7/23/2002

15. Basis of Claim: Beneficial Use

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

JUN 14 1999

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) _____
Adjudication Claim Number(s) A67-04080
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Donald Harvey
HC 62 Box 1315, Council, ID 83612
4. New Owner/Claimant(s) Michael Dean Krueger or Faye Langland Krueger
Name connector (Check one): [] AND, [X] OR, [] AND/OR
New Mailing Address 30 Pearson Lane
City, State and ZIP Code McCall, ID 83638
New Telephone Number (208) 634 - 2294
5. Date you acquired the property May 25, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

in SE 1/4

Number of acres actually irrigated 7 acres Number and type of stock N/A
Diversion rate in CFS _____ Number of homes N/A Other uses irrigation only
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *Michael Dean Krueger* Date 5/25/99
Faye Langland Krueger Date 5/25/99
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

9-19-89

67-4080

67-14348

Harvey

17N 1W S-35
SWSW - 5ac
.1 cfs

67-14349

Evans

17N 1W S-35
SESW 1.5 Ac
.15 cfs

67-14350

Kueger

17N 1W S-35
SESW 7.5 acres
.15 cfs

WARRANTY DEED

INSTRUMENT NO. 96042
PAGE 1 OF 1

For Value Received, DONALD E. HARVEY, a married man as his sole and separate property the grantor, does hereby grant, bargain, sell and convey unto MICHAEL DEAN KRUEGER and FAYE LANGLAND KRUEGER, husband and wife

the grantees, whose current address is 30 Pearson Lane, McCall, ID 83638

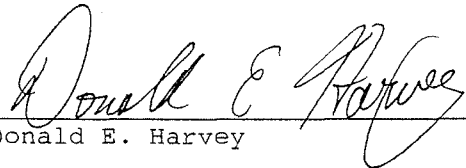
the following described premises, in Adams County, Idaho, to-wit:

**Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 35: N1/2SE1/4SW1/4**

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that he will warrant and defend the same from all lawful claims whatsoever.

Date: May 25, 1999


Donald E. Harvey

STATE OF Idaho)
COUNTY OF Adams) ss

On this 25 day of May, in the year of 1999, before me a Notary Public in and for said State, personally appeared DONALD E. HARVEY 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.

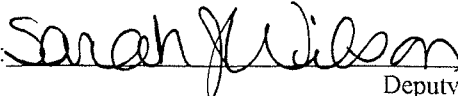

Notary Public
Residing at Fruitvale, Idaho
Commission expires: 8/4/04

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 05 minutes past 10 o'clock A.M.
this 26 day of May, 1999, in my office, and duly recorded in Book --- of Deeds at page ---

Michael Fisk

Ex-Officio Recorder

By: 
Deputy

Fees \$ 3.00
Mail to:

#99-254



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: A67-04080
Date Received: 9/19/1989
Receipt No: C011704
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD HARVEY 208-253-4257
Address: HC 62 BOX 1315
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1952

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	35	SW	SW	SW		ADAMS
			SE	SW	SW		ADAMS

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is 45.0 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	35	SW	SW		IRR	5.0
			SE	SW		IRR	15.0

Section Acres 20.0

A67-04080

Page 1

Date: 09/19/89

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Total Acres 20.0

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:

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): Donald Kery Date: _____
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of September 19 89

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

11/20/2006

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: 67-14350

DERONDA L FERGUSON
2335 MILL CREEK RD
COUNCIL ID 83612
Telephone Number: (208) 253-6871

LOREN L FERGUSON
2335 MILL CREEK RD
COUNCIL ID 83612
Telephone Number: (208) 253-6871

RECEIVED

DEC 08 2006

WATER RESOURCES
WESTERN REGION

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: Dec 5, 06

SIGNATURE:

Loren L. Ferguson / Deronda L. Ferguson

Please print your name:

Loren L. Ferguson / Deronda L. Ferguson

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

11/15/2006

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

RIGHT NUMBER: 67-14350

NAME AND ADDRESS: DERONDA L FERGUSON
2335 MILL CREEK RD
COUNCIL ID 83612

LOREN L FERGUSON
2335 MILL CREEK RD
COUNCIL ID 83612

SOURCE: WASTE WATER

TRIBUTARY: WEISER RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION:

T17N R01W S35 SESW Within ADAMS County

T17N R01W S35 SESW Within ADAMS County

T17N R01W S35 SESW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.150 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S35 SESW 7.50

7.5 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.

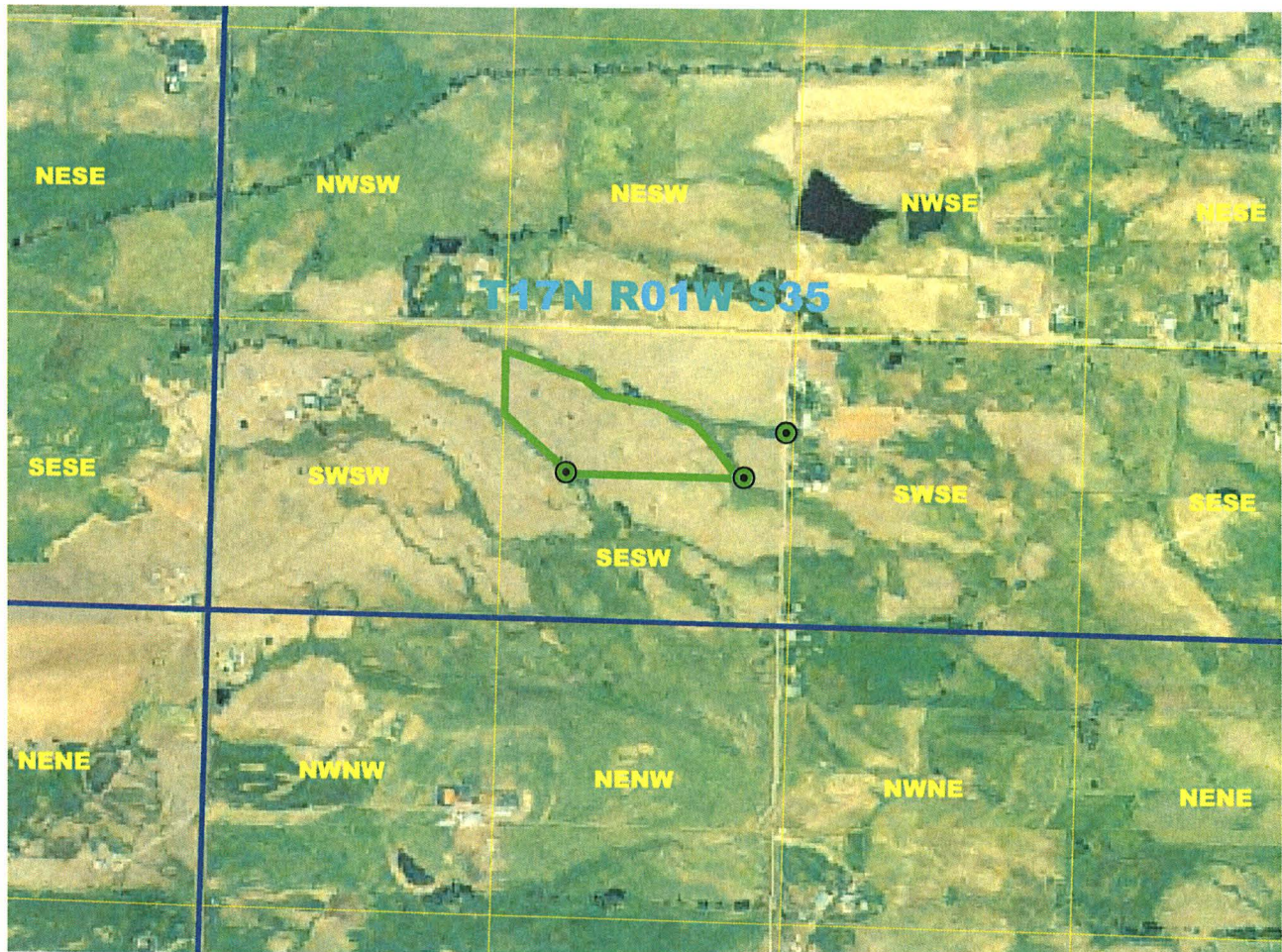
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right when combined with all other rights shall provide no more than .02 cfs per acre.



State of Idaho
Idaho Department of Water Resources
Western Region

T17N R1W SECTION(S) 35
WATER RIGHT(S) : 67-14350



Total Irrigated Acres = 7.5 acre(s)

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: November 2006



MEMORANDUM

TO: ADJUDICATION FILE 67-14349

FROM: DANIEL A. NELSON

DATE: 11/15/06

SUBJECT: CLAIM REVIEW

This claim is based on a statutory claim 67-4080 that claimed 20 acres of irrigation for 0.40 cfs from 2 points of diversion in the SESW and SWSW. This claim was filed for 7.5 acre for 0.15 cfs or an inch per acre for the 7.5 acres with the same points of diversion. My review of the 1987 and 2004 aerial photography shows that 7.5 acres could have been irrigated. The 1987 and 2004 aerial photos show that for the land belonging to the claimant that there are actually 3 points of diversion located in the SESW, so this was corrected in the recommendation of this claim. The ditches are various channels coming from the field of a neighbor. The diversion rate of 0.15 cfs is below the mandatory measurement requirement, so the entire amount will be recommended. No volume requirement is required, since this is a surface water right. An affidavit from the previous owner was supplied for evidence of priority.

The original statutory claim 67-4080 was objected to by a Mr. Michael Sweet who is an attorney representing a Mr. Kenneth Schwartz. Where as this was a statutory claim at the time, no resolution was made at the time. I could only find water rights in the name of Kenneth Schwartz from Camp Creek and ground water, so I am not sure if this objection is relevant at this time.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14350 V1

WATER RIGHT NUMBER: 67-14350 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DONALD E HARVEY 2216 HWY 95 COUNCIL, ID 83612 (208)253-4257
Original Owner	FAYE LANGLAND KRUEGER 30 PEARSON LN MC CALL, ID 83638 (208)634-2294
Current Owner	DERONDA L FERGUSON 2335 MILL CREEK RD COUNCIL, ID 83612 (208) 253-6871
Original Owner	MICHAEL DEAN KRUEGER 30 PEARSON LN MC CALL, ID 83638 (208)634-2294
Current Owner	LOREN L FERGUSON 2335 MILL CREEK RD COUNCIL, ID 83612 (208) 253-6871

Priority Date: 06/01/1952

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary

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	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion

WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14350 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 01W 35												7.5	7.5

Total Acres: 7.5

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. This right when combined with all other rights shall provide no more than .02 cfs per acre.

Remarks:Comments:

1. dnelson 11/15/2006 Claim Review

Comment: This claim is based on a statutory claim 67-4080 that claimed 20 acres of irrigation for 0.40 cfs from 2 points of diversion in the SESW and SWSW. This claim was filed for 7.5 acre for 0.15 cfs or an inch per acre for the 7.5 acres with the same points of diversion. My review of the 1987 and 2004 aerial photography shows that 7.5 acres could have been irrigated. The 1987 and 2004 aerial photos show that for the land belonging to the claimant that there are actually 3 points of diversion located in the SESW, so this was corrected in the recommendation of this claim. The ditches are various channels coming from the field of a neighbor. The diversion rate of 0.15 cfs is below the mandatory measurement requirement, so the entire amount will be recommended. No volume requirement is required, since this is a surface water right. An affidavit from the previous owner was supplied for evidence of priority.

The original statutory claim 67-4080 was objected to by a Mr. Michael Sweet who is an attorney representing a Mr. Kenneth Schwartz. Where as this was a statutory claim at the time, no resolution was made at the time. I could only find water rights in the name of Kenneth Schwartz from Camp Creek and ground water, so I am not sure if this objection is relevant at this time.

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: OR
 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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	11/15/2006 1:59:56 PM	dnelson			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14350 V1

Priority Date	11/15/2006 2:00:53 PM	dnelson	Active
POD	11/15/2006 2:02:49 PM	dnelson	Active
Source	11/15/2006 2:03:53 PM	dnelson	Active
POU	11/15/2006 2:04:52 PM	dnelson	Active
Use	11/15/2006 2:05:46 PM	dnelson	Active
Season	11/15/2006 2:06:13 PM	dnelson	Active
Quantity	11/15/2006 2:06:58 PM	dnelson	Active
Summary	11/15/2006	dnelson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/15/2006 1:59:56 PM	dnelson	(No) 1. Do you want to schedule an appointment? Comment for 1: This claim is below the threshold requiring a field exam.
POD	11/15/2006 2:01:47 PM	dnelson	Updated shape
POD	11/15/2006 2:02:49 PM	dnelson	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	11/15/2006 2:02:31 PM	dnelson	Updated shape
POD	11/15/2006 2:02:09 PM	dnelson	Updated shape
Source	11/15/2006 2:03:53 PM	dnelson	(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 - Water use of claim is below the threshold requiring verification of source.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14350 V1

POU	11/15/2006 2:04:53 PM	dnelson	(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 - 1987 and 2004 aerial photos.
Use	11/15/2006 2:05:46 PM	dnelson	(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 - Water use is below the threshold requiring verification.
Season	11/15/2006 2:06:13 PM	dnelson	(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	11/15/2006 2:06:58 PM	dnelson	(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 - Water use is below the threshold requiring verification of the diversion rate.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14350 V1

Summary	11/15/2006 2:07:46 PM	dnelson	(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?
General	11/15/2006 2:00:53 PM	dnelson	(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 - Affidavit from previous owner.
POU	11/15/2006 2:04:39 PM	dnelson	Updated shape for Active POU

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14350

WATER RIGHT NUMBER: 67-14350

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DONALD E HARVEY 2216 HWY 95 COUNCIL, ID 83612 (208)253-4257
Original Owner	FAYE LANGLAND KRUEGER 30 PEARSON LN MC CALL, ID 83638 (208)634-2294
Current Owner	DERONDA L FERGUSON 2335 MILL CREEK RD COUNCIL, ID 83612 (208) 253-6871
Original Owner	MICHAEL DEAN KRUEGER 30 PEARSON LN MC CALL, ID 83638 (208)634-2294
Current Owner	LOREN L FERGUSON 2335 MILL CREEK RD COUNCIL, ID 83612 (208) 253-6871

Priority Date: 06/01/1952

Basis: Beneficial Use

Status: Active

Source

WASTE WATER

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

0.150 CFS

Total Diversion:

0.150 CFS

Annual VolumeLocation of Point(s) of Diversion

WASTE WATER
ADAMS County

WASTE WATER
ADAMS County

SE1/4SW1/4

Sec. 35, Twp 17N, Rge 01W, B.M.

-SW1/4SW1/4

Sec. 35, Twp 17N, Rge 01W, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
17N	01W	35	7.5	7.5	7.5	7.5	7.5

Total Acres: 7.5

ADD
E60

OK

OK per AFFIDAVIT

OK. 0.2 cfs/acre.

PER 1987 MAP.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 67-14350

Total Acres: 7.5

Conditions of Approval:

1. Ownership changed by DH 11/12/2003
2. This claim is the result of a split due to change in ownership for a portion of 67-4080. DH 7/23/2002

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 9/19/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
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:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-4080

WATER RIGHT NUMBER: 67-4080

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LILLIAN HARVEY STAR RT COUNCIL, ID 83612

Priority Date: 06/01/1952
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		
WASTE WATER	SE1/4SW1/4	Sec. 35, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

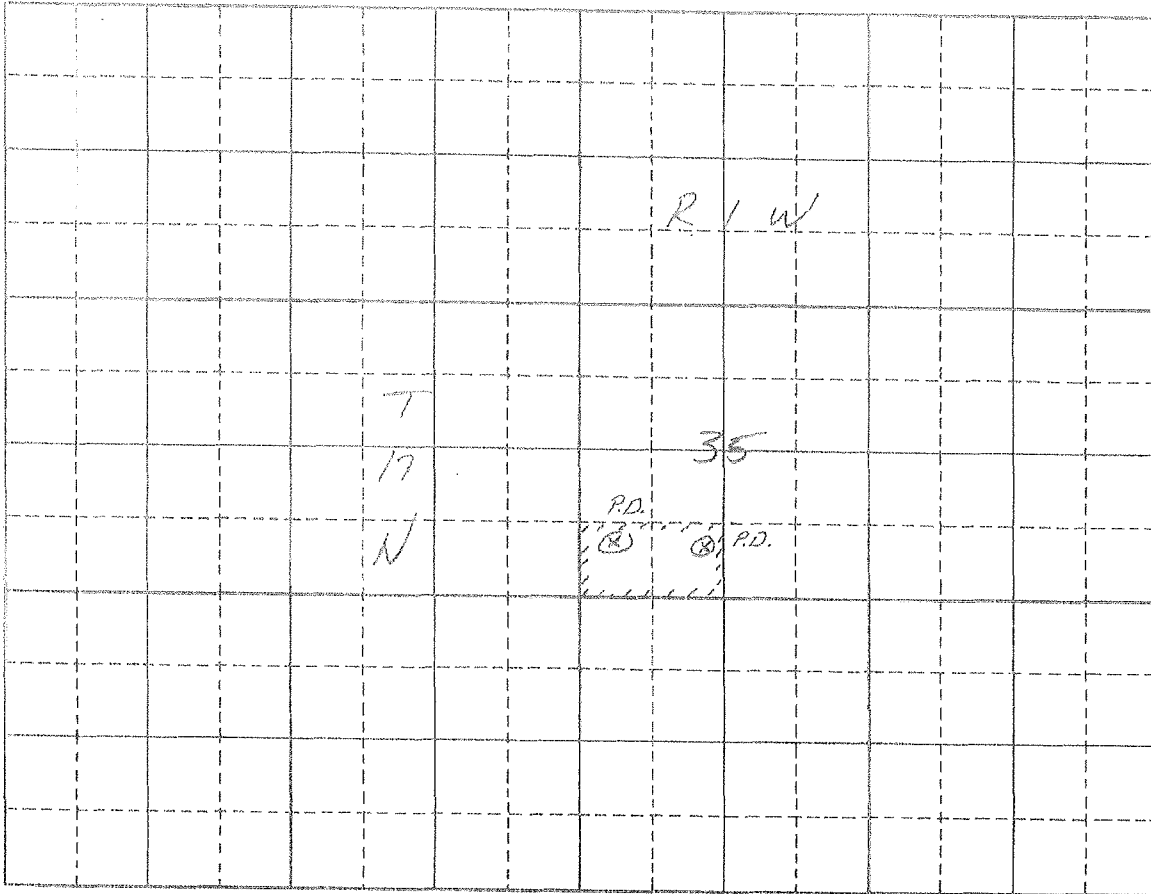
Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
17N 01W 35											5.0	15.0					20.0

Total Acres: 20

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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

(8) Remarks



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Blaine) ss.

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

Sworn to before me this 27 day of September, 1928

Jillian Harvey
(Claimant)

Notary Public

Residing at Blaine, Idaho

My commission expires Sept 28

For Department Use Only

Received by <u>CB</u>	Date <u>9-28-28</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CB</u>	Date <u>9-28-28</u>		claimant by:	
\$10.00 fee received by <u>CB</u>	Date <u>9-28-28</u>			
Approved for publication by <u>CB</u>	Date <u>9-28-28</u>			
Published in <u>Blaine, Idaho</u>				
Dates <u>Sept 28 - Oct 11</u>				

FRANK D. RYAN - 1956
HAROLD L. RYAN
NICK G. SPEROPULOS - 1967
MICHAEL B. SWEET

Ryan & Sweet
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 587
WEISER, IDAHO 83672

TELEPHONE
549-2681
AREA CODE 208

September 23, 1974

Department of Water Resources
SEP 24 1974

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83707

Re: Notice of Claim to
Water Right No. 67-4080

Gentlemen:

Please be advised that this office represents Mr. Kenneth A. Schwartz with regard to the above captioned matter. Mr. Schwartz desires to take exception to the claim filed by Mrs. Harvey on the basis that he has established a prior right to the water and has applied it to a beneficial use. Please advise Mr. Schwartz through this office of any further action or appearances that are necessary by him.

Very truly yours,

RYAN & SWEET

Michael B. Sweet

Michael B. Sweet

MBS:fs

September 30, 1974

Re: Claim No. 67-4080

Lillian Harvey
Council, ID 83612

Dear Ms. Harvey:

In reference to the above claim, the enclosed is a copy of an exception filed by Michael B. Sweet in behalf of Kenneth A. Schwartz in connection with this claim under the provisions of Chapter 2, Section 42-225b of the Idaho Code, which states the following:

42-225b. Recording of claims by department--Corrections--

At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions concerning this matter, please contact us.

Very truly yours,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:cla

Enclosure

RECEIVED

67-14350

LOREN
~~WARREN~~ FERGUSON

288 253 6871

PRE - CONVERSATION :

SPLIT - . 1. ORIGINAL OWNER STILL OWNS PORTION

- PERHAPS GET ONE LETTER FOR ALL

THREE PORTIONS

- ORIGINAL CLAIM = 67-4080

SPORRER: (14349) AND FERGUSON SENT SEPARATE AFFIDAVITS
SAYING THAT HARVEY (ORIGINAL OWNER) SAID ...

HARVEY WILL ALSO SEND ONE IN

RECEIVED

SEP 21 2005

DEPARTMENT OF
WATER RESOURCES

September 14, 2005

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise ID 83720-0098

Re: Water Right Claims 67-14349 and 67-14350

Attn: Craig L. Saxton, Sr. Water Resources Agent

Dear Mr. Saxton:

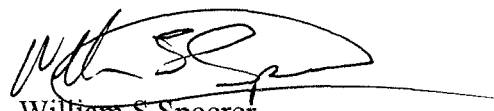
Enclosed in this correspondence is an Affidavit signed by Donald Harvey, which is direct supporting evidence of the priority date of the two above referenced Water Rights.

Mr. Harvey has lived on the referenced parcels on which these water rights are attached since 1948. And as stated in his Affidavit, he began irrigation of these parcels on or about June 1, 1952.

Mr. Harvey split off the two separate 20-acre parcels and sold one to Michael Kruger Water Claim # 67-14350 and the other to Robert Evans Water Claim #67-1439. ~~14350~~ 14349 ⁷²
Subsequently, the Water Claim and parcel owned by Michael Kruger was sold to Loren L. Ferguson in 2003 and the Water Claim and parcel owned by Robert Evans was sold to William S. Spoerer in 2004. We the under signed completed the proper paperwork to transfer the Water Right claims to our respective names and ownership.

If you require further information regarding the evidence of priority date, do not hesitate to correspond with either of the undersigned.


Loren L. Ferguson
2335 Mill Creek Rd
Council ID 83612


William S. Spoerer
2199 Missman Rd
Council ID 83612

SCANNED

SEP 22 2005

RECEIVED
SEP 14 2005
Department of Water Resources

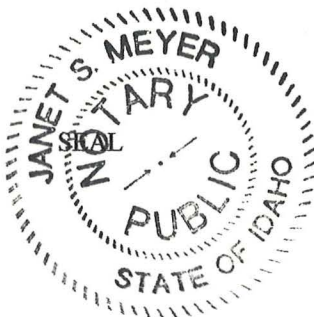
IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO..(S))
67-14350)

AFFIDAVIT

State of Idaho
County of ADAMS

Loren L. Ferguson 2335 Mill Creek Road, Council, Idaho 83612 being first duly sworn,

deposes and says: That on or about September 10, 2005, I (Loren Ferguson) talked to Donald Harvey 2216 U S Hwy 95, Council, Idaho (previous property owner). Mr. Harvey stated that in 1948 his mother purchased the land on which this water right is located. Mr. Harvey stated that on or about June 1, 1952 he started to use wastewater to irrigate the property, located at 2335 Mill Creek Road, Council, Idaho. Mr. Harvey continued to irrigate the property with wastewater until it was sold to Michael Kruger. I purchased the property from Mr. Kruger in 2003. I continue to irrigate pastureland for the production of beef cows for human consumption.



Loren L. Ferguson

Subscribed and sworn to before me this

day 12 of Sept, 192005

Janet S. Meyer
(Notary Public)

Residing at Council

My Commission Expires: 11/13/10

SCANNED

SEP 15 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2003

LOREN L FERGUSON
DERONDA L FERGUSON
2335 MILL CREEK RD
COUNCIL ID 83612

Re: Notice of Claim to a Water Right No. 67-14350

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region Office

DH: dh

Enclosure

SCANNED
APR 16 2004