

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 37-473A
Date Received: 10/19/1989
Receipt No: M004961
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WILLIAM M DAVIS Phone: (208)764-2386
RT 1 BOX 1210
FAIRFIELD ID 83327

OPAL DAVIS Phone: (208)764-2386
RT 1 BOX 1210
FAIRFIELD ID 83327

2. Date of Priority: 06/01/1883

3. Source: ELK CREEK Trib. to: CAMAS CREEK
ELK CREEK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	15E	26	NE	NE	NE	CAMAS	
01N	15E	23	SW	SW	SE	CAMAS	

5. Description of diverting works:

DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.75	

7. Total Quantity Appropriated is:
0.75 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
01N	15E	25	SW	NW		IRRIGATION	5
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	165
01N	15E	36	NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
						Section Acres	160
						Total Acres	325

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

15. Basis of Claim: Decreed

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

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

RECEIVED
APR 28 2003
Department of Water Resources
Boise, Idaho

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
	A37-13158				
	A37-00473A				
	A37-00474A				
	A37-04174				

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) CRIGHTON CREEK LIMITED PARTNERSHIP
4. New Owner/Claimant(s) RT 1, Box 1205, Fairfield, ID 83327
WILLIAM AND OPAL DAVIS
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address RT 1, Box 1210
- City, State and ZIP Code Fairfield, ID 83327
- New Telephone Number (208) 764-2386
5. Date you acquired the property 4-24-03

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) William M Davis
(include title if applicable) Opal Davis

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 [Signature] Date 4/28/03 Fee 25.00
 Receipted by [Signature] Date 4/28/03 Receipt No. 9025170
 Processed by [Signature] AJ Date 4/28/03 WR _____ Date _____

WARRANTY DEED

For Value Received

CRICHTON CREEK LIMITED PARTNERSHIP,

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

WILLIAM M. DAVIS and OPAL DAVIS, Husband and Wife

the grantee(s), whose current address is

Route 1, Box 1210, Fairfield, Idaho 83327.

the following described premises, to-wit:

See Attached Exhibit "A"

TOGETHER WITH: All water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including water right claims #A37-13158, A37-00473A, A37-00474A, A37-04174.

Subject to a certain Real Estate Mortgage dated January 18, 1985, and recorded January 18, 1985 as Instrument No. 60902, records of the County Camas, State of Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: April 24, 2003

CRICHTON CREEK LIMITED PARTNERSHIP

William M Davis
By: William M. Davis

Roselyn E. Peck
Roselyn E. Peck

Tamara Peck Seaman
Tamara Peck Seaman

STATE OF IDAHO

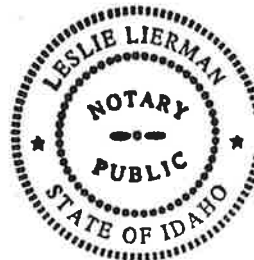
: ss

COUNTY OF TWIN FALLS

On This 24 day of April, in the year 2003, before me, a Notary Public in and for said State, personally appeared **William M. Davis, Roselyn E. Peck and Tamara Peck Seaman**, known or identified to me to be the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

WITNESS my hand and official seal.

[Signature]
Notary Public of Idaho
Residing at Kimberly, Idaho
Commission Expires: July 11, 2006



TITLE & ESCROW
COMPANIES

Township 1 North, Range 15 East, Boise Meridian, Camas County, Idaho

Section 25: SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

AND

Township 1 North, Range 15 East, Boise Meridian, Camas County, Idaho

Section 36: NW $\frac{1}{4}$

076063

Recorded at the
Camas County Title
at 1:50 P M
April 24th 2003
In Book 33 Page 481
of Deeds
ROLLE BARNETT
CAMAS COUNTY RECORDER
By Korie Bloogee
Fees \$ 6⁰⁰

Section 25 Township 1N Range 15E Photo 2G-33

N

CAXTON PRINTERS, CALDWELL, IDAHO 95592

Crichton Creek Partnership

2400

Michael Jensen
John Whitney

0100

SW $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$

S $\frac{1}{2}$ SW $\frac{1}{4}$

SWSE

Pg. # 153

152

NW $\frac{1}{4}$ Sec. 36

E

Photo 2G-33

N

S

E



GOODING
TITLE & ESCROW
COMPANY

4/24/03

VIA REGULAR MAIL

IDWR Western Region
1341 Fillmore St., Suite 200
Twin Falls, ID. 83301-3380

Re: Order No. G030180
CRICHTON CREEK LTD/DAVIS

RECEIVED
APR 28 2003
Department of Water Resources
Boise, Idaho

Dear Sir/Madam:

In connection with the above mentioned order, attached please find our check no. 2733 in the amount of \$25.00 representing: Transfer fees of Claim no. A37-13158.
Also attached please find copies/originals of the following documents.

X Notice of Change of Water Right ownership.
X Warranty Deed.
X Plat.

Thank you for using Twin Falls Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Leslie Lierman
Escrow Officer
Gooding Title & Escrow Company

/LAL

encl.

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 37-473A
Date Received: 10/19/1989
Receipt No: M004961
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CRICHTON CREEK LTD PARTNERSHIP Phone: (208)764-2386
RT 1 BOX 1210
FAIRFIELD ID 83327

2. Date of Priority: 06/01/1883

3. Source: ELK CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County	Type
01N	15E	26	NE	NE	NE		CAMAS	
01N	15E	23	SW	SW	SE		CAMAS	

5. Description of diverting works:

DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.75	

7. Total Quantity Appropriated is:
0.75 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
01N	15E	25	SW	NW	IRRIGATION	5
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	165
01N	15E	36	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	160
					Total Acres	325

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

CRICHTON CREEK LTD PARTNERSHIP
RT 1 BOX 1210
FAIRFIELD ID 83327

Re: SRBA Claim(s) 37-473A, 37-474A, 37-4174, 37-13137, 37-13145,
37-13152, 37-13155
Decreed Water Rights 37-13139A, 37-13156, 37-13157, 37-13158

Dear Mr. Davis:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

As I discussed with Mrs. Davis on the phone awhile back, claim 37-13155 contained the legal description of two tracts that appear to be owned by Bryant Ranches. They are the west half of the northwest quarter of section 34, township 1 north, range 15 east. The only way to correct this discrepancy is for you to amend this claim. I have taken the liberty of producing an amended claim with the west half of the northwest quarter of section 34 removed. Please carefully review the amended claim and if you agree with the change, complete the signature area (item 16) on page 3 (be sure to have your signature notarized) and return it to me in the enclosed self-addressed envelope. As soon as I receive the amendment, I will make the change permanent in our electronic records and confirm to you by mail that I have done so. Thanks for your prompt attention to this matter and should you have any questions, please do not hesitate to phone me.

Sincerely,

Trish Fawcett
Technical Records Specialist

RECEIVED
20 JRECEIVED
R 21 2000RECEIVED
OCT 13 1998

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.

1. Water Right or Adjudication Claim No(s): A37-00473A, A37-00474A, A37-04174, A37-13137, A37-13139, A37-13145, A37-13152, A37-13155, A37-13156, A37-13157, A37-13158
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 attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Kenneth Peck or Roselyn Peck
Rt. 1, Box 1205, Fairfield, ID 83327
4. New Owner/Claimant(s) Crichton Creek Limited Partnership
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address Rt. 01, Box 1210
City, State and ZIP Code Fairfield, ID 83327
New Telephone Number 208) 764-2386

5. Date you acquired the property 11-22-95

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.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

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 or Claimant(s) Crichton Creek LP By William M Davis
General Partner

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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

AMENDMENT TO
CERTIFICATE OF LIMITED PARTNERSHIP

DEC 23 0 53 PM '96
SECRETARY OF STATE
STATE OF IDAHO

To the Secretary of State of Idaho,
Statehouse, Boise, Idaho 83720

ENTERED
DEC 23 1996



1. The name of the limited partnership is: CRICHTON CREEK LIMITED PARTNERSHIP
2. The date on which its certificate of limited partnership was filed with the Secretary of State was: NOVEMBER 29, 1995
3. The certificate of limited partnership is amended as follows: (check appropriate box(es))
 - ☐ a. The name of the limited partnership is amended to read:

 - ☐ b. The name and business address of the registered agent are amended to read:

 - ☒ c. The name of each withdrawing general partner is:
KENNETH A. PECK, DECEASED
 - ☒ d. The name and business address of each new general partner are:
(If more space is needed, continue in block f)
WILLIAM M. DAVIS
ROUTE 1, BOX 1210
FAIRFIELD, ID 83327
 - ☒ e. The business of the limited partnership is continued following an event of withdrawal of a general partner.
 - ☐ f. Other amendments (optional):

4. Signature of at least one general partner and all new general partners:

Rosehyn Peck
William M Davis

Secretary of State use only

IDAHO SECRETARY OF STATE
DATE 12/23/1996 0900 49149
2
CK #: 4793 CUST# 14107
LP AMEND
1@ 20.00= 20.00

March 20, 2000

RECEIVED
MAR 21 2000
Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RE: Change of Name on Water Rights

To Whom It May Concern:

Enclosed please find our application for change of water right ownership, copies of quitclaim deeds, Certificate of Limited Partnership and maps.

If you need any further information, please contact Bill or Opal Davis at (208) 764-2386.

Sincerely,

William M Davis

William M. Davis
Crichton Creek Limited Partnership
P. O. Box 1210
Fairfield, ID 83327

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

Township 1 North, Range 15 East Boise Meridian in Camas County, Idaho. Lots 1, 2, 3, 4, Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$); East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$); Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$); Southwest Quarter ($SW\frac{1}{4}$); of Section 3; Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$); North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$); Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$); Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$); West Half of the Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$); Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$); and Lot 1 of Section 10; Lots 1 and 3; Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$); the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section 11; Lots 1, 2, 3, 4, the East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$); the South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section 14; North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$) of Section 15; North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$) and the East Half of the Northwest Quarter ($E\frac{1}{2}NW\frac{1}{4}$) of Section 23.

Together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

65622

Recorded at the Request of

Bolig & Peterson
at 9:48 A.M.
12-4, 19 95

in Book 29
of DEEDS Page 694

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Korra Blodgett

Fees \$ 6.00

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO

)

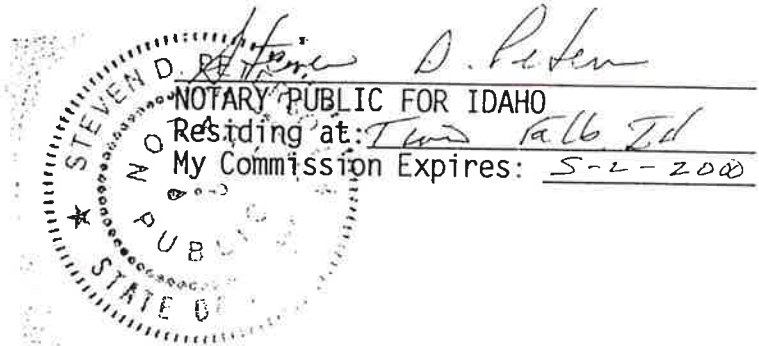
) ss.

County of Camas

)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

069623

Recorded at the Request of

Relig & Peterson
at 10:05 A.M.

Dec. 1, 19 95.

in Book 29
of Deeds Page 696.

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Backteel

Fees \$ 3.00

QUITCLAIM DEED

Steven D. Peter
NOTARY PUBLIC FOR IDAHO

Residing at: Turn Falls, ID

My Commission Expires: 5-2-2000



no good - see correction deed

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

Recorded at the Request of

Polina Peterson

at 10:10 A.M.

Dec. 4, 1995

in Book 29

of Deeds Page 697

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Pachter

Fees \$ 3.00

Steven D. Peden
NOTARY PUBLIC FOR IDAHO
Residing at: Turner Falls, Id
My Commission Expires: 5-2-2001

QUITCLAIM DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 32, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

68625
Recorded at the Request of
Notary Peterson
at 10:12 A.M.
Dec. 4, 1995
in Book 29
of Deeds Page 698
ROLLIE BENNETT
CAMAS COUNTY RECORDER
By Gary D. Dachtel
Fees \$ 3.00

Steven D. Peterson
NOTARY PUBLIC FOR IDAHO
Residing at: Tim's Falls, ID
My Commission Expires: 5-2-2000

QUITCLAIM DEED

QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$, Section 10, Township 1 South, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

69626

Recorded at the Request of

Roliga Peterson
at 10:15 AM

Dec. 4, 1995

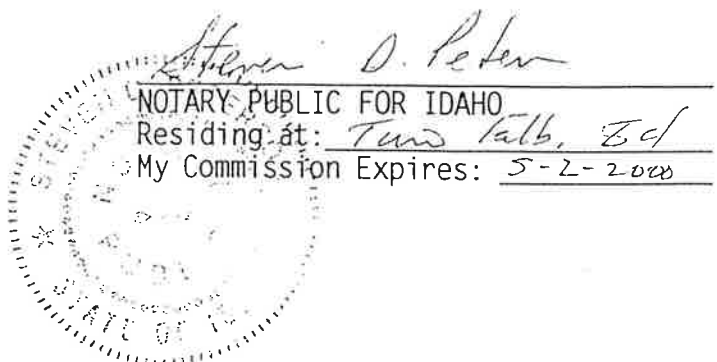
Book 29
c Deeds Page 699

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Pachtell

Fees \$ 3.00

QUITCLAIM DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$, Section 36, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

69628

Recorded at the Request of

Relig & Peterson

at 10:23 A.M.

Dec. 9, 1995

in Book 29

of Deeds Page 401

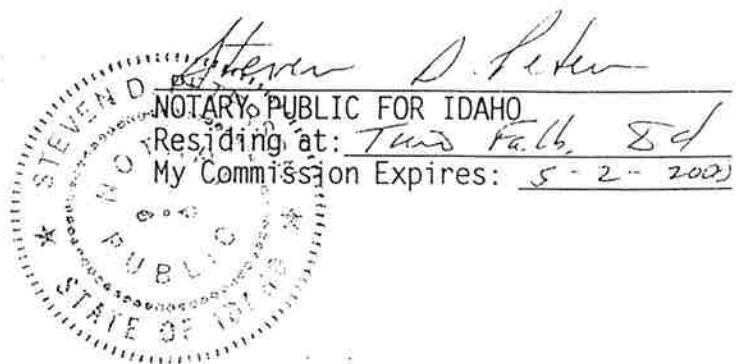
ROLUE BENNETT

CAMAS COUNTY RECORDER

By Gary Dachtell

Fees \$ 3.00

QUITCLAIM DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 24, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
) ss.
County of Camas)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

69829
Recorded at the Request of

Kolig + Peterson
at 10:25 A.M.
Dec. 4, 1995
29
of Deeds Page 702

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gayle Duckteel
Fees \$ 3.00

QUITCLAIM DEED



?
no good-see
Correction deed

~~QUITCLAIM DEED~~

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

S½, NE¼, SE¼, NE¼, SW¼, Section 23, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

69630

Recorded at the Request of

Relig & Peterson

at 10:30 A.M.

Dec. 21, 1995,

in Book 29

of Deeds Page 703.

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Gayle Pachter

Fee \$ 3.00

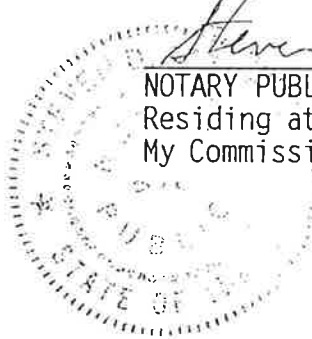
QUITCLAIM DEED

Steve D. Peter

NOTARY PUBLIC FOR IDAHO

Residing at: 7400 Fairview Rd

My Commission Expires: 5-2-2000



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck

KENNETH A. PECK

Roselyn E. Peck

ROSELYN E. PECK

STATE OF IDAHO)

)

) ss.

County of Camas)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

68631

Recorded at the Request of

Rolig + Peterson

at 10:35 A.M.

Dec. 4, 1995

in 29

of Deeds Page 704.

ROLIE BENNETT

CAMAS COUNTY RECORDER

By Gayle Dachtel

Fees \$ 3.00

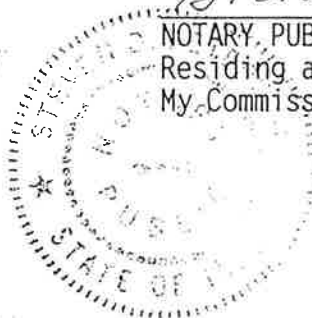
QUITCLAIM DEED

Steven D. Peter

NOTARY PUBLIC FOR IDAHO

Residing at: Tam Falls, Id

My Commission Expires: 5-2-2000



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

The following described mining claims:

Mammoth, Golden Rule, Ruby and Clipper Lode Mining Claims and Cliffper Millsite.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
) ss.
County of Camas)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

69632
Recorded at the Request of

Rolig Peterson

at 10:37 A.M.

Dec. 4, 1995

In 29

of Deeds Page 705

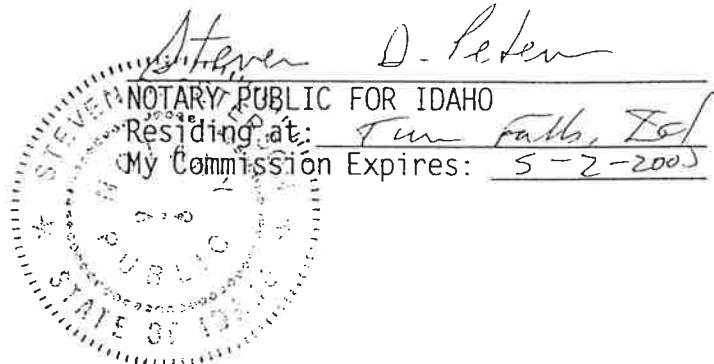
HOLLIE BENNETT

CAMAS COUNTY RECORDER

By Gayle Dachtel

Fees \$ 3.00

QUITCLAIM DEED



QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as follows, to-wit:

E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 1 North, Range 16 East, together with all improvements, appurtenances, and water rights.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

STATE OF IDAHO)
County of Camas) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.

69627

Recorded at the Request of

Rollie & Peterson

at 10:20 A.M.

Dec. 7, 1995

in Book 29

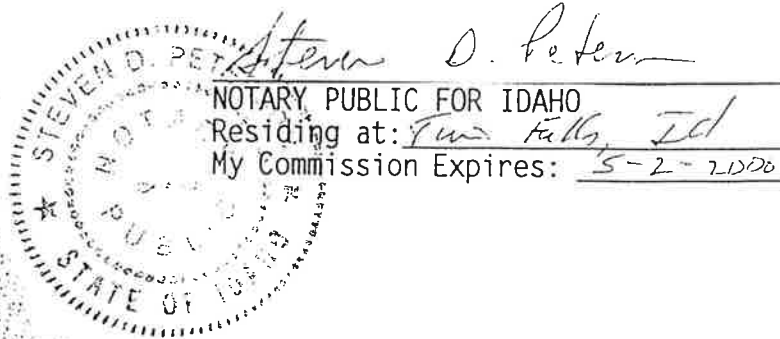
of Deeds Page 700

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By Gary Dachtell

Fees \$ 3.00

QUITCLAIM DEED



CORRECTION
QUITCLAIM DEED

FOR VALUE RECEIVED, KENNETH A. PECK and ROSELYN E. PECK, husband and wife, hereby release, remise, and forever quitclaim unto CRICHTON CREEK LIMITED PARTNERSHIP, whose address is Rt. 1, Box 1205, Fairfield, Idaho, certain real property located in Camas County, Idaho, and more particularly described as set forth on Exhibit attached hereto.

Dated this 22 day of November, 1995.

Kenneth A. Peck
KENNETH A. PECK

Roselyn E. Peck
ROSELYN E. PECK

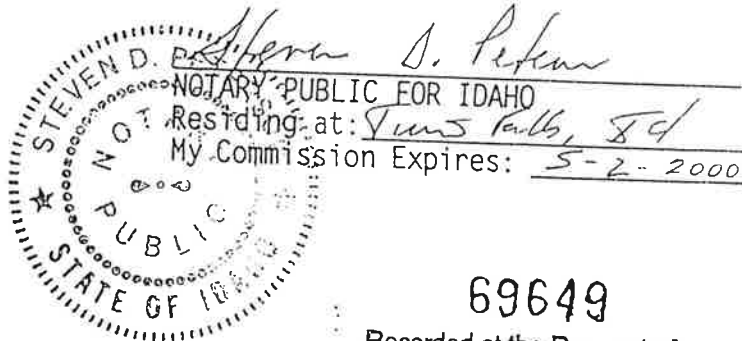
STATE OF IDAHO

County of Camas

)
) ss.
)

On this 22 day of November, 1995, before me, a Notary Public in and for said county and state, personally appeared KENNETH A. PECK and ROSELYN E. PECK, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



69649

Recorded at the Request of

Bolger Peterson

at 9:50 A.M.

12-11, 1995

In Book 29

of DEEDS Page 725

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By Korri Blodgett

Fees \$ 10⁰⁰

CORRECTION
QUITCLAIM DEED

EXHIBIT

Parcel No. 1

N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69624 on December 4, 1995, in Book 29 of Deeds, Page 697.

Parcel No. 2

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69629 on December 4, 1995, in Book 29 of Deeds, Page 702.

Parcel No. 3

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69630 on December 4, 1995, in Book 29 of Deeds, Page 703.

Parcel No. 4

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, Township 1 North, Range 15 East, together with all improvements, appurtenances, and water rights.

The above legal description corrects Quitclaim Deed recorded as Instrument No. 69631 on December 4, 1995, in Book 29 of Deeds, Page 704.

\$50

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: A37-00473A
Date Received: 10/19/89
Receipt No: 1404961
Received By: RAV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH PECK 208-764-2565
Address: RT. 1, BOX 1205
FAIRFIELD, ID 83327
OR
Name: ROSELYN PECK 208-764-2565
Address: RT. 1, BOX 1205
FAIRFIELD, ID 83327

2. Date of Priority: JUN 01, 1883

3. Source: ELK CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	15E	23	SW	SW	SE		CAMAS
		26	NE	NE	NE		CAMAS

5. Description of diverting works:
DIVERSION DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.750		

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

8. Total consumptive use is 812.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00473A

Page 1

Date: 10/16/89

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	15E	25	SW	NW		IRR	5.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	165.0
		36	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
				Section Acres	160.0		
				Total Acres	325.0		

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-00474, A37-04174

14. Remarks:
THE WATER FROM ELK CREEK IS DIVERTED VIA DIVERSION DAM AND DITCH TO MINNEHAHA CREEK. THE WATER IS NOT REDIVERTED INTO MINNEHAHA CREEK; RATHER, A DIVERSION DAM IN MINNEHAHA CREEK MIXES THE WATERS OF BOTH CREEKS AT THE POINT ELK CREEK DITCH CROSSES MINNEHAHA CREEK. A DITCH DIVERTS THE WATERS FROM THE POND DIRECTLY TO THE PLACE OF USE. WATER FROM ELK CREEK DOESN'T "FLOW" DOWN MINNEHAHA CREEK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

Smith transferred his land together with all ditches and water rights thereof, including his Decree to $\frac{1}{2}$ of all the water of Elk Creek and $\frac{3}{4}$ of all the water of Minehaha. In 1906, before the Frost Decree, Anay Calton owned the land formally owned by Mr. Smith and he sold it to William L. Leonard together with all right, title and interest of the grantor herein in and to one-half($\frac{1}{2}$) all the water of Elk Creek and three-fourths($\frac{3}{4}$) all the water of Minehaha Creek, with the irrigation ditches and rights thereunto appurtenant. (Book 67 of Deeds, page 318, Blaine County records.)

Through these deeds and transfers of title Leonard owned $\frac{1}{2}$ of all the water of Elk Creek and $\frac{3}{4}$ of all the waters of Minehaha and in 1911 he and his wife, Clarice gave William H. Peck a Warranty Deed for this same land together with $\frac{1}{2}$ of all water of Elk Creek and $\frac{3}{4}$ of all water of Minehaha Creek. This was not the same land owned and or irrigated by Herman Mehle.

In about 1895 Milo Farris sold his land to Frank Worthington and that deed was lost, so when Mehle bought the land in 1898 he had to clear the title and fearing because of this he may have lost his half of the water he put in under the Frost versus Alturas Water Co. to secure his water right

Herman Mehle and his wife Minnie recognized William H. Peck's right to half the water and an agreement was reached between the two parties and recorded in Book 74 of agreements, page 81, Blaine Co. records, and each one took $\frac{1}{2}$ of the water of Elk Creek and Herman Mehle took all the water of Minehaha Creek.

In 1936 William H. Peck and wife Laura bought the land owned by the estate of Herman Mehle. Therefore William H. and Laura Peck owned all the waters of Elk Creek, or($\frac{1}{2}$ of all the water of Elk Creek plus 155 inches that Mehle had,) for irrigation and domestic purposes.

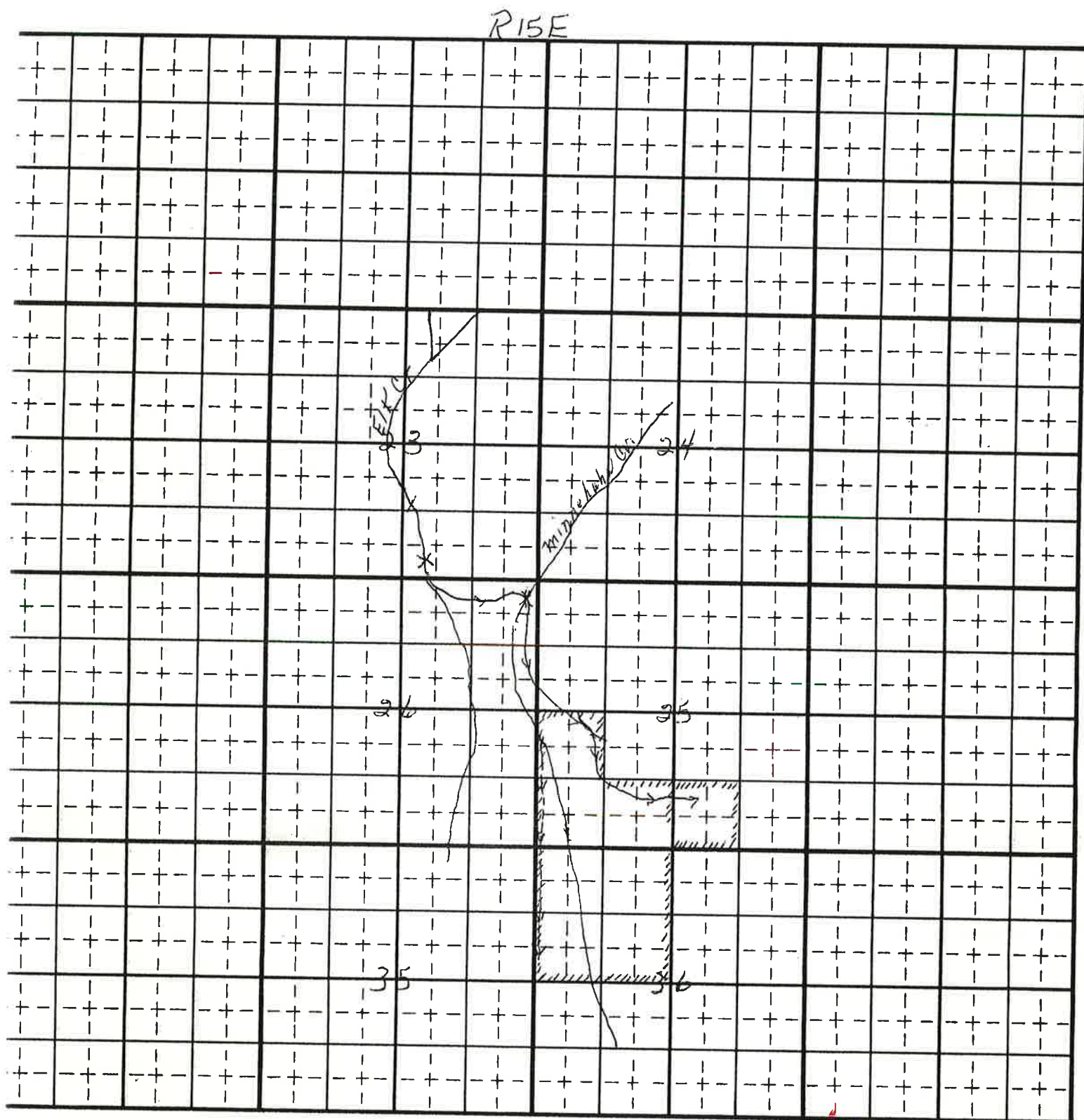
William H. Peck was very proud of this water right and during the irrigation season no water was ever allowed to be used or even leave the place. I worked on the place in the early 1940s and have been closely associated with it ever since that time and know the water was never used anywhere but on this land during the irrigating season.

In 1956, William H. Peck and Laura Peck got a divorce, Decree 26508, signed by District Judge Merlin Young. In that decree the water rights were specifically set apart and William Peck received the east half of section 26 together with $\frac{1}{2}$ of all the water and water rights hereto-fore owned and used by the parties hereto on their joint lands and Laura Peck got the other half of all the water and water rights to be used on her lands in section 25 and 36. This water has been used in this manner on this land by the tenants ever since the divorce and by my wife and I since we purchased the Laura Peck land and by Viola Whitney, the heir to the William Peck land.

MICROFILMED
FEB 22 1993

Map of Project: show clearly the pc. of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name

Peck

Ident No.

Copies: White-State, Yellow-Claimant

MICROFILMED
FEB 22 1983

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: 2

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): Bennett Peck Date: Oct 16, 1989

Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of October 19 89

Helen Harrington
Notary Public

Seal

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

RECEIVED

NOV 22 2006

11/01/2006

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: November 21, 2006

Water right number: 37-473A

WILLIAM M DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327
Telephone Number: (208)764-2386

OPAL DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327
Telephone Number: (208)764-2386

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

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

DATE: 11/19/06 SIGNATURE: William M Davis
Please print your name: William M Davis

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
NOV 27 2006

10/17/2006

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

RIGHT NUMBER: 37-473A
NAME AND ADDRESS: WILLIAM M DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327

OPAL DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327

SOURCE: ELK CREEK TRIBUTARY: CAMAS CREEK
QUANTITY: 0.750 CFS
PRIORITY DATE: 06/01/1883
POINT OF DIVERSION:

T01N R15E S23 NWSWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.750 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R15E S25	SWNW	4.00	T01N R15E S25	NWSW	15.00
T01N R15E S25	SWSW	21.00	T01N R15E S25	SESW	21.00
T01N R15E S36	NENW	20.00	T01N R15E S36	NWNW	16.00
T01N R15E S36	SWNW	11.00	T01N R15E S36	SENW	32.00

140 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 140 acres in a single irrigation season. Combined Right Nos.: 37-473A, 37-474A, and 37-4174.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

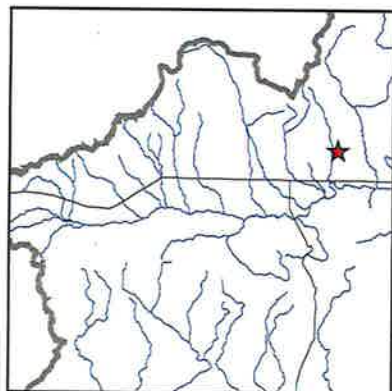
37-473A

37-474A

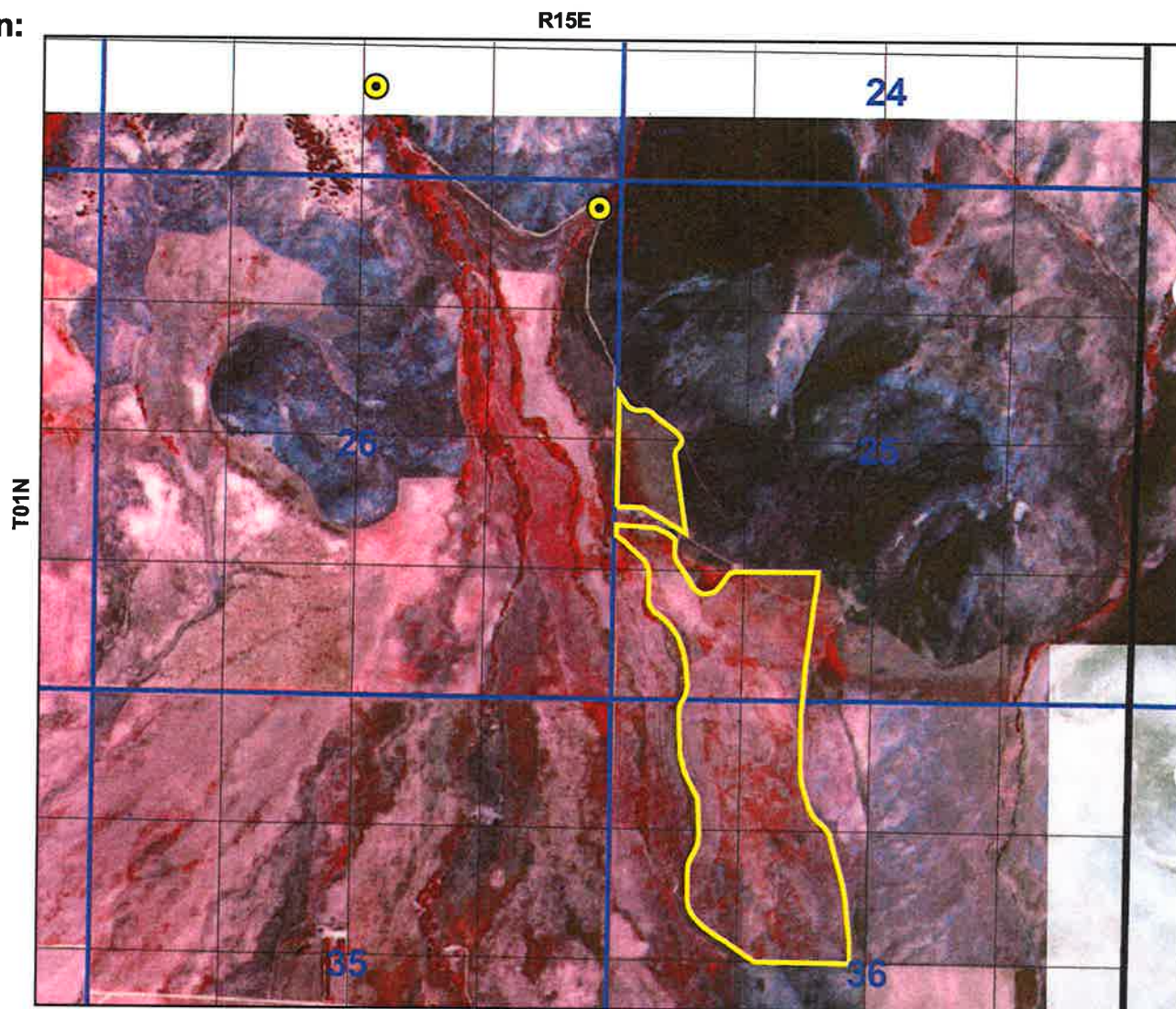
37-4174

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Tuesday, October 17, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-473A, 37-474A, 37-4174

Background Data

37-473A

- Source is Elk Creek tributary to Camas Creek
- 37-473 decree for 1.5 cfs on 7 QQ
- SRBA claims
 - 37-473A claimed 0.75 cfs for Irrigation of 325 acres
 - 37-473B claimed 0.75 cfs for Irrigation of 320 acres

37-474A

- Source is Elk Creek and Minnehaha Creek tributary to Camas Creek
- 37-474 decree for 1.6 cfs on 7 QQ
- SRBA claims
 - 37-474A claimed 0.8 cfs for Irrigation of 325 acres
 - 37-474B claimed 0.8 cfs for Irrigation of 320 acres

37-4174

- Beneficial Use Claim
- Source is Elk Creek tributary to Camas Creek and Minnehaha Creek tributary to Fricke Creek
- Claimed 6.4 cfs for Irrigation of 325 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

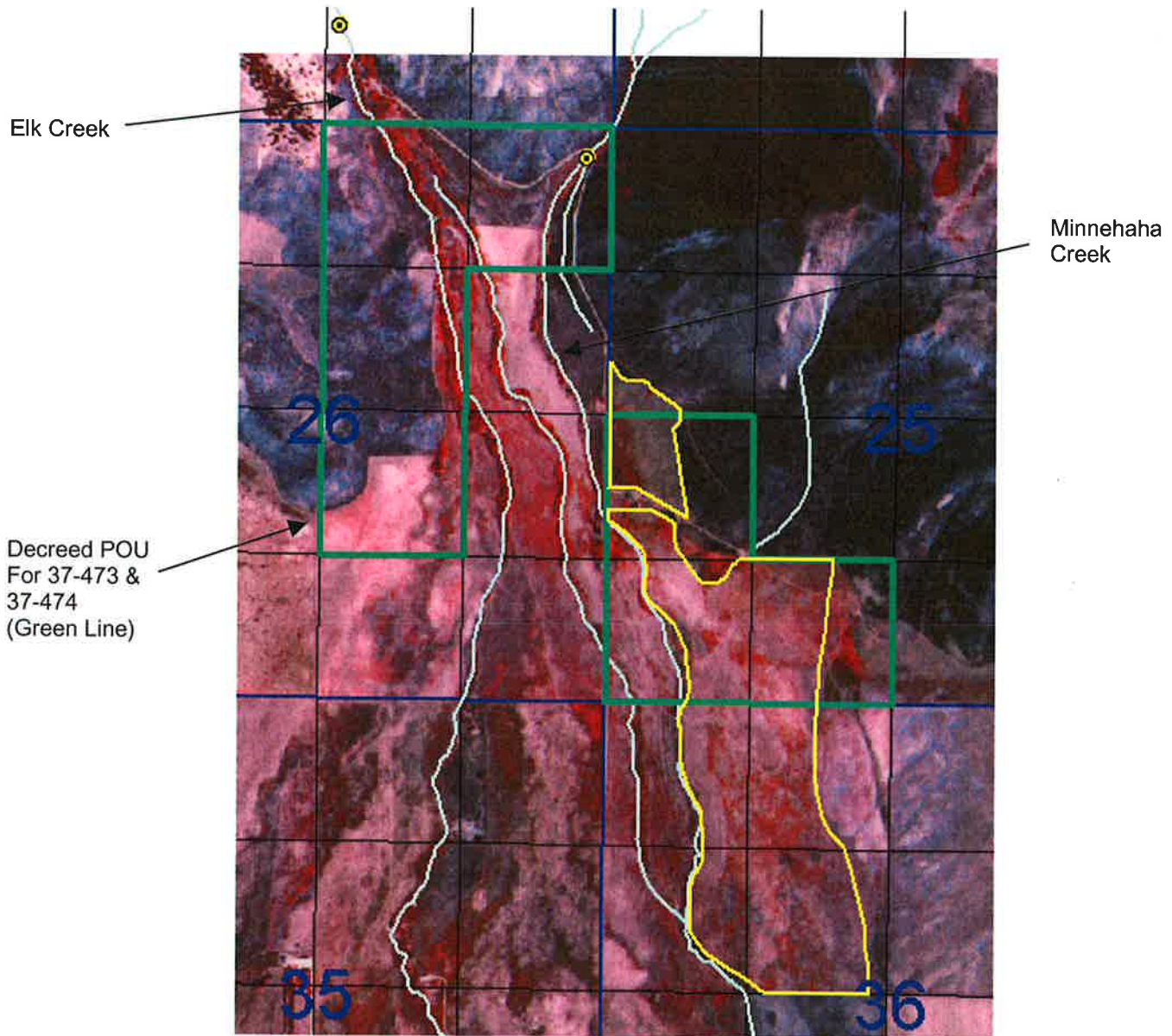




Photo near POD on Elk Creek taken during field exam.



Photo near POD on Elk Creek taken during field exam.



Photo near POD on Minnehaha Creek taken during field exam.

Notes

T1N R15E Sections 25 & 36

- Notes in claim say water was split evenly between the A & B parts, meaning the acreage must be the same. Based on field exam notes, the irrigated POU for both parts is 140 acres.
- Diversion rates:
 - Decrees
 - Smith vs. Ferris decree (1887)
 - Smith 1/2 of discharge in Elk Creek and 3/4 of discharge in Minnehaha Creek
 - Ferris 1/2 of discharge in Elk Creek and 1/4 of discharge in Minnehaha Creek
 - Frost Decree – Mehle (successor to Ferris) is decreed
 - 37-473 for 1.5 cfs from Elk Creek for irrigation of 7 QQ
 - 37-474 for 1.6 cfs from Elk and Minnehaha Creek for irrigation of 7 QQ
 - Between 1911–1936, alleged agreement between Mehle and W. Peck (successor to Smith)

- Mehle recognizes W. Peck's right to 1/2 of the water from Elk and Minnehaha Creeks
 - Mehle gets
 - All the discharge from Minnehaha Creek
 - 1/2 discharge from Elk Creek
 - W. Peck gets
 - 1/2 discharge from Elk Creek
 - Mehle was decreed 3.1 cfs from Elk and Minnehaha Creeks in the Frost Decree. Assuming that Mehle did not reduce his Frost decree diversion rate, this agreement suggests that there was 3.1 cfs left in Elk and Minnehaha Creeks. So the total discharge in Elk and Minnehaha Creeks is 6.2 cfs.
 - Field Exam
 - The discharge in Elk Creek was 0.41 cfs and the discharge of Minnehaha Creek was so low it could not be measured.
 - The channel dimensions of Elk Creek at flood stage are 5.0 ft wide by 1.25 ft deep. Assuming an average velocity of 0.7 ft/sec (the average velocity measured in Elk Creek during field exam), the maximum flow is less than 4.55 cfs.
 - The channel dimensions of Minnehaha Creek at flood stage are 11.0 ft wide by 0.5 ft deep. Assuming an average velocity of 0.7 ft/sec (the average velocity measured in Elk Creek during field exam), the maximum flow is less than 3.85 cfs.
 - Field exam suggests maximum flow of Elk and Minnehaha Creeks is less than 8.4 cfs.
 - Summary
 - The combined discharge of Elk and Minnehaha Creeks appears to be 6.2 cfs.
- Priority date
- 37-4174 and 37-4175 represent the half of the water from Elk and Minnehaha Creeks that was decreed in Ferris vs. Smith (1887), but not decreed in the Frost (1909).
 - Ferris vs. Smith decreed is dated July 12, 1887.
 - Frost decree in 1909
 - 37-473 from Elk Creek has priority date of 6/1/1883
 - 37-474 from Elk and Minnehaha Creeks has a priority date of 6/1/1893
 - The Frost decree states that previous decrees are honored (pages 30-31):
 - "It is Further Ordered, Adjudged and Decreed that the respective parties, plaintiffs and defendants, in the various actions named in the Findings herein, to-wit:...(list of decrees)....they and their successors in interest, be and they are hereby awarded the right to the use of the waters of the Big Wood River and its tributaries, and the various dry streams named in said decrees, to the extent that they are respectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be

entitled to the use of only one of such rights, to-wit: either the right named in said decree, or the right otherwise awarded in this decree."

- In the Frost decree, 37-473 was given a priority date of 1883, before the Ferris vs. Smith decree, and 37-474 was given a priority date of 1893, which is after the Ferris vs. Smith decree. Many other older decrees were reaffirmed in the Frost decree with the same priority dates and diversion rates. This suggests a problem with the Ferris vs. Smith decree that required proof of beneficial to be reestablished for the Frost decree.

- Several affidavits were submitted with the statutory claim filed in 1981. Fred Walton said he remembers back to 1909 that all the water from Elk and Minnehaha Creeks was used on the W. Peck and Mehle ranches.
- The fact that the water from the Ferris vs. Smith decree that was in the Frost was assigned different priority dates raises uncertainty about the Ferris vs. Smith decree. The next evidence in priority is 1909 by Fred Walton, the same year as the Frost decree. Decided to assign 37-4174 and 37-4175 a priority date of the first day after the Frost decree: 12/14/1909.

➤ Recommendations

- 37-473
 - 37-473A: 0.75 cfs for Irrigation of 140 acres
 - 37-473B: 0.75 cfs for Irrigation of 140 acres
- 37-474
 - 37-474A: 0.80 cfs for Irrigation of 140 acres
 - 37-474B: 0.80 cfs for Irrigation of 140 acres
- 37-4174
 - 1.25 cfs for Irrigation of 140 acres
 - Priority date: 12/14/1909
- 37-4175
 - 1.25 cfs for Irrigation of 140 acres
 - Priority date: 12/14/1909

- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

1887

Edwin Smith

1/2 ELK

3/4 Mmrehaha



Ardy Colton

1906

Clarice & William
Leonard

Decece

Milo Ferris

1/2 ELK

1/4 Mmrehaha



1895

Frank & Clarice
Worthington

1898

Deed lost

Sign Agreement
Peck: 1/2 ELK

Mehk: 1/2 ELK
all Mmrehaha

Herman Mehk 1909
1.5 cfs ELK (Frost)
1.6 cfs ELK + Mmrehaha

1911

Laura & William
Peck

1936

Sold to
Peck

1956
Divorce

1956

Laura
Peck

1/2 water
POU in Sect 25
+ 36

William
Peck

1/2 water
POU in Sect 26



Urota Whitney

6/13/06

M. H. H. H.

File No.

A37-04175 = 4174

William M & Opal Davis 37-4174
Rt 1 Box 1210
Fairfield, Id

9/25/06

Wanda Mae Haas [sold]
Charles Gaskel [New Owner]
Fairfield ,Id.

I got an appt. With Bill Davis and Charles Gaskel today and went up East of Fairfield and met both guys together at Bills house and discussed these files, I told Charles he needed to contact IDWR and file a Change of ownership for his water and he said he would take care of this problem. Bill drew on the color photo of the POD for both creeks where the ditch's are and his wife gave me a black photo of there property which is east of Charles on the color photo in file 4175. Elk creek # 1- Photo 1030307 looking S is where their POD is out of Elk creek when there is enough water to divert but at this date what little water is in this creek is going on down the creek for stock water , photo 308 looking N is my measurement just up stream of the POD. See measurement notes. When there is more water in this creek Bills water goes into a ditch and flows into Minnehaha and then down his ditch to his property as shown on photo.

Minnehaha Cr. # 2=this creek is almost out of water but a little goes down Bills ditch a short distance and sinks into the ground the rest goes down into Charles property for stock water. Photo 309 looking SW is the POD and separation of what little water there is in this creek which was not able to measure so just above POD I showed the width & depth of approx. high water flow which Bill agreed to. While visiting with both fellows they informed me that all their grounds are sub irrigated no corrugates, or sprinklers.

Description		GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Elk Cr POD	1	Bill 1	2448478	1355745	None	1030307-308
Minnehaha	2	" 2	2449178	1355376	"	309

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-4174, 37-4175

Background Data

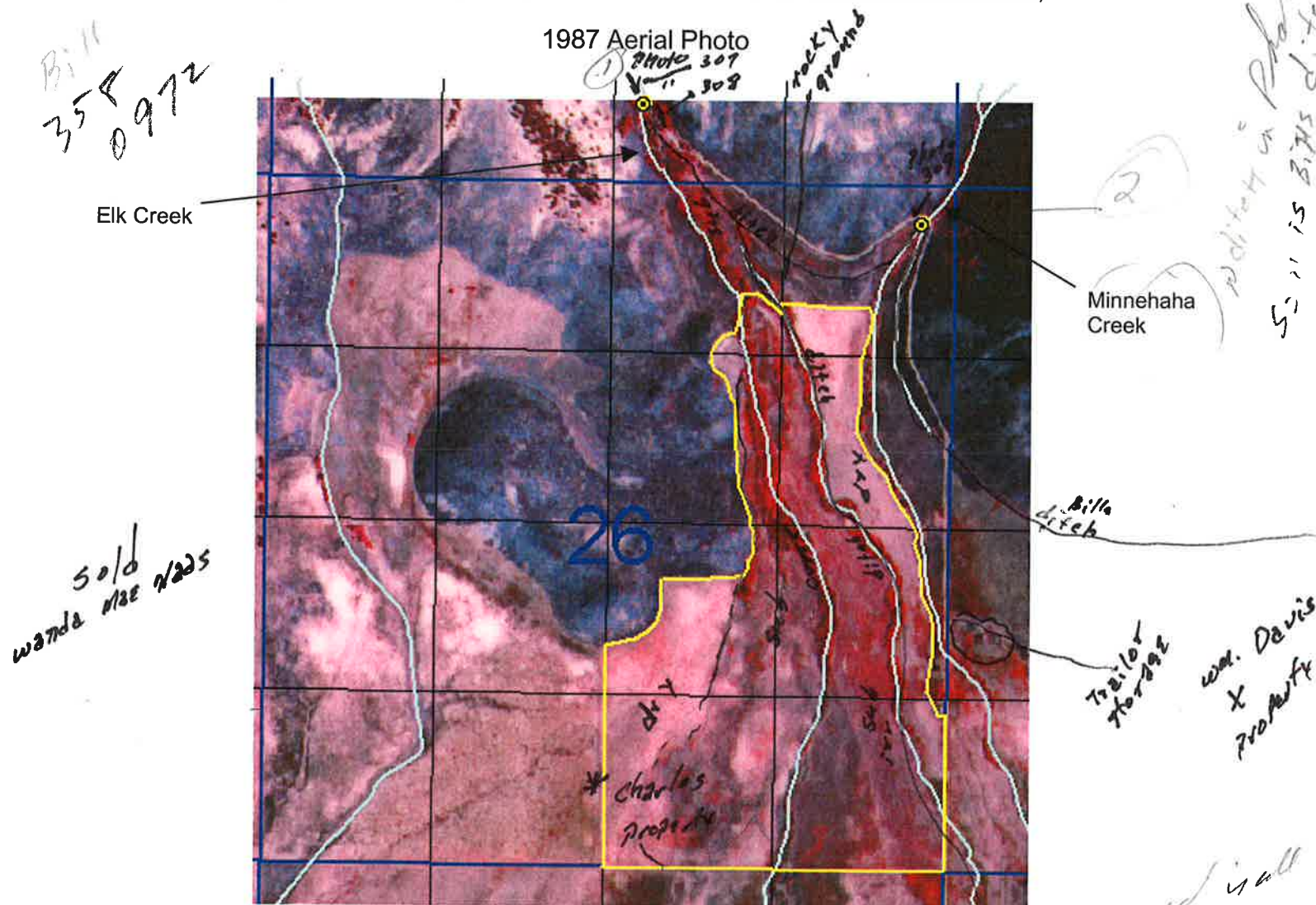
- Source is Elk Creek and Minnehaha Creek

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

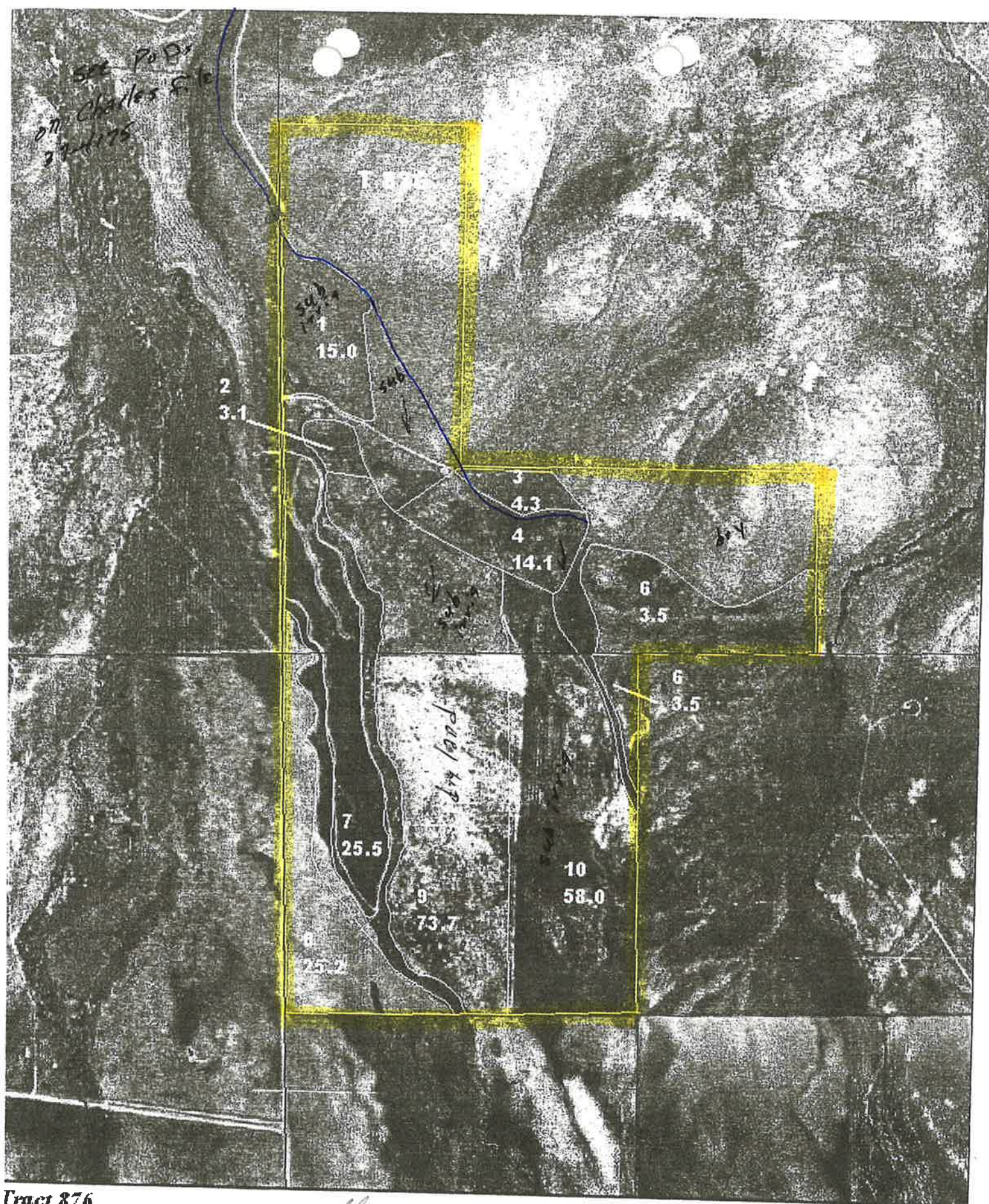
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)



To do on field exam:

- 1) GPS PODs
- 2) Measure diversion rate from Minnehaha Creek
- 3) Measure diversion rate from Elk Creek



Tract 876
Farm 827
Camas County, Idaho

*Beth
Proctor*

A 37-04175

37- 4174

Water Right No.
(if applicable)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Open Channel Discharge Measurement Notes

1. Name of stream or ditch: Elk Creek & Minnehaha Cr.
2. Location: 1N-15E sec. 23-26
3. Person conducting measurement: Lee Peterson
4. Date and time of measurement: 9/25/06 2 PM
5. Accompanied by: William M. Davis
6. Measuring device size and ID no.: Teledyne-Gurley 622
7. Spin test before measurement OK? yes after measurement OK? yes
8. Purpose of measurement: evaluating flow

B. MEASUREMENT DATA

[illegible]

10/16/06

completed by M. Anders

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

- | | | |
|--------------------------------------|-----------------------------|-----|
| 1. Name of stream or ditch: | _____ | .92 |
| 2. Location: | _____ | |
| 3. Person conducting measurement: | _____ | .94 |
| 4. Date and time of measurement: | _____ | |
| 5. Accompanied by: | _____ | .96 |
| 6. Measuring device size and ID no.: | _____ | |
| 7. Spin test before measurement OK? | _____ after measurement OK? | .97 |
| 8. Purpose of measurement: | _____ | .98 |

3. MEASUREMENT DATA

ATA — corrected to make measurements center of cell.

[illegible]

Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 29, 2003

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM DAVIS
OPAL DAVIS
RT 1 BOX 1210
FAIRFIELD ID 83327

Re: SRBA Claim(s) 37-473A, 37-474A, 37-4174
Decreed Water Right 37-13158

Dear Mr. and Mrs. Davis:

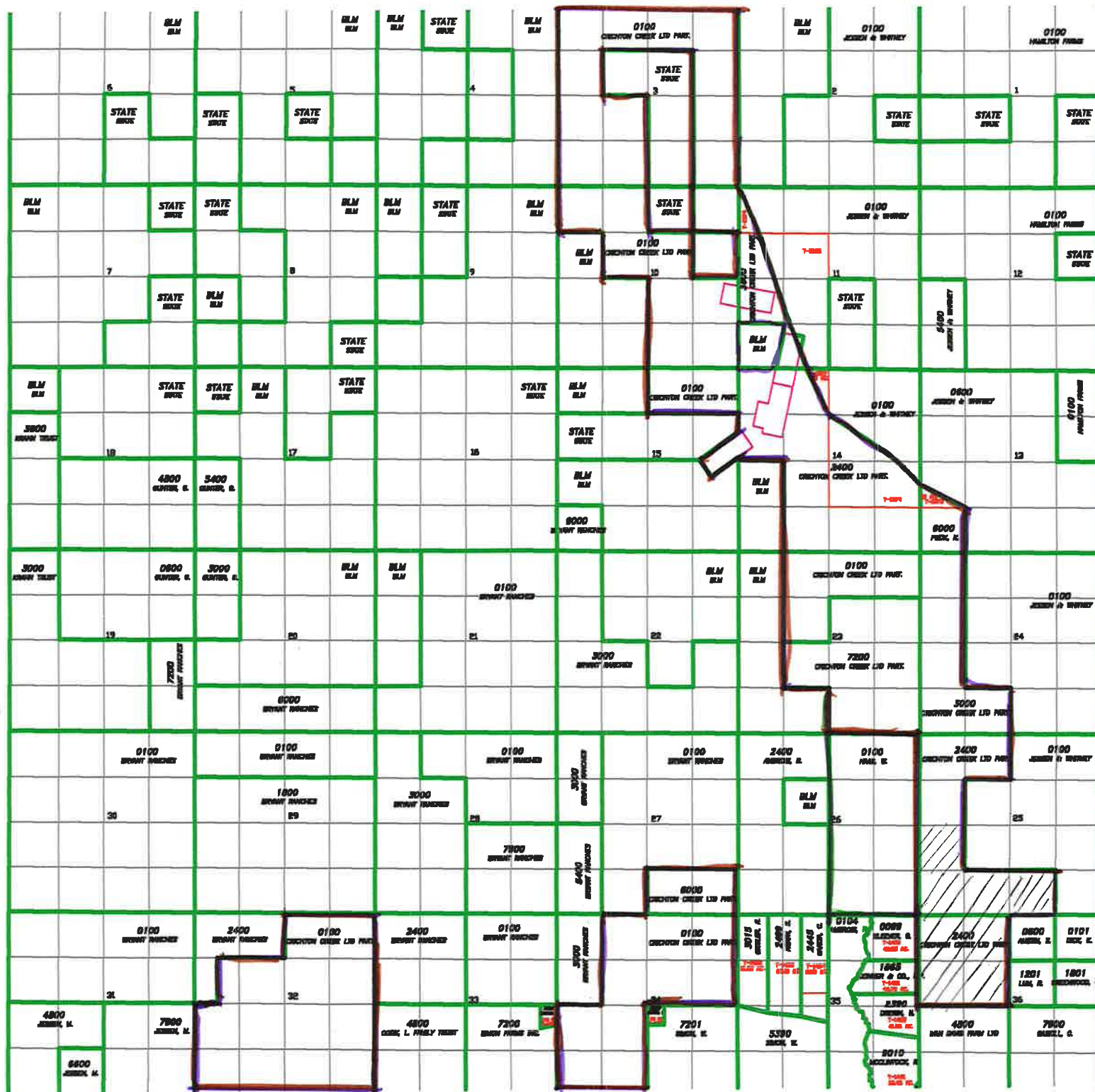
Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

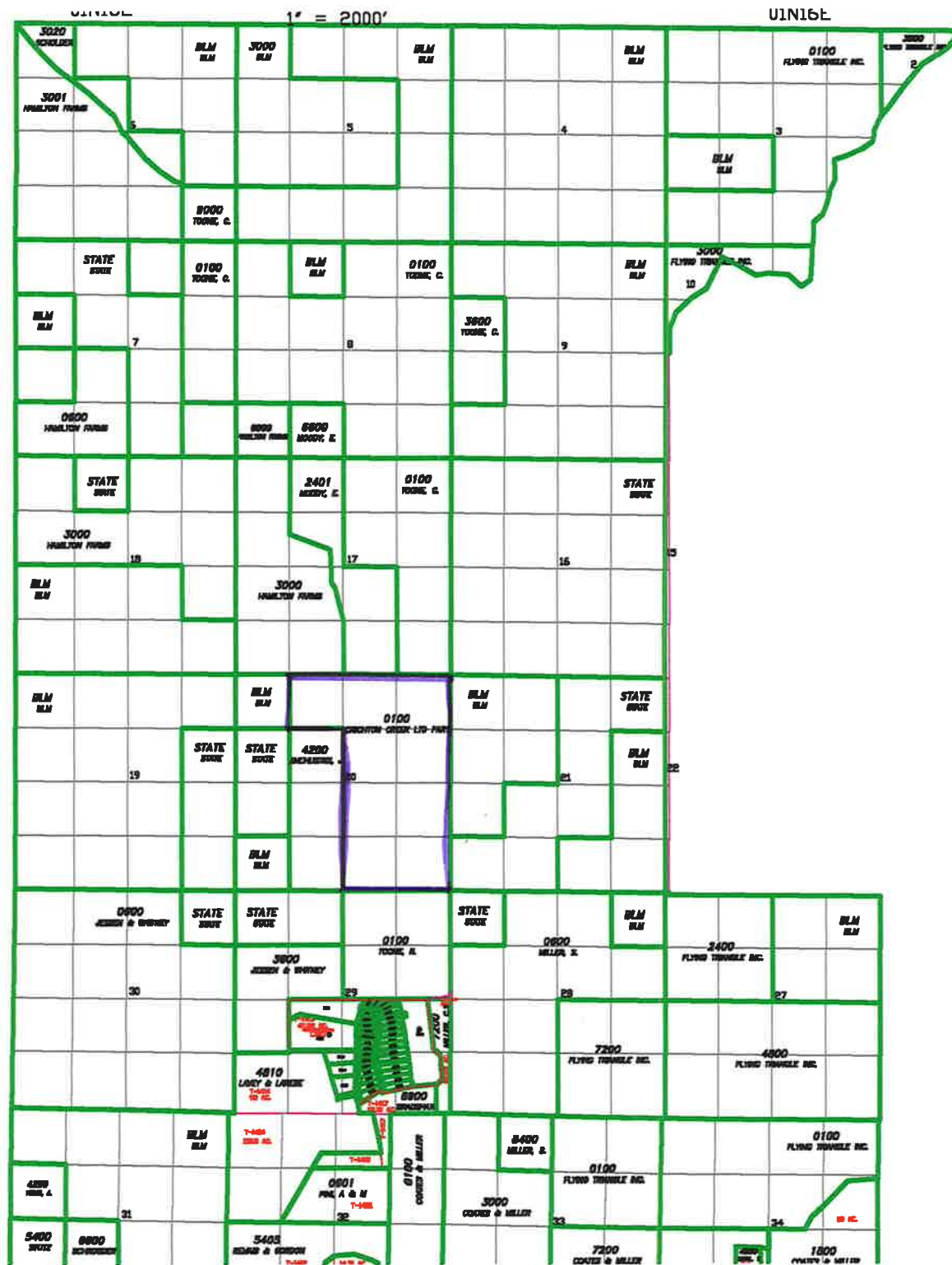
Trish Fawcett
Technical Records Specialist

Enc.

Irrigated
////

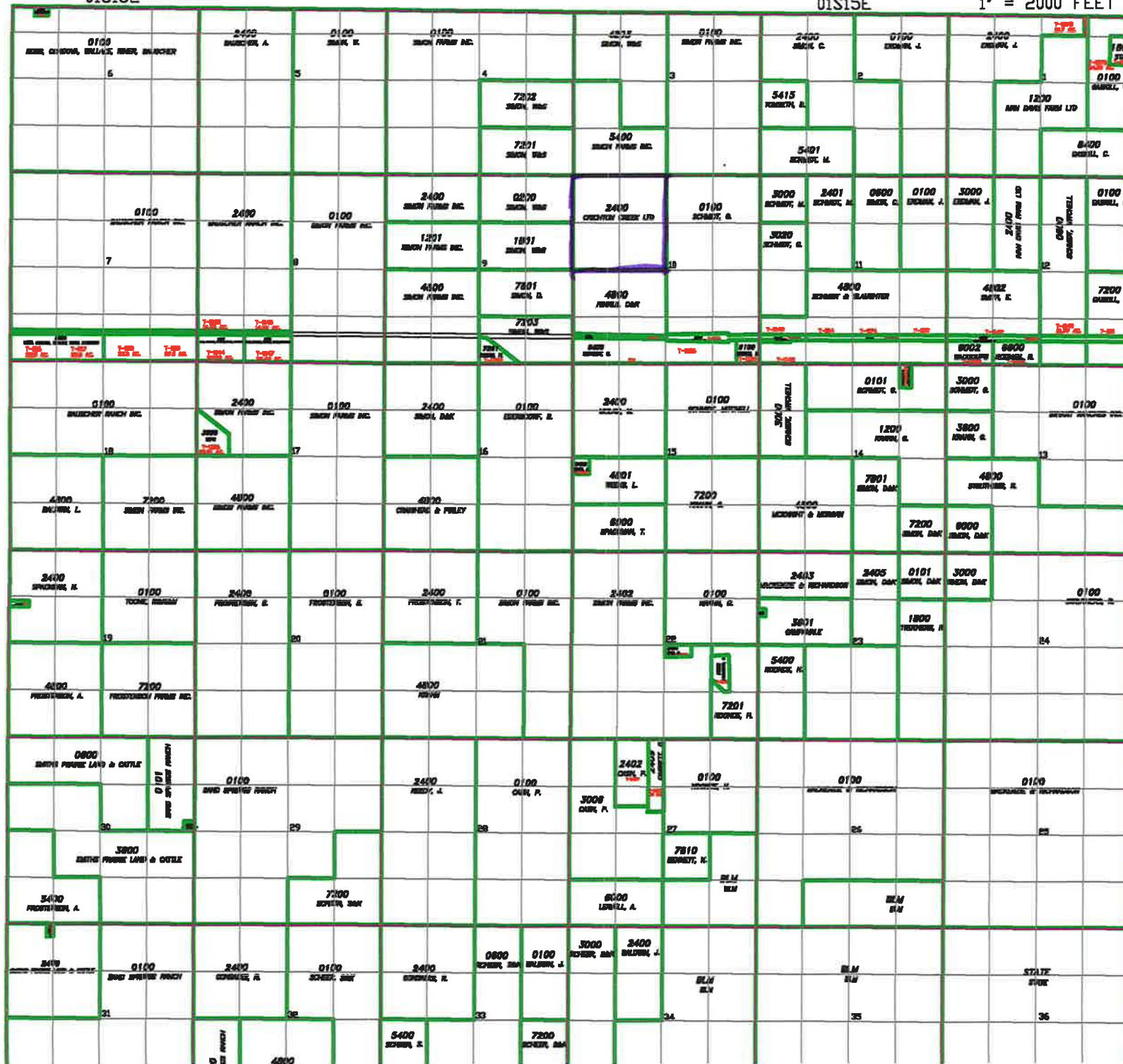


TIN RICE



1' = 2000 FEET

T15 R15E



Section 24
T1N R15E

25

25

Section 25 T1N R15E

A37-13139

A37-00473A

A37-00474A

A37-04174

25 30

T26

T289

JESSEN / WHITNEY

15.0

A37-13158

3.1

3

4.3

PECK
ORIGHTON CREEK
LTD PARTN

Irrigated

4

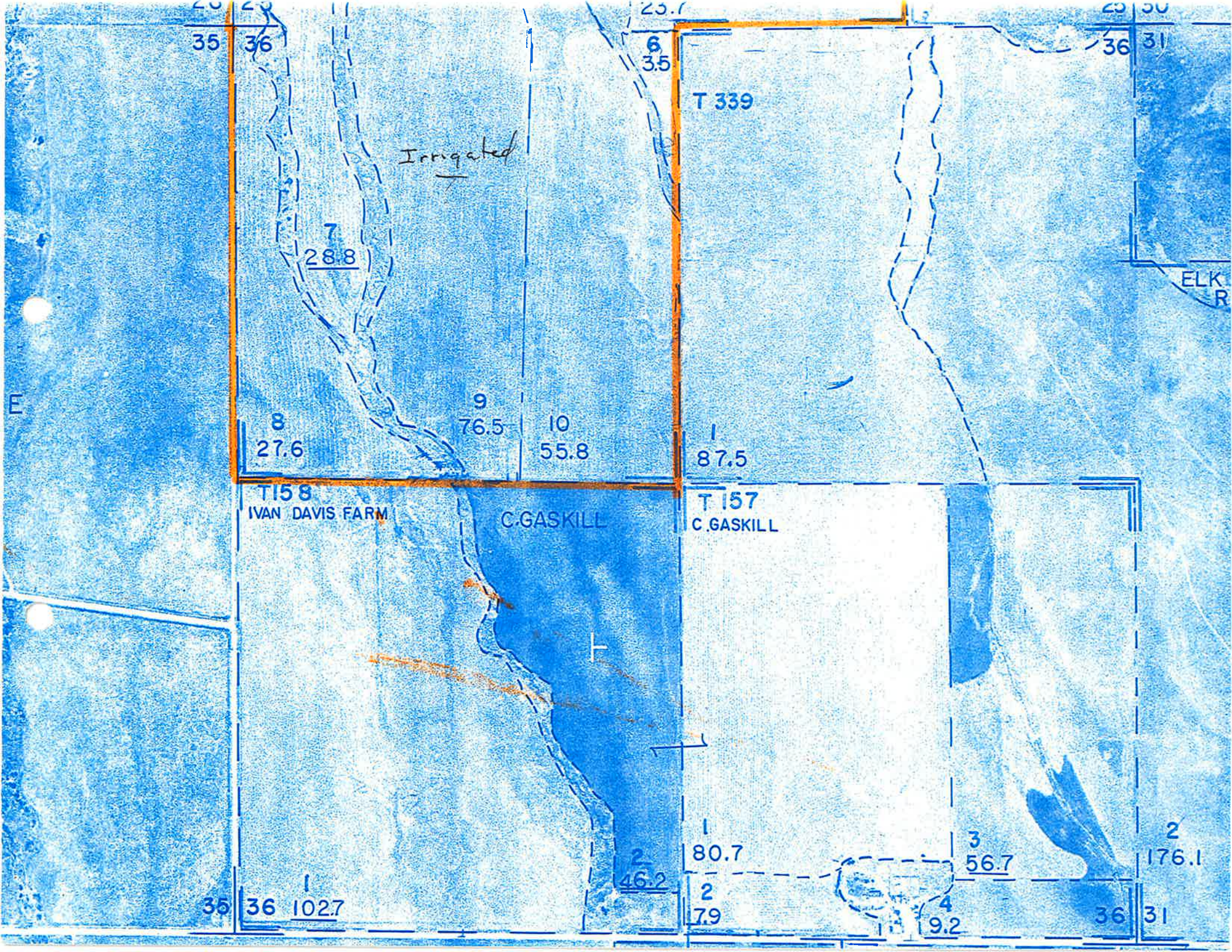
13.2

A37-13158

5
23.7

26 25
35 36

25 30



27 26

22 23

26 25

23 24

A37-00473A
A37-00474A
A37-04174

23 24

14 13

22 23

A37-13139

A37-13139

A37-13139

A37-13139

PECK
CLICK
CLICK

WOLF SPRINGS RANCH