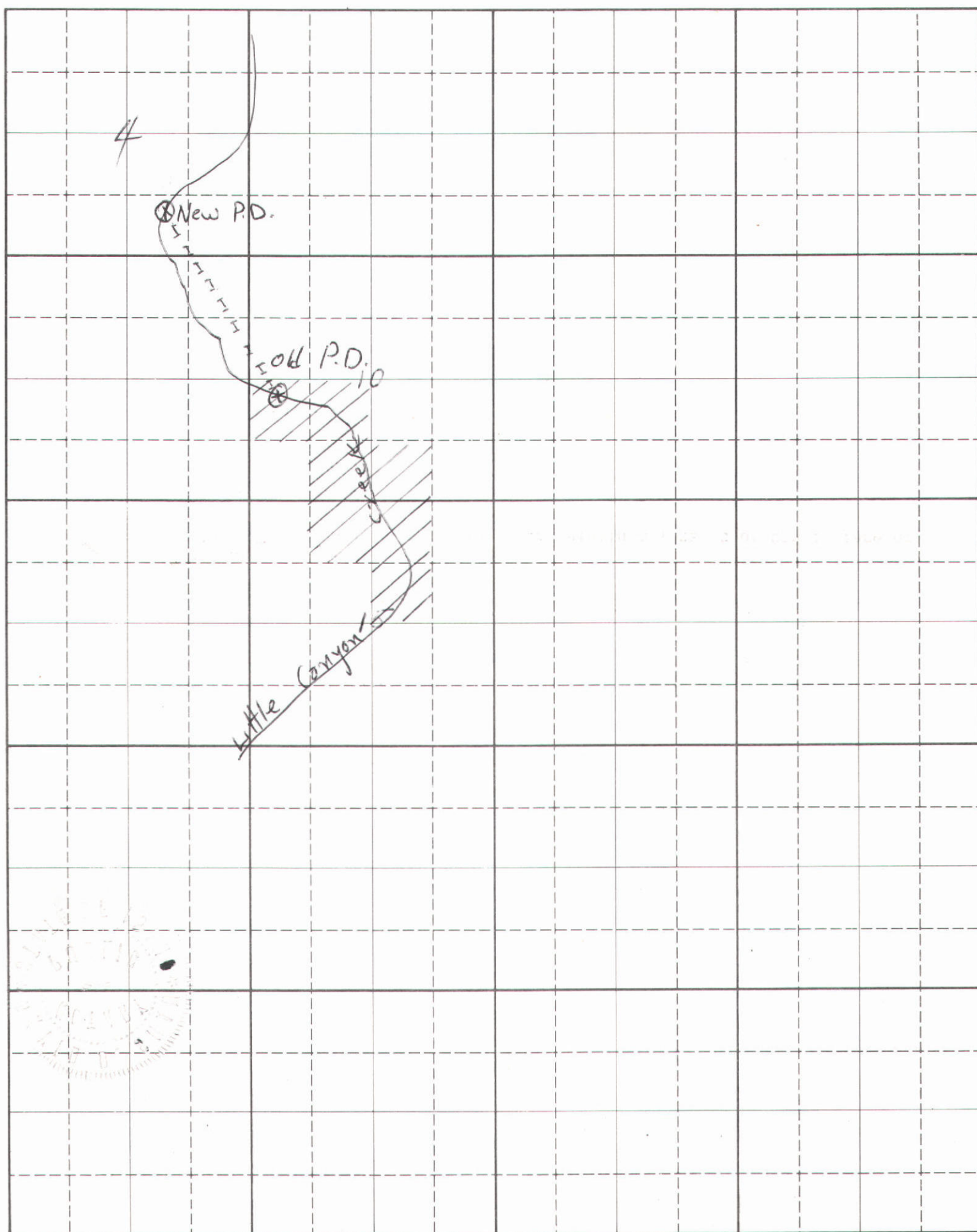


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

# Affidavit of Publication

County of Elmore }  
STATE OF IDAHO } ss.

I, Lloyd S. Waters do  
solemnly swear that I am the foreman, or  
publisher of the

## MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,  
published once a week at MOUNTAIN HOME,  
IDAHO, that the notice attached hereto and  
which is a part of the proof of publication  
thereof, was published in said newspaper for

two  
..... consecutive weeks, the first publica-  
tion having been made on the 26th  
day of ...October....., 19.78, and  
the last publication having been made on the  
2nd  
..... day of ....November....  
19..78....; every Thursday issue of the paper  
during the period and time of publication and  
that the notice was published in the newspaper  
proper and not in a supplement thereof.

And I further swear that the said MOUN-  
TAIN HOME NEWS has been continuously and  
uninterruptedly published in said Elmore County  
during a period of 78 consecutive weeks prior  
to the first publication of the attached notice.

*Lloyd S. Waters*

Subscribed and sworn to me this 2nd  
day of .....November....., 19.78

*Helen O. Kluger*  
Notary Public

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 61-297/61-298

Notice is hereby given that  
STEINER HEATON of Glens  
Ferry has applied to the Depart-  
ment of Water Resources for a  
change of point of diversion of the  
water of Little Canyon Creek  
tributary to the Snake River. The  
right sought to be changed is  
evidenced by a decree to C.E.  
Corker in the case of Corker vs.  
Anthony dated 3/22/1898 in the  
Fourth Judicial District Court of  
Elmore County and is recorded as  
follows: Amount: 2.0 cfs with a  
priority of June 1, 1883 and 0.5 cfs  
with a priority of May 25, 1885.  
Point of Diversion: NW 1/4 SW 1/4  
Sec 10 T4S R10E, B.M. The water  
is used for Irrigation purposes  
from Mar 1 to Sept 30  
TO BE CHANGED AS FOLLOWS

Amount: 2.5 cfs  
Point of Diversion: SW 1/4 SE 1/4  
Sec 4 T 4S R10E, B.M.  
The water will be used for  
irrigation purposes from Mar 1 to  
Sept 30

Any protest against approval of  
the proposed change of water right  
application must be filed with the  
Department of Water Resources,  
92 S. Cole Road, Boise, Idaho 83705  
on or before November 13, 1978.

C. STEPHEN ALLRED  
Director

Published in the Mountain Home  
News on October 26, 1978 and  
November 2, 1978.

OK  
25  
11-7-78.

MICROFILM

| TRANSFER NO. | NAME            | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|-----------------|------------------|-------------------|--------------|
|              | CORKER, C. E.   | 2.00             |                   | 61-0297      |
| 2287         | HEATON, STEINER | 2.00             | -0-               | 61-0297      |

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant STEINER HEATON Phone -----  
Post office address Glenns Ferry, ID Box 129

A. DESCRIPTION OF RIGHT AS RECORDED

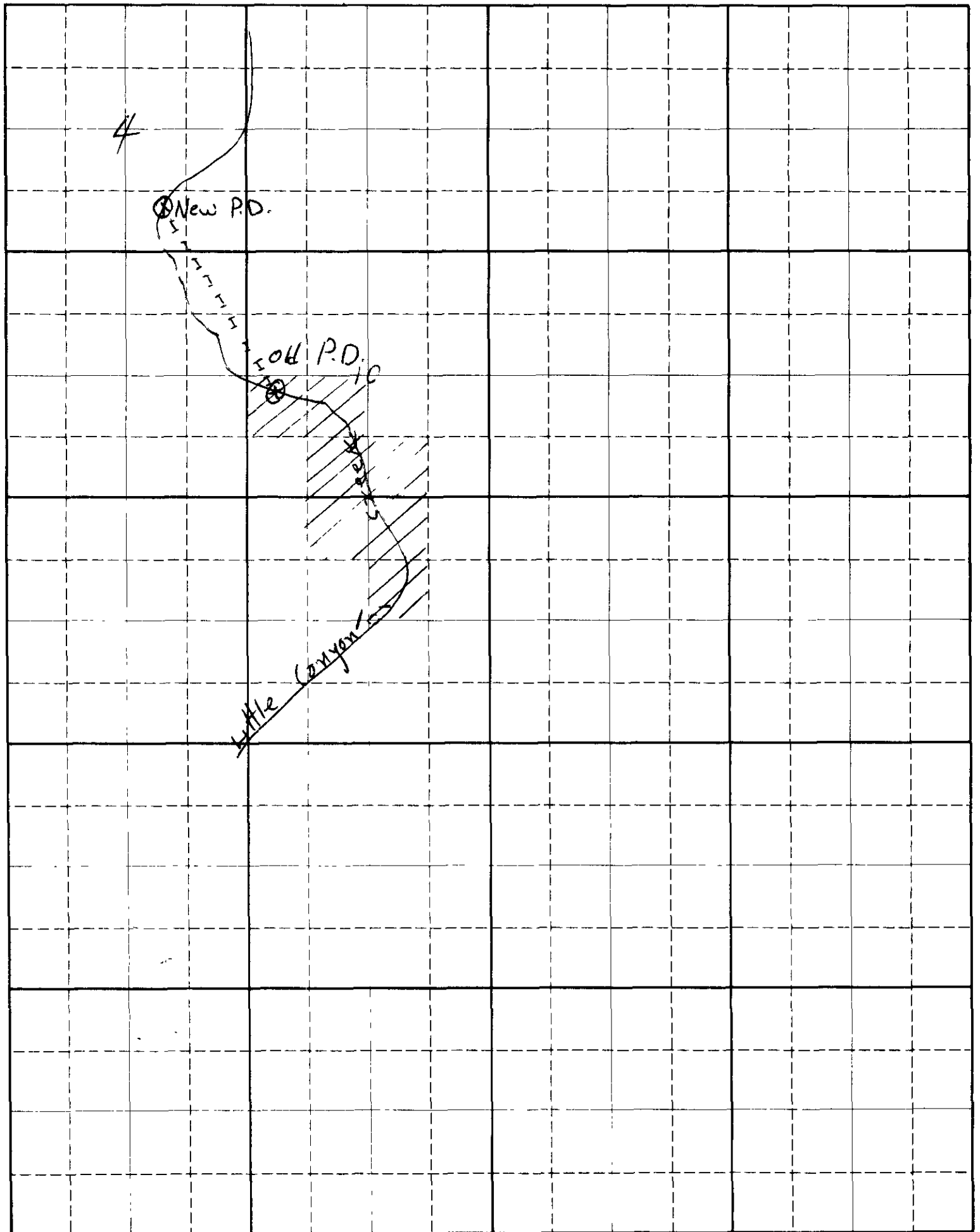
1. Right evidenced by:
- a. Decree to C. E. Corker  
in case of Corker vs Anthony  
dated 3-22-1898 in 4th Judicial District county of Elmore  
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Purchase
3. Source of water Little Canyon Creek tributary to Snake River
4. Date of priority 2.00 cs 0.5 cfs  
100" 6-1-1883 25" 5-25-1885
5. Water is used for the following purposes:  
amount 2.5 cfs for Irrigation purposes from Mar. 1 to Sept. 30  
amount for purposes from to  
amount for purposes from to  
(month/day → both dates inclusive)
6. Total amount of water under right: a. 2.5 cubic feet per second  
&/or  
b. acre feet per annum
7. Location of original point of diversion is NW ¼ of SW ¼ of Section 10  
Township 4S Range 10E, B.M., in Elmore County  
Additional points of diversion, if any -----
8. Lands irrigated or place of use:

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 4S  | 10E   | 15   |     | X   | X   |     | X   |     |     |     |     |     |     |     |     |     |     |     |        |
| "   | "     | 10   |     |     |     |     |     |     |     |     | X   | X   |     | X   |     |     | X   |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

RECORDED

125

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE 2 inches equal 1 mile. Draw plan in ink.

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

*Steven Foster*  
(Signature of applicant)

Subscribed and sworn to before me this 21 day of September, 1978

*[Signature]*  
(Notary public)

My commission expires *Lifetime*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 61-0297 & 61-0298,

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

- (1) A measuring device and a lockable headgate of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.  
(2) Use of water under this transfer is subject to control by the watermaster of State Water District No. 61-D, Little Canyon Creek.  
(3) The issuance of this transfer in no way grants any right-of-way or easement across the land of another.

Witness my hand this 27<sup>th</sup> day of February, 1979

*[Signature]*

FOR DEPARTMENT USE ONLY

Received by *R.W.H.* Date *9-21-78*  
Prelim. check by *R.W.H.* Fee *35.00*  
Received by *R.W.H.* Date *9-21-78*  
Published in *Newspaper Times*  
Pub. dates *9-26-78 + 11/2/78*  
Watermaster recommendation requested on *4/10/79* rec'd.

Protest filed by *Don McLachlan, Attorney*  
*for Joe Mail and Mary Blair*  
Copies of protest forwarded by \_\_\_\_\_  
Hearing held by *DRS* Date *2/16/79*  
Recommended for *approval* denial  
by *DRS* 3-5.

LAW OFFICES  
McCLENAHAN & GREENFIELD  
SIMPLLOT BUILDING  
POST OFFICE BOX 2574  
BOISE, IDAHO 83701

DON J. McCLENAHAN  
GEORGE A. GREENFIELD

November 13, 1978

TELEPHONE 342-4664  
AREA CODE 208

Mr. C. Stephen Allred  
Director  
Department of Water Resources  
92 South Cole Road  
Boise, Idaho 83705

Dear Mr. Allred:

Re: Proposed Change of Water Right of Steiner  
Heaton, File No. 61-297/61-298

This letter is written on behalf of Mr. Lee Trail, King Hill, Idaho, and Mrs. Mary A. Blair, Glenns Ferry, Idaho, hereafter referred to as protestants. Protestants are the owners and holders of water license numbers R-959 and 25631 which are water rights on Little Canyon Creek in Elmore County, Idaho.

Prior to the time protestants constructed in 1957 and 1958 the reservoir and the extensive water works used in connection with the above licenses on Little Canyon Creek, they visited with the then director of reclamation, Mr. Mark Culp, and with Mr. Carl Tappin and Mr. Roy Thompson also of the Department of Reclamation concerning the water rights in existence at that time on Little Canyon Creek and the customs and traditions of the date of use of water on Little Canyon Creek. All of these gentlemen informed protestants on a number of occasions that the date of use of water on this creek was from April 1 to November 1 of each year. The current Water User's Handbook indicates that this still is the rule (see figure 4, page 17, of State of Idaho Water User's Handbook.

It was on the basis of the statements made to them prior to 1957 that protestants invested a large amount of time and money in their present water works. Since they have a right to flood water which is used to fill their reservoir, protection of their right to flood water is basic to their water rights and their project.

Mr. Stephen Allred  
November 13, 1978  
Page Two - -

If the applicant is granted the right to use the water from Little Canyon Creek from March 1 to September 30, this is a change in the custom, and protestants object to this request. Protestants' reservoir is filled each year with flood water. In many years, March is a month that has a large flow of flood water in Little Canyon Creek which is diverted by protestants at their point of diversion to their reservoir. If the applicant is permitted to divert from March 1 of each year, he would reduce the amount of water available to protestants for diversion to their reservoir.

Further, protestants contend that the granting of applicant's request to use water from March 1 to September 30 sets a precedent which would permit other users of water on Little Canyon Creek to apply for use of water from March 1 to September 30. If others were permitted to use water commencing on March 1 of each year, this would reduce further the amount of water available to be diverted by protestants to their reservoir. For these reasons protestants do hereby protest that portion of the application requesting that "the water be used for irrigation purposes from March 1 to September 30."

Applicant also requests that the point of diversion be changed. Protestants have no objection to the change in point of diversion provided the applicant is required by the department to remove the concrete diversion dam and head gate and any other structure located at the present point of diversion. If the department does not require the applicant to do this, protestants then protest the change of the point of diversion for this would mean that the applicant would have two points of diversion.

Very truly yours,

McCLENAHAN & GREENFIELD

By *J. McClenahan*

DJM:jec

cc: Mr. & Mrs. Ray Blair  
Mr. Lee Trail

# Affidavit of Publication

County of Elmore }  
STATE OF IDAHO } ss.

I, Lloyd S. Waters do  
solemnly swear that I am the foreman, or  
publisher of the

## MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,  
published once a week at MOUNTAIN HOME,  
IDAHO, that the notice attached hereto and  
which is a part of the proof of publication  
thereof, was published in said newspaper for

two  
..... consecutive weeks, the first publica-  
tion having been made on the 26th  
of October....., 19.78, and  
the last publication having been made on the  
2nd  
..... day of .....November....  
19..78....; every Thursday issue of the paper

during the period and time of publication and  
that the notice was published in the newspaper  
proper and not in a supplement thereof.

And I further swear that the said MOUN-  
TAIN HOME NEWS has been continuously and  
uninterruptedly published in said Elmore County  
during a period of 78 consecutive weeks prior  
to the first publication of the attached notice.

*Lloyd S. Waters*

Subscribed and sworn to me this 2nd

day of November....., 19.78

*Delen O. Kluger*  
Notary Public

NOTICE OF PUBLICATION  
STATE OF IDAHO  
COUNTY OF ELMORE  
I, Lloyd S. Waters, do hereby certify that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for two consecutive weeks, the first publication having been made on the 26th day of October....., 19.78, and the last publication having been made on the 2nd day of November...., 19..78....; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Subscribed and sworn to me this 2nd day of November....., 19.78

*Delen O. Kluger*  
Notary Public

K  
25  
11-7-78

MICROFILM

## MORTGAGE

KNOW ALL MEN BY THESE PRESENTS: That STEINER CAMP HEATON AND KATHERINE J. HEATON,  
husband and wife

, hereinafter called the Mortgagor, does hereby grant,  
bargain, sell, assign and convey unto FIRST MORTGAGE COMPANY OF IDAHO  
an Idaho Corporation

a corporation organized and existing under the laws of STATE OF IDAHO  
hereinafter called the Mortgagee, the following described property, situate in the State of Idaho, to wit:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , all in Section 10; the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
Section 15, all in Township 4 South, Range 10 East, Boise  
Meridian, Elmore County, Idaho.

Together with all water and water rights, ditches and ditch rights,  
used thereon or appurtenant thereto, including but not limited to  
rights to decreed waters of Little Canyon Creek, consisting of  
100 inches with a priority of June 1, 1883, and 25 inches with a  
priority of May 25, 1885, administered by Little Canyon Creek Water  
District No. 2C; and together with all Taylor grazing rights,  
including private grazing allotment.

together with all the tenements, hereditaments, and appurtenances now or hereafter thereunto belonging  
or in anywise appertaining, and all rents, issues and profits thereof (provided, however, that the Mort-  
gagor shall be entitled to collect and retain the said rents, issues and profits until default hereunder), and  
all fixtures now or hereafter attached to or used in connection with the premises herein described; and  
in addition thereto the following described household appliances, which are, and shall be deemed to be,  
fixtures and a part of the realty, and are a portion of the security for the indebtedness herein mentioned:

This grant is intended as a mortgage to secure payment of a certain promissory note of even  
herewith executed and delivered by the Mortgagor to the Mortgagee, of which the following is a copy

\$ 64,000.00

GILFILLAN, FRANK

MICROFILMED

FOR VALUE RECEIVED, I promise to pay to FIRST MORTGAGE COMPANY OF IDAHO  
an Idaho Corporation

, or order, the principal sum of SIXTY FOUR THOUSAND AND  
NO/100-----Dollars (\$64,000.00 ), with interest from  
date at the rate of EIGHT AND ONE HALF ( 8.50%) per annum on the monthly balances remaining from  
time to time unpaid. The said principal and interest shall be payable at the office of FIRST MORTGAGE  
COMPANY OF IDAHO , in BOISE, IDAHO  
or at such other place as the holder hereof may designate in writing delivered or mailed to the debtor, in  
monthly installments of FOUR HUNDRED NINETY TWO AND 16/100-----Dollars (\$492.16 ),  
commencing on the first day of FEBRUARY , 1978 , and continuing on the first day of each month  
thereafter until this note is fully paid, except that, if not sooner paid, the final payment of principal and  
interest shall be due and payable on the first day of JANUARY , 2008

Privilege is reserved to prepay at any time, without premium or fee, the entire indebtedness or any  
part thereof not less than the amount of one installment, or one hundred dollars (\$100.00), whichever  
is less.

If any deficiency in the payment of any installment on this note is not made good prior to the due date  
of the next such installment, the entire principal sum and accrued interest shall at once become due and  
payable without notice at the option of the holder of this note.

The failure of the holder of this note to enforce its rights upon default in any of the terms of this  
note shall not constitute a waiver of any such right in the event of a subsequent default.

If suit is instituted to collect this note or any portion thereof, I agree to pay, in addition to the costs  
and disbursements as are allowed by law, such additional sum as the court may adjudge reasonable as  
attorney's fees in such suit.

This note is secured by mortgage of even date executed by the undersigned on certain property  
described therein and represents money actually used for the acquisition of said property or the improve-  
ments thereon.

The undersigned hereby waive presentment, protest, and notice.

This note, or any payment thereunder, may be extended from time to time without in any way  
affecting the liability of the makers and endorsers thereof.

*Steiner Camp Heaton*  
STEINER, CAMP HEATON

*Katherine J. Heaton*  
KATHERINE J. HEATON

The Mortgagor, in order to protect more fully the security of this mortgage, does hereby covenant  
and agree as follows:

1. He will pay the indebtedness, as hereinbefore provided. Privilege is reserved to prepay at any  
time, without premium or fee, the entire indebtedness or any part thereof not less than the amount of one  
installment, or one hundred dollars (\$100.00), whichever is less.

2. Together with, and in addition to, the monthly payments of principal and interest payable under  
the terms of the note secured hereby, the Mortgagor will pay to the Mortgagee, on the first day of each  
month until the said note is fully paid:

(a) A sum equal to the ground rents, if any, and the taxes and assessments next due on the premises  
covered by this mortgage, plus the premiums that will next become due and payable on poli-  
cies of fire and other hazard insurance on the premises covered hereby (all as estimated by  
the Mortgagee, and of which the Mortgagor is notified) less all sums already paid therefor  
divided by the number of months to elapse before one month prior to the date when such  
ground rents, premiums, taxes and assessments will become delinquent, such sums to be held  
by Mortgagee in trust to pay said ground rents, premiums, taxes and assessments, before the  
same become delinquent.

(b) The aggregate of the amounts payable pursuant to subparagraph (a) and those payable on the  
note secured hereby, shall be paid in a single payment each month, to be applied to the fol-  
lowing items in the order stated:

- (I) ground rents, taxes, assessments, fire and other hazard insurance premiums;
- (II) interest on the indebtedness secured hereby; and
- (III) amortization of the principal of said indebtedness.

Any deficiency in the amount of such aggregate monthly payments, unless paid by the Mort-  
gagor prior to the due date of the next such payment, shall constitute default in the per-  
formance of the conditions of this mortgage. At Mortgagee's option, Mortgagor will pay a  
"late charge" not exceeding four per centum (4%) of any installment when paid more than  
fifteen (15) days after the due date thereof to cover the extra expense involved in handling  
delinquent payments, but such "late charge" shall not be payable out of the proceeds of any  
sale made to satisfy the indebtedness secured hereby, unless such proceeds are sufficient to  
pay the entire indebtedness and all charges, costs and expenses incurred thereon.

3. If the total of the payments made by the Mortgagor under (a) of paragraph 2 preceding shall exceed the amount of payments actually made by the Mortgagee for ground rents, taxes and assessments, or insurance premiums, as the case may be, such excess shall be credited on subsequent payments to be made by the Mortgagor for such items. If, however, such monthly payments shall not be sufficient to pay such items when the same shall become due and payable, then the Mortgagor shall pay to the Mortgagee any amount necessary to make up the deficiency within thirty (30) days after written notice from the Mortgagee stating the amount of the deficiency, which notice may be given by mail. If at any time the Mortgagor shall tender to the Mortgagee, in accordance with the provisions of the note secured hereby, full payment of the entire indebtedness represented thereby, the Mortgagee shall, in computing the amount of such indebtedness, credit to the account of the Mortgagor any credit balance accumulated under the provisions of (a) of paragraph 2 hereof. If there shall be a default under any of the provisions of this mortgage resulting in a public sale of the premises covered hereby, or if the Mortgagee acquires the property otherwise after default, the Mortgagee shall apply, at the time of the commencement of such proceedings, or at the time the property is otherwise acquired, the amount then remaining to credit of Mortgagor under (a) of paragraph 2 preceding, as a credit on the interest accrued and unpaid and the balance to the principal then remaining unpaid on such note.

4. He will pay all ground rents, taxes, assessments, water rates, and other governmental or municipal charges, fines, or impositions, levied upon said premises except when payment for all such items has theretofore been made under (a) of paragraph 2 hereof, and he will promptly deliver the official receipts therefor to the Mortgagee.

5. Mortgagee may perform any defaulted covenant or agreement of Mortgagor to such extent as Mortgagee shall determine, and any moneys advanced by Mortgagee for such purposes shall bear interest at the rate provided for in the principal indebtedness, shall thereupon become a part of the indebtedness secured by this instrument, ratably and on a parity with all other indebtedness secured thereby, and shall be payable thirty (30) days after demand.

6. Upon the request of the Mortgagee, the Mortgagor shall execute and deliver a supplemental note or notes for the sum or sums advanced by the Mortgagee for the alteration, modernization or improvement made at the Mortgagor's request; or for maintenance of said premises or taxes or assessments against the same and for any other purpose elsewhere authorized hereunder. Said note or notes shall be secured hereby on a parity with and as fully as if the advance evidenced thereby were included in the note first described above. Said supplemental note or notes shall bear interest at the rate provided for in the principal indebtedness and shall be payable in approximately equal monthly payments for such period as may be agreed upon by the Mortgagee and Mortgagor. Failing to agree on the maturity, the whole of the sum or sums so advanced shall be due and payable thirty (30) days after demand by the Mortgagee. In no event shall the maturity extend beyond the ultimate maturity of the note first described above.

7. He will continuously maintain hazard insurance, of such type or types and amounts as Mortgagee may from time to time require, on the improvements now or hereafter on said premises, and except when payment for all such premiums has theretofore been made under (a) of paragraph 2 hereof, he will pay promptly when due any premiums therefor. All insurance shall be carried in companies approved by the Mortgagee and the policies and renewals thereof shall be held by it and have attached thereto loss payable clauses in favor of and in form acceptable to the Mortgagee. In event of loss he will give immediate notice by mail to the Mortgagee who may make proof of loss if not made promptly by the Mortgagor. Each insurance company concerned is hereby authorized and directed to make payment for such loss directly to the Mortgagee instead of to the Mortgagor and the Mortgagee jointly. The insurance proceeds, or any part thereof, may be applied by the Mortgagee at its option, either to the reduction of the indebtedness hereby secured or to the restoration or repair of the property damaged. In event of foreclosure of this mortgage, or other transfer of title to the mortgaged property in extinguishment of the debt secured hereby, all right, title, and interest of the Mortgagor in and to any insurance policies then in force shall pass to the purchaser or grantee.

8. He shall not commit or permit waste; and shall maintain the property in as good condition as at present, reasonable wear and tear excepted. Upon any failure to so maintain, Mortgagee, at its option, may cause reasonable maintenance work to be performed at the cost of Mortgagor.

9. Upon default, Mortgagee shall have power to appoint any agent or agents it may desire for the purpose of renting the herein described property and collecting the rents, revenues and income, and it may pay out of said incomes all necessary commissions and expenses incurred in renting and managing the same and of collecting rentals therefrom; the balance remaining, if any, to be applied toward the discharge of said mortgage indebtedness.

10. He hereby constitutes the Mortgagee his attorney in fact, irrevocable and to continue in effect until the indebtedness hereby secured is paid in full, to commence and prosecute in its own name, or in the name of the Mortgagor, or in the name of its assignee, such action or actions as may be necessary to dispossess any tenant in possession of the mortgaged property, or any part thereof, who has violated the terms and conditions of the tenancy, at any time the Mortgagor shall be in default in the performance of any of the terms and conditions of this mortgage, giving and granting unto the Mortgagee full authority to exercise this power of attorney according to the judgment and discretion of its officers and agents, so long as it shall account for the net proceeds of any money coming into its hands from rents, issues and profits derived from said premises, after paying all costs and expenses of exercising this power of attorney, and giving the Mortgagor credit for said net proceeds, on the mortgage indebtedness: *Provided*, The Mortgagor retains and shall have the right, should the Mortgagee fail upon written demand to exercise the above power, to commence and prosecute in his own name such action as may be necessary to dispossess any tenant in possession of the mortgaged premises for violation of any of the terms and conditions of the tenancy.

11. Time is of the essence of this mortgage and of the note secured hereby, and in the event of the failure of the Mortgagor to pay when due any sum herein covenanted to be paid or secured hereby or to comply with any of the terms hereof, then the whole debt and all sums secured hereby shall become due and collectible at the option of the Mortgagee, without notice or demand, and this mortgage may be foreclosed to recover the same, including such additional sum as the court may allow as reasonable attorney's fees, as well as costs and disbursements necessarily incurred, and the same shall be secured ratably with the other indebtedness secured hereby.

12. The lien of this instrument shall remain in full force and effect during any postponement or extension of the time of payment of the indebtedness or any part thereof secured hereby.

13. The Mortgagee's failure to enforce its rights upon breach or default of any of the terms hereof shall not thereby waive its rights in case of any subsequent breach or default.

14. If the indebtedness secured hereby be guaranteed or insured under the Servicemen's Readjustment Act, as amended, such Act and Regulations issued thereunder and in effect on the date hereof shall govern the rights, duties and liabilities of the parties hereto, and any provisions of this or other instruments executed in connection with said indebtedness which are inconsistent with said Act or Regulations are hereby amended to conform thereto.

The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective heirs, executors, administrators, successors and assigns of the parties hereto. Whenever used, the singular number shall include the plural, the plural the singular, the use of any gender shall be applicable to all genders, and the term "Mortgagee" shall include any payee of the indebtedness hereby secured or any transferee thereof whether by operation of law or otherwise.

IN WITNESS WHEREOF, The Mortgagor(s) haVE hereunto set their hand(s) and seal(s) this  
21ST day of DECEMBER, 1977.

STEINER CAMP HEATON [SEAL]

----- [SEAL]  
*Katherine J. Heaton* [SEAL]  
 KATHERINE J. HEATON

STATE OF IDAHO, } ss:  
COUNTY OF ADA

On this 28TH day of DECEMBER, 19 77, before me, the undersigned, a notary public in and for said State, personally appeared STEINER CAMP HEATON AND KATHERINE J. HEATON, 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 day and year in this certificate first above written.

*John J. Smith*  
Notary Public.  
Residing at BOISE, Idaho.

STATE OF IDAHO

---

Mortgage

---

TO

---

Recorder of Deeds:

IDAHO, } ss:

I certify that this instrument was  
at the request of

minutes past at o'clock  
day , 19 ,  
and duly recorded in Book  
of

---

Ex-Officio Recorder.

Deputy.

---

U. S. GOVERNMENT PRINTING OFFICE

## MORTGAGE NOTE

\$ 64,000.00

GLENN'S FERRY, Idaho,

DECEMBER 21, 19 77.

FOR VALUE RECEIVED, I promise to pay to FIRST MORTGAGE COMPANY OF IDAHO  
an Idaho corporation

or order, the principal sum of SIXTY-FOUR THOUSAND AND NO/100-----Dollars  
(\$ 64,000.00 ), with interest from date at the rate of EIGHT AND ONE HALF-----per centum  
( 8.50%) per annum on the monthly balances remaining from time to time unpaid. The said principal and  
interest shall be payable at the office of FIRST MORTGAGE COMPANY OF IDAHO  
in BOISE, IDAHO  
or at such other place as the holder hereof may designate in writing delivered or mailed to the debtor, in monthly  
installments of FOUR HUNDRED NINETY-TWO AND 16/100-----Dollars (\$ 492.16 ),  
commencing on the first day of FEBRUARY , 19 78 , and continuing on the first day of each month  
thereafter until this note is fully paid, except that, if not sooner paid, the final payment of principal and interest  
shall be due and payable on the first day of JANUARY ~~1978~~ 2008

Privilege is reserved to prepay at any time, without premium or fee, the entire indebtedness or any part thereof  
not less than the amount of one installment, or one hundred dollars (\$100.00), whichever is less.

If any deficiency in the payment of any installment on this note is not made good prior to the due date of  
the next such installment, the entire principal sum and accrued interest shall at once become due and payable  
without notice at the option of the holder of this note.

The failure of the holder of this note to enforce its rights upon default in any of the terms of this note shall not  
constitute a waiver of any such right in the event of a subsequent default.

If suit is instituted to collect this note or any portion thereof, I agree to pay, in addition to the costs and  
disbursements as are allowed by law, such additional sum as the court may adjudge reasonable as attorney's fees  
in such suit.

This note is secured by mortgage of even date executed by the undersigned on certain property described therein  
and represents money actually used for the acquisition of said property or the improvements thereon.

The undersigned hereby waive presentment, protest, and notice.

This note, or any payment thereunder, may be extended from time to time without in any way affecting  
the liability of the makers and endorsers thereof.

*Steiner Camp Heaton*  
STEINER CAMP HEATON

*Katherine J. Heaton*  
KATHERINE J. HEATON

THIS IS TO CERTIFY that this is the note described in and secured by mortgage of even date herewith in the  
same principal amount as herein stated and secured by real estate situated in ELMORE  
County, State of Idaho.

Dated this 28<sup>th</sup> day of DECEMBER, 19 77

61-22

In the District Court of the Fourth Judicial District, State of Idaho,  
County of Elmore.

Charles E. Corker, Plaintiff,

VS.

T. H. Anthony, David Macy, C. C. Glenn  
as administrator of the Estate of G. P.  
Glenn, deceased, Jenny Glenn, Charles  
Glenn, Horace Glenn, Thomas Glenn, and  
Leroy Glenn heirs of G. P. Glenn, de-  
ceased, W. C. Howie, Guardian of Myrtle  
Glenn, May Glenn, and Irene Glenn, in-  
fant children and heirs of said G. P.  
Glenn, deceased, Emma Glenn, and O. S.  
Glenn, her husband, Mrs. E. A. Smith,  
Minnie Watkins, Executrix and heir of  
Richard Oliver, deceased, J. H. Morrow,  
T. H. Young, H. E. Miller, John Latty,  
substituted for defendants Emma D.  
Glenn and O. S. Glenn, Joseph Rosevear,  
substituted for C. C. Glenn, Administra-  
tor, W. H. Manion, Thomas Stevenson and  
John VanSchaick as Board of County Com-  
missioners of Elmore County and I. A.  
Herron, Defendants.

This cause coming on regularly for trial on the 31st, day of January  
1908, P. E. Ensign, Esq., appearing for the Plaintiff and N. M. Buick, Esq.  
appearing for defendants Jenny Glenn, Charles Glenn, Horace Glenn, Thomas  
Glenn and Leroy Glenn Heirs of G. P. Glenn, deceased, and Joseph Rosevear  
successor in interest of the heirs and administrator of the Estate of said  
G. P. Glenn, deceased in a portion of the estate of said G. P. Glenn and  
John Latty substituted for defendants Emma D. Glenn and O. S. Glenn and Min-  
nie Watkins as Executrix and heir of Defendant of Richard Oliver, deceased  
and W. C. Howie, Esq., appearing as Guardian and Attorney for Myrtle Glenn,  
Irene Glenn and May Glenn, minor heirs of said G. P. Glenn, deceased and  
Wyman & Wyman Esqs., appearing for defendant Isaac A. Herron and R. P. Bul-  
ler, Esq., appearing for defendant H. E. Miller, all the other defendants  
having disclaimed any right to the water controversy, or had failed to an-  
swer the complaint of the plaintiff herein filed, and their default there-  
for had been duly entered.

A trial by Jury having been expressly waived by the respective parties,  
the cause was tried by the Court without a Jury; witnesses were duly sworn

for use upon Lots 2, 3, and 4 of section 31, Township 5 South Range 10 East Boise Meridian, containing 106 acres and referred to as the "Corker Desert Claim."

125 inches of water from the first day of May, 1892.

That C. E. Corker, Plaintiff, is entitled to and is hereby awarded for use upon the W. 1/2 of the N. E. 1/4 and the N. E. 1/4 of the N. W. 1/4 Section 15 and the S. W. 1/4 of the S. E. 1/4 and the E. 1/2 of the S. W. 1/4 and the N. W. 1/4 of the S. W. 1/4 of Section 10 all in township 4 South of Range 10 East, containing 280 acres and referred to as the "Mahoney and Mrs. Corker Tracts."

100 inches of water from June 1st, 1883.

25 inches of water from May 25th, 1885.

That Minnie Watkins, as Executrix of the Estate of Richard Oliver, deceased, and heir of said Richard Oliver, is entitled to and is hereby awarded for use upon the E. 1/2 of the N. E. 1/4 of Section 18 and the S. E. 1/4 of the S. E. 1/4 of Section 7 and the S. W. 1/4 of the S. W. 1/4 of Section 8, Township 5 South Range 10 East Boise Meridian, containing 160 acres and referred to as the "Richard Oliver Tract."

30 inches of water from May 1st, 1871.

70 inches of water from May 5th, 1892.

That Jenny Glenn and the other heirs at law of G. P. Glenn, deceased, herein named are entitled to and are hereby awarded for use upon the N. E. 1/4 of Section 19 Township 5 South Range 10 East Boise Meridian, containing 160 acres of land and referred to as the "G. P. Glenn Home Tract."

60 inches of water from May 2nd, 1872.

80 inches of water from May 6th, 1892 subject to whatever rights may hereafter be established against said land or water right by the defendant H. E. Miller, or his assigns, as Mortgagee of O. S. Glenn, deceased.

That John Latty, successor to Emma D. Glenn and O. S. Glenn is entitled to and is hereby awarded for use upon the S. W. 1/4 of the N. E. 1/4 and the S. E. 1/4 of Section 18, Township 5 South Range 10 East, Containing

February 28, 1979

Re: Water Right No.'s 61-0297 & 61-0298

Steiner Heaton  
Box 129  
Glenns Ferry, Idaho 83623

Dear Mr. Heaton:

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2287). Be sure to note the conditions of approval as listed on the fourth pages.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:lr

Enclosure

cc: Don J. McClenahan

6/14

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER ANALYSIS SHEET**

INITIAL REVIEW BY: CJB

1. Right number 660297 Applicant Stinson, L. D.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Other \_\_\_\_\_
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use. 200 AC
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use. No change
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments \_\_\_\_\_
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) \_\_\_\_\_
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No  
If yes, what district? 61-1-1

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on 1/10/79 Received on \_\_\_\_\_
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

**RECOMMENDED ACTION**

1. ☒ Approve
2. ☐ Deny
3. Conditions\* See protest withdrawal - all three conditions should be included ~~with~~ as stated in the protest <sup>withdrawal</sup> additionally need w.m. condition of right of way clause.
4. By dlh Date 2-20-79

✓ J.S. 2/26/79

See attached sheet for conditions:

\* All uses within Watermaster Districts require special conditions.

MICROFILMED

MEMORANDUM

TO: File

FROM: Jim Johnson

DATE: February 26, 1979

RE: Watermaster Comments

---

On January 10, 1979, a request for watermaster comments on this proposed transfer was sent. To date, no response has been received. Apparently even though a watermaster is elected annually for Water District 61-D he has never been called upon to deliver water.

It is recommended by Dave Shaw in Western Region that this transfer application be approved without the watermaster's recommendation.

In the matter of protest against )  
Application for Transfer of )  
Decreed Rights G1-0297 and ) Protest Withdrawal  
G1-0298 in the name )  
of Stevner Heaton )

We, the undersigned, withdraw our protest against the application for transfer of decree rights G1-0297 and G1-0298 in the name of Stevner Heaton with the following conditions:

1. Mr. Heaton will install a suitable measuring device at the point of diversion in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , sec 4, Twp 45, Rge 10E, Elmore County.
2. Mr. Heaton will install a lockable headgate at the above point of diversion.
3. Mr. Heaton will not use his old point of diversion located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , sec 10, ~~10E~~ Twp 45, Rge 10E, Elmore County except in case of emergency when his new point of diversion is rendered unusable for reasons beyond Mr. Heaton's control.

Signed this 16 day of February 1979  
at Mountain Home, Idaho.

Lee S. Trail  
Mary A. Blair

Transfer # 2287

2/16/79

61-0297/0298

Heaton

Change in point of diversion

135  
102  
250  
2.50  
App. Sprinkler will improve efficiency  
will be able to irrigate later with  
a smaller amount of water  
Late in season does not have enough  
water to irrigate efficiently -

prot. uses flood water to fill reservoir -  
has been used for at least 20 yrs.

\*Concern - length of irrigation season.

custom - April 1 → October 30  
(Nov. 30)?

use March flows to fill reservoir

Other users - claim they usually begin  
irrigating mid-April.

App. - water right is available when  
needed according to decree. \*Has letter  
that shows water has been used  
early (February etc.) \*

- Claims if land dries out <sup>(early)</sup> can't  
get it wet.

- Does not plan to change present  
practice.

- Claims old water distribution records  
will show use in early season. (February)

Prof. - was informed by Dept. that  
irrigation season begins on April 1.

Information - #1 Past usage practices.  
#2 - Is there an irrigation season in Idaho?  
(may be a legal question)

Stream - decreed rights & flood rights  
opinion of decreed right users that  
they should be able to irrigate when  
needed regardless of date. ~~Stresses importance of early rights on~~  
intermittent streams.

Mr. Blair - Mr. Thompson - from Dept. -  
said irrigation season was from 4/1 - 10/31.  
(At water user meeting)

Mr. Blair POD - SENE 29 4S 10E  
Try to take entire flow (if water  
short)

Morrow Res POD - NWNE 9 4S 10E  
Has first storage right on Creek.  
Store up until April 1~~st~~

App - proposes to remove date from  
app for transfer & irrigate as  
in the past.

Prot.

Proposed agreement - measuring device  
locking headgate for w.m.  
one pt. of diversion.

61-297 & 61-298 - STEINER HEATON

Elmore County Courthouse, Mountain Home, Idaho

February 16, 1979 - 1:30 p.m.

ROSTER OF ATTENDANCE

| Name            | Address                       | Representing |
|-----------------|-------------------------------|--------------|
| Ray L. Blair    | Box T Glenns Ferry Idaho      | Blair Trail  |
| Mary A. Blair   | Box T Glenns Ferry Ida        | Blair Trail  |
| L. L. Blair     | Box 66 King Hill, Id          |              |
| Taul V Batra    | Box 219 Glenns Ferry Idaho    |              |
| Mary Batra      | " " "                         |              |
| Richard P. Vein | Box 656, GLENN'S FERRY ID.    |              |
| Steiner Heaton  | P.O. Box 125 Glenns Ferry Id. |              |

RECEIVED  
FEB 17 1979  
ELMORE COUNTY CLERK

Recorder - Senior Deputy Vida Gridley  
Phone 587-3167  
Auditor - Senior Deputy Mary Hill  
Phone 587-3167

Office of  
RAMONA YRAZABAL

*Clerk of District Court, Auditor and Recorder*

ELMORE COUNTY COURTHOUSE  
150 South 4th East  
State of Idaho  
Mountain Home 83647

Clerk of the District Court  
Senior Deputy Kathy Aulbach  
Phone 587-3385  
Glenns Ferry - Deputy Francis Sims  
Phone 366-2136

Mountain Home, Idaho  
January 24, 1979

State of Idaho  
Dept. of Water Resources  
Western Region  
92 South Cole Road  
Boise, Idaho 83705

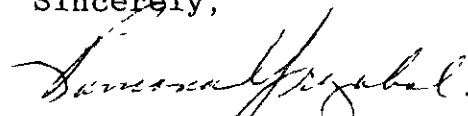
TO WHOM IT MAY CONCERN:

There will be available space for conferences/or  
hearings in the Courthouse on Friday, February 16,  
1979, at 10:00 A. M. and 1:30 P. M.

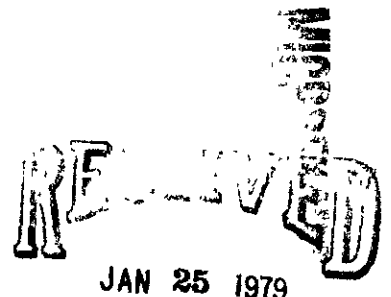
However, because of a jury trial we cannot specify  
the exact room location.

Please check in the Auditor/Recorder's office on  
this date for the location in the Courthouse.

Sincerely,

  
RAMONA YRAZABAL, Clerk  
Auditor and Recorder

RY:vg



Department of Water Resources  
Western Regional Office

PS Form 3811, Apr. 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3  
Add your address in the RETURN TO space on reverse

- 1 The following service is requested (check one)
- ☒ Show to whom and date delivered \_\_\_\_\_ \$
- ☐ Show to whom, date, and address of delivery \_\_\_\_\_ \$
- ☐ RESTRICTED DELIVERY  
Show to whom and date delivered \_\_\_\_\_ \$
- ☐ RESTRICTED DELIVERY  
Show to whom, date, and address of delivery \$ \_\_\_\_\_  
(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO

Lee Trail  
Pasadena Valley  
King Hill, ID 83633

3 ARTICLE DESCRIPTION

| REGISTERED NO | CERTIFIED NO | INSURED NO |
|---------------|--------------|------------|
|               | 978028       |            |

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE \_\_\_\_\_ Addressee ☒ Authorized agent

4 DATE OF DELIVERY

12 / 1 / 79

5 ADDRESS (Complete only if requested)

POSTMARK

1279

6 UNABLE TO DELIVER BECAUSE

CLERK'S  
INITIALS

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below

- Complete items 1, 2, and 3 on the reverse of this form
- Machine gummed ends and attach to the front of article if space permits. Otherwise affix to back of article.
- Endorse article. Return Receipt Requested

number

RETURN  
TO



PENALTY FOR NON-PAID  
USE TO AIR MAIL  
\$3.00

JAN 23 1979  
A.M.

Department of Water Resources

(Name of Sender)

92 South Cole Road

(Street or P.O. Box)

Boise, ID 83705

(City, State, and ZIP Code)

No. 61-297

PS Form 3871 Apr 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              |            |               |              |            |  |        |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|---------------|--------------|------------|--|--------|--|
| <p>● SENDER Complete items 1, 2, and 3<br/>Add your address in the RETURN TO space on reverse</p>                                                                                                                                                                                                                                                                                                                                                                           |              |            |               |              |            |  |        |  |
| <p>1 The following service is requested (check one)</p> <p><input checked="" type="checkbox"/> Show to whom and date delivered _____¢</p> <p><input type="checkbox"/> Show to whom, date, and address of delivery _____¢</p> <p><input type="checkbox"/> RESTRICTED DELIVERY<br/>Show to whom and date delivered _____¢</p> <p><input type="checkbox"/> RESTRICTED DELIVERY<br/>Show to whom, date, and address of delivery \$____</p> <p>(CONSULT POSTMASTER FOR FEES)</p> |              |            |               |              |            |  |        |  |
| <p>2 ARTICLE ADDRESSED TO</p> <p>Mary A. Balir<br/>Reservoir Rch.<br/>Glenns Ferry, ID 83623</p>                                                                                                                                                                                                                                                                                                                                                                            |              |            |               |              |            |  |        |  |
| <p>3 ARTICLE DESCRIPTION</p> <table border="1"> <tr> <td>REGISTERED NO</td> <td>CERTIFIED NO</td> <td>INSURED NO</td> </tr> <tr> <td></td> <td>978027</td> <td></td> </tr> </table>                                                                                                                                                                                                                                                                                         |              |            | REGISTERED NO | CERTIFIED NO | INSURED NO |  | 978027 |  |
| REGISTERED NO                                                                                                                                                                                                                                                                                                                                                                                                                                                               | CERTIFIED NO | INSURED NO |               |              |            |  |        |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 978027       |            |               |              |            |  |        |  |
| <p>(Always obtain signature of addressee or agent)</p>                                                                                                                                                                                                                                                                                                                                                                                                                      |              |            |               |              |            |  |        |  |
| <p>I have received the article described above</p> <p>SIGNATURE <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent</p> <p><i>Mary A. Balir</i></p>                                                                                                                                                                                                                                                                                     |              |            |               |              |            |  |        |  |
| <p>4 DATE OF DELIVERY</p> <p>1-23-79</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |            |               |              |            |  |        |  |
| <p>5 ADDRESS (Complete only if requested)</p>                                                                                                                                                                                                                                                                                                                                                                                                                               |              |            |               |              |            |  |        |  |
| <p>6 UNABLE TO DELIVER BECAUSE</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |            |               |              |            |  |        |  |

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.  
• Complete items 1, 2, and 3 on the reverse  
• Moistened gummed ends and attach to front of article. Scissors permits. Otherwise affix to back of article.  
• Endorse article. Return Receipt Requested adjacent to number.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



RETURN  
TO



Department of Water Resources

(Name of Sender)

92 South Cole Road

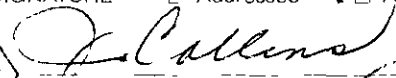
(Street or P.O. Box)

Boise, ID 83705

(City, State, and ZIP Code)

No. 61-297/61-983

PS Form 3811 Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

|                                                                                                                                                                                                                                                                                                                                                                                                                               |  |                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------|
| <b>SENDER</b> Complete items 1, 2, and 3<br>Add your address in the RETURN TO space on reverse                                                                                                                                                                                                                                                                                                                                |  |                  |
| 1 The following service is requested (check one)<br><input checked="" type="checkbox"/> Show to whom and date delivered _____ \$<br><input type="checkbox"/> Show to whom, date, and address of delivery _____ \$<br><input type="checkbox"/> RESTRICTED DELIVERY<br>Show to whom and date delivered _____ \$<br>RESTRICTED DELIVERY<br>Show to whom, date, and address of delivery \$ _____<br>(CONSULT POSTMASTER FOR FEES) |  |                  |
| 2 ARTICLE ADDRESSED TO<br>Don J. McClenahan<br>P.O. Box 2574<br>Boise, ID 83701                                                                                                                                                                                                                                                                                                                                               |  |                  |
| 3 ARTICLE DESCRIPTION<br>REGISTERED NO   CERTIFIED NO   INSURED NO<br>  978029                                                                                                                                                                                                                                                                                                                                                |  |                  |
| (Always obtain signature of addressee or agent)                                                                                                                                                                                                                                                                                                                                                                               |  |                  |
| I have received the article described above<br>SIGNATURE <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br>                                                                                                                                                                                         |  |                  |
| 4 DATE OF DELIVERY<br>JAN 23 1979                                                                                                                                                                                                                                                                                                                                                                                             |  |                  |
| 5 ADDRESS (Complete only, if requested)                                                                                                                                                                                                                                                                                                                                                                                       |  |                  |
| 6 UNABLE TO DELIVER BECAUSE                                                                                                                                                                                                                                                                                                                                                                                                   |  | CLERK'S INITIALS |

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article Return Receipt Requested adjacent to number



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300

**RETURN  
TO**

Department of Water Resources  
92 South Cole Road  
Boise, ID 83705  
No. 61-297



**Department of Water Resources**

(Name of Sender)

**92 South Cole Road**

(Street or P.O. Box)

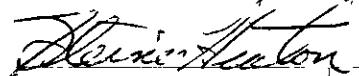
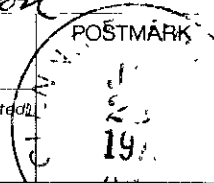
**Boise, ID 83705**

(City, State, and ZIP Code)

**No. 61-297**

PS Form 3811, Sept. 1, 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                |                                                                                                        |               |              |            |  |        |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|---------------|--------------|------------|--|--------|--|
| ● <b>SENDER</b> Complete items 1, 2, and 3<br>Add your address in the <b>RETURN TO</b> space on reverse                                                                                                                                                                                                                                                                                                                                                        |                                                                                                |                                                                                                        |               |              |            |  |        |  |
| 1 The following service is requested (check one)<br><input checked="" type="checkbox"/> Show to whom and date delivered ----- \$<br><input type="checkbox"/> Show to whom, date, and address of delivery ----- \$<br><input type="checkbox"/> <b>RESTRICTED DELIVERY</b><br>Show to whom and date delivered ----- \$<br><input type="checkbox"/> <b>RESTRICTED DELIVERY</b><br>Show to whom, date, and address of delivery \$<br>(CONSULT POSTMASTER FOR FEES) |                                                                                                |                                                                                                        |               |              |            |  |        |  |
| 2 <b>ARTICLE ADDRESSED TO</b><br><br><b>Steiner Heaton</b><br><b>Box 129</b><br><b>Glenns Ferry, ID 83623</b>                                                                                                                                                                                                                                                                                                                                                  |                                                                                                |                                                                                                        |               |              |            |  |        |  |
| 3 <b>ARTICLE DESCRIPTION</b><br><table border="1"> <tr> <td>REGISTERED NO</td> <td>CERTIFIED NO</td> <td>INSURED NO</td> </tr> <tr> <td></td> <td>978032</td> <td></td> </tr> </table>                                                                                                                                                                                                                                                                         |                                                                                                |                                                                                                        | REGISTERED NO | CERTIFIED NO | INSURED NO |  | 978032 |  |
| REGISTERED NO                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CERTIFIED NO                                                                                   | INSURED NO                                                                                             |               |              |            |  |        |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 978032                                                                                         |                                                                                                        |               |              |            |  |        |  |
| (Always obtain signature of addressee or agent)                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                |                                                                                                        |               |              |            |  |        |  |
| I have received the article described above<br>SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent<br>                                                                                                                                                                                                                                     |                                                                                                |                                                                                                        |               |              |            |  |        |  |
| 4<br>DATE OF DELIVERY<br>1-25-79                                                                                                                                                                                                                                                                                                                                                                                                                               | POSTMARK<br> |                                                                                                        |               |              |            |  |        |  |
| 5 <b>ADDRESS</b> (Complete only if requested)                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                |                                                                                                        |               |              |            |  |        |  |
| 6 <b>UNABLE TO DELIVER BECAUSE</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                | CLERK'S INITIALS<br> |               |              |            |  |        |  |

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

Print your name, address, and ZIP CODE in the space below

- Complete items 1, 2, and 3 on the reverse
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article
- Endorse article "Return Receipt Requested" adjacent to number

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE \$300



**RETURN  
TO**



**Department of Water Resources**

(Name of Sender)

**92 South Cole Road**

(Street or PO Box)

**Boise, ID 83705**

(City, State, and ZIP Code)

**No. 61-297**



No. . . . .

# RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

|                                                                     |                     |                                            |    |  |
|---------------------------------------------------------------------|---------------------|--------------------------------------------|----|--|
| SENT TO                                                             |                     | Steiner Heaton                             |    |  |
| STREET AND NO.                                                      |                     | Box 129                                    |    |  |
| F.D. STATE AND ZIP CODE                                             |                     | Glenns Ferry, ID 83623                     |    |  |
| POSTAGE                                                             |                     | \$                                         |    |  |
| CONSULT POSTMASTER FOR FEES                                         | CERTIFIED FEE       | \$                                         |    |  |
|                                                                     | SPECIAL DELIVERY    | \$                                         |    |  |
|                                                                     | RESTRICTED DELIVERY | \$                                         |    |  |
|                                                                     | OPTIONAL SERVICES   | RETURN RECEIPT SERVICE                     | \$ |  |
|                                                                     |                     | SHOW TO WHOM AND DATE DELIVERED            | \$ |  |
|                                                                     |                     | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY | \$ |  |
| SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY            |                     | \$                                         |    |  |
| SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | \$                  |                                            |    |  |
| TOTAL POSTAGE AND FEES                                              |                     | \$                                         |    |  |
| POSTMARK OR DATE                                                    |                     |                                            |    |  |
| 1/19/79                                                             |                     |                                            |    |  |

PS Form 3800 Apr 1974

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article

If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permit. Otherwise affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

Enter fees for the services requested in the appropriate spaces on the front of this receipt. If

return receipt is requested, check the applicable blocks in Item 1 of Form 3811

Save this receipt and present it if you make inquiry

No.

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED--  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

|                             |                                                                     |                     |  |
|-----------------------------|---------------------------------------------------------------------|---------------------|--|
| SENT TO                     |                                                                     | Lee Trail           |  |
| STREET AND NO               |                                                                     | Pasadena Valley     |  |
| P.O., STATE AND ZIP CODE    |                                                                     | King Hill, ID 83633 |  |
| POSTAGE                     |                                                                     | \$                  |  |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE                                                       | ¢                   |  |
|                             | SPECIAL DELIVERY                                                    | ¢                   |  |
|                             | RESTRICTED DELIVERY                                                 | ¢                   |  |
|                             | OPTIONAL SERVICES                                                   |                     |  |
|                             | RETURN RECEIPT SERVICE                                              |                     |  |
|                             | SHOW TO WHOM AND DATE DELIVERED                                     | ¢                   |  |
|                             | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY                          | ¢                   |  |
|                             | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY            | ¢                   |  |
|                             | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | ¢                   |  |
| TOTAL POSTAGE AND FEES      |                                                                     | \$                  |  |
| POSTMARK OR DATE            |                                                                     |                     |  |
| 1/19/78                     |                                                                     |                     |  |

ps Form 9800 Apr 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub on the left portion of the address
- 2 side of the article, **leaving the receipt attached**, and present the article at a post office service
- 3 window or hand it to your rural carrier (no extra charge)
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- REQUESTED** adjacent to the number
- If you want delivery restricted to the addressee, or to an authorized agent of the addressee,
- endorse **RESTRICTED DELIVERY** on the front of the article
- Enter fees for the services requested in the appropriate spaces on the front of this receipt. If
- return receipt is requested, check the applicable blocks in Item 1 of Form 3811
- Save this receipt and present it if you make inquiry

No. -

# RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

|                             |                     |                                                                     |   |
|-----------------------------|---------------------|---------------------------------------------------------------------|---|
| SENT TO                     |                     | Don J. McClenahan                                                   |   |
| STREET AND NO.              |                     | McClenahan & Greenfield                                             |   |
| P.O. BOX AND ZIP CODE       |                     | Boise, ID 83701                                                     |   |
| POSTAGE                     |                     | \$                                                                  |   |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE       | ¢                                                                   |   |
|                             | SPECIAL DELIVERY    | ¢                                                                   |   |
|                             | RESTRICTED DELIVERY | ¢                                                                   |   |
|                             | OPTIONAL SERVICES   | SHOW TO WHOM AND DATE DELIVERED                                     | ¢ |
|                             |                     | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY                          | ¢ |
|                             |                     | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY            | ¢ |
|                             |                     | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | ¢ |
| TOTAL POSTAGE AND FEES      |                     | \$                                                                  |   |
| POSTMARK OR DATE            |                     |                                                                     |   |
| 1/19/79                     |                     |                                                                     |   |

Pg Form 3800 Apr. 1976

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return receipt is requested, check the applicable blocks in Item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

# RECEIPT FOR CERTIFIED MAIL

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NOT FOR INTERNATIONAL MAIL

(See Reverse)

|                                                                            |                                                                     |                        |    |
|----------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------|----|
| SENT TO                                                                    |                                                                     | Mary A. Blair          |    |
| STREET AND NO.                                                             |                                                                     | Reservoir Rch          |    |
| STATE AND ZIP CODE                                                         |                                                                     | Glenns Ferry, ID 83623 |    |
| POSTAGE                                                                    |                                                                     | \$                     |    |
| CERTIFIED FEE                                                              |                                                                     | ¢                      |    |
| SPECIAL DELIVERY                                                           |                                                                     | ¢                      |    |
| RESTRICTED DELIVERY                                                        |                                                                     | ¢                      |    |
| CONSULT POSTMASTER FOR FEES<br>OPTIONAL SERVICES<br>RETURN RECEIPT SERVICE | SHOW TO WHOM AND DATE DELIVERED                                     | ¢                      |    |
|                                                                            | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY                          | ¢                      |    |
|                                                                            | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY            | ¢                      |    |
|                                                                            | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | ¢                      |    |
|                                                                            | TOTAL POSTAGE AND FEES                                              |                        | \$ |
| POSTMARK OR DATE                                                           |                                                                     |                        |    |
| 1/19/79                                                                    |                                                                     |                        |    |

PS Form 3800 Apr 1976

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                                      |   |                                        |
|------------------------------------------------------|---|----------------------------------------|
| IN THE MATTER OF PROTEST AGAINST APPROVAL            | } | NOTICE OF CONFERENCE<br>AND/OR HEARING |
| OF THE APPLICATION FOR TRANSFER OF WATER RIGHT       |   |                                        |
| NOS. 61-297 and 61-298 IN THE NAME OF STEINER HEATON |   |                                        |

---

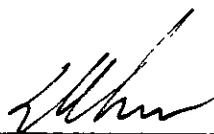
On September 21, 1978, Steiner Heaton filed with the Department of Water Resources an application to change the point of diversion and/or place of use. On November 13, 1978, the Department received a protest against approval of said application from Don J. McClenahan of McClenahan & Greenfield Law Offices, on behalf of Lee Trail, and Mary A. Blair.

The Department has set the matter of protest for conference and/or hearing for Friday, February 16, 1979, at 1:30 p.m. at the Elmore County Courthouse, Mountain Home, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicants or protestants may allow the department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against the non-appearing parties.

Dated this 19 day of January, 1979.

  
\_\_\_\_\_  
DAVID B. SHAW  
Western Regional Supervisor

RECORDED

January 17, 1979

Elmore County Courthouse  
Mountain Home, ID 83647

To Whom It May Concern:

This is to confirm the use of the Courthouse for Conferences and/or hearings to be held by this office on Friday, February, 16, 1979 at 10:00 a.m. and 1:30 p.m.

Thank you for your cooperation in this matter.

Sincerely,

Karla Knecht  
Secretary

kk

January 10, 1979

Mr. Les Leaper  
Box 328  
Glenns Ferry, ID 83623

Dear Mr. Leaper:

An application for transfer of a water right, copy enclosed,  
has been filed within your Watermaster District.

Please complete the enclosed Recommendation of Watermaster form  
and return to this Department. In order to be certain your  
comments are considered in the processing of this application,  
your comments should be returned within three weeks.

Thank you for your help. Feel free to contact this office if you  
have questions in this matter.

Sincerely,

DAVID B. SHAW  
Western Regional Supervisor

DBS:kk

Enclosures

INTER-DEPARTMENT MEMO — 1

FROM Dave Shaw

DATE 1/10/79

TO Transfer file 61-0297, 0298

SUBJECT Watermaster.

1978 Watermaster Les Leaper

Prior water Master D.D. Anderson

---

SIGNATURE



State of Idaho

## DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

(Office at the corner of  
Franklin and Cole Roads)

(208) 384-2190

December 13, 1978

Re: Application for Transfer of Water Right Nos. 61-297 and 61-298

Steiner Heaton  
Box 129  
Glenns Ferry, Idaho 83623

Dear Mr. Heaton:

This office has received a protest against the issuance of your application for transfer of the above referenced water rights. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer (Section 42-222, Idaho Code):

1. Will other water rights be injured by the proposed change?
2. Does the proposed change constitute an enlargement in use of the original right?

This office will notify you of the time and date set for conference and/or hearing.

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

Sincerely,

DAVID B. SHAW  
Western Region Supervisor

DBS:mc1

Enclosure



State of Idaho

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WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS  
Governor

(Office at the corner of  
Franklin and Cole Roads)

C. STEPHEN ALLRED  
Director

(208) 384-2190

December 13, 1978

Re: Application for Transfer of Water Right Nos. 61-297 and 61-298

Don J. McClenahan  
McClenahan & Greenfield  
P.O. Box 2574  
Boise, Idaho 83701

Dear Mr. McClenahan:

This office acknowledges receipt of your protest to the issuance of a transfer to the above referenced application for transfer. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer (Section 42-222, Idaho Code):

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Sincerely,

DAVID B. SHAW  
Western Region Supervisor

DBS:mc1

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 61-297  
61-298

Notice is hereby given that STEINER HEATON  
of Glenns Ferry has applied to the Department of Water  
Resources for a change of point of diversion  
of the water of Little Canyon Creek tributary to the Snake River.  
The right sought to be changed is evidenced by a decree to C.E. Corker in the  
case of Corker vs. Anthony dated 3/22/1898 in the Fourth Judicial District Court  
of Elmore County and is recorded as follows:

Amount: 2.0 cfs with a priority of June 1, 1883 and 0.5 cfs with a priority of  
May 25, 1885.  
Point(s) of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec 10 T4S R10E, B.M.  
The water is used for Irrigation purposes from Mar 1. to Sept 30

TO BE CHANGED AS FOLLOWS

Amount: 2.5 cfs  
Point(s) of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec 4 T 4S R10E, B.M.  
The water will be used for irrigation purposes from Mar 1 to Sept 30

Any protest against approval of the proposed change of water right appli-  
cation must be filed with the Department of Water Resources, 92 S. Cole Road,  
Boise, Idaho 83705 on or before November 13, 1978.

C. STEPHEN ALLRED

Director

Published in the Mountain Home News  
on October 26, 1978 and November 2, 1978

January 17, 1979

Elmore County Courthouse  
Mountain Home, ID 83647

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Western Regional Supervisor

DBS:kk

Enclosures

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FROM Dave Shaw

TO Transfer file 61-0297, 0298

SUBJECT Watermaster.

1978 Water master Les Leaper  
Prior water Master D.D. Anderson.

SIGNATURE



State of Idaho

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Governor

C. STEPHEN ALLRED  
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(Office at the corner of  
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DAVID B. SHAW  
Western Region Supervisor

DBS:mc1

Enclosure



State of Idaho

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TO BE CHANGED AS FOLLOWS

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The water will be used for irrigation purposes from Mar 1 to Sept 30

Any protest against approval of the proposed change of water right appli-  
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C. STEPHEN ALLRED

Director

Published in the Mountain Home News

on October 26, 1978 and November 2, 1978