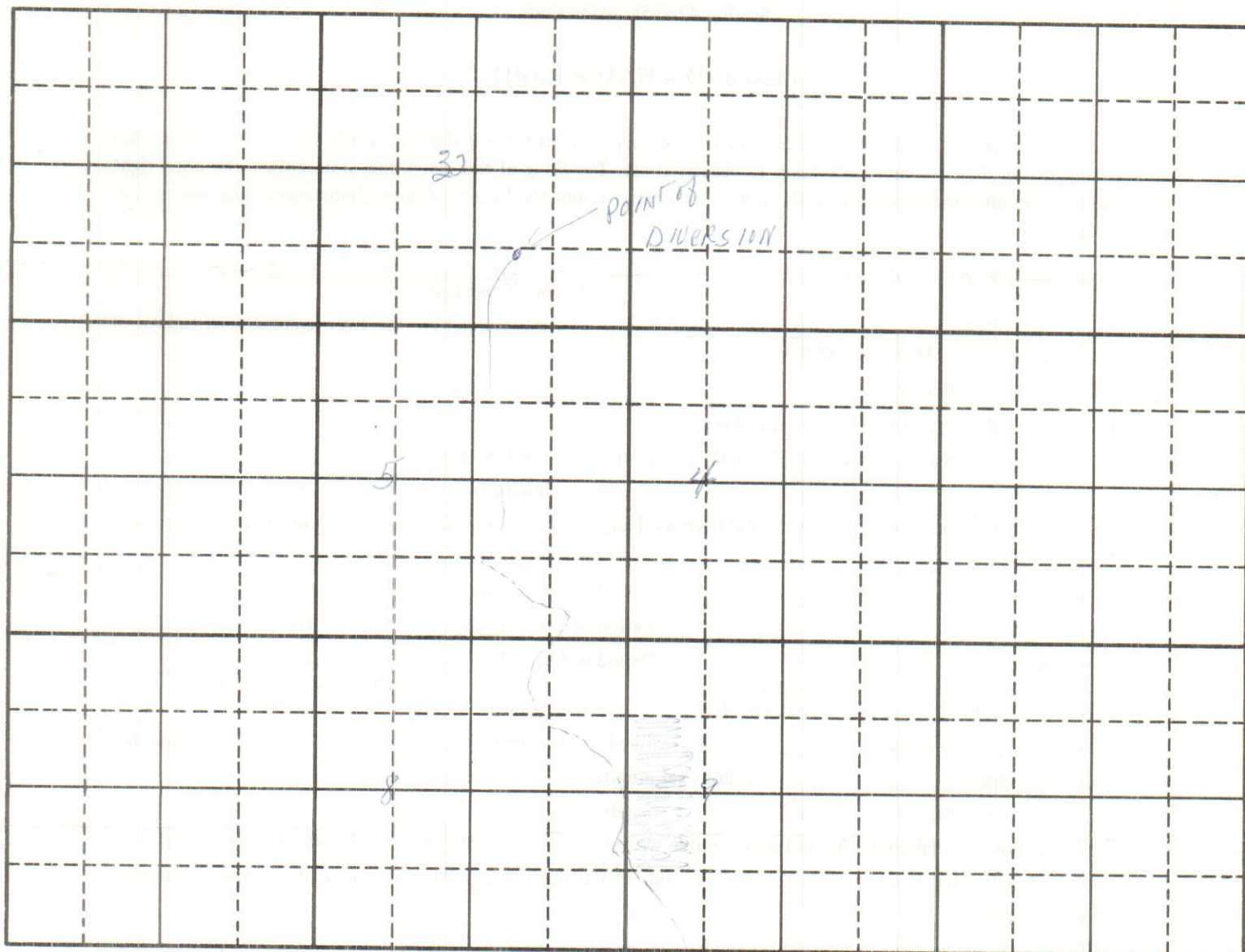


(8) Remarks THIS CLAIM IS FOR FLOOD WATER IN  
OSBORN GRASS DITCH



Scale: 2 inches equal 1 mile.

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

State of Idaho )  
County of Adams ) ss.

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

Sworn to before me this 14 day of April, 1975.

Ladell Mark  
(Claimant)  
David J. Harris  
Notary Public  
Residing at Council

My commission expires 9-16-76

For Department Use Only

|                                          |                     |                     |              |      |
|------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>Ca</u>                    | Date <u>4/16/75</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>RW.H</u>             | Date <u>4/16/75</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>Ca</u>        | Date <u>4/16/75</u> | <u>#496</u>         |              |      |
| Approved for publication by <u>Ca Ok</u> | <u>3-12-75</u>      |                     |              |      |
| Published in <u>Adams County Record</u>  |                     |                     |              |      |
| Dates <u>May 1 &amp; May 8 4/24/75</u>   |                     |                     |              |      |

MAY 12 1975

### Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to s

Ladell &/or Margaret Merk

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated May 1, 1975

and the last in the issue dated May 8, 1975 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

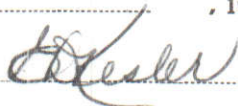
said "Notice" as aforesaid.



Subscribed and sworn to before me this

MAY 8 1975

day of , 19



Notary Public for Idaho,  
Residing at Council, Idaho

### NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4121

Notice is hereby given that LADELL &/OR MARGARET MERK Fruitvale, ID has filed a claim to a water right established by diversion and application to beneficial use of 1.5 c.f.s. of water from W. Fork Weiser River, Trib. to Weiser River with the point of diversion in the SW $\frac{1}{4}$ -SE $\frac{1}{4}$ , Sec. 32, T. 18 N., R. 1 W; NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 9, T. 17 N, R. 1 W, B.M. Adams County.

The water is claimed to be used from April 15 to July 15 for irrigation of 50 acres with a priority of 1900; the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 9, T. 17 N, R. 1 W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, ID on May 1, 1975 and May 8, 1975.

Ok  
clw  
5-12-75

MICROFILMED

C. L. Ham and Belle Ham,  
husband and wife,

to

William Walker.

WARRANTY DEED

Dated May 22, 1909  
Recorded Dec. 31, 1909  
Book F of Deeds  
Page 249  
Consideration \$2250.00

Grant, bargain, sell, convey and confirm

All the following described real estate, situate in the County  
of Washington, State of Idaho to-wit:

The West Half ( $\frac{1}{2}$ ) of the North West Quarter ( $\frac{1}{4}$ )  
of Section Nine (9) Township Seventeen (17)  
North of Range One (1) West Boise Meridian con-  
taining eighty (80) acres.

also all waters, water rights, dams, ditches, flumes and irrigating  
works of whatever nature used upon belonging to or in anywise appertain-  
ing to said lands said water rights including right to in both ditch on  
west side and on east side of the Walker River used in irrigating said  
lands.

COVENANTS: Quiet and peaceable possession will warrant and defend  
against all lawful claims.

Witness: A. L. Frechafer

C. L. Ham (Seal)

Belle Ham (Seal)

Acknowledged May 22nd, 1909 in Washington County,  
Idaho by C. L. Ham and Belle Ham, known to be  
the persons whose names are subscribed to the  
within instrument, before A. L. Frechafer, Notary  
Public for said County. Seal.

*This property now belongs to Harvey Harrington. They are claiming  
half of the 26" of water that shows on our deed & on the water records  
by this transaction.*

Deeds  
(Transcribed from Book 25/page 565, Records of Washington County, Idaho)

I believe this is the result of a judgement made in 1920 or 21

# NAMES

# FACTS. in INCHES

# DATES

## EAST FORK WEISER RIVER-Cont'd.

### (East Fork Ditch--Cont'd.)

|                                 |        |              |
|---------------------------------|--------|--------------|
| C. T. Ward                      | 2 1/2  | July 1, 1905 |
| Minnie Rambo                    | 5      | July 1, 1905 |
| E. C. Smith                     | 3 1/2  | July 1, 1905 |
| Carrie M. Lowe                  | 3      | July 1, 1905 |
| J. D. Neale                     | 3      | July 1, 1905 |
| Riley Atkinson                  | 14     | July 1, 1905 |
| Fay McBirney                    | 20     | July 1, 1905 |
| Janet Ketchem                   | 20     | July 1, 1905 |
| J. S. Hamilton                  | 10     | July 1, 1905 |
| Whitney P. James                | 40     | July 1, 1905 |
| Council Valley Orchards Company | 110    | July 1, 1905 |
| Henry Van Kleeck                | 27 1/2 | July 1, 1905 |

302.75

## WEST FORK WEISER RIVER

### (T. J. Glenn Ditch)

|                         |    |             |
|-------------------------|----|-------------|
| T. J. Glenn             | 53 | May 1, 1898 |
| Joel Glenn              | 15 | May 1, 1900 |
| C. L. Ham — LADELL MERK | 4  | May 1, 1900 |
| J. H. Bridgewood        | 8  | May 1, 1900 |

### (Osborn-Crooms Ditch)

|                         |    |             |
|-------------------------|----|-------------|
| C. L. Ham — LADELL MERK | 22 | May 1, 1900 |
| Bridgewood and Riddell  | 26 | May 1, 1900 |

## KEITHLEY CREEK

|                                   |                       |        |              |
|-----------------------------------|-----------------------|--------|--------------|
| *W. F. Seid                       | Big Creek             | 43 3/4 | May 15, 1883 |
| Andrew M. Reed                    | Big Creek             | 6 1/4  | May 15, 1871 |
|                                   | Big Creek             | 6 1/4  | May 15, 1906 |
| Chloe Keithley                    | Big Creek             | 27 1/2 | May 15, 1877 |
| Curt W. Randleman                 | Little Creek          | 62 1/2 | May 15, 1879 |
| Curt W. Randleman                 | Little Keithley Creek | 8      | May 1, 1897  |
| Victor L. Hopper                  | Little Creek          | 6 1/2  | May 15, 1879 |
| Allen Seid                        | Little Creek          | 2      | May 15, 1879 |
| Charles T. Reavis (Albert Hagden) |                       | 20     | May 15, 1882 |
|                                   |                       | 48 3/4 | May 15, 1883 |
| *W. F. Seid                       | Big Creek             | 2      | May 15, 1883 |
| William S. Potter                 | Big Keithley Creek    | 2      | May 15, 1883 |
|                                   |                       | 2 1/4  | May 15, 1889 |
| William Wiggins                   |                       | 7      | May 15, 1901 |
| Frank Towell                      |                       | 2 1/2  | May 15, 1884 |
|                                   |                       | 18 3/4 | May 15, 1884 |
| Forrest Burns and Clifford Burns  |                       | 9 3/8  | May 15, 1899 |
|                                   |                       | 7 1/2  | May 15, 1884 |
| Edward M. Wiggins                 |                       | 5      | May 15, 1886 |
| John Zencher                      |                       | 50     | May 15, 1884 |
| Walter J. Hopper                  |                       | 8 1/2  | May 15, 1885 |
| William Wicks                     |                       | 11     | May 15, 1885 |
| Otho Towell                       |                       | 3 1/4  | May 15, 1896 |
|                                   |                       | 6 1/4  | May 1, 1886  |
| Carrie Clayton                    |                       | 20     | May 15, 1899 |
| Jacob Ader                        |                       | 2      | May 15, 1886 |
| E. M. Stewart                     |                       | 20     | May 15, 1890 |
| James Keithley                    |                       | 4      | May 15, 1890 |
| Edward M. Wiggins                 |                       | 26 1/2 | May 15, 1877 |
| Walter C. Keithley                |                       | 12 1/2 | May 15, 1896 |
| Elihu G. Johnson                  |                       | 16     | May 15, 1899 |
|                                   |                       | 3 1/8  | May 15, 1899 |
|                                   |                       | 5      | May 15, 1899 |

SARAH S. KEITHLEY, Administratrix of the estate of John D. Keithley, and trustee of Howard E. Keithley, John Keithley and Clarence E. Keithley

200

May 15, 1877

MICROFILMED

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Section 42-225a, Idaho Code

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that LADLEL MERK AND MARGARET MERK  
(name of claimant)  
of FRUITVALE IDAHO claims a right to the diversion and beneficial use of  
(mailing address)  
the public water of the State of Idaho

**The extent and nature of said claim is as follows:**

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) WEST FORK WEISER RIVER, tributary to, WEISER RIVER
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|        |                        |     |                               |                |      |             |    |                        |
|--------|------------------------|-----|-------------------------------|----------------|------|-------------|----|------------------------|
| Amount | <u>75<sup>00</sup></u> | Use | <u>IRR1</u>                   | Period of Use: | From | <u>4-15</u> | To | <u>7-15</u>            |
| Amount |                        | Use |                               | Period of Use: | From |             | To |                        |
| Amount |                        | Use |                               | Period of Use: | From |             | To |                        |
|        | (cfs, gpm<br>or a/f)   |     | (dom., irri.,<br>stock, etc.) |                |      |             |    | (both dates inclusive) |

- (3) Total quantity of water claimed: \_\_\_\_\_ cubic feet per second, or 75" acre-feet  
per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1900
- A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
SW ¼ SE ¼, Sec. 32 Twp. 18N Rge. 1W B. M. County of ADAMS  
 Additional points of diversion: NW SW SEC 9 17N R 1W  
 B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

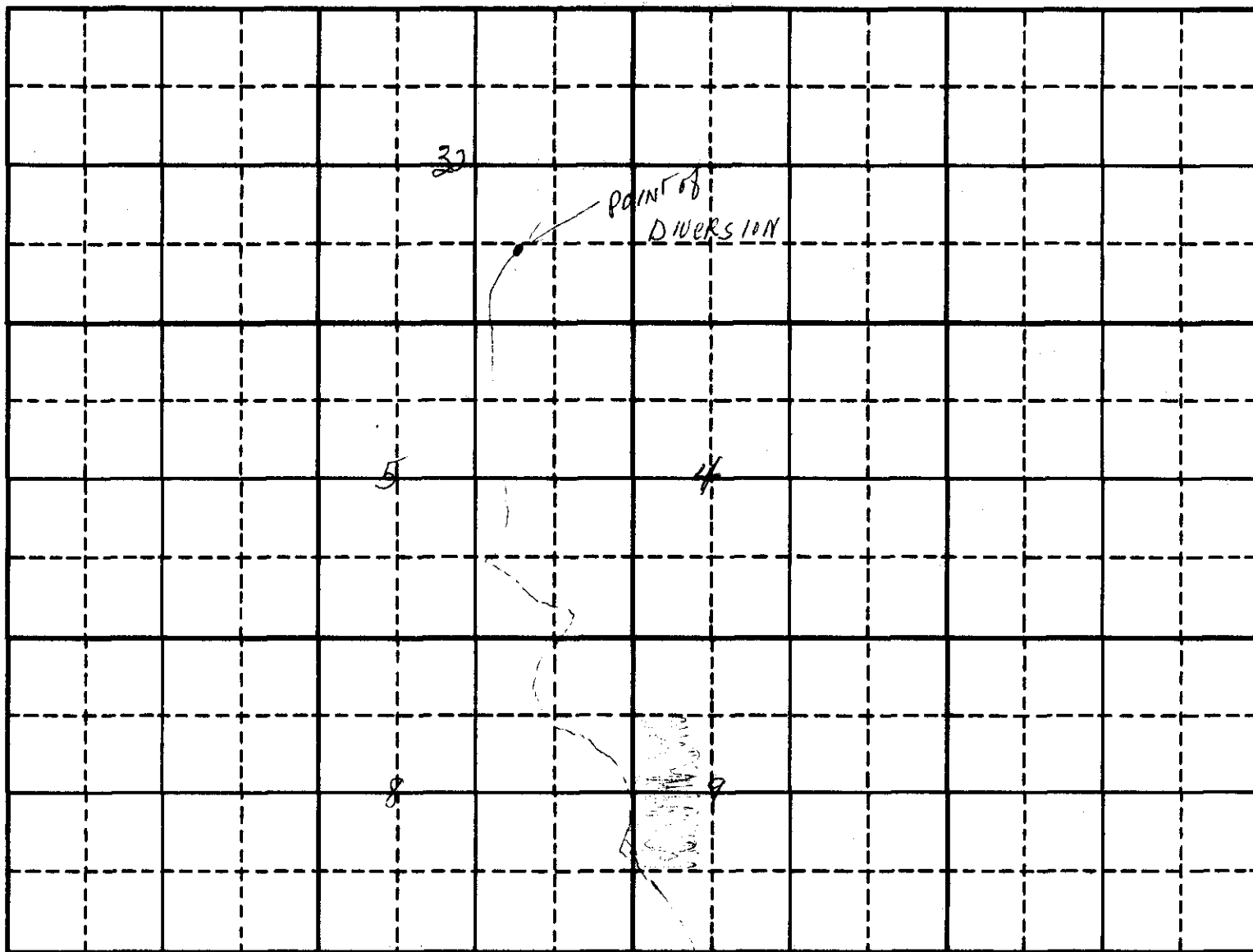
[illegible]

Total No. of acres 50

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

**MICROFILMED**

(8) Remarks THIS CLAIM IS FOR FLOOD WATER IN  
OSBORN GRASS DITCH



Scale: 2 inches equal 1 mile.

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

State of Idaho )  
County of Adams ) ss.

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

Sworn to before me this 14 day of April, 1975.  
Notary Public David J. Harris  
Residing at Council

My commission expires 9-16-76

For Department Use Only

|                                           |                          |                     |              |      |
|-------------------------------------------|--------------------------|---------------------|--------------|------|
| Received by <u>Ca</u>                     | Date <u>4/16/75</u>      | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>LWA</u>               | Date <u>4/16/75</u>      |                     | claimant by: |      |
| \$10.00 fee received by <u>Ca</u>         | Date <u>4/16/75</u> #496 |                     |              |      |
| Approved for publication by <u>Ca Ok</u>  | <u>3-12-75</u>           |                     |              |      |
| Published in <u>Adams County Record</u>   |                          |                     |              |      |
| Dates <u>May 1 &amp; May 8 4/24/75 ca</u> |                          |                     |              |      |

## Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Claim to a

Ladell, et al. on Margaret Merik

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated May 1, 1975

and the last in the issue dated May 8, 1975 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this

MAY 8 1975

day of , 19

Notary Public for Idaho,  
Residing at Council, Idaho

### NOTICE OF CLAIM TO A WATER RIGHT No. 87-4111

Notice is hereby given that LADELL, et al. OR MARGARET MERIK, Fruitvale, ID has filed a claim to a water right established by diversion and application to beneficial use of 1.5 cfs of water from W. Fork Weiser River, Trib. to Weiser River with the point of diversion in the SW 1/4 - SE 1/4, Sec. 32, T. 18 N., R. 1 W; NW 1/4 SW 1/4, Sec. 9, T. 17 N, R. 1 W, B.M. Adams County.

The water is claimed to be used from April 15 to July 15 for irrigation of 50 acres with a priority of 1900; the place of use is within the SE 1/4 NW 1/4, NE 1/4 SW 1/4, Sec. 9, T. 17 N, R. 1 W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HEDGECOCKSON

Director

Published in the Adams County Leader, Council, ID on May 1, 1975 and May 8, 1975.

Ok  
Clad  
5-12-75

ACT  
ION

|   |                                   |                                                  |
|---|-----------------------------------|--------------------------------------------------|
| N | OWNER LAST NAME - MERK            | FIRST NAME - LADELL                              |
| N | OWNER LAST NAME - MERK            | FIRST NAME - MARGARET                            |
| N |                                   | CITY - FRUITVALE                                 |
| N |                                   | STATE - ID                                       |
| N | SOURCE - WEISER RIVER, WEST FORK  | TRIBUTARY OF - WEISER RIVER                      |
| N | STAGE - STATRY CLM                | PRIORITY - 06-01-1900                            |
| N | DIVERSION POINT - SWSE 32 18N 01W | COUNTY - ADAMS                                   |
| N | FROM - 04-15 TO - 07-15           | USE - IRRIGATION                                 |
| N | USE - IRRIGATION                  | PLACE OF USE - TWN 17N RNG 01W SEC 09 TRACT SENW |

TOTAL DIV. RATE - 1.5000CFS  
NWSW 09 17N 01W  
USE DIV. RATE - 1.5000CFS  
AC 18 TRACT NESW AC 32

1800

67.4121

I D A H O   D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

WATER RIGHT  
DATA ENTRY LOG

[illegible]

## WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 167-4121  
Old No. New No.

## Record

1. Original Owner: Ladell & Margaret Merk

Present Owner: \_\_\_\_\_

2. Address:

3. City: Fruitvale State: Id Zip: \_\_\_\_\_4. A. Source of Water: Weiser River, West ForkB. Tributary of: Weiser River5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1900D. County: OBE. Total Diversion Rate: 1.5

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

|                          | Tract       | Sec.      | Twp.       | Rge.      | Gov't<br>Lot | Rediv. |
|--------------------------|-------------|-----------|------------|-----------|--------------|--------|
| 6. A. Point of Diversion | <u>SWSE</u> | <u>32</u> | <u>18N</u> | <u>1W</u> |              |        |
|                          | <u>NWSW</u> | <u>9</u>  | <u>17N</u> | <u>1W</u> |              |        |
|                          |             |           |            |           |              |        |
|                          |             |           |            |           |              |        |
|                          |             |           |            |           |              |        |

7. Period of Use, Use, Diversion Rate/Volume:

from 4-15 to 7-15 for A purposes. Amount 1.5  
(cfs or AC-Ft/yr)

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_



DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Application No. 67-4121

☒ Source  
☒ Point of Diversion  
☒ County  
☒ Quantity of Water and Period of Use  
☒ Description of Diverting Works  
☒ Time required for B/U of water  
☒ Place of Use or Acres Irrigated  
☒ Map  
☒ Signature  
☒ Fee

(1) CS 4-14-75

In form to receipt

(2) NA

Send Copies to:

☐ Idaho State Health Department  
☐ Idaho Fish and Game Department  
☐ Bureau of Land Management

(3) NA

☐ Request Special Use Permit from U.S.F.S.  
☐ Request Easement from B.L.M.  
☐ Request Information from Applicant

(4) CS 9-16-75

In form for advertising

(5) \_\_\_\_\_

Platted on Map No. \_\_\_\_\_

(6) R.W.H. 5-19-75

Located within Water District No. 67

(7) NA

Critical groundwater area: yes \_\_\_\_\_ no \_\_\_\_\_

(8) NA

Groundwater levels:

\_\_\_\_\_ Declining, \_\_\_\_\_ Stable, \_\_\_\_\_ Increasing

(comment) \_\_\_\_\_

(9) NA

Other rights on the same place of use

(10) \_\_\_\_\_

Comments: \_\_\_\_\_

(11) CS 5-12-75

Affidavit of Publication received(date) ok

(12) NA

Final date for protests \_\_\_\_\_

Protests received: yes \_\_\_\_\_ no \_\_\_\_\_

(13) NA

All requested information received from agencies or applicant: yes \_\_\_\_\_ no \_\_\_\_\_

(14) R.W.H. 5-19-75

Action recommended:

☒ Approve \_\_\_\_\_ Deny

\_\_\_\_\_ Proposed Priority

\_\_\_\_\_ Reason for Reduction \_\_\_\_\_

\_\_\_\_\_ Measuring device required

\_\_\_\_\_ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Western

By R. Hamilton Date 5-19-75

RECEIVED

MAY 20, 1975

Department of Water Resources



# STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
WESTERN DISTRICT

STATE HOUSE BOISE, IDAHO 83720

May 19, 1975

Ladell Merk  
Fruitvale, ID 83620

Re: Claim to a Water Right No. 67-4121

Dear Mr. Merk:

The Department of Water Resources has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we may be of further assistance, please feel free to call upon us.

Sincerely,

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

KHF: cla





**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

Statehouse  
Boise, Idaho 83720  
(208) 384-2190

April 25, 1975

Adams County Leader  
Council, ID 83612

Re: Claim to a Water Right No. 67-4121 - Ladell &/or Margaret Merk  
67-4122 - T. J. Glenn Ditch  
67-4123 - Elvin Craig  
67-4124 - Anthony B. or Edith J. Swartz

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

-----  
(Signature of Claimant)

Sincerely,

Bill submitted  
5-12-75  
clw

NOTICE OF CLAIM TO A WATER RIGHT

No. 67-4121

Notice is hereby given that LADELL &/OR MARGARET MERK

Fruitvale, ID  
has filed a claim to a water right established by diversion and application  
to beneficial use of 1.5 c.f.s. ~~public feet per second 75~~ feet of water  
from W. Fork Weiser River, Trib. to Weiser River  
with the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, T. 18 N, R. 1 W; NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Sec. 9, T. 17 N, R. 1 W, B.M. Adams County

The water is claimed to be used from April 15 to July 15  
for irrigation of 50 acres

with a priority of 1900;  
the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 9, T. 17 N, R. 1 W, B.M.

Any exception to this claim of water right may be filed with the Idaho  
Department of Water Resources, Statehouse, Boise, Idaho, 83720.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, ID  
on May 1, 1975 and May 8, 1975.

April 16, 1975

Re: Claim to a Water Right

Ladell Merk  
Fruitvale, ID

Dear Mr. Merk:

We have received your Claim to a Water Right and other information concerning your water right. Before we can accept the claim we will have to have a \$10.00 filing fee.

Our records indicate that 4 inches of water through the T.J. Glenn ditch and 22" of water through the Osborn Grooms ditch was decreed to the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 9, T. 16 N, R. 1 W, B.M. These rights were decreed to C.L. Ham with a 5-1-1900 priority date. Please note that the Township is given as 16 N rather than 17 N. There are many instances where the land descriptions appear to be in error in the decree. Some have been transferred to show the place they are actually used.

Water for the W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 9, and 17 N, R. 1 W, B.M., was decreed to Bridgewood and Riddle. Twenty six inches of water was decreed to SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, T. 18 N, R. 1 W, B.M. W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 5; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 8; W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 9, T. 17 N, R. 1 W, B.M. As you can see this 26" covers a lot of land and where it was actually used might be hard to determine. If a portion of the water decreed to land now owned by you, there should be some document to substantiate the fact. A quiet title action might be necessary to establish ownership of the water you might have Clell Williamson, Watermaster of the Water District 67, see what his records show. Any conclusive action would have to be taken by the District Court.

If you have any need for further information I will attempt to answer your questions.

Please send us a check for \$10.00, so we can proceed to process your Claim to a Water Right.

Sincerely

ROBERT W. HAMILTON  
Supervisor of Water Distribution

RWH:jg

*P.S. Check received 4-16-75 - receipt was enclosed*

Trinitas, Idaho  
April 15 1975  
**RECEIVED**

APR 15 1975

Department of Water Resources  
APR 15 1975

Water Resource Board

Mr Bob Hamilton

Dear Sir:

We need some help on confirming our water rights. Harrington came to our home and told us  $\frac{1}{2}$  of our 26" of adjudicated water was theirs because of a division made of the Ham property in 1909.

We believe all records indicate the 26" of water is ours. We would like for you to check this out. also the dates when the water was filed for and put in the T.J. Glenn Ditch & the Osborn Groom Ditch. I am sending water information I have - If there is any question please call us cal.

We are wondering also when there are problems like this; where an individual stands - Does the Water Dist stand behind you.

We are sending in a claim for flood water for (50 A) that is irrigated from the Osborn Groom Ditch - now.

We are filing a claim for (15 A) with the T.J. Glenn ditch group also.

**MICROFILMED**

Thank you  
Mrs Labelle Muck

O. L. Ham and Belle Ham,  
husband and wife.

to

William Walker.

WARRANTY DEED

Dated May 22, 1909  
Recorded Dec. 31, 1909  
Book F of Deeds  
Page 249  
Consideration \$2250.00

Grant, bargain, sell, convey and confirm

All the following described real estate, situate in the County  
of Washington, State of Idaho to-wit:

The West Half ( $\frac{1}{2}$ ) of the North West Quarter ( $\frac{1}{4}$ )  
of Section Nine (9) Township Seventeen (17)  
North of Range One (1) West Boise Meridian con-  
taining eighty (80) acres.

also all waters, water rights, dams, ditches, flumes and irrigating  
works of whatever nature used upon belonging to or in anywise appertain-  
ing to said lands said water rights including right to in both ditches on  
west side and on east side of the Boise River used in irrigating said  
lands.

COVENANTS: Quiet and peaceable possession with warrant and defend  
against all lawful claims.

Witness: A. L. Trechler

C. L. Ham (Seal)

Belle Ham (Seal)

Acknowledged May 22nd, 1909 in Washington County,  
Idaho by C. L. Ham and Belle Ham, known to be  
the persons whose names are subscribed to the  
within instrument, before A. L. Trechler, Notary  
Public for said County. Seal.

*This property now belongs to Harvey Harrington. They are claiming  
half of the 26" of water that shows on our deed & on the water records  
by this transaction.*

Deeds  
(Transcribed from Book 25, page 665, Records of Washington County, Idaho)

I believe this is the result of a judgment made in 1920 or 21

# NAMES

# DATE OF DEATH

# DATES

## EAST FORK WEISER RIVER--Cont'd.

### (East Fork Ditch--Cont'd.)

|                                 |        |              |
|---------------------------------|--------|--------------|
| C. T. Ward                      | 2 1/2  | July 1, 1905 |
| Minnie Rambo                    | 5      | July 1, 1905 |
| E. C. Smith                     | 3 1/2  | July 1, 1905 |
| Carrie M. Lowe                  | 3      | July 1, 1905 |
| J. D. Neale                     | 3      | July 1, 1905 |
| Riley Atkinson                  | 14     | July 1, 1905 |
| Fay McBirney                    | 20     | July 1, 1905 |
| Janet Ketchum                   | 20     | July 1, 1905 |
| J. S. Hamilton                  | 10     | July 1, 1905 |
| Whitney P. James                | 40     | July 1, 1905 |
| Council Valley Orchards Company | 110    | July 1, 1905 |
| Henry Van Kleeck                | 27 1/2 | July 1, 1905 |

## WEST FORK WEISER RIVER

### (T. J. Glenn Ditch)

|                                  |      |             |
|----------------------------------|------|-------------|
| T. J. Glenn                      | 1:53 | May 1, 1898 |
| Joel Glenn                       | 15   | May 1, 1900 |
| C. L. Ham -- <u>LADELL MIERK</u> | 1    | May 1, 1900 |
| J. H. Bridgewood                 | 6    | May 1, 1900 |

### (Osborn-Grooms Ditch)

|                                  |    |             |
|----------------------------------|----|-------------|
| C. L. Ham -- <u>LADELL MIERK</u> | 22 | May 1, 1900 |
| Bridgewood and Riddell           | 26 | May 1, 1900 |

## KEITHLEY CREEK

|                                                                                                                                                |                       |        |              |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------|--------------|
| *W. F. Seid                                                                                                                                    | Big Creek             | 43 3/4 | May 15, 1883 |
| Andrew M. Reed                                                                                                                                 | Big Creek             | 6 1/4  | May 15, 1871 |
|                                                                                                                                                | Big Creek             | 6 1/4  | May 15, 1906 |
| Chloe Keithley                                                                                                                                 | Big Creek             | 27 1/2 | May 15, 1877 |
| Curt W. Randleman                                                                                                                              | Little Creek          | 52 1/2 | May 15, 1879 |
| Curt W. Randleman                                                                                                                              | Little Keithley Creek | 8      | May 1, 1897  |
| Victor L. Hopper                                                                                                                               | Little Creek          | 6 1/2  | May 15, 1879 |
| Allen Seid                                                                                                                                     | Little Creek          | 2      | May 15, 1879 |
| Charles T. Heavis (Albert Hadden)                                                                                                              |                       | 20     | May 15, 1882 |
|                                                                                                                                                |                       | 43 3/4 | May 15, 1883 |
| *W. F. Seid                                                                                                                                    | Big Creek             | 2      | May 15, 1883 |
| William S. Potter                                                                                                                              | Big Keithley Creek    | 2      | May 15, 1883 |
|                                                                                                                                                |                       | 2 1/4  | May 15, 1889 |
|                                                                                                                                                |                       | 7      | May 15, 1901 |
| William Wiggins                                                                                                                                |                       | 2 1/4  | May 15, 1884 |
| Frank Towell                                                                                                                                   |                       | 18 3/4 | May 15, 1884 |
|                                                                                                                                                |                       | 2 3/8  | May 15, 1899 |
| Forrest Burns and Clifford Burns                                                                                                               |                       | 7 1/2  | May 15, 1884 |
|                                                                                                                                                |                       | 5      | May 15, 1886 |
| Edward M. Wiggins                                                                                                                              |                       | 50     | May 15, 1884 |
| John Zencher                                                                                                                                   |                       | 8 1/2  | May 15, 1885 |
| Walter J. Hopper                                                                                                                               |                       | 11     | May 15, 1885 |
| William Wicks                                                                                                                                  |                       | 3 1/2  | May 15, 1896 |
| Otho Towell                                                                                                                                    |                       | 2 1/4  | May 1, 1886  |
|                                                                                                                                                |                       | 20     | May 15, 1899 |
| Carrie Clayton                                                                                                                                 |                       | 2      | May 15, 1886 |
| Jacob Ader                                                                                                                                     |                       | 20     | May 15, 1890 |
| E. M. Stewart                                                                                                                                  |                       | 4      | May 15, 1890 |
| James Keithley                                                                                                                                 |                       | 26 1/2 | May 15, 1877 |
| Edward M. Wiggins                                                                                                                              |                       | 12 1/2 | May 15, 1896 |
| Walter C. Keithley                                                                                                                             |                       | 10     | May 15, 1899 |
| Elihu G. Johnson                                                                                                                               |                       | 3 1/8  | May 15, 1899 |
|                                                                                                                                                |                       | 5      | May 15, 1899 |
| SARAH S. KEITHLEY, administratrix of the estate of John B. Keithley, and trustee of Howard H. Keithley. John Keithley and Clarence H. Keithley |                       | 200    | May 15, 1877 |

THIS INDENTURE, Made this 16th day of June

in the year of our Lord one thousand nine hundred and Fifty Two between

\*\*\*TED. R. BLESSINGER and EDNA FAYE BLESSINGER, husband and wife,\*\*\*\*\*

of Fruitvale County of Adams State of Idaho

the parties of the first part, and LA DELL MERK and MARGARET MERK, husband and wife,

of Mt. Vernon County of State of Oregon

the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of  
\*\*\*\*\*TEN AND NO/100\*\*\*\*\* DOLLARS,

(and other valuable consideration)

lawful money of the United States of America, to them in hand paid by the said parties of

the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and

by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second

part, and to their heirs and assigns forever, all the following described real estate situated in

the County of Adams State of Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter and the  
Northeast Quarter of the Southwest Quarter of Section  
Nine (9) in Township Seventeen (17) North, Range One (1)  
West, Boise Meridian, and together with all water and water  
rights, ditches and ditch rights and irrigating works of  
whatever nature, used upon, connected with or in anywise  
appurtenant to said premises, and particularly including,  
but not being limited to

26 inches of the water of West Fork of the Weiser River  
and Twenty (20) Acre Feet of the storage water of Lost  
Valley Reservoir, as evidenced by Stock Certificate  
for 20 shares of the Class C stock of Lost Valley  
Reservoir Company.

This conveyance is made subject to taxes on said premises for  
1952, to be paid by second parties.

