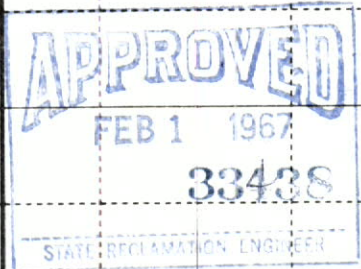


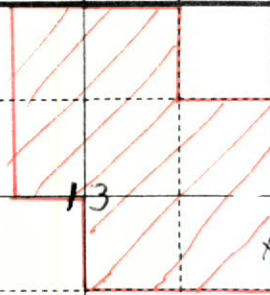
NAME OF APPLICANT Jerry C. Jaeger 1

Form No. 0



R3W

T 14N



x PB

No. 813

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

JAMES H. SIMPSON, being duly sworn,
deposes and says:

That he is the OWNER of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-

lished in said newspaper once a week for consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with

FEB. 24, 1972, and ending
with the issue of MARCH 2, 1972

Fees, \$.....

Subscribed and sworn to before me this 24

day of April, 1974

Amos W. Logan
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-, 1975

RECEIVED

APR 29-1974

Department of Water Administration

PUBLIC NOTICES

No. 613

NOTICE OF

EXISTING WATER PERMIT

Notice is hereby given that
Jerry C. Jaeger, Cambridge,
Idaho, has received an approved
Permit No. 33438/67-2375
issued by the Idaho Department
of Water Administration auth-
orizing the diversion of 3.32
cubic feet per second of water
from the Little Weiser River,
tributary to the Weiser River.
The priority to be established
under this permit is January
27, 1967, and the permit was
approved February 1, 1967.

Water is to be diverted by
diversion dam and ditches from
a point within the NE1/4SE1/4,
Sec. 13, Twp. 14 N, Rge. 3 W,
B.M., Washington County, to be
used for irrigation purposes
in the E1/2NW1/4, N1/2SE1/4,
Sec. 13, Twp. 14 N, Rge. 3 W,
B.M.

Proof of the application of
the water to beneficial use was
submitted to the Department on
February 4, 1972. Any protest
against the issuance of the
license for the above referenced
permit should be filed with the
Idaho Dept. of Water Admini-
stration, Statehouse, Boise,
Idaho, 83707, within ten (10)
days of the last date of publica-
tion of this notice.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho, on Feb.
24 and March 2, 1972. 98-25

A48
2-5

24.0

17.9

4.0

A170

12.2

37.8

9.1

3.2

64.1

34.8

27.4

24.8

16.4

1.9

4.5

1.3

3.8

A260
1-2

4.6

30.5

5.4

6.1

24.0

43.7

17.9

19.0

23.8

A165

12.7

20.3

27.6

13.1

16.4
15.3
13.6
12.0
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5.0

16.4

25.2

A23
1-5

40.4

27.8

36

33.6

5.2

MICROFILM

Little Water River

OUR SOIL • OUR STRENGTH



SOIL and CAPABILITY MAP
Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

Weiser River S.C.D.
S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER *Jerry Jeager*

FARM NO. *796* DATE

OPERATOR

Washington
COUNTY

Idaho
STATE

SCALE *8" = 1 Mi.* ACRES

PHOTO NO. *138-141* & *Wei. 4-104*



• • 25545-796

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N

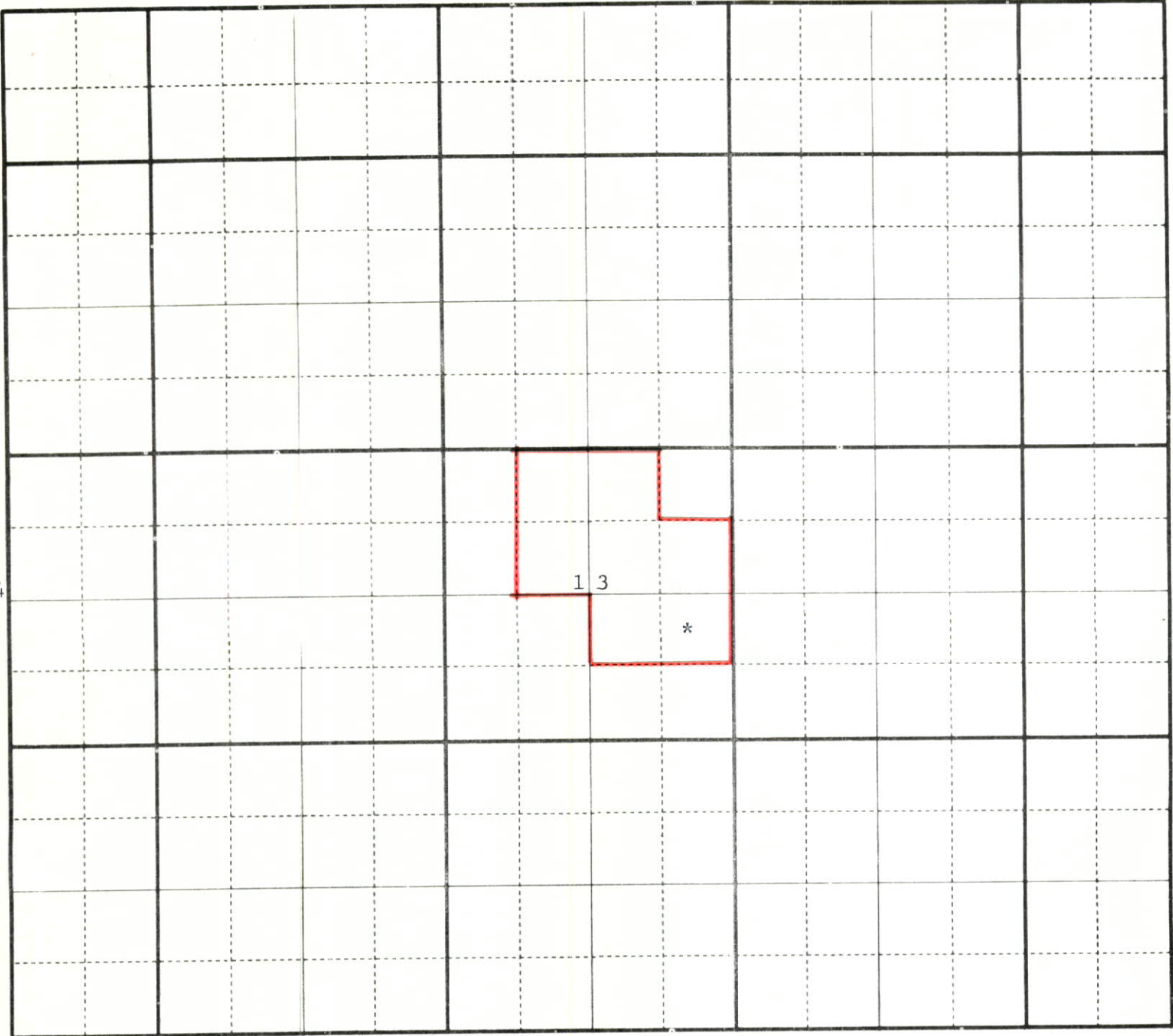


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)
License of Water Right No. 33438/67-2375 Priority January 27, 1967 Amount 0.22 cfs

THIS IS TO CERTIFY, that JERRY C. JAEGER
of Cambridge, Idaho, has complied with the terms and conditions of Permit
No. 33438/67-2375 issued pursuant to Application for Permit dated January 24, 1967,
and has submitted proof to the Department of Water Resources on February 4, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.99 cfs of water from Little Weiser River,
tributary to Weiser River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>June 15</u>	at <u>0.22</u> cfs and	<u>284</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.22 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
284 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 14N,
Rge. 3W, B. M. in the County of Washington

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14N	3W	13			5	8									22	36			71

Total number of acres irrigated 71

1. A measuring device of a type approved by this Department shall be maintained as part of the diverting works.
2. Subject to the conditions as listed on the Memorandum Decision and Order of May 16, 1978.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
May, 19 78.

Director

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

IN THE MATTER OF PERMIT NO. 67-2375

IN THE NAME OF JERRY C. JAEGER

MEMORANDUM DECISION
AND ORDER

On January 24, 1967, Jerry C. Jaeger applied to the Department of Water Resources for a permit to appropriate 3.32 cubic feet per second of water from the Little Weiser River, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 14N, Rge. 3EW, B.M., Washington County, to be used for the irrigation of 260 acres of land in Sec. 13, Twp. 14N, Rge. 3W, B.M.

On February 1, 1967, the permit was issued. The permit lapsed on February 1, 1972, but was reinstated on February 15, 1972, since proof of beneficial use of water was submitted on February 4, 1972.

Notice of the submittal of proof of beneficial use was advertised in the Weiser Signal, Weiser, Idaho, on February 24 and March 2, 1972. A protest against the issuance of a license was received by the Department on March 10, 1972, from Lawrence J. Higgins on behalf of John and Anna Higgins, P.A. and Nellie Legg and Alvin and Kay Legg.

On June 28, 1976, a Department representative conducted a field examination to determine the extent of application of water to beneficial use and advised the application and protestants of his findings.

On December 15, 1977, a conference was held in Weiser, Idaho. The permit holder was present and represented himself and the protestants and/or their successors in interest were present and represented by Larry C. Walker. The arguments of all parties were heard and it was agreed that the Department should reach a decision in the matter.

Based on the information presented at the conference, the stipulation of facts by the parties involved and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The permit holder's diversion is upstream from the protestants' points of diversion.
2. Numerous diversion dams are constructed each spring entirely across the channel of the Little Weiser River upstream from the permit holder's and protestants' points of diversion when the high spring flows in the river begin to diminish.

3. Water is not usually available after June 15 to fill the protestants' rights.

4. The permit holder was diverting 5.00 cubic feet per second of water and irrigating 71 acres of land as follows: 13 acres within the $S\frac{1}{2}NE\frac{1}{4}$, and 58 acres within the $N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 14N, Rge. 3W.

5. This 71 acres of land is also irrigated with water under decreed right no. 67-0495 which is for the diversion of 1.88 cfs for the irrigation of the $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 14N, Rge. 3W, encompassing 200 acres of land.

6. The maximum rate of diversion allowed by the court in the case of John T. Muir and Wm. H. Muir v.s. William Allison, et. al., was $\frac{5}{8}$ miner's inch or 0.0125 cfs per acre of land.

7. The rate of diversion for the 71 acres under decreed right no. 67-0495 is $\frac{1.88}{200} \times 71$ or 0.67 cfs.

8. The maximum rate of diversion allowed for 71 acres is 0.89 cfs.

9. During flood flows, water is not regulated by the watermaster.

CONCLUSIONS OF LAW

1. Water in excess of existing rights is available in most years until approximately the middle of June.

2. The permit holder is entitled to a license from the Department of Water Resources for the appropriation of water from the Little Weiser River.

3. The maximum rate of diversion allowable on the license is 0.89 cubic feet per second minus 0.67 cfs or 0.22 cfs.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and License No. 67-2375 will be issued subject to the following conditions and limitations:

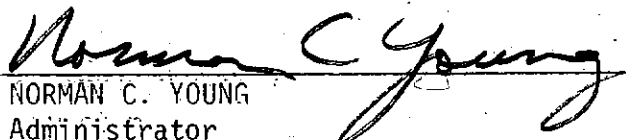
1. The license is subject to all prior water rights.

2. No water shall be diverted under the license after June 15 of each year unless the approval of the watermaster is obtained as set forth in the agreement of February 24, 1978.

3. The rate of diversion licensed shall not exceed $\frac{5}{8}$ miner's inch per acre for 71 acres when combined with other rights for this same land or 0.22 cfs.

4. The use of water under License No. 67-2375 is subject to the control of the watermaster of Water District No. 67A, Little Weiser River.

Dated this 16TH day of May, 1978.


NORMAN C. YOUNG
Administrator

LAWRENCE J. HIGGINS
DONART & HIGGINS
P. O. Box 191
Weiser, Idaho 83672
208-549-2073
Attorneys for Protestants

RECEIVED

MAR 10 1972

Department of Water Administration

BEFORE THE DIRECTOR,
DEPARTMENT OF WATER ADMINISTRATION,
STATE OF IDAHO

PROTEST OF:

PROTEST OF PERMIT NO.
33438/67-2375

JOHN HIGGINS and ANNA HIGGINS,
husband and wife; P. A. LEGG and
NELLIE LEGG, husband and wife;
ALVIN LEGG and KAY LEGG,
husband and wife:

COME NOW the Protestants and protest against the
issuance of the license of JERRY JAEGER, Permit No. 33438/67-
2375, by alleging and protesting as follows:

I.

That the protestants John Higgins and Anna Higgins are
and at all times hereinafter mentioned have been husband and wife;

II.

That the protestants P. A. Legg and Nellie Legg are, and
at all times hereinafter mentioned have been, husband and wife;

III.

That the protestants Alvin Legg and Kay Legg are, and
at all times hereinafter mentioned have been, husband and wife;

IV.

That the Protestants John Higgins and Anna Higgins, husband

1.ch
Protest

LAW OFFICES
DONART & HIGGINS
WEISER, IDAHO

and wife, are now, and at all times hereinafter mentioned have been the owners of the following described lands and premises situate in the County of Washington, State of Idaho, more particularly described as follows:

The South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section Fourteen (14), the North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section Twenty-Three (23) Township Fourteen (14) North, Range Three (3) West of the Boise Meridian.

which said lands are naturally arid in character but which are capable of producing abundant crops when water is artificially and beneficially applied thereto in the form of irrigation;

V.

That the protestants P. A. Legg and Nellie Legg, husband and wife, are tenants in common with the protestants Alvin Legg and Kay Legg, husband and wife, and as such tenants in common are owners of and entitled to the possession of the following described lands and premises situate in the County of Washington, State of Idaho, more particularly described as follows, to-wit:

The Southwest Quarter of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian.

which said lands are naturally arid in character but which are capable of producing abundant crops when water is artificially and beneficially applied thereto in the form of irrigation;

VI.

That by reason of the existence of said source of water flowing in the Little Weiser River as the same traversed the $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 13, T. 14, N., R. 3 W.B.M., protestant P. A. Legg who was then sole owner of said lands did make application for permit to appropriate the public waters of the State of Idaho and did cause the same to be filed with the State Reclamation Engineer on the 24th day of March, 1953, for the purpose of applying 3.2 cubic feet per second of the waters of the Little

2.ch
Protest

LAW OFFICES
DONART & HIGGINS
WEISER, IDAHO

Weiser River to the SW $\frac{1}{4}$ of Sec.13, T. 14 N., R. 3 W.B.M., which said application was approved by the State Reclamation Engineer on April 2nd, 1963; that said application sought the appropriation of said quantity of water by means of a pump and pipe extended in the Weiser River to pump said water therefrom;

VII.

That on the 22nd day of January, 1959, after making proof in the manner provided by law that water had in fact been appropriated from the Little Weiser River at said point, the State Reclamation Engineer did issue his license and Certificate of Water Right to the protestant P. A. Legg by the terms and provisions of which the said P.A. Legg was entitled to appropriate from the said Little Weiser River 1.4 cubic feet per second or seventy (70) miners inches of said waters for use upon the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 14 N., R. 3 W.B.M., for the purpose of irrigating seventy (70) acres thereof; that a true copy of said License and Certificate of Water Right is attached hereto marked Exhibit "A" and by reference incorporated herein as though fully set forth in words and figures, and made a part hereof; that the priority thus established was March 24, 1953, and since said time during the irrigation season of each and every year, the said P. A. Legg and thereafter the said P. A. Legg and Alvin Legg have used and continue to use said seventy (70) miners inches on the lands aforesaid and have applied the same to beneficial use by appropriation and irrigation;

VIII.

That by reason of the existence of said source of water flowing in the Little Weiser River as the same traversed the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 14, N., R. 3 W.B.M., protestant John Higgins did make application for permit to appropriate the public waters of the State of Idaho and did cause the same to

be
3.ch
Protest

LAW OFFICES
DONART & HIGGINS
WEISER, IDAHO

be filed with the State Reclamation Engineer on the 7th day of December, 1961, for the purpose of applying 1.11 cubic feet per second of the waters of the Little Weiser River to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14, T. 14 N., R. 3 W.B.M., which said application was approved by the State Reclamation Engineer on December 11, 1961, that said application sought the appropriation of said quantity of water by means of a pump and pipe extended in the Weiser River to pump said water therefrom;

IX.

That on the 1st day of October,, 1963, after making proof in the manner provided by law that water had in fact been appropriated from the Little Weiser River at said point, the State Reclamation Engineer did issue his license and Certificate of Water Right to the protestant John Higgins by the terms and provisions of which the said John Higgins entitled to appropriate from the said Little Weiser River 1.11 cubic feet per second or 55.5 miners inches of said waters for use upon the NE $\frac{1}{4}$ SE $\frac{1}{4}$; the NW $\frac{1}{4}$ SE $\frac{1}{4}$; the SW $\frac{1}{4}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14; and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 14, N., R. 3 W.B.M. for the purpose of irrigating one hundred (100) acres thereof; that a true copy of said License and Certificate of Water Right is attached hereto marked Exhibit "B" and by reference incorporated herein as though fully set forth in words and figures, and made a part hereof; that the priority thus established was December 7, 1961, and since said time during the irrigation season of each and every year, the said John Higgins has used and continues to use said 55.5 miners inches on the lands aforesaid and have applied the same to beneficial use by appropriation and irrigation;

X.

That there is a prior existing water right downstream on the Little Weiser River held in the name of Charles C. Clelland under Water License No. 25987 for six (6) cubic feet per second, a copy of which water license is attached hereto marked Exhibit "C" and made a part hereof and hereby incorporated herein as though set forth fully in words and figures;

XI.

That the three above described water rights are existing and valid; that the water supply in the Little Weiser River at the point where said Jerry Jaeger is making application for is upstream from the three above described water rights and that the water supply in the Little Weiser River at the times contained in the permit, to-wit: May 15 through November 15, is insufficient for the said Jerry Jaeger to take out the amount for which he has asked to appropriate, six (6) cubic feet per second in his application for a license, and 3.32 cubic feet per second in the Notice published, and the order.

XII.

That prior to the year 1968 said Jerry Jaeger put a pump in the Little Weiser River upstream from the protestants Leggs land; said pump and diverting system diverted water with the result being that said protestants Leggs water right could not be realized and as a result thereof, the protestants Leggs contacted an attorney who wrote Mr. Jaeger and the pumping was ceased after getting a letter from the attorney telling Jerry Jaeger to stop.

XIII.

That in July of 1968 said protestants herein filed an action for injunctive relief against said Jerry Jaeger to enjoin him from using a dam, the nature of which dam and the

Other details of said action are more fully described in the complaint set forth as Exhibit "D" hereby incorporated herein and made a part hereof as though fully set forth in words and figures.

XIV.

That said action was settled by stipulation and agreement, copy of which Stipulation and Agreement is marked Exhibit "E" attached hereto and hereby incorporated herein and made a part hereof as though fully set forth in words and figures; from which Stipulation final Order was issued by the Honorable Edward J. Lodge, District Judge, which said order is marked Exhibit "F" attached hereto and hereby incorporated herein and made a part hereof as though fully set forth in words and figures;

XV.

That to allow said Jerry Jaeger to divert water by a dam as set forth in the Notice and Order for license would be to place him in contempt of court under the foregoing Civil Action No. 6501, which issue of whether or not he could use such dam or similar structure was fully litigated and settled in that action and should be given collateral estoppel or res judicata effect.

XVI.

That said Jerry Jaeger at the times hereinbefore mentioned when he attempted to appropriate water from the Little Weiser River at the diversion points in question, as that water drained into a slough which diverts said water completely around the Little Weiser River channel and the diversion points of the protestants herein and again enters the Little Weiser River at a point downstream from their points of diversion.

XVII.

That said Jerry Jaeger has not put the irrigation water

to beneficial use; that he cannot put it to beneficial use to 135 acres, and that he cannot put it to beneficial use without becoming in contempt of court under Civil Action 6501 hereinbefore described, or without interfering with the protestants water rights.

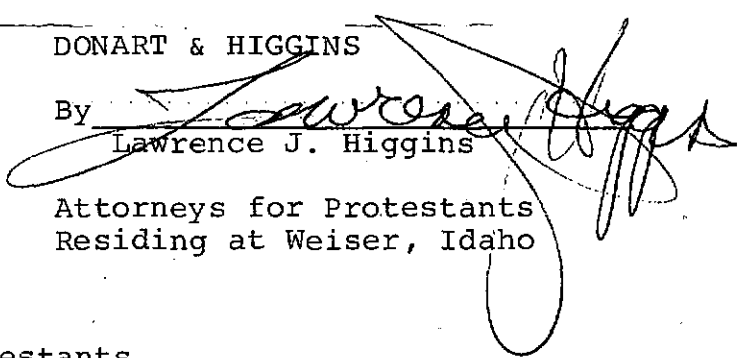
XVIII.

That the proof received for application of a beneficial use is insufficient and that it is contradictory to the permit applied for; it is contradictory to the Notice published and the Order made on the 15th day of February, 1972, and that said Jerry Jaeger in violation of Idaho Code 42-202 has applied for more than one cubic foot per second of continuous flow for each 50 acres of land to be irrigated.

WHEREFORE, protestants pray that the Department of Water Administration deny to Jerry Jaeger his License No. 33438/67-2375 and for such other and further relief as may be meet and equitable in the premises, and for their costs and disbursements herein.

DONART & HIGGINS

By


Lawrence J. Higgins

Attorneys for Protestants
Residing at Weiser, Idaho

The Address of all the Protestants
is Cambridge, Idaho:

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Permit No. 33438/)
67-2375 in the name of JERRY C. JAEGER)

ORDER OF REINSTATEMENT

WHEREAS, on January 24, 1967, Jerry C. Jaeger applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 3.32 cubic feet per second of water from the Little Weiser River, tributary to the Weiser River, from a point within the NE¹₄SE¹₄ of Sec. 13, Twp. 14 N, Rge. 3 W, B.M., Washington County, to be used for irrigation purposes; and,

WHEREAS, on February 1, 1967, the Department approved said application and issued Permit No. 33438/67-2375 with the condition that the whole of said work be completed and the water applied to a beneficial use on or before February 1, 1972; and,

WHEREAS, on December 1, 1971, the Department notified the permit holder that proof of beneficial use was due and instructed him as to the steps to be taken to make said proof; and,

WHEREAS, on February 4, 1972, the Department notified the permit holder that Permit No. 33438/67-2375 had lapsed for failure to submit the required proof of beneficial use; and,

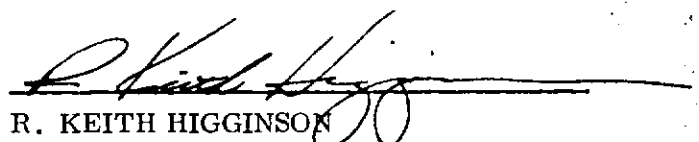
WHEREAS, on February 4, 1972, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 33438/67-2375 be REINSTATED and the priority advanced to January 27, 1967.

Dated this 15 day of February, 1972.


R. KEITH HIGGINSON
Director

BDF:DR

RECEIVED

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

Feb 4 1972 *late*

Department of Water Administration

1. a) Name of Permit Holder Jerry C. Jaeger
b) Post Office Address Cambridge
2. Permit Number 67 2375
3. Date of Priority that you are prepared to establish Jan. 24, 1967
4. a) Source from which water was appropriated Little Weiser River
b) Location of the point of diversion: NE 1/4 SE 1/4, Section 13
Township 14 N, Range 3 W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 6 cfs for Irrigation purposes from Mar 15 to Nov 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Estimated

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Pump and open ditches
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed _____

Exam typed 4/30/24 by [Signature]

RECEIVED

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14	3	13					30			30					35	40			135

Total number of acres irrigated _____

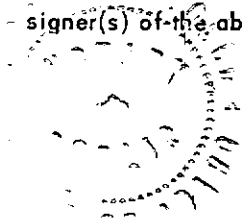
10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

Feb 4, 1972 (Date) Jerry C Jaeger (Signature)

State of Idaho ss.
County of Ada

On this 4th day of February, 19 72, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Jerry C. Jaeger
Notary Public residing at Boise, Idaho

My commission expires Jan 19, 1973

3343
K.P.
67-2315

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 41665
PERMIT No. 33438
DISTRICT No.

1. Name of Applicant: Jerry E. Jaeger

Postoffice address: Cambridge

County: Washington

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 3.32 cubic feet per second.

3. Source of water supply: Little Weiser River which is a tributary of Weiser River.

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of section 13 , T. 14 N, R. 3 W , B. M., County Washington

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$

8. Kind of works: small diversion dam and ditches.

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is -0- additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 94' decreed water 1887.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

/s/ JERRY JAEGER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: January 24, 1967 3:30 P.M.

Returned to applicant for correction::

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33438

Recorded in Book 117 Page 33438 Approved February 1, 1967

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before April 1, 1967

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 1, 1969

The whole of said work to be completed on or before February 1, 1972

Beneficial use of water appropriated in accordance herewith, to be made on or before February 1, 1972

WITNESS My hand this 1st day of February, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, _____ DON SAMUELSON

_____, Governor of the State of Idaho,

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....1st.....

day of February 19 67

STATE OF IDAHO

Countersigned:

(SEAL)

Bv. /s/ EDSON H. DEAL

By /s/ DON SAMUELSON

Governor.

Secretary of State.

REMARKS: This water to supplement 94 inches 1887 decreed water and storage in C. Ben Ross Reservoir.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 N	3 W	13	X	X	X			30								X	X		260

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 33438/67-2375)
)
in the name of Jerry C. Jaeger) ORDER MODIFYING REQUIREMENTS
) FOR COMPLETION OF PERMIT TO
) APPROPRIATE WATER
)

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 33438 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of works as originally specified, but will be required to submit proof to the Department of Water Administration of the application of the water to beneficial use on or before February 1, 1972. The permit holder should be aware that failure to complete one-fifth (1/5) of the works within one-half (1/2) of the time originally set for completion of works may be grounds for cancellation at the instance of the department.

Dated this 23rd day of October, 1970.


R. KEITH HIGGINSON
Director

RKH/DG

33438
2375

Address all communications to

Form No. 1
SM 1-65

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41665

Permit No. 33438

District No. _____

RECEIVED
JAN 24 1967
3:30 P.M.
DEPARTMENT OF RECLAMATION

1. Name of Applicant: Jerry C. Jaeger
Post Office address: Cambridge County Washington State Idaho

If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: 3.32 cubic feet per second

3. Source of water supply: Little Weiser River
which is tributary of Weiser River

4. Location of point of diversion: _____ feet distant from the _____ corner
of Section 13, Twp. 44, Rge. _____, B. M., and is in the NE 1/4
of Section 13, Twp. 14 N., Rge. 3 W. B.M., County of Washington

5. Water is to be used for: Irrigation

6. If for any non-irrigation purpose, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head.

(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ _____

8. Kind of works: small diversion dam & ditches
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____

feet; material used in dam _____
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width _____ feet; Height _____ feet

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe _____ inches;

Length of conduit _____ miles. Average grade per mile _____ feet.

33438

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

14. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated..... 260

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

94" decreed water 1837

33438

18. (a) Is reservoir to be used? (If so, fill in (b) and (c) below.)
(b) Name of reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: *This water to supplement 94" 1987 decreed water and storage in C. Ben Ross Reservoir*

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jerry J. Alger
Applicant.
By _____, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO)
County of _____) ss.

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____

known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____ Notary Public.

Approval of State Reclamation Engineer

33438

The number of this permit is.....

FEB 1 1967

Recorded in Book 117 Page 33438 Approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed before.....

Work to begin on or before April 1, 1967, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 1, 1969.

The whole of said work to be completed on or before February 1, 1972.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 1, 1972.

Witness my hand this 1st day of February, 1967.

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, DON SAMUELSON Governor of the State of Idaho,

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to

be hereunto affixed, this 1st day of February, 1967.

Countersigned

By [Signature]
Secretary of State.

STATE OF IDAHO

By [Signature]
Governor.

33438

No.

PERMIT

Date of first receipt at office of State Reclamation Engineer

January 24, 1967 3:30 P.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.75

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

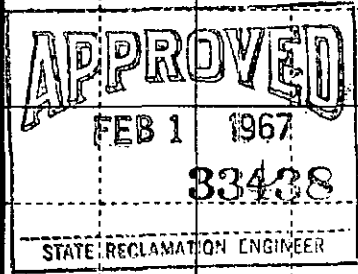
For each additional Sec. Ft. or Fraction

Thereof 25

33438

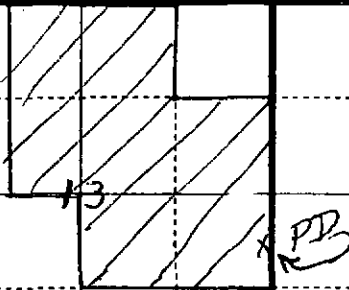
NAME OF APPLICANT Jerry C. Jaeger 1

Form No. 0



R3W

T 14N



No. 813

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Washington } ss.

JAMES H. SIMPSON, being duly sworn,
deposes and says:

That he is the OWNER of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-
lished in said newspaper once a week for consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with
FEB. 24, 1972, and ending
with the issue of MARCH 2, 1972
James H. Simpson
Fees, \$.....

Subscribed and sworn to before me this 24
day of April, 1974

John O. Lloyd
Notary Public, Residing at Weiser, Idaho.

My Commission Expires 4-1-, 1975

RECEIVED

APR 29-1974

Department of Water Administration

PUBLIC NOTICES

No. 613

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that
Jerry C. Jaeger, Cambridge,
Idaho, has received an approved
Permit No. 33438/67-2375
issued by the Idaho Department
of Water Administration auth-
orizing the diversion of 3.32
cubic feet per second of water
from the Little Weiser River,
tributary to the Weiser River.
The priority to be established
under this permit is January
27, 1967, and the permit was
approved February 1, 1967.

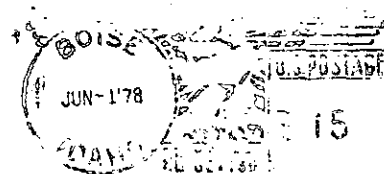
Water is to be diverted by
diversion dam and ditches from
a point within the NE1/4SE1/4,
Sec. 13, Twp. 14 N, Rge. 3 W,
B.M., Washington County, to be
used for irrigation purposes
in the E1/2NW1/4, N1/2SE1/4,
Sec. 13, Twp. 14 N, Rge. 3 W,
B.M.

Proof of the application of
the water to beneficial use was
submitted to the Department on
February 4, 1972. Any protest
against the issuance of the
license for the above referenced
permit should be filed with the
Idaho Dept. of Water Admini-
stration, Statehouse, Boise,
Idaho, 83707, within ten (10)
days of the last date of publica-
tion of this notice.

R. KEITH HIGGINSON
Director

Published in the Weiser
Signal, Weiser, Idaho, on Feb.
24 and March 2, 1972. 98-25

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

Lawrence J. Higgins
DONART & HIGGINS
P. O. Box 191
Weiser, ID 83672

NOT FOR
BOX 191

MICROFILMED

Kay



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

C. STEPHEN ALLRED

Director

June 1, 1978

Re: License No. 67-2375

Jerry Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

Enclosed is a copy of your Water Right License No. 67-2375 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person that does not agree with the decision of the Director, may request a re-hearing before the Director within 20 days or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

cc: Lary C. Walker, Attorney
Lawrence J. Higgins, Attorney
P. A. & Nellie Legg
John & Anna Higgins
Alvin & Kay Legg
Encl: copy of Memorandum Decision and Order

MICROFILMED

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

IN THE MATTER OF PERMIT NO. 67-2375

IN THE NAME OF JERRY C. JAEGER

MEMORANDUM DECISION
AND ORDER

On January 24, 1967, Jerry C. Jaeger applied to the Department of Water Resources for a permit to appropriate 3.32 cubic feet per second of water from the Little Weiser River, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 14N, Rge. 3EW, B.M., Washington County, to be used for the irrigation of 260 acres of land in Sec. 13, Twp. 14N, Rge. 3W, B.M.

On February 1, 1967, the permit was issued. The permit lapsed on February 1, 1972, but was reinstated on February 15, 1972, since proof of beneficial use of water was submitted on February 4, 1972.

Notice of the submittal of proof of beneficial use was advertised in the Weiser Signal, Weiser, Idaho, on February 24 and March 2, 1972. A protest against the issuance of a license was received by the Department on March 10, 1972, from Lawrence J. Higgins on behalf of John and Anna Higgins, P.A. and Nellie Legg and Alvin and Kay Legg.

On June 28, 1976, a Department representative conducted a field examination to determine the extent of application of water to beneficial use and advised the application and protestants of his findings.

On December 15, 1977, a conference was held in Weiser, Idaho. The permit holder was present and represented himself and the protestants and/or their successors in interest were present and represented by Larry C. Walker. The arguments of all parties were heard and it was agreed that the Department should reach a decision in the matter.

Based on the information presented at the conference, the stipulation of facts by the parties involved and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The permit holder's diversion is upstream from the protestants' points of diversion.
2. Numerous diversion dams are constructed each spring entirely across the channel of the Little Weiser River upstream from the permit holder's and protestants' points of diversion when the high spring flows in the river begin to diminish.

RECEIVED

3. Water is not usually available after June 15 to fill the protestants' rights.

4. The permit holder was diverting 5.00 cubic feet per second of water and irrigating 71 acres of land as follows: 13 acres within the $S\frac{1}{2}NE\frac{1}{4}$, and 58 acres within the $N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 14N, Rge. 3W.

5. This 71 acres of land is also irrigated with water under decreed right no. 67-0495 which is for the diversion of 1.88 cfs for the irrigation of the $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 14N, Rge. 3W, encompassing 200 acres of land.

6. The maximum rate of diversion allowed by the court in the case of John T. Muir and Wm. H. Muir v.s. William Allison, et. al., was $\frac{5}{8}$ miner's inch or 0.0125 cfs per acre of land.

7. The rate of diversion for the 71 acres under decreed right no. 67-0495 is $\frac{1.88}{200} \times 71$ or 0.67 cfs.

8. The maximum rate of diversion allowed for 71 acres is 0.89 cfs.

9. During flood flows, water is not regulated by the watermaster.

CONCLUSIONS OF LAW

1. Water in excess of existing rights is available in most years until approximately the middle of June.

2. The permit holder is entitled to a license from the Department of Water Resources for the appropriation of water from the Little Weiser River,

3. The maximum rate of diversion allowable on the license is 0.89 cubic feet per second minus 0.67 cfs or 0.22 cfs.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and License No. 67-2375 will be issued subject to the following conditions and limitations:

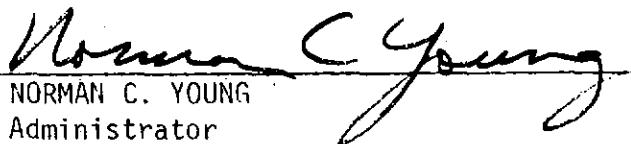
1. The license is subject to all prior water rights.

2. No water shall be diverted under the license after June 15 of each year unless the approval of the watermaster is obtained as set forth in the agreement of February 24, 1978.

3. The rate of diversion licensed shall not exceed $\frac{5}{8}$ miner's inch per acre for 71 acres when combined with other rights for this same land or 0.22 cfs.

4. The use of water under License No. 67-2375 is subject to the control of the watermaster of Water District No. 67A, Little Weiser River.

Dated this 16TH day of May, 1978.


NORMAN C. YOUNG
Administrator

June 1, 1978

Re: License No. 67-2375

Jerry Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

Enclosed is a copy of your Water Right License No. 67-2375 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person that does not agree with the decision of the Director, may request a re-hearing before the Director within 20 days or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

cc: Lary C. Walker, Attorney
Lawrence J. Higgins, Attorney
P. A. & Nellie Legg
John & Anna Higgins
Alvin & Kay Legg
Encl: copy of Memorandum Decision and Order

Office Of The Little Weiser Irrigation District
April 1st. 1953

To all water users:

This general circular of information is for distribution to all owners of land having a vested right in the storage waters of the District's reservoir, commonly known as "The C. Ben Ross Reservoir".

These rights are distinct and separate from the decreed rights of the Little Weiser River.

STATISTICAL DATA

The water right of the District permits the appropriation and storage for beneficial use of 7800 acre feet of the waters of the Little Weiser River.

The priority date of the right is December 31, 1934.

The bonded debt of the District was originally \$60,000.00

Bonds retired to date, \$43,500.00

Bonds remaining to be paid \$16,500.00

Date when fully paid, July 1st. 1956.

Total acres irrigated within the district 6060 acres.

In the following tabulation the number of acres for which a right is recognized is shown by forties: EXCEPT in the case of smaller subdivisions, a County Tax Number is used. Each acre participates equally in any amount of water stored: EXCEPT in the case of small tracts (2 acres or less) and designated as "business or residential property" the allowance of water is four times that allotted to farm land and the assessment for bond retirement, operation and maintenance is likewise 400 per cent.

PLEASE NOTE that all references are to acres of land and ACRE FEET of water. Continuous flow of miners inches is not recognized. The application of water to any land other than as listed herein is an unauthorized use and cannot constitute any rights.

SECTION ONE — LANDS IN ADAMS COUNTY

OWNER Anderson, Fred E. (Leo Tony) Township 14 N. R. 1 W. Section 15 NE$\frac{1}{4}$, NE$\frac{1}{4}$ - - - 12 Acres SE$\frac{1}{4}$, NE$\frac{1}{4}$ - - - 39 Acres N$\frac{1}{2}$, N$\frac{1}{2}$, NE$\frac{1}{4}$, SE$\frac{1}{4}$ - - - 9 Acres Total - - - 60 Acres	Byers, Clarence Township 15 N. R. 1 W. Section 32 SW$\frac{1}{4}$, SE$\frac{1}{4}$ - - - 18 Acres SE$\frac{1}{4}$, SE$\frac{1}{4}$ - - - 35 Acres Total - - - 53 Acres
Bailey, J. D. Township 14 N. R. 1 W. Section 4 SE$\frac{1}{4}$ SW$\frac{1}{4}$ - - - 16 Acres	Byers, Amos E. Township 15 N. R. 1 W. Section 32 NE$\frac{1}{4}$, SW$\frac{1}{4}$ - - - 30 Acres
Bailey, Grace Township 14 N. R. 1 W. Section 4 SW$\frac{1}{4}$, SE$\frac{1}{4}$ - - - 8 Acres	Cornett, R. M. Township 15 N. R. 1 W. Section 34 SW$\frac{1}{4}$, SE$\frac{1}{4}$ - - - 36 Acres
Bishop, Mabel Township 14 N. R. 1 W. Section 26 NW$\frac{1}{4}$, NE$\frac{1}{4}$ - - - 20 Acres NE$\frac{1}{4}$, NW$\frac{1}{4}$ - - - 7 Acres Total - - - 27 Acres	Cornett, Jacob Est. Township 15 N. R. 1 W. Section 34 NW$\frac{1}{4}$, SE$\frac{1}{4}$ - - - 7 Acres
Burger, George Township 14 N. R. 1 W. Section 36 SE$\frac{1}{4}$, NW$\frac{1}{4}$ - - - 21 Acres NE$\frac{1}{4}$, SW$\frac{1}{4}$ - - - 9 Acres Total - - - 30 Acres	Coriell, Harold (Don Coriell) Township 14 N. R. 1 W. Section 23 West $\frac{1}{2}$, SW$\frac{1}{4}$, NW$\frac{1}{4}$ - - - 13 Acres
Byers, O. L. Township 14 N. R. 1 W. Section 11 NE$\frac{1}{4}$, SW$\frac{1}{4}$ - - - 30 Acres	Carson, Anna (Leo Tony) Township 14 N. R. 1 W. Section 23 SW$\frac{1}{4}$, SW$\frac{1}{4}$ - - - 2 Acres Section 26 NW$\frac{1}{4}$, NW$\frac{1}{4}$ - - - 8 Acres Section 27 NE$\frac{1}{4}$, NE$\frac{1}{4}$ - - - 15 Acres NW$\frac{1}{4}$, NE$\frac{1}{4}$ - - - 5 Acres Total - - - 30 Acres

Carter, D. L.
Township 14 N. R. 1 W.
Section 2
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 16 Acres
Section 11
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 11 Acres
Total - - - 27 Acres

Caylor, Joe (Homer Bott)
Township 14 N. R. 1 W.
Section 2
Tax No. 410, SW $\frac{1}{4}$, SE $\frac{1}{4}$ 8 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 35 Acres
Total - - - 43 Acres

Frasier, Willette
Township 14 N. R. 1 W.
Section 34
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 15 Acres

Frasier, J. W.
Township 14 N. R. 1 W.
Section 9
E $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ - 12 Acres
Section 10
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 38 Acres
Section 35
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 27 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 17 Acres
Total - - - 94 Acres

Grossen, Adolph
Township 15 N. R. 1 W.
Section 32
SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 12 Acres
SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 20 Acres
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 3 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 35 Acres
Total - - - 70 Acres

Gilbert, R. L.
Township 14 N. R. 1 W.
Section 11
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 8 Acres
Section 14
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 7 Acres
Total - - - 15 Acres

Gray, Mattie E. (Geo. Hutchison)
Township 15 N. R. 1 W.
Section 32
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 20 Acres
Section 33
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 20 Acres
Total - - - 40 Acres

Hutchison, Thos.
Township 14 N. R. 1 W.
Section 14
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 7 Acres
Section 23
E $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 16 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 12 Acres
Section 26
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 12 Acres
Total - - - 47 Acres

Hutchison, Cora (George Moser)
Township 14 N. R. 1 W.
Section 14
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 36 Acres

Holland Land Co. (Tom Ogle)
Township 14 N. R. 1 W.
Section 9
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 9 Acres

Hutchison, Anna (G. Shaw)
Township 14 N. R. 1 W.
Section 23
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 12 Acres
W $\frac{1}{2}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ - 10 Acres
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 4 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 34 Acres
Total - - - 60 Acres

Hutchison, Andrew
Township 14 N. R. 1 W.
Section 4
N.E. $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 24 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 24 Acres
SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 38 Acres
NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 12 Acres
Total - - - 98 Acres

Hutchison, D. W. (R. L. George)
Township 14 N. R. 1 W.
Section 4
SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 15 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 12 Acres
Section 5
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 12 Acres
Total - - - 39 Acres

Ham, Ella (John Manning)
Township 14 N. R. 1 W.
Section 23
Tax No 402, SE $\frac{1}{4}$, NW $\frac{1}{4}$ 10 Acres

Imler, H. J.
Township 15 N. R. 1 W.
Section 33
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 5 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 8 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 7 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 10 Acres
Total - - - 30 Acres

Jackson, John E. (Bill Murphy)
Township 14 N. R. 1 W.
Section 3
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 8 Acres
Section 10
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 7 Acres
Total - - - 15 Acres

Johnson, Frank
Township 14 N. R. 1 W.
Section 2
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 32 Acres
Section 11
NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 34 Acres
N $\frac{1}{2}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 14 Acres
Total - - - 80 Acres

Johnson, Ben F.
Township 14 N. R. 1 W.
Section 11
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 8 Acres
S $\frac{1}{2}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 14 Acres
SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 38 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 20 Acres
Total - - - 80 Acres

Joslin, H. L. (Emmett Green)
Township 14 N. R. 1 W.
Section 10
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 27 Acres

Johnson, Edwin
Township 14 N. R. 1 W.
Section 14
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 6 Acres

Jackson, C. L. (H. C. Ludwig)
Township 14 N. R. 1 W.
Section 2
W $\frac{1}{2}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ - 18 Acres
E $\frac{1}{2}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ 10 Acres
E $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ - 19 Acres
E $\frac{1}{2}$, W $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ 10 Acres
E $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ - 19 Acres
W $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ - 17 Acres
Total - - - 93 Acres

Kennedy, Jane (Smith)
Township 15 N. R. 1 W.
Section 31
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 18 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 4 Acres
Total - - - 22 Acres

Koski, L. B.
Township 14 N. R. 1 W.
Section 3
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 12 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 3 Acres
Township 15 N. R. 1 W.
Section 34
NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 39 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 30 Acres
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 26 Acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 27 Acres
Total - - - 137 Acres

Little, W. C. (Harold Coriell)
Township 13 N. R. 1 W.
Section 1
NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 20 Acres
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 20 Acres
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 6 Acres
Total - - - 46 Acres

Lindsay, Lee (Don Coriell)
Township 14 N. R. 1 W.
Section 22
SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 28 Acres

Linder, J. I. (K. Petit)
Township 14 N. R. 1 W.
Section 23
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 24 Acres

Lindsay, D. R.
Township 14 N. R. 1 W.
Section 22
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 26 Acres
NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 26 Acres
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 11 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 15 Acres
SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 15 Acres
Total - - - 93 Acres

Linder, Jas. I. & Pertle
Township 14 N. R. 1 W.
Section 10
Tax No 165 NE $\frac{1}{4}$, SW $\frac{1}{4}$ 32 Acres
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 6 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 15 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 33 Acres
Tax No. 7, SE $\frac{1}{4}$, SE $\frac{1}{4}$ 20 Acres
Total - - - 106 Acres

Leichlitar, Elva (H. S. Munger)
Township 14 N. R. 1 W.
Section 10
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - - 20 Acres

Lewis, Orrell E.
Township 14 N. R. 1 W.
Section 3
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 13 Acres
Section 4
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 36 Acres
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 38 Acres
Total - - - 87 Acres

Lewis, J. C.
Township 14 N. R. 1 W.
Section 3
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 30 Acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 4 Acres
Section 4
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 34 Acres
Total - - - 68 Acres

Lindsay, D. K.
Township 14 N. R. 1 W.
Section 15
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 29 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 20 Acres
Total - - - 49 Acres

Ludwig, H. C.
Township 14 N. R. 1 W.
Section 2
W $\frac{1}{2}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ 9 Acres
SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - - 38 Acres
W $\frac{1}{2}$, W $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ 10 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 40 Acres
Total - - - 97 Acres

Lemon, J. A. (Leo Tony)
Township 14 N. R. 1 W.
Section 26
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 5 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - - 2 Acres
Section 27
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - - 3 Acres
Total - - - 10 Acres

Manning, Melissa Township 14 N. R. 1 W. Section 25 SW $\frac{1}{4}$, NW $\frac{1}{4}$, - - 4 Acres NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 17 Acres SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 4 Acres Section 26 SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 15 Acres Total - - 40 Acres	McDowell, Jesse Township 15 N. R. 1 W. Section 33 SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 10 Acres
Manning, Harmon Township 14 N. R. 1 W. Section 23 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 10 Acres NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 10 Acres Total - - 20 Acres	Manning, John Township 14 N. R. 1 W. Section 23 NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 38 Acres
Morris, Nate Township 14 N. R. 1 W. Section 15 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 15 Acres SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 12 Acres SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 30 Acres Total - - 57 Acres	Patton, Sarah (Ted Moritz) Township 14 N. R. 1 W. Section 10 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - 24 Acres SE $\frac{1}{4}$, NW $\frac{1}{4}$ - 36 Acres Total - - 60 Acres
Martin, E. G. Section 11 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - 30 Acres NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 8 Acres Total - - 38 Acres	Pfleger, John (Harmon Manning) Township 14 N. R. 1 W. Sec. 35 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - 12 Acres
Martin, Charity Township 14 N. R. 1 W. Section 10 SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 15 Acres	Roe, Mrs. Fred (Thomason) Township 14 N. R. 1 W. Section 6 NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 10 Acres Township 14 N. R. 2 W. Section 1 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 15 Acres SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 5 Acres Total - - 30 Acres
Martin, Anna (John Manning) Township 14 N. R. 1 W. Section 23 Tax No. 403 SW $\frac{1}{4}$, NW $\frac{1}{4}$ 2 Acres Tax No 404 SE $\frac{1}{4}$, NW $\frac{1}{4}$ 19 Acres Total - - 21 Acres	Steward, Clarence (Chas. Goff) Township 14 N. R. 1 W. Section 15 NW $\frac{1}{4}$, SE $\frac{1}{4}$ - 15 Acres
Murphy, Jas. E. Township 14 N. R. 1 W. Section 22 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 10 Acres SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 14 Acres Total - - 24 Acres	Steward, C. E. (Grace Steward) Township 14 N. R. 1 W. Section 10 SE $\frac{1}{4}$, SW $\frac{1}{4}$ - 32 Acres Section 15 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 10 Acres NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 36 Acres SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 35 Acres NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 22 Acres NW $\frac{1}{4}$, NW $\frac{1}{4}$ - 10 Acres Total - - 145 Acres
Martin, Mabel (Mabel Hoover) Township 14 N. R. 1 W. Section 2 E $\frac{1}{2}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ - 17 Acres SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 30 Acres E $\frac{1}{2}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ - 18 Acres NE $\frac{1}{4}$, SE $\frac{1}{4}$ - 30 Acres Total - - 95 Acres	Snow, E. B. Township 14 N. R. 1 W. Section 9 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 20 Acres SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 16 Acres Section 10 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 38 Acres SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 35 Acres Tax No. 164 NE $\frac{1}{4}$, SW $\frac{1}{4}$ 1 Acre Total - - 110 Acres
McDowell, Nettie (Chas. Sales) Township 14 N. R. 1 W. Section 4 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 20 Acres SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 40 Acres SW $\frac{1}{4}$, NE $\frac{1}{4}$ - 40 Acres SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 30 Acres Total - - 90 Acres	Surber, B. W. (Ervie Shaw) Township 14 N. R. 1 W. Section 3 NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 38 Acres SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 27 Acres Township 15 N. R. 1 W. Section 34 SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 7 Acres Total - - 72 Acres

Surber, W. H. (Eugene Shaw)
 Township 14 N. R. 1 W.
 Section 3
 Township 14 N. R. 1 W.
 Section 3
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - 30 Acres
 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - 12 Acres
 Total - 42 Acres

Scherer, Peter (Walt Grossen)
 Township 15 N. R. 1 W.
 Section 31
 SW $\frac{1}{4}$, SE $\frac{1}{4}$ - 3 Acres

Westfall, George
 Township 15 N. R. 1 W.
 Section 22
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 5 Acres

York, B. H.
 Township 14 N. R. 2 W.
 Section 1
 SE $\frac{1}{4}$, NW $\frac{1}{4}$ - 10 Acres

Wilkerson, Robt. S. (A. B. Bair)
 Township 15 N. R. 1 W.
 Section 32
 Tax No. 394 SW $\frac{1}{4}$, NE $\frac{1}{4}$ 2 Acres

INDIAN VALLEY VILLAGE

Byers, Nancy M.
 Tax No. 2 - 2 Acres

Anderson, W. J.
 Tax No. 321 - $\frac{1}{2}$ Acre

Ware, P. H.
 Tax No. 223 - 1 Acre

Todd, M. A.
 Tax No. 11 - $\frac{1}{2}$ Acre

Gray, R. E.
 Tax No. 10 - $\frac{1}{2}$ Acre

Ware, Myrtle
 Tax No. 9 - $\frac{1}{2}$ Acre

Riggin, Robt.
 Tax No. 8 - 2 Acres

Bailey, Caroline
 Tax No. 327 - $\frac{1}{4}$ Acre

Linder, Bertie F.
 Tax No. 4 - $\frac{1}{4}$ Acre

SECTION TWO

LAND IN WASHINGTON COUNTY

Allen L. T. (August Jaeger)
 Township 14 N. R. 3 W.

Section 13
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - 39 Acres
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - 40 Acres
 SE $\frac{1}{4}$, SE $\frac{1}{4}$ - 40 Acres
 Total - 119 Acres

Beigh, Stella
 Township 14 N. R. 2 W.
 Section 9
 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - 39 Acres
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 34 Acres
 Tax No. 1 SW $\frac{1}{4}$, SW $\frac{1}{4}$ 16 Acres
 SE $\frac{1}{4}$, SW $\frac{1}{4}$ - 16 Acres
 Total - 105 Acres

Beigh, Millard
 Township 14 N. R. 2 W.
 Section 9
 Tax No. 2 SW $\frac{1}{4}$, SW $\frac{1}{4}$ 17 Acres

Donart, George
 Township 14 N. R. 2 W.
 Section 17
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 25 Acres
 Section 18
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - 30 Acres
 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - 20 Acres
 NW $\frac{1}{4}$, NW $\frac{1}{4}$ - 39 Acres
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - 39 Acres
 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - 6 Acres
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 5 Acres
 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - 15 Acres
 NW $\frac{1}{4}$, SE $\frac{1}{4}$ - 15 Acres

Township 14 N. R. 3 W.
 Section 13
 NE $\frac{1}{4}$, NE $\frac{1}{4}$ - 39 Acres
 Total - 233 Acres

Hatley, W. W.
 Township 14 N. R. 2 W.
 Section 16
 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - 30 Acres

Hutchison, Arthur
 Township 14 N. R. 2 W.
 Section 10
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - 5 Acres
 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - 16 Acres
 NW $\frac{1}{4}$, SE $\frac{1}{4}$ - 35 Acres
 Total - 56 Acres

Joslin, Wm. (Van Order)
 Township 14 N. R. 2 W.
 Section 1
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - 8 Acres
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - 16 Acres
 Section 2
 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - 12 Acres
 SE $\frac{1}{4}$, SE $\frac{1}{4}$ - 20 Acres
 Total - 56 Acres

Johnson, Leslie
Township 14 N. R. 2 W.
Section 10
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 38 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 39 Acres
Section 11
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 12 Acres
Section 15
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 36 Acres
NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 39 Acres
Total - - 164 Acres

Martin, Mrs. R. H.
Township 14 N. R. 3 W.
Section 12
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 30 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 39 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 39 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 38 Acres
Total - - 146 Acres

Moritz, Mary
Township 14 N. R. 2 W.
Section 15
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 29 Acres
SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 13 Acres
Total - - 42 Acres

Moorey, W. D. (Chas. Wood)
Township 14 N. R. 2 W.
Section 7
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 30 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 25 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 35 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 35 Acres
Section 8
NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 25 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 30 Acres
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 35 Acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 35 Acres
Total - - 250 Acres

Moritz, Albert
Township 14 N. R. 2 W.
Section 16
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 37 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 34 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 18 Acres
Section 21
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 2 Acres
Total - - 95 Acres

Moritz, Tony
Township 14 N. R. 2 W.
Section 16
SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 40 Acres

Organ, Pheleta
Township 14 N. R. 3 W.
Section 12
NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 36 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 36 Acres
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 19 Acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 39 Acres
Total - - 130 Acres

Roberts, Lee
Township 14 N. R. 2 W.
Section 18
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 32 Acres
SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 27 Acres
Total - - 59 Acres

Shroyer, Emma
Township 14 N. R. 2 W.
Section 10
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 15 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 30 Acres
Total - - 45 Acres

Smith, Harry (Chas. Donart)
Township 14 N. R. 2 W.
Section 7
NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 30 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 30 Acres
SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 38 Acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 38 Acres
Total - - 136 Acres

Strain, C. P. (T. C. Mink)
Township 14 N. R. 2 W.
Section 8
NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 32 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 30 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 37 Acres
SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 37 Acres
Total - - 136 Acres

Schwenkfelder, Anna
Township 14 N. R. 2 W.
Section 15
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 40 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 40 Acres
SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 34 Acres
SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 37 Acres
Section 16
NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 39 Acres
SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 39 Acres
Total - - 229 Acres

Thomason, Tony
Township 14 N. R. 2 W.
Section 2
SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 5 Acres
Section 11
NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 40 Acres
NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 30 Acres
Tax No. 1 S $\frac{1}{2}$, NW $\frac{1}{4}$ - - 8 Acres
Total - - 83 Acres

Thomason, L. J.
Township 14 N. R. 2 W.
Section 10
Tax No. 2 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 2 Acres
Section 11
Tax No. 2 S $\frac{1}{2}$, NW $\frac{1}{4}$ - - 36 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 8 Acres
Total - - 46 Acres

Thomason, Hattie
Township 14 N. R. 2 W.
Section 10
SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 13 Acres
Tax No. 1 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 34 Acres
Total - - 47 Acres

Wilkerson, Kenneth
 Township 14 N. R. 2 W.
 Section 9
 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 20 Acres
 SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 35 Acres
 Section 10
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 32 Acres
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 30 Acres
 SW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 28 Acres
 Total - - 145 Acres

Wilkerson, M. C.
 Township 14 N. R. 2 W.
 Section 9
 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 39 Acres
 NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 35 Acres
 SE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 16 Acres
 Section 16
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 40 Acres
 Total - - 130 Acres

Wilkerson, M. C. & Blanche
 Township 14 N. R. 2 W.
 Section 10
 SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 35 Acres
 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 20 Acres
 SE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 10 Acres
 Total - - 65 Acres

Wilkerson, Bernice
 Township 14 N. R. 2 W.
 Section 16
 NE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 40 Acres
 NW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 33 Acres
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 39 Acres
 SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 40 Acres
 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 21 Acres
 NW $\frac{1}{4}$, SW $\frac{1}{4}$ - - 20 Acres
 Total - - 193 Acres

Wilkerson, Milo
 Township 14 N. R. 2 W.
 Section 17
 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 30 Acres
 SE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 40 Acres
 NE $\frac{1}{4}$, SE $\frac{1}{4}$ - - 20 Acres
 NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 10 Acres
 Total - - 100 Acres

Wilkerson, Gene
 Township 14 N. R. 2 W.
 Section 17
 SW $\frac{1}{4}$, NW $\frac{1}{4}$ - - 30 Acres
 SE $\frac{1}{4}$, NW $\frac{1}{4}$ - - 40 Acres
 NE $\frac{1}{4}$, SW $\frac{1}{4}$ - - 10 Acres
 Total - - 80 Acres

York, S. N.
 Township 14 N. R. 2 W.
 Section 2
 SW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 21 Acres
 Section 11
 NE $\frac{1}{4}$, NE $\frac{1}{4}$ - - 5 Acres
 NW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 15 Acres
 SW $\frac{1}{4}$, NE $\frac{1}{4}$ - - 10 Acres
 NW $\frac{1}{4}$, SE $\frac{1}{4}$ - - 10 Acres
 Total - - 61 Acres

Irrigated Land in
 Adams County -- 3022.50 Acres
 Irrigated Land in
 Washington County 3038.00 Acres
 Total Irrig. Land 6060.50 Acres

By order of the
 BOARD OF DIRECTORS
 E. B. Snow, Secretary
 April 1, 1953.

DATE 5-16-78

FROM

Glen Saxton

TO

File 67-2375

~~subject~~ I called Jerry Jaeger today and advised him that the license would be issued for 0.22 cfs. He said to go ahead and issue the lic for whatever amount we could and that he would not object to or appeal the Dept's action.

HLS

SIGNATURE

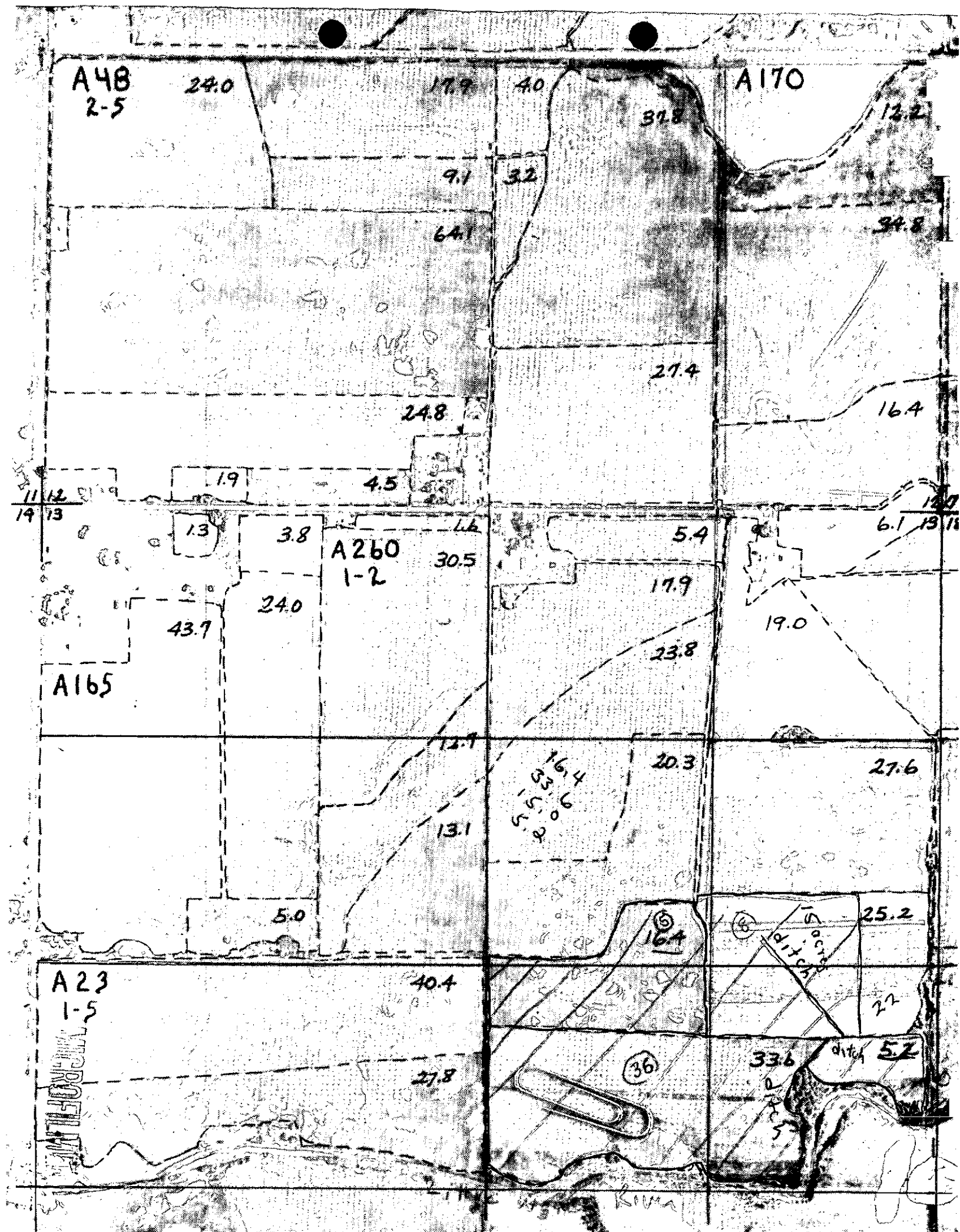
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 6-25, 1976 **DISCHARGE MEASUREMENT NOTES**

Little Wisconsin River at SE $1/4$ SE $1/4$, Sec 13, T14N, R3W

[illegible]

a. 1 of 1 Sheets. Comp. by PJC Chk. by _____



OUR SOIL - OUR STRENGTH



SOIL and CAPABILITY MAP
Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
cooperating with

Weiser River S.C.D.

S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER *Jerry Teager*

FARM NO. *796* DATE

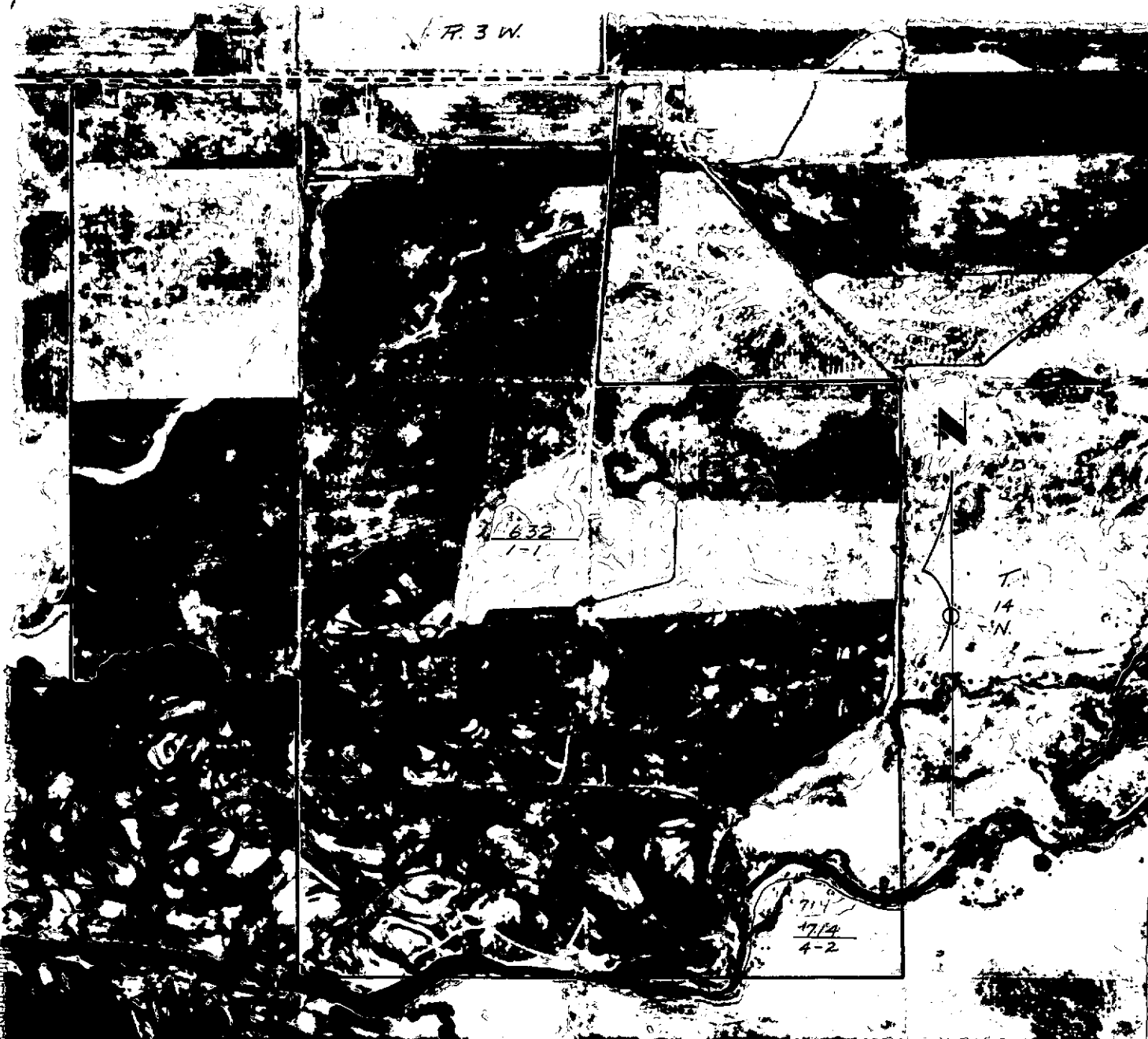
OPERATOR

SCALE *8" = 1 Mi.* ACRES

Washington

Idaho

PHOTO NO. *138-1A1 & Wei 4-104*



• • 25545-796

left post card for
exam in 1976

left post card for
exam in 1976

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

Measuring device required: yes ☐ no ☒

- [illegible]

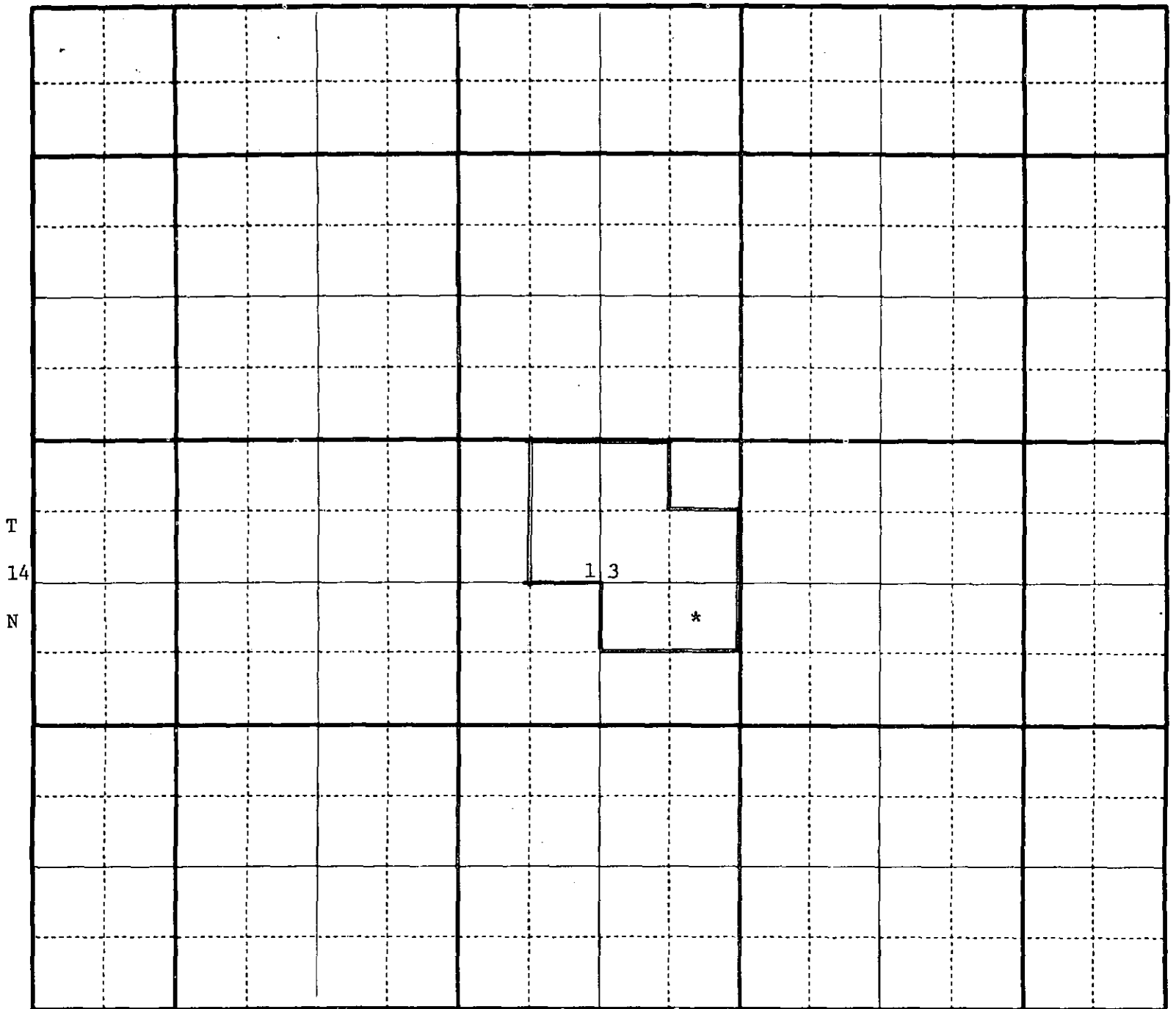


Diagram of System

DATE OF EXAM 6-25-76

ACREAGE
Found 70
Recommended 70

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q = 1.42 c.f.s. V = 284.0 AF/Ann. from Mon 15 to Nov 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 4.99 cfs Method of measurement AA Current Meter

Total Q recommended 1.42 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 284.0

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

Total Q = 70.2 acres x 0.02 cfs = 1.404 cfs
Total V = 70.0 acres x 4.0 acres = 284.0

SYSTEM DESCRIPTION:

diverting from Little Weiser River with PTO from tractor
and 8" intake in the river - flood irrigates in open ditches

REMARKS:

Examiner's Signature Peter J. Chandler Date 6-28-76

Checked by JJS Date 6-28-76

Approved by _____ Date _____

67-2375 - Jerry C. Jaeger

Washington County Courthouse, Weiser, Idaho

Thursday, December 15, 1977 - 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Lary C. Walker	232 E Main Weiser	Protestant
RICHARD HIGGINS	CAMBRIDGE	"
ALVIN Y. Hegg	"	"
William Anark	"	"
John Halmes	Indian Valley -	Observer
Jerry Jaeger	Cambridge -	Applicant

RECEIVED

February 10, 1978

Re: Permit No. 67-2375
Jerry C. Jaeger

Mr. Lary Walker
WALKER & SANDERS
232 E. Main
Weiser, ID 83672

Dear Lary:

Enclosed is a draft copy of my proposed memorandum decision and order in the above referenced matter. The final draft may be slightly different after being reviewed in our state office.

Before the memorandum decision and order can be issued, however, this office will require a signed copy of the stipulation for settlement for our records.

Thank you for your assistance in this matter.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

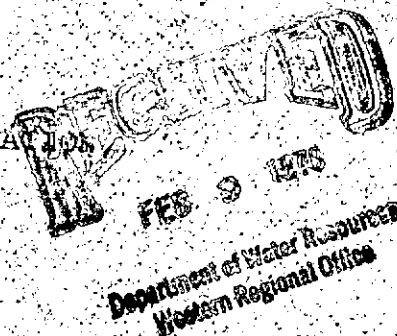
LGS:rf

Enc.

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BEFORE THE DIRECTOR,
DEPARTMENT OF WATER ADMINISTRATION
STATE OF IDAHO



In the matter of
PERMIT NO. 33438/67-2375
In the name of JERRY C.
JAEGER,

STIPULATION FOR SETTLEMENT

COMES NOW, Jerry C. Jaeger, applicant and Richard R. Higgins,
and Lucile M. Higgins, husband and wife, in their own behalf and
on behalf of John E. Higgins and Anna N. Higgins, deceased, Alvin
Y. Legg and Kathleen L. Legg, husband and wife, in their own behalf
and on behalf of P. A. Legg and Nellie Legg, and William R. Panak
and JoAnn Panak, husband and wife, all being protestants, agree
and stipulate as follows:

WHEREAS, the parties hereto have sat in hearing before the
Department on the 15 day of December, 1977, for purposes of
determining the water rights applicable to each of the parties
hereto on the Little Weiser River in the Cambridge-Indian Valley
area.

That the parties hereto further desire to stipulate as to
the claim by Jaegers as follows:

That Jaegers be allowed to pump water from the Little Weiser
River in such amounts as is reasonably necessary under the duty
of water set cut by the State, for purposes of irrigating seventy-
one (71) acres of his land. Said use shall be in the Spring of
each year beginning with the earliest part of the irrigating
season and to continue until such time as the Little Weiser
Irrigation District places a dam in the river for purposes of

1-tib STIPULATION FOR SETTLEMENT

1 diverting water into their Donart, Martin, and Cox ditch to be used
2 by water users on said ditch.

3 The parties hereto agree that the date when this dam is gen-
4 erally placed on the river is approximately the 15th day of June
5 of each year as the river flow has decreased to such a point as
6 their is inadequate water to supply all prior users by the 15th of
7 June of each year.

8 The parties further agree that Jaegers shall be allowed to
9 pump water after the installation of the dam above referenced on
10 the 15th day of June, only upon first obtaining written permission
11 from the Water Master who shall first obtain consent from Mr.
12 Richard Higgins, Mr. Alvin Legg, and Mr. William Panak as the
13 parties hereto agree that Higgins, Legg, and Panak hold prior
14 licenses for diversion and appropriation of water out of Little
15 Weiser River, said licenses and appurtenant land being as follows:
16 Legg, License # 23934 for 70" -

17 Township 14 N, Range 3 West, Section 13
18 SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$

19 For a total number of 70 irrigated acres.

20 Higgins, License # 30324 for 50" -

21 Township 14 N, Range 3 West, Section 14
22 NE $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

23 and

24 Township 14 N, Range 3 West, Section 23
25 NE $\frac{1}{4}$ NE $\frac{1}{4}$

26 For a total number of 100 irrigated acres.

27 Panak, License # 25937 for 30"

28 Township 14 N, Range 3 West, Section 15
29 NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

30 For a total number of 30 irrigated acres.

31 The protestants herein, agree that they shall not unreasonably
32 withhold their consent from the Water Master but shall only with-
hold their consent when there is not sufficient water in the river
to reasonably supply all water rights.

2-tib STIPULATION FOR SETTLEMENT

1 The parties hereto agree that based upon the stipulation of
2 these facts, this document shall be submitted to the Department
3 of Water which shall use the same and other evidence at the hear-
4 ing, in issuing their ruling on the determination of this claim
5 filed by Jerry C. Jaeger.

6
7 DATED this _____ day of February, 1978.
8

9
10 Jerry C. Jaeger

Alvin Legg

11
12 Richard Higgins

Kathleen Legg

13
14 Lucile M. Higgins

William R. Panak

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17 JoAnn Panak
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February 3, 1978

Re: Permit No. 67-2375
Jerry Jaeger

Lary Walker
WALKER & SANDERS
232 E. Main
Weiser, ID 38672

Dear Mr. Walker:

On December 15, 1977, the Department held a conference in Weiser with regard to the above referenced protested permit.

The parties agreed that the Department should reach a decision in the matter based upon the information presented at the conference and upon the information in a stipulation of facts by the parties involved in the matter.

To date, this office has not received that stipulation of facts from you. Please forward the stipulation at your earliest convenience in order that this matter may be resolved.

If this office may be of any assistance, please contact us.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

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RECEIVED

NOV 20 1972

Department of Water Administration

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

JOHN HIGGINS and ANNA HIGGINS,)
husband and wife; P. A. LEGG and)
NELLIE LEGG, husband and wife; and)
ALVIN LEGG and KAY LEGG, husband)
and wife,)

Plaintiffs,)

-vs-

JERRY JAEGER,)

Defendant.)

Civil No.

COMPLAINT

Plaintiffs complain of the defendant and for a cause of action against him allege:

I.

That the plaintiffs John Higgins and Anna Higgins are and at all times herein-
after mentioned have been husband and wife;

II.

That the plaintiffs P. A. Legg and Nellie Legg are and at all times hereinafter
mentioned have been husband and wife;

III.

That the plaintiffs Alvin Legg and Kay Legg are and at all times hereinafter
mentioned have been husband and wife;

IV.

That the plaintiffs John Higgins and Anna Higgins, husband and wife, are now

LAW OFFICES
DONART & DONART
WEISER, IDAHO

EXHIBIT "D" 10-1-72

MICROFILMED

and at all times hereinafter mentioned have been the owners of the following described lands and premises situate in the County of Washington, State of Idaho, more particularly described as follows:

The South Half of the Southeast Quarter ($S\frac{1}{2}SE\frac{1}{4}$) of Section Fourteen (14), the North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$) of Section Twenty-Three (23), Township Fourteen (14) North, Range Three (3) West of the Boise Meridian.

Which said lands are naturally arid in character but which are capable of producing abundant crops when water is artificially and beneficially applied thereto in the form of irrigation;

V.

That the plaintiffs P. A. Legg and Nellie Legg, husband and wife, are tenants in common with the plaintiffs Alvin Legg and Kay Legg, husband and wife, and as such tenants in common are owners of and entitled to the possession of the following described lands and premises situate in the County of Washington, State of Idaho, more particularly described as follows, to-wit:

The Southwest Quarter of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian.

Which said lands are naturally arid in character but which are capable of producing abundant crops when water is artificially and beneficially applied thereto in the form of irrigation;

VI.

That the defendant is the owner and entitled to the possession of the following described lands and premises situate in the County of Washington, State of

Idaho, more particularly described as follows, to-wit:

The Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$),
the South Half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$) and the North
Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) of Section Thirteen (13),
Township Fourteen (14) North of Range Three (3) West of the
Boise Meridian.

Which said lands are naturally arid in character but which are capable of producing abundant crops when water is artificially and beneficially applied thereto in the form of irrigation;

VII.

That all of the lands of all of the plaintiffs and of the defendant are riparian to the Little Weiser River;

VIII.

That on or about the 4th day of June, 1915, an action was commenced in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, wherein John T. Muir and William H. Muir, Partners doing business under the firm name and style of Muir Brothers were plaintiffs and William Allison and others were defendants, the object and purpose of which said action was to determine the rights, priorities, quantities, points of diversion and lands to which the waters of the Weiser River and Little Weiser River had been beneficially applied;

IX.

That thereafter and on or about the 20th day of June, 1921, a Decree was entered in said action of Muir Brothers, plaintiffs, vs. William Allison and others, defendants, fixing and determining the amounts and dates of priority of

the stream flow of the Weiser River and Little Weiser River and fixing and determining the place of diversion and the lands to which the same were to be applied; that said Decree provided, among other things, for the adjudication of ninety-four (94) miners inches of water with a priority date of May 1st, 1887, for use upon all of the aforesaid lands of the defendant with a point of diversion on the Little Weiser River into what is known as the Donart-Martin-Cox Ditch, which said point of diversion is approximately five (5) miles Easterly and upstream in the Little Weiser River from the lands of the defendant and which said point of diversion and headgate of the said Donart-Martin-Cox Ditch is more particularly described as follows:

In the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section Seventeen (17), Township Fourteen (14) North of Range Two (2) West and runs in a general Westerly direction to a point in the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section Eight (8), Township Fourteen (14) North, Range Two (2) West at said point dividing; the Northernmost division running in a Westerly direction through Section Seven (7), Township Fourteen (14) North Range Two (2) West and ending at a point in the Southeast Quarter ($SE\frac{1}{4}$) of Section Twelve (12), Township Fourteen (14) North, Range Three West; said Southerly division running in a general Southwest direction to a point in the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section Seven (7), Township Fourteen (14) North, Range Two (2) West, there dividing; the Northernmost portion running in a general Westerly direction ending at a point in the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North, Range Three (3) West, the Southern branch running in a general Southwesterly direction ending at a point in the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North Range Three (3) West; total length of said Ditch including various divisions is approximately five and one-half ($5\frac{1}{2}$) miles.

X.

That thereafter on or about the 7th day of July, 1936, a certain Decree of Confirmation of proceedings in the matter of the organization of the Little Weiser Irrigation District was made and entered in the District Court of the

Seventh Judicial District of the State of Idaho, in and for the County of Adams confirming all proceedings had in the formation of the Little Weiser Irrigation District entailing, among other things, construction of C. Ben Ross Reservoir in Adams County, Idaho, at a point immediately below the point where the head waters of the Little Weiser River discharge from West Mountain, which said C. Ben Ross Reservoir was constructed in conjunction with the formation of the said Little Weiser Irrigation District to supplement with storage water for lands to which waters of the Little Weiser River had been adjudicated on that portion designated as benefited lands in said proceeding to the extent of 1.3 acre feet per acre of benefited lands;

XI.

That the said Little Weiser Irrigation District was so organized in structure so that existing ditches and points of diversion were employed for the purpose of conveying said supplemental storage water to benefited acres therein and said fact was so recited in said Decree of Confirmation;

XII.

That by the terms and provisions of said Decree of Confirmation in the Matter of the Organization of the Little Weiser Irrigation District, the defendant was determined to have seventy-nine (79) benefited acres which are more particularly described as follows, to-wit:

The West Half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian.

That by reason thereof defendant is entitled to have delivered to him 1.3 acre feet of supplemental storage water for use upon each of the aforesaid benefited

acres at the headgate of the said Donart-Martin-Cox Ditch at the aforesaid point of diversion;

XIII.

That the said headgate at the aforesaid point of the said Donart-Martin-Cox Ditch is the headgate and is the ditch that has as it's point of diversion the furthest point downstream on the Little Weiser River and that the said Donart-Martin-Cox Ditch is likewise the furthest point downstream at which waters of the C. Ben Ross Reservoir are diverted to benefited lands within the Little Weiser Irrigation District; that for said reason it is the custom and has been for many years last past that when the said Little Weiser River has receded below flood stage that a dam is placed across the Little Weiser River and it's entire flow is diverted into the said Donart-Martin-Cox Ditch;

XIV.

That the adjudicated and decreed water of the defendant for defendant's land is of sufficiently low priority that the same cannot be satisfied after the Little Weiser River has receded to the point where Spring flood water is no longer flowing therein; that even when said River is at flood stage or sufficiently high so that the same although not flooding is, nevertheless, carrying what is generally termed as flood water, to-wit, more than the normal stream flow; that said water is, nevertheless, diverted for the defendant's lands at the point of diversion of the said Donart-Martin-Cox Ditch; that the defendant has not effected any change in point of diversion as provided by the Statutes of the State of Idaho and cannot effect any change of point of diversion or transfer of place of use of the same without doing injury to the water rights of others;

XV.

That during the months of May and June there is normally a flow in the water in the Little Weiser River in excess of it's normal flow to the extent that there is more than sufficient water to satisfy all decreed rights on the Little Weiser River and that after said flow has subsided to the point where there is not sufficient water to satisfy all adjudicated rights in the Little Weiser River so that all adjudicated water cannot be diverted at it's points of diversion and notwithstanding the fact that a dike or dam is placed in the Little Weiser River at the point of diversion of the Donart-Martin-Cox Ditch hereinbefore referred to that there is, nevertheless, a flow of water that is developed by springs percolation, and from sources unknown and not susceptible of identification, a sufficient flow so that there is available for irrigation of a portion of the lands owned by the plaintiffs Legg at a point where the Little Weiser River passes through the Southeast Quarter of the Southwest Quarter of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian, a quantity of water sufficient to provide seventy (70) miners inches or 1.4 cubic feet per second of water for appropriation and beneficial use upon the following described lands of the plaintiffs Legg, to-wit:

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian.

XVI.

That by reason of the existence of said source of water flowing in the Little Weiser River as the same traversed the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian, plaintiff P.A. Legg who was then

sole owner of said lands did make application for permit to appropriate the public waters of the State of Idaho and did cause the same to be filed with the State Reclamation Engineer on the 24th day of March, 1953, for the purpose of applying 3.2 cubic feet per second of the waters of the Little Weiser River to the Southwest Quarter of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise meridian, which said application was approved by the State Reclamation Engineer on April 2nd, 1963; that said application sought the appropriation of said quantity of water by means of a pump and pipe extended into the Weiser River to pump said water therefrom;

XVII.

That thereafter on the 22nd day of January, 1959, after making proof in the manner provided by law that water had in fact been appropriated from the said Little Weiser River at said point, the State Reclamation Engineer did issue his license and Certificate of Water Right to the said P. A. Legg by the terms and provisions of which the said P. A. Legg was entitled to appropriate from the said Little Weiser River 1.4 cubic feet per second or seventy (70) miners inches of said waters for use upon the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian for the purpose of irrigating seventy (70) acres thereof; that a true copy of said License and Certificate of Water Right is attached hereto marked Exhibit "A" and by reference incorporated herein as though fully set forth in words and figures and made a part hereof; that the priority thus established was March 24th, 1953, and since said time during the irrigation season of each and every year, the plaintiff P.A. Legg and thereafter the plaintiffs P. A. Legg and Alvin Legg have used and continue to use said seventy (70) miners inches on the lands aforesaid and have applied the same to beneficial use by appropriation and

irrigation;

XVIII.

That during the months of May and June there is normally a flow in the water in the Little Weiser River in excess of it's normal flow to the extent that there is more than sufficient water to satisfy all decreed rights on the Little Weiser River and that after said flow has subsided to the point where there is not sufficient water to satisfy all adjudicated rights in the Little Weiser River so that all adjudicated water cannot be diverted at it's points of diversion and notwithstanding the fact that a dike or dam is placed in the Little Weiser River at the point of diversion of the Donart-Martin-Cox Ditch hereinbefore referred to that there is, nevertheless, a flow of water that is developed by springs, percolation, and from sources unknown and not susceptible of identification, a sufficient flow so that there is available for irrigation of a portion of the lands owned by the plaintiff John Higgins at a point where the Little Weiser River passes through the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Fourteen (14), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian, a quantity of water sufficient to provide fifty-five and five tenths (55.5) miners inches or 1.11 cubic feet per second of water for appropriation and beneficial use upon the following described lands of the plaintiff Higgins, to-wit:

The Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$);
the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$);
the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$);
the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of
Section Fourteen (14); the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section Twenty-Three (23), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian

XIX.

That by reason of the existence of said source of water flowing in the Little Weiser River as the same traversed the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Fourteen (14), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian, plaintiff John Higgins did make application for permit to appropriate the public waters of the State of Idaho and did cause the same to be filed with the State Reclamation Engineer on the 7th day of December, 1961, for the purpose of applying 1.11 cubic feet per second of the waters of the Little Weiser River to the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Fourteen (14), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian, which said application was approved by the State Reclamation Engineer on December 11th, 1961, that said application sought the appropriation of said quantity of water by means of a pump and pipe extended into the Weiser River to pump said water therefrom;

XX.

That thereafter on the 1st day of October, 1963, after making proof in the manner provided by law that water had in fact been appropriated from the said Little Weiser River at said point, the State Reclamation Engineer did issue his license and Certificate of Water Right to the said John Higgins by the terms and provisions of which the said John Higgins was entitled to appropriate from the said Little Weiser River 1.11 cubic feet per second or fifty-five and five tenths (55.5) miners inches of said waters for use upon the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}SE\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$); the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$); the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section Fourteen (14); and the Northeast

Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section Twenty-Three (23), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian for the purpose of irrigating one hundred (100) acres thereof; that a true copy of said License and Certificate of Water Right is attached hereto marked Exhibit "B" and by reference incorporated herein as though fully set forth in words and figures and made a part hereof; that the priority thus established was December 7th, 1961, and since said time during the irrigation season of each and every year the plaintiff John Higgins has used and continues to use said fifty-five and five tenths (55.5) miners inches on the lands aforesaid and has applied the same to beneficial use by appropriation and irrigation;

XXI.

That in the late Fall of the year 1967 as the irrigation season was nearing a close, the defendant wrongfully, unlawfully and without any right caused to be constructed approximately two hundred feet (200') West or downstream from the East boundary of Section Thirteen (13) where the said Little Weiser River flows through the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) of Section Thirteen (13), Township Fourteen (14) North of Range Three (3) West of the Boise Meridian a dirt embankment approximately ten feet (10') wide and ten feet (10') high which spanned the entire channel of the Little Weiser River; that said embankment was placed in said River at said position for the purpose of backing the waters of the Little Weiser River up to such a point that the same achieved an elevation sufficient to cause the same to flow up a drain ditch constructed along the Easterly edge of the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) so as to cause the waters flowing in the Little Weiser River at said point to rise to an elevation so that the same would move up said drain ditch and out, over and across the North Half of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}$) upon

lands belonging to the defendant which were not "benefited lands" under the terms and provisions of the Decree ratifying and confirming the proceedings had in the Matter of the Organization of the Little Weiser Irrigation District.

XXII.

That the dike so constructed by the defendant as aforesaid was upstream in an Easterly direction from the lands belonging to the plaintiffs Legg approximately one-fourth ($\frac{1}{4}$) of one (1) mile and were upstream from the lands and point of diversion of water of the plaintiffs Higgin approximately one-half ($\frac{1}{2}$) mile; that by reason of the construction of the aforesaid dike or dam by the defendant in said River, the plaintiffs Legg and the plaintiffs Higgins were totally deprived of all remaining flow in the Little Weiser River and thereafter by reason of the construction of said dike and stoppage of flow in the Little Weiser River, said dike gave way and broke and released very suddenly a vast amount of waters that had been accumulated on the upstream side of said dike and that said waters rushed down the channel of the Little Weiser River with such force and violence that the pump and pipe installation of the plaintiffs Legg as well as the pump and pipe installation of the plaintiffs Higgins were both severely damaged and very nearly destroyed and were rendered unfit for further use during the balance of the irrigation season for the year 1967;

XXIII.

That on or about the latter part of June, 1968, the defendant did again on approximately the same location cause to be constructed across the channel of the Little Weiser River a dam or dike approximately ten feet (10') high and approximately ten feet (10') in depth completely blocking the channel of the Little Weiser River thus depriving the plaintiffs Legg and the plaintiffs Higgins of

any and all stream flow with which to satisfy their said water rights and irrigate their said lands thus causing crops of the plaintiffs Legg and the plaintiffs Higgins to wither and suffer from lack of water and thereafter a sufficient amount of water accumulated on the Easterly upstream side of said dam so that the pressure imposed upon said dam was so great that the same collapsed and again the accumulated waters rushed down the channel of the Little Weiser River with such force and violence that the pump and pipe installations of both the plaintiffs Legg and the plaintiffs Higgins were severely damaged rendering the same unfit for use without extensive repairs and before the plaintiffs Legg or plaintiffs Higgins could again place their said pumping systems back in repair the defendant did again on or about the 6th day of July, 1968, cause to be constructed another such dike or dam thus again cutting off the entire flow of the Little Weiser River below said dam and causing water to accumulate behind said dam and that the defendant will continue to cause to be constructed dams at said place in the said Little Weiser River unless restrained and enjoined therefrom which said dams will deprive the plaintiffs Legg and the plaintiffs Higgins of any irrigation water from the said Little Weiser River with which to satisfy their said water rights and the same will continue suddenly to collapse and again cause water to rush down the channel of the Little Weiser River with great force and violence doing further damage to the pumping systems of the plaintiffs Legg and the plaintiffs Higgins;

XXIV.

That the plaintiffs, and each of them, have valuable property rights which will be irreparably injured unless the defendant is restrained and enjoined from continuing to cause said dam or dike to be maintained across the channel of the Little Weiser River as aforesaid; that the property rights of the plaintiffs,

and each of them, which will be irreparably injured and damaged unless defendant is restrained and enjoined from further maintaining said dam or dike across said River are as follows:

- A. That plaintiffs, and each of them, are the owners of arid land production from which is marginal at best when farmed without the beneficial application of irrigation water from the Little Weiser River as permitted under their respective Licenses and Certificates of Water Rights as issued in the manner provided by law by the State Reclamation Engineer; that unless defendant is restrained and enjoined from damming and diking the said Little Weiser River and stopping all flow of water below said dam or dike and thus preventing plaintiffs, and each of them, from having any of the water to which they are entitled and thus deny to the lands of plaintiffs, and each of them, application of irrigation water for beneficial purposes, that plaintiffs, and each of them, will suffer irreparable damage in that the crops growing upon the lands of plaintiffs, and each of them, will be greatly diminished in yield and certain substantial portions of said crops will wither and die for lack of application of irrigation water thereon;
- B. That the License and Water Right of plaintiffs, and each of them, heretofore granted by the State Reclamation Engineer to plaintiffs, and each of them, carrying with it the privilege beneficially to apply irrigation water to the respective lands of plaintiffs, and each of them, is in itself a valuable property right and unless defendant is restrained and enjoined from continuing to maintain said dike or dam across the Little Weiser River, said water right will be destroyed and rendered valueless and of no further force or effect;
- C. That the plaintiffs, and each of them, in order to utilize their said water

rights and in accordance with the terms and provisions of the Applications made by plaintiffs, and each of them, before the State Reclamation Engineer and pursuant to which Water Licenses have been granted to plaintiffs, and each of them, have installed in the Little Weiser River at their respective points of diversion pumps and appurtenances thereto including but not limited to pipes and pump for the purpose of pumping said water from the Little Weiser River and that each time said dam or dike breaks such break occurs suddenly and releases a great volume of water which flows down the said Little Weiser River with great force and violence and strikes the pumping installations of plaintiffs and each of them, with great force and violence and severely damages the pumps and appurtenances thereto belonging to plaintiffs, and each of them; that said condition will continue to exist unless and until the defendant is restrained and enjoined from continuing to maintain said dam or dike across the Little Weiser River and impounding water there unlawfully and without right;

XXV.

That plaintiffs, and each of them, have no plain, speedy and adequate remedy at law and the remedy, if any, that plaintiffs, or each or either of them might have would be slow, expose them to great risk, and could be asserted only by a multiplicity of suits; that by reason of the acts of the defendant in causing said dam or dike to be maintained in the channel of the Little Weiser River as aforesaid and in causing the same to be rebuilt each time the same collapses, that defendant should be restrained and enjoined from further maintaining the same and from in any way restricting the flow of water in the Little Weiser River at any point below defendants lawful point of diversion at the headgate of the said Donart-Martin-Cox Ditch;

WHEREFORE, Plaintiffs pray Judgment and Decree of this Court as follows:

That a Writ of Injunction be issued out of the above entitled Court restraining and enjoining the defendant from interfering with the flow of the Little Weiser River at any point below the headgate of the said Donart-Martin-Cox Ditch, the point of diversion of defendant's water and that defendant should be restrained and enjoined from constructing, maintaining, or using said dike or dam across the Little Weiser River where the same flows through the defendant's lands and that such other and further Order be made as is meet and proper in the premises and that plaintiffs have Judgment for their costs and disbursements herein expended and for such other and further relief as to the Court may seem meet and equitable in the premises.

DONART & DONART
Attorneys for Plaintiffs
Residing at Weiser, Idaho.

By James B. Donart

LAW OFFICES
DONART & DONART
WEISER, IDAHO

VERIFICATION

STATE OF IDAHO)
 : ss.
County of Washington)

JAMES B. DONART, being first duly sworn, deposes and says:

That he is attorney for the plaintiffs in the above entitled action; that he makes this Verification for and in behalf of the plaintiffs upon the ground and for the reason that the facts are within the knowledge of this affiant and upon the further ground that plaintiffs, and each of them, reside outside of Weiser, Idaho, where this affiant maintains his office; that he has read the within and foregoing Complaint, knows the contents thereof and believes the facts therein stated to be true.

James B. Donart

Subscribed and sworn to before me this 11th day of July, 1968.

I. J. Wray
Notary Public
Residing at Weiser, Idaho.

RECEIVED
Department

STIPULATION AND AGREEMENT

THIS STIPULATION AND AGREEMENT Made and entered into on this 17 day of May, 1969, by and between JOHN HIGGINS and ANNA HIGGINS, husband and wife, P. A. LEGG and NELLIE LEGG, husband and wife, and ALVIN LEGG and KAY LEGG, husband and wife, hereinafter referred to as "Plaintiffs", and JERRY JAEGER, hereinafter referred to as "Defendant",

W I T N E S S E T H:

WHEREAS, On the ____ day of _____, 1968, Plaintiffs filed a certain injunctive proceeding against Defendant, which said proceeding is on file in the District Court of the Third Judicial District of the State of Idaho, in and for the County of Washington, and is identified as Civil Action No. 6501; and

WHEREAS, the said parties are desirous of stipulating and agreeing to the issues therein involved;

NOW, THEREFORE, it is hereby stipulated and agreed as follows, to wit:

That Defendant shall not install a dam like or similar to the structure placed in the Little Weiser River Channel by the said Defendant heretofore and out of which the aforesaid entitled action arose;

That a diversion device, if installed by Defendant, shall be constructed of suitable materials and pursuant to the advise of a qualified engineer, in a reasonable manner, so that danger to the said Plaintiffs' water installations and claimed water rights will be minimized;

That any structure which may hereafter be installed by the said Defendant in the Little Weiser River Channel, will be at his peril; excepting that the words "at his peril" are not intended to include or incorporate within their meaning any negligent or willful acts of Plaintiffs or any of them;

That until such time as it may be established that Plaintiffs' claimed water rights are junior to that which may be claimed by the Little Weiser Irrigation District, or until otherwise proven to the contrary, Defendant shall respect the claimed priority of Plaintiffs' claimed water rights, as provided and set forth in their respective Licenses and Certificates of Water Rights, the contents and copies of which said Licenses are duly incorporated herein by reference and attached hereto and marked as Exhibits "A" and "B";

That it is agreed that the Court presiding over the aforesaid injunctive proceeding shall have the power to enter a final order in said matter on the basis of the terms and provisions herein agreed upon;

That, in the event that Plaintiffs shall deem Defendant to be in violation of this Agreement and the order to be entered, as aforesaid, it is hereby further agreed that the said Plaintiffs may by way of an Order to Show Cause demand that Defendant appear and show cause why he should not be held in contempt of said Order to be entered.

IN WITNESS WHEREOF, the said parties hereto have hereto set their hands on the day and year first hereinabove written.

John Higgins
JOHN HIGGINS

Anna Higgins
ANNA HIGGINS

P. A. Legg
P. A. LEGG

Nellie L. Legg
NELLIE LEGG

Alvin Legg
ALVIN LEGG

Kay Legg
KAY LEGG

Jerry Jaeger
JERRY JAEGER
"PLAINTIFFS"
"DEFENDANT"

STATE OF IDAHO)
 : ss.
County of Washington

On this 17th day of May, 1969, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared JOHN HIGGINS and ANNA HIGGINS, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing 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.

Lawrence J. Higgins
Notary Public for Idaho
Residing at:

STATE OF IDAHO)
 : ss.
County of Washington

On this 17th day of May, 1969, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared P. A. LEGG and NELLIE LEGG, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing 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.

Lawrence J. Higgins
Notary Public for Idaho
Residing at:

STATE OF IDAHO)
 : ss.
County of Washington

On this 19th day of May, 1969, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared ALVIN LEGG and KAY LEGG, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing 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.

Lawrence J. Higgins
Notary Public for Idaho
Residing at:

STATE OF IDAHO)
 : ss.
County of Canyon)

On this 19 day of May, 1969, before me,
the undersigned, a Notary Public in and for said State of Idaho,
personally appeared JERRY JAEGER, known to me to be the person
whose name is subscribed to the within and foregoing instrument,
and acknowledged to me that he 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.



Notary Public for Idaho
Residing at:

RECEIVED

1912

Department of Water Administration

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF WASHINGTON

JOHN HIGGINS and ANNA HIGGINS,
husband and wife; P. A. LEGG and
NELLIE LEGG, husband and wife;
ALVIN LEGG and KAY LEGG, husband
and wife,

Plaintiffs,

vs.

JERRY JAEGER,

Defendant.

Civil No. 6501

ORDER

Pursuant to the Stipulation and Agreement of the
parties hereto, IT IS HEREBY ORDERED as follows:

That Defendant shall be restrained from installing
a dam like or similar to the structure placed in the Little
Weiser River Channel by the said Defendant heretofore, and out
of which the aforesaid entitled action arose;

That a diversion device, if installed by Defendant,
shall be constructed of suitable materials and pursuant to the
advise of a qualified engineer, in a reasonable manner, so that
danger to the said Plaintiffs' water installations and claimed
water rights shall be minimized;

That any structure which may hereafter be installed
by the said Defendant in the Little Weiser River Channel, will
be at his peril; excepting that the words "at his peril" are
not intended to include or incorporate within their meaning any
negligent or willful acts of Plaintiffs or any of them;

ORDER - P 1

EXHIBIT "F"

That until such time as it may be established that Plaintiffs' claimed water rights are junior to that which may be claimed by the Little Weiser Irrigation District, or until otherwise proven to the contrary, Defendant shall respect the claimed priority of Plaintiffs' claimed water rights, as provided and set forth in their respective Licenses and Certificates of Water Rights, copies of which said Licenses and Certificates are incorporated by reference and attached to Plaintiffs' Complaint on file herein and, in addition, to the parties' aforesaid Stipulation and Agreement and marked as Exhibits "A" and "B";

IT IS HEREBY FURTHER ORDERED, That that certain Stipulation and Agreement made and entered into by and between the parties hereto, on or about the 17th day of May, 1969, be in its entirety incorporated herein by reference and attached hereto and marked as Exhibit "A";

That, in the event that Plaintiffs shall deem Defendant to be in violation of this Order, it is hereby further ORDERED that the said Plaintiffs may by way of an Order to Show Cause demand that Defendant appear and show cause why he should not be held in contempt of said Order;

IT IS HEREBY FURTHER ORDERED, That no bond shall be required herein.

DATED: This ____ day of May, 1969.

s/ Edward J. Lodge
District Judge

State of Idaho

EXHIBIT "A"

License and Certificate of Water Right

Water License No. 23934 Priority March 24, 1953 Amount 1.1 c.f.s.

THIS IS TO CERTIFY that P. A. LEGG

of Cambridge, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 24, 1953; that Permit No. 23934 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on March 10, 1958, showing that said works were completed on the 26th day of February, 1958; and that on the 2nd day of May, 1958, P. A. LEGG of Cambridge, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Little Weiser River a tributary of Weiser River for the purpose of Irrigation, domestic & stock water under Use Permit No. 23934 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses, at Page 6597, on the 22nd day of January, 1959; The right hereby confirmed dates from March 24, 1953;

The Point of Diversion is located in the SE ¼ SW ¼, Sec. 13, Tp. 14 N., R. 3 W., B.M. Washington County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.1 cubic feet per second.

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
14 N.	3 W.	13	SE ¼ SW ¼ SW ¼ SW ¼	40 40	30 40
Total number of acres irrigated - - - 70					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 22nd day of January, 1959

Geo. H. Carter

State Reclamation Engineer.

Exhibit "A"

License and Certificate of Water Right

Water License No. 30324 Priority December 7, 1961 Amount 1.11 c.f. per second

THIS IS TO CERTIFY that JOHN H. HIGGINS

of Cambridge, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 7, 1961; that Permit No. 30324 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1.11 second feet, was issued thereunder on October 1, 1963, showing that said works were completed on the 19th day of November, 1962; and that on the 19th day of November, 1962

JOHN H. HIGGINS

of Cambridge, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Little Weiser River

a tributary of Main Weiser River for the purpose of irrigation under Use Permit No. 30324 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses, at Page 7734, on the 1st day of October, 1963.

The right hereby confirmed dates from December 7, 1961.

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 14, Twp. 14 N., R. 3 W., B.M. Washington County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.11 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N.	3 W.	14	NE ¹ / ₄ SE ¹ / ₄	20	15
			NW ¹ / ₄ SE ¹ / ₄	20	15
			SW ¹ / ₄ SE ¹ / ₄	40	25
			SE ¹ / ₄ SE ¹ / ₄	40	35
			NE ¹ / ₄ E ¹ / ₄	15	10
		23	Total number of acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 1st day of October, 1963.

Ralph W. Thomas
Deputy State Reclamation Engineer.

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. 30324

To John H. Higgins

Source of Supply Little Weiser River

Washington County

Amount 1.11 Sec. Ft.

Point of Diversion SE¹SE¹, Sec. 14, T. 14 N.,

R. 3 W., B. 11

Place of Use SE¹, Sec. 14; NE¹NE¹, Sec. 23, T. 14 N.,

R. 3 W., B. 11

Purpose Irrigation

Date of Priority December 7, 1961

Recorded October 1, 1963

in Book 12 of Licenses, Page 7734

State of Idaho
License and Certificate of Water Right

Water License No. 25987

Amount 0.6 c.f.s.

Water District No.

Priority September 28, 195

THIS IS TO CERTIFY that CHARLES C. CLELLAND
of Cambridge, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 28, 19 55 ; that Permit No. 25987
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 second feet, was issued thereunder on August 19, 19 60, showing that said works
were completed on the 12th day of October, 1959 ; and that on the 5th
day of October, 19 59 ,

CHARLES C. CLELLAND

of Cambridge, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of unnamed stream
slough filled by natural seepage and waste
a tributary of Weiser River, for the purpose of irrigation

, under Use Permit No. 25987 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7006, on the 4th day of November, 19 60 ;

The right hereby confirmed dates from September 28, 19 55 ;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 15, Tp. 14 N, R. 3 W., B. M. County of Washington

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N	3 W	15	NE 1/4 NE 1/4 NW 1/4 NE 1/4	40	21 9
Total number of acres to be irrigated:					30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of November, 19 60

67-2375 Permit =
Applicant - Jerry Jaegar

17 JUL 1977

Department of Water Resources
Western Regional Office

Protestant

Richard Higgins

P.A. & Nellie Legg

Alvin & Kay Legg

Larry C. Walker (attorney)

Filed

Q = 3.32 original for 260 acres

Found

Q = 1.42 for 71 acres

Exam made June 28, 1976 -

- Should Q be reduced to 1" per acre when combined with decree

$$\frac{1.88}{260} \times 71 = 0.51 \text{ cfs}$$

$$\begin{aligned} \text{Amount on license} &= 1.42 \text{ less } 0.51 \\ &= 0.91 \text{ cfs} \end{aligned}$$

$$\begin{array}{r} 6.5 \\ 1.88 \\ 71 \\ \hline 1.316 \\ 260 \overline{) 1316} \\ \underline{1300} \\ 160 \\ \underline{156} \\ 40 \end{array}$$

$$\begin{array}{r} 74 \\ 595 \\ \hline 81595 \\ \hline 35 \end{array}$$

MICROFILMED

In the Matter of)
protested Application)
67-2375 in the)
name of Jerry)
C. Jaeger)

Agreement

We the undersigned hereby agree to allow the Dept of Water Resources to reach a decision in the matter of protested permit #67-2375 based on the information presented at the conference held Dec. 15, 1977 at Weiser, Idaho, based on the Director's understanding of the law and based upon information in a stipulation of facts by the parties involved in the matter.

Done at Weiser, Id.
on Dec. 15, 1977

Jerry Jaeger
Allen G. Lipp
for Richard R. Higgins
John & Anna Higgins
Stephen H. Paul

Jaeger's Deeded Rts

67-0495 Mentzer, Samuel A

1.88 cfs - 5-1-87

Thru Donast-Martin-Cox
Ditch

P.L.U. NWNE, S²NE, N²SE-Sec 13

T14N, R3W

260 acres 3.82 on permit

MICROFILMED

Applicant

Terry C. Jaeger

Protestant

Lawrence J. Higgins atty for

(Richard Higgins)
John & Anna Higgins

P.A. & Nellie Legg

Alvin & Kay Legg

Larry C. Walker (now present Atty)

- When there is water available there is no problem.
- Season - ¹⁵20 June - 10 July - avg when water drops.
- Total no of acres irrig $\approx$ 240 acres
- July - usually had water

17
76
41/2 } VA Terry can use

Recess - 15 minutes

- Dickerson - above the dam

MICROFILMED

LARY C. WALKER
W. RICHARD SANDERS
IRA T. BURTON

LAW OFFICES
WALKER & SANDERS
232 EAST MAIN STREET
POST OFFICE BOX 828
WEISER, IDAHO 83672

TELEPHONE
AREA CODE 208
549-0390

March 2, 1978

Mr. L. Glen Saxton
Western Regional Supervisor
Department of Water Resources
92 South Cole Road
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

RE: Permit No. 67-2375
Jerry C. Jaeger

Dear Glen:

Enclosed herewith is the signed original of the Stipulation for Settlement which you requested in your letter of February 10, 1978.

Should there be any additional information which you require or I can be of any assistance, please don't hesitate to contact my office.

Thank you.

Sincerely yours,

Walker & Sanders

Lary C. Walker
Lary C. Walker

LCW:tib
Enc.

MICROFILMED

RECEIVED
MAR 3 1978

Department of Water Resources
Western Regional Office

BEFORE THE DIRECTOR,
DEPARTMENT OF WATER ADMINISTRATION,
STATE OF IDAHO

In the matter of)
PERMIT NO. 33438/67-2375) STIPULATION FOR SETTLEMENT
In the name of JERRY C.)
JAEGER,)

COMES NOW, Jerry C. Jaeger, applicant and Richard R. Higgins,
and Lucile M. Higgins, husband and wife, in their own behalf and
on behalf of John H. Higgins and Anna N. Higgins, deceased, Alvin
Y. Legg and Kathleen L. Legg, husband and wife, in their own behalf
and on behalf of P. A. Legg and Nellie Legg, and William R. Panak
and JoAnn Panak, husband and wife, all being protestants, agree
and stipulate as follows:

WHEREAS, the parties hereto have sat in hearing before the
Department on the 15 day of December, 1977, for purposes of
determining the water rights applicable to each of the parties
hereto on the Little Weiser River in the Cambridge-Indian Valley
area.

That the parties hereto further desire to stipulate as to
the claim by Jaegers as follows:

That Jaegers be allowed to pump water from the Little Weiser
River in such amounts as is reasonably necessary under the duty
of water set out by the State, for purposes of irrigating seventy-
one (71) acres of his land. Said use shall be in the Spring of
each year beginning with the earliest part of the irrigating
season and to continue until such time as the Little Weiser
Irrigation District places a dam in the river for purposes of

1-tib STIPULATION FOR SETTLEMENT

MICROFILMED

1 diverting water into their Donart, Martin, and Cox ditch to be used
2 by water users on said ditch.

3 The parties hereto agree that the date when this dam is gen-
4 erally placed on the river is approximately the 15th day of June
5 of each year as the river flow has decreased to such a point as
6 there is inadequate water to supply all prior users by the 15th of
7 June of each year.

8 The parties further agree that Jaegers shall be allowed to
9 pump water after the installation of the dam above referenced on
10 the 15th day of June, only upon first obtaining written permission
11 from the Water Master who shall first obtain consent from Mr.
12 Richard Higgins, Mr. Alvin Legg, and Mr. William Panak as the
13 parties hereto agree that Higgins, Legg, and Panak hold prior
14 licenses for diversion and appropriation of water out of Little
15 Weiser River, said licenses and appurtenant land being as follows:

16 Legg, License # 23934 for 70" -

17 Township 14 N, Range 3 West, Section 13
18 SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$

19 For a total number of 70 irrigated acres.

20 Higgins, License # 30324 for 50" -

21 Township 14 N, Range 3 West, Section 14
22 NE $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$;

23 and

24 Township 14 N, Range 3 West, Section 23
25 NE $\frac{1}{4}$ NE $\frac{1}{4}$

26 For a total number of 100 irrigated acres.

27 Panak, License # 25987 for 30"

28 Township 14 N., Range 3 West, Section 15
29 NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

30 For a total number of 30 irrigated acres.

31 The protestants herein, agree that they shall not unreasonably
32 withhold their consent from the Water Master but shall only with-
hold their consent when there is not sufficient water in the river
to reasonably supply all water rights.

2-tib STIPULATION FOR SETTLEMENT

STATE OF IDAHO
COUNTY OF Washington } ss.

On this 24th day of February, in the year 1978, before me

Robert D. Wood, a Notary Public

in and for said State, personally appeared Jerry C. Jaeger, Richard R. Higgins & Lucile M. Higgins,
Alvin Y. Legg & Kathleen Legg, William R. Panak & JoAnn Panak

known to me to be the person ~~s~~ whose name 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.

Robert D. Wood
Notary Public for Idaho, residing at Cambridge, Idaho.

1 The parties hereto agree that based upon the stipulation of
2 these facts, this document shall be submitted to the Department
3 of Water which shall use the same and other evidence at the hear-
4 ing, in issuing their ruling on the determination of this claim
5 filed by Jerry C. Jaeger.

6
7 DATED this 24th day of February, 1978.

8
9 Jerry C. Jaeger
10 Jerry C. Jaeger

Alvin Y. Legg
Alvin Legg

11 Richard R. Higgins
12 Richard Higgins

Kathleen Legg
Kathleen Legg

13 Lucile M. Higgins
14 Lucile M. Higgins

William R. Panak
William R. Panak

JoAnn Panak
JoAnn Panak

INTER-DEPARTMENT MEMO — 1

DATE December 7, 1977

FROM Rita Fleck

TO File 67-2375

SUBJECT

Richard Higgins now owns the land John & Anna Higgins had and is continuing their protest.

The protestants now have a new attorney: Lary C. Walker
232 E. Main
Weiser, ID 83672

MICROFILMED

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
92 South Cole Road
Boise, Idaho 83705

RETURNED
TO
REASON CHECKED
Undelivered
Addressess unknown
No such street
No such office in State
Do not reply in this event.

Lawrence J. Higgins
DONART & HIGGINS
P.O. Box 191
Weiser, ID 83672

CERTIFIED MAIL

NO. 139405

Forwarded notice to

Larry C. Walker, attorney
232 E. Main
Weiser, ID 83672

MICROFILMED

BOISE ID 837
PM
29 NOV
1977

SEP
NOV
80
1977

DEFEAT
SCHOLAR DYSTROPHY
SUPPORT FUND
73

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		POSTAGE		FEE		Handling Charge		Actual Value (if Registered)		DUE SENDER IF C.O.D.		R.R. FEE		S.D. FEE		S.H. FEE		REG. DEL. FEE	
Department of Water Resources Western Region		Mr. George E. Jaeger, Cambridge, MA																			
1 139404		Mr. George E. Jaeger, Cambridge, MA																			
2 139405		Mr. George E. Jaeger, Cambridge, MA																			
3		P.O. Box 191, Waverley, MA																			
4 139406		Mr. & Mrs. P.A. Jaeger, Cambridge, MA																			
5 139407		Mr. & Mrs. Gloria Jaeger, Cambridge, MA																			
6 139408		Mr. & Mrs. John Jaeger, Cambridge, MA																			
7																					
8 139409		Alice R. Jaeger, 430 E. 1st Ave., Waverley, MA																			
9		Boris, 43 83742																			
10 139410		John J. Jaeger, 430 E. 1st Ave., Waverley, MA																			
11		Josephine Jaeger, 430 E. 1st Ave., Waverley, MA																			
12		P.O. Box 1559, Waverley, MA																			
13 139411		Mr. & Mrs. David Jaeger, Waverley, MA																			
14		12. Mrs. John Jaeger, Waverley, MA																			
15																					
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		Declaration of value is required on international registered mail. Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.															

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U. S. GOVERNMENT PRINTING OFFICE : 1975 O - 572-715

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

IN THE MATTER OF PERMIT NO. 33438/
67-2375 IN THE NAME OF JERRY C. JAEGER

NOTICE OF CONFERENCE
AND/OR HEARING

On January 24, 1967, Jerry C. Jaeger filed an application for permit and was subsequently granted Permit No. 33438/67-2375. This permit was approved with the condition that beneficial use is submitted on or before February 1, 1972. On March 10, 1972, Lawrence J. Higgins, attorney on behalf of John Higgins and Anna Higgins, husband and wife; P. A. Legg and Nellie Legg, husband and wife; and Alvin Legg and Kay Legg, husband and wife; submitted a protest to the issuance of a license on the above referenced permit.

The Department of Water Resources has set the matter of protest for conference and/or hearing on Thursday, December 15, 1977 at 1:00 p.m. at the Washington County Courthouse, Weiser, 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 applicant or protestant may allow the Department of Water Resources without prejudice to dismiss the protest or permit. Any or all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 28th day of November, 1977.

L. Glen Saxton
L. GLEN SAXTON, P.E.

Western Regional Supervisor

MICROFILMED

October 18, 1977

Re: Permit No. 33438/67-2375

Jerry C. Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

Enclosed please find copies of our letter to John and Anna Higgins,
P. A. and Nellie Legg and Alvin and Kay Legg.

Please advise us within 20 days if you do not agree with the findings
of the field examination as set forth in the above mentioned letter.

If the protestants still wish to proceed with their protest against
this license, we will notify you of the time and place set for con-
ference and/or hearing.

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

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

MICROFILMED

October 18, 1977

Re: Permit No. 33438/67-2375
(Jerry C. Jaeger)

Alvin & Kay Legg
Cambridge,
Idaho 83610

Dear Mr. & Mrs. Legg:

On March 10, 1972, the Department received a protest from you against the issuance of water license in connection with the above referenced permit. A representative of the Department has made an examination of the works covered by this permit and has found the following:

- Quantity of water diverted: 4.99 cubic feet per second
- Amount of water that can be recognized as beneficially used under Idaho Law: 1.42 cubic feet per second
- The maximum quantity diverted shall not exceed 280 acre feet per year.
- Beneficial use: irrigation of 71 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13 Twp. 14 North - Rge. 3 West, B.M.
- Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13 Twp. 14 North - Rge. 3 West
- Priority date established: January 24, 1967

If you do not wish to continue your protest against the issuance of this license, please contact us as soon as possible. If we have not heard from you within 20 days, we will assume you wish to continue the protest and a hearing will be scheduled.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

cc: Jerry C. Jaeger

MICROFILMED

October 18, 1977

Re: Permit No. 33438/67-2375
(Jerry C. Jaeger)

John & Anna Higgins
Cambridge,
Idaho 83610

Dear Mr. & Mrs. Higgins:

On March 10, 1972, the Department received a protest from you against the issuance of a water license in connection with the above referenced permit. A representative of the Department has made an examination of the works covered by this permit and has found the following:

- Quantity of water diverted: 4.99 cubic feet per second
- Amount of water that can be recognized as beneficially used under Idaho Law: 1.42 cubic feet per second
- The maximum quantity diverted shall not exceed 280 acre feet per year.
- Beneficial use: irrigation of 71 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13 Twp. 14N-Rge. 3W B.M.
- Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13 Twp. 14N-Rge. 3W B.M.
- Priority date established: January 24, 1967

If you do not wish to continue your protest against the issuance of this license, please contact us. If we have not heard from you within 20 days, we will assume you wish to continue the protest and a hearing will be scheduled.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

cc: Jerry Jaeger

7/16/80 11:10 AM

October 18, 1977

Re: Permit No. 33438/67-2375
(Jerry C. Jaeger)

P. A. & Nellie Legg
Cambridge,
Idaho 83610

Dear Mr. & Mrs. Legg:

On March 10, 1972, the Department received a protest from you against the issuance of a water license in connection with the above referenced permit. A representative of the Department has made an examination of the works covered by this permit and has found the following:

- Quantity of water diverted: 4.99 cubic feet per second
- Amount of water that can be recognized as beneficially used under Idaho Law: 1.42 cubic feet per second
- The maximum quantity diverted shall not exceed 280 acre feet per year.
- Beneficial use: irrigation of 71 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13 Twp. 14 North - Rge. 3 West B.M.
- Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. Twp. 14 North--Rge. 3 West B.M.
- Priority date established: January 24, 1967

If you do not wish to continue your protest against the issuance of this license, please contact us as soon as possible. If we have not heard from you within 20 days, we will assume you wish to continue the protest and a hearing will be scheduled.

Sincerely,

L. GLEN SAXTON, P.E.
Western Regional Supervisor

LGS:rf

cc: Jerry C. Jaeger

MICROFILMED

PROTEST DATA

- 67-2375

List of Protestants:

John & Anna Higgins

P. A. & Nellie Legg

Alvin & Kay Legg

all of Cambridge, Idaho 83610

Attorney for Protestants:

Lawrence J. Higgins

DONART & HIGGINS

P.O. Box 191

Weiser, Idaho 83672

MICROFILMED

March 14, 1972

Re: Permit No. 33438/67-2375 - Jerry Jaeger

Mr. Lawrence J. Higgins
DONART & HIGGINS
P. O. Box 191
Weiser, Idaho 83672

Dear Mr. Higgins:

We are in receipt of the protest filed against licensing of the above referenced permit and a copy of the protest has been sent to Mr. Jaeger. The protest will be placed on file and considered after the Department has conducted a field examination. If an agreement cannot be reached between the protestants and the permit holder before that time, a conference and/or hearing will be necessary to resolve the protest. The principle items that can be considered at that time are:

1. Has the permittee diverted and beneficially used unappropriated public water?
2. Has the operation of the proposed water right under the permit caused injury to a prior existing water right.
3. Has the water been placed to beneficial use in accordance with the terms and conditions of the permit?

If a conference and/or hearing is necessary, you will be notified of the time and place. If we may be of further assistance, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: John & Anna Higgins
P. A. & Nellie Legg
Alvin & Kay Legg, all of
Cambridge, Idaho

MICROFILMED

March 14, 1972

Re: Permit No. 33438/67-2375

Mr. Jerry Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

Enclosed please find a copy of the protest which has been filed against the licensing of the above referenced permit. The protest will be placed on file and considered after the Department has conducted a field examination. If an agreement between you and the protestants cannot be reached before that time, a conference and/or hearing will be necessary to resolve the protest. The principle items that can be considered at that time are:

1. Has the permittee diverted and beneficially used unappropriated public water?
2. Has the operation of the proposed water right under the permit caused injury to a prior existing water right?
3. Has the water been placed to beneficial use in accordance with the terms and conditions of the permit?

If a conference and/or hearing is necessary, you will be notified of the time and place. If we may be of any assistance, please let us know.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 1, 1974

Re: Permit No. 33438/67-2375

Mr. Jerry Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. A hearing will be scheduled concerning the protests against the licensing of the permit when the field exam is completed.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JG

MIC-FILED

Telephone Memo

3/26/74
Permit # 67-2375

Mr Jerry Jeager called and
will send in ~~the~~ affidavit of
publication or a request that
in be published again.

JDF

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

31851

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

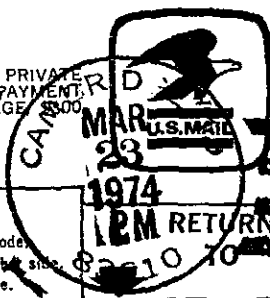
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moistten gummed ends and attach to back of article.



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

PS Form 3811
June 1973

March 22, 1974

CERTIFIED MAIL # 31851

Re: Permit No. 33438/67-2375

Jerry C. Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. 33438/67-2375 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit affidavit of publication in connection with proof of beneficial use, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before May 1, 1974, why said permit should not be cancelled.

Permit No. 33438/67-2375 claims the use of 3.32 cubic feet per second of water from Little Weiser River, the point of diversion was to be located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13, Twp. 14 N, Rge. 3 W, B.M. and the permit was approved February 1, 1967.



R. KEITH HIGGINSON
Director

MICROFILM

March 16, 1973

Re: Permit No. 33438/67-2375

Mr. Jerry C. Jaeger
Cambridge, Idaho 83610

Dear Mr. Jaeger:

In reviewing your file on Permit 33438/67-2375, we find that notice of the permit was to have been published in the Weiser Signal at Weiser, Idaho, on February 24 and March 2, 1972.

However, to this date, we have not received an affidavit of publication. The newspaper was to have furnished an affidavit to you at the time you paid for the cost of publication. If you have the affidavit, please forward it to this office as soon as possible in order that a field examination can be scheduled and a hearing set to resolve the protest filed against your permit.

If you cannot obtain an affidavit, it will be necessary to republish the notice. We would appreciate being advised in this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED

September 14, 1972

Re: Permit No. 33438/67-2375

C
Mr. Jerry C. Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

O
The legal notice for the above referenced permit was to have been published in the Weiser Signal at Weiser, Idaho, on February 24 and March 2, 1972. To this date, we have not received the affidavit of publication which you are required to submit to the Department.

May we please hear from you regarding this matter by return mail.

P
Sincerely,

BOBBY D. FLEENOR
Assistant Director

Y
BDF:DR

February 16, 1972

Re: Permit No. 33438/67-2375

Weiser Signal
P.O. Box 709
Weiser, Idaho 83672

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our 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 date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Jerry C. Jaeger,
Cambridge, Idaho, 83610, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

MICROFILMED

RECEIVED

FEB 4 1972

Department of Water Administration

Proof of the application of the water to beneficial use was ~~submitted~~
submitted to the Department on ~~February 4, 1972~~ February 4, 1972 . Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Administration, Statehouse, Boise,
Idaho, 83707, within ten (10) days of the last date of publication of this
notice ~~on or before the date of publication of the notice of the proposed license~~
~~and the date of the hearing on the proposed license.~~

Director

Permit No. 33438/67-2375

Jerry Jager
(Signature)

Cambridge, Idaho 83610
(Address)

Feb 4, 1972
(Date)

MICROFILMED

February 15, 1972

Re: Permit No. 33438/67-2375

Mr. Jerry C. Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed you will find an Order of Reinstatement; please note that the priority has been advanced.

Notice of your permit is to be published in the Weiser Signal at Weiser, Idaho, on February 24th and March 2nd, 1972. You will be required to submit an affidavit of publication to this Department. The affidavit of publication may be obtained from the above mentioned newspaper upon payment of the bill for publication; the newspaper will bill you direct.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Order of Reinstatement

ENCLOSURE

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse Annex 2
Boise, Idaho 83707
(208) 384 2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 4, 1972

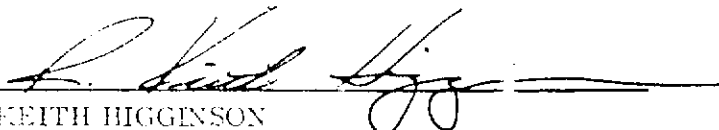
Re: Permit No. 33438/67-2375

Jerry C. Jaeger,
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

You are hereby notified that under the provisions of Section 42-213a of the Idaho Code,
Permit 33438/67-2375 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a
showing of reasonable cause within sixty days from the date of this notice of lapsing.

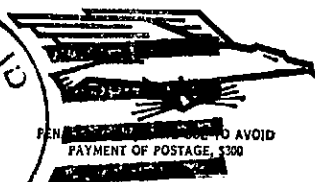
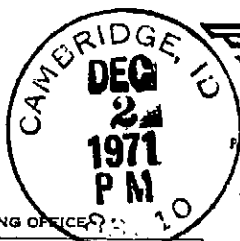

R. KEITH HIGGINSON
Director

RKH:DR

MICROFILMED

POD Form 3811 Apr. 1969 c55-15-71848-11

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR FAILURE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23220

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

12-2-71

MICROFILMED

GPO

December 1, 1971.

CERTIFIED MAIL

#23220

Re: Permit No. 33438/67-2375

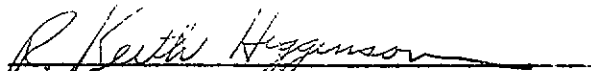
Jerry C. Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

One of the conditions of approval of your water Permit No. 33438/67-2375 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

MICROFILMED

October 30, 1970

Re: Permit No. 33438 (new no. 67-2375)

Mr. Jerry C. Jaeger
Cambridge,
Idaho 83610

Dear Mr. Jaeger:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: order
advertising package

33438
67-2375

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Jerry C. Jaeger, Cambridge, Idaho
 has received an approved Permit No.
33438/67-2375 Issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~storage~~ of 3.32 cubic feet per second ~~acre/feet~~
~~per/annum~~ of water from Little Weiser River, trib. of Weiser River.
The priority to be established under this permit is January 24, 1967
and the permit was approved February 1, 1967.

Water is to be diverted by dam and ditches
from a point within the NE¹/₄SE¹/₄, Sec. 13, T. 14 N, R. 3 W, B. M, Washington
County
to be used for irrigation
in the W¹/₂NE¹/₄, SE¹/₄NE¹/₄, E¹/₂NW¹/₄, N¹/₂SE¹/₄, Sec. 13, T. 14 N, R. 3 W, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before February 1, 1972. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Weiser Signal, Weiser, Idaho

on

Retyped
2-19-72
JW

33438
67-2225

ACKNOWLEDGEMENT

Date:

1/24/67

33438

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No.

_____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

Larry J. Aeger
Applicant

33438

February 6, 1967

Re: Permit No. 33438

Jerry C. Jaeger
Cambridge, Idaho

Dear Mr. Jaeger:

We enclose Permit No. 33438 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~ Departmental Receipt No. 33602 which was issued covering payment in the amount of \$ 5.75 for the filing fee of the above mentioned permit, was given to you at the time you were in our department.

Very truly yours,

Enc.

permit

MRB:ejw

M. RUSSELL BOSCH
Office Manager

33438