

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A25-10973**
Date Received: 11/ 3/1988
Receipt No: E003779
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ERROL W TIBBITTS 208-745-8410
Address: 4190 E 500 N
RIGBY ID 83442

2. Date of Priority: JUL 10, 1910

3. Source: SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	29	NW	NE			JEFFERSON
			SW	NE			JEFFERSON

5. Description of diverting works:
DIRT DAM, RESERVOIR, HEADGATE TO PROVIDE SUB IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	2.610		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER - 200 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	29	NW	NE		STOCK	
			NW	NE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	29	SW	NE		STOCK	
			SW	NE		IRR	40.0
			NW	SE		STOCK	
			NW	SE		IRR	12.0
						Section Acres	87.0
						Total Acres	87.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
ISLAND IRRIGATION CANAL CO.

14. Remarks:
CHANGED OWNERSHIP 12/19/96/JT/EC
*AMENDED CLAIM TO REFLECT 2 POINTS OF DIVERSION AND NOT FOUR

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Eugene J. Ball Date: 4-20-98

Date: _____

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 98

Raine C. B.
Notary Public

Seal

Residing at Rigby, Id
My Commission Expires 2/26/2007



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

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Address: 4190 E 500 N
RIGBY ID 83442

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05N	39E	29		NW	NE		JEFFERSON
				NW	NE		JEFFERSON
				SW	NE		JEFFERSON
				SW	NE		JEFFERSON

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Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	2.610		
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2.610 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER - 200 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	39E	29	NW		NE		STOCK	
			NW		NE		IRR	35.0
			SW		NE		STOCK	
			SW		NE		IRR	40.0
			NW		SE		STOCK	
			NW		SE		IRR	12.0
							Section Acres	87.0
							Total Acres	87.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
ISLAND IRRIGATION CANAL CO.

14. Remarks:
CHANGED OWNERSHIP 12/19/96/JT/EC

15. Basis of Claim: BENEFICIAL USE

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IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-10973
Date Received: 11/03/1988
Receipt No: E003779
Received By: Entered for

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERROL W TIBBITTS 208-745-8410
Address: 4190 E 500 N
RIGBY, ID 83442

AND

Name: WAYNE E^S TIBBITTS 2-7-91/80/00
Address: RIGBY, ID 83442

2. Date of Priority: JUL 10, 1910

3. Source: SPRING CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	29	NW	NE			JEFFERSON
			NW	NE			JEFFERSON
			SW	NE			JEFFERSON
			SW	NE			JEFFERSON

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Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	11/15	2.610		
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7. Total Quantity Appropriated is:
2.610 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 217.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER - 200 HEAD RANGE CATTLE

A25-10973

Page 1

Date: 02/06/89

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10. Place of Use:

2-7-91 / 80 DE

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	29	NW	NE	STOCK	
			SW	NE	STOCK	
			NW	SE	STOCK	
			NW	NE	IRR	35.0
			SW	NE	IRR	40.0
			NW	SE	IRR	12.0
			Section Acres			87.0
			Total Acres			87.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
ISLAND IRRIGATION CANAL CO.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

A-25-10973
11-03-88
E003779

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A2510973

Please type or print clearly

1. Name of Claimant (s) Errol W. and Wayne E. Tibbitts Phone (208) 745-841
745-7550
Mailing Address 4190 East 500 North, Rigby, ID Zip 83442
2. Date of Priority (Only one (1) per claim) July 10, 1910
3. Source of water supply (a) Spring Creek
which is tributary to (b) SNAKE RIVER
4. a. Location of existing point of diversion is: Township 5 North Range 39 East Section 29,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of Jefferson
AND NW 1/4 of NE 1/4,
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township 5 North Range 39 East Section 29, 1/4 of SW 1/4 of NE 1/4,
AND NW 1/4 of NE 1/4,
Govt. Lot _____ B.M., County of Jefferson
- ending point is: Township 5 North Range 39 East Section 29, 1/4 of SW 1/4 of
AND NW 1/4 of
NE 1/4, Govt. Lot B.M., County of Jefferson
NE 1/4, County of Jefferson.
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. dirt dam, reservoir, headgate to provide
sub irrigation

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 11-15 amount 2.61 or
 For Stockwater purposes from 1-1 to 12-31 amount 1.05 or
 For _____ purposes from _____ to _____ amount _____ or
 For _____ purposes from _____ to _____ amount _____ or

7. Total quantity claimed (a) 2.61 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 217 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock water - 200 head range cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	39E	29	<u>35</u>	<u>35</u>	<u>40</u>											<u>12</u>	<u>40</u>		87
				S	S											S			

Total number of acres irrigated 87

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes x No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Island Irrigation Canal Co. or None ()

14. Remarks:

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NOV 10 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

UNNAMED SLOUGH
TRIB OF SNAKE RIVER

PT. OF DIVERSION

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29
NW $\frac{1}{4}$ NE $\frac{1}{4}$
T 5N R 39E

PLACE OF USE

12 ac NW $\frac{1}{4}$ of SE $\frac{1}{4}$

40 ac SW $\frac{1}{4}$ of NE $\frac{1}{4}$

35 ac NW $\frac{1}{4}$ of NE $\frac{1}{4}$

87 ac

ver.

RIGBY ORTHOPHOTOQUAD
IDAHO



7651 01 NOV 1967

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Carol Z. Blitt

Date November 3, 1988

Thayne B. Blitt

Date 11/3/88

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)

County of Jefferson)

SS.

Subscribed and sworn (or affirmed) before me this 3rd day of November 19 88

SEAL

Notary Public Willis Robinson

Residing at Idaho Falls, Idaho

My Commission Expires May 23, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 10 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim 25-10973

Spatial Dynamics CAT

12/27/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	29	NWNE	35	64	GCDB is irregular here due to river, acreage will not
05n39e	29	SESW	40	9.2	GCDB is irregular here due to river, acreage will not
05n39e	29	NWSE	12	13	
Totals:			87	86.2	

 SPATIAL
DYNAMICS

AJ5809NP
No. A25-10973

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 123

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERROL W TIBBITTS 4190 E 500 N RIGBY ID 83442 (208) 745-8410	07/10/1910	IRRIGATION STOCKWATER	04-15 11-15 01-01 12-31	2.610 CFS 0.050 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					2.610 CFS	217.00 AFA

Water Source: SPRING CREEK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T05N R39E S29 NWNE SWNE JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05N	39E	29	:			35		40										12		:	87.0
																			TOTAL ACRES	:	87.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
05N	39E	29	:			S		S										S		:	

POU County: JEFFERSON

Non-Irrigation Uses: STOCK WATER - 200 HEAD RANGE CATTLE

Other Rights: ISLAND IRRIGATION CANAL CO.

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00081C A01-00082C A01-00083X A01-00117F A01-00118F A01-04005 A25-10975

Remarks: GEN CHANGED OWNERSHIP 12/19/96/JT/EC
*AMENDED CLAIM TO REFLECT 2 POINTS OF DIVERSION AND NOT FOUR

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/06/89 THOMPSON 02/07/91 THOMPSON 02/12/91 THOMPSON 03/29/95 POST-STD
12/19/96 JTHOMPSON 04/20/98 GTAYLOR



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

DECEMBER 19, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ERROL W TIBBITTS
4190 E 500 N
RIGBY ID 83442

RE: CHANGE IN OWNERSHIP FOR A25-10971, -10972, -10973
AND -10975

Dear Mr. Tibbitts:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

OKAY EMC
18 DEC 96

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

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

1. Water Right Number(s) _____
Adjudication Claim Number(s) ^{#s} A 25-10971, A 25-10972, A 25-10973, A 25-10974

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant(s) ERROL W TIBBITS WAYNE TIBBITS

4. New Owner/Claimant(s) ERROL W. TIBBITS

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 4190 E. 500 N.

City, State and ZIP Code RIGBY, IDAHO 83442

New Telephone Number (208) 745 - 8410

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) [Signature] Date 12-18-96

Date _____

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

April 29, 1991

Errol W. Tibbitts
4190 E. 500 N.
Rigby, ID 83442

RE: **Evidence of Priority**

Dear Mr. Tibbitts:

The Notice(s) of Claim identified with the number(s) shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice(s) and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice(s) have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice(s) be decreed by the court if no evidence of a priority date is submitted.

MICROFILMED

NOV 10 1992

Errol Tibbitts

Page 2

Please submit the required evidence supporting the priority date(s) by May 29, 1991, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-10973
ERROL W TIBBITTS
4190 E 500 N

RIGBY ID 83442

A25-10975
ERROL W TIBBITTS
4190 E 500 N

RIGBY ID 83442

MICROFILMED

NOV 10 1992

OCT 18 1935

Blackfoot 044854

4—1003.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Wayne E. Tibbitts

has been established and duly consummated, in conformity to law, for the Lots nine, twelve, and fifteen of section twenty-nine in Township five north of Range thirty-nine east of the Boise Meridian, Idaho, containing sixty-one acres and ninety hundredths of an acre,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **ELEVENTH**
day of **OCTOBER** in the year of our Lord one thousand
nine hundred and **THIRTY-FIVE** and of the Independence of the
United States the one hundred and **SIXTIETH.**

By the President: Franklin D. Roosevelt

By James H. [Signature], Secretary

R. Clinton
Recorder of the General Land Office.

RECORDED: Patent Number **1079015**

MICROFILMED

NOV 10 1992

92752

Instrument No. _____

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Wayne Hilbert

on the 30 day of Nov 1992

at 0 minutes past 11 o'clock

4 M. and recorded in Book 153

of Needs page 3

records of Jefferson County.

EILEEN MADSEN

By [Signature] Recorder.

Deputy

Recorder's Fee \$ 1.00

PLATTED BY
VEARL C. CRYSTAL, Assessor

By [Signature]
Deputy

D E E D O F G I F T .

THIS INDENTURE, Made this 22nd day of November, A. D. 1940 between Mary A. Tibbetts, a widow of Lorenzo County of Jefferson, State of Idaho, the party hereto of the first part, and Wayne E. Tibbetts of Lorenzo County of Jefferson, State of Idaho, the party hereto of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of LOVE AND AFFECTION, the receipt whereof is hereby acknowledged by the said party of the first part, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and for ~~his~~ sole and separate property the following real property situated in Jefferson County, Idaho, and more particularly described as follows, to-wit:

The East sixty-five rods(65) of Lot Five(5) in Section twenty-nine(29) in Township Five (5) North Range Thirty-nine (39) East Boise Meridian, in Idaho; together with all ditch and water rights belonging thereto, and however evidenced.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the revision and revisions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in & equity, of the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has set his hand, this the day and year in this instrument first above written.

SIGNED IN THE PRESENCE OF:

Wash. E. Bennett

Mary A. Tibbetts

STATE OF IDAHO,)
 : ss.
County of Jefferson.)

On this 22nd day of November, A. D., 1940, before the undersigned, a Notary Public for Idaho, there personally appeared Mary A. Tibbetts, a widow known to me to be the person whose name is subscribed to the foregoing instrument and who 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.

Wash. E. Bennett

Notary Public for Idaho.
Residence: Rigby, Idaho.

My commission expires November 9th, 1942.

Instrument No. 65705

State of Idaho,
County of Jefferson, } ss.

I hereby certify that the within
instrument was filed for record at the
request of

Wayne E. Tibbitts

on the 22 day of November, 1940

at 45 minutes past 3 o'clock

P. M. and recorded in Book 124

of Deeds, page 545.

records of Jefferson County.

W. E. Tibbitts

Recorder.

By _____

Deputy.

Recorder's Fee \$ 1.00

PLATTED BY
A. T. JOHNSON, Assessor

By _____

Deputy

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NOV 10 1992

RIGBY TITLE & DEVELOPMENT COMPANY
PHONE 745-6711 - BOX 405 - 110 N. CLARK ST.
RIGBY, IDAHO 83442

September 16, 1982

Mr. Errol W. Tibbitts
Rigby, Idaho 83442

LOT BOOK REPORT No. 11,671
Re: Errol W. Tibbitts

Dear Errol:

At your request, we have searched our Tract Indexes of County Records as to the following described property, to-wit:

TRACT 1:

Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho
Section 29: Lots 5, 9, 12, 14 and 15.
EXCEPTING THEREFROM: That portion of Lots 5 and 14 which lie West of the Island Canal Company's canal.

TRACT 2:

Township 5 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho
Section 29: That portion of Tract 46 lying between the North-South Quarter Section Line and East 16th Line, formerly designated as Lot 18 (portion) and Lot 20.

and as of September 16, 1982 at 9:00 a.m., we find:

The last deed of record as to the above described property runs as follows:

TRACT 1: WAYNE E. TIBBITTS, an undivided one-half interest.
ERROL W. TIBBITTS, an undivided one-half interest.
TRACT 2: ERROL W. TIBBITTS, subject to the community interest of his wife.

We have also searched our General Index for Judgments and Income Tax Liens against the above vested owner, and as of the above date we find: NONE.

We further find taxes and other encumbrances as follows:

1. Taxes for the year 1981 and all prior taxes have been paid.
Taxes for the year 1982 are an accruing lien, not yet due or payable.

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2. To Easements and right of ways for highways, roads, ditches, canals, pole, power and transmission lines as they exist.
3. To all existing zoning ordinances and applicable building codes, laws and regulations.

This report is based on a search of our Tract Indexes of the County Records and is not a title or ownership report and no examination of the title to the property described has been made. For this reason, no liability beyond the amount paid for in this report is assumed hereunder, and the company is not responsible beyond the amount paid for any errors and omissions contained herein.

RIGBY TITLE & DEVELOPMENT COMPANY, INC.

BY *C. K. Jones*

ts

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NOV 10 1992

No. 50559

MORTGAGE

SHORT COVENANT

Mary A. Tibbitts,

TO

Harvey L. Wilson.

Dated....., 19.....

STATE OF IDAHO.

County of Jefferson, } ss.

I hereby certify that this instrument was
Bess L. Bennett
filed for record at the request of

at 50 minutes past 9 o'clock A.M.

this 22nd day of April A.D.

1935 - in my office, and duly recorded in

Book 109 of Mortgages

on page 134

Ex-Officio Recorder.

By Deputy

fees, \$ 1.40

KNOW ALL MEN BY THESE PRESENTS, That M. G. CUMMINGS.

do ~~ES~~ hereby certify and declare that a certain mortgage, bearing date the 15th day
of April A. D. 1935, made and executed by MARY A. TIBBITTS
H WIDOW

the party of the first part therein, to M. G. CUMMINGS.

the party of the second part therein,

P. E. MTG. INSTRUMENT 51524

recorded in the office of the County Recorder of the County of JEFFERSON, State of
Idaho, in Book 114 of Mortgages, on page 357 on the 8th day of

July A. D. 1935, together with the debt thereby secured, is fully paid,
satisfied and discharged.

IN WITNESS WHEREOF, He have hereunto set his hand and seal, the 21st
day of Dec. A. D. one thousand nine hundred and Forty Two.

SIGNED, SEALED, AND DELIVERED IN PRESENCE OF:

George M. Larsen

M. G. Cummings [Seal]

MICROFILMED

NOV 10 1992

RECORD ON SATISFACTION OF MORTGAGE

County of Jefferson

On this 21st day of Dec

in the year 1942, before me,

a Notary Public in and for said State, personally appeared

known to me to be the person whose name

subscribed to the within 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.

George M. Larson

Notary Public for the State of Idaho,
Residing at Boise, Idaho.

No. 1000

Satisfaction of Mortgage

M. G. Cummings

To

Mary A. Tibbitts

Dated 21st, 1942

STATE OF IDAHO,

County of Jefferson } ss.

I hereby certify that this instrument was

filed for record at request of

Wayne Tibbitts

at 40 minutes past 9:00

o'clock A. M., this 21st.

day of December A. D. 1942

in my office, and duly recorded in Book 76

of Release at page 597

George M. Larson
Ex Officio Recorder.

By George M. Larson Deputy.

Fees, \$.40

Mail to

MICROFILMED
NOV 10 1992

Notary Public for the State of Idaho,
Residing at _____, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in
this certificate first above written.
and acknowledged to me that he executed the same.
known to me to be the person whose name _____
On this _____ day of _____
a Notary Public in and for said State, personally appeared
in the year 1942, before me,
subscribed to the within instrument

NOTICE OF SATISFACTION OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That a certain mortgage, executed on the _____
day of January _____ A. D. 1935, which was duly recorded in the records of Jefferson County,
in the State of Idaho, on the _____ day of April _____, A. D. 1935, in Book _____
of Mortgages, on page 134, and which was given to secure the sum of _____
Seventeen hundred and no/100----- Dollars \$ 1700.00, and which is from _____
Mary A. Tibbitts, a widow, Wayne B. Tibbitts and LaBette Tibbitts, his wife,
to _____ Harvey L. Wilson.

is hereby released and satisfied in full. The said Mortgage was upon the following described property sit-
uated and being in the County of Jefferson and State of Idaho, viz:
lots 9, 12 and 15, and the east 65 rods of Lot 5
section 29, in Township 5 North Range 39 East Boise Meridian.

IN WITNESS WHEREOF, These presents are signed this 21 day of December
A. D. 1942.

Signed, sealed and delivered in the presence of:
Bash R. Bennett

Harvey L. Wilson
Seal
Seal
Seal

MICROFILMED
NOV 10 1992

STATE OF IDAHO,
County of Jefferson

ss

On this 21st day of December, A. D. 1942, before me, the undersigned,
a Notary Public within and for the said County and State personally appeared
Harvey L. Wilson,

known to me to be the person described in and who executed the above and foregoing Satisfaction and
Release of Mortgage, and acknowledged to me that he executed the same for the purpose herein men-
tioned

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Robert P. Bennett

Notary Public, Idaho.

My commission expires Nov. 9th, 1946.

No.

Harvey L. Wilson

to

Mary A. Tibbitts, a widow
et al,

Release of Mortgage

Dated, 1942

Recorded at the request of

Wayne Tibbitts

December 21st, 1942

at 45 minutes past 9:00 o'clock

A. M. in Book 76 of release of

Mortgages, Page 397.

County of Jefferson, State of Idaho.

Ray Davis
Recorder,

Deputy

PRINTED BY THE RIGBY STAR

Fee: 40¢

MICROFILMED
NOV 10 1992

My commission expires Nov. 9th, 1938.

Residing at Rigby, Idaho.

THIS INDENTURE, Made the Ninth day of January in the year of our Lord one thousand nine hundred and Twenty-eight between Mary A. Tibbitts, a widow; Wayne E. Tibbitts and LaRetta J. Tibbitts, husband and wife.

of Lorenzo County of Jefferson State of Idaho part 1st of the first part, and Harvey L. Wilson

of Rigby County of Jefferson State of Idaho the part y of the second part,

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of Five Hundred and No/100- - - - - DOLLARS lawful money of the United States, do by these presents GRANT, BARGAIN, SELL AND CONVEY, unto the said part y of the second part, and to his heirs and assigns, FOREVER, all that certain real property situate in the County of Jefferson and State of Idaho, and bounded and particularly described as follows, to-wit: The East 65 rods of Lot 5 in Section 29, Township 5 North, Range 39 East of Boise Meridian, and Commencing at the Northwest corner of Lot 5, Section 29, Township 5 North, Range 39, East of Boise Meridian, and thence running North to the South Bank of Snake River, thence in an Easterly direction along the South Bank of Snake River to a point directly north of the Northeast corner of said Lot 5, thence due South to the said Northeast corner of the said Lot 5, thence West along the North boundary line of the said Lot 5 to the place of beginning, containing 121.29 acres, more or less.

Together with 1000 shares of the Capital Stock of the Island Irrigation Company, represented by Stock Certificate #35.

together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT Is intended as a Mortgage to secure the payment of Five certain promissory note.s of even date herewith, executed and delivered by the said first parties to the said part y of the second part all payable at Rigby, Idaho, as follows: One of said Notes due on December 10, 1928, One on December 10, 1929, One on December 10th, 1930, One on December 10, 1931, One on December 10, 1932; each note being for the sum of \$100. Interest as stated in said notes.

AND THESE PRESENTS SHALL BE VOID if such payment be made. But in case default shall be made in the payment of the said principal sum.s of money, or any part thereof, as provided in the said note.s, or if the interest be not paid as therein specified, then it shall be optional with the said part y of the second part, his executors, administrators or assigns, to consider the whole of said principal sum.s expressed in said note.s as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note.s, together with the costs and charges of foreclosure suit, including reasonable

counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance as may have been made by said second part y his heirs, executors or assigns with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said parties of the first part, their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, The said parties of the first part, have hereunto set their hand.s and seal.s the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Clas Brantley

Mary A. Tibbitts (SEAL)

Wayne E. Tibbitts (SEAL)

LaRetta J. Tibbitts

STATE OF IDAHO,
County of Jefferson } ss.

On this 10 day of January, 1928, before me
a Notary Public /
in and for said County, personally appeared Mary A. Tibbitts, a widow; Wayne E.
Tibbitts & LaRetta J. Tibbitts, husband and wife, known to me to be the person s whose name s 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.

My Commission Expires:
December 5th, 1931.

Paul Bradbury
Notary Public for Idaho
Residing at Rigby, Idaho.

No. 34272
MORTGAGE
SHORT COVENANT

Mary A. Tibbitts

TO

Harvey L. Wilson

Dated 10, 1928

STATE OF IDAHO, } ss.
County of Jefferson

I hereby certify that this instrument was
filed for record at request of

Paul Bradbury
at 5 minutes past 4
o'clock P. M., this 10 day
of January A. D. 1928
in my office, and duly recorded in Book
80 of 557 at page

J. P. Langer
Ex-Officio Recorder.

By L. L. Deputy.

Fees, \$ 1.40

MORTGAGE—SHORT COVENANT

THIS INDENTURE, Made the Ninth day of January in the year of our Lord one thousand nine hundred and thirty-five between Mary A. Tibbitts, a widow, Wayne E. Tibbitts and LaRetta Tibbitts, his wife,

of Lorenzo County of Jefferson State of Idaho parties of the first part, and Harvey L. Wilson of Lorenzo County of Jefferson State of Idaho the party of the second part,

WITNESSET, That the said parties of the first part, for and in consideration of the sum of Seventeen hundred and no/100 DOLLARS lawful money of the United States, does by these presents GRANT, BARGAIN, SELL AND CONVEY, unto the said party of the second part, and to his heirs and assigns, FOREVER, all that certain real property situate in the County of Jefferson and State of Idaho, and bounded and particularly described as follows, to-wit:

Lots Nine, Twelve, and Fifteen, and the East 65 rods of Lot 5, section 29, all being in township 5 North Range 39 East Boise Meridian, together with all ditch and water rights used in any manner in connection therewith.

Especially as to 1,000 shares of the capital stock in the Island Irrigation Company, a corporation.

together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

THIS GRANT Is intended as a Mortgage to secure the payment of one certain promissory note of even date herewith, executed and delivered by the said parties of the first part to the said party of the second part and due and payable Five years after date, bearing interest at the rate of 6% per annum with interest payable annually.

AND THESE PRESENTS SHALL BE VOID if such payment be made. But in case default shall be made in the payment of the said principal sum of money, or any part thereof, as provided in the said note, or if the interest be not paid as therein specified, then it shall be optional with the said party of the second part, his executors, administrators or assigns, to consider the whole of said principal sum expressed in said note as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit, including reasonable

counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance as may have been made by said second party his heirs, executors or assigns with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said parties of the first part, their heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, The said parties of the first part, have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Ruth H. Secord

Mary A. Tibbitts (SEAL)
Wayne E. Tibbitts (SEAL)
LaRetta Tibbitts

STATE OF IDAHO, }
County of Jefferson } ss.

On this 12th day of April, 1935, before me

Bash L. Bennett a Notary Public

in and for said County, personally appeared Mary A. Tibbitts, a widow, Wayne E. Tibbitts and LaRetta J. Tibbitts, his wife, known to me to be the person 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.

Bash L. Bennett

Notary Public for Idaho.
Residing at Rigby, Idaho.

My commission expires Nov. 9th, 1938.

No. 50559

MORTGAGE

SHORT COVENANT

Mary A. Tibbitts,

TO

Harvey L. Wilson.

Dated, 19

STATE OF IDAHO,

County of Jefferson, ss.

I hereby certify that this instrument was filed for record at the request of

Bash L. Bennett

at 50 minutes past 9 o'clock A.M.

this 22nd day of April A. D.

1935 in my office, and duly recorded in

Book 109 of Mortgages

on page 134

W. C. Williams
Ex-Officio Recorder.

By Deputy

fees, \$ 1.40

KNOW ALL MEN BY THESE PRESENTS, That

W. C. Williams

do hereby certify and declare that a certain mortgage, bearing date the

15th

day

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

1, BRITTS, DEOL W.

CLAIM I.D. NO.

A25-10973

DATE RECEIVED

11-03-88

AMOUNT \$289

1. Is the name and address complete with zip code?

YES

NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered?

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient?

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use?

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

Is the consumptive use correct?

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

10. Is (are) the place(s) of use entered?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A

15. Is the basis of the claim checked?

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

Has the claim been signed, sealed, and dated by a notary?

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct? Exempt

If this claim is based on an existing water right, has the identification number been entered? N/A

Should this claim be receipted and data entered?

Claim checked by:

Comments:

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NOV 10 1992