

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: A27-10116
Date Received: 3/24/1989
Receipt No: E006484
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN R. YANCEY 208-785-3610
Address: 691 W. 300 S.
BLACKFOOT, ID 83221

OR
Name: NOLA B. YANCEY 208-785-3610
Address: 691 W. 300 S.
BLACKFOOT, ID 83221

2. Date of Priority: JUN 01, 1885

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	35E	18	NW	SW	NE		BINGHAM

5. Description of diverting works:
HEADWORKS OF THE RIVERTON DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10116

Page 1

Date: 03/24/89

MICROFILMED
NOV 12 1992

A2710116



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	24	NW	NW		IRR	23.0
Section Acres							23.0
Total Acres							23.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
1/4 SHARE OF THE EASTERN IDAHO WATER CO.

14. Remarks:
THIS CLAIM IS BASED ON RIGHT 27-0004. I COULD NOT TELL WHICH SUBRIGHT (A-M) THE CLAIM BELONGS. MR YANCEY HAS A CLEAR CHAIN OF OWNER SHIP OF THE WATER. THESE DOCUMENTS ARE ATTACHED TO THE PAPER COPY OF THE CLAIM. DMD.

15. Basis of Claim: DECREED
Water Right Number: 270004
Case Number:
Court :
Decree date:

FRED STEVENS ET AL
Decree Plaintiff

vs

EASTERN IDAHO WATER CO ET AL
Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Marvin R. Yancey Date: 3/24/89
_____ Date: _____

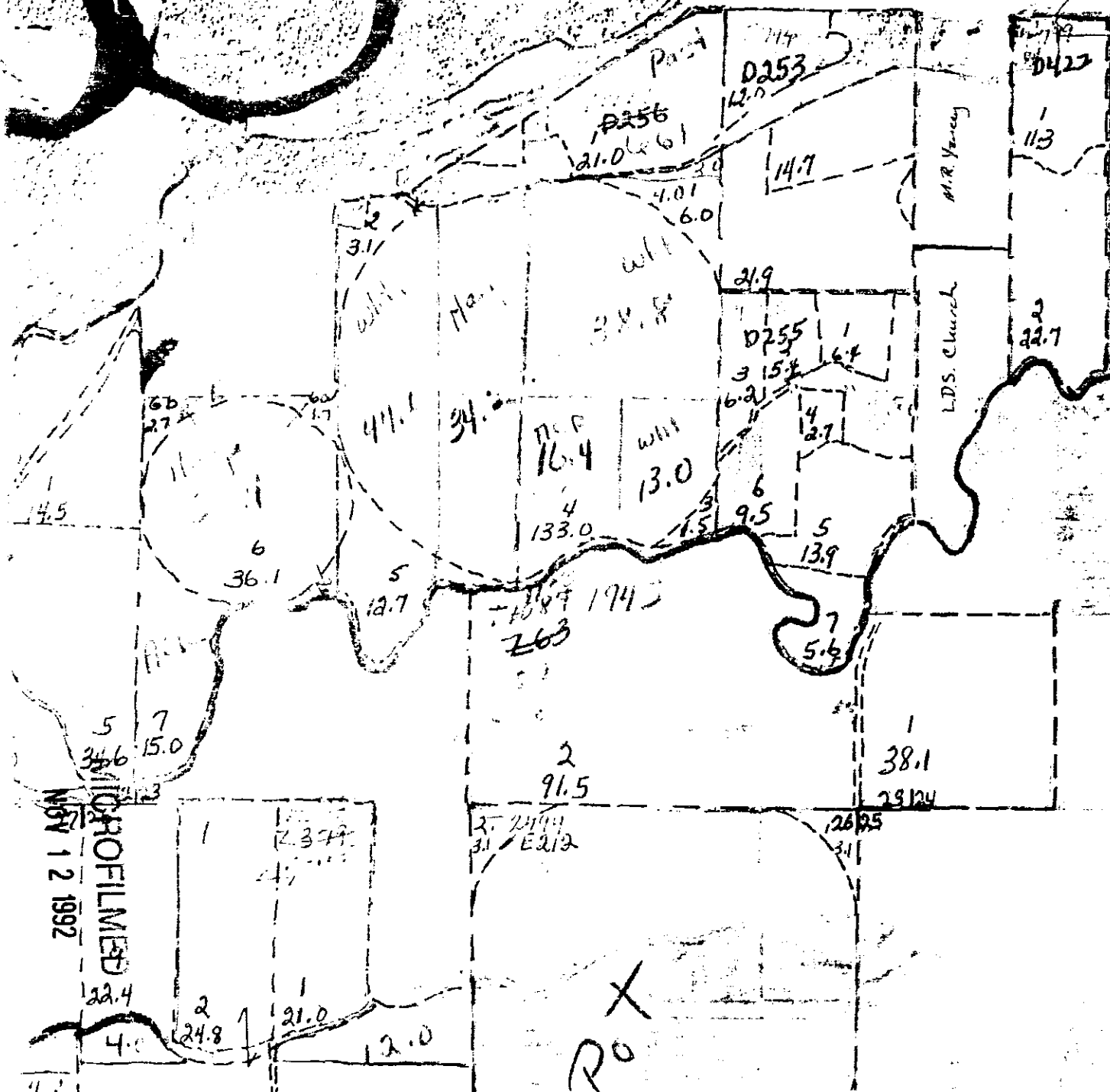
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of March 19 89 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

L-12



1070 FILMED
MAR 12 1992

Log for claim 27-10116

Spatial Dynamics LTD

1/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	24	NWNW	23	19	
Totals:			23	19	

AJ5809NP
No. A27-10116

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 157

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NOLA B YANCEY	06/01/1885	IRRIGATION	03-15 11-15	0.360 CFS	
C	MARVIN R YANCEY					
	691 W 300 S			TOTAL DIVERSION:	0.360 CFS	
	BLACKFOOT ID 83221			CONSUMPTIVE USE:		60.00 AFA
	(208) 785-3610					

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03S R35E S18

NWSNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
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RECEIVED
1989
Department of Water Resources
Eastern District Office

691 WEST 300 SOUTH
BLACKFOOT, IDAHO 83221
MARCH 24, 1989

IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN REGIONAL OFFICE
150 SHOUP AVENUE, SUITE 15
IDAHO FALLS, IDAHO 83402

ATTENTION: Dennis M. Dunn

REFERENCE: Identification Number: A27-10116

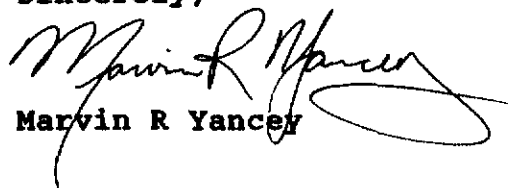
Dear Mr. Dunn,

Enclosed is a copy of the warranty deed which was referenced in the documentation which I left with you when I visited with you on the 24th of March. Please file these with the other documentation which you received from me. The referenced water was dated June 1st, 1885 decreed to A. Whitten and Susan E. Whitten August 1st, 1891.

This deed would also be of interest in reference to the adjoining approximate 20 Acre owned by the LDS Church. If you feel it would be helpful to the gentleman (I'm sorry I didn't get his name) from the Boise office who was in Idaho Falls today, please send him a copy to reference his work with Mr. Glenn Nielson (459-0134) of Caldwell in filing for the LDS Church in Southern Idaho.

Thank you for your help in this matter. Please let me know if I can be of further assistance.

Sincerely,


Marvin R. Yancey

MICROFILMED

NOV 12 1992

RECORDED

NOV 12 1910

Department of Forest Resources
Eastern District Office

No. 5235

WARRANTY DEED

Book No. 37

This Indenture, Made the 20th day of November in the year of our Lord one thousand nine hundred and eighteen, between
-----Annie A. Hamilton and John P. Hamilton, her husband,
of the County of ----- and State of -----, the part Y of the first part, and
-----Edward Hoffman-----
of the County of ----- and State of -----, the part Y of the second part,

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of -----
-----Five Hundred----- DOLLARS,
lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof
is hereby acknowledged,

do by these presents grant, sell, bargain and convey and confirm unto the said part Y of the second part, and to his
heirs and assigns forever, all the certain lot, piece or parcel of land situate, lying and being in the County
of Bingham and State of Idaho, and bounded and described as follows, to-wit:

The west one-half of the north east quarter of the north east quarter (W1/2 NE 1/4) and the west half of Lot Four (4) in section twenty-four (24) in Township three (3) south of range thirty-four (34) East of the Boise Meridian, Idaho.

It being understood that the above description conveys all that part of the west half of the northwest quarter of said section twenty-four (24) east of a line running due south from a point forty rods east of the northwest corner of said section twenty-four to the Blackfoot river thence along the bank of said river to the southeast corner of said lot four in section twenty-four in Township three south of range thirty-four east, Boise Meridian, Idaho.

Together with all water rights, ditches, ditch or other rights-of-way thereunto belonging.

\$500 R. 1. 2. Attached and Cancelled

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part Y of the second part, and to his heirs and assigns forever, and the said part Y of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part Y of the second part, his heirs and assigns, against the said part Y of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

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

Signed, Sealed and Delivered in the Presence of
P. J. Davis

Annie A. Hamilton (SEAL.)
John P. Hamilton (SEAL.)
(SEAL.)
(SEAL.)

STATE OF IDAHO,
County of Bingham

I DO HEREBY CERTIFY, That on this 20th day of November in the year of 1910, before me,
P. J. Davis, a Notary Public
in and for said County and State, personally appeared
Annie A. Hamilton and John P. Hamilton, her husband

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 at Boise City, Idaho
(SEAL) the day and year first above written.

(Seal) My commission expires March 21, 1912 P. J. Davis, Notary Public,
Residing at Boise City, Idaho.

Recorded at the request of J. M. Thorne, December 21, 1910 at 4:00 o'clock.

P. J. Davis Recorder.

MICROFILMED
NOV 12 1992

\$.50 I.R.S. attached and cancelled

(SEAL)

Recorded at the request of J. H. Anderson, Dec. 31, 1918 at 1:15 P.M.

F.H. Fisher Recorder

MICROFILMED
NOV 12 1992

STATE OF IDAHO,
County of Bingham } SS.

On this 25th day of July in the year 1957, before me,

E. P. Monson, a Notary Public in and for said County and State, personally appeared
EVAN L. MECHAM and EVELYN MECHAM, husband and wife

known to me to

be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

E. P. Monson

Notary Public.

My Commission Expires:
July 10, 1959

Residence Blackfoot, Idaho

WARRANTY DEED

INDEXED

Dated

19

STATE OF IDAHO,

County of Blaine } SS.

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

E. P. Monson

at 25 minutes past 11

o'clock 4th M., this 24th day

of August A. D. 1957

at my office and duly recorded in Book 96

of Books at page 175

O. F. Hoeltzen
Ex-Officio Recorder.

By *Eric Anderson*
Deputy.

Fee, \$ 1.25

GEO. PRIMER & SONS, INC., POCAHONTO, IDAHO

Box 727, City

98-175

1841 Feb 9 4th

STATE OF IDAHO,
County of Bingham

SS.

On this

7th

day of

November,
~~August~~

in the year 1957, before me,

the undersigned,

a Notary Public

in and for said County and State, personally appeared

EVAN L. MECHAM and EVELYN MECHAM, husband and wife,

known to me to

be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

My Commission Expires:

July 10, 1959

E. P. Mouson

Notary Public.

Residence

Blackfoot, Idaho

WARRANTY DEED

Dated

, 19

STATE OF IDAHO,

County of

Bingham

SS.

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

E. P. Mouson

at 35 minutes past 9

o'clock P. M., this 21

day

of November A.D. 1957

at my office and duly recorded in Book 97

of Deeds at page

117 of Book 97

Ex-Officio Recorder.

By

E. P. Mouson

Deputy.

Fee, \$ 1.25

REC. PRIMER & SONS, INC., POCAHONTO, IDAHO

Book 272

city

Warranty Deed

97 JUL 1944

THIS INDENTURE, Made this 24th day of August
in the year of our Lord One Thousand Nine Hundred and Fifty-seven, between

EVAN L. MECHAM and EVELYN MECHAM, husband and wife,
of the, County of Bingham, State of Idaho
the parties of the first part, and

RICHARD YANCEY

of the, County of Bingham, State of Idaho
the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
THREE THOUSAND EIGHT HUNDRED and NO/100 - - - - - DOLLARS,
lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party
of the second part, and to his heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Bingham State of Idaho, bounded
and more particularly described as follows, to-wit:

The West half of the Northwest Quarter of the
Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), and the West half of Lot
Four (4), in Section Twenty-four (24), Township Three
(3) South, of Range Thirty-four (34), East of the
Boise Meridian; it being understood that the above
description conveys all that part of the West Half of
the Northwest Quarter of Section Twenty-four (24),
lying West of a line running due South from a point
40 rods East of the Northwest corner of said Section
Twenty-four (24) to the Blackfoot River, thence along
the bank of the river to the Southwest corner of said
Lot Four (4) containing forty-four (44) acres more or
less, excepting all rights of way thereon.

Subject to an existing mortgage on said premises
with an unpaid balance amounting to \$1,700.00 which
said sum is part of the consideration above mentioned.



Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the
first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part
his heirs and assigns against the said parties of the first part, and their heirs and against all and every
person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

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

Evan L Mecham [Seal]
Evelyn Mecham [Seal]

_____ [Seal]

WARRANTY DEED

218821

For Value Received RICHARD E. YANCEY and ETHELLA W. YANCEY, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto MARVIN R. YANCEY and NOLA B. YANCEY, husband and wife,

whose current address is Route #3, Box 78 A, Blackfoot, Idaho 83221

the grantee s, the following described premises, in.....BINGHAM.....County Idaho, to wit:

The North 96 rods of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ and the $W\frac{1}{2}$ of Lot 4 in Section 24, Township 3 South, Range 34, East of the Boise Meridian, Bingham County, Idaho, EXCEPTING all rights-of-way thereon.

ALSO EXCEPTING: Part of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of Section 24, Township 3 South, Range 34, East of the Boise Meridian, Bingham County, Idaho, described as: Beginning at a point 246 feet East of the Northwest corner of Section 24, thence East to the Northeast corner of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$; thence South to the waterline on the North bank of Riverton Ditch crossing the $N\frac{1}{2}NW\frac{1}{4}$ of said Section, thence Westerly along the waterline of the North bank of said ditch to a point 246 feet East of the West line of said Section, thence North to the Point of Beginning.

The above conveyance is made free and clear of all other encumbrances except: rights-of-way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

Together with all water and water rights, ditches and ditch rights-of-way, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. Including particularly 18 inches of Fox and Whitten waters.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees , that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 8, 1976

Richard E. Yancey
RICHARD E. YANCEY
Ethella W. Yancey
ETHELLA W. YANCEY

STATE OF IDAHO, COUNTY OF BINGHAM

On this 30th day of November 1976 , before me, a notary public in and for said State, personally appeared Richard E. Yancey and Ethella W. Yancey.

known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at Blackfoot , Idaho
Comm. Expires LIFE

218821

AMERICAN LAND TITLE CO.

WARRANTY DEED

190593

For Value Received RICHARD E. YANCEY and ETHELLA W. YANCEY, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto MARVIN R. YANCEY and NOLA

B. YANCEY, husband and wife, of 948 Henderson Drive, Blackfoot, Idaho 83221

the grantees, the following described premises, in Bingham County Idaho, to wit:

Part of the $W\frac{1}{2}NW\frac{1}{4}$ of Section 24, Township 3 South, Range 34 East of the Boise Meridian, Bingham County, Idaho, described as: Beginning at a point 246 feet East of the Northwest corner of Section 24, thence East to the Northeast corner of the $W\frac{1}{2}NW\frac{1}{4}$; thence South to the waterline on the North bank of Riverton Ditch crossing the $N\frac{1}{2}NW\frac{1}{4}$ of said Section, thence Westerly along the waterline of the North bank of said ditch to a point 246 feet East of the West line of said Section, thence North to the Point of Beginning.

Subject to reservations in U.S. Patent, existing and recorded rights-of-way and easements, zoning and building ordinances and taxes and assessments for 1974., and thereafter.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that t hey will warrant and defend the same from all lawful claims whatsoever.

Dated:

Richard E. Yancey
RICHARD E. YANCEY
Ethella W. Yancey
ETHELLA W. YANCEY

STATE OF IDAHO, COUNTY OF BINGHAM
On this 22nd day of April, 1974,
before me, a notary public in and for said State, personally
appeared

Richard E. Yancey and Ethella
W. Yancey, husband and wife

known to me to be the persons whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

James D. Hansen
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 3/28/75

190593

16
1.00
EH

EAST IDAHO NATIONAL FARM LOAN ASSOCIATION

BLACKFOOT, IDAHO

June 15, 1953.

ROSS A. BOWARD, SECRETARY-TREASURER

FEDERAL LAND BANK LOANS

Mr. Wm. Hall
Blackfoot, Idaho

Dear Sir:

In 1918, John Hamilton and his wife deeded to Edward Hoffman (Book 37 of Deeds, Page 107) the ~~W¹/₂ NW¹/₄~~ and the ~~W¹/₂~~ of Lot 4, Section 24, Township 3 South, Range 34 E.B.M. At the same time John F. Hamilton and wife deeded to Edward Hoffman (Book 37 of Deeds Page 126) 36 inches of Fox and Whitten water with a priority of June 1, 1885.

In 1923 Edward Hoffman and wife mortgaged this land, together with all water rights to the State of Idaho. The State of Idaho foreclosed this mortgage and in 1934 obtained a Sheriff's deed (Book 57 of Deeds Page 282). The Sheriff's deed describes the same land but does not mention the water.

In 1947 the State of Idaho deeded to Ray W. Dyer (Book 72 of Deeds Page 280) the same land together with all water rights.

In 1947 Ray Dyer and wife deeded to Blanchard J. Stewart the same land but no mention is made of water rights. (Book 73 of Deeds Page 477).

In 1951, Blanchard J. Stewart and wife deeded to Evan L. Mecham (Book 78 of Deeds Page 475) the same land but no mention was made of water rights.

The assessor of Bingham County now has the above-described land in three assessments, Tax Numbers 2725, 2726 and 2727.

Tax No. 2725 is assessed to Evan L. Mecham and described as follows: That part of the ~~W¹/₂ NW¹/₄~~ of Section 24, lying North of the Riverton Ditch, containing 6 acres more or less.

Tax No. 2726 is assessed to Evan L. Mecham c/o Richard Yancey, and is described as follows: Commencing at a point 96 rods South of the Northwest corner of said Section 24, and running thence East 40 rods, thence North to the water line on the North bank of what is known as the Riverton Ditch, crossing the ~~N¹/₂ NW¹/₄~~ of said Section, thence Southwesterly along the water line on the North bank of said ditch to the West line of said section, thence South to the point of beginning.

Tax No. 2727 is assessed to Evan L. Mecham c/o L. D. S. Church, and is described as follows: Commencing at a point 96 rods South of the NEP of said Section 24 and running thence East 40 rods, thence South to the North bank of the Blackfoot River, thence Southwesterly along the North bank of the river to the West line of said section, thence North to the point of beginning.

June 15, 1953

Wm. Hall

Page 2.

Tax No. 2726 contains approximately 18 acres and Tax No. 2727 approximately 20 acres.

These assessments would indicate that Evan L. Meham has sold the land described as Tax No. 2726 to Richard Yancey and Tax No. 2727 to the L.D.S. Church. I presume the only way to learn who now owns this water would be to contact Evan Meham and find out how much water he sold to each purchaser.

I can not find any deed on record given by Evan L. Meham covering the above lands or the water in question.

Yours truly,



Ross A. Soward
Secretary-Treasurer

rs:hh

MICROFILMED

NOV 12 1992