

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: A27-11236
Date Received: 2/23/1989
Receipt No: 8005872
Received By: EAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEAL K. POWELL 208-785-4404
Address: 252 E. 100 N.
BLACKFOOT, ID 83221
AND/OR
Name: DIANE B. POWELL 208-785-4404
Address: 252 E. 100 N.
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 Lot County
02S 37E 17 SW SE NW BINGHAM
5. Description of diverting works:
COFFER DAM IN BLACKFOOT RIVER, MAINTAINED BY BLACKFOOT SLOUGH CO.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 125.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER FOR 100 COWS, 6 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	36E	28	NE	SW		IRR	23.0
			NW	SW		IRR	13.0
			NW	SE		IRR	14.0
						Section Acres	50.0
						Total Acres	50.0

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:
NONE

14. Remarks:
RELATED WATER RIGHTS IRRIGATE AS FOLLOWS: EASTERN IDAHO WATER CO.
SE4, SEC. 28, 41.7 AC; BLACKFOOT IRRIG. CO. SE4, SEC. 29, 30.6 AC

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 13 1992

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 _____

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NOV 13 1992

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

Number changed to A22-11236

Ident. Number: ~~A22-12574~~

Date Received: 2/23/1989

Receipt No: E005872

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEAL K. POWELL 208-785-4404
Address: 252 E. 100 N.
BLACKFOOT, ID 83221

AND/OR

Name: DIANE B. POWELL 208-785-4404
Address: 252 E. 100 N.
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
02S	37E	17	SW	SE	NW		BINGHAM

5. Description of diverting works:

COFFER DAM IN BLACKFOOT RIVER, MAINTAINED BY BLACKFOOT SLOUGH CO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

7. Total Quantity Appropriated is:

1.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER FOR 100 COWS, 6 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	36E	28	NE	SW		IRR	23.0
			NW	SW		IRR	13.0
			NW	SE		IRR	14.0
						Section Acres	50.0
						Total Acres	50.0

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:
NONE

14. Remarks:
RELATED WATER RIGHTS IRRIGATE AS FOLLOWS: EASTERN IDAHO WATER CO.
SE4, SEC. 28, 41.7 AC; BLACKFOOT IRRIG. CO. SE4, SEC. 29, 30.6 AC

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

FRED S. STEVENS
Decree Plaintiff

vs

EASTERN IDAHO WATER CO.
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): _____ 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: A27-11236Ident. Number 39576Date Received A22-12574Receipt Number 2-23-89E005872
CR # 5510/100.

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
FEB 23 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Neal K. and Diane B. POWELL Phone (208) 785-4404Mailing Address 252 East 100 North, Blackfoot, ID Zip 832212. Date of Priority (Only one (1) per claim) 1885 6-03. Source of water supply (a) Blackfoot River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 2S Range 37E Section 17,
SW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Bingham

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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.Coffar dam in
Blackfoot River, maintained by
Blackfoot Slough Co.

MICROFILMED
NOV 13 1982



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 125 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater for 100 cows, 6 horses

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. 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	
25	36E	28									23	13				14			50

Total number of acres irrigated 50

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

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. _____ or None (X)

14. Remarks: Related water rights irrigate as follows:
Eastern Idaho Water Co SE4 sec28 41.7 Ac
Blackfoot Irrigation Co. SE4 Sec 29 30.6 Ac

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Last Name POWELL, N. Ident No. _____

NOV 13 1992

Copies: White -State, Yellow-Claimant

Place of Use: T2SR36EBM

[illegible]

ROEFME

NOV 13 1992

Ident No.

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 1885
Plaintiff vs Defendant Fred S. Stevens v Eastern Idaho Water Co.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 7

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

Signature of Claimant (s)

Neal Powell

Date 2/22/89

Date _____

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 _____

Title

of _____

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 _____)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this 23rd day of Feb 1989

SEAL

Notary Public

Betty J. Thompson

Residing at _____

BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires _____

RESIDING AT IDAHO FALLS, IDAHO

MY COMMISSION EXPIRES: 6-30-94

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 _____

Last Name

POWELL, N.

Ident. Number _____

MICROFILMED

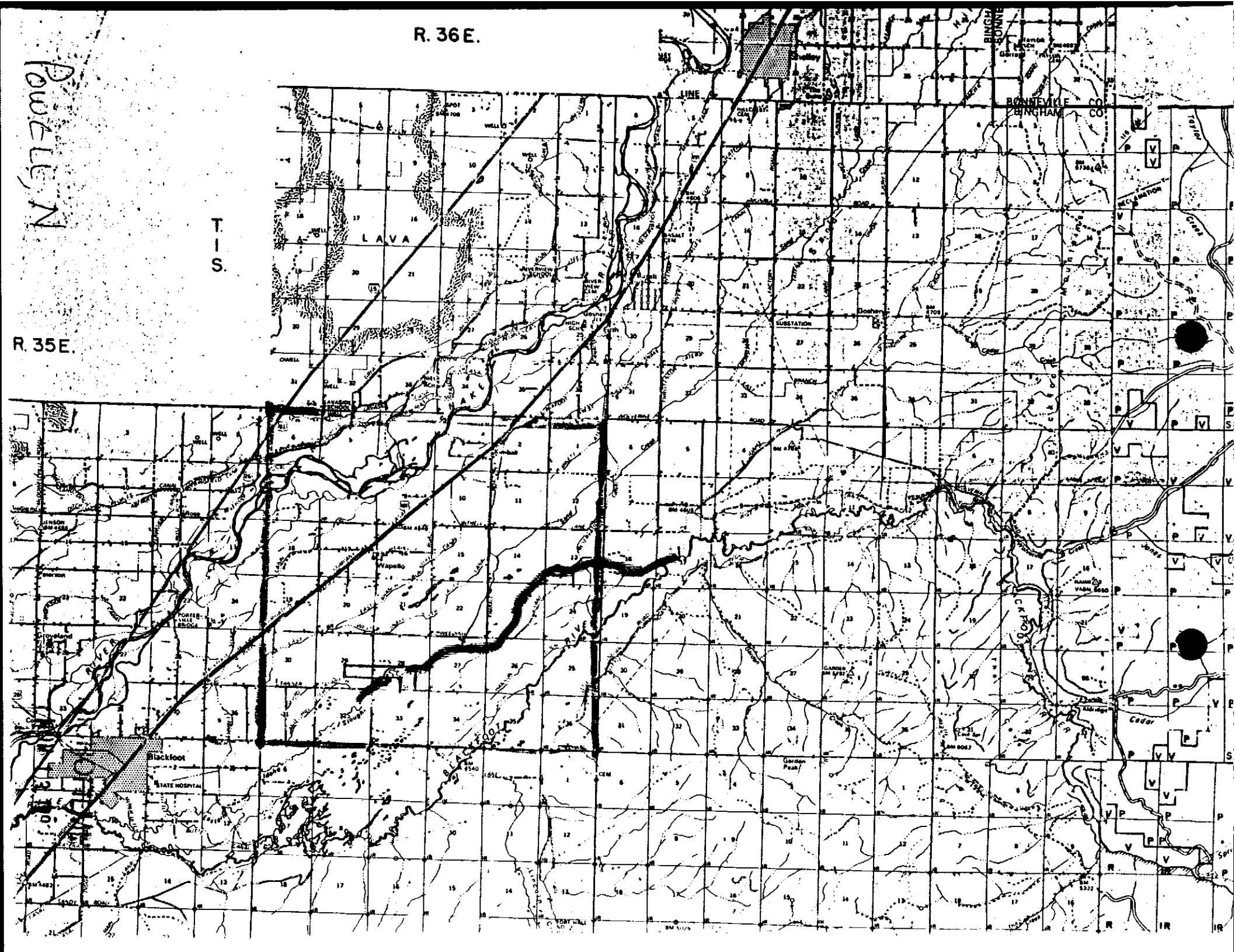
NOV 13 1992
Columbia State, Idaho-Claimant

R. 36 E.

POWELL, N

T. 1 S.

R. 35 E.



Log for claim 27-11236

Spatial Dynamics LTD

1/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s36e	28	NWSW	13	34	Indiscernible
02s36e	28	NESW	23	39	Indiscernible
02s36e	28	NWSE	14	20	Indiscernible
Totals:			50	93	

AJ5809NP
No. A27-11236

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 198

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEAL K POWELL	06/01/1885	IRRIGATION	03-15 11-15	1.000 CFS	
C	DIANE B POWELL					
	252 E 100 N					
	BLACKFOOT ID 83221			TOTAL DIVERSION:	1.000 CFS	
	(208) 785-4404			CONSUMPTIVE USE:		125.00 AFA

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T02S R37E S17

SWSNW

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																																			
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM																							
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:																						
02S	36E	28	:					:						:	23		13		:			14			:	50.0																					
																																													TOTAL ACRES		50.0

POU County: BINGHAM

Non-Irrigation Uses: STOCKWATER FOR 100 COWS, 6 HORSES

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A27-00022D A27-00035D

Remarks: GEN RELATED WATER RIGHTS IRRIGATE AS FOLLOWS: EASTERN IDAHO WATER CO.
SE4, SEC. 28, 41.7 AC; BLACKFOOT IRRIG. CO. SE4, SEC. 29, 30.6 AC

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

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

Audit: 08/31/89 THOMPSON 12/02/94 JTHOMPSON 03/29/95 POST-STD



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 27, 1999

NEAL POWELL
2102 RENDEZVOUS
IDAHO FALLS ID 83402-3882

RE: CHANGE OF ADDRESS FOR A27-10069 & A27-11236

Dear Mr. Powell:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Neal Powell
252 E 100 N
Blackfoot Id 83221

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Autumn Jones
Records Clerk

Enclosure(s)

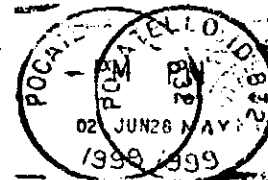
COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested



FORWARDING
ORDER
EXPIRED



Return
to
SENDER

27-10069 &
27-11236

NEAL POWELL
2102 RENDEZVOUS
IDAHO FALLS ID 83402-3882

POWE102 834023004 1N 05 06/05/99
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER



02/23/89
10:43:53

POWELL, NEAL/DIANE

ADJUDICATION FEE

0410162 9337 6490

\$100.00

\$100.00

CHECK 5510

WR/NO: A27-11236

Idaho Department of Water Resources

Region: EASTERN

Signature: *Ernest Carlson**31 Aug 89**Number changed from A22-12574*

DO NOT WRITE

252 East 100 North
Blackfoot, ID 83221
February 22, 1989

Idaho Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, ID 83402

ATTENTION: Mr. Ernie Carlsen

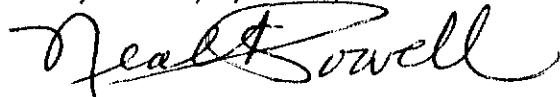
Gentlemen:

Attached please find my check for \$100.00 to cover my share of the Idaho Water Resource Board fees in the general adjudication of the Snake River Basin water rights. It is my understanding that I owe \$1.00 per acre irrigated plus a \$50.00 filing fee.

Copies of my deed and the court decree for the Fox and Whitten water (50 inches) and a map designating the acres by Quarter-Quarter Section (40 ac) to which this water is beneficially applied are attached for your use. Other water rights owned by me are indicated on the map also, but I am filing appropriate fees and information with each water company.

I am also enclosing tax notices which indicate ownership of the land. Note that Genevieve B. Powell, my mother, has passed away and my wife, Diane, and I are the owners of record.

Very truly yours,



Neal K. Powell

Attachments: As Stated

MICROFILMED
NOV 13 1992

D E E D.

THIS INDENTURE, made the 8th day of August in the year 1917, between A. Whitten and Susan E. Whitten, husband and wife, of Bingham County, Idaho the parties of the first part and George A. Powell of the same place the party of the second part.

WITNESSETH, that the parties of the first part for and in consideration of the sum of (250.00), Two Hundred Fifty 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, sell, bargain, convey, and demise unto the said party of the second part and to his heirs and assigns forever the following described property to-wit:

Fifty (50) inches of the waters of the Blackfoot River, measured under a four inch pressure, as decreed by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bingham, in an action wherein Fred Stevens was plaintiff and Eastern Idaho water Company, et al. were defendants, the rights of the said parties of the first part under said decree, hereby conveyed dating from June the First, 1885.

Together with all and singular the appurtenances thereto belonging are in anywise appertaining.

To have and to hold all and singular the said premises together with the appurtenances and privileges thereto incident, unto the said party of the second part and to his heirs and assigns forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

A. Whitten (SEAL)
Susan E. Whitten (SEAL)

In the Presence of,

Geo. J. Gagon

POWELL, N.

State of Idaho }
County of Bingham } SS.

On this 20th day of August in the year 1917, before me,
Geo. F. Gagon, a notary public, within said County and State,
personally appeared A. Whitten and Susan E. Whitten 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 fixed
my official seal the day and year in this certificate above
written.

Geo. F. Gagon
Notary Public, residing at
Blackfoot, Idaho.

My commission expires,

Dec. 15, 1919.

POWELL, N.

WATER DECREE ON BLACKFOOT RIVER

Book 1 of Judgments
Page 107-116

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Bingham County,

Fred S. Stevens et al, Plaintiffs

Eastern Idaho Water Company et al, Defendants

Ed Hall
346-6668

Eric H. White
785 2816

This cause having been heretofore tried by the Court, without a jury, and the court having made its findings of fact and conclusions of law,

It is now ordered, adjudged and decreed that the following parties are entitled to divert from the Blackfoot River the amount of water herein indicated, and the right of each party dates from the time hereinafter stated and set opposite each name, to-wit:

Fred S. Stevens, July 6, A.D. 1869	- - - - -	138 inches	
Henry Dunn, July 1, A.D. 1870	- - - - -	300 inches	
N. A. Just and Emma Just, August 1, A.D. 1871	- - - - -	200 inches	
Leon Misslen, July 1, A.D. 1873	- - - - -	200 inches	
John Misslen, April 1, A.D. 1874	- - - - -	120 inches	
H. R. Lewis, March 1, A.D. 1875	- - - - -	100 inches	
Presto Burrell, March 1, A.D. 1876	- - - - -	100 inches	
William Kirkpatrick, May 1, A.D. 1878	- - - - -	100 inches	
F. M. Shoemaker, April 1, A.D. 1879	- - - - -	90 inches	
Eastern Idaho Water Co., March 25, A.D. 1880	- - - - -	1800 inches	
P. B. Fox, Jr.	)		
William Howard,	)		
A. Whitten,	)	March 25, A.D. 1880	600 inches
Susan E. Whitten,	)		
Calvin Miles	)		
Levi Warren, April 1, A.D. 1882	- - - - -	50 inches	
Emily Warren, April 1, A.D. 1883	- - - - -	106 inches	
Daniel Y. Miller, April 1, A.D. 1883	- - - - -	100 inches	
Fred S. Stevens, Oct. 1, A.D. 1884	- - - - -	140 inches	
N. A. Just & Emma Just, April 1, A.D. 1885	- - - - -	100 inches	
Leon Misslen, May 1, A.D. 1885	- - - - -	300 inches	
Robert Millen, May 1st, A.D. 1885	- - - - -	150 inches	
P. B. Fox, Jr.,	)		
William Howard	)		
A. Whitten	)	June 1, A.D. 1885	1500 inches
Susan E. Whitten	)		
Calvin Miles	)		
W. W. Ritter, July 23, A.D. 1885	- - - - -	560 inches	
Thomas G. Weber, July 23, A.D. 1885	- - - - -	480 inches	
James Drew, Oct. 1, A.D. 1885	- - - - -	6 inches	
Eastern Idaho Water Co., Oct. 1, A.D. 1885	- - - - -	1000 inches	
H. R. Lewis & Sarah Lewis, March 1, A.D. 1886	- - - - -	160 inches	
James Welch, March 20, A.D. 1886	- - - - -	400 inches	
William H. Danilson, April 5, A.D. 1886	- - - - -	352 inches	
David S. Morgan, April 5, A.D. 1886	- - - - -	132 inches	
William Morgan, April 5, A.D. 1886	- - - - -	100 inches	
William A. Dowing, April 5, A. D. 1886	- - - - -	120 inches	
F. Little, Oct. 4, A.D. 1886	- - - - -	240 inches	
Chas. S. Burton, Oct. 4, A.D. 1886	- - - - -	240 inches	
John Sharp, Sr., Nov. 1, A. D. 1886	- - - - -	320 inches	
F. W. Jennings, Nov. 1, A.D. 1886	- - - - -	400 inches	
Donald Tolmie, April 1, A.D. 1887	- - - - -	100 inches	
Samuel Borup, April 1, A.D. 1887	- - - - -	50 inches	
Jacob Eliason & Caroline Eliason, May 1, 1889, A.D.		145 inches	
Maylan C. Fox, Dec 4, A.D. 1889	- - - - -	640 inches	

That the following rights hereinbefore set forth, to-wit:

The right of H. R. Lewis dating from the first day of March, A. D. 1875, for 100 inches the right of W. W. Ritter, dating from the 23rd day of July A. D. 1885, for 560 inches; the right of Thomas G. Webber, dating from the 23rd day of July A.D. 1885, for 480 inches; the right of H. R. Lewis and Sarah Lewis dating from the 1st day of March, A.D. 1886, for 160 inches; the right of F. Little dating from the 4th day of October A.D., 1886, for 240 inches the right of Charles S. Burton, dating from the 4th day of October, A. D. 1886 for 240 inches

POWELL, N.

the right of John Sharp, Sr. dating from the 1st day of November A.D. 1886, for 320 inches; the right of F. W. Jennings, dating from the 1st day of November, A.D., 1886, for 400 inches; the right of Donald Tolmie, dating from the 1st day of April A.D. 1887 for 100 inches; the right of Jacob Eliason and Caroline Eliason dating from the 1st day of May, A.D. 1889, for 115 inches; and the right of Maylan C. Fox, dating from the 4th day of December A.D. 1889, for 640 inches, shall only extend to the 1st day of July in each year for irrigating purposes, and the said H. R. Lewis, W. W. Litter, Thomas G. Webber, Sarah Lewis, F. Little, Charles S. Burton, John Sharp, Sr., F. W. Jennings, Donald Tolmie, Jacob Eliason, Caroline Eliason, Maylan C. Fox and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights aforesaid, after the 1st day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from the Wolverine Creek a tributary of said Blackfoot River the amount of water herein indicated, and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit:

Peter Morris, March 1, A.D. 1882	- - - - -	-60 inches	<i>Disputed</i>
Samuel Orr, July 1, A.D. 1882	- - - - -	-80 inches	<i>Disputed</i>
Peter Morris, April 1, A.D. 1887	- - - - -	-60 inches	<i>Disputed</i>
Daniel M. Taylor, April 1, A.D. 1888	- - - - -	-10 inches	<i>Disputed</i>

It is further ordered, adjudged and decreed that the following parties are entitled to divert from Cedar Creek, a tributary of Blackfoot River, the amount of water herein indicated and the right of each party dates from the times hereinafter stated and set opposite each name, to-wit:

George Monroe and John Lyon, April 1, A.D. 1881	- - - - -	-100 inches
Samuel Borup, April 1, A.D. 1887	- - - - -	50 inches

It is ordered, adjudged and decreed that George Heaton is entitled to divert from the east fork of Brush Creek, a tributary of Blackfoot River, 125 inches of water, said rights dating from the first day of May A.D., 1888, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Heaton is hereby enjoined from diverting or using in any manner any part of the said water right after the 1st day of July in each and every year hereafter for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Canon View Creek, a tributary of Blackfoot River, the amount of water herein indicated and the right of each party dates from the time hereinafter stated and set opposite each name to-wit:

Enoch Hansen, May 1, A.D. 1885	- - - - -	-150 inches
James Sharp, October 11, A.D. 1886	- - - - -	-640 inches
W. H. Rowe, Oct. 11, A.D. 1886	- - - - -	-560 inches

But these said rights of said Enoch Hansen, James Sharp and W. H. Rowe to waters of Canon View Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Hansen, Sharp and Rowe, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following parties are entitled to divert from Dimond Creek, a tributary of Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit:

James Sharp, Oct. 11, A.D. 1886	- - - - -	560 inches
James T. Little, Oct. 11, A.D. 1886	- - - - -	560 inches
Charles Burton, Oct. 11, A.D. 1886	- - - - -	200 inches

But these rights of said Sharp, Little and Burton to the waters of Dimond Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Sharp, Little and Burton, and each and all of them are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

POWELL, N.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Little Blackfoot River, a tributary of Blackfoot River, the amount of water herein indicated and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit:

Thomas Collett, April 1, A.D. 1887	- - - - -	-75 inches
Abe Anderson, April 1, A.D. 1889	- - - - -	-170 inches
Andrew Christensen, April 1, A.D. 1889	- - - - -	-60 inches
Peter Hansen, May 1, A.D. 1889	- - - - -	-160 inches

But these said rights of said Collett, Anderson, Hansen, Christensen, to the waters of Little Blackfoot River herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Collett, Anderson, Christensen, and Hansen and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that John Sharp, Sr., is entitled to divert from Trail Creek, a tributary of Blackfoot River, five hundred and sixty inches of water, said right dating from October 11, A.D. 1886; that John Sharp, Sr., George Romney and W. W. Riter are entitled to divert from Lake Creek, Dale Creek and Pale Creek, all tributaries of Blackfoot River, six hundred and ten (610) inches of water, said rights dating from October 11, A.D. 1886; that F. Little is entitled to divert from Duck Spring Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water, said right dating from October 11, A.D. 1886; that John Sharp, Jr. is entitled to divert from Highland Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water, said right dating from October 11, 1886; that L. S. Hills is entitled to divert from Butte Creek, a tributary of Blackfoot River, four hundred (400) inches of water, said right dating from October 11, A.D. 1886; that J. T. Little is entitled to divert from Rock Creek, a tributary of Blackfoot River, four hundred eighty (480) inches of water, said right dating from October 17, A.D. 1886; that Evin McPherson is entitled to divert from Sheep Creek, a tributary of Blackfoot River, fifty (50) inches of water, said right dating from May 15, A.D. 1890; that Nels Christensen is entitled to divert one hundred sixty (160) inches of water from Spring Creek, a tributary of Blackfoot River, said right dating from April 1, A.D. 1886; that H. Hansen is entitled to divert one hundred fifty (150) inches of water from Spring Creek, a tributary of Blackfoot River, said right dating from April 1, A.D. 1884; that S. Goodwin is entitled to divert one hundred seventy (170) inches of water from Lone Pine Creek, a tributary of Blackfoot River, said right dating from April 1, A.D. 1885; that J. E. Davis is entitled to divert one hundred sixty (160) inches of water from Grouse Creek and Sheep Creek, tributaries of Blackfoot River, said right dating from May 15, A.D. 1890; that Samuel J. Rich and John A. Bagley are entitled to divert two hundred (200) inches of water from Lane Creek and from Springs at or near said Lane Creek, the said springs and Lane Creek being tributaries of Blackfoot River, said right dating from October 1, A.D. 1888; that R. J. Rasmussen is entitled to divert fifty (50) inches of water from Pine Creek and one hundred fifty (150) inches of water from Deep Creek, the said creeks being tributaries of Blackfoot River, said rights dating from July 1, A.D. 1889; the said rights aforesaid, to-wit: the right of John Sharp, Sr., to the waters of Trail Creek, the right of John Sharp, Sr., George Romney and W. W. Riter, to the waters of Lake Creek, Dale Creek, and Pale Creek, the right of F. Little to the waters of Duck Spring Creek, the right of John Sharp, Jr., to the waters of Highland Creek, the right of J. T. Little to the waters of Rock Creek, the right of Evin McPherson to the waters of Sheep Creek, the right of Nels Christensen to the waters of Spring Creek, the right of H. Hansen to the waters of Spring Creek, the right of S. Goodwin to the waters of Lone Pine Creek, the right of J. E. Davis to the waters of Grouse Creek and Sheep Creek, the right of R. J. Rasmussen to the waters of Pine Creek and Deep Creek, and the rights of Samuel J. Rich and John A. Bagley aforesaid shall only extend to the first day of July in each year, and the said John Sharp, Sr., George Romney, W. W. Riter, F. Little, John Sharp, Jr., L. S. Hills, J. T. Little, Evin McPherson, Nels Christensen, H. Hansen, S. Goodwin, J. E. Davis, R. J. Rasmussen, Samuel J. Rich and John A. Bagley, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged, and decreed that the following parties shall pay none of the costs of this suit, viz: W. R. Jones, C. T. Woodall, Thomas Horsley, Chas. B. Wilson, Frank S. Brereton, James B. Hansen, George H. Lacy, James Heatley, Charles Haddock, Samuel Kountze, P.B. Fox, Sr. and H. S. Woolley.

POWELL, N.

It is ordered, adjudged and decreed that the costs of the Judge Protem, shall be and the same is hereby taxed as costs of suit and the same is fixed at two hundred and ten dollars (\$210.00).

It is ordered, adjudged and decreed that the several quantities of water herein decreed shall be the quantities hereinbefore named measured under a four inch pressure, and that the first appropriation in point of time is first in point of right, and all appropriations of equal or of the same date are of equal rights.

It is further adjudged and decreed, that in case of insufficiency of water to supply all parties the entire volume is to be devoted to and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from any streams mentioned in this decree by any party hereto shall be diverted through a box or flume so arranged and constructed as to permit of the water so diverted, being measured under a four-inch pressure and when the waters of the streams mentioned in this decree are not used for irrigation of lands all water shall be returned to the natural channel of the stream, and no diversion thereof allowed.

It is adjudged and decreed, that the plaintiffs to this action shall pay one-sixth of all the costs of this action, and each and all of said plaintiffs shall be jointly and severally liable for the one-sixth part until such part of one-sixth is fully paid.

It is adjudged and decreed that Henry Dunn, N. A. Just, Emma Just, John Misslen, Leon Missler, Robert Millen, Peter Morris and Daniel Y. Miller, shall pay one-sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that P. B. Forx, Jr., Wm. Howard, A. Whitten, Susan E. Whitten, Calvin Miles, Eastern Idaho Water Company, F. M. Shoemaker, Sample Orr, Daniel M. Taylor, George Monroe, John Lyon, George Heaton, Levi Warren and Presto Burrell shall pay one-fourth of all the costs of this action, and said parties shall be jointly and severally liable for said one-fourth until such part is fully paid.

It is adjudged and decreed, that Caroline Eliason, Jacob Eliason, W. H. Eliason, Abe Anderson, Thomas Collett, W. H. Edwards, I. J. Edwards, Evin McPherson, Elizabeth Collett, Nels Christensen, O. B. Hansen, H. Hansen, Enoch Hansen, S. Woodwin, James Durney, Peter Hansen, J. E. Davis, Donald Tolmie, Lars Hansen, Wm. Kountze, R. J. Rasmussen, John Kountze, H. R. Lewis, Sarah Lewis, H. C. Messingale, James Drew and Samuel Borop, shall pay one-sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that James Shapr, John Sharp, Sr., John Sharp, Jr., Elias A. Smith, Geo. Romney, W. W. Riter, F. Little, Maylan C. Fox, James T. Little, F. W. Jennings, Thomas G. Webber, Henry Dinwoody, Heber M. Wells, L. S. Hills, W. H. Rowe, Charles Burton, Samuel J. Rich and John Bagley, shall pay one-fourth of all the costs of this action and said parties shall be jointly and severally liable for the said one-fourth until such part is fully paid.

It is further ordered, adjudged and decreed that all parties to this action shall have the right to use the waters of the several streams named in this decree for domestic purpose

Done in Open Court)
this August 1st, A.D. 1891)

Chas. Cobb
Judge Protem.

Powell, N.

POWELL N.

T2S. R36E BM

Neal Powell T 4834
30.6 Ac
BI Water

13A
NW4 SW4
F & W Water

23 Ac
NE4 SW4
F & W Water

14 Ac
NW4 SE4
F & W Water

Neal Powell
41.7 Ac
EI Water

L&R Encroachments

331
T 24656

+1105
0309
1891

D-204
L-10

NOV 13 1992

WILLED

1728

76.6

DET
1994

45.8

98.4

333

37.2

33.7

plm9

Powell, N

CONSOLIDATED TAX NOTICE AND RECEIPT
BINGHAM COUNTY TAX COLLECTOR 1987
P.O. BOX 190
BLACKFOOT, ID 83221 REAL PROPERTY

MARKET VALUE	TAX CODE AREA	PARCEL NUMBER	BILL NUMBER
122,848	14-00	RP0437700	A 5961
HM- 39,258			
83,590		T2S R36E SEC 28	
L 40,737		N2NWSE* N2SW LS T-5333*	
I 82,111		SWSE* S2NWSE	

AC 155.000

POWELL, GENEVIEVE B AND SONS
252 E 100 N
BLACKFOOT ID 83221

DELINQUENT CERT

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
STATE			FULL PAYMENT
COUNTY	.006150	514.08	TAX 1,360.32
SCHOOL 55	.008657	723.64	PEN
AMBULANCE DIST	.000339	28.34	SUB TOT
FLOOD #1	.000033	2.76	INT
BLKFT/SR FIRE	.000616	51.50	TOT
			1ST INSTALLMENT
			TAX 680.16
			PEN
			SUB TOT
			INT
			TOT
SOLID WASTE		40.00	2ND INSTALLMENT
			TAX 680.16
			PEN
			SUB TOT
			INT
			TOT
TOTAL	.015795	1,360.32	

YOUR CANCELLED CHECK IS YOUR RECEIPT. LEVY SHEETS
ARE OBTAINABLE IN THE OFFICE. PLEASE READ BACK.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1987 RP0437700 A
POWELL, GENEVIEVE B AND SONS
252 E 100 N 5961

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
92	20.00			660.16	680.16 14-00
					PEN
					SUB TOT
					INT
					TOT

2nd
48

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

GAIL CRONQUIST
TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1988

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1987 RP0437700 A
POWELL, GENEVIEVE B AND SONS
252 E 100 N 5961

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
92	40.00			1,320.32	1,360.32 14-00
					PEN
					SUB TOT
					INT
					TOT

FULL
48

SPECIAL CODE	TAX	CODE	AREA	TAX	1ST INSTALLMENT
92	20.00			660.16	680.16 14-00
					PEN
					SUB TOT
					INT
					TOT

1st
48

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1987

NOV 13 1992

UNFILED

IDAHO WATER RIGHTS ADJUDICATION
Neal K. and Diane B Powell
BINGHAM COUNTY IDAHO
T2S R36E BM

I. Eastern Idaho Water Co (1 1/4 Shares)
@ 33 1/3 in/sh = 41.7"

parcel 1	- SW4SE4 Sec 28	27 Ac
parcel 2	- NW4SE4 Sec 28	14.7 Ac

II. Blackfoot Irrigation Co. (4/7 + 2/50 Shares)
@ 50 in/sh = 28.6 + 2 = 30.6"

parcel 1	- NE4SE4 Sec 29	23.6 Ac
parcel 2	- NW4SE4 Sec 29	7 Ac

→ III Fox and Whitten Water (50 inches deeded)

parcel 1	- NW4SE4 Sec 28	14 Ac
parcel 2	- NE4SW4 Sec 28	23 Ac
parcel 3	- NW4SW4 Sec 28	13 Ac

IV Domestic Well

SW4SW4SE4 Sec 28

Note: Items I & III Pt. of Diversion is: MICROFILMED
(Estimated: SW4SE4 NW4 Sec. 17 T2S R37E BM) NOV 23 1992
POWELL, N.

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Powell

CLAIM NO.

A22-12574

DATE RECEIVED

2/23/89

CK #

5510

AMOUNT \$

100.00

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?

N/A

Is the consumptive use correct?

N/A

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:

TO

Comments:

MICROFILMED

NOV 13 1992

E005872