

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: A29-04036
Date Received: 4/ 5/1990
Receipt No: E012849
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORM J LISH 208-897-5113
Address: 17340 S COFFIN ROAD
ARIMO ID 83214

AND/OR

Name: RICK ARMSTRONG 208-908-5113
Address: 17340 S COFFIN ROAD
ARIMO ID 83214

2. Date of Priority: JUN 1, 1889

3. Source: ARKANSAS CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	37E	19	SE	NE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.460		

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

8. Total consumptive use is 182.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK FOR UP TO 200 HEAD

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	19	NE	NE		IRR	3.0
			NW	NE		IRR	38.0
			NW	NE		STOCK	
			SW	NE		IRR	25.0
			SE	NE		IRR	6.0

Section Acres 72.0

Total Acres 72.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-04030

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: _____

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State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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#50

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

RECEIVED
APR 05 1990

Ident. Number: A29-04036
Date Received: 3/15/1990
Receipt No: EO12849/90
Received By: _____

Department of Water Resources
Eastern District Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: L.M. BULL *Lisk Yo* 208-775-4582
Address: 5787 W. PORTNEUF RD.
POCATELLO, ID 83204

2. Date of Priority: JUN 01, 1889

3. Source: ARKANSAS CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	37E	19	SE	NE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.460		

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

8. Total consumptive use is 182.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK FOR UP TO 200 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	19	NE	NE		IRR	3.0
			NW	NE		IRR	38.0
			NW	NE		STOCK	

A29-04036

Page 1

Date: 03/15/90

A2904036

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	19	SW	NE		IRR	25.0
			SE	NE		IRR	6.0
						Section Acres	72.0
						Total Acres	72.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-04030

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): *Jim Bell* Date: 3-28-90

Date: _____

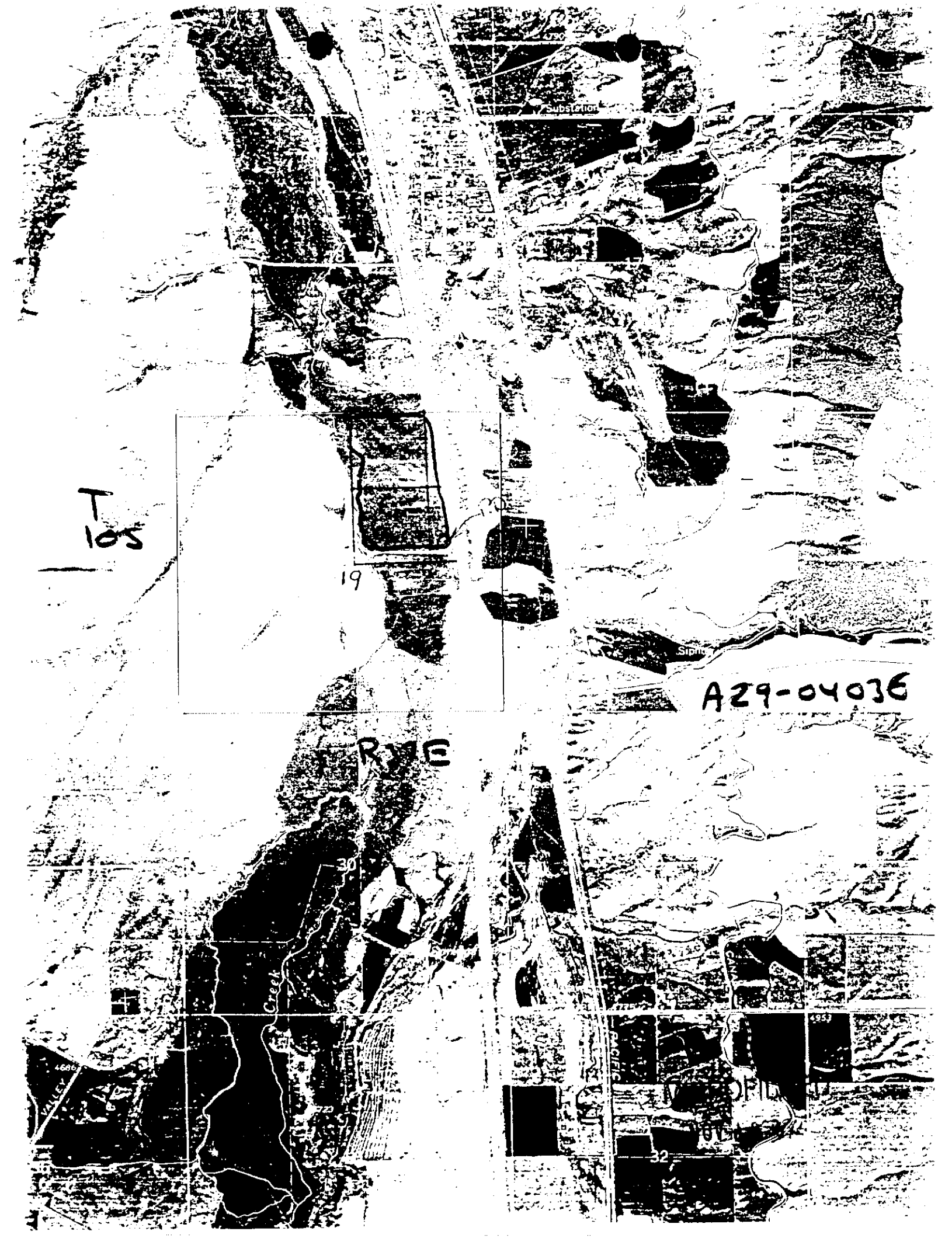
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of March 19 90

Nancy H. Englund
Notary Public

Seal

Residing at Pocatello, Idaho
My Commission Expires 1-12-96



T
105

19

RYE

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A29-04036

32

1953

A. ROOT WATER RIGHT NUMBERS: A29-04036

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	37E	19	NE	NE		LISH, NORM J	A29-04036 / 3.0	29-04036 / 10.0	13.0		
			NE	NE		PORTNEUF IRRIGATING CO	A29-00051 / 8.1	29-00051 /			
			NE	NE		PORTNEUF IRRIGATION CO	A29-11277 / 8.1	- /			
			NE	NE		LANCE, MARTHA W	A29-02456 / 12.0	29-02456 / 12.0			
			NE	NE		LISH, NORM J	A29-04030 / 3.0	29-04030 / 5.0			
			NE	NE		BAILEY, VERNAL F.		29-04072 / 10.0			
			NE	NE		LELAND EVANS FAMILY		29-04163 / 10.0			
10S	37E	19	NW	NE		LISH, NORM J	A29-04036 / 38.0	29-04036 / 30.0	37.0		
			NW	NE		LISH, NORM J	A29-04030 / 38.0	29-04030 / 40.0			
			NW	NE		BAILEY, VERNAL F.		29-04072 / 30.0			
			NW	NE		LELAND EVANS FAMILY		29-04163 / 30.0			
10S	37E	19	NW	NE		LISH, NORM J	A29-04036 /	29-04036 / 30.0	37.0		
			NW	NE		LISH, NORM J	A29-04030 / 38.0	29-04030 / 40.0			
			NW	NE		BAILEY, VERNAL F.		29-04072 / 30.0			
			NW	NE		LELAND EVANS FAMILY		29-04163 / 30.0			
10S	37E	19	SW	NE		LISH, NORM J	A29-04036 / 25.0	29-04036 / 35.0	39.0		
			SW	NE		LISH, NORMAN	A29-04052 / 8.0	- /			
			SW	NE		LISH, NORMAN	A29-04053 / 8.0	- /			
			SW	NE		LISH, NORMAN	A29-10894 / 2.0	- /			
			SW	NE		LISH, NORM J	A29-04030 / 25.0	29-04030 / 40.0			
			SW	NE		BAILEY, VERNAL F.		29-04072 / 35.0			
			SW	NE		LELAND EVANS FAMILY		29-04163 / 35.0			
10S	37E	19	SE	NE		LISH, NORM J	A29-04036 / 6.0	29-04036 / 15.0	11.0		
			SE	NE		PORTNEUF MARSH VALLEY CANAL	COA29-04060 / 5.5	- /			
			SE	NE		PORTNEUF MARSH VALLEY CANAL	COA29-00053 / 5.5	- /			
			SE	NE		PORTNEUF IRRIGATING CO	A29-00051 / 4.4	29-00051 /			
			SE	NE		PORTNEUF IRRIGATION CO	A29-11277 / 4.4	- /			
			SE	NE		LISH, NORMAN	A29-04053 / 4.0	- /			
			SE	NE		BULL, LM	A29-10592 /	- /			
			SE	NE		PORTNEUF MARSH VALLEY CANAL	COA29-00052 / 5.5	- /			
			SE	NE		PORTNEUF MARSH VALLEY CANAL	COA29-00589 / 5.5	- /			
			SE	NE		LISH, NORM J	A29-04030 / 6.0	29-04030 / 5.0			
			SE	NE		LISH, NORMAN	A29-04052 / 4.0	- /			
			SE	NE		BULL, L M	29-10592 /	- /			
			SE	NE		BAILEY, VERNAL F.		29-04072 / 15.0			
			SE	NE		LELAND EVANS FAMILY		29-04163 / 15.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04036	72.00	120.00	137.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04036	ARKANSAS CREEK	LISH, NORM J	1.460	0.020		
A29-00051	PORTNEUF RIVER	PORTNEUF IRRIGATING CO	55.000	0.016		
A29-00052	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO	176.850	0.034		
A29-00053	TOPONCE CREEK	PORTNEUF MARSH VALLEY CANAL CO	164.430	0.032		
A29-00589	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			16410.00	3.23
	TOPONCE CREEK					
A29-02456	SPRING	LANCE, MARTHA W	0.800	0.020	139.30	3.48
A29-04030	PECK CREEK	LISH, NORM J	1.460	0.020		
A29-04052	SPRING	LISH, NORMAN	3.000	0.046		
A29-04053	PECK CREEK	LISH, NORMAN	5.440	0.030		
A29-04060	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			21834.00	4.30
A29-10894	SPRING	LISH, NORMAN	0.090	0.030		
A29-11277	PORTNEUF RIVER	PORTNEUF IRRIGATION CO	55.000	0.016		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-10592	DOMESTIC	BULL, LM	FROM 01-01 TO 12-31	0.040 CFS	
29-10592	DOMESTIC	BULL, L M	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-04030

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

Log for claim A29-04036

Spatial Dynamics BTD

6/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	19	NENE	3	4.7	
10s37e	19	NWNE	38	39	
10s37e	19	SWNE	25	32	
10s37e	19	SENE	6	9.9	
Totals:			72	85.6	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORTDATE: 04/27/00
PAGE: 98

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORM J LISH 17340 S COFFIN RD ARIMO ID 83214 (208) 897-5113	06/01/1889	IRRIGATION	04-01 11-01	1.460 CFS	
					TOTAL DIVERSION:	1.460 CFS
					CONSUMPTIVE USE:	182.50 AFA

C RICK ARMSTRONG
17340 S COFFIN RD
ARIMO ID 83214
(208) 908-5113

Water Source: ARKANSAS CREEK

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R37E S19 SENE

BANNOCK 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
10S	37E	19	:	03		38		25		06										:	72.0
																				TOTAL ACRES	72.0

POU County: BANNOCK

Non-Irrigation Uses: STOCK FOR UP TO 200 HEAD

Other Rights: A29-04030

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10592 A29-10592

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

A29-00051 A29-00052 A29-00053 A29-00589 A29-02456 A29-04030 A29-04052 A29-04053 A29-04060 A29-10894
A29-11277

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

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

Audit: 03/15/90 JONES 04/21/92 THOMPSON 07/15/94 THOMPSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Vernal F. Bailey
(name of claimant)
of Ceder Lake Rd, Pocatello, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Marsh Creek - tributary to Portneuf River.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Arkansas Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>1.0</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | | Use | | Period of Use: | From | | To | |
| Amount | | Use | | Period of Use: | From | | To | |
| | (cfs, gpm
or a/l) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 1.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1889 (see copy of Court Record)

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 19 Twp. 10S Rge. 37E B. M. County of Bannock
Additional points of diversion: NE ¼ NE ¼, Sec. 19, T. 10S, R. 37E
B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Concrete & steel diversion structures on Arkansas Creek. Divert into an open ditch.

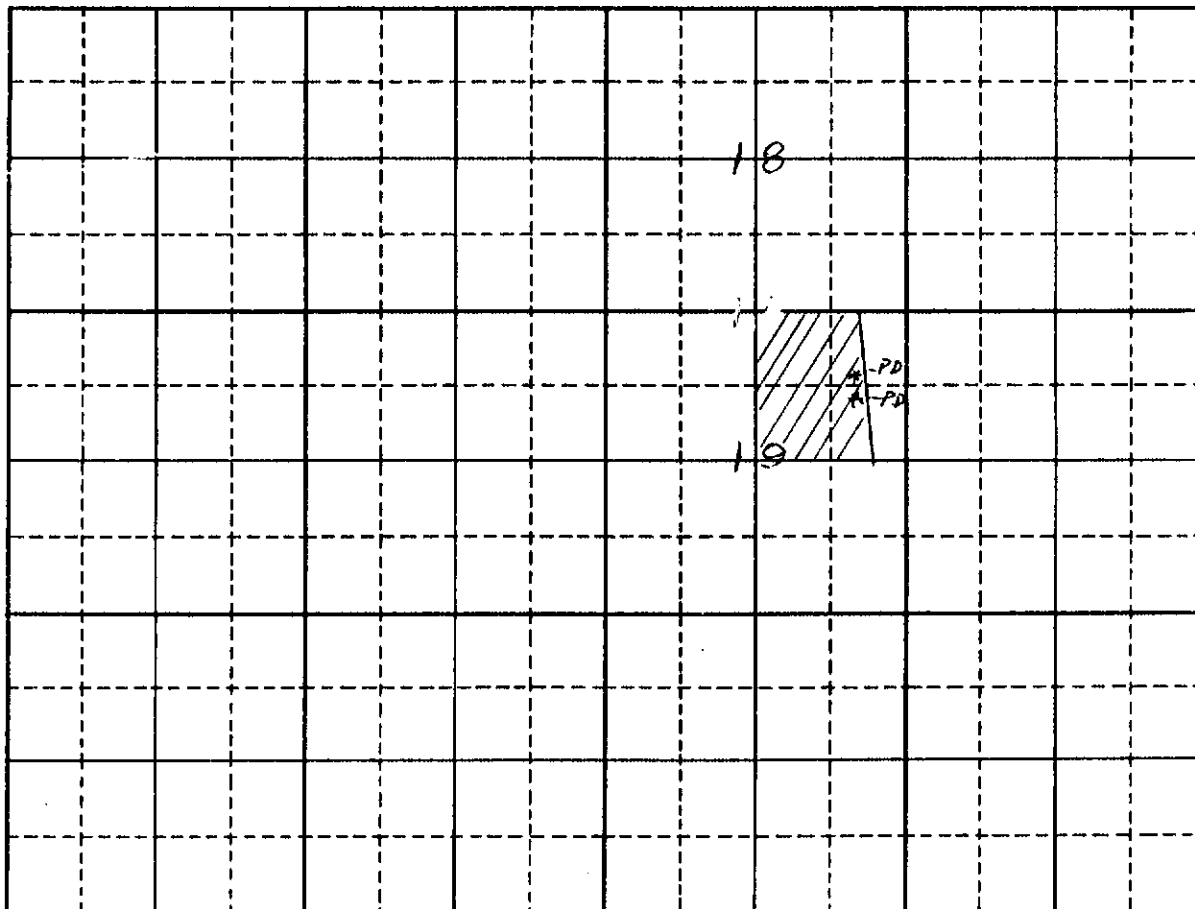
[illegible]

Total No. of pages 90

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

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

State of Idaho

ss.

County of BONNEVILLE

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

Sworn to before me this 11th day of JULY 1974

Vernon F. Bailey
(Claimant)

Ronald D. Carter
Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>7-11-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>7/11/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>7-11-74</u>			
Approved for publication by <u>MB</u>	Date <u>7/30/74</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>July 18 & 25, 1974</u>				

MAY 21, 1992

NORM LISH/RICK ARMSTRONG
17340 S COFFIN ROAD
ARIMO ID 83214

RE: CHANGE IN OWNERSHIP FOR A29-04036 AND 04030

Dear Mr. Lish and Mr. Armstrong:

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

Enclosed are typed Notices 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,


Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: Printed Notices

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MICROFILMED
NOV 13 1992
NOV 13 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING:

4/9/1992

LEGAL DESCRIPTION OF PROPERTY: Township 10S Range 37E
 Section 19, 1/4 of 1/4 of NE 1/4, Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

PORTION
OF NE 1/4
SEE CLUTM MAP

☒ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR:

A29-04036 - 129-04030

☒ Name and Address of Former
Owner/Claimant(s)(Seller):

L. M. Hill
5787 W Portneuf Rd
Pocatello, Id 83204

☐ New Owner/Claimant
(Purchaser):

Norm J. Rich OR

☒ New Mailing Address:

Rick Armstrong
17340 S Coffin Rd
Arden Id 83214

☒ New Telephone Number:

(208) 897-5113

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of
ownership, describe
proof attached:

Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s)

Norm J. Rich Date
Rick L. Armstrong Date

☐ Signature of Former
Owner/Claimant(s):

Date
 Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4/14/92By: CSH

Further Action Needed:

NONE

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED

NOV 13 1992

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

9 4026

Notice of water appropriation
~~Let with location record~~

State of Idaho, }
 Bannock County }

Exhibit B

To All Concerned:-

Notice is hereby given that John M. Evans of
 Nevada of the County of Bannock of the State of Idaho, claims, and since
 Oct. 1st 1899, has claimed the use of the water of that certain stream
 known as Arkansas Creek here flowing to the extent, or amount, of one (1)
 cubic foot per second of time being all the water flowing in said stream,
 such said waters are now and shall be hereafter directed at two points
 on said stream, point of diversion number one being upon the S. 1/4
 Sec. 17, T. 10 N. R. 37 E. B. M., and point of diversion number two upon
 S. 1/4 of Sec. 21, T. 10 N. R. 37 E. B. M., at each of which said points
 copy of this notice is posted.

It is intended to use said water for agricultural and domestic purposes
 on the following described lands, to-wit:-

The N. E. 1/4, N. 1/2 E. 1/4, and S. W. 1/4 S. E. 1/4 Sec. 17, T. 10 N. R. 37 E. B. M., and
 S. 1/4 S. W. 1/4 Sec. 20, and the N. 1/2 N. E. 1/4 Sec. 21, T. 10 N. R. 37 E. B. M.,
 containing 480 acres.

The general course of each of the ditches used for conveying said
 water from the points of diversion above is as follows:-

No. 1554.

ABSTRACT OF TITLE

TO

Commencing at a point 440 feet West from the Northeast corner of the Southeast quarter of Section Nineteen (19), Township Ten (10) South of Range Thirty-seven (37) East of the Boise Meridian, in Idaho, run thence in a Westerly direction a distance of 880 feet thence in a Southerly direction at right angles to the last described line a distance of 1320 feet; thence in an Easterly direction at right angles to the last described line a distance of 880 feet; thence in a Northerly direction at right angles to the last described line a distance of 1320 feet to the place of commencement, containing 26 $\frac{2}{3}$ acres more or less.

LOAN NO. 7254
10 ABSTRACT
TITLE POLICY
THE FEDERAL LAND BANK
OF SPOKANE

APPLICATION NO. A906LY
AFFILIANT MYERS
STATE IDAHO 90

Prepared for,

Thomas Coffin,

Armo, Idaho.

LOAN NO. 5147
3 ABSTRACT
TITLE POLICY
THE FEDERAL LAND BANK
OF SPOKANE
APR 4 1939

SECTION NO. H. 61819

AARON COONS

DATE

IDaho

NOV 13 1930

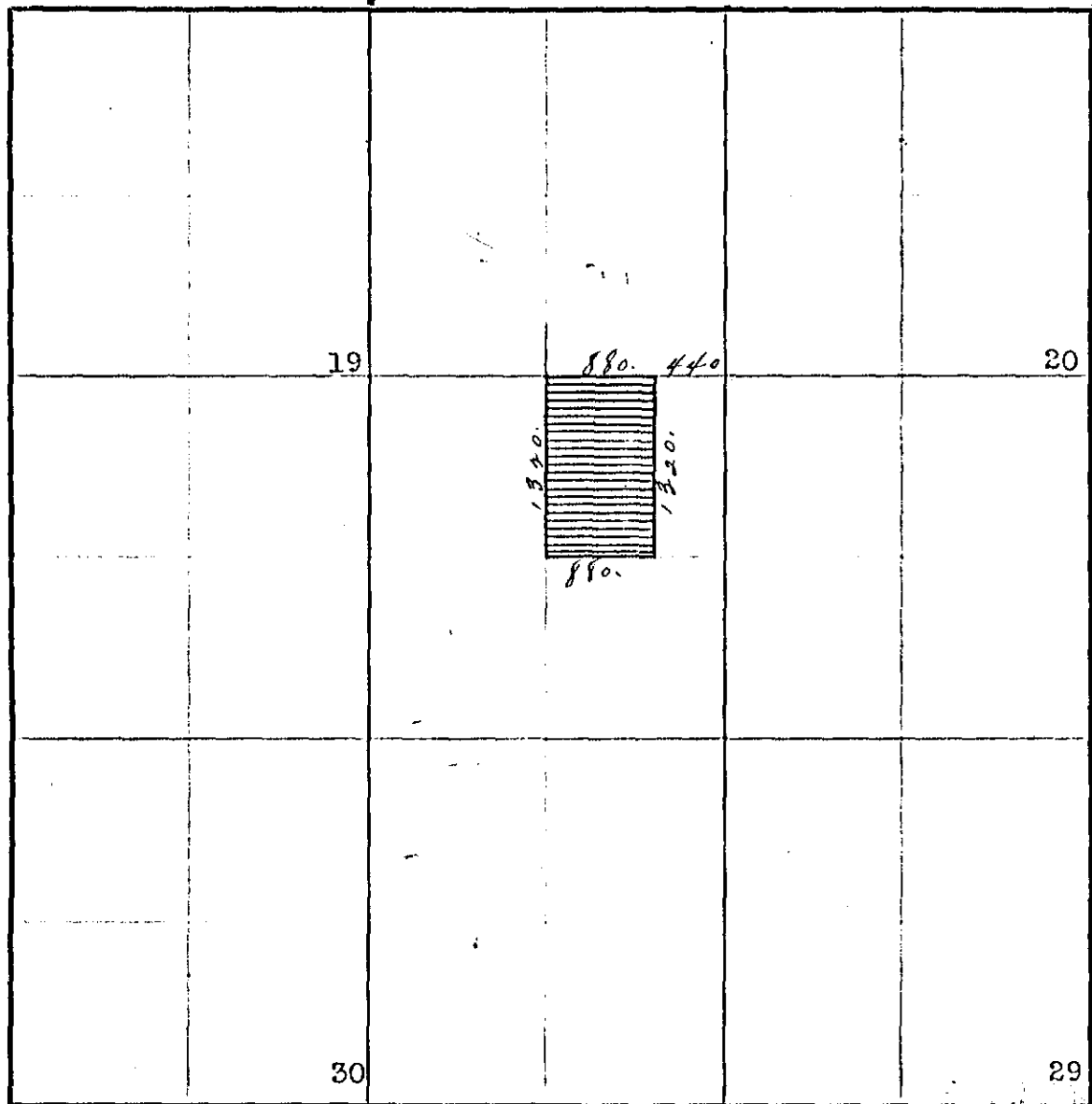
Sheet No. 1.

Plat of the Property Described in the Foregoing Caption

SCALE: 40 CHAINS TO THE INCH

Township — Ten — South, Range — Thirty-seven — East Boise Meridian.

NORTH



SOUTH

00437 CLASS & PRODUCE CO., PORTLAND

NOV 13 1900
6
13
1

Sheet No. 2

Instrument No. 2

P A T E N T .

Grantor, -- United States of America.
Grantee, -- John M. Evans.
Date, -- May 16, 1898.
Consideration, -- Full payment.
Recorded, -- December 24, 1912, 10:50 A. M. in Book
"6" of Patents, at page 385 of the Re-
cords of Bannock County, State of Idaho.

DESCRIPTION AND REMARKS.

The West half of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section Twenty, and the Northeast quarter of the Southeast quarter of Section Nineteen, in Township Ten South of Range Thirty-seven (37) East of the Boise Meridian, in Idaho, containing One Hundred Sixty (160) Acres, according to the Official Plat of the survey of the said lands returned to the General Land Office by the Surveyor-General.

Granting Clause.

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said John M. Evans and to his heirs, the said tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said John M. Evans and to his heirs and assigns forever.

Limitations.

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 also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

Reservations.

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.

Instrument bears the seal of the General Land Office.

WATER APPROPRIATION.

Claimant, --

John M. Evans.

Date, --

March 5, 1900.

Recorded, --

March 19, 1900, 10:55 A. M. in Book "2"
of Water Appropriations, at page 43 of
the Records of Bannock County, State of
Idaho.

* * * * *

Claims and since about the year 1889 has claimed the use of the waters of that certain stream known as "~~Arkansas Creek~~" here flowing to the extent or amount of one (1) cubic foot per second of time (being all the waters flowing in said stream) which said waters are now and shall be hereafter diverted at two points upon said stream, point of diversion number one being upon the SW $\frac{1}{4}$ of Sec. 22, Tp. 10 S. R. 37 E. B. M. and point of diversion number two upon the SW $\frac{1}{4}$ Sec. 21, Tp. 10 S. R. 37 E. B. M. at each of which said points a copy of this notice is posted.

It is intended to use said waters for agricultural and domestic purposes upon the following described lands to-wit:

The NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 30 Tp. 10 S. R. 37 E. B. M., containing 480 acres

The general course of each of the ditches used for conveying said waters from the points of diversion above described to the said lands upon which such waters are used is W'y. The length of the ditch running from point of diversion number one to the said lands is about $2\frac{1}{8}$ miles and that of the ditch running from point of diversion number two to the said lands is about $1\frac{1}{2}$ miles. *Arkansas Creek*

The works for the diversion and distribution of the said waters as aforesaid are now fully completed and in use.

Claimant having diverted and used all of the waters flowing in said stream since about the year 1889 upon the lands hereinbefore described, this notice is for the purpose of making of record his right and title thereto.

Affidavit John M. Evans, that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the points of diversion therein described on the 16th day of March A. D. 1900 at 10 o'clock A. M.

Subscribed and sworn to before James Henderson, Notary Public Bannock County, Idaho, March 16, 1900. (Seal)

NOV 13 1900

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO.In the Matter of the Estateof John M. Evans, Deceased.

I, T. A. Johnston, Judge of the Probate Court of Bannock County, State of Idaho, do hereby certify:

That on the 25th day of January, 1904, the annexed instrument was admitted to probate as the last will and testament of John M. Evans, deceased; and from the proofs taken at the examination had therein, the Court finds as follows:

That said John M. Evans died on or about the 19th day of December, 1903, in the County of Bannock and State of Idaho, and at the time of his death was a resident of Bannock County in said state;

That said annexed will was duly executed by said decedent in his life time in the county of Bannock State of Idaho, in the presence of J. H. Bean and John A. Bennett the subscribing witnesses thereto; also that he acknowledged the execution of the same in their presence, and declared the same to be his last will and testament, and the said witnesses attested the same at his request and in his presence, and in the presence of each other; that said decedent at the time of executing said will as aforesaid, was over the age of eighteen years, was of sound mind, and not under duress, menace, fraud or undue influence, or in any respect incompetent to devise and bequeath his estate.

In witness whereof I have signed this certificate and caused the same to be attested by the seal of this court, on this the 25th day of January, 1904, at the regular January term of said court.

T. A. Johnston.

(Seal)

Probate Judge of Bannock County, Idaho.

Filed January 25, 1904.

LAST WILL AND
TESTAMENT.

I, John M. Evans of Oneida, County of Bannock, State of Idaho, being of sound mind and memory do make, publish and declare this to be my last

Will and Testament.

First. All my just debts and funeral expenses shall be first fully paid.

Second. I give devise and bequeath all the rest, residue and remainder of my estate, both real and personal to my beloved wife Isabell Evans, to have to hold to her my said Wife and her heirs and assigns forever.

100-10-10
REV 13 1903

Third. I nominate and appoint my said wife Isabell Evans to be the executor of this Will and Testament without bonds.

In witness whereof I have hereunto set my hand and seal this Sixteenth day of December One Thousand Nine Hundred & Three.

John M. Evans.

Signed Sealed, published and declared as and for his last Will and Testament, by the above named Testator in our presence at his request and in his presence and in the presence of each other, signed our names as witnesses thereto.

James H. Bean,
John A. Bennett.
James Henderson.

State of Idaho.)
) ss.
County of Bannock.)

I, James Henderson a Notary Public in and for Bannock Co. do hereby certify that the foregoing Will was duly signed and sealed in my presence.

Jas. Henderson,
Notary Public.

(Seal)

Filed December 31, 1903.

PETITION FOR
PROBATE OF WILL.

To the Honorable Probate Court, of Bannock County, State of Idaho: The Petition of Isabell Evans, of the County of Bannock, State of

Idaho, respectfully shows:

That John M. Evans, died on or about the 19th day of December, 1903, at the County of Bannock and State of Idaho.

That said deceased, at the time of his death, was a resident of Bannock County, in the State of Idaho, and left estate therein, and in Custer County, in said State, of real and personal property.

That the probable value and character of the said property, are as follows, to-wit: Real estate consists of a ranch, near Oneida, said County and State, containing about 480 acres, with the improvements thereon, of the value of six thousand Dollars, and two town lots in the village of Mackay, Custer County, Idaho, of the value of Five Hundred Dollars, or thereabout. The ranch property aforesaid, was the residence and homestead of the deceased at the time of his death. The said homestead is improved and yields rents and income of about One Thousand Dollars per annum. The town lots in Mackay aforesaid, are unimproved and yield no income or revenue. Also, two town lots in the City of Pocatello, Idaho, to-wit: lots seventeen and eighteen in block 263, of the Townsite of Pocatello. The last mentioned lots are unimproved and yield no income. The personal property consists of about five hundred head of stock cattle, of the value of about \$7,500.00; one hundred head of breeding horses and stallion, of the value of about \$2,000.00; farm machinery, consisting of, wagons, reapers, mowers, rakes, plows, etc., of the value of Five Hundred Dollars;

household furniture of the value of about Five Hundred Dollars; four shares of stock, of the capital stock of the Portneuf Irrigating Company, of the value of about four hundred dollars; promissory notes of the value of about \$723.12; cash, on deposit with the Commercial National Bank of Ogden, Utah, about the sum of \$1500.00. All of said property both real and personal is common property, the same having been acquired by him after his marriage.

That the total estate of said deceased, does not exceed in value the sum of \$25,000.00.

Said deceased left a will bearing date the 16th day of December, 1903, in the possession of your petitioner, who is the widow of said deceased, and which your petitioner believes and therefore alleges to be the last Will and Testament of said deceased, and which is herewith presented to said Probate Court.

That your petitioner, named in said will, as executor thereof, consents to act as such; and your petitioner, who is of the age of thirty-nine years, residing at said homestead, near Oneida, Bannock County, State of Idaho, is the only person named therein as devisee.

That the subscribing witnesses to said will are James H. Bean, residing at Pocatello, Idaho; John A. Bennett, residing at Oneida, in said County and State, and James Henderson, residing at Oneida in said County and State.

That the next of kin of said testator, whom your petitioner is advised and believes, and therefore alleges to be the heirs at law of said testator; and the names, ages and residences of said heirs, are his said surviving wife your petitioner, and his said children, John M. Evans, Jr., age 23 years, David H. Evans, age 21 years, Alexander Evans, age 19 years, Jean Evans, age 18 years, Morgan Evans, age 16 years, June Evans, age 15 years, William Evans, age 13 years, Jerome Evans, age 11 years, Mary Evans, age 9 years, Gladys Evans, age 7 years, Leland Evans, age five years, Aaron Evans, age one year all residing at the homestead aforesaid, in said County and State.

That at the time said will was executed, to-wit, on the said 16th day of December, 1903, the said testator was over the age of eighteen years, to-wit, of the age of forty-eight years, or thereabouts, and was of sound and disposing mind and not acting under duress, menace, fraud, or undue influence, and was in every respect competent by last will, to dispose of all of his estate.

That said will is in writing, signed by said testator, and attested by said subscribing witnesses, at the request of said testator, subscribing their names to the said will, in the presence of said testator and in the presence of each other; and that as your petitioner is advised and therefore alleges, said witnesses at the time of the execution of said will, were and are now competent.

Wherefore your petitioner prays that said will may be admitted to probate, and that letters testamentary be issued to your petitioner and for that purpose, a time for proving said will be appointed, and that all persons interested, be notified and directed to appear at the time appointed for approving the same; and that all other neces-

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sary and proper orders may be made in the premises.
And your petitioner will ever pray, etc.

Dated this December 28th, 1903.

Isabell Evans, Petitioner.

Attorneys for Petitioner.

Filed December 31, 1903.

Jan 1855

TESTIMONY OF SUBSCRIBING
WITNESS ON PROBATE OF WILL.

State of Idaho,)
) ss.
Bannock County.)

J. H. Bean, M. D., a competent witness, being
duly sworn in open court, testifies as follows:

I reside in the County of Bannock, State of Idaho; I knew John M. Evans on the 16th day of December, 1903, the date of the instrument now shown me, marked as filed in this court on the 31st day of December, 1903, purporting to be the last will and testament of the said John M. Evans, deceased; I am one of the subscribing witnesses to said instrument; I also knew at the date of said instrument John A. Bennett, the other of said subscribing witnesses to said instrument; said instrument was signed by the said John M. Evans, at his residence near Oneida, in Bannock County, State of Idaho, on the 16th day of December, 1903, the day it bears date, in the presence of myself (J. H. Bean) and of the said John A. Bennett; and the said John M. Evans, thereupon published the said instrument as and declared to us the same to be his last will and testament, and requested us in attestation thereof to sign the same as witnesses. The said John A. Bennett and I, J. H. Bean, then and there in the presence of the said John M. Evans and in the presence of each other, subscribed our names as witnesses to said instrument. At the time of executing the said instrument, to-wit, on the 16th day of December, 1903, the said John M. Evans was over the age of eighteen years, to-wit, of the age of about forty-eight years, and was of sound and disposing mind, and not acting under duress, menace, fraud, undue influence or misrepresentation.

J. H. Bean, M. D.

Subscribed and sworn to before me this January 25th, 1904.

T. A. Johnston.

(Seal)

Probate Judge, ex-officio Clerk.

Filed January 25, 1904.

NOV 13 1904

ORDER FIXING TIME AND PLACE
FOR PROBATING WILL AND DIRECT-
ING NOTICES &C.

A document purporting to be the last will and testament of John M. Evans, deceased, having on the 31st day of December, 1903, come into the possession of said Probate Court, and a petition for probate thereof, and for the issuance of letters testamentary to Isabell Evans, having been filed by her.

It is hereby ordered that Monday the 25th day of January, 1904, at ten o'clock A. M. of said day, the same being a regular term day of the January Term, 1904, at the Court Room of said Court, at the County Court House, in Pocatello, Bannock County, State of Idaho, be and the same is hereby appointed the time and place for proving said will, and hearing said application, when and where any person interested may appear and contest the said will, and may file objections in writing to the granting of letters testamentary to said petitioner.

And it is further ordered that notice be given thereof by the Clerk of said Court by publication not less than ten days before said 25th day of January, 1904, in the Daily Tribune of Pocatello, Idaho, a newspaper printed and published in said County.

Dated this the 31st day of December 1903.

T. A. Johnston,
Probate Judge.

(Seal)

Filed December 31, 1903.

NOTICE. Notice is hereby given that Monday, the 25th day of January, 1904, at ten o'clock A. M. of said day, and the Court Room of said court, at the County Court House in Pocatello, Bannock County, State of Idaho, have been appointed as the time and place for proving the will of said John M. Evans, deceased, and for hearing the application of Isabell Evans for the issuance to her of letters thereon.

Dated, Pocatello, Idaho, December 31st, 1903.

T. A. Johnston,

Probate Judge and ex-officio Clerk.

AFFIDAVIT OF PUBLICATION. I, George N. Ifft, do solemnly swear that I am the publisher of The Pocatello Tribune a newspaper of general circulation, published daily at Pocatello, Bannock County, State of Idaho, that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for twelve consecutive days, first

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publication having been made on 31st day of December, 1903, that the said notice was published in the regular and entire issue of the paper during the period and time of publication, and that the notice was published in the newspaper-and not in a supplement.

George N. Ifft.

Sworn and Subscribed to before me this 25th day of January, 1904.

Thos. F. Terrell,
Notary Public.

(Seal)

Filed January 25, 1904.

PROOF OF MAILING NOTICES
OF HEARING PETITION.

T. A. Johnson being first duly sworn deposes and says that he is the Probate Judge of Bannock County, State of Idaho,

ex-officio clerk of said Court; That on the 8th day of January, 1904 he served the notice of the time appointed for the hearing of the petition for the probate of the will of the above named decedent John M. Evans, upon John M. Evans, Jr., David H. Evans, Alexander Evans, Jean Evans, Morgan Evans, June Evans, William Evans, Jerome Evans, Mary Evans, Gladys Evans, Leland Evans, Aaron Evans, the persons named in said petition by depositing in the United States Post Office, at Pocatello, Idaho, County of Bannock, with postage prepaid thereon, and addressed to each of said persons respectively, copies of said notice, the original of which is hereunto annexed, which said notices were addressed to each of said persons at Oneida, Bannock County, State of Idaho, the same benamed as their post office address.

T. A. Johnston,

Subscribed and sworn to before me on this the 25th day of January A.D. 1904.

E. G. Gallet.

Clerk District Court, Bannock County.

NOTICE. --TIME APPOINTED
FOR APPROVING WILL.

Notice is hereby given, that Monday the 25th day of January, 1904, at ten o'clock A.M., of said day, and

the Court Room of said Court, at the County Court House, in Pocatello, Bannock County, State of Idaho, have been appointed as the time and place for proving the will of said John M. Evans, deceased, and for hearing the application of Isabell Evans for the issuance to her of letters thereon.

Dated, Pocatello, Idaho, December 31st, 1903.

T. A. Johnston.

Probate Judge and ex-officio
Clerk of the Probate Court,
Bannock County, State of Idaho

(Seal)

Standrod & Terrell,
Attorneys for Petitioner.

Filed January 8, 1904.

ORDER ADMITTING WILL TO PROBATE,
AND APPOINTING EXECUTRIX.

The petition of Issabell Evans heretofore filed herein, praying that a certain document purport-

ing to be the last will and testament of John M. Evans deceased, be admitted to probate, and that Issabell Evans be appointed executrix thereof, and that letters testamentary thereon be granted to her, coming on regularly to be heard on this day, and it appearing to the court that the said John M. Evans, died on or about the 19th day of December 1904, at his residence near Oneida, in Bannock County, State of Idaho, leaving estate in said Bannock County in this state; that said deceased was, at the time of his death a resident of the county of Bannock, State of Idaho; that said document is the last will and testament of said John M. Evans, deceased; that it was duly executed by him in his life time; that the same was duly attested as required by law; that said decedent, at the time of executing said will, was over the age of eighteen years, was of sound mind and not under duress, menace, fraud, or undue influence, or in any respect incompetent to execute said will; and that due and legal notice has been given of the hearing of said petition; and that one of the subscribing witnesses, J. H. Bean, and the petitioner, Issabell Evans were duly sworn on behalf of said petitioner, from whose evidence said facts fully appeared;

It is therefore ordered that said document be and it is hereby admitted to probate as the last will and testament of John M. Evans, deceased; and it is further ordered that Issabell Evans the person named in said will as executrix, be and she is hereby appointed as executrix of said last will and testament; and that letters testamentary thereon be issued to her, upon her taking the oath required by law. No bonds are required to be given under said will.

Done in open Probate Court, regular term, January 25th, 1904.

T. A. Johnston, Probate Judge.

Filed January 25, 1904.

State of Idaho,)
County of Bannock,) SS.

LETTERS TESTAMENTARY.

The Last will of John M. Evans, deceased, a copy of which is hereto annexed, having been proved and recorded in the Probate Court, of the County of Bannock, Issabell Evans who is named therein, is hereby appointed Executrix, of said last will and testament, and of said estate.

Witness, T. A. Johnston, Judge and Clerk of the Probate Court of the County of Bannock with the Seal of the Court affixed, the 25th day of January 1904.

By order of the Court,
T. A. Johnston, Clerk and Probate
Judge.

(Seal)

1904 13 100

State of Bannock,)
County of Idaho.) SS.

I do solemnly swear that I will perform, according to law, the duties of Executor of the last Will and Testament of John M. Evans Deceased.

Isabell Evans.

Subscribed and sworn to, before me this 25th day of January, 1904.
(Seal) T. A. Johnston, Probate Judge and Clerk of said court.

Filed January 25, 1904.

ORDER APPOINTING
APPRAISERS.

Letters Testamentary having been issued to Isabell Evans and application being made to Probate Judge of this Court for the appointment of appraisers to appraise the estate of said deceased.

IT IS HEREBY ORDERED, That Meyers Cohn, George Wakley and James Henderson, three disinterested persons, competent and capable to act be, and they are hereby appointed such appraisers.

T. A. Johnston,
Probate Judge.

(Seal)

Dated February 5, 1904.

Filed February 5, 1904.

GENERAL INVENTORY.

The following is a true Inventory of all the real estate and of all the goods, chattles, rights and credits of John M. Evans, deceased which have come to the possession or knowledge of the undersigned Isabell Evans, Executrix of the said estate.

Real Estate.

West half of S. E. quarter, Sec. 19, and West half of N. E. quarter, Sec. 10, S. R. 37 E. B.M. containing 160 acres,	1200.00
Improvements thereon,	2000.00
(The above lands are known as the homestead)	
W $\frac{1}{2}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 20, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 19, Tp. 10 S. R. 37 E. B. M., containing 160 acres.	1000.00
~~Seven-eighths flow of the waters of Peck Creek,~~	
~~for use on the lands above described, value,~~	525.00
~~An undivided interest in all the waters of~~	
~~Arkansas Creek, value,~~	400.00

1904 13 1835

Sheet No. 12

Instrument No. 4

Lot 17 and 18 of Block 263, Pocatello Townsite	300.00
Two Lots in townsite of Mackey, Idaho, description unknown to appraisers, value,	200.00
Total value of real estate,	<u>\$5625.00</u>

Personal estate.

Three shares of the capital stock of the Portneuf Irrigation Company, \$200.00 each,	600.00
Five vehicles, \$25.00 each,	125.00
Farming machinery,	100.00
Household furniture and goods,	150.00
Six work horses, \$25.00 each,	150.00
102 head of stock horses, at \$8.00 each,	816.00
One graded horse,	200.00
Three sets team harness, \$20.00 each,	60.00
12 Milch cows, \$25.00 each,	300.00
341 head stock cattle, \$16.50 each,	5626.50
8 head graded stock cattle, \$50.00 each,	400.00
Total value of personal property	<u>\$8527.50</u>

Money on hand at time of decease, \$1537.12

Notes and accounts due

Alvino Brown, and Beula Brown 580.95

E. M. Webb 70.00

Dated at Oneida, this 17th day of February, 1904.

Isabell Evans.
Executrix of John M. Evans, Deceased.

We the undersigned Appraisers, do hereby certify that pursuant to the annexed Warrant to us directed, we have appraised all the property described and mentioned in the above Inventory, which has been to us exhibited, setting down opposite to each item in said Inventory, in figures the value thereof in money, as by us determined.

Witness our hands this 17th day of February A. D. 1904.

Meyers Cohn)
George Warley) Appraisers.
James H. Henderson)

All is community property.

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Sheet No. 13

Instrument No. 4

State of Idaho,)
County of Bannock.) ss.

Isabell Evans, being first duly sworn on oath, says that she is the executrix of the estate of John M. Evans, late of said county, deceased, and that the appraisement is a just and true inventory of all the real estate, and of all the goods, chattels, rights and credits and particularly all moneys belonging to, and of all just claims of the deceased against the said estate which have come to her possession or knowledge, and that upon dilligent inquiry she has not been able to discover any other property or estate belonging to the estate of said John M. Evans, deceased.

Isabell Evans.

Subscribed and sworn to before me this 17th day of February, 1904.

James Henderson, Notary Public.

(Seal)

OATH OF APPRAISERS.

Meyers Cohn, George Wakley, and James H. Henderson being duly sworn on oath, each for himself, says: That he will truly honestly and impartially appraise the property of said estate, which shall be exhibited to him, or which shall come to his knowledge, according to the best of his knowledge and ability.

Meyers Cohn)
George Wakley) Appraisers.
James H. Henderson)

Subscribed and sworn to before me this 17th day of February, 1904.

Peter M. Larson,
Justice of the Peace.

Filed March 14, 1904.

ORDER DIRECTING NOTICE
TO CREDITORS.

In this cause it is ordered that notice to creditors in the above entitled estate be published one each week for four successive weeks in the Pocatello Weekly Tribune, a newspaper of general circulation, published in Bannock County, State of Idaho.

Dated this the 5th day of February, 1904.

(Seal)

T. A. Johnston,
Judge of said Probate Court.

NOTICE TO CREDITORS.

Notice is hereby given by the undersigned Isabell Evans, executrix of the estate of John M. Evans, deceased, to the creditors of and all persons having claims against said deceased, to exhibit them, with necessary vouchers, within ten months after the first publication of this notice, to the said Isabell Evans, executrix, at her place of residence, about two miles south of Oneida, in Bannock County, State of Idaho, the same be-

Sheet No. 14

Instrument No. 4

ing the place named for the transaction of business of said estate within Bannock County.

Dated this the 3rd day of February, 1904.

Isabell Evans. Executrix.

Standrod & Terrell,
Attorneys for said Executrix.

Filed February 5, 1904.

PROOF OF PUBLICATION.

Geo. N. Ifft being first duly sworn, depose and say that he is the publisher of the Pocatello Tribune, a semi-weekly newspaper published in Pocatello, Bannock County, in the State of Idaho. That the notice, a true copy which is hereto attached, was first published in said newspaper in issue dated the 6th day of February 1904, and was published in every issue of said newspaper for thirty-one days consecutively thereafter. That said paper has been continuously and uninterruptedly published in said county during a period of fifty-two consecutive weeks prior to the first publication of said notice or advertisement, and is a newspaper within the meaning of the laws of Idaho.

Geo. N. Ifft.

Subscribed and sworn to before me this 18th day of April, 1905.
(Seal) Thos. F. Terrell, Notary Public

Filed, April 18, 1905.

DECREE ESTABLISHING NOTICE
TO CREDITORS.

It appearing to the satisfaction of the Court that due and legal notice to creditors of said estate has been

given:

It is hereby ordered, adjudged and decreed that due and legal notice to the creditors of said John M. Evans, deceased, has been given and that this decree be entered in the minutes of this court and recorded.

Done this the 18th day of April, 1905.

(Seal)

T. A. Johnston,
Probate Judge.

Filed April 18, 1905.

PETITION FOR SETTLEMENT
OF FINAL ACCOUNT, AND FOR
DISTRIBUTION OF ESTATE.

To the Honorable, the Probate Court in and for Bannock County, State of Idaho. The petition of Isabell Evans, executrix of the last will and testament of

John M. Evans, deceased, respectfully shows:

That your petitioner was appointed such executrix by the order of this court duly made and entered on the 25th day of January, 1904, and on said date she duly qualified as such executrix, and thereupon entered upon the administration of the estate of said deceased, and has ever since continued to administer said estate.

That on the 14th day of March, 1904, your petitioner duly made and returned to this court, a true inventory and appraisement of all the estate of said deceased, which had come to her possession or knowledge.

That on the 3rd day of February, 1904, your petitioner duly published notice to creditors to present their claims against the said deceased in the manner and for the period prescribed by this court.

That more than one year has elapsed since the appointment of your petitioner as such executrix, and more than ten months have expired since the first publication of said notice to creditors.

That your petitioner presents herewith the final account of her administration, and asks that the same be examined, allowed and approved by this court.

That sufficient funds belonging to said estate, have not come into the hands of your petitioner to pay all the outstanding accounts against said estate, at the time of the death of deceased and to pay the expense of managing said estate, and the expenses of administration; and your petitioner has been compelled to pay from her own funds the amount of such deficit, which amount she has paid, and all claims against said estate, the expenses of managing the same, and the expenses of administration, except the fees of the Probate Court, attending the final orders and decrees to be made herein, have been fully paid as will appear by the final account herewith presented and the vouchers thereto attached.

That all taxes that have attached to or accrued against the said estate, have been paid and discharged and the said estate is now in a condition to be closed.

That during the administration of said estate your petitioner has sold the horses and cattle mentioned in said final account; that the sale of the same was made without an order from this court, but owing to the fact that it was for the best interest of said estate that the same be sold, and could only be sold to advantage to persons visiting this locality in search of such cattle and horses, the sale had to be made promptly or not at all; that the prices paid for said horses and cattle were adequate, and it was for the best interest of said estate that the same be sold; that said property was sold in order to procure funds for the administration of said estate and for the payment of claims against the same, and as your petitioner is the sole heir of said estate, no injury or prejudice could result to any one by reason of said sale.

Your petitioner therefore asks that an order of this court be made confirming the sale of the horses and cattle referred to;

That the residue of said estate now remaining in the hands of your petitioner is fully set forth and described in the schedule marked "A" hereunto annexed and made a part of this petition.

That the whole of said estate is community property, it having been acquired by said deceased after his marriage to your petitioner.

That the said John M. Evans died on the 19th day of December, 1903, in the County of Bannock, State of Idaho, leaving his last will and testament, which has been duly proved in this court and cause on the 25th day of January, 1904.

That by the terms of said will, your petitioner is made the sole legatee and beneficiary of all the estate of which the said deceased died seized or possessed.

Wherefore your petitioner prays that the administration of said estate may be brought to a close, and that she may be discharged from her trust, as such executrix.

That after due notice given the final account herewith presented of your petitioner, as the executrix of said estate, be approved, allowed and settled, and that the estate remaining in the hands of your petitioner as aforesaid, may, by the order of this court, be distributed and decreed to your petitioner, as by the terms of said will she is entitled, to-wit: The whole of the property mentioned in the schedule hereunto attached, marked "A", and that such other or further order may be made as is meet in the premises;

And your petitioner will ever pray, etc.,

Dated this the May day of 1st, 1905.

Isabell Evans.

Executrix of the Estate of
J. M. Evans, Deceased.

Standrod & Terrell.

Attorneys for Petitioner.

Filed May 1, 1905.

ORDER FIXING TIME FOR HEARING
PETITION FOR DISTRIBUTION AND
SETTLEMENT OF FINAL ACCOUNT.

Whereas, Isabell Evans, the executrix of the estate of John M. Evans, deceased, has this day filed her petition for the dis-

tribution of the residue of said estate to herself as the sole and only heir and legatee of said estate named in the last will of said deceased; and she has also filed therewith a final account of her administration of said estate.

It is ordered that Monday the 22nd day of May, 1905, at ten o'clock A. M. of said day, be and the same is hereby appointed as the time for the hearing of said petition for distribution and for the settlement of said final account, and that the Clerk of this court give notice thereof by causing notices to be posted in three public places in said county, one of said notices to be posted in front of County Court House door in the City of Pocatello, for the period of at least twenty days before the said 22nd day of May, 1905.

Dated this the 1st day of May, 1905.

T. A. Johnston, Probate Judge.

Filed May 1, 1905.

NOTICE OF HEARING OF FINAL ACCOUNT
AND PETITION FOR DISTRIBUTION.

Notice is hereby given that the final account of Isabell Evans, the executrix of the last will and testament of John M. Evans, deceased, has been rendered to said court for settlement, and that a petition for a final distribution of said estate has been filed with said account; and that the 22nd day of May, 1905, at ten o'clock A. M. has been appointed by the court for the settlement of said account and hearing of said petition, at which time any persons interested in said estate may appear and file exceptions in writing to said account and contest the same or said petition.

Dated this the 1st day of May, A. D. 1905.

T. A. Johnston.

Probate Judge, ex-officio Clerk of
the Probate Court, Bannock County,
State of Idaho.

CERTIFICATE OF POSTING.

I, T. A. Johnston, ex-officio clerk of the Probate Court of Bannock County, State of Idaho, do hereby certify that on the 1st day of May, 1905, I posted correct and true copies of the above notice in three of the most public places in said County, to-wit: One of said copies at the place at which the Court is held, one at Corner of 4th Avenue & Center St. North in Pocatello and one at Corner of 2nd Avenue and Center St. in Pocatello in said County.

In witness whereof I have hereunto set my hand and affixed the seal of said Probate Court this 1st day of May, 1905.

T. A. Johnston, Ex-Officio Clerk.

(Seal)

Filed May 1, 1905.

DECREE OF DISTRIBUTION.

The petition of Isabell Evans, heretofore filed herein on the 1st day of May, 1905 praying for a distribution of the residue of the Estate of John M. Evans, deceased, in the hands of the executrix of the said estate, among the persons entitled thereto, coming on regularly for hearing, and it appearing to the satisfaction of the court that due and legal notice of such hearing has been given as directed by the order of this court heretofore made and entered herein; and it further appearing that all claims against said estate are fully paid; and that the final account of said executrix has been duly made and settled and confirmed by an order and decree of this court; and that all taxes due from said estate have been paid;

And it further appearing that the whole of the residue of the property of said estate is community property, and by the terms of the last will and testament of said deceased, is bequeathed absolutely and unconditionally to the surviving widow of said deceased, Isabell Evans;

And it further appearing that said deceased died leaving his last will and testament, which said will has been duly proved, probated and established to be the last will and testament of said deceased, by the terms of which it is provided;

"SECOND. I give, devise and bequeath all the rest, residue and remainder of my estate, both real and personal, to my beloved wife, Isabell Evans, to have and to hold to her my said wife and her heirs and assigns forever."

It is therefore ordered, adjudged and decreed that the rest, residue and remainder of said estate of John M. Evans deceased, both real and personal, be and the same is hereby awarded and distributed to his surviving widow, the said Isabell Evans, and to her heirs and assigns forever.

The property affected by this decree and distributed to the said Isabell Evans, is described as follows, to-wit:

Also, the west half of the southeast quarter of section nineteen, and the west half of the Northeast quarter of section thirty, Township ten South, Range thirty-seven East of Boise Meridian, containing one hundred and sixty acres, together with the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and all water rights, privileges and franchises, ditches, canals and other diverting and carrying works for the irrigation of said premises, or for domestic or stock purposes;

Also the west half of the northwest quarter, and the northwest quarter of the southwest quarter of section twenty, and the northeast quarter of the southeast quarter of section nineteen, Township ten South, Range thirty-seven East of Boise Meridian, containing one hundred and sixty acres, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all water rights, privileges and franchises, ditches, flumes, canals and other diverting and carrying works for the irrigation of said premises and for domestic and stock purposes thereon, and particularly the water right of said deceased in and to the ~~water of Park Creek and Arbon-
creek riparian on adjacent to said premises.~~

Also lots seventeen and eighteen of block two hundred and sixty-three, of the City of Pocatello, as shown by the official plat and survey of the Pocatello Townsite (now the said City of Pocatello) returned to the General Land Office by the Surveyor General of Idaho.

Together with personal property.

All of said lands above described are located, situate and being in Bannock County, State of Idaho;

Done in open Probate Court on this the 22nd day of May, 1905.

T. A. Johnston,
Probate Judge.

(Seal)

Filed May 22, 1905.

CERTIFICATE OF ABSTRACTER.

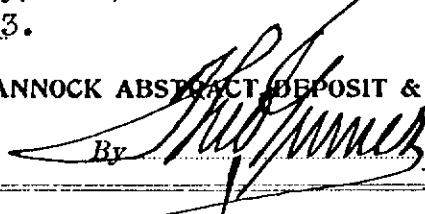
STATE OF IDAHO, }
County of Bannock, } ss.

We, the undersigned, do hereby certify that the foregoing Eighteen sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State

which in any way affect the title to the above described real estate.

Dated at Pocatello, Bannock County, Idaho, this the First day of February 19 13.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By 

President.

The above certificate is hereby extended to include this _____ day of _____ 19____, and pages numbered consecutively from _____ to _____ inclusive.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

The above certificate is hereby extended to include this _____ day of _____ 19____, and pages numbered consecutively from _____ to _____ inclusive.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

The above certificate is hereby extended to include this _____ day of _____ 19____, and pages numbered consecutively from _____ to _____ inclusive.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

The above certificate is hereby extended to include this _____ day of _____ 19____, and pages numbered consecutively from _____ to _____ inclusive.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

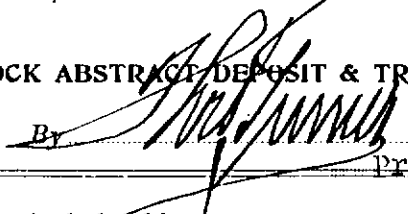
NOV 13 1913

TAXES.

WE HEREBY CERTIFY That there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said lands unredeemed, and that no tax deeds have been given thereon except 1912 taxes now due, and accruing taxes of the year 1913.

Dated at Pocatello, Bannock County, Idaho, this the First day of February 1913.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By 

President.

The above certificate is hereby extended to include this _____ day of _____ 19____,

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

The above certificate is hereby extended to include this _____ day of _____ 19____,

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

The above certificate is hereby extended to include this _____ day of _____ 19____,

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

The above certificate is hereby extended to include this _____ day of _____ 19____,

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By _____

JUDGMENTS.

WE HEREBY CERTIFY That there are no judgments, suits pending or liens of any kind against any of the within named grantees, which are liens on the lands described herein.....

..... in any Court of Record in Bannock County.

Dated at Pocatello, Bannock County, Idaho, this the First day of February 1913.

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By [Signature] President.

The above certificate is hereby extended to include this..... day of 19....., and

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By

The above certificate is hereby extended to include this..... day of 19....., and

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By

The above certificate is hereby extended to include this..... day of 19....., and

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By

The above certificate is hereby extended to include this..... day of 19....., and

BANNOCK ABSTRACT DEPOSIT & TRUST COMPANY,

By.....

Sheet #19.

TAX STATEMENT

Taxes due up to and including
the year 1934 are paid.

Taxes for the year 1935 are an unpaid
lien now due and payable but not yet
delinquent.

NOV 13 1935

C E R T I F I C A T E

No. 7875

State of Idaho }
County of Bannock } ss.

Abstract and Title Guaranty Co., a corporation organized and existing under and by virtue of the laws of the State of Idaho, does hereby certify and declare that the foregoing sheets numbered from nineteen to nil embrace a true and correct abstract of all instruments on file, and of record in the office of the County Recorder of Bannock County, State of Idaho, which affect the title to the lands described in the caption of this Abstract. filed since Feb. 1, 1913 at 9:AM.

It is further certified that there are no judgments or liens against the names of the within grantees that are liens on said land in any court of record in Bannock County, State of Idaho, other than shown herein. filed since Feb. 1, 1913 at 9:AM.

It is further certified that there are no taxes due and unpaid on said land, no tax sales unredeemed and no tax deeds have been given thereon, other than shown herein.

Dated at Pocatello, Bannock County, State of Idaho,
this 30th day of November 1935 at 5:PM.

ABSTRACT AND TITLE GUARANTY CO.,

By *J. Blackhurst* Secy.

NOV 13 1935

ABSTRACTER'S CERTIFICATE

The undersigned hereby certifies that the foregoing abstract of title, consisting of Sheets numbered from 1 to 24^{FLB} both inclusive, comprises a true abstract of all conveyances, deeds, trust deeds, land contracts, mortgages, leases, mechanics' and other liens, attachments, notices of levy of execution, suits pending, tax sales, tax deeds, probate proceedings, special proceedings, bankruptcy and insolvency proceedings, unsatisfied judgments, in State Courts and Federal Courts holding terms in the County, if any; transcriptions of judgments, and any other matters not herein specified, of record in the public offices in the County of Bannock....., and State of Idaho.....prior to the 30th day of November 1935....., 19....., at 5 o'clock P. M., affecting the title to or constituting liens

upon the following described real estate situate in said County, to-wit: Commencing at a point 440 feet West from the Northeast corner of the SE $\frac{1}{4}$ of Sec.19, Twp.10 S.R.37 E. B.M., in Idaho, run thence in a Westerly direction a distance of 880 feet thence in a Southerly direction at right angles to the last described line distance of 1320 feet; thence in an Easterly direction at right angles to the last described line a distance of 880 feet; thence in a Northerly direction at right angles to the last described line a distance of 1320 feet to the place of commencement, containing 26 $\frac{2}{3}$ acres more or less.

If said land, or any portion thereof, is situate within an irrigation, drainage, road or other special assessment district, report on special assessments:

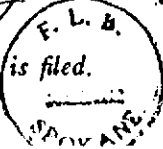
Report on Taxes:

This certificate is made for and at the request of The Federal Land Bank of Spokane and/or the Land Bank Commissioner, this 30th day of November, 19 35.

Abstract and Title Guaranty Company.....

By Blackburn

NOTE—This certificate must cover the entire abstract and the entire day on which the mortgage is filed.



Have Been ays Witness

LEGAL ADVERTISEMENTS

LEGAL ADVERTISEMENTS

"The plane lit in a wheat field," he said. "Then I rushed to load the shotgun, the door popped open and I stuck the gun out the door and pulled the trigger." Asmussen added, "We did not shoot the animal from the air."

With the jury out of the courtroom, the defense unsuccessfully attempted to have testimony admitted from a 9-year-old girl. Defense attorney Kelly Hancock said the child would tell how she was startled when she saw the animal near her home. Hancock said state Game Department agents seemed unconcerned about the animal, even after the girl's encounter.

Judge Marshall Neill ruled that only witnesses directly involved with the hunt and the defendants could testify.

LEGAL ADVERTISEMENTS

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that B.M. Almond, Downey, Idaho has on 1-19-76 submitted Application No. 29-7300 for a permit to appropriate 4.00 cubic feet per second of water from a ground-water source by means of well and pump within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 11S, R. 37E, B.M., Bannock County; to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the SW $\frac{1}{4}$, Sec. 29, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 11S, R. 37E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before February 16, 1976.

R. KEITH HIGGINSON

Director

Jan. 29, Feb. 5, 1976
No. 820.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Robert V. Pontius, Downey, Idaho has on 1-19-76 submitted Application No. 29-7302 for a permit to appropriate 3.20 cubic feet per second of water from ground-water sources by means of wells and pumps within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 11S, R. 37E, B.M., Bannock County; to be used from Apr. 1 to Nov. 1 for the irrigation of 200 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, T. 11S, R. 37E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before February 16, 1976.

R. KEITH HIGGINSON

NOV 13 1976

INTER-DEPARTMENT MEMO — 1

FROM: H.W. JONES - IDWR

DATE 3-15-90

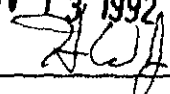
TO Larry Bull

SUBJECT Claims - Adj

Attached are 10 adj. claims that reflect the work we did on 3-15-90. Please review them and then sign & have them notarized. The fee for each claim is in pencil at the top of the claim form. Total fees come to \$589. This should be sent in with the completed claims.

MICROFILMED

NOV 13 1992

A handwritten signature, possibly "H. W. Jones", written in dark ink over a horizontal line.

SIGNATURE