

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

APR 30 1990

Ident. Number: A29-04168
Date Received: 4/20/1990
Receipt No: E013411
Received By:

Idaho Department of Water Resources

Eastern District Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ENOCH ARMSTRONG 208-254-3517
Address: 1780 WEST STINGER RD.
MC CAMMON, ID 83250

OR

Name: BERNICE ARMSTRONG 208-254-3517
Address: 1780 WEST STINGER RD.
MC CAMMON, ID 83250

2. Date of Priority: JUN 21, 1902

3. Source: LAWRENCE CREEK Trib. to: SINKS
UNNAMED STREAM SINKS
ELLIS CREEK SINKS
UNNAMED STREAM SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	29	SW	SE	SW		BANNOCK
		31	NW	SE	NW		BANNOCK
			NE	NW	SW		BANNOCK
		32	NW	NE	NW		BANNOCK

5. Description of diverting works:
DIVERSION DAMS TO DITCHES. 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	1.000		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 85.0 Acre Feet Per Annum.

A29-04168

Page 1

Date: 04/26/90

MICROFILMED
NOV 13 1992

9. Non-irrigation uses:
10 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	32	SW	SE		IRR	4.0
			SE	SE		IRR	30.0
Section Acres							34.0
Total Acres							34.0

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:
29-00338, 00335

14. Remarks:
SOUTHERN UNNAMED STREAM IS LOCALLY KNOWN AS MARLY CREEK.
ADDED MINOR SOURCES TO CORRECTLY REFLECT WATER SUPPLY FOR THIS
WATER RIGHT.

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): Enoch Armstrong Date: 4/27/90
Bernice Armstrong Date: 4/27/90

State of Idaho

County of Bannock)
) SS.

Subscribed and sworn (or affirmed) before me this 27 day

of April 19 90

Belva Olsen
Notary Public

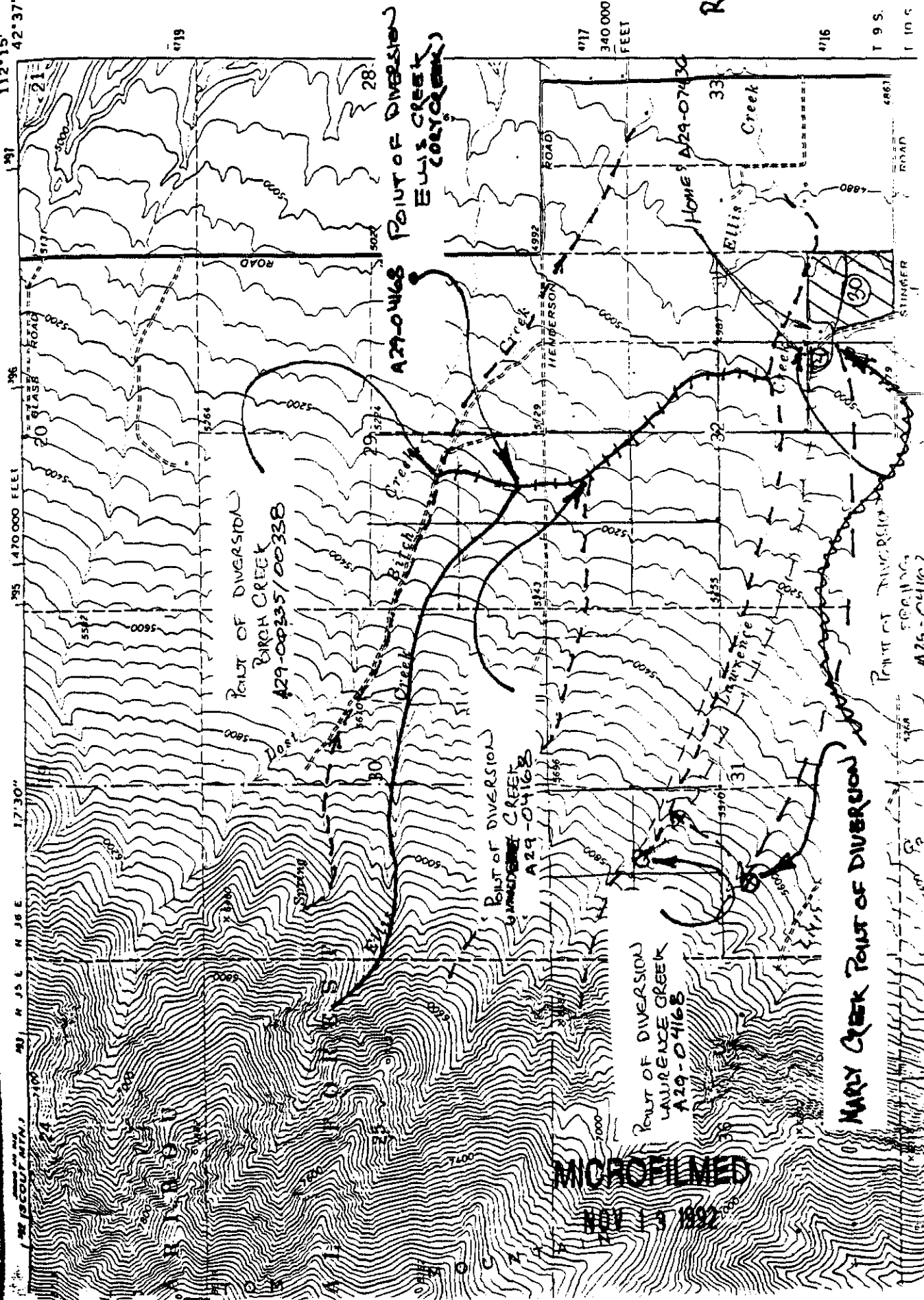
Seal

Residing at McCammmon, Id

My Commission Expires 10-95

A29-04168 AMENDED

7.5 MINUTE SERIES (TOPOGRAPHIC)
112°15' 42"37'30"



T 9 S
R 36 E

MICROFILMED
NOV 1 1982

MARY CREEK POINT OF DIVERSION

POINT OF DIVERSION
A29-04168

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: A29-04168
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Received By: SP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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Address: 1780 WEST STINGER RD.
MC CAMMON, ID 83250
OR
Name: BERNICE ARMSTRONG 208-254-3517
Address: 1780 WEST STINGER RD.
MC CAMMON, ID 83250

2. Date of Priority: JUN 21, 1902

3. Source: LAWRENCE CREEK Trib. to: SINKS
UNNAMED STREAM SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	31	NW	SE	NW		BANNOCK
		32	NW	NE	NW		BANNOCK

5. Description of diverting works:
DIVERSION DAMS TO DITCHES. FLOOD IRRIGATION

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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
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8. Total consumptive use is 85.0 Acre Feet Per Annum.

9. Non-irrigation uses:
10 HEAD OF RANGE CATTLE

A29-04168

Page 1

Date: 04/20/90

MICROFILMED

NOV 13 1992

A2904168



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	32	SW	SE		IRR	4.0
			SE	SE		IRR	30.0
						Section Acres	34.0
						Total Acres	34.0

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:
29-00338, 00335

14. Remarks:
UNNAMED STREAM IS LOCALLY KNOWN AS DRY CREEK. ADDED THIS
DIVERSION TO CORRECTLY REFLECT USE OF WATER FROM THIS WATERSHED.

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) Enoch Armstrong Date: 4/20/90
Bernice Armstrong Date: 4/20/90

State of Idaho

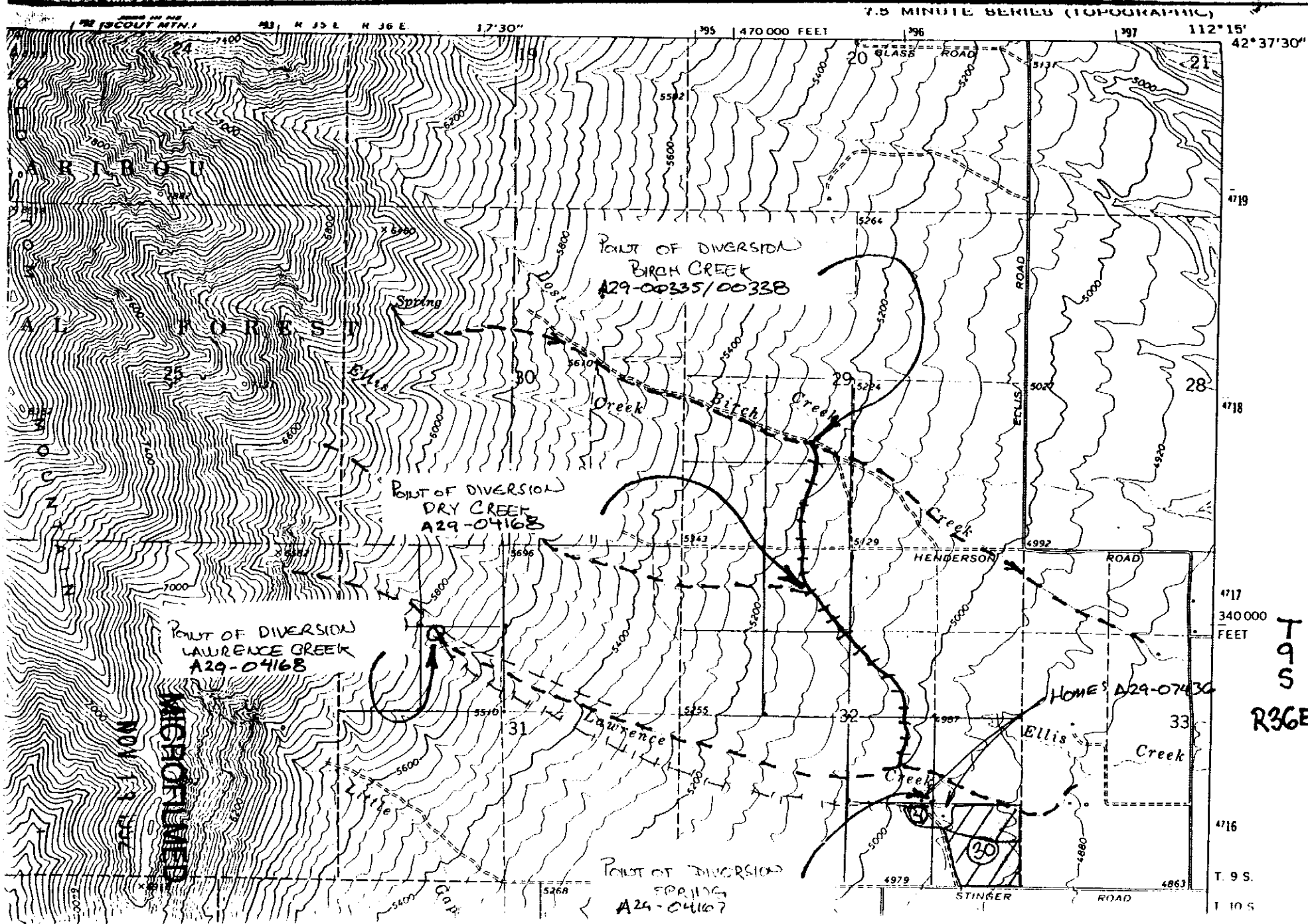
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 90

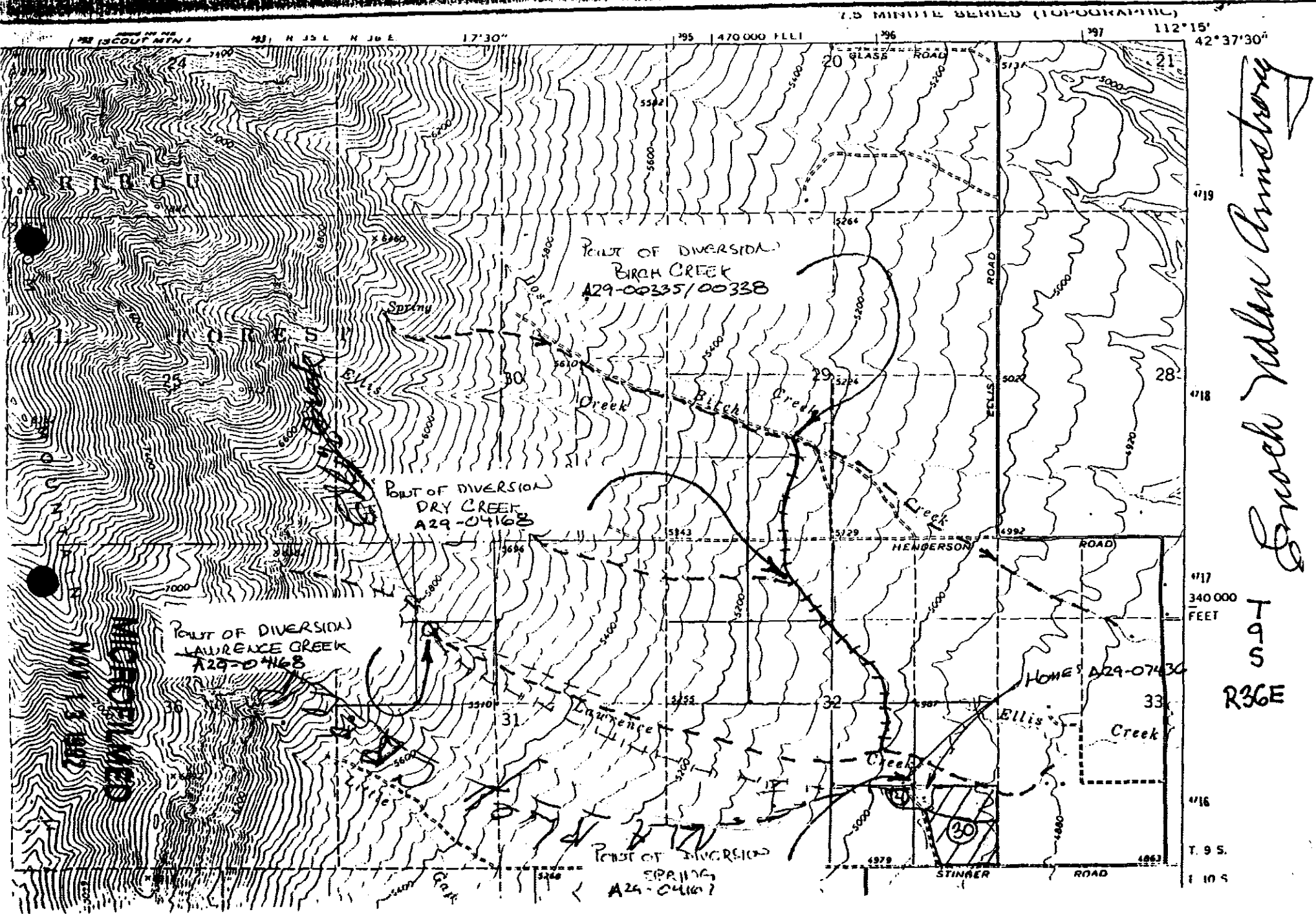
Seal

[Signature]
Notary Public

Residing at Walt Falls, B.
My Commission Expires 22 Aug 1994



Ellis Creek and Dry Creek are the same
 to show making creek on this copy 3/4 mile
 with 1/4 mile at page 7 cont. distance
 11/16



Ellis Creek and Dry Creek are the same

T 9 S
 R 36 E

Log for claim A29-04168

Spatial Dynamics LTD

6/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	32	SWSE	4	4.8	
09s36e	32	SESE	30	30	
Totals:			34	34.8	

AJ5809NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 124

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ENOCH ARMSTRONG	06/21/1902	IRRIGATION	04-01 11-01	1.000 CFS	
C	BERNICE ARMSTRONG		STOCKWATER	01-01 12-31	0.030 CFS	
	555 S GRANT AV					
	POCATELLO ID 83204					
	(208) 234-4715					
				TOTAL DIVERSION:	1.030 CFS	
				CONSUMPTIVE USE:		85.00 AFA

Water Source:	LAWRENCE CREEK	Tributary to:	SINKS	Stage:	STATUTORY CLAIM
	UNNAMED STREAM		SINKS		
	ELLIS CREEK		SINKS		
	UNNAMED STREAM		SINKS		

Point(s) of Diversion:	T09S R36E S29	SWSW		BANNOCK County
	S31	NWSW	NENSW	BANNOCK County
	S32	NWNW		BANNOCK 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	:	
	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	SUM
09S 36E 32 :					:					:					:					:	
																	04		30		34.0
																	TOTAL ACRES				34.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: 10 HEAD OF RANGE CATTLE

Other Rights: 29-00338, 00335

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00333

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00335 A29-00338

Remarks: GEN SOUTHERN UNNAMED STREAM IS LOCALLY KNOWN AS MARLY CREEK.
ADDED MINOR SOURCES TO CORRECTLY REFLECT WATER SUPPLY FOR THIS
WATER RIGHT.

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

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

Audit: 04/20/90 VERNER 04/26/90 VERNER 07/19/94 THOMPSON 01/09/95 DCARLSON

AJ5809NP
No. A29-04168

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 125

Audit: 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Enoch Armstrong &/or Bernice Armstrong
(Name of Claimant)

McCammon, ID 83250

(Mailing Address)

Telephone No. 254-3517

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) June 21, 1902

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Lawrence Creek tributary to sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>1.0 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.03 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 1.03 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NW ¼, Sec. 31 Twp. 9S Rge. 36E B.M., County of Bannock

Additional points of diversion:

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. Describe any changes in the system and give the date of the change. Ditches to property, flood irrigated

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	36E	32															10	10	20

No. of acres 20

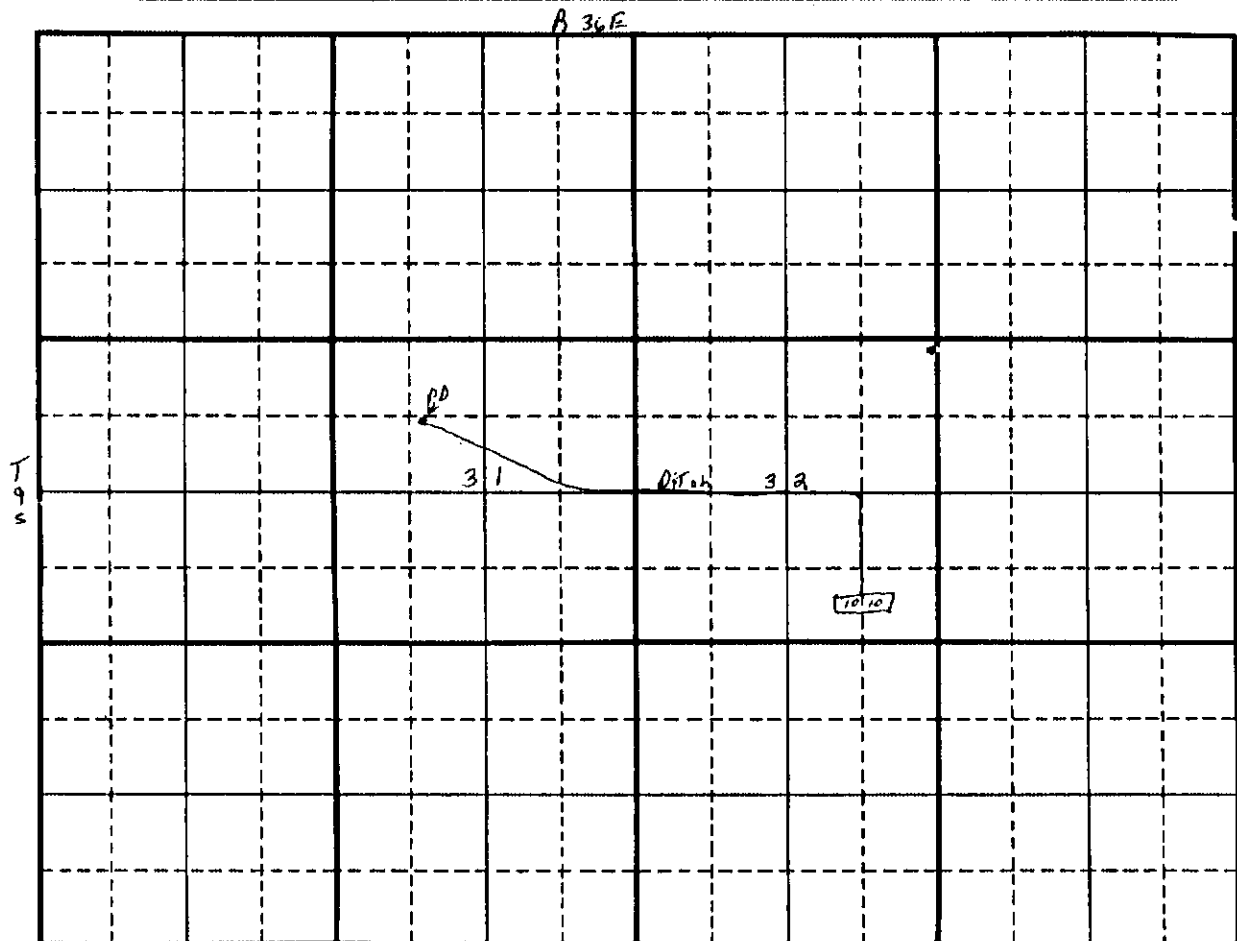
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

RECEIVED

(B) 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)
County of Bonneville) ss.

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 10 day of April, 1980

Enoch Armstrong
(Claimant)
Kathlynn Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/1983

FOR DEPARTMENT USE ONLY

Received by JC Date 4/10/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ARK Date 4/11/80 claimant by: _____
\$20.00 fee received by KW Date 4/10/80 #13931
Published in Idaho State Journal
Dates 4/27 & 5/1/80

Mar. 13, 1995

Dave Carlson,

Re: to Lawrence Creek,

Here are two copies of mortgage papers that show the original dates of Lawrence Creek. When the mortgages were paid off. Before they would loan me the money I had to have title insurance to get a clear title. I hope these will be sufficient for the information you need. If not let me know.

Sincerely

Nolan + Bernice Armstrong

555 So. Grant

83204 Pocatello, Idaho

On the copy for the spring. The one
phone number is wrong it should be 208-254-3517.

Enoch Nolan Armstrong

To Eric Verner.

APR 6 1960

Dep. ...
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 26, 1990

Mr. Enoch Nolan Armstrong
1780 West Stinger Rd.
McCammon, Idaho 83250

RE: Notice of claim A29-04168

Dear Mr. Armstrong:

Please find enclosed an amended notice of claim for your water right A29-04168. As you requested, this copy adds Marly Creek and Ellis Creek as sources of water for this right. Please review the amendment and when satisfied, sign it in the presence of a Notary Public and return it to my attention.

There is no filing fee for submitting the amended notice. You may keep the notice marked "copy" for your records.

As always, feel free to contact our office if you have any questions regarding this matter.

Sincerely,

Eric Verner,
Sr. Water Agent

Enclosure

MICROFILMED

NOV 13 1992

A29-04168

Quitclaim Deed.

This Indenture, Made the 14th day of April in the year of our Lord one thousand nine hundred and Three between Mrs. Euendolin Marley, widow single of Robin of the County of Bannock and State of Idaho the party of the first part, and Dudley P. Armstrong of Robin of the County of Bannock and State of Idaho the party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of Five Hundred DOLLARS, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents demise, release and forever Quitclaim unto the said party of the second part, and to his and assigns all the certain rights, situated in County of the State of Idaho, particularly described as follows, to wit:

title and interest of the party of the first part, of, in, or to the waters of Birch Creek, the same being about twenty inches as shown by the water location made by said Euendolin Marley and recorded in the office of the Recorder of said Bannock County.

Together with all the rights title and interest of the said party of the first part, in, and to the waters of Marley Creek in said Bannock County.

~~Together with all the said singular, the same by hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.~~

To Have and to Hold all and singular the said waters ~~premises~~, together with the appurtenances unto said party of the second part, and to his heirs and assigns forever.

In Witness Whereof, The said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of Mrs. Euendolin Marley [SEAL]
P. M. Carson [SEAL]
 [SEAL]

Quitclaim Deed.

This Indenture, Made the 14 day of April in the year of
 our Lord one thousand nine hundred and Three between
Thomas Marley and Mrs M. E Marley his
wife of Robinson of the
 County of Bannock and State of Idaho
 the parties of the first part, and Dudley P. Armstrong
 of Robinson of the County of Bannock and State of
Idaho the party of the second part,

Witnesseth, that the said parties of the first part, for and in consideration of the sum
 of Two Hundred 00/100 DOLLARS,
 lawful money of the United States of America, to us in hand paid by the said party
 of the second part, the receipt whereof is hereby acknowledged, do — by these presents demise, release
 and forever Quitclaim unto the said party of the second part, and to his heirs
 and assigns all the certain right
~~situated in~~ County of the State of Idaho,

~~particularly described as follows, to-wit:~~

title and interest of the said parties
of the first, in or to the waters of Birch
Creek the same being about fifteen
inches as shown by the water location
made by the said Thomas Marley and
recorded in the office of the recorder of the
said Bannock County.
Together with all the rights, title and
interest of the said parties of the first
in and to the waters of Marley Creek
in said Bannock County.

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

To Have and to Hold all and singular the said waters ~~premises~~, together with the appurtenances
 unto said party of the second part, and to his
 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.

Signed, Sealed and Delivered in the presence of

R. M. Larson

Witness

Thomas Marley

Mrs M. E. Marley

[SEAL]

[SEAL]

[SEAL]

FEDERAL FARM LOAN AMORTIZATION MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That on this: 27th day of July, 1945,

E. Nolan Armstrong, same person as Nolan Armstrong, and Bernice Armstrong, husband and wife,

hereinafter called the Mortgagors, hereby grant, bargain, sell and convey to THE FEDERAL LAND BANK OF SPOKANE, a corporation organized and existing under the Federal Farm Loan Act as amended, with its principal place of business in the city of Spokane, County of Spokane, State of Washington, hereinafter called the Mortgagee,

the following described real estate situate in the County of Bannock, State of Idaho, to-wit:

Tract 1: The South Half of the South Half of Section Thirty-two, Township Nine South, Range Thirty-six East of the Boise Meridian.

Tract 2: The North Half of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section Thirty-one, and the Northwest Quarter of the Northwest Quarter of Section Thirty-two, Township Nine South, Range Thirty-six East of the Boise Meridian.

Tract 3: The Southwest Quarter of the Northeast Quarter of Section Thirty-one, Township Nine South, Range Thirty-six East of the Boise Meridian.

Tract 4: The Southwest Quarter of the Northeast Quarter, and the East Half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter of Section Thirty-two, Township Nine South, Range Thirty-six East of the Boise Meridian.

Together with all water rights, and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including (but not limited to) the following:

30 miner's inches of the waters of Birch Creek with priority of June 21, 1902, and 50 miner's inches of the waters of Lawrence Creek with priority of June 21, 1902,

together with the tenements, hereditaments, rights, privileges and appurtenances, including private roads, now or hereafter belonging to or used in connection with the above described premises; and all plumbing, lighting, heating, cooking, cooling, ventilating, elevating, watering and irrigating apparatus and other fixtures, now or hereafter belonging to or used in connection with the above described premises, all of which are hereby declared to be appurtenant to said land; and together with all waters and water rights of every kind and description and however evidenced or manifested, and all ditches or other conduits, rights therein and rights of way therefor, which now are or hereafter may be appurtenant to said premises or any part thereof, or used in connection therewith; and together with all of the rents, issues and profits of the mortgaged property.

To have and to hold the same with the appurtenances unto the mortgagee, its successors and assigns forever.

RECEIVED
DEC 23 1944
FEDERAL LAND BANK
OF SPOKANE

RECEIVED
DEC 23 1944
FEDERAL LAND BANK
OF SPOKANE
BY mm

FEDERAL LAND BANK ASSOCIATION OF

PRESTON

OFFICE NO.

9-D

\$63,000

AMOUNT APPLIED FOR

TO: E. Nolan Armstrong

147655

F. L. B. NO

McCammon, Idaho 83250

3456-D

ASS'N. APPL'N. NO.

WE ARE PLEASED TO ADVISE THAT THE LOAN COMMITTEE OF THE ABOVE FEDERAL LAND BANK ASSOCIATION HAS CONSIDERED YOUR APPLICATION AND HAS APPROVED A FEDERAL LAND BANK LOAN, TO BE SECURED BY A FIRST MORTGAGE, AS FOLLOWS:

AMOUNT	F.L.B.A.	TERM	RATE	REPAYMENT	ACRES	INSURANCE			
	STOCK			PLAN		HOUSE	BARN	GRANARY	OTHER
\$63,000	\$3,150	35 Yr.	7%	Level	800	#1 - #2 - \$5,000 on each home			

Private Water Rights: 7% of flow of Birch Creek evidenced by Decree of 7-1-1879
100% of flow of Lawrence Creek evidenced by Filing of 6-21-1890
100% of flow of Marley Creek evidenced by use.

Loan proceeds to be disbursed for the purposes shown in the application, including payoff of FLB #94414

Level Payment: 35 Year - annual payments - fully amortized.

The loan will be closed under the Bank's variable interest rate plan, and the interest rate will be subject to change (variable) after the second interest installment date.

ALL SUBJECT TO APPROVAL AS TO AMOUNT AND TERMS BY THE FEDERAL LAND BANK OF SPOKANE AND CLOSING WITHIN sixty DAYS FROM DATE OF APPROVAL BY FLB.

May 16, 1972

DATE

Stephen A. Muck
ASST. MANAGER

11/15/72
RUT 13 500