

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: A29-04415
Date Received: 1/23/1990
Receipt No: M005575
Received By: RAA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. PAUL HATCH, JR. 208-648-7853
Address: 1009 STALKER ROAD
BANCROFT, ID 83217

OR

Name: AUDREY H. HATCH 208-648-7853
Address: 1009 STALKER ROAD
BANCROFT, ID 83217

2. Date of Priority: APR 01, 1896

3. Source: TOLMAN CANYON Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	39E	2	NE	SW			CARIBOU
			SW	SW			CARIBOU

5. Description of diverting works:
HEADGATE, DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.700		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A29-04415

Page 1

Date: 01/23/90

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NOV 13 1992

A2904415



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	39E	2	NE	SW		IRR	35.0
			NW	SW		IRR	13.0
			SW	SW		IRR	19.0
						Section Acres	67.0
		3	SE	SE		IRR	18.0
						Section Acres	18.0
						Total Acres	85.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

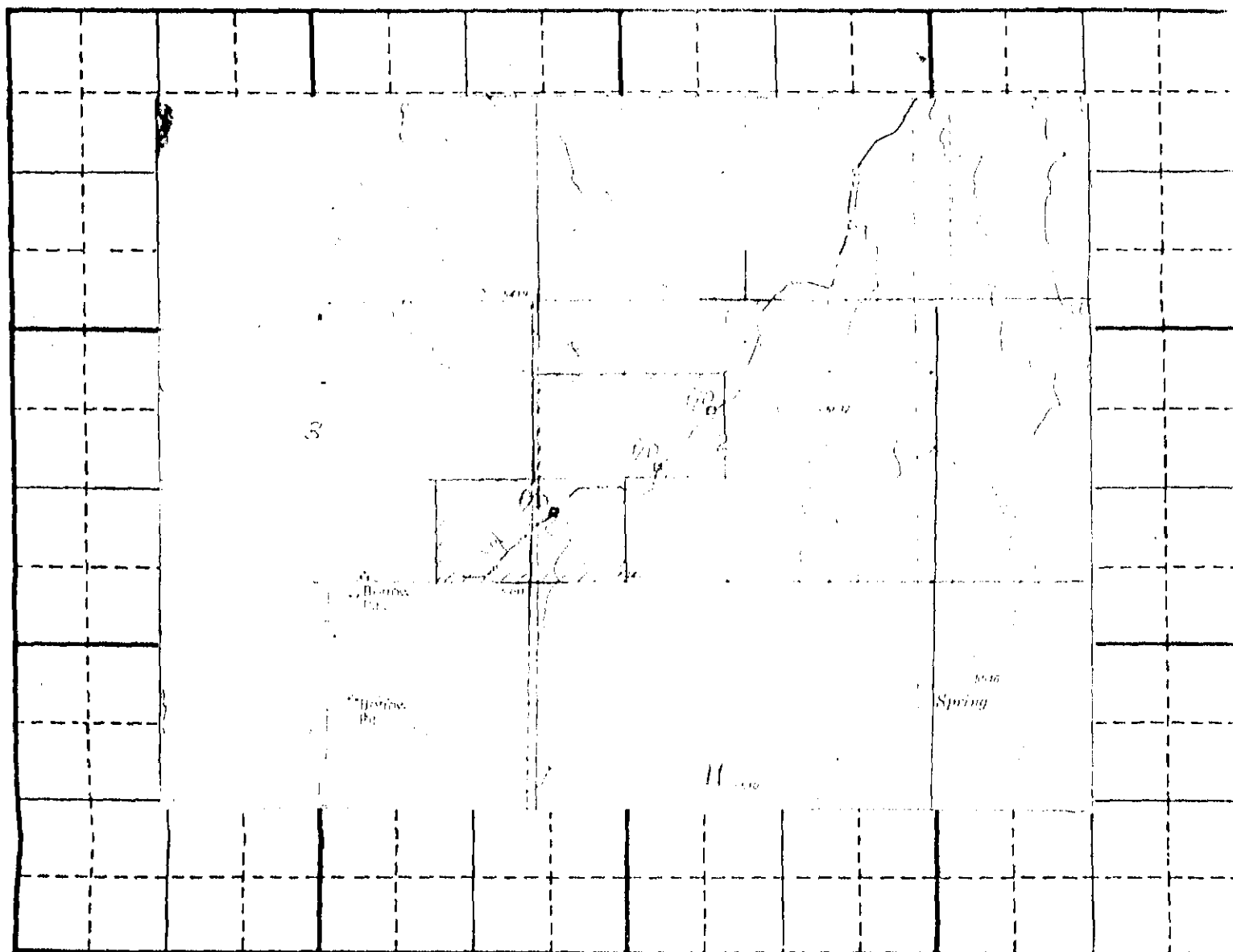
14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

(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.

NOV 13 1992

(8) Remarks Historically claimant has used Tolman Creek for 104 hours
every week when on rotation with the other water users.



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 Donner) ss.

MICROFILMED

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.

Paul Watt
(Claimant)

Sworn to before me this 24th day of June, 19 83.

Log for claim A29-04415

Spatial Dynamics BTD

6/14/00

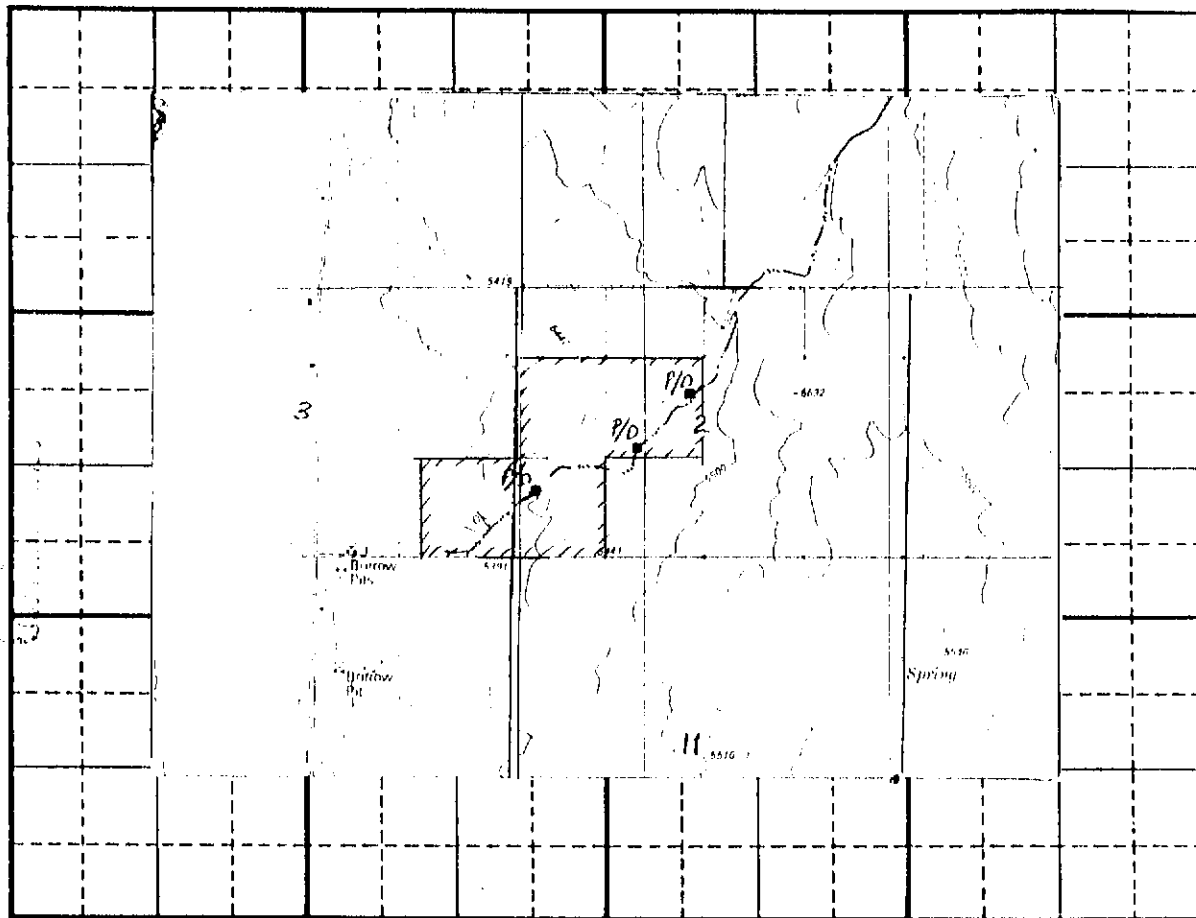
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s39e	2	NESW	35	40	Indiscernible
07s39e	2	NWSW	13	37	Indiscernible
07s39e	2	SWSW	19	38	Indiscernible
07s39e	3	SESE	18	40	Indiscernible
Totals:			85	155	

DATE: 03/21/00
PAGE: 102

Audit: 01/23/90 MOBILE2 07/22/94 THOMPSON 03/29/95 POST-STD

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

(8) Remarks Historically claimant has used Tolman Creek for 104 hours every week when on rotation with the other water users.



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 Sonneville) 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 24th day of June, 19 83.
Abner Hatt
(Claimant)

Calvin Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>Emc</u>	Date <u>6-24-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JBW</u>	Date <u>6-28-83</u>		claimant by:	
\$30.00 fee received by <u>JBW</u>	Date <u>6-28-83</u>			
Published in <u>Boise City Sun</u>	Date <u>6-28-83</u>			
Dates <u>8/18 & 8/25/83</u>				

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AUDREY H HATCH	04/01/1896	IRRIGATION	04-01 11-01	1.70 CFS	
C	A PAUL HATCH JR 1009 STALKER RD BANCROFT ID 83217 (208) 648-7853					
					TOTAL DIVERSION:	1.70 CFS

Water Source: TOLMAN CANYON

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R39E S02

NESW

SWSW

CARIBOU 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
07S	39E	2	:																		
07S	39E	3	:																		
																				18	
																				TOTAL ACRES	85.0

POU County: CARIBOU

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

T. 7 S. - R. 39 E.

On the 1984 Rockford Map of Caribou County ID. on page 36
the creek shown as Moses CR. in Tolman Canyon water. Moses creek
is in Sec 12, and it is Stalker Rd not Stocker Rd

the papers about it was posted

to Tolman canyon & now eighteen miles away
Part of the Portneuf River as they go into
Cedar this is in the back part of the
Portneuf water hole

NOV 13 1994

Department of Water Resources
Eastern District Office

MAR 15 1995

RECEIVED

(SEAL)

F. E. Tydeman
Notary Public, State of Idaho,
Residence: Pocatello, Idaho.

Filed for record at the request of Lola Thompson Aug 18 1937 at 50 minutes past 3 o'clock PM.,
in Record of Deeds, Book 75, page 403.

Anna Keefe, Recorder

Fee 80¢

INSTRUMENT NO. 192950

WARRANTY DEED

I, Frederick A. Johnson, Grantor, of Chesterfield, County of Bannock State of Idaho hereby convey and warrant to Belle Wilmont Johnson Grantee of Chesterfield County of Bannock State of Idaho for the sum of One and No/100 DOLLARS, the following described tract of land in Bannock County, State of Idaho

Southwest Quarter of the Southeast Quarter and the Southwest Quarter of Section Two, Township Seven South Range Thirty-Nine, East of Boise Meridian in Idaho, including all water rights--ditches, canals, and laterals thereunto appertaining, particularly but not limited to 104 hours every week out of the Tolman Canyon and one continuous stream from a spring rising in George W. Powers field, and \$422.26 in water stock in Chesterfield Canal & Reservoir Company.

This deed is given subject to one certain mortgage, favor the Federal Landbank of Spokane in the sum of \$3200.00 dated May 6, 1926.

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

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

WITNESS the hand of the Grantor this 10th day of August, 1937

Signed in the presence of

Frederick A. Johnson

STATE OF IDAHO {
Bannock COUNTY { ss.

On the 16 day of August A. D. 1937, personally appeared before me Fredrick A. Johnson the signor of the above instrument, who duly acknowledged to me that he executed the same.
My Commission Expires Dec 1939

(SEAL)

Charles W. Shanklin
Notary Public.

Filed for record and recorded Aug 19 A. D. 1937 at 9:10 o'clock A M., and recorded in Book 75 of Deeds page 404. At Request of Frederick A. Johnson.

Anna Keefe, Recorder

Fee \$1.00

INSTRUMENT NO. 192955

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE OF
AMY HUBBARD, Deceased. { DECREE OF DISTRIBUTION.

Now comes H. G. Hubbard, the Administrator of the estate of Amy Hubbard, deceased, and proves to the satisfaction of the Court that his petition for distribution and final re-

RECEIVED
MAR 15 1995

Department of Water Resources
Eastern District Office

223659

87 1R 42

Belle Wilmont Johnson to Annie Estella
Johnson

WD Aug 27 1942 Dec 8 1942 11:43 AM \$
2W S

Cnv and warrant flwg desd RE Lnd sitd in
B Co S of I

SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec 2 Tp 7 S R 39
E of BM in I

3

Incldg all WRs dehs cnls and laterals
thunto aprtng ptrly but not lmtd to 104-
hours every wk out of the Tolman Canyon and
one continuous stream from a spring rising
in George W Bowers field and \$422.26 in wtr
stock in Chesterfield Canal & Reservoir Co

Cl-AE

Cache Co Utah Aug 27 1942 Margaret C Hickman
NP #in and for sd Co in S afsd# Rsdg at Logan
City Utah NS MCE Jan- 12 1943

RECORDED
MAR 15 1995
NEX 1
Department of Water Resources

Jonathan Holbrook and C.
A. Grant.

NOTICE OF WATER RIGHT

Dated: June 16, 1896
Filed: June 19, 1896
at 9:10 A. M.
Recorded: Book 1 Water Location
Record Page 548

Notice given:

First, That Jonathan Holbrook and C. A. Grant claim waters of Tolman
Canon Creek here flowing to extent of twenty cubic feet per second.

Second, It is intended to divert said water at or near point where
this notice is posted and more definitely described as follows:

At point in Tolman Canon about four miles in Northeasterly direction
from Homestead entry of said Jonathan Holbrook in said Bannock County.

Said entry being hereinafter more fully described.

Third, Purpose or purposes for which said water is claimed and in-
tended to be used is for agricultural and domestic purposes.

Place of intended use are lands hereinafter described.

Fourth, It is intended to divert said water by means of ditch three
feet wide and one foot deep starting at said point of diversion and run-
ning in Southwesterly direction to lands hereinafter described.

Length of proposed ditch is about four miles. General course of
proposed ditch is Southwesterly. It is intended to use said waters for
irrigating the following described lands:

Southwest quarter of Section 2 in Township 7 South, Range 39 N.E.M.,
same being Homestead entry of Jonathan Holbrook.

Lots 1, 2, 3 & 4, and
Northeast quarter of Southeast quarter of Section 2 Township
7 South, Range 39 N.E.M.,

same being Homestead entry of said C. A. Grant.

Fifth, It is intended to have works for diversion and use of said
water as aforesaid completed within two years.

Jonathan Holbrook
C. A. Grant,
Claimants

MICROFILMED

NOV 13 1950

Jonathan Holbrook

1896

Bannock County, Idaho.

That he is one of claimants of water right mentioned in the foregoing notice and whose name is subscribed thereto.

That statements in said notice are true and that original notice of which the foregoing is a true copy was posted in conspicuous place at or near place of intended diversion (as provided by law) on June 16, 1896 at half past three o'clock P. M.

Jonathan Holbrook

Subscribed and sworn to before me this June 16, 1896.

Moses Fair, J.P.

United States of America

PATENT

to
Jonathan Holbrook

Dated: April 10, 1899
Filed: May 18, 1899
at 3:50 P. M.
Recorded: Book 1 Patent
Record Page 122

Recites deposited in General Land Office of United States Certificate of Register of Land Office at Blackfoot, Idaho, whereby it appears that, pursuant to Act of Congress, approved May 20, 1862, "To Secure Homesteads to Actual Settlers on Public Domain," and acts supplemental thereto, claim of Jonathan Holbrook has been established and duly consummated in conformity to law, for

Southwest quarter of Section two in Township seven South of Range thirty-nine East of Boise Meridian in Idaho, containing one hundred sixty acres, according to Official Plat of Survey of said land returned to General Land Office by Surveyor General.

Granted unto said Jonathan Holbrook tract of land above described.

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 local customs, laws and decisions of courts, and also subject to right of proprietor of vein or lode to extract or remove his ore therefrom, should same be found to penetrate or intersect premises hereby granted, as provided by law; and there is reserved from lands hereby granted, right of way thereon for ditches or canals constructed by authority of United States.

(Seal)

By President William McKinley
By E. M. McKean, Secretary

Recorded: Vol. 29 Page 446

J. M. Brush, Recorder of
General Land Office

Fred Johnson and Stella
Johnson, husband and wife,

to

The Federal Land Bank of
Spokane, corporation organized
and existing under Federal Farm
Loan Act, approved July 17, 1916.

MORTGAGE

Dated: February 8, 1926
Filed: February 23, 1926
at 2:30 P. M.
Instrument No.: 121978
Recorded: Book 32 Mortgage
Record Page 151

Grant, bargain, sell, convey and warrant real estate in Bannock
County, Idaho:

The Southwest quarter of the Southeast quarter and
the Southwest quarter of Section two, Township seven,
South of Range thirty-nine East of the Boise Meridian.

This instrument is intended as mortgage to secure performance of
covenants and agreements hereinafter contained, and payment of debt re-
presented by one promissory note made by mortgagors to order of mortgagee
of even date herewith, for principal sum of \$3200.00, with interest thereon
from date until maturity at rate of 5% per cent per annum, payable semi-
annually, on whole of said principal sum from time to time remaining unpaid,
both principal and interest being payable to said mortgagee at its office
in City of Spokane, State of Washington, on amortization plan in install-
ments as in said promissory note provided.

Said note matures in 34½ years from date hereof, unless matured sooner
by extra payments on account of principal; and provides also for reasonable
attorney's fee in addition to other costs in case of suit thereon.

Loan secured by this instrument having been made by second party in
reliance upon fact that portion of land herein described is irrigable and
for irrigation of which first parties have made proper provision, both as
to water supply and drainage, it is expressly stipulated and agreed that
if at any time after five years from date hereof directors of said bank
shall deem such provision for water supply or drainage no longer adequate
and shall so declare by appropriate action entered on their minute book,
bank shall be entitled to call upon first parties to, at their option either
reduce balance due on loan to fifty per cent of then value of security as
determined by federal appraiser, or to give such additional security as
shall upon valuation of federal appraiser provide security in double amount
of balance due on loan; and in event first parties shall, within sixty
days after receiving such written notice, fail or refuse to meet such re-
quirements, bank may at its option, and after four months notice in writing
to first parties, declare note hereby secured due and payable and be
entitled to foreclose this mortgage.

MICROFILMED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

NOV 13 1930

Mortgagers, in order to qualify as borrowers from mortgagee, have become, or are about to become, owners of stock in National Farm Loan Association, and hereby covenant and agree for themselves, their heirs and assigns, that any transfer by operation of law of lands herein mortgaged shall operate to successor in title to mortgaged land.

Fred Johnson
Stella Johnson

Acknowledged: Bannock County, Idaho, February 15, 1936, by Fred Johnson and Stella Johnson, husband and wife, before Henry Van Blooten, Notary Public, in and for the State of Idaho. Residing at Pomeroy, Idaho. (Notarial Seal) My commission expires 2/15/37.

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

52

MICROFILMED
NOV 13 1950

B. M. in Blaine County Idaho. The said water is
used on the desert lands of the undersigned in said section
22. And has been used by me for the past 15 years.
Dated June 24th 1894

Recorded at request of Frank H. Boone June 25th 1894 at 12:47
The Journal
Deputy
June 25
Recorder

Notice of Water-Right. A29-04415
State of Idaho }
Blaine County } To All concerned. Notice is hereby given.

1st. That Jonathan Holbrook and Ed. Grant of the irrigated
Blaine County State of Idaho have taken the water of
the Big Lost River for the purpose of the water right
(2d) being said to be used.

2nd. It is intended to divert said water at a point on the land
where this notice is posted, and more definitely described
as follows. At a point in Snake River about two miles
in a North-westerly direction from the lower end of
said Jonathan Holbrook and Ed. Grant Blaine County and Idaho
land hereinafter more fully described.

3rd. The purpose or purposes for which said water is intended
and intended to be used, is for agricultural and domestic
purposes.

The place intended use are the lands hereinafter described.
4th. It is intended to divert said water by means of a ditch
three feet wide and one foot deep, starting at said point of
diversion and running in a North-westerly direction to the
lands hereinafter described.

The length of the proposed ditch is about four miles.

The general course of the proposed ditch is North-westerly.
It is intended to use said water for irrigating the following
described lands:

South-east corner of Section 2, in Township 7 South.

range 39 E. B. M. the same being the Homestead entry of Jonathan Holbrook.

The lots 1, 2, 3 & 4 and the North-east quarter of the North-east quarter of Section 2, Township 7 North, range 39 E. B. M. the same being the Homestead entry of said C. A. Grant. It is intended to have the works for the diversion and use of said water, as aforesaid, completed within two years.

Witness their hands at Chesterfield, Blannock County, Idaho, on this 16 day of June, A. D. 1896.

Jonathan Holbrook
C. A. Grant- Claimants

State of Idaho
Blannock County } ss

Jonathan Holbrook, of lawful age, being duly sworn according to law, deposes and says, that he is one of the Claimants of the Water-right, mentioned in the foregoing Notice and whose name is subscribed thereto; that the statements in said Notice are true, and that the original Notice, of which the foregoing is a true copy, was posted in a conspicuous place, at or near the place of intended diversion (as provided by law) on the 16 day of June A. D. 1896 at half past 3 o'clock P. M.

Jonathan Holbrook

Subscribed and sworn to before me this 16th day of June A. D. 1896.

Moses M. M.

J. C.

Recorded at request of J. G. Caldwell June 19th 1896 at 9th A. M.

John Scott

Thos. Linn

Recorder

Deputy

Fee \$1.00