

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: A29-04440
Date Received: 3/27/1990
Receipt No: M006387
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: T & G CONSTRUTION 208-232-8247
Address: 658 MCKINELY
POCATELLO, ID 83201

2. Date of Priority: MAY 01, 1933

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	23	NW	SW	NW		BANNOCK

5. Description of diverting works:
109' DEEP WITH 8" CASING WITH 1/2 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	23	SW	NW		IRR	1.0
			SW	NW		DOMEST	

Section Acres 1.0

A29-04440

Page 1

Date: 03/27/90

MICROFILMED
NOV 13 1992



10. Place of Use: Continued

Total Acres 1.0

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:
NONE

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 Organizations:

I do solemnly swear or affirm that I am Gail E. Tolman Sec. Treas. of J. and S. Conrad Co. Inc. Organization, that I have signed the foregoing document in the space below as Sec. Treas. of J. and S. Conrad Co. Organization and that the statements contained in the foregoing document are true and correct.

Gail E. Tolman
Signature of Authorized Agent

Sec. Treas.
Title and Organization

3/27/90
Date

State of Idaho)
County of Bannock) SS.

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

of March 19 90

Seal

John Dal Cerna
Notary Public

Residing at Boise ID

My Commission Expires 4/2/94

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 29-4440
Date Received: 3/27/90
Receipt No: M006387
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GAIL E TOLMAN AND J THOMAS PARKER TRUST Phone: (208) 232-8247

658 MCKINLEY
POCATELLO ID USA 83221

2. Date of Priority: 05/01/1933

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	34E	23	NW SW NW	BANNOCK	

5. Description of diverting works:

109' DEEP WITH 8" CASING WITH 1/2 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.04	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
06S	34E	23	SW	NW	IRRIGATION	1
			SW	NW	DOMESTIC	
					Section Acres	1
					Total Acres	1

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:

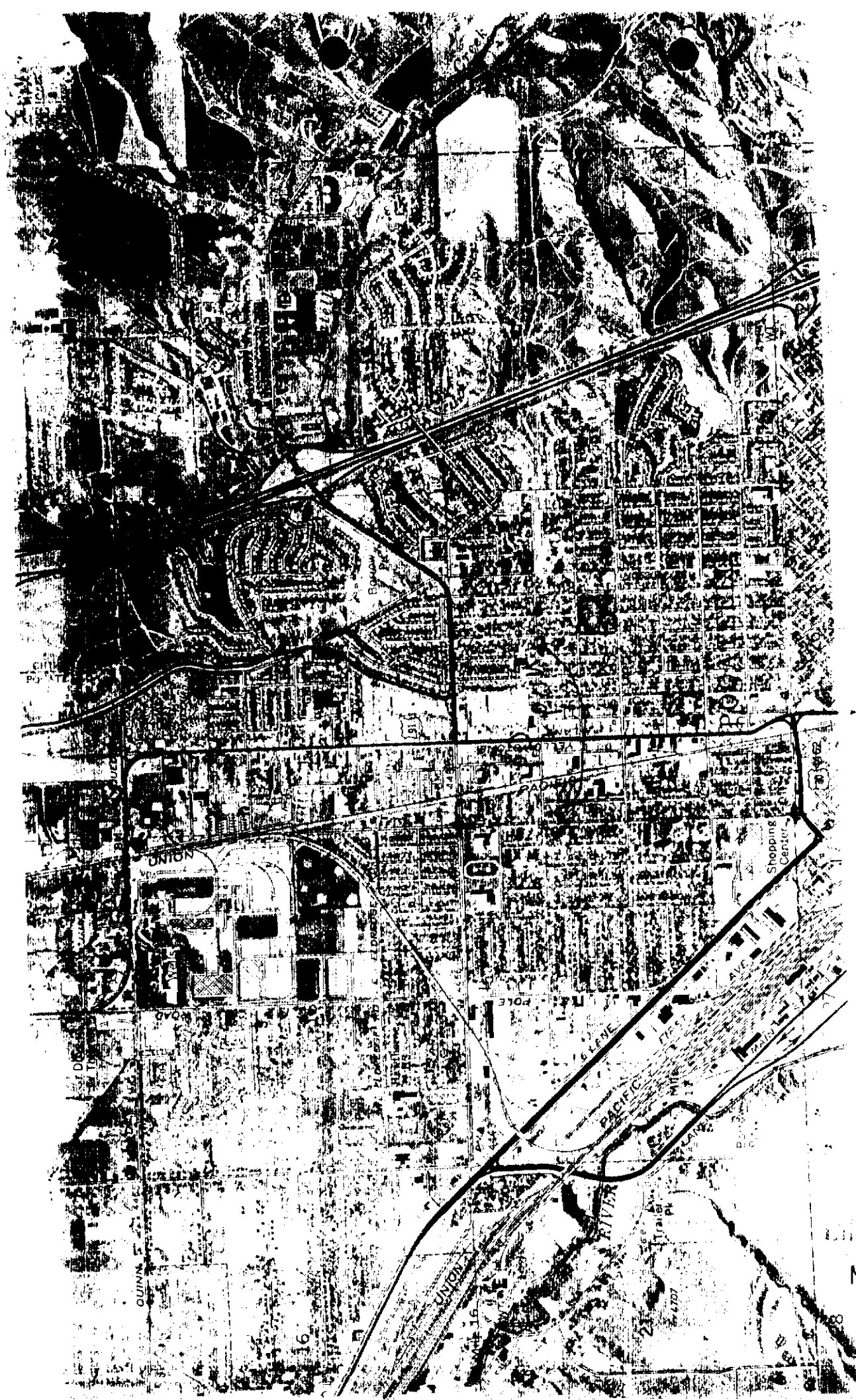
14. Remarks:

OWNERSHIP CHANGED PER CLAIMANT REQUEST (CSAXTON 6/6/01).

15. Basis of Claim: Beneficial Use

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.



ENCLOSURE
NOV 13 1952



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 7, 2001

GAIL E TOLMAN
J THOMAS PARKER
658 MCKINLEY
POCATELLO ID 83221

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-4440

Dear Mr. Tolman & Mr. Parker:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

OK CS
Done

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-04440	No.			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

T & G Construction

4. New Owner/Claimant(s)

GAIL E. TOLMAN AND J. THOMAS PARKER TRUST
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

658 McKINLEY

City, State and ZIP Code

POCATELLO, ID 83221

New Telephone Number

(208) 232-8247

5. Date you acquired the property

05/16/01

** T A X R E M I N D E R **

TO AVOID LATE FEE MAIL BY JUNE 19TH

**



SHELLEY SHANNON, BANNOCK COUNTY TREASURER
PO BOX 4626
POCATELLO, ID 83205 PHONE (208) 236-7220

PARCEL NO. RPCPP065900
BILL NO. R18742

TAX YEAR 2000
2nd half TAX DUE: 816.74

658 MCKINLEY

BEFORE 06/20/01

GAIL E TOLMAN
& PARKER, J THOMAS TRUST
658 MCKINLEY AVE
POCATELLO ID 83201-5066

CHECK _____
CASH _____

PAID BY _____

IF MAILED AFTER THE 20TH, INTEREST, IS CALCULATED FROM JANUARY 1ST. PLEASE SEND
THIS SLIP WITH PAYMENT FOR PROPER CREDIT. DISREGARD THIS NOTICE IF YOUR MORTGAGE

PARCEL NUMBER
RPCPP065900

BANNOCK COUNTY
TAX YEAR 1998
REAL

658 MCKINLEY
TAX 232 0.30 AC
TAX 230 0.55 AC
S23-T6S-R34E
COUNT PROP IN POCA

GAIL E TOLMAN
& J THOMAS PARKER TRUST
658 MCKINLEY AVE
POCATELLO ID 83201-5066

MAKE CHECK PAYABLE TO:
SHELLEY SHANNON
BANNOCK COUNTY TREASURER
P.O. BOX 4626
POCATELLO, ID 83205-4626
(208) 236-7220
PARCEL RPCPP065900 1998

BILL NO
R17776

Land	10,343			
Imp.	81,934	FULL	TAX	1,666.42
HM-	29,726			
MVE-				
TAXABLE		1ST	TAX	833.21
VALUE	\$62,551	HALF		
		2ND	TAX	833.21
		HALF		

CODE AREA 000100

*TAXING DISTRICT *	**RATE**	**AMOUNT**
COUNTY	.005567600	348.27
COUNTY RD&BRG	.000840112	52.5
CITY OF POC.	.010343205	646.98
POC SCH # 25	.008685502	543.29
AMBULANCE	.000245110	15.33
SANITARY LANDFILL		60.00
TOTAL TAX/SPECIALS		1,666.42

SUBTOTAL	1,666.42
TOTAL DUE	1,666.42

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

*DELINQUENCIES ON SUB-ROLLS, RECENTLY SUBDIVIDED OR *
COMBINED PROPERTY MAY NOT APPEAR ON THIS NOTICE. *



Aerial photo - if more information
is needed please advise

Spring
Salt Run

RECEIVED

MAY 30 2001

Department of Water Resources
Eastern Region

Log for claim A29-04440

Spatial Dynamics BTD

9/21/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	23	SWNW	1	1.5	
Totals:			1	1.5	

AJ5809NP
No. A29-04440

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 89

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	T & G CONSTRUCTION 658 MCKINLEY POCATELLO ID 83201 (208) 232-8247	05/01/1933	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.040 CFS 0.040 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.040 CFS	2.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T06S R34E S23 NWSWNW

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
06S	34E	23	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1.0
																			TOTAL ACRES	1.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S	34E	23	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

POU County: BANNOCK

Non-Irrigation Uses: D/ 1 HOUSE

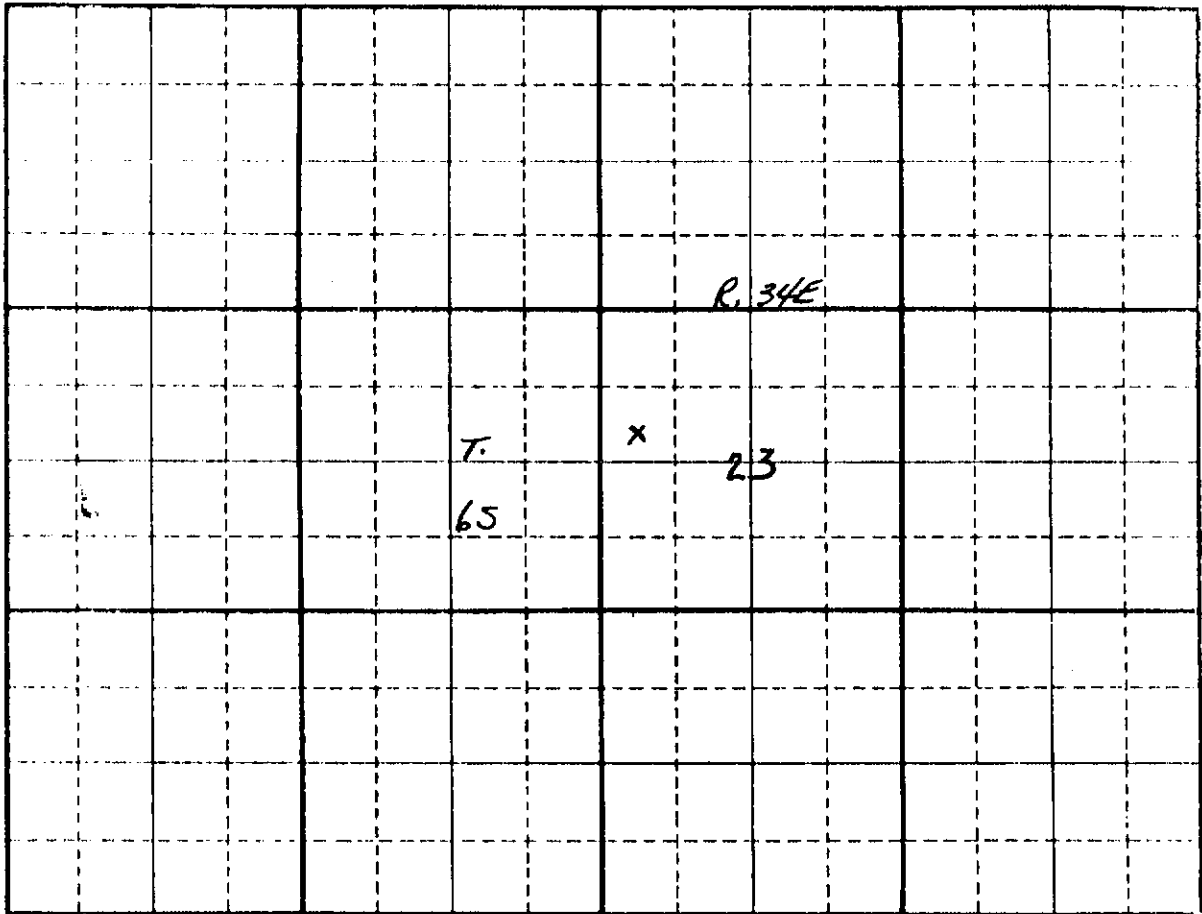
Other Rights: NONE

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

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

Audit: 03/27/90 CARLSON 07/25/94 THOMPSON 03/06/95 DCARLSON 03/29/95 POST-STD

(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 28th day of June, 1985.

Colleen Alway
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by RDR Date 6-28-85 Exception filed by: _____ Date _____
Prelim check by HWJ Date 7-29-85 claimant by: _____
\$30.00 fee received by HWJ Date 6-28-85
Published in Idaho State Journal # 2263
Dates 9/22/85 9/29/85

1. Acknowledgment Certificate (Individual Known by Notary)

State of Idaho)

County of BANNOCK)

§

On this 3rd day of MARCH, in the year of 1995, before me BRAD CARPENTER, personally appeared MAX DAHLSTROM, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same. Subscribed and sworn to before me this 3rd day of MARCH, 1995.

NOV 13 1995
Brad Carpenter
Notary Public

My Commission Expires: 4-17-96. Residing at: POCATELLO.

2, 24-1995
Foratello, Idaho.

To Whom It May Concern:

I have lived at 675 McKinley
from 1928 to the present, and
during that entire period of
time there has been a fresh
water well that has been
continually used and maintained
at the Tolman residence of
658 McKinley

May Dahlstrom

x May Dahlstrom
3-3-95

RECORDED

NOV 1 1995

Gentlemen,

Please find enclosed proof of water rights:

1. Abstract of title # 9980 (see photo copy.)
2. Map sec 2370 (70 acres)
3. Sheet #3 instrument #2 dated 1903, July 6th
4. Abstract # 1073 (see photo)
5. Sheet #4 instrument #4 instrument #3 dated 1910
6. Sheet #6 instrument #5 dated 1922
7. Warranty deed dated Feb 11, 1919. Granting all water .
8. Quick claim deed dated 1937 from Ralph Gates to Federal Building and Loan. May 25, 1937.
9. May 26, 1937 quick claim deed. Abstract # 9980 Joseph A. Tolman to Federal Building and Loan. With all Water rights.

The abstract is 105 pages long. We acquired the property in 1932. I was born in 1929 and moved to this said house and property in 1932. At which time we had all rights to water. The five years from 1932 to 1937 was due to court procedures, see page 69, 70, 71 and 72 . Complaint against Ralph and Blanch Gates. In the mean time Ralph Gates sold the property to my father and until the court settled the mater we lived here and eventually the property was sold to, my parents, Joseph and Ruth Tolman.

I trust this is sufficient to claim water rights. If not please advise.

Sincerely Gail E. Tolman
Joseph Thomas Parker

Gail E. Tolman 2/16/95
Joseph Thomas Parker 2/16/95

STATE OF IDAHO, COUNTY OF *Bannock*

On this *16th* day of *February*, 19*95*,
before me, a notary public in and for said State, personally
appeared

Gail E. Tolman and
Joseph Thomas Parker

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

Starla Prescott
Notary Public

Residing at *Pocatello*
Comm. Expires *10-22-99*
Idaho

MICROFILMED

NOV 13 1990

7/11/2000 10:00

Abstract of Title

To the following described Real Estate

Commencing at North 1/16 corner on West boundary of Section 23, Township 6 South, Range 34 N.B.M., thence Easterly along North 1/16 line of said Section 23, 25 feet to place of beginning of following described tract; thence continuing Easterly along North 1/16 line of said Section 23, 549 feet; thence Southeastly parallel to Oregon Short Line Railroad 190.88 feet, thence Easterly 608.34 feet, more or less, to a point 25 feet East of West boundary of Section 23; thence parallel to West boundary of said Section 23, 389.25 feet to the place of beginning. The same being a part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 6 S. Range 34 N.B.M., in Idaho.

Plaintiff's Exhibit...
Admitted in Evidence

Henry M. Quader

Prepared for:

C. R. M. Loux,
Pocatello, Idaho.

MICROFILMED

NOV 13 1966

Abstract of Title

To the following described Real Estate:

situated in the County of Bannock, State of Idaho, to wit:

Beginning at a point 25 feet east of the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 23, Twp. 6, S. R. 34 E. B. M., in Idaho, and running thence in an easterly direction a distance of 549 feet; thence running in a Southeasterly direction parallel to the West boundary of the Oregon Short line Railroad right of way through above described land, a distance of 332.2 feet; thence in a westerly direction on a line parallel to the first described line a distance of 599 $\frac{1}{2}$ feet; thence in a northerly direction at right angles to last described line a distance of 330 feet to the place of beginning, containing 190,134.17 square feet, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General.

ALSO

Commencing at the Northwest corner of the NW $\frac{1}{4}$ of Sec. 23, Twp. 6, S. R. 34 E. B. M., in Idaho, and running thence South 100 rods; thence East at right angles a distance of 528 feet to the place of beginning; thence South at right angles a distance of 330 feet; thence East at right angles a distance of 132 feet; thence North at right angles 330 feet; thence West at right angles 132 feet to the place of beginning, comprising a tract of one acre more or less, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General.

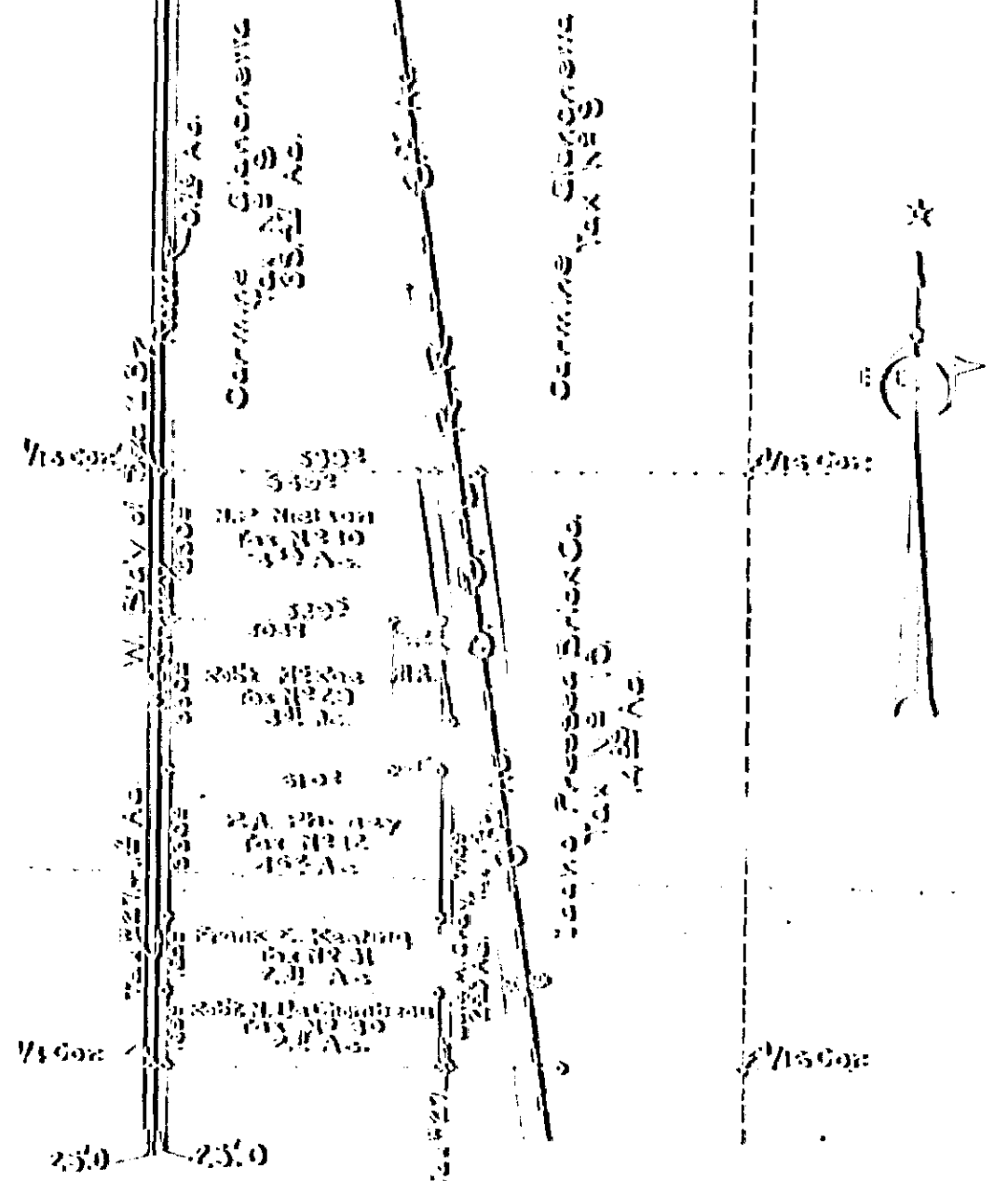
Abstract and Title Guaranty Co.,
248 N. Main St.,
Pocatello Idaho.

NOV 13 1900

W. 1/4 Sec 23

W. 1/4 Sec 23 of T. 23 N. R. 10 E. S. 10

W. 1/4 Sec 23
250
250



NAME	FAA 19	AGS 15
Garnett Development	3	15.47
Mr. Nelson	10	4.53
Robert M. Keating	2.5	3.31
2A Pharmacy	12	4.52
Frank E. Keating	31	2.33
Robert M. Keating	30	2.31
Lula M. Keating	14	2.33
W. 1/4 Sec 23	15	14.33
W. 1/4 Sec 23	6	1.14
W. 1/4 Sec 23	1	1.45
W. 1/4 Sec 23	2.7	1.12
W. 1/4 Sec 23	2.3	3.1
Total	30	90

SHEET NO. 3

INSTRUMENT NO. 2

GRANTOR: The United States of America.

GRANTEE: John G. Robosser.

Kind of Instrument,-----Patent.

Date of Instrument,-----May, 12th, 1903.

Consideration,-----Full Payment.

Recorded,-----July, 6th, 1903,
at 1:25 P. M. in Book 4 of Patents at page 199
of the records of Bannock County, Idaho.

Instrument No. 695

DESCRIPTION AND REMARKS

Southwest quarter of the North West quarter of Section twenty-three in Township six South of Range thirty four East of Boise Meridian in Idaho, containing forty acres, according to the Official plat of the survey of the said lands returned to the General Land Office by the Surveyor General.

Instrument bears the seal of the General Land Office.

MICROFILMED

NOV 13 1950

GRANTOR: John G. Robosser.
GRANTEE: Donald D. Burnside.

Kind of Instrument,-----Warranty Deed.
Date of Instrument,-----April, 23rd, 1910.
Consideration,-----\$1.00.
Recorded,-----April, 23rd, 1910,
at 1:10 P. M. in Book 20 of Deeds at page 43
of the records of Barnock County, Idaho.

Instrument No. 16816

Acknowledged before Charles W. Gray, a Notary Public, in and for
the County of (), State of Idaho, April, 23rd, 1910.
(SEAL)

Witness,-----C. W. Gray.

DESCRIPTION AND REMARKS

All of the southwest quarter ($\frac{1}{4}$) of the north west quarter ($\frac{1}{4}$) of Section twenty-three (23), Township six (6) south of Range thirty-four (34) East of the Boise Meridian in Idaho, and all of that portion of the north west Quarter ($\frac{1}{4}$) of the south west Quarter ($\frac{1}{4}$) of Section Twenty-three (23) Township six (6) south of Range thirty-four (34) East of the Boise Meridian in Idaho, lying west of the center of the Oregon Short Line Railway right of way running through above described land, containing in all seventy (70) acres, more or less, according to the official plat of the survey of said lands returned to the General Land Office by the Surveyor General.

(Above deed is given subject to all of the acquired rights on above described lands). Said premises have never been used, ~~occupied~~, or occupied, as a homestead or place of residence by grantor or his family. (Above deed is given subject to the taxes of the ~~year~~ 1910.)

SHEET NO. 6

INSTRUMENT NO. 5

GRANTOR: N. P. Nielson and Hattie Nielson, his wife.

GRANTEE: Ralph S. Gates and Mike Gates,

Kind of Instrument,-----Warranty Deed.

Date of Instrument,-----March, 16th, 1922.

Consideration,-----\$1.00.

Recorded,-----April, 6th, 1922,
at 4:15 P. M. in Book 43 of Deeds at page 398,
of the records of Bannock County, Idaho.

Instrument No. 91344

Acknowledged before F. C. McGowan, a Notary Public, in and for
the County of Bannock, State of Idaho, March, 16th, 1922. (SEAL)

DESCRIPTION AND REMARKS

Beginning at a point twenty-five (25) feet east of the Northwest corner of the South-west quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Twenty-three (23), in Township Six (6) South of Range Thirty-four (34) East of the Boise Meridian in Idaho, and running thence in an easterly direction a distance of Five Hundred Forty-nine (549) feet; thence running in a South-easterly direction on a line parallel to the west boundary of the Oregon Short Line Railroad right of way through above described land, a distance of Three Hundred Thirty-two and two-tenths (332.2) feet; thence in a westerly direction on a line parallel to the first described line a distance of Five Hundred Ninety-nine and one-half (599 $\frac{1}{2}$) feet; thence in a northerly direction at right angles to last described line a distance of Three Hundred Thirty (330) feet to the point of beginning, containing one hundred ninety thousand, one hundred thirty-four and seventeen one hundreds (190,134.17) square feet, according to the official plat of the survey of said lands returned to the General Land Office by the Surveyor General.

NOV 13 1922

Sheet #

WARRANTY DEED

Emma E. Inman and
O.W. Inman, her husband

to

C.W. Gray.

Dated: Feb. 11, 1919.

Filed: Mar. 19, 1920 at
2:03 PM.

Recorded: Book 40 Deeds
page 35.

Filing #75832. Cons. \$1.00.

Grant, bargain, sell, convey and confirm unto the said party of the second part, to his heirs and assigns forever, all the following described real property in Bannock County, State of Idaho, to wit:

The East 1 acre of the $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ of Sec. 23, Twp. 6, S. R. 34 E. B. M., more particularly described as follows, to wit: Commencing at the NW corner of the $NW\frac{1}{4}$ of said Sec. 23; running thence South 100 rods; thence East 528 feet to the point of beginning. Thence South 330 feet; thence East 132 feet; thence North 330 feet; thence West 132 feet to the point of beginning, comprising a tract of land 1 acre, more or less, according to the official plat of the survey of the said land returned to the General Land office by the Surveyor General, together with any and all water, water rights, canals, aqueducts etc, and particularly that water right coming from the Fort Hall Canal system and which has been used thereon.

Covenants of General Warranty.

Witnesses 1.

Mrs Emma E. Inman
O.W. Inman.

Acknowledged in Delaware County, State of Pennsylvania, Mar. 7, 1919, by O.W. Inman and Emma E. Inman, his wife, before Kathryn N. Furlong, a Notary Public in and for said County and State. (Seal).

MICROFILMED

NOV 13 1961

Abstract No. 9980

C E R T I F I C A T E.

The Bannock Title-Abstract Company, a corporation duly authorized by the laws of the State of Idaho to compile and certify Title Abstracts, hereby certifies that the foregoing pages numbered from---sixty-four-----to---sixty-six-----inclusive, certified by this page numbered-sixty-seven--sets forth a true and correct abstract of all conveyances or other instruments of writing, now on file and of record in the office of the County Recorder of Bannock County, Idaho, which in any way affect the title to the real property described in the Caption hereof.

It is further certified that there are no judgments or liens of any kind of record in the office of the Clerk of any Court of Record in said Bannock County, which constitute liens on the said real property, unless shown in the foregoing abstract; and that there are no taxes due and unpaid thereon except as hereinbefore shown.

This Certificate is made to Ralph S. Gates at request of Federal Building & Loan Association, and covers matters entered of record subsequent to April 22, 1930 at 11:21 A. M.

Dated at Pocatello, Idaho, this 12th day of September, 1932 at four o'clock P. M.

Bannock Title-Abstract Company,

By

Ernest M. Fox
Manager.

MICROFILMED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

NOV 13 1932

IN DISTRICT COURT OF FIFTH JUDICIAL DISTRICT OF STATE OF IDAHO, IN
AND FOR COUNTY OF BANNOCK.

Federal Building & Loan
Association, corporation,
Plaintiff,

vs.

Ralph S. Gates and Blanche
Gates, his wife, Defendants.

NOTICE OF LIS PENDENS

Dated: September 26, 1932
Filed: September 26, 1932
at 4:26 P.M.

Instrument No: 163791
Recorded: Book 3 Pendency of
Action Record Page 607

Notice is hereby given that Plaintiff has commenced an action against the above named defendants, and that said action is now pending.

That the object of said action is to foreclose a certain mortgage executed by Ralph S. Gates and Blanche Gates, his wife, to Federal Building & Loan Association, a corporation, bearing date of April 7th, 1930 and recorded in Book 57 of Mortgages, page 280 in office of County Recorder of Bannock County, State of Idaho;

That the property covered by said mortgage and affected by this action is situated in Bannock County, State of Idaho, and more particularly described as follows, to-wit:

(Certain property not now under search) and

Also commencing at North 1/16 corner on West boundary of Section 23 Township 6 South, Range 34 EBM., thence Easterly along North 1/16 line of said Section 23, 25 feet to place of beginning of following described tract; thence continuing Easterly along North 1/16 line of said Section 23, 549. feet; thence Southeasterly parallel to Oregon Short Line Railroad 390.82 feet; thence Westerly 608.34 feet more or less to point 25 feet East of West boundary of Section 23; thence North parallel to West boundary of said Section 23, 387.55 feet to place of beginning;

Same being part of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 23 T. 6 South, Range 34 EBM., and containing 5.15 acres more or less.

Together with all water and water rights appertaining to or used upon or in connection with above described real estate, whether for domestic, irrigation or culinary purposes and whether the same arises upon said land or not.

Together with twenty shares of General Investment Stock of Federal Building and Loan Association.

Thatcher & Young,
P.O. Address, Ogden, Utah.
J. A. Carver,
P.O. Address, Pocatello, Idaho,
Plaintiff's attorneys.

BANNOCK TITLE-ABSTRACT COMPANY
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NOV 13 1932

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK.

Federal Building & Loan
Association, a corporation
Plaintiff.

vs.

Ralph S. Gates and Blanche
Gates, his wife,
Defendants.

COMPLAINT:

Filed September 26, 1932
at 4:24 P.M.

Reg. No. 9933

Plaintiff complains of the defendants and for cause of action alleges:

1. That the plaintiff is, and at all times herein mentioned was a corporation duly organized under and by virtue of the laws of the State of Utah with its principal place of business located at Ogden City, Weber County, State of Utah.

2. That the defendants, Ralph S. Gates and Blanche Gates are, and at all times hereinafter mentioned were husband and wife.

3. That on the 7th day of April, 1930, at Ogden City, Weber County, State of Utah, for value received, the defendants made, executed and delivered to the plaintiff herein their certain promissory note in words and figures as follows, to-wit:

Here follows copy of note in sum of \$3,170.40; payable in monthly installments of \$26.42 on the 7th day of each and every month commencing with the Month of May 1930, until One Hundred Twenty payments shall have been made.

4. That the consideration for the execution and delivery of the said note above described and the mortgage hereinafter described, was the sum of \$2,000.00 in cash, which sum was loaned by this plaintiff to the defendants at Ogden City, Weber County, Utah, on the date said note bears date, and that said amount fixed in said note as aforesaid, to-wit, the sum of \$3,170.40 was arrived at by the parties to said note by computing and dividing said loan for payment under the principles of what is generally known as, and is known to the said parties as the amortization plan, with interest accruing upon said principal being included in said note, so that when the last payment should be paid the total loan of both principal and interest would be paid in full.

5. That at the time and place aforesaid, and in order to secure said principal and interest of the aforesaid loan, said defendants, Ralph S. Gates and Blanche Gates, his wife, made and executed in writing, and acknowledged the same so as to entitle the same to be recorded, and delivered to the plaintiff herein at Ogden City, Weber County, Utah, their certain

BANNOCK TITLE-ABSTRACT COMPANY

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

Lot 5 and Southeasterly one half of Lot 4, in Block 329 of Pocatello Townsite, Bannock County, Idaho, being a tract of ground 45 x 140 feet, as shown by official plat thereof on file in general land office.

Also, commencing at North 1/16 corner on West boundary of Section 23, Township 6 South, Range 34 E.B.M., thence Easterly along North 1/16 line of said Section 23, 25 feet to place of beginning of following described tract, thence continuing Easterly along North 1/16 line of said Section 23, 549 feet, thence Southeasterly parallel to Oregon Short Line Railroad 390.82 feet, thence Westerly 608.34 feet, more or less, to a point 25 feet, East of West boundary of Section 23, Thence North parallel to West boundary of said Section 23, 387.55 feet to the place of beginning. The same being a part of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Sec. 23, T. 6 South Range 34 EEM and containing 5.15 acres, more or less.

Together with all water and water rights appertaining to or used upon or in connection with the above described real estate, whether for domestic, irrigation or culinary purposes, and whether the same arises upon said land or not.

Together with twenty shares of General Investment Stock of Federal Building and Loan Association.

which said mortgage was recorded in the office of the County Recorder of Bannock County, Idaho, on the 9th day of April, 1930, in Book 57 of Mortgages at page 280, a copy of which said mortgage is attached hereto marked Exhibit A, and by reference made a part of this complaint.

6. That under the terms and provisions of said note and mortgage, the defendants agreed to pay to the plaintiff at its office in Ogden City, Utah, the sum of \$26.42 on the 7th day of each and every month commencing with the month of May, 1930, until 120 payments shall have been made, that said payments were first applied in reduction of accrued interest and the balance in reduction of the principal; that defendants have made 24 monthly payments on said note, the last of which was made on the 2nd day of June, 1932, and that said payments paid the interest on said indebtedness up to the 7th day of January, 1932, and reduced the principal to the sum of \$1795.78, but that the defendants have made no other or further payments thereon. That said note and mortgage provide that in the event of the failure of the defendants to pay any monthly installment as and when the same shall become due and payable, the holder of said note and mortgage shall have the option, without notice, to mature the whole of the unpaid principal, and may thereupon proceed to the collection of said note and the foreclosure of said mortgage. That the defendants and each of them being in default in respect to the payments now due and owing on said note, the plaintiff,

BANNOCK TITLE-ABSTRACT COMPANY
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pursuant to the above provision, hereby elects to and does declare the unpaid principal to be immediately due and payable, and hereby elects to foreclose said mortgage, and that there is now due, owing and unpaid on said note the sum of \$1795.78 principal and interest up to the 23rd day of September, 1932, in the sum of \$127.70.

7. Plaintiff further alleges that the defendants permitted the taxes accruing upon said property for the year 1931 to become delinquent and plaintiff, on the 21st day of September, 1932, paid to the Tax Collector of Bannock County the sum of \$168.00 in order to preserve plaintiff's security herein. Said mortgage further provides that in case of foreclosure the mortgagors agree to pay for the extension of an abstract upon said premises which said sum shall also be secured by said mortgage; that on the 21st day of September, 1932, the plaintiff paid to the Bannock Title Abstract Company the sum of \$15.00 for the purpose of extending said abstract, so that there is now due, owing and unpaid from defendants to the plaintiff as of the 23rd day of September, 1932, as principal, interest, taxes and abstract fees paid as aforesaid, the total sum of \$2,106.55.

8. Said mortgage provides that in case of foreclosure thereof the said mortgagors will pay a reasonable attorney's fees in such foreclosure suit; that plaintiff has obligated itself to pay an attorney here a reasonable fee for the foreclosure of said mortgage, and plaintiff alleges that \$200.00 is a reasonable attorney's fee therefor.

WHEREFORE, plaintiff prays judgment against the defendants, Ralph S. Gates and Blanche Gates, his wife, for the following sums, to-wit;

1. For the sum of \$2,106.55 together with interest thereon from the 23rd day of September, 1932, until paid, at the rate of twelve per cent per annum until paid, for \$200.00 attorneys' fees, and for costs of suit.

2. That the usual decree be made for the sale of said premises by the Sheriff of Bannock County, Idaho according to the law and practice of this court; that the proceeds of said sale may be applied to the payment of the amounts due the plaintiff, and that the defendants, and all persons claiming under them, subsequent to the execution and recording of plaintiff's said mortgage, either as purchaser, encumbrancer or otherwise, may be barred and foreclosed of all right, claim or equity of redemption in or to said mortgaged premises, and every part thereof, from and after the expiration of the period of redemption allowed by law.

3. That the plaintiff, or any other party to this suit, may become the purchaser at said sale; that the said Sheriff issue certificate of sale to the said premises in favor of said purchaser, and that after the period allowed by law for redemption has expired that said Sheriff execute and deliver to such purchaser, or his or its assigns, Sheriff's deed therefor; that upon the coming in of said return of sale by said Sheriff of the mortgaged premises, that plaintiff may have deficiency judgment against the defendants Ralph S. Gates and Blanche Gates, his wife, for any deficiency shown by the return of said Sheriff upon said sale; and that the purchaser or purchasers of such mortgaged premises be let into possession thereof, and that each of said defendants, as well as all persons who after the commencement of this action may come into possession thereof, deliver poss-

BANNOCK TITLE-ABSTRACT COMPANY
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NOV 13

ession thereof to such purchaser or purchasers on production of the Sheriff's deed for said premises, or any part thereof.

4. Plaintiff prays for all general relief which to the Court may seem just and equitable, and all relief which is usually granted in equity in foreclosure actions, and for costs of suit.

Thatcher and Young.
Attorneys for Plaintiff,
Post Office Address, 1019
First National Bank Bldg.
Ogden, Utah.

J. A. Carver
Attorneys for Plaintiff
Post Office Address
Pocatello, Idaho.

Weber County, Utah.

LeRoy B. Young, being first duly sworn, deposes and says: That he is one of the attorneys for the plaintiff in the foregoing complaint, and makes this verification upon behalf of plaintiff for the reason that said action is based upon instruments in writing for the payment of money, which instruments are in affiants possession; that he has read the foregoing complaint knows the contents thereof and believes the facts therein stated to be true.

LeRoy B. Young

Subscribed and sworn to before me this 24th day of September, 1932.

(Notarial Seal)

Paul Thatcher
Notary Public
Residing at Ogden, Utah.

My commission expires:
Aug. 15, 1935.

(Attached to Complaint is Copy of Real Estate Mortgage marked Exhibit "A")

SUMMONS. Filed Oct. 21, 1932.

Bannock County, Idaho.

THE STATE OF IDAHO SENDS GREETINGS TO THE ABOVE NAMED DEFENDANTS.

BANNOCK TITLE-ABSTRACT COMPANY
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You are hereby Notified, That a complaint has been filed against you in the District Court of the Fifth Judicial District of the State of Idaho; in and for the County of Bannock by the above named plaintiff and you are hereby directed to appear and plead to the said complaint within twenty days of the service of this Summons, and you are further notified that unless you so appear and plead to said complaint within the time herein specified the plaintiff will take judgment against you as prayed in said complaint.

Witness My hand and the Seal of said District Court this 26th day September, 1932.

(District Court Seal)

Grace L. Hall, Clerk

Sheriff's Office, Bannock County, Idaho

I Hereby Certify that I have received the within Summons on the 26th day of September 1932, and on the 28th day of September, 1932, served the same on Ralph S. Gates & Blanch Gates his wife, being the defendant named in said Summons, by delivering to said defendant personally, in the County of Bannock, State of Idaho, copy of said Summons, and a true and correct copy of the complaint in the action of said Summons, attached to said copy of Summons. Dated this 29th day of September, 1932

D. D. Martin, Constable of Pocatello Precinct.

RETURN ON SUMMONS. (Attached to Summons.)

Bannock County, Idaho.

D. B. Martin, being first duly sworn on oath, deposes and says: that he is a resident and citizen of the State of Idaho, over the age of eighteen years and not a party to the within action;

That he received the herein and hereunto annexed Summons on the 26th day of September, 1932, and personally served the same upon the defendants, Ralph S. Gates and Blanche Gates, his wife, personally on the 28th day of September, 1932, at Pocatello, in the County of Bannock, State of Idaho, by delivering to and leaving with each of said defendants personally a copy of said Summons together with a copy of the Complaint in said action thereunto attached.

Dated this 21st day of October, 1932.

D. B. Martin

Subscribed and sworn to before me this 21st day of October, 1932.

Robert S. Callis, Justice of the Peace
Pocatello, Precinct
Bannock County, Idaho.

BANNOCK TITLE-ABSTRACT COMPANY
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MICROFILMED

NOV 13 1930

to

Federal Building and Loan
Association, Utah corpora-
tion.

Dated: May 25, 1937
Filed: June 3, 1937
at 3:46 P.M.
Instrument No: 191710
Recorded: Book Deed
Record Page
Consideration: \$1.00 and other
valuable considerations

Demise, release and quitclaim land in Bannock County, Idaho:

(Certain property not now under search) and

Also commencing at North 1/16 corner on West boundary of Section 23 Township 6 South, Range 34 East Boise Meridian, thence Easterly along North 1/16 line of said Section 23, 25 feet to place of beginning of following described tract: thence continuing Easterly along North 1/16 line of said Section 23, 549 feet; thence Southeasterly parallel to Oregon Short Line Railroad 390.82 feet; thence Westerly 608.34 feet more or less to a point 25 feet East of West boundary of Section 23; thence North parallel to West boundary of said Section 23, 387.55 feet to place of beginning, Same being a part of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 23 Township 6 South, Range 34 East Boise Meridian and containing 5.15 acres more or less.

Together with all title and interest the Association may have in water and water rights appertaining to or used upon or in connection with above described real estate, whether for domestic, irrigation or culinary purposes, and whether the same arises upon said land or not.

Ralph Gates (Seal)
Blanche Gates (Seal)

Acknowledged: Bannock County, Idaho, May 25, 1937; by Ralph E. Gates and Blanche Gates, his wife; Before F. M. Bistline, Notary Public in and for said County and State. Residing at Pocatello, Idaho. (Notarial Seal)

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MICROFILM
191710

Joseph Augustine Tolman
and Ruth Hilma Tolman,
his wife,

to

Federal Building and
Loan Association, Utah
corporation.

QUIT CLAIM DEED

Dated: May 26, 1937
Filed: June 3, 1937
at 3:47 P.M.
Instrument No: 191711
Recorded: Book Deed
Record Page
Consideration: \$1.00 and other
valuable considerations

Demise, release and quitclaim land in Bannock County, Idaho:

(Certain property not now under search) and

Also commencing at North 1/16 corner on West boundary of
Section 23 Township 6 South, Range 34 East Boise Meridian, thence
Easterly along North 1/16 line of said Section 23, 25 feet to
place of beginning of following described tract; thence continuing
Easterly along North 1/16 line of said Section 23, 549 feet; thence
Southeasterly parallel to Oregon Short Line Railroad 390.82 feet;
thence Westerly 608.34 feet more or less to a point 25 feet East of
West boundary of Section 23; thence North parallel to West boundary
of said Section 23, 387.55 feet to place of beginning;
Same being part of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 23 Township 6 South,
Range 34 East Boise Meridian, and containing 5.15 acres, more or
less;

Together with all title and interest the Association may have in water and
water rights appertaining to or used upon or in connection with the above
described real estate, whether for domestic, irrigation or culinary
purposes, and whether the same arises upon said land or not.

Joseph Augustine Tolman (seal)
Ruth Hilma Tolman (seal)

Acknowledged: Bannock County, Idaho, May 26, 1937; by Joseph
Augustine Tolman and Ruth Hilma Tolman, his wife; Before B. A. McDevitt,
Notary Public in and for said County and State. Residing at Pocatello,
Idaho. (Notarial Seal)

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MICROFILMED

NOV 13 1937



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-04440
T & G CONSTRUCTION
658 MCKINELY

POCATELLO ID 83201

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the **PRIORITY DATE**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED

NOV 13 1995

AJ5809NP
No. A29-04440

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 16

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	T & G CONSTRUCTION 658 MCKINELY POCATELLO ID 83201 (208) 232-8247	05/01/1933	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.04 CFS 0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	
CONSUMPTIVE USE:						2.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T06S R34E S23

NWSWNW

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
06S	34E	23	:																	:	1.0
																				TOTAL ACRES	1.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06S	34E	23	:																	:	

POU County: BANNOCK

Non-Irrigation Uses: D/ 1 HOUSE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED
NOV 13 1996

Address Department of Water Resources.

QJ 5809 NP.

No 429 04440

Date 12/28/95
Page 16.

Please find enclosed an affidavit from
our neighbor whom I have known since childhood.
I trust that this document plus the former
copied page from the original contract will
establish claim to our water rights.

Sincerely
Aud E. Farnham

658 Mt. Ararat
Portland, Idaho.
83201.

P.S. When I was chief the
property house number
was 600. When Portland
municipal changed
the house number became
658.

AEF

MICROFILMED
NOV 13 1996