

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: A29-10893
Date Received: 3/30/1990
Receipt No: MO06430
Received By: JPC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEN L. HAYDEN 208-335-2152
Address: 3747 MID CRYSTAL RD.
ARBON, ID 83212

AND/OR
Name: MID CRYSTAL FARMS 208-335-2152
Address: 3747 MID CRYSTAL RD
ARBON, ID 83212

2. Date of Priority: APR 01, 1926

3. Source: CLIFTON CREEK Trib. to: RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	34E	16	SE	NW	NW		POWER

5. Description of diverting works:

EARTHEN DAM, POND DIESEL PUMP SYTEM SPRINKLER SYSTEM AND FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:

1.620 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/ 50 HD BEEF CATTLE 4 HORSES.

A29-10893

Page 1

Date: 03/30/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	34E	8	NW	SE		IRR	10.0
			SW	SE		IRR	27.0
			SE	SE		IRR	30.0
						Section Acres	67.0
		9	SW	SW		IRR	9.0
			SE	SW		IRR	4.0
						Section Acres	13.0
						Total Acres	80.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A29-02144.

14. Remarks:

THE SYSTEM AND PLACE OF USE BEGAN IN MAY OF 1987.
CLAIM REFLECTS A TRANSFER AS PER PRESUMPTION CLAUSE.
60 ACRES WERE INVOLVED IN THE CHANGE WITH 20 ACRES WITH NO CHANGE
NO CHANGE IN PD.

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.

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): Ben L Hayden Date: 3/30/90

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of Mar 19 90

John Dal Cane
Notary Public

Seal

Residing at Pois. Id

My Commission Expires 6/30/94
3 Date: 03/30/90

A29-10893

Page

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NOV 16 1992



AJ5809NP
No. A29-10893

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 100

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN L HAYDEN	04/01/1926	IRRIGATION	03-15 11-15	1.600 CFS	
C	MID CRYSTAL FARMS 3747 MID CRYSTAL RD ARBON ID 83212 (208) 335-2152		STOCKWATER	01-01 12-31	0.020 CFS	
TOTAL DIVERSION:					1.620 CFS	
CONSUMPTIVE USE:						200.00 AFA

Water Source: CLIFTON CREEK

Tributary to: RATTLESNAKE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T09S R34E S16 SENWNW

POWER 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	
09S	34E 8	:				:				:				:		10	27	30	67.0
09S	34E 9	:				:				:				:					13.0
TOTAL ACRES																	80.0		

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

POU County: POWER

Non-Irrigation Uses: S/ 50 HD BEEF CATTLE 4 HORSES.

Other Rights: A29-02144.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02144 A29-07948

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02144 A29-07948

Remarks: GEN THE SYSTEM AND PLACE OF USE BEGAN IN MAY OF 1987.
CLAIM REFLECTS A TRANSFER AS PER PRESUMPTION CLAUSE.
60 ACRES WERE INVOLVED IN THE CHANGE WITH 20 ACRES WITH NO CHANGE
NO CHANGE IN PD.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 03/30/90 CARLSON 08/04/94 THOMPSON 03/29/95 POST-STD

March 24, 1995

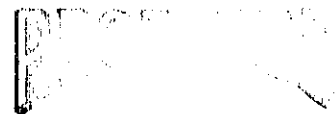
STATE OF IDAHO
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: BENEFICIAL USE - PRIORITY DATE
A29-10893

Included: Two copies with color marked maps and color pictures and one copy in black and white for xerox copy making.

Mid Crystal Farms
Hans Hayden
3747 Mid Crystal Rd.
Arbon, Idaho 83212
208 335 2152

Evidence of Priority
A29-10893



MAY 08 1995

Department of Water Resources
Eastern District Office

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NOV 14 1996

March 30, 1992

In 1926 my father, John Hayden, purchased said properties. He had a special need for land that could be used in the main way. He immediately dug new ditches as well as repaired the ditches that the homesteaders had put in.

He was aware that consistent use was important to the right of use as well as the need for irrigation water for a hay crop, the fuel for his dry land operation. This has been a family operation that has continued to today.

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NOV 16 1992

John L. Hayden

Log for claim A29-10893

Spatial Dynamics AMH

7/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s34e	8	NWSE	10	10	
09s34e	8	SWSE	27	10	Wrong acreage for tract on profile report
09s34e	8	SESE	30	25	
09s34e	9	SWSW	9	17	
09s34e	9	SESW	4	19	
Totals:			80	81	

A29-10893

Beneficial Use Data

Color Copy

Notary Seal Copy

ORIGINAL

March 24, 1995

STATE OF IDAHO
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

RE: BENEFICIAL USE - PRIORITY DATE
A29-10893

IDWR - Adjudication Bureau,

Water claimed under A29-10893 has been used in several places over time and has been transferred depending on the location of alfalfa fields and use efficiency of low water during dry years. Below is as complete a history as I can find.

All the available water has been continuously used from homestead days. The quantity available varies greatly and necessarily those using it had to be innovative in a low water year to get second crops on alfalfa and grass hay.

The beneficial use of this water has been used on four locations with the sole source Clifton Creek: Referenced as LOCATION 1, 2A, 2B, and 2C.

1-Beneficial use on 20 acres that has never changed and has been consistently used from the same diversion.

2A-Use on various acres through the ditch and diversion of permit 29-2144, but on differing acres from 29-2144.

2B-Use on land that was in need of more water than its originally permit could supply when senior water was first removed up stream. Also used here to supplement another water right during dry years when total water was low as only a combination of water rights under a 20% flood efficiency would be useful irrigation.

2C-Location of present use.

LOCATION #1

Map #1 shows the lower point of diversion of Clifton Creek, a tributary of Rattlesnake (NWNW Sec 16) and ditch and place of use (SWSE Sec 8 Rng 34 Twnshp 9s). These 20 acres has always had the same diversion location and place of use. The land was purchased in 1926 by John Hayden and it is known that the irrigation was in place at that time. (See Reference #1-WARRANTY DEED TO JOHN HAYDEN, Reference #2-Affidavit: WATER USE on above acreage - BEN HAYDEN). We can verify the use of irrigation on this date and before, thus 1926 was chosen as the provable 'PRIORITY DATE' of Beneficial Use, though use started before this date.

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The reason for the land purchases next to the creek was to grow irrigated alfalfa.

PICTURES:

- #1 Diversion
- #2 Upper area ditch - Location 1, 2B, and 2C
- #3 Lower area ditch - Location 1 and 2B

LOCATION #2A

Map #1 also shows the place of beneficial use of water 29-10893 from Clifton Creek. The locations of water from 29-2144 documented in the Sept 26, 1914 "Engineers Report" (Reference #3) shows that the acres included in Beneficial Use 29-10893 are differing in the quarter-quarter sections as to affidavits: Reference 4 Ben Hayden/Location 2A and Reference 5 Russell Hayden/Location 2A.

The sections where irrigation existed under the 29-10893 beneficial use claim are the West half of the Northwest quarter and the South East quarter of the North East quarter of Section 9, Twnshp 9s, Rng 34E. These are not the same as the licence 29-2144 (Engineers Report).

Ownership was Martin Hayden (Reference #6-Deed and #10-Deed). Irrigation was in practice when purchased and continued.

AFFIDAVITS of irrigated lands as shown on Map 1:

- Reference #4 Ben Hayden
- Reference #5 Russell Hayden

PICTURES:

- #4 Point of Diversion 29-10893(originally) and 29-2144
- #5 Ditch still used in 29-2144
- #6 Abandoned ditch-transferred to location 2B & 2C

As a new highway was built in 1950, a culvert was placed in the highway for the irrigation water to pass under the road. (See Affidavit: Reference #7- 'Steve Lusk', county Highway regional supervisor: Highway built 1950 and removal of culvert ends in 1990's).

The original point of diversion (29-2144) was and is now maintained for the use of acres near the source of diversion under 29-2144.

As homesteads combined and the need for greater efficiency increased, the ditch became shorter. Low late summer water and drought years and increasing wage costs were a problem with a long, small flow ditch. The beneficial use water was transferred through Clifton Creek and the system of ditches discussed under LOCATION #1 AND #2C. (See Maps #1 and #2B).

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LOCATION #2B

The water was used where shorter ditches and less water loss was possible. John Hayden (Reference #8-Deed, LOCATION 2B) consolidated water use over a long time to less locations and thus less ditches. This allowed water to be used in one place from several rights when water limiting years made several irrigation locations impractical.

When water from Rattlesnake rights was deficient as up stream prior rights dried the creek to a point that flood irrigation was not possible, the water from the above acres included in LOCATION #2A was used to supplement 60 acres with the rattlesnake flow. MAP 2B shows the 60 acres where water was used supplementally for several years. The date of purchase of this farm by John Hayden was Jan 18, 1926. (Reference #8 Deed of "Meadows" E1/2SW Section 8 R34 Ts9) An Affidavit from Ben Hayden as to the use of water here since his father owned the land is included (See Affidavit #9).

All these places of use were eventually in one farm management and all available water, historically, was placed where it was most needed depending on the year, crop, and available water. The water use was continuous and beneficial through the years.

LOCATION #2C

Irrigation efficiency increased, ditches were improved and cleaned each spring, most land was sprinkled, and a supplemental well (29-02509) was drilled. The water from Clifton Creek again was available to be used on the original land.

The most efficient and only economical use was to divert all the water at the diversion explained in LOCATION #1 (NWNW Sec 16 R34 Ts9) and pump it to sprinkle all the water from several permits in one location. This is the present water use location of the 60 acres that have been moved around as management and technology changed. The water has been and is still used to beneficially as crop irrigation.

MAP 2C: Present location of 29-10893 water.

PICTURES:

- #1 Present diversion for location 1 and 2C
- #2 Ditch for location 1 and 2C
- #7 Weir and pump station for location 2C
- #8 Sprinkler irrigation location 2C

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PRIORITY DATE

The deeds to land purchase that included use of water referred to in 29-10893 were from 1920 to 1926. (References #1, 8, 9, and 10) The priority date of April 1926 would be when those presently living can verify that water was used, though use before this date is acknowledged. To simplify the process and as no other rights enter into the importance of water use accept Forthall Indian water rights of Bannock Creek which are much early, 1850's, we feel the 1926 date is acceptable for all the water claimed and simplifies the process. We thus request that April 1, 1926 be used in this process.

NO CONTEST AFFIDAVITS

Affidavits are included from Hans Hayden, Twain Hayden, Ben Hayden, and Russell Hayden as to the fact that they agree with the said historical information as to the use of the water being moved from place to place also considering that it has been moved from one land owner to another because it was under a single management. These application for water right under beneficial use (29-10893) will not be contested by any of the above listed individuals who, collectively, own all the water rights to Clifton Creek. (Affidavits #11-14)

All the land involved within the history described is owned by these four people and is all managed by Hans Hayden and Twain Hayden.

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MAPS AND AFFIDAVITS

MAPS

- 1 - Lower diversion and use on Location-#1 (Beneficial Use 29-10893, same location from before 1926.)
- Upper diversion and use on Location-2A (Original use at time of land purchases (see Deeds) as to 29-2144 and 29-10893.
- 2B - Location 2B as supplemental water on 'Meadow' Deed
- 2C - Location 2C-present use

AFFIDAVITS AND DEEDS

- 1-Deed: John Hayden-Lorenzo Whiting, Location-1 (1926).
- 2-Affidavit: Ben Hayden-Water use on Location-1.
- 3-Engineer's Report license 29-2144: Location of land irrigated under license.
- 4-Affidavit: Ben Hayden-Water use on Location 2A.
- 5-Affidavit: Russell Hayden-Water use on Location 2A.
- 6-Deed: Martin Hayden-Forres Whitting, Location 2A (April 9, 1920).
- 7-Steve Lusk: Power County-Arbon supervisor-Highway built in 1950 with culvert for irrigation ditch. Removed ends of culvert in 1990's.
- 8-Deed: John Hayden-Joseph Meadows, Location-2B (Jan 18, 1926).
- 9-Affidavit: Ben Hayden-water used on Location 2B.
- 10-Deed: Martin Hayden/Phillips, included in Location 2A.
- 11-14-Affidavits: No Contest of 29-10893 Clifton Creek license: Hans Hayden, Twain Hayden, Ben Hayden, and Russell Hayden.

PICTURES

Map of Picture locations

- 1 Diversion Location 1, 2B, 2C
- 2 Ditch Location 1, 2B, 2C
- 3 Ditch Location 1, 2B
- 4 Diversion Location 2A presently in use
- 5 Ditch Location 2A presently in use
- 6 Ditch Location 2A abandoned
- 7 Weir Location 2C
- 8 Irrigation Location 2C

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NOV 14 1995

MAP 1

↑ N

Township 9
R 34E

UPPER
DITCH

Highway

CLINTON
CREEK

LOWER
DITCH

#1

#2A

**BENEFICIAL
USE**

29-10893

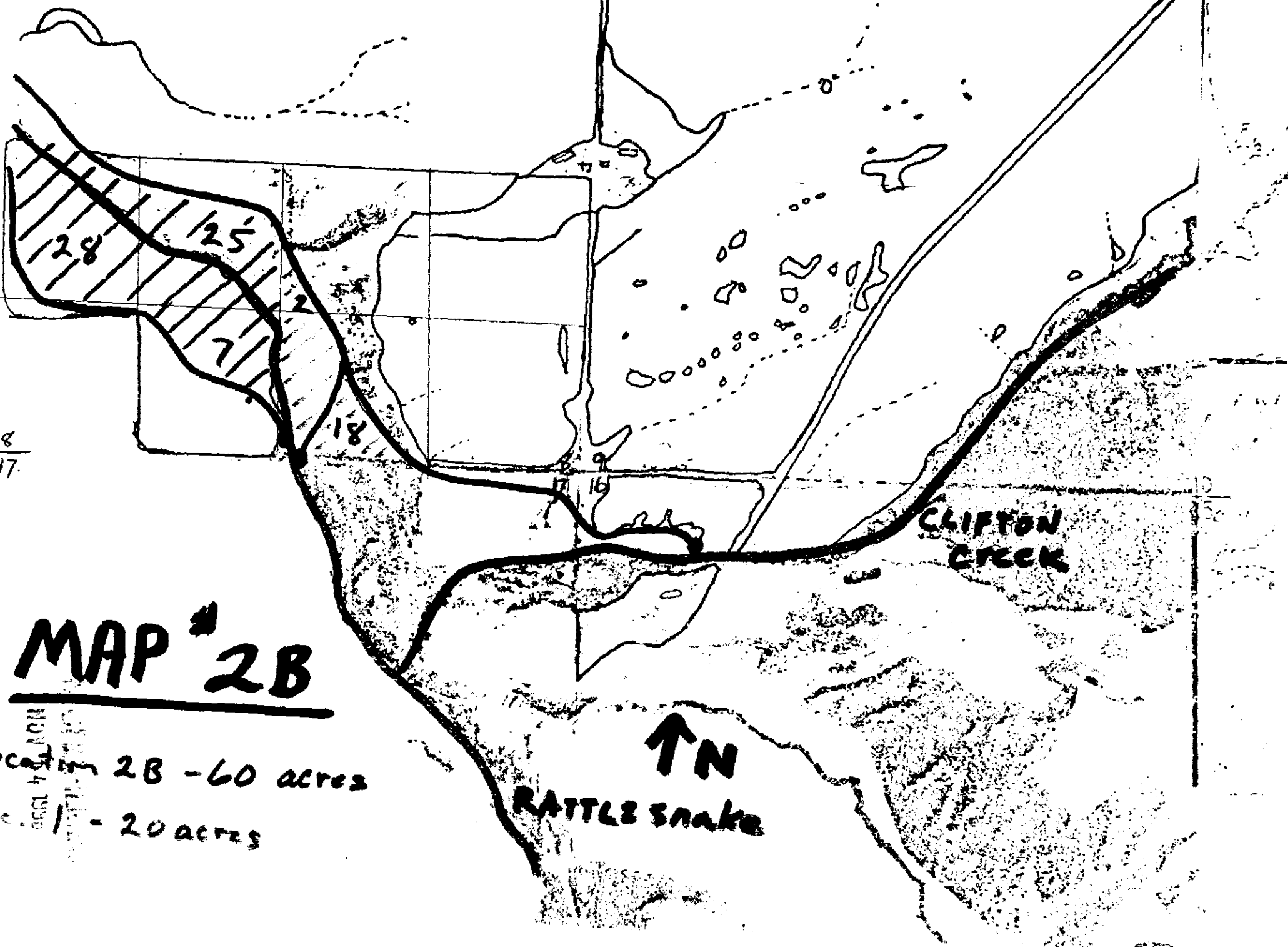
LOCATION 1

Location 2A

Irrigation in these
1/4 Sections - DIFFERENT
THAN 29-2144

NOV 14 1996

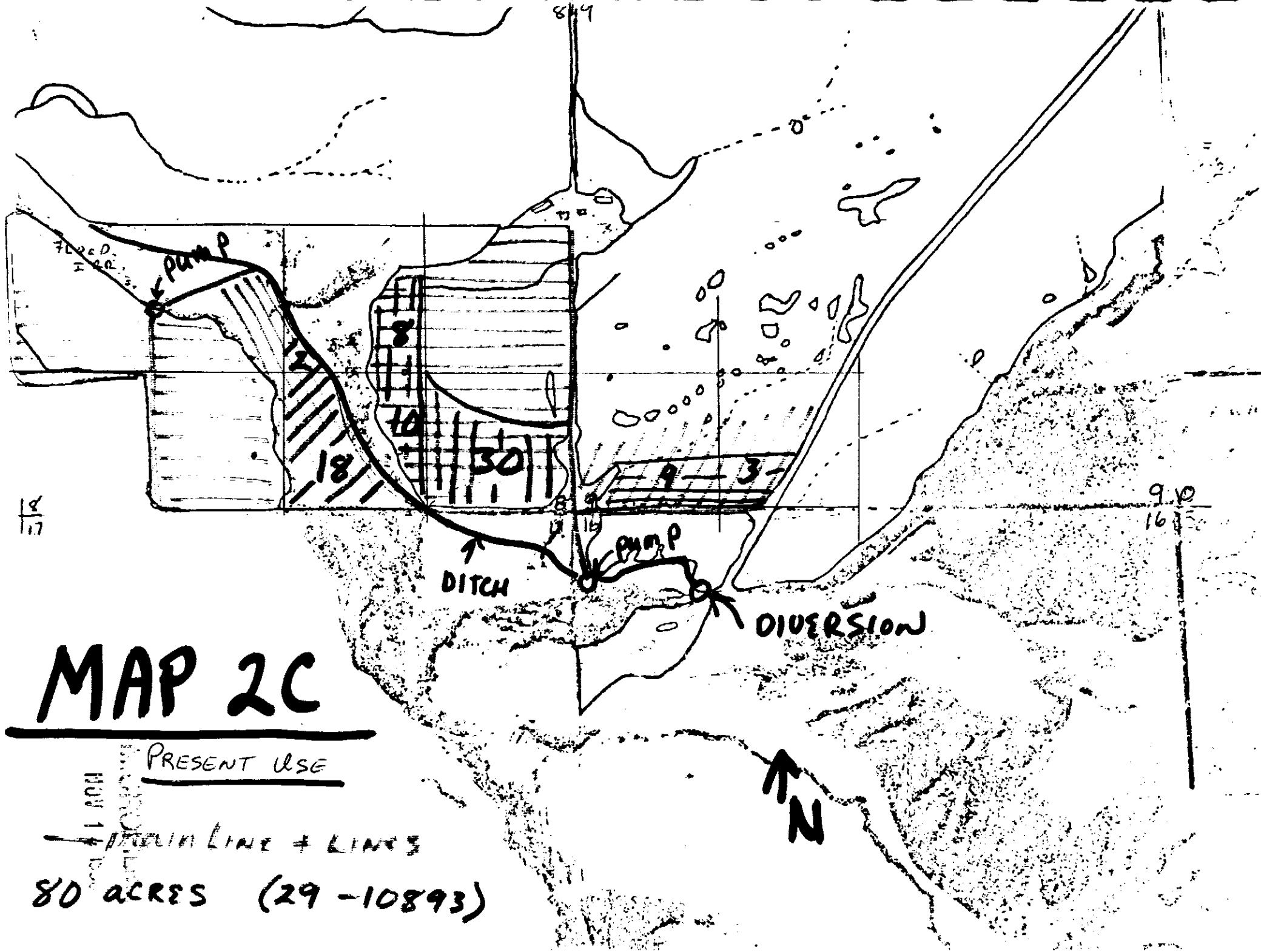
RATTLESNAKE



MAP # 2B

Location 2B - 60 acres

Location 1 - 20 acres



MAP 2C

PRESENT USE

MAIN LINE & LINES

80 ACRES (29-10893)

REF. 1

Sheet # 14

Instrument #44822

WARRANTY DEED

C. Ben Ross and
Edna R. Ross, his wife,

Grantors

TO

John Hayden:

Grantee.

Dated: November 6th, 1926.
Consideration: One and no/100 (\$1.00) and other good and valuable consideration
Acknowledged: November 6th, 1926, before Laura S. Gough, Notary Public,
Residing at Pocatello, Idaho. (Sealed - Regular.
Date of expiration of Notary Commission not stated.
Recorded: December 7th, 1929, at 10:45 A. M. , in Book 73 of Deeds,
page 548, Records of Power County, Idaho.

American Falls Abstract Co.

American Falls, Idaho

DESCRIPTION

The South one-half of the Southeast Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$)
and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$, $SE\frac{1}{4}$)
of Section Eight (8), Township Nine (9) South, Range
Thirty four (34), East of Boise Meridian, containing One
Hundred and Twenty (120) acres, more or less.

RECORDED

NOV 14 1926

Reference #2 - Ben Hayden/Location 1

I, Ben Hayden, can testify that the land referred to as Location 1 in 'Proof of Beneficial Use for 29-10893, mostly being in the Southwest quarter of the Southeast quarter of Section 8, Twnshp 9S, Rng 34E. was irrigated by my father, John Hayden from the time he bought the land (1926). The ditch was already constructed at that time and irrigation had been on the location before the purchase.

The purchase was to grow alfalfa hay, which some years needed irrigation to get a second crop. The use of the land as irrigated land has been continued from that time, through ownership by a brother, Norman, and myself. It is now part of land managed under Mid Crystal Farms (%Hans Hayden and Twain Hayden). Management has included alfalfa, grass, pasture, and wheat over the years, all irrigated.

BEN HAYDEN

Date

Ben L. Hayden
April 20, 1995

STATE OF IDAHO

COUNTY OF

Bannock

On this the *20* day of *April*, 1995, before me a Notary Public in and for said County and State, Personally appear

Ben L. Hayden
know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Loree J. Gibbs
NOTARY PUBLIC FOR IDAHO
RESIDING AT *Bozartville 7-16-96*

(seal)

NOV 14 1996

REPORT OF ENGINEER

1. State name of applicant and number of permit: *Thos. O. Phillips T7S14N34E10S*
2. State source of water supply: *Clifton Creek*
3. Location of point of diversion: *N 1/4 SE 1/4 Sec 3 T7S14N34E10S*

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit

They are

5. Describe works as they exist, giving dimensions of same as follows:

Earth & Rock Ditch 3 1/2 ft high, 2 ft long by 5 long bottom

- (a) Width of conduit at bottom: *2 Feet*
- (b) Width at water line: *3 1/2 "*
- (c) Depth of water: *2 "*
- (d) Grade per mile: *14 "*
- (e) Capacity of ditch: *At least 12* second feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

It has - About 3 Sec ft.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

*5 acres SW 1/4 SE 1/4 Sec 3 - 5 acres SE 1/4 NW 1/4 Sec 10
6 acres NW 1/4 NE 1/4 - 6 acres SW 1/4 NE 1/4 - 5 acres NW 1/4 SE 1/4 -
1 acre SW 1/4 SE 1/4 - 5 acres NE 1/4 SW 1/4 - 3 acres NW 1/4 SW 1/4
Sec. 9 - 8 acres NE 1/4 NE 1/4 - 5 acres NE 1/4 SE 1/4 Sec 8
Alto. T7S14N34E10S Total 49 acres*

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

STATE OF IDAHO

County of

being first duly sworn, deposes and says that the statements

contained in the within report are correct to the best of his knowledge and belief

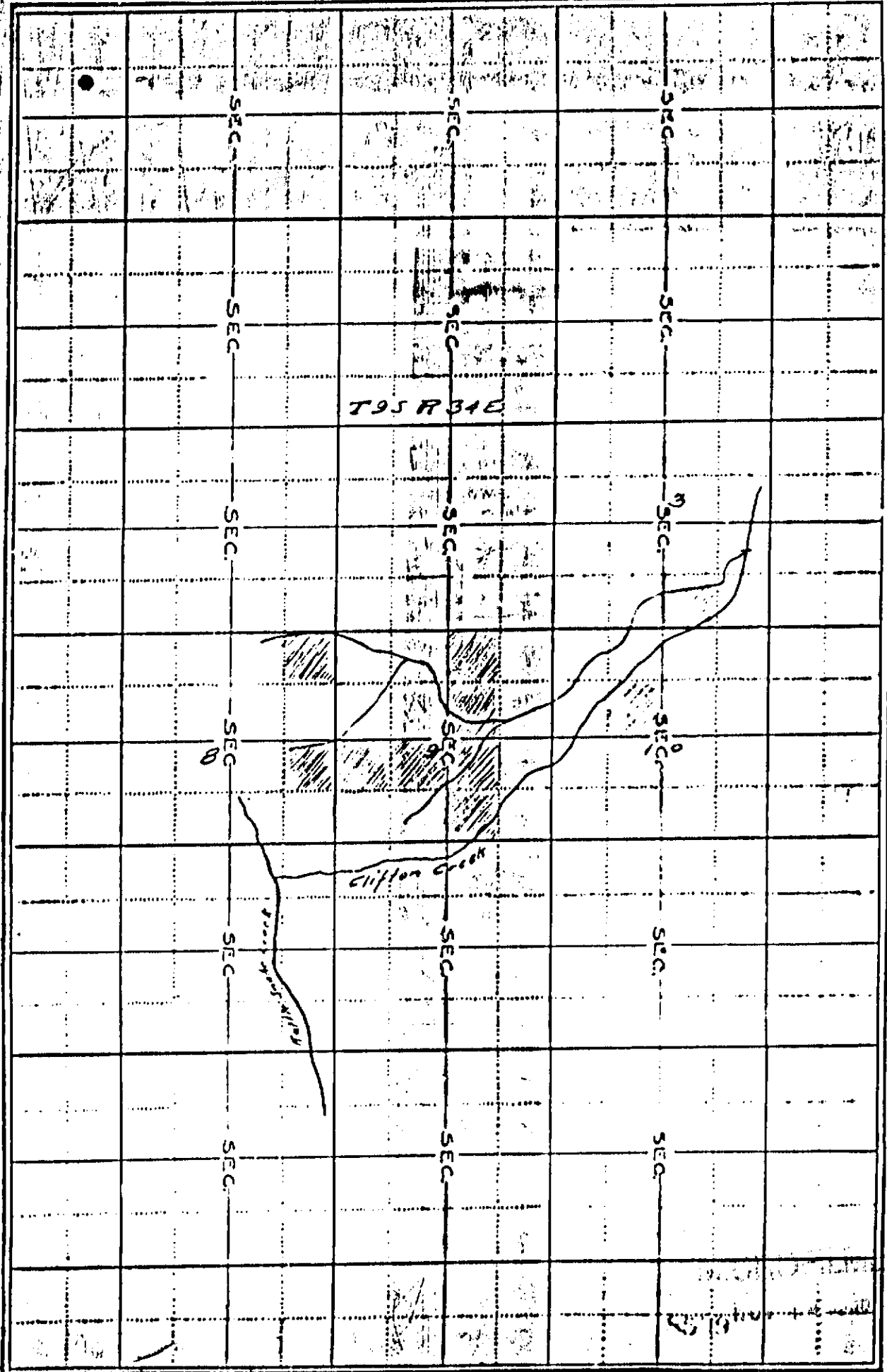
Subscribed and sworn to before me this day of

My Commission Expires

Notary Public

8519

Name of Applicant *Thos O. Phillips et al.* *Pat. No. 8509*



Reference #4 Ben Hayden/Location 2A

I, Ben Hayden herein testify that the land referenced as Location 2A in the 'Proof of Beneficial Use' of 29-10893 and described as West half of Northwest quarter of Section 9 and the Southeast quarter of the Northeast quarter of Section 9, twndshp 9S, Rng 34E. had irrigation.

I started school in 1927 and walked past the acres included in West half of the Northwest quarter of Section 9 twice each day. This irrigation was in place throughout my school days in Arbon and after I left.

I also remember irrigation on the Southeast quarter of the Northeast quarter of Section 9. This was irrigated by Martin Hayden after he bought the land from Mortgage holders of 'Philips' in the early 1930's and may have been earlier. It was still being irrigated after my return from World War II.

BEN HAYDEN

Date

Ben L. Hayden
April 20, 1995

STATE OF IDAHO

COUNTY OF *Bannock*

On this the *20* day of *April*, 1995, before me a Notary Public in and for said County and State, Personally appear

Ben L. Hayden
_ know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lani J. Jedd
NOTARY PUBLIC FOR IDAHO

RESIDING AT *7-16-96 Pocatello*

(seal)

RECORDED
APR 24 1995

Reference #5 Russell Hayden/Location 2A

I, Russell Hayden, testify that there was irrigation on both Locations 1 and 2A in 'Proof of Beneficial Use for 29-10893 as included in this report, also described as:

Location 1 - Southwest quarter of the Southeast quarter of Section 8, Twnshp 9S, Rng 34E.

Location 2A -West half of Northwest quarter of Section 9 and the Southeast quarter of the Northeast quarter of Section 9, twndshp 9S, Rng 34E.

These acres were irrigated during my childhood and teen years and continued after I left for World War II and returned.

RUSSELL HAYDEN
Date 4/24/95



STATE OF IDAHO
COUNTY OF Caribou

On this the 24th day of April, 1995, before me a Notary Public in and for said County and State, Personally appear

Russell J. Hayden

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


 NOTARY PUBLIC FOR IDAHO
 RESIDING AT Thatcher

(seal)

Caribou, Idaho

Nov 14 1995

REF 6

No. _____

ABSTRACT OF TITLE

TO _____

The following described Real Estate, situated in

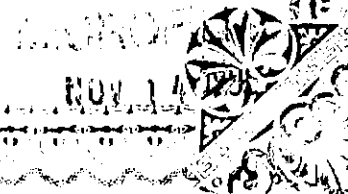
POWER COUNTY, IDAHO

COMPILED BY



The Northwest quarter of Section Nine (), in
Township Nine () South of Range Thirty-four (),
East of the Boise Meridian, Idaho, containing One
hundred sixty () acres, according to the Official
Plat of the Survey of the said Land, returned to the
General Land Office by the Surveyor-General.

oooooooooooooooooooooooo



Sheet 21.
Cont. 5-11-15.

Instrument 15106.

AGREEMENT

Verbatim
Copy.

THIS AGREEMENT, Made and entered into the 29th day of April in the year of our Lord one thousand nine hundred and twenty Between Forres Whiting and Margery Whiting, his wife, of Crystal, County of Power, State of Idaho, parties of the first part, and Marlin Hayden, and Margery Hayden Hayden, his wife, of Crystal, County of Power, State of Idaho, the party of the second part.

Witnesseth: That the said parties of the first part, in consideration of the covenants and agreements on the part of the said party of the second part, hereinafter contained, agree to sell and convey unto the said party of the second part, and the second party agree to buy all that certain lot, piece or parcel of land, situate, lying and being in _____ County of Power and State of Idaho, and bounded and particularly described as follows, to-wit:

Northwest Quarter (N.W.) of Section 1 in Twp. 1 South, Range 34 E.P.M. in Power County, Idaho, containing 160 acres according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General, together with any and all water rights, ditches, canals or acqueducts either had or enjoyed in connection with the above described premises.

for the sum of Four thousand and no/100--dollars, lawful money of the United States and the said party of the second part, in consideration of the premises, agree to pay to the said party of the first part, the said sum of Four thousand and no/100--dollars, as follows, to-wit:

Mortgage in favor of the Utah Mortgage Loan Corporation for the sum of \$2,500.00 to be assumed by the party of the second part; cash is had paid, the receipt whereof is hereby acknowledged; \$500.00; balance \$2,000.00 to be paid on or before one year from date, it being hereby agreed that if the party of the second part is successful in completing the loan which it is now negotiating with the Federal Farm Loan Board, that the said \$2,000.00 shall be paid from the proceeds thereof but in any event the said \$2,000.00 or the full balance due to the parties of the first part herein shall be paid on or before April 9, 1921.

Parties of the first part agree to pay accrued interest on said loan to the date hereof and all taxes up to and including the year 1919, and thereafter.

The said party of the second part agrees to pay all State, School, City and County taxes, or assessment or of whatsoever nature, which are or may become due on the premises above described.

In the event of a failure to comply with the terms hereof by the party of the second part, the said party of the first part shall be released from obligation in law or equity to convey said property, and said party of the second part shall forfeit all rights therein, and all payments made in said property. And the said parties
(See next sheet)

Reference #7-Steve Lusk

I, Steve Lusk, herein state that the Arbon side of Mink Creek Rd. highway was built by the State of Idaho in 1950. At that time there was a culvert placed in the highway to allow water to flow through an irrigation ditch at that location.

In the 1990's the ends of this culvert were removed to facilitate roadside mowing as the use had been negated by the transfer of water sometime before to a new location of diversion and use.

This is known to me as County Highway Supervisor of Arbon.

STEPHEN LUSK

Date May 3, 1995

STATE OF IDAHO
COUNTY OF Power

On this the 2 day of May, 1995, before me a Notary Public in and for said County and State, Personally appear

Stephen Lusk
know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beth G. Curry
NOTARY PUBLIC FOR IDAHO
RESIDING AT Arbon, Idaho
Expires 8/5/98

(seal)

JAN 1926

REF 8

Meadows

Warranty Deed

THIS INDENTURE, Made this **Eighteenth** day of **January**
in the year of our Lord One Thousand Nine Hundred and **Twenty-six**, between **Melvin Meadows and Carrie Meadows, his wife,**
of **Salt Lake City**, County of **Salt Lake**, State of **Utah**
the part **ies** of the first part, and **John Hayden**

of **Crystal**, County of **Power**, State of **Idaho**
the part **y** of the second part:

WITNESSETH: That the said part **ies** of the first part, for and in consideration of the sum of
EIGHT HUNDRED and NO/100 - - - - - **DOLLARS,**
lawful money of the United States of America, to **them** in hand paid by the said part **y** of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part **y**
of the second part, and to **his heirs** and assigns forever: All th **ose** certain lot **s**
piece **s** or parcel **s** of land situate, lying and being in the County of **Power** State of **Idaho**, bounded
and more particularly described as follows, to-wit:

The East Half of the Southwest Quarter of Section Eight, Township Nine South, Range Thirty-four, East of the Boise Meridian, in Idaho, and containing Eight (80) acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General; Together with any and all water and water rights appertaining to the said land however evidences, together with dams, ditches and any other irrigating works appertaining to the said land and particularly to the water rights out of Rattle Snake Creek, acquired by Joseph H. Meadows.



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 part **y** of the second part, and to **his heirs** and assigns forever. And the said part **ies** of the first part, and **their heirs** the said premises in the quiet and peaceable possession of the said part **y** of the second part, **his heirs** and assigns against the said part **ies** of the first part, and **their 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.

IN WITNESS WHEREOF The said part **ies** of the first part, and **their heirs**

NOV 14 1925

Reference #9 Ben Hayden/Location 2B

I, Ben Hayden, herein testify that the land referenced as Location 2B in the 'Proof of Beneficial Use' of 29-10893 and described as the East half of the Southwest quarter and the Northwest quarter of the Southwest quarter of Section 8, twndshp 9S, Rng 34E.

The water from both Rattle snake and Clifton Creek could be used to flood irrigate the 60 acres between ditches on both the west and east sides of Rattlesnake creek.

When water couldn't fill the needs on the original locations, the water was transferred to use here as the rattlesnake rights usually became limiting about the same time. The combination then could be used. This has been practiced until sprinkler irrigation and supplementary wells were drilled.

BEN HAYDEN

Date

Ben L. Hayden
April 20, 1995

STATE OF IDAHO

COUNTY OF

Bannock

On this the 20 day of April, 1995, before me a Notary Public in and for said County and State, Personally appear

Ben L. Hayden
know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Gene Padden
NOTARY PUBLIC FOR IDAHO

RESIDING AT *Peratullo* *7-16-96*

(seal)

NOV 14 1995

164.
CONTINUATION.

Abstract of Title

To the following described Real Estate, situated in

POWER COUNTY, ----- IDAHO.

The Northeast quarter of Sec-
tion Nine (9) in Township Nine (9)
South of Range Thirty-four (34)
East of the Boise Meridian in T34N,
containing 160 acres.

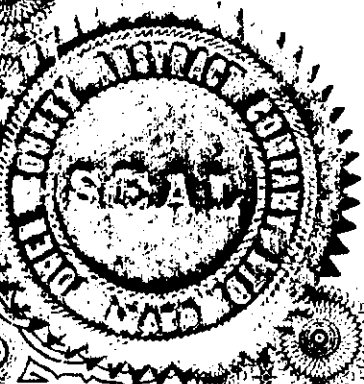
As filed by the

of American Falls, Idaho.

APPLICATION NO.	A 3470
APPLICANT	Martin Hayden
N.E.L.A.	Comm STATE Ida

FILE

NOV 14 1926



Cont.

Instrument #43828.

AGREEMENT.

THIS AGREEMENT MADE AND ENTERED INTO this 28th day of March, 1929, by and between William L. Hayes and Jean Hayes, husband and wife of Pocatello, Idaho, parties of the first part and Martin Hayden, husband of Marjory Hayden of Pocatello, Idaho, party of the second part, WITNESSETH:

That for and in consideration of the sum of Three Thousand and no/100 (\$3,000.00) Dollars cash, lawful money of the United States, to be paid as hereinafter recited, the parties of the first part agree to sell to the party of the second part, and the party of the second part agree to buy from the parties of the first part the following described real property located in Power County, Idaho, to-wit:

The East half of the Southeast quarter of Section 9 and the South half of the Southwest quarter of Section 10 in Township 9 South of Range 34 East of the Boise Meridian and the Northeast Quarter of Section 9 in Township 9 South of Range 34 East of the Boise Meridian containing 320 acres of land according to the official survey of said lands, return to the general land office by the Surveyor General.

The party of the second part agrees to pay the said sum of \$3,000.00 in the following manner, to-wit: \$1,200.00 cash at the signing of these presents, receipt whereof is hereby acknowledged by the parties of the first part and the balance of \$1,800.00 as follows, to-wit:

\$450.00 on or before March 1st, 1930,
 \$450.00 on or before March 1st, 1931,
 \$450.00 on or before March 1st, 1932, and
 \$450.00 on or before March 1st, 1933.

In addition to the payments on the principal above mentioned, the party of the second part will pay all interest due at the time of making such payments at the rate of 7% per annum, that is to say, that with the payment of \$450.00 due on or before March 1st, 1930, the party of the second part will pay all interest that shall have accrued on the \$3,000.00 at the rate of 7% per annum up until said payment, and when the next payment shall be made, the party of the second part will pay in addition thereto all interest that shall have accrued at the rate of 7% per annum on the balance owing on the date of such payment and so on until the balance of the principal and interest shall have been fully paid.

IT IS UNDERSTOOD AND AGREED, however, that the party of the second part may pay any sum in addition to the \$450.00 at any time he might desire and mature this contract earlier if he desires to do so.

The party of the second part will execute and deliver to the parties of the first part a good and sufficient crop mortgage upon all crops to be grown upon the lands above described to secure the faithful performance of this contract.

The party of the second part shall have immediate possession of the above described premises and will immediately commence and continue to farm said premises in a good and husbandlike manner.

Time is the essence of this contract and a failure to pay the

(Continued on next page)

NOT 11 1929
 FILE 17

Reference #11 Ben Hayden/No contest of 29-10893

I, Ben Hayden, inform the Idaho Department of Water Resources and the courts involved in the Snake River Adjudication that I agree with the water right included in 29-10893 and though I may hold other rights involved or impacted by this decision I will not contest this Beneficial Use right as now claimed and used.

BEN HAYDEN Ben L. Hayden
Date April 20, 1995

STATE OF IDAHO
COUNTY OF Bannock

On this the 20 day of April, 1995, before me a Notary Public in and for said County and State, Personally appear Ben L. Hayden
know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Rene J. Judd
NOTARY PUBLIC FOR IDAHO
RESIDING AT Laurel 7-16-96

(seal)

NOTARY PUBLIC
NOV 14 1995

Reference #12 Russell Hayden/No contest of 29-10893

I, Russell Hayden, inform the Idaho Department of Water Resources and the courts involved in the Snake River Adjudication that I agree with the water right included in 29-10893 and though I may hold other rights involved or impacted by this decision I will not contest this Beneficial Use right as now claimed and used.

RUSSELL HAYDEN

Date

4/24/95

STATE OF IDAHO
COUNTY OF Caribou

On this the 24th day of April, 1995, before me a Notary Public in and for said County and State, Personally appear
Russell J. Hayden

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


NOTARY PUBLIC FOR IDAHO
RESIDING AT Thatcher

(seal)

Handwritten:
NOTARY PUBLIC
RUSSELL HAYDEN

Reference #13 Hans Hayden/No contest of 29-10893

I, Hans Hayden, inform the Idaho Department of Water Resources and the courts involved in the Snake River Adjudication that I agree with the water right included in 29-10893 and though I may hold other rights involved or impacted by this decision I will not contest this Beneficial Use right as now claimed and used.

HANS HAYDEN

Date

Hans Hayden
5-2-95

STATE OF IDAHO

COUNTY OF

Power

On this the 2 day of May, 1995, before me a Notary Public in and for said County and State, Personally appear Hans Hayden know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beth A. Curry
NOTARY PUBLIC FOR IDAHO
RESIDING AT Carbon, Id
Expires ... 8/5/98

(seal)

RECORDED
NOV 14 1995

Reference #14 Twain Hayden/No contest of 29-10893

I, Twain Hayden, inform the Idaho Department of Water Resources and the courts involved in the Snake River Adjudication that I agree with the water right included in 29-10893 and though I may hold other rights involved or impacted by this decision I will not contest this Beneficial Use right as now claimed and used.

TWAIN HAYDEN

Date 5-2-95

STATE OF IDAHO

COUNTY OF Power

On this the 2 day of May, 1995, before me a Notary Public in and for said County and State, Personally appear Twain Hayden know to me to be their persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

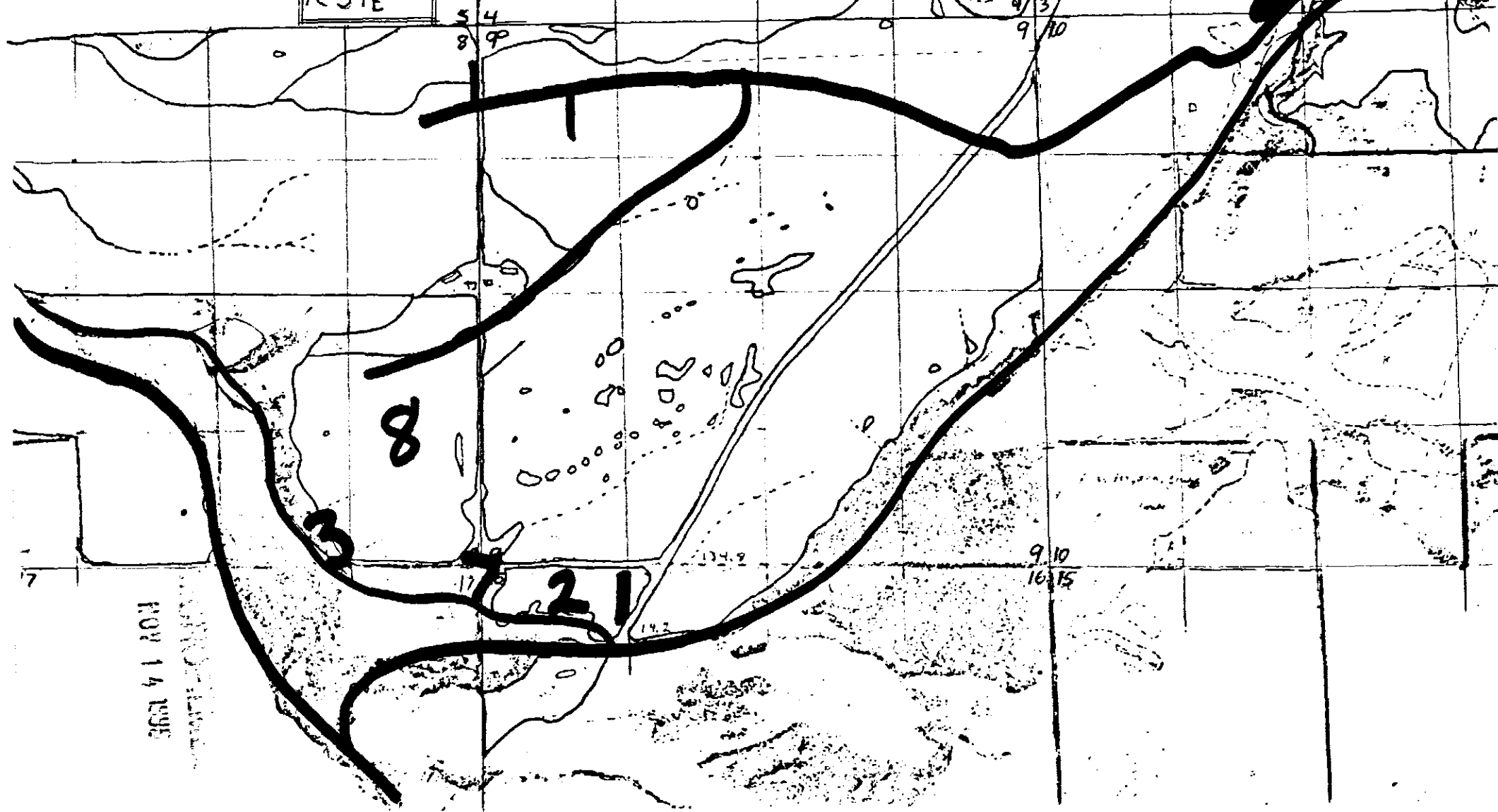
Beth A. Curry
NOTARY PUBLIC FOR IDAHO
RESIDING AT Antony, Id
Expires 8/5/98

(seal)

NOV 14 1995

Picture Location

Township 9
R 34E



NOV 14 1998