

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: A29-11410
Date Received: 4/18/1990
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY MOSS 208-237-0709
Address: 1956 COTTAGE
POCATELLO, ID 83201

2. Date of Priority: JUN 01, 1940

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	16	NW	SW	NW		BANNOCK

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS AND LINE TO ONE HOME AND STOCK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 4.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOME AND STOCK-UP TO 6 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	34E	16	SW	NW		STOCK	

A29-11410

Page 1

Date: 04/18/90

MICROFILMED

NOV 16 1992

A2911410

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	16	SW	NW		IRR	1.5
			SW	NW		DOMEST	
Section Acres							1.5
Total Acres							1.5

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: 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 X 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): Mary Moss Date: 4-18-90

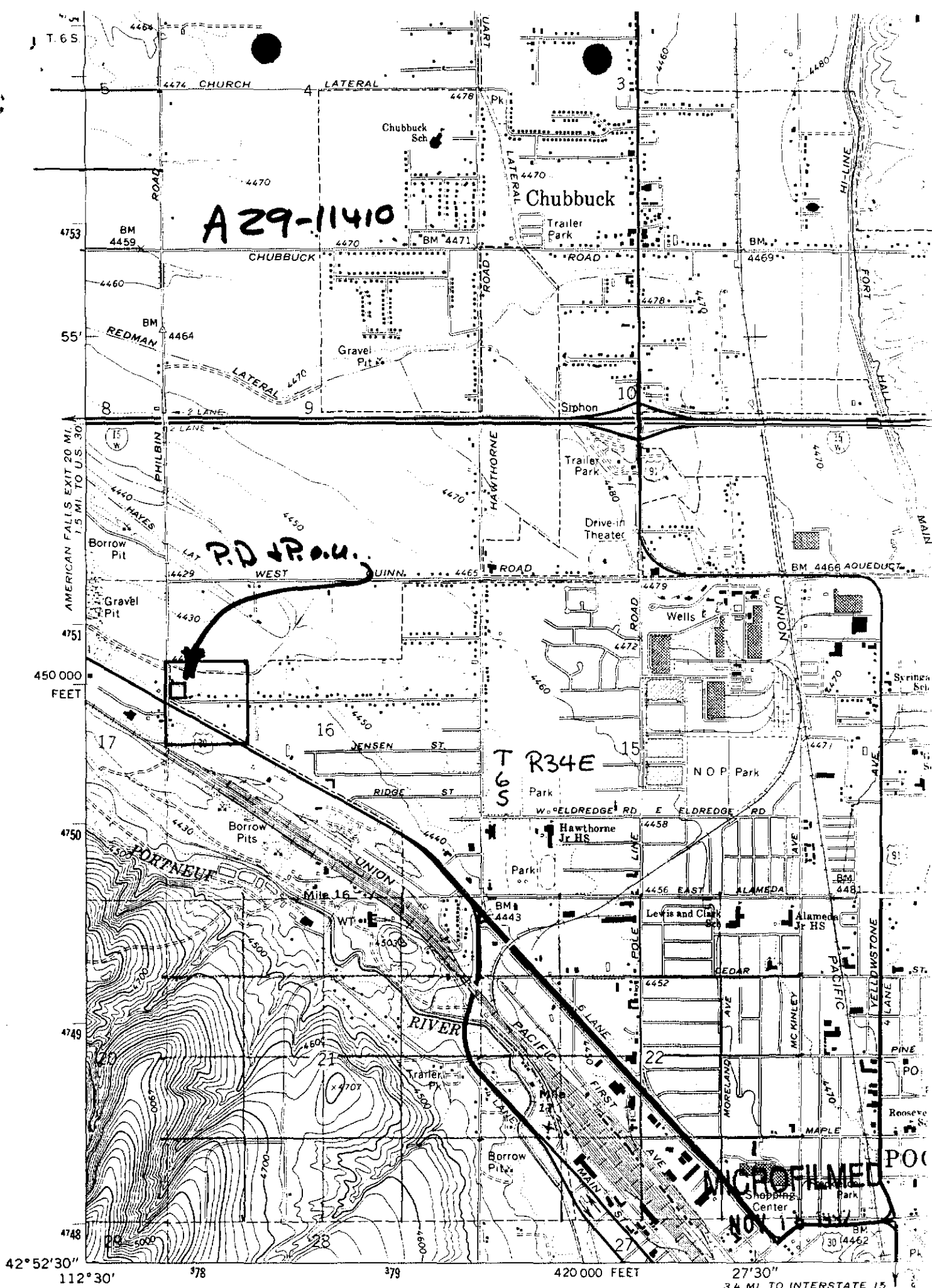
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of April 19 90 Allen Wray
Notary Public

Seal

Residing at Wabo Falls
My Commission Expires 5/29/1991



CREEK

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

M

1000

C

Log for claim A29-11410

Spatial Dynamics BTD

9/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	16	SWNW	1.5	1.4	
Totals:			1.5	1.4	

AJ5809NP
No. A29-11410

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 169

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARY MOSS 1956 COTTAGE POCATELLO ID 83201 (208) 237-0709	06/01/1940	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.040 CFS 0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					0.080 CFS	
CONSUMPTIVE USE:						4.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06S R34E S16

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	16	:									01								:	1.5
																				TOTAL ACRES	1.5

Place of use Legal Description for: STOCKWATER

				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	16	:									S								:

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	16	:									D								:

POU County: BANNOCK

Non-Irrigation Uses: DOMESTIC FOR ONE HOME AND STOCK-UP TO 6 HEAD

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-04319 A29-04319

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 04/18/90 JONES 03/29/95 POST-STD

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MAR 23 1985

STATEMENT OF MARY MOSS PRESENT OWNER OF THE PROPERTY
INVOLVED IN THE WATER RIGHT CLAIM, A-29-11410

Department of Water Resources
Eastern District Office

I, Mary Moss, submit the following information and facts, supported by court documents and records, enclosed, that my claim dating my water right to 1940 is valid.

In the late thirties, the property was owned and farmed by the Brady family. After the death of Irene Brady's spouse, the property involved was leased by Irene Brady for farm purposes. Mrs. Brady sold the property to Ernest and Bonnie Lou Hackbarth including water rights.

The Hackbarths farmed the property until their death in 1953 as shown by the Probate Court of Bannock County, State of Idaho, estate filing. The property was left to Phillip Hackbarth, a minor, and was handled by his legal guardian, Alice Haight Garner. The property was leased for farming until sold in July 1957 to Clarence R. and Margie F. Eichelberger.

In the year 1960, Margie F. Moore (formerly Margie F. Eichelberger) sold the property to Dave Siewert, who in turn sold the property to Sam and Mary Moss in the year 1960. The history of the property supports that it has always been used for farm and pasture use and therefore fully supports my water right claim to the year 1940.

Enclosures:

Indenture: Irene M. Brady & Ernest and
Bonnie Lou Hackbarth
Estate filing of Ernest & Bonnie Lou
Hackbarth
Indenture: Estate of Philip Hackbarth,
a minor, by Alice Haight Garner, Guardian,
and Clarence R. & Margie Eichelburger
Indenture: Marjorie F. Moore (formerly
Margie F. Eichelburger and Dave Siewert

Mary Moss
Mary Moss
Owner

NOV 14 1980

A F F I D A V I T

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MAR 23 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
COUNTY OF BANNOCK }

G. Allen Baldwin

~~Sam and Mary Moss~~, being first duly sworn,
Name

on his/her oath, deposes and says:

Sam and Mary Moss purchased the property presently

known as:

Tr. lot 7 Twp 22 S R 1 E

on 5-14-66. The previous owners were using
Date

the well (which was the only source of water in the area) for the purpose of raising shetland ponies, stock water, irrigation of pasture etc. Sam and Mary Moss began the operation of raising registered quarter horses, and at one time owned and raised in excess of twenty.

The well which still was the only source of water, was used for irrigation of pasture, stock water, and domestic use, and is presently used for irrigation of pasture and stock water.

G. Allen Baldwin

{affiant}

9878 N. Bannock Rd.

{Address}

SUBSCRIBED AND SWORN TO before me this 14th day of March 1995

Patricia R. Spiker

Notary Public NOV 1990
Residing at Pocatello

Comm. Expires 4/22/99

A F F I D A V I T

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MAR 23 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO }
 }
COUNTY OF BANNOCK }

C.E. Roper, being first duly sworn,
Name

on his/her oath, deposes and says:

Sam and Mary Moss purchased the property presently

known as:

Tr. Lot 7 Twp 22 Block 1

on 5-14-60. The previous owners were using
Date

the well (which was the only source of water in the
area) for the purpose of raising shetland ponies, stock
water, irrigation of pasture etc. Sam and Mary Moss
began the operation of raising registered quarter horses,
and at one time owned and raised in excess of twenty.

The well which still was the only source of water, was
used for irrigation of pasture, stock water, and domestic
use, and is presently used for irrigation of pasture and
stock water.

C E Roper
(affiant)
454 Moreland Ave.
(Address)

SUBSCRIBED AND SWORN TO before me this 14th day of March 1995

Patricia R. Spiker
Notary Public for Idaho
Residing at Pocatello

Commission Expires 4/22/99
NOV 14 1996

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MAR 23 1995

Department of Water Resources
Eastern District Office

A F F I D A V I T

STATE OF IDAHO }
 }
COUNTY OF BANNOCK }

Larry M. Stewart

~~Mary Moss~~, being first duly sworn,
Name

on his/her oath, deposes and says:

Sam and Mary Moss purchased the property presently
known as:

Tr. Lot 7 tax 22 Block 1

on 5-14-60. The previous owners were using
Date

the well (which was the only source of water in the
area) for the purpose of raising shetland ponies, stock
water, irrigation of pasture etc. Sam and Mary Moss
began the operation of raising registered quarter horses,
and at one time owned and raised in excess of twenty.

The well which still was the only source of water, was
used for irrigation of pasture, stock water, and domestic
use, and is presently used for irrigation of pasture and
stock water.

Larry M Stewart
(affiant)
8793 N Kraft Rd Po Id
(Address)

SUBSCRIBED AND SWORN TO before me this 14th day of March 1995

Patricia Roy Spraker
Notary Public for Idaho
Residing at Pocatello

Comm. Expires 4/22/99

ZENER & PETERSON
ATTORNEYS AT LAW
POCATELLO, IDAHO

IN THE PROBATE COURT OF BANNOCK COUNTY,
STATE OF IDAHO

FILED
3790

AUG 21 1953

Mabel Ward
Deputy Clerk of Probate Court
Bannock County, Idaho

MAR 23 1995

Department of Water Resources
Eastern District Office

The Estate of ERNEST G. HACKBARTH,
ALSO known as ERNEST HACKBARTH, and
BONNIE LOU HACKBARTH, his wife.

Deceased.

PETITION FOR APPOINTMENT OF
ADMINISTRATRIX

Comes now your Petitioner, ALICE HAIGHT GARNER, of Sugar City,
Madison County, Idaho, and petitions this Honorable Court, and gives the
Court to be informed as follows, to-wit:

I.

That on or about the 25th day of July, 1953, ERNEST G. HACKBARTH,
also known as ERNEST HACKBARTH, and BONNIE LOU HACKBARTH, his wife, died
intestate in Bingham County, Idaho, that during their lifetime each were
residents of Pocatello, Bannock County, Idaho;

II.

That the said ERNEST G. HACKBARTH, also known as ERNEST HACKBARTH
and BONNIE LOU HACKBARTH, his wife, left an estate, consisting of community
property in Bannock County, Idaho, consisting generally of the following:

All of Lot 9, Block 1, of the first Addition to Home Acre
subdivision, as the same as shown on the recorded plat thereof,
on file in the office of the County Recorder, Bannock County,
State of Idaho.

Also an equity in the following described property:

All of the West One-Half (1/2) of Lot Seven(7)
Block One (1) of the First Addition to Home
Acres Subdivision as the same is shown on the
recorded plat thereof on file and of record in
the office of the County Recorder, Bannock County,
State of Idaho, together with all water rights.

Which property is subject to an agreement of sale dated,
June 30, 1947, between Irene M. Brady, a widow, party of the
first part, and Ernest G. Hackbarth and Bonnie Lou Hackbarth,
his wife, parties of the second part, and paying to all said
agreement of sale, the sum of \$3,193.78, plus interest, at the
rate of 6% per annum, from December 16, 1952.

Also Household goods and furnishings recorded on the last
described real property, together with livestock, as follows:

Two Saddle horses

One cow and yearling calf; Chickens, and other
property, the exact extent and nature of which is
not known to your Petitioner.

III.

That the sole heir of the said ERNEST G. HACKBARTH, also known,

ZEMER & PETERSON
ATTORNEYS AT LAW
POBAYELLO, IDAHO

- 2 -

1 as ERNEST HACKBARTH, and BONNIE LOU HACKBARTH, his wife; is a minor child,
2 PHILLIP HACKBARTH, age Eighteen (18) months. Your Petitioner is the duly
3 appointed Guardian of the person and estate of said minor child, appointed
4 by the Probate Court, Bannock County, State of Idaho.

5 IV.

6 That due and diligent search has been made for a Last Will and
7 Testament of the said deceased and each of them, and no such Last Will and
8 Testament has been discovered and your Petitioner alleges that the said
9 ERNEST G. HACKBARTH, also known as ERNEST HACKBARTH, and the said BONNIE LOU
10 HACKBARTH, his wife, died intestate.

11 V.

12 That probate of the said Estate is sought under the provisions
13 of 15-313, of the Idaho Code.

14 WHEREFORE, Your Petitioner prays that due and legal notice of this
15 Petition be given as required by law and the orders of this Court, and that
16 a time and place of hearing be fixed for a hearing of said Petition, and
17 that notice be given according to law, and upon such hearing, the Court
18 enter its order authorizing and directing that said Estate be joined by
19 probate in a single proceeding and further appointing your Petitioner as
20 Administratrix of said estate and fixing the bond thereon, and for such
21 other orders as required by law.

22
23 ZEMER & PETERSON
Attorneys for Petitioner

24
25 By *William H. Hume*
Residing at: Pocatello, Idaho

26
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28 RECEIVED

29
30 MAR 23 1995

31 Department of Water Resources
32 Eastern District Office

#266-40222

350

336818

THIS INDENTURE, made this 9th day of May in the year of our Lord, One Thousand Nine Hundred and STAY, between MAKJORTE F. MOORE formerly MARGIE F. EICHENBERGER and RALPH J. MOORE, of Pocatello, County of Bannock, State of Idaho, her husband, the part ten of the first part, and

DAVE STEWART, of Pocatello, County of Bannock, State of Idaho, the part y of the second part.

WITNESSETH That the said part ten of the first part, for and in consideration of the sum of TEN 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 those certain lot a, piece a or parcel a of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Lot 9, Block 1, FIRST ADDITION HOME ACRES, and the Westerly 1/2 of lot 7, Block 1, FIRST ADDITION HOME ACRES, a Subdivision in Bannock County, Idaho...

Subject to easements, reservations, restrictions and rights-of-way of record.



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MAR 23 1994

Deputy
Estate & Trust Services

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 ten of the first part, and their heirs warrant 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 ten 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 ten of the first part have hereunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

[SEAL]

[SEAL]

[SEAL]

[SEAL]

356818

STATE OF IDAHO,
COUNTY OF BANNOCK

On this 17 day of May in the year 1960, before me,
a Notary Public in and for said County and
State, personally appeared MARGORIE F. MOORE formerly MARGIE F. EICHLEBARGER
and RALPH J. MOORE, her husband,

known to me to be the person whose name is 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.

[Signature]
Notary Public

Residence Pocatello, Idaho

WARRANTY DEED

356815

10

Dated 17

STATE OF IDAHO

County of 1st

I hereby certify that this instrument was filed for record at the request of

at minors part

clock M. this day of

A. D. 1960

at my office and duly recorded in Book 1
of Deeds at page 1

Ex-Officio Recorder

By Deputy

Fee \$ 1.50

RECEIVED

MAR 23 1965

Department of Water Resources
Eastern District Office

356815

W.T. Co.

May 20 3 00 PM '60

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\$1.50 fee

THIS INSTRUMENT made this 29th day of August 1957 in the year of our Lord, One Thousand Nine Hundred and Fifty-Seven, between the Estate of PHILLIP HACKBARTH, a minor, by his guardian, ALICE HAIGHT GARNER, of Sugar City, County of _____, State of Idaho the party of the first part and CLARENCE R. EICHELBERGER and MARGIE P. EICHELBERGER, his wife

of Pocatello, County of Bannock, State of Idaho the parties of the second part

WITNESSETH That the said part ~~ies~~ of the first part for and in consideration of the sum of ONE DOLLAR and other good and valuable consideration DOLLARS, lawful money of the United States of America, to her in hand paid by the said part ~~ies~~ of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part ~~ies~~ of the second part, and to their heirs and assigns forever All that certain lot _____ piece or parcel of land situate, lying and being in the County of Bannock State of Idaho, bounded and more particularly described as follows, to wit

Lot 9, Block 1, FIRST ADDITION TO HOME ACRES, Bannock County, Idaho, and the West one-half of Lot 7, Block 1, FIRST ADDITION TO HOME ACRES, Bannock County, Idaho. SUBJECT to rights of way, reservations and restrictions of record.

This Warranty Deed is executed by the PARTY OF THE FIRST PART in accordance with Confirmation of Sale made and entered into on the 29th day of July, 1957 in the Probate Court of Bannock County, State of Idaho, in the matter of the Guardianship of PHILLIP HACKBARTH, a minor.



RECEIVED

MAR 23 1956

Department of Water Resources
Eastern District C.H. 4

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 ~~ies~~ of the second part, and to their heirs and assigns forever and the said party of the first part and heirs and assigns warrant the said premises in the quiet and peaceable possession of the said part ~~ies~~ of the second part.

their heirs and assigns against the said party of the first part, and heirs and assigns 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 party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

THE ESTATE OF PHILLIP HACKBARTH, a minor, by his guardian, ALICE HAIGHT GARNER

By: Alice Haight Garner [SEAL]

[SEAL]

[SEAL]

[SEAL]

STATE OF IDAHO
COUNTY OF Bannock

} ss

On this 29th day of July, in the year 1957, before me

, a Notary Public in and for said County and

State, personally appeared ALICE HAIGHT GAUGER

as guardian known to me to be the person whose name is

subscribed to the within instrument/and acknowledged to me that she executed the same as such guardian.

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

William E. Jensen
Notary Public

Residence Pocatello, Idaho

RECEIVED

MAR 23 1956

Department of Water Resources
Bannock District Office

WARRANTY DEED

356517

TO

Book 19

STATE OF IDAHO

County of } ss

I hereby certify that this instrument was filed for record at the request of

at minimum price

of Bannock County, Idaho

A D 19

at my office and duly recorded in Book

of Deeds at page

Ex-Officio Recorder

By

Deputy

Fee \$

356517

L.T.Co.

Mar 29 3 00 PM '56

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356517

MAR 23 1995

Department. *Human Resources*
Eastern District Office

JOHN W. BRADY, a widow

No.	Post Office	Name	Address	State
	Fossilville	Bannock		Idaho

in full faith and credit of the United States of America to her and her heirs, assigns and lawful parties; and she hereby acknowledged and confirmed the same to the said parties of the first part, and they hereby acknowledged and confirmed the same to her and her heirs, assigns and lawful parties; full second party, in their own right, and as the heirs, assigns and lawful parties of the said first party. At witness my hand and the seal of said County of San Diego, State of California, this 1st day of June, 1907.

Parties of the second part assure and agree to pay all county, state, and school taxes that may become due for the year 1947, or thereafter and also all operation, maintenance, and any unpaid construction charges due the United States Government or any department thereof.

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise, accruing 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 in anywise
unto the said parties of the second part, and to their heirs and assigns forever. And the said party Y of the first part, the said
and her heirs warrant the said premises in the quiet and peaceable possession of the said party Y of the first part, and her heirs, against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and lawfully warrant and by these presents covenants and

IN WITNESS WHEREOF, the said part y of the first part has hereunto set her hand and seal

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Irene M. Brady

STATE OF ~~TEXAS~~ CALIFORNIA

County of SAN MATEO

On this 30th day of June, in the year 1947, before me, the undersigned
Notary Public in and for said County and State, personally appeared

IRENE M. PRADY, a widow

subscribed to the within instrument; and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and date first herein written.

(SEAT)

My Commission Expires Oct. 9th, 1948.

H. Kent Atwater Secretary Public
Residence Burlington

I hereby certify that this instrument was filed for record at the request of
 15 minutes past 9 o'clock A. M. this 31 day of December A. D. 1952
 J. R. Peterson, Clerk of the Court

FR. 42. 41.25

Anna Keefe,
In Book 119 of Deeds, page 86.