

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: A29-12020
Date Received: 5/07/1990
Receipt No: EQ4219
Received By: BMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T. EVANS 208-897-5734
Address: 25976 SOUTH HIGHWAY 91
DOWNEY, ID 83234

2. Date of Priority: JUN 09, 1904

3. Source: ROWLEY CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	10		NE	SE		BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	11	SW	NE		IRR	30.0
			SE	NE		IRR	40.0
			NE	SE		IRR	35.0
			NW	SE		IRR	30.0

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Date: 05/07/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	135.0
		12	NW	SW		IRR	5.0
						Section Acres	5.0
						Total Acres	140.0

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:
A29-00328B

14. Remarks:

MR EVANS DEEDS INDICATE HE HAS 1/4 OF WATERS OF ROWLEY CANYON.
THE FLOW RATE ON THIS CLAIM IS BASED ON 1 INCH PER ACRE.

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): William A. Brown Date: 5/7/90
Date: _____

State of Idaho

County of Bonucville) ss.

Subscribed and sworn (or affirmed) before me this 7th day

of May 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires MY COMMISSION EXPIRES 6-30-94

Log for claim A29-12020

Spatial Dynamics TWB

6/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	11	SWNE	30	9	
12s36e	11	SENE	40	40	
12s36e	11	NESE	35	40	
12s36e	11	NWSE	30	25	
12s36e	12	NWSW	5	5.5	
Totals:			140	119.5	

AJ5809NP
No. A29-12020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 193

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T EVANS 25976 S HWY 91 DOWNEY ID 83234 (208) 897-5734	06/09/1904	IRRIGATION	04-01 11-01	2.800 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.800 CFS 350.00 AFA

Water Source: ROWLEY CREEK

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T12S R36E S10 NESE

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
12S	36E	11	:					30		40	:									:	135.0
12S	36E	12	:								:				05					:	5.0
																				TOTAL ACRES	140.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-00328B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-12395 A29-00328A

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00328 A29-00328B

Remarks: GEN MR EVANS DEEDS INDICATE HE HAS 1/4 OF WATERS OF ROWLEY CANYON.
THE FLOW RATE ON THIS CLAIM IS BASED ON 1 INCH PER ACRE.

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

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

Audit: 05/08/90 DUNN 09/15/94 JTHOMPSO 03/29/95 POST-STD

Certificate of Abstracter.

State of Idaho,)
)
County of Bannock,) ss.

The Turner Trust 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 nineteen to twenty-three, both inclusive set forth a true and correct abstract of all conveyances or other instruments of writing now of record in the office of the County Recorder of said Bannock County, which in any way affect the title to the property described in the caption hereof since the 13th day of October, 1919.

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 county which are liens upon the saidlands, and that there are no taxes due and unpaid thereon except as hereinbefore shown.

This certificate is made to J.N Ireland and Company, at the request of J.N.Ireland and Company.

Dated at Pocatello, Idaho this 31st day of October, 1919
at 10:50 o'clock A.M.

Turner Trust Company,

By *W.D. Turner*
President, Secretary.

NOV 14 1919

WARRANTY DEED.

Grantor:- William Evans and his wife
Chloe Ware Evans.

Grantee:- Chester A. Edwards.

Dated:- September 29 1919

Consideration:- \$500.00

Recorded:- October 20 1919 at 9:55 A.M. in
Book Deeds at page
Records of Bannock County Idaho.

Acknowledged: September 29 1919 by William Evans
and his wife Chloe Ware Evans
before J.F. Fredrickson Notary
Public for Oneida County Idaho.
Sealed.

Witness:- J.F. Fredrickson.

Granting Words: Grant, bargain sell convey and confirm unto the said party of the second part and his heirs and assigns forever:

Description of property: Beginning at a point on the East line of Section Eleven (11) Township twelve (12) South Range thirty-six (36) East of the Boise Meridian (1530) feet South of the Northeast corner of said section; thence South on the East line of said Section (11) (323.2) feet; thence West on a line parallel with the North line of said section (11) (2640) feet, more or less, to the longitudinal center line of said section (11) thence North on the said longitudinal center line (323.2) feet, thence East on a line parallel with the North line of said Section (11) (2640) feet, more or less to the place of beginning, the same being a part of the South half of the Northeast quarter of section (11) and containing 19.58 acres more or less.

This deed is given subject to a payment of \$500.00 and interest from the date of this Indenture, on a mortgage of \$3000.00 running to the International Mortgage Bank, Spokane Washington. This payment may be made at any time on or before the due date of the mortgage by Chester A. Edwards. Upon the payment of the said \$500.00 by Chester A. Edwards, and the balance of the mortgage by the mortgagor or his assigns Chester A. Edwards shall be entitled to a clear title to above property.

(50¢ I.R.S. Cancelled
on the original note.)

Signed:

William Evans

Chloe Ware Evans

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THIS INDENTURE, made the 20th day of October, in the year of our Lord, one thousand nine hundred and nineteen, between Chester A. Edwards and Mae L. Edwards, his wife of Downey, County of Bannock, State of Idaho, the parties of the first part, and J.N. Ireland and Co., Bankers, a corporation of Malad, County of Oneida, State of Idaho the party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Seventy Five Hundred and 00/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents, do grant, bargain sell and convey unto the said party of the second part and to its successors and assigns forever, all those certain lots, pieces or parcels of land situate lying and being in the County of Bannock, and State of Idaho and particularly described as follows, to-wit:

Beginning at a point on the east line of section 11, township 12 South, Range 36 East of the Boise Meridian, 1853.2 feet south of the northeast corner of said section thence south on the said east line of section 11, 786.8 feet more or less to the quarter section corner between sections 11 & 12, thence east on the latitudinal center line of section 12, 297.5 feet to the center of the county road, thence south 7° 33' west along the said county road 1331.6 feet, more or less to the intersection of its center line with the south 1/16 line of section 12, township 12, south range 36, East Boise Meridian; thence west on the south 1/16 section line of section 11 & 12, 1442.5 feet more or less to the east 1/16 section corner on the south 1/16 section line of section 11; thence north on the east 1/16 section line of section 11, 2106.8 feet, more or less to a point 1853.2 feet south of the north line of said section; thence east on a line parallel with the north line of said section 11, 1320 feet more or less to the place of beginning, the said tract being in the northeast quarter of the southeast quarter of section 11 and a part of the southeast quarter of the northeast quarter of section 11, and a part of the northwest quarter of the southwest quarter of section 12, township 12, south range 36, east Boise Meridian, and containing 70.21 acres more or less.

Also the following described tract of land: Beginning at a point on the east 1/16 section line of section 11, township 12, south Range 36 East Boise Meridian 1853.2 feet South of the east 1/16 section corner on the north line of said section 11; thence south on the said east 1/16 section line 2106.8 feet, more or less to the south 1/16 section corner on said line; thence west on the south 1/16 section line of said section, 1320 feet more or less to the south 1/16 section corner.

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on the longitudinal center line of said section 11, thence north on said center line 2106.8 ft. more or less, to a point on said line, 1853.2 feet south of the north quarter corner of said section 11; thence east on a line, parallel with the north line of said section 11, 1320 feet more or less, to the place of beginning, the same being the northwest quarter of the southeast quarter, and a part of the southwest quarter of the northeast quarter of section 11, township 12 south, Range 36 east Boise Meridian and containing 63.85 acres, more or less. Together with one fourth of all the waters of the John E. Ware Estate, of Bannock Co., Idaho, and which waters of said estate of John E. Ware, consists of one sixth of all the waters of what is known as Birch Creek, and all the waters of what is known as Rowley Creek, Bannock Co. Idaho, and the said Birch Creek, consists of one fourth of all the waters of Mill Creek Canyon and its tributaries, said Mill Creek Canyon stream arises in Oneida and Bannock Counties Idaho.

Also beginning at a point on the east line of section 11, tp. 12 south, range 36 East Boise Meridian, 1530 feet, south of the northeast corner of said section: thence south on the east line of said section 11, 323.2 ft. thence West on a line parallel with the north line of said section 11, 2640 feet, more or less to the longitudinal center line of said section 11; thence north on said longitudinal center line 323.2 feet; thence east on a line parallel with the north line of said section 11, 2640 feet, more or less to the place of beginning.

The said being a part of the south half of the northeast quarter of section 11.

together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS GRANT is intended as a mortgage to secure the payment of one certain promissory note of even date herewith, executed and delivered by the said Chester A. Edwards and Mae L. Edwards, to the said party of the second part, copy of which note is hereto attached.

\$7500.00

Malad City, Idaho,
October 20, 1919.

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On or before, five years after date, for value received, I, we, or either of us, promise to pay to the order of J.N.Ireland & Company, Bankers, seventy-five Hundred and no/100 Dollars in U.S.Gold Coin, at their office, with interest at ten per cent per annum, from date until due, and if not paid at maturity, interest shall thereafter be one per cent per month, interest payable semi-annually from date.

If the interest be not paid as stipulated, the legal holder of this note may declare the principal due, and proceed by law to recover both principal and interest. And we do hereby agree, that in case this note is collected by an attorney, with or without suit, to pay reasonable attorney's fees.

P.O. Adress, Downey Idaho

Chester A.Edwards

COPY.

Mae L. Edwards

(\$1.50 I. R. S. Stamps placed on original note and duly cancelled.)

And these presents shall be void if such payment be made. But in case default shall be made in the payments of said principal sum of money, or any part thereof, as provided in said note, or if the interest be not paid, as herein specified, then and from thence forth it shall be optional with the said party of the second part, its executors, administrators or assigns, to consider the whole of said principal sum expressed in the said note, as immediately due and payable, although the time expressed in said note for the payment thereof shall not have arrived; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same and all benefit and equity and redemption of the said parties of the first part, their heirs, executors administrators or assigns, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit: including a reasonable amount as attorney fees and also the amounts of all such payments of taxes, assessments, incumbrances, or insurance as may have been made by the said party of the second part, its successors, executors, administrators or assigns

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QUIT CLAIM DEED.

Grantor:- John Ware.
Grantee:- Lucy Ware.
Dated:- June 14, 1899.
Consideration:- \$500.00
Recorded:- June 21, 1899 at 9:25 A.M.
in Book 11 of Deeds at page
430. Records of Bannock
County, Idaho.
Acknowledged:- June 14, 1899 by John Ware
and Lucy Ware before A.L. Ri-
chardson, Clerk U.S. District
Court, Bannock County, Idaho.
Sealed.
Witnesses:- H.L. Jefferiss
Theo. Turner.

Description of Property: Two Hundred and Fifty inches (250) of the waters of Birch Creek, for use upon her Desert Entry #2050, embracing the East Half, Northeast Fourth, the Northeast fourth Southeast Fourth of Section 11, and the North half of the Southwest Fourth of Section 12, township 12, South Range 36, East of the Boise Meridian, containing 200 acres.

The Grantor herein covenants; that he is well siezed of a good and sufficient title to the hereinbefore described water right, having diverted and used the same for more than twenty (20) years, immediately prior to the date hereof.

(51.00 I.R. Stamps affixed and cancelled J.W. 6/14/99)

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NOV 16 1992