

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: A29-12058
Date Received: 5/17/1990
Receipt No: E014601
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARSH CENTER IRRIGATION CO. 208-897-5757
Address: C/O RICHARD BURMESTER
765 WEST HAWKINS ROAD
ARIMO, ID 83214

2. Date of Priority: DEC 19, 1895

3. Source: COLE SPRING Trib. to: HAWKINS CREEK
HEWITT SPRING HAWKINS CREEK
SHEEP CREEK HAWKINS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	35E	23	NW	SE	NW		BANNOCK
		35		NW	SE		BANNOCK
	36E	26	SE	NE	SW		BANNOCK

5. Description of diverting works:
HAWKINS RESERVOIR & HASKINS CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.680		

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

8. Total consumptive use is 7977.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2912058



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	35E	21	SE	NE		IRR	20.0
			Section Acres				20.0
		23	SW	NW		IRR	30.0
			NE	SW		IRR	5.0
			NW	SW		IRR	5.0
			Section Acres				40.0
		36	SE	SW		IRR	18.0
			SW	SE		IRR	2.0
			Section Acres				20.0
	36E	21	NE	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				80.0
		25	NW	SW		IRR	15.0
			SW	SW		IRR	37.0
			SE	SW		IRR	10.0
			Section Acres				62.0
		26	NE	SW		IRR	30.0
			NW	SW		IRR	17.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	30.0
			SE	SE		IRR	5.0
			Section Acres				192.0
		28	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				240.0
		32	SW	NE		IRR	25.0
			SW	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	35.0
		33	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	15.0
			SW	NW	IRR	37.0
			SE	NW	IRR	40.0
			NE	SW	IRR	37.0
			NW	SW	IRR	36.0
			SW	SW	IRR	22.0
			SE	SW	IRR	15.0
			NW	SE	IRR	40.0
			SW	SE	IRR	23.0
			SE	SE	IRR	32.0
					Section Acres	417.0
		34	SW	NW	IRR	22.0
			SE	NW	IRR	20.0
			NE	SW	IRR	38.0
			NW	SW	IRR	40.0
			SW	SW	IRR	30.0
			SE	SW	IRR	28.5
			NE	SE	IRR	15.0
			NW	SE	IRR	1.7
			SW	SE	IRR	27.3
			SE	SE	IRR	26.8
					Section Acres	249.3
		35	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	20.0
			SW	NW	IRR	27.0
			NW	SW	IRR	16.0
					Section Acres	183.0
		36	NE	NE	IRR	20.0
			NW	NE	IRR	18.0
			SW	NE	IRR	38.0
			SE	NE	IRR	40.0
			NE	NW	IRR	30.0
			NW	NW	IRR	20.0
			SW	NW	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	36E	36	SE		NW		IRR	34.0
			NE		SW		IRR	7.0
			SE		SW		IRR	10.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	20.0
			Section Acres					322.0
	37E	31	NW		NW	1	IRR	15.0
			SW		NW	2	IRR	10.0
			NW		SW	3	IRR	12.0
			SW		SW	4	IRR	1.0
			Section Acres					38.0
11S	35E	2	NW		NW		IRR	4.0
			Section Acres					4.0
	36E	3	NE		NE	1	IRR	39.4
			NW		NE	2	IRR	39.1
			SW		NE		IRR	40.0
			SE		NE		IRR	38.3
			NE		NW	3	IRR	38.2
			NW		NW	4	IRR	36.1
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	38.3
			SE		SW		IRR	36.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	37.4
			Section Acres					581.8
		4	NE		NE	1	IRR	38.9
			NW		NE	2	IRR	33.0
			SW		NE		IRR	33.6
			SE		NE		IRR	40.0
			NE		SW		IRR	10.8
			NW		SW		IRR	5.7
			SW		SW		IRR	36.6
			SE		SW		IRR	34.3
			NE		SE		IRR	33.7
			NW		SE		IRR	34.9

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	36E	4	SW	SE		IRR	14.2
			SE	SE		IRR	29.7
			Section Acres				345.4
		5	SW	SE		IRR	11.4
			SE	SE	7	IRR	6.2
			Section Acres				17.6
		8	NE	NE	1	IRR	33.6
			NW	NE		IRR	36.0
			SW	NE		IRR	21.0
			SE	NE	2	IRR	10.2
			NE	NW		IRR	5.0
			SE	NW		IRR	1.1
			Section Acres				106.9
		9	NE	NE		IRR	4.6
			NW	NE		IRR	26.2
			SW	NE		IRR	27.0
			NE	NW		IRR	29.0
			NW	NW		IRR	33.6
			SE	NW		IRR	22.0
			NE	SW		IRR	22.0
			NW	SE		IRR	37.0
			SW	SE		IRR	2.0
			Section Acres				203.4
		10	NE	NW		IRR	29.6
			NW	NW		IRR	4.0
			Section Acres				33.6
			Total Acres				3191.0

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:

29-02239/02560A/10663/10664/10776/00430

14. Remarks:

THIS RIGHT REPRESENTS A CLAIM TO ALL STREAMS AND TRIBUTARIES AND

14. Remarks: Continued

ALL WATER RUNNING INTO HAWKINS CREEK FOUND IN THE ARTICLES OF INCORPORATION. SEE ATTACHED COPY.

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 Organizations:

I do solemnly swear or affirm that I am Secretary of March Center Irrigation Co., that I have signed the foregoing document in the space below as Secretary of March Center Irrigation Co. and that the statements contained in the foregoing document are true and correct.

Marshall Wheatley
Signature of Authorized Agent
Secretary March Center Irrigation
Title and Organization
May 17th 1990
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of May 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BEITY J. THOMPSON, NOTARY PUBLIC

RESIDING AT BONNEVILLE, IDAHO

My Commission Expires MY COMMISSION EXPIRES 6-30-94

80.1

147.9

45.6

1.7

33

60

8.8

32

60

28.5

27.3

26.8

2

3

38

34

20.9

34

TIOS
TIS

38

36

37.6

38.3

38.3

40

40

40

10 40
164.2

38.3

R36E

143.4

90.2

73.1

33.7

40

40

40

39

8
181.4

29.7

35.3

36

37.4

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25.5

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15

69.7

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10

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24.6

29.6

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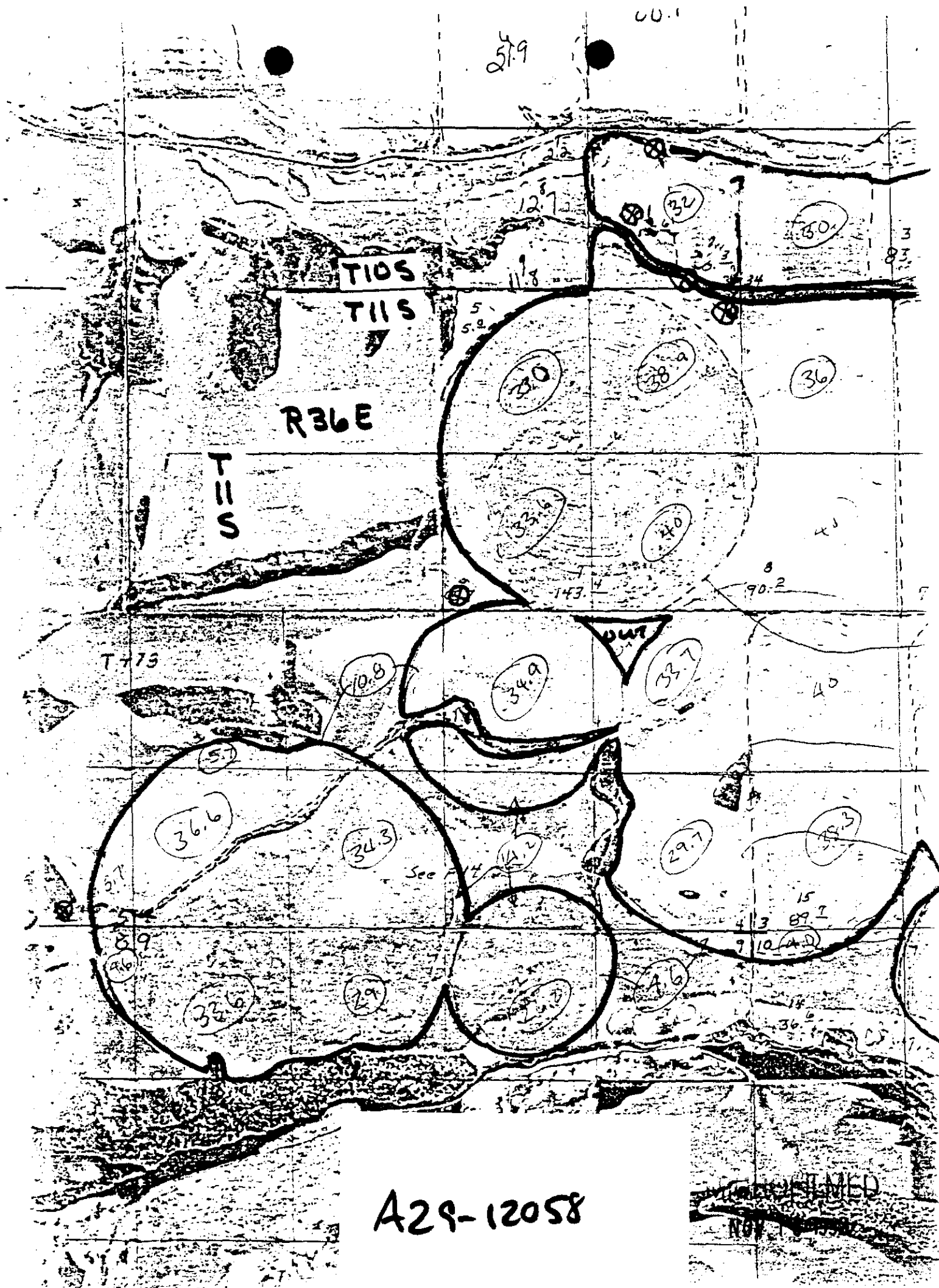
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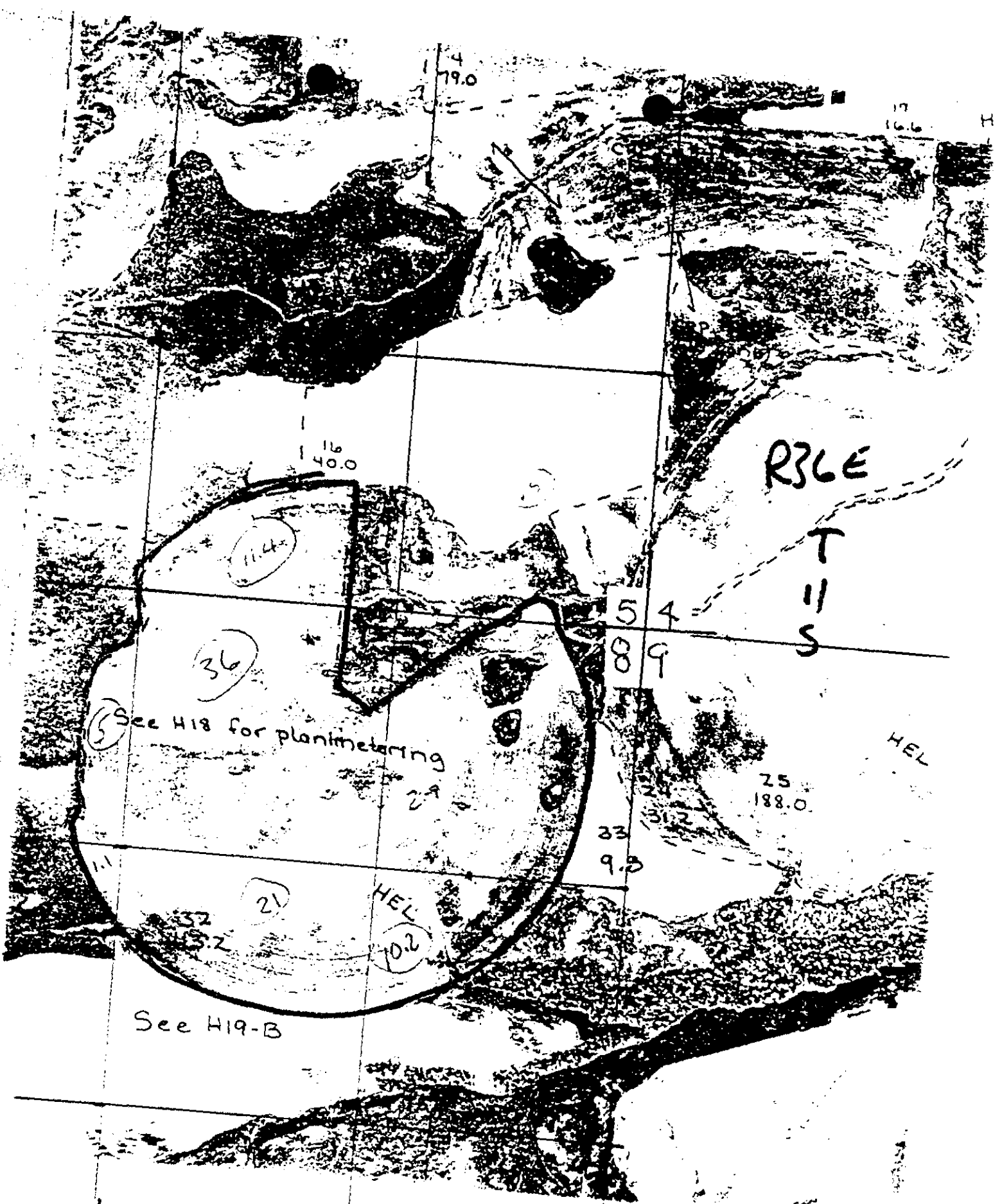
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A29-12058

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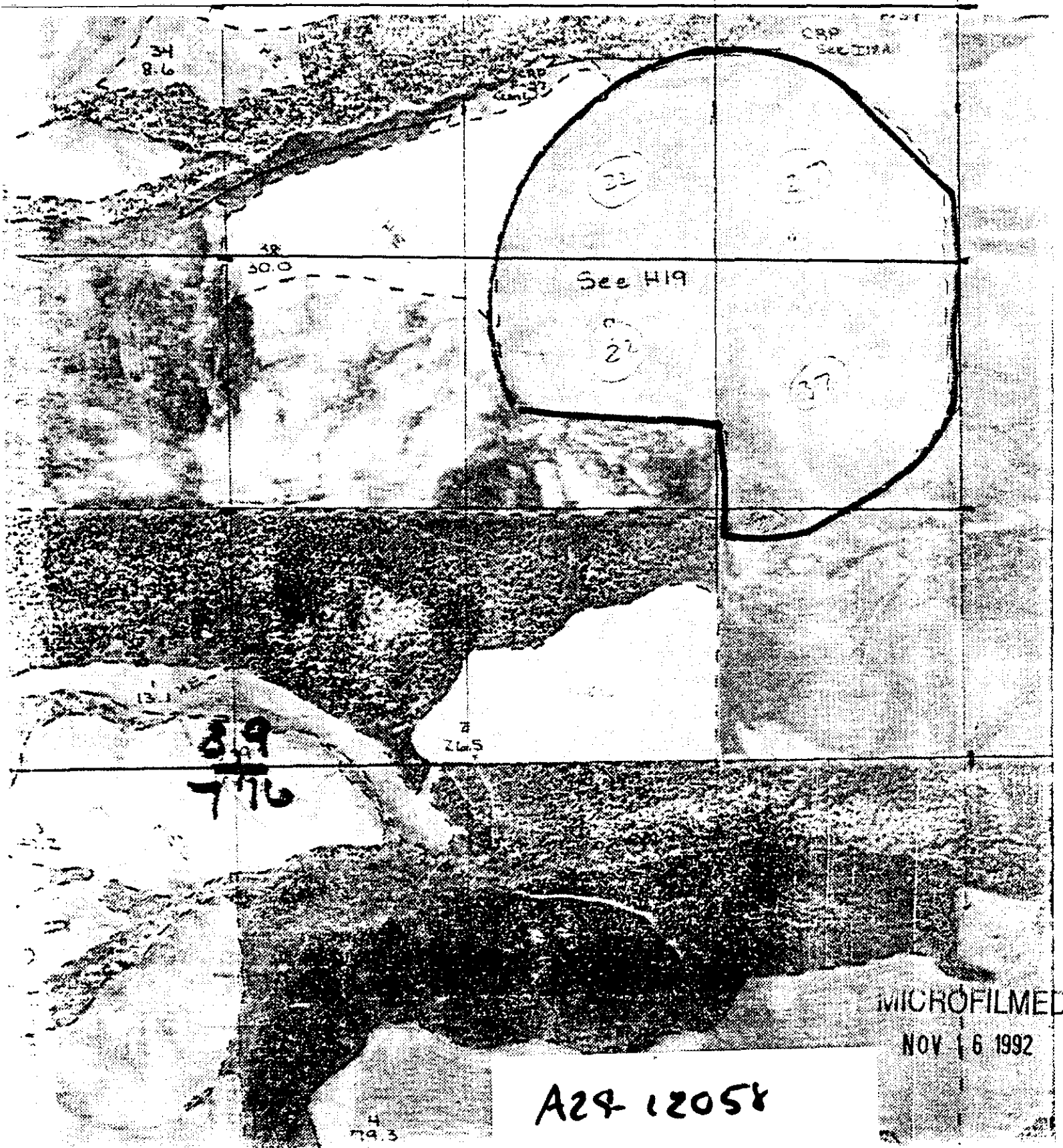


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A29-12058

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NOV 16 1992

A29-12058

Produced by the Geological Survey
in cooperation with the Soil Conservation Service



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411

32° 30'

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TI
MICROFILMED
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NOV 16 1992

42° 30'

112° 15'

A29-12058

17° 30'

395

398



17' 30"

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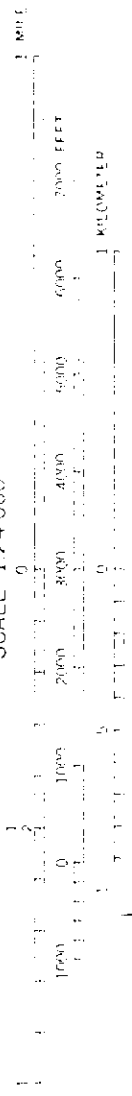
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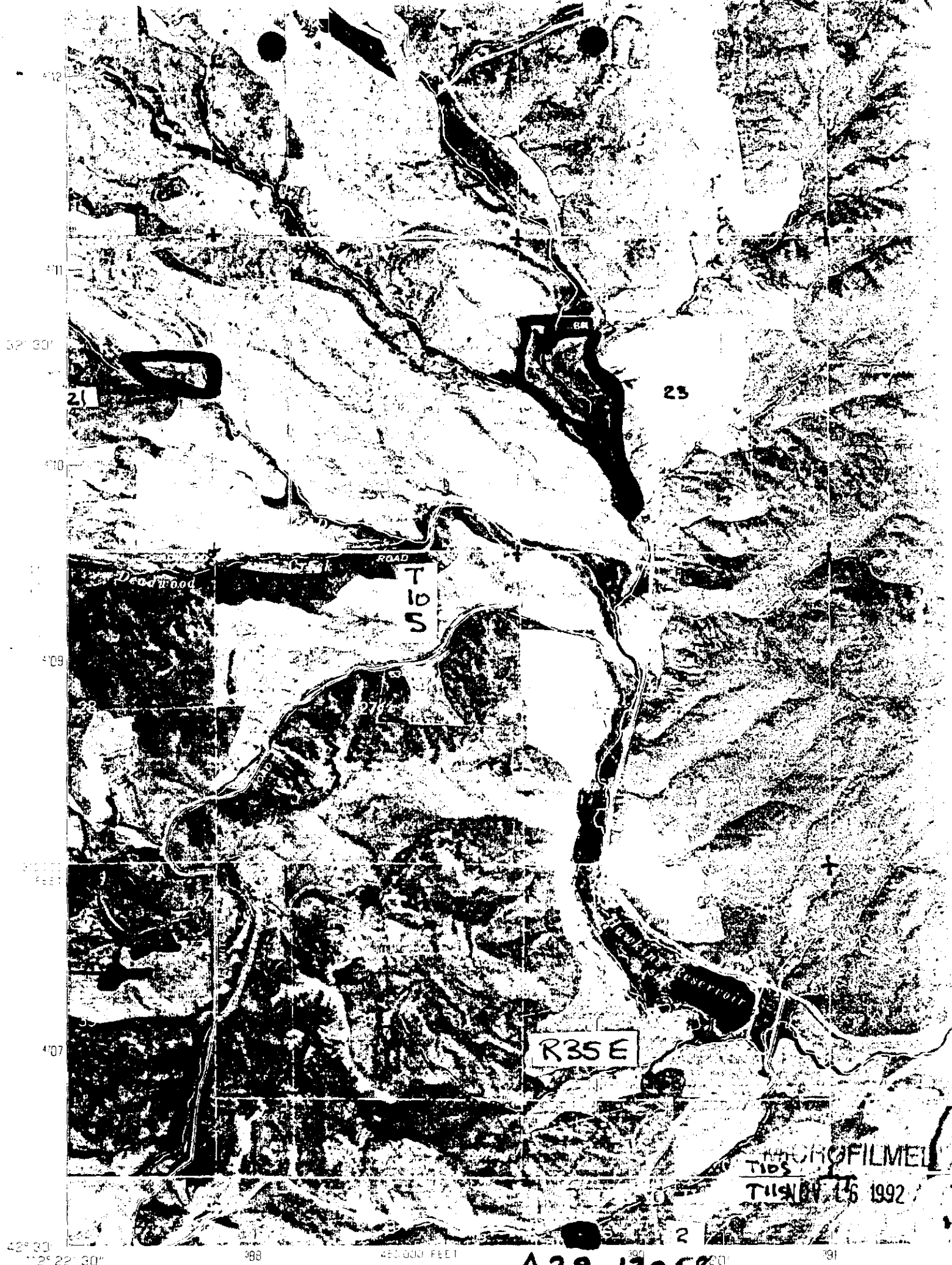
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NOV 16 1992

A29-12058

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Log for claim A29-12058

Spatial Dynamics LTD

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s35e	21	SENE	20	31	Indiscernible
10s35e	23	SWNW	30	29	POD placement?
10s35e	23	NESW	5	9.1	
10s35e	23	NWSW	5	9.2	
10s35e	36	SESW	18	12	
10s35e	36	SWSE	2	3.3	
10s36e	21	NESW	40	40	
10s36e	21	SESW	40	39	
10s36e	25	NWSW	15	13	
10s36e	25	SWSW	37	37	
10s36e	25	SESW	10	10	
10s36e	26	NESW	30	29	
10s36e	26	NWSW	17	16	
10s36e	26	SWSW	40	39	
10s36e	26	SESW	40	40	
10s36e	26	NESE	30	25	
10s36e	26	NWSE	30	33	
10s36e	26	SESE	5	5.2	
10s36e	28	SWNE	40	39	
10s36e	28	NENW	40	40	
10s36e	28	SENW	40	40	
10s36e	28	NESE	40	39	
10s36e	28	NWSE	40	38	
10s36e	28	SWSE	40	38	
10s36e	32	SWNE	25	20	
10s36e	32	SWNW	10	9.7	
10s36e	33	NWNE	40	41	
10s36e	33	SWNE	40	41	
10s36e	33	NENW	40	40	
10s36e	33	NWNW	15	25	
10s36e	33	SWNW	37	40	
10s36e	33	SENW	40	41	
10s36e	33	NESW	37	41	
10s36e	33	NWSW	36	39	
10s36e	33	SWSW	22	20	
10s36e	33	SESW	15	24	Indiscernible
10s36e	33	NWSE	40	40	
10s36e	33	SWSE	23	25	
10s36e	33	SESE	32	37	
10s36e	34	SWNW	22	23	
10s36e	34	SENW	20	23	
10s36e	34	NESW	38	32	
10s36e	34	NWSW	40	39	
10s36e	34	SWSW	30	33	
10s36e	34	SESW	28	28	
10s36e	34	NESE	15	12	
10s36e	34	NWSE	1	4.3	
10s36e	34	SWSE	27	27	

Log for claim A29-12058

Spatial Dynamics LTD

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	34	SESE	26	26	
10s36e	35	NWNE	40	41	
10s36e	35	SWNE	40	41	
10s36e	35	NENW	40	41	
10s36e	35	NWNW	20	22	
10s36e	35	SWNW	27	37	
10s36e	35	NWSW	16	9	
10s36e	36	NENE	20	16	
10s36e	36	NWNE	18	17	
10s36e	36	SWNE	38	25	
10s36e	36	SENE	40	41	
10s36e	36	NENW	30	31	
10s36e	36	NWNW	20	18	
10s36e	36	SWNW	5	3.1	
10s36e	36	SENW	34	32	
10s36e	36	NESW	7	8.2	
10s36e	36	SESW	10	8.7	
10s36e	36	NESE	40	41	
10s36e	36	NWSE	40	39	
10s36e	36	SWSE	20	11	
10s37e	31	NWNW	10	15	
10s37e	31	NWNW	15	11	
10s37e	31	SWNW	1	0.5	
10s37e	31	SWNW	12	11	
10s37e	31	NWSW	0	13	
11s35e	2	NWNW	4	13	Indiscernible
11s36e	3	SENE	38	38	
11s36e	3	NENE	39	42	
11s36e	3	NWNE	39	41	
11s36e	3	SWNE	40	40	
11s36e	3	NENW	38	39	
11s36e	3	NWNW	36	42	
11s36e	3	SWNW	40	39	
11s36e	3	SENW	40	39	
11s36e	3	NESW	40	40	
11s36e	3	NWSW	40	38	
11s36e	3	SWSW	38	38	
11s36e	3	SESW	36	39	
11s36e	3	NESE	39	39	
11s36e	3	NWSE	40	40	
11s36e	3	SWSE	37	39	
11s36e	4	NENE	38	42	
11s36e	4	NWNE	33	35	
11s36e	4	SWNE	33	33	
11s36e	4	SENE	40	40	
11s36e	4	NESW	10	11	
11s36e	4	NWSW	5	5.6	
11s36e	4	SWSW	36	38	

Log for claim A29-12058

Spatial Dynamics LTD

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s36e	4	SESW	34	39	
11s36e	4	NESE	33	38	
11s36e	4	NWSE	34	40	
11s36e	4	SWSE	14	19	
11s36e	4	SESE	29	31	
11s36e	5	SESW	0	0.4	
11s36e	5	SWSE	11	17	
11s36e	5	SESE	6	3.7	
11s36e	8	NENE	33	32	
11s36e	8	NWNE	36	38	
11s36e	8	SWNE	21	16	
11s36e	8	SENE	10	8.1	
11s36e	8	NENW	5	8.4	
11s36e	8	SENW	1	0.3	
11s36e	9	NENE	4	5.1	
11s36e	9	NWNE	26	32	
11s36e	9	SWNE	27	29	
11s36e	9	NENW	29	29	
11s36e	9	NWNW	33	30	
11s36e	9	SENW	22	22	
11s36e	9	NESW	22	20	
11s36e	9	NWSE	37	36	
11s36e	9	SWSE	2	1.5	
11s36e	10	NENW	29	31	
11s36e	10	NWNW	4	4.9	
Totals:			3177	3259.3	

AJ5809NP
No. A29-12058

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 261

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARSH CENTER IRRIGATION CO C/O RICHARD BURMESTER 765 W HAWKINS RD ARIMO ID 83214 (208) 897-5757	12/19/1895	IRRIGATION	03-15 11-15	6.680 CFS	
TOTAL DIVERSION:					6.680 CFS	
CONSUMPTIVE USE:						7977.50 AFA

Water Source: COLE SPRING
HEWITT SPRING
SHEEP CREEK

Tributary to: HAWKINS CREEK
HAWKINS CREEK
HAWKINS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R35E S23 NWSENW
S35 NWSE
R36E S26 SENESW

BANNOCK County
BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
10S	35E	21	:					20	:											:	20.0
10S	35E	23	:						:			30	:	05	05					:	40.0
10S	35E	36	:						:				:					18	02	:	20.0
10S	36E	21	:						:				:	40				40		:	80.0
10S	36E	25	:						:				:		15	37	10			:	62.0
10S	36E	26	:						:				:	30	17	40	40	30	30	05	192.0
10S	36E	28	:			40			:	40			40				40	40	40		240.0
10S	36E	32	:			25			:			10									35.0
10S	36E	33	:			40	40		:	40	15	37	40		37	36	22	15	40	23	417.0
10S	36E	34	:						:			22	20		38	40	30	28	15	01	249.3
10S	36E	35	:			40	40		:	40	20	27				16					183.0
10S	36E	36	:	20	18	38	40		:	30	20	05	34		07			10	40	40	322.0
10S	37E	31	:						:		01-15	02-10				03-12	04-01				38.0
11S	35E	2	:						:			04									4.0
11S	36E	3	:	01-39	02-39	40	38		:	03-38	04-36	40	40		40	40	38	36	39	40	581.8
11S	36E	4	:	01-38	02-33	33	40		:						10	05	36	34	33	34	345.4
11S	36E	5	:						:											11 07-06	17.6
11S	36E	8	:	01-33	36	21	02-10		:	05			01								106.9
11S	36E	9	:	04	26	27			:	29	33		22		22				37	02	203.4
11S	36E	10	:						:	29	04										33.6
TOTAL ACRES																				3191.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-02239/02560A/10663/10664/10776/00430

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

AJ5809NP
No. A29-12058

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 262

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

A29-00430 A29-10663 A29-10664 A29-10665

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00430 A29-02239 A29-02560 A29-02560A A29-04013 A29-04054 A29-04302 A29-04463A A29-07153 A29-07271
A29-07276 A29-07432 A29-10663 A29-10664 A29-10665 A29-11452 A29-11465

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29H.

Remarks: GEN THIS RIGHT REPRESENTS A CLAIM TO ALL STREAMS AND TRIBUTARIES AND
ALL WATER RUNNING INTO HAWKINS CREEK FOUND IN THE ARTICLES OF
INCORPORATION. SEE ATTACHED COPY.

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

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag:

Audit: 05/18/90 WILSON 09/15/94 JTHOMPSO 03/29/95 POST-STD



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

A29-12058
MARSH CENTER IRRIGATION CO
C/O RICHARD BURMESTER
765 W HAWKINS RD
ARIMO ID 83214

RECEIVED

JAN 09 1995

Department of Water Resources
Eastern District Office

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 know as the **PRIORITY DATE**, has not been confimed 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 14 1996

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

MARSH CENTER IRRIGATION COMPANY,
a corporation,
Plaintiff,
Vs.

HYRUM LUNDGREN, DONA ESTES, NORTH
AMERICAN MORTGAGE COMPANY, a corporation,
CLAUDE ALLEN, FRANK RIGGS, D. B. WOODLAND,
LEWIS ALLEN, and CLARA ALLEN, his wife,
INTERNATIONAL MORTGAGE BANK, a corpora-
tion, ALBERT SWINGWOOD, HENRY VAN DYKE,
and THE FIRST NATIONAL BANK OF POCATELLO,
a corporation,
Defendants

D E C R E E

THIS CAUSE came on regularly for trial before the Court without a jury, on the 24th day of March, 1930, at Pocatello, Bannock County, Idaho, Jones, Pomeroy & Jones, attorneys at law, appeared for and on behalf of the plaintiff, Merrill & Merrill, attorneys at law, appeared for and on behalf of the defendants and cross-complainants, Hyrum Lundgren, International Mortgage Bank, a corporation, Albert Swingwood, and the defendant, First National Bank of Pocatello, a corporation, and its appearing that the defendants, Dona Estes, North American Mortgage Company, a corporation, Claude Allen, Frank Riggs, D. B. Woodland, Lewis Allen, Clara Allen, and Henry Van Dyke, and each of them, had been duly and regularly served with process in this cause and had failed to appear and answer within the time allowed by law, or at all, and the defaults of each of said defendants so failing to appear had been entered against said defendants, and that the complaint had been dismissed against the defendant, First National Bank of Pocatello, whereupon evidence was introduced for and on behalf of the respective parties upon the issues framed by the complaint of the plaintiff, and the answers and cross-complaints of the defendants and cross-complainants, Hyrum Lundgren, International Mortgage Bank, and Albert Swingwood, and the answers to said cross-complaints. After the introduction of the evidence said cause was argued and briefed by the respective parties and submitted to the Court for decision, and the Court being fully advised in the law and the premises, and having made and filed its findings of fact and conclusions of law constituting the decision of the Court in this cause;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED: That the plaintiff be and it is hereby adjudged and declared to be the owner of the right and entitled to the perpetual use of the waters of three certain springs located and rising near the center of the following described lands of the cross-complainant, Hyrum Lundgren, to-wit:

Lots 3 and 4 of Section 8, the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, all of the SW $\frac{1}{4}$, the NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ Section 9, Township 10, S. R. 35 E. B. M.

to the extent of four miners inches or ^{0.08} 4/50th of a cubic foot of water per second of time with a priority dating from April, 1891, which said springs form the headwaters of Quigley Creek and flow from said springs through the channel of Quigley Creek down to and commingle with the waters of Hawkins Creek.

It is further ordered, adjudged and decreed, that the plaintiff be, and it hereby is adjudged and declared to be the owner of the right to the perpetual use of the waters of that certain spring located in the Southerly portion of the Southwest Quarter of the Southwest Quarter, Section 16, Township 10, S. R. 35, E. B. M. in Bannock County, Idaho, and those two certain springs located in the Northerly part of the Northwest Quarter of the Northwest Quarter Section 21, same township and range, to the extent of the entire flow of said springs, consisting of .23 cubic feet of water per second of time, with a priority dating from April 1891, that the plaintiff be declared to be the owner of the right to the perpetual use of the waters in that certain spring located about the center of the Northwest Quarter of the Northwest Quarter Section 21, same township and range, at a point about 206 feet Northwesterly from Yellow Dog Creek, to the extent of the entire flow of said spring, consisting of one miners inch of water per second of time, with a priority dating from April 1891, which waters are a part of the headwaters of Yellow Dog Creek and contribute to its supply and ultimately flow into Hawkins Creek.

The waters above described are diverted at a point about forty rods Southwest of the Northeast Corner of the Northeast Quarter of the Southeast Quarter of Section 36, Township 10 S. R. 35, E. B. M., and also a point about 30 rods from the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section 33, Township 10, S. R. 36 E. B. M. and also at a point about two rods North of the South line of the Northeast Quarter of the Southeast Quarter of Section 26, Township 10 S. R. 36 E. B. M., on to the lands of the stockholders of the plaintiff company.

It is further ordered, adjudged and decreed, that the defendants and/or cross-complainants have not, nor has either or any of them, any right to the use of the above described waters, or any part thereof, or to the use of the waters of any of the springs above mentioned, and that the right to the use of all of said waters is hereby quieted in the plaintiff free from any claim of the defendants, and/or cross-complainants, or either or any of them, whatsoever, and that the defendants and/or cross-complainants, their servants and agents, be and they are hereby forever barred and enjoined from asserting any right to the use of said waters or any part thereof, and from in any manner obstructing or interfering with the flow of said waters, and from in any manner interfering with the free, lawful and complete use of said waters by said plaintiff.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

MARSH CENTER IRRIGATING COMPANY,
a corporation,

Plaintiff,

-vs-
JAMES H. GUNTER, FRANK GILL,
CONNIE HAWKS, and SETH GLOVER,
Defendants.

D E C R E E .

JAN 09 1995

Department of Water Resources
Eastern District Office

Dep. Resource
Eastern District Office

This cause came on regularly to be heard this 7th day of November, 1913, Clerk & Judge appearing as attorneys for the plaintiff, and no one appearing for the defendants or either of them, and it appearing to the court that the said defendants were, and each of them was, on the 4th day of June, 1913, in Bannock County, Idaho, duly and regularly served with summons herein and that the said defendants and each of them failed to appear or to answer the plaintiff's complaint within the time prescribed by law, or at all, and that the default of the said defendants, and each of them, for failing to answer said complaint has been duly and regularly entered herein, the court proceeded to hear the evidence on behalf of the plaintiff in support of the allegations of its said complaint, and it appearing to the court from the evidence so adduced, the same being free and clear from all objections as to its relevancy, competency and materiality, that the allegations of said complaint are true and that the said plaintiff is entitled to the relief prayed for therein;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plaintiff, its grantors and predecessors in interest since about the year 1870 have been, and the plaintiff now is the owner and entitled to the right to the use of 40 second feet or 2000 miner's inches measured under a four inch pressure of the waters of that certain stream known as Hawkins Creek, which rises about fifteen (15) miles west of the town of Arimo, in Bannock County, Idaho, and flows in an easterly direction into what is known as Marsh Valley in which said Valley the town of Arimo is situated; that the said waters so decreed to the plaintiff are to be diverted for distribution to the shareholders of the plaintiff for irrigation, culinary and domestic purposes at a point on said Creek about 11 miles southwesterly from the said town of Arimo by means of the reservoir and diverting works commonly known as the reservoir of the Marsh Center Irrigating Company situated at said point.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said defendants James H. Gunter and Frank Gill, and each of them, their agents and servants and all persons acting in aid or assistance of them, or claiming by, through or under them or either of them, be and they are hereby permanently restrained and enjoined from in any manner preventing the plaintiff from cleaning out the channel of what is commonly known as Deadwood Creek, the waters of which flow into what is known as Yellow Dog Creek at a point about three miles above said reservoir and thence into said Hawkins Creek at a point about one mile above said reservoir, or from in any manner interfering with the plaintiff in the removal of obstructions from the channel of said Deadwood Creek, or from in any manner interfering with the plaintiff in cleaning out the springs along said channel or adjacent thereto, which contribute to the flow of water therein. And it is further Ordered, Adjudged and Decreed that the said Frank Gill be, and he is hereby permanently restrained and enjoined from in any manner preventing the plaintiff from cleaning out the channel of the aforesaid Yellow Dog Creek, a tributary of said Hawkins Creek, where the same runs through the land belonging to or in the possession of said Frank Gill, or from in any manner interfering with the plaintiff in removing obstructions from the channel of said Creek, and from in any manner interfering with the plaintiff in cleaning out the springs along the channel of said Yellow Dog Creek, or adjacent thereto, which contribute to the flow of water therein. It is further Ordered, Adjudged and Decreed, that the said Connie Hawks and Seth Glover, their agents and servants, and all persons claiming under them or acting in aid or assistance of them, be and they are, and each of them is hereby permanently restrained and enjoined from in any manner preventing plaintiff from cleaning out the channel of said Hawkins Creek where the same runs through the lands belonging to or in possession of the said Connie Hawks and Seth Glover, or either of them, and from in any manner interfering with the plaintiff in the removal of obstructions from the channel of said Creek and from in any manner interfering with the plaintiff in cleaning out the springs along said channel, or adjacent thereto which contribute to the flow of water therein, and particularly from interfering with the plaintiff in cleaning out what is known as Mason Spring adjacent to the said channel of said Hawkins Creek, and situated within the boundaries of the land in the possession of the said defendant Connie Hawks. And it is further ordered, adjudged, and decreed, that the said defendants and each of them, their agents and servants, and all persons claiming by, through or under them, or acting in aid or assistance of them be, and they are, and each of them is hereby permanently restrained and enjoined from in any manner obstructing or interfering with the free flow of the waters of said Deadwood Creek, Yellow Dog Creek, and Hawkins Creek, or any springs within the channels of said creeks, or either of them, or adjacent to the channels thereof, or which contribute to the flow of waters therein, whereby the plaintiff is prevented from having said waters flow down to its said point of diversion, or whereby it is disturbed or interfered with the free use and enjoyment thereof. And the title and right of said plaintiff in and to the waters of all of said springs hereinbefore referred to and of the waters of said creeks heretofore named and described to the quantity of forty (40) second feet at plaintiff's said point of diversion, are hereby quieted against any and all claims of said defendants or either of them. And it is hereby adjudged and decreed, that the said defendants have not nor has any or either of them any right, title, interest, or claim upon said springs or creeks or any or either of them, or the waters flowing therefrom or therein, except such as is subject, subsequent and inferior to the said right of the plaintiff as here in decreed.

It is further ordered, adjudged and decreed that the plaintiff have and recover its costs herein incurred amounting to the sum of Thirty five Dollars.

Alfred Budge
District Judge.

STATE OF IDAHO }
County of Bannock } 55

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 1st day of March, A.D. 1919
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

By Deputy *Shudra Hill*

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

Marsh Center Irrigating Company
a corporation,

Plaintiff,

Vs.

D E C R E E.

John Pannell, Sr., O.C.Hawkins,
and Francis Allen,

Defendants,

This cause came on regularly for trial on the 3rd day of June, 1915, Budge & Barnard of Pocatello, Idaho, appearing as attorneys for plaintiff, and W.H. Witty, Esq., appearing as attorney for defendants. The Court having heard the evidence of the respective parties, and being fully advised in the premises, and findings of fact and conclusions of law having by stipulation of the parties been waived, it is, therefore, Ordered, Adjudged and Decreed:

I.

That the plaintiff, Marsh Center Irrigating Company, a corporation, was at the time of the commencement of this action and at all times since has been, and now is the owner of the right to use as a part of the waters of Hawkins Creek, which flows through Sections 16, 22, 23, 26, and 35, Township 10 south, Range 35 east Boise Meridian in Bannock County, Idaho, all the waters of those certain five springs arising upon the land of the defendant Francis Allen, which is described as follows, to-wit: The north half of the northwest quarter of Section 10, Township 10 south, Range 35 east Boise Meridian, from the close of the irrigation season of each and every year up to and including the 25th day of May of the year following, and the plaintiff's right and title to the waters of said springs as above decreed, is hereby established and quieted as against the said defendant Francis Allen, and all persons claiming or to claim by, through or under him, and the said Francis Allen is hereby barred and estopped from asserting any claim or right to the waters of said springs as against the rights of the said plaintiff as above decreed.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Marsh Center Irrigating Company, was at the time of the commencement of this action, and at all times since has been, and now is the owner of the right to use as a part of the waters of said Hawkins Creek heretofore described, all of the waters of those two springs situated in Sections 20 and 30 respectively, township 10 south, Range 35 east of Boise Meridian, which form the head-waters of what is known as Deadwood Creek, which flows through the northeast quarter of the northeast quarter of Section 29, and the north half of the north half of Section 28, said township and range, from the close of each and every irrigation season up to and including the 15th day of May of the year following, and the plaintiff's right and title to the waters of said springs as above decreed, is hereby established and quieted as against the said defendant O.C.Hawkins and all persons claiming or to claim by, through or under him, and the said defendant O.C.Hawkins is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, as against the right and title of the plaintiff, as hereinbefore decreed. Provided, however, that in the event that the dam and reservoir of the plaintiff situated in section 35, township 10 south, Range 35 east Boise Meridian, shall during any season prior to April first be full and overflowing, the said defendant O.C.Hawkins, shall have the right while said reservoir is overflowing, but under no other conditions, and prior to April first, but not subsequent to said date, to store and impound the waters of said springs for his own use and benefit.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Marsh Center Irrigating Company, a corporation, was at the time of the commencement of this action, and has been at all times since, and now is the owner of the right to use as a part of the waters of said Hawkins Creek, heretofore described, all of the waters of those certain springs which arise in the east half of the southeast quarter of Section 33, Township 10 which form the head waters of what is known as West Sublett Creek, south, Range 35 east of Boise Meridian, from the close of each and every irrigation season up to and including the 15th day of June of the year following, and the right and title of the said plaintiff to said springs, as above decreed, is hereby established and quieted as against the said defendant John Pannell Sr., and all persons claiming or to claim by, through or under him, and the said defendant John Pannell Sr. is hereby barred and estopped from asserting any claim or right to the waters of said springs, or either of them, as against the right and title of the plaintiff as above decreed. Provided, however, that in the event that the dam and reservoir of the plaintiff situated in Section 35, Township 10 south, Range 35 east Boise Meridian, shall during any season prior to April first be full and overflowing, the said defendant John Pannell Sr., shall have the right while said reservoir is overflowing, but under no other conditions, and prior to April first, but not subsequent to said date, to store and impound the waters of said springs for his own use and benefit.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said plaintiff, Marsh Center Irrigating Company, has the right at any time during the several periods during which it is entitled to the waters of the said springs mentioned, and described in the preceding paragraphs of this decree to send its officers and agents to and upon the said premises

whereon said springs are located for the purpose of removing any obstructions from said springs, or from the channels thereof so as to secure the full and free flow of the waters of said springs, and each of them, down to the said Hawkins Creek, and the said defendants, and each of them, their agents, servants and employees, and all persons acting in aid or assistance of them, are hereby perpetually restrained and enjoined from in any manner obstructing or interfering with the free flow of the waters of said springs as above described, during the several periods within which the plaintiff is entitled to said waters as set forth in this decree, and the said defendants, and each of them, their agents, servants and employees, and all persons acting in aid or assistance of them, are hereby perpetually restrained and enjoined from in any manner interfering with the plaintiff, or its agents, and servants in removing obstructions from said springs, and the channels thereof during the said several periods above referred to within which, as aforesaid, the plaintiff is decreed the right to the use of the waters thereof.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the 25th day of May and up to the close of the irrigation season in each and every year the said defendant Francois Allen shall be entitled, and he is hereby decreed the right to use all of the waters of those certain five springs described in paragraph One hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees, and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the 15th day of May up to the close of the irrigation season of each and every year, the said defendant O.C. Hawkins shall be entitled, and he is hereby decreed the right to use all of the waters of those certain springs described in paragraph Two hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees, and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said defendant John Pannell Sr. from and after the 15th day of June up to the close of the irrigation season of each and every year shall have, and is hereby decreed the right to use all of the waters of those certain springs described in paragraph III hereof, and as to said period during each and every season his right and title to the waters of said springs is hereby established and quieted as against the plaintiff, and all persons claiming or to claim by, through or under it, and the plaintiff is hereby barred and estopped from asserting any right or claim to the waters of said springs, or either of them, during the said period in each and every year, and the said plaintiff, its agents, employees and servants are, and each of them is perpetually restrained and enjoined from in any manner interfering with the said defendant's use of said water during the period aforesaid.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff recover their costs herein taxed at No dollars.

Dated this 10th day of June, 1915.

F. J. Cowen,
District Judge.

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

J. A. Severson,
Plaintiff,
Vs.

R.C. Olewein and Antone Reider,
doing business under the firm
name and style of City Meat
Market.

Defendants,

FINDINGS OF FACT AND CONCLUSIONS
of Law.

This cause came on regularly for trial on the 28th day of May, 1915, before the Court without a jury, a jury having been expressly waived by parties hereto, S.C. Winters, Esq., and C.O. Pierce, Esq., appearing as attorneys for the plaintiff and R.M. Terrell, Esq., appearing as attorney for the defendants; and from the evidence introduced, the Court finds the facts as follows, to-wit:

1st. That on or about the 20 day of June, 1911, the defendants above named were the owners, in the possession and entitled to the possession of a certain Meat Market business conducted at No. 367 East Center Street, in the City of Pocatello, Idaho, known as the City Meat Market

POOR ORIGINAL

IN THE MATTER OF INCREASING THE
NUMBER OF DIRECTORS OF THE MARSH
CENTER IRRIGATION COMPANY, A
CORPORATION.

KNOW ALL MEN BY THESE PRESENTS, That at a
meeting of the stock holders of the Marsh Center Irrigation
Company, held at its place of business, at Marsh Center,
Bannock County, Idaho, on the 28th day of July, 1902,
which meeting was duly and regularly called according to law,
and according to the by-laws of said corporation, and at
which meeting a majority of the stock holders of said cor-
poration were present, the question of increasing the number
of directors of said company from three (3) to five (5) came
on regularly to be submitted to the stock holders present,
whereupon it was moved and duly seconded that the number of
directors be increased from three (3) persons to five (5)
persons, which motion was duly submitted and afterwards
voted upon by the said members present, viva voce, all of
said members voting in favor of the motion, and said motion
was duly carried.

That the following named persons were duly elected
as the directors of said corporation for the ensuing year
to wit, J. V. Ginter, L. Paris,
John Wright, T. J. Woodland,
and A. S. Coffey.

In Witness Whereof, we have hereunto set our hands
this, the 28th day of July, 1902.

J. V. Ginter
Chairman of the Meeting of the
Stockholders at which said Motion
was passed.

A. S. Coffey
Meeting at which

Amendment "b"
- section 6

FOR ORIGINAL

EXHIBIT "A".

Marsh Center, Idaho, May 17, 1902.

Whereas the capital stock of the Marsh Center Irrigation Company is fixed at (\$50,000.) fifty thousand dollars, subject to be increased or diminished according to the discretion of the company, it has been proposed that the capital stock of said company or corporation be diminished from (\$50,000.) fifty thousand dollars to (\$20,000.) twenty thousand dollars' In support of this proposition we the undersigned hereby affix our names.

N. S. Coffin	M. A. Gunter.
F. L. Parris	James Treasure
Mrs. A. T. Shumway	G. W. Sims
Lehi Wright	Joseph T. Woodland
Mary M. Wright	T. J. Woodland
Chas Jones	Hennery Beeton
G. M. Kleinman	J. F. Hall
John Woodland	
W. M. Hawkins	
G. G. Hawkins	
John Kleinman per Lehi Wright	
Z. V. Gunter	

Amdt. "a" - Marsh Center Irrigating Company (2)

POOR ORIGINAL

State of Idaho)
County of Bannock) SS

J. V. Gentry and *M. L. Coffin* whose names are subscribed to the foregoing certificate as the Chairman and Secretary of the meeting of the Marsh Center Irrigation Company, at which was submitted a resolution to increase the number of directors from three (3) persons to five (5) persons, being first duly sworn, each for himself, and not one for the other, deposes and says that he was present at said meeting in the capacity aforesaid, and that the proceedings recited in said certificate were had, and said certificate is in all respects true and correct.

J. V. Gentry
M. L. Coffin

Subscribed and sworn to before me this 28th day of June, 1902.

as Henderson
Notary Public

STATE OF IDAHO,)
) SS/
BANNOCK COUNTY.)

I, J. S. Campbell, Ex-officio Recorder in and for said County, do hereby certify that the within and foregoing is a full, true and correct copy of the original certificate on file in my office. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 2nd day of August, A. D. 1902.

J. S. Campbell,
Ex-officio Recorder.

E. L. Gentry
Deputy.

Amendment "b" (c)

POOR ORIGINAL

IN THE MATTER OF DIMINISHING THE
CAPITAL STOCK OF THE MARSH CENTER
IRRIGATION COMPANY, A CORPORATION.

State of Idaho

County of Bannock

ss

J. V. Hunter, F. L. Paris,
L. H. Wright, L. J. Woodland
....., and *J. W. Coffey*..... being first

duly sworn, each for himself, and not one for the other,
deposes and says that he is, and at all the times hereinmen-
tioned was, a duly elected, qualified and acting director
of the Marsh Center Irrigation Company, a corporation.
That the amount of the capital stock for which said company
was organized is \$50,000.00. That it being desirous
of diminishing the capital stock of said corporation to
the amount of \$20,000.00, on May 17th, 1902, the annexed
assent of the persons whose names are attached to the said
instrument marked exhibit "A", and forming a part of this cert-
ificate, was executed by said persons. That the signatures
of the said persons are genuine, and they are all stock hol-
ders of said corporation, and are the holders of the capital
stock of said corporation in the aggregate amount of \$46,650.00.

..... That the entire subscribed capital stock in
said company at said date was the sum of \$60,250.00,
therefore, the persons signing said instrument were and are
holders of more than three-fourths of the subscribed capital
stock of said corporation.

We, therefore, the said directors hereby certify
and verify that the capital stock of the said Marsh Center
Irrigation Company, a corporation, has been diminished from
\$50,000.00 to \$20,000.00.

Marsh Center Irrigation Company

POOR ORIGINAL

In Witness Whereof, we have hereunto set our hands
this, the 28th day of July, 1902.

{ F. J. C. Guster.....
{ F. L. Parris.....
{ Levi Wright.....
{ J. F. Woodland.....
{ Har. Coffin.....

Subscribed and sworn to before me this 28th day of July, 1902.

James Henderson
Notary Public.

STATE OF IDAHO,)
BANNOCK COUNTY.) SS.

I, J. S. Campbell, Ex-officio Recorder in and for
said County, do hereby certify that the within and foregoing is a full,
true and correct copy of the original certificate on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal this 2nd day of August, A. D. 1902.

J. S. Campbell,
Ex-officio Recorder.

By E. B. Gallen, Deputy.



Department of State

CORPORATION REINSTATEMENT CERTIFICATE

I, J. D. (CY) PRICE, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

MARSH CENTER IRRIGATING COMPANY

a corporation organized and existing under and by virtue of the laws of the State of **Idaho**, with its principal place of business in Idaho located at **Marsh Center**, Idaho, forfeited on the **first** day of **December**, 19 **47**, its charter or authority to do business in the State of Idaho, because of failure to **file annual statement** due the State of Idaho for the fiscal year ending **June 30th, 1948**, as provided by Section 26-607, Idaho Code, Annotated.

AND I FURTHER CERTIFY, That the said corporation has subsequently and on the **twelfth** day of **March**, 19 **48**, paid the required penalties and submitted annual statement, and the said corporation is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the

Great Seal of the State. Done at Boise City, the Capital of Idaho, this **twelfth** day of **March**, in the year of our Lord one thousand nine hundred **forty-eight**, and of the Independence of the United States of America the One Hundred **Seventy-second**.

Secretary of State.

State of Idaho



Department of State

I, **IRA H. MASTERS**, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that

MARSH CENTER IRRIGATING COMPANY

organized and existing under and by virtue of the laws of the State of **IDAHO**, with its principal place of business in Idaho located at **Barneok County**, Idaho, forfeited on the **1st** day of **December**, 19 **32**, its charter or authority to do business in the State of Idaho, because of failure to pay the annual license tax and penalty due the State of Idaho for the fiscal year ending June 30th, 19 **33**, as provided by Section 29-607, Idaho Code, Annotated.

AND I FURTHER CERTIFY, That the said corporation has subsequently and on the **26th** day of **December**, 19 **37**, paid the annual license tax and penalty assessed against it and the said **MARSH CENTER IRRIGATING COMPANY** is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this **26th** day of **December**, in the year of our Lord one thousand nine hundred **thirty-seven**, and of the Independence of the United States of America the One Hundred **Sixty-second**

Secretary of State.

CERTIFICATE OF INCORPORATION
DOMESTIC

SERIAL No. 0855-2

SEP -6 1910



DEPARTMENT OF STATE

I, ROBERT LANSDON, Secretary of State, of the State of Idaho, do hereby certify that a certified copy of the Articles of Incorporation of _____

MARSH CENTER IRRIGATING COMPANY

duly certified by the Recorder of _____ BAINOCK _____ County, to be a true copy of the original Articles, was filed in this office on the _____ SIXTH _____ day of _____ JUNE _____ A. D. One Thousand ~~One Hundred~~ Eight Hundred Ninety Six _____, and is duly recorded in Book _____ "E" _____ of Domestic Corporations, Records of the State of Idaho, which articles contain the statement of facts required by law, to-wit:

FIRST, The name of the Corporation as aforesaid; SECOND, The purpose for which it was framed; THIRD, The place where its principal business is to be transacted; FOURTH, the term for which it is to exist; FIFTH, The number of its directors, or its trustees, and the names, residences and term of office of those who are appointed for the first year; SIXTH, The amount of its capital stock and the number of shares into which it is divided; SEVENTH, The amount of its capital stock actually subscribed and by whom.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great

Seal. Done at Boise City, the Capital of Idaho, this
_____ TWENTY-NINTH _____ day of _____ AUGUST _____

in the year of our Lord one thousand nine hundred
and _____ t e n _____ and of the Independence of
the United States of America the One Hundred and

_____ Thirty-fifth _____


Secretary of State.



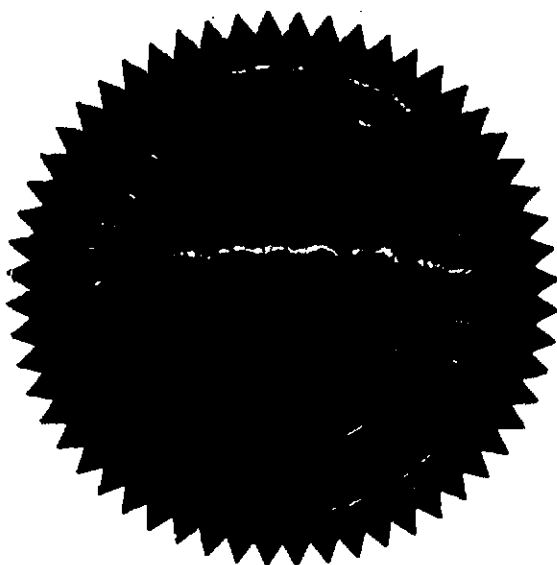
C E R T I F I C A T E

STATE OF IDAHO

DEPARTMENT OF STATE

I, ROBERT LANSDON, Secretary of State of the State of Idaho, do hereby certify that certified copies of the CORPORATION LAWS of the State of Idaho, together with all the amendments thereto, have been forwarded to the General Land Office, of the United States; that the same contain all the Corporation Laws of the State of Idaho, in force and effect, and that there has been no change made in the same since the Sixth day of March, A. D. 1909, the date of the adjournment of the last Session of the Legislature of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this THIRTY-FIRST day of AUGUST in the year of our Lord one thousand nine hundred ten and of the Independence of the United States of America the one hundred thirty-fifth.



Robert Lansdon

Secretary of State.

PETE T. CENARRUSA
SECRETARY OF STATE
BOISE, IDAHO

State of Idaho

Department of State.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
I am the custodian of the corporation and limited partnership records of this State.

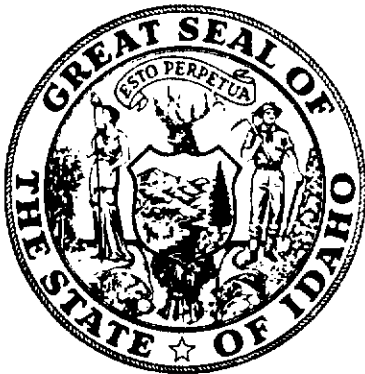
I FURTHER CERTIFY That the annexed is a full, true and complete transcript of
articles of incorporation, including all amendments thereto, of MARSH
CENTER IRRIGATING COMPANY, an Idaho corporation, received and filed in
this office on the 6th day of June, 1896, as appears of record in this
office as of this date.

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JAN 09 1995

Department of Water Resources
Eastern District Office

Dated: February 17, 1989.



Pete T. Cenarrusa
SECRETARY OF STATE

by: *Joanne Brown*

CERTIFICATE OF APPOINTMENT
OF REGISTERED AGENT

ENTERED

KNOW ALL MEN BY THESE PRESENTS:

That Marsh Center Irrigation
(Name of Corporation)
an Idaho corporation, pursuant to section 30-1-12, Idaho Code, and by authority of its Board of Directors, does
hereby appoint William A. Egard
(Name of Registered Agent)
of Armo Idaho as its
(street address) (city)
Registered Agent in the State of Idaho, upon whom process issued by authority of or under any law of the State of
Idaho may be served.

IN WITNESS WHEREOF the corporation has caused this certificate to be executed and verified by its
President (or Vice-President) on this 3rd day of March, 19 80.

Marsh Center Irrigation
(Name of Corporation)
By A. H. Egard
(President or Vice-President)
President
(Title)

STATE OF Idaho
County of Bannock } ss.

Subscribed and sworn to before me this 3rd day of March, 19 80.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal.

Ben H. Bower
Notary Public
(Title)

I have at my hand and affix the Great Seal of State
at the City of Nampa, Idaho the 6th day of July A.D. 1890



John W. Vanecko
Secretary of State

Recorded at request of Daniel H. Hart Aug. 6. 1890
at 10 1/2 A.M.

John West
Recorder

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POOR ORIGINAL

Department of Water Resources
Eastern District Office

State of Idaho

County of Bannock

Know all men by these presents that we the undersigned under and by
virtue of the provisions of the Statutes of the State of Idaho providing for the
formation of corporations for certain purposes do hereby certify agree and de-
clare each for himself and not for another that we will and by these presents
do form ourselves into a body politic and incorporate under the following
provisions and restrictions (to-wit): Article I

The name of said corporation shall be Marsh Center Irrigating Company
Article II

The object for which this company is formed is to build Reservoirs to develop
the water supplies also to store up the water in winter to irrigate with when
needed
Article III

The principal place for a Reservoir now under construction is located
on Hawkins Creek Bannock County State of Idaho and more fully described
in this article as in T.P. 10 E and R-35 East and north approximately 2
26 being unsurveyed The Dam being now about twenty feet high and
sixty feet wide on the bottom and fifteen feet wide on top and three hundred
feet long costing about two thousand two hundred dollars and be
it further known that we claim as the site for the said Reservoir
from the Dam which is located as specified in this Article and run-
up the creek in a Northerly direction to a point about one mile from
Dam also about one half mile wide and be it further known that we have
been using the above location to the benefit of this company for four years
which site has been designated by stakes placed prominently and be it further
known that we claim all streams and tributaries and all water running into
Hawkins Creek as appendages to the interest of this company also we deny any
other company a right under any other head or name or control only as the
Marsh Center Irrigating Company and the claims are further confirmed by
our bylaws of an earlier date which have been approved by the company

STATE OF IDAHO }
County of Bannock } SS

I hereby certify that the foregoing is a full true and
correct copy of an instrument as the same now remains
on file and of record in my office
WITNESS my hand and official seal hereto affixed

this 15th day of March A.D. 1890
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER

By Deputy Larry Armstrong

POOR ORIGINAL

This company shall continue to corporate Existence for the period of ninety
nine years from and after the filing of these presents in the office of Sec- of
State of Idaho

Article V

The No of its directors or trustees shall be three and the and the following named
persons shall constitute the board of trustees and manage the business of the
company W.C. Hawkins J.L. Harris M.W. Hunter all of whom Reside in Marsh
Center County of Bannock State of Idaho Article VI

The amount of Capital Stock shall be fifty Thousand Dollars subject to be increased
or diminished according to Law and said Capital Stock shall be divided into one
thousand shares Subject to be enlarged or diminished according to the judgment
of the company each of the parties to these presents do now own in the company
Reservoir shares in No ranging from two to Six Article VII

The board of trustees of this company shall meet immediately after the filing of these
presents and adopt bylaws for the government of the company and all neces-
sary and proper arrangements for carrying out the object herein expressed
and as to them may seem for the best interest of the company

W.C. Hawkins Seal C.C. Hawkins Seal John M. Kleinman Seal
John G. Woodland Seal J.W. Hunter Seal Moroni Kleinman Seal
Joseph J. Woodland Seal Lewis Hawkins Seal William Beeton Jr Seal
M.W. Hunter Seal J.L. Harris Seal N.S. Coffin Seal
State of Idaho Franklin K. Westman Seal

County of Bannock See on this 1st of Dec 1895 before me Jas Henderson
a Notary Public in and for said Bannock County duly commissioned
and sworn personally appeared W.C. Hawkins M.W. Hunter J.L. Harris
and ~~in and who executed the foregoing instrument~~ to me personally known to be the individuals described, as parties
thereto and they severally acknowledged to me that they executed the same freely
and voluntarily and for the uses and purposes therein mentioned in
witness whereof I have hereunto set my hand and affixed my official Seal the
day and year in this certificate above written

Seal

James Henderson

Request of W.C. Hawkins Dec 19 1895 at 4:30 PM Fee \$1.20 Notary Public

John Scott Recorder
Thos Turner deputy

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JAN 09 1995

Department of Water Resources
Eastern District Office

State of Idaho, |
 | ss
County of Bannock |

Oscar Sonnenkalb being first duly sworn deposes and says; that he is now and has been continuously for several years last past County Surveyor in and for Bannock County, Idaho, and was the surveyor who was employed to make the survey by the Marsh Center Irrigating Company for its proposed reservoir; that the survey of said company's reservoir is described as follows:

WATERLINE OF RESERVOIR.

Beginning at the point of the waterline at the N.E. end of the Reservoir dam designated as Station 0-I-P- which bears from the East Quarter section-corner of Sec. 35 N. 65th W. 1223 Ft. distant.

Thence running on a level line as follows:

FROM STATION No. "0". S 16°30' W 453.00 Ft. to point above center of discharge sluice designated P. of D. which bears from East $\frac{1}{4}$ Sec. Cor. of Sec. 35 N. 85°20' W. 1232.2 ft. Dist. 906.00 Ft. to STATION No. 1. along the slope of the dam,

thence	S 85°	W	276 Ft.	To	STATION No. 2.
"	S 79°	W	155 "	"	" 3
"	S 73°	W	211 50	"	" 4
"	S 85°	W	296 Ft.	"	" 5
"	S 87°	W	93 "	"	" 6
"	N 72°	W	97 "	"	" 7
"	N 5°35'	W	50 "	"	Small spring-branch 2 ft. wide runs N.E.
"			75.00 Ft.	To	STATION No. 8.
"	NW 59°30'	E	141 00	"	" 9
"	N 11°05'	W	162 00	"	" 10
"	N 2°	W	134 00	"	" 11
"	N 18°30'	W	102 00	"	" 12
"	S 89°30'	W	262 00	"	" 13
"	N 47°	W	173 00	"	" 14
"	S 86°15'	W	122 00	"	" 15
"	S 60°	W	256 00	"	" 16
"	N 53°25'	W	60 00	"	Small spring-branch 1 ft. wide runs N.E.
"			116 00	"	STATION No. 17.
"	NW 24°	W	213 00	"	" 18
"	N 68°25'	W	133 00	"	" 19
"	N 9°	E	173 00	"	" 20
"	N 29°	W	311 00	"	" 21
"	N 32 $\frac{3}{4}$ °	W	124 00	"	" 22
"	N 43°	W	156 00	"	" 23
"	N 41 $\frac{3}{4}$ °	W	182 00	"	" 24
"	N 36°	W	212 50	"	" 25
"	N 7°	W	109 00	"	" 26
"	N 38°	W	100 00	"	" 27
"	N 45°55'	W	99 00	"	" 28

thence	N	13°30'	W	233.00	Ft.	To	STATION No.	29.
"	N	29°	W	240 00	"	"	"	30
"	N	70°30'	E	119 00	"	"	"	31
"	N	64°15'	E	110 00	"	"	Hawkins Creek 15 ft. widee runs southerly-The center center of the Creek, as point of Diversion, bears, S 65°30' E. 1356 ft. dist. from the NW corner of Sec. 35.	
				178 00	"	"	STATION No.	32.
"	S	19°55'	E	131 00	"	"	"	33
"	S	51°30'	E	105 00	"	"	"	34
"	S	68°45'	E	202 50	"	"	"	35
"	S	70°25'	E	203 00	"	"	"	36
"	S	40°50'	E	271 50	"	"	"	37
"	S	38°35'	E	180 50	"	"	"	38
"	S	42°45'	E	136 00	"	"	"	39
"	S	67°25'	E	140 00	"	"	"	40
"	S	64°30'	E	134 00	"	"	"	41
"	S	64°25'	E	128 00	"	"	"	42
"	S	59°30'	E	300 00	"	"	"	43
"	S	75°45'	E	145 00	"	"	"	44
"	S	79°35'	E	91 00	"	"	"	45
"	S	48°50'	E	101 00	"	"	"	46
"	S	64°30'	E	293 00	"	"	"	47
"	S	75°	E	270 00	"	"	"	48
"	S	70°30'	E	258 00	"	"	"	49
"	S	81°15'	E	161 00	"	"	"	50
"	S	58°30'	E	200 00	"	"	"	0

the point of beginning containing 75.72 acres.
An equi-distant 10 ft. contour line was run which embraces

46.35 acres.

The water line was determined by running a contour with a 20 inch Gurley Level from a point 3 feet below the top level of the dam and putting stations wherever the breaking of the line was required.

The bearings and distances of the different courses were determined with a W. and L.E. Gurley Light Mountain Transit with Solar attachment and a 100 foot tape line. The angles of the bearings were turned off directly from the true meridian determined by solar observations.

The project consists of the storage of the Winter flow and of the surplus water of the Hawkins Creek, a stream running through Townships 10 South, Range 35 and 36 East of the Boise Meridian, Idaho, in a reservoir lying in the North half and the North half of the Southeast Quarter of Section 35 Township 10 South, Range 35 East with a surface area embraced by its highwater line of 75.72 acres and a capacity of 1500 acre feet.

The Company has a right to 40 second feet of water in said creek, an amount which as a continuous flow is obtainable only during a period of 4 to 6 weeks in the spring flood time of each year.

The water users of this impounded water are all stockholders of the company and own, besides small irrigable tracts in the creek bottom large tracts of dry-farming lands on the higher benches along the creek. It is for these small irrigable tracts in the creek bottom and on the lowest benches that the storage water shall be used and as the district lies in a relatively high altitude and requires therefore not more than one acre foot of water to the acre, in order to produce fine crops in intense farming, the above estimated 1500 acre feet of the reservoir will be sufficient for the use of every settler in the creek bottom.

The reservoir will be constructed in the basin through which the creek runs, and the water for irrigation use will be turned back into the natural creek bed, which will form the Main Irrigation Canal for the system.

The Company owns no irrigation ditches and the water users will construct their own laterals, diverting the water direct from the creek into small ditches which altogether run through patented or proven up claims.

The capacity of Hawkins Creek at the point of Diversion into the Reservoir was determined by channel measurements immediately above the point. The velocity was determined by floating tubes. Measurements were made in different seasons of the year by myself and by settlers claiming the water rights.

The flow of the creek cannot be called a well defined one, varying continuously according to heavy or light snowfalls during the winter months, early or late spring floods, early or late fall rains, long or short periods of thunder storms during the summer months--The area of the water-shed is nearly 20 square miles, the average of the annual rain-fall is about 22 inches.

The following table gives approximately the average flow at the point of diversion during the last 5 years:-

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Department of Water Resources
Eastern District Office

APPLICATION FOR RESERVOIR SITE.

-----0-----

I, John M. Kleinman do hereby certify that I am the president of the MARSH CENTER IRRIGATING COMPANY, and on behalf of said company and under its authority do hereby apply for the reservation of land in Bannock County, State of Idaho, for the construction and use of a reservoir for furnishing water for the purposes of irrigation under the provisions of an act of Congress approved March 3rd, 1881, entitled, "An Act to repeal Timber Culture Laws and for other purposes the location of said reservoir site-- and--land necessary for its use, is as follows:

Beginning at the point of the waterline at the N.E. end of the Reservoir dam designated as Station O-I-P- which bears from the East quarter section-corner of Sec. 35 N. 65° W. 1223 Ft. Distant.

Thence running on a level line as follows:

FROM STATION No. "O" S. 16°30' W. 453.00 Ft. to point above center of discharge sluice designated P.O.D. which bears from East $\frac{1}{4}$ Sec Cor. of Sec. 35 N. 35°20' W 1232.2 ft. dist.

thence	S. 85°	W.	906.00	Ft.	to STATION NO. 2
"	S. 79°	W.	276.00	"	" " " 3
"	S. 73°	W.	155 00	"	" " " 4
"	S. 85°	W.	211 50	"	" " " 5
"	S. 87°	W.	296 00	"	" " " 6
"	N. 72°	W.	93 00	"	" " " 7
"	N. 5°35'	W.	97 90	"	" " " 8
			50 00	"	" Small spring-branch 2 ft. wide runs NE
			75 00	"	" STATION NO. 9
"	N. 59°30'	E.	141 00	"	" " " 10
"	N. 11°05'	W.	162 00	"	" " " 11
"	N. 2°	W.	134 00	"	" " " 12
"	N. 18°30'	W.	102 00	"	" " " 13
"	S. 89°30'	W.	262 00	"	" " " 14
"	N. 47°	W.	173 00	"	" " " 15
"	S. 86°15'	W.	122 00	"	" " " 16
"	S. 60°2'	W.	256 00	"	" " " 17
"	N. 53°25'	W.	60 00	"	" Small spring-branch 1 ft. wide runs NE
			116 00	"	" STATION NO. 18
"	N. 24°	W.	213 00	"	" " " 19
"	N. 68°25'	W.	133 00	"	" " " 20
"	N. 9°	E.	173 00	"	" " " 21
"	N. 29°	W.	311 00	"	" " " 22
"	N. 32°	W.	124 00	"	" " " 23

thence	N 43°	W	156.00	Ft.	To	STATION No.	23
"	N 41°	W	182 00	"	"	"	24
"	N 36°	W	212 50	"	"	"	25
"	N 7°	W	109 00	"	"	"	26
"	N 38°	W	100 00	"	"	"	27
"	N 45° 55'	W	99 00	"	"	"	28
"	N 13° 30'	W	233 00	"	"	"	29
"	N 29°	W	240 00	"	"	"	30
"	N 70° 30'	E	119 00	"	"	"	31
"	N 64° 15'	E	110 00	"	"	Hawkins Creek 15 Ft. wide runs southerly-the center of the Creek, as point of Diversion, bears S 65° 30' E 1356 ft. dist. from the NW corner of Sec. 35.	
			178 00	"	"	STATION NO.	32
"	S 19° 55'	E	131 00	"	"	"	33
"	S 51° 30'	E	105 00	"	"	"	34
"	S 68° 45'	E	202 50	"	"	"	35
"	S 70° 25'	E	203 00	"	"	"	36
"	S 40° 50'	E	271 50	"	"	"	37
"	S 38° 35'	E	180 50	"	"	"	38
"	S 42° 45'	E	136 00	"	"	"	39
"	S 67° 25'	E	140 00	"	"	"	40
"	S 64° 30'	E	134 00	"	"	"	41
"	S 64° 25'	E	128 00	"	"	"	42
"	S 59° 30'	E	300 00	"	"	"	43
"	S 75° 45'	E	145 00	"	"	"	44
"	S 79° 35'	E	91 00	"	"	"	45
"	S 48° 50'	E	101 00	"	"	"	46
"	S 64° 30'	E	293 00	"	"	"	47
"	S 75°	E	270 00	"	"	"	48
"	S 70° 30'	E	258 00	"	"	"	49
"	S 81° 15'	E	161 00	"	"	"	50
"	S 58° 30'	E	200 00	"	"	"	0

the point of beginning, containing 75.72

I, hereby certify that to the best of my knowledge and belief that said land is not mineral or reserved and that the reservoir is to be used solely for the purpose of storing water for the purposes of irrigation.

The applicant has filed no other declaratory statement under this act.

And I further certify that it is the bone fide purpose and intention of this applicant to construct and complete said reservoir in the following manner, to-wit;

The dam across the basin will be constructed of earth with a puddled core on bed rock.

Its dimensions are:

Top length 906 feet.

	January		Maximum Flow	10	Sec. Feet.
	February		"	8	"
M	March		"	50	"
	April		"	30	"
	May		"	30	"
	June		"	15	"
	July		"	30	"
	August		"	8	"
	September		"		
	October		"	20	"
	"		"	10	"
	November		"	10	"
	December		"	8	"

The irrigation period in the district is relatively a very short one, only embracing 5 months, which will allow a period of 7 months in the year for the storage of the water.

The dam across the basin will be constructed of earth with a puddled core on bed rock.

Its dimensions are:

Top length 906 feet.

Height above creek bottom 40 ft. with water line level at 38 ft.

Upstream slope 1X2½. Top width 6 Ft. RipRap covering on inside slope.

Downstream slope 1X2. Headgate 2 X 1 ft. clear.

Waste Sluice on western hill slope, spilling water into ditch, which leads back to the creek.

Survey commenced May 1st, 1910, and completed May 5th, 1910.

That such survey accurately represents the proposed waterline of said reservoir and that said survey is accurately represented upon the map and that no lake or lake-bed stream or stream-bed is used for said reservoir except as shown upon the accompanying map.

Subscribed and sworn to before me this 29th day of August, 1910.

John L. Young
Notary Public.

POOR ORIGINAL

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

Marsh Center Irrigating Company,
(a corporation)

Plaintiff,

vs

George D. Allen, Lars Nelson,
Harry Hewitt, J. W. Stinger, Al-
bert Smearer, Walter Stinger, Geo.
Smith, Z. V. Gunter, Mae Gunter,
Lizzie Stinger, John Pannel, Sr.,
K. Pannel, Otto Pruitt, John Pannel,
Jr., Ulrich Bower, R. E. Cole, John
T. Woodland, James Gunter,

Defendants.

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Department of Water Resource
Eastern District Office

DECREE.

This cause coming on regularly to be heard this 9 day of June, 1910, Geo. E. Gray, Esq., appearing as counsel for the plaintiff, and no one appearing for defendants, (the default of said defendants and each of them having been regularly and duly entered according to law), it also appearing to the Court that due and legal service of summons in the above entitled action was made as required by law upon said defendants and each of them and that none of said defendants demurred or answered to said complaint, within the time required by law and before the entry of said default.

WHEREUPON, witnesses were duly sworn and testified on behalf of plaintiff and from said testimony the Court finds that all of the material allegations of plaintiff's complaint are fully sustained;

29-00430 WHEREFORE, by reason of said evidence and the law, it is hereby ORDERED, ADJUDGED and DECREED, that the said plaintiff is entitled to forty second feet of the water in what is known as Hawkins Creek and the South Fork of Hawkins Creek in Bannock County, Idaho, and the

POOR ORIGINAL

right to the use of said water dating from the....day of May, 1870, and the points of diversion of said water being at what is known as the reservoir, in Township Nine (9) South Range Thirty-five (35) E. B. M., in Bannock County, Idaho, and also at a point about three-fourths ($\frac{3}{4}$) of a mile below said reservoir and known as the South Fork of said Hawkins Creek.

It is further ORDERED, ADJUDGED and DECREED, that the title to said forty second feet of water as aforesaid as against said defendants and each of them be and is hereby QUIETED in the plaintiff.

And it is further ORDERED, ADJUDGED and DECREED that said defendants and each of them and their attorneys, agents or servants be ^{way or} and are hereby forever enjoined from, in any/manner, interfering with the plaintiff's use of the said water of said Hawkins Creek.

Said water so decreed to be used for the purpose of irrigating the lands of the stockholders of said plaintiff corporation, situated in Bannock County, Idaho, and for domestic and culinary purposes.

Done in open Court this 9 day of June, 1910.

Alfred Budge
District Judge.

#####

State of Idaho, |
 | ss
County of Bannock |

I, E. G. Callet, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock do hereby certify that the foregoing is a full, true and correct copy of the Decree in the above entitled action now on file in my office.

E. G. Callet
Clerk

Height above creek bottom 40 ft. withwater line level at 38ft .

Upstream slope 1X2½. Top width 6 ft. Rip Rap covering on inside slope. Downstream slope 1X2. Headgate 2X 1 ft. clear.

Waste Sluice on western hill slope, spilling water into ditch which leads back to the creek.

And to maintain the same in accordance with the provisions of said act of Congress and such regulations as are, or may be prescribed thereunder.

John M. Kleinman

President.

MARSH CENTER IRRIGATING COMPANY.

#####

State of Idaho, |
 : ss
County of Bannock | 0

John M. Kleinman being first duly sworn deposes and says;

That he is the president of the Marsh Center Irrigating Company, that the statements herein made are true to the best of his knowledge and belief.

John M. Kleinman

Subscribed and sworn to before me this 6th day of September, 1910.

Des E. Dwyer

Notary Public.

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Department of Water Resources
Eastern District Office

STATE OF IDAHO (ss.
COUNTY OF BANNOCK)

Oscar Sonnenkalb, being duly sworn, says: That he is the engineer who was employed to survey the reservoir of the Marsh Center Irrigation Company; that he had marked such survey by stakes and other marks on the ground; that such reservoir was constructed by said Marsh Center Irrigation Company, and the execution of the work was found in accordance with the above survey at a later inspection of the work by the affiant in the summer of 1913.

That the initial point of the highline contour of such reservoir, designated as No. 1, bears from the East quarter section corner of Sec. 35 Township 10, S. R. 28, East of Boise Meridian, North 65° West 1223 feet distant, that the total area of the constructed reservoir contains 53.55 acres, and that the initial point of the irrigation ditches, diverted from Hawkins Creek, being designated as the diversion gate in the base of the dam bears from the East quarter section corner of Section 35 Township 10, S. R. 35, East of Boise Meridian, North 85°20' West 1232.2 feet distant.

Oscar Sonnenkalb

Subscribed and sworn to before me this 26th day of May, 1923.

[Signature]
Notary Public, residing at
Pocatello, Idaho.

POOR ORIGINAL

I, L. F. Parris, certify that I am the President of the Marsh Center Irrigation Company; that the reservoir described as follows:

The initial point of the highline contour of such reservoir, designated as No. 1, bears from the East quarter section corner of Sec. 35, Township 10, S. R. 28, East of Boise Meridian, North 65° West 1223 feet distant, that the total area of the constructed reservoir contains 53.55 acres, and that the initial point of the irrigation ditches, diverted from Hawkins Creek, being designated as the diversion gate in the base of the dam bears from the East quarter section corner of Section 35, Township 10, S.R. 35, East of the Boise Meridian, North $85^{\circ}20'$ West 1232.2 feet distant.

was actually constructed as set forth in the affidavit of Oscar Sonnenkalb, the Engineer employed by the Marsh Center Irrigation Company to make said survey and on the exact location represented on the map by the field notes, approved by the Secretary of the Interior; that the company has in all things complied with the acts of Congress of March 3, 1891, granting right of way for said reservoir on the public lands of the United States.

L. F. Parris
President of Marsh Center
Irrigation Company.

Seal of the Company)

Attest:

J. P. Jensen
Secretary.

STATE OF IDAHO, }
COUNTY OF BANNOCK, }

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, under and by virtue of the provisions of the Statute of the State of Idaho, providing for the formation of corporations, for certain purposes do hereby certify, agree and declare each for himself and not for another, that we will and by these presents do form ourselves into a body politic and incorporate, under the following provisions and restrictions, to-wit:--

Article I.

The name of said corporation shall be, Marsh Center Irrigating Company.

Article II.

The object for which this company is formed is to build reservoirs, to develop the water supplies also to store up the water in winter to irrigate with when needed.

Article III.

The principal place for a reservoir now under construction is located on Hawkins Creek, Bannock County, State of Idaho, and more fully described in this article as in Tp. 10 S., and R. 35 East and will be approximately Sec. 26, being unsurveyed.

The dam being now about twenty feet high and sixty feet wide on the bottom and fifteen feet wide on top and three hundred feet long costing about two thousand two hundred dollars.

And be it further known that we claim as the site for the said reservoir from the dam which is located as specified in this article and running up the creek in a northerly direction to a point about one mile from the dam, also about one-half mile wide; and be it further known that we have been using the above location to the benefit of this Company for four years, which site has been designated by stakes placed prominently; and be it further known that we claim all streams and tributaries and all water running into Hawkins Creek as appendages to the interest of this Company, also we deny any other Company a right under any other head or name or control only as The Marsh Center Irrigating Company; and the claims are further confirmed by our by-laws of an earlier date, which have been approved by the Company.

Article IV.

This Company shall continue its corporate existence for the period of ninety-nine years from and after the filing of these presents in the office of Sec. of State of Idaho.

Article V.

The No. of its directors, or trustees, shall be three, and the following named persons shall constitute the Board of Trustees and manage the business of the Company:-- W.C. Hawkins, F.L. Parris, M.A. Gunter, all of whom reside in Marsh Center, County of Bannock, State of Idaho.

Article VI.

The amount of capital stock shall be Fifty thousand dollars subject to be increased or diminished according to law, and said,

capital stock shall be divide into one thousand shares subject to be enlarged or diminished according to the judgment of the Company. Each of the parties to these presents do now own in the Company reservoir shares in No. ranging from two to six.

Article VII.

The Board of Trustees of this Company shall meet immediately after the filing of these presents and adopt by-laws for the government of the Company and all necessary and proper arrangements for carrying out the object herein expressed and as to them may seem for the best interest of the Company.

W.C.HAWKINS,	(Seal).	LEWIS HAWKINS,	(Seal).
JOHN T.WOODLAND,	(Seal).	F.L.PARRIS,	(Seal).
JOSEPH T.WOODALND,	(Seal).	JOHN M.KLINMAN,	(Seal).
M.A.GUNTER,	(Seal).	MORONI KLEINMAN,	(Seal).
C.G.HAWKINS,	(Seal).	WILLIAM BEETON, Jr.,	(Seal).
Z.V.GUNTER,	(Seal).	N.S.COFFIN,	(Seal).

FRANKLIN K.DUSTMAN,(Seal).

STATE OF IDAHO,)
COUNTY OF BANNOCK,) SS.

On this 14th of Dec., 1895, before me Jas. Henderson, a Notary Public in and for said Bannock County, duly commissioned and sworn, personally appeared W.C.Hawkins, M.A.Gunter, Lebo Parris, and - - - - - and - - - - - to me known to be the individuals described in and who executed the foregoing instrument as parties thereto and they severally acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

JAMES HENDERSON, Notary Public.

(Seal).

Endorsed:-- Articles of Incorporation of The Marsh Center Irrigation Company. Recorded at request of W.C.Hawkins, Dec. 19, 1895, at 30 minutes past 4 o'clock P.M. in Record of Incorporations, page 115, records of the Book "1", County of Bannock. John Scott, County Recorder. Theo. Turner, Deputy. Fee \$1.40.

----- oOo -----

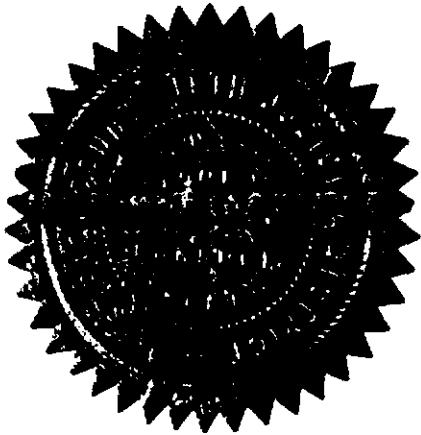
STATE OF IDAHO,)
BANNOCK COUNTY,) SS.

~~John Scott~~ John Scott, Ex Officio County Recorder in and for said County hereby certify that the above and foregoing is a full, true and correct copy of the Articles of Incorporation of the

Marsh Center Irrigating Company (2)

Marsh Center Irrigation Company, as the same appears from the record thereof, in Book "1" of the record of Incorporations, at page 115, of the records of the said County of Bannock, State of Idaho.

Attest my hand and official seal this 5th day of June, A.D., 1896.



John Swick _____,

Ex Officio County Recorder.

By *Thos. Turner* _____, Deputy.

POOR ORIGINAL

Certificate Dimin-
ishing Capital
Stock of the Marsh
Center Irrigation Co.,
a corporation.

DOCUMENT ON FILE

Attest 4th day of
August 1902 at 9

W. M. and Son, Inc. in State

"M" in Soul Corporations

page 139.

ords of the State of Idaho.

C. J. Bassett

Secretary of State.

By R. L. Osborn

of No. 10 Office

at 40

at 2nd

August 1902

J. D. Campbell

Deputy.

MICROFILMED

NOV 4 1996

POOR ORIGINAL

201- (15)
Certificate Increasing
Number of
Directors of the
Marsh Center In-
igation Company.
a corporation.

ALL INFORMATION ON THIS
PAGE IS UNCLASSIFIED
DATE 10/1/01 BY 4111
August 1904 at 9
W.M. and I worked in 1904
M. of Sany. Corporations
14/1
of the State of Texas.

C. J. Barnett
Secretary

A. L. Osborn
Chief Clerk

N. A. Coffey

41

August 22
1904

J. A. Campbell
E. G. Talley

MICROFILMED

NOV 14 1996

Certified Copy

2819

Articles of Incorporation

- of the -

Marsh Center

Irrigating Company

POOR ORIGINAL

DEPARTMENT OF STATE

RECORDS SECTION

June sixth day of
1896 at 1:30

P. M. and recorded in book
Domestic Incorporation
114

In State of Idaho.
J. W. Garrett

E.

POOR ORIGINAL

FIFTY-FIRST CONGRESS. SESS. II. CHS. 560, 561. 1891

1095

one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior and the Postmaster-General the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Approved, March 3, 1891.

Examination.
Hearings.

Report.

Determination of location.

Compensation of commissioners.

Proviso.

Treasury member.

Advertising, etc., expenses, immediately available.

Appropriation for plans, etc., available on approval of site.

No expenditure until valid title, etc., pass.

Balance for construction, etc.

Open space.

RECEIVED
JAN 09 1895
Department of Water Resources
Eastern District Office

CHAP. 561.—An act to repeal timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,' approved June fourteenth, eighteen hundred and seventy eight, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed: *Provided,* That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the passage of this act may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed: *And provided further,* That the following words of the last clause of section two of said

March 3, 1891.

Timber culture laws repealed.

Vol. 20, p. 113.

Proviso.
Existing rights preserved.

Number of trees per acre.

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NOV 14 1895

Not to interfere with
Government occupa-
tion.
Approval.

no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Maps to be filed.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Approval.

Damages.

Applicable to all
canals, etc.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Proviso.

Forfeiture for non-
completion.

Use only for canal.

SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

Disposal of land of
Dakota Central Rail-
road Company.

Vol. 25, p. 808.

SEC. 22. That the section of land reserved for the benefit of the Dakota Central Railroad Company on the west bank of the Missouri River, at the mouth of Bad River, as provided by section sixteen of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder and for other purposes," approved March second, eighteen hundred and eighty-nine, shall be subject to entry under the town-site law only.

For town sites.

Entries on Osage
lands confirmed.

SEC. 23. That in all cases where second entries of land on the Osage Indian trust and diminished reserve lands in Kansas, to which at the time there were no adverse claims, have been made and the law complied with as to residence and improvement, said entries be, and the same are hereby, confirmed, and in all cases where persons were actual settlers and residing upon their claims upon said Osage Indian trust and diminished reserve lands in the State of Kansas on the ninth day of May, eighteen hundred and seventy two, and who have made subsequent pre-emption entries either upon public or upon said Osage Indian trust and diminished reserve lands, upon which there were no legal prior adverse claims at the time, and the

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