

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13138  
Date Received: 12/26/00  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARJORIE ARMSTRONG Phone: (208) 775-3110

PO BOX 204  
INKOM ID USA 83245

DELOY ARMSTRONG Phone: (208) 775-3110

PO BOX 204  
INKOM ID USA 83245

2. Date of Priority: 06/18/1902

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  |
|----------|-------|---------|-----------------------|---------|
| 08S      | 36E   | 11      | NE NW NE              | BANNOCK |

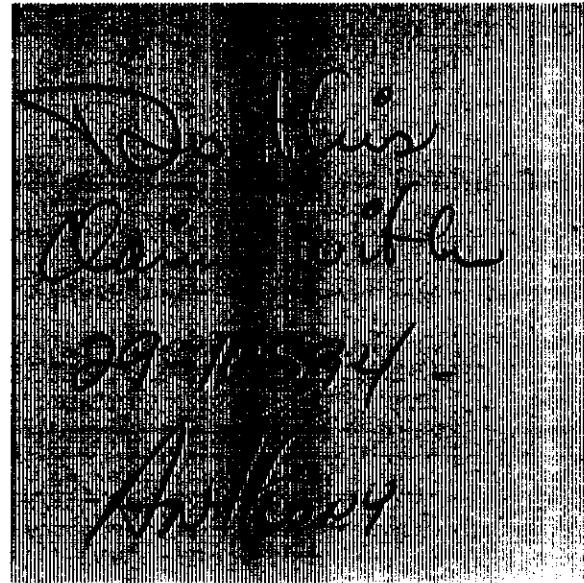
5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 0.03   |            |
| STOCKWATER | 01/01 | 12/31 | 0.02   |            |

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

8. Total consumptive use:



9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 08S      | 36E   | 2       | NW     | SE  |     | IRRIGATION    | 4     |
|          |       |         |        |     |     | Section Acres | 4     |
| 08S      | 36E   | 11      | NW     | SE  |     | IRRIGATION    | 1     |
|          |       |         |        |     |     | Section Acres | 1     |
|          |       |         |        |     |     | Total Acres   | 5     |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

DIVERSION DAM PUMP MAINLINE TO SPRINKLERS

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13138Date Received 12-6-00Receipt Number EO 26364

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 06 2000

Department of Water Resources  
Eastern Region

Please type or print clearly

1. Name of Claimant (s) DeLoy & Marjorie Armstrong Phone (208) 775-3110Mailing Address P.O. Box 204 Inkom, Id. Zip 832452. Date of Priority (Only one (1) per claim) June 18, 19023. Source of water supply (a) Upper Rock Creek  
which is tributary to (b) Portneuf River4. a. Location of existing point of diversion is: Township 8 S Range 36 E Section 11,NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Bannock

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Diversion Dam pump mainline  
To sprinklers

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For STOCK purposes from 01/01 to 12/31 amount 0.02 or \_\_\_\_\_

For Irrigation purposes from 4/1 to 10/31 amount 0.03 or 5

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.05 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Horse (2)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 8S  | 36E | 2   |        |       |       |       |        |       |       |       |        |       |       |       |        | 4     |       |       | 4      |
| 8S  | 36E | 11  |        |       |       |       |        |       |       |       |        |       |       |       |        | 4     |       |       | 1      |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? Burnock

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ( )

14. Remarks:

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) E. De Loy Armstrong Date 12/4/2000

Margaret P. Armstrong Date 12/4/2000

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or Idaho SS.

County of Bannock

Subscribed and sworn (or affirmed) before me this 4<sup>th</sup> day of December 19 2000

SEAL

Notary Public Jay R. Anthony

Residing at Idaho, Idaho

My Commission Expires 12-27-2000

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

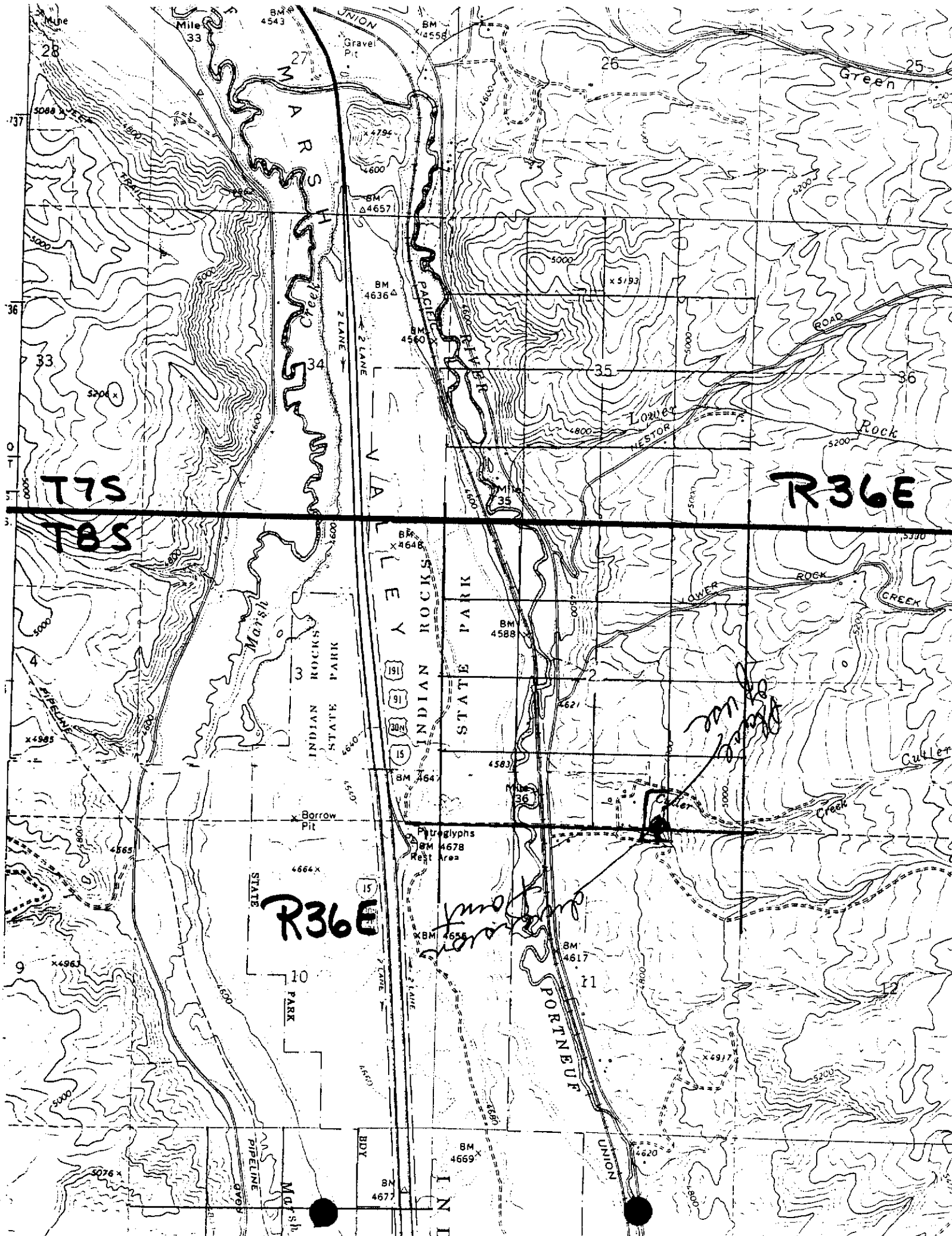
Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant



NO SPATIAL Dynamic  
DATA AVAILABLE FOR THE  
Armstrongs OR  
ANTHONY'S 29-13138

29-10594

3/8/01 Met w/ Mrs. ANTHONY AND Mr/MRS. Armstrong - NISS ROCKS  
DISCUSSED THE CLAIM BASIS (BU) AND 1902 PRIORITY.  
THEY AND GOLDIE ANTHONY (NEIGHBOR) PRESENTED A  
COPY OF A POSTED NOTICE OF WATER RIGHT IN THE HANDS  
OF LBN, RUMBLE & CUTLER BEARING A DATE OF 18 JUNE 1902.  
THIS DOCUMENT SPECIFICALLY REFERENCES THE LANDS THAT  
ARE NOW BY ARMSTRONG AND ANTHONY. I.E. S $\frac{1}{2}$  OR SE $\frac{1}{4}$   
SECT 2, T8S R36E. THEY BOTH OWN PARCELS W/  
SW SE SECT 2 T8S, R. 36E. AND SMALL SLIVERS OF  
NE NW NE SECT 11.

- \* FIRST, TROSCA UNION G&B DEEDS (Rd. UPPER ROCK CR.)  
TO SEE IF 1902 AND POLL AND ADDRESSED FOR THE CORRECT  
WR#.
- SECOND, IF A NUMBER CAN BE DETERMINED BY FROM  
DEEDS - HAS THERE BEEN A TRANSFER MOVING OR  
SPLITTING THE RIGHT AND ANY PARTICULARS.

State of Idaho  
Department of Water Resources  
Eastern District office  
900 N. Skyline Dr.  
Idaho Falls, Idaho 83402-1718

Dec. 15, 2000

RECEIVED  
DEC 18 2000  
Department of Water Resources  
Eastern Region

RE: Upper Rock Creek  
Water Rights claim

To Whom it may concern:

We have filed a claim for water to Upper Rock Cr.  
We believe we have a right to the use of water  
from this creek since our property was one of those  
listed in a recorded Notice of Water Right, posted in  
1902.

We are not submitting, at this time, ~~these~~ document  
verifying our 1902 priority date.

When the adjudication team begins its review of  
our claim, please notify us at P.O. Box 204 ~~Idaho Falls~~ 83245  
or Phone # 1-208-775-3110 and we will  
immediately produce the appropriate document.

Please add this letter to our file in your office.

E. DeLay Armstrong + Marjorie P. Armstrong

RB: ~~REDACTED~~  
~~REDACTED~~

(State of Idaho)  
County of Bannock ) S.S.

RECEIVED

DEC 18 2000

Department of Water Resources  
Eastern Region

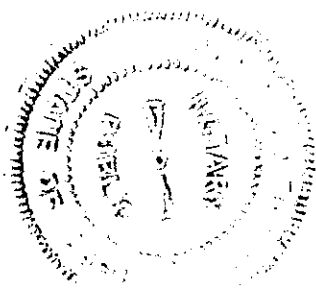
On the 15th day of December in the year  
2000, before me E. De Loy & Marjorie P. Armstrong  
known, or identified to me (or provide to me on  
the oath of), to be the Persons whose names  
are subscribed to the within instrument,  
and acknowledged to me that They executed  
the same.

Jay N. Anthony

Notary Public of Idaho

Residing at Pukon

Commission Expires 12/27/2000



RECEIVED

DEC 18 2000

Department of Water Resources  
Eastern Region

December 6, 2000

State of Idaho  
Department of Water Resources  
Eastern District Office  
900 N. Skyline Dr.  
Idaho Falls, Idaho 83402-1718

Re: WATER RIGHTS CLAIM  
UPPER ROCK CREEK  
E. DeLOY & MARJORIE ARMSTRONG

TO WHOM IT MAY CONCERN:

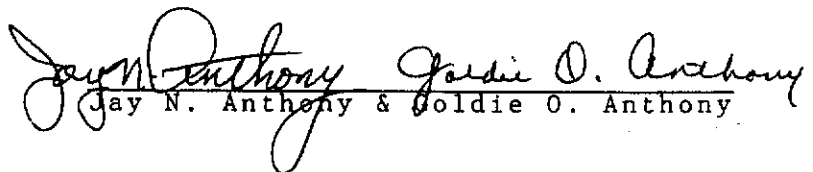
When reviewing the claim file of E. DeLoy and Marjorie Armstrong, please refer to the information in our file (Jay N. & Goldie O. Anthony). All the documents in our file are in reference to the approximately 13 acres we owned.

In 1990, we sold the east approximately 7½ acres of that approximate 13 acres to the Armstrongs.

Therefore, all our documentation refers to their land as well as ours.

Thank you.

Sincerely,

  
Jay N. Anthony & Goldie O. Anthony

29-10594 Spring

29-13117 Upper Rock Ck

RECEIVED

DEC 18 2000

Department of Water Resources  
Eastern Region

STATE OF IDAHO)

)ss.

COUNTY OF BANNOCK)

On this 14 day of ~~NOVEMBER~~<sup>December</sup> in the year of 2000, before me VIKI D BAUER,  
personally appeared JAY ~~S~~<sup>W</sup> ANTHONY & GOLDIE O ANTHONY, known or identified to  
me (or proved to me on the oath of ), to be the person(s) whose name(s) ARE  
subscribed to the within instrument, and acknowledged to me that THEY executed the  
same.

Viki D Bauer

Notary Public of Idaho

Residing at: POCA TELLO

Commission Expires: 3/29/2002

1280

21  
WARRANTY DEED

155649.6

For Value Received

90012731

JAY N. ANTHONY AND GOLDIE ANTHONY, HUSBAND AND WIFE.

the grantors, do hereby grant, bargain, sell and convey unto  
E. DELOY ARMSTRONG AND MARJORIE P. ARMSTRONG, HUSBAND AND WIFE.

whose current address is

141 TOPONCE  
POCATELLO, IDAHO 83201

the grantees, the following described premises, in BANNOCK County Idaho, to wit:  
SEE ATTACHED EXHIBIT "A"

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,  
their heirs and assigns forever. And the said Grantor s do hereby covenant to and  
warrant that they are the owners of the said premises and that they are free  
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 2, 1990

*Jay N. Anthony*  
JAY N. ANTHONY

*Goldie Anthony*  
GOLDIE ANTHONY

STATE OF IDAHO, COUNTY OF Bannock

On this 2ND day of OCTOBER, 1990,  
before me, a notary public in and for said State, personally  
appeared  
JAY N. ANTHONY  
GOLDIE ANTHONY

Notary Sec!

known to me to be the persons whose name s  
subscribed to the within instrument, and acknowledged to

90012731  
NO. 90012731  
RECORDED AT THE OFFICE OF  
AMERICAN LAND TITLE CO.

90 OCT -3 P3:19

530  
622 DEPT. 15

# Idaho Department of Water Resources Receipt

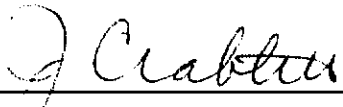
Receipt ID E026364

Payment Amount  Date Received  Region  Status   
Payment Type  Check Number

Payer   
Comment

## Fee Detail

| Amount   | Description             | Fund | FD    | PCA  | SO |
|----------|-------------------------|------|-------|------|----|
| \$105.00 | ADJUDICATION FILING FEE | 0337 | 43503 | 1155 |    |

  
\_\_\_\_\_  
Signature Line (Dept. Representative)

November 17, 2000

TO WHOM IT MAY CONCERN:

In 1978 we purchased approximately 13 acres of land bordering Upper Rock Creek Road south of Inkom, Idaho.

We used water from Upper Rock Creek to water some of our yard around our house, as well as some pasture area in the east portion of our land.

In 1990, we sold the east  $7\frac{1}{2}$  acre piece, which included the aforementioned pasture area, to E. DeLoy and Marjorie P. Armstrong.

  
Jay N. Anthony

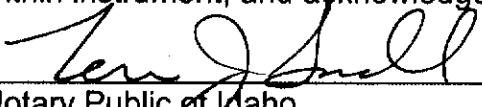
  
Goldie O. Anthony

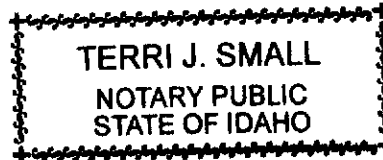
STATE OF IDAHO)

)ss.

COUNTY OF Bannock)

On this 17th day of November, in the year of 2000, before me Terri J. Small, personally appeared Goldie O. Anthony and Jay N. Anthony, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

  
\_\_\_\_\_  
Notary Public of Idaho  
Residing at: Pocatello, Id.  
Commission Expires: 4-28-2005



November 17, 2000

TO WHOM IT MAY CONCERN:

The attached copies of letters to us verifying water use refer to the entire approximately 13 acres we owned.

We sold the east  $7\frac{1}{2}$  acres of that 13-acre parcel to E. DeLoy and Marjorie P. Armstrong. Therefore, these letters would apply to their land as well.

  
Jay N. Anthony

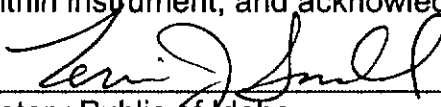
  
Goldie O. Anthony

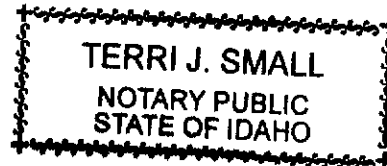
STATE OF IDAHO)

)ss.

COUNTY OF Bannock)

On this 17th day of November, in the year of 2000, before me Terri J. Small, personally appeared Goldie O. Anthony and Jay N. Anthony, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

  
\_\_\_\_\_  
Notary Public of Idaho  
Residing at: Pocatello, Id.  
Commission Expires: 4-28-2005



**JOHN D. CHASE**  
**P.O. BOX 587**  
**PROVO, UTAH 84603**

September 29, 2000

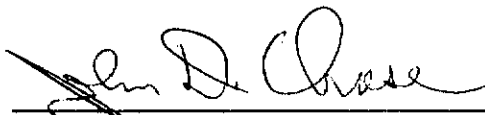
To Whom It May Concern:

In 1947, my father, Amos B. Chase, purchased land on Upper Rock Creek Road, which is approximately six miles south of Inkom. A creek, called Upper Rock Creek, ran through the property. I was ten years old at the time of the purchase.

My father used the water from that creek to irrigate his alfalfa field, a garden, and the yard around the house. For many years it was my job to irrigate the ground. I helped my father until I was old enough to drive at 14 and then the job was all mine. I drove from Pocatello every day to work on the farm. I irrigated the alfalfa and the yard around the house that was on the property.

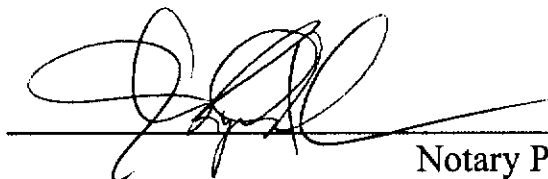
Eventually my parents built a new home on the property. We continued to use water from the creek to irrigate our crops, and the yard around the new home.

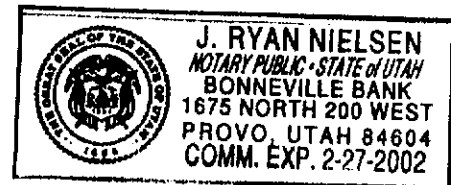
That land, including the house my parents had built on it and lived in, now belongs to Jay N. and Goldie O. Anthony.

  
\_\_\_\_\_  
John D. Chase

State of Utah  
County of Utah

Subscribed and sworn before me on this 29<sup>th</sup> of September, 2000.

  
\_\_\_\_\_  
Notary Public



TO - whom it may CONCERN.

FOR. MR. + MRS. JAY ANTHONY.  
582 E. UPPER ROCK CR RD.

3 \_\_\_\_\_  
basis of  
n instrument, and

FROM - DON + LAVELLE VOELTZEL  
761 E. UPPER ROCK CR. RD.

\_\_\_\_\_

03

IN 1970 WE BOUGHT FROM MR + MRS  
AMOS CHASE. A HOME AND 13 ACRES.  
AT ~~582~~<sup>761</sup> E. UPPER ROCK CR.

WE SOLD THIS HOME + 13 ACRES IN  
19~~70~~<sup>78</sup> TO MR + MRS JAY ANTHONY.

WE USED WATER OUT OF UPPER ROCK  
CR. FOR TEN YEARS. TO WATER OUT  
HAY FIELD AND YARD

Signed 10-13-00

*Don Voeltzel*

PERSON ACKNOWLEDGING INSTRUMENT UNKNOWN TO NOTARY BUT PROVEN TO BE  
SIGNER BY SATISFACTORY IDENTIFICATION

State of Idaho )  
S.S.  
County of BANNOCK)

On this 13 day of OCTOBER, in the year of 2000, before me DIANNA STERNER,  
personally appeared DON VOELTZEL, proved to me on the basis of  
satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and  
acknowledged that he (she) (they) executed the same.

S  
E  
A  
L

*Dianna Sterner*

Notary Public

My Commission Expires on Oct. 27-03