

November 12, 2001

**To: Craig L Saxton
Water Resource Agent
Adjudication Bureau**

**From: F O Paul
8825 W Pocatello Ck Rd
Pocatello, ID 83201
29-00443I**



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 26, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Claimants of Decreed Right 29-00443 (split portions: B/G/I/K/L/M/N/P/Q/29-13136)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right for use of Pocatello Creek water for irrigation purposes is over-claimed. To conduct an investigation and recommendation of the portions claimed, proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by November 8, 2001. If such proof is not presented a disallowed recommendation could result.

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Cc; WILLIAM AND BARBARA FRITCH 29-00443B
8427 POCATELLO CK RD
POCATELLO ID 83201

ELWIN & FERN ANDERSON 29-00443G
9222 N ANDERSON LN
POCATELLO ID 83201

FO PAUL 29-00443I
8825 W POCATELLO CK RD
POCATELLO ID 83201

ALICE MORRIS 29-00443K
8655 W POCATELLO CK RD
POCATELLO ID 83201

DAVID & LINDA FINKELNBURG 29-00443L
8767 W POCATELLO CK RD
POCATELLO ID 83201

INSTRUMENT No. 231084

This Indenture, Made this 6th day of April in the year of Our Lord One Thousand Nine Hundred and forty-four, between John J. Taney and Alvina M. Taney, husband and wife, of Pocatello, County of Bannock, State of Idaho, the part 1st of the first part, and Harry E. Anderson and Ethel Anderson, husband and wife, of Pocatello, County of Bannock, State of Idaho, the part of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Seven Thousand and no/100 (\$7,000.00) DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

The Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section Twenty in Township Six South of Range Thirty-five East of the Boise Meridian, in Idaho, containing 80 acres; and

The Southwest quarter of the Northwest quarter of Section Twenty (20), and the Southeast quarter of the Northeast quarter of Section Nineteen (19), Township six (6) South, Range Thirty-five (35) East of the Boise Meridian, in Idaho, containing 80 acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General;

ALSO 1.6 cubic feet of water per second of time or 80 miners inches of Pocatello Creek and its tributaries, with priority as of June 1, 1887, as set out in that certain Decree in the case of Patrick S. Taney and Mary Taney, his wife, against H. S. Woodland, et al., issued out of the District Court of the United States in and for the District of Idaho, Eastern Division, dated April 1, 1925, and recorded in Book 8 of Judgments, at page 210 of the records of Bannock County, together with all ditches, flumes, reservoirs, aqueducts, or other works used for the diversion, storage or distribution of said waters or in conveying same to, upon, or over said lands, or any part or parcel thereof.

(\$7.70 I.R.S. attached to Deed and cancelled)

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof:

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs warrant the said premises in the quiet and peaceable possession of the said parties of the second part, and their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same; shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

John J. Taney

(SEAL)

Alvina M. Taney

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO.

County of Bannock.

On this 6th day of April in the year 1944, before me, R. D. Merrill a Notary Public in and for said County and State, personally appeared John J. Taney and Alvina M. Taney, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

R. D. Merrill

Notary Public

My Comm. Expires Aug 2nd 1945

Residence Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of E. D. Anderson, Yellowstone Hwy at 10 minutes past 10 o'clock P.M. this 6th day of April A.D. 1944 in Book 30 of Deeds at page 1592 By Anna Keefe Deputy