

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO, IN THE MATTER OF
THE ESTATE OF SAMUEL E. JOHN, DECEASED

DECREE OF DISTRIBUTION.

Dated: August 15, 1922.

Filed: Aug. 16, 1922 at 11:30 AM.

Recorded: Book 45 Deeds 268.

Filing #94313.

Now comes Warren Allen, Administrator De Bonis Non of Estate of Samuel E. John, deceased, by his attorney and in person, and proves to the satisfaction of Court that his final account and petition for distribution herein was rendered and filed on July 31, 1922.

That on same day Court by its order regularly made and appointed, Tuesday, August 15, 1922, for settlement and hearing thereof.

That due and legal notice of time and place of said settlement and hearing has been given as required by law, and said account and petition being now presented to Court and no person appearing to or contest said account or petition Court, after hearing evidence and being satisfied that all taxes upon property of said estate have been fully paid.

It is hereby ordered that said account be and same is hereby approved, settled and allowed. It further appears to satisfaction of Court that said Administrator has expended large sums of money in personal expenses, costs and witness fees in litigation in said estate and that as said executor or administrator he would be entitled to recover sum of \$499 as commissions allowed by law, but that said administrator has waived all of said amounts in his petition.

That he now has in possession for distribution 4 head of horses and real estate hereinafter described. That said deceased left surviving him at time of his death as his sole heirs at law following named persons.

Lucy John Allen, formerly widow of deceased, and Carl Emmeris John Owen William John, Lucille Elizabeth John and Samuel E. John, all children of deceased, Samuel E. John and Lucy John Allen.

It is therefore further ordered that four head of horses named in petition, being community property of deceased and Lucy John Allen be distributed to said Lucy John Allen as her sole and separate property.

Abst.#12765.

That following described real property be distributed to said Lucy John Allen as her sole and separate property being community property of deceased and Lucy John Allen.

SE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 10, Township 9 South, Range 38 East of Boise Meridian, in Bannock County, Idaho, and containing 160 acres.

Together with all water, water rights, ditches, water stock, reservoirs and other appurtenances in anywise used in connection with said lands.

It is further hereby ordered that there be distributed to Lucy John Allen undivided one third interest and to Carl Emmeris John, Owen William John, Lucille Elizabeth John and Samuel E. John, each undivided one sixth interest in following described land,

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 10, Township 9 South, Range 38 East of Boise Meridian in Bannock County, Idaho, and containing 80 acres.

Together with all water, water rights, ditches, water stock, reservoirs, and other appurtenances in anywise used in connection with said land.

Wm.A.Hyde, Probate Judge. (Seal).

Bannock County, Idaho.

CERTIFICATE, August 16, 1922.

That foregoing is full, true and correct copy of original Order Settling Final Account and Decree of Distribution in Matter of Estate of Samuel E. John, Deceased, now on file and matter of record in my office.

Wm.A.Hyde, Probate Judge in and for
Bannock County, Idaho. (Seal)

Water Right Number - 29-02098

Prefix Translation: WATER RIGHT

Old (D) Number - 6131

*** C - CURRENT OWNER ***
JOHN

EMERIS

1 -
2 -
3 -
City- DEMPSEY
Phone -
State- ID Zip-

Priority Date - 05/18/1910

Region - 15 EASTERN

Stage -
LICENSE

Status -

Source - SPRING

Tributary -

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
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09S	38E	10	SW SE			(5)	BANNOCK			
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Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
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43 - DOMESTIC

0.200

pretty high for 1 home

Total Div. Rate - 0.200

Total Div. Volume - 0.200

Total Consumptive Use - 0.0

claims:

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
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09S	38E	10	SW SE			43	DOMESTIC		(5) BANNOCK
-----	-----	----	-------	--	--	----	----------	--	---------------

43 DOMESTIC

(5) BANNOCK

Dom 0.004
Aug. 0.16
0.20

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

GEN P/D & P/U INCOMPLETE. SEE FILE.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff
Decree Defendant
Decree Date

00/00/0000

* 1 Claims Domestic and Aug. = Aug. 1858 Assistant - not licensed as 1858

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

E. C. PHOENIX
GENERAL ATTORNEY

D. A. BYBEE

F. L. RINGE
ASST. GENERAL ATTORNEYS

P. O. Box 530
POCATELLO, IDAHO 83201

May 14, 1968

37-3

Water - Blaser Spring.....

State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

This refers to the application of Mrs. Tekla (Steve) James, Box 25, Lava Hot Springs, Idaho for water from a spring commonly known as Blaser Spring. All of the water from Blaser Spring was appropriated by the Union Pacific Railroad Company and its predecessors in interest the Oregon Short Line Railroad Company and the Utah and Northern Railway Company commencing in 1880, and the spring itself and a right of way leading from the spring to the railroad right of way was granted by Act of Congress dated July 3, 1882. The waters from said spring have been used by these railroad companies ever since and have not been abandoned nor is there any intent to abandon the waters.

Any use of any water from the spring, either the overflow thereof or from connections with the pipe line installed by the railroad companies, has been permissive and such permissive use includes any interest claimed by Mr. and Mrs. White or the Hogans prior to them, to Mrs. James and to any other person or company other than the railroad companies mentioned above.

Respectfully yours,

E. C. Phoenix

ECP:H

cc - Mrs. Tekla James
Portneuf Irrigating Co.
Mr. G. H. Baker
Mr. Bryan P. Leverich

cc - Mr. & Mrs. J. A. White
McCannon Ditch Co.
Mr. R. E. Haacke

IN THE MIDDLE 1940 GENE HOOPER USES SUB WATER
TO IRRIGATE ABOUT 20 ACRES MORE OR LESS BELOW
THE DIVERSION OF THE UNION PACIFIC SPRING IN THE
HADLEY CANYON AT LAVA HOT SPRINGS IDAHO.

ALSO THERE APP 30 ACRES MORE OR LESS THAT IS SUB
IRRIGATED FROM A SPRING ON THE ELLIS
CHRISTIENSEN FARM WHICH LAYS NORTH OF THE
GENE HOOPER HOME.

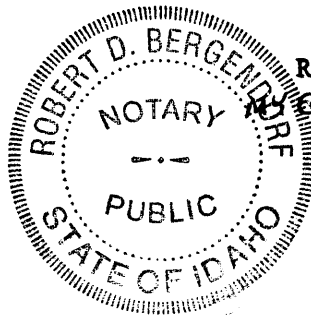
Witness
Sheriff
9/8/00

Jack H. Peterson
William J. Day
Dean Day
Golden Avery

STATE of Idaho
COUNTY OF BANNOCK

) ss.

On this 13th day of SEPTEMBER, in the year
of 2000, before me (Robert D. Bergendorf, Notary
Public), personally appeared JACK H. PETERSON, DEAN DAY
AND GOLDEN AVERY known to me (or proved to me
on the oath of _____), to be the persons
whose names are subscribed to the within instrument, AND
acknowledged to me that ~~we~~ (or they) executed the SAME.



Residing at LAVA HOT SPRINGS,
MY COMMISSION EXPIRES FEBRUARY 28, 2005

Bannock County *
Unnamed Spring *
1/5 of 1 cu. ft. per sec. *
Irrigation and domestic *
Priority 5-18-1910 *

S T A T E O F I D A H O

Water License No. 6131

WHEREAS, On the 18th day of May, A. D. 1910, EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, duly made application (No. 8873) to me for a permit to use 1/5th of one cubic foot per second of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic purposes, and

WHEREAS, On the 21st day of May, A. D. 1910, Permit No. 6131 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of November, A. D. 1910, and for the application to beneficial use of said water on or before the 21st day of November, A. D. 1910, and,

WHEREAS, On the 21st day of November, A. D. 1910, EMERIS JOHN, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1/5th of one cubic foot per second of said waters, as evidenced by my Certificate No. 6131, dated October 20th, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/5th of one cubic foot per second of water, with date of priority of May 18th, 1910, and,

WHEREAS, On the 21st day of November, A. D. 1910, EMERIS JOHN, the holder of said permit duly made proof of the application to beneficial use of 1/5th of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 6131, a perpetual right, dating from May 18th, 1910, to the use of 1/5th of one cubic foot per second of the waters of an unnamed spring, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at spring, 500 feet Northeast from the Southwest Corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and conducted to house about 200 feet from spring, for the purpose of domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 20th day of October, A. D. Nineteen hundred and eleven.

foot per second of said water

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EMERIS JOHN, of Dempsey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 6131, a perpetual right, dating from May 18th, 1910, to the use of 1/5th of one cubic foot per second of the waters of an unnamed spring, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at spring, 500 feet Northeast from the Southwest Corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and conducted to house about 200 feet from spring, for the purpose of domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 20th day of October, A. D. Nineteen hundred and eleven.

A. E. Robinson,
State Engineer

(SEAL)

29 2098

Report of Engineer

1. State name of applicant and number of permit: Emeris John - Permit 6131
2. State source of water supply: Unnamed Spring
3. Location of point of diversion: 500' NE of SW 1/4 cor. of SE 1/4 Section 10, Tp. 9 S., R. 38 E., B. 1.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: _____
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: Pipe line commencing with
 - (b) Width at water line: 2" pipe and reducing to 3/4"
 - (c) Depth of water: at outlet
 - (d) Grade per mile: _____
6. State whether or not water has been turned into works of diversion and if so, to what extent: used during 1910
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: SW 1/4 Sec 10, Tp. 9 S., R. 38 E., B. 1.
and under cultivation
about 1/2 acre
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.
- Remarks: The permit being lost can not say
whether the works conform to permit
or not

Chas. H. F. Lewis

STATE OF IDAHO,

County of _____

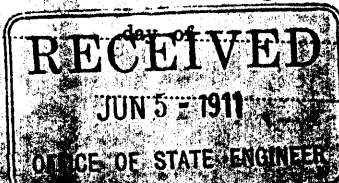
88.

6131

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1911

My Commission Expires _____



Notary Public

Sec. 194.94 - Letter Tekila James 8/2/61

SEC. 1

SEC.

SEC.

SEC. 10

SEC.

SEC.

SEC. 1

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

to pipeline
burned sign

Top 9.8.78 38 & B.M.

6131

RECEIVED
JUN 5 - 1911
OFFICE OF STATE ENGINEER

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Emeris John

Postoffice address: Dempsey

County: Bannock State: Idaho

2. The quantity of water claimed is one-fifth cubic foot per second.

3. Source of water supply: ~~Unnamed spring~~

County of Bannock, State of Idaho

4. Location of point of diversion: At spring 500 feet NE from SW corner of SE4, Sec. 10, T. 9 S.R. 38 E.B.M., same being 70 feet North from the section line dividing Sections 10 and 15, said Twp. & Range.

5. To be used for:

I. Irrigation and domestic use:

~~Water used for domestic purposes only.~~

My house is about 200 feet from the spring.

6. Estimated cost of works: Fifty Dollars.

7. Description of works for diversion:

I. Kind of works: Pipe and an open flume

II. Dimensions of works:

(d) Conduit pipe, Diameter of pipe 1 inch. Average grade per mile is 75 feet. Length of conduit is 200 feet, and it crosses the following quarter sections: SW4 SE4 Sec. 10, T. 9 S.R. 38 E.B.M., to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is . . years.

9. Time required for the complete application of the water to the proposed use is .. additional years.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Emeris John

Applicant

Notice of Proof of Completion of Works and of Application of Water to Beneficial Use, received September 26, 1910, fixing November 21, 1910, as date, and Dempsey, Idaho, as place of proof.

Deposition blanks mailed October 11, 1910.

J. O. Webster, Water Commissioner, notified October 17th, 1910, to make examination of works.

Publication Notice mailed October 14, 1911.

Affidavit of Publication and Depositions received Nov. 30th, 1910.

Report of Engineer received June 5, 1911.

Fees received October 3, 1911.

Certificate and License issued October 20, 1911.

Permit No. 6131

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that EMERIS JOHN, of Dempsey, County of Bannock, and State of Idaho, the holder of Permit No. 6131, issued upon Application No. 8873, bearing date of priority of May 18th, 1910, authorizing the diversion of 1/5th of one second foot of the waters of an unnamed spring, County of Bannock, State of Idaho, ~~for domestic purposes,~~ has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1/5th of one second-foot of the waters of an unnamed spring, that the point of diversion of said waters is at spring, 500 feet Northeast from the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and the place where said water is to be used is at house about 200 feet from spring.

Witness my hand this 20th day of October, A. D. 1911.

A. E. Robinson,

State Engineer of the

State of Idaho

License issued for ²110 second feet
Cap 110

APPROVAL OF STATE ENGINEER

The number of this permit is 6131.

Date of first receipt of application: 9.00 A.M. May ¹⁷~~18~~, 1910.

Returned to applicant for correction: May 18, 1910

Corrected application received: May 21, 1910

Recorded in Book 18. Page 6131. Approved May 21, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before July 20, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 21, 1910.

The whole of said work to be completed on or before November 21, 1910.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to November 21, 1910.

Witness my hand this twenty-first day of May, 1910.

D.G. Martin,
State Engineer

Notice of Proof of Completion of Works and of Application of Water to Beneficial Use, received September 26, 1910, fixing November 21, 1910, as date, and Dempsey, Idaho, as place of proof.

Deposition blanks mailed October 11, 1910.

J. O. Webster, Water Commissioner, notified October 17th, 1910, to make examination of works.

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Certificate and License issued October 20, 1911.

Permit No. 6131

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that EMBRIS JOHN, of Dempsey, County of Bannock, and State of Idaho, the holder of Permit No. 6131, issued upon Application No. 8873, bearing date of priority of May 18th, 1910, authorizing the diversion of 1/5th of one second foot of the waters of an unnamed spring, County of Bannock, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1/5th of one second-foot of the waters of an unnamed spring, that the point of diversion of said waters is at spring, 500 feet Northeast from the Southwest corner of the Southeast quarter (SE $\frac{1}{4}$), Section 10, Township 9 South, Range 38, East of the Boise Meridian, and the place where said water is to be used is at house about 200 feet from spring.

Witness my hand this 20th day of October, A. D. 1911.

A. E. Robinson,
State Engineer of the
State of Idaho

License issued for ²
118 second feet
Page 2