

DEED RECORD, BINGHAM COUNTY

QUITCLAIM DEED

No. 2275

BOOK NO. 15

1-12-1912

This Indenture, made the twelfth day of January in the year of our Lord one thousand nine hundred and twelve between Leon Misslin and Jennie L. Misslin husband and wife the part of the first part, and James Just the party of the second part.

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of Twelve Hundred (\$1200.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said part y of the second part, and to his heirs and assigns all the certain lot, piece, or parcel of land situated in the County of Bingham, and State of Idaho, and bounded and particularly described as follows, to-wit:

The Southeast quarter of Section 23, the northeast quarter of section 26, Lots one and two of section 25, and the Southwest quarter and Lot 2 of Section 24, all in township two South of range 36 East of the Boise Meridian, together with one hundred inches of the decreed waters of the Blackfoot River as shown by the Decree filed Aug 1st 1891 in the case of Fred S Stevens et al Vs Eastern Idaho water Co et al Said water being a part of the Leon Misslin 1885 appropriation of 300 inches.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Co Have and to Hold, All and singular, the said premises, together with the appurtenances unto the said part y of the second part, and to his heirs and assigns forever.

In Witness Whereof, The said part 1st of the first part ha hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

V R Pugmire

Isabel Misslin

Leon Misslin (SEAL)

Jennie L. Misslin (SEAL)

(SEAL)

(SEAL)

State of Idaho

SS

County of

I do hereby certify that; On this 12th day of January in the year of 1912 before me in and for said County and State personally appeared Leon Misslin personally known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

And I Do hereby certify that; On this 12th day of January in the year 1912 before me in and for said County and State personally appeared Jennie L. Misslin personally known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman, the wife of the above named Leon Misslin and acknowledged to me that she executed the same.

IN Witness whereof I have hereunto set my hand and affixed my official seal at My commission expires 1912.

J N McDonald Notary Public

Seal

DEC 12 1989

Recorded at request of James Just, Jan 15, 1912, at 9:15 A M

T Carruth

Recorder.

By Jessie Boyd

Deputy Recorder.

5.11.5

QUITCLAIM DEED

THIS INDENTURE made this 7th day of April, 1950, between JAMES JUST and CRILLIA JUST, husband and wife, of Firth, Bingham County, State of Idaho, parties of the first part, and GEORGE WILLIAM JUST of El Cajon County of San Diego, State of California, and VERA EUDORA CHRISTENSEN of Tremonton, County of Boxelder, State of Utah, parties of the second part.

4-7-1950

WITNESSETH, that the said parties of the first part, for and in consideration of love and affection and as a gift to said parties of the second part, and by these presents said parties of the first part, do give and convey unto the said parties of the second part, the following described irrigation water used through what is known as the N. A. and Emma Just Ditch in Bingham County, Idaho, the following described water, to-wit:

One Hundred (100) inches of the decreed waters of the Blackfoot River as shown by the Decree filed August 1st, 1891, in the case of Fred S. Stevens, et al, vs. Eastern Idaho Water Company, et al, said water being a part of the Leon Misslin 1885 appropriation of 300 inches.

TO HAVE AND TO HOLD the above described water unto the parties of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said water in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and 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 seals the day and year in this instrument above written.

James Just (Seal)
Crillia Just (Seal)

MICROFILMED

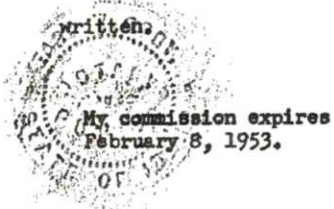
DEC 12 1989

8.9

STATE OF IDAHO,)
) ss.
County of Bingham.)

On this 7th day of April, 1950, before me, Earl W. Cory,
a Notary Public commissioned in and for the State of Idaho, personally
appeared James Just and Crillia Just, husband and wife, known to me to
be the persons whose names are subscribed to the within and foregoing
Quitclaim Deed 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 this certificate first above



Earl W. Cory
Notary Public for State of Idaho;
Residing at Blackfoot, Idaho

MICROFILMED
DEC 12 1989

Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That **WILLIAM JUST a/k/a GEORGE WILLIAM JUST,**
dealing with his separate property,

and **LOUISE JUST** **LOUISE B. JUST**
a/k/a / , his wife,
of the County of ~~San Diego~~ **San Diego**, State of ~~California~~ **California**

parties of the first part, for and in consideration of the sum of **THIRTEEN THOUSAND ONE HUNDRED**
TWENTY-FIVE & NO/100 - - - - - Dollars (\$ **13,125.00**),

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by **EVERETT LYON** and **DOROTHY LYON**

of ~~San Diego County, California~~ **San Diego County, California**
of ~~San Diego County, California~~ **San Diego County, California** Firth, Bingham County, Idaho
his wife/hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of **Bingham**
State of Idaho, to wit:

A portion of the **S $\frac{1}{2}$ SE $\frac{1}{4}$** of **Section 9, T. 2 S., R. 37 E.B.M.**
described as:

Beginning at the NE corner of the **SE $\frac{1}{4}$ SE $\frac{1}{4}$** of said Section 9
and running thence S. 80 rods to the SE corner of said
Section; thence W. along the S. line of said Section 102
rods, thence N. 80 rods; thence E. 102 rods to the point
of beginning.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to
rights to the waters of the Blackfoot River consisting of **40 miners**
inches diverted from said river by ditches. *

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals, and power and transmission lines.

* NOTE: DOCUMENT
DONE IN California
where 1 cfs = 40 miners
inches
should read 50 for Idaho



MICROFILMED

DEC 12 1989

7-18-1967

10.6.5

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves
and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 18th day of July, 1967

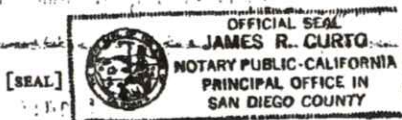
William Just a/k/a George William Just (Husband) [SEAL]
dealing with his separate property
Louise Just a/k/a Louise B. Just (Wife) [SEAL]
Louise B. Just

ACKNOWLEDGMENT

STATE OF ~~SPARK~~ California
COUNTY OF ~~DUNHAM~~ San Diego

On this 18th day of July, 1967, before me, a Notary Public in and for said County and State, personally appeared WILLIAM JUST a/k/a GEORGE WILLIAM JUST, dealing with his separate property, and LOUISE JUST a/k/a LOUISE B. JUST, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto; and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



James R. Curto
Notary Public in and for the State of ~~California~~ CALIF
Residing at ~~733 Colton~~ 1111 S. 10th St.
My commission expires: JAMES R. CURTO
My Commission Expires Mar. 24, 1970

Recorded in _____
County, ~~San Diego~~, on _____
in Book _____
at Page _____

MICROFILMED
DEC 12 1989

67 Aug 1 PM 4 46
OFFICIAL RECORDS BRANCH
FEE \$2.00 DEPOSIT
RECORDED AT REQUEST OF
San Diego Title & Trust
NO
DUNHAM COUNTY INNO
ORANGE COUNTY RECORDS

200
1125
Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

Verna J. Christensen, a/k/a Verna Christensen, and Wallace C. Christensen,
a/k/a Wallace Christensen, and her husband,
of Tremonton,
of the County of Box Elder, State of Utah

parties of the first part, for and in consideration of the sum of Eleven Thousand Two Hundred
Seventy-seven and 75/100 - - - - - Dollars (\$ 11,277.75),
in lawful money of the United States of America, and other valuable consideration, to them
in hand paid by **Everett L. Lyon** and **Dorothy Lyon**,

his wife, parties of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the

parties of the second part, ~~not a community property estate, but as a community property estate, and as such, the parties of the second part, do hereby grant, bargain, sell and convey unto the parties of the first part, all of the following-described real property situate, lying and being in the County of Bingham, State of Idaho, to wit:~~
and to the heirs and assigns of the second party, all of the
following-described real property situate, lying and being in the County of Bingham,
State of Idaho, to wit:

A portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 2 S., R. 37 E. B. M.,
Bingham County, Idaho, described as

Commencing at a point 102 rods W. of the SE corner of said Section 9,
and running thence W. along the S. line of said Section 9, 146 rods,
thence N. 40 rods, thence due E. 88 rods to the center line of said
Section 9, thence due N. along said center line 40 rods, thence due
E. 58 rods, thence due S. 80 rods to the place of beginning.

* * * * *

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to
rights to the waters of the Blackfoot River consisting of 50 miners,
inches diverted from said river by ditches.

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals, and power and transmission lines.

12-15-1969
MICROFILMED
DEC 12 1989

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the parties of the second part, ~~as tenants in common, and to their assigns, and in the survivor of them and to the heirs and assigns of the survivor of them~~ as community property and to the heirs and assigns of second party forever.

The parties of the first part, for themselves

and for their heirs, executors and administrators, do hereby covenant to and with the parties of the second part, ~~their assigns, and to their heirs and assigns~~ and the heirs and assigns of the ~~survivor of them~~ second party,

that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 15th day of December, 1969

Verna J. Christensen [SEAL] Verna J. Christensen, a/k/a Verna Christensen (wife)
Wallace C. Christensen [SEAL] Wallace C. Christensen, a/k/a Wallace Christensen (husband)

WITNESSES:

Edward R. Gaby

ACKNOWLEDGMENT

STATE OF *Utah*
COUNTY OF *Box Elder*

On this 15th day of December, 1969, before me, a Notary Public in and for said County and State, personally appeared

Verna J. Christensen, a/k/a Verna Christensen, and Wallace C. Christensen, a/k/a Wallace Christensen, ~~her husband,~~ to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



Edward R. Gaby
Notary Public in and for the State of *Utah*
Residing at *Horland, Utah*
My commission expires *4-12-1970*

FILED

DEC 12 1969

Recorded in

County, Idaho, on

in Book

at Page

(Continued)

RECORDED

OFFICIAL RECORD FOR
FEE & DEEDS
RECORDED AT REQUEST
MINIMUM TITLE & TRUST

63 Dec 17 P. 2

RECORDED AT REQUEST

151231

GPO 217089

17.

The North-east quarter of the South-east quarter and the South-east quarter of the North-east quarter of section No. 4, in Township No. 3, South of Range 36 East of Boise Meridian; and also of Lot 2 and south $\frac{1}{2}$ of South-west $\frac{1}{4}$ of Section 25 and Lots 1, 2, 3, and 4, and north $\frac{1}{2}$ of N. W. $\frac{1}{4}$ and South-west $\frac{1}{4}$ of North-west $\frac{1}{4}$ of section 35, and the North-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of Section 34, Township 2 South of Range 36 East of Boise Meridian; and also Lots 5 and 6, and North-west $\frac{1}{4}$ of South-west $\frac{1}{4}$ of Section 3 and South-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of Section 4 in Township 3 South of Range 36 East of Boise Meridian; said lands in all being in area, seven hundred and seventy three and 65/100 acres.

Leon Mislen:

That the defendant Leon Mislen is now and has been continuously since the year 1873 the owner and in the possession of and entitled to the possession the following described lands, to-wit:

The Lot numbered (1) one of section 34, in township 2 south and the lots numbered 1, 2, and 4, of section 3 in Township 3 South of Range 36 East of Boise Meridian, containing one hundred and sixty-five & 64/100 acres: Also the south-east quarter of section 23, and the North-east quarter of Section 25, and lots 1 and 2 of section 25, and Lot 2 of section 24 in Township 2 South of Range 36 East of Boise Meridian, and containing 614 17/100 acres: Also Lot 1 in section 4 and Lot 3 and the South-west quarter of the north-west quarter of section 3, in Township 3 South of Range 36 East of Boise Meridian, and containing 160 acres, more or less; Also the south-west quarter of south-east quarter of section 34 in Township No. 2 South of Range No. 36 East of Boise Meridian, and containing 40 acres; all of said land being situate in Bingham County, Idaho.

John Mislen:

That the defendant John Mislen is and was at all the times hereinafter mentioned a citizen of the United States; that in the year 1873 said defendant was and since has been, and now is, the owner and in the possession of and entitled to the possession of the following described lands:

File 27-C 27-016
27-029

STATE OF IDAHO

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 94, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted JOHN GOTTON, of Blackfoot, County of Bingham, State of Idaho, to transfer the use of Fifty (50) inches of the waters of Blackfoot river, in Bingham County, State of Idaho, from the place at which it is now used, i. e., Southeast quarter (SE4) Section 23, the Southwest quarter (SW4) and Lots One (1) and Two (2) of Section 24, Lots One (1) and Two (2) of Section 25, Northeast quarter (NE4) Section 26, Township 2 South, Range 36, East of Boise Meridian, also, the Southeast quarter of Northwest quarter (SE4 NW4), the East half of Southwest quarter (E2 SW4), the West half of Southeast quarter (W2 SE4) and Lot One (1) of Section 24, Township 2 South, Range 36 East of Boise Meridian, to the following described tract: Beginning at the southwest corner of Section 18, Township 3 South, Range 35 East of Boise Meridian, thence running north 15 chains, thence East 5 chains, thence North 42° East 12.86 chains, thence North 36° East 28 chains, thence South 52° East 6 chains, thence North 52 1/4° East 4.54 chains, thence East 7.30 chains, to the west bank of the Blackfoot river, thence following the meanderings of the west bank of the Blackfoot river as follows: South 37° East 5.72 chains, thence South 34 1/2° West 6.66 chains, thence South 55 1/2° West 5.10 chains, thence South 24 1/4° West 4.34 chains, thence South 15 3/4° East 5.54 chains, thence South 61 1/4° West 6.10 chains, thence South 19 3/4° West 4.54 chains, thence South 34 1/2° West 5.19 chains, thence West 5.93 chains, South 56° West 11 chains, thence South 22 3/4° West 2.46 chains, thence South 3° 5' East 7.90 chains, thence West 11.91 chains, to the point of beginning, containing 93.87 acres, also, several acres of riparian land.

The water appurtenant to the above described land was adjudged by decree, dated August 1891, of Charles Cabb, Judge of the Fifth Judicial District of the State of Idaho, in and for Bingham County, in the matter of Fred S. Stevens, et al, plaintiffs, vs. Eastern Idaho Water Company, Defendant,

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-seventh day of June, A.D. 1912.

(SEAL)

A. E. Robinson.
State Engineer.

STATE OF IDAHO

-----OFFICE OF STATE ENGINEER-----

PERMITS No. 56, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted E. M. KENNEDY, of Blackfoot, County of Blaine, State of Idaho, to transfer the use of Two Hundred (200) inches of the waters of BLACKFOOT RIVER, Blaine County, Idaho, from the lands upon which it is now used, i.e., East half of East west quarter (2 SW4), Southeast quarter of Northwest quarter (SE4 NW4) and Northwest quarter of Southeast quarter (NW4 SE4) Section Thirty-four (34), Township Two (2) South, Range Thirty-six (36) East of Boise Meridian, to the following described tract, to-wit: Southwest quarter of Southwest quarter (4 SW4) Section 3, South half of Southeast quarter (SE SE4), Section Four (4), and Eighty (80) acres beginning at the southwest corner of Section Three (3), thence west 8 rods, thence south 1860 feet of Blackfoot river, thence along said river 850 feet to C.S.L. right-of-way, thence along said right-of-way to south line of Section Three (3), Township Two (2) South, Range Thirty-five (35) East of Boise Meridian, thence west along said section line about 60 rods to place of beginning.

The water right appurtenant to the above described lands was adjudged by decree, dated August 1st, 1891, of Charles Cobb, Judge of Fifth Judicial District of the State of Idaho in and for Blaine County, in the matter of F. S. Stephens, plaintiff, vs. Eastern Idaho Company a corporation, defendant.

in the following words:

"It is now ordered, adjudged and decreed, that the following parties are entitled to divert from Blackfoot river, the amount of water herein indicated.....

John Kisslen, July 1st A. D. 1874, 120 inches

Leah Kisslen, July 1st A. D. 1885, 300 inches."

120 inches of above water right was purchased from John Kisslen and 80 inches from Leah Kisslen by E. M. Kennedy.

I, WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-first day of October, A. D. 1910.

(SEAL)

D. C. Martin
State Engineer.

MICROFILMED

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

Fred S. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

27-C
Transfers
Noted

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of law:

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and
set opposite each name, to-wit:-

Fred S. Stevens	July 6, A. D. 1869	138 Inches
Henry Dunn	July 1, A. D. 1870	300 Inches
H. A. Just and) Emma Just)	August 1, A. D. 1871	200 Inches
Leon Misslen	July 1st, A. D. 1873	200 Inches
John Misslen	July 1st, A. D. 1874	120 Inches
H. R. Lewis	March 1st, A. D. 1875	100 Inches
Ernest Burrell	March 1st, A. D. 1876	100 Inches
William Kirkpatrick	May 1st, A. D. 1878	100 Inches
F. A. Shoemaker	April 1st, A. D. 1879	90 Inches
Eastern Idaho Water Co.	March 25, A. D. 1890	1800 Inches
P. B. Fox Jr.) William Howard) A. Whitten)		

RECORDED

27-0023	Susan E. Whitten) & Calvin Mills)	March 25, A. D. 1880	600 Inches
27-0001	Levi Warren	April 1, A. D. 1882	50 Inches
27-0025	Emily Warren	April 1, A. D. 1883	106 Inches
27-0026	Daniel Y. Miller	April 1, A. D. 1883	100 Inches
27-0027	Fred S. Stevens	October 1, A. D. 1884	140 Inches
27-0028	M. A. Just) & Emma Just)	April 1st, A. D. 1885	100 Inches
27-0029	Leon Misslen	May 1st, A. D. 1885	300 Inches
27-0033	Robert Millen	May 1st, A. D. 1885	150 Inches
27-0004	P. B. Fox Jr.) William Howard) A. Whitten) Susan Whitten) Calvin Mills)	June 1st, A. D. 1885	1500 Inches
27-0032	W. W. Riter	July 3rd, A. D. 1885	560 Inches
27-0033	Thomas G. Weber	July 23, A. D. 1885	480 Inches
27-0002	James Draw	Oct. 1st, 1885 A. D.	6 Inches
27-0035	Eastern Idaho Water Co.	October 1st, A. D. 1885	1000 Inches
27-0036	H. R. Lewis) & Sarah Lewis)	March 1, A. D. 1886	160 Inches
27-0037	James Welch	March 20th, A. D. 1886	400 Inches
27-0038	William E. Danilson	April 5th A. D. 1886	352 Inches
27-0039	David S. Morgan	April 5th, A. D. 1886	132 Inches
27-0040	William Morgan	April 5th, A. D. 1886	100 Inches
27-0041	William A. Downing	April 5th, A. D. 1886	120 Inches
27-0042	F. Little	October 4th A. D. 1886	240 Inches
		October 4th A. D. 1886	240 Inches

do not
need
by hand.

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TRANSFER REVIEW OF TRANSFER NO. 3434

DATE: 8-15-88

CONDITIONS OF APPROVAL

A lockable device subject to the approval of the Department shall be maintained on both diverting works in a manner that will provide the watermaster suitable control of the diversion.

<<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 27, BLACKFOOT RIVER.

<<R25>> This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

MICROFILMED
DEC 12 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 27-0029

Notice is hereby given that Everett L. or Dorothy or Steve Lyon, Firth, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of water from Blackfoot River tributary to Snake River. The right sought to be changed is evidenced by Decree No. 27-0029A Decreed to Leon Misslen in case of Fred S. Stevens vs. Eastern Idaho Water Co. dated August 1, 1891 in Fifth Judicial District county of Bingham and is recorded as follows:

AMOUNT: 4.40 cfs PRIORITY: May 1, 1885

POINT OF DIVERSION: not specified in decree;

The water is used for irrigation within the SE1/4, Sec. 23, Lot 2 (W1/2SE1/4), Sec. 24, Lot 1 (N1/2NW1/4), Lot 2 (SW1/4NW1/4), Sec. 25, NE1/4, Sec. 26, SW1/4SE1/4, Lot 1 (SE1/4SE1/4), Sec. 34, T. 2S, R. 36E, Lot 1 (N1/2NE1/4), Lot 4 (SW1/4NE1/4), Lot 2 (NE1/4NW1/4), Lot 3 (NW1/4NW1/4), SW1/4NW1/4, Lot 4 (SE1/4NW1/4), Sec. 3, Lot 1 (NE1/4NE1/4), Sec. 4, T. 3S, R. 36E., B.M., Bingham County.

TO BE CHANGED AS FOLLOWS:

Only 2.0 cfs of the water will be diverted within the SE1/4SW1/4SW1/4, Sec. 9, NW1/4NW1/4SW1/4, Sec. 11, T. 2S, R. 37E, B.M., Bingham County; and used to irrigate 100 acres within the SE1/4SW1/4, S1/2SE1/4, Sec. 9, T. 2S, R. 37E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before June 20, 1988.

R. Keith Higginson

Director

Published June 2 & 9, 1988

DEC 12 1988

MICROFILMED

STATE OF IDAHO,

County of Bingham

} ss.

Peter G. Johnston

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

S 1/2 S E 1/4 sec 24, Twn 20, 36 E, 12 N.

as evidenced by the decree dated the first

day of

May - 1885

in the cause entitled F.S. Stephens

, Plaintiff,

vs. Eastern Idaho Irrigation Company

, Defendant, brought

in the district court of the fifth Judicial District of the State of Idaho, or

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 4418 a decree by the 5th Judicial Court

from May 1885
That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

NE 1/4 NE 1/4 Sec. 14, T.3 S. R. 35 E. N. 1.

That such change will be made for the following reasons, to-wit: That he has purchased the right to use said water from E.M. Kennedy, Grantee of Leon Misalen and desires to use the water upon other lands than those to which it was originally made appurtenant.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Peter G. Johnston

Subscribed and sworn to before me this 21st day of May, 1912

James Duckworth
Notary Public.

My commission expires Mar. 10, 1914 (over.)

MICROFILMED

STATE ENGINEER'S OFFICE

REGULATIONS AS TO CHANGE OF
POINT OF DIVERSION

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section.

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the lands to be irrigated.
 - (f) Lands to be irrigated to be shown by crosshatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Points or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me 191..... and correctly shows position of points indicated thereon.

Engineer.

P. O.

Date 191.....
(over.)

Change Pt. Div.
Peter G. Johnston

Received and filed for review
of the State Engineer at Reno, 1911

90 AM MAY 2 1912
J. H. Nelson

Application for Transfer of Water Right.

State of Idaho, }
County of Bingham } ss.
John Cotton, being first duly sworn, deposes and says:
That his name is John Cotton; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Blackfoot, Idaho
That he is the owner and using a certain water right of 50 inches of the waters of Blackfoot River
County of Bingham, State of Idaho, decreed to Leon Misslen by decree of Judge Charles Cobb, of the Fifth Judicial District of the State of Idaho, in and for the County of Bingham, in the case of Fred S. Stevens et al., vs. Eastern Idaho Water Company, said decree bearing date of August 1, 1891 (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____), for the purpose of irrigating the following described lands situate, lying and being in the County of Bingham and State of Idaho, to wit:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-three (23); the Southwest Quarter (SW $\frac{1}{4}$) and Lots One and Two (1 & 2) of Section Twenty-four (24); Lots One and Two (1 & 2) Section Twenty-five (25); the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-six (26) all in Township Two (2) South, Range Thirty-six (36) East Boise Meridian; also the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$); the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and Lot One of Section Thirty-four (34) Township Two (2) South, Range Thirty-six (36) East Boise Meridian.

That said waters are now diverted from said stream at SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Tp. 2 South

Range 26 EBM. and conducted to the above described lands through private ditch per accompanying map as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 50 inches of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Bingham and State of Idaho, to

wit: Beginning at the Southwest corner of Section Eighteen (18) in Township Three (3) South of Range Thirty-five (35) East of Boise Meridian in Idaho; thence running North Fifteen (15) chains; thence East Five (5) chains; thence North 42° East Twelve and 66/100 (12-66/100) chains; thence North 26° East Twenty-eight (28) chains; thence South 52° East Six (6) chains; thence North 88½° East Four and 54/100 (4-54/100) chains; thence East Seven and 36/100 (7-36/100) chains; to the West Bank of the Blackfoot River; thence following the meanderings of the West Bank of the Blackfoot River as follows: - South Thirty-seven degrees (37°) East Five and 72/100 (5 - 72/100) chains; thence South 34½° West Six and 66/100 (6 - 66/100) chains; thence South 55½° West Five and 10/100 (5 - 10/100) chains; thence South 24½° West Four and 34/100 (4-34/100) chains; thence South 15-3/4° East Five and 54/100 (5 - 54/100) chains; thence South 51½° West Six and 18/100 (6-18/100) chains; thence South 19½° West Four and 54/100 (4 - 54/100) chains; thence South 34½° West Five and 18/100 chains; thence West Five and 93/100 (5-93/100) chains; South 58° West Eleven chains; thence South 22½° West Two and 46/100 (2-46/100) chains; thence South 3° 5' East Seven and 90/100 (7 - 90-100) chains; thence West Eleven and 91/100 (11-91/100) chains to the point of beginning containing 93.87 acres, also several acres of riparian land.

NOT RECORDED

RECORDED
JUN 22 1912
OFFICE OF STATE ENGINEER

That he intends to divert and convey said 50 inches of water to the tract of land last above described in the following manner, to wit:

divert same at Stevens dam and extension of the Stevens lateral as per map accompanying.

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of this Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Subscribed and sworn to before me this 20th day of March
A. D. 1912

John Cotton
Notary Public

State of Idaho, } ss.
County of Bingham
Aurelius W. Thompson and J. H. Perdue
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Blackfoot, Idaho that he is a user of water from Blackfoot River, County of Bingham, State of Idaho; that he has read or heard read the foregoing affidavit and petition of John Cotton, and is familiar with its allegations, and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this 20th day of March
A. D. 1912

Aurelius W. Thompson
J. H. Perdue
Notary Public

20th day of March 1912
John Cotton
Aurelius W. Thompson
J. H. Perdue
Notary Public

State of Idaho }
County of Bingham } ss.
I, J. W. Egell, Watermaster of Blackfoot River
County of Bingham, State of Idaho, whose postoffice address is
Blackfoot Idaho, have read or heard read the foregoing affidavit and petition of
John Cotton, and, of my own knowledge, believe the same to be
true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be au-
thorized; and I hereby endorse my approval of said petition, and request that the State Engineer
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of
transfer prayed for) for the following reasons: Petition is just
and no one will be injured thereby

J. W. Egell
Watermaster.

Blackfoot Idaho
May 18th 1912
Notice having been duly published for thirty days of the intention of the above named John
Cotton to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in his affidavit and petition herein, and an opportunity
having been given to any and all persons opposing said transfer to present their objections in a public
hearing before me at Blackfoot, on May 18th 1912, according to
the terms of said notice;

And it not appearing at said hearing that any one would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said
applicant, authorizing the transfer as prayed for in his petition; or (and it appearing at said hearing
that the following injuries would be sustained by others if such transfer is permitted)

I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer
sought hereinabove.

Chas. R. Delcamp
Commissioner of Water Division No. 1

By _____