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APR 03 1995

Department of Water Resources

My Grandfather homesteaded down on some land close to my property. He has told me about the water being used to irrigate from the springs and also a ditch from the Marsh Creek. He homesteaded in the 1920's.

We have lost all of our records & abstract deed in a house fire.

The information I have sent is all that I can find.

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APR - 6 1995

Department of Water Resources
Eastern District Office

Donald K. Hall

11/13/95
11/13/95

EASEMENT

THIS AGREEMENT, Made and entered into this 26th day of July 1939, by and between Ella Nephi Smart

party of the first part, and Bannock County, a Municipal Corporation, party of the second part.

That whereas the party of the first part is desirous of having a drainage project on Marsh Creek, Bannock County, Idaho, completed as proposed by a W.P.A. Project, and the County Engineer of Bannock County, Idaho, and,

Whereas the party of the Second part and the United States Government W.P.A. Project require an easement to and through the following lands, and,

Whereas there has been prepared by W. P. Havenor, the County Surveyor of Bannock County, a blue print of said proposed changes in said Marsh Creek and which is on file in the office of the County Recorder and the County Surveyor of Bannock County, Idaho,

NOW, THEREFORE, In consideration of the party of the second part making the changes in the course and the levels of said Marsh Creek as shown upon the said plat on file, I hereby grant unto said second party full and free right and authority unto said second party, its officers, agents and servants, to enter upon the following lands and make the changes in the course and levels of said Marsh Creek as shown upon said blue print on file and the notes and specifications in the office of the surveyor pertaining thereto. Land owner assumes no expense in connection with this project.

The land to which said Easement is applicable is described as follows, to-wit:

Indian Allotment No. 32; being N/2 NW/4 Sec. 27, T. 8 S. R. 36 E.B.M.

WITNESSES

Frank Sokolik
Farm Agent, Fort Hall, Idaho

Frank Smith
Farm Agent, Fort Hall, Idaho

Ella Nephi Smart

STATE OF IDAHO
COUNTY OF BANNOCK

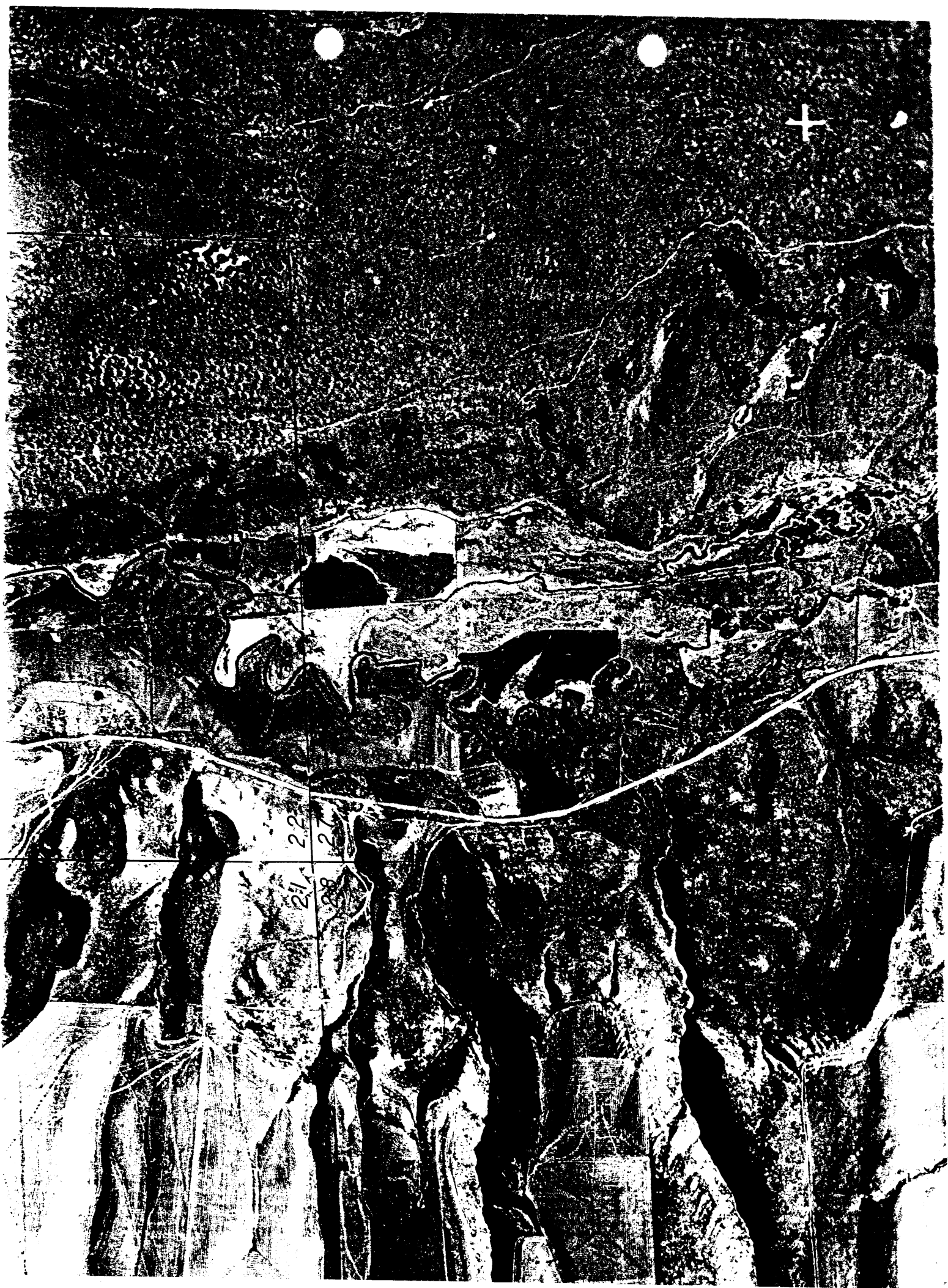
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On this 26th day of July, 1939, personally appeared before me, the undersigned Notary Public, Ella Nephi Smart known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

Dwight C. Turner
Notary Public Residing at Fort Hall, Ida.

My commission expires Nov. 22, 1942.



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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CERTIFICATE OF APPRAISEMENT

Allottee Namnetse Stone No. 32 Agency Fort Hall

I hereby certify that on the 7th day of September, 1951

I personally visited and made a careful inspection of the following-described lands:

1/2 NW 1/4 Sec. 27, T. 8 S., R. 36 E.B.M., Idaho, containing 80 acres

being the allotment of Ella Naphi Smart (heir Probate 44940-35)

That I find the character of the land and the value, in my best judgement, to be as follows: Agricultural 13 acres; Grazing 67 acres; Timber 0 acres; Irrigated 13 acres; Irrigable 23 acres; Oil, gas, or mineral value (if any) \$ 0.00; value for power-site purposes (if any) \$ 0.00

Land	- - - - -	\$ <u>2912.00</u>
Improvements	- - - - -	<u>505.00</u>
Total	- - - - -	\$ <u>3417.00</u>

Ray E. Solter
Ray E. Solter
Soil Scientist

Superintendent.

NOTE.— The appraisement should be made to correspond with the legal divisions for which bids will be received. The appraisement should be made by the superintendent, but in cases where it is not possible for him to personally appraise the land, he should appoint an appraiser and fill out the following blank:

I hereby certify that Ray E. Solter was appointed by me to appraise the land above described; that he is well acquainted with the value of lands in the vicinity of the tract above described, and fully competent to make such appraisement, and that I verily believe the above appraisement is the true value of the land and the improvements thereon.

Dated 15th day of October, 1951

Earl Wooldridge
Superintendent.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Donald C. Hall
Route #1,
McCaunon, ID 83250 (Name of Claimant)
(Mailing Address) Telephone No. 254-3368
(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1909
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Marsh Creek tributary to Portneuf River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity	2.3 cfs	Use	Irrigation	Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity	2.3 cfs	Use		Period of Use From	To
		TOTAL QUANTITY USED.			

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 22 Twp. 8S Rge. 36E B.M., County of Bannock
Additional points of diversion: SE 1/4 SW 1/4, Sec. 22, T. 8S, R. 36E SW 1/4 NW 1/4, NW 1/4 NW 1/4, Sec. 27, T. 8S, R. 36E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Portable pump to a sprinkler system. The water was formerly taken through ditches.

POOR ORIGINAL

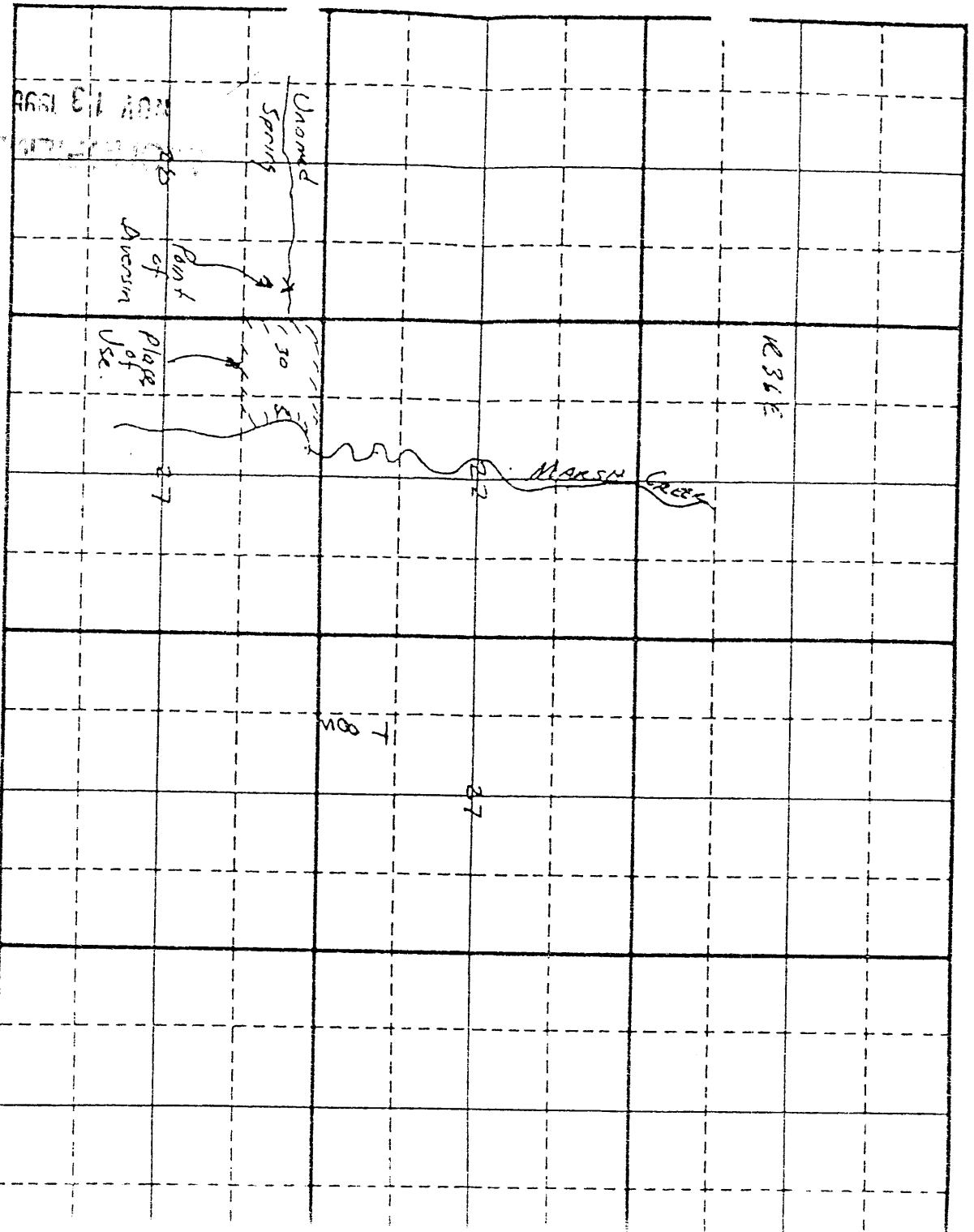
ORIGINAL

(8) Remarks

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Department of Water Resources



Scale: 2 inches equal 1 mile.

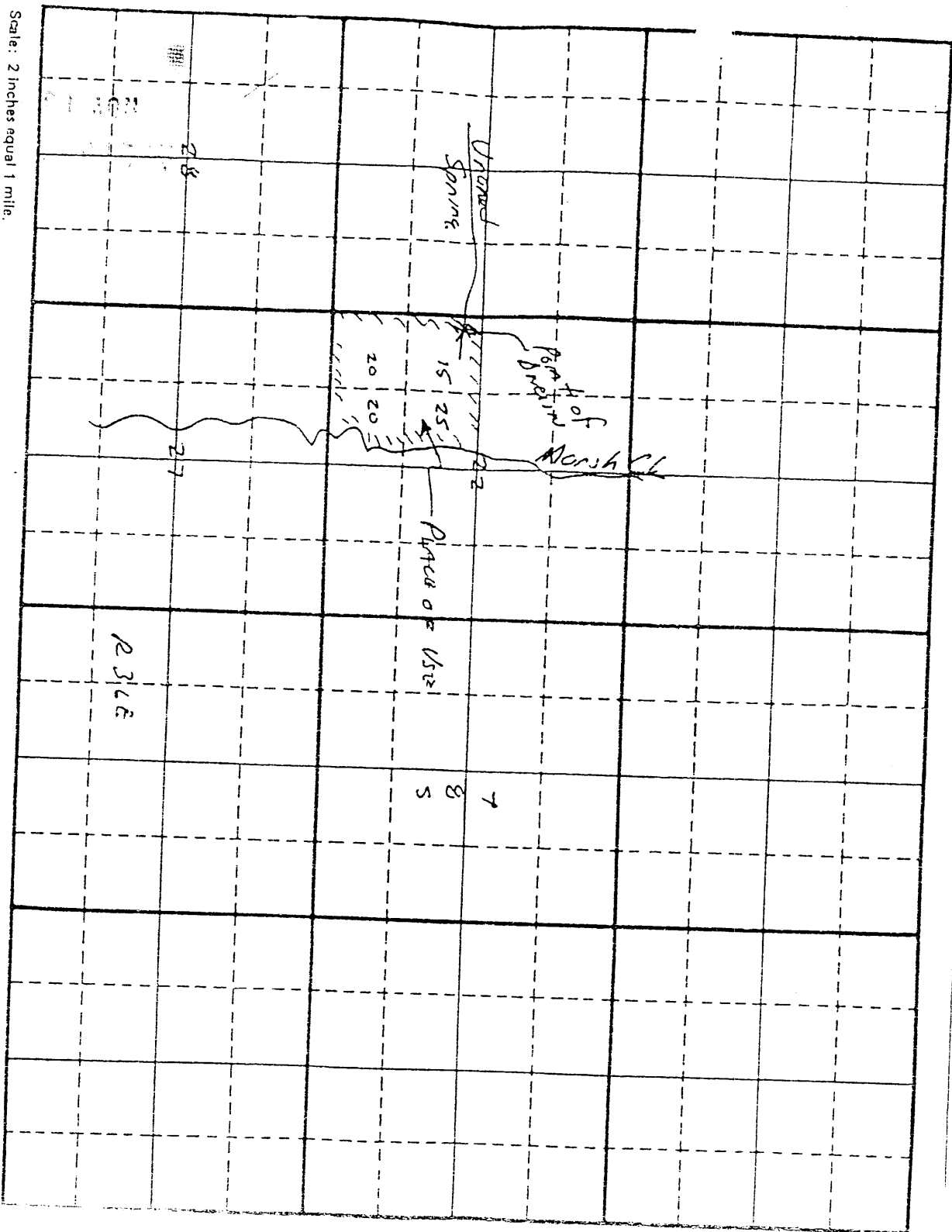
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

(8) Remarks

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DEPARTMENT OF WATER RESOURCES

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McCammon, ID 83250

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. 254-3368

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2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed spring tributary to Marsh Creek

3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use From	To	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity	7 cfs	Use Irrigation	Period of Use From	4/1	To	11/1
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
Quantity		Use	Period of Use From		To	
TOTAL QUANTITY USED.						

A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 Sec. 28 Twp. 8S Rge. 36E B.M., County of Bannock

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 4" gravity pipeline to sprinkler system. This water was formerly taken from a ditch.

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Quantity	2.3 cfs	Use	Irrigation	Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
2.3 cfs		TOTAL QUANTITY USED.			
(cfs, gpd, AFA)					

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 22, Twp. 8S, Rge. 36E B.M., County of Bannock

Additional points of diversion: SE 1/4 SW 1/4, Sec. 22, T. 8S, R. 36E SW 1/4 NW 1/4, Sec. 27, T. 8S, R. 36E

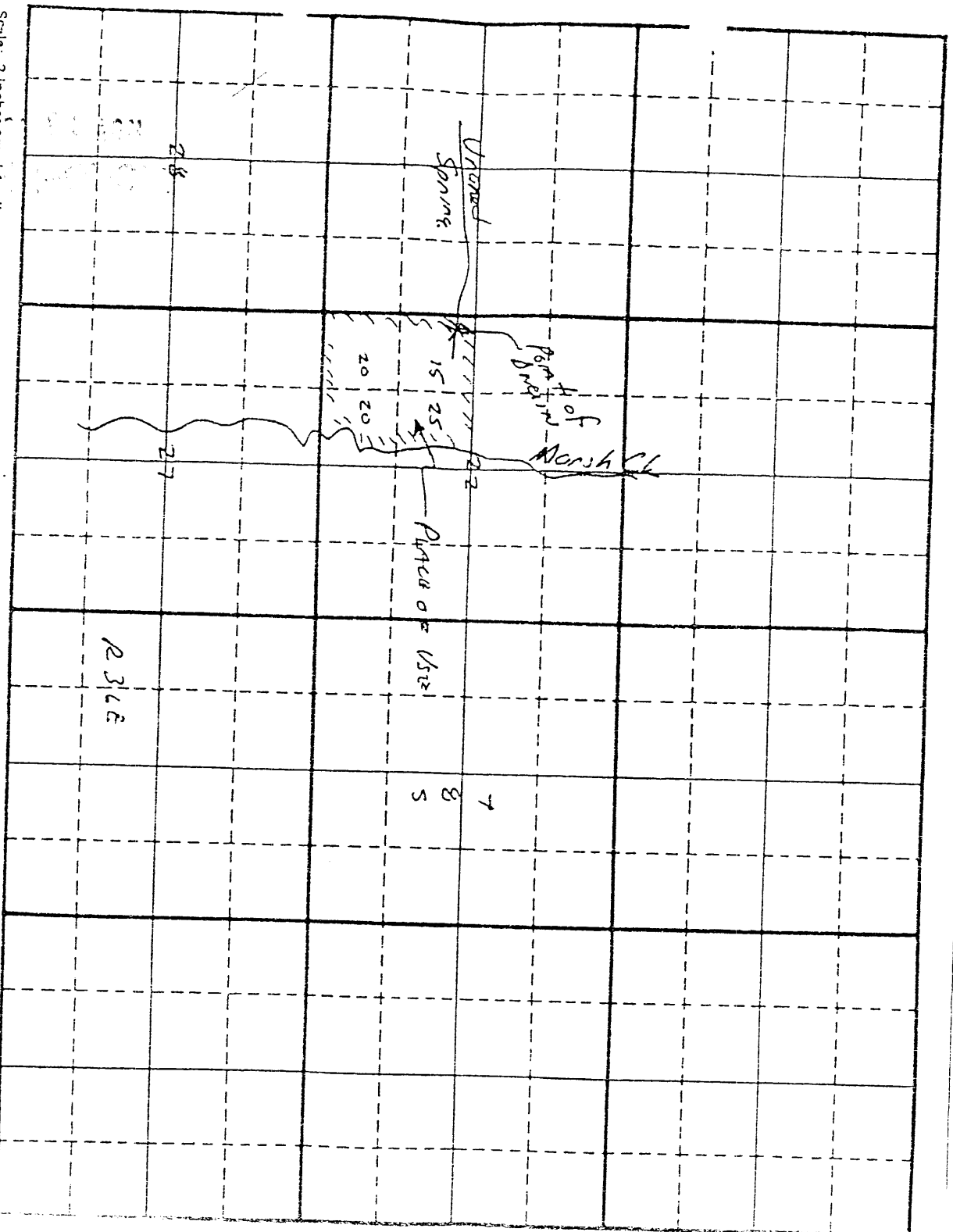
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Portable pump to a sprinkler system. The water was formerly taken through ditches.

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unnamed spring tributary to Marsh Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive) (Mo., Day)	
Quantity	1.6 cfs	Use	irrigation	Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	1.6 cfs	TOTAL QUANTITY USED			

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SW 1/4, Sec. 22 Twp. 8S Rge. 36E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Settling pond to 8" gravity sprinkler line to sprinkler system. This water was formerly taken from a ditch.

POOR ORIGINAL

POOR ORIGINAL

Elsworth, Donner Bernard Elsworth and Evelyn Mae George Elsworth to me personally known to be the identical persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last hereinabove written.

(SEAL)

UNITED STATES
DEPARTMENT OF THE INTERIOR,

Bureau of Indian Affairs-Portland, Oregon.

The within deed is hereby approved: pursuant to authority delegated by the Commissioner of Indian Affairs to undersigned Sept. 10, 1946 (11 F.R. 10266) or May 10, 1948 (13 F.R. 2677). Sec. 22, T8S, R36, E2M, Idaho, May 22, 1951 George (Illegible)

The within deed is recorded in the Office of Indian Affairs in Volume --, Page -- Inherited Indian Land Deed Book. The Portland Area Office Recording Volume 1, Page 49 Line 12, Tract File No. FHX-2. Area Director

This instrument was filed for record this 23rd day of June, 1954, at 3:12 o'clock P.M., and duly recorded in Book No. 118, of Deeds, Page 583, request of B. T. A.Co.

Sarah Devaney, Recorder

Fee \$ 1.50

Fred McMillin Notary Public
(Title)
Fort Hall, Idaho
My Commission expires Dec. 20, 1954.

POOR ORIGINAL

347200

in the year 1959 before me

in and for said County and State, personally appeared

PERSON husband and wife

known to me as

we that to day executed the same

the day and year in this certificate

TO

Person

My

My

My

WARRANTY DEED

347200

POOR ORIGINAL

N 1/2 SW Sec. 22

NW NW } Sec. 27
NE NW }

1964

347200

Deed

day of July

between

husband and wife

Date of

WITNESSED

Idaho



DOLLARS

second part, the receipt

108

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of the first part as to the premises therein described, and

together with the appurtenances and privileges thereto in anywise appertaining, and

heirs and assigns forever. And the said

the said premises in the quiet and peaceful possession

heirs and assigns against the said part, 108 of the

and against all and every person or persons whomsoever, hereinafter claiming

presents forever defend.

108 of the first part as to the premises therein described, and

Harry W. Anderson