



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

FEB 24 1995

Department of Water Resources
Eastern District Office

A29-11730
CHARLES E THOMSEN
JOAN POESY
2599 S MARSH CREEK RD
MCCAMMON ID 83250

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the **PRIORITY DATE**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

NOV 13 1995

Dave Carlson

Dave when we purchased our property in 1986, from Kieth Henrichs. He had left the water rights on the property, that we purchased from him under his permit # 29/410. The property was owned by his parents, George Henrichs. I would like that portion of water rights, we agreed upon in the rotation agreement to be put in our names, & Property discription.

lpful.

I hope this information will be he-

RECEIVED

FEB 24 1995

Department of Water Resources
Eastern District Office

Charles E. Thomsen

Charles E. Thomsen

254-3805

Charles E. Thomsen
2599 So. Marshcreek Rd.
McCammon, Idaho 83250

RECORDED

NOV 13 1995

7 17 96

NONE (DRIVE - B)

—

STAGE SHOULD BE CODED AS "J"



4. The fourth part of the document discusses the implications of the findings for future research and practice. It suggests that the results of this study could be used to inform policy decisions and to guide the development of new programs and initiatives.

5. The fifth part of the document provides a conclusion and a summary of the key points. It reiterates the importance of the study and the need for further research in this area.

7-77-96

[Handwritten signature]

T.D. was verified by F.E. 7-17-96 using NAPP, OQ, ASCS Photo from 1987 over flight.

[Handwritten signature]

1

2

3

4

5

✓
✓

8B41

8B41 NW (1987)

✓

Field Exam was a drive-by on 7-17-96. Using NAIP, and ASCS photo from Cannon County ASCS office, the old method of calculating acres was used to find that 2.5 Acres are actually irrigated.

8B41 NW
7/29/96

7/29/96

✓ ✓ ✓ ✓

✓

0.05

0.5

0.5

0.5

0.05
0.02

17-29-96

[Handwritten signature]

The sum of the splits do not equal the original 243 claim because
the number of acres is less than the original statutory claim.

~~Wm. Taylor~~
G. J. Taylor

7- -96
A. Water Agent

✓

1976

B841

✓

✓

6-24-87

✓

✓

1987 from BANNOCK CO. Y.

✓

JAMES B. GREEN
 ARCHIE W. SERVICE
 CLARK GASSER*
 N. KERL
 D. PAPPAS
 FREDERICK L. RINGE
 STEVEN V. RICHERT
 GUY R. PRICE

RICK CARNAROLI
 JAMES A. SPINNER
 KAY E. MOORE
 BART GREEN
 ROBERT J. WILLIAMS (Boise Office)

*Also Member D.C. Bar
 **Also Member Utah Bar

GREEN, SERVICE, GASSER & KERL
 ATTORNEYS AT LAW
 2043 E. CENTER — P.O. BOX 4883
 POCATELLO, IDAHO 83205-4883
 TELEPHONE (208) 232-4471
 FAX (208) 232-1808

DUANE A. BYBEE**
 OF COUNSEL

BOISE OFFICE

SUITE 302 JEFFERSON PLACE
 350 NINTH STREET
 P.O. BOX 1887
 BOISE, IDAHO 83701
 TELEPHONE (208) 343-2222

February 28, 1989

FLB 24 1995

Department of Water Resources
 Eastern District Office

Mr. Bob Wardle
 2652 Marsh Creek Rd.
 McCammon, ID 83250

Re: Walker Creek Rotation Agreement

Dear Bob:

Enclosed please find an executed "original" copy of the Walker Creek Irrigation Rotation Agreement fully executed by Norman Young of the Water Resources Department. The enclosed copy is the only original copy Mr. Young sent back to me. I have made a copy of that for my file, but you should keep that in a secure place if an original copy is ever needed.

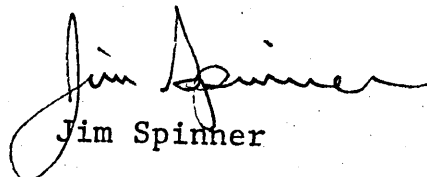
Pursuant to our phone conversation I will take no further action in this matter unless requested by you or any of the Walker Creek user group. The fees I quoted to you during our conversation would be the outstanding balance.

I have also enclosed a copy of the cover letter sent by Norman Young with the rotation agreement for your information. I enjoyed working with you and all the other water users in this matter. I will keep my fingers crossed that the agreement is a sign the Mr. Henrichs intends to start acting in a more neighborly manner.

If we can be of any further assistance let me know.

Very truly yours,

GREEN, SERVICE, GASSER & KERL


 Jim Spinner

JS/drs
 Encl.
 4/12/059/14



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

FEB 24 1995

Department of Water Resources
Eastern District Office

February 24, 1989

Jim Spinner
Green, Service, Gasser & Kerl
2043 E. Center
P. O. Box 4883
Pocatello, ID 83205-4883

RE: Walker Creek Rotation Agreement

Dear Mr. Spinner:

Enclosed is the executed copy of the agreement. I have kept a copy for the department's files, and am providing a copy to Mr. Goodell.

You, Mr. Goodell, and each of the water users are to be commended for negotiating rather than litigating this matter. I am confident that the spirit of cooperation, evidenced by the agreement and the forthright discussions at the conference of positive ways to resolve distribution and water supply problems on Walker Creek, will allow the community to use the available water in harmony.

Sincerely,

NORMAN C. YOUNG
Administrator
Water Management Division

NCY:alw

cc: John Goodell with agreement copy
Encl.

FEB 24 1995

10
FEB 24 1995

WALKER CREEK IRRIGATION ROTATION AGREEMENT

Department of Water Resources
Eastern District Office

The undersigned water users of Walker Creek, located in Bannock County, Idaho, hereby agree to distribute the water of Walker Creek until such time as the rights and priorities of the parties have been formally adjudicated. The agreed distribution shall be as follows:

(A). If the flow of Walker Creek exceeds .36 cubic foot per second ("cfs"), the waters of Walker Creek shall be distributed by the undersigned users on a 10-day rotation period. The order of delivery and number of hours of use per rotation for each user shall be:

Keith Henrichs - 96 hours

Raymond Girard - 36 hours

Gene Wise - 31 hours

Bob Wardle - 31 hours

Chuck Thompson - 16 hours

John Shultz - 10 hours

Norman Rademacher - 20 hours

(B). If the water flow of Walker Creek falls below .36cfs, as measured as set forth below, then the above stated 10-day rotation period shall be modified and the undersigned users shall go to a 20-day rotation period. The modification from the 10-day rotation period to the 20-day rotation period will be based on the same acreage as the 10-day rotation period and on the same water allotment of .02cfs/acre/user. The number of hours of use per rotation credited to each user under the 20-day rotation period shall be:

Keith Henrichs - 192 hours

Raymond Girard - 72 hours

Gene Wise - 62 hours
Bob Wardle - 62 hours
Chuck Thompson - 32 hours
John Shultz - 20 hours
Norman Rademacher - 40 hours

The reason for the modification from a 10-day rotation period to a 20-day rotation period when the flow of Walker Creek falls below .36cfs is to allow the parties longer periods of time to irrigate so that they may preserve, in times of low water, their pastures and other appurtenant property. Any of the undersigned users may use the water during their stated turn on each rotation or may pass their turn to another user they so designate. Any such designation shall not effect the designating party's use of the water on the next rotation. Each of the undersigned users is responsible for regulating their headgate at both the beginning and end of their respective turn.

For a determination of which rotation period to use at any particular time, the measurement of the flow of water in Walker Creek shall be done at such time as the water level appears to be approaching .36cfs. Any of the undersigned users may request the Portneuf River water master, if he or she so consents, or some other third person mutually agreed upon by all of the undersigned users to measure the water. If a

12
disagreement arises as to measurement, any of the undersigned users may request that a Department of Water Resources official measure the flow of water in Walker Creek. Such measurement by a Department of Water Resources official shall be deemed conclusive as to the level of flow in Walker Creek.

All measurements of the flow of Walker Creek used to make any determination under this agreement shall take place at the point of diversion used by water users Wardle, Wise and Girard. Any such measurements shall take place at a consistent hour at each time of measurement. An hour agreed upon by the parties is 10:00 a.m. on the day of measurement, or such consistent time as is convenient to the Portneuf River water master, the mutually agreed upon third party, or the Department of Water Resources official.

This agreement shall be in force and effect during the time period from March 15 through November 15 of each and every year, beginning with March 15, 1989, until an adjudication of the rights of the undersigned water users of Walker Creek is finally and fully completed. All prior agreements among the Walker Creek water users are superceded by this agreement. This agreement is binding on heirs, personal representatives, successors and assigns of any of the undersigned water users.

13

All of the undersigned, including the Department of Water Resources, agree that no adjudication has been completed on Walker Creek and that this agreement does not have any binding effect on any of the undersigned parties on any future adjudication. This agreement is solely a compromise agreement of a continuing controversy as to the rights and priorities of the parties to the use of Walker Creek and shall be considered solely in that regard. It shall not be considered as an admission in any regard by any of the undersigned parties as to their claims, licenses, permits or other arguments they may have in a subsequent adjudication. It shall not be considered binding, and shall not be used by any of the parties, including the Department of Water Resources, in any adjudication and shall not be considered by any Court in any hearing or other proceeding on an adjudication. All of the parties hereto reserve their objections to the various claims of the other users. The Department of Water Resources acknowledges and understands that the purpose of this agreement is solely for the purpose of a settlement of an on-going controversy. This agreement is a temporary, interim agreement until an adjudication of the rights of the parties can be formally determined.

The Department of Water Resources agrees that any cease and desist order issued to any of the undersigned

14
users is hereby terminated. It is further understood that the parties who received cease and desist orders do not admit that the Department of Water Resources had any legal authority to issue the cease and desist orders.

The Department of Water Resources agrees to recognize this agreement and not to intervene in the agreement or interfere with any of the use of the undersigned unless such parties do not abide by the rotation agreement set forth above. The undersigned users understand that the Department of Water Resources cannot view the agreement as revising any water rights the parties may be determined as having in an adjudication, but is solely an interim agreement.

IN WITNESS WHEREOF the undersigned hereby execute this agreement and acknowledge that each clearly understands the terms and conditions stated herein.

Dated: 1-19-89

Keith Henrichs
Keith Henrichs

Dated: 2-5-89

Raymond Girard
Raymond Girard

Dated: 2-4-89

Gene R. Wise
Gene Wise

Dated: 2-4-89

Bob Wardle
Bob Wardle

Dated: 2-4-89

Chuck Thompson
Chuck Thompson

Dated: Feb 6 1989

John Shultz
John Shultz

Dated: Feb 5, 89

Norman Rademacher
Norman Rademacher

Acknowledged and Approved by
the State of Idaho, Department
of Water Resources

Dated: February 5, 1989

By: Norman C. Young
Norman C. Young
Administrator
Resource Administration Div.
Department of Water Resources

ADDENDUM

The attached Rotation Agreement is incorporated by reference and hereby made a part of the Walker Creek Irrigation Rotation Agreement.

JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER*
RON KERL
JIM D. PAPPAS
FREDERICK L. RINGE
STEVEN V. RICHERT
GUY R. PRICE

RICK CARNAROLI
JAMES A. SPINNER
KAY E. MOORE
BART GREEN
ROBERT J. WILLIAMS (Boise Office)

*Also Member D.C. Bar
**Also Member Utah Bar

GREEN, SERVICE, GASSER & KERL
ATTORNEYS AT LAW
2043 E. CENTER — P.O. BOX 4883
POCATELLO, IDAHO 83205-4883

TELEPHONE (208) 232-4471
FAX (208) 232-1808

RECEIVED

FEB 24 1995

Department of Water Resources
Eastern District Office

DANIELA BYBEE**
OF COUNSEL

BOISE OFFICE

SUITE 302 JEFFERSON PLACE
400 NINTH STREET
P.O. BOX 1887
BOISE, IDAHO 83701
TELEPHONE (208) 343-2222

February 10, 1989

John R. Goodell, Esq.
P.O. Box 1391
Pocatello, ID 83204-1391

Re: Walker Creek Rotation Agreement

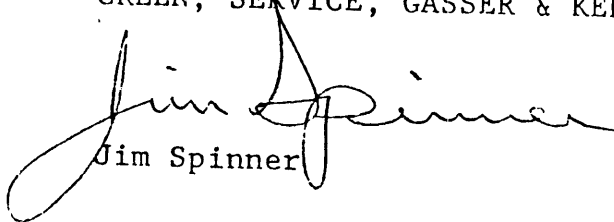
Dear John:

Enclosed please find an original copy of the Walker Creek Irrigation Rotation Agreement fully executed by my clients. Also enclosed please find my letter to Norman Young of the Department of Water Resources to sign the Agreement and Acknowledgement and Approval.

If you have any questions please feel free to give me a call. Best regards.

Very truly yours,

GREEN, SERVICE, GASSER & KERL


Jim Spinner

JS/drs
Encl.

cc: Clients
4/12/041/5

NOV 13 1989

JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER*
RON KERL
TIM D. PAPPAS
FREDERICK L. RINGE
STEVEN V. RICHERT
GUY R. PRICE

RICK CARNAROLI
JAMES A. SPINNER
KAY E. MOORE**
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DUANE A. BYBEE**
OF COUNSEL

BOISE OFFICE

SUITE 302 JEFFERSON PLACE
350 NINTH STREET
P.O. BOX 1887
BOISE, IDAHO 83701
TELEPHONE (208) 343-2222

February 10, 1989

Mr. Norman C. Young
Administrator
Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Re: Walker Creek Rotation Agreement

Dear Mr. Young:

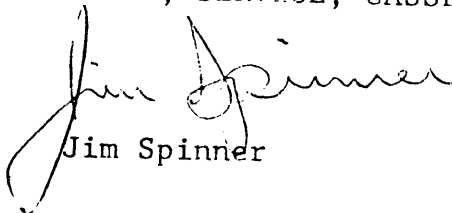
I am pleased to enclose an original and copy of the Walker Creek Irrigation Rotation Agreement signed by all of the water users. The Agreement incorporates the record made at the conference concerning the distribution of water from Walker Creek in Pocatello back in October, 1988. Pursuant to the agreement of the parties and the Department of Water Resources, please review the Agreement and execute the same on behalf of the Department on page 6 of the Agreement. Upon execution, please return the original Agreement to me in the envelope provided. The enclosed copy of the executed Agreement is for the Department's file.

I appreciate your efforts in this case and your patience at the October hearing.

If you have any questions please feel free to give me a call. Otherwise, I will look to receive the executed Agreement within the next 15 days. Best regards.

Very truly yours,

GREEN, SERVICE, GASSER & KERL


Jim Spinner

JS/drs
Encl.

cc: John Goodell, Esq.
Clients
4/12/041/4

RECEIVED
FEB 24 1989
Department of Water Resources
Eastern District Office

RECEIVED

FEB 24 1995

Department of Water Resources
Eastern District Office

Bob:

2-2-89

Enclosed find an original and three rotation agreements signed by Henrichs. Please have all the other users sign such and return them to me to send to the D.W.R.

Balance due to our firm as of 2-2-89 is:

Previous statement:	\$ 196.14
January time:	+ 175.00 (to 2-2-89)
Payment	- 75.00
Total	<u>\$296.14</u>

A statement will be mailed shortly.

Thanks,

296.14
15.00 (2-2-2-15)
311.14

Jim Spinner

Department of Water Resources **CHANGE IN OWNERSHIP OF NOTICE OF CLAIM**
Eastern District Office

100-13000

POOR ORIGINAL

RECEIVED

FEB 24 1986

Department of Water Resources
Eastern District Office

WALKER IRRIGATION

10 day

SCHEDULE

FEB 19 1986

C THOMSEN

1991

(16)

POOR ORIGINAL

2 P.M. March 15	TO	6 A.M. March 16
2 P.M. March 25	TO	6 A.M. March 26
2 P.M. Apr 4	TO	6 A.M. Apr 5
2 P.M. Apr 14	TO	6 A.M. Apr 15
2 P.M. Apr 24	TO	6 A.M. Apr 25
2 P.M. May 4	TO	6 A.M. May 5
2 P.M. May 14	TO	6 A.M. May 15
2 P.M. May 24	TO	6 A.M. May 25
2 P.M. June 3	TO	6 A.M. June 4
2 P.M. June 13	TO	6 A.M. June 14
2 P.M. June 23	TO	6 A.M. June 24
2 P.M. July 3	TO	6 A.M. July 4
2 P.M. July 13	TO	6 A.M. July 14
2 P.M. July 23	TO	6 A.M. July 24
2 P.M. Aug 2	TO	6 A.M. Aug 3
2 P.M. Aug 12	TO	6 A.M. Aug 13
2 P.M. Aug 22	TO	6 A.M. Aug 23
2 P.M. Sept 1	TO	6 A.M. Sept 2
2 P.M. Sept 11	TO	6 A.M. Sept 12
2 P.M. Sept 21	TO	6 A.M. Sept 22
2 P.M. Oct 1	TO	6 A.M. Oct 2

J SCHULTZ

1991

(10)

6 A.M. March 16	TO	4 P.M. March 16
6 A.M. March 26	TO	4 P.M. March 26
6 A.M. Apr 5	TO	4 P.M. Apr 5
6 A.M. Apr 15	TO	4 P.M. Apr 15
6 A.M. Apr 25	TO	4 P.M. Apr 25
6 A.M. May 5	TO	4 P.M. May 5
6 A.M. May 15	TO	4 P.M. May 15
6 A.M. May 25	TO	4 P.M. May 25
6 A.M. June 4	TO	4 P.M. June 4
6 A.M. June 14	TO	4 P.M. June 14
6 A.M. June 24	TO	4 P.M. June 24
6 A.M. July 4	TO	4 P.M. July 4
6 A.M. July 14	TO	4 P.M. July 14
6 A.M. July 24	TO	4 P.M. July 24
6 A.M. Aug 3	TO	4 P.M. Aug 3
6 A.M. Aug 13	TO	4 P.M. Aug 13
6 A.M. Aug 23	TO	4 P.M. Aug 23
6 A.M. Sept 2	TO	4 P.M. Sept 2
6 A.M. Sept 12	TO	4 P.M. Sept 12
6 A.M. Sept 22	TO	4 P.M. Sept 22
6 A.M. Oct 2	TO	4 P.M. Oct 2

1991 10 20

N. RADENACHTER

1991

(20)

POOR ORIGINAL

4 P.M. March 14	TO 12 NOON March 1
4 P.M. March 24	TO 12 NOON March 27
4 P.M. Apr 5	TO 12 NOON Apr 4
4 P.M. Apr 15	TO 12 NOON Apr 16
4 P.M. Apr 25	TO 12 NOON Apr 24
4 P.M. May 5	TO 12 NOON May 6
4 P.M. May 15	TO 12 NOON May 16
4 P.M. May 25	TO 12 NOON May 24
4 P.M. June 4	TO 12 NOON June 5
4 P.M. June 14	TO 12 NOON June 15
4 P.M. June 24	TO 12 NOON June 25
4 P.M. July 4	TO 12 NOON July 5
4 P.M. July 14	TO 12 NOON July 15
4 P.M. July 24	TO 12 NOON July 25
4 P.M. Aug 3	TO 12 NOON Aug 4
4 P.M. Aug 13	TO 12 NOON Aug 14
4 P.M. Aug 23	TO 12 NOON Aug 24
4 P.M. Sept 3	TO 12 NOON Sept 3
4 P.M. Sept 13	TO 12 NOON Sept 13
4 P.M. Sept 23	TO 12 NOON Sept 23
4 P.M. Oct 3	TO 12 NOON Oct 3

K. HERRIGHE

1991

(76)

12 NOON March 17	TO 12 NOON March 21
12 NOON March 27	TO 12 NOON March 31
12 NOON Apr 4	TO 12 NOON Apr 10
12 NOON Apr 16	TO 12 NOON Apr 20
12 NOON Apr 24	TO 12 NOON Apr 30
12 NOON May 6	TO 12 NOON May 10
12 NOON May 16	TO 12 NOON May 20
12 NOON May 24	TO 12 NOON May 30
12 NOON June 5	TO 12 NOON June 9
12 NOON June 15	TO 12 NOON June 19
12 NOON June 25	TO 12 NOON June 29
12 NOON July 5	TO 12 NOON July 9
12 NOON July 15	TO 12 NOON July 19
12 NOON July 25	TO 12 NOON July 29
12 NOON Aug 4	TO 12 NOON Aug 9
12 NOON Aug 14	TO 12 NOON Aug 18
12 NOON Aug 24	TO 12 NOON Aug 28
12 NOON Sept 3	TO 12 NOON Sept 7
12 NOON Sept 13	TO 12 NOON Sept 17
12 NOON Sept 23	TO 12 NOON Sept 27
12 NOON Oct 3	TO 12 NOON Oct 7

R. 10 10 10

POOR ORIGINAL

12 NOON March 21	TO 7 P.M. March 22
12 NOON March 31	TO 7 P.M. Apr 1
12 NOON Apr 10	TO 7 P.M. Apr 11
12 NOON Apr 30	TO 7 P.M. Apr 31
12 NOON Apr 30	TO 7 P.M. May 1
12 NOON May 10	TO 7 P.M. May 11
12 NOON May 20	TO 7 P.M. May 21
12 NOON May 30	TO 7 P.M. May 31
12 NOON June 9	TO 7 P.M. June 10
12 NOON June 19	TO 7 P.M. June 20
12 NOON June 29	TO 7 P.M. June 30
12 NOON July 9	TO 7 P.M. July 10
12 NOON July 19	TO 7 P.M. July 20
12 NOON July 29	TO 7 P.M. July 30
12 NOON Aug 8	TO 7 P.M. Aug 9
12 NOON Aug 18	TO 7 P.M. Aug 19
12 NOON Aug 28	TO 7 P.M. Aug 29
12 NOON Sept 7	TO 7 P.M. Sept 8
12 NOON Sept 17	TO 7 P.M. Sept 18
12 NOON Sept 27	TO 7 P.M. Sept 28
12 NOON Oct 7	TO 7 P.M. Oct 8

7 P.M. March 23	TO 7 A.M. March 24
7 P.M. Apr 1	TO 7 A.M. Apr 2
7 P.M. Apr 11	TO 7 A.M. Apr 12
7 P.M. Apr 21	TO 7 A.M. Apr 22
7 P.M. May 1	TO 7 A.M. May 2
7 P.M. May 11	TO 7 A.M. May 12
7 P.M. May 21	TO 7 A.M. May 22
7 P.M. May 31	TO 7 A.M. June 1
7 P.M. June 10	TO 7 A.M. June 11
7 P.M. June 20	TO 7 A.M. June 21
7 P.M. June 30	TO 7 A.M. July 1
7 P.M. July 10	TO 7 A.M. July 11
7 P.M. July 20	TO 7 A.M. July 21
7 P.M. July 30	TO 7 A.M. Aug 1
7 P.M. Aug 9	TO 7 A.M. Aug 10
7 P.M. Aug 19	TO 7 A.M. Aug 20
7 P.M. Aug 29	TO 7 A.M. Aug 30
7 P.M. Sept 8	TO 7 A.M. Sept 9
7 P.M. Sept 18	TO 7 A.M. Sept 19
7 P.M. Sept 28	TO 7 A.M. Sept 29
7 P.M. Oct 8	TO 7 A.M. Oct 9

1991

7 A.M. March 24	TO	2 P.M. March 28
7 A.M. Apr 3	TO	2 P.M. Apr 4
7 A.M. Apr 13	TO	2 P.M. Apr 14
7 A.M. Apr 23	TO	2 P.M. Apr 24
7 A.M. May 3	TO	2 P.M. May 4
7 A.M. May 13	TO	2 P.M. May 14
7 A.M. May 23	TO	2 P.M. May 24
7 A.M. June 3	TO	2 P.M. June 3
7 A.M. June 12	TO	2 P.M. June 13
7 A.M. June 22	TO	2 P.M. June 23
7 A.M. July 2	TO	2 P.M. July 3
7 A.M. July 12	TO	2 P.M. July 13
7 A.M. July 22	TO	2 P.M. July 23
7 A.M. Aug 1	TO	2 P.M. Aug 2
7 A.M. Aug 11	TO	2 P.M. Aug 12
7 A.M. Aug 21	TO	2 P.M. Aug 22
7 A.M. Aug 31	TO	2 P.M. Sept 1
7 A.M. Sept 10	TO	2 P.M. Sept 11
7 A.M. Sept 20	TO	2 P.M. Sept 21
7 A.M. Sept 30	TO	2 P.M. Oct 1

POOR ORIGINAL

W. J. WISE
W. J. WISE

RECEIVED

FEB 24 1996

Department of Water Resources
Eastern District Office

POOR ORIGINAL

WALSH IRRIGATION

20 day

SCHEDULE

100-19-001

C. CHAMBERS

1891

4 12 1

10 A.M. March 17
10 A.M. Apr 4
10 A.M. May 14
10 A.M. May 17
10 A.M. June 7
10 A.M. June 27
10 A.M. July 17
10 A.M. Aug 7
10 A.M. Aug 27
10 A.M. Sept 17
10 A.M. Oct 1

TO 10 A.M. March 14
TO 10 A.M. Apr 7
TO 10 A.M. Apr 27
TO 10 A.M. May 7
TO 10 A.M. June 4
TO 10 A.M. June 24
TO 10 A.M. July 24
TO 10 A.M. Aug 24
TO 10 A.M. Sept 24
TO 10 A.M. Oct 19
TO 10 A.M. Oct 2

POOR ORIGINAL

D. DARTON CUM

1891

4 12 1

1 P.M. March 14
1 P.M. Apr 7
1 P.M. Apr 27
1 P.M. May 17
1 P.M. June 7
1 P.M. June 27
1 P.M. July 17
1 P.M. Aug 7
1 P.M. Aug 27
1 P.M. Sept 17
1 P.M. Oct 1

TO 10 A.M. March 14
TO 10 A.M. Apr 7
TO 10 A.M. Apr 27
TO 10 A.M. May 17
TO 10 A.M. June 7
TO 10 A.M. June 27
TO 10 A.M. July 27
TO 10 A.M. Aug 27
TO 10 A.M. Sept 27
TO 10 A.M. Oct 17
TO 10 A.M. Oct 2

E. CHAMBERS

1891

4 12 1

10 A.M. March 17
10 A.M. Apr 7
10 A.M. Apr 27
10 A.M. May 17
10 A.M. June 7
10 A.M. June 27
10 A.M. July 17
10 A.M. Aug 7
10 A.M. Aug 27
10 A.M. Sept 17
10 A.M. Oct 1

TO 10 A.M. March 14
TO 10 A.M. Apr 7
TO 10 A.M. Apr 27
TO 10 A.M. May 17
TO 10 A.M. June 7
TO 10 A.M. June 27
TO 10 A.M. July 27
TO 10 A.M. Aug 27
TO 10 A.M. Sept 27
TO 10 A.M. Oct 17
TO 10 A.M. Oct 2

F. CHAMBERS

1891

12 1

10 A.M. March 17
10 A.M. Apr 7
10 A.M. Apr 27
10 A.M. May 17
10 A.M. June 7
10 A.M. June 27
10 A.M. July 17
10 A.M. Aug 7
10 A.M. Aug 27
10 A.M. Sept 17
10 A.M. Oct 1

TO 10 A.M. March 14
TO 10 A.M. Apr 7
TO 10 A.M. Apr 27
TO 10 A.M. May 17
TO 10 A.M. June 7
TO 10 A.M. June 27
TO 10 A.M. July 27
TO 10 A.M. Aug 27
TO 10 A.M. Sept 27
TO 10 A.M. Oct 17
TO 10 A.M. Oct 2

NOT 18-4

B. BATHING

1951

(61)

4 A.M. March 27	TO	5 P.M. March 29
4 A.M. Apr 13	TO	5 P.M. Apr 15
4 A.M. May 4	TO	5 P.M. May 6
4 A.M. May 26	TO	5 P.M. May 28
4 A.M. June 13	TO	5 P.M. June 17
4 A.M. July 5	TO	5 P.M. July 7
4 A.M. July 25	TO	5 P.M. July 27
4 A.M. Aug 14	TO	5 P.M. Aug 16
4 A.M. Sept 7	TO	5 P.M. Sept 9
4 A.M. Sept 27	TO	5 P.M. Sept 29
4 A.M. Oct 13	TO	5 P.M. Oct 15

POOR ORIGINAL

B. CIRCUITS

1951

(72)

3 P.M. March 27	TO	3 P.M. Apr 1
3 P.M. Apr 17	TO	3 P.M. Apr 21
3 P.M. May 5	TO	3 P.M. May 11
3 P.M. May 26	TO	3 P.M. May 31
3 P.M. June 17	TO	3 P.M. June 20
3 P.M. July 7	TO	3 P.M. July 10
3 P.M. July 27	TO	3 P.M. July 30
3 P.M. Aug 14	TO	3 P.M. Aug 17
3 P.M. Sept 6	TO	3 P.M. Sept 9
3 P.M. Sept 25	TO	3 P.M. Sept 28
3 P.M. Oct 13	TO	3 P.M. Oct 16

B. WICE

1951

(62)

5 P.M. Apr 1	TO	10 A.M. Apr 4
5 P.M. Apr 21	TO	10 A.M. Apr 24
5 P.M. May 11	TO	10 A.M. May 14
5 P.M. May 21	TO	10 A.M. June 3
5 P.M. June 20	TO	10 A.M. June 23
5 P.M. July 10	TO	10 A.M. July 13
5 P.M. July 30	TO	10 A.M. Aug 2
5 P.M. Aug 15	TO	10 A.M. Aug 20
5 P.M. Sept 8	TO	10 A.M. Sept 11
5 P.M. Sept 27	TO	10 A.M. Oct 1

1951 12 30

Robert Ward

ENGINEERS

436 NORTH MAIN • P.O. BOX 11 • POCA TELLO, IDAHO 83201 • (208) 233-190

SURVEYORS

GROUP, INC.

DESCRIPTION FOR EVELEE HILL

A 4.9 acre parcel of land situated in the northeast quarter, southwest quarter, Section 15, Township 8 South, Range 36 East, Boise Meridian, more particularly described as follows:

Commencing at the West quarter corner, Section 15, Township 8 South, range 36 East, B.M.; thence

North $89^{\circ}16'10''$ East a distance of 1873.44 feet to an intersection with the easterly right of way of Marsh Creek Road; thence

South $11^{\circ}14'00''$ West (recorded as South $11^{\circ}02'$ West) along the easterly right of way of Marsh Creek Road a distance of 508.45 feet to the point of curvature of a tangent curve, the radius point of said curve being North $78^{\circ}46'00''$ West a distance of 2894.77 feet from said point of curvature, said curve having a tangent distance of 75.59 feet and a central angle of $2^{\circ}59'29''$; thence

southerly along said curve along the easterly right of way of Marsh Creek Road an arc distance of 151.14 feet to a point of tangency from which the radius point bears North $75^{\circ}46'31''$ West a distance of 2894.77 feet, said point also being THE POINT OF BEGINNING, said point marked with a $\frac{1}{2}$ x24-inch iron rebar set this survey; thence

South $69^{\circ}40'30''$ East a distance of 394.40 feet to a point in Walker Creek; thence

North $77^{\circ}18'30''$ East a distance of 332.28 feet to a point in Walker Creek; thence

North $72^{\circ}32'30''$ East a distance of 225.38 feet to an intersection with the meridional centerline of said Section 15, said point marked with a $\frac{1}{2}$ x24-inch iron rebar set this survey; thence

South $0^{\circ}12'17''$ East along said meridional centerline a distance of 292.06 feet, said point marked with a $\frac{1}{2}$ x24-inch iron rebar set this survey; thence

South $89^{\circ}22'30''$ West a distance of 998.37 feet to an intersection with the easterly right of way of Marsh Creek Road, said point marked with a $\frac{1}{2}$ x24-inch iron rebar set this survey; thence

North $17^{\circ}06'00''$ East (recorded as North $16^{\circ}54'$ East) along said easterly right of way a distance of 166.84 feet to the point of curvature of a tangent curve, the radius point of said curve being North $72^{\circ}54'00''$ West a distance of 2894.79 feet from said point of curvature, said curve having a tangent distance of 72.65 feet and a central angle of $2^{\circ}52'31''$; thence

northerly along said curve an arc distance of
145.27 feet to the point of beginning, containing
4.9 acres, more or less.

Job No. 185009

April 10, 1985

EXHIBIT "A"

22

750585

All that portion of the following described property lying West of the Meridional Centerline of Section 15, Township 8 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, TO WIT:

Beginning at a point on the Easterly Right of Way Line of Marsh Creek Road that is North $89^{\circ}16'10''$ East on the latitudinal centerline of Section 15, Township 8 South, Range 36 East, Boise Meridian, 1873.44 feet and South $11^{\circ}02'$ West on the Easterly Right of Way Line of Marsh Creek Road 508.45 feet and on a curve to the right with a radius 2894.79 feet for a distance of 151.14 feet from the West quarter corner of said Section 15; thence South $69^{\circ}40'30''$ East 394.40 feet; thence North $77^{\circ}18'30''$ East 332.28 feet; thence North $72^{\circ}32'30''$ East 240.13 feet; thence North $85^{\circ}33'15''$ East 143.78 feet; thence North $71^{\circ}43'45''$ East 240.01 feet; thence East 919.50 feet, more or less, to the East $1/16$ line of said Section 15; thence South $00^{\circ}10'30''$ East 362.5 feet; thence South $89^{\circ}22'30''$ West 2323.45 feet, more or less, to the Easterly Right of Way Line of Marsh Creek Road; thence North $16^{\circ}54'$ East on said Easterly Right of Way Line 166.84 feet; thence Northerly on a curve to the Left with a radius of 2894.79 feet for a distance of 145.27 feet, more or less, TO THE POINT OF BEGINNING.

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS AND AGREEMENTS OF RECORD, IF ANY.

Kathy Heinrichs

1-14845-K

2-1

DEED

502094

FOR VALUE RECEIVED, GENERAL SALES, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto **GEORGE HERBERT HENRICHS and MAURINE D. HENRICHS,** husband and wife, grantee, the following described real estate, to-wit:

See attached Schedule "A" Schedule "B"
Subject to attached restrictions

Schedule "A"

A TRACT OF LAND IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD THAT IS NORTH 89° 16' EAST ON THE LATITUDINAL CENTERLINE OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M. 1873.44 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 15; THENCE NORTH 89° 16' 10" EAST 2092.25 FEET, MORE OR LESS, TO THE EAST 1/16 LINE OF SAID SECTION 15; THENCE SOUTH 00° 10' 30" EAST ON EAST 1/16 LINE OF SAID SECTION 15, 585.60 FEET; - THENCE WEST 219.50 FEET; THENCE SOUTH 71° 43' 45" WEST 240.01 FEET; THENCE SOUTH 85° 33' 15" WEST 163.78 FEET; THENCE SOUTH 72° 32' 30" WEST 240.13 FEET; THENCE SOUTH 77° 18' 30" WEST 332.28 FEET; THENCE NORTH 69° 40' 30" WEST 394.40 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE NORTHERLY ON THE SAID EASTERLY RIGHT OF WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 2894.79 FEET FOR A DISTANCE OF 151.14 FEET; THENCE NORTH 11° 02' EAST ON THE SAID EASTERLY RIGHT OF WAY LINE 508.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

- Grantor reserves unto itself the right to use the necessary water from Walker Creek to irrigate its property adjacent to the above described property.

Schedule : "B"

NO DWELLING SHALL BE PERMITTED ON THE ABOVE DESCRIBED PROPERTY HAVING LESS THAN 1,000 SQUARE FEET EXCLUSIVE OF GARAGE. SAID DWELLING SHALL BE OF NEW CONSTRUCTION MATERIALS. NO USED MATERIAL OR USED DWELLINGS SHALL BE MOVED ON TO THE ABOVE DESCRIBED PROPERTY. ANY TRAILER HOUSE IN GOOD CONDITION MAY BE MOVED ON DESCRIBED PROPERTY AS LONG AS THEY ARE A MINIMUM SIZE OF 12 FEET BY 50 FEET.

GRANTEES UNDER ANY CONVEYANCE SHALL NOT AT ANYTIME CONDUCT, OR PERMIT TO BE CONDUCTED ON SAID PROPERTY, ANY TRADE OR BUSINESS OTHER THAN FARMING. SAID LAND CAN BE USED FOR PRIVATE DWELLING OR RESIDENCE AND NOT FOR A COMMERCIAL BUSINESS.

ALL LIVESTOCK SHALL BE LIMITED TO TWO PER ACRE, EXCEPT GOATS AND PIGS, WHICH SHALL BE LIMITED TO TWO EACH ON THE ABOVE DESCRIBED TRACT.

THE ABOVE DESCRIBED PROPERTY SHALL NOT BE USED AS A DUMPING GROUND OR FOR STORAGE OF LARGE QUANTITIES OF EQUIPMENT OR MATERIALS.

GRANTOR RESERVES ONE-HALF OF ALL MINERAL RIGHTS.

CLAIM TO A WATER RIGHT

CONFIDENTIAL

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document." The author's name is "The author's name is the name of the person who wrote the document." The date of the document is "The date of the document is the date when the document was written." The title page is the first page of the document and it contains the title, author's name, and date of the document.

Scale: 2 inches equal 1 mile.

State of Idaho

County of Donneville) ss.

Sworn to before me this 19th day of June

Notary Public
Residing at 1234 Main St., St. Louis, Mo.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by Cal Date 6-12-79 Exception filed by: _____
Prelim. check by BK Date _____
\$20.00 fee received by Cal Date 6-12-79 Forwarded to _____
Published in Idaho State Journal 7/12/79 claimant by: _____
Dates June 28 & July 5, 1979 & July 12, 1979 Date _____

County: Bannock
Stream: Marsh creek.
Amount: 6 sec. ft.
Use: irrigation and domestic.
Priority: 12-4-1904.

STATE OF IDAHO

Water License No. 645.

WHEREAS, On the 4th day of June, A. D. 1904, Wm. A. Walker, Joseph Neeser, J. D. Lockyear and an Indian named "Andrew"

of Inkorn, County of Bannock, State of Idaho, duly made application (No. 928) to me for a permit to use 7.4 cubic feet per second of the waters of MARSH CREEK

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 7th day of June, A. D. 1904, Permit No. 645 was issued to said applicants for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 7th day of June, A. D. 1907, and for the application to beneficial use of said water on or before the 7th day of June, A. D. 1911, and,

WHEREAS, On the 7th day of June, A. D. 1907, Wm. A. Walker, Joseph Neeser, J. D. Lockyear and an Indian named "Andrew"

the holders of said permit, duly made proof of the completion of adequate works for the diversion of 7.4 cubic feet per second of said waters, as evidenced by my Certificate No. 645 dated July 6, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 7.4 cubic feet per second of water with date of priority of June 4, 1904, and

WHEREAS, On the 23rd day of March, A. D. 1910, Delleretta Neeser, successor in interest to Joseph Neeser, deceased, transferred all her right, title and interest in and to said permit to Margaret A. Neeser, and

WHEREAS, On the 11th day of December, A. D. 1911, Wm. A. Walker transferred all his right, title and interest in and to 30 inches of the waters appropriated under said

permit to R. W. Hoffine, A. D.

WHEREAS, On the 13th day of December, A. D. 1911, Margaret A. Neeser, J. D. Lockyear and R. W. Hoffine,

the holders of said permit, duly made proof of the application to beneficial use of six (6) cubic feet 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 Margaret A. Neeser, J. D. Lockyear and R. W. Hoffine,

of Inkorn, County of Bannock, State of Idaho, the holders and owners of said Permit No. 645, a perpetual right, dating from December 4, 1904, to the use of six (6) cubic feet per second of the waters of Marsh Creek

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 a point near South boundary line of NE 1/4 of SW 1/4, Sec. 15, T. 8 S., R. 36 E. B. M. and conducted to and upon 300 acres divided as follows: (28 acres in SE 1/4 of SW 1/4 & 37 acres in SW 1/4 of SW 1/4, Sec. 34, T. 7 S., R. 36 E. B. M., 40 acres in NE 1/4 of NW 1/4 & 38 acres in SE 1/4 of NW 1/4 Sec. 3, T. 8 S., R. 36 E. B. M., said land being owned by Margaret A. Neeser; 24 acres in NW 1/4 of NW 1/4 Sec. 10, 34 acres in SW 1/4 of SW 1/4 & 22 acres in NW 1/4 of SW 1/4 Sec. 3, T. 8 S., R. 36 E. B. M., said land being owned by J. D. Lockyear; 18 acres in SW 1/4 of NW 1/4, 28 acres in NW 1/4 of SW 1/4 & 34 acres in NE 1/4 of SW 1/4 Sec. 10, T. 8 S., R. 36 E. B. M., said land being owned by R. W. Hoffine.

for the purpose of irrigation and 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 8th day of February, A. D., nineteen hundred and thirteen

A. E. Robinson,

(Seal)

State Engineer.

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22/22

40.5

4.3

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9/15
9/15

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