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April 18, 2005

Fax: (208) 547-3939
Cindy E. Bird
State of Idaho Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

RE: SRBA Claim 27-4078,
Evidence of Priority

Dear Cindy,

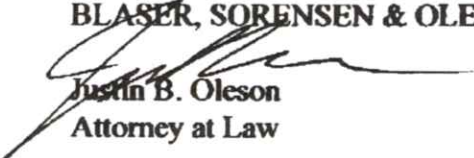
Pursuant to your telephonic request on Friday, April 15, 2005, requesting documentation evidencing land in the NESW, NWSE and SESE of section 30, township 4 south, range 41, EBM.

Enclosed is United States Patent to Horace E. Fullmer, wherein he received the patent on April 16, 1923. We believe this land was then transferred to the Eastern Idaho Grazing Association and then to Joe Oleson.

If you need any other information to help support the priority date on this acreage please let me know.

Yours Very Truly,

BLASER, SORENSEN & OLESON, Chrt.


Justin B. Oleson
Attorney at Law

JBO/rm
cc: George Oleson

No. 45

CUSTOM FORM NO. 200 (REV. 1-1-10)

No. 12924
Blackfoot 029890

4-1003

THE UNITED STATES OF AMERICA

To All to Whom These Presents Shall Come—GREETING:

WHEREAS, A certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Horace E. Fullmer

has been established and duly consummated, in conformity to law, for the east half of the southeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the northeast quarter of the southwest quarter and the Lots two and three of Section thirty in Township four south of Range forty-one east of the Boise Meridian, Idaho, containing three hundred twenty-one acres and seventy hundredths of an acre,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

NOW, KNOW YE, That there is, therefore, granted by the United States unto the said Claimant the tract of land above described:

TO HAVE AND TO HOLD THE SAID TRACT OF LAND, with the appurtenances thereof, unto the said Claimant and to the heirs and assigns of the said Claimant forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Warren G. Harding

President of the United States

of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereto affixed.

Given under my hand, at the City of Washington, the SIXTEENTH day of APRIL in the year of our Lord one thousand nine

hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-SEVENTH.

BY THE PRESIDENT: Warren G. Harding

By Viola B. Pugh Secretary.
M. P. LeRoy
Recorder of the General Land Office.

Recorded Patent Number 903378

Recorded at the request of Horace E. Fullmer November 25, 1949 A. D. 1949, at 10:40 o'clock A. M.
Fee \$1.25
By *John H. Hesse* Deputy. V. F. Wootton
Recorder





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 22, 2004

Steve Oleson
363 East 200 North
Blackfoot, ID 83221

REF: Snake River Basin Adjudication (SRBA)
Claim 27-4078

Subject: Evidence of Priority

RESPONSE DATE: DECEMBER 6, 2004

Dear Steve;

I have reviewed the information that was submitted for evidence of priority on the above referenced claim. For most of the property claimed a 7-2-1919-priority date has been verified. The evidence does not provide any evidence for the land claimed in the NESW, NWSE AND SESE of section 30, township 4 south, range 41 east of the Boise Meridian. Without proper documentation to support the claim to irrigation IDWR will not be recommending it to the court.

If no response is received by the above response date then the land described above will be disallowed for the purpose of irrigation. If you have any questions, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

A F F I D A V I T

STATE OF IDAHO)
 : ss.
County of Bingham)

HORACE E. FULLMER of Blackfoot, Idaho, being first duly sworn, deposes and says that he is a nephew of Van O. Fullmer, who, on September 2, 1920, acquired title by United States Patent to Lots 6 and 7, and $S\frac{1}{2}NE\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}$ of Section 31, and Lot 4 and $NW\frac{1}{4}SW\frac{1}{4}$ of Section 32, Township 4 South, Range 41 East of the Boise Meridian, in Bingham County, Idaho; that at the time the said Van O. Fullmer filed on said land and at the time he acquired patent therefor, he was a widower, his wife having died about 1910; that the said Van O. Fullmer never married, and was still a widower on March 1, 1928, when he conveyed said property to Alonzo S. Fullmer.

Horace E. Fullmer

[Signature]
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho.

My Commission Expires Feb. 1, 1946.

44938

STATE OF IDAHO, } ss
County of Bingham.

I hereby certify that the within instrument was filed for record in this office at the request of

J. H. Anderson
on the 27th of Nov. 1944
at 30 m to 2 o'clock

P. M. and was duly recorded in
Book 17 Miscellaneous Page 215
Bingham County Records.

L. H. Peterson
County Recorder
Deputy Recorder

Recorder's Fee \$ 20



RECEIVED

1-

.14406

caption

Mortgage Abstract of Title

PREPARED BY

*The Bingham
Title & Trust Co*

TO THE
FOLLOWING DESCRIBED REAL ESTATE

The Southwest quarter of the Southeast quarter, the Southeast quarter of the Southwest quarter and Lot Four of Section Thirty, Lot One, the East half of the Northwest quarter, the Northeast quarter, the North half of the Southeast quarter, and the Lots Six, Seven of Section Thirty-one, the Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter of Section Thirty-two all in Township Four South of Range Forty-one East of Boise Meridian, in Idaho, excepting therefrom 4.5 acres of lot 6 in section Thirty-one in said township and range as described in that certain Easement and Release as recorded in Book "M" of Miscellaneous at page 420 of the records of Bingham County, Idaho.

Sec. 30

SWSE

SESW

L-4

The Plat of the land
herein abstracted will
be found on the last
sheet of this abstract.
Follows the certificate.

John C. Gentry

U. S. PATENT

The United States of America

TO

Van O. Fullmer ;

Dated- September 2nd, 1920-
Consideration- Full Payment-
Recorded- January 13th, 1922 at-
11:55 A.M., in Book "45" of Deeds at-
Page 78 of the records of Bingham County, Idaho-

L.Q.C. Lamar Recorder of
the General Land Office

By the President: Woodrow Wilson
By M. P. LeRoy, Secretary
(United States Seal Attached)

The Bingham
Trust Co.
DESCRIPTION and REMARKS

Pursuant to the Act of Congress of May 20th, 1862 to Secure Homesteads to actual settlers on the public Domain, and the acts supplemental thereto there is granted by the United States unto the party of the second part, the tract described as: Lots 6 and 7, the S¹ of the NE¹ 4, and the N¹ of the SE¹ 4 of Section 31 and the Lot 4, and the NW¹ of the SE¹ 4 of Section 32 in Township 4 South of Range 4¹ E.B.M., in Idaho, containing 306.32 acres.

To Have and To Hold said tract of land unto the said second party and to his heirs and assigns forever, subject to water rights and ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Court; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

WARRANTY DEED

Van O. Fullmer

TO

Alonzo S. Fullmer

Dated- March 1st, 1928-

Consideration- \$1.00-

Recorded- March 3rd, 1928 at-

3:00 P.M., in Book "50" of Deeds at-

Page 511 of the records of Bingham County, Idaho-

Witness-

C. L. Hart

Van O. Fullmer (Seal)

The Bingham
Acknowledged by Van O. Fullmer, March 1st, 1928, before
E. G. Houder, a Notary Public of Idaho, residing at Pocat-
ello, Idaho. Sealed. Commission expires January 8, 1931.

DESCRIPTION and REMARKS

The party of the first part does hereby grant, bargain, sell, convey and confirm unto the party of the second part and to his heirs and assigns forever, all the following described property in Bingham County, Idaho, to-wit:

Lots 6 and 7 and the N¹/₄ of the SE¹/₄ and the S¹/₄ of the NE¹/₄ of Section 31 Township 4 South, Range 41 E.B.M., and the SW¹/₄ of the NW¹/₄ and the NW¹/₄ of the SW¹/₄ of Section 32, Township 4 South, Range 41 E.B.M., containing 320 acres, more or less.

To Have and To Hold in the quiet and peaceable possession of the said second party and to his heirs and assigns forever, and the said first party will forever warrant and defend.

THE UNITED STATES OF AMERICA
To All To Whom These Presents Shall Come, GREETING;

Blackfoot, Idaho

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Alonzo S. Fullmer, has been established and duly consummated, in conformity to law, for the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, and the lot 1 of section 31 and the lot 4 (SWSW) of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 30 in township 4 south of range 41 E. B. M., Idaho, containing 320.88 acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor-General.

NOW KNOW YE, that there is, therefore granted by the United States unto the said claimant the tract of land above described.

To Have and To Hold the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and there is reserved from the lands hereby granted, a right of way thereunto for ditches or canals constructed by the authority of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

Excepting and reserving also to the United States all the phosphate, in the lands so patented, and to it, or persons authorized by it, the right to prospect for mine, and remove the deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914.

In Testimony Whereof, I Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Dated July 2nd, 1919.

Seal.

By the President, Woodrow Wilson
By E. D. Bouldin, Assistant Secretary
L. Q. C. Lamar, Recorder of the General
Land Office.

Recorded- April 3rd, 1943 at-
10:26 A. M. in book "45" of Deeds at-
Page 492 of the records of Bingham County, Idaho-

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.

Washington D.C. Mar. 30, 1943

I hereby certify that this photograph is a true copy of the patent record which is in my custody in this office.

Seal.

R. S. Clinton, Chief, Patents Division

DECLARATION OF HOMESTEAD

KNOW ALL MEN BY THESE PRESENTS: That I do hereby certify and declare that I am the head of a family being married, and that I do now, at the time of making this declaration, actually reside with my family on the land and premises hereinafter described. That my family consists of a wife and one child. That the land and premises on which I reside are lying and being in the County of Bingham, State of Idaho, and described as follows, to-wit:

N-NE $\frac{1}{4}$:E-NW $\frac{1}{4}$: Lot 1 Section 31 Lot 4 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$: of Section 30 in Township 4 South, Range 41 E.B.M., together with all water and dirc h rights thereto belonging.

That it is my intention to use and claim the said Lot of land and premises above described, together with the dwelling house thereon, and its appurtenances, as a homestead, and I do hereby select and claim the same as a Homestead as provided in Title 42 Idaho Compiled Statutes.

That the actual cash value of said property I estimate to be \$3600.00.

In Witness Whereof, I have hereunto set my hand and seal this 21st day of March 1923.

Witness- Bash L. Bennett

Alonzo S. Fullmer

Acknowledged by Alonzo S. Fullmer, March 21st, 1923-
before Bash L. Bennett a Notary Public of Idaho,-
residing at Rigby, Idaho: Sealed: Commission-
expires November 9th, 1926.

Recorded- April 7th, 1923 at-
9:12 A.M., in Book "2" of-
Homesteads at page 97 of the-
Records of Bingham County, Idaho.

TAX DEED

This Indenture, Made February 21st, 1927, between Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, Idaho. (hereinafter generally referred to as "Tax Collector") the first part, and Bingham County, State of Idaho the second party.

Witnesseth: Whereas, the County Tax Collector, pursuant to law, did on the first Monday of January 1923, enter delinquent taxes on the hereinafter described property which operated as a tax sale of said property to said Tax Collector as grantee in trust for the County.

Whereas, said delinquent property was assessed in the name of A.S. Fullmer, for taxes for the year 1922, which are unpaid and delinquent; that said delinquent taxes amount to \$2.65 and that said property was duly assessed according to law; that the tax collector issued notice for said delinquency and time of redemption, which would expired February 4th, 1927, and served the same upon persons in actual possession of said property and upon the person whose name stands upon the records of said County, and by posting a notice upon said land as provided by law.

Whereas, the said Tax Collector has delivered affidavit of service as required by law to the County Auditor of Bingham County, Idaho, and said property has not been redeemed and the time for redemption has expired.

Now, Therefore, The Tax Collector, pursuant to law and in consideration of \$2.65 does grant, bargain, sell, convey and confirm unto the County of Bingham, State of Idaho, and to its successors and assigns forever the Lot 1 E NW 1/4 N NE 1/4, Section 31 Lot 4 SE 1/4 SW 1/4 SW 1/4 SE 1/4 Section 30 Township 4 South of Range 41 E.B.M.

To Have and To Hold said described property, together with the appurtenances thereof, unto the said second party, to its successors and assigns forever.

In Witness Whereof, Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, Idaho, has hereunto set her hand and affixed the seal of her office at Blackfoot, Bingham County, Idaho, the day and year first above written.

Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, Idaho.

Acknowledged by Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, Idaho, February 21st, 1927, before
H. A. Benson, Clerk of the District Court of Bingham County,
Idaho. Sealed.

Recorded- March 30th, 1927 at-
3:00 P.M., in Book "8" of Tax-
Deeds at page 228 of the re-
cords of Bingham County, Idaho.

REDEMPTION DEED.

THIS INDENTURE MADE August 17th, 1927, between Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, State of Idaho the first party, and A. S. Fullmer of 361 Center Street, Salt Lake City, Utah.

WITNESSETH: Whereas, said Bingham County has become the purchaser of the real property hereinafter described for delinquent taxes, and the time fixed by law for the redemption of said taxes has expired and a tax deed based upon the said delinquencies has heretofore been issued to said County, and the said second party, has pursuant to law, paid unto the County Treasury of said County the said amount of the original taxes for which property was sold, less any penalties added at the time of sale, together with interest thereon at 7% per annum from dates of delinquency.

DELINQUENT TAX 1922

Amount for which property was sold for taxes of 1922	\$2.65
Publication fee	2.00
Less Penalties added at sale	<u>4.65</u>
Interest on last named amount from Jan. 1, 1923, at 7%	<u>.97</u>
TOTAL	\$5.62

The Bingham Title & Trust Co.

NOW, THEREFORE, The County Treasurer, pursuant to law and in consideration of the premises and of the said sum of \$ 5.62, paid into the Treasury of said County, receipt whereof is hereby acknowledged, does quit-claim and convey unto the said second party, his heirs, executors, and assigns forever, all right, title and interest of Bingham County, Idaho, acquired by virtue of tax delinquencies for which payment is herein acknowledged, in and to the following described property in Bingham County, Idaho, to-wit:

Lot 1, E¹ NW¹, N¹ NE¹ Section 31 and Lot 4, SE¹ SW¹, SW¹ SE¹ Section 30 Township 4 South of Range 41 E.B.M.,

To Have and To Hold all and singular the above described property, together with appurtenances thereunto unto said second party, his heirs, executors and administrators and assigns forever.

IN WITNESS WHEREOF, Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, Idaho, has hereunto set her hand and affixed the seal of her office at Blackfoot, Bingham County, Idaho.

Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, Idaho

Acknowledged by Dorothy Dahlstrom, County Treasurer and Ex-Officio Tax Collector of Bingham County, August 17th, 1927, before H. A. Benson, Clerk of the District Court in and for Bingham County, Idaho. Sealed. By Ruth F. Hilliard, Deputy.

Recorded-August 17th, 1927 at-
9:30 A.M., in Book "51" of Deeds-
at page 551 of the Records of-
Bingham County, Idaho.

WARRANTY DEED

Alonzo S. Fullmer and Mary
L. Fullmer, his wife-

TO

John S. Bowker and
Joseph L. Wilson-

Dated- February 29th, 1928-
Consideration- \$3000.00-
Recorded- March 3, 1928 at-
3:02 P.M., in Book "50" of Deeds at-
Page 512 of the records of Bingham County, Idaho-

Witness-
Earl W. Harmer

Alonzo S. Fullmer (Seal)
Mary L. Fullmer (Seal)

To Bingham
Acknowledged by Alonzo S. Fullmer, March 2nd, 1928, before
Guy Stevens, a Notary Public of Idaho, residing at
Blackfoot, Idaho. Sealed. Commission expires
October 10th, 1929.

Acknowledged by Mary L. Fullmer, March 1st, 1928, before
Lawrence Mangum, a Notary Public of Salt Lake County,
Utah. Sealed. Commission expires December 13, 1929.

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell, convey and confirm unto the party of the second part and to their heirs and assigns forever, all the following described property in Bingham County, Idaho, to-wit:

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lot 4 of Section 30, Lot 1 the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and Lots 6 and 7 of Section 31, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 all in Township 4 South of Range 41 E.B.M., in Idaho.

Subject to the 1928 taxes on said premises which the grantees assume and agree to pay.

To Have and To Hold in the quiet and peaceable possession of the said second party and to their heirs and assigns forever, and the said first parties will warrant and defend, forever.

MORTGAGE

John S. Bowker, and
 Rosella M. Bowker, his wife,
 and Joseph L. Wilson, and
 Lucy Wilson, his wife

TO

Van O. Fullmer

Dated- March 2nd, 1928-

Consideration- \$ 600.00-

Recorded- March 3, 1928 at-

11:02 A.M., in Book "58" of Mortgages at-

Page 128 of the records of Bingham County, Idaho-

Witness-

Guy Stevens

The Bingham
Title & Trust Co.

John S. Bowker	(Seal)
Rosella M. Bowker	(Seal)
Joseph L. Wilson	(Seal)
Lucy Wilson	(Seal)

Acknowledged by John S. Bowker and Rosella M. Bowker, his wife, Joseph L. Wilson and Lucy Wilson, his wife, March 2nd, 1928, before Guy Stevens, Notary Public of Idaho, residing at Blackfoot, Idaho. Sealed. Commission expires October 10th, 1929.

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell and convey unto the party of the second part and to his heirs and assigns forever, all the following described property in Bingham County, Idaho.

Lots 6 and 7, the N¹ of the SE⁴, and the S⁴ of the NE⁴ of Section 31, The SW⁴ of the NW⁴ of the NW⁴, and the NW⁴ of the SW⁴ of Section 32, all in township 4 South of Range 41 E.B.M., in Idaho.

This conveyance is executed to secure two notes of even date, as follows: one note for \$300.00 due on or before October 1, 1929, and one note for \$300.00 due on or before October 1, 1930, each drawing interest at the rate of 6% per annum from the dates thereof, interest payable October 1st, 1928 and annually thereafter.

ASSIGNMENT OF MORTGAGE

Know All Men By These Presents, That Van O. Fullmer the party of the first part, for and in consideration of the sum of \$10.00 to him in hand paid by Kenneth O. Fullmer and Morris C. Fullmer the parties of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, assign, transfer and set over unto the said parties of the second part, a certain Indenture of Mortgage, bearing date the second day of March, 1928, made and executed by John S. Bowker and Rosella M. Bowker, his wife, and Joseph L. Wilson and Lucy Wilson, his wife, Mortgagors, to Van O. Fullmer, Mortgagee, and recorded on the 3rd day of March, 1928, in Book "58" of Mortgages, at page 128 in the office of the County Recorder of the County of Bingham, State of Idaho.

Together with the two \$300.00 promissory notes therein described, and the money due and to become due thereon, with the interest.

And the said party of the first part does hereby make, constitute and appoint the said parties of the second part his true and lawful attorney, irrevocably, in his name or otherwise, but at the proper costs and charges of the said parties of the second part, to have, use and take all lawful ways and means for the recovery of the said money and interest, and in case of payment, to discharge the same as fully as the said party of the first part might or could do if these presents were not made.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the 30th day of October, 1928.

Witness- Florence G. White

Van O. Fullmer (Seal)

Paid in Full October 28, 1929 and was to be released right away.

Acknowledged by Van O. Fullmer, October 30th, 1928, before
Florence G. White a Notary Public of Salt Lake County,
Utah. Sealed.

Recorded-October 17th, 1942 at-
11:10 a.m., in Book "F" of Assign-
ments at page 107 of the records-
of Bingham County, Idaho.

RELEASE OF MORTGAGE

KNOW ALL MEN BY THESE PRESENTS: That a certain mortgage, executed on March 2nd, 1928, which was duly recorded in the records of Bingham County, Idaho, the 3rd day of March, 1928 in Book "58" of Mortgages at page 128 which was given to secure the sum of \$600.00 and interest, and which is from John S. Bowker and Rosella M. Bowker, his wife; and Joseph L. Wilson, and Lucy Wilson, his wife to Van O. Fullmer and by him assigned to Kenneth O. Fullmer and Morris C. Fullmer dated October 30th, 1928 as recorded in Book "F" of Assignments at page 107 of the records of said County, is hereby released and satisfied in full. The said mortgage was upon the following described property situated in Bingham County, Idaho, viz:

Lots 6 and 7, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, all in Township 4 South of Range 41 E.B.M.

In Witness Whereof these presents are signed and sealed the 12th day of October, 1942.

Kenneth O. Fullmer
Kenneth O. Fullmer
Morris C. Fullmer

Acknowledged by Kenneth O. Fullmer and Morris C. Fullmer,
October 15th, 1942, before Jessie A. Rice, a Notary
Public for Idaho, residing at Pocatello, Idaho:
Sealed: Commission expires June 25, 1945-

Recorded- October 17th, 1942 at-
11:12 a.m., in Book "W" of Re-
leases at page 448 of the records-
of Bingham County, Idaho.

MORTGAGE

John S. Bowker, and
Rosella M. Bowker, his wife
and Joseph L. Wilson and
Lucy Wilson, his wife

TO

Alonzo S. Fullmer

Dated-March 2nd, 1928

Consideration- \$ 2150.00-

Recorded- March 3, 1928 at-

11:04 A.M., in Book "58" of Mortgages at-

Page 129 of the records of Bingham County, Idaho.

Witness-

Guy Stevens

The Bingham Title & Trust Co.
John S. Bowker (Seal)
Rosella M. Bowker (Seal)
Joseph L. Wilson (Seal)
Lucy Wilson (Seal)

Acknowledged by John S. Bowker and Rosella M. Bowker, his wife, Joseph L. Wilson and Lucy Wilson, his wife, March 2nd, 1928, before Guy Stevens, Notary Public of Idaho, residing at Blackfoot, Idaho. Sealed. Commission expires October 10th, 1929.

DESCRIPTION and REMAINS

The parties of the first part do hereby grant, bargain, sell and convey unto the party of the second part and to his heirs and assigns forever, all the following described property in Bingham County, Idaho.

(swsw) The N¹/₄ of the NE¹/₄, the E¹/₄ of the NW¹/₄, and Lot 1 of Section 31, Lot 4, the SE¹/₄ of the SW¹/₄, and the SW¹/₄ of the SE¹/₄ of Section 30, all in Township 4 South of Range 41 E.B.M., in Idaho.

This conveyance is executed to secure three notes of even date as follows: one note for \$950.00, due on or before October 1, 1928, one note for \$600.00 due on or before October 1, 1929; and one note for \$600.00, due on or before October 1, 1930, all of said notes draw interest at the rate of 6% per annum from the dates thereof, interest payable October 1, 1928, and annually thereafter.

MORTGAGE

John S. Bowker and
Rosella Bowker, his wife

TO

First Security Bank, of
Blackfoot, a corporation

Dated- February 27th, 1933-
Consideration- \$2500.00-
Recorded- February 28th, 1933 at-
2:40 p.m., in Book "62" of Mortgages at-
Page 186 of the records of Bingham County, Idaho-

Witness-
Louis Felt

John S. Bowker (Seal)
Rosella Bowker (Seal)

Acknowledged by John S. Bowker and Rosella Bowker, his-
wife, February 27th, 1933 before Louis Felt a Notary
Public of Idaho, residing at Blackfoot, Idaho. Sealed.

The Mortgagor does grant, bargain, sell and convey unto the said mortgagee, its
successors and assigns forever, the following described real estate situated in Bing-
ham County, Idaho, to-wit:

An undivided one-half interest in and to the following
described land, to-wit: Lot 4, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30,
in Township 4 South of Range 41 E.B.M.; Lots 1, 6, 7 the NE $\frac{1}{4}$, the E $\frac{1}{4}$ of the NW $\frac{1}{4}$, the
N $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 31 in Township 4 South Range 41 E.B.M.; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and
the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, in Township 4 South, Range 41 E.B.M., in Idaho.
Together with all ditch and water rights of every nature, however evidenced, together
with other lands in Bingham County.

This grant is intended as a mortgage to secure payment of the principal sum of
\$2500.00 according to the terms of one promissory note for \$2500.00 due 5 years bear-
ing interest at 7% per annum at Blackfoot, Idaho.

RELEASED ON THE MARGIN OF WHICH THE FOLLOWING IS A COPY:

I hereby certify that this mortgage and the indebtedness
secured thereby is fully paid, satisfied and discharged.

First Security Bank
By Louis Felt U.P.
Signed and acknowledged before me this 14 day of
April 1933

Jno. N. Falk
County Recorder.
By Xelta Anderson
Deputy

EASEMENT AND RELEASE

Know All Men By These Presents: That John S. Bowker and Rosella M. Bowker, his wife and Joseph L. Wilson and Lucy C. Wilson, his wife, Grantors, in consideration of the sum of \$150.00 to them in hand paid by the United States of America, receipt of which is hereby acknowledged, do by these presents, grant, bargain, sell, convey and confirm unto the United States of America, and its assigns, Grantee:

1. An easement in perpetuity to flood temporarily impound, withdraw at will, water on, over and from all lands owned, claimed or possessed by the Grantors, lying and being in Bingham County, Idaho, and described as follows: All of that part of Lot 6 section 31, Twp. 4 South, Range 41 E.B.M., Idaho, lying below contour elevation 6130, as shown on the blue print map attached hereto and made a part hereof, containing 4.5 acres, more or less.

So long as the flooding and impounding shall be due to or in any manner arise out of the use and operation by the Grantee, or its assigns, of its said Blackfoot Marsh Reservoir located in township 4, 5, 6 and 7 south of range 40, 41, and 42 E.B.M.

2. And for said consideration said parties, the Grantors, herein do hereby release the said United States of America and its said Secretary of the Interior and the United States Fort Hall Indian Irrigation Project and its successors or assigns from any and all damages, past, present and future to the above described lands of the Grantors on account of flooding or impounding water or deposit of ice on said lands or draining of water therefrom, due to or in any manner arising out of the use and operation of said Blackfoot Marsh Reservoir or the formation of ice jams therein, or in any other manner due to or arising out of the operation by the said Grantee of its Blackfoot Marsh Reservoir.

FURTHER, the Grantors do hereby release the said United States of America and its said Secretary of the Interior and the Fort Hall Indian Irrigation Project, its successors in interest and assigns from any and all damages accrued or alleged to have accrued on account of or in any manner arising out of the construction, operation and maintenance of said Blackfoot Marsh Reservoir and or the outlet or control works, or the procurement of right-of-way, or for any other damages or claims, past, present and future of any kind whatsoever.

It is the intention of the Grantors that the covenants and grants herein contained shall be, and they are hereby declared to be binding upon our heirs, executors, administrators and assigns.

The Grantors agree to pay for the recording of this easement the sum of \$2.60.

In Witness Whereof the Grantors have hereunto set their hands and seals this 3rd day of November, 1942.

\$.55 I.R.S. attached and cancelled.

John S. Bowker

Joseph L. Wilson

Rosella M. Bowker

Lucy C. Wilson

Acknowledged by John S. Bowker and Rosella M. Bowker, his wife, and Joseph L. Wilson and Lucy C. Wilson, his wife, November 3rd, 1942, before R. H. Stufflebeam a Notary Public for Idaho, residing at Blackfoot, Idaho: Sealed:

Commission expires April 15th, 1946. Sealed.

Recorded November 4th, 1942 at 2:32 p.m., in Book
WM of Miscellaneous at page 420 of the records
of Bingham County, Idaho.

WARRANTY DEED

Joseph L. Wilson and Lucy C. Wilson,
husband and wife

TO

John S. Bowker

Dated- March 26th, 1943-
Consideration- \$1125.00-
Recorded- April 8th, 1943 at-
2:45 p.m., in Book "64" of Deeds at-
Page 251 of the records of Bingham County, Idaho-

Witness- E. P. Monson Jr.

Joseph L. Wilson
Lucy C. Wilson

Acknowledged by Joseph L. Wilson and Lucy C. Wilson, husband
and wife, March 26th, 1943, before E. P. Monson Jr. a Notary
Public for Idaho, residing at Blackfoot, Idaho:
Sealed: Commission expires July 10, 1943-

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell, convey and confirm
unto the party of the second part and to his heirs and assigns forever all that cer-
tain real estate situated in Bingham County, Idaho, described as follows:

SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lot 4 of Section 30, Lot 1, the E $\frac{1}{2}$ of
the NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, and Lots 6, 7 of Section 31, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$
and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 all in Township 4 South of Range 41 E.B.M., in
Idaho; less 4.5 acres sold to the Blackfoot-Fort Hall Reservoir and Irrigation Company,
in Lot 6 Section 31, Township 4 South, Range 41 E.B.M.

To Have and To Hold said premises in the quiet and peaceable possession of the
said second party and to his heirs and assigns forever and the said first parties
will warrant and forever defend.

\$1.65 I.R.S. attached and cancelled.

TAXES

1943- Taxes are a lien on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and lot 4 of Section 30, Lot 1, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the lots 6 and 7 of Section 31, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 all in township 4 South of Range 41 E.B.M. but are not due or payable before November 22d, 1943.

Titie & Trust Co.

Note: The above 1943 taxes are fully paid and cancelled of record.

Abstracter.
10/27-44

Certificate of Abstracter

STATE OF IDAHO, }
COUNTY OF BINGHAM. } ss.

The Bingham Title & Trust Co., Abstracter of titles in and for the said county does hereby certify that the foregoing abstract, consisting of pages 1 to 17 inclusive; sets forth a true and correct abstract of all that appears of record in the office of the County Recorder of Bingham County, Idaho, which in any way affects the title to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 4 of Section 30, Lot 1, the E $\frac{1}{2}$ of NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, and lots 6 and 7 of Section 31, the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32 all in Township 4 South of Range 41 E.B.M., excepting therefrom 4.5 acres of lot 6 in section 31 in said township and range as described in that certain Easement and Release as recorded in Book "M" of Miscellaneous at page 420 of the records of Bingham County, Idaho.

Further, that there are no taxes due and unpaid, that there are no Irrigation District or "Carey Act" land or other special assessments of record in the office of the Treasurer and Tax Collector of Bingham County, Idaho, due and unpaid on the lands above described except as herein shown on Tax sheet page 17 of this abstract.

Further, that there are no judgments or liens of record in the office of the County Recorder or in any Court of record in Bingham County, Idaho, which are a lien against the lands above described except as shown on the preceeding pages of this abstract.

Further, that the United States District Court has held no session within Bingham County, and we only certify as to Judgments from the United States District Court that are of record in Bingham County.

This certificate is made to John S. Bowker-

at the request of John S. Bowker-

Witness the hand and seal of The Bingham Title & Trust Co.,
this 8th day of April, 1943 at 5:00 o'clock p.m.

The Bingham
Title & Trust Co.
By L. N. Stufflebeam,
Trustee

TAXES

1944- Taxes are a lien on the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lot 4 of Section 30, Lot 1, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, and the Lots 6, 7 of Section 31, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32 all in Township 4 South of Range 41 E.B.M. but are not due or payable before November 27th, 1944.

John H. ... Co.

Certificate of Abstracter



STATE OF IDAHO, }
COUNTY OF BINGHAM. } ss.

The Bingham Title & Trust Co., Abstracter of titles in and for the said county does hereby certify that the foregoing abstract, consisting of pages 1 to 18 inclusive; sets forth a true and correct abstract of all that appears of record in the office of the County Recorder of Bingham County, Idaho, which in any way affects the title to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and lot 4 of Section 30, lot 1, the E $\frac{1}{2}$ of NW $\frac{1}{4}$, the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, and lot 6 and 7 of section 31, the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 32 all in Township 4 South of Range 41 E. B. M., excepting therefrom 4.5 acres of lot 6 in section 31 in said township and range as described in that certain Easement and Release as recorded in book "M" of Miscellaneous at page 420 of the records of Bingham County, Idaho.

Further, that there are no taxes due and unpaid, that there are no Irrigation District or "Carey Act" land or other special assessments of record in the office of the Treasurer and Tax Collector of Bingham County, Idaho, due and unpaid on the lands above described except as herein shown on Tax sheet page 18 of this abstract.

Further, that there are no judgments or liens of record in the office of the County Recorder or in any Court of record in Bingham County, Idaho, which are a lien against the lands above described except as shown on the preceding pages of this abstract.

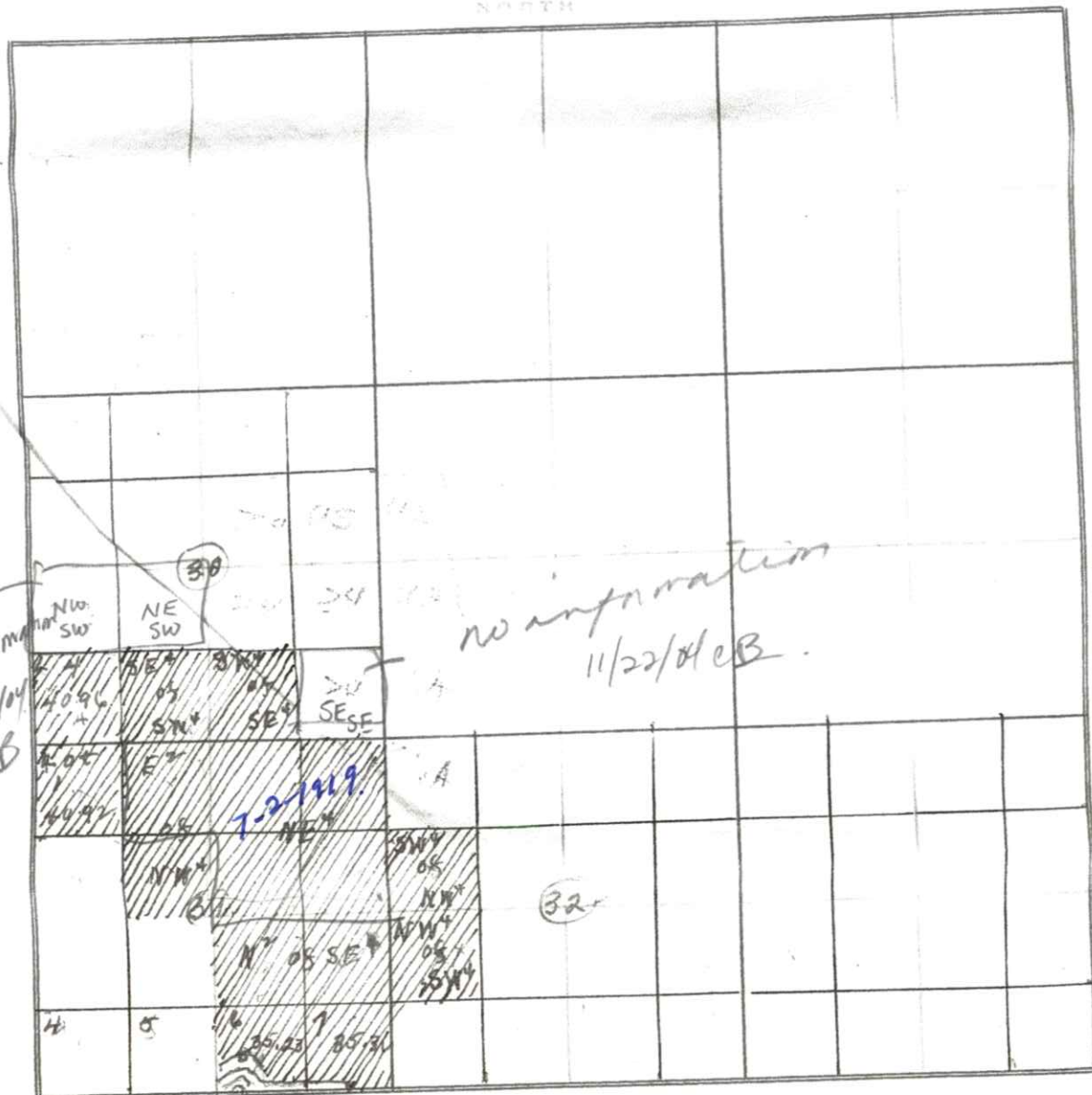
Further, that the United States District Court has held no session within Bingham County, and we only certify as to Judgments from the United States District Court that are of record in Bingham County.

This certificate is made to John S. Bowker
at the request of Joe Oleson

Witness the hand and seal of The Bingham Title & Trust Co.,
this 27th day of October, 1944 at 5 o'clock P.M.

The Bingham
Title & Trust Co.
By H. H. Hufferdine
Trustee

South of Range 41 East of Boise Meridian, in Idaho.





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

17 October 2003

SECOND REQUEST

Steven Oleson
363 East 200 North
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4077 and 27-4078

Subject: EVIDENCE OF PRIORITY

COPY

Response Date: 6 November 2003

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, 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.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by the above referenced response date, referencing all documents with the corresponding Notice number. If we do not hear from you will may recommend to the Court that this claim be disallowed. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Steven Oleson
363 East 200 North
Blackfoot, Idaho 83221

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04077 & A27-04078

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, 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.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 23, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report