

Mark and Wendy Pratt
279 N 400 E
Blackfoot, ID 83221

April 12, 2004

Vicky Music
Idaho Dept of Water Resources
1301 North Orchard
Boise, ID 83706

Re: Claim No. 27-4U and 27-4M

Dear Ms. Music,

For further proof of the above claims I am enclosing a copy of a Warranty Deed dated April 14, 1919 for fifty inches of water sold from the original decreed owner to J. C. Heaton. I also have enclosed a deed dated August 1950 selling this water as attached to our land to another individual. I hope this ties the water to the land and by referencing the 1885 judgment it proves the claim.

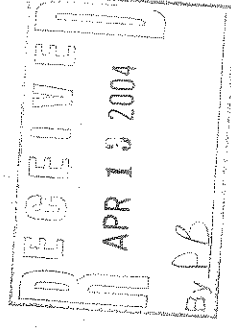
The front half of the land is in Mark's name and you already have a quit claim to his father Gary for the back half.

Thank you for your attention. My phone is 785-6597.

Sincerely,


Wendy Pratt

cc: Cindy Bird



DEED RECORD, BINGHAM COUNTY

WARRANTY DEED

MOUNTAIN STATES PRESS INC., BOISE IDAHO

No. 17499

THIS INDENTURE, Made this day of August, in the year of our Lord one thousand nine hundred and between
J. C. HEATON and EMILY N. HEATON, husband and wife
of the County of Bingham State of Idaho, the part ies
of the first part, and W. D. SCOGINGS State of Idaho, the part y
of THE County of Bingham State of Idaho, the part y
of the second part:

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of ONE and no/100 and other valuable considerations DOLLARS, lawful money of the United States of America/to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said part y of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in Bingham County, State of Idaho, to-wit:

North one-half Northwest quarter (N¹/₂ and ¹/₄) Section 23,
Township Two (2) South, Range 36, E.B.M.

Together with all water and water rights, ditch and ditch rights, canals, flumes or headgates, hereunto belonging or in anywise appertaining more especially 50 inches of that certain decreed water right of the Blackfoot river in the case of Fred B. Stevens, etal., Plaintiffs Vs Eastern Idaho Water Company, etal, defendants, as recordeed in Judgment Book No. 1 at pages 107 to 116 inclusive of the records of Bingham County, Idaho; being a part of the 1500 inches decreed to the first parties herein as of June 1st, 1885, as covered in that certain warranty deed from A. Whitten and Susan Whitten, his wife, to J. C. Heaton, dated April 14, 1919, and recorded October 16th, 1919 in record of Deeds book 40 page 68 records of the County of Bingham, State of Idaho.

\$2.20 I.R.S. attached and cancelled.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the said part y of the second part and to his heirs and assigns, forever, and the said part ies of the first part and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, and against the said part ies of the first part, their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hands, and seal g, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

J. C. Heaton (SEAL)
Emily N. Heaton (SEAL)

John M. Homer (SEAL)

STATE OF)
County of BONNEVILLE)
iss.

On this 9th day of SEPTEMBER in the year 1950, before me JOHN M. HOMER, a Notary Public in and for said State, personally appeared J. C. HEATON and EMILY N. HEATON, husband and wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

See l
John M. Homer
Notary Public for the State of Idaho
residing at Idaho Falls, Idaho

My commission expires MAY 3, 1952.

Recorded at the request of W. D. Scogings September 21, 1950 3:30 P.M.
Recorder's Fees, \$ 1.50 V. F. Waetton Recorder.

THIS INDENTURE, Made the 14th day of April in the year of our Lord one thousand nine hundred and Nineteen, between A. Whitten and Susan Whitten, his wife

of the County of Bingham and State of Idaho, the part i es of the first part, and of the County of Bingham and State of Idaho, the part y of the second part,

J. C. Heston

WITNESSETH, That the said part i es of the first part, for and in consideration of the sum of

Two Hundred, Fifty and no/100- - - - - (\$250.00) - DOLLARS, lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged

do by these presents grant, sell, bargain and convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all that certain lot, piece ^{water right} of parcel - - - of land-situate, lying and being in the

County of Bingham and State of Idaho, and bounded and described as follows, to-wit:

Fifty (50) inches of that certain decreed water right

of the Blackfoot River in the case of Fred S. Stevens et al Plaintiffs Vs Eastern Idaho Water Co., et al defendants, as re corded in Judgment Book No. 1 at pages 107 to 116 inclusive of the records of Bingham County, Idaho, being a part of the 1500 inches decreed to the first parties herein as of June 1st, 1885.

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

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part y of the second part, and to his heirs and assigns forever, and the said part i es of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part i es of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part i es of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

W. H. Stufflebeam

A. Whitten

Susan Whitten

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

STATE OF IDAHO, } ss.
County of Bingham

I DO HEREBY CERTIFY, That on this 14th, day of April in the year 19 19 before me, W. H. Stufflebeam, a Notary Public, in and for said County and State, personally appeared

A. Whitten and Susan Whitten, his wife,

known to me to be the person s whose name s are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.