

594 W. 200 S.  
Blackfoot, ID 83221  
Jan 6, 2004

Cindy E. Bird  
Adjudication Bureau  
Dept. of Water Resources  
15 West Center Street  
Soda Springs, ID 83276

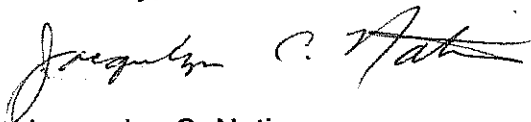
Re: Snake River Basin Adjudication (SRBA)  
Claim 27-11120

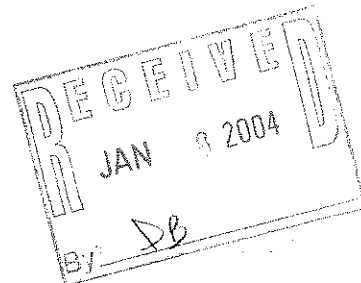
Dear Ms. Bird:

In response to your letter of 9 December 2003, please be advised that we accept Mr. Merlin Yancey's response of December 30, 2003 in behalf of all holders of Welch water. If you require another copy please advise me, and I would be happy to send you one.

On another matter, is it possible to separate this claim between Nations and Romriells? Or do we need to keep it intact until the adjudication process is complete? I can be contacted daytime at 208 785-8616 or email at [inblckft@ida.net](mailto:inblckft@ida.net). Thank you.

Sincerely,

  
Jacquelyn C. Nation





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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

9 December 2003

Howard S. Nation  
594 West 200 South  
Blackfoot, ID 83221

COPY

Re: Snake River Basin Adjudication (SRBA)  
Claim 27-11120

Subject: EVIDENCE OF PRIORITY DATE

**Response Date: 8 January 2004**

Dear Claimant(s):

The Idaho Department of Water Resources has begun its SRBA claims review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the SRBA.

The referenced claim is not a decreed right based on Welch Irrigation. In the Stevens' 1891 decree the Welch water was decreed as mining, not irrigation and cannot be converted to irrigation. The mining purpose is non-consumptive while, irrigation is consumptive. Therefore, it can only be recommended to the Court as a beneficial use claim. However, before we can prepare the recommendation, we need evidence to support when the water was put to beneficial use for irrigation.

It is important that each element of the Notice be substantiated. For 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**".

If we do not hear from you by the above referenced response date we will 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,

A handwritten signature in cursive script that reads "Cindy E. Bird" followed by a stylized flourish or initials.

Cindy E. Bird  
Adjudication Bureau

CEB/bjp

Enclosure: Evidence of Priority Brochure

594 W. 200 S.  
Blackfoot, ID 83221  
July 15, 2003

Attn: Cindy E. Bird  
State of Idaho Department of Water Resources  
15 West Center Street  
Soda Springs, ID 83276

Re: Evidence of Priority

Claim No. A27-11120

Dear Ms. Bird:

Here is the history as I have been able to piece it together. Most of the information is from Zane Caldwell.

3/20/1886

The Welch family had a mining claim on the property we now own. They dug the canal presently used to run their mining operation and later farmed it.

????

Zane Caldwell purchased the farm and water rights. He has filed with you as water right No. 27-37C

1976

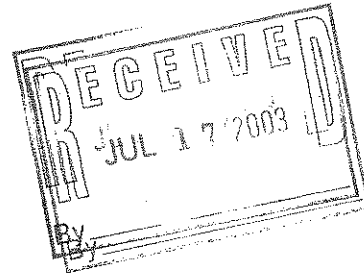
Zane Caldwell sold approximately 1.5 acres to Bruce and Karen Hansen with the water rights as outlined in our claim. Shortly thereafter, Mr. Hansen subdivided and sold half his lot to Don and Linda Romrell.

1977

Cox Insurance and Loan foreclosed on Bruce and Karen Hansen. Property is rented with option, Cox Insurance and Loan pays dues to Central Canal to deliver water.

1987

Howard and Jacque Nation buy the property, told by Cox Insurance and Loan that there are water rights, confirmed by Zane Caldwell and Central Ditch Co. Renters water lawn with pump from ditch until pump burns up. Property watered by well thereafter.



1989

Howard and Jacque Nation move into house. Because papers are in storage and Adjudication forms are due, Jacque asks Zane Caldwell for facts on water claim which he supplies. Claim filed.

1998

Don and Linda Romrell install sprinkler system for their property using ditch water. Take over payment of Canal dues.

2003

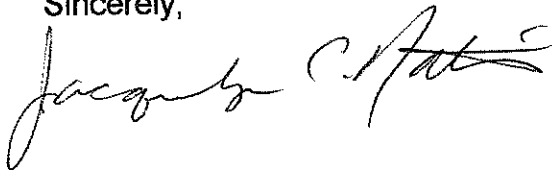
Zane Caldwell sells remaining farm with water rights to Beans.

I can get written statements from Zane Caldwell and the secretary of the ditch company. Cox Insurance and Loans is now defunct and its owners deceased. Please advise me as to best procedure. Thank you for your time.

Contact Information:

594 W. 200 S.  
Blackfoot, ID 83221  
Home 785-6793  
Work 785-8616 M-F 7-3:30  
Fax 785-8614  
email jnbckft@ida.net

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jacquelyn C. Nation', written in dark ink.

Jacquelyn C. Nation



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Howard S. Nation  
594 West 200 South  
Blackfoot, Idaho 83221

May 9, 2003

Re: Evidence of Priority

Claim No.(s) A27-11120

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 June 26, 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



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

February 24, 2004

COPY

HOWARD S NATION  
594 W 200 S  
BLACKFOOT ID 83221

*RE: SRBA Claim based on decreed water right No. 27-11120*

Dear Claimant(s):

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources (IDWR or the "Department") in Basin 27 in the Snake River Basin Adjudication.

The Department of Water Resources is currently investigating water right claims in Basin 27. IDWR information indicates that your water right claim is based on a water right decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp. 106-117 (Bingham County, Idaho August 1, 1891), to James Welch. This water right was decreed for 400 inches (8.0 cfs) with a March 20, 1886, priority date. This water right was numbered sometime after the decree by IDWR as water right no. 27-37.

The Department has received multiple claims to this water right totaling more than 8.0 cfs. In order to make a complete and accurate recommendation of your water right, each element of the water right must be proven. The Department needs information that shows you are a successor to the original James Welch water right. This could be established through deeds or other conveyance documents that show you own a portion of the original water right.

**Please provide this information by March 26, 2004, to Cindy Bird at the Soda Springs Office for the Idaho Department of Water Resources.** You can contact her at 208-547-3993. If you have any further questions regarding this matter, you can contact Cindy or you can contact me directly at 208-327-5404.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Candice M. McHugh".

Candice M. McHugh  
Deputy Attorney General  
Idaho Dept. of Water Resources

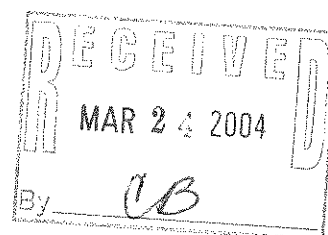
c: electronically Cindy Bird, IDWR

ATTN: Cindy E. Bird  
FROM: Jacque Nation  
RE: Claim 27-11120  
PAGES: 5 including cover

Following please find warranty deeds regarding approximately 2 acres deeded from Zane Caldwell to Bruce Hansen who divided the property between himself and Don Romrell. If they are illegible or if you need additional, please call me ASAP at 785-8616.

I would also refer you to the letters and documentation sent by Merlin Yancey sent to your office in this regard.

Thank you.



3-2533

## WARRANTY DEED

202381

For Value Received ZANE CALDWELL and MARTHA MARLENE CALDWELL,  
husband and wife

the grantors, do hereby grant, bargain, sell and convey unto BRUCE G. HANSEN and  
KAREN LEE HANSEN, husband and wife

whose current address is P. O. Box 415, Blackfoot, Idaho

the grantees, the following described premises in Bingham County Idaho, to wit:

A tract of land located in Lot 6, SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 7, Township 3  
South, Range 35 E. B. M., Bingham County, Idaho, more particularly  
described as follows:

Beginning at a point North 78° 30' 04" East, 122.60 feet from the SW corner  
of Section 7; thence North 0° 27' 33" East, 79.94 feet; thence North 63° 34' 36"  
East, 454.36 feet; thence North 77° 37' 45" East, 136.44 feet; thence South 46° 00' 45"  
West, 449.78 feet; thence North 89° 44' 00" West, 217.19 feet, more or less  
to the True Point of Beginning...

The above conveyance is made free and clear of all other encumbrances except:  
rights of way and easements, reservations in Federal patents and State deeds,  
or other restrictions imposed by law, building and use restrictions of record,  
building and zoning regulations and ordinances of any governmental unit.

Together with 1% shares of Welch water rights.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees,  
their heirs and assigns forever. And the said Grantors do hereby covenant to and  
with the said Grantees, that they the owners in fee simple of said premises; that they are free  
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 24, 1975

*Zane Caldwell*  
ZANE CALDWELL

*Martha Marlene Caldwell*  
MARTHA MARLENE CALDWELL

STATE OF IDAHO, COUNTY OF Bingham  
On this 24th day of June, 1975,  
before me, a notary public in and for said State, personally  
appeared Zane Caldwell and Martha  
Marlene Caldwell

known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

*Virginia Imple*  
Notary Public  
Residing at Blackfoot, Idaho  
Comm. Expires 6/20/77

202381

NO.  
DUE

JUN 25 PM 2 30

AMERICAN LAND TITLE CO.  
FEE 1.00  
RECEIVED  
AMERICAN LAND TITLE CO.

*Step A*

3-6598

6076

## WARRANTY DEED

250488

For Value Received BRUCE G. HANSEN and KAREN LEE HANSEN,  
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto COX INSURANCE  
AND LOANS, a partnership whose current address is 175 West  
Bridge Street, Blackfoot, Idaho,

the grantee, the following described premises, in Bingham County Idaho, to wit:

A tract of land located in Lot 6, SW1/4SW1/4, Section 7, Township 3  
South, Range 35, E.B.M., Bingham County, Idaho; more particularly  
described as follows:

Beginning at a point N 78°40'04" E 122.60 feet from the SW  
corner of Section 7; thence S 89°44'00" E 152.19 feet;  
thence N 36°07'57" E 303.02 feet; thence N 63°34'36" E 85.61  
feet; thence N 77°37'45" E 136.44 feet; thence S 46°00'45"  
W 449.78 feet; thence N 89°44'00" W 65 feet, more or less,  
to the True Point of Beginning.

Conveyance of title to the above described real property is made  
to Grantee subject to the agreement of the Grantee to accept  
conveyance subject to the terms and conditions of that certain  
mortgage dated September 8, 1976, recorded September 16, 1976  
under Bingham County Idaho Recorder's Instrument No. 216493,  
holding Grantors harmless from further liability or responsibility  
with respect thereto.

250488 Conveyance is also made to Grantee in consideration of Grantee's  
accepting the responsibility to pay existing taxes and assessments  
constituting a lien against said premises.

Grantee shall be entitled to possession of the above described  
premises immediately upon recordation of this Warranty Deed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,  
its heirs and assigns forever. And the said Grantor s do hereby covenant to and  
with the said Grantee, that they are the owners in fee simple of said premises; that they are free  
from all incumbrances except the above and except for rights of way and easements  
reservations in Federal patents and State deeds, or other restrictions imposed  
by law, building and use restrictions of record, building and zoning regula-  
tions and ordinances of any governmental unit.  
and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 2, 1980

BRUCE G. HANSEN

KAREN LEE HANSEN

STATE OF IDAHO, COUNTY OF Bingham  
On this second day of August, 1980,  
before me, a notary public in and for said State, personally  
appeared BRUCE G. HANSEN and KAREN  
LEE HANSEN, husband and wife,

known them to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Notary Public

Residing at Blackfoot  
County, Expires

250488

RECORDED AT THE REC'D OF

American Land Title Co

202909

## WARRANTY DEED

For Value Received  
and wife

BRUCE G. HANSEN and KAREN LEE HANSEN, husband

the grantors, do hereby grant, bargain, sell and convey unto DONALD G. ROMRELL and  
LINDA ROMRELL, husband and wife

whose current address is 282 Smith, Blackfoot, Idaho

the grantees, the following described premises, in Bingham County Idaho, to wit:

A tract of land located in Lot 6, SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 7, Township 3 South,  
Range 35 E. B. M., Bingham County, Idaho, more particularly described as  
follows:Beginning at a point North 78° 30' 04" East, 122.60 feet from the SW corner  
of Section 7, thence North 0° 27' 33" East, 79.94 feet; thence North 63° 34' 36"  
East 368.75 feet; thence South 36° 07' 57" West, 303.02 feet; thence North  
89° 44' 00" West, 152.19 feet, more or less to the True Point of Beginning.The above conveyance is made free and clear of all other encumbrances except  
rights of way and easements, reservations on Federal patents and State deeds,  
or other restrictions imposed by law, building and use restrictions of record,  
and Bingham County regulations and ordinances of any governmental unit.Together with an easement for ingress and egress 10 feet parallel to and East of  
the following described centerline: Beginning at a point on the SW corner of  
Section 7, 122.60 feet and S. 89° 44' 00" East, 152.19 feet from the SW corner of Section  
7, the same being the true point of beginning; thence N. 36° 07' 57" East 303.02 feetReserving unto the Grantors an easement for ingress and egress 10 feet parallel  
to and Westerly from the above described centerline.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,  
their heirs and assigns forever. And the said Grantors do hereby covenant to and  
with the said Grantee, that they the owners in fee simple of said premises; that they are free  
from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 25, 1975

BRUCE G. HANSEN

KAREN LEE HANSEN

STATE OF IDAHO, COUNTY OF Bingham  
On this 25th day of June, 1975,  
before me, a notary public in and for said State, personally  
appeared Bruce G. Hansen and Karen  
Lee Hansenknown to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the sameNotary Public  
Residing at  
Blackfoot, Idaho

202909

July 17 1975

AMERICAN LAND TITLE CO., Pocatello, Idaho

398615

## WARRANTY DEED

For Value Received

COS INSURANCE AND LOANS, INC., an Idaho Corporation  
175 N. Bridge St., Blackfoot, Idaho 83221

the grantor, does hereby grant, bargain, sell and convey unto

Howard &amp; Jacquelyn Nation, Husband and Wife,

whose current address is 594 W. 200 S. Blackfoot, Idaho 83221

the grantees, the following described premises, in Bingham County Idaho, to wit:

A portion of lot 6 in Section 7, T. 1 S., R. 35 E. B. M.,  
Bingham County, Idaho further described as:Beginning at a point N. 78°40'04" E. 122.60 feet from the  
SW corner of said Section 7; thence S. 89°44'00" E. 152.19  
feet to the True Point of Beginning; thence N. 36°07'57"  
E. 303.92 feet; thence N. 63°34'36" E. 83.61 feet; thence  
N. 77°37'45" E. 136.44 feet; thence S. 45°00'45" W. 449.78  
feet; thence N. 89°44'00" W. 65 feet, more or less, to the  
True Point of Beginning.Subject to Reservations in United States Patent, existing  
and recorded rights of way and easements, zoning and build-  
ing ordinances.Subject to a Deed of Trust Dated September 8, 1976 in favor  
of Western Mortgage Loan Corporation or United Savings  
Loan Association in the amount of \$62000.00 which Deed of  
Trust the Grantees herein assume and agree to pay.  
JAN 20 PM 3:49RECORDED AT THE REQUEST OF  
C. O. AndersonTO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,  
their heirs and assigns forever. And the said Grantor does hereby covenant to and  
with the said Grantees that they are the owners in fee simple of said premises; that they are free  
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 1st, 1987

398615

JAN 20 PM 2:13

C. O. Anderson

STATE OF IDAHO, COUNTY OF

On this day of August  
before me, a Notary Public in and for said State,  
appearedknown to me to be the person whose name  
subscribed to the within instrument, and acknowledged  
thatNotary Public  
IdahoResiding at  
Comm. Expires

STATE OF IDAHO

COUNTY OF Bingham

On this 1st day of August in the  
year 1987, before me, a Notary Public in and for said  
State, personally appeared Clark W. Fields  
known to me to be the president of the corpora-  
tion that executed the within instrument as the person  
who executed the instrument on behalf of said corporation,  
and acknowledged to me that such corporation 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.Clark W. Fields  
Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho.  
Comm. Expires 12/1/11