

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	27-11117	☒			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Deona Grover
880 Riverton Rd. Blackfoot, ID

4. New Owner/Claimant(s)

John & Lisa WARREN

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

880 RIVERTON RD

City, State and ZIP Code

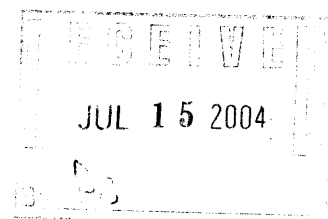
Blackfoot, ID 83221

New Telephone Number

(208) 785-6858

5. Date you acquired the property

April 8, 1997



3-15-98
#1022-46244

NE 1/4, 41 W 5299.24

1210

T-4734

LOT 3
49.70

T-433

Lavorelle/Dean
Stallion
QID 523786 3-11-03

T-4735

Elmer Stallion
WD 113-01
56591000
QID 519150 12-5-02

RIVINGTON ROAD

WAGON WHEEL DRIVE

TRAVELER CIRCLE

CHICKEN CIRCLE

WAGON WHEEL DRIVE

BUCKBOARD TRAIL

WAGON WHEEL DRIVE

WAGON WHEEL DRIVE

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11648

LOT 2
50.20

T-6314

T-6797

T-14270
T-2440

OPAL STREET

VERNON AVENUE

DENNIS AVENUE

COMESTOGA WAY

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LOT 10
14.70

#1294
HAMBOT WATER

LOT 9
17.80

#415526

LOT 1
27.70

YELLOWSTONE HWY

T-2168

T-2569

T-7912

LOT 5
24.20

#1311
RALPH DIXIE
RICHARD DIXIE JR
TRUST OF USA
257603 9-14-79

#1313
LAWRENCE DIXIE

CHEDEHAP
HARD DIXIE JR
TRUST OF USA
20-79 261063

45

#1313

#1317

#1316

#1315

EST OF THE SECTION

1-10-93

NORTH 2376

KENNEDY ADDITION
(SEE SEPARATE PLAT)

BURNS ADDITION
(SEE SEPARATE PLAT)

July 28, 2004

Claim 27-11117

COGO Choices

Hard to do a true COGO since it doesn't allow for "meandering".

Lot 4

I used the width sited in the deed, 477' and drew a shape that bordered the Blackfoot River. Total acres as drawn equals 18.8 acres. If you extend the length to what the Deed states, it crosses the river.

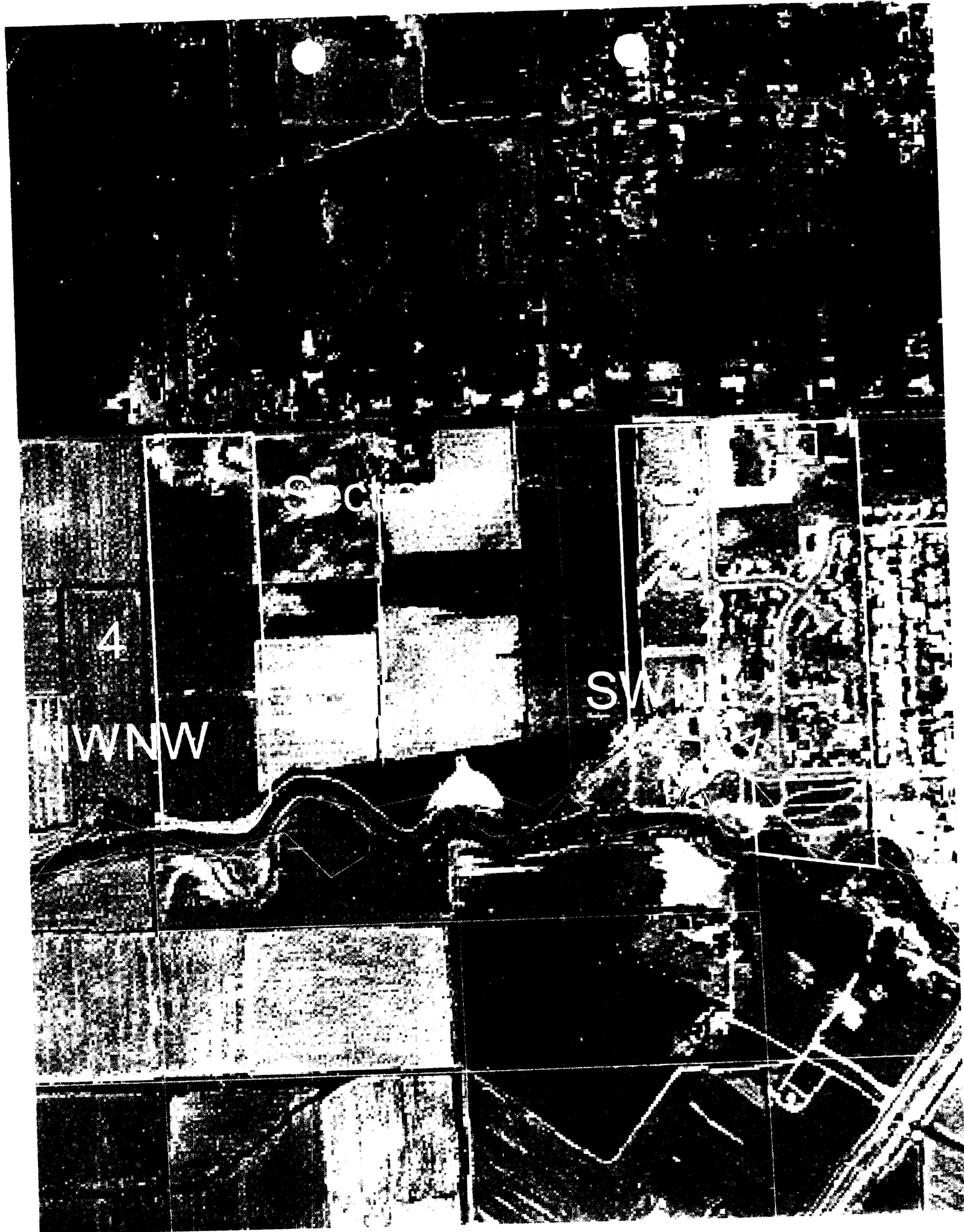
Lot 2

I took the east 40 acres of lot 2. Along the south border, I used the lot border and adjusted the west border until it contained 40 acres.

I left the original .2 acres within Lot 2. The 40 acres includes this .2 acres.

Barbara

*The .2 acres is Exhibit "A"
on the Hardness to Measure Road.*



Scho

4

NWNW

SW

INTER-DEPARTMENT MEMO

TO: Barbara
FROM: Cindy

SUBJECT: C060
DATE: 1/22/04

Please C060 the warranty deed between Cyril Wright
& Golden Ellison.

This property is not part of lot 2 Sec 9, Kirkpatrick
water but might be part of the 20" of March 25, 1880.
(27-23)

() For your information

☒ Response required

CB
signature

2096
J
-28-04



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

7 July 2004

Gary and/or Mark Empey
830 Riverton Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-11117

Subject: OWNERSHIP CHANGE

Response Date: 21 July 2004

Dear Claimant(s):

We have been advised you are the current owner of part of the property and water right referenced above. Mr. Warren stated the land previously owned by Deona Grover was split between the Warrens and Empeys. Before we can modify our records to reflect this split of the property ownership and water right, we need Form 42-248/42-1409(6) "Notice of Change in Water Right Ownership" completed and returned to us. Please make sure and fill out the portion of the land and water right that is now owned by you on Line 6 and signed on Line 7.

Additional required documents include:

1. A copy of the warranty deed.
2. A copy of a plat, survey map or aerial photo with the appropriate area marked.

Please fill out the highlighted areas on the notice of change form and submit with the necessary documents by the above referenced response date.

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, appearing to read "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosures:

Form 42-248/42-1409(6)

Water Right Report With Former Owner

Cc: John & Lisa Warren
880 Riverton Road
Blackfoot, ID 83221



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

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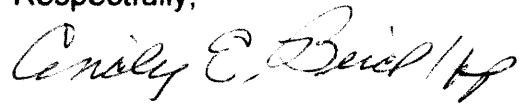
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2. A copy of a plat, survey map or aerial photo with the appropriate area marked.

Please fill out the highlighted areas on the notice of change form and submit with the necessary documents by the above referenced response date.

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Respectfully,

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosures:

Form 42-248/42-1409(6)
Water Right Report With Former Owner

Cc: Gary and/or Mark Empey
830 Riverton Road
Blackfoot, ID 83221

July 6, 2004

John Warren returned my call. He stated that he owns $\frac{1}{4}$ of a acre that was purchased from Deona Grover. His Father-in-law Gary Empey purchased the surrounding ground. They flood irrigate the lawn and pasture.

Gary Empey just sold the ground to his son Mark Empey. His address is 830 Riverton Road.

I advised Mr. Warren that a change in ownership needed to be submitted and that I would send him the necessary documentation.

Barbara

INTER-DEPARTMENT MEMO

TO: Barbara

SUBJECT: Legal

FROM: Andy

DATE: 7/1/04

Please do a cogo on this warranty deed
and tell me if it is in the east 1/2 of
Lot 2, Section 9, T3S, R35E.

Yes it is. 0.2 acres

Also verify the ~~ex~~ owner is current.

() For your information

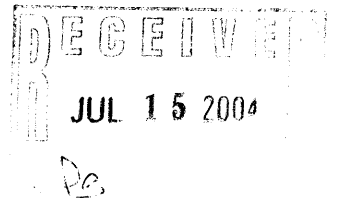
☒ Response required

CB
signature

EXHIBIT A

Part of the NE¼, Section 9, Township 3 South, Range 35 East Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point on the South line of Riverton Road that is South 89°16' West along the Section line 1580.86 feet, and South 0°40'30" East 18.5 feet from the NE corner of said Section 9, and running thence South 0°40'30" East 107.0 feet, thence North 89°41'30" East 95.0 feet; thence North 0°40'30" West 107.0 feet to the South line of said Riverton Road; thence South 89°41'30" West along said South line 95.00 feet to the Point of Beginning.



453078

3-19733-T

453078

Warranty Deed

FEE 10.00 DEP 00

97 APR 11 AM 11:50

RECORDED AT THE REQUEST OF

For Value Received

RICK L. GARDNER AND DEONA GARDNER fka DEONA GROVER, HUSBAND AND WIFE.

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

JOHN WARREN AND LISA WARREN, HUSBAND AND WIFE.

whose current address is

880 RIVERTON ROAD, BLACKFOOT, ID 83221

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

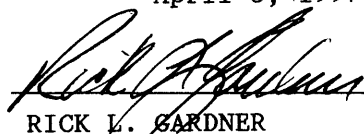
"See Attached Exhibit "A" for legal description attached hereto and made a part hereof."

SUBJECT TO: Deed of Trust from DEONA GROVER, a single person, Grantor, to BRIAN GOATES, Attorney at Law, Trustee, and FLOYD M. MCNUTT AND VIOLA R. MCNUTT, husband and wife, as Beneficiary to secure the payment of \$29,500.00, together with interest and any other obligations secured thereby, dated MAY 26, 1988, recorded MAY 31, 1988, as Instrument No. 371803.

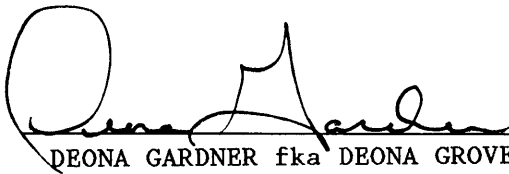
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

except matters of public record and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 8, 1997



RICK L. GARDNER

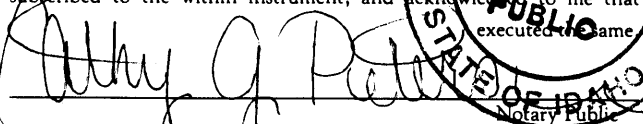


DEONA GARDNER fka DEONA GROVER

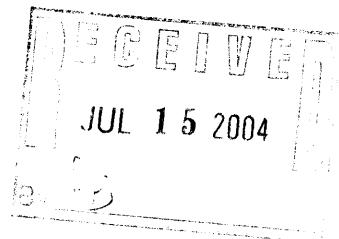
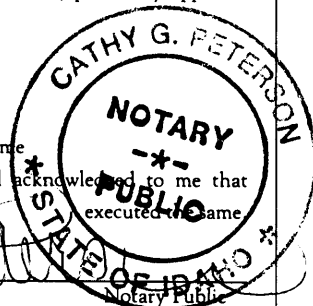
STATE OF IDAHO, COUNTY OF BINGHAM
On this 8th day of APRIL, 19 97
before me, a notary public in and for said State, personally appeared

RICK L. GARDNER
DEONA GARDNER fka DEONA GROVER

known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me that
he executed the same



Residing at BLACKFOOT, Idaho
Comm. Expires 03/02/00



WARRANTY DEED

For Value Received FLOYD M. McNUTT and VIOLA R. McNUTT, husband and wife,
whose names also appear of record as Floyd Mark McNutt and Viola Rebecca McNutt,
the grantors do hereby grant, bargain, sell, and convey unto DEONA GROVER, a single person

the grantee, whose current address is 880 Riverton Road, Blackfoot, Idaho

the following described premises, to-wit:

Part of the NE1/4, Section 9, Township 3 South, Range 35 East Boise Meridian
Bingham County, Idaho, described as:

Beginning at a point on the South line of Riverton Road that is S 89°16' W
along the Section line 1580.86 feet and S 0°40'30" E 18.5 feet from the NE
corner of said Section 9, and running thence S 0°40'30" E 107.0 feet, thence
N 89°41'30" E 95.0 feet; thence N 0°40'30" W 107.0 feet to the South line of
said Riverton Road; thence S 89°41'30" W along said South line 95.00 feet
to the point of beginning.

Subject to that certain Deed of Trust from Floyd M. McNutt and Viola M.
McNutt, husband and wife, Grantors, to the American Land Title Co., Inc.,
Trustee, and Kenneth Lloyd Young and Evelyn Daw Young, husband and
wife, as Beneficiary to secure the payment of \$12,848.28, together with
interest and any other obligations secured thereby, dated August 4, 1984,
recorded August 13, 1984, Book 48, as Instrument No. 324491, which the
Grantors herein agree to pay and satisfy and hold the Grantee herein
harmless therefrom as the same becomes due.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
her heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that they will warrant and
defend the same from all lawful claims whatsoever.

Dated:

Floyd M. McNutt
Floyd M. McNutt

Viola R. McNutt
Viola R. McNutt

STATE OF IDAHO, COUNTY OF Bingham

On this 26 day of May, 1988,
before me, Notary Public in and for said State, personally
appeared

FLOYD M. McNUTT and
VIOLA R. McNUTT,
husband and wife

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

[Signature]
Notary Public

Residing at Blackfoot, Idaho
Comm. Expires Sept; 6-1991

371802

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3.00 DEPT

1988 MAY 31 PM 3:12

RECORDED AT THE REQUEST OF

KENNETH LLOYD YOUNG and EVELYN DAW YOUNG, Husband
and Wife

FLOYD MARK MCNUTT and VIOLA REBECCA MCNUTT, Husband
and Wife

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

Beginning at a point on the South Line of Riverton Road that is South 89°16' West along the Section Line 1,580.86 feet and South 0°40'30" East 18.5 feet from the Northeast corner of said Section 9, running thence South 0°40'30" East 107.0 feet; thence North 89°41'30" East 95.0 feet; thence North 0°40'30" West 107.0 feet to the South line of said Riverton Road; thence South 89°41'30" West along said South Line 95.0 feet to the point of beginning.

Dated: August 4, 1984

Kenneth Lloyd Young
Evelyn Dore Young

Reading at *11:00 AM* History Public
Comm. Expt. *11:00*, 10th

Floyd McDuff
Rt 3 Box 18 - 3267

... ..

GRANTOR: GOLDEN ELISON, husband and wife
WINNOMA ELISON, husband and wife
GRANTEE: YOUNG AND EVELYN YOUNG, husband and wife
whose current address is

Route # 4, Box 23, Blackfoot, Idaho

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

Part of the Northeast 1/4, Section 9, Township 3 South, Range 35 E.B.M.,
described as: Beginning at a point on the South Line of Riverton Road that
is South 89°16' West along the Section Line 1580.86 feet and South 0°40'30"
East 18.5 feet from the Northeast corner of said Section 9, and running thence
South 0°40'30" East 107.0 feet; thence North 89°41'30" East 95.0 feet; thence
North 0°40'30" West 107.0 feet to the South Line of said Riverton Road; thence
South 89°41'30" West along said South Line 95.00 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
their heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee, that they are the owner 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: 4/22/77

Golden Elison
Golden Elison

Winnoma Elison
Winnoma Elison

STATE OF IDAHO, COUNTY OF Bingham
On this 25 day of April, 1977,
before me, a notary public in and for said State, personally
appeared

Golden Elison and Winnoma Elison

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

Gale Anne
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 1980

RECORDED
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
68-4520-76 DEEP AR

77 MAY 2 11 11 36

RECORDED AT THE REQUEST OF

AMERICAN TITLE CO.

DEED OF RECONVEYANCE

AMERICAN LAND TITLE CO., INC. as Idaho Corporation, as Trustee
in the deed of trust executed by Kenneth L. Young and Evelyn Young as Grantors to Golden
Bilsons and Winona Bilson, Beneficiary, dated April 22, 1977

recorded May 2, 1977

Official Record Book , Instrument No. 224484 Mortgage records of Bingham
County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES
ENTITLED THERETO,

Part of NE 1/4, section 9, township 3 south, range 35, E.B.M., Bingham County, Idaho.....

without warranty, all the estate and interest derived to it by or through said Deed of Trust in the lands therein
described.

The corporate name subscribed by its Asst. Secretary, and the seal affixed by its Secretary,
is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors

Dated: June 1, 1977

AMERICAN LAND TITLE INC. TRUSTEE

By Arlene A. Mecham
ARLENE A. MECHAM Asst. Secretary

Attest: _____ Secretary

STATE OF IDAHO
COUNTY OF Bingham

371827

On this 1st day of June in the
year 1988, before me, a Notary Public in and for said State,
personally appeared ARLENE A. MECHAM
known to me to be the Assistant Secretary of the corporation
that executed the within instrument or the person who executed the
instrument on behalf of said corporation, and acknowledge to
that such corporation executed the same.

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

Peta Parker
Notary Public for the State of Idaho
Residing at Blackfoot Idaho
Commission Expires: 2/18/91



RECORDED IN THE BINGHAM COUNTY CLERK'S OFFICE
JUN 1 1988

1988 JUN -1 PM 1:53

ATTESTED AT THE REQUEST OF

RECORDED IN THE AMERICAN LAND TITLE CO. BINGHAM, IDAHO

WARRANTY DEED

William Kirkpatrick and Heneage
Kirkpatrick, his wife-

TO

Cyril J. Wright-

Dated-February 11th, 1918-

Consideration-\$8000.00-

Recorded-February 12th, 1918 at-

3:25 P.M., in book "32" of Deeds at-

Page 356 of the records of Bingham County, Idaho-

Witness-John W. Jones-

William Kirkpatrick (Seal)
Heneage Kirkpatrick (Seal)

Acknowledged by William Kirkpatrick and Heneage-
Kirkpatrick, his wife, February 11th, 1918-
before John W. Jones, Notary Public of Idaho-
Residing at Blackfoot, Idaho-Sealed-Regular-

DESCRIPTION and REMARKS

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

The East 40 acres of the lot numbered 2 in section 9 in township 3 south of range 35 E.B.M., in Idaho. Subject to the right of way for the public road along the north side thereof and the right of way of the ditches of the first parties across said land.

Together with the ditches and water rights for the irrigation thereof and particularly 40 inches of the decreed water right of the grantors in Blackfoot River and 40 shares of the capital stock of the Miners Ditch Company, a corporation.

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

I.R.S.\$8 attached and cancelled.

MICROFILMED

NOV 13 1992

THIS INDENTURE Made this 25th day of Sept. 1942, in the year of our Lord one thousand nine hundred and fifty-two, between CYRIL J. WRIGHT and ESTHER A. WRIGHT, husband and wife, of the County of Bingham, State of Idaho, the parties of the first part, and GOLDEN ELISON, of the County of Bingham, State of Idaho, the party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of TWENTY THOUSAND- - - - - DOLLARS lawful money of the United States of America,

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Bingham, State of Idaho, to-wit:

The East forty (40) acres of the Lot Numbered Two in Section Nine, in Township Three South, of Range Thirty-five, East of the Bolser Meridian, in Idaho;

Subject to the right of way of the public road along the north side thereof and the right of ways for ditches across said land as heretofore constructed and maintained.

Together with the ditches and water right for the irrigation thereof and particularly 40 inches of the decreed water right of William Kirkpatrick in Blackfoot River and 40 shares of stock in Miner's Ditch Company.

Also the tract described as: Being 477 feet in width along the entire East side of the Lot Four in said Section Nine and described as follows: Beginning at the Northeast corner of Lot Four of said Section Nine, thence South 1700 feet to the Blackfoot River; thence meandering said river in a Southerly and Westerly direction to a point which is 477 feet distant perpendicular from the East line of said Lot Four; thence North 1741 feet to the North line of said Section Nine; thence East along the North line of said Section Nine 477 feet to the place of beginning, containing 20 acres.

Together with all ditches, ditch rights of way, water and water rights thereto belonging and particularly 20 inches of the water right in Blackfoot River with date of priority March 25th, 1880, as conveyed by deed of date April 6th, 1942, recorded April 15th, 1942, in Book 59 of Deeds, at page 485, of the records of Bingham County, Idaho, to which reference is made for a more particular description of said water right, and also a ditch right of 20 inches capacity in the Miner's Ditch.



AGREEMENT

Office Blackfoot, Idaho,
June 19/94

We and each of us hereby agree and acknowledge that we have no right under our lease from Welch, or any other source to interfere with the flow of Wm. Kirkpatrick's 100 inches of water in the Miner's Ditch.

W.H. Danilson Jr.
J. T. Danilson

MEMORANDUM OF AGREEMENT

Memorandum of agreement between James G. Welch, the first party, and William Kirkpatrick, the second party:

Whereas, said parties have had some dispute and disagreement as to their relative rights in and to that certain canal or ditch, known as the Miner's Ditch, situate near the Town of Blackfoot, Bingham County, Idaho, and diverting water from the Blackfoot River:

And whereas both parties are desirous of making amicable adjustment of all matters pertaining thereto, and of avoiding litigation:

Now, this memorandum witnesseth, that in consideration of the premises and as an absolute settlement of all dispute relating to said ditch, it is mutually recognized and agreed that the said Kirkpatrick, second party, has a right to and ownership in said ditch and the dam at the head of the same sufficient for the diversion and conveyance of 100 inches of water, measured under a four inch pressure at the head of the said Kirkpatrick's private ditch, from the head of said Miner's Ditch through the same to a point there on near the Utah & Northern R.R. Track where said Kirkpatrick's said private ditch now branches off from said Miners Ditch, said right dating from 1881 and that the said Welch, the second party has the right to and is the sole owner of the remainder of said Miners Ditch including said dam and all other appurtenances thereof, and each party hereto forever renounces all claim to that portion of said ditch herein recognized as belonging to the other party.

It is further agreed that the expenses of keeping said Miners Ditch and dam in repair shall be shared by the parties hereto in proportion to their respective interests.

And it is further agreed as a part hereof that in the spring and fall when the second party does not need his said 100 inches of water for agricultural and domestic purposes he will permit the first party to use the same for mining purposes. Dated at Blackfoot, June 19, 1894.

Witness-

F.S. Dietrich

James G. Welch
William Kirkpatrick

Recorded-March 9th, 1920 at-
3:00 P.M. in book "D" of Miscellaneous at page 527 of the records of Bingham County, Idaho.

MICROFILMED

NOV 13 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR BINGHAM COUNTY.

Fred S. Stevens, et al.
Plaintiffs.

-vs-

Eastern Idaho Water Co. et al.
Defendants.

This cause having been heretofore tried
by the Court without a jury and the Court having
made its findings of fact and conclusions of law.

It is now ordered, adjudged and decreed
that the following parties are entitled to divert
from the Blackfoot River the amount of water here-
in indicated and the right of each party dates
from the time hereinafter stated and set opposite
each name, to-wit: Among others is that of-

William Kirkpatrick May 1st, 1878 100 inches.

James Welch March 20th, 1886 400 inches.

It is further ordered, adjudged and de-
creed, that all parties to this action shall have
the right to use the waters of the several streams
named in this decree for domestic purposes.
Done in open Court this August 1st, A.D. 1891.

Chas. Cabb.
Judge Pro. Tem.

Recorded-in Judgment Book "1" at
pages 107-116 of the records of -
Bingham County, Idaho-

DO NOT FILE

MICROFILMED
NOV 13 1992

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Bingham County.

Fred S. Stevens et. al., Plaintiffs.

vs

Eastern Idaho Water Co. et. al., Defendants.

This cause having been heretofore tried by the Court, without a jury, and the Court having made its findings of fact and conclusions of law,

It is now ordered, adjudged and decreed that the following parties are entitled to divert from the Blackfoot River the amount of water herein indicated, and the right of each party dates from the time hereinafter stated and set opposite each name, to wit:—

Fred S. Stevens.	July, 6 th A.D. 1869.	138 inches
Henry Dunn.	July, 1 st A.D. 1870	300 inches
A.A. Just and		
Emma Just.	August, 1 st A.D. 1871	200 inches
Leon Misslew.	July, 1 st A.D. 1873	200 inches
John Misslew.	April, 1 st A.D. 1874	120 inches
H. R. Lewis.	March, 1 st A.D. 1875	100 inches
Presto Burrell	March, 1 st A.D. 1876	100 inches
William Kirkpatrick	May, 1 st A.D. 1878	100 inches
F.M. Shornaker	April 1 st A.D. 1879	90 inches
Eastern Idaho Water Co.	March, 25 th A.D. 1880	1800 inches
J.B. Fox, Jr.		
William Howard		
A. Whitten		
Susan E. Whitten		
and Calvin Miles		
	March, 25 th A.D. 1880	600 inches
Levi Warren.	April 1 st A.D. 1882.	50 inches.
Emily Warren.	April 1 st A.D. 1883	106 inches.
Daniel G. Miller.	April 1 st A.D. 1883	100 inches.
Fred S. Stevens.	October 1 st A.D. 1884	140 inches
A.A. Just and		
Emma Just	April 1 st A.D. 1885	100 inches.
Leon Misslew.	May 1 st A.D. 1885	300 inches.
Robert Millen.	May 1 st A.D. 1885	150 inches.

dating from the 1st day of May A.D. 1889 for 145 inches; and the right of Moylaw C Fox, dating from the 4th day of December A.D. 1889, for 640 inches, shall only extend to the 1st day of July in each year for irrigating purposes, and the said H R Lewis, W W Ritter, Thomas G. Webber, Sarah Lewis, F Little, Charles S Burton, John Sharp, sr, P W Jennings, Donald Pollock, Jacob Eliason, Caroline Eliason, Moylaw C Fox and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights aforesaid, after the 1st day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from the Wolverine Creek a tributary of said Blackfoot River the amount of water herein indicated, and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit:-

Peter Morris, March 1st, A.D. 1887 — 60 inches.
 Sample Orr, July 1st, A.D. 1887 — 80 inches.
 Peter Morris, April 1st, A.D. 1887 — 60 inches.
 Danire M. Taylor April 1st A.D. 1888 — 10 inches.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from Cedar Creek a tributary of Blackfoot River the amount of water herein indicated and the right of each party dates from the times hereinafter stated and set opposite each name to-wit:-

George Monroe
 and John Lyon April 1st A.D. 1884 — 100 inches.
 Samuel Borup April 1st A.D. 1887 — 30 inches.

It is ordered, adjudged and decreed that George Heaton is entitled to divert from the east fork of Bush Creek, a tributary of Blackfoot River one hundred and twenty-five (125) inches of water, said rights dating from the first day of May A.D. 1888, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Heaton is hereby enjoined from diverting or using in any manner any part of the said water right after the 1st day of July in each and every year hereafter for irrigating, or

W
E
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R
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P. B. Foy Jr.	}	June 1st A.D. 1885	1500 inches
William Howard			
A Whitten			
Susan E Whitten			
Calvin Miles			
W. W. Ritter		July 23 ^d A.D. 1885	560 inches
Thomas G. Weber		July 23 ^d A.D. 1885	480 inches
Jamurs Drew		October 1 st A.D. 1885	6 inches
✓ Eastern Idaho Water Co.		October 1 st A.D. 1885	1000 inches
H. R. Lewis and	}	March 1 st A.D. 1886	160 inches
Sarah Lewis			
Jamurs Welch		March 20 th A.D. 1886	400 inches
William A. Davidson		April 5 th A.D. 1886	352 inches
David A. Morgan		April 5 th A.D. 1886	132 inches
William Morgan		April 5 th A.D. 1886	100 inches
William A. Downing		April 5 th A.D. 1886	120 inches
F. Little		October 4 th A.D. 1886	240 inches
Charles S. Burton		October 4 th A.D. 1886	240 inches
John Sharp sr.		November 1 st A.D. 1886	320 inches
F. W. Jennings		November 1 st A.D. 1886	400 inches
Donald Poluir		April 1 st A.D. 1887	100 inches
Samuel Borup		April 1 st A.D. 1887	50 inches
Jacob Eliason	}	May 1 st A.D. 1889	145 inches
Caroline Eliason			
Maylaw O'Fox		December 4 th A.D. 1889	640 inches

That the following rights hereinafore set forth, to-wit:
The right of H. R. Lewis dating from the 1st day of March A.D. 1875, for 100 inches; the right of W. W. Ritter, dating from the 23^d day of July A.D. 1885 for 560 inches; the right of Thomas G. Weber, dating from the 23^d day of July A.D. 1885 for 480 inches; the right of H. R. Lewis and Sarah Lewis dating from the 1st day of March, A.D. 1886, for 160 inches; the right of F. Little dating from the 4th day of October, A.D. 1886, for 240 inches; the right of Charles S. Burton, dating from the 4th day of October, A.D. 1886, for 240 inches; the right of John Sharp sr., dating from the 1st day of November A.D. 1886, for 320 inches; the right of F. W. Jennings, dating from the 1st day of November, A.D. 1886, for 400 inches; the right of Donald Poluir, dating from the 1st day of April A.D. 1887 for 100 inches; the right of Jacob Eliason and Caroline Eliason



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RONALD K YOUNG
1010 HILL RD
REXBURG ID 83440

10/7

Ronald called. Monte is his son.
Said Monte sold his property to
a Larry Harvare. Ronald filed
his own claim on his own well.
Sent C of O to Larry. Monte out of
town til next week.

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE: OCT. 4, 1994

RESPONSE DATE: OCT 24, 1994

RE: NOTICE OF CLAIM NO[S]: A22-11117

NOV 21 1994

Dear Claimant(s):

Department of Water Resources
Regional District Office

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim number(s) referenced above. IDWR records currently show the following name and address for the owner of the claim(s) listed:

MONTE YOUNG
992 N HILL RD
REXBURG ID 83440

If, however, the persons(s) at the top of this letter own(s) the property and the water rights on the property, please complete the enclosed Change in Ownership/Address form, as appropriate, to correct our records. A copy of this letter has been mailed without the form to the apparent former owner shown in the middle of this letter.

Your response must be received in this office by the **Response Date** indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown in the middle of this letter. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129 or the nearest IDWR Regional office.

Sincerely,

ADJUDICATION SECTION

dms:state:region
Enclosure: Change of Ownership/Address Form

7/94

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A27-~~1111~~

AMOUNT \$

NO

Required
Info?

1. Is the name and address complete with zip code?
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered?
(b) Is a tributary to entered? (if required) N/A
4. Is the legal description of the p.d. sufficient?
5. Is there a description of the diverting works?
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.
Is the period of use included?
Is a quantity claimed for each use?
7. Is a total quantity claimed entered?
8. If required is a consumptive use entered? N/A
Is the consumptive use correct? N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A
10. Is (are) the place(s) of use and purpose(s) indicated?
11. Is (are) the county(ies) entered?
12. Is the ownership of p.u. checked?
13. Are other water rights listed or "none" indicated?
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A
15. Is the basis of the claim indicated?
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.
18. Has the claim been signed, sealed, and dated by a notary?
19. Was this claim filed on time, or was an extension granted?
20. Is the fee enclosed correct? Exempt
21. If this claim is based on an existing water right, has the identification number been entered? N/A
22. Should this claim be data entered?

Claim checked by:

Date:

Claim must be returned to claimant:

(Yes) _____ (No) _____

Claimant must be notified of modifications:

(Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

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NOV 13 1992

any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Cañon View Creek, a tributary of Blackfoot River, the amount of water herein indicated and the right of each party dates from the time herein after stated and set opposite each name to-wit:

Enoch Hansen	-	May 1st A.D. 1885	-	150 inches.
James Sharp	-	October 11th A.D. 1886	-	640 inches.
W. A. Rowe,	-	October 11th A.D. 1886	-	560 inches.

But these said rights of said Enoch Hansen, James Sharp and W. A. Rowe to waters of Cañon View Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Hansen, Sharp and Rowe, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following parties are entitled to divert from Diamond Creek, a tributary of Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time herein after stated, and set opposite each name, to-wit:

James Sharp	-	October 4th A.D. 1886	.	560 inches.
James Little	-	October 11th A.D. 1886	.	560 inches.
Charles Burton	-	October 11th A.D. 1886	.	200 inches.

But these rights of said Sharp, Little and Burton to the waters of Diamond Creek herein set forth, shall only extend to the first day of July in each year, for irrigating purposes, and the said Sharp, Little and Burton, and each and all of them are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled ^{to draw} from Horse Spring Creek a tributary of Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time herein after stated, and set opposite each name, to-wit:

W. H. Riley	-	October 4th A.D. 1886	-	320 inches.
James Sharp	-	October 17th A.D. 1886	-	320 inches.

But these rights of said Sharp and Riter to the waters of Home Spring Creek, herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Riter and Sharp and each of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that Elias A. Smith is entitled to divert from the west Spring Creek, a tributary of Blackfoot River, five hundred and sixty-eight (568) inches of water, said right dating from the 17th day of October, A.D. 1886, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Smith is hereby enjoined from diverting or using in any manner any part of the said water right after the first day of July in each and every year hereafter, for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following parties are entitled to divert from Lane Creek, a tributary of Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time herein after stated and set opposite each name, to-wit:

W. W. Riter	October, 11th, A.D. 1886	- 320 inches.
Henry Dinwoody	October, 11th, A.D. 1886	- 400 inches.
Joseph Jennings	October, 11th, A.D. 1886	- 560 inches.
Heber M. Wells	October, 11th, A.D. 1886	- 640 inches.
John Sharp, sr.	October, 17th, A.D. 1886	- 284 inches.
Wm. Kountze	April, 1st, A.D. 1889	- 160 inches.
John Kountze	May, 1st, A.D. 1889	- 160 inches.

But these ^{said} rights of said Riter, Dinwoody, Jennings, Wells, Sharp, Wm. Kountze and John Kountze to the waters of Lane Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Riter, Dinwoody, Jennings, Wells, Sharp, Wm. Kountze and John Kountze and each and all of them are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from meadow Creek, a tributary of Blackfoot River the amount of water herein indicated and the right of each party dates from the time hereinafter stated, and set opposite each name, to wit

Lars Hansen	July 1st A.D. 1888	160 inches
W. Edwards		
and J. Edwards	May 1st A.D. 1890	200 inches
Evie McPherson	May 15th A.D. 1890	50 inches
W. Ellison	January 1st A.D. 1891	400 inches
Elizabeth Collett	April 1st A.D. 1891	160 inches
O.B. Hansen	April 1st A.D. 1891	160 inches
James Durney	May 1st A.D. 1891	100 inches
H.C. Messingale	June 1st A.D. 1891	50 inches

But these said rights of said Lars Hansen, W. Edwards, J. Edwards, McPherson, Ellison, Collett, O.B. Hansen, Durney and Messingale to the waters of meadow Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Lars Hansen, W. Edwards, J. Edwards, Evie McPherson, Ellison, Collett, O.B. Hansen, Durney and Messingale, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Little Blackfoot River ^{a tributary of Blackfoot River} the amount of water herein indicated and the right of each party dates from the time hereinafter stated, and set opposite each name, to wit:

Thomas Collett	April 1st A.D. 1887	75 inches
Abel Anderson	April 1st A.D. 1889	170 inches
Andrew Christensen	April 1st A.D. 1889	60 inches
Peter Hansen	May 1st A.D. 1889	160 inches

But these said rights of said Collett, Anderson, Hansen, Christensen, to the waters of Little Blackfoot River herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Collett, Anderson, Christensen and Hansen, and

and all of them are hereby enjoined from diverting ^{using} in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed, that John Sharp Sr. is entitled to divert from Traie Creek, a tributary of Blackfoot River, five hundred and sixty inches of water said right dating from October 11th A.D. 1886; that John Sharp Sr., George Romney, and W. W. Piler are entitled to divert from Lake Creek, Dale Creek and Pale Creek, all tributaries of Blackfoot River, six hundred and ten (610) inches of water, said rights dating from October 11th A.D. 1886; that J. Little is entitled to divert from Duck Spring Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water, said right dating from October 4th A.D. 1886; that John Sharp, Jr. is entitled to divert from Shighland Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water, said right dating from October 4th A.D. 1886; that L. S. Thies is entitled to divert from Bulle Creek, a tributary of Blackfoot River, four hundred (400) inches of water said right dating from October 11th A.D. 1886; that J. Little is entitled to divert from Rock Creek, a tributary of Blackfoot River, four hundred and eighty (480) inches of water, said right dating from October 17th A.D. 1886; that Evie McPherson is entitled to divert from Sheep Creek, a tributary of Blackfoot River, fifty (50) inches of water, said right dating from May 15th A.D. 1890; that Mrs Christensen is entitled to divert one hundred and sixty (160) inches of water from Spring Creek, a tributary of Blackfoot River; said right dating from April 1st A.D. 1886; that H. Hansen is entitled to divert one hundred and fifty (150) inches of water from Spring Creek, a tributary of Blackfoot River, said right dating from April 1st A.D. 1884; that S. Goodwin is entitled to divert one hundred and seventy (170) inches of water from Lone Pine Creek, a tributary of Blackfoot River, said right dating from April 1st A.D. 1885; that J. E. Davis is entitled to divert one hundred and sixty (160) inches of water from Grouse Creek and

Sheep Creek, tributaries of Blackfoot River, said right dating from May 15th A.D. 1890; that Samuel J. Rich and John A. Bagley are entitled to divert two hundred (200) inches of water from Lame Creek and from Springs at or near said Lame Creek, the said Springs and Lame Creek being tributaries of Blackfoot River, said right dating from October 1st A.D. 1888; that R. J. Rasmussen is entitled to divert fifty (50) inches of water from Pine Creek and one hundred and fifty (150) inches of water from Deep Creek, the said creeks being tributaries of Blackfoot River, said rights dating from July 1st A.D. 1889; the said rights aforesaid to-wit: the right of John Sharp sr. to the waters of Trail Creek, the right of John Sharp sr., George Romney and W. W. Rider, to the waters of Lame Creek, Dale Creek and Pale Creek, the right of F. Little to the waters of Duck Spring Creek, the right of John Sharp jr. to the waters of Highland Creek, the right of L. S. Skiles to the waters of Butte Creek, the right of F. Little to the waters of Rock Creek, the right of Evin McPherson to the waters of Sheep Creek, the right of Mrs. Christensen to the waters of Spring Creek, the right of H. Hansen to the waters of Spring Creek, the right of J. Goodwin to the waters of Lower Pine Creek, the right of J. Davis to the waters of Grouse Creek & Sheep Creek, the right of R. J. Rasmussen to the waters of Pine Creek & Deep Creek and the rights of Samuel J. Rich and John A. Bagley aforesaid shall only extend to the first day of July in each year, and the said John Sharp sr., George Romney, W. W. Rider, F. Little, John Sharp jr., L. S. Skiles, J. F. Little, Evin McPherson, Mrs. Christensen, H. Hansen, J. Goodwin, J. C. Davis, R. J. Rasmussen, Samuel J. Rich and John A. Bagley, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties shall pay none of the cost of this suit, viz: W. R. Jones, C. Woodall, Thomas Horsley, Chas. B. Wilson, Frank A. Brereton, James B. Hansen, Gen. H. L. Jones, James H. Hutton, Charles H. Hutton.

Kountze, P. B. Fox sr. and H. S. Woolley.

It is ordered, adjudged and decreed, that the costs of the Judge, Pro. Tem. shall be and the same is hereby taxed as costs of suit and the same is fixed at two hundred and ten dollars.

It is ordered, adjudged and decreed that the several quantities of water herein decreed shall be the quantities hereinbefore named measured under a four inch pressure, and that the first appropriator in point of time is first in point of right. and all appropriations of equal or of the same date are of equal rights.

It is further adjudged and decreed, that in case of insufficiency of water to supply all parties the entire volume is to be devoted to, and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from any stream mentioned in this decree by any party hereto shall be diverted through a box or flume so arranged and constructed as to permit of the water so diverted, being measured under a four inch pressure and when the waters of the streams mentioned in this decree are not used for irrigation of lands all water shall be returned to the natural channel of the stream, and no diversion thereof allowed.

It is adjudged and decreed, that the plaintiffs to this action shall pay one-sixth of all the costs to this action, and each and all of said plaintiffs shall be jointly and severally liable for the one-sixth part until such part of one-sixth is fully paid.

It is adjudged and decreed that Henry Dunn, H. A. Just, Emma Just, John Mistle, Leon Mistle, Robert Mistle, Peter Morris, and Daniel J. Miller shall pay one sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that P. B. Fox Jr., William Howard, A. Whitten, Susan E. Whitten, Calvin Miles, Eastern Idaho Water Company, F. M. Shremaker, Sample Orr, Daniel M. Taylor, Geo. Monroe, John Lyon, George Stealun, Levi Warren and Presto Burrell shall pay one-fourth of all

the costs of this action, and said parties shall be jointly and severally liable for said one-fourth until such part is fully paid.

It is adjudged and decreed, that Caroline Eliason, Jacob Eliason, W^m Ellison, Abe Anderson, Thomas Collett, W^m Edwards, J^r Edwards, Evie McPherson, Elizabeth Collett, Mrs Christensen, O B Hansen, H Hansen, Enoch Hansen, S. Goodwin, James Durney, Peter Hansen, J. E. Davis, Donald Poluix, Lars Hansen, W^m Kountze, R J Rasmussen, John Kountze, H R Lewis, Sarah Lewis, H C Messingale, James Drew and Samuel Borof. shall pay one sixth of all the costs of this action, and ^{said} parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that James Sharp, John Sharp, Sr., John Sharp, Jr., Elias A Smith, George Romney, W. W. Ritei, F Little, Maylaw C Fox, James F Little, F. W. Jennings, Thos G. Webber, Henry Dinwoody, Steber M. Wells, L. S. Stiles, W H Rowe, Charles Burton, Samuel J Rich, and John A Bagley, shall pay one-fourth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-fourth until such part is fully paid.

It is further ordered, adjudged and decreed, that all parties to this action shall have the right to use the waters of the several streams named in this decree for domestic purposes.

Done in open Court
This August 1st A.D. 1891.

Chas Cobb,
Judge, Pro Tem.

DO NOT WRITE IN THESE SPACES

In the District Court of the Fifth Judicial District of Idaho, in and for Bingham County.

In the matter of Judgment by Confession.

Carl J. Cannon }
 vs }
 Helen Thompson & Co }

In this, Carl J. Cannon having filed his confession of judgment wherein he authorizes and consents that judgment be entered in favor of Helen Thompson & Co for the sum of five hundred and fifty dollars; therefore, by reason of the law and the premises aforesaid, it is ordered and adjudged, that the said Helen Thompson & Co, do have and recover of and from the said Carl J. Cannon the sum of five hundred and fifty dollars, with interest thereon at the rate of ten per cent. per annum together with the sum of Twenty-four & 25/100 dollars costs herein.

Dated Sept. 10, 1891.

W. Patrick Clerk
 By Geo. P. Gagon Deputy.

NOT FILED