



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

12 October 2004

David & Denise Stark  
410 West Riverton Road  
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)  
Claim 27-10344

COPY

Subject: EVIDENCE OF PRIORITY **SECOND REQUEST**

Response Date: 22 October 2004

Dear Claimant (s):

Thank you for sending in the change of ownership form, a copy of your warranty deed and plat. The basis for the claim indicates a priority date of May 1, 1885 as set forth in the Stevens vs Eastern Idaho Water Co. as decreed by the Court in August 1891.

We have received many claims based on this same priority date. The 1891 Decree established a total of 3.0 cfs for this priority date. Since the total claims exceed the established total, we are requesting all claimants to provide a clear path of ownership documenting the water from May 1, 1885 to the current claimant(s).

Please provide this office with the necessary documentation. If we do not receive sufficient documentation, this claim may be disallowed. Please respond by the above referenced response date.

If you have any questions, please feel free to call me at 547-3993.

Respectfully,

Barbara J. Payne



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

30 August 2004

David & Denise Stark  
410 West Riverton Road  
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)  
Claim Z7-10344

COPY

Subject: EVIDENCE OF PRIORITY

Response Date: 15 September 2004

Dear Claimant (s):

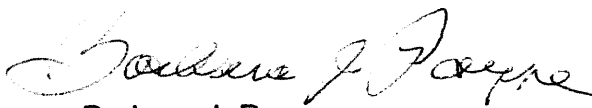
Thank you for sending in the change of ownership form, a copy of your warranty deed and plat. The basis for the claim indicates a priority date of May 1, 1885 as set forth in the Stevens vs Eastern Idaho Water Co. as decreed by the Court in August 1891.

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If you have any questions, please feel free to call me at 547-3993..

Respectfully,



Barbara J. Payne



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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KARL J. DREHER  
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30 August 2004

David & Denise Stark  
410 West Riverton Road  
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)  
Claim 27-10344

Subject: EVIDENCE OF PRIORITY

**Response Date: 15 September 2004**

Dear Claimant (s):

Thank you for sending in the change of ownership form, a copy of your warranty deed and plat. The basis for the claim indicates a priority date of May 1, 1885 as set forth in the Stevens vs Eastern Idaho Water Co. as decreed by the Court in August 1891.

We have received many claims based on this same priority date. The 1891 Decree established a total of 3.0 cfs for this priority date. Since the total claims exceed the established total, we are requesting all claimants to provide a clear path of ownership documenting the water from May 1, 1885 to the current claimant(s).

Please provide this office with the necessary documentation. If we do not receive sufficient documentation, this claim may be disallowed. Please respond by the above referenced response date.

If you have any questions, please feel free to call me at 547-3993..

Respectfully,

A handwritten signature in cursive script, reading 'Barbara J. Payne', is written over a horizontal line.  
Barbara J. Payne

SEP 17 2004

**WARRANTY DEED****495365**For Value Received **Robert F. Colson and Marilyn J. Colson, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**David R. Stark and Denise C. Stark, husband and wife**

whose address is: 410 W. Riverton Rd., Blackfoot, ID 83221,

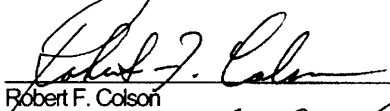
Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

SEE ATTACHED

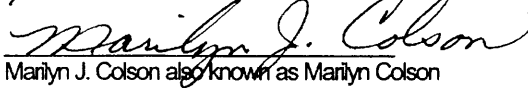
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 21, 2000



Robert F. Colson



Marilyn J. Colson also known as Marilyn Colson

RECORDED  
2000 NOV 22 PM 4:57  
RECORDED AT THE REQUEST OF  
FIRST AMERICAN TITLE COMPANY

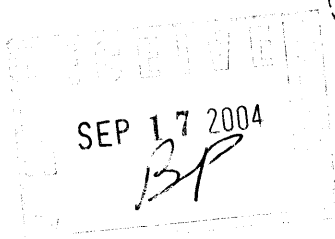
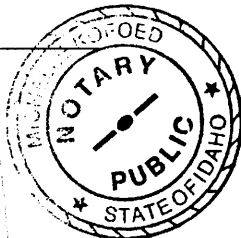
STATE OF Idaho

)ss.

COUNTY OF BINGHAM

On this 22nd day of November, 2000, before me Michelle Kofoed, personally appeared Robert F. Colson and Marilyn J. Colson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

  
Notary Public of Idaho  
Residing at: Blackfoot, Idaho  
Commission Expires: 04/14/06



**PARCEL I:**

Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a right-of-way marker on the West line of a County Road that is S. 89°51'03" W., along the Section line 1384.32 feet and S. 0°14'57" E., 411.86 feet from the NE corner of said Section 8; and running S. 0°14'57" E., along said County road 178.8 feet; thence N. 89°36'21" W., 527.29 feet to the easterly line of the Mary Lee Gold Mining Property; thence N. 44°38' E., along said easterly line 317.9 feet; thence S. 74°58'02" E., 59.76 feet; thence S. 3°47'13" W., 25.47 feet; thence S. 87°39'02" E., 86.28 feet; thence N. 48°47'59" E., 18.24 feet; thence N. 89°42'06" E., 115.27 feet; thence S. 58°57'13" E., 37.26 feet to the point of beginning.

**PARCEL II:**

Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the West line of a County Road S. 89°39'03" W., along the Section line 1385 feet and S. 00°14'57" E., 590.66 feet from the NE corner of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho; and running thence S. 00°14'57" E., 175.0 feet; thence N. 89°36'21" W., 733.6 feet; thence N. 44°46'29" E., 245 feet; thence S. 89°36'21" E., 560.4 feet to the point of beginning. **EXCEPT:** Part of Lot 1 of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is S. 89°54'43" W., 1,329.32 feet along the section line and S. 45°06'58" W., 828.53 feet from the NE corner of said Section 8; and running thence S. 45°06'58" W., 245.18 feet to the south line of the property as described in Instrument No. 101326; thence along said property the following three (3) courses: (1) N. 89°20'41" W., 28.63 feet; thence (2) N. 45°02'09" E., 244.84 feet; thence (3) S. 89°20'41" E., 29.11 feet to the point of beginning.

495365

7-12956  
Now VOID  
AND REPLACED  
w/ 113502

**WARRANTY DEED****495365**For Value Received **Robert F. Colson and Marilyn J. Colson, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**David R. Stark and Denise C. Stark, husband and wife**

whose address is: 410 W. Riverton Rd., Blackfoot, ID 83221,

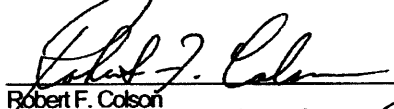
Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

SEE ATTACHED

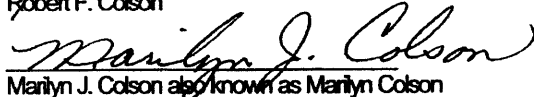
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 21, 2000



Robert F. Colson



Marilyn J. Colson also known as Marilyn Colson

FILED AMERICAN TITLE COMPANY  
 RECORDED AT THE REQUEST OF  
 2000 NOV 22 PM 4:57  
 FEE  
 CLERK  
 SALT LAKE CITY, UTAH  
 SALT LAKE COUNTY, IDAHO

STATE OF Idaho

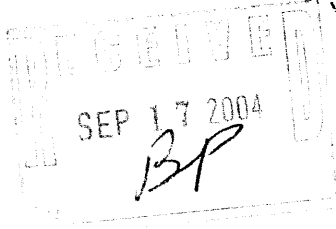
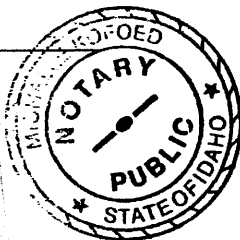
ss.

COUNTY OF BINGHAM

On this 22nd day of November, 2000, before me Michelle Kofoed, personally appeared Robert F. Colson and Marilyn J. Colson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Michelle Kofoed  
 Notary Public of Idaho  
 Residing at: Blackfoot, Idaho  
 Commission Expires: 04/14/06



**PARCEL I:**

Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a right-of-way marker on the West line of a County Road that is S. 89°51'03" W., along the Section line 1384.32 feet and S. 0°14'57" E., 411.86 feet from the NE corner of said Section 8; and running S. 0°14'57" E., along said County road 178.8 feet; thence N. 89°36'21" W., 527.29 feet to the easterly line of the Mary Lee Gold Mining Property; thence N. 44°38' E., along said easterly line 317.9 feet; thence S. 74°58'02" E., 59.76 feet; thence S. 3°47'13" W., 25.47 feet; thence S. 87°39'02" E., 86.28 feet; thence N. 48°47'59" E., 18.24 feet; thence N. 89°42'06" E., 115.27 feet; thence S. 58°57'13" E., 37.26 feet to the point of beginning.

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**495365**

7-12956  
Now VOID  
AND REPLACED  
w/ 13502

## WARRANTY DEED

205122

9-22-1975

For Value Received  
Magdalena H. Hofer, a widow

the grantor, do es hereby grant, bargain, sell, and convey unto  
Robert F. Colson and Marilyn Colson, husband and wife  
Route #3, Box 44, Blackfoot, Idaho

the grantee s, the following described premises, to-wit:

Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 8, Township 3, South Range 35, E.B.M. Bingham  
County, Idaho, described as:

Beginning at a R-O-W Marker on the West line of a County Road that is  
S 89° 51' 03" W along the Section Line 1384.32 feet and S 0° 14' 57" E  
411.86 feet from the North East corner of said Section 8 and running  
S 0° 14' 57" E along said County road 178.8 feet; thence N 89° 36' 21" W  
527.29 feet to the Easterly line of the Mary Lee Gold Mining Property;  
thence N 44° 38' E along said Easterly line 317.9 feet; thence  
S 74° 58' 02" E 59.76 feet; thence S 3° 47' 13" W 25.47 feet; thence  
S 87° 39' 02" E 86.28 feet; thence N 48° 47' 59" E 18.24 feet; thence  
N 89° 42' 06" E 115.27 feet; thence S 58° 57' 13" E 37.26 feet to the  
point of beginning.

Subject to reservations in United States Patent, existing and recorded  
casements, zoning and building ordinances.

NO. \_\_\_\_\_  
BINGHAM COUNTY IDAHO  
CRACK AT 10:00 OCTOBER

1975 OCT 8 AM 10 45

RECORDED BY NO. 48  
REC'D DEPT. OF REVENUE  
RECORDED AT REQUEST OF

BINGHAM TITLE & TRUST CO.

SEP 17 2004

17

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,  
their heirs and assigns forever. And the said Grantor do es hereby covenant to and  
with the said Grantee s, that t he y the owners in fee simple of said premises; that said  
premises are free from all incumbrances except as hereinabove set forth and that t hey will warrant and  
defend the same from all lawful claims whatsoever.  
Dated: September 22, 1975

Magdalena H. Hofer  
Magdalena H. Hofer

STATE OF IDAHO, COUNTY OF Bingham  
On this 26 day of September, 19 75,  
before me, a notary public in and for said State, personally  
appeared

Magdalena H. Hofer, a widow

known to me to be the person who se name  
subscribed to the within instrument, and acknowledged to  
me that she executed the same.

Denise Anderson  
Notary Public

Residing at Blackfoot, Idaho  
Comm. Expires 10-15-1975

STATE OF IDAHO, COUNTY OF

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

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock m.,  
this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_, in my office, and duly recorded in Volume  
of the Official Records.

Ex-Officio Recorder

By \_\_\_\_\_ Deputy.

Fees \$  
Mail to:

INSTRUMENT NO. 205122

11.3.2.1

11326

## Warranty Deed

THIS INDENTURE, Made this 17th day of September  
in the year of our Lord One Thousand Nine Hundred and 63, between Albert Hofer  
and Magdalena Hofer, his wife  
of Blackfoot, County of Bingham, State of Idaho  
the part ies of the first part, and Robert F. Colson and Marilyn J. Colson,  
his wife

of Blackfoot, County of Bingham, State of Idaho  
the part ies of the second part:

WITNESSETH: That the said part ies of the first part, for and in consideration of the sum of ten and no/100- -  
DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt  
whereof is hereby acknowledged:

, do es by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part ies  
of the second part, and to their heirs and assigns forever: All th certain lot  
piece or parcel of land situate, lying and being in the County of Bingham State of Idaho, bounded  
and more particularly described as follows, to-wit:

Beginning at a point on the West line of a County  
Road S 89° 39' 03" W along the Section line 1305  
feet and S 00° 14' 57" E 590.66 feet from the  
N E corner of Section 8, Township 3 South, Range  
35 E. B. M. and running thence S 00° 14' 57" E  
175.0 feet; thence N 89° 36' 21" W 733.6 feet;  
thence N 44° 46' 29" E 245 feet; thence S 89°  
36' 21" E 560.4 feet to the point of beginning,  
containing 2.599 acres.

T 35, R 35E  
S 8  
- 679 ac

SEP 17 2004  
BT



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 thereunto incident  
unto the said part ies of the second part, and to their 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 ies of the second part their heirs and assigns against the said part ies of the  
first part, and their heirs and against all and every person or 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 ha ve hereunto set their hand S and  
seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Albert Hofer [Seal]  
Magdalena Hofer [Seal]  
[Seal]  
[Seal]

10.4.2

101326

WARRANTY DEED

TO

Dated \_\_\_\_\_, 19\_\_\_\_

STATE OF IDAHO,

County of Bingham ss.

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

Robert J. Coleman

at 45 minutes past one

o'clock P. M., this SEP 17 1963 day

of \_\_\_\_\_ A. D. 19\_\_\_\_

in my office and duly recorded in Book 119

of Deeds at page \_\_\_\_\_

Grace Williams

Ex-Officio Recorder.

By \_\_\_\_\_ Deputy

Fee \$ 1.00

\_\_\_\_\_  
REC'D. PRINCE & SON, INC., POCAHELLO, IDAHO

Robert J. Coleman

Box 574, City

Residence and P. O. Address: Box 767 Blackfoot Idaho

Notary Public.

Ray Wilson

above written.

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

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

known to me to

Albert Hoyer and Magdalena Hoyer, his wife

a notary public

in and for said County and State, personally appeared

September \_\_\_\_\_ day of

in the year 1963, before me

STATE OF IDAHO,  
County of Bingham  
On this 17th

ss.

1: 1326

9-17-1963

## Warranty Deed

THIS INDENTURE, Made this 17th day of September  
in the year of our Lord One Thousand Nine Hundred and 63, between Albert Hofer  
and Magdalena Hofer, his wife

of Blackfoot, County of Bingham, State of Idaho  
the part ies of the first part, and Robert F. Colson and Marilyn J. Colson,  
his wife

of Blackfoot, County of Bingham, State of Idaho  
the part ies of the second part:

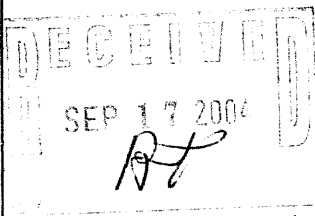
WITNESSETH: That the said part ies of the first part, for and in consideration of the sum of ten and no/100- -

----- DOLLARS,  
lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt  
whereof is hereby acknowledged

, do es by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part ies  
of the second part, and to their heirs and assigns forever: All th certain lot  
piece or parcel of land situate, lying and being in the County of Bingham State of Idaho, bounded  
and more particularly described as follows, to-wit:

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Road S 89° 39' 03" W along the Section line 1385  
feet and S 00° 14' 57" E 590.66 feet from the  
N E corner of Section 8, Township 3 South, Range  
35 E. B. M. and running thence S 00° 14' 57" E  
175.0 feet; thence N 89° 36' 21" W 733.6 feet;  
thence N 44° 46' 29" E 245 feet; thence S 89°  
36' 21" E 560.4 feet to the point of beginning,  
containing 2.599 acres.

T 35, R 35 E  
Sec 8  
2.599 ac



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 thereunto incident  
unto the said part ies of the second part, and to their 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 ies of the second part their heirs and assigns against the said part ies of the  
first part, and their heirs and against all and every person or 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 ha ve hereunto set their hand S and  
seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Albert Hofer [Seal]  
Magdalena Hofer [Seal]  
\_\_\_\_\_  
\_\_\_\_\_ [Seal]

(10.4.2)

STATE OF IDAHO,  
County of Bingham

} ss.

On this 17th day of September in the year 1963, before me  
the undersigned a notary public in and for said County and State, personally appeared  
Albert Hofer and Magdalena Hofer, his wife

known to me to

be the person whose name is 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.

Ray Wilson  
Notary Public.

Residence and P. O. Address Box 767 Blackfoot Idaho

WARRANTY DEED

101326

Deed \_\_\_\_\_

STATE OF IDAHO,

County of Bingham

ss.

I hereby certify that this instrument was filed for  
record upon request of

Ray Wilson

at 45 minutes past one

o'clock P. M., this SEP. 17 1963 day

of SEP. 19 A. D. 19

in my office and duly recorded in Book 114

of Deeds at page 34

Magdalena Hofer

Ex-Officio Recorder.

By \_\_\_\_\_ Deputy.

For \$ 11.00

Ray Wilson  
Box 577, CIP

No 2179

TO

THIS INDENTURE, Made this 28th day of March

in the year of our Lord one thousand nine hundred and twenty five between Trangott Hofer and Rosina Hofer his wife, and George Hofer and Clara N Hofer his wife

of Blackfoot County of Bingham State of Idaho the part of the first part, and Albert Hofer and Magdalena Hofer husband and wife

of Blackfoot County of Bingham State of Idaho the part of the second part,

WITNESSETH, That the said part of the first part, for and in consideration of the sum of One DOLLARS, lawful money of the United States of America, to has in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said part of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Bingham State of Idaho, to-wit:

That portion of lot four, section eight, township three, south of range thirty five, east of Boise Meridian, described as follows; Beginning at the southeast corner of said lot four, thence west 256 feet, thence north 440 feet, thence north 50 degrees thirty minutes east 384 feet, thence south 651 feet to place of beginning. Also that portion of Lot two, section eight, said township and range described as follows, Beginning at the center of section eight, thence north 1375 feet, thence west 505 feet, south 50 degrees and thirty minutes west 1075 feet, thence south 651 feet, thence east 1300 feet, to place of beginning, Also that portion of lot one, section eight of said township and range described as follows; Beginning at the northeast corner of said lot one thence west 10 feet thence 44 degrees 20 minutes west 1872 feet, thence east 1310 feet thence north 1320 feet to place of beginning. Also 76 shares of water stock in the Miners Irrigation Canal Company,.

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 party 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 of the second part and to their heirs and assigns, forever, and the said parties of the first part and their heirs, the said premises in a quiet and peaceable possession of the said part of the second part, their heirs and assigns, and against the said part 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 of the first part hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

ss.

George Hofer SEAL.  
Clara N. Hofer SEAL.  
Trangott Hofer SEAL.  
Rosina Hofer SEAL.

State of Idaho

SS

County of Bingham

On this 4 day of April, in the year 1925, before me C. S. Beebe, a notary public in and for said State, personally appeared George Hofer, Clara N. Hofer, Trangott Hofer, Rosina Hofer, 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.

C. S. Beebe, Notary Public residing

at Blackfoot, Idaho

Commission expires June 11, 1925, Seal

SEP 17 2004

BP

Recorded at the request of E. M. Gregg, May 6th, 1925, at 10:10 A. M.

Recorder's Fees, \$

By H. A. Benson Recorder.  
Deputy Recorder.

TO

THIS INDENTURE, Made this 29 day of December in the year of our Lord one thousand nine hundred and twenty two, between Richmond C. Lowder and Elizabeth A. Lowder husband and wife

of Rupert County of Minidoka State of Idaho the parties of the first part, and Traugott Hofer and Rosena Hofer husband and wife, Albert Hofer and Magdalena Hofer, husband and wife, George Hofer and Clara N. Hofer, husband and wife of Blackfoot County of Bingham State of Idaho the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Nine thousand seven hundred fifty and no/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Bingham State of Idaho, to-wit: That portion of Lot 8, of section 7, in

township 3 south of range 35 east of the Boise Meridian in Idaho, described as follows; Beginning at a point North 57 degrees 51 minutes east and 547 feet distant from the quarter corner of section 7, and 18, township and range aforesaid; running thence north 57 degrees and 51 minutes east 453 feet; thence north 30 degrees 06' east 960 feet to the northeast corner of said Lot 8, thence south 783 feet, thence south 71 degrees west 912 feet to the point of beginning. Also that portion of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of section 7, said township and range, described as follows; Beginning at the northwest corner of the said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , thence east 1320 feet, thence south 275 feet, thence south 67 degrees 42' West 1414 feet, thence north 783 feet to the point of beginning. Also that portion of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said section 8, said township and range, described as follows, beginning at the northwest corner of the said SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  thence east 611 feet thence south 67 degrees 42' west 670 feet, thence north 275 feet to the point of beginning, also that portion of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of section 8 said township and range, described as follows; beginning at the southwest corner of the said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  thence east 611 feet, thence north 57 degrees 42' east 752 feet; thence north 1029 feet, thence west 1027 feet to the left bank of the Snake River, thence south 45 degrees west along said river 398 feet, thence south 1040 feet to the point of beginning. Also that portion of Lot 4 of section 8, said township and range, described as, Beginning at the southeast corner of said Lot 4, thence west 790 feet, thence north 50 degrees, 30' East 1023 feet, thence south 651 feet to the point of beginning. Also that portion of Lot 2 of Section 8, said township and range described as Beginning at the center of said section 8, thence north 1375 feet, thence west 505 feet, thence south 50 degrees 30' west 1075 feet, thence south 651 feet, thence east 1300 feet to the point of beginning. Also that portion of lot 1, of section 8 said township and range, described as. Beginning at the northeast corner of said Lot 1, thence west 10 feet, thence south 44 degrees and 20' west 1872 feet, thence east 1310 feet, thence north 1320 feet to the point of beginning. Together with all ditches, ditch rights of way and water rights thereto belonging or in anywise appertaining and particularly 100 inches of water in the Blackfoot River from the water decreed to Robert Millen in that certain judgment dated August 1st, 1891, and recorded in Book of judgments pages 107 & 116. \$10.00 I. R. S. Attached.

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 party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the parties of the second part and to their heirs and assigns, forever, and the said parties of the first part and their heirs, the said premises in a quiet and peaceable possession of the said parties of the second part, their heirs and assigns, and against the said parties 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 parties of the first part have hereunto set their hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of  
W. B. Hardy

ss.

Richmond C. Lowder SEAL.  
Elizabeth A. Lowder SEAL.  
SEAL.  
SEAL.

State of Idaho

SS

County of Minidoka

On this 5th day of January in the year 1923, before me W. B. Hardy, a notary public in and for said county, personally appeared Richmond C. Lowder and Elizabeth A. Lowder 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.

My commission expires Sept 20, 1925, Seal

W. B. Hardy, Notary Public residing  
at Rupert, Idaho

SEP 17 2004

BAP

Recorded at the request of Bingham Abstract Co March 5, 1923, at 10:08 A. M.

Recorder's Fees, \$

H. A. Benson Recorder.  
By Jesse Boyd Deputy Recorder.

# DEED RECORD, BINGHAM COUNTY.

GEO. D. BARNARD STATIONERY CO., ST. LOUIS

N<sub>3</sub> 2180

TO

THIS INDENTURE, Made this 28th day of March

in the year of our Lord one thousand nine hundred and twenty five, between Trangott Hofer and Rosina Hofer, his wife, and Albert Hofer and Magdalena Hofer his wife

of Blackfoot County of Bingham State of Idaho the part of the first part, and George Hofer and Clara N Hofer, husband and wife

of Blackfoot County of Bingham State of Idaho the part of the second part,

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

One

DOLLARS,

lawful money of the United States of America, to has in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said part of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Bingham State of Idaho, to-wit:

That portion of Lot eight, section seven, township three, south range thirty five east of the Boise Meridian, described, as follows;

Beginning at a point north 57 degrees 51 minutes east and 547 feet distance from the quarter corner to sections seven and eighteen, township and range aforesaid, running thence north 57 degrees 51 minutes east 453 feet, thence north 30 degrees .06 minutes east 960 feet to the northeast corner of said lot eight, thence south 783 feet, thence south 71 degrees west 912 feet to point of beginning;

Also that portion of the southeast quarter of the southeast quarter of section seven, township and range, as aforesaid; described as follows, Beginning at the northwest corner of the said southeast quarter of the southeast quarter, thence east 1320 feet, thence south 275 feet, thence south 67 degrees 42 minutes west 1414 feet, north 783 feet to place of beginning, Also that portion of the southwest quarter of the southwest quarter of section eight, said township and range described as follows; Beginning at the north west corner of the said southwest quarter of the southwest quarter thence east 611 feet, thence south 67 degrees 42 minutes west 670 feet, thence north 875 feet to point of beginning, Also that portion of the northwest quarter of the southwest quarter of said section eight, said township and range described as follows; Beginning at the southwest corner of said NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> thence east 611 feet, thence north 57 degrees 42 minutes east 752 feet, thence north 1029 feet, thence west 1027 feet to the left bank of the Snake River, thence south 45 degrees west 398 feet, thence south 1040 feet to place of beginning, Also that portion of lot four of section eight said township and range described; as follows; Beginning at a point 256 feet west of the southeast corner of said lot thence west 534 feet, thence north 50 degrees and 30 minutes east 727 feet, thence south 440 feet to place of beginning, in Bingham County, Idaho.

Also forty four shares of stock in the Miners Irrigation Canal Company.

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 party 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 of the second part and to their heirs and assigns, forever, and the said part of the first part and their heirs, the said premises in a quiet and peaceable possession of the said part of the second part, their heirs and assigns, and against the said part 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 of the first part has hereunto set their hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

ss.

Trangott Hofer SEAL.  
Rosina Hofer SEAL.  
Albert Hofer SEAL.  
Magdalena Hofer SEAL.

State of Idaho

SS

County of Bingham

On this 4 day of April, in the year 1925, before me C. S. Beebe a notary public in and for said State, personally appeared Trangott Hofer, Rosina Hofer, Albert Hofer, Magdalena Hofer 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.

C S Beebe, Notary Public, residing at Blackfoot

Commission expires Jun 11, 1925

Seal

Idaho

Recorded at the request of E. M. Gregg, May 6th, 1925, at 10:13 A. M.

Recorder's Fees, \$

H. A. Benson Recorder.

By

Deputy Recorder.

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<sup>th</sup> A.D. 1869. — 138 inches

Henry Dunn, July, 1<sup>st</sup> A.D. 1870 — 300 inches

N.A. Just and

Emma Just, August, 1<sup>st</sup> A.D. 1871 — 200 inches

Leon Misslew, July, 1<sup>st</sup> A.D. 1873 — 200 inches

John Misslew, April, 1<sup>st</sup> A.D. 1874 — 120 inches

H. R. Lewis, March, 1<sup>st</sup> A.D. 1875 — 100 inches

Presto Burrell, March, 1<sup>st</sup> A.D. 1876 — 100 inches

William Kirkpatrick, May, 1<sup>st</sup> A.D. 1878 — 100 inches

F.M. Shornaker, April 1<sup>st</sup> A.D. 1879 — 90 inches

Eastern Idaho Water Co. March, 20<sup>th</sup> A.D. 1880 — 1800 inches

G.B. Fox, Jr.

William Howard

A. Whitten

Arsaw E. Whitten

and Calvin Miles

March, 25<sup>th</sup> A.D. 1880 — 600 inches

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BT

Levi Warren, April 1<sup>st</sup> A.D. 1882. — 50 inches.

Emily Warren, April 1<sup>st</sup> A.D. 1883 — 106 inches.

Daniel G. Miller, April 1<sup>st</sup> A.D. 1883 — 100 inches.

Fred S. Stevens, October 1<sup>st</sup> A.D. 1884 — 140 inches

N.A. Just and

Emma Just } April 1<sup>st</sup> A.D. 1885 — 100 inches.

Leon Misslew, May 1<sup>st</sup> A.D. 1885 — 300 inches.

Robert Miller, May 1<sup>st</sup> A.D. 1885 — 150 inches.

|                         |   |                                    |             |
|-------------------------|---|------------------------------------|-------------|
| P. B. Fox Jr.           | } | June 1st A.D. 1885                 | 1500 inches |
| William Howard          |   |                                    |             |
| A. Whitten              |   |                                    |             |
| Susan E. Whitten        |   |                                    |             |
| Calvin Miles            | } | July 23 <sup>d</sup> A.D. 1885     | 560 inches  |
| W. W. Ritter            |   |                                    |             |
| Thomas G. Weber         |   |                                    |             |
| Jamers Drew             |   |                                    |             |
| Eastern Idaho Water Co. | } | October 1st A.D. 1885              | 1000 inches |
| H. R. Lewis and         |   |                                    |             |
| Sarah Lewis             |   |                                    |             |
| Jamers Welch            |   |                                    |             |
| William H. Davidson     | } | April 5 <sup>th</sup> A.D. 1886    | 352 inches  |
| David S. Morgan         |   |                                    |             |
| William Morgan          |   |                                    |             |
| William A. Downing      |   |                                    |             |
| F. Little               | } | October 4 <sup>th</sup> A.D. 1886  | 240 inches  |
| Charles S. Burton       |   |                                    |             |
| John Sharp sr.          |   |                                    |             |
| F. W. Jennings          |   |                                    |             |
| Donald Poluir           | } | April 1st A.D. 1887                | 100 inches  |
| Samuel Borup            |   |                                    |             |
| Jacob Eliason           |   |                                    |             |
| Caroline Eliason        |   |                                    |             |
| Maylaw C. Fox           | } | May 1st A.D. 1889                  | 145 inches  |
|                         |   |                                    |             |
|                         | } | December 4 <sup>th</sup> A.D. 1889 | 640 inches  |
|                         |   |                                    |             |

That the following rights hereinbefore 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<sup>d</sup> day of July A.D. 1885 for 560 inches; the right of Thomas G. Weber, dating from the 23<sup>d</sup> 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 4<sup>th</sup> day of October, A.D. 1886, for 240 inches; the right of Charles S. Burton, dating from the 4<sup>th</sup> 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

dating from the 1st day of May A.D. 1889 for 145 inches; and the right of Moylaw O 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 O 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. 1882 — 60 inches.
- Samuel Orr, July, 1st, A.D. 1882 — 80 inches.
- Peter Morris, April, 1st, A.D. 1887 — 60 inches.
- Daniel 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 Munroe }  
and John Lyon } April 1st A.D. 1884 — 100 inches.
- Samuel Borup April 1st A.D. 1887 — 50 inches.

It is ordered, adjudged and decreed that George Steaton is entitled to divert from the east fork of Brush 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 Steaton 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

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 hereinafter stated and set opposite each name to-wit:

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

But these said rights of said Enoch Hauwen, James Sharp and W.H. 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 Hauwen, 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 hereinafter 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 <sup>to divert</sup> 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 hereinafter stated, and set opposite each name, to-wit:

|             |   |                        |   |             |
|-------------|---|------------------------|---|-------------|
| W.W. Riter  | - | October 4th A.D. 1886  | - | 320 inches. |
| James Sharp | - | October 17th A.D. 1886 | - | 320 inches. |

But their rights of said Sharp and Riter to the waters of Thomas 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 17<sup>th</sup> day of October, A.D. 1886, but the said right shall only extend to the 1<sup>st</sup> 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, 11 <sup>th</sup> , A.D. 1886 | 320 inches. |
| Henry Dinwoody  | October, 11 <sup>th</sup> , A.D. 1886 | 400 inches. |
| Joseph Jennings | October, 11 <sup>th</sup> , A.D. 1886 | 560 inches. |
| Heber M. Wells  | October, 11 <sup>th</sup> , A.D. 1886 | 640 inches. |
| John Sharp, sr. | October, 17 <sup>th</sup> , A.D. 1886 | 284 inches. |
| Wm. Kountze     | April, 1 <sup>st</sup> , A.D. 1889    | 160 inches. |
| John Kountze    | May, 1 <sup>st</sup> , A.D. 1889      | 160 inches. |

But their <sup>said</sup> 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.H. Edwards      |                       |             |
| and J. Edwards    | May 1st A.D. 1890     | 200 inches. |
| Evie McPherson    | May 15th A.D. 1890    | 50 inches.  |
| W.H. 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.H. 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.H. 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 <sup>a tributary of Blackfoot River</sup> 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 each

and all of them are hereby enjoined from diverting <sup>using</sup> or 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 11<sup>th</sup> A.D. 1886; that John Sharp Sr., George Romney, and W.W. Peter 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 11<sup>th</sup> 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 4<sup>th</sup> A.D. 1886; that John Sharp, Jr. is entitled to divert from Highland Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water, said right dating from October 4<sup>th</sup> A.D. 1886; that L.S. Thies is entitled to divert from Butte Creek, a tributary of Blackfoot River, four hundred (400) inches of water said right dating from October 11<sup>th</sup> 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 17<sup>th</sup> 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 15<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 15<sup>th</sup> A.D. 1890; that Samuel J Rick and John W 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 1<sup>st</sup> A.D. 1888; that R. J. Rosmussen 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 1<sup>st</sup> 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. Riter, 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 Hills to the waters of Butte Creek, the right of F Little to the waters of Rock Creek, the right of Eva 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 S Goodwin to the waters of Lame Pine Creek, the right of J Davis to the waters of Grouse Creek & Sheep Creek, the right of R J Rosmussen to the waters of Pine Creek & Deep Creek and the rights of Samuel J Rick and John W Bagley aforesaid shall only extend to the first day of July in each year, and the said John Sharp sr., George Romney, W. W. Riter, F Little, John Sharp jr., L S Hills, F Little, Eva McPherson, Mrs Christensen, H Hansen, S Goodwin, J Davis, R J Rosmussen, Samuel J Rick and John W 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 costs of this suit, viz: W R Jours, C Woodall, Thomas Horsley, Chas. B. Wilson, Frank S Brereton, James B Hansen, Geo St Lacy, James Heathy, Charles Staddock, et al.

Sheep Creek, tributaries of Blackfoot River, said right dating from May 15<sup>th</sup> A.D. 1890; that Samuel J Rich and John A Bagley are entitled to divert two hundred (200) inches of water from Hawk Creek and from Springs at or near said Hawk Creek, the said Springs and Hawk Creek being tributaries of Blackfoot River, said right dating from October 1<sup>st</sup> 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 1<sup>st</sup> 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 Lake 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 Hills to the waters of Butte Creek, the right of F Little to the waters of Rock Creek, the right of Eva McPherson to the waters of Sheep Creek, the right of Mels 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 Hawk 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 Hills, J Little, Eva McPherson, Mels Christensen, H Hansen, J Goodwin, J 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 costs of this suit, viz: W R Jones, C Woodall, Thomas Horsley, Chas. B. Wilson, Frank S Brereton, James B Hansen, Geo St Lacy, James Heatly, Charles Haddock, Samuel

Hountze, 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 taken 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, N. A. Just, Emma Just, John Mislau, Leon Mislau, Robert Millen, Peter Morris, and Daniel Y. 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 Stealwa, 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, M<sup>rs</sup> Ellison, Abe Anderson, Thomas Collett, M<sup>rs</sup> Edwards, J<sup>r</sup> 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<sup>m</sup> Kouutz, R J Rasmussen, John Kouutz, 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 <sup>said</sup> 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 Romary, W. W. Riter, F Little, Moylan C Fox, James Thittle, F. W. Jennings, Thos G. Webber, Henry Dinwoody, Heber M. Wells, L. S. Hills, M 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 1<sup>st</sup> A.D. 1891.

Chas Cobb,  
Judge, Pro Tem.