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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase <u>29-496</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing City of Downey, Idaho

My name is Steven R. Fuller

My address is P.O. Box 191
Preston, ID 83263

My phone number is (208) 852-2680

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

There existed a miscommunication between the City of Downey and myself
as to who would actually file the claim. This error was recently discovered.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

SEE ATTACHED LIST

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 300.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, April 19, 2011 at 1:30 p.m.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of Franklin

STEVEN R. FULLER, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

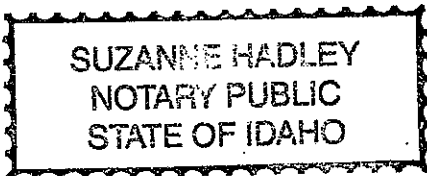
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

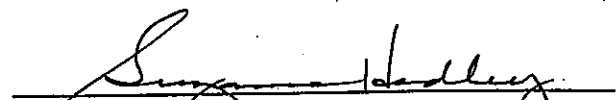
Signature of person filing motion



Attorney signing in representative capacity
STEVEN R. FULLER

Subscribed and sworn to before me on January 12, 2011
(Insert Date)





Notary Public for State of Idaho
Residing at: Swan Lake, Idaho
My Commission expires: 8/15/2015

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on January 12, ~~1992~~ ²⁰¹¹, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

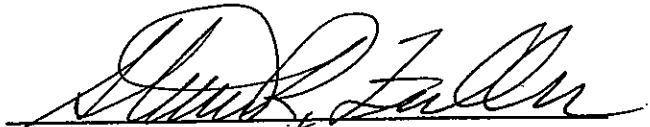
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form
Steven R. Fuller

Documentation for Water Right No. 29-496

- (1) Judgment: *Coffin et al vs. Criddle et al*, Bk 2 Jdms 34, Bannock County
- (2) Deed: Coffin to Hyde, Bk 15 Deeds 632, Bannock County
- (3) Deed: Hyde to Downey Townsite, Bk 18 Deeds 626, Bannock County
- (4) Deed: Hyde to Downey Townsite, Bk 21 Deeds 188, Bannock County
- (5) Deed: Downey Townsite to Peabody, Bk 21 Deeds 266, Bannock County
- (6) Deed: Peabody to Downey Water Co., Bk 21 Deeds 323, Bannock County
- (7) Deed: Hancock to Downey Water Co., Bk 21 Deeds 470, Bannock County
- (8) Deed: Anderson to Downey Water Co., Bk 21 Deeds 471, Bannock, County
- (9) Deed: Kendall to Downey Water Co, Bk 21 Deeds 538, Bannock County
- (10) Deed: Downey Water Co., to Village of Downey, Bk 29, Deeds 517, Bannock County

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-496
Date Received: 1/10/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF DOWNEY Phone: (208)897-5342

PO BOX 204
DOWNEY ID USA 83234-0204

2. Date of Priority: 06/01/1877

3. Source: NINEMILE CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	38E	8	NW SE	BANNOCK	

5. Description of diverting works:

Perforated pipe to a collection box and then runs through a series of pipelines to the City of Downey for municipal use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	03/01	07/01	2.5	
MUNICIPAL	07/02	02/28	2	

7. Total Quantity Appropriated is:
2.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	37E	27	SW	NE	MUNICIPAL	
			SW	NW	MUNICIPAL	
			SE	NW	MUNICIPAL	
			NE	SW	MUNICIPAL	
			NW	SW	MUNICIPAL	
			SW	SW	MUNICIPAL	
			SE	SW	MUNICIPAL	
			NW	SE	MUNICIPAL	
			SW	SE	MUNICIPAL	
11S	37E	28	NE	SE	MUNICIPAL	
			SE	SE	MUNICIPAL	
11S	37E	34	NW	NE	MUNICIPAL	
			SW	NE	MUNICIPAL	
			SE	NE	MUNICIPAL	
			NE	NW	MUNICIPAL	
			NW	NW	MUNICIPAL	
			SW	NW	MUNICIPAL	
			SE	NW	MUNICIPAL	
			NE	SW	MUNICIPAL	
			NW	SW	MUNICIPAL	
			NE	SE	MUNICIPAL	
			NW	SE	MUNICIPAL	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

AMT. DIVERTED DECREASES AFTER JULY 1.
TOTAL DIVERSION DOES NOT EXCEED 2.50 CFS.
AS PER TRANS. 928.

Place of use is within the service area of the City of Downey municipal water supply system as provided for under Idaho Law.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Mayor of
Title

City of Downey, that I have signed the foregoing
Organization

document in the space below as Mayor of
Title

City of Downey and that the statements contained in the
Organization

foregoing document are true and correct. Dennis J. Phillips
Signature of Authorized Agent

Mayor, City of Downey
Title and Organization

1-17-08
Date

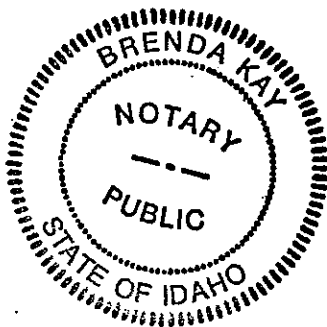
State of Idaho)
County of Bannock) SS.

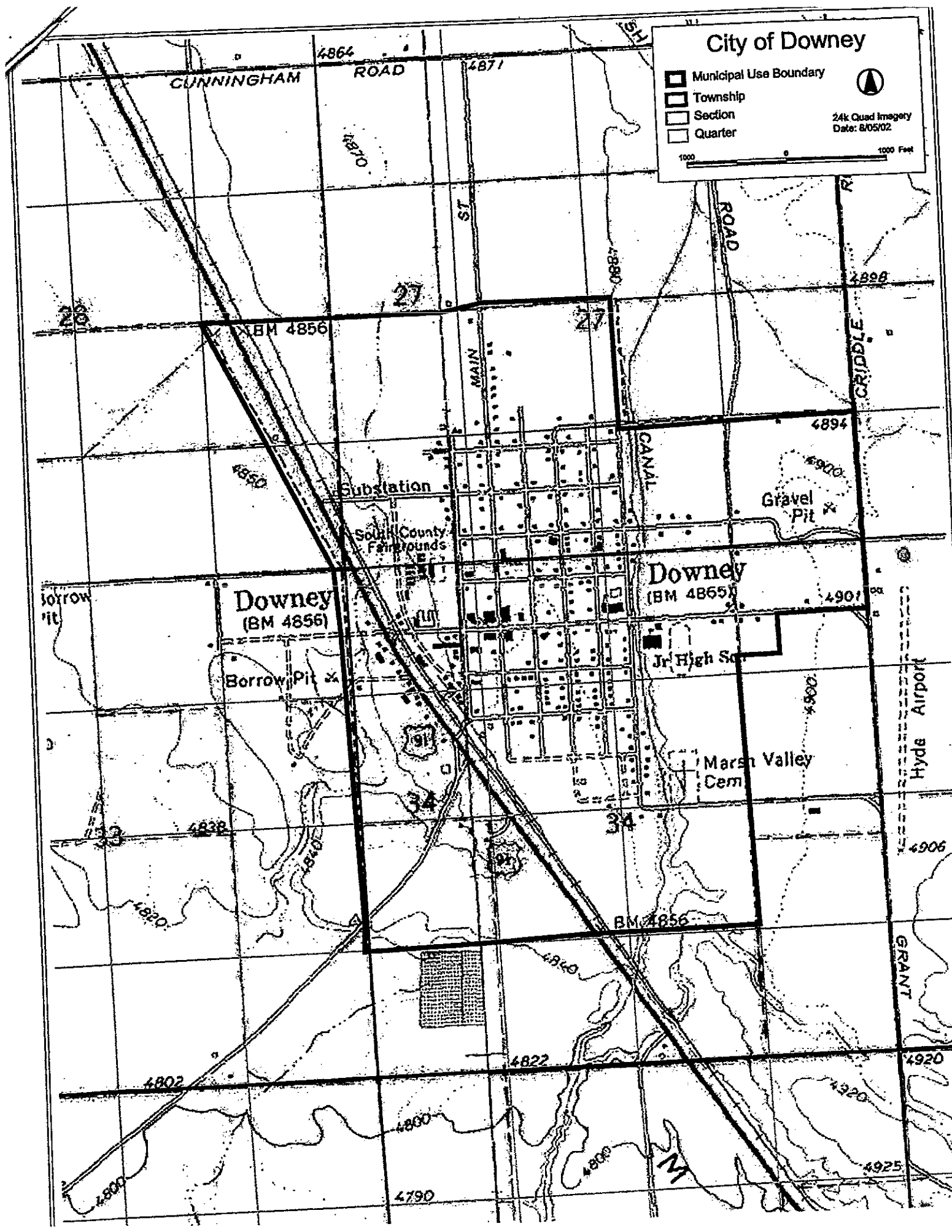
Subscribed and sworn (or affirmed) before me this 17th day
of January 2008

Brenda Kay
Notary Public

Residing at Swan Lake, Idaho

My commission Expires 1-14-2014





City of Downey

- Municipal Use Boundary
- Township
- Section
- Quarter



24k Quad Imagery
Date: 8/05/02

1000 1000 Feet

In The District Court of the Fifth Judicial District in and for Bannock County
State of Idaho

Sophronia Gordon and William
Byers, Plaintiffs

Judgment,

Rendered Book 2, Page 34.

John Griddle, David Day, Robert
Hill, Ralph Randall and Royal
Hill, Defendants

Whereas on September 10th 1900 the court rendered judgment in the above
entitled cause and decreed that the plaintiff's riparian rights in the
flow of the waters of the Snake River in and to the Snake River
Channel, known as the Snake River Channel, be and they are hereby
restored to the plaintiff's riparian rights in and to the Snake River
Channel, and to the flow of 100 cubic feet of water per second in the
said channel.

That the plaintiff's riparian rights be and they are hereby restored to the
flow of the waters of the Snake River in and to the Snake River
Channel, known as the Snake River Channel, be and they are hereby
restored to the plaintiff's riparian rights in and to the Snake River
Channel, and to the flow of 100 cubic feet of water per second in the
said channel.

That the said water shall be measured by a box to be placed at or near the
head of the said channel of said water, and to be 30 feet long and to have a
gate to the head and the water to be measured at the head of the said box
and the said box to be not less than 18 inches wide.

That the defendants nor either of them have any interest in or to any of the
waters of the said stream known as the Snake River.

That the defendants and each of them is hereby perpetually restrained and
enjoined from in any manner interfering with the rights of the plaintiffs and
each of them in the undisturbed use and enjoyment of the said waters as above
decreed, and that each party to this action pay his own costs.

Joseph C. Rich, Dist. Judge.

DEED

Sophronia Coffin, widow

Dated: May 1, 1907.

to

Filed: May 1, 1907 at 1:02 PM.

George T. Hyde and John S. Hyde.

Recorded: Book 15 Deeds 632.

Cons. \$5,000.

Real Property and

Also the following water right for said premises, to wit: 125 inches of water under a four inch pressure of the water of Nine Mile Creek from the 1st day of March in each and every year up to the 1st day of July of each year and to the flow of 100 inches of the said water thereafter under a four inch pressure.

Sophronia Coffin

Acknowledged in Bannock County, State of Idaho, May 1, 1907, by Sophronia Coffin, before William Laurensen, a Notary Public in and for said County. (Seal)

Sheet # 1

WARRANTY DEED

George T. Hyde and Emma
Hyde, his wife

Dated: Sept. 5, 1908.

to

Filed: Jan. 11, 1909 at 10:31 AM.

Recorded: Book 18 Deeds 626.

The Downey Townsite and Development
Company, Limited.

Description:

Real Estate and

Together with 125 inches of water, measured under a four inch pressure of the waters of nine Mile Creek from the 1st day of March in each and every year, up to the 1st day of July in each year, and to the flow of 100 inches of the waters of said stream measured under a four inch pressure, from the 1st day of July of each year to the 1st day of March of each following year;

Also other real estate; provided that should there remain any over flow from the springs which are the source of the water right herein conveyed after said corporation has used or is using said water right, the said overflow may be used by the said George T. Hyde for irrigation or other purposes.

George T. Hyde
Emma Hyde

Acknowledged in Blaine County, State of Idaho, Dec. 28, 1908, by George T. Hyde and Emma Hyde, his wife, before William Laurensen, a Notary Public in and for said County. (Seal).

QUIT CLAIM DEED

John S. Hyde and Josephine
Hyde, his wife

Dated: Mar. 17, 1911.

Filed: Mar. 20, 1911 at 10:00 AM.

to

Recorded: Book 21 of Deeds 188.

The Downey Townsite and
Development Company, Limited,
a corporation.

Description:

An undivided one half interest in and to 125 inches of water under a
four inch pressure of the waters of Nine Mile Creek from the first day of
March in each and every year up to the first day of July of each year, and to
the flow of 100 inches of the said water thereafter under a four inch pressure

John S. Hyde
Josephine Hyde

Acknowledged in Hancock County, State of Idaho, Mar. 17, 1911, by John S.
Hyde and Josephine Hyde, his wife, before Swan P. Johnson, a Notary Public in and
for said County. (Seal).

Sheet # 6

DEED

The Downey Townsite & Development
Company, Limited, a corporation

to

W. Rodman Peabody.

Dated: June 21, 1911.

Filed: June 27, 1911 at 4:30 PM.

Recorded: Book 21 Deeds 266.

Cons. \$1.00. Filing #20550.

Real Estate and,

Together with 125 inches of water, measured under a four inch pressure of the waters of Nine Mile Creek, from the 1st day of March in each and every year, up to the 1st day of July in each year, and to the flow of 100 inches of waters of said stream measured under a four inch pressure from the 1st day of July of each year to the 1st day of March of each following year.

Downey Townsite & Development Company, Limited
By George T. Hyde, President.
John Ware Secretary. (Seal).

Acknowledged in Bannock County, State of Idaho, June 21, 1911, by George T. Hyde and John Ware, President and Secretary of the corporation that executed the foregoing instrument, who acknowledged that such corporation executed the same before Thos. P. Ferrell, a Notary Public in and for said County. (Seal).

WARRANTY DEED

W. Rodman Peabody and
Katherine P. Peabody

to

Downey Water Company.

Dated: Aug. 9, 1911.

Filed: Sept. 9, 1911 at 11:04 AM.

Recorded: Book 21 Deeds 323.

Description:

Real Estate and

Also the right to the use of 125 inches of water measured under a four inch pressure of the waters of Nine Mile Creek, in Bannock County, Idaho, from the 1st day of March in each and every year to the 1st day of July in each year and to the flow of 100 inches of the waters of said stream measured under a four inch pressure, from the 1st day of July of each year to the 1st day of March of each following year, together with the right to convey said waters elsewhere than at the present place of use and to use the same for domestic and municipal purposes.

W. Rodman Peabody
Katherine P. Peabody

Acknowledged in Bannock County, State of Idaho, Aug. 10, 1911, by W. Rodman Peabody and Katherine P. Peabody, his wife, before Fred J. Roberts, a Notary Public in and for said County, and his commission expires Aug. 10, 1912.

DEED

C. W. Hancock and
Martha Hancock, his wife

to

Downey Water Company, a corporation.

Dated: Oct. 25, 1911.

Filed: Feb. 28, 1912 at 11:02 AM.

Recorded: Book 21 Deeds 470.

Filing #25234. Cons. \$1.00.

Description:

Real Property and

First parties further remise, release and foreverquit claim to second party, its successors and assigns, all rights to the use of the waters of Nine Mile Creek and its tributaries, springs and adjacent springs, whether for irrigation, domestic or other use.

In consideration of the foregoing grants, the party of the second part covenants and agrees that it will install in the pipe line for which right of way is granted, at such practicable point along said right of way as may be designated by first parties, a tap for the taking of water therefrom for the use of the first parties; and further agrees to install at such tap, a water meter for the proper and accurate measuring of the water used by first parties; it be understood and agreed that the meter aforesaid shall be read monthly by party of the second part, and for the amount of water used by first party as registered by said meter, first parties agree to pay second party at the rate of twenty cents per thousand gallons.

C. W. Hancock
Martha Hancock

Acknowledged in Hancock County, State of Idaho, Oct. 25, 1911, by C. W. Hancock and Martha Hancock, his wife, before Sven F. Johnson, a Notary Public in and for said County and State. (Seal).

DEED

A.C. Anderson and Louise
Anderson, his wife

to

Downey Water Company, a corporation.

Dated: Oct. 25, 1911.

Filed: Feb. 28, 1912 at 11:03 AM.

Recorded: Book 21 Deeds 471.

Filing #25235. Cons. \$1.00.

Description:

Real Property, And first parties further remise, releases and forever quit
claims unto second party, its successors and assigns all rights to the use of
waters of Nine Mile Creek and its tributaries, sources and adjacent springs,
whether for irrigation, domestic or other use.

The party of the second part further remise, releases and forever quit
claims unto the parties of the first part, their heirs and assigns forever, all
right to the waters of a certain spring arising at or near the line dividing
the SE 1/4 and SW 1/4 of Sec. 8, Twp. 11 N. R. 35 E. S. 4., providing there shall be
any waters arising from such spring after the diversion by second party of the
waters of Nine Mile Creek and its tributaries through the pipe line constructed
by the said second party.

In consideration of the foregoing grants, the party of the second part cove-
nants and agrees that it will install in the pipe line for which right of way
is granted, at such practicable points along said right of way as may be desig-
nated by first parties, two taps for the taking of water therefrom for the use
of first parties, and further agrees to install at such taps water meters for
the proper and accurate measuring of the water used by first parties and second
party hereby grants and conveys to the first parties the right to the use
for domestic and culinary purposes and for the watering of stock at the said
taps, 12,000 gallons per month of such water as measured by the meters herein
referred to, it being understood and agreed that the meters aforesaid shall be
read monthly by party of the second part, and no charge shall be made for the
use by first parties of the said amount of water.

It is further covenanted and agreed that any additional quantity of water
used at said taps above the 12,000 gallons per month, shall be paid for month-
ly by first parties at the rate of twenty five cents per thousand gallons.

A.C. Anderson
Louise Anderson

Acknowledged in Bannock County, State of Idaho, Oct. 25, 1911, by A.C.
Anderson and Louise Anderson, his wife, before Swen E. Johnson, a Notary Public
and for said County and State. (Seal).

DEED

Reuben N. Kendall and Delinia
J. Kendall, his wife

to

Downey Water Company.

Dated: Apr. 8, 1912.

Filed: May 22, 1912 at 9:08 AM.

Recorded: Book 21 Page 353.

Filing #24192. Cons. \$1.00.

Real Property and

First parties further remise, release and forever quitclaim to said second party, its successors and assigns, all rights to the use of the waters of High Mile Creek, in Blaine County Idaho, and its tributaries, sources and adjacent springs, whether for irrigation, domestic or otherwise.

The party of the second part, in addition to the cash consideration herein recited, and as a further consideration for the conveyance by first parties to it of the property herein described, agrees to install, at such point in said pipe line as may be designated by first parties along the course of the said pipe through the lands above described, a tap or other device, whereby said first parties may be supplied with water therefrom, and further agrees to install a meter or proper construction for accurately measuring the said water and agrees to furnish to first parties 10,000 gallons of water per month, with charge, for irrigation and domestic use. It is covenanted and agreed between the parties that any additional water over the said 10,000 gallons per month used by first parties shall be paid for by them monthly at the rate of 25 cents per thousand gallons.

Witness my hand and seal of said County and State, May 22, 1912 by Reuben N. Kendall and Delinia J. Kendall, his wife, before Geo. H. Crockett, a Notary Public in and for said County and State. (Seal).

Sheet # 12

DEED

Shawyer Water Company, a
corporation

Dated: Aug. 3, 1915.

Filed: Nov. 15, 1915 at 3:15 PM.

Recorded: Book 29 Deeds 517.

Shawyer Water Company, a
corporation

Cons. \$22,500.00. Filing #424003

A certain tract of land beginning at a point about 72' 22" West by East from the quarter corner between sections 25 and 24, Twp. 11 South, Range 37 E.B.M. thence North 200 feet; thence East 200 feet; thence South 200 feet; thence West 200 feet to the point of beginning, containing 0.32 acres more or less. Also a 12 foot strip of land as a right of way for a buried pipe line for the conveyance of water across the following land...

Also all of the pipe lines, pipelines, valves, gates, crossovers, tees, elbows, elbows, hydrants and other fixtures now installed in place and constituting the fixed plant of the water works system owned by the party of the first part and used for the supply of the village of Downey, Idaho.

Also all rights of way for pipe lines held by virtue of occupancy or per from any and all authorities, national, state, county or municipal, in and along public lands, public roads and streets.

Also all rights now owned by the company to the use of the waters of nine mile creek in Bannock County, Idaho, more particularly described as follows: 125 inches of water, measured under a four inch pressure, of the waters of Nine Mile Creek, in Bannock County, Idaho, from the 1st day of March in each year to the 1st day of July in each year and to the flow of 100 inches of the waters of said stream measured under a four inch pressure, from the 1st day of July in each year to the 1st day of March of each following year, together with the right to convey said waters elsewhere than at the present place of use and to use the same for domestic and municipal purposes.

Four inches of the waters of Nine Mile Creek, in Bannock County, Idaho, under a four inch pressure, together with all and singular the means of use of the same.

All of the property herein enumerated subject, however to the following grants heretofore made by the party of the first part or its predecessors in interest.

To A.C. Anderson, all right to the waters of a certain spring rising at or near the line dividing the SE 1/4 and the SW 1/4 of Sec. 8, T 11 S.R. 38 E.B.M. providing there shall be any waters arising from such spring after the diversion by second party of the waters of Nine Mile Creek and its tributaries through the pipe line constructed by party of the first part.

To A.C. Anderson the free use of 12,000 gallons of water per month from the pipe line at two taps as measured by meters, also that any additional water used at said taps in excess of 12,000 gallons shall be paid for monthly at the rate of 25 cents per 1,000 gallons.

To C.W. Hancock, to install a tap and meter and to furnish water for the said C.W. Hancock at the rate of 25 cents per 1,000 gallons.
To Hiram and Ida Bowman to install a tap and meter and furnish for domestic, culinary and stock water 2,000 gallons per month free of charge from said pipe line, if amounts in excess of 2,000 gallons per month are used the Bowman agree to pay for the same at the rate of 15 cents per 1000 gallons.
To John and Elizabeth to install a tap and meter and to furnish 10 gallons of water per month free of charge. If amounts in excess of 10,000 gallons per month are used they shall be paid for at the rate of 25 cents per 1000 gallons.
To J. H. and J. L. to deliver from the pipe line, free of charge the said water for the purpose for which he is entitled.
To George T. Hyde, a corporation in his deed of Sept. 5, 1908, "Provide that should there remain any water from the springs which are the source of the water right herein conveyed after said corporation has used or is using all water right, the said overplus may be used by the said George T. Hyde for irrigation or other purposes."

Clifford M. Brewer, Assistant Secretary. (Corp Seal).

The Denver Water Company
By Charles S. Davis, President

Acknowledged in City and County of San Francisco, State of Calif., Aug. 1916, by Charles S. Davis, President of the corporation that executed the foregoing instrument, who acknowledged that such acknowledgment executed the same, before Lucile Hamilton, a Notary Public in and for said County and State. (Seal).

Acknowledged in Hannock County, State of Idaho, Aug. 5, 1916, by Clifford M. Brewer, Assistant Secretary of the corporation that executed the foregoing instrument, who acknowledged that such acknowledgment executed the same, before Eben P. Johnson, a Notary Public in and for said County and State. (Seal).

State of Idaho
County of Bannock, ss.

We hereby certify that the foregoing pages Numbered from One to Thirteen both inclusive, embrace an Abstract of instruments affecting the Water Right described in the caption hereof, as shown by the Records of the County Recorder's Office of Bannock County, Idaho.

Dated at Pocatello, Idaho, this 25th day of February 1937.

Abstract and Title Guaranty Company

By

Secy