

08/18/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-14110
NAME AND ADDRESS: LUCILE AVERY
7837 E FOOTHILL RD
IDAHO FALLS ID 83401
SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 2.280 CFS
PRIORITY DATE: 04/01/1880
POINT OF DIVERSION:

T03N R39E S15 SWNESW Within BONNEVILLE County
T03N R39E S15 NWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.280 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R39E S20	SENE	2.7	T03N R39E S20	NESE	33.0
T03N R39E S20	NWSE	18.0	T03N R39E S20	SWSE	30.0
T03N R39E S20	SESE	7.6	T03N R39E S21	NWNE	2.8
T03N R39E S21	NENW	39.0	T03N R39E S21	SWNW	21.0
T03N R39E S21	SENW	22.0	T03N R39E S21	NESW	0.7
T03N R39E S21	NWSW	20.0			

196.8 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 196.8 acres in a single irrigation season. Combined Right Nos.: 25-14110, 25-73 and 25-14111.

This right is limited to the irrigation of 114 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Use of this right is combined with water from Enterprise Canal Company LTD.

Water is delivered through the Roy Avery Canal and Orval Avery Canal.

This right is a split from former right 25-72.

PROFILED

SCANNED

OCT 20 2004

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 25-14110

FILED
2005 OCT 6 PM 3 43

NAME AND ADDRESS: LUCILE AVERY
7837 E FOOTHILL RD
IDAHO FALLS, ID 83401

SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.28 CFS

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T03N R39E S15 SWNESW Within Bonneville County
NWSWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.28 CFS

PLACE OF USE:	Irrigation	Within Bonneville County
	T03N R39E S20	SENE 2.7 NESE 33.0 NWSE 15.0 SWSE 30.0 SESE 7.6
	S21	NWNE 2.8 NENW 39.0 SWNW 21.0 SENW 22.0 NESW 0.7 NWSW 20.0
	193.8 Acres Total	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 193.8 ACRES IN A SINGLE IRRIGATION SEASON
COMBINED RIGHT NOS.: 25-14110, 25-73 and 25-14111.

USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND.

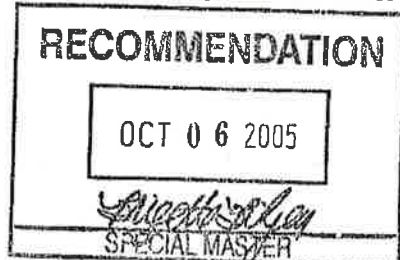
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

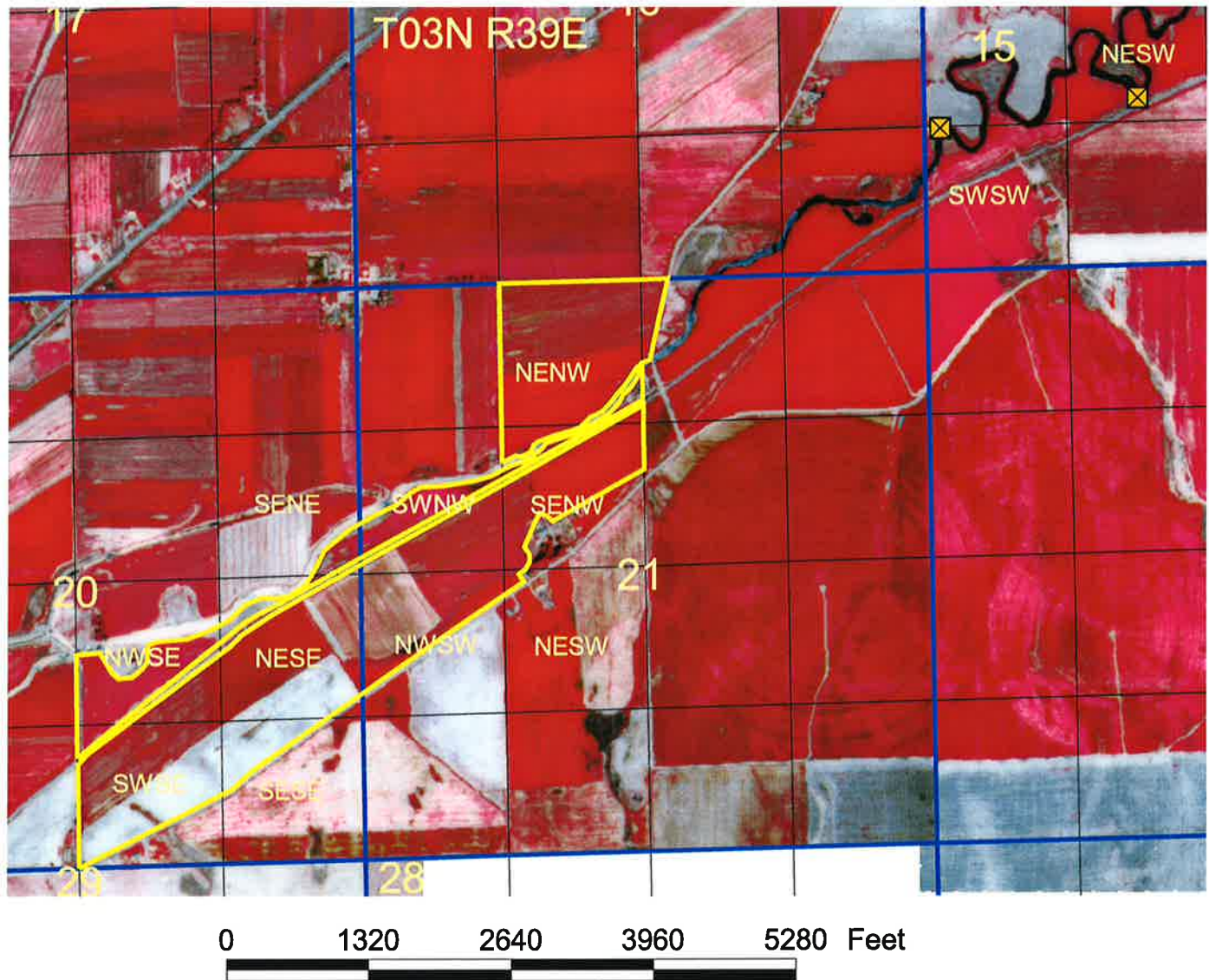


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

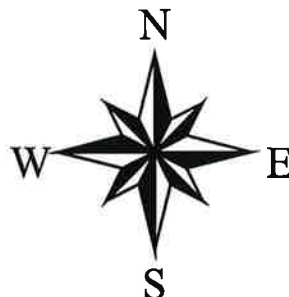
DEPARTMENT OF WATER RESOURCES

Claim No.: 25-14110

25-73, 25-14111



-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

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OCT 20 2004

PROFILED

11/27/2000



August 18, 2003

Orval E. Avery
7837 E Foothill Rd
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) A25-00072, A25-00144

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

The main purpose of this visit is to locate and photograph the headgate(s), ditches, and irrigated lands.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

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OCT 20 2004

Water Resources
Field Services
208 663 4667

Orval Avery

25-14110
(split of 25-72)

2.28 cfs on ^{x-27} 114 ac

Total.
E14 196.8

25-73.

1.40 cfs on ^{x-27} 70 ac.

E14 196.8

25-14111

2.95 cfs on 196.8

E14 196.8
cfs

(portion of 25-144)
(decreed at 0.015 cfs/ac)

196.8

- Roy Avery & Orval canals.

- E14 25-14110, 25-73, 25-14111 196.8.

X27

25-14110

114 ac

25-73

70 ac

- Enterprise Irrigation.

NOTE: Initially Orval Avery filed on all of 25-72 even though his property on covered a portion of the decreed place of use. On Aug 17, 2004, I met with John Avery, son, to discuss distribution of this right. John agreed that a portion of 25-72 should go to Vance Avery. The result is reflected in 25-14108 & 25-14110.

Ernest Carlson.

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Since all of P.O.U for Lucile Avery is covered by 25-144 there is no need to recommend enlargement claim 25-14022.

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19-782 500 SHEETS FULLER
42-381 50 SHEETS EVERETT
42-382 100 SHEETS EVERETT
42-383 200 SHEETS EVERETT
42-384 100 SHEETS EVERETT
42-385 200 SHEETS EVERETT
42-386 100 RECYCLED WHITE
42-387 200 RECYCLED WHITE
Made in U.S.A.



⊗ 25-00072

L 25-00072 (25-14110) 2.28 cfs. on 114 AC.

L 25-00072A (25-14108) .52 cfs 26 AC

⊗ 25-00072A	.52 cfs	26 AC.	} COMBINED INTO ↓
⊗ 25-00071A	2.08 cfs.	104 AC.	
2	2.60 cfs.	130 AC - 25-14108	

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1) Keefer → Spencer 3/23/1926 ^{25-71 4-1-1880} Tract 1
"all water rights, therunto belonging or in any way appertaining, particularly 160 inches of natural decreed water in Willow Creek and the water right belonging to said land in what is known as Progressive Irrigation District"
Note
(should also pass 240 in 1888 decrees)

2) Spencer → Orval Ave-y 6/8/1956 All Tracts
"Together with all & singular the tenements, hereditaments, and appurtenances therunto belonging or in anywise appertaining."

3) Hiram Haskins → Jennie Haskins 9/30/1919 Tract 4
passed Haskins #2

with 180" 25-144.
"all water rights ... thereto appurtenant and belonging and especially conveying 240" of high water in Willow Creek decreed ... and 210" of low water in Willow Creek, decreed"
L 140" 25-72 4-1-1880
L 70" 25-73 4-1-1884

4) Haskin children → Jennie Haskins 9/25/1919 Tract 314
Children give all ^{their interest in} 240 acres and

"Together with all & singular the tenements, hereditaments, and appurtenances therunto belonging or in any wise appertaining, and especially Two Hundred Forty (240) Inches of High water and Two Hundred Ten (210) Inches of Low water in Willow Creek, as decreed!"

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(5) Martha Pospesil → Frank W. Beam
8/30/1923

Tract # 3 & 4

Beam buys 80 acres from Haskin's daughter, Pospesil
~~This is the 80 which wasn't conveyed to Jenny.~~
"together with all ditch & water rights
thereto pertaining."

(6) Jenny Haskins → Nellie Carmody 3/13/1920
Jenny sells 80 acres on west
to daughter.
undivided $\frac{1}{3}$ in

Part
Tract # 3 & 4

"to 240 inches of decreed high water in
Willow Creek and undivided ~~210~~ 210 inches
of ~~decreed~~ low water in Willow Creek, all of
said 240 inches of high water and 210 inches
of low water having been decreed to H. F.
Haskins for said land above described
and adjoining lands."

(7) Carmody → Spencer 7/9/1926
Sells her 80 to Spencer

Part Tract
3 & 4

"together with all ditch & water right thereto
~~belonging~~
appertaining, meaning in particular all natural
Willow Creek water decreed to this land & 86
shares of the Capital Stock of the Enterprise Canal Co."

(8) Detwede Bank → Spencer 11/24/1926
Spencer purchases Nicoll place
for \$720

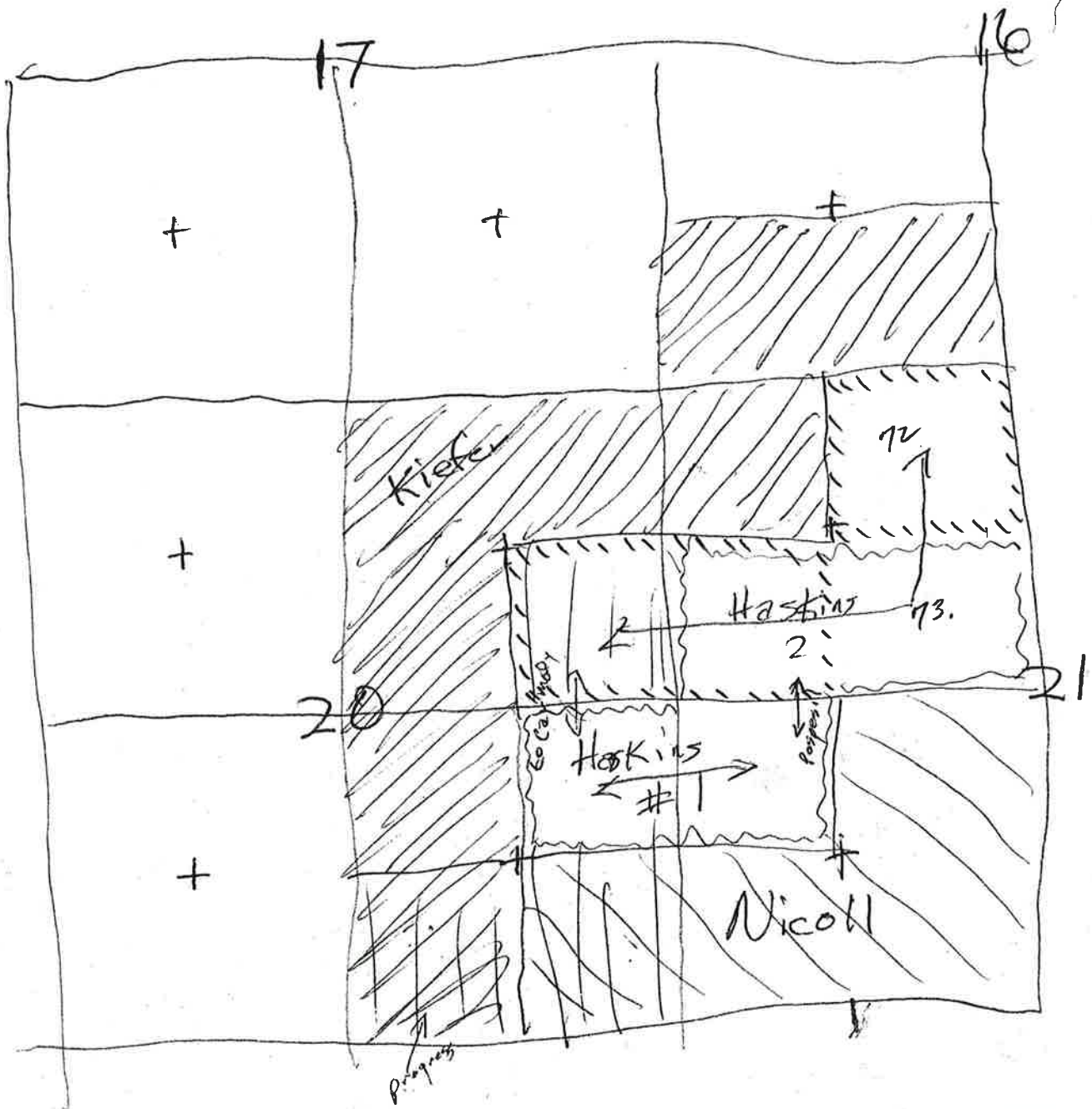
Tract 2

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Kiefer Tract 1
Nicoll Tract 2
Haskins #1 Tract 3
" #2 Tract 4



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AAS-00072/AAS-00144 Summary 10/15/03

1) Ownership: I believe Mr. Avery is deceased, Mrs. Avery owns land. I forgot to leave a ownership papers.

2) Pod: Layout appears to be correct. See

GPS for exact location. North Pod is called "Roy Avery Hoodye"

GPS 672,525 E 278,464 N Waypoint 72.

South Pod is called "Oral Avery Division,"

GPS 673,086 E 278,550 N Waypoint 72-2

3) Pod:

See sketch on layout. North of

Creek is about 36 acres per claimant.

My sketch South of creek was guided

by claimant, North of creek I did

later, may be incorrect. See claimant map in AAS-00071 for clarification

See enlargement claim for additional

lands on South of pod. Claimant

says ingestion started June 1977.

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Field Services
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A25-00072/A25-00144 Summary p2

4) Overlap. North Pau has Enterprise shown, South Pau has Progressive.

North POO is shown by Gladys Miller (A25-00079A),

Steve Campbell (A25-00085, A25-00086, A25-00148), Roy/Vance/De Arroy

(A25-00071A, A25-00174A?) and perhaps Stan Hartius (may have

purchased A25-00071A or 174A?).

South POO is exclusive to A25-00072/144.

South POO will also overlap enlargement claim which claimant will soon

well in. Hartius may also have only canal co. water.

5) Photos

1) of North POO

2) of South POO

3) of NE POO from east edge

4) of S POO from road. Land

in foreground is not part of POO.

Joyce A. Carter

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A25-00072 / A25-00144 Field Notes 10/15/03

Accompanied by Mr. John Avery.

1) Pond for North side of Creek is called the "Roy Avery Headgate", also have as Sham of Enterprise for North Pond.

2) Other users on this pond
Roy Avery / Vance Avery / Dee Avery
Stan Hawkins
Steve Campbell
(Not all of them have Willow Creek)

3) GPS 672,525 E 278,464 N Waypoint 72
1 photo of pond

4) Pond for South Pond is called Oval
Avery Division. Takes Willow Creek
+ Progressive - 56 acres approx. No other users.
GPS 673,086 E 278,550 N
Waypoint 72-2

1 photo of pond

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A25-00072 / A25-00144

p 2

- 5) 1 Photo of Pole from East edge, looking west, just north of creek on 85th east.
- 6) See enlargement claim for sprinkling of hillside circa 1977. See notes on layout.
- 7) 1 photo of Pole from corner of 85th East / Foothill road. Pole starts at fence line in center of photo & goes west (photo looking west)

A25-00072 / A25-00144 Contact log

10/10/03 13:07 522-6882

Mrs. Avery -

See 71A, 174A. { Roy passed away - Vance runs land
Kevin's ground run by Vance
Vance → Ribie
Mother is Marlene

Mrs. Avery's son ~~Don~~ John runs her lands?
535-0681 home 524-2001 office

10/10/03 13:10 524-2001 msg w/ Secretary -
No "Don", John?

John Avery called back -

81st N - right - 2 miles - farmstead
5:30 @ Farm Wednesday.

SCANNED

OCT 20 2004

Water Resources
Field Services
208 663 4667

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WARRANTY DEED

BOOK 103 PAGE 1

THIS INDENTURE, Made this 2th day of June, 1926,
by and between

HARRY D. SPENCER and ANNA BOSCHE SPENCER, husband and wife,

of the County of Bonneville, State of Idaho, the parties of the first part, and

ORVAL E. AVERY and LUCILE AVERY, husband and wife,

of the County of Bonneville, 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 TEN DOLLARS AND OTHER VALUABLE CONSIDERATION DOLLARS lawful money of the United States of America, to them in hand paid by parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part and to their heirs and assigns forever, all the following described real estate, situate in the County of Bonneville, State of Idaho, to wit:

That part of the East Half of Section Twenty (20) lying South of Sand Creek, in Township Three (3) North, Range Thirty-nine (39) East of the Boise Meridian.

That part of the Southwest Quarter of the Northwest Quarter (SW1/4) lying South of Sand Creek; and that portion of the East 997 feet of the Southwest Quarter of the Northwest Quarter (SW1/4) lying between Sand Creek and Willow Creek; the Southwest Quarter (SW1/4), and the East Half of the Northwest Quarter (E1/2NW1/4); all in Section Twenty-one (21), Township Three (3) North, Range Thirty-nine (39) East of the Boise Meridian.

Also all that part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of said Section Twenty-one (21) described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section Twenty-one (21), Township Three (3) North, Range Thirty-nine (39) East of the Boise Meridian, thence East 220 feet, more or less, to the County road, thence Southwesterly following the County road to the North bank of Willow Creek, thence West along the North bank 50 feet, more or less, to a point on the West side line of the said Northeast Quarter, 1270 feet South of the point of beginning, thence North to the point of beginning.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or 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 parties 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 the quiet and peaceable possession of the said parties of the second part, and their heirs and assigns 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 hands and seal the day and year first above written.

Signed, sealed and delivered in the presence of

James M. Collins

Harry D. Spencer (SEAL)
Anna Bosche Spencer (SEAL)
Orval E. Avery (SEAL)
Lucile Avery (SEAL)

THIS INDENTURE, Made this 23rd day of March, in the year of our Lord one thousand nine hundred and Twenty-six by and between Henry W. Kiefer and his wife Mellissa A. Kiefer

of the County of Bonneville, State of Idaho
 the parties of the first part, and
 of the County of Bonneville, 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
 Thirty-seven Thousand Five Hundred - - - - - DOLLARS,
 lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof
 is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey and
 Confirm, unto the said party of the second part, and to his heirs and assigns, forever, all the following described
 real estate, situated in Bonneville County, State of Idaho, to-wit:

The South Half of the Southwest Quarter of Section Sixteen; The
 Northwest Quarter of the Northwest Quarter of Section Twenty-one; The North Half of the
 Northeast Quarter; The Southwest Quarter of the Northeast Quarter; And the West Half
 of the Southeast Quarter of Section Twenty, all in Township Three North of Range Thirty-
 nine, East of the Boise Meridian, containing 320 acres of land, more or less, accord-
 ing to the Government survey thereof, together with all ditch and water rights there-
 unto belonging or in any way appertaining, particularly 160 inches of natural decreed
 water in Willow Creek and the water right belonging to said land in what is known as
 the Progressive Irrigation District.

This conveyance is made subject to the taxes and water assessments
 for the year 1926 and thereafter and to all present road, ditch and canal rights-of-way
 also R.R. right-of-way 100 feet wide.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise apper-
 taining, and the reversion and reversions, remainder and remainders, rents, issue and profits thereof, and all estate, right, title, and interest
 in and to the said property, as well in law as in equity, of said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto
 the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their
 heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns,
 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 hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Mrs. F. L. Bradley Henry W. Kiefer (SEAL)
 W. D. Wright Mellissa A. Kiefer (SEAL)
 No I.R.S. attached and cancelled. (SEAL)

STATE OF IDAHO, } ss.
 COUNTY OF Bonneville

On this 24th day of March, in the year 1926, before me,
 State of Idaho, Worth D. Wright, a notary public
 in and for said county, personally appeared Henry W. Kiefer and his wife Mellissa A. Kiefer

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.

(SEAL)

My commission expires March 10, 1929. Residing at Idaho Falls, Ida. Notary Public.

Recorded at the request of Anderson Bros. Bank.

May 8, 1926 at 1:00 P.M.

Geo. Witt,

Recorder.

THIS INDENTURE, Made this 30th day of September, in the year of our Lord one thousand nine hundred and fourteen between Hiram F. Huskins, husband of the grantee herein named,

of Long Beach, County of Los Angeles, State of California,
the part Y of the first part, and Jennie M. Huskins, wife of said grantor,

of Long Beach County of Los Angeles, State of California,
the part Y of the second part,

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of ~~one~~ love and affection whi the said first party has and bears unto said second party, as also for the better maintenance support, protection and livelihood of said second party and one dollar, **DOLLARS**

lawful money of the United States of America, to him in hand paid by the part Y of the second part, the receipt whereof is hereby acknowledged, has ~~as~~ Granted, Bargained and Sold, and by these presents do ~~as~~ Grant, Bargain, Sell, Convey and Confirm unto the said part Y of the second part, and to her heirs and assigns, forever, all the following described real estate situated in Bonneville County, State of Idaho, to-wit:

The East Half of the Northwest Quarter ($\frac{1}{2}$ NW $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21) and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty (20), Township Three North (3 N) of Range Thirty-nine (39) East of the Boise Meridian, together with all ditch rights, water rights and rights of way thereto appurtenant and belonging and especially conveying 240" of high water in Willow Creek, decreed and 210" of low water in Willow Creek, decreed

Given subject to deed conveying right-of-way to the Oregon Short Line R.R. Co. across said described property.

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

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the part Y of the second part, and to her heirs and assigns, forever. And the said part Y of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part Y of the second part, ~~and~~ her heirs and assigns, against the said part Y of the first part, and his 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 Y of the first part has hereunto set his hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

A. L. Campbell

Maudie B. Campbell.

Hiram F. Huskins,

[SEAL]

[SEAL]

[SEAL]

[SEAL]

STATE OF CALIFORNIA
IDaho.

County of Los Angeles,

On this 30th

day of

September,

In the year 1914, before me

E. N. Strong,

Notary Public,

in and for said County, personally appeared Hiram F. Huskins husband of Jennie M. Huskins; grantee here

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

[SEAL]

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

E. N. Strong,

Notary Public.

My commission expires on the 20th day of May, 1916.

Recorded at the request of D.D. Williams,

May 8th, 1916, at 3:30 P.M.

Recorder's fees, \$ 1.25,

F.W. Jordan,

Recorder.

By

Alvin B. Dale

Notary Recorder.

THIS INDENTURE, Made this 13th day of February, in the year of our Lord one thousand nine hundred and Twenty between Jenny M. Haskins, a widow, of City of Long Beach, County of Los Angeles, State of California, the part y of the first part, and Nellie E. Carmody, of City of Long Beach, County of Los Angeles, State of California, the part y of the second part,

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Love and Affection which the said party of the first part has and bears unto the said second party, as also the better maintenance support, protection and livelihood of second part y

~~has and bears unto the said second party, as also the better maintenance support, protection and livelihood of second part y~~
~~hereby acknowledged, has~~ Granted, Bargained and Sold, and by these presents do ~~as~~ Grant, Bargain, Sell, Convey and Confirm, unto the said part y of the second part, and to her heirs and assigns, forever, all the following described real estate, situated in Bonneville County, State of Idaho, to-wit: the Southeast quarter of the Northeast quarter and the Northeast quarter of the southeast quarter of Section Twenty, Township Three North, Range Thirty-nine, East Boise Meridian, together with all water rights, ditch rights and rights-of-way thereto appurtenant and belonging and especially an undivided one-third interest in and to 240 inches of decreed high water in Willow creek and Undivided one-third interest in and to 210 inches of decreed low water in Willow Creek, all of said 240 inches of highwater and 210 inches of low water having been decreed to H. F. Haskins for said land above described and adjoining lands.

This deed is given subject to ditch rights, rights-of-way and all water rights appurtenant and belonging to adjacent lands and to easements and rights granted the U. S. L. R. & Co.

I. R. S. \$.50 cancelled.

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

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

Signed, Sealed and Delivered in the Presence of

Jennie M. Haskins, [Seal]

[Seal]

[Seal]

[Seal]

STATE OF ~~IDAHO~~ California,
 County of Los Angeles, ss.

On this 16th day of February, in the year 19 20, before me A. V. Bradford, a notary public, in and for said County, personally appeared Jennie M. Haskins, a widow,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

[Seal]

My commission expires Oct. 11, 1922.

A. V. Bradford,

in and for said county and state, residing at Long Beach, California.

Recorded at the request of W.L. Shattuck,
 Oct. 26, 1922. at 10:05 A.M.

Geo. Witt.

Recorder.

THIS INDENTURE, Made this 21st day of July, 1926, in the year of our Lord one thousand nine hundred and twenty-six / by and between Nellie R. Carmody and Arthur H. Carmody her husband

of the County of San Joaquin, State of California
the parties of the first part, and H. D. Spencer
of the County of Bonneville, State of Idaho
the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Five Thousand - - - - - DOLLARS, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey and Confirm, unto the said party of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in Bonneville County, State of Idaho, to-wit:

The South-east Quarter of the North-east Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the North-east Quarter of the South-east Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty (20), Township Three (3), North of Range Thirty-nine (39) E. B. M. together with all ditch and water right thereto appertaining, meaning in particular all natural Willow Creek water decreed to this land and 86 shares of the Capital Stock of the Enterprise Canal Co.

This deed is given subject to a mortgage of \$4000.00 in favor of Pacific Hypotheekbank and the Northwestern/which second party agrees to assume and pay as part of the consideration hereinbefore mentioned, together with interest on the same from the date of the maturity of the interest payment last due.

Nelle R. Carmody states upon oath she is the identical person as Nellie R. Carmody who received title to this property through Warranty deed dated Feb. 13, 1922, recorded in Book 22 at Page 107 records of Bonneville County.

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

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns, 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 hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Nelle R. Carmody (SEAL)
Arthur H. Carmody (SEAL)
(SEAL)
(SEAL)

CALIFORNIA
STATE OF CALIFORNIA } ss.
COUNTY OF SAN JOAQUIN.

On this twenty-ninth day of July, 1926, in the year of our Lord one thousand nine hundred and twenty-six, and State, residing therein, EMMA M. WIRTH, a Notary Public in and for said county personally appeared Nellie R. Carmody and Arthur H. Carmody, her husband duly commissioned and qualified,

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 October 20, 1929

Recorded at the request of H. D. Spencer

Dec. 2, 1926 at 4:12 P.M.

Geo. Witt, Recorder,

THIS INDENTURE, Made this 30th day of August, in the year of our Lord thousand nine hundred and Twenty-three between Martha Haskins Pospesil and James Pospesil, her husband of Long Beach, County of Los Angeles, State of California, the part 1st of the first part, and Frank W. Beam of Idaho Falls, County of Bonneville, State of Idaho, the part y of the second part,

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of One (\$1.00 and other valuable considerations) DOLLAR lawful money of the United States of America, to them in hand paid by the part y of the second part, the receipt whereof is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey, Confirm, unto the said part y of the second part, and to his heirs and assigns, forever, all the following described real estate, situated in Bonneville County, State of Idaho, to-wit:

The Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21), Township Three (3) North of Range Thirty-nine (39) E.B.M., together with all ditch and water rights thereto pertaining. This deed is given subject to a mortgage of \$4000.00 on the above described property in favor of Frank W. Beam.

Martha Haskins Pospesil is the identical person as Martha E. Pospesil.
I. R. S. \$4.00 attached and cancelled.

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

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, and his heirs and assigns, against the said part 1st 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 1st of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Hertha J. Ehlen.

Martha Haskins Pospesil. (Se

James Pospesil. (Se

(Se

(Se

STATE OF IDAHO, California.
County of Orange,
On this 31st day of October, in the year 1923 before
State of Idaho, Hertha Ehlen, a notary public,
in and for said County, personally appeared Martha Haskins Pospesil and James Pospesil, her husband

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

(Seal)

Hertha Ehlen,

My commission expires January 31st, 1927. Residing at Santa Ana, California. Notary Public

Recorded at the request of Eastern Idaho Loan & Trust Co. Geo. Witt, Recorder
April 7-1924, at 1:22 P.M.,

By Alice H. Baei Deputy Recorder

SEAL

By M. P. LeRoy, Secretary.

Recorded: Patent Number 711901. L. Q. C. Lamar, Recorder of the General Land Office.

Recorded at the request of D.E.Rathbun,

Nov. 19th, 1919, at 2:10 P.M.

Fee \$1.20

F. W. Jordan, Recorder.

BY

Nellie T. Hard

Deputy.

-----000000000000.00-----

No. 40528.

WARRANTY DEED.

This Indenture, Made this 25th day of September, in the year of our Lord one thousand nine hundred and nineteen, between Ethel May Nickell, Martha Ellen Pospesil, Nellie Rose Carmody, Sallie Alberta Williams, Harold Q. Haskins and Flora Isabelle Cartwright, children of Hiram F. Haskins, deceased, parties of the first part, and Jennie M. Haskins, widow of Hiram F. Haskins, deceased, the party of the second part (the first parties and the Second party being the sole and only heirs at law, and devisees and legatees, of said Hiram F. Haskins, deceased.)

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One and No/100 (\$1.00) Dollars, and other valuable considerations, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof are hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all the following described real estate, situated

in Bonneville County, State of Idaho, to-wit:

The Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Twenty-one (21), and the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty (20), all in Township three (3), North of Range Thirty-nine (39) East of Boise Meridian.

Also the East half (E $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Twenty-one (21), and the southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Twenty (20), in Township Three (3) North of Range Thirty-nine (39) East of Boise Meridian.

Together with all ditch and water rights and rights of way hereto appurtenant and belonging, and especially Two Hundred Forty (240) Inches of High Water and Two hundred Ten (210) Inches of Low Water in Willow Creek, as decreed.

Also an undivided One-half (1/2) interest in and to all of Block Thirty-two (32) of Brodbeck Addition to the Original Town of Eagle Rock, now City of Idaho Falls, as per the recorded plat thereof.

This conveyance is made subject to all taxes and assessments and rights of way

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainders 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 parties of the first part.

To have and to hold, all and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to her heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part her heirs and assigns, 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 hands and seals the day and year first above written.

Ethel May Nickell, (Seal)

Martha Ellen Pospesil (Seal)

Sallie Alberta Williams (Seal)

Nellie Rose Carmody, (Seal)

Harold Q. Maskins, (Seal)

Flora Isabelle Cartwright (Seal)

State of Idaho,)
County of Bonneville,)SS.

On this 26th day of September, in the year 1919, before me Clency St. Clair a notary public in and for said county, personally appeared Ethel May Nickell, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Clency St. Clair, Notary Public,

SEAL.....

Residence: Idaho Falls, Idaho.

State of Idaho, County of Bonneville)SS.

On this 26th day of September, in the year 1919, before me Clency St. Clair a notary public in and for said county, personally appeared Ethel May Nickell, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, The said party of the first part has caused its corporate name and seal to be hereunto signed and affixed by its officers thereunto duly authorized the day and year first above written.

Corp. Seal

SIGNED, SEALED AND DELIVERED IN PRESENCE OF:

B. J. Clayton

ATTEST: W. T. Pyper, Secretary

UTAH-IDAHO SUGAR COMPANY,

By W. H. Wattis, Vice President

STATE OF UTAH) ss.
County of Salt Lake)

On this 10th day of December in the year 1926, before me, W. Bert Robinson a Notary in and for said county, personally appeared W. H. Wattis, known to me to be the Vice President of the Corporation which executed the within instrument, and acknowledged to me that such corporation executed the same.

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

Seal

W. Bert Robinson, Notary Public.

My commission expires March 9, 1929

Recorded at the request of E. A. Caine
December 17, 1926 at 3:55 P.M.
Fee \$1.20

Geo. Witt, Recorder

By *Alvin J. Bair* Deputy.

No. 77567

THIS INDENTURE, Made this 24th day of November, A.D. 1926 between DeTweede Northwestern & Pacific Hypotheekbank, a corporation, the party of the first part, and H. D. Spencer, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Seven Hundred twenty (\$720.00) Dollars, lawful money of the United States, to it in hand paid by the said party of the second part, the receipt whereof

is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Confirm unto the said party of the second part, and to his heirs and assigns, the following described real property situate and being in the County of Bonneville, State of Idaho to-wit: The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section twenty (20) and the South half of the Southwest Quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$) and Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section twenty-one (21) all in township three (3) North, Range thirty-nine (39) E. B. M. Subject to grazing lease to E. C. Barnes, expiring on the 31st day of December, 1926.

TO HAVE AND TO HOLD, The said premises, with the appurtenances, unto said party of the second part, and to his heirs and assigns forever.

And the said party of the first part does by these presents covenant and agree to and with the said party of the second part, that it, the said party of the first part, its successors & assigns, all and singular, the premises hereinabove conveyed, described and granted, with the appurtenances, unto the said party of the second part, its heirs and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under said party of the first part, shall and will WARRANT and forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has caused these presents to be duly executed the day and year first above written.

EXECUTED IN THE PRESENCE OF
H. Frank

DeTweede Northwestern and Pacific Hypotheekbank.
Per Fredrik Robbert Insinger.
Director & Attorney in Fact.

STATE OF WASHINGTON) ss.
County of Spokane)

THIS CERTIFIES, That on this 24th day of November, A.D. 1926, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Fredrik Robbert Insinger, to me known to be the Director and Attorney-in-Fact of the DeTweede Northwestern and Pacific Hypotheekbank, the corporation described in and that executed the within and foregoing instrument, and he acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument for and in the name of said corporation, and that the seal affixed thereto as such is the corporate seal of said corporation.

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

Seal

My commission expires April 14, 1930

Recorded at the request of H. D. Spencer
December 18, 1926 9:00 A.M.
Fee \$1.40

A. D.
H. Frank, Notary Public in and for the State of Washington, residing at Spokane, Wash.

Geo. Witt, Recorder.

By *Alvin J. Bair* Deputy

No. 77569

THIS INDENTURE, made on the 1st day of December, 1926, by and between Eastern Idaho Loan and Trust Company, a corporation, as the duly appointed, qualified and acting administrator of the estate of Ethel May Nickell, deceased, late of the County of Bonneville, State of Idaho, the party of the first part, and H. D. Spencer of the same place, party of the second part, witnesseth:

THAT, WHEREAS, on the 26th day of August, 1926, the Probate Court of the County of Bonneville, State of Idaho, made an order of sale authorizing the said party of the first part to sell certain real estate of the said Ethel May Nickell, deceased situate in the County of Bonneville, State of Idaho, and particularly described in said or-

SCANNED

JUL 25 2001

Log for claim 25-00072

Spatial Dynamics CAT

11/27/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n39e	20	NESE	30	26	
03n39e	20	NWSE	15	21	
03n39e	20	SWSE	15	16	
03n39e	21	NENW	40	40	
03n39e	21	SWNW	15	40	Indiscernible
03n39e	21	SEnw	20	25	
03n39e	21	NWSW	15	15	
Totals:			150	183	

JUL 25 2001

#110

60 AC. PAID BY

~~ENTERPRISE~~ CANAL CO.

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

Renumbered: 25-14110
Ident. Number: ~~A25-00072~~
Date Received: 9/12/1989
Receipt No: E010280
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORVAL E. AVERY
Address: 7837 E. FOOTHILL RD.
IDAHO FALLS, ID 83401
208-522-6882

2. Date of Priority: APR 01, 1880

3. Source: WILLOW CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	39E	15	SW	NE	SW		BONNEVILLE
			NW	SW	SW		BONNEVILLE

5. Description of diverting works:
2 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		

7. Total Quantity Appropriated is:
2.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 375.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	20	NE	SE		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	15.0

Section Acres 60.0

A25-00072

Page 1

Date: 09/12/89

MICROFILMED

NOV 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	39E	21	NE	NW	IRR	40.0
			SW	NW	IRR	15.0
			SE	NW	IRR	20.0
			NW	SW	IRR	15.0
					Section Acres	90.0
					Total Acres	150.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A25-00073, A25-00144, PROGRESSIVE & ENTERPRISE CANAL CO.

14. Remarks:

15. Basis of Claim: ~~POSTED-NOTICE~~

*DECREE changed 9/28/89
E.O.*

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Dwale Avery* Date: 9/12/89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of September 19 89

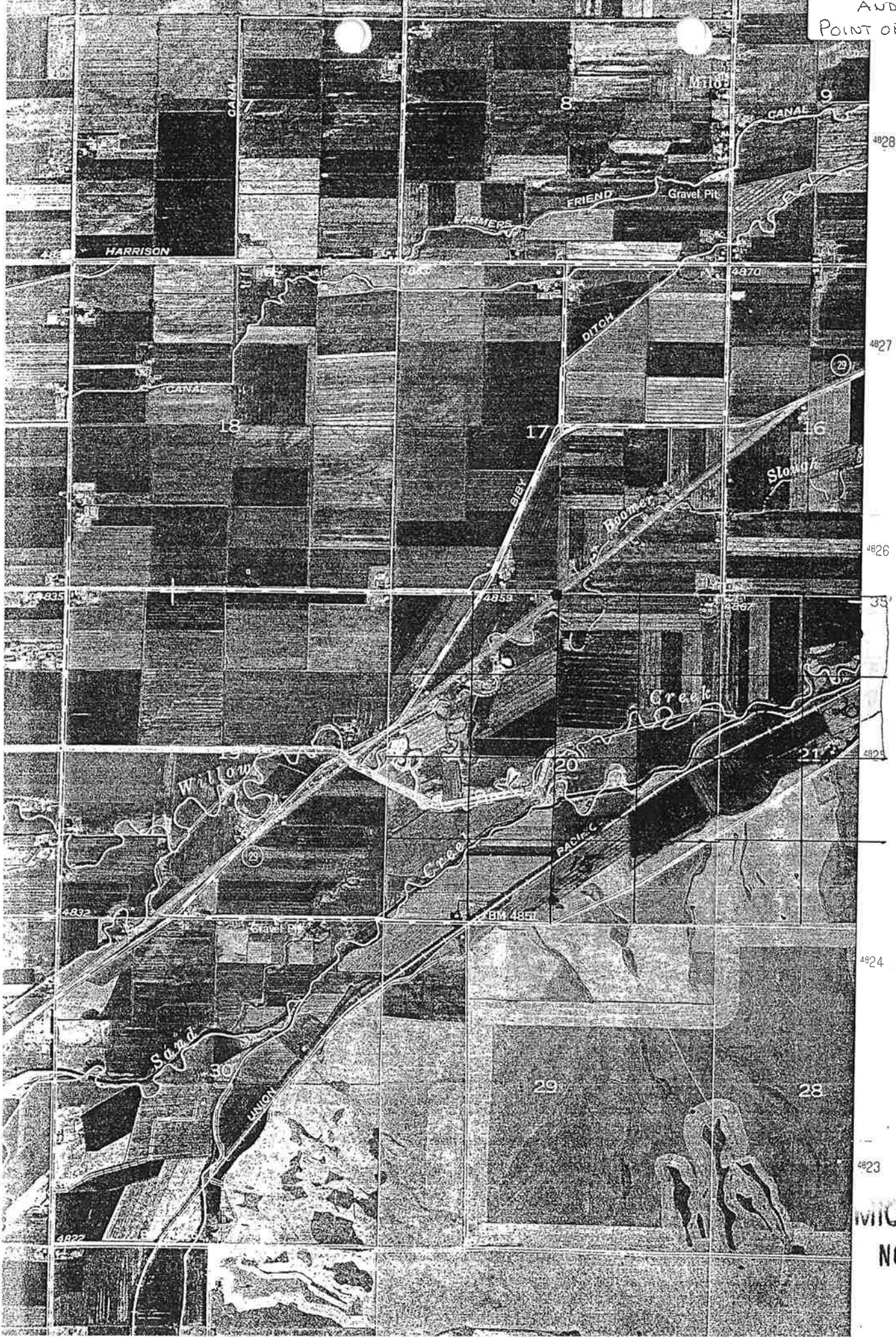
Anthony S. Olmsted
Notary Public

Seal

Residing at *Abobo Falls*

My Commission Expires 9/12/1994

PLACE OF USE
AND
POINT OF DIVERSION



MICROFILMEI
NOV 06 1992