

04/05/2005

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

RIGHT NUMBER: 27-26D

NAME AND ADDRESS: COLLEEN R MARRIOTT
799 W 200 S
BLACKFOOT ID 83221

JAMES M MARRIOTT
799 W 200 S
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T03S R35E S18 SWSWNE Lot 6 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R34E S13 SWSE 10.0

10 ACRES TOTAL

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



STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-26D



400 0 400 800 Feet

IRRIGATED ACRES 10.0

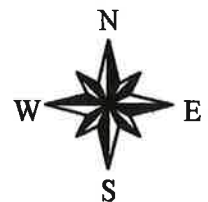
LEGEND

- ⊙ Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

SCANNED

Place of Use: T3S, R34E:
(part of) Sec. 13, SWSE.

Point(s) of Diversion: T3S, R35E:
Sec. 18, SWNE, Lot 6



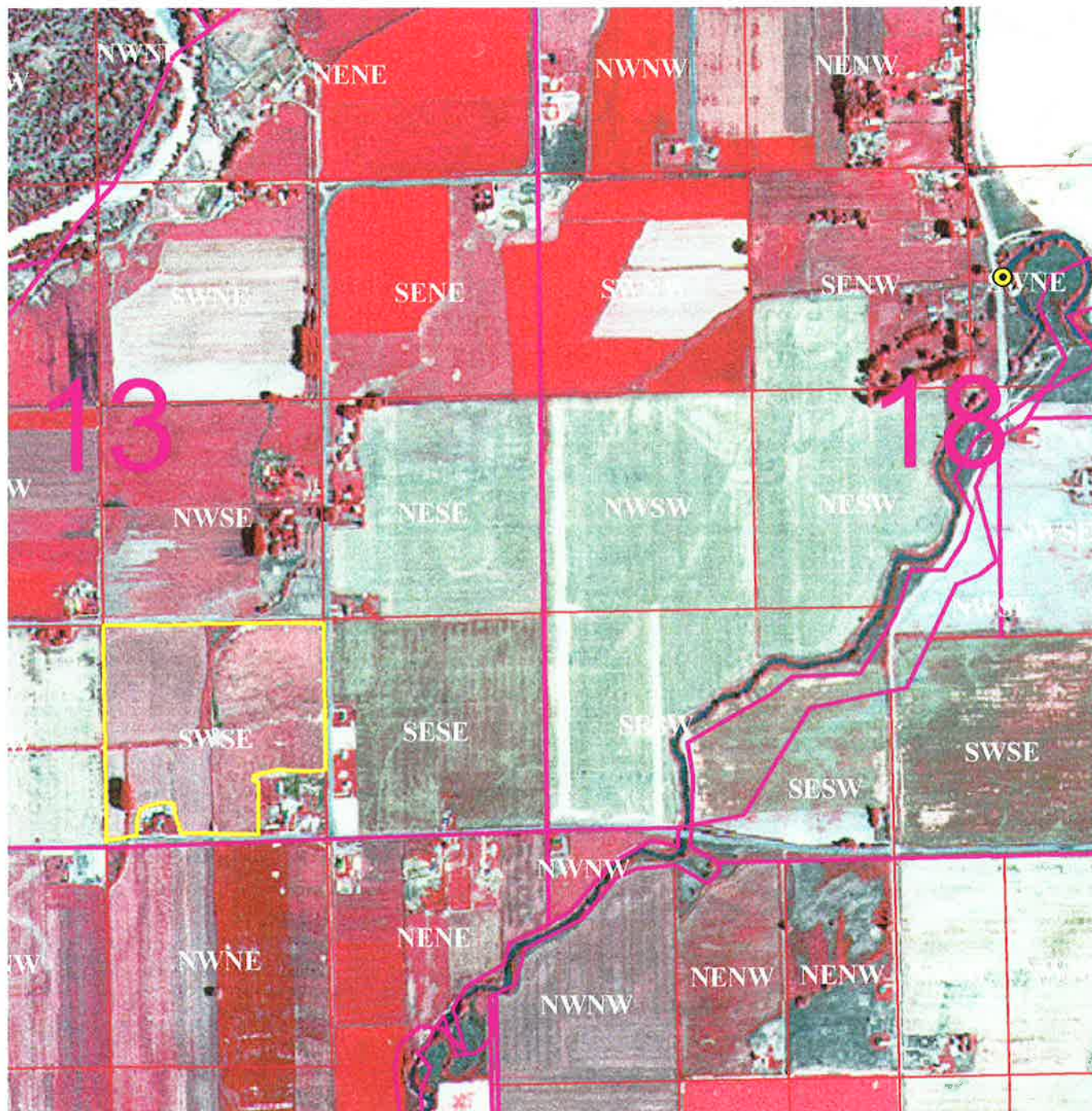
GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: March 2005.

JAN 05 2006

PROFILE

Water Right Claim Number 27-00026D
Township , 3S34E

12/20/2000



700 0 700 1400 Feet



**SPATIAL
DYNAMICS**

PEDIGREE**PRIORITY DATE 04/01/1883**

27-00026 (WR)	27-00026D
	27-00026E
	27-00026A
	27-00026B
	27-00026C
	27-12074
	27-12051

Water right # to adjudication claim #

27-26 27-00026A
27-00026B
27-00026C
27-00026D
27-00026E
27-12074
27-12051

kmj 03/13/2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

James & Colleen Marriott
799 West 200 South
Blackfoot, Idaho 83221

March 16, 2005

Re: Snake River Basin Adjudication (SRBA)

Subject: AMENDED CLAIM No(s): 27-26D

RESPONSE DATE: March 30, 2005

COPY

Dear Claimant(s):

After reviewing your claim listed above, I found the priority date, season of use and cfs incorrect. I've amended your claim to correct these errors. Please sign and notarize the amended claim and return to our office at 15 West Center Street in Soda Springs 83276, by the above response date.

Feel free to contact us at 547-3993 in Soda Springs if you have any questions.

Respectfully,

Pauline Bassett

PROFILED

SCANNED
JAN 05 2006

Notes

1-31-05 Received document from Eastern today that explains water in 27-4 & 27-26. PB

1-26-05 Memo to Skip. CB

3/16/05 - Create POU

Recommend 12" of Daniel Mullis water
Disallowed. 27-4AA.

3-16-05 Send Mr. Marriott an amended claim. CB
correcting the priority date, SOU, diversion
rate. 11/1-10/31 0.24 cfs, 4-1-1883 priority

MEMO

DATE: January 26, 2005

TO: Harold Jones

FROM: Cindy Bird

SUBJECT: Steven's Decree

When I was looking at the Daniel Miller rights (27-26) I ran across a document that might be of interest to you when looking at the Fox and Whitten water under 27-23 with an 1880 priority date.

Gary Wright owns property that use to belong to Daniel Miller but conveyed Fox and Whitten water. It is not clear however how much of which water was conveyed. Did John D. Kent have 40 inches of Fox and Whitten 1880 water and 35 inches of Fox and Whitten 1885 water to convey to R. A. Thomson?

Is the 30 inches of water conveyed to George Wright from Susan Whitten in January of 1918 valid? Is this water in addition to the Fox and Whitten water conveyed to John D. Kent?

Gary Wright has not filed a claim for the Daniel Miller water. He may need to come into the office and file a claim for Daniel Miller (27-26) water. Gary has filed on 90 inches of Fox and Whitten 1880 water and 41 inches of Fox and Whitten 1885 water.

James Marriott and Kim Gunderson also own some of the Daniel Miller (John Kent) land and they have filed on both the Daniel Miller water and Fox and Whitten (1885) water.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2005

James Marriott
Colleen Marriott
799 W. 200 S.
Blackfoot, ID 83221

REF: Snake River Basin Adjudication (SRBA)
27-26D

RESPONSE DATE: January 17, 2005

Dear Mr. Or Mrs. Marriott,

IDWR is in the process of reviewing claims in basin 27 for the SRBA court. You filed a claim in the SRBA for 1.20 cfs (60 inches) from the Blackfoot River under an October 1, 1884 priority date. What evidence do you have to support your claim to water in the SRBA? Your deed conveyed no water with the property, why do you feel you have a right to the Daniel Miller decreed water? Also you claimed enough water for 60 acres and you only own 12, why? Do you still own the 12 acres under your claim? Please submit a copy of the Bingham County Platt map with your property clearly outlined.

Please contact this office by the above response date to clarify some these questions otherwise you claim to water in the SRBA may be disallowed to the court.

Respectfully,

Cindy Bird
Adjudication Bureau

Notes

9/16/04. The W/R database has the priority date wrong, it should be 4-1-1883 based on the decree. not 10-1-1884, CB.

12/29/04 why did Marriott claim 60 inches of water for 12 acres of land?

Does Marriott still own any land?

12/30/04 called 684-5319 and it has been disconnected and it refers you to 1-435-586-0723. When I call the number it's the Lewis's and they don't know anyone by the name of Marriott

phone book has
684-4863 - No
Answer.

27-26D James Marriott
12.0 ac.

1937 Bell to Marriott?

1945 - Federal Land Bank to Bell

R.A. Thomson Property

1938 - Sheriff's sale to Federal Land Bank

1910 - Kent to R.A. Thomson

1900 - Daniel Miller to Kent

Kent - Albert Bell Property

The other portion of the Albert L Bell property - W½ of the SW ¼ of the SE ¼ of Section 13, Township 3S Range 34E was deeded to James Marriott then deeded to the following persons:

Michael Main (See page 10)
644 W 300 S
Blackfoot, ID 83221,

Paul & Linda De McDaniel (See page 11 & 12)
275 S 625 W
Blackfoot, ID 83221,

Tricia L Gay (See page 13 & 14)
639 W 275 S
Blackfoot, ID 83221

and

Kim Gundersen - WATER RIGHT NO. 27-26E (See page 15)
648 W 300 S
Blackfoot, ID 83221.

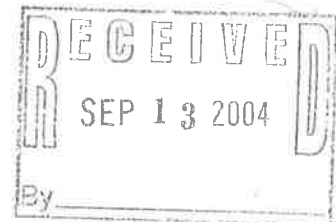
No specific water rights were mentioned in the property deeds (see below), however there were 25 inches of the Daniel Y Miller decree on the Albert Bell property not deeded with the portion of property deeded to Gary Wright. It appears that the owners of this property would have claim on this 25 inches of water.

Note: Water Right 27-26D (James Marriott) claimed 1.2 CFS and Water Right 27-26E (Kim Gundersen) Claimed 0.8 CFS; however, there was only 25 inches (0.5 CFS) of the decreed water deeded to this property.

The deed from Kent to Thomson did also mention 100 inches of appropriated water in addition to the decreed water. (Whatever that means?)

Based on the 25 inches of the Daniel Miller decree remaining of the 20 acres (W½ SW¼ SE¼ of Section 13 TS 3S Range 34E) it appears that each acre would be entitled to 1.25 inches of the decree since none of the deeds mentioned a specific water right transfer.

ORIGINAL



Daniel Y Miller Property & Water Rights

April 17, 1889

140

4-17-1889

United States To Daniel Y. Miller.

Special Receiver Receipt, No. 802 Application No. 1372
Brambleback
April 17th 1889.

Received of Daniel Y. Miller the sum of six
dollars and six cents being the balance of payment
required by law for the entry of Lot one and two
and 1/4th NEth of Sec. 24, the 3/4th SEth of Sec. 13 in
Twp. 3, S. R. 34th E. B. M. and Lot 1 of Sec. 19 in
Twp. 3, S. R. 35th E. B. M. containing one hundred and
fifty eight two acres, under Sec. 2291 of the Revised
Statutes of the U. S.

John Montgomery
Receiver.

Recorded at the request of
Brambleback Ind. Land. April 20, 1889.
at 4-50 P. M.

Geo. Robbison, Recorder.
By J. B. Buchanan, Deputy.

ORIGINAL

RECEIVED
SEP 13 2004
PS

2.7.4

Daniel Y Miller Property & Water Rights

27 January 1894

THE UNITED STATES OF AMERICA.

Acceit Land
Certificate No. 527 } To all to Whom these Presents shall Come--GREETING:

WHEREAS, Daniel Y. Miller
of Bingham County, Idaho
has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho whereby it appears that full payment has been made by the said Daniel Y. Miller according to the provisions of the Act of Congress of the 24th of April, 1820, entitled, "An Act making further provisions for the Sale of the Public Lands," and the acts supplemental thereto, for the

East half of the Southeast quarter of section three
ten in township three south of range thirty
four east of Boise Meridian in Idaho, contain
ing eighty acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Daniel Y. Miller

NOW, KNOW YE, That the United States of America, in consideration of the promises, and in conformity with the several Acts of Congress in such cases made and provided, have GIVEN and GRANTED, and by these presents do GIVE and GRANT, unto the said Daniel Y. Miller and to his heirs, the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said Daniel Y. Miller and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Grover Cleveland President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty seventh day of January, in the year of our Lord one thousand eight hundred and ninety four, and of the Independence of the United States the one hundred and eighteenth.

BY THE PRESIDENT: Grover Cleveland
By M. McKean Secretary.
Recorded Vol. 9a Page 16 L. L. Lamon Recorder of the General Land Office.

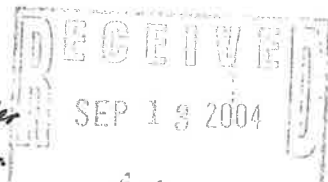
Filed for Record at 4 o'clock P. M. Feb 23 A. D. 1894 and recorded at the request of D. Y. Miller
By Geo. F. Gazon Deputy. Recorder

1-27-1894

ORIGINAL

1

Sill basin 27/Stevens 27/26 Daniel Miller / Daniel Miller
decree - original ~~not~~ available.



3.2

25 inches of Daniel Y Miller Decree

Daniel Y. Miller,
 Annie H. Miller,
 John D. Kent.

THIS INSTRUMENT, made the 30th day of January in the year of our Lord one thousand nine hundred and one, between Daniel Y. Miller and Annie H. Miller of the County of Blingham and State of Idaho and John D. Kent of the County of Blingham and State of Idaho the part of the second part.

WITNESSETH: That the said part 10B of the first part, for and in consideration of the sum of Seven hundred and fifty DOLLARS, lawful money of the United States of America, to them in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, do hereby present, SELL, ASSIGN and CONFIRM unto the said part of the second part, and to his heirs and assigns forever, all the certain lot or parcel of land situate, lying and being in the County of Blingham and State of Idaho and bounded and described as follows, to-wit:

The West half of the Southwest quarter of the Southeast quarter (NW-1/4 SE-1/4) section thirteen (13) and the West half of the Northwest quarter of the Northwest quarter (NW-1/4 of NW-1/4 of NE-1/4) and the West half of lot two (2) of section twenty-four (24) in township three (3) south of range thirty-four (34) east of the Boise Meridian, containing sixty-one and sixty one hundredths acres (61.68/100), together with twenty-five (25) inches of water out of the Blackfoot River, in Blingham County, Idaho, at low water mark on per decree of the Fifth (5th) Judicial District Court of Blingham County, Idaho, dated August first (1st) 1891, together with all ditches and ditch right appertaining thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereto in any wise 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 thereto incident, unto the said part of the second part, and to his heirs and assigns forever, and the said part of the first part and his heirs and assigns, against the said part 10B 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 10B 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
 Geo. L. Wall.

Daniel Y. Miller. (SEAL)
 Annie H. Miller. (SEAL)

STATE OF IDAHO,
 County of Blingham, } ss. I DO HEREBY CERTIFY that on this 30th day of January, in the year of 1901, before me, George L. Wall, Notary Public known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

AND I DO HEREBY CERTIFY that: On this 30th day of January, in the year of 1901, before me, George L. Wall, Notary Public known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman, the wife of the above named Daniel Y. Miller and upon an examination separate and apart from and without the hearing of her said husband, she acknowledged to me that she executed the same and that she does not wish to retract such acknowledgment.

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

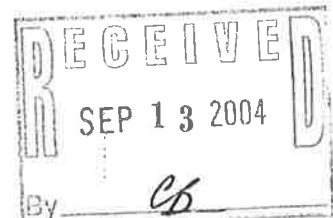
George L. Wall,
 Notary Public

My commission expires October 1901.

Recorded at the request of John D. Kent, October 16th 1901, as 10 minutes past 11 o'clock A. M. Geo. F. Casson, Recorder
 By J. W. Green, Deputy.

ORIGINAL

G:\basin27\stevens27\26danielmiller\danielmillerdecree-originaldistribution



4.03

Kent - Albert Bell Property

WARRANTY DEED

BOOK NO. 19

This Indenture, Made this 27th day of September in the year of our Lord one thousand nine hundred and ten between John D. Kent and Amanda C. Kent his wife of the County of Bingham and State of Idaho the part 1st of the first part, and R. A. Thomson of the County of Bingham and State of Idaho the part 2nd of the second part, WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of Sixty six hundred and no/100 (\$6600.00) DOLLARS, lawfully owing by the said part 2nd of the second part, to the said part 1st of the first part, by these presents grants, sells, bargains and conveys unto the said part 1st of the first part, and to his heirs and assigns forever, all the certain lot, piece or parcel of land situate, being and lying in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit:

The most half (½) of the southwest quarter (SW¼) of the southeast quarter (SE¼) of the Northwest quarter (NW¼) of the Northeast quarter (NE¼) of the West half (½) of Lot two (2) all of Section twenty four (24) in Township three (3) South of range thirty four (34) East of Boise Meridian in Idaho containing 61.61 acres; together with 100 inches of appropriated water right out of Blackfoot River and 25 inches of decreed water right in low water season; Also all ditches and ditch rights of way.

Together with all and singular the tenements, hereditaments and appurtenances therunto 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 thereto incident, unto the said part 1st of the first part, and to his heirs and assigns forever, and the said part 1st of the first part and their heirs, and the said premises to a quiet and peaceable possession of the said part 1st of the first part, his heirs and assigns, against the said part 2nd of the second part, 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 has hereunto set their hand and seal, the day and year first above written.

W. H. Stufflebeam

John D. Kent
Amanda C. Kent

STATE OF IDAHO
County of Bingham

I DO HEREBY CERTIFY THAT, On this 29th day of March in the year of 1911, before me, W. H. Stufflebeam, Notary Public in and for the said County and State, personally appeared John D. Kent and Amanda C. Kent his wife

known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

W. H. Stufflebeam
Notary Public

My commission expires Nov. 12th 1912

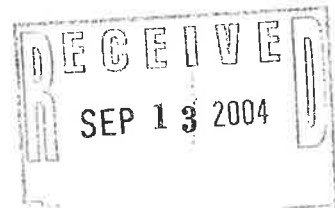
Recorded at the request of W. H. Stufflebeam March 29, 1911 at 10:00 A.M.

Q. T. Carruth
Recorder

9-27-1910

105" appropriated water
25" 27-26

ORIGINAL



Kent - Albert Bell Property
John D Kent to R.A. Thomson - 27 September 1910

THIS DEED, made this 20th day of November, 1936, before me, B. F. Mills, a Notary Public, in and for the County of Bingham, State of Idaho, known to me to be the duly qualified and authorized officer of the corporation that executed the foregoing instrument, and who was to be and such corporation executed the same.

WITNESSETH: WHEREAS the said The Federal Land Bank of Spokane, a corporation, secured a decree of foreclosure on the 23rd day of December, 1936, in that certain action filed in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bingham, and in which the said The Federal Land Bank of Spokane, a corporation, was plaintiff and John M. Thomson, a widow; P. M. Thomson; Ira Espey and Deltha Espey, husband and wife; Albert Bell and Daisy Bell, husband and wife; Blackfoot National Farm Loan Association, a corporation; Unknown heirs of Robert Allen Thomson, same person as Robert Allen Thomson, deceased; et al, were defendants, and whereas among other things it was ordered in said decree that all and singular the premises described therein, should be sold at public auction according to law and as in said decree directed, to the Federal Land Bank of Spokane, a corporation, for the sum of Four Thousand and no/100 (\$4000.00) DOLLARS, the said The Federal Land Bank of Spokane, a corporation, being the highest and best bidder thereof;

AND WHEREAS, a Certificate of Sale was duly issued on the 18th day of January, 1937, and more than one year has elapsed since the said sale and no redemption has been made by or on behalf of said defendants, or any of them, and whereas the said The Federal Land Bank of Spokane, a corporation, is now the owner and holder of said Certificate of Sale.

NOW, THEREFORE, H. T. Falk, the said Sheriff of Bingham County, State of Idaho, for and in consideration of the sum of Four Thousand and no/100 (\$4000.00) DOLLARS, paid for said premises to the said The Federal Land Bank of Spokane, a corporation, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey to the said The Federal Land Bank of Spokane, a corporation, and its successors and assigns forever, all of the following described premises located and situated in Bingham County, State of Idaho, to-wit:

The West Half of the Southwest quarter of the Southeast quarter of Section Thirteen, and the East Half of the Northwest quarter of the Northeast quarter, and the West Half of Lot Two in Section Twenty-four, all in Township Three South, of Range Thirty-four, East of the Boise Meridian and

All water and water rights used upon or appurtenant to said property and however evidenced, including (but not limited to) a water right evidenced by 60 shares of stock in Riverton Ditch Company, evidenced by stock certificate #44

Together with all and singular the tenements, improvements and appurtenances thereto in anywise or in anywise appertaining.

WITNESSETH: WHEREAS the said The Federal Land Bank of Spokane, a corporation, was plaintiff and John M. Thomson, a widow; P. M. Thomson; Ira Espey and Deltha Espey, husband and wife; Albert Bell and Daisy Bell, husband and wife; Blackfoot National Farm Loan Association, a corporation; Unknown heirs of Robert Allen Thomson, same person as Robert Allen Thomson, deceased; et al, were defendants, and whereas among other things it was ordered in said decree that all and singular the premises described therein, should be sold at public auction according to law and as in said decree directed, to the Federal Land Bank of Spokane, a corporation, for the sum of Four Thousand and no/100 (\$4000.00) DOLLARS, the said The Federal Land Bank of Spokane, a corporation, being the highest and best bidder thereof;

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The West Half of the Southwest quarter of the Southeast quarter of Section Thirteen, and the East Half of the Northwest quarter of the Northeast quarter, and the West Half of Lot Two in Section Twenty-four, all in Township Three South, of Range Thirty-four, East of the Boise Meridian and

All water and water rights used upon or appurtenant to said property and however evidenced, including (but not limited to) a water right evidenced by 60 shares of stock in Riverton Ditch Company, evidenced by stock certificate #44

Together with all and singular the tenements, improvements and appurtenances thereto in anywise or in anywise appertaining.

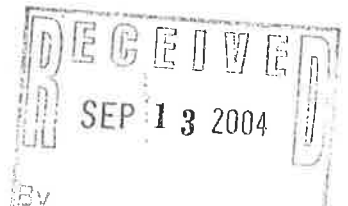
1-20-1938
Sheriff Sale

60 shares in
Riverton Ditch

Water Identified: 100 inches of appropriated water right out of Blackfoot River and
25 inches of decreed water right in low water season

ORIGINAL

G:\basin27\stevens2726\daniel miller\kent=bell property



Kent - Albert Bell Property

WARRANTY DEED #13428 - R.A. Thomson
THIS INSTRUMENT, made this 26th day of January, 1945, between THE FEDERAL LAND BANK OF
SPOKANE, a corporation organized and existing under the act of Congress known as the Federal
Land Bank act, as amended, with its principal place of business in the City of Spokane, County
of Spokane, State of Washington, the party of the first part, and Albert L. Bell and Daisy
Bell, his wife, parties of the second part,

WITNESSETH: That the party of the first part, for and in consideration of the sum of
One Dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby
acknowledged, does by these presents Grant, Bargain, Sell, Convey and Warrant to the parties
of the second part, and to their heirs and assigns forever, the following described real
estate, situate in the County of Bingham, State of Idaho, to wit:

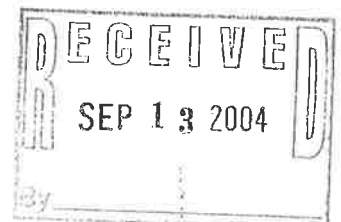
The West half of the Southwest Quarter of the Southeast Quarter of Section Thirteen,
and the West half of the Northwest Quarter of the Northeast Quarter, and the West Half of
Lot Two in Section Twenty-four, all in Township Three South of Range Thirty-four East of
the Boise Meridian;
44.40 I.R.S. attached and cancelled.

Together with all the tenements, hereditaments, rights, privileges and appurtenances
thereunto belonging, and all waters and water rights, and all watering and irrigating apparatus
and fixtures which are appurtenant to or incident to the ownership of said premises, but
nothing herein contained shall be construed as a warranty of any water right.

To have and To hold said premises unto the parties of the second part, their heirs and
assigns forever, subject to the following:

1. Unpaid taxes, assessments and water charges, including but not limited to those levied
or imposed by the United States Reclamation or Indian Service or by any water or irrigation
or drainage district or company, and all other unpaid charges, liens or assessments imposed
by or pursuant to law on the above described property, including any and all deferred charges,
becoming due subsequent to the year 1936.
2. Any lien imposed by law by reason of the outstanding indebtedness of any drainage,
irrigation or other special improvement district, and any lien or encumbrance revived or placed

ORIGINAL



Kent - Albert Bell Property

Page 2

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on said property by, through or under the parties of the second part.

3. The exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the state in which said land is situate, or in deeds from Railway companies; and any and all easements, rights of way for railroads, roads or highways or other servitudes.

The party of the first part hereby covenants that, except as hereinabove stated, it will forever warrant and defend the title to said premises and the quiet and peaceable possession thereof unto the said parties of the second part, or their assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed by its proper and duly authorized officers.

Corporate Seal

THE FEDERAL LAND BANK OF SPOKANE
By S. C. Fish, Vice President.

ATTEST: C. C. Upton, Assistant Secretary

Approved ECP Attorney

STATE OF WASHINGTON

COUNTY OF SPOKANE. ss.

On this 26th day of January, 1945, before me (a notary public in and for the above named state) personally appeared S. C. Fish, to me known to be Vice-President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that it executed the same; and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

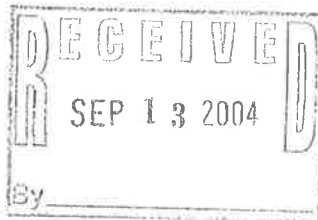
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

SEAL

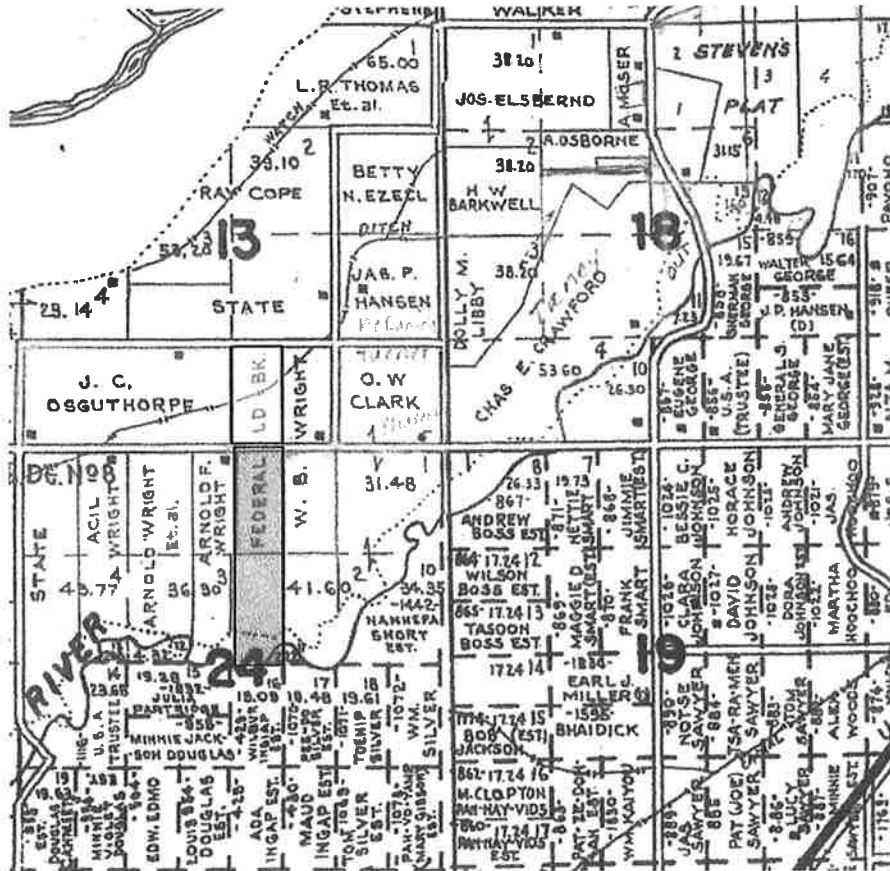
B. C. Prestbye
Notary Public in and for the State of Washington
Residing at Spokane, Washington.
My commission expires October 7, 1947.

Recorded at the request of Albert Bell on January 30, 1945 at 4:02 p.m. Fee \$ 1.40
By *Joyce W. Mack* Deputy Jno. H. Falk, Recorder

ORIGINAL



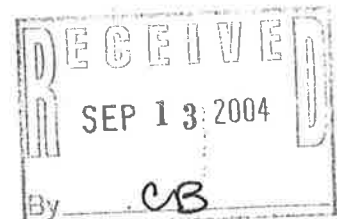
Reference: See the **Daniel Miller** file for initial data on the distribution of the 100 inches of the decreed water.



- ☐ Bell to Marriott then to various owners – 25 inches Daniel Y Miller
- ☐ Bell to Gary Wright – deeded with 40 inches March 25 1880

See page 9 of this document for summary of Bell to Marriott 25 inches of Daniel Y Miller Decree.

ORIGINAL

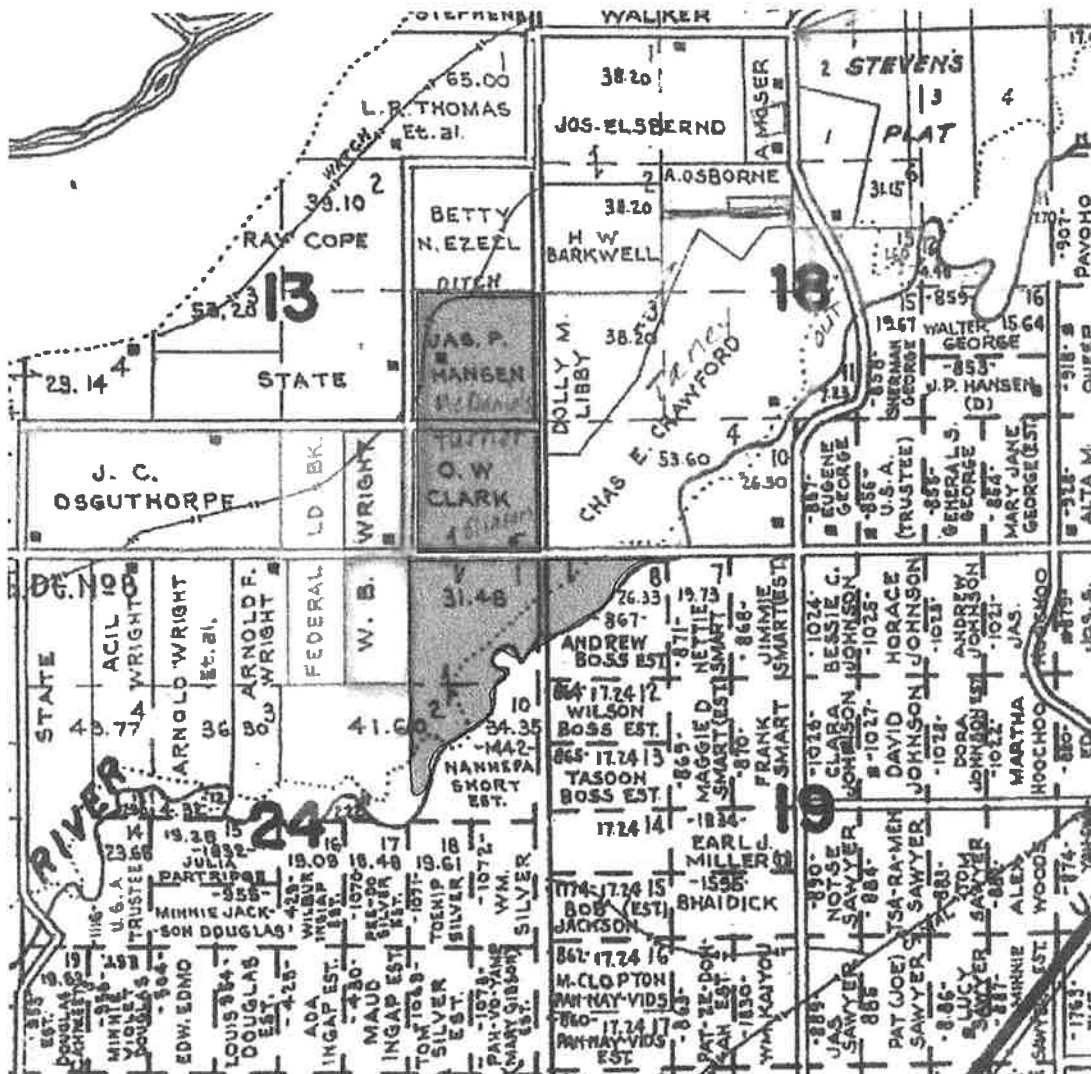


CS

9:11 basin 27 / Stevens 27 / 26 Daniel Miller

Daniel Y Miller Property & Water Rights

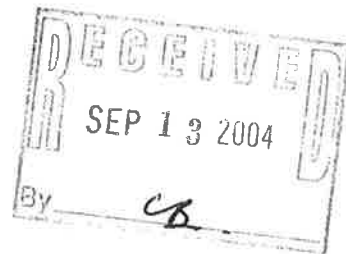
100 inches April 1, 1883 Decree



- Ball – 50 inches – 119.44 Acres**
- Hancock – 25 inches – 60 Acres**
- Kent – 25 inches – 61.61 Acres**

ORIGINAL

6



G:\basin27\stevens27\26danielmiller\danielmillerdecree-originaldistribution

June 26, 1940

Re: 13428 - R. A. Thomson
Blackfoot, AO-F11

Mr. Ross A. Soward
Secretary-Treasurer, 8-D
Blackfoot, Idaho

Dear Mr. Soward:

We have your letter of June 22nd in which you request information as to the waters decreed for this property.

The original application and appraiser's report give very little information concerning water rights but the appraiser's report indicates that there was supposed to be 60 inches of decreed water with this property.

Upon checking into the abstract I find that in the case entitled "Fred S. Stevens, et al, Plaintiffs, vs. Eastern Idaho Water Co., et al Defendants" in the District Court of the 5th Judicial District in and for the County of Bingham, Idaho, by decree entered August 1, 1891, 100 inches of the waters of Blackfoot River, with priority of April 1, 1883 was decreed to Daniel Y. Miller, and 1500 inches of the waters of Blackfoot River with priority of June 1, 1885 was decreed to A. Whitten and Susan E. Whitten, P. D. Fox and William Howard. Our abstract of the decree does not show for which property these rights were decreed.

However, Daniel Y. Miller appears to have been the owner of the property being sold to Mr. Albert L. Bell on contract at this time.

By deed dated January 30, 1900, recorded in Book X, page 533, records of Bingham County, Idaho, Daniel Miller conveyed this property to John D. Kent "together with 25 inches of water out of Blackfoot River in Bingham County, Idaho, at low water mark as per decree of the 5th Judicial District Court of said County, dated August 1st, 1891."

By deed dated September 27, 1910, recorded in Book 19, at page 482, records of Bingham County, Idaho, John D. Kent conveyed this property

to R. A. Thomson "together with 100 inches of appropriated water right out of Blackfoot River and 25 inches of decreed water right in low season". Mr. Thomson was the party who obtained a loan from the Bank in 1919, which loan the Bank later foreclosed.

By deed dated January 19, 1918, recorded in Book 32, at page 340, records of Bingham County, Idaho, A. Whitten and Susan E. Whitten conveyed to R. A. Thomson the following water right: "35 inches of water of the Blackfoot River; being a part of that certain water right of 1000 inches of the date of June 1st, 1885, decreed to A. Whitten and Susan E. Whitten August 1st, 1891, in that certain water decree as recorded in Book 1, at pages 107-116 of the records of Bingham County, Idaho."

Under date of March 14, 1919, Fred A. Wilkie, State Engineer for the State of Idaho, issued to R. A. Thomson a certificate of a transfer of water right, #237, which certificate is recorded in Book D of Miscellaneous Records, page 307, records of Bingham County, Idaho. The abstract of this certificate is a bit confusing. It refers to a 1.2 second feet right, with priority of March 25, 1880.

The mortgage the Federal Land Bank took in 1919 covered all water rights then appurtenant to the land and when the Bank foreclosed it acquired such water rights.

Our abstract does not purport to be a complete abstract of the water rights and it is impossible for that reason to report definitely what they are. The foregoing information indicates that this property has a right to the waters of Blackfoot River for 25 inches with April 1st, 1883 priority, and 35 inches with June 1st, 1885 priority.

I am enclosing an extra copy of this letter which you may deliver to Mr. Bell. I trust that this information will be of some value to him in determining what the water rights are.

Yours very truly,

Albert Olsen
Attorney

ao:h

JUL 13 2001

Log for claim 27-00026D

Spatial Dynamics LTD

12/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	13	SWSE	12	34	Indiscernible
Totals:			12	34	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 18, 1999

JAMES & COLLEEN MARRIOTT
799 W 200 S
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A27-00004W, A27-00026

Dear Mr. & Mrs. Marriott:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A27-00004AA, 0.24 CFS ON 12 ACRES, MARRIOTT
A27-00004AB, 0.16 CFS ON 8 ACRES, GUNDERSEN

A27-00026D, 1.20 CFS ON 12 ACRES, MARRIOTT
A27-00026E, 0.80 CFS ON 8 ACRES, GUNDERSEN

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 26D 60004 AA
Adjudication Claim No(s): A27-00026 A27-00004W
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant Albert Bell
4. New Owner/Claimant(s) James or Colleen Marriott
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address X 799 W 200 S
City, State and ZIP Code BLACK FOOT ID 83221
New Telephone Number (208) 684 5319
5. Date you acquired the property Jan 1995
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) X James Marriott

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Warranty Deed

For Value Received

431920

A. LADD CARTER AND JANE M. CARTER, HUSBAND AND WIFE

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

JAMES M. MARRIOTT AND COLLEEN MARRIOTT HUSBAND AND WIFE

whose current address is

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

The W $\frac{1}{2}$ SW $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 13, Township 3 South, Range 34 E.B.M., Bingham County, Idaho.

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 s do hereby covenant to and with the said
Grantee s , that the y the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: JANUARY 10, 1995

A. Ladd Carter

A. LADD CARTER

Jane M. Carter

JANE M. CARTER



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 27-26D
Date Received: 4/12/1989
Receipt No: X999999
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

COLLEEN R MARRIOTT Phone: (208)684-5319

799 W 200 S
BLACKFOOT ID USA 83221

JAMES M MARRIOTT Phone: (208)684-5319

799 W 200 S
BLACKFOOT ID USA 83221

2. Date of Priority: ~~10/01/1884~~ 04/01/1883

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	35E	18	SW SW NE	BINGHAM	

5. Description of diverting works:

HEAD WORKS OF THE RIVERTON DITCH. CONCRETE DIVER TO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	~~3/15~~	~~11/15~~	~~1.2~~	
	<u>04/01</u>	<u>10/31</u>	<u>0.24</u>	

7. Total Quantity Appropriated is:

~~1.2 C.F.S.~~ 0.24 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	34E	13	SW	SE	IRRIGATION	12
					Section Acres	12
					Total Acres	12

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

P/D & P/U NOT GIVEN IN DECREE.

PLACE OF USE IS DESCRIBED AS THE W1/2 SW1/4 SE1/4 SEC. 13 T3S R34E, B.M. CLAIMANT MAY BE SELLING PORTION OF THIS RIGHT TO NEIGHBOR IN THE FUTURE.

ORIGINAL RIGHT IRRIGATED, IN ADDITION TO THIS 20 ACRES, 61.61 ACRES. IN 1986 41.61 ACRES WERE SOLD TO ANOTHER PARTY. THE PORTION OF A27-00026 HISTORICALLY USED ON THIS SOLD PROPERTY WAS RETAINED BY MR. BELL.

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: _____

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): James Marrott Date: 3-31-05
Lauren Marrott Date: 3-31-05

State of Idaho)
County of BINGHAM) SS.

Subscribed and sworn (or affirmed) before me this 31 day of MARCH, 2005

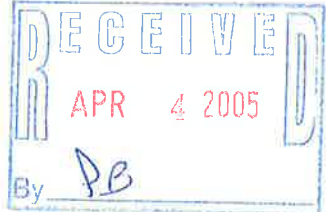
James P. Waters



Notary Public ✓

Residing at BLAINE, IDAHO

commission Expires 9/28/05



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: **A27-00026D**
Date Received: 4/12/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JAMES MARRIOTT 208-684-5319
Address: 799 W 200 S
BLACKFOOT ID 83221
OR
Name: COLLEEN MARRIOTT 208-684-5319
Address: 799 W 200 S
BLACKFOOT ID 83221

2. Date of Priority: OCT ~~1~~, 1884 4-1-1883
3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	35E	18	SW	SW	NE		BINGHAM

5. Description of diverting works:
HEAD WORKS OF THE RIVERTON DITCH. CONCRETE DIVER TO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	13	SW	SE		IRR	12.0

10. Place of Use: Continued

Section Acres 12.0

Total Acres 12.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
PORTION OF 27-0004AA

14. Remarks:

P/D & P/U NOT GIVEN IN DECREE.
PLACE OF USE IS DESCRIBED AS THE W1/2 SW1/4 SE1/4 SEC. 13 T3S
R34E, B.M. CLAIMANT MAY BE SELLING PORTION OF THIS RIGHT TO
NEIGHBOR IN THE FUTURE.
ORIGINAL RIGHT IRRIGATED, IN ADDITION TO THIS 20 ACRES, 61.61
ACRES. IN 1986 41.61 ACRES WERE SOLD TO ANOTHER PARTY. THE
PORTION OF A27-00026 HISTORICALLY USED ON THIS SOLD PROPERTY
WAS RETAINED BY MR. BELL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/ 1/1891

FRED S. STEVENS, ET AL.
Decree Plaintiff

EASTERN IDAHO WATER CO., ET A
vs Decree Defendant

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: _____