

03/15/2005

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

RIGHT NUMBER: 27-29B

NAME AND ADDRESS: ROBERT E REID
911 REID RD
FIRTH ID 83236

CHRISTY J REID
911 REID RD
FIRTH ID 83236

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION:

T02S R37E S11 NWNWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

1.600 CFS

PLACE OF USE:

IRRIGATION Within BINGHAM County

T02S R37E S09

SWSE 40.0

T02S R37E S09

SESE 40.0

80 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.

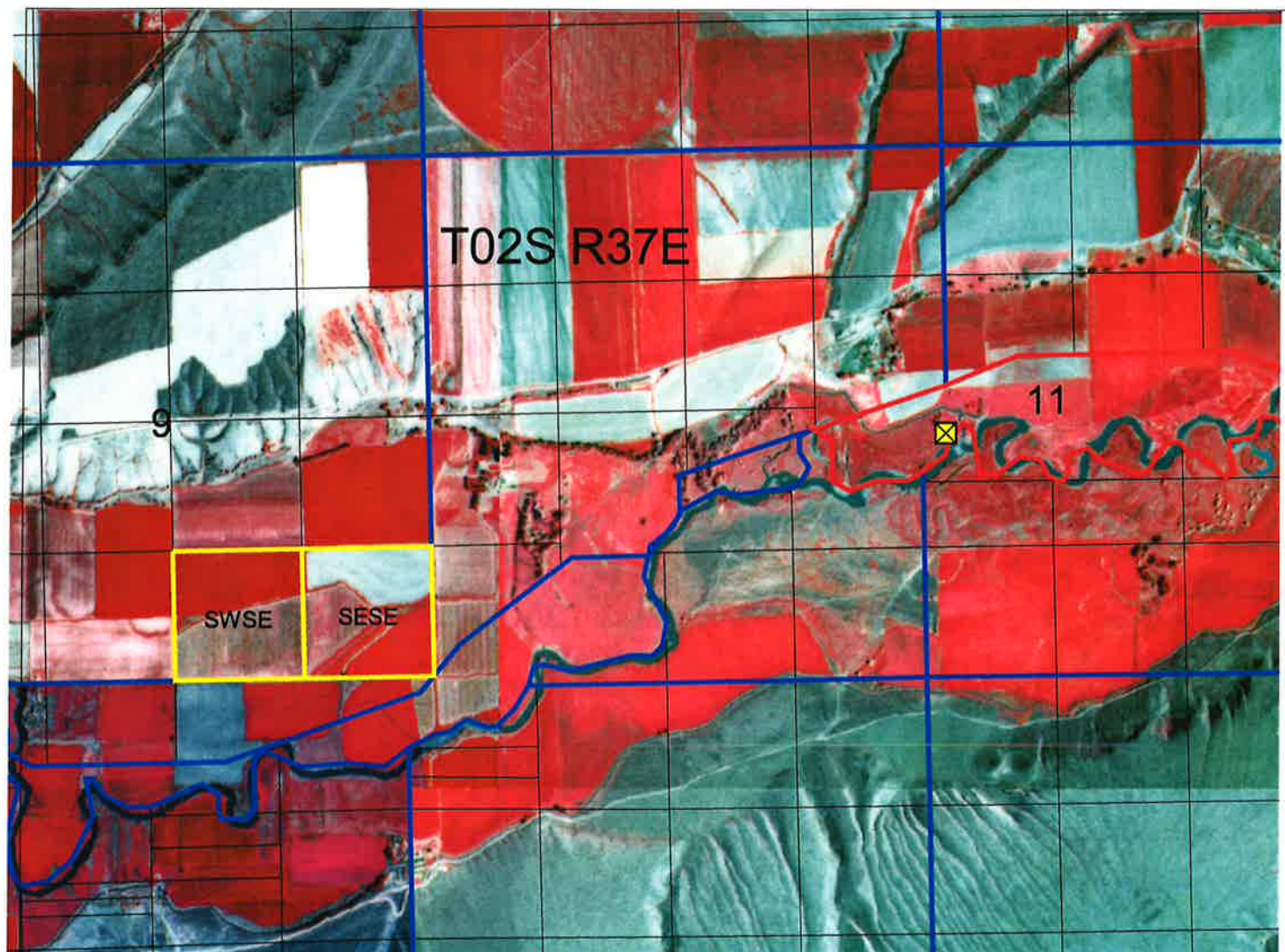
EXPLANATORY MATERIAL: Decreed

The right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the water master suitable control of the diversion.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

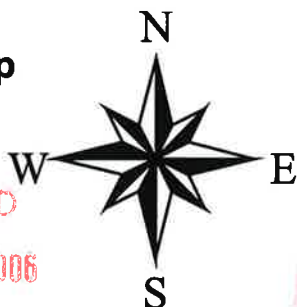
Idaho Department of Water Resources

Claim No.: 27-29B



0 1320 2640 3960 5280 6600 Feet

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



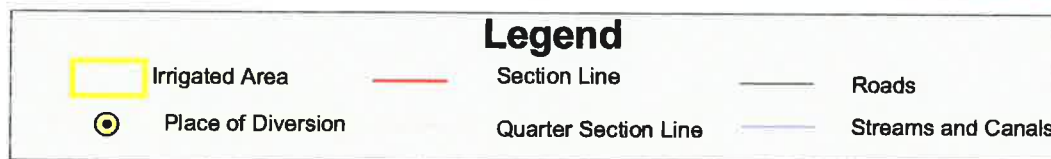
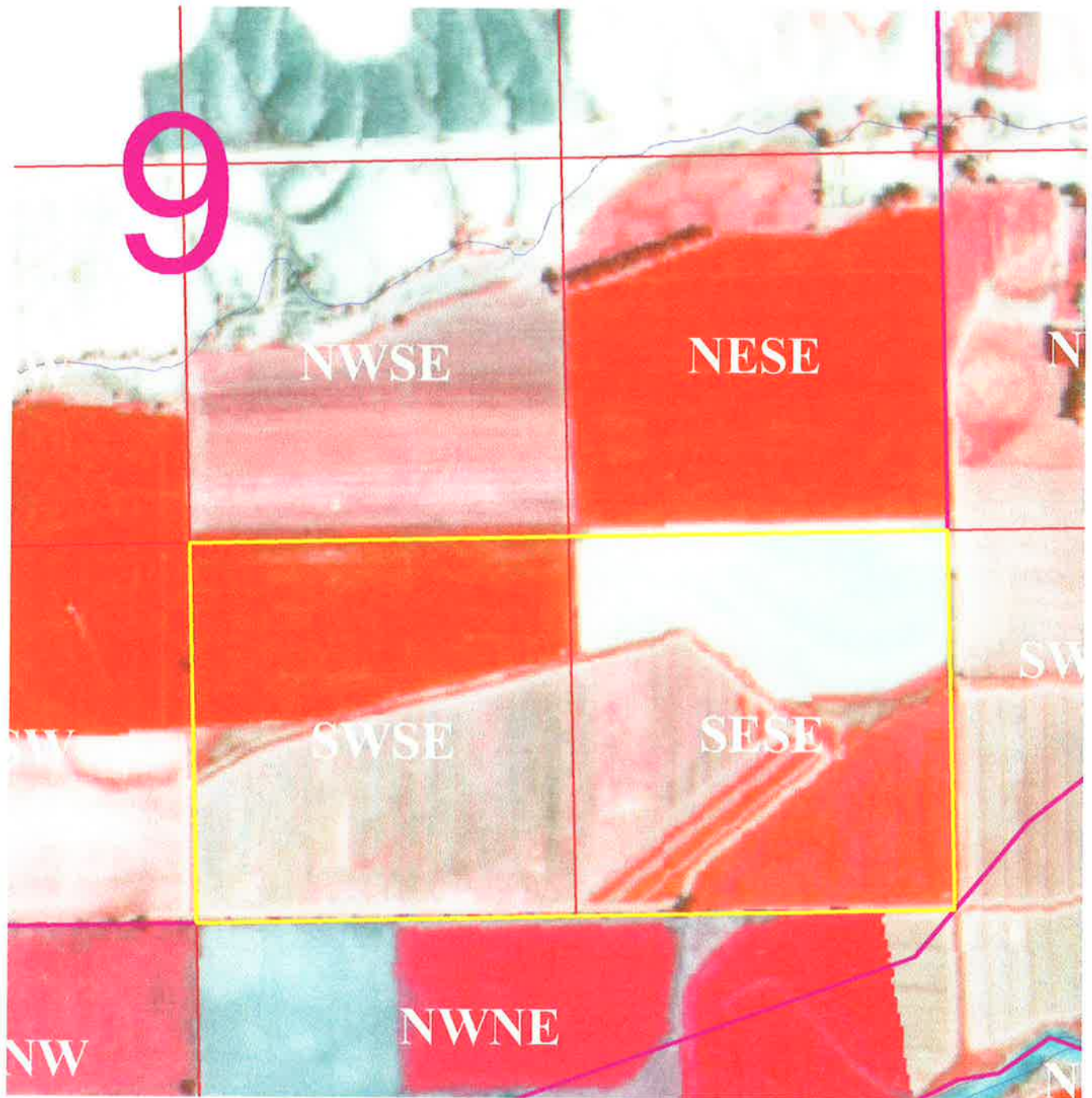
1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: March 2005

SCANNED
JAN 06 2006

PROFILED

Water Right Claim Number 27-00029B
Township , 2S37E

11/08/2000
See 27-00014A



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-29B V1

WATER RIGHT NUMBER: 27-29B V1

<u>Owner Type</u>	<u>Name and Address</u>
Security Interest	THE BANK OF COMMERCE 1730 W BROADWAY PO BOX 1887 IDAHO FALLS, ID 83403
Original Owner	SHAREN LYON 399 N 800 E FIRTH, ID 83236 (208)785-4529
Current Owner	ROBERT E REID 911 REID RD FIRTH, ID 83236 (208)785-2062
Original Owner	STEVE LYON 399 N 800 E FIRTH, ID 83236 (208)785-4529
Current Owner	CHRISTY J REID 911 REID RD FIRTH, ID 83236 (208)785-2062

Priority Date: 05/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKFOOT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

BLACKFOOT RIVER	NW1/4NW1/4SW1/4	Sec. 11, Twp 02S, Rge 37E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	37E	9															40.0	40.0	80.0

Total Acres: 80

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-29B V1

Conditions of Approval:

1. C18 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.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above
3. 01H The right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion

Remarks:

Comments:

SubCase:

SubCase Number: 27-29B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: ecarlsen
Basis of Claim: Decreed
Date Filed: 3/8/2006 Objection Status: Active
Date Filed: 4/27/2006 Objection Status: Active
Date Filed: 3/10/2006 Objection Status: Active
Date Filed: 3/8/2006 Objection Status: Active

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 02 2007
Department of Water Resources
Eastern Region

Notice of Security Interest in a Water Right

**And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**

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): 27-14A, 27-28A, 27-29B, 27-14D, 27-12068, 27-10943, 27-21D and 27-10667
PD PD AS AS AS AS AS AS

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

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE** of \$25.00 per water right or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest:

The Bank of Commerce
c/o Western AgCredit, FLCA
406 W. South Jordan Parkway, Suite #500
P.O. Box 95850
South Jordan, UT 84095-0850.

4. Name of Water Right Owner/Claimant(s):

ROBERT E. REID and CHRISTY J. REID

5. Expiration Date of Notification Period: March 1, 2027

6. Is this a Renewal of Request for Notification () YES (X) NO

The Bank of Commerce
By: Western AgCredit, FLCA, Servicing Agent

7. Signature(s) (and title if applicable): By: [Signature]
David G. Brown
Vice President – Credit Services

For Office Use Only

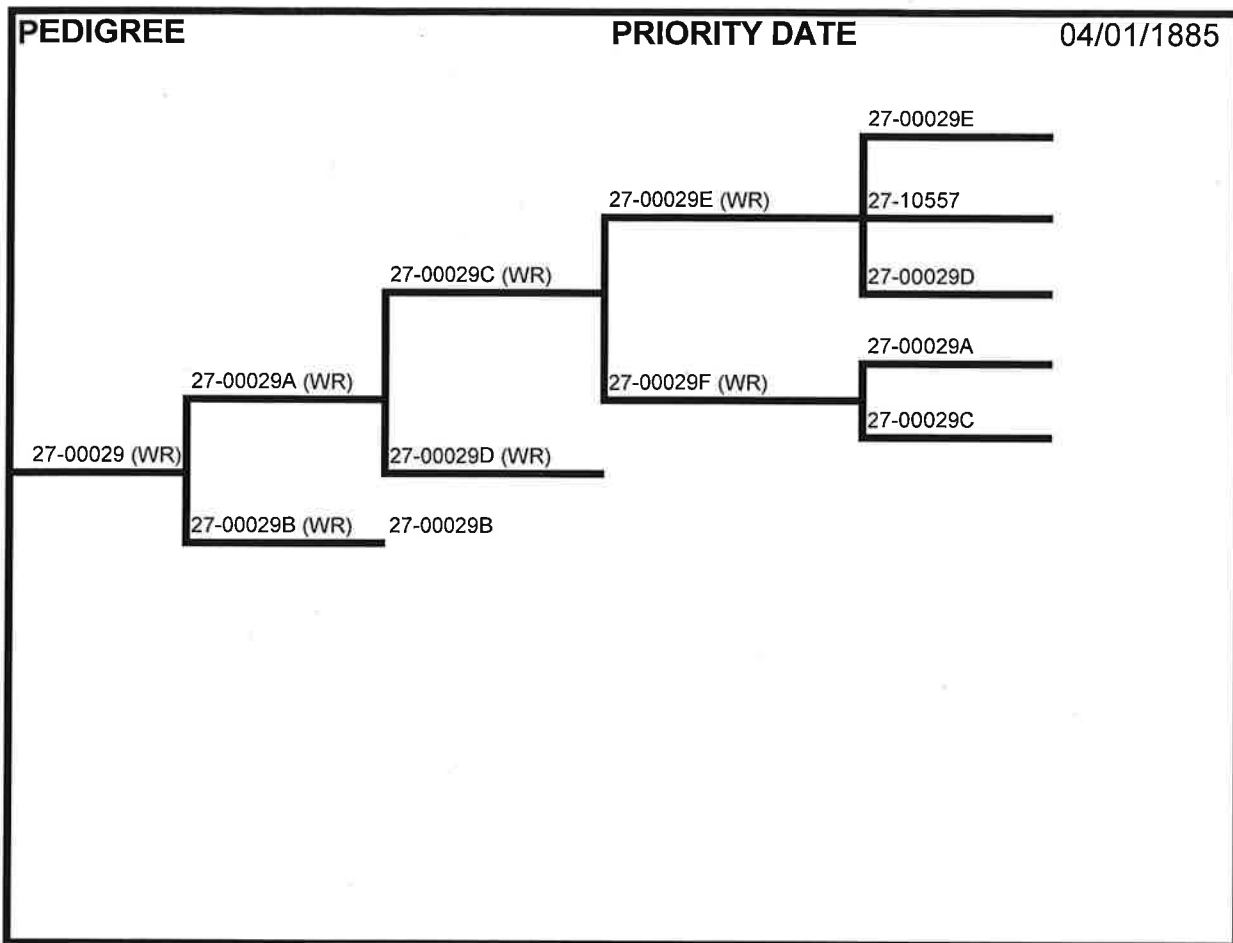
Received by _____
Receipted by JC
Processed by _____

Date _____
Date 4-3-07
Date _____

Fee \$ 000 -
Receipt No. EO 32743
WR _____ Date _____

PROFILED

SCANNED
MAY 11 2007



Water right #	Water right #	to adjudication claim #
27-00029	27-00029A	
	27-00029B	27-00029B
27-00029A	27-00029C	
	27-00029D	
27-00029C	27-00029E	27-00029E
		27-10557
		27-00029D
	27-00029F	27-00029A
		27-00029C



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

13 October 2004

Robert & Kristy Reid
911 Reid Road
Firth, ID 83236

Re: Snake River Basin Adjudication (SRBA)
Claim(s): 27-14A, 27-28A & 27-29B

COPY

Subject: CHANGE IN OWNERSHIP & EVIDENCE OF PRIORITY

RESPONSE DATE: 3 NOVEMBER 2004

Dear Claimant(s):

Mr. Steve Lyon has advised us that you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property, we need Form 42-248/42-1409(6) completed, signed and returned. I have enclosed the form for your convenience for the above three referenced claims.

In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate areas marked **AND** a copy of the warranty deeds.

IDWR's information also indicates that your water right claims are based on water rights decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp 106-117 (Bingham County, Idaho August 1, 1891). The claims are based on the following decreed rights.

Water Right to N. A. & Emma Just, renumbered 27-14, priority date 8/1/1871

Water Right to N. A. & Emma Just, renumbered 27-28, priority date 4/1/1885

Water Right to Leon Misslen, renumbered 27-29, priority date 5/1/1885

In order to make a complete and accurate recommendation of your water right, each element of the water right must be proven. The Department needs information that shows you are a successor to the original water right owners. This could be established through deeds or other conveyance documents that show you own a portion of the original water right.

For your reference, I have enclosed the brochure entitled "*Evidence of Priority*". The brochure describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**". Please provide a copy of all documents from the original water right owner to you as the current owner.

PROFILED

SCANNED

JAN 06 2006

Please return the Change in Ownership form and the necessary documentation by the above listed response date. Please reference on all documents the corresponding adjudication claim number.

Respectfully,

A handwritten signature in cursive script, appearing to read "Barbara Payne".

Barbara Payne

Enclosure: Form 42-248/42-1409(6) "Change in Water Right Ownership
Evidence of Priority brochure

14 April 2004

Steve Lyon returned my call stating that he sold the 80 acres located in T2S,R37E, Section 9 to Robert and Kristy Reed, 911 Reid Road, Firth, ID 83236

Need to send Mr.Reid a change of ownership.

Barbara

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
27-14A					
27-28A					
27-29B					

COPY

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Steve Lyon

399 N 800E, Fifth, ID 83236

4. New Owner/Claimant(s)

ROBERT E AND/OR CHRISTY J REID

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

New Mailing Address

911 REID RD

City, State and ZIP Code

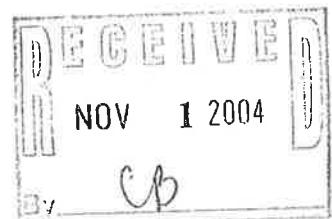
FIRTH IDAHO 83236

New Telephone Number

(208) 785-2062

5. Date you acquired the property

3-29-04



6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Robert E. Reid

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

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

539160

WARRANTY DEED

FOR VALUE RECEIVED, Steve P. Lyon and Sharen L. Lyon, husband and wife, of Firth, Idaho 83236, the Grantors, do hereby grant, bargain, sell, and convey unto Robert E. Reid and Christy J. Reid, the Grantees, whose current address is 911 Reid Road, ~~Blackfoot~~ ^{Edd} ~~ID 83221~~ ⁷¹⁻¹² ~~the~~ ⁸³²³⁶ following described premises, to-wit:

Township 2 South, Range 37 EBM, Bingham County, Idaho; Section 9: S $\frac{1}{2}$ SE $\frac{1}{4}$, together with all water and water rights, ditch and ditch rights, including all water rights from the Blackfoot River consisting of 80 miners inches.

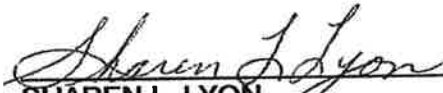
Together with all and singular, the tenements, hereditaments and appurtenances, ditches and ditch rights and water and water rights thereunto belonging or in anyway appertaining.

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and rights-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 2004 and thereafter.

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

DATED AND SIGNED this 29th day of March, 2004.


STEVE P. LYON


SHAREN L. LYON

RECORDED AT THE REQUEST OF

2004 MAR 30 PM 4:56

ENG-VAL COUNTY RECORDER
BLACKFOOT, IDAHO
SEE 3 DEED

STATE OF IDAHO)
)
County of Bingham)
ss.

On this 29th day of March, 2004, before me, the undersigned, a notary public in and for said state, personally appeared Steve P. Lyon and Sharen L. Lyon, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


My Cms. Exp. 12/1/2006
WARRANTY DEED
01/08/04 ly


Notary Public for State of Idaho
Residing at: Blackfoot

539160

FIRST AMERICAN TITLE COMPANY

Notes

3/4/04 Analysis of breakdown of 27-29 located in file. This does appear to come from the water right 27-29F, created by T 3434. Everett & Dorothy Lyon claimed the bal of 27-29F.

SRBA claim matches w/R.

3/5/04 water master records for Everett Lyon

1976-1983	27-23, 29
1984-1986	27-28, 29
1987-1988	27-23, 29

Everett Lyon claimed 27-29C & 23C.

4-14-04 Claimant sold ground to Reid. See memo. Bx

10-13-04 Letter to new owner & evidence of priority. Bx

11-1-04 1:30pm appointment with Robert Reid. Received the ownership change form & warranty deed. Robert Reid might just withdraw this claim and 27-28A because he doesn't feel it belongs on this property but should go on the property to the north, owned by Paul Reid. The best honested.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	~~Sue Clark~~	Robert E Reid				785-2062
Name connector: and _____, or _____, and/or _____		Christy J. Reid				
Current Owner		911 Reid Rd, Firth, ID				83236
Current Owner						
Representing Attorney:						
Phone Number:						

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

11-1-04 Received an ownership change from
warranty deed.

Reviewer: CB

Date: 3/4/04

Priority Date Data Entry FormClaim Number: 27-29B

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____



Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See decree, T3434

Reviewer: CBDate: 3/6/04

Priority DateClaim No.

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☒ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☒ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim. *Decree*
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Point of Diversion and Source Data Entry FormClaim Number: 27-29B

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____



Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? 27-14A-27-28A.

Document how the POD and Source were verified and/or Pump and Motor data:

T3434

_____Transfers Changing POD T3434Reviewer: CBDate: 3/14/04

Point of Diversion

Claim No. _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes (☐) No (☐)

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes (☒) No (☐)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes (☐) No (☐)

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes (☐) No (☐)

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☐) No (☐)

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes (☐) No (☒)

Source**Claim No.** _____

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 4
If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 3
If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

4. Does the parent right have a Source?

Yes (☒) No (☐)

If Yes, go to 5
If No, go to 7

5. Can the claimed Source be verified using the water right file?

Yes (☒) No (☐)

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

6. Is the basis of claim a Posted Notice?

Yes (☐) No (☐)

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

7. Is there evidence that there has been a change in the Source?

Yes (☐) No (☐)

If Yes, go to 8
If No, go to 10

8. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

9. Did the claimant file a transfer?

Yes (☐) No (☐)

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

10. Does the file contain all of the necessary information to verify the Source?

Yes (☐) No (☐)

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

11. Is a Source remark and/or condition required?

Yes (☐) No (☒)

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Purpose of Use Data Entry Form

Claim Number: 27-298B☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

1987 Wapp photography
decree
T3434

Transfers Changing Purpose of Use noReviewer: CBDate: 3/4/04

Purpose of Use

Claim No. _____

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 4
If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 3
If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

4. Does the parent right have a Purpose of Use?

Yes (☒) No (☐)

If Yes, go to 5
If No, go to 6

5. Can the claimed Purpose of Use be verified using the water right file?

Yes (☒) No (☐)

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

6. Is there evidence that there has been a change in the Purpose of Use?

Yes (☐) No (☐)

If Yes, go to 7
If No, go to 11

7. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C04, go to 11
If No, go to 8

8. Does the change include an enlargement of the Purpose of Use?

Yes (☐) No (☐)

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

9. Was an enlargement claim filed?

Yes (☐) No (☐)

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

10. Did the claimant file an enlargement claim?

Yes (☐) No (☐)

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

11. Does the file contain all of the necessary information to verify the Water Use?

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

12. Did the claimant file a transfer?

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

13. Is a Purpose of Use remark and/or condition required?

Yes (☐) No (☒)

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Place Of Use Data Entry Form

Claim Number: 27-29B☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

T 3434, 1987 Napp photography,

Transfers Changing POU 3434Reviewer: CBDate: 3/4/04

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

P21 Rem Gen 27-29B

BF06 Exp Rem.

the following rights are all devoted
through the pool identified above. 27-29B,
27-14A & 27-28A

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.: _____

Reviewer _____ Date _____

T2S, R37E SECTION 9 SESE

<u>Basin</u>	<u>Seq</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority</u>	<u>Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
27	14	A	Decreed	Active	1871-08-01		0.87	BLACKFOOT RIVER	IRRIGATION	LYON, SHAREN (Current); LYON, STEVE (Current)	wrAdjudicationClaim
27	28	A	Decreed	Active	1885-04-01		0.43	BLACKFOOT RIVER	IRRIGATION	LYON, SHAREN (Current); LYON, STEVE (Current)	wrAdjudicationClaim
27	29	B	Decreed	Active	1885-05-01		1.6	BLACKFOOT RIVER	IRRIGATION	LYON, SHAREN (Current); LYON, STEVE (Current)	wrAdjudicationClaim

This s

T2S, R37E, SECTION 9 SESW

<u>Basin</u>	<u>Seque</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
27	21	C	Decreed	Active	1879-04-01	0.28	BLACKFOOT RIVER	IRRIGATION	REID, BILLIE (Current); REID, PAUL (Current)	wrAdjudicationClaim
27	28		Decreed	Active	1885-04-01	2	BLACKFOOT RIVER	IRRIGATION	REID, BILLIE (Current); REID, PAUL (Current)	wrAdjudicationClaim
27	29	C	Decreed	Active	1885-05-01	0.4	BLACKFOOT RIVER	IRRIGATION	LYON, DOROTHY (Current); LYON, EVERETT L (Current)	wrAdjudicationClaim
27	10657		Decreed	Active	1885-06-01	0.48	BLACKFOOT RIVER	IRRIGATION	REID, BILLIE (Current); REID, PAUL (Current)	wrAdjudicationClaim

This legal corresponds to 27-29F on w/e side.

<u>Basin</u>	<u>Seq</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Ta</u>
27	14	A	Decreed	Active	1871-08-01	0.87	BLACKFOOT RIVER	IRRIGATION	LYON, SHAREN (Current); LYON, STEVE (Current)	wrAdjudica
27	28	A	Decreed	Active	1885-04-01	0.43	BLACKFOOT RIVER	IRRIGATION	LYON, SHAREN (Current); LYON, STEVE (Current)	wrAdjudica
27	29	B	Decreed	Active	1885-05-01	1.6	BLACKFOOT RIVER	IRRIGATION	LYON, SHAREN (Current); LYON, STEVE (Current)	wrAdjudica

T2S R37E Sec 9

SWSE (27-29F w/r)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-29F

WATER RIGHT NUMBER: 27-29F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVERETT L LYON 397 N 800 E FIRTH, ID 83236 (208)785-0654
Current Owner	DOROTHY LYON 397 N 800 E FIRTH, ID 83236 (208)785-0654
Original Owner	LEON MISSLEN
Current Owner	, ID STEVE LYON ✓ 397 N 800 E FIRTH, ID 83236 (208)785-4529

Priority Date: 05/01/1885 ✓

Basis: Decreed

Status: Active

Source

BLACKFOOT RIVER ✓

Tributary

SNAKE RIVER ✓

Beneficial Use

IRRIGATION ✓

From To

4/01 to 11/01 ✓

Diversion Rate

2.000 CFS ✓

Annual VolumeTotal Diversion:

2.000 CFS

Location of Point(s) of Diversion

BLACKFOOT RIVER ✓

BINGHAM County

NW1/4NW1/4SW1/4 ✓

Sec. 11, Twp 02S, Rge 37E, B.M. ✓

BLACKFOOT RIVER

BINGHAM County

SE1/4SW1/4SW1/4

Sec. 9, Twp 02S, Rge 37E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	37E	9												20.0			40.0	40.0	100.0
																	✓	✓	

Total Acres: 100

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-29F

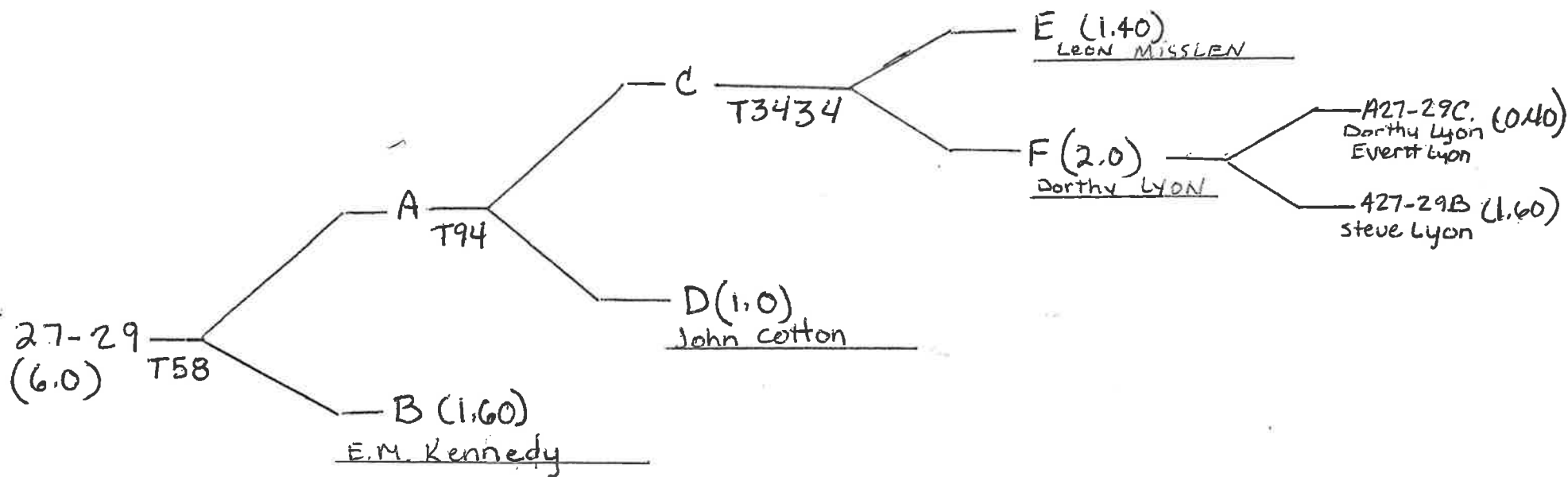
1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R25 This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. T05 The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

Remarks:

1. General TRANS. 3434.

Comments:

3/4/04cb



prepared by: CMB

1-12-1912

This Indenture, made the twelfth day of January
 in the year of our Lord one thousand nine hundred and twelve between
Leon Misslin and Jennie L. Misslin husband and wife
 the part of the first part, and
James Just
 the party of the second part.

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of
Two hundred (\$200.00) 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 by these presents devise, release and forever quitclaim unto the said part of the second part, and to
his heirs and assigns all the certain lot, piece, or parcel of
 land situated in the County of Bingham, and State of Idaho, and bounded and particularly described as follows, to-wit:

The Southeast quarter of Section 23, the northeast quarter of section 26, Lots one and
 two of section 25, and the Southwest quarter and Lot 2 of Section 24, all in township two
 South of range 36 East of the Boise Meridian, together with one hundred inches of the
 decreed waters of the Blackfoot River as shown by the Decree filed Aug 1st 1891 in
 the case of Fred S Stevens et al Vs Eastern Idaho water Co et al Said water being a
 part of the Leon Misslin 1885 appropriation of 300 inches.

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.

Do Give and to Hold, All and singular, the said premises, together with the appurtenances unto the said part of the second
 part, and to his heirs and assigns forever.

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.

Signed, Sealed and Delivered in the Presence of

V R Pugmire

Isabel Misslin

Leon Misslin (SEAL)

Jennie L. Misslin (SEAL)

(SEAL)

(SEAL)

State of Idaho

SS

County of

I do hereby certify that; On this 12th day of January in the year of 1912 before
 me in and for said County and State
 personally appeared Leon Misslin personally 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 12th day of January in the year 1912 before me
 in and for said County and State personally
 appeared Jennie L. Misslin personally 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 Leon Misslin and acknowledged to me that she executed the same.

IN Witness whereof I have hereunto set my hand and affixed my official seal at
 the day and year first above written.
 My commission expires the 1st day of January, 1912.

J H McDonald Notary Public

DEC 12 1989

Seal

Recorded at request of James Just, Jan 15, 1912, at 9:15 A M

T Carruth

Recorder.

Recorder's Copy

By Jessie Boyd

Deputy Recorder.

5.11.5

QUITCLAIM DEED

THIS INDENTURE made this 7th day of April, 1950, between JAMES JUST and CRILLIA JUST, husband and wife, of Firth, Bingham County, State of Idaho, parties of the first part, and GEORGE WILLIAM JUST of El Cajon County of San Diego, State of California, and VERA EUDORA CHRISTENSEN of Tremonton, County of Boxelder, State of Utah, parties of the second part.

4-7-1950

WITNESSETH, that the said parties of the first part, for and in consideration of love and affection and as a gift to said parties of the second part, and by these presents said parties of the first part, do give and convey unto the said parties of the second part, the following described irrigation water used through what is known as the N. A. and Emma Just Ditch in Bingham County, Idaho, the following described water, to-wit:

One Hundred (100) inches of the decreed waters of the Blackfoot River as shown by the Decree filed August 1st, 1891, in the case of Fred S. Stevens, et al, vs. Eastern Idaho Water Company, et al, said water being a part of the Leon Misslin 1885 appropriation of 300 inches.

TO HAVE AND TO HOLD the above described water 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 water in the quiet and peaceable possession of the said parties of the second part, 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 seals the day and year in this instrument above written.

James Just (Seal)
Crillia Just (Seal)

MICROFILMED

DEC 12 1989

8.9

STATE OF IDAHO,)
County of Bingham.) ss.

On this 7th day of April, 1950, before me, Earl W. Cory,
a Notary Public commissioned in and for the State of Idaho, personally
appeared James Just and Crillia Just, husband and wife, known to me to
be the persons whose names are subscribed to the within and foregoing
Quitclaim Deed 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



Earl W. Cory
Notary Public for State of Idaho;
Residing at Blackfoot, Idaho

MICROFILMED
DEC 12 1989

1012

73

Warranty Deed
(IDAHO)

7-18-1967

KNOW ALL MEN BY THESE PRESENTS, That **WILLIAM JUST a/k/a GEORGE WILLIAM JUST**,
dealing with his separate property,

and **LOUISE B. JUST**
LOUISE JUST a/k/a /, his wife,

~~Part~~
of the County of ~~KINGMAN~~ San Diego, State of ~~KASHO~~ California,
parties of the first part, for and in consideration of the sum of **THIRTEEN THOUSAND ONE HUNDRED**
TWENTY-FIVE & NO/100 - - - - - Dollars (\$ 13,125.00),

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by **EVERETT LYON** and **DOROTHY LYON**

~~of the County of Bingham~~
of ~~XXXXXX Bingham County~~ **Firth**, Bingham County, Idaho
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second
party, all of the following-described property situate, lying and being in the County of **Bingham**
State of Idaho, to wit:

A portion of the **S $\frac{1}{2}$ SE $\frac{1}{4}$** of Section 9, T. 2 S., R. 37 E.B.M.
described as:

Beginning at the NE corner of the **SE $\frac{1}{4}$ SE $\frac{1}{4}$** of said Section 9
and running thence S. 80 rods to the SE corner of said
Section; thence W. along the S. line of said Section 102
rods, thence N. 80 rods; thence E. 102 rods to the point
of beginning.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to
rights to the waters of the Blackfoot River consisting of **40 miners**
inches diverted from said river by ditches, *

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals, and power and transmission lines.

* NOTE: DOCUMENT
DONE IN California
where 1 cfs = 40 miners
inches
should read 50 for Idaho



MICROFILMED
Idaho (Rev. 1-5-82)
DEC 12 1989

10.6.5

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves
and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 18th day of July, 1967

William Just a/k/a George William Just [SEAL]
William Just a/k/a George William Just (Husband)
dealing with his separate property
Louise Just a/k/a Louise B. Just [SEAL]
Louise Just a/k/a Louise B. Just (Wife)

ACKNOWLEDGMENT

STATE OF ~~SPAIN~~ California
COUNTY OF ~~BONAVILLE~~ San Diego

On this 18th day of July, 1967, before me, a Notary Public in and for said County and State, personally appeared WILLIAM JUST a/k/a GEORGE WILLIAM JUST, dealing with his separate property, and LOUISE JUST a/k/a LOUISE B. JUST, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

[SEAL]
OFFICIAL SEAL
JAMES R. CURTO
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY

James R. Curto
Notary Public in and for the State of ~~Idaho~~ CALIF
Residing at ~~712 S. 1st St.~~ 712 S. 1st St., San Diego, CA 92101
My commission expires: ~~Mar. 24, 1970~~ Mar. 24, 1970

Recorded in _____
County, ~~San Diego~~, on _____
in Book _____
at Page _____

MICROFILMED

DEC 12 1969

GPO 800-408

San Diego Time & Town

OFFICIAL RECORDS SECTION
FEE \$2.00 DEPUTY
RECORDED AT REQUEST OF

67 AUG 1 PM 4 46

NO
BUREAU OF RECORDS
GRACE WILLIAMS RECORDED

12213

200

1232

USDA - FHA
Form FHA 427-11 Idaho
(1-5-62)
~~XXXXXXXXXXXX~~
(Community)

Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

Verna J. Christensen, a/k/a Verna Christensen, and Wallace C. Christensen,
a/k/a Wallace Christensen, and her husband,
of Tremonton, Box Elder, State of Utah

12-15-1969

parties of the first part, for and in consideration of the sum of Eleven Thousand Two Hundred
Seventy-seven and 75/100 - - - - - Dollars (\$ 11,277.75),
in lawful money of the United States of America, and other valuable consideration, to them
in hand paid by **Everett L. Lyon** and **Dorothy Lyon**,

his wife, parties of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the

parties of the second part, ~~and as tenants in common and makes a community property estate, but not~~
~~joint tenants with right of survivorship, their heirs, and the heirs and assigns of the survivor, and of their~~
and to the heirs and assigns of the second party, all of the
following-described real property situate, lying and being in the County of Bingham, State of Idaho, to wit:

A portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 2 S., R. 37 E. B. M.,
Bingham County, Idaho, described as

Commencing at a point 102 rods W. of the SE corner of said Section 9,
and running thence W. along the S. line of said Section 9, 146 rods,
thence N. 40 rods, thence due E. 88 rods to the center line of said
Section 9, thence due N. along said center line 40 rods, thence due
E. 58 rods, thence due S. 80 rods to the place of beginning.

Together with all water and water rights, ditches and ditch rights, ~~unexpunged~~
used thereon or appurtenant thereto, including but not limited to ~~water~~ ~~rights~~
rights to the waters of the Blackfoot River consisting of 50 miners
inches diverted from said river by ditches.

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals, and power and transmission lines.

RECORDED
DEC 12 1969

10.11

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the parties of the second part, ~~as tenants in common, and to their heirs and assigns forever, and to the heirs and assigns of second party forever.~~ as community property and to the heirs and assigns of second party forever.

The parties of the first part, for themselves

and for their heirs, executors and administrators, do hereby covenant to and with the parties of the second part, ~~that they shall have and hold the premises unto them, their heirs and assigns forever, and to the heirs and assigns of the second party,~~ and the heirs and assigns of the second party,

that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 15th day of December, 1969

WITNESSES:

Edward R. Gilling

Verna J. Christensen [SEAL] Verna J. Christensen, a/k/a Verna Christensen (wife)
Wallace C. Christensen [SEAL] Wallace C. Christensen, a/k/a Wallace Christensen (husband)

ACKNOWLEDGMENT

STATE OF *Utah*

COUNTY OF *Box Elder*

On this 15th day of December, 1969, before me, a Notary Public in

and for said County and State, personally appeared Verna J. Christensen, a/k/a Verna Christensen, and Wallace C. Christensen, a/k/a Wallace Christensen, ~~and her husband,~~ to me known to be the identical indi-

vidual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Edward R. Gilling
Notary Public in and for the State of *Utah*
Residing at *Portland, Utah*
My commission expires: *4-15-1970*

RECORDED

DEC 12 1969

Recorded in _____
County, Idaho, on _____
in Book _____
at Page _____

(Continued on Page 2)

OFFICIAL RECORD DEPT.
RECORDED AT REQUEST
ANIMAL TITLE & TRUST C

69 Dec 17 P. 2

NO. 151231
BIRNEY COUNTY, IDAHO
STATE OF IDAHO, HONORABLE

GPO 817085

#7.

The North-east quarter of the South-east quarter and the South-east quarter of the North-east quarter of section No. 4, in Township No. 5, South of Range 36 East of Boise Meridian; and also of lot 2 and south $\frac{1}{2}$ of South-west $\frac{1}{4}$ of Section 25 and lots 1, 2, 3, and 4, and north $\frac{1}{2}$ of N. W. $\frac{1}{4}$ and South-west $\frac{1}{4}$ of North-west $\frac{1}{4}$ of section 35, and the North-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of Section 34, Township 2 South of Range 36 East of Boise Meridian; and also lots 5 and 6, and North-west $\frac{1}{4}$ of South-west $\frac{1}{4}$ of Section 3 and South-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of Section 4 in Township 3 South of Range 36 East of Boise Meridian; said lands in all being in area, seven hundred and seventy three and 65/100 acres.

Leon Mislen:

That the defendant Leon Mislen is now and has been continuously since the year 1873 the owner and in the possession of and entitled to the possession the following described lands, to-wit:

The Lot numbered (1) one of section 34, in township 2 south and the lots numbered 1, 2, and 4, of section 3 in Township 3 South of Range 36 East of Boise Meridian, containing one hundred and sixty-five & 64/100 acres: Also the south-east quarter of section 23, and the North-east quarter of Section 26, and lots 1 and 2 of section 25, and Lot 2 of section 24 in Township 2 South of Range 36 East of Boise Meridian, and containing 614 17/100 acres: Also lot 1 in section 4 and lot 3 and the South-west quarter of the north-west quarter of section 3, in Township 3 South of Range 36 East of Boise Meridian, and containing 160 acres, more or less; Also the south-west quarter of south-east quarter of section 34 in Township No. 2 South of Range No. 36 East of Boise Meridian, and containing 40 acres; all of said land being situate in Bingham County, Idaho.

John Mislen:

That the defendant John Mislen is and was at all the times hereinafter mentioned a citizen of the United States; that in the year 1873 said defendant was and since has been, and now is, the owner and in the possession of and entitled to the possession of the following described lands:

File 27-C 27-016
27-029

STATE OF IDAHO

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 94, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted JOHN COTTON, of Blackfoot, County of Bingham, State of Idaho, to transfer the use of Fifty (50) inches of the waters of Blackfoot river, in Bingham County, State of Idaho, from the place at which it is now used, i. e., Southeast quarter (SE4) Section 23, the Southwest quarter (SW4) and Lots One (1) and Two (2) of Section 24, Lots One (1) and Two (2) of Section 25, Northeast quarter (NE4) Section 26, Township 2 South, Range 36, East of Boise Meridian, also, the Southeast quarter of Northwest quarter (SE4 NW4), the East half of Southwest quarter (E2 SW4), the West half of Southeast quarter (W2 SE4) and Lot One (1) of Section 24, Township 2 South, Range 36 East of Boise Meridian, to the following described tract: Beginning at the southwest corner of Section 18, Township 3 South, Range 35 East of Boise Meridian, thence running north 16 chains, thence East 5 chains, thence North 42° East 12.86 chains, thence North 16° East 28 chains, thence South 52° East 6 chains, thence North 52 1/4° East 4.54 chains, thence East 7.30 chains, to the west bank of the Blackfoot river, thence following the meanderings of the west bank of the Blackfoot river as follows: South 37° East 5.72 chains, thence South 34 1/2° West 6.66 chains, thence South 55 1/2° West 5.10 chains, thence South 24 1/4° West 4.34 chains, thence South 15 3/4° East 5.54 chains, thence South 61 1/4° West 6.10 chains, thence South 19 3/4° West 4.54 chains, thence South 34 1/2° West 5.19 chains, thence West 5.93 chains, South 56° West 11 chains, thence South 22 3/4° West 2.46 chains, thence South 3° 5' East 7.90 chains, thence West 11.91 chains, to the point of beginning, containing 93.87 acres, also, several acres of riparian land.

The water appurtenant to the above described land was adjudged by decree, dated August 1891, of Charles Cabb, Judge of the Fifth Judicial District of the State of Idaho, in and for Bingham County, in the matter of Fred S. Stevens, et al, plaintiffs, vs. Eastern Idaho Water Company, Defendant,

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-seventh day of June, A.D. 1912.

(SEAL)

A. E. Robinson.
State Engineer.

STATE OF IDAHO

-----OFFICE OF STATE ENGINEER-----

DECEMBER 1910, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted E. M. KENNEDY, of Blackfoot, County of Blaine, State of Idaho, to transfer the use of Two Hundred (200) cusecs of the waters of BLACKFOOT RIVER, Blaine County, Idaho, from the lands upon which it is now used, i.e., East half of East west quarter (2 SW4), Southeast quarter of Northwest quarter (SE4 NW4) and Northwest quarter of Southeast quarter (NW4 SE4) Section Thirty-four (34), Township Two (2) South, Range Thirty-six (36) East of Boise Meridian, to the following described tract, to-wit: Southwest quarter of Southwest quarter (4 SW4) Section 3, South half of Southeast quarter (SE 2 SW4), Section Four (4), and Eighty (8) acres beginning at the southwest corner of Section Three (3), thence west 8 rods, thence south 1860 feet of Blackfoot river, thence along said river 850 feet to C.S.L. right-of-way, thence along said right-of-way to south line of Section Three (3), Township Two (2) South Range Thirty-five (35) East of Boise Meridian, thence west along said section line about 60 rods to place of beginning.

The water right appurtenant to the above described lands was adjudged by decree, dated August 1st, 1891, of Charles Cobb, Judge of Fifth Judicial District of the State of Idaho in and for Blaine County, in the matter of F. S. Stephens, plaintiff, vs. Eastern Idaho Company a corporation, defendant.

in the following words:

"It is now ordered, adjudged and decreed,

that the following parties are entitled to divert from Blackfoot river, the amount of water herein indicated.....

John Kisslen, July 1st A. D. 1874, 120 inches

Leon Kisslen, July 1st A. D. 1885, 300 inches.

120 inches of above water right was purchased from John Kisslen and 80 inches from Leon Kisslen, by E. M. Kennedy.

I, WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-first day of October, A. D. 1910.

(SEAL)

D. G. Martin
State Engineer.

MICROFILMED

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

Fred A. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

270 Transfers
Noted

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

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

Fred S. Stevens	July 6, A. D. 1869	138 inches
Henry Dunn	July 1, A. D. 1870	300 inches
H. A. Just and) Emma Just)	August 1, A. D. 1871	300 inches
Leon Misslen	July 1st, A. D. 1873	300 inches
John Misslen	July 1st, A. D. 1874	120 inches
H. R. Lewis	March 1st, A. D. 1875	100 inches
Presto Burrell	March 1st, A. D. 1876	100 inches
William Kirkpatrick	May 1st, A. D. 1878	100 inches
F. A. Shoemaker	April 1st, A. D. 1879	90 inches
Eastern Idaho Water Co.	March 25, A. D. 1880	1800 inches
P. B. Fox Jr.) William Howard) A. Whitten)		

27-0023	Susan E. Whitten) & Calvin Mills)	March 25, A. D. 1880	600 Inches
27-0001	Levi Warren	April 1, A. D. 1882	50 Inches
27-0025	Emily Warren	April 1, A. D. 1883	106 Inches
27-0026	Daniel Y. Miller	April 1, A. D. 1883	100 Inches
27-0027	Fred S. Stevens	October 1, A. D. 1884	140 Inches
27-0028	M. A. Just) & Emma Just)	April 1st, A. D. 1885	100 Inches
27-0029	Leon Misslen	May 1st, A. D. 1885	300 Inches
27-0033	Robert Millen	May 1st, A. D. 1885	150 Inches
27-0004	P. B. Fox Jr.) William Howard) A. Whitten) Susan Whitten) Calvin Mills)	June 1st, A. D. 1885	1500 Inches
27-0032	W. W. Riter	July 3rd, A. D. 1885	560 Inches
27-0033	Thomas G. Weber	July 23, A. D. 1885	480 Inches
27-0002	James Drew	Oct. 1st, 1885 A. D.	6 Inches
27-0035	Eastern Idaho Water Co.	October 1st, A. D. 1885	1000 Inches
27-0036	H. R. Lewis) & Sarah Lewis)	March 1, A. D. 1886	160 Inches
27-0037	James Welch	March 20th, A. D. 1886	400 Inches
27-0038	William E. Danilson	April 5th A. D. 1886	352 Inches
27-0039	David S. Morgan	April 5th, A. D. 1886	132 Inches
27-0040	William Morgan	April 5th, A. D. 1886	100 Inches
27-0041	William A. Downing	April 5th, A. D. 1886	120 Inches
27-0042	F. Little	October 4th A. D. 1886	240 Inches
		October 4th A. D. 1886	240 Inches

40" Lx
25" Wx
by 11x11"

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TRANSFER REVIEW OF TRANSFER NO. 3434

DATE: 8-15-88

=====

CONDITIONS OF APPROVAL

A lockable device subject to the approval of the Department shall be maintained on both diverting works in a manner that will provide the watermaster suitable control of the diversion.

<<R04>> Use of water under this license is subject to control by the watermaster of State Water District No. 27, BLACKFOOT RIVER.

<<R25>> This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

MICROFILMED
DEC 12 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 27-0029

Notice is hereby given that Everett L. or Dorothy or Steve Lyon, Firth, Idaho, have applied to the Department of Water Resources for a change in the point of diversion and place of use of water from Blackfoot River tributary to Snake River. The right sought to be changed is evidenced by Decree No. 27-0029A Decreed to Leon Misslen in case of Fred S. Stevens vs. Eastern Idaho Water Water Co. dated August 1, 1891 in Fifth Judicial District county of Bingham and is recorded as follows:

AMOUNT: 4.40 cfs PRIORITY: May 1, 1885

POINT OF DIVERSION: not specified in decree;

The water is used for irrigation within the SE1/4, Sec. 23, Lot 2 (W1/2SE1/4), Sec. 24, Lot 1 (N1/2NW1/4), Lot 2 (SW1/4NW1/4), Sec. 25, NE1/4, Sec. 26, SW1/4SE1/4, Lot 1 (SE1/4SE1/4), Sec. 34, T. 2S, R. 36E, Lot 1 (N1/2NE1/4), Lot 4 (SW1/4NE1/4), Lot 2 (NE1/4NW1/4), Lot 3 (NW1/4NW1/4), SW1/4NW1/4, Lot 4 (SE1/4NW1/4), Sec. 3, Lot 1 (NE1/4NE1/4), Sec. 4, T. 3S, R. 36E., B.M., Bingham County.

TO BE CHANGED AS FOLLOWS:

Only 2.0 cfs of the water will be diverted within the SE1/4SW1/4SW1/4, Sec. 9, NW1/4NW1/4SW1/4, Sec. 11, T. 2S, R. 37E, B.M., Bingham County; and used to irrigate 100 acres within the SE1/4SW1/4, S1/2SE1/4, Sec. 9, T. 2S, R. 37E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before June 20, 1988.

R. Keith Higginson

Director

Published June 2 & 9, 1988

DEC 12 1988

MICROFILMED

STATE OF IDAHO,

County of Bingham

ss.

Peter G. Johnston

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

S 1/2 S E 1/4 sec 24, Twp 20, 36 E, R. 1 M.

as evidenced by the decree dated the first

day of

May - 1885

in the cause entitled

F.S. Stephens

Plaintiff,

vs.

Eastern Idaho Irrigation Company

Defendant, brought

in the district court of the

fifth

Judicial District of the State of Idaho, or

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. *4410* a decree by the 5th Judicial Court

given May 1st, 1885
That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

NE 1/4 NE 1/4 Sec. 14, T. 3 S. R. 35 E. R. 1 N.

That such change will be made for the following reasons, to-wit: *That he has purchased the right to use said water from E.M. Kennedy, Grantee of Leon Misalen and desires to use the water upon other lands than those to which it was originally made appurtenant.*

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Peter G. Johnston

Subscribed and sworn to before me this

21st

day of

May, 1912

My commission expires

Mar 10, 1914

(over.)

James D. Skoworth

Notary Public.

MICROFILMED

STATE ENGINEER'S OFFICE

REGULATIONS AS TO CHANGE OF
POINT OF DIVERSION

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section.

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160-acre tract of the lands to be irrigated.
 - (f) Lands to be irrigated to be shown by crosshatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Points or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me 191..... and correctly shows position of points indicated thereon.

Engineer.

P. O.

Date 191.....
(over.)

Change Pt. Div.
Peter G. Johnston

Received and filed for record
of the State Engineer at Reno,
May 29 1912

Application for Transfer of Water Right.

State of Idaho, }
County of Bingham } ss.

John Cotton, being first duly sworn, deposes and says:

That his name is John Cotton; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Blackfoot, Idaho

That he is the owner and using a certain water right of 50 inches of the waters of Blackfoot River

County of Bingham, State of Idaho, decreed to Leon Misslen by decree of Judge Charles Cobb, of the Fifth Judicial District of the State of Idaho, in and for the County of Bingham, in the case of Fred S. Stevens et al. vs. Eastern Idaho Water Company, said decree bearing date of August 1, 1891

(or obtained by virtue of License No. issued by the State Engineer of the State of Idaho, dated), for the purpose of irrigating the following described lands situate, lying and being in the County of Bingham and State of Idaho, to wit:

The Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-three (23); the Southwest Quarter (SW $\frac{1}{4}$) and Lots One and Two (1 & 2) of Section Twenty-four (24); Lots One and Two (1 & 2) Section Twenty-five (25); the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-six (26) all in Township Two (2) South, Range Thirty-six (36) East Boise Meridian; also the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$); the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and Lot One of Section Thirty-four (34) Township Two (2) South, Range Thirty-six (36) East Boise Meridian.

That said waters are now diverted from said stream at SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Tp. 2 South Range 26 EBM.

and conducted to the above described lands through private ditch per accompanying map as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 50 inches

of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Bingham and State of Idaho, to

wit: Beginning at the Southwest corner of Section Eighteen (18) in Township Three (3) South of Range Thirty-five (35) East of Boise Meridian in Idaho; thence running North Fifteen (15) chains; thence East Five (5) chains; thence North 42° East Twelve and 86/100 (12-86/100) chains; thence North 26° East Twenty-eight (28) chains; thence South 52° East Six (6) chains; thence North 55½° East Four and 54/100 (4-54/100) chains; thence East Seven and 56/100 (7-56/100) chains; to the West Bank of the Blackfoot River; thence following the meanderings of the West Bank of the Blackfoot River as follows:- South Thirty-seven degrees (37°) East Five and 72/100 (5 - 72/100) chains; thence South 34½° West Six and 66/100 (6 - 66/100) chains; thence South 55½° West Five and 10/100 (5 - 10/100) chains; thence South 24½° West Four and 34/100 (4-34/100) chains; thence South 15-2-4° East Five and 54/100 (5 - 54/100) chains; thence South 61½° West Six and 10/100 (6-10/100) chains; thence South 19½° West Four and 54/100 (4 - 54/100) chains; thence South, 34½° West Five and 10/100 chains; thence West Five and 93/100 (5-93/100) chains; South 50° West Eleven chains; thence South 22½° West Two and 46/100 (2-46/100) chains; thence South 3° 5' East Seven and 50/100 (7 - 50-100) chains; thence West Eleven and 91/100 (11-91/100) chains to the point of beginning containing 93.67 acres. also several acres of riparian land.

NOT RECORDED

RECORDED
JUN 22 1912
OFFICE OF STATE ENGINEER

containing 25.37 acres. Also several acres of riparian
land between the river and 9100 (11-03-100) chains to the point of
North 30° E, East Seven and 9000 (7 - 20-100) chains, thence
thence South 22½° West Two and 4000 (2-40-100) chains; thence
South 24° West Five and 1000 chains; thence West Five
and 9000 (5-03-100) chains; South 25° West Eleven chains;
South 21½° West Six and 1000 (6-10-100) chains; thence

State of Idaho
County of Bingham } ss.
I, J. W. Egell, Watermaster of Blackfoot River
County of Bingham, State of Idaho, whose postoffice address is
Blackfoot, Ida., have read or heard read the foregoing affidavit and petition of
John Cotton, and, of my own knowledge, believe the same to be
true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be au-
thorized; and I hereby endorse my approval of said petition, and request that the State Engineer
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of
transfer prayed for) for the following reasons: Petition is just
and no one will be injured thereby

J. W. Egell
Watermaster.

Blackfoot Idaho
May 18th 1912
Notice having been duly published for thirty days of the intention of the above named John
Cotton to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in his affidavit and petition herein, and an opportunity
having been given to any and all persons opposing said transfer to present their objections in a public
hearing before me at Blackfoot, on May 18th 1912, according to
the terms of said notice;

And it not appearing at said hearing that any one would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said
applicant, authorizing the transfer as prayed for in his petition; or (and it appearing at said hearing
that the following injuries would be sustained by others if such transfer is permitted)

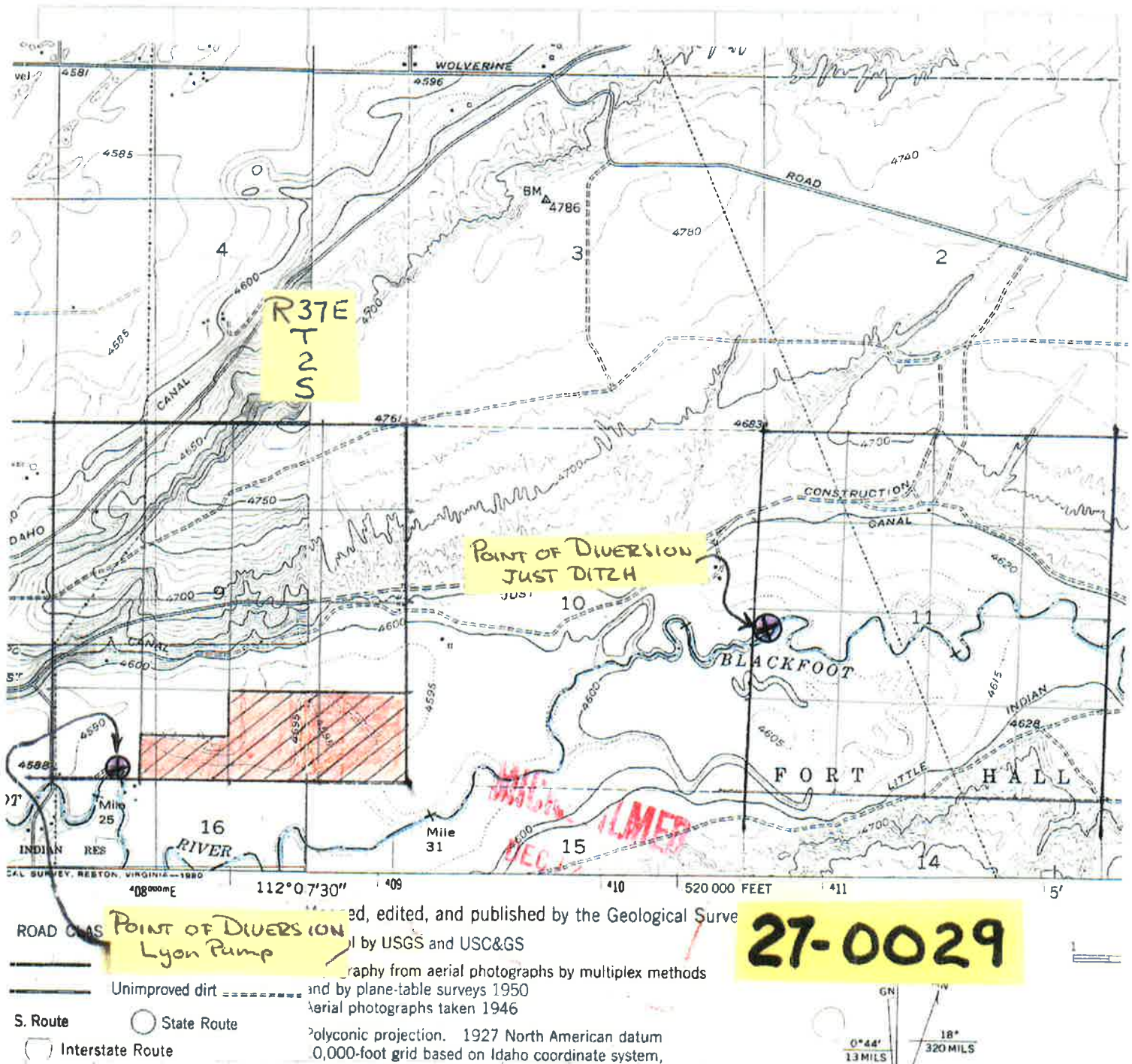
I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer
sought hereinabove.

Chas. H. Campbell
Commissioner of Water Division No. 1

By _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

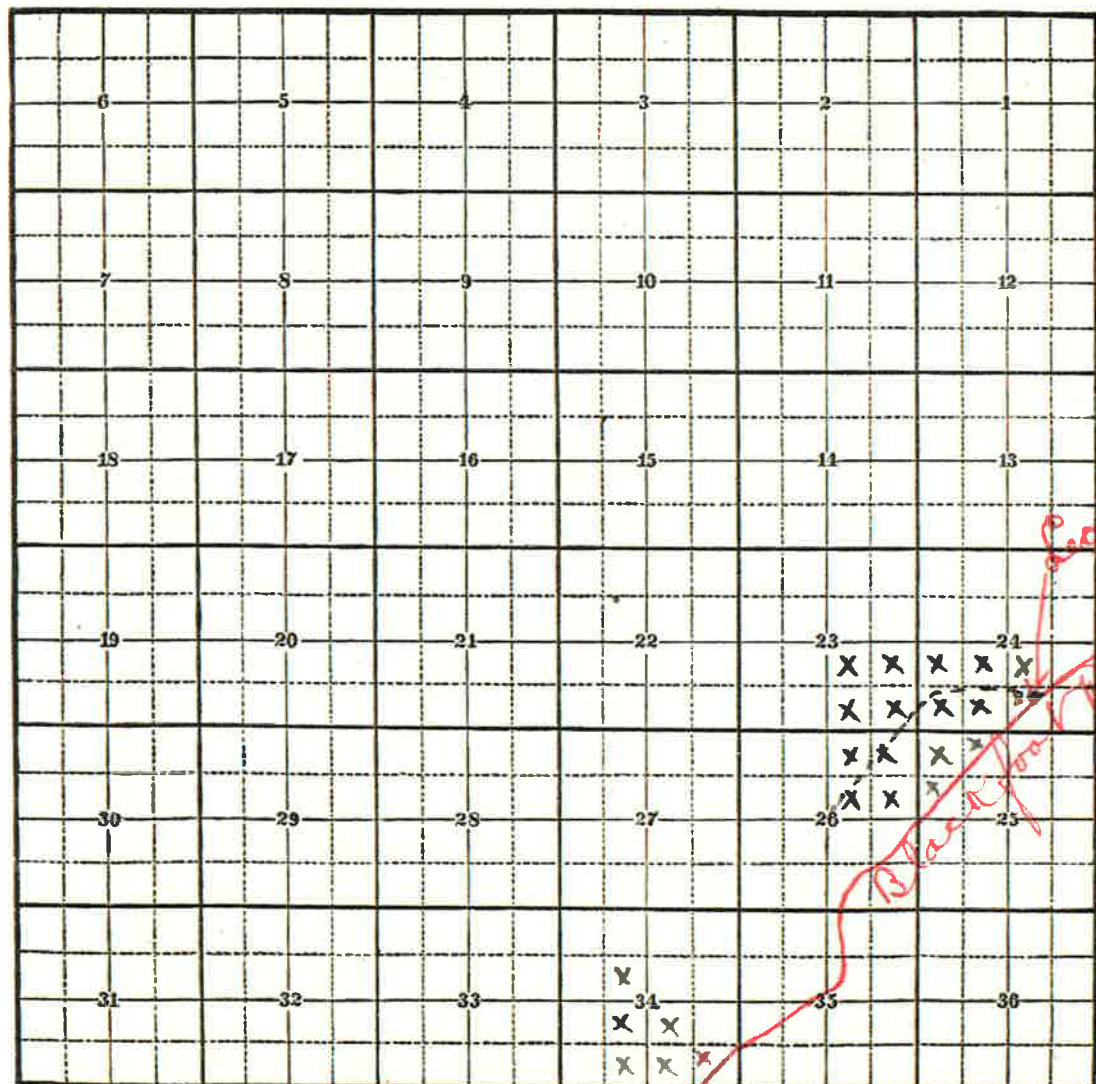
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

[4-590.]

Township No. 2 S. Range No. 3 E. B. M. Mer.



6-311

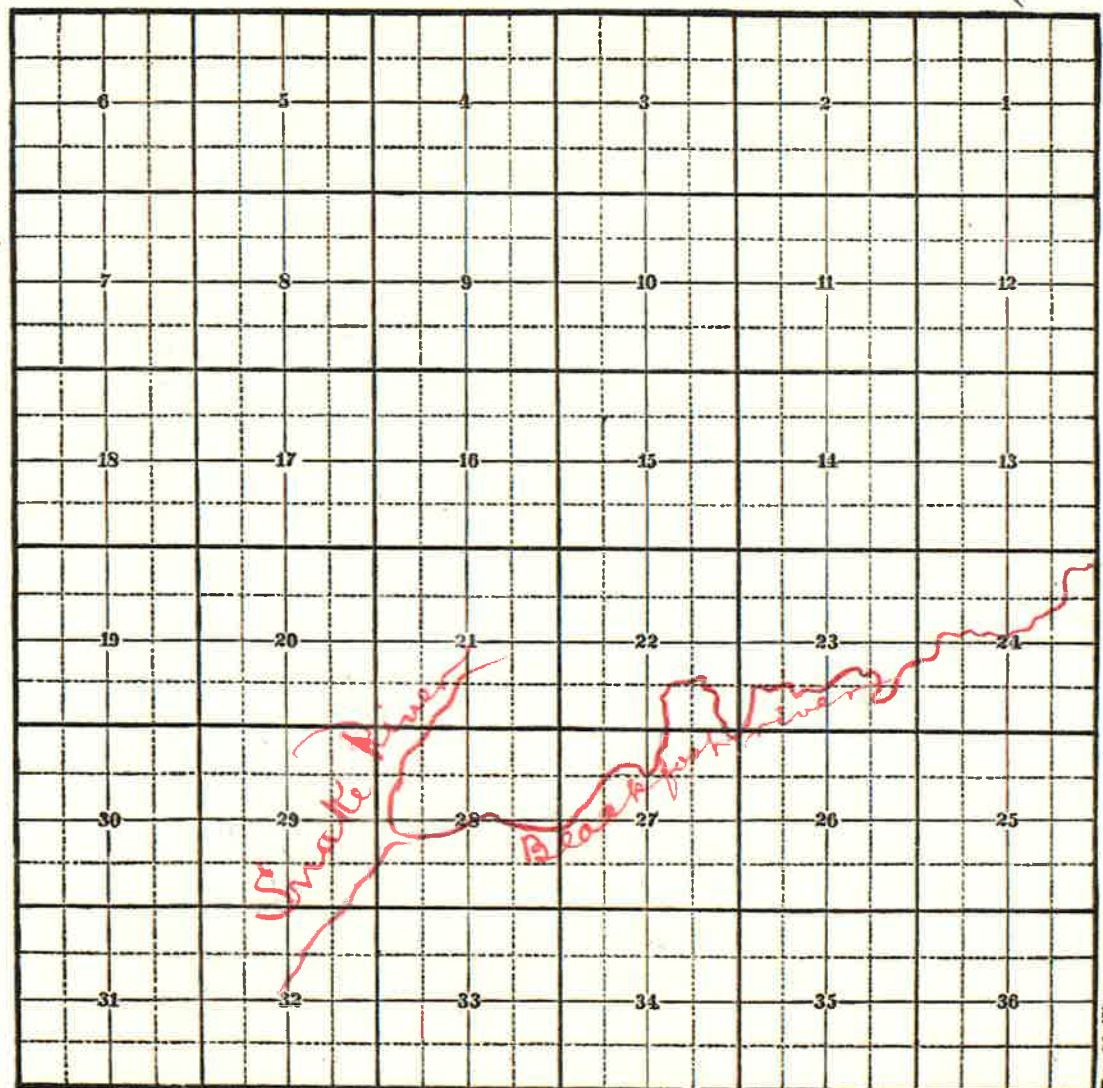
Scale so chains to an inch
20 40 60 80

True Meridian

MICROFILMED

[4—590.]

Township No. 33 S Range No. 34 E 3rd Mer.



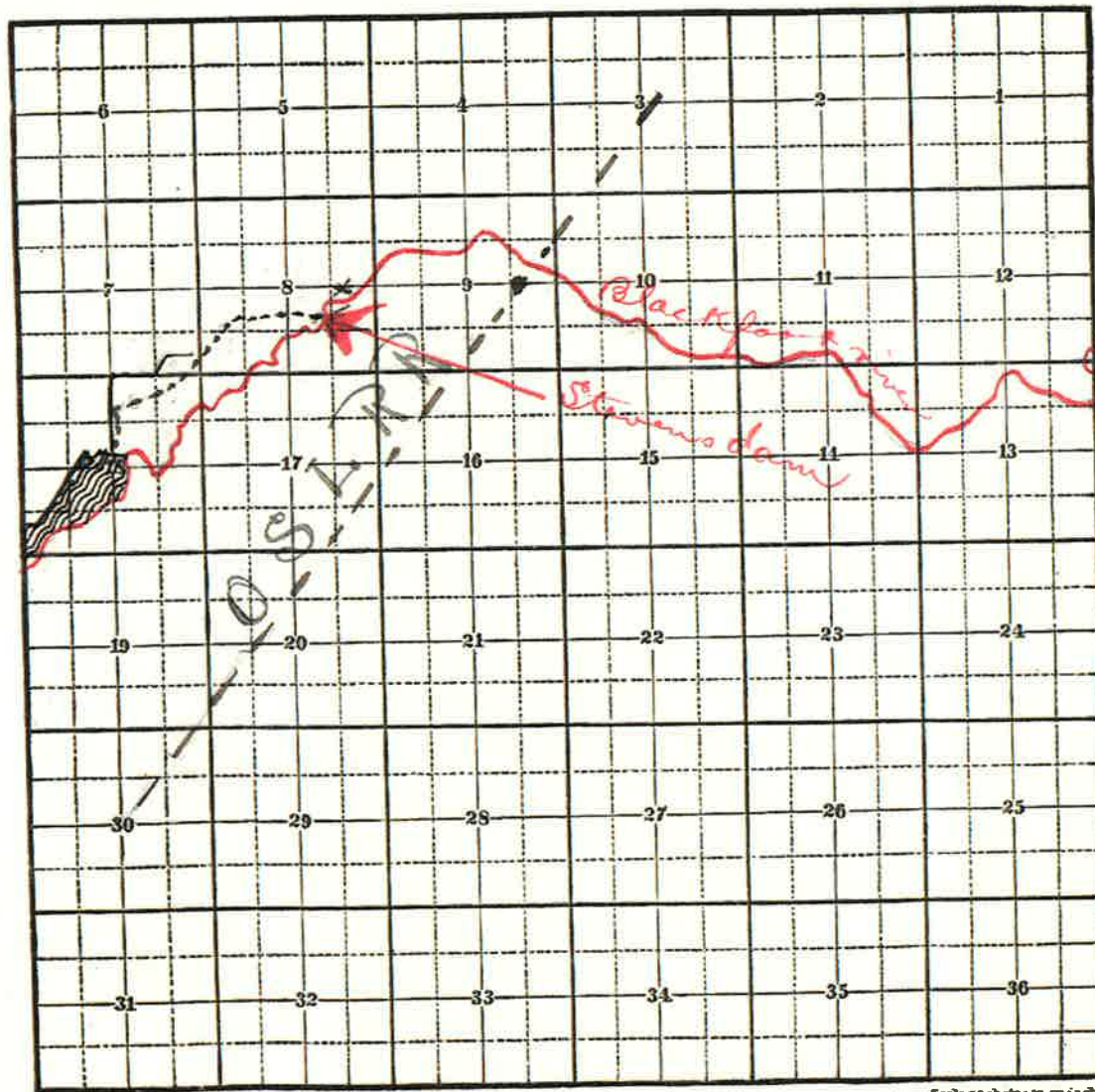
6-311

Scale in chains to any in ch.
10 20 30 40 50

RECORDED

[4-590.]

Township No. 3 S. Range No. 35 E. 1/4 Mer.



6-311

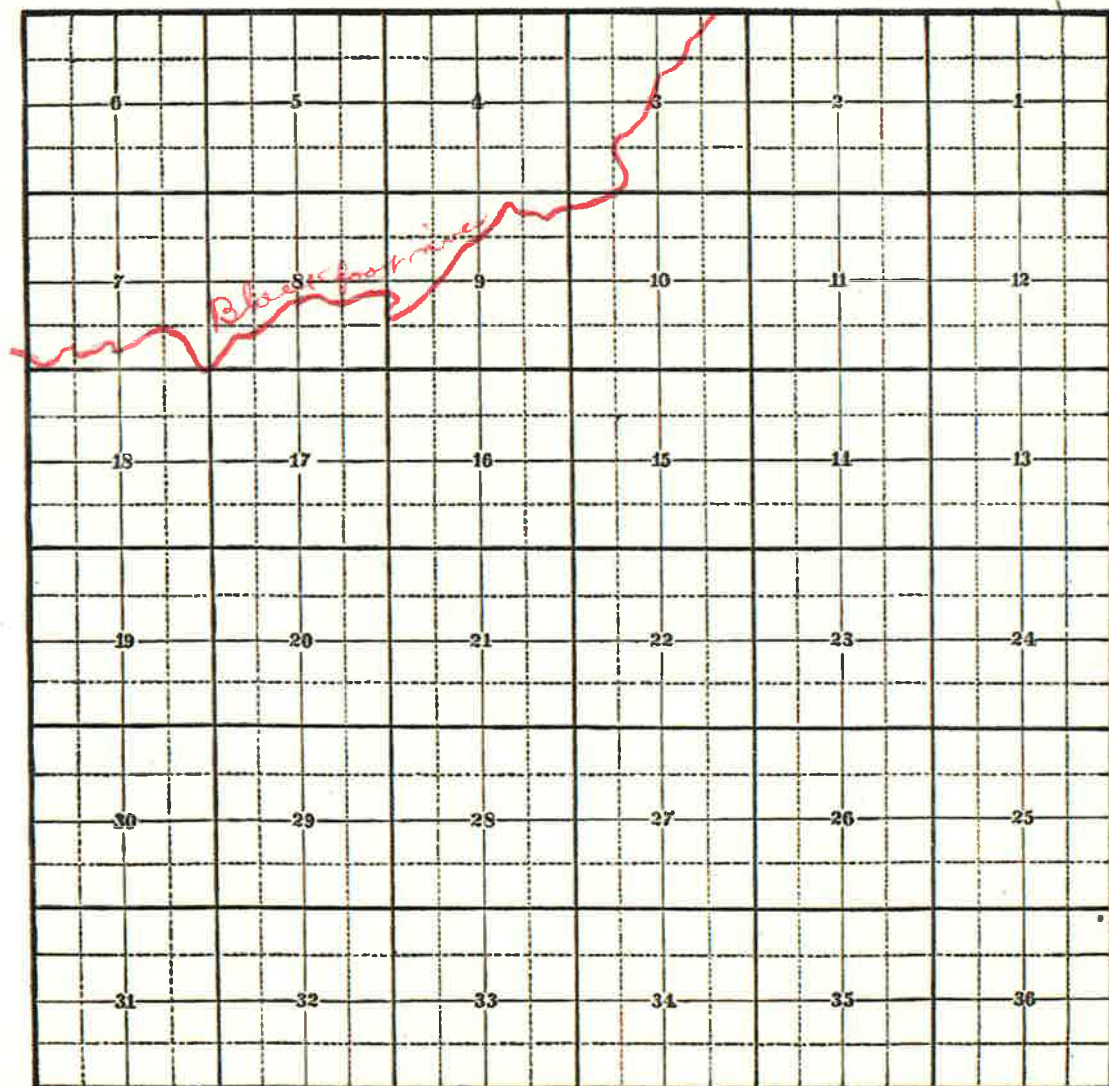
Scale sections to an inch
0 20 40 60 80

RECEIVED

John Cotton's
Land
----- Stevens
Ditch

[4-590.]

Township No. 3 S. Range No. 36 E. 36 Miles.



6-311

Scale so chains to an inch
0 20 40 60

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WATER RIGHT SPLIT SUMMARY

RIGHT NO.	NAME	AMT	TRANSFER NO.
27-0029	Misslen, Leon	Right split into A and B	
27-0029A	Misslen, Leon	Right split into C and D	
27-0029B	Kennedy, E. M.	1.6	58
27-0029C	Misslen, Leon	Right split into E and F	
27-0029D	Cotton, John	1.0	94
27-0029E	Misslen, Leon	1.4	
27-0029F	Lyon, Everett etal	2.00	3434

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DEC 12 1989

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3434

APPLICATION FOR TRANSFER OF WATER RIGHTS

PART 1

APPROVED

Name of applicant EVERETT L. or DOROTHY or STEVE LYONPhone 785-0654Post Office address 397 N 800 E, Firth, Idaho 83236

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes RECORDING HOW WATER HAS BEEN USED SINCE AT LEAST APRIL 1950 WHEN QUITCLAIM DEEDED WATER TO GEORGE WILLIAM JUST.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 27-0029 F Priority 1 May 1885 Amount (cfs/ac-ft) 2.00 cfs Nature of Use Irrigation Period of Use 4/1 to 11/1
2. Total amount of water being transferred 2.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water BLACKFOOT RIVER tributary to SNAKE RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	SW	9	2S	37E	BINGHAM	Lyons Pump ✓
	NW	NW	SW	11	2S	37E	BINGHAM	Just Ditch ✓

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02S	37 E	9											20				40	40	100

Total acres 100

PART 1

6. General Information:

- a. Description of diversion system Headgate of Just Ditch for flood irrigation for the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 9 and Pump directly from Blackfoot River to mainline for sprinkler irrigation system for 20 ac in S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 9, T02S, R37E
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE - This transfer reflects where water has been delivered by the Watermaster of the Blackfoot River since at least April 1950
- d. Remarks:
Transfer reflects Quitclaim Deed made 7 April 1950, and warranty deeds transferring the water between individuals. NOTE: WATER SOLD OFF OF ORIGINAL P/U BY RIGHT HOLDER.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCESThis is to certify that I have examined Application for Transfer of Water Rights No. 27-0029FAnd said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable device subject to the approval of the Department shall be maintained on both diverting works in a manner that will provide the watermaster suitable control of the diversion. 2. Use of water under this right is subject to control by the watermaster of State Water District No. 27, Blackfoot River. 3. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above. 4. The use of water on lands located in Sections 23, 24, 25 & 26, T2S, R36E is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right.

MICROFILMED

DEC 12 1989

day of

September

88

, 19

H. Glen Saxton

Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 27-0029A Decreed to Leon Misslen
 In case of Fred S. Stevens vs. Eastern Idaho Water Co.
 dated 1 August 1891 in Fifth Judicial District county of Bingham
- b. License No. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 58 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☒ Other Quitclaim Deed

3. Source of water Blackfoot River tributary to Snake River

4. Date or priority 1 May 1885

5. Water is used for the following purpose:

amount 4.40 cfs for Irrigation purposes from NOT SPECIFIED to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 4.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: NOT SPECIFIED

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2S	36E	23													A	A	A	A	
		24													A	A	A	A	
		25					A	A	A										
		26	A	A	A	A													
		34															A	A	
SEE ATTACHED PAGE FOR PLACE OF USE.										DEC 12 1988									

Total acres _____

9. Describe any other water rights used for the same purpose as described above 27-0016

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.00 cfs for Irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Just Ditch

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SW	11	2S	36E	Bingham	JUST DITCH

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2S	36E	23													A	A	A	A	
		24									A	A	A	A	L2	A	L2	A	
		25					L1	L1	L2	A									
		26	A	A	A	A													

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.20 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Not Specified

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: No change

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2S	36E	34															A	L1	A
3S	36E	3	L1	L1	L4		L2		A	L4									
		4	L1				L3												

MICROFILMED

DEC 12 1989

Total acres _____

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

MICROFILM

DEC 12 1989

STATE OF IDAHO
OFFICE OF STATE ENGINEER

~~CERTIFICATE NO. 58~~, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted E. M. KENNEDY, of Blackfoot, County of Bingham, State of Idaho, to transfer the use of two hundred (200) inches of the waters of BLACKFOOT RIVER, Bingham County, Idaho, from the lands upon which it is now used, i.e., East half of Southwest Quarter (E2 SW4), Southeast quarter of Northwest quarter (SE4 NW4) and Northwest quarter of Southeast quarter (NW4 SE4) Section thirty-four (34), Township two (2) South, Range thirty-six (36) East of Boise Meridian, to the following described tract, to-wit: Southwest quarter of Southwest quarter (SW4 SW4) Section 3, South half of Southeast quarter (S2 SE4), Section four (4), and Eighty (80) acres beginning at the Southwest corner of Section three (3), thence west 8 rods, thence south 1860 feet of Blackfoot river, thence along said river 860 feet to O.S.L. right-of-way, thence along said right-of-way to south line of Section Three (3), Township Two (2) South, Range Thirty-five (35) East of Boise Meridian, thence west along said section line about 60 rods to place of beginning.

The water right appurtenant to the above described lands was adjudged by decree, dated August 1st, 1891, of Charles Cobb, Judge of Fifth Judicial District of the State of Idaho in and for Bingham County, in the matter of F. S. Stephens, plaintiff, vs. Eastern Idaho Company, a corporation, defendant, in the following words:

"It is now ordered, adjudged and decreed,
That the following parties are entitled
to divert from Blackfoot river, the amount
of water herein indicated
John Misslen, July 1st A.D. 1874, 120 inches.
Leon Misslen, July 1st A.D. 1885, 80 inches."

120 inches of above water rights was purchased from John Misslen and 80 inches from Leon Misslen, by E. M. Kennedy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-first day of October, A. D. 1910.

(SEAL)

D. G. Martin,
State Engineer.

MICROFILMED

DEC 12 1989

E M Kennedy - Blackfoot River 200 inches
Kennedy (John Misslen) 120" 7-1-1874 27-0017
" (Leon Misslen) 80" 7-1-1885 27-0029

Change Land
Transfer
Not In. 5-8

SCANNED

JUL 13 2001

Log for claim 27-00029B

Spatial Dynamics LTD

11/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s37e	9	SWSE	40	40	
02s37e	9	SESE	40	40	
Totals:			80	80	

Stage: DECREED

Audit: 04/21/89 JONES 09/28/94 JTHOMPSO 03/29/95 POST-STD

JUL 13 2001

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: A27-00029B
Date Received: 4/21/1989
Receipt No: E006973
Received By: ALD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVE LYON 208-785-4529
Address: 399 N. 800 E.
FIRTH, ID 83236
OR
Name: SHAREN LYON 208-785-4529
Address: 399 N. 800 E.
FIRTH, ID 83236

A2700029B



2. Date of Priority: MAY 01, 1885

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
02S	37E	11	NW	NW	SW		BINGHAM

5. Description of diverting works:
HEADWORKS OF JUST DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-00029B

Page 1

Date: 04/21/89

MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	37E	9	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
						Total Acres	80.0

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:
A27-00014A AND A27-00028A

14. Remarks:
THIS IS RESULT OF TRANSF. 3434 AND RT WAS LABELED 27-0029F

15. Basis of Claim: DECREED
Water Right Number: 270029
Case Number:
Court :
Decree date: 8/01/1891

FRED STEVENS
Decree Plaintiff

vs

EASTERN IDAHO WATER COMP.
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 x 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): x [Signature] Date: 21 April, 1989
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of April 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires 6-30-94



NOV 12 1992