

04/26/2005

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

RIGHT NUMBER: 27-2039

NAME AND ADDRESS: DAVID W GLENN
448 SENECA RD
GREAT FALLS VA 22066

CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066

SOURCE: SPRING

TRIBUTARY: LITTLE BLACKFOOT RIVER

QUANTITY: 0.450 CFS
72.900 AFY

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.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 11/27/1914

POINT OF DIVERSION:

T06S R42E S10 NWNWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.390 CFS 69.00 AFY
STOCKWATER	01/01 12/31	0.010 CFS 0.20 AFY
DOMESTIC	01/01 12/31	0.030 CFS 1.20 AFY
RECREATION	01/01 12/31	0.020 CFS
RECREATION STORAGE	01/01 12/31	2.50 AFY

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R42E S10 SWSW 19.7

STOCKWATER Within CARIBOU County

T06S R42E S10 SWSW

DOMESTIC Within CARIBOU County

T06S R42E S10 SWSW

RECREATION Within CARIBOU County

T06S R42E S10 SWSW

RECREATION STORAGE Within CARIBOU County

T06S R42E S10 SWSW

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

Water Right 27-2039

04/26/2005

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

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.

Use of water under this water right will be regulated by the watermaster of State Water District No. 27, Blackfoot River.

Domestic use is for 1 home and a store.

EXPLANATORY MATERIAL: License



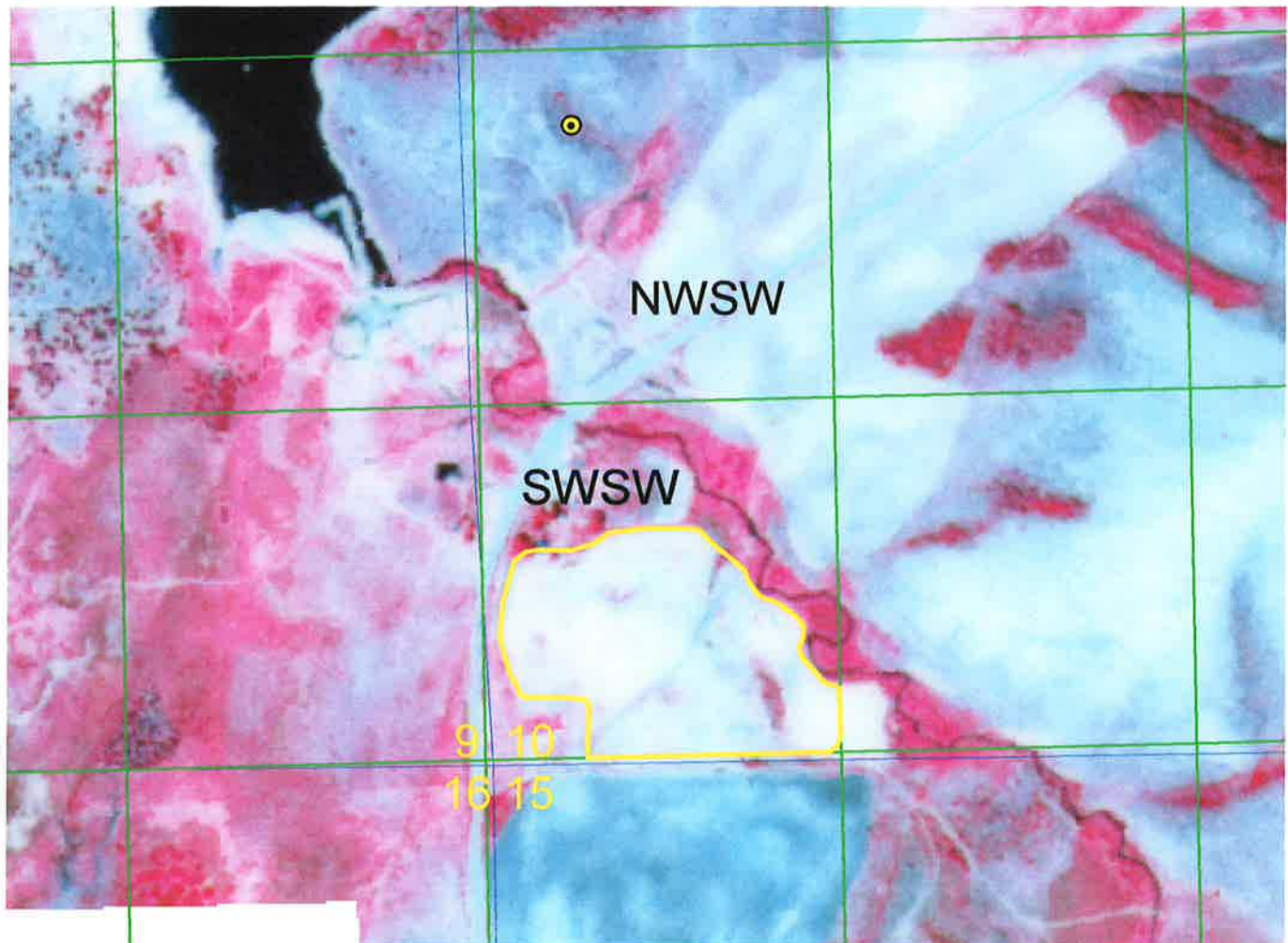
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-2039



1000 0 1000 2000 Feet

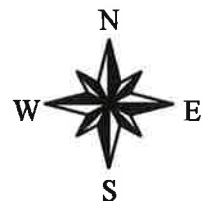
IRRIGATED ACRES 19.7

LEGEND

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

Place of Use: T6S, R42E:
(part of) Sec. 10, SWSW.

Point(s) of Diversion: T6S, R42E:
Sec. 10, NWNWSW.



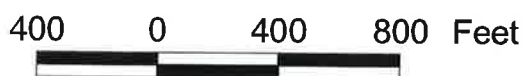
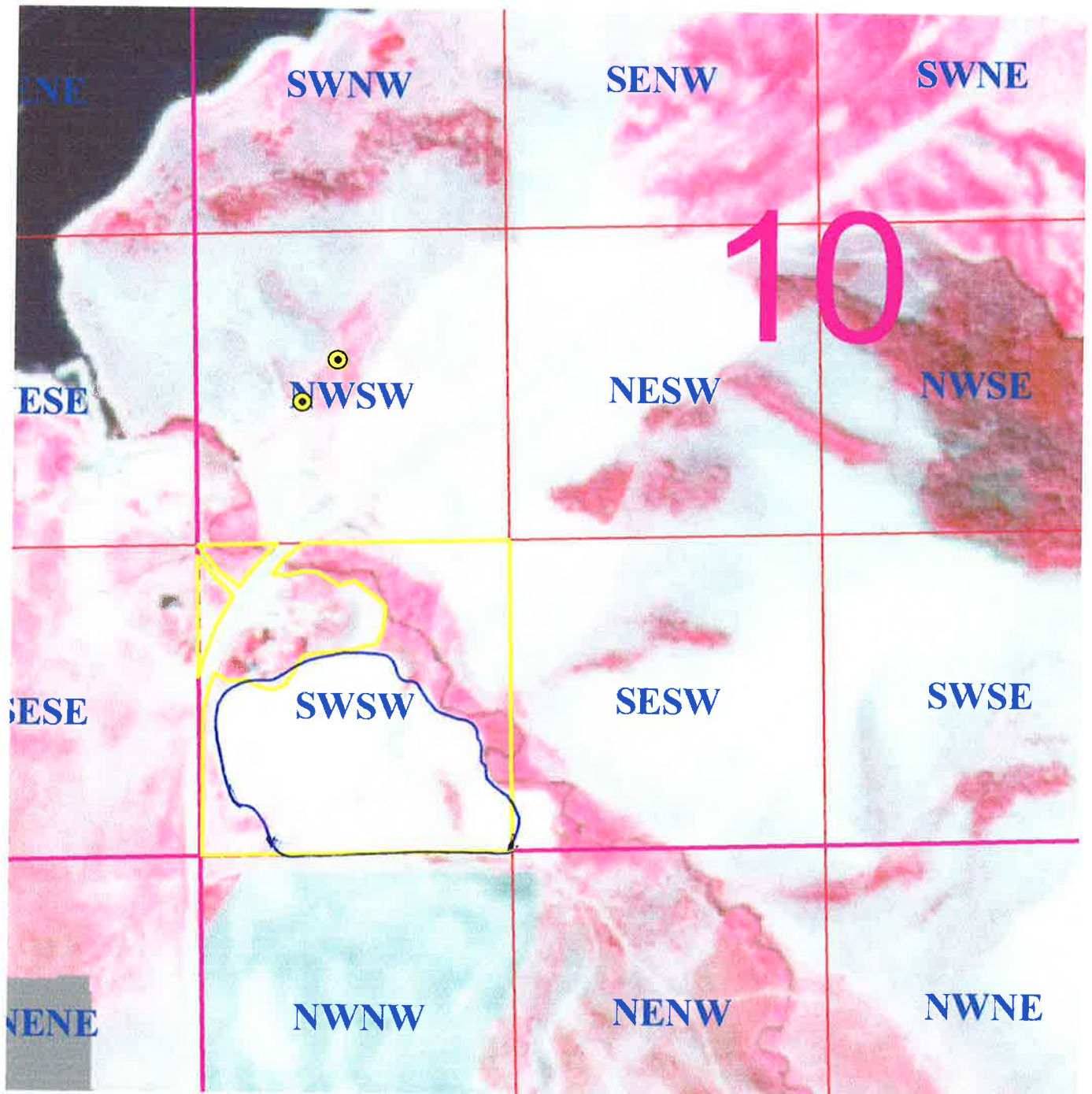
GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: April 2005.

SCANNED
FEB 02 2006

PROFILED

Water Right Claim Number 27-02039
Township , 6S42E

12/01/2000



JUL 16 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 27-2039
Date Received: 2/12/90
Receipt No: E012022
Received By:

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

1. Name of Claimant(s)

DAVID W GLENN Phone: (703) 430-8325

448 SENECA RD
GREAT FALLS VA USA 22066

CHERIE T GLENN Phone: (703) 430-8325

448 SENECA RD
GREAT FALLS VA USA 22066

2. Date of Priority: 11/27/1914

3. Source: CHESTERS SPRING , SPRING Trib. to: LITTLE BLACKFOOT RIVER , LITTLE
BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06S	42E	10	NW	NW	SW	CARIBOU	
06S	42E	10	NW	NW	SW	CARIBOU	

5. Description of diverting works:

COLLECTION BOX MAINLINE TO D/1, C/STORE & STOCK TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.46	
STOCKWATER	1/01	12/31	0.01	
DOMESTIC	1/01	12/31	0.03	

100

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	42E	10	SW	SW	STOCKWATER	
			SW	SW	IRRIGATION	25
			SW	SW	DOMESTIC	
					Section Acres	25
					Total Acres	25

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

SOURCE AKA CHESTERS SPRING SEE ATTACHED REMARKS

15. Basis of Claim: License

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: A27-02039
Date Received: 2/13/1990
Receipt No: E012022
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS J. CHESTER
Address: 217 NORTH 14 TH AVENUE
POCATELLO, ID 83201
208-232-2261
2. Date of Priority: NOV 27, 1914
3. Source: SPRING
CHESTERS SPRING
Trib. to: LITTLE BLACKFOOT RIVER
LITTLE BLACKFOOT RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	42E	10	SW	NW	SW		CARIBOU
5. Description of diverting works:
COLLECTION BOX MAINLINE TO D/1, C/STORE & STOCK TROUGHS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.460		
DOMESTIC	01/01	12/31	0.030		
STOCKWATER	01/01	12/31	0.010		
7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 62.5 Acre Feet Per Annum.
9. Non-irrigation uses:
D/SINGLE DOMESTIC HOME WITHIN STORE, S/40 SHEEP 10 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	42E	10	SW	SW		IRR	25.0
			SW	SW		DOMEST	
			SW	SW		STOCK	

Section Acres 25.0

Total Acres 25.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
27-4000A/4000B/11339

14. Remarks:
SOURCE AKA CHESTERS SPRING
SEE ATTACHED REMARKS

15. Basis of Claim: LICENSE
Water Right Number: 10843

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

NOV 12 1952
MICROFILMED

A27-2039

PLACE OF USE

10

POINT OF DIVERSION

T
6
N

R42E

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: A27-02039
Date Received: 2/12/1990
Receipt No: E012022
Received By: KCW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THOMAS J. CHESTER 208-232-2261
Address: 217 NORTH 14 TH AVENUE
POCATELLO, ID 83201
OR
Name: JAMES T. CHESTER 208-574-2202
Address: HC 70, BOX 5020
STAR ROUTE
HENRY, ID 83230
OR
Name: VIRGINIA CHESTER HALL 208-233-0230
Address: 1080 EAST OAK STREET
POCATELLO, ID 83201
2. Date of Priority: NOV 27, 1914
3. Source: SPRING Trib. to: LITTLE BLACKFOOT RIVER
CHESTERS SPRING LITTLE BLACKFOOT RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	42E	10	NW	NW	SW		CARIBOU
5. Description of diverting works:
COLLECTION BOX MAINLINE TO D/1, C/STORE & STOCK TROUGHS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.460		
DOMESTIC	01/01	12/31	0.030		
STOCKWATER	01/01	12/31	0.010		
7. Total Quantity Appropriated is:
0.500 C.F.S. (and/or) A.F.A.

A27-02039

Page 1

Date: 03/06/90

MICROFILMED
NOV 12 1992

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:

D/SINGLE DOMESTIC HOME WITHIN STORE, S/40 SHEEP 10 HORSES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	42E	10	SW		SW		IRR	25.0
			SW		SW		DOMEST	
			SW		SW		STOCK	

Section Acres 25.0

Total Acres 25.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

27-4000A/4000B/11339

14. Remarks:

SOURCE AKA CHESTERS SPRING

SEE ATTACHED REMARKS

15. Basis of Claim: LICENSE

Water Right Number: 10843

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): Thomas J. Chester Date: 3/6/90

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of March 19 90

[Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9-12-94

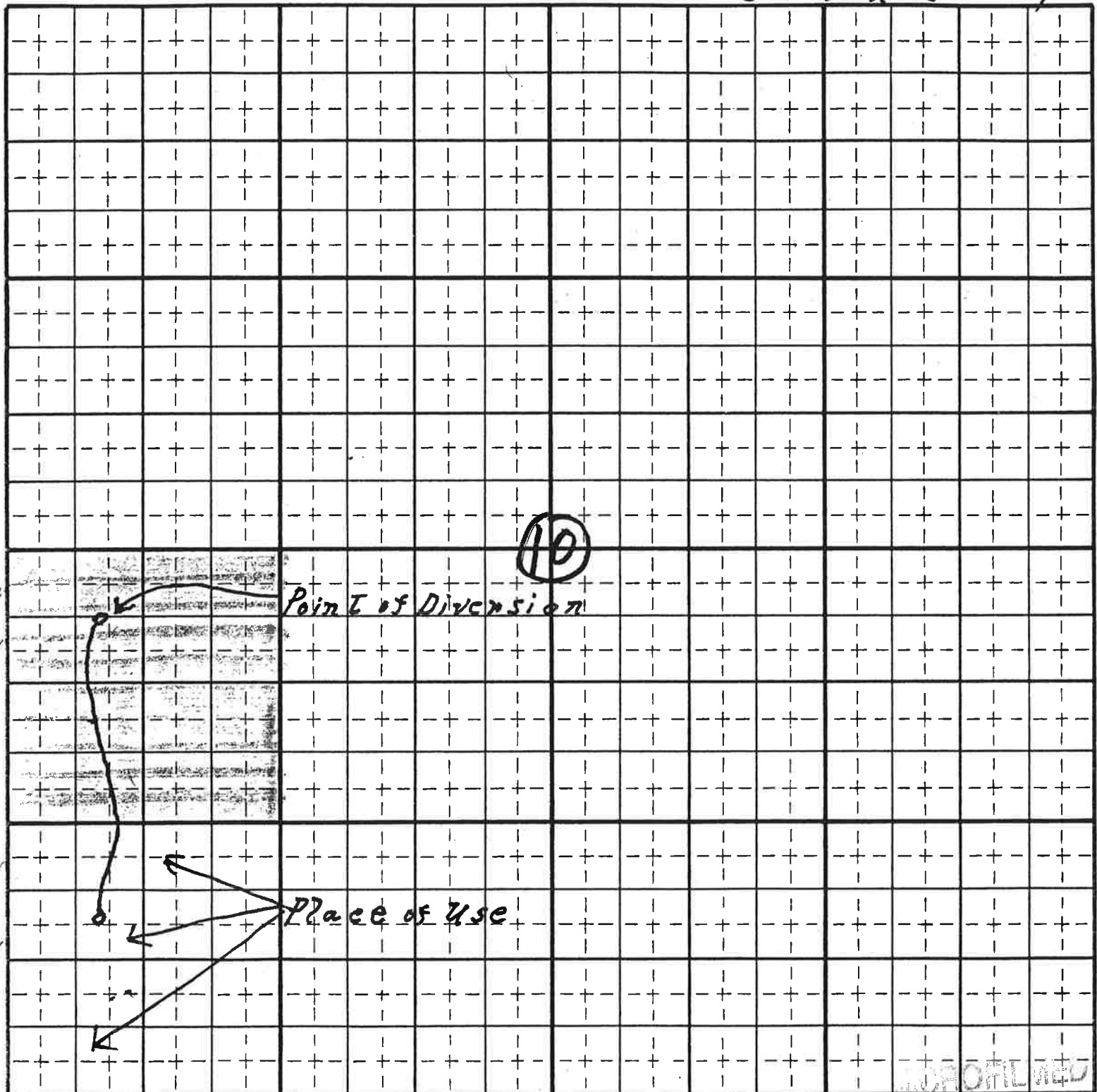
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Sec. 10

T. 6 So. R. 42. E

Caribou County



NOV 12 1992

A27-02039

Last Name CHESTER

Ident No. A27-11339

Copies: White-State, Yellow-Claimant.

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

A27-02039

Date Received

12 Feb 1990

Receipt Number

E 012022

KW

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Please type or print clearly

1. Name of Claimant (s) Thomas J. Chester Phone (208) 232-2261
Mailing Address 217 N. 14th Ave. Pocatello, Idaho Zip 83201
or 574-22

2. Date of Priority (Only one (1) per claim) November 27, 1914

3. Source of water supply (a) Unnamed spring (commonly called Chester's Spring)
which is tributary to (b) Little Blackfoot River

4. a. Location of existing point of diversion is: Township 6 south Range 42 E. Section 10,
SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: SW 1/4 of SW 1/4, Sec. 10, T. 6 south, R. 42 E.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The existing diversion works consists of (1) five concrete pipes, 8 inches by 5 ft. laid in the bottom of the spring to collect the water into the pipeline. (2) a 6 ft. by 6 ft. galvanized culvert is installed over these pipes. A steel lid covers the top. A cement apron was poured around the outside of the partially buried culvert. (3) A pipeline is connected to this structure which carries the water approximately 1350 feet to a distribution tank for the several beneficial uses outlined in the exhibit G, under item 14. (4) the pipeline starts with 12 inch steel pipe and reduces to 10 inch steel and 80 ft. of 10 inch P.V.C. pipe. * Dates of changes & enlargements are listed under item 14.

NOV 12 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount .46 or _____
For Domestic purposes from Jan. 1 to Dec. 31 amount .03 or _____
For Stockwater purposes from Jan. 1 to Dec. 31 amount .01 or _____
For Commercial purposes from 1/1 to 12/31 amount 0.24 or _____

7. Total quantity claimed (a) .5 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) one household, country store, 12 trailer homes, 15 R.V. Trailer spaces.

Domestic includes country store and single Domestic home 5/40 sheep

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 S	42E.	10											<u>25</u>						
													D						
													S						
													C						
													F						

Total number of acres irrigated 40.25

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
License No. 27-4000 .3cfs & .6cfs & claim or None ()

14. Remarks: (See attached descriptions for further details)

MICROFILMED

NOV 12 1992

Last Name CHESTER Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 27-2039

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Thomas J. Chester Date 2/12/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing document in the space below as _____ Organization _____

_____ Title _____ of _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 day of Feb 19 90

SEAL

Notary Public Betty J. Thompson

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
NOV 12 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-2039 V1

WATER RIGHT NUMBER: 27-2039 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID W GLENN 448 SENECA RD GREAT FALLS, VA 22066 (208)433-2671
Current Owner	CHERIE T GLENN 448 SENECA RD GREAT FALLS, VA 22066 (208)433-2671
Attorney	RACINE OLSON NYE COOPER & BUDGE C/O RANDALL C BUDGE PO BOX 1391 POCATELLO, ID 83205 (208)232-6101

Priority Date: 11/27/1914

Basis: License

Status: Closed

<u>Source</u>	<u>Tributary</u>
SPRING	LITTLE BLACKFOOT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.390 CFS	69.00 AF
STOCKWATER	01/01 to 12/31	0.010 CFS	0.20 AF
DOMESTIC	01/01 to 12/31	0.030 CFS	1.20 AF
RECREATION	01/01 to 12/31	0.020 CFS	
RECREATION STORAGE	01/01 to 12/31		2.50 AF
	<u>Total Diversion:</u>	0.450 CFS	72.90 AF

Location of Point(s) of Diversion

SPRING	NW 1/4NW 1/4SW 1/4	Sec. 10, Twp 06S, Rge 42E, B.M.
CARIBOU 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	
06S 42E 10																19.7	19.7

STOCKWATER

Twp Rge Sec	NE	NW	SW	SE

PD 2607 w/ Volume
4-30-07

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-2039 V1

			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	42E	10											X						

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	42E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	42E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06S	42E	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

Conditions of Approval:

1. A portion of Right 27-2039 described as 0.05 cfs, 4.3 acres irrigation and 15.1 af has been forfeited through non-use.
2. 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.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 27, Blackfoot River.
4. 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.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Source is also known as Chesters Spring.
7. X01 Domestic use is for 1 home and a store.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-2039 V1

Comments:

1. PSKAGGS 7/18/2002 4:30:21 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 69328

Dates and Other Information:

Decreed Date: 4/30/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Notice of Error Flag:
State or Federal: S
Owner Name Connector: And
Water District Number: 27
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 27-2039
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 2/12/2007
Attorney Assigned:
Adjudication Agent: CBIRD
Basis of Claim: License
Date Filed: 4/27/2006 Objection Status: Active
Date Filed: 3/8/2006 Objection Status: Active

Water Supply Bank:

1 December 1998

James T. Chester
Pocatello, Idaho
Hm: 232-2261
fax: 208-233-7771 (Mailbox etc.)

Re: Request of Water Right status for lands in federal cropland set-aside program (CRP)

Dear Mr. Chester:

Pursuant to your request regarding the status of water rights for lands contracted to federal croplands set-aside programs I will reference §42-222 (2) IC, {excerpt enclosed}.

For your reference, I am also enclosing Profile Reports of the four referenced adjudication claims; A27-04000A, A27-04000B, A35-02039, and A35-11339.

Thank you for your inquiry. Should you have further questions regarding your water rights please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: Files A27-04000A & B, A27-02039, A27-11339

attachments: §42-222 (2) IC excerpt

Dec 1, 1998

to: Mr. Allen Ruberry

from: James T. Chester

The subject of this letter is to request written confirmation that if we enter into a government CRP program with our farm land that the water rights listed below would not be affected by this conservation program.

The following water rights are listed below:

A27-0400A

A27-0400B

A27-02039

A27-11339

I am assuming that
this list is complete.

Thank you for your help and information in this matter.

James T. Chester

James T. Chester 232-2261

FAX # - 208-233-7771



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 17, 2005

David W. Glenn & Cherie T. Glenn
448 Seneca Rd.
Great Falls, VA 22066

RE: Notices of Error on 27-2039, 27-4000A, 27-4000B and 27-11339

Dear David & Cherie:

In response to the Notices of Error submitted in your behalf by Brent L. Whiting, attorney, I have reviewed the documentation contained in our files and reached the following conclusions.

27-2039 – The recommendation on this license was based on a transfer you filed and was subsequently approved in December 2002. The elements of the recommendation mirror the elements of the water right described by the approved transfer. Because this administrative action occurred after commencement of the SRBA the recommendation on claim 27-2039 is based on the approved transfer.

27-4000A and 27-4000B – These two claims were disallowed because documentation in our files did not show that water from Chesters Spring was used on your property. There are copies of several old deeds in our claim files, dated around 1906, referring to the use of water from a spring I believe to be Chesters Spring. However, the legal description on the deeds is the E1/2NE1/4 of Section 9 and W1/2NW1/4 Section 10, Twp 6S, Rge 42E. Your property is located in the SWSW Section 10, Twp 6S, Rge 42E. The description of how water was initially piped from Chesters Spring with sections of bored out Lodge Pole Pine identifies a mechanism for conveying water from Chesters Spring to Henry. However, the capacity of the pipe and natures of use would need to be identified. Based on my current understanding of how water came to used on your property any uses recommended under 27-4000A or 27-4000B would cause a corresponding reduction in uses and amounts recommended under 27-2039.

27-11339 – In addition to the same uses listed on 27-2039, 27-4000A and 27-4000B this claim lists commercial as a new use for the water from Chesters Spring. The earliest mention of recreational camp sites in the documentation we have suggests they were developed around 1983. Though our preliminary recommendation is to disallow this claim, if you can show that water was provided to the recreational camp sites prior to 1971 this would provide a basis for a beneficial use right based on when the recreational sites were first developed.

PROFILED

SCANNED

FEB 02 2006

2/2/06



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

I hope this letter helps to clarify the issues regarding the recommendations on your claims. Feel free to provide additional documentation for us to consider. We will need to receive this information by the end of September in order to have time to evaluate it and possibly modify the present recommendations.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor

cc: Scott Smith

MAY-23-2005 00:38 FROM:

IDNR 3/20/05

P. 14

05/16/2005

13.

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-11339

27-11339

DAVID W GLENN

440 SENECA RD

GREAT FALLS VA 22066

Telephone Number: (208) 433-2671

CHERRIE T GLENN

440 SENECA RD

GREAT FALLS VA 22066

Telephone Number: (208) 433-2671

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

That it was disallowed.

2. Describe the changes you wish to make in the proposed recommendation:

Applicants believe it should be disallowed.

3. Give a brief explanation as to why you disagree with these portions:

This claim should not be recommended as part of Right No. 27-2039 along with rights 27-4000A and 4000B because applicants believe it is a separate right with a unique priority date, quantity and place of use.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7-27-05

SIGNATURE:

Please print your name: Brent L. Whiting - attorney for applicants

IDWR Regional Office, 900 N Skyline Ex Ute A, Idaho Falls, ID 83402, 2085257102

RECEIVED

AUG 01 2005

Department of Water Resources
Eastern RegionKUT
8/1/5

Notes

10-15-03 Sent email to Claimant re evidence. BP

10-22-03 email from atty. & for. BP

4/26/05 T69328 was approved 12/5/02.
Recommended as approved transfer.
CB.

Please have T.F. print NOE. CB.

7/27/05 Brett, from an attorneys office called
on the PDR's for this right: 27-4000A, B & 27-
11339. As I explained to Brett, the other
rights mirror the license and it was
recommended based on T69328. The other
claims mirror 27-2039, and the state
standard is 1" per acre and that is what
they have under 27-2039. So why do they
need the additional rights? Brett didn't
know.

Contacts Data Entry Form

$$70.3 + 430 - 8325$$

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner David W. Glenn, 448 Seneca Rd, Great Falls, VA 22066

Name connector: and ____, or ____, and/or ____

Current Owner Cherie T. Glenn, same address

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____

Date: _____

Bird, Cindy

From: Pamela Wascher [waterlandplan@earthlink.net]
Sent: Thursday, May 15, 2003 2:37 PM
To: Cindy Bird
Cc: Joe Dunford
Subject: Glenn - Claims A27-0400A & B

PAMELA JANE WASCHER

WATER RESEARCH AND CONSULTING

P. O. Box 209
Swan Valley, ID 83449
(208) 539-5641
Fax: (208) 787-4227
waterlandplan@earthlink.net

May 15, 2003

Cindy E. Bird
Adjudication Bureau
Idaho Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Re: A27-04000A & B; Transfer 69328

Dear Cindy:

I have been retained by Mr. Joe Dunford, agent in Idaho for David and Cherie Glen to assist in the research relative to the adjudication of the above water rights.

I just received this date, a copy of your letter requesting Evidence of Priority Date. I respectfully request a 60- 90 day extension of time in which to obtain this information. I would ask that you put me on your contact list for any and all notices in these water rights.

As I stated, please feel free to contact Dave Tuthill if you have any questions as to my participation on behalf of the Glens.

I have assisted the Glens in the above referenced transfer with Mr. Glen Saxton in your Boise office. There are some issues regarding the forfeiture of a portion of the water right involved in this transfer, and on December 26, 2003, Mr. Saxton signed an order wherein the final order approving the transfer would be postponed until such time as the adjudication of the above water rights takes place. Inasmuch as these water rights are all interconnected, I believe it prudent to address all at the same time for a full resolution in the adjudication.

I look forward to hearing from you. Thank you in advance for your extension of time in which to provide the Evidence of Priority.

Sincerely,

Pam Wascher

5/15/2003

Pamela Wascher
Water Research & Consulting
(208) 539-5641
P. O. Box 209
Swan Valley, ID 83449
waterlandplan@earthlink.net

5/15/2003



Close

From: Pamela Wascher [SMTP:waterlandplan@earthlink.net]

To: Payne, Barbara

Cc:

Subject: Re: David W. Glenn Water Claim

Sent: 10/22/2003 12:11 PM

Importance: Normal

Barbara,

I was shocked to receive our e-mail. On August 4, 2003, I faxed to Cindy the data. I am faxing it again, to you this date, assuming you are in her office.

Please e-mail acknowledging that you have received this information.

Best regards,

Pam

----- Original Message -----

From: "Payne, Barbara" <BPayne@idwr.state.id.us>

To: <waterlandplan@earthlink.net>

Sent: Wednesday, October 15, 2003 8:55 AM

Subject: David W. Glenn Water Claim

> Hi Pam,
> Cindy Bird ask that I check with you to see how you are coming on
> gathering the evidence to support Mr. Glenn's water claims. She previously
> gave you a deadline of August 4, 2003. However, we have not heard from you
> and wanted to clear up this matter.
> If we do not hear from you we will assume you could not find the
> evidence.
> Sincerely,
> Barbara Payne :-}

*Cindy said
we got these
papers the
other day.*

10-24-03

B

*responded 10.28-03
Bd*

From: Bird, Cindy
To: waterlandplan@earthlink.net
Date: 5/30/2003 8:34:15 AM
Subject: RE: Glenn - A27-0400A & B

hi Pamela,
I will extend the time until August 4th, 2003.
Cindy

-----Original Message-----

From: Pamela Wascher [<mailto:waterlandplan@earthlink.net>]
Sent: Wednesday, May 28, 2003 9:18 AM
To: Cindy Bird
Cc: Joe Dunford
Subject: Glenn - A27-0400A & B

Cindy,

On May 15, I telephoned you relative to the above referenced water right. I followed up my telephone conversation with a letter to you via e-mail, a copy of which I have attached. I requested a 60-90 day extension due to the length of time it takes to get a response from the National Archives in Maryland. You verbally indicated that you would be willing to allow an extension, however, did not indicate who much of an extension.

I would appreciate a response, as the deadline you gave the Glenns has passed. Please either fax (208) 787-4227 a letter, or simply send an e-mail, which is preferred for timing reasons.

Thanking you in advance for your assistance.

Best regards,

Pam Wascher

Pamela Wascher
(208) 539-5641
P. O. Box 209
Swan Valley, ID 83449-0209
waterlandplan@earthlink.net

FAX TRANSMITTAL

Pamela Jane Wascher
Water Rights Research and Consulting

P. O. BOX 209
Swan Valley, ID 83449-0209
e-mail: waterlandplan@earthlink.net

TO: Cindy Bird
Idaho Department of Water Resources

FROM: Pamela Wascher

FAX NO. (208) 547-3939

FAX NO.

PHONE NO. (208) 547-3993

PHONE NO. (208) 539-5641

DATE: August 4, 2003

COMMENTS:

Cindy,

Per your e-mail, we are faxing to you data to support the priority dates for David Glenn.



Close

From: Payne, Barbara**To:** 'waterlandplan@earthlink.net '**Cc:****Subject:** David W. Glenn Water Claim**Sent:** 10/15/2003 8:55 AM**Importance:** Normal

Hi Pam,

Cindy Bird ask that I check with you to see how you are coming on gathering the evidence to support Mr. Glenn's water claims. She previously gave you a deadline of August 4, 2003. However, we have not heard from you and wanted to clear up this matter.

If we do not hear from you we will assume you could not find the evidence.

Sincerely,

Barbara Payne :-}

pod → Chester
Spring

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90

Ohio is Chester Glenn
and David has
been running

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in: 9064.3
CRP

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SECTION PLAT

W. JAMES CHESTER
CLAIM OF WATER RIGHT # 27-4000
LICENSE NO. 27-2039

SCALE 1" = 100' 

TOWNSHIP.....6..... S.,

RANGE 42 E. B.M.

- 5W^{1/4} SECTION 10.

NW 1/4 SW 1/4



27 2010

27-2039

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
JAN 02 2003
Department of Water Resources
Eastern Region

IN THE MATTER OF TRANSFER NO.)
69328 IN THE NAME OF DAVID W.)
AND CHERIE T. GLENN)
_____)

ORDER GRANTING PETITION
FOR RECONSIDERATION

On December 6, 2002, the Department of Water Resources ("Department") issued a Preliminary Order amending the approval for the transfer captioned above ("transfer").

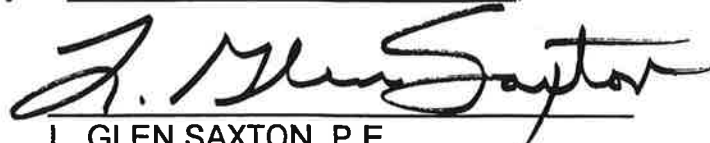
On December 20, 2002, Pamela Wascher filed a Petition for Reconsideration ("petition") on behalf of the transfer applicant with the Department asking for reconsideration of the transfer and postponement of the final order approving the transfer. Postponement was requested to provide time for Department review and recommendation of the water rights associated with the transfer in the Snake River Basin Adjudication (SRBA).

ORDER

The Department has reviewed the petition and HEREBY ORDERS that the petition is **GRANTED** under the following terms:

1. Granting of the petition does not represent Department agreement with any provision of the petition.
2. The Department retains jurisdiction of the matter in order to review the SRBA recommendation of water rights associated with the transfer when such recommendations are completed.

Dated this 26th day of December, 2002.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

DEC 20 2002

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

In the Matter of
TRANSFER OF WATER RIGHT
No. 27-2039 as Modified by Transfer
No. 69328

PETITION FOR RECONSIDERATION
POSTPONEMENT OF ISSUANCE OF
FINAL ORDER

Right Holder: David W. Glenn and
Cherie T. Glenn
448 Seneca Road
Great Falls, VA 22065

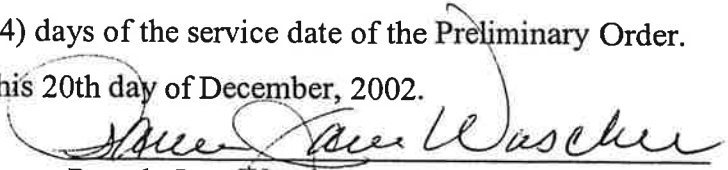
COMES NOW, David and Cherie Glenn by their Idaho Agent Joe Dunford, owner of the above referenced water right , and petition through Pamela Jane Wascher, Petitioner, the Idaho Department of Water Resources requesting that issuance of Final Order in the above referenced Transfer be delayed for the reasons set forth below. Petitioner believes that issuance of this Final Order is premature at this time, and should be postponed until such time as the three additional water rights covering this same parcel of land are adjudicated together with this water which is the basis for this transfer. The Department, on December 6, 2002, issued an Amended Transfer of Water Right(s) correcting a clerical error, which amended transfer is a Preliminary Order issued pursuant to section 67-5243, Idaho Code. Owner is responding within the 14 days allowed. Petitioner's Request for Reconsideration and Postponement of Issuance of Final Order is based on the following facts:

1. The Department has not examined all water rights appurtenant to this parcel of land.
2. An issue of forfeiture exists which has not been resolved. The Department has allowed resumption of use of water in other specific similar cases which Petitioner is personally familiar (one being the Ambrose ranch), and the same consideration should be given in this transfer, and to deny that in this case would result in unequal application of the law. Courts in the state of Idaho favor resumption of use to forfeiture. Inasmuch as this water right and the three other water rights below are from the same water source, (Chester Springs), to determine a forfeiture on this right prior to adjudication review of the other three related and commingled water rights is inappropriate.

3. New additional research has determined that three additional water rights are also appurtenant to this same parcel of ground as the above referenced water right. The three additional water rights are 27-4000A, 27-4000B and 27-11339 and are owned by the same owners as the above water right, are commingled and should be considered collectively to determine the water allocation for this parcel, specifically Township 06S, Range 42 E, the SW1/4 of the SW1/4 of Section 10.
4. No injury will occur to any party as a result of the postponement of the issuance of the Final Order.
5. No expansion of a water right has occurred or will occur as a result of the postponement of the issuance of the Final Order.
6. Petitioner discussed via telephone, the issue of the three additional water rights on December 18, 2002 with Adjudication Director Dave Tuthill relative to this transfer and the upcoming adjudication of the four water rights. Mr. Tuthill concurred that it would be prudent to adjudicate all four water rights at the same time and to postpone the issuance of the Final Order in the above transfer until after the adjudication process has occurred relative to all four water rights.
7. Petitioner is actively researching the three additional water rights in order to submit the information to the Idaho Department of Water Resources, Brockway Engineering is starting research necessary to the adjudication of all four water rights (including this transfer). The results of the additional research are relevant to a considered determination in this case.
8. Basin 27 is scheduled for adjudication commencement in the spring of 2003. The postponement of the final order is appropriate until such time as all four water rights can be adjudicated. No injury will occur to any party as a result of the postponement to issuance of a final order.

This Petition for Reconsideration and Postponement of Issuance of Final Order is submitted within the fourteen (14) days of the service date of the Preliminary Order.

Respectfully submitted this 20th day of December, 2002.


Pamela Jane Wascher, Petitioner for Joe Dunford
Joe Dunford, Idaho Agent for owners David and
Cherie Glenn

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 69328**

This is to certify that: DAVID W GLENN AND
CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066
(703) 430-8325

RECEIVED
DEC 11 2002
Department of Water Resources
Eastern Region

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
27-2039	AJC/License	11/27/1914	0.50 cfs			25.0	CHESTERS SPRING, SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
27-2039	NO	NO	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
27-2039	27-2039	0.45 cfs	72.9 af	N/A	19.7	N/A	N/A	N/A	N/A	N/A
TOTALS		0.45 cfs	72.9 af	N/A	19.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of December, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 27-2039
As Modified by Transfer No. 69328

In accordance with the approval of Transfer No. 69328, Water Right No. 27-2039 is now described as follows.

Right Holder: DAVID W GLENN AND
 CHERIE T GLENN
 448 SENECA RD
 GREAT FALLS VA 22066

Priority Date: 11/27/1914

Source: SPRING

Tributary: LITTLE BLACKFOOT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.39 CFS	69.0 AF
STOCKWATER	01/01 to	12/31	0.01 CFS	0.2 AF
DOMESTIC	01/01 to	12/31	0.03 CFS	1.2 AF
RECREATION	01/01 to	12/31	0.02 CFS	
RECREATION STORAGE	01/01 to	12/31		2.5 AF
			0.45 CFS	72.9 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NWNWSW Sec. 10 Twp 06S Rge 42E CARIBOU County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 42E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	19.7

Total Acres: 19.7

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 42E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
06S 42E 10	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

WATER RIGHT NO. 27-2039
As Modified by Transfer No. 69328

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 42E 10											X						

PLACE OF USE: RECREATION STORAGE

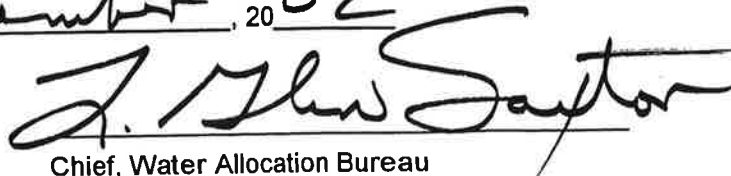
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 42E 10											X						

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 27, Blackfoot River.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. A portion of Right 27-2039 described as 0.05 cfs, 4.3 acres irrigation and 15.1 af has been forfeited through non-use.
5. Domestic use is for 1 home and a store.
6. Source is also known as Chesters Spring.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of December, 2002


 Chief, Water Allocation Bureau

JUL 16 2001



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
GOVERNORKARL J. DREHER
DIRECTOR

June 29, 2001

DAVID W & CHERIE T GLENN
448 SENECA RD
GREAT FALLS VA 22066RE: CHANGE IN OWNERSHIP FOR A27-04000A, A27-04000B,
A27-02039 AND A27-11339

Dear Mr. & Mrs. Glenn:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

6/29/01

Note to file :

James Chester told me
his father Thomas is deceased.
They sold all the property
including store + home to the
Glean's.

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK Je 6/29/01
RECEIVED

MAY 17 2001

Department of Water Resources
 Eastern Region

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, 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
<u>A27-04000A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>A27-04000B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>A27-02039</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>A27-11339</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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) are 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**.

Thomas J Chester,

3. Name and Address of Former Owner/Claimant(s) Virginia Chester Hall, James T Chester

1080 Oak St., Pocatello, ID 83201

4. New Owner/Claimant(s) David W Glenn & Cherie T Glenn

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

New Mailing Address 448 Seneca Road

City, State and ZIP Code Great Falls, Virginia 22066

New Telephone Number (703) 430-8325

5. Date you acquired the property August 21, 2000

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)

[Handwritten Signature]
[Handwritten Signature]

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 KGB Date 5/17/2001 Fee 100 NO fees needed
 Received by KGB Date 5/17/2001 Receipt No. 2000-118 receipt voided
 Processed by AJ Date _____ WR _____ Date _____

Log for claim 27-02039

Spatial Dynamics BTD

12/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s42e	10	SWSW	25	33	Indiscernible
Totals:			25	33	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS J CHESTER 217 NORTH 14 TH AVENUE POCATELLO ID 83201 (208) 232-2261	11/27/1914	IRRIGATION STOCKWATER DOMESTIC	04-01 11-01 01-01 12-31 01-01 12-31	0.460 CFS 0.010 CFS 0.030 CFS	
C	JAMES T CHESTER HC 70 BOX 5020 STAR ROUTE HENRY ID 83230 (208) 574-2202				TOTAL DIVERSION: CONSUMPTIVE USE:	0.500 CFS 62.50 AFA
C	VIRGINIA CHESTER HALL 1080 EAST OAK STREET POCATELLO ID 83201 (208) 233-0230					

Water Source: SPRING
CHESTERS SPRING

Tributary to: LITTLE BLACKFOOT RIVER
LITTLE BLACKFOOT RIVER

Stage: LICENSE

Point(s) of Diversion: T06S R42E S10 NWNWSW CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
06S	42E	10	:	:	:	:	:	:	25	:	:	:	:	:	:	25.0
TOTAL ACRES																25.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
06S	42E	10	:	:	:	:	:	:	S	:	:	:	:	:	:	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
06S	42E	10	:	:	:	:	:	:	D	:	:	:	:	:	:	

POU County: CARIBOU

Non-Irrigation Uses: D/SINGLE DOMESTIC HOME WITHIN STORE, S/40 SHEEP 10 HORSES

Other Rights: 27-4000A/4000B/11339

Conditions of Approval:

AJ5809NP
No. A27-02039

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 49

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 27.

Remarks: GEN SOURCE AKA CHESTERS SPRING
SEE ATTACHED REMARKS

Dates: Exam Made Date: Verified Date: 02/20/1985 Objection Filed Date:

Misc: Water District Number: 27 Field Inspection Flag:
Presumption Flag:

State of Idaho
License and Certificate of Water Right

Water License No. 10843
Water District No. 34

Amount 0.5 ccs. ft.
Priority 11-27-1914.

THIS IS TO CERTIFY that Colin A. Chester
of Soda Springs, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 27th, 1914; that Permit No. 10843
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.5
second feet, was issued thereunder on October 7th, 1916, showing that said works
were completed on the 26th day of September, 1916; and that on the 7th
day of December, 1917,

Colin A. Chester

of Soda Springs, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of an unnamed spring,
a tributary of _____, for the purpose of irrigation and domestic use,
under Use Permit No. 10843 of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2357, on the 16th
day of November, 1918;

The right hereby confirmed dates from November 27th, 1914;

The Point of Diversion is located
in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 10, Tp. 6 S., R. 42 E., B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 0.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S	42 E	10	SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 16th
day of November, 1918.
(SEAL)

FRED A. WILKIE
State Engineer.

27 2039

No. 15602

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Colin A. Chester

Postoffice address: Henry

County: Bannock

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 0.5 cubic feet per second.

3. Source of water supply: Unnamed Spring:

4. Location of point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Tp. 6 S. R. 42 East B.M.

County of Bannock

5. To be used for: Irrigation Purposes.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: Twenty-five acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Tp. 6 S. R. 42 E. B.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$150.00

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of works:

(a) Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

(b) Capacity of reservoir

acre feet.

(c) Size of headgate, width

feet,

Height

feet.

(d) Conduit

Ditch

width at bottom 2

feet,

width at water line 3

feet, depth of water 1

inches; diameter of pipe

inches; average grade per mile is 10

feet. Length of conduit is $\frac{1}{4}$

miles,

and it crosses the following quarter sections: SW $\frac{1}{4}$ Sec. 10, T. 6 S. R. 42 East B.M.

8. The time required for the completion of the construction of such work is Two years.

9. Time required for the complete application of the water to the proposed use is one additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Colin A. Chester

Applicant.

By J. H. Anderson

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. November 27, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10843

Recorded in Book 36

Page 10843

Approved December 11, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before February 9, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 11, 1915.

The whole of said work to be completed on or before December 11, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before December 11, 1917.

Witness my hand this 11th day of December, 1914.

Herbert Wing,

Acting State Engineer.

Remarks: The point of diversion is located on unoccupied vacant government land.

Proof of completion of works made September 26, 1916.

Certificate of completion of works issued October 7th, 1916.

Permit No. 10843.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Colin A. Chester, of Henry, County of Bannock, and State of Idaho, the holder of Permit No. 10843, issued upon Application No. 15602, bearing date of priority of November 27, 1914, authorizing the diversion of .5 of 1 second foot of the waters of an unnamed spring, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .5 of 1 second foot of the waters of an unnamed spring; that the point of diversion of said waters is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 10, T. 6 S., R. 42 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest quarter of Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 10, T. 6 S., R. 42 E., B. M., containing 25 acres.

Witness my hand this 7th day of October, A. D. 1916.

J. H. SMITH,

State Engineer of the State of Idaho.

License issued for 0.5 second foot

Page 2357

14. REMARKS:

1895

The attached claims are for water flowing from a spring described originally as (one certain spring arising about twenty-five (25) rods in a northerly direction from the bridge at Little Blackfoot crossing at Henry, Idaho) see Exhibit A. Warranty Deed, July 23, 1906. It later became known as "Chesters Spring". The spring arises in the NW 1/4 of SW 1/4, Sec. 10, T.6 so. R.42 E, in Caribou County and by a diversion structure and pipeline has been applied to beneficial use, continuously since 1895, in the SW 1/4 of the SW 1/4 of Sec. 10, T.6 So. R42E Caribou County, in the Community of Henry, Idaho. (See Exhibit A)

The original diversion was described in an agreement executed April 20, 1895 between Marius Thorup and J. H. Swank and John Stoor. (See Exhibit B) The diversion of the water was further described in exhibit C. (warranty deed, executed August 11, 1903, between John Henry Schmidt and Annie C. Schmidt and Thomas C. Mercer) and in Exhibit D. Sept. 11, 1900 between Marias Thorup of Henry, and John George Schmidt of Soda Springs. It was described as a diversion ditch, wide enough to carry 72 inches of water, at a running grade of 1/4 inch, to the rod. The diversion devise consisted of a dam composed of dirt and rock filled with a 12 inch headgate. The water was diverted into a pipeline made from various lengths of lodgepole pine, with the centers bored out. A claim of .3 CFS was filed for September 1895 under claim No. 27-4000 filed February 3, 1970.

1898

A wood, flume and box with a series of "one (1) inch holes in the sides" was installed - 2 feet by 4 feet by 25 feet which increased the volume of water diverted into the wood pipe. Estimated increase in flow was .6 CFS. (See Exhibit E water filing under Permit Claim No. 27-4000, Filed February 3, 1970.)

1900

These Permit Claims on the water rights from the spring, are described in Warranty Deed, No. 7274 dated July 23, 1906 (See Exhibit A) . . . from John H. Schmidt and Annie C. Schmidt, to Frank M. Merrill and William H. Chester, as "all of the water rights now used or to be used for irrigation of above described land now owned by the parties of the First part, said water rights being more particularly described as follows to wit, - 72 inches of water recorded at the request of George Schmidt, Nov. 27, 1900 in Book 1, page 35 in the Record of Agreements in Bannock County, State of Idaho. Also, all the water flowing from one certain spring arising about twenty five rods in a northerly direction from the bridge at Little Blackfoot crossing, at Henry, Idaho, said water being now on record to be used on above described land.

My grandfather, Wm. H. Chester, his oldest son, Will Chester and Frank Merrill, formed a partnership, purchased the property from John Henry Schmidt, and his brother George A. Schmidt, and they constructed a country store, "Merrill and Chester Mercantile", in 1899 - 1900. The store was lost by fire in 1906. Then my uncle Colin A. Chester, and my father Walter J. Chester, purchased the property and built a new store in 1910.

Chester

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1914

The wood, pole pipe, was replaced with 10 inch pipe made with redwood sections and tied together with No. 8 wire, wrapped around the outside of the pipe. The diversion ditch was enlarged to 3 feet wide at the bottom, 3 1/2 ft. at water line and a depth of 6". This improvement increased the flow by approx. .5 CFS. See Exhibit F. Water Right license No. 10843, priority 11-27-1914 to Colin A. Chester.

1932

In 1932, a portion of the wood pipe was replaced with 8 inch steel pipe.

1940

Balance of redwood pipe was replaced with salvaged steel pipe.

1966

Earth filled diversion device was converted to a metal 12" headgate.

1968

In September of 1968 most of the old pipeline was replaced with new 8" steel pipe, wrapped with tarpaper. Also, a pressure pump was installed at the distribution tank and a spherical, buoy tank was buried to serve as the pressure tank.

1972

In October-November of 1972 the spring was dug out with a backhoe to increase the flow. A series of 8 ft. by 5 ft. pipes were installed to collect the water into the pipeline. A 6 ft. by 6 ft. galvanized culvert, was installed over these pipes and the spring with a steel cover. A cement apron was poured around the outside of the partially buried culvert. This increased the flow of the spring. (See Exhibit G Diagram of diversion tank)

The pipeline starts with a 12" steel pipe which reduces down to 10". Most of the pipeline is buried underground. It goes under Highway 34 (see copy of state Highway Dept. map attached..(Exhibit H) and then rises above ground while it crosses over the "Little Blackfoot River". It then goes underground approximately another 375 ft. and terminates at a partially buried, steel, distribution tank. At this distribution tank the water has been diverted in four (4) directions of uses.

1983

In November 3-8, 1983, the spherical, buoy was replaced by constructing a concrete block building (6 ft. by 6 ft. and 12 ft. deep, with a cement floor.) The pump house is partially buried in the ground to prevent freezing.

An electric pump is located in the diversion tank to pressurize the water in a 2" pipeline, 100' to the pump house, where two (2) Amtrol pressure tanks are located. (See attached description, Exhibit I map of the diversion system).

A. Three (3) distribution lines from the pump house are:

- 1- A 2" water line extends West, to the residence and two (2) mobile homes.
- 2- A 2" water line extends south, approximately 900 ft. to service a mobile home and to irrigate approximately 2 acres of pasture. Access T's are installed periodically along this line parallel to Highway 34, for the future addition of mobile home spaces.
- 3- Another 2" water line extends northward approx. 560 ft. which delivers water to:
 - a. the country store
 - b. 12 trailer rental units

Chester

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- c. 6 R.V. rental spaces
- d. for irrigation
- e. in this portion of the system, a two (2) inch water line extends under Highway 34, and serves additional R.V. rental units on the west side of Highway 34, in the Townsite of Henry, Idaho. (See exhibit G for diagram.)

The over flow water at the "distribution tank" is piped into a 3 ft. by 5 ft. galvanized collection tank which is equipped for two (2) electric, irrigation pumps. Our power supply is single phase so 7 1/2 h.p. motors are the largest size that can be installed.

1988

In August of 1988 an electric supply panel was installed and a new 25 KW transformer. (See Exhibit J) Copy of electric power use agreement made August 19, 1988 with the Lower Valley Power and Light Co. of Afton, Wyoming.

The irrigation lines consist of the following:

- A.
 - 1. 1/4 mile, 3" sprinkler hand line.
 - 2. 580 ft. 4" sprinkler hand line.
 - 3. 330 ft. 5" aluminum, gated, irrigation pipe.
- B. An auxiliary 6 h.p. gasoline engine and pump is used to pump from the irrigation overflow, ditch.
- C. Four (4) pipes (6 inches by 6 ft.) with plate valves, are installed in the irrigation ditch for surface irrigation of a pasture.

The water diversion system flows continuously throughout the year and has never frozen during the severe cold winters. The excess flow is returned via the irrigation ditch to the Little Blackfoot River.

Exhibit A

Entry No. 3

Sheet No. 3

Francis M. Merrell, Jr.,

NOTICE OF POSSESSORY CLAIM.

Claimant,

Dated: January 9, 1906 (By
Acknowledgement Only)

To:

Recorded: January 9, 1906, at
11:41 o'clock A.M., in Book 1
of Possessory Claims, page 35.

Whom It May Concern.

NOTICE IS HEREBY GIVEN, that the undersigned a native borne citizen of the United States of America, over the age of twenty-one years and the head of a family, claims the following described tract of unoffered land belonging to the United States of America, to-wit:

(AMONG OTHER LAND NOT COVERED BY THIS ABSTRACT OF TITLE:)

The West half of the Southwest quarter of Section Ten (10),
Township Six (6) South, Range forty-two (42) East of the
Boise Meridian in Idaho, containing 160 acres;

that he intends to use the said land for agricultural and grazing purposes; that the said described lands are unoffered public lands belonging to the United States, and that the same do not contain any valuable mineral deposits or salines, or any coal.

Francis M. Merrell, Jr.,
Claimant.

Francis M. Merrell, Jr., being first duly sworn according to law, deposes and says that he is the claimant mentioned in the foregoing notice and whose name is subscribed thereto, and that the statements in said notice contained are true; that said claim does not embrace more than 160 acres of land; that he holds the other claims under the provisions of Chapter IV Title X of the Code of Civil Procedure of the State of Idaho, (Rev. Stat. 1887, Page 507); that to the best of his information and belief no part of said land is claimed by any person under any existing adverse title, and that the said lands does not contain any coal, mineral or salines of any kind whatever.

Francis M. Merrell, Jr.

Subscribed and sworn to before me this 9th day of January, A.D., 1906, at Pocatello, Bannock County, Idaho.

(SEAL)

Fred G. Caldwell, Notary Public.

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Transcribed from Bannock County Records, Possessory Record No. 1, Page 174.

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Chester

CARIBOU COUNTY ABSTRACT COMPANY

SODA SPRINGS, IDAHO

MICROFILMED

NOV 12 1992

Entry No. 4

Sheet No. 4

Instrument No. 8338

UNITED STATES OF AMERICA

-P-A-T-E-N-T-

TO:

Dated: August, 2, 1920.

Colin A. Chester,
Claimant.

Recorded: March 1, 1927, at
9:30 o'clock A.M., in Book one
of patents, page 547.
CONSIDERATION: Full Payment.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING: WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office hereby it appears that full payment has been made by the claimant Colin A. Chester according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the Southwest quarter of the southwest quarter of Section ten in Township six south of Range forty two East of the Boise Meridian, Idaho, containing forty acres, according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE By the Surveyor General;

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the 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 claimant and to the heirs and assigns of the said claimant 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 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, WOODROW WILSON, 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 SECOND day of August in the year of our Lord one Thousand nine hundred and Twenty and of the Independence of the United States the one hundred and forty fifth.

(SEAL)

By the President: Woodrow Wilson,
By, M. P. Le Roy, Secretary
L.Q.C. Lamar, Recorder of the General
Land Office.

RECORDED: Patent Number 765522

Colin Chester, Recorder.

CARIBOU COUNTY ABSTRACT COMPANY

SODA SPRINGS, IDAHO

Chester

NOV 12 1932

Exhibit A

This Indenture, Made this 22nd day of July 1906,
year of our Lord one thousand nine hundred and six (1906),
between John H. Schmidt and Anne L. Schmidt, his Wife,
Cloda Springs County of Bannock
of Idaho the parties of the first part, and
H. M. Howell Jr and William H. Chester (Partners)
Henry County of Bannock
of Idaho the parties of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of
twelve hundred 00 DOLLARS,
a full Money of the United States of America, to them in hand paid by the
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
second part, and to their heirs and assigns forever, all the following described real estate,
located in Bannock County

of Idaho, to wit: The east half of the North east quarter of Section
ine and the west half of the North west quarter of Section
in Township six South, of Range forty two east of
the Meridian, Containing One hundred and sixty
acres, with all the water rights now used or to be used for the
irrigation of above described lands now owned by the parties of the
first part, said water rights being more particularly described as follows, to wit:
two inches of water recorded at request of George Schmidt Nov 27, 1900
(1, page 35, in record of agreements in Bannock County, State of Idaho)
all the water flowing from one certain Spring arising about twenty five
in a northerly direction from the Bridge at Little Bluffport Crossing at
Idaho said water being now on record to be used on above described land
together With all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and
profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in
equity, of the said parties of the first part:

To Have and to Hold, All and singular the above mentioned and described premises, together with
appurtenances, unto the parties of the second part, and to their heirs and assigns forever.
The said parties of the first part, and their heirs, the said premises in the quiet and
peaceable possession of the said parties of the second part, their heirs and assigns, against
the said parties of the first part, and their heirs, and against all and every person and persons
soever, lawfully claiming or to claim the same shall and will WARRANT and by these presents
they DEFEND.

In Witness Whereof, The said parties of the first part have hereunto set their hands
as of the day and year first above written.

Signed, Sealed and Delivered in the Presence of

H. M. Howell Jr
Wm H. Chester
Henry
oster

John H. Schmidt Seal
Annie L. Schmidt Seal
Cloda Springs Seal
Henry Seal

STATE OF IDAHO,

County of *Bannock*

On this *14th* day of *August* in the year, 190*6*, before me
Herbert Horsley a Notary Public in and for
County, personally appeared *John H. Schmidt*

to me to be the person whose name is subscribed to the within instrument, and
witnessed to me that he executed the same; and on this *14th* day of
August in the year, 190*6*, before me, the officer above described, personally appeared
John H. Schmidt

, known to me to be the person whose name
scribed to the within instrument, described as a married woman; and upon an examination
of the hearing of her husband, I made her acquainted with the contents of the instrument, and
on she acknowledged to me that she executed the same, and that she does not wish to retract
recognition.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year
certificates first above written.

Herbert Horsley
Notary Public

TO

Dated *1906*

STATE OF IDAHO,

County of *ss.*

I hereby certify that this instrument was
filed for record at the request of *Merrill & Chas. W.*
at *10* minutes past *9* o'clock *A.M.*, this *14th* day
of *August*, A. D. 190*6*
in my office, and duly recorded in Book *15*
of *Records* at Page *478*
By *W. Campbell* Ex-officio Recorder.
Fees, \$ *1.50* Deputy.
Notary Public, Boise, Idaho.

Step

This Indenture, Made the Eleventh day of September
in the year of our Lord one thousand ~~eight hundred and ninety~~ min hundred between

Marius Thorup
of Henry County of Bannock State of Idaho
the party of the first part, and John George Schmidt
of Soda Springs County of Bannock State of Idaho
the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
Five Hundred Dollars,
lawful money of the United States of America, to him in hand paid by the said party
of the second part, the receipt whereof is hereby acknowledged, do and by these presents, Grant
Bargain, Sell and Convey and Confirm unto the said party of the second part, and to
his heirs and assigns, forever: All those certain lots, pieces or parcels of
land situate, lying and being in the County of Bannock and State of Idaho, bounded and more particu-
larly described as follows, to-wit:

East half of the North East-
quarter of section nine and the West half
of the North West quarter of section ten in
Township six South of Range 42 East of
Boise Meridian, in Idaho. Containing one
hundred and sixty acres. Also the following
described property to-wit: Two bay horses brayaka
we & on left thigh and the other on right thigh
+ born branded S. 6 on left side. 1 half branded T. O on
left side. 1 set of harness 1 Bain Wagon. 1
the Cornick Mowing Machine and Rake
1 Plow 1 Harrow. also all water rights
belonging to above land

Together with all and singular, the tenements, hereditaments and appurtenances thereunto
belonging, or in anywise appertaining, and the rents, issues and profits thereof.

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TO HAVE AND TO HOLD, all and singular, the said premises, together with the appur-
tenances and privileges thereunto incident, unto the said party of the second part, and to his
heirs and assigns forever. And the said party of the first part, and his heirs, the said
premises in the quiet and peaceable possession of the said party of the second part, and his
heirs, and assigns, against the said party of the first part, and their heirs, and against all
and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will
warrant, and by these presents forever defend.

IN WITNESS WHEREOF, The said party 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.

(Seal)

H. Korsley

Marius Thorup

(Seal)

(Seal)



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This Indenture, Made the Eleventh day of August
in the year of our Lord one thousand nine hundred and three
between John H. Schmidt and Anna C. Schmidt
his Wife
of Genesee County of Bannock State of Idaho
the part 1 of the first part, and Thomas C. Mercer

of Orderville County of Weber State of Utah
the part 2 of the second part,

Witnesseth: That the said part 1 of the first part, for and in consideration of the sum of
Eleven hundred ⁰⁰/₁₀₀ Dollars,
lawful money of the United States of America to them in hand paid by the said part 2
of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant,
Bargain, Sell and Convey and Confirm unto the said party of the second part, and to his
heirs and assigns, forever: All that certain lot, piece, or parcel of land situate, lying and
being in the County of Bannock State of Idaho, bounded and more particularly de-
scribed as follows, to-wit:

The east half of the North east quarter of
Section nine and the west half of the north
west quarter of Section ten in Township six
south of Range forty-two east of Boise Meridian
Containing one hundred and sixty acres with
all the water rights now used or to be used
for the irrigation of above described land now
owned by the parties of the first part said water
rights being more particularly described as follows to-wit:
Seventy-two inches of water recorded at request of George
Schmidt Nov. 27, 1900 in Book 1, page 35, record of agreement
in Bannock County, State of Idaho.

The water flowing from one certain Spring
arising about twenty-five miles in a northerly direction
from the Bridge at Little Blackfoot Crossing at Henry, Idaho
said water being now on record to be used on above described land

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belong-
ing, or in anywise appertaining, and the rents, issues and profits thereon:

To Have and to Hold, all and singular, the said premises, together with the appurtenances
and privileges thereunto incident, unto the said part 2 of the second part, and to his
heirs and assigns forever. And the said parties of the first part, and their heirs the said
premises in the quiet and peaceable possession of the said part 2 of the second part,
heirs and assigns, against the said part 1 of the first part, and their heirs, and against all
and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will war-
rant and by these presents forever defend.

In Witness Whereof, The said parties of the first part have hereunto set their
hand and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Wm. Chester
Maguire Mercer

John H. Schmidt
Anna C. Schmidt (Seal)
(Seal)

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Little Blackfoot, April 28th 1895. *Exhibit*

Agreement Between Marius Thorup party of the first part, and J. H. Swan John & Thor parties of the second part, of Little Blackfoot, Bannock Co. Id. Witnessed That the party of the first part, agree that the parties of the second part, shall construct a ditch through his ranch on Little Blackfoot survey now agreed upon. Said ditch to be one foot deep and wide enough to carry a lawful amount of water for the ranches of the parties of the second part now owned in aforesaid place.

And further: The parties of the second part agree to construct said ditch and the party of the first part shall own an interest in said new ditch to carry seventy two inches of water at a running grade of $\frac{1}{4}$ inch to the foot and it is also agreed: That J. H. Swan's party of the second part agree to dig this (now owned ditch) from the south line of the party of the first part to the place where the new ditch or survey drops into the old ditch. of the first part when the new ditch is finished through the land of the first part.

Witnessed:
J. H. Swan

Marius Thorup
John H. Swan
John Thor

Recorded at request of George Debnidt at 1st o'clock A.M. Nov 27th 1895
by J. W. Campbell

Deputy

Sec

NOV 12 1895
J. W. Campbell

Recorder

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