

RIGHT NUMBER: 27-10116

NOLA B YANCEY
691 W 300 S
BLACKFOOT ID 83221

POINT OF DIVERSION:

T03S R35E S18 NWSWNE Within BINGHAM County

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

T03S R34E S24 NWNW 16.0

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

EXPLANATORY MATERIAL: Decreed

This right is a split from former right 27-4.

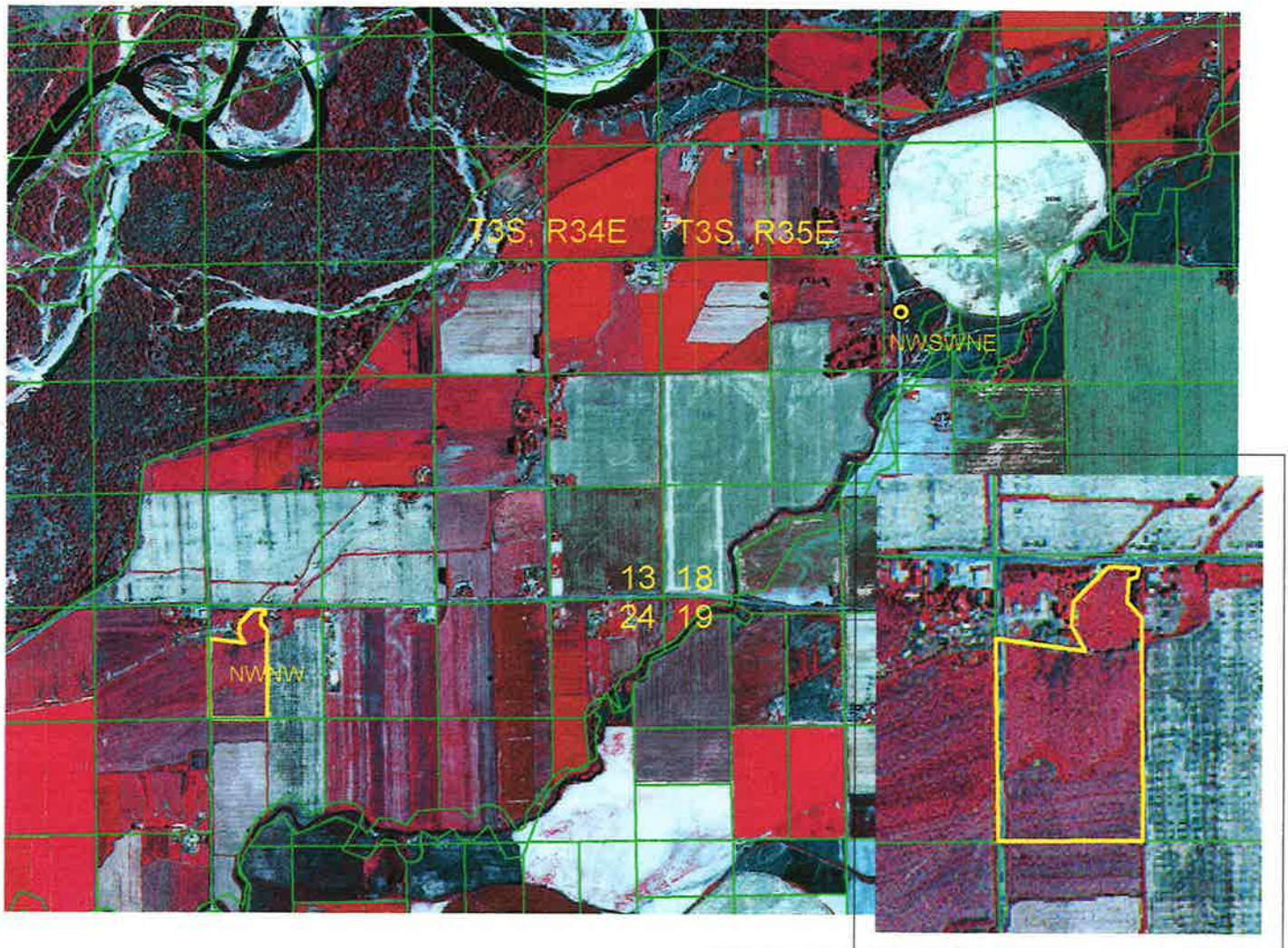


STATE OF IDAHO

Department of Water Resources
Eastern Region



Water Right(s) 27-10116



2000 0 2000 4000 Feet

PROFILED

IRRIGATED ACRES 16.0

LEGEND

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

Place of Use: T3S, R34E:
(part of) Sec. 24, NWNW.

Point(s) of Diversion: T3S, R35E:
Sec. 18, NWSWNE.

SCANNED
MAY 17 2005



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

05/16/2005

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: 27-10116

MARVIN R YANCEY
691 W 300 S
BLACKFOOT ID 83221
Telephone Number: (208)785-3610

~~NOLA B YANCEY~~ Linda H Yancey (Nola is Deceased)
691 W 300 S
BLACKFOOT ID 83221
Telephone Number: (208)785-3610

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 5/23/05 SIGNATURE: Marvin R Yancey
Please print your name: Marvin R Yancey

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Sent C of O
6/14 KMT

PROFILED

RECEIVED

JUN 02 2005

Department of Water Resources
Eastern Region

SCANNED

JUN 02 2005

KMT
6/12

PEDIGREE

PRIORITY DATE

06/01/1885

27-00004(WR)	27-00004a (WR)	27-10293	renumbered to	27-00004v	renumbered to 27-12116
				27-00004aa	disallowed
		27-00004w		27-00004ab	disallowed
	27-00004b (WR)				
	27-00004c (WR)	27-00004ac			
	27-00004d (WR)				
	27-00004e (WR)	27-00004r			
		27-00004f			
	27-00004f (WR)				
		27-00004h			
	27-00004g (WR)	27-00004g	renumbered to	27-10539	
	27-00004h (WR)	27-10505			
		27-10388			
		27-10390			
	27-00004j (WR)	27-00004t	renumbered to	27-12064	
		27-00004y			
		27-00004z			
		27-00004k			
	27-00004k (WR)				
		27-10389	Combined with 27-00004r then renumbered to	27-12064	
	27-00004l (WR)	27-00004l			
		27-00004N (WR)			
	27-00004m (WR)	27-00004P (WR)			
		27-00004Q (WR)			
		27-00004n	renumbered to	27-00004u	renumbered to 27-12029
	27-00004n (WR)				
		27-00004p	renumbered to	27-12030	
	27-00004q (WR)	27-00004q	renumbered to	27-12027	
		27-10555			
		27-10116			
		27-10362			
	27-00004s (WR)				
		27-10728			
		27-10790			
		27-11236			
	27-00004t (WR)				
		27-00004s			
	27-00004u (WR)				
		27-00004m			

27-00004	Water right #	to adjudication #	Miscellaneous info	
	27-00004a	27-10293	renumbered to	27-00004v
		27-00004w	27-00004aa	disallowed
			27-00004ab	disallowed
	27-00004b			
	27-00004c	27-00004ac		
	27-00004d			
	27-00004e	27-00004r		
	27-00004f	27-00004f		
		27-00004h		
	27-00004g	27-00004g	renumbered to	27-10539
	27-00004h	27-10505		
	27-00004j	27-10388		
		27-10390		
		27-00004t	renumbered to	27-12064
		27-00004y		
		27-00004z		
	27-00004k	27-00004k		
		27-10389		
	27-00004l	27-00004l		
	27-00004m	27-00004m split to n/p/q on water rights side		
	27-00004n	27-00004n	renumbered to	27-00004u
		27-00004p	renumbered to	27-12030
	27-00004q	27-00004q	renumbered to	27-12027
	27-00004s	27-10555		
		27-10116		
		27-10362		
		27-10728		
		27-10790		
		27-11236		
	27-00004t			
	27-00004u	27-00004s		
		27-00004m		

Notes

4/29/05 recommendation complete
POU: 16 acres in the NW 1/4.

Please print a new layout. Shape
has been edited to remove SW 1/4, wasn't
claimed.

Have T.F. print NOE - CB1

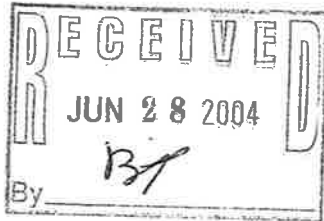
**Additional Supporting Documents for
Marvin R Yancey #27-10116**

John F Hamilton obtained 60 inches of the 1 June 1885 decreed water from A. Whitten and Susan Whitten on 19 January 1918. John Hamilton deeds 36 inches of the 1 June 1885 decreed water to Edward Hoffman on 19 December 1918. The remainder of the supporting documents are already in the IDWR file for Marvin Yancey (27-10116).

18 inches to Marvin Yancey (Water Right # 27-10116)

18 inches to LDS Church (Water Right # 27-10362)

Total = 36 inches



Additional Supporting Documents for
Marvin R Yancey #27-10116

WARRANTY DEED

Book No. 37

This Indenture, Made the 19th day of January in the year of our Lord one thousand nine hundred and eighteen, between A. Whitten and Susan E. Whitten, of the County of Bingham and State of Idaho, the part 108 of the first part, and of the County of Bingham and State of Idaho, the part 7 of the second part,

WITNESSETH, That the said part 108 of the first part, for and in consideration of the sum of Three Hundred and no/100 ----- (\$300.00) ----- DOLLARS, lawful money of the United States of America, to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged

do by these presents grant, sell, bargain and convey and confirm unto the said part 7 of the second part, and to his heirs and assigns forever, all that certain ~~water right~~ water right ~~situate, lying and being in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit:~~

Sixty (60) inches of water of the Blackfoot River; being a part of that certain water right of one thousand inches of the date of June 1st, 1885, decreed to A. Whitten and Susan E. Whitten August 1st, 1891 in that certain water decree as recorded in Judgment Book No. 1 at pages 107 to 116 of the records of Bingham County, Idaho.

50' I.R.S. attached and cancelled

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

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident unto the said part 7 of the second part, and to his heirs and assigns forever, and the said part 108 of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part 7 of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W. E. Stufflebeam

A. Whitten (SEAL)
Susan E. Whitten (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,
County of Bingham
I DO HEREBY CERTIFY That on this 19th day of January in the year of 1918, before me, a Notary Public, in and for said County and State, personally appeared

A. Whitten and Susan E. Whitten, his wife

known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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

W. E. Stufflebeam, Notary Public.
My commission expires Nov. 18th, 1919.
for Bingham County, Idaho, residing at Blackfoot therein.



Additional Supporting Documents for
Marvin R Yancey #27-10116

126
No. 5580
This Indenture, Made the 18th day of December in the year of our Lord one thousand nine hundred and eighteen, between Annie A. Hamilton and John F. Hamilton, her husband, of the County of Madison and State of Idaho, the part 102 of the first part, of the County of Garfield and State of Utah, the part 7 of the second part, WITNESSETH, That the said part 102 of the first part, for and in consideration of the sum of One Hundred DOLLARS lawful money of the United States of America, to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged do by these presents grant, sell, bargain and convey and confirm unto the said part 7 of the second part, and to his heirs and assigns forever, all that certain water right certain ~~water right~~ situated, lying and being in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit: Fifty-six (56) inches of water of the Blackfoot River, the same being a part of that certain water right of one thousand inches of the date of June 1st, 1865, decreed to A. Whitten and Susan E. Whitten August 1st, 1891, in that certain water right as recorded in Judgment Book No. 1 at pages 107 to 116 of the records of Bingham County, Idaho. \$50 I.R.S. attached and cancelled

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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges therein, unto the said part 7 of the second part, and to his heirs and assigns forever, and the said part 102 of the first part, and the said premises in a quiet and peaceable possession of the said part 7 of the second part, and against the said part 102 of the first part and their heirs, and against all and every persons and persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said part 102 of the first part has hereunto set their hands and seals, the 18th day of December 1918

Agreed, Signed and Delivered in the Presence of

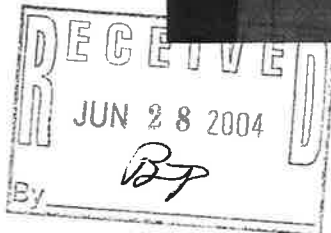
W. E. Davis

Annie A. Hamilton (SEAL)
John F. Hamilton (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO
County of Madison
I, W. E. Davis, Clerk of said County, do hereby certify that the foregoing instrument, and acknowledged to me by the said Annie A. Hamilton and John F. Hamilton, her husband, and acknowledged to me by the said W. E. Davis, a Justice of the Peace, in and for said County, Idaho, and that the same is a true and correct copy of the original thereof, as the same appears from the records of said County, Idaho.

W. E. Davis
Justice of the Peace
Bureau City, Idaho.

Recorded in the records of the County of Madison, Idaho, at 3:15 P.M.



CLAIM 27-10116 TIMELINE
MARVIN R. YANCEY

- 11/20/1918 Warranty Deed, Annie and John Hamilton to Edward Hoffman.
R3S,R34E, Section 24, W1/2NWNE
R3S,R34E, Section 24, West ½ of Lot 4
All water rights, ditches, ditch or other rights of way
Recorded Book #37, #107
- 12/19/1918 Warranty Deed, Annie & John Hamilton to Edward Hoffman
36 inches of Blackfoot River, being part of the 1000 inches
decreed with a priority date June 1, 1885 to A. &
Susan Whitten.
Recorded Book #37, #126
**NOTE: The Fox & Whitten water with the June 1, 1885
priority date was awarded 1500 inches.**
- 6/14/1957 Warranty Deed, Evan & Evelyn Mecham to Richard Yancey
T3S,R34E, Section 24, a portion thereof
All water and water rights, ditches and ditch rights of way
18 inches of Fox and Whitten waters
Recorded Book 96, Page 175
- 4/22/1974 Warranty Deed, Richard & Ethella Yancey to Marvin & Nola Yancey
T3S,R34E, Section 24, W1/2NWNW
Recorded #190593
- 11/8/1976 Warranty Deed, Richard & Ethella Yancey to Marvin & Nola Yancey
T3S,R34E, Section 24, W1/2NWNW
All water and water rights, ditches and ditch rights of way
18 inches of Fox and Whitten water
Recorded #218881

18" to LDS
church
27-10362

Notes

9-10-03 sent copies of Warranty Deeds to Skip BT

11-18-03 Marvin Yancey phoned if there is something he needs to be doing. He said to call him at work 234-6721.

11-18-03 Spoke with Merlin (Marvin's brother) that we need some proof on this claim CB

CB 11-20-03 after reviewing the documents submitted there is NO "Clear Chain of Title" for the water.

The 1918 document conveyed 36" (NOT 0.36 cfs) of the 1000 inches of the date 6-1-1885. Deeded to Fox & Whitten. Fox & Whitten was not deeded 1000 inches. The priority date of 6-1-1885

15 West Center Street
SodaSprings, ID 83276
Phone: (208) 547-3993
FAX: (208) 547-3939

Idaho Department of Water Resources

Fax

To: Skip Jones	From: Barbara Payne
Fax: 525-7177	Pages: 9
Phone:	Date: 9/10/03
Re: Claims #27-10116 & 27-11898	CC:

Hi Skip,

Cindy asked that I FAX you a copy of the following documents in connection with Claim #27-10116 for Marvin R. Yancey.

1. Warranty Deed dated 20 November 1918 from Annie A. Hamilton and John F. Hamilton to Edward Hoffman
2. Warranty Deed dated 19 December 1918 from Annie A. Hamilton and John F. Hamilton to Edward
3. Warranty Deed dated 14 June 1957 from Evan L. Mecham and Evelyn Mecham to Richard E. Yancey
4. Warranty Deed dated 24 August 1957 from Evan L. Mecham and Evelyn Mecham to Richard Yancey Hoffman
5. Warranty Deed dated 22 April 1974 from Richard E. Yancey and Ethella W. Yancey to Marvin R. Yancey and Nola B. Yancey
6. Warranty Deed dated 30 November 1976 from Richard E. Yancey and Ethella W. Yancey to Marvin R. Yancey and Nola B. Yancey
7. Letter from the East Idaho National Farm Loan Association dated 15 June 1953 to Wm. Hall recapping land transactions (2 pages)

Some of these pages are on legal size paper so the bottom may be cut off at your end. However, I believe the legals should all be with the first 11" inches.

Claim #27-11898

You asked if we were waiting on an amended claim from Collin D. Peterson. There is a note in the file that indicates that you apparently sent him an amended claim on 2 September 2003. We have not heard from him as yet.

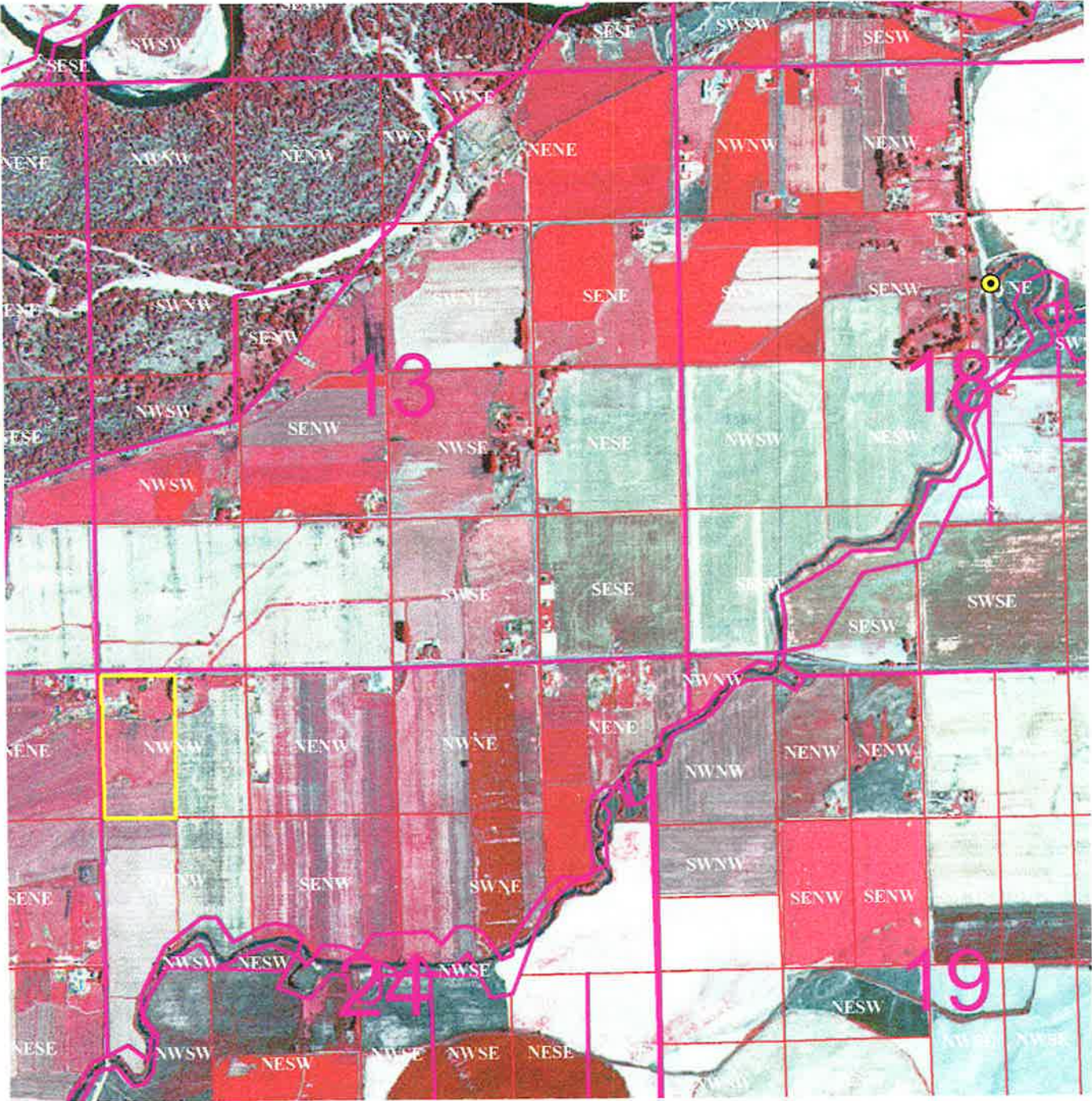
If there is anything else I can do, please let me know.

Barbara Payne



Water Right Claim Number 27-10116
Township , 3S34E

01/02/2001



Irrigated Area

Place of Diversion

Section Line

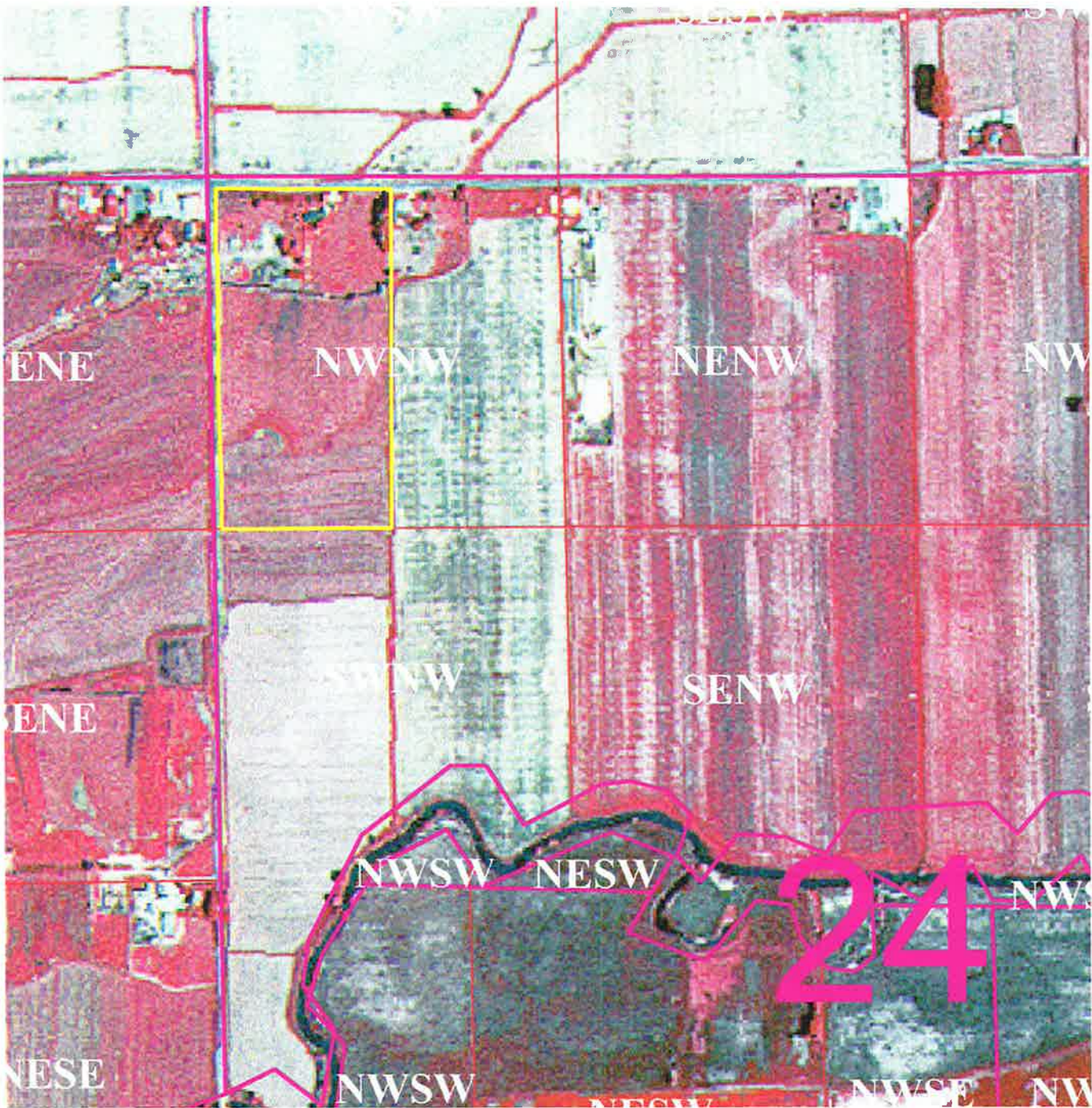
Quarter Section Line

Roads

Streams and Canals



SPATIAL
DYNAMICS



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

N





Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

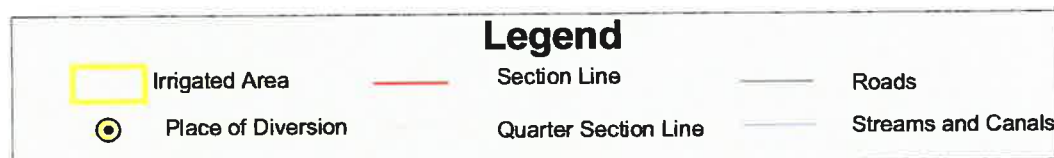
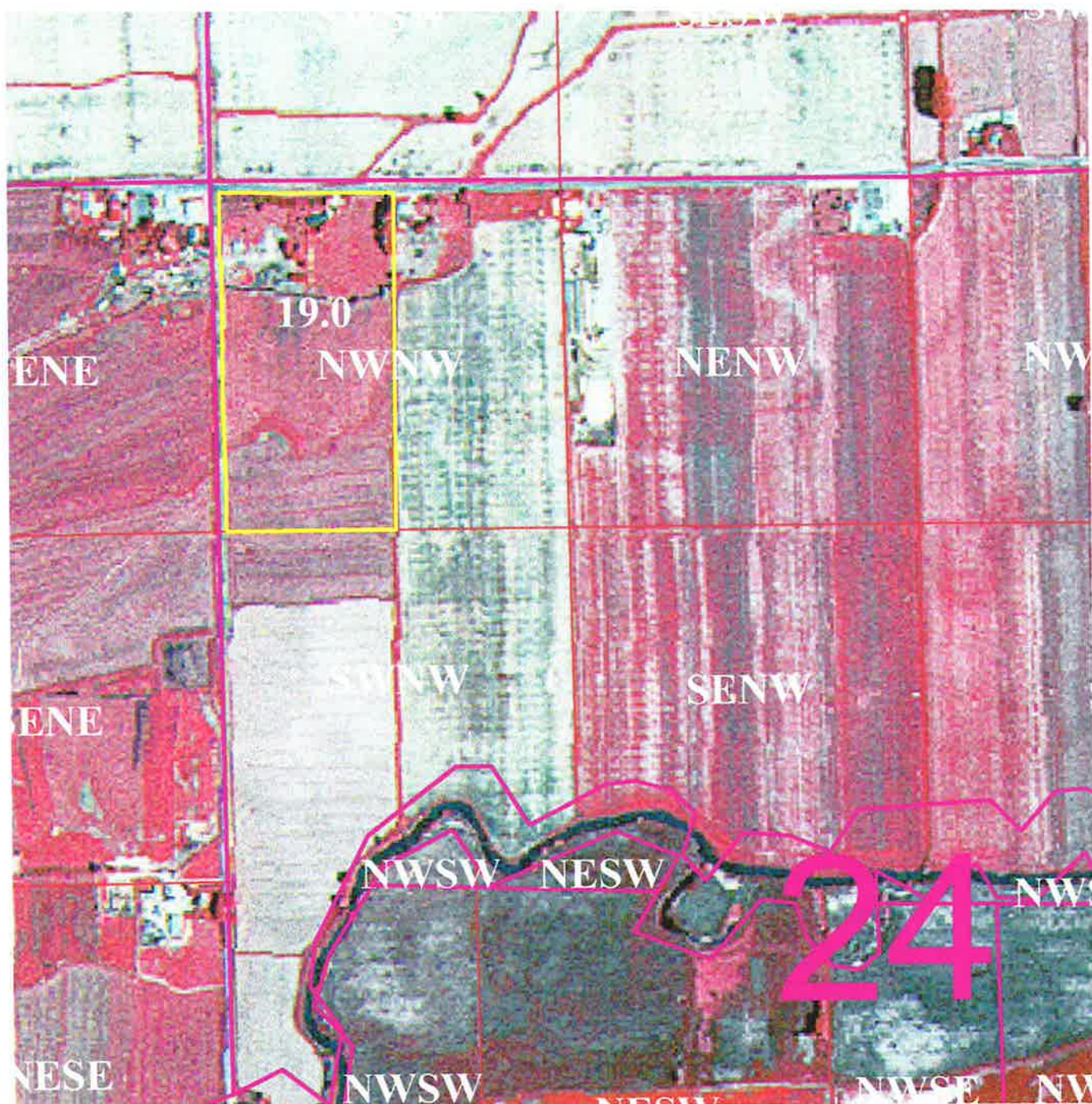
Streams and Canals

Legend



Water Right Claim Number 27-10116
Township , 3S34E

01/02/2001



400 0 400 800 Feet

 SPATIAL
DYNAMICS

SCANNED

JUL 20 2001

Log for claim 27-10116

Spatial Dynamics LTD

1/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	24	NWNW	23	19	
Totals:			23	19	

 SPATIAL
DYNAMICS

EAST IDAHO NATIONAL FARM LOAN ASSOCIATION

BLACKFOOT, IDAHO

June 15, 1953.

ROSS A. SOWARD, SECRETARY-TREASURER

FEDERAL LAND BANK LOANS

Mr. Wm. Hall
Blackfoot, Idaho

Dear Sir:

In 1918, John Hamilton and his wife deeded to Edward Hoffman (Book 37 of Deeds, Page 107) the ~~W¹/₂ NW¹/₄~~ and the ~~W¹/₂~~ of Lot 4, Section 24, Township 3 South, Range 34 E.B.M. At the same time John F. Hamilton and wife deeded to Edward Hoffman (Book 37 of Deeds Page 126) 36 inches of Fox and Whitten water with a priority of June 1, 1885.

In 1923 Edward Hoffman and wife mortgaged this land, together with all water rights to the State of Idaho. The State of Idaho foreclosed this mortgage and in 1934 obtained a Sheriff's deed (Book 57 of Deeds Page 282). The Sheriff's deed describes the same land but does not mention the water.

In 1947 the State of Idaho deeded to Ray W. Dyer (Book 72 of Deeds Page 280) the same land together with all water rights.

In 1947 Ray Dyer and wife deeded to Blanchard J. Stewart the same land but no mention is made of water rights. (Book 73 of Deeds Page 477).

In 1951, Blanchard J. Stewart and wife deeded to Evan L. Mecham (Book 78 of Deeds Page 475) the same land but no mention was made of water rights.

The assessor of Bingham County now has the above-described land in three assessments, Tax Numbers 2725, 2726 and 2727.

Tax No. 2725 is assessed to Evan L. Mecham and described as follows: That part of the ~~W¹/₂ NW¹/₄~~ of Section 24, lying North of the Riverton Ditch, containing 6 acres more or less.

Tax No. 2726 is assessed to Evan L. Mecham c/o Richard Yancey, and is described as follows: Commencing at a point 96 rods South of the Northwest corner of said Section 24, and running thence East 40 rods, thence North to the water line on the North bank of what is known as the Riverton Ditch, crossing the ~~N¹/₂ NW¹/₄~~ of said Section, thence Southwesterly along the water line on the North bank of said ditch to the West line of said section, thence South to the point of beginning.

Tax No. 2727 is assessed to Evan L. Mecham c/o L. D. S. Church, and is described as follows: Commencing at a point 96 rods South of the NEP of said Section 24 and running thence East 40 rods, thence South to the North bank of the Blackfoot River, thence Southwesterly along the North bank of the river to the West line of said section, thence North to the point of beginning.

"OWNED BY FARMERS : FOR FARMERS"

MICROFILMED

NOV 12 1992

June 15, 1953
Wm. Hall
Page 2.

Tax No. 2726 contains approximately 18 acres and Tax No. 2727 approximately 20 acres.

These assessments would indicate that Evan L. Mecham has sold the land described as Tax No. 2726 to Richard Yancey and Tax No. 2727 to the L.D.S. Church. I presume the only way to learn who now owns this water would be to contact Evan Mecham and find out how much water he sold to each purchaser.

I can not find any deed on record given by Evan L. Mecham covering the above lands or the water in question.

Yours truly,


Ross A. Soward
Secretary-Treasurer

rs:hh

MICROFILMED

NOV 12 1992

RECEIVED

MAR 24 1989

Department of Water Resources
Eastern District Office

691 WEST 300 SOUTH
BLACKFOOT, IDAHO 83221
MARCH 24, 1989

IDAHO DEPARTMENT OF WATER RESOURCES
EASTERN REGIONAL OFFICE
150 SHOUP AVENUE, SUITE 15
IDAHO FALLS, IDAHO 83402

ATTENTION: Dennis M. Dunn

REFERENCE: Identification Number: A27-10116

Dear Mr. Dunn,

Enclosed is a copy of the warranty deed which was referenced in the documentation which I left with you when I visited with you on the 24th of March. Please file these with the other documentation which you received from me. The referenced water was dated June 1st, 1885 decreed to A. Whitten and Susan E. Whitten August 1st, 1891.

This deed would also be of interest in reference to the adjoining approximate 20 Acre owned by the LDS Church. If you feel it would be helpful to the gentleman (I'm sorry I didn't get his name) from the Boise office who was in Idaho Falls today, please send him a copy to reference his work with Mr. Glenn Nielson (459-0134) of Caldwell in filing for the LDS Church in Southern Idaho.

Thank you for your help in this matter. Please let me know if I can be of further assistance.

Sincerely,


Marvin R Yancey

MICROFILMED

NOV 12 1992

11-20-1918

107

No. 5235

WARRANTY DEED

Book No. 37

This Indenture, Made the 20th day of November in the year of our Lord one thousand nine hundred and eighteen, between -----
-----Annie A. Hamilton and John P. Hamilton, her husband,
of the County of -----Idaho----- and State of -----Idaho-----, the part y of the first part, and
-----Edward Hoffman-----

of the County of -----Cache----- and State of -----Utah-----, the part y of the second part,

WITNESSETH, That the said part 100 of the first part, for and in consideration of the sum of -----

-----Five Hundred----- DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged,

do by these presents grant, sell, bargain and convey and confirm unto the said part y 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 Bingham and State of Idaho, and bounded and described as follows, to-wit:

The west one-half of the northwest quarter of the northwest quarter (1/2 NW 1/4 NW 1/4) and the west half of Lot four (4) in section twenty-four (24) in township three (3) south of range thirty-four (34) East of the Boise Meridian in Idaho.

It being understood that the above description conveys all that part of the west half of the northwest quarter of said section twenty-four lying west of a line running due south from a point forty rods east of the northwest corner of said section twenty-four to the Blackfoot river thence along the bank of said river to the southeast corner of said lot four in section twenty-four in township three south of range thirty-four east, Boise Meridian, Idaho.

Together with all water rights, ditches, ditch or other rights-of way thereunto belonging.

\$50 R. I. S. Attached and Cancelled

W 1/2 NW NW
W 1/2 L 4
T 3S, R 34E

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

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part y of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of
P. L. Davis

Annie A. Hamilton (SEAL)
John P. Hamilton (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,
County of Bingham } ss.

I DO HEREBY CERTIFY, That on this 20th day of November in the year of 1918, before me,
P. L. Davis, a Notary Public
in and for said County and State, personally appeared
Annie A. Hamilton and John P. Hamilton, her husband

known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Sugar City, Idaho
(SEAL) the day and year first above written.

(Seal) My commission expires March 25, 1919

P. L. Davis Notary Public.
Residing at Sugar City, Idaho.

Recorded at the request of M. E. THOMAS, December 21, 1918 at 4:00'clock.

5.54

W. J. Fisher Recorder

NOV 12 1992

CAPITAL NEWS PUBLISHING CO., WYOMING 19410

F.J.: Fisher Recorder.

WARRANTY DEED

No. 5380

CAPITAL NEWS PUBLISHING CO., MOISE 17430

This Indenture, Made the 19th day of December in the year of our Lord one thousand nine hundred and eighteen, between
Annie A. Hamilton and John F. Hamilton, her husband,
of the County of Madison and State of Idaho, the part 1cs of the first part, and
EDWARD HOFFMAN
of the County of Cache and State of Utah, the part 2 of the second part,

One Hundred ----- DOLLARS,
lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof
is hereby acknowledged

do. by these presents grant, sell, bargain and convey and confirm unto the said part Y of the second part, and to his heirs and assigns forever, all that certain ~~xxxxxx~~^{water right} ~~xxxxxx~~ situate, lying and being in the County

Thirty-six (36) inches of water of the Blackfoot River, the same being a part of that certain water right of one thousand inches of the date of June 1st, 1885, decreed to A. Whitten and Susan E. Whitten August 1st, 1891, in that certain water decree as recorded in Judgment Book No. 1 at pages 107 to 116 of the records of Bingham County, Idaho.

\$1.50 I.R.S. attached and cancelled

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

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges therein incident, unto the said part Y of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part Y of the second part, his heirs and assigns, against the said part 108 of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

F. L. Davis

Annie A. Hamilton (SEAL)
John F. Hamilton (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO. } ss.
County of Madison }
I DO HEREBY CERTIFY, That on this 19th day of December in the year of 1918, before me,
F. L. Davis a notary public in and for said County and State, personally appeared

Ann^{ie} A. Hamilton and John F. Hamilton, her husband,
known to me to be the person whose name S are subscribed to the within and foregoing instrument, and acknowledged to
me that they executed the same.
My commission expires I have hereunto set my hand and affixed my official seal at Sugar City, Idaho first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ first above written.
(SEAL) _____ the day and year _____ F. T. Davis Notary Public

(SEAL) the day and year F. L. Davis Notary Public
(SEAL) My commission expires March 27th, 1919
residing at Sugar City, Idaho.

Recorded at the request of J. H. Anderson, Dec. 31, 1918 at 1:15 P.M.

F.M. Fisher Recorder.

MICROFILMED
NOV 12 1992

Warranty Deed

96 175

THIS INDENTURE, Made this 14th day of June in the year of our Lord One Thousand Nine Hundred and Fifty-seven, between EVAN L. MECHAM and EVELYN MECHAM, husband and wife, of the County of Bingham, State of Idaho, the parties of the first part, and

RICHARD E. YANCEY of the County of Bingham, State of Idaho the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of FOUR THOUSAND and no/100 - - - - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto 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 Bingham State of Idaho, bounded and more particularly described as follows, to-wit:

Commencing at a point 96 rods South of the Northwest corner of Section Twenty-four, Township Three South, Range Thirty-four East of the Boise Meridian, and running thence East 40 rods, thence North to the water line on the North bank of what is known as the Riverton Ditch crossing the North One-half of the Northwest Quarter of said section, running thence Southwesterly along the water line on the North bank of said ditch to the West line of said section, thence South to the point of beginning;

Together with all water and water rights, ditches and ditch rights of way, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. Including particularly 18 inches of Fox and Whitten waters.

Subject to existing rights of way for roads, ditches and utilities.

Subject to an existing mortgage on said premises with an unpaid balance amounting to \$1,700.00 which said sum is part of the consideration above mentioned.



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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns against the said parties 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 parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

_____ } Evan L Mecham [Seal]
Evelyn Mecham [Seal]

_____ [Seal]
_____ [Seal]

14th day of June 1957
1811 For & 1/2 of the

STATE OF IDAHO,
County of Bingham

} SS.

On this

7th

day of

~~August~~,
November,

in the year 1957, before me,

the undersigned,

a Notary Public

in and for said County and State, personally appeared

EVAN L. MECHAM and EVELYN MECHAM, husband and wife,

known to me to

be the person S whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

My Commission Expires:

July 10, 1959

E. P. Mouson

Notary Public.

Residence

Blackfoot, Idaho

WARRANTY DEED

Dated

, 19

STATE OF IDAHO,

County of

Bingham

} SS.

I hereby certify that this instrument was filed for record at the request of

E. P. Mouson

at 35 minutes past 9

o'clock A. M., this 21 day

of November A. D. 1957

at my office and duly recorded in Book 87

of Deeds at page

117 of Book 87

Ex-Officio Recorder.

By

G. P. Mouson

Deputy.

Fee, \$ 1.25

GEO. PRIMES & SONS, INC., Pocatello, IDAHO

But 272

city

Warranty Deed

97-148

THIS INDENTURE, Made this 24th day of August
in the year of our Lord One Thousand Nine Hundred and Fifty-seven , between

EVAN L. MECHAM and EVELYN MECHAM, husband and wife,
of the , County of Bingham , State of Idaho
the parties of the first part, and

RICHARD YANCEY

of the , County of Bingham , State of Idaho
the part y of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
THREE THOUSAND EIGHT HUNDRED and NO/100 - - - - - DOLLARS,
lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part y
of the second part, and to his heirs and assigns forever: All th at certain lot ,
piece or parcel of land situate, lying and being in the County of Bingham State of Idaho, bounded
and more particularly described as follows, to-wit:

The West half of the Northwest Quarter of the
Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), and the West half of Lot
Four (4), in Section Twenty-four (24), Township Three
(3) South, of Range Thirty-four (34), East of the
Boise Meridian; it being understood that the above
description conveys all that part of the West Half of
the Northwest Quarter of Section Twenty-four (24),
lying West of a line running due South from a point
40 rods East of the Northwest corner of said Section
Twenty-four (24) to the Blackfoot River, thence along
the bank of the river to the Southwest corner of said
Lot Four (4) containing forty-four (44) acres more or
less, excepting all rights of way thereon.

Subject to an existing mortgage on said premises
with an unpaid balance amounting to \$1,700.00 which
said sum is part of the consideration above mentioned.



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

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

Signed, Sealed and Delivered in the Presence of

Evan L Mecham [Seal]
Evelyn Mecham [Seal]
_____[Seal]
_____[Seal]

WARRANTY DEED

190593

For Value Received RICHARD E. YANCEY and ETHELLA W. YANCEY, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto MARVIN R. YANCEY and NOIA

B. YANCEY, husband and wife, of 948 Henderson Drive, Blackfoot, Idaho 83221

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

Part of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of Section 24, Township 3 South, Range 34 East of the Boise Meridian, Bingham County, Idaho, described as: Beginning at a point 246 feet East of the Northwest corner of Section 24, thence East to the Northeast corner of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$; thence South to the waterline on the North bank of Riverton Ditch crossing the $N\frac{1}{2}NW\frac{1}{4}$ of said Section, thence Westerly along the waterline of the North bank of said ditch to a point 246 feet East of the West line of said Section, thence North to the Point of Beginning.

Subject to reservations in U.S. Patent, existing and recorded rights-of-way and easements, zoning and building ordinances and taxes and assessments for 1974., 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 Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

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

Dated:

Richard E. Yancey
RICHARD E. YANCEY
Ethella W. Yancey
ETHELLA W. YANCEY

STATE OF IDAHO, COUNTY OF BINGHAM
On this 22nd day of April, 1974,
before me, a notary public in and for said State, personally
appeared

Richard E. Yancey and Ethella
W. Yancey, 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.

James D. Hansen
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 3/28/75

190593

16
\$1.00
EH

WARRANTY DEED

218881

For Value Received RICHARD E. YANCEY and ETHELLA W. YANCEY, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto MARVIN R. YANCEY and NOLA B. YANCEY, husband and wife,

whose current address is Route #3, Box 78 A, Blackfoot, Idaho 83221

the grantee s, the following described premises, in BINGHAM County Idaho, to wit:

The North 96 rods of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ and the $W\frac{1}{2}$ of Lot 4 in Section 24, Township 3 South, Range 34, East of the Boise Meridian, Bingham County, Idaho, EXCEPTING all rights-of-way thereon.

ALSO EXCEPTING: Part of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ of Section 24, Township 3 South, Range 34, East of the Boise Meridian, Bingham County, Idaho, described as: Beginning at a point 246 feet East of the Northwest corner of Section 24, thence East to the Northeast corner of the $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$; thence South to the waterline on the North bank of Riverton Ditch crossing the $N\frac{1}{2}NW\frac{1}{4}$ of said Section, thence Westerly along the waterline of the North bank of said ditch to a point 246 feet East of the West line of said Section, thence North to the Point of Beginning.

The above conveyance is made free and clear of all other encumbrances except: rights-of-way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

Together with all water and water rights, ditches and ditch rights-of-way, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. Including particularly 18 inches of Fox and Whitten waters.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

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

Dated: November 8, 1976

Richard E. Yancey
RICHARD E. YANCEY

Ethella W. Yancey
ETHELLA W. YANCEY

STATE OF IDAHO, COUNTY OF BINGHAM

On this 30th day of November 1976, before me, a notary public in and for said State, personally appeared Richard E. Yancey and Ethella W. Yancey.

known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

James L. Shuman
Residing at Blackfoot, Idaho
Comm. Expires LIFE
Notary Public

218881

AMERICAN LAND TITLE CO.

JUN 20 2009

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: A27-10116
Date Received: 3/24/1989
Receipt No: E006484
Received By: EMS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN R. YANCEY 208-785-3610
Address: 691 W. 300 S.
BLACKFOOT, ID 83221
OR
Name: NOLA B. YANCEY 208-785-3610
Address: 691 W. 300 S.
BLACKFOOT, ID 83221

A2710116



2. Date of Priority: JUN 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 of	Lot	County
03S	35E	18	NW	SW	NE		BINGHAM

5. Description of diverting works:
HEADWORKS OF THE RIVERTON DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.360		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10116

Page 1

Date: 03/24/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	24	NW	NW		IRR	23.0
Section Acres							23.0
Total Acres							23.0

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:

1/4 SHARE OF THE EASTERN IDAHO WATER CO.

14. Remarks:

THIS CLAIM IS BASED ON RIGHT 27-0004. I COULD NOT TELL WHICH SUBRIGHT (A-M) THE CLAIM BELONGS. MR YANCEY HAS A CLEAR CHAIN OF OWNER SHIP OF THE WATER. THESE DOCUMENTS ARE ATTACHED TO THE PAPER COPY OF THE CLAIM. DMD.

15. Basis of Claim: DECREED

Water Right Number: 270004

Case Number:

Court :

Decree date:

FRED STEVENS ET AL
Decree Plaintiff

vs

EASTERN IDAHO WATER CO ET AL
Decree Defendant

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NOV 12 1992

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): Marvin R. Yancey Date: 3/24/89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of March 19 89 Calvin Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

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NOV 12 1992

N-12, O-12, P-12
N-13, O-13, P-13

