

08/29/2005

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

RIGHT NUMBER: 27-10344
NAME AND ADDRESS: DAVID R. STARK
410 WEST RIVERTON ROAD
BLACKFOOT ID 83221

DENISE C. STARK
410 WEST RIVERTON ROAD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION:
T03S R35E S9 NWSENE Lot 1 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.090 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County
T03S R35E S08 Lot 1 NWNE 4.3

4.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
This right is a split from former right 27-3.
WATER IS DELIVERED THROUGH MINERS DITCH.

Department of Water Resources

Eastern Region



Claim No.: 27-10344



PROFILED

0 660 1320 1980 2640 Feet



SCANNED

MAY 25 2005

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: August 2005



STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-10344



1000 0 1000 2000 Feet

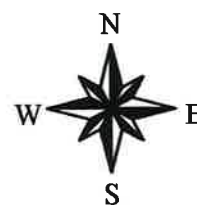
IRRIGATED ACRES 3.6

LEGEND

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

Place of Use: T3S, R35E:
(part of) Sec. 8, NWNE.

Point(s) of Diversion: T3S, R35E:
Sec. 9, NWSENE.



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 22, 2007

David R. Stark
Denise C. Stark
410 West Riverton Rd
Blackfoot, ID 83221

COPY

REF: SRBA Rights 27-10344

Subject: Basin 27 Objections to Irrigation Use

Dear Claimants:

This letter concerns the objection filed by the Shoshone-Bannock Tribes and/or the Bureau of Indian Affairs (collectively referred to as "the Tribal Objectors") to your water right in the Snake River Basin Adjudication (SRBA) and the concurrence of the Idaho Department of Water Resources (IDWR) in a proposed settlement agreement to resolve the objection.

It is IDWR's understanding that you have agreed to settle the volume objection made by the Tribal Objectors to your water right by including a specific total annual volume limit on your irrigation water right. Recently, the Tribal Objectors requested that IDWR concur in the settlement agreement. IDWR is reluctant to concur in such settlements because of a lack of information regarding actual diverted volumes in Basin 27. If a volume limit is to be included in a water right, IDWR wants to make sure that the volume limit is as accurate as possible. To this end, IDWR is currently in the process of implementing a study intended to provide a basis for determining diverted volumes in Basin 27. Still, IDWR realizes that that some water users might have information that would provide actual diverted volumes for their water rights, thus eliminating the need to wait for completion of the study. As such, IDWR is requesting any information you have to support historical diversion amounts for your water right. If you have any such information, please send it to the address listed above.

SCANNED
JUN 05 2007

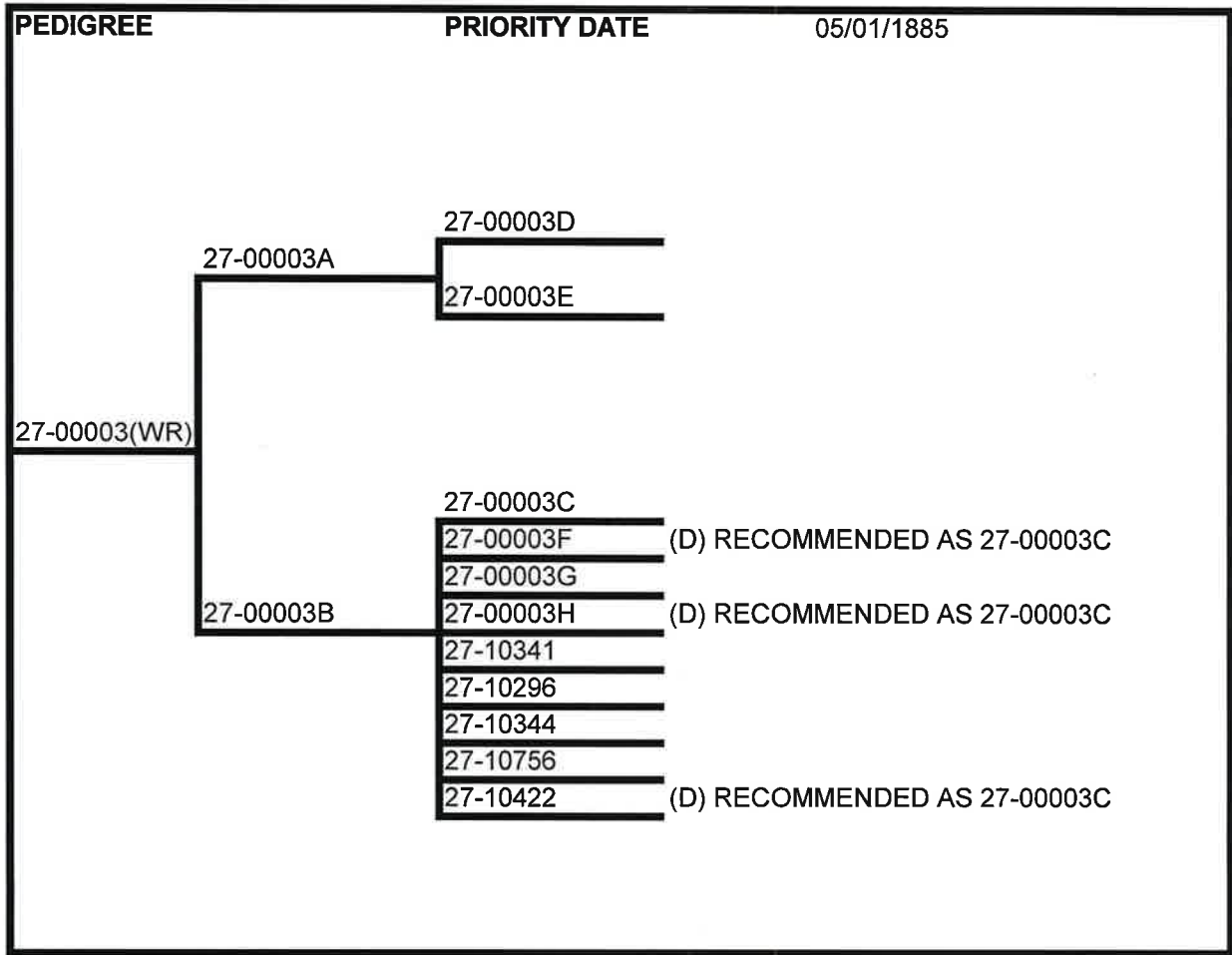
If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CC: BIA, U.S. Dept. Of Justice
Jeanette Wolfley, Shoshone-Bannock Tribes
State Of Idaho, David Barber
Garrick Baxter, Deputy Attorney General

SCANNED
JUN 06 2007



Water right #	to adjudication #	Miscellaneous
27-00003	27-00003a	27-00003D 27-00003E
	27-00003b	27-00003C 27-00003F 27-00003G 27-00003H 27-10341 27-10296 27-10344 27-10756 27-10422
		DISALLOWED RECOMMENDED AS 27-00003C DISALLOWED RECOMMENDED AS 27-00003C DISALLOWED RECOMMENDED AS 27-00003C

PROFILED

SCANNED
MAY 25 2006

Claim Number Split to	
27-00003	27-00003A 27-00003B
27-00003A	27-00003D 27-00003E
27-00003B	27-00003C 27-00003F 27-00003G 27-00003H 27-10341 27-10296 27-10344 27-10756

kmj 03/03/2006

08/29/2005

**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: 27-10344

DAVID R. STARK
410 WEST RIVERTON ROAD
BLACKFOOT ID 83221

DENISE C. STARK
410 WEST RIVERTON ROAD
BLACKFOOT ID 83221

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:

9-11-05

SIGNATURE:

David R. Stark

Please print your name:

DAVID R. STARK

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

PROFILED

SCANNED
SEP 27 2005

RECEIVED
SEP 21 2005
Department of Water Resources
Eastern Region

KMT
9/10/05



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 30, 2005

David and Denise Stark
410 West Riverton Road
Blackfoot, ID 83221

RE: Notice of Error Reply

Dear David and Denise,

Enclosed is an updated Preliminary Director's Report (PDR) and layout for water right 27-10344. I have received your reply and have complied with the changes you requested. I updated your place of use from 3.6 to 4.3 acres of irrigated land. Please review the PDR and return the Notice of Error Reply with any comments you may have. If you agree with the preliminary recommendation, please note that in the appropriate place.

Respectfully yours,

Kristin Moore
GIS Specialist

02/28/2005

**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: 27-10344

David Stark
410 West Riverton Road
Blackfoot, ID 83221
Telephone Number: (208) 785-0742

Denise Stark
410 West Riverton Road
Blackfoot, ID 83221
Telephone Number: (208) 785-0742

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

QUANTITY

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

3.6 TO 4.3 ACRES

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

*WE IRRIGATE PORTIONS NOT INDICATED
IN YOUR PICTURE, AND OUR RIGHT IS 4.3, OF
WHICH WE USE ALL.*

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

DATE: *7-25-05*

SIGNATURE: *David R. Stark*

Please print your name:

DAVID R. STARK

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, (208) 525-7161

RECEIVED
AUG 01 2005
Department of Water Resources
Eastern Region

*KMT
8/2*

INTER-DEPARTMENT MEMO

TO: Barbara/Pauline
FROM: Cindy

SUBJECT: layout/ecvr
DATE: 2/7/05

Please create a layout for this claim. Use warranty
dud, Bingham Co. tax lot information for POD.
POD is the Miner's ditch.

placed

- add a copy of 27-3 analysis. ①

Ready for ecvr.

() For your information

() Response required

CB
signature

Notes

7/13/04 9am. Denise's State ~~letter~~ returned my call. She explained that we needed to amend the claim and I mailed that yesterday to her. It needs to be argued in front of a judge and returned to me. Also she asked about having the night back to the house. She is going to work with Bill Hadden on the award.

7/23/04. Denise called and said she has the day off and is going to the courthouse to do research and will send it in with the amended claim. ~~OK~~

7-27-04 Received amended claim from claimant. ~~OK~~

8-30 Sent letter to claimant re availability of priority. ~~OK~~

10-12 Sent 2nd request. ~~OK~~

10/14/04 Denise called today she mailed the documents out on 9/17/04 certified. She will stick to the what happened last. ~~OK~~

10-18-04 Sent an apology on their members. ~~OK~~

10-20-05 Denise called re status. Denise is trying to form a small company. ~~OK~~

6/7/04 this claim does not appear to be

part of 27-3.

and claimant a letter, National

claim that 27-3 is not appear to

your land. Need further determination

to support your claim to what

Benjamin By Commission of the person

of 410 West Rensselaer Rd. or:

David R + Denise C. Stark

782-0742

called + left a message. Need to verify

they own see the land with the claim. Pat

6-14-04 Sent claimants an ownership change form +

letter. pb.

Response date 6-30-04

7-2-04 Received Ownership change, deed + plat, BP

7-6-04 Received disclaimers wrong. T-R for a 5-1-1865

might be

7/12/04 spoke with Robert Colson and this

is the same piece of property and he sold

it to Dennis + David Stark. Claimant

to be awarded to meet the legal dump

lien. Robert Colson 785-0896.

Amend claim;

Pat Should be: T35, E35E, sec. 8, NWNE 6-1

POP. Looks OK

making changes in recording 27-3 claim. This data appear

that it might be a portion of 27-3. However, the ownership has not

been confirmed. Priority 5-1-1885 Not 1895!

Basin 27

Basin No.	Sequence Number	Split Suffix	Description	R	D	Basis of a Claim	yyyy-mm-dd Priority Date	Remarks	Y N/A Layout	Usage	S=Stevens	Stevens Decree #	Total CFS
27	3	G	Bingham, Paul	R		Decreed	1885-05-01	Link to Stevens 27-3, 57, 29?	Y	irrigation	s	3	0.10
27	10527		Bingham, Paul		D	Decreed	1885-05-01	Claimed .109	N/A	irrigation	s	3	0.00
27	10296		Daniels, Kathy & David	R		Decreed	1885-05-01	Miner's Ditch; former owner Orris Lindsey	Y	irrigation	s	3	0.87
27	10341		Haddon, Bill D.			Decreed	1885-05-01			irrigation	s	3	0.09
27	3	C	Hill, Stanley & Cronquist, Susan	R		Decreed	1885-05-01	T109. Originally claimed 2.0	Y	irrigation	s	3	0.73
27	10756		Hinderager, Larry (Wring, Linden M.)	R		Decreed	1885-05-01		Y	irrigation	s	3	0.12
27	3	D	Reid, Casey W.			Decreed	1885-05-01			irrigation	s	3	0.57
27	3	E	Reid, Paul			Decreed	1885-05-01			irrigation	s	3	0.43
27	3	F	Shupe, Paul		D	Decreed	1885-05-01	claimed 0.14 cfs	N/A	irrigation	s	3	0.00
27	10344		Stark, David			Decreed	1895-05-01	Colson, Robert F; previous owner.		irrigation	s	3	0.09
											10	3	3.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 12, 2004

David R. Stark
Denise C. Stark
410 W. Riverton Rd
Blackfoot, ID 83221

Ref: Snake River Basin Adjudication (SRBA)
Notice of Claim 27-10344

Subject: Correct the legal for the place of use (POU).

RESPONSE DATE: JULY 26, 2004

Dear David and Denise;

We received your ownership change form and warranty deed. When comparing the legal description for the SRBA claim and your warranty deed it was discovered that they do not match. I spoke with Robert Colson, who filed the original claim in 1989, and he confirmed that the legal under your warranty deed is correct. To recommend that legal description to the SRBA court, it must first be claimed. So, I have amended the original SRBA Notice of Claim to a Water Right for your signature. This must be signed in front of a Notary to verify the signatures. Please carefully review this document and if you agree please sign the claim and return it to my office by the above response date. If it is not received in my office by the above response date the claim will be recommend as "DISALLOWED" to the court.

If you have any questions please feel free to contact me at the Soda Springs office at 547-3993.

Respectfully,

Cindy E. Bird
Cindy E. Bird

Enclosure: Amended Notice of Claim to a Water Right 27-10344





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

12 October 2004

David & Denise Stark
410 West Riverton Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10344

COPY

Subject: EVIDENCE OF PRIORITY **SECOND REQUEST**

Response Date: 22 October 2004

Dear Claimant (s):

Thank you for sending in the change of ownership form, a copy of your warranty deed and plat. The basis for the claim indicates a priority date of May 1, 1885 as set forth in the Stevens vs Eastern Idaho Water Co. as decreed by the Court in August 1891.

We have received many claims based on this same priority date. The 1891 Decree established a total of 3.0 cfs for this priority date. Since the total claims exceed the established total, we are requesting all claimants to provide a clear path of ownership documenting the water from May 1, 1885 to the current claimant(s).

Please provide this office with the necessary documentation. If we do not receive sufficient documentation, this claim may be disallowed. Please respond by the above referenced response date.

If you have any questions, please feel free to call me at 547-3993.

Respectfully,

Barbara J. Payne



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

30 August 2004

David & Denise Stark
410 West Riverton Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10344

COPY

Subject: EVIDENCE OF PRIORITY

Response Date: 15 September 2004

Dear Claimant (s):

Thank you for sending in the change of ownership form, a copy of your warranty deed and plat. The basis for the claim indicates a priority date of May 1, 1885 as set forth in the Stevens vs Eastern Idaho Water Co. as decreed by the Court in August 1891.

We have received many claims based on this same priority date. The 1891 Decree established a total of 3.0 cfs for this priority date. Since the total claims exceed the established total, we are requesting all claimants to provide a clear path of ownership documenting the water from May 1, 1885 to the current claimant(s).

Please provide this office with the necessary documentation. If we do not receive sufficient documentation, this claim may be disallowed. Please respond by the above referenced response date.

If you have any questions, please feel free to call me at 547-3993..

Respectfully,

Barbara J. Payne

WARRANTY DEED

495365

For Value Received **Robert F. Colson and Marilyn J. Colson, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David R. Stark and Denise C. Stark, husband and wife

whose address is: 410 W. Riverton Rd., Blackfoot, ID 83221,

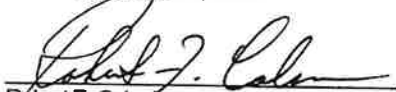
Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

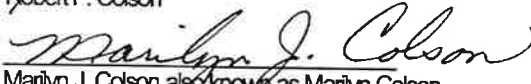
SEE ATTACHED

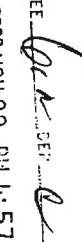
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 21, 2000


Robert F. Colson


Marilyn J. Colson also known as Marilyn Colson

RECORDED
BLACKFOOT, IDAHO
FEE 
2000 NOV 22 PM 4:57
RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

STATE OF Idaho

)ss.

COUNTY OF BINGHAM

On this 22nd day of November, 2000, before me Michelle Kofoed, personally appeared Robert F. Colson and Marilyn J. Colson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 04/14/06



14.02.1

PARCEL I:

Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a right-of-way marker on the West line of a County Road that is S. 89°51'03" W., along the Section line 1384.32 feet and S. 0°14'57" E., 411.86 feet from the NE corner of said Section 8; and running S. 0°14'57" E., along said County road 178.8 feet; thence N. 89°36'21" W., 527.29 feet to the easterly line of the Mary Lee Gold Mining Property; thence N. 44°38' E., along said easterly line 317.9 feet; thence S. 74°58'02" E., 59.76 feet; thence S. 3°47'13" W., 25.47 feet; thence S. 87°39'02" E., 86.28 feet; thence N. 48°47'59" E., 18.24 feet; thence N. 89°42'06" E., 115.27 feet; thence S. 58°57'13" E., 37.26 feet to the point of beginning.

PARCEL II:

Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the West line of a County Road S. 89°39'03" W., along the Section line 1385 feet and S. 00°14'57" E., 590.66 feet from the NE corner of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho; and running thence S. 00°14'57" E., 175.0 feet; thence N. 89°36'21" W., 733.6 feet; thence N. 44°46'29" E., 245 feet; thence S. 89°36'21" E., 560.4 feet to the point of beginning. **EXCEPT:** Part of Lot 1 of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is S. 89°54'43" W., 1,329.32 feet along the section line and S. 45°06'58" W., 828.53 feet from the NE corner of said Section 8; and running thence S. 45°06'58" W., 245.18 feet to the south line of the property as described in Instrument No. 101326; thence along said property the following three (3) courses: (1) N. 89°20'41" W., 28.63 feet; thence (2) N. 45°02'09" E., 244.84 feet; thence (3) S. 89°20'41" E., 29.11 feet to the point of beginning.

495365

7-12956
Now VOIDED
AND REPLACED
w/ H3502

WARRANTY DEED

495365

For Value Received **Robert F. Colson and Marilyn J. Colson, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David R. Stark and Denise C. Stark, husband and wife

whose address is: 410 W. Riverton Rd., Blackfoot, ID 83221,

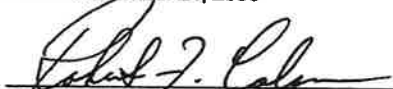
Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

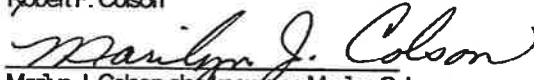
SEE ATTACHED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 21, 2000


Robert F. Colson


Marilyn J. Colson also known as Marilyn Colson

RECORDED
2000 NOV 22 PM 4:57
RECORDED AT THE REQUEST OF
FIDELITY & AMERICAN TITLE COMPANY

STATE OF Idaho

)ss.

COUNTY OF BINGHAM

On this 22nd day of November, 2000, before me Michelle Koford, personally appeared Robert F. Colson and Marilyn J. Colson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 04/14/06



14.02.1

PARCEL I:

Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a right-of-way marker on the West line of a County Road that is S. 89°51'03" W., along the Section line 1384.32 feet and S. 0°14'57" E., 411.86 feet from the NE corner of said Section 8; and running S. 0°14'57" E., along said County road 178.8 feet; thence N. 89°36'21" W., 527.29 feet to the easterly line of the Mary Lee Gold Mining Property; thence N. 44°38' E., along said easterly line 317.9 feet; thence S. 74°58'02" E., 59.76 feet; thence S. 3°47'13" W., 25.47 feet; thence S. 87°39'02" E., 86.28 feet; thence N. 48°47'59" E., 18.24 feet; thence N. 89°42'06" E., 115.27 feet; thence S. 58°57'13" E., 37.26 feet to the point of beginning.

PARCEL II:

Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the West line of a County Road S. 89°39'03" W., along the Section line 1385 feet and S. 00°14'57" E., 590.66 feet from the NE corner of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho; and running thence S. 00°14'57" E., 175.0 feet; thence N. 89°36'21" W., 733.6 feet; thence N. 44°46'29" E., 245 feet; thence S. 89°36'21" E., 560.4 feet to the point of beginning. **EXCEPT:** Part of Lot 1 of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is S. 89°54'43" W., 1,329.32 feet along the section line and S. 45°06'58" W., 828.53 feet from the NE corner of said Section 8; and running thence S. 45°06'58" W., 245.18 feet to the south line of the property as described in Instrument No. 101326; thence along said property the following three (3) courses: (1) N. 89°20'41" W., 28.63 feet; thence (2) N. 45°02'09" E., 244.84 feet; thence (3) S. 89°20'41" E., 29.11 feet to the point of beginning.

495365

7-12956
Now voided
AND REPLACED
w/ TH3502

15961

WARRANTY DEED

205422

9-22-1975

For Value Received
Magdalena H. Hofer, a widow

the grantor , do es hereby grant, bargain, sell, and convey unto
Robert F. Colson and Marilyn Colson, husband and wife
Route #3, Box 44, Blackfoot, Idaho

the grantee s, the following described premises, to-wit:

Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3, South Range 35, E.B.M. Bingham
County, Idaho, described as:

Beginning at a R-O-W Marker on the West line of a County Road that is
S 89° 51'03" W along the Section Line 1384.32 feet and S 0° 14' 57" E
411.86 feet from the North East corner of said Section 8 and running
S 0° 14'57" E along said County road 178.8 feet; thence N 89° 36'21" W
527.29 feet to the Easterly line of the Mary Lee Gold Mining Property;
thence N 44° 38' E along said Easterly line 317.9 feet; thence
S 74°58' 02" E 59.76 feet; thence S 3° 47'13" W 25.47 feet; thence
S 87° 39' 02" E 86.28 feet; thence N 48° 47'59" E 18.24 feet; thence
N 89° 42' 06" E 115.27 feet; thence S 58° 57' 13" E 37.26 feet to the
point of beginning.

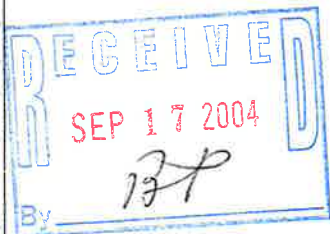
Subject to reservations in United States Patent, existing and recorded
casements, zoning and building ordinances.

NO
BINGHAM COUNTY IDAHO
GRACE A. H. HENDERSON

'75 Oct 8 AM 10 45

OFFICIAL RECORD BY NO 18
REC'D DEPT. OF
RECORDED AT REQUEST OF

BINGHAM TITLE & TRUST CO.



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor do es hereby covenant to and
with the said Grantee s , that t he y the owners in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that t hey will warrant and
defend the same from all lawful claims whatsoever.
Dated: September 22, 1975

Magdalena H. Hofer
Magdalena H. Hofer

STATE OF IDAHO, COUNTY OF Bingham
On this 26 day of September, 19 75,
before me, a notary public in and for said State, personally
appeared

Magdalena H. Hofer, a widow

known to me to be the person who SE name
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Dorothy Anderson
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 10-15-1975

STATE OF IDAHO, COUNTY OF

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

at minutes past o'clock m.,
this day of
'19 , in my office, and duly recorded in Volume
of the Official Records.

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT No. 205422

11,321

1: 1326

9-17-1963

Warranty Deed

THIS INDENTURE, Made this 17th day of September
in the year of our Lord One Thousand Nine Hundred and 63, between Albert Hofer
and Magdalena Hofer, his wife

of Blackfoot, County of Bingham, State of Idaho
the part les of the first part, and Robert F. Colson and Marilyn J. Colson,
his wife

of Blackfoot, County of Bingham, State of Idaho
the part les of the second part:

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

, do es by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part les
of the second part, and to their heirs and assigns forever: All th 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:

Beginning at a point on the West line of a County
Road S 89° 39' 03" W along the Section line 1385
feet and S 00° 14' 57" E 590.66 feet from the
N E corner of Section 8, Township 3 South, Range
35 E. B. M. and running thence S 00° 14' 57" E
175.0 feet; thence N 89° 36' 21" W 733.6 feet;
thence N 44° 46' 29" E 245 feet; thence S 89°
36' 21" E 560.4 feet to the point of beginning,
containing 2.599 acres.

T35, R35E
Sec 8
2599 ac



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 part les of the second part, and to their heirs and assigns forever. And the said
part les of the first part, and their heirs the said premises in the quiet and peaceable possession
of the said part les of the second part their heirs and assigns against the said part les 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 part les of the first part ha ve hereunto set their hand s and
seal the day and year first above written.
Signed, Sealed and Delivered in the Presence of

Albert Hofer [Seal]
Magdalena Hofer [Seal]
[Seal]
[Seal]

10.4.2

STATE OF IDAHO,
County of **Birghem**

On this **17th** day of **September** in the year **1963**, before me
the undersigned a notary public in and for said County and State, personally appeared
Albert Hofer and Magdalena Hofer, his wife

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

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

Ray Wilford
Notary Public.

Residence and P. O. Address **Box 767 Blackfoot Idaho**

101326
WARRANTY DEED

Dated _____

19__

STATE OF IDAHO,

County of **Birghem**

SS.

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

Ray & Clara

at **45** minutes past **one**

o'clock **P. M.**, this **SEP 17 1963** day

of _____ A. D. 19__

in my office and duly recorded in Book **114**

of Deeds as page _____

Magdalena

Ex-Officio Recorder.

By _____ Deputy.

Res. S. L. L.

Ray & Clara
Box 577, City

1: 1326

9-17-1963

Warranty Deed

THIS INDENTURE, Made this 17th day of September
in the year of our Lord One Thousand Nine Hundred and 63, between Albert Hofer
and Magdalena Hofer, his wife

of Blackfoot, County of Bingham, State of Idaho
the part 1st of the first part, and Robert F. Colson and Marilyn J. Colson,
his wife

of Blackfoot, County of Bingham, State of Idaho
the part 1st of the second part:

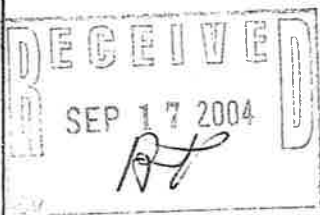
WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of ten and no/100- -
DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part 1st of the second part, the receipt
whereof is hereby acknowledged

, do ss by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part 1st
of the second part, and to their heirs and assigns forever: All th 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:

Beginning at a point on the West line of a County
Road S 89° 39' 03" W along the Section line 1385
feet and S 00° 14' 57" E 590.66 feet from the
N E corner of Section 8, Township 3 South, Range
35 E. B. M. and running thence S 00° 14' 57" E
175.0 feet; thence N 89° 36' 21" W 733.6 feet;
thence N 44° 16' 29" E 245 feet; thence S 89°
36' 21" E 560.4 feet to the point of beginning,
containing 2.599 acres.

T35, R35E
Sec 8
2.599 ac



Together with all and singular, the tenements, hereditaments and appurtenances therunto 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 therunto incident
unto the said part 1st of the second part, and to their heirs and assigns forever. And the said
part 1st of the first part, and their heirs the said premises in the quiet and peaceable possession
of the said part 1st of the second part their heirs and assigns against the said part 1st 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 part 1st of the first part has hereunto set their hand S and
seal the day and year first above written.
Signed, Sealed and Delivered in the Presence of

Albert Hofer [Seal]
Magdalena Hofer [Seal]
[Seal]
[Seal]

(10.4.2)

STATE OF IDAHO,
County of Blingham

On this 17th

day of September

in the year 1963, before me

the undersigned

a notary public

in and for said County and State, personally appeared

Albert Hofer and Magdalena Hofer, his wife

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

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

Ray Wilson
Notary Public

Residence and P. O. Address: Box 767 Blackfoot Idaho

101326

WARRANTY DEED

TO

Dated _____, 19____

STATE OF IDAHO,

County of Blingham

ss.

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

Robert J. Colson

at 45 minutes past one

o'clock P. M., this SEP 17 1963 day

of _____, A. D. 19____

in my office and duly recorded in Book 119

of Deeds at page _____

Dance Williams

Ex-Officio Recorder

By _____

Deputy

Fee, \$ 1.00

SEN. FRANK BROWN, INC., POCAHELLO, IDAHO
Robert J. Colson
Box 577, City

No 2179

THIS INDENTURE, Made this 28th day of March in the year of our Lord one thousand nine hundred and twenty five between Trangott Hofer and Rosina Hofer his wife, and George Hofer and Clara N Hofer his wife

of Blackfoot County of Bingham State of Idaho the part of the first part, and Albert Hofer and Magdalena Hofer husband and wife

of Blackfoot County of Bingham State of Idaho the part of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One DOLLARS lawful money of the United States of America, to has in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold, and by these presents do ss. grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Bingham State of Idaho, to-wit:

That portion of lot four, section eight, township three, south of range thirty five, east of Boise Meridian, described as follows; Beginning at the southeast corner of said lot four, thence west 256 feet, thence north 440 feet, thence north 50 degrees thirty minutes east 384 feet, thence south 651 feet to place of beginning. Also that portion of Lot two, section eight, said township and range described as follows, Beginning at the center of section eight, thence north 1375 feet, thence west 505 feet, south 50 degrees and thirty minutes west 1075 feet, thence south 651 feet, thence east 1300 feet, to place of beginning, Also that portion of lot one, section eight of said township and range described as follows; Beginning at the northeast corner of said lot one thence west 10 feet thence 44 degrees 20 minutes west 1872 feet, thence east 1310 feet thence north 1320 feet to place of beginning. Also 76 shares of water stock in the Miners Irrigation Canal Company,.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or 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 party of the first part.

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

Signed, Sealed and Delivered in the Presence of

George Hofer SEAL.
Clara N. Hofer SEAL.
Trangott Hofer SEAL.
Rosina Hofer SEAL.

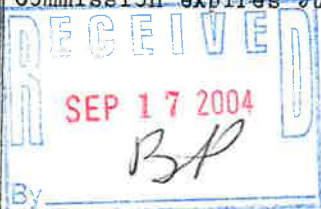
State of Idaho SS
County of Bingham

On this 4 day of April, in the year 1925, before me C. S. Beebe, a notary public in and for said State, personally appeared George Hofer, Clara N. Hofer, Trangott Hofer, Rosina Hofer, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

C. S. Beebe, Notary Public residing at Blackfoot, Idaho

Commission expires June 11, 1925, Seal



Recorded at the request of E. M. Gregg, May 6th, 1925, at 10:10 A. M.
Recorder's Fees, \$.

By H. A. Benson Recorder.
Deputy Recorder.

6.26

THIS INDENTURE, Made this 29 day of December in the year of our Lord one thousand nine hundred and twenty two, between Richmond C. Lowder and Elizabeth A. Lowder husband and wife

of Rupert County of Minidoka State of Idaho the parties of the first part, and Traugott Hofer and Rosena Hofer husband and wife, Albert Hofer and Magdalena Hofer, husband and wife, George Hofer and Clara N. Hofer, husband and wife of Blackfoot County of Bingham State of Idaho the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Nine thousand seven hundred fifty and no/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Bingham State of Idaho, to-wit: That portion of Lot 8, of section 7, in

township 3 south of range 35 east of the Boise Meridian in Idaho, described as follows; Beginning at a point North 57 degrees 51 minutes east and 547 feet distant from the quarter corner of section 7, and 18, township and range aforesaid; running thence north 57 degrees and 51 minutes east 453 feet; thence north 30 degrees 06' east 960 feet to the northeast corner of said Lot 8, thence south 783 feet, thence south 71 degrees west 912 feet to the point of beginning. Also that portion of the SE 1/4 of the SE 1/4 of section 7, said township and range, described as follows; Beginning at the northwest corner of the said SE 1/4 of the SE 1/4, thence east 1320 feet, thence south 275 feet, thence south 67 degrees 42' West 1414 feet, thence north 783 feet to the point of beginning. Also that portion of the SW 1/4 of the SW 1/4 of said section 8, said township and range, described as follows, beginning at the northwest corner of the said SW 1/4 of the SW 1/4 thence east 611 feet thence south 67 degrees 42' west 670 feet, thence north 275 feet to the point of beginning, also that portion of the NW 1/4 of the SW 1/4 of section 8 said township and range, described as follows; beginning at the southwest corner of the said NW 1/4 of the SW 1/4 thence east 611 feet, thence north 57 degrees 42' east 752 feet; thence north 1029 feet, thence west 1027 feet to the left bank of the Snake River, thence south 45 degrees west along said river 398 feet, thence south 1040 feet to the point of beginning. Also that portion of Lot 4 of section 8, said township and range, described as, Beginning at the southeast corner of said Lot 4, thence west 790 feet, thence north 50 degrees, 30' East 1023 feet, thence south 651 feet to the point of beginning. Also that portion of Lot 2 of section 8, said township and range described as Beginning at the center of said section 8, thence north 1375 feet, thence west 505 feet, thence south 50 degrees 30' west 1075 feet, thence south 651 feet, thence east 1300 feet to the point of beginning. Also that portion of lot 1, of section 8 said township and range, described as. Beginning at the northeast corner of said Lot 1, thence west 10 feet, thence south 44 degrees and 20' west 1872 feet, thence east 1310 feet, thence north 1320 feet to the point of beginning. Together with all ditches, ditch rights of way and water rights thereto belonging or in anywise appertaining and particularly 100 inches of water in the Blackfoot River from the water decreed to Robert Millen in that certain judgment dated August 1st, 1891, and recorded in Book of judgments pages 107 & 116. \$10.00 I. R. S. Attached.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or 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 party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part and to their heirs and assigns, forever, and the said parties of the first part and their heirs, the said premises in a quiet and peaceable possession of the said parties of the second part, their heirs and assigns, and 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 hand and seal, the day and year first above written. Signed, Sealed and Delivered in the Presence of W. B. Hardy ss. Richmond C. Lowder SEAL. Elizabeth A. Lowder SEAL. SEAL. SEAL.

State of Idaho

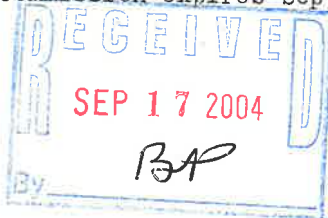
SS

County of Minidoka

On this 5th day of January in the year 1923, before me W. B. Hardy, a notary public in and for said county, personally appeared Richmond C. Lowder and Elizabeth A. Lowder husband and wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness whereof I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires Sept 20, 1925, Seal W. B. Hardy, Notary Public residing at Rupert, Idaho



Recorded at the request of Bingham Abstract Co. March 5, 1923, at 10:08 A. M. Recorder. H. A. Benson By Jesse Lloyd Deputy Recorder.

6.19

DEED RECORD, BINGHAM COUNTY.

GEO. D. BARNARD STATIONERY CO., ST. LOUIS

N₃ 2180

TO

THIS INDENTURE, Made this 28th day of March

in the year of our Lord one thousand nine hundred and twenty five, between Trangott Hofer and Rosina Hofer, his wife, and Albert Hofer and Magdalena Hofer his wife

of Blackfoot County of Bingham State of Idaho the part y of the first part, and George Hofer and Clara N Hofer, husband and wife

of Blackfoot County of Bingham State of Idaho the part ies of the second part,

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

One

DOLLARS,

lawful money of the United States of America, to has in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said part ies of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Bingham State of Idaho, to-wit:

That portion of Lot eight, section seven, township three, south range thirty five east of the Boise Meridian, described, as follows;

Beginning at a point north 57 degrees 51 minutes east and 547 feet distance from the quarter corner to sections seven and eighteen, township and range aforesaid, running thence north 57 degrees 51 minutes east 453 feet, thence north 30 degrees .06 minutes east 960 feet to the northeast corner of said lot eight, thence south 783 feet, thence south 71 degrees west 912 feet to point of beginning;

Also that portion of the southeast quarter of the southeast quarter of section seven, township and range, as aforesaid; described as follows, Beginning at the northwest corner of the said southeast quarter of the southeast quarter, thence east 1320 feet, thence south 275 feet, thence south 67 degrees 42 minutes west 1414 feet, north 783 feet to place of beginning. Also that portion of the southwest quarter of the southwest quarter of section eight, said township and range described as follows; Beginning at the north west corner of the said southwest quarter of the southwest quarter thence east 611 feet, thence south 67 degrees 42 minutes west 670 feet, thence north 375 feet to point of beginning. Also that portion of the northwest quarter of the southwest quarter of said section eight, said township and range described as follows; Beginning at the southwest corner of said NW 1/4 of the SW 1/4 thence east 611 feet, thence north 57 degrees 42 minutes east 752 feet, thence north 1029 feet, thence west 1027 feet to the left bank of the Snake River, thence south 45 degrees west 398 feet, thence south 1040 feet to place of beginning. Also that portion of lot four of section eight said township and range described; as follows; Beginning at a point 256 feet west of the southeast corner of said lot thence west 534 feet, thence north 50 degrees and 30 minutes east 727 feet, thence south 440 feet to place of beginning, in Bingham County, Idaho.)

Also forty four shares of stock in the Miners Irrigation Canal Company.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or 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 party of the first part.

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

IN WITNESS WHEREOF, The said part ies of the first part ha. V. S. hereunto set their hand. S. and seal. S, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

ss.

Trangott Hofer SEAL.
Rosina Hofer SEAL.
Albert Hofer SEAL.
Magdalena Hofer SEAL.

State of Idaho

SS

County of Bingham

On this 4 day of April, in the year 1925, before me C. S. Beebe a notary public in and for said State, personally appeared Trangott Hofer, Rosina Hofer, Albert Hofer, Magdalena Hofer known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

C S Beebe, Notary Public, residing at Blackfoot

Commission expires Jun 11, 1925

Seal

Idaho

Recorded at the request of E M Gregg, May 6th, 1925, at 10:13 A M

Recorder's Fees, \$

By H A Benson Recorder.

Deputy Recorder.

6.25

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Bingham County.

Fred S. Stevens et. al., Plaintiffs.

vs
Eastern Idaho Water Co. et. al., Defendants,

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

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

Fred S. Stevens, July, 6th A.D. 1869. — 138 inches

Henry Dunn, July, 1st A.D. 1870 — 300 inches

N.A. Just and

Emma Just, August, 1st A.D. 1871 — 200 inches

Leon Misslew, July, 1st A.D. 1873 — 200 inches

John Misslew, April, 1st A.D. 1874 — 120 inches

H. R. Lewis, March, 1st A.D. 1875 — 100 inches

Presto Burrell, March, 1st A.D. 1876 — 100 inches

William Kirkpatrick, May, 1st A.D. 1878 — 100 inches

F.M. Shornaker, April 1st A.D. 1879 — 90 inches

Eastern Idaho Water Co., March, 20th A.D. 1880 — 1800 inches

P.B. Fox, Jr.

William Howard

A. Whitten

Susana E. Whitten

and Calvin Miles

March, 25th A.D. 1880 — 600 inches

Levi Warren, April 1st A.D. 1882. — 50 inches.

Emily Warren, April 1st A.D. 1883 — 106 inches.

Daniel G. Miller, April 1st A.D. 1883 — 100 inches.

Fred S. Stevens, October 1st A.D. 1884 — 140 inches

N.A. Just and

Emma Just } April 1st A.D. 1885 — 100 inches.

Leon Misslew, May 1st A.D. 1885 — 300 inches.

Robert Miller, May 1st A.D. 1885 — 150 inches.



P. B. Fox Jr.	}	June 1st A.D. 1885	1500 inches
William Howard			
A Whitten			
Susan E Whitten			
Calvin Miles			
W. W. Ritter		July 23 ^d A.D. 1885	560 inches
Thomas G. Weber		July 23 ^d A.D. 1885	480 inches
Jamur Drew		October 1 st A.D. 1885	6 inches
✓ Eastern Idaho Water Co.		October 1 st A.D. 1885	1000 inches
H. R. Lewis and	}	March 1 st A.D. 1886	160 inches
Sarah Lewis			
Jamur Welch		March 20 th A.D. 1886	400 inches
William H. Davidson		April 5 th A.D. 1886	352 inches
David S. Morgan		April 5 th A.D. 1886	132 inches
William Morgan		April 5 th A.D. 1886	100 inches
William A. Downing		April 5 th A.D. 1886	120 inches
F. Little		October 4 th A.D. 1886	240 inches
Charles S. Burton		October 4 th A.D. 1886	240 inches
John Sharp sr.		November 1 st A.D. 1886	320 inches
F. W. Jennings		November 1 st A.D. 1886	400 inches
Donald Tolmie		April 1 st A.D. 1887	100 inches
Samuel Borup		April 1 st A.D. 1887	50 inches
Jacob Eliason	}	May 1 st A.D. 1889	145 inches
Caroline Eliason			
Maylaw O. Fox		December 4 th A.D. 1889	640 inches

That the following rights hereinbefore set forth, to-wit:
 The right of H. R. Lewis dating from the 1st day of March A.D. 1875, for 100 inches; the right of W. W. Ritter, dating from the 23^d day of July A.D. 1885 for 560 inches; the right of Thomas G. Weber, dating from the 23^d day of July A.D. 1885 for 480 inches; the right of H. R. Lewis and Sarah Lewis dating from the 1st day of March, A.D. 1886, for 160 inches; the right of F. Little dating from the 4th day of October, A.D. 1886, for 240 inches; the right of Charles S. Burton, dating from the 4th day of October, A.D. 1886, for 240 inches; the right of John Sharp sr., dating from the 1st day of November A.D. 1886, for 320 inches. the right of F. W. Jennings, dating from the 1st day of November, A.D. 1886, for 400 inches; the right of Donald Tolmie, dating from the 1st day of April A.D. 1887 for 100 inches; the right of Jacob Eliason and Caroline Eliason

dating from the 1st day of May A.D. 1889 for 145 inches; and the right of Mowlaw O'Por, dating from the 4th day of December A.D. 1889, for 640 inches, shall only extend to the 1st day of July in each year for irrigating purposes, and the said H.R. Lewis, W.W. Ritter, Thomas G. Hibber, Sarah Lewis, J. Little, Charles A. Burton, John Sharp, sr., J.W. Jennings, Donald Polun, Jacob Eliason, Caroline Eliason, Mowlaw O'Por and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights aforesaid, after the 1st day of July, in each and every year hereafter, for irrigating or any other than domestic purposes.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from the Molorine Creek a tributary of said Blackfoot River the amount of water herein indicated, and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit:-

Peter Morris,	March 1st.	A.D. 1882	~	60 inches.
Samuel Orr,	July, 1st.	A.D. 1882	-	80 inches.
Peter Morris,	April, 1st.	A.D. 1887	-	60 inches.
Samuel M. Taylor	April 1st	A.D. 1888	-	10 inches.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from Cedar Creek a tributary of Blackfoot River the amount of water herein indicated and the right of each party dates from the time hereinafter stated and set opposite each name to-wit:-

George Monroe	}	April 1st	A.D. 1884	-	100 inches.
John Lyon		April 1st	A.D. 1887	-	50 inches.

It is ordered, adjudged and decreed that George Thelon is entitled to divert from the east fork of Bush Creek, a tributary of Blackfoot River one hundred and twenty-five (125) inches of water, said rights dating from the first day of May A.D. 1888, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Thelon is hereby enjoined from diverting or using in any manner any part of the said water right after the 1st day of July in each and every year hereafter for irrigation, or

any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Cañon view Creek, a tributary of Blackfoot River, the amount of water herein indicated and the right of each party dates from the time herein after stated and set opposite each name to-wit:

Enoch Hansen	- May 1st A.D. 1885 -	150 inches.
James Sharp	- October 11th A.D. 1886 -	640 inches.
W. H. Rowe,	- October 11th A.D. 1886 -	560 inches.

But these said rights of said Enoch Hansen, James Sharp and W. H. Rowe to waters of Cañon View Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Hansen, Sharp and Rowe, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following parties are entitled to divert from Diamond Creek, a tributary of Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time herein after stated, and set opposite each name, to-wit:

James Sharp	- October 4th A.D. 1886,	560 inches.
James Little	- October 11th A.D. 1886,	560 inches.
Charles Burton	- October 11th A.D. 1886,	200 inches.

But these rights of said Sharp, Little and Burton to the waters of Diamond Creek herein set forth, shall only extend to the first day of July in each year, for irrigating purposes, and the said Sharp, Little and Burton, and each and all of them are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled ^{to divert} from Horse Spring Creek a tributary of Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time herein after stated, and set opposite each name, to-wit:

W. H. Riley	- October 4th A.D. 1886 -	320 inches.
James Sharp	- October 17th A.D. 1886 -	320 inches.

But these rights of said Shash and Rite to the waters of
 those Spring Creek, River at Fort Hall only extend to the
 first day of July in each year, for irrigating purposes,
 and the said Rite and Shash and each of them are hereby
 enjoined from diverting or raising in any manner any
 part of the said water rights after the first day of July in each
 and every year hereafter, for irrigating or any other than
 domestic purposes.

It is ordered, adjudged and decreed that Elias O'Leary
 is entitled to divert from the west Spring Creek, a tributary
 of Blackfoot River, five hundred and eighty-eight (588) inches
 of water, said right dating from the 17th day of October, A.D. 1886,
 but the said right shall only extend to the 1st day of July in
 each year, for irrigating purposes, and the said Shash
 is hereby enjoined from diverting or raising in any
 manner any part of the said water right after the first
 day of July in each and every year hereafter, for irri-
 gating, or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following
 parties are entitled to divert from said River, a tributary
 of Blackfoot River, the amount of water herein indicated,
 and the right of each fully dates from the time herein
 after stated and set opposite each name, to-wit:

Wm. Rite, October, 11th, A.D. 1886 - 320 inches,
 Henry Burdett, October, 11th, A.D. 1886 - 400 inches,
 Joseph Burdett, October, 11th, A.D. 1886 - 560 inches,
 John W. Wells, October, 11th, A.D. 1886 - 640 inches,
 John Shash, or, October, 17th, A.D. 1886 - 284 inches,
 John Shash, June, 1st, A.D. 1889 - 160 inches,
 John Shash, May, 1st, A.D. 1889 - 160 inches,
 But these rights of said Rite, Burdett, Jennings, Wells
 Shash, Wm. Shash and John Shash to the waters of
 said Creek River at Fort Hall only extend to the first
 day of July in each year, for irrigating purposes, and
 the said Rite, Burdett, Jennings, Wells, Shash, Wm. Shash
 and John Shash and each and all of them are hereby
 enjoined from diverting or raising in any manner any
 part of said water rights after the first day of July in each
 and every year hereafter, for irrigating or any other than
 domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from meadow Creek, a tributary of Blackfoot River the amount of water herein indicated and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit

Lars Hansen	July 1st A.D. 1888	160 inches
W. H. Edwards	May 1st A.D. 1890	200 inches.
J. J. Edwards		
Ernie McPherson	May 15th A.D. 1890	50 inches.
W. H. Ellison	January 1st A.D. 1891	400 inches
Elizabeth Collett	April 1st A.D. 1891	160 inches.
O. B. Hansen	April 1st A.D. 1891	160 inches.
James Durney	May 1st A.D. 1891	100 inches.
H. C. Messingale	June 1st A.D. 1891	50 inches.

But these said rights of said Lars Hansen, W. H. Edwards, J. J. Edwards, McPherson, Ellison, Collett, O. B. Hansen, Durney and Messingale to the waters of meadow Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Lars Hansen, W. H. Edwards, J. J. Edwards, Ernie McPherson, Ellison, Collett, O. B. Hansen, Durney and Messingale, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Little Blackfoot River ^{a tributary of Blackfoot River} the amount of water herein indicated and the right of each party dates from the time hereinafter stated, and set opposite each name, to-wit:

Thomas Collett	April 1st A.D. 1887	75 inches.
Abe Anderson	April 1st A.D. 1889	170 inches.
Andrew Christensen	April 1st A.D. 1889	60 inches.
Peter Hansen	May 1st A.D. 1889	160 inches.

But these said rights of said Collett, Anderson, Hansen, Christensen, to the waters of Little Blackfoot River herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Collett, Anderson, Christensen, and Hansen, and each

and all of them are hereby enjoined from diverting ^{using} in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed, that John Sharp Sr. is entitled to divert from Trace Creek, a tributary of Blackfoot River, five hundred and sixty inches of water. Said right dating from October 11th A.D. 1886; that John Sharp & George Romney, and W. W. Piler are entitled to divert from Lake Creek, Dale Creek and Gale Creek, all tributaries of Blackfoot River, six hundred and ten (610) inches of water, said rights dating from October 11th A.D. 1886; that J. Little is entitled to divert from Duck Spring Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water, said right dating from October 4th A.D. 1886; that John Sharp, Jr. is entitled to divert from Highland Creek, a tributary of Blackfoot River, six hundred and forty (640) inches of water; said right dating from October 4th A.D. 1886; that R. S. Thies is entitled to divert from Bulle Creek, a tributary of Blackfoot River, four hundred (400) inches of water, said right dating from October 11th A.D. 1886; that J. D. Little is entitled to divert from Rock Creek, a tributary of Blackfoot River, four hundred and eighty (480) inches of water, said right dating from October 17th A.D. 1886; that Eric M. Hanson is entitled to divert from Sheep Creek, a tributary of Blackfoot River, fifty (50) inches of water, said right dating from May 13th A.D. 1890; that Mrs. Christensen is entitled to divert one hundred and sixty (160) inches of water from Spring Creek, a tributary of Blackfoot River; said right dating from April 1st A.D. 1886; that H. Hansen is entitled to divert one hundred and fifty (150) inches of water from Spring Creek, a tributary of Blackfoot River, said right dating from April 1st A.D. 1885; that J. E. Davis is entitled to divert one hundred and sixty (160) inches of water from Grouse Creek and

Sheep Creek, tributaries of Blackfoot River, said right dating from May 15th A.D. 1890; that Samuel J. Rich and John A. Bagley are entitled to divert two hundred (200) inches of water from Laws Creek and from Springs at or near said Laws Creek, the said Springs and Laws Creek being tributaries of Blackfoot River, said right dating from October 1st A.D. 1888; that R. J. Rasmussen is entitled to divert fifty (50) inches of water from Deer Creek and one hundred and fifty (150) inches of water from Deep Creek, the said creeks being tributaries of Blackfoot River, said rights dating from July 1st A.D. 1889; the said rights aforesaid to-wit: the right of John Sharp Sr. to the waters of Trail Creek, the right of John Sharp Sr., George Romney and W. W. Riley, to the waters of Lake Creek, Dale Creek and Pale Creek, the right of J. Little to the waters of Duck Spring Creek, the right of John Sharp Jr. to the waters of Highland Creek, the right of L. J. Hills to the waters of Butte Creek, the right of J. Little to the waters of Rock Creek, the right of Evan McPherson to the waters of Sheep Creek, the right of Mels Christensen to the waters of Spring Creek, the right of H. Hansen to the waters of Spring Creek, the right of S. Goodwin to the waters of Laws Deer Creek, the right of J. C. Davis to the waters of Grass Creek & Sheep Creek, the right of R. J. Rasmussen to the waters of Deer Creek & Deep Creek and the rights of Samuel J. Rich and John A. Bagley aforesaid shall only extend to the first day of July in each year, and the said John Sharp Sr., George Romney, W. W. Riley, J. Little, John Sharp Jr., L. J. Hills, J. Little, Evan McPherson, Mels Christensen, H. Hansen, S. Goodwin, J. C. Davis, R. J. Rasmussen, Samuel J. Rich and John A. Bagley, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties shall pay none of the costs of this suit, viz: W. R. Jones, C. Woodale, Thomas Horsley, Chas. B. Wilson, Frank Breerton, James B. Hansen, Geo. H. Lacy, James Heathy, Charles Haddock.

Black Creek, tributaries of Bearfoot River, said right
dating from May 15th A.D. 1890; that Daniel J. Rick
and John W. Bagley are entitled to divert two hundred
(200) inches of water from Kawe Creek and from Ahmpo
at or near and Kawe Creek, the said Ahmpo, and Kawe Creek
being tributaries of Bearfoot River, said right dating
from October 1st A.D. 1888; that R.J. Richardson is en-
titled to divert fifty (50) inches of water from Bear
Creek and one hundred and fifty (150) inches of water from
Buck Creek, the said creeks being tributaries of Bearfoot
River, said rights dating from July 1st A.D. 1889; that
said rights of record to-wit: the right of John Ahmpo
as to the waters of Kawe Creek, the right of John Ahmpo
as, George Rummy and M. M. Rice, to the waters of Kawe
Creek, Buck Creek and Bear Creek, the right of J. Little to the
waters of Buck Ahmpo Creek, the right of John Ahmpo as
to the waters of Ahmpo Creek, the right of R.J. Richardson as
to the waters of Buck Creek, the right of J. Little to the waters
of Buck Creek, the right of M. Richardson to the waters of Ahmpo
Creek, the right of J. Ahmpo to the waters of Ahmpo Creek,
the right of J. Richardson to the waters of Kawe Creek,
the right of J. Ahmpo to the waters of Buck Creek,
the right of J. Richardson to the waters of Buck Creek
and the right of Daniel J. Rick and John W. Bagley after
and shall only extend to the first day of July in each
year, and the said John Ahmpo as, George Rummy, M. M.
Rice, J. Little, John Ahmpo, R.J. Richardson, and M. M.
Richardson, Daniel J. Rick and John W. Bagley, and
each and all of them are hereby enjoined from
diverting or using in any manner any part of
the said water rights after the first day of July in
each and every year hereafter, for irrigating or any
other than domestic purposes.
It is ordered, adjudged and decreed that the fol-
lowing parties shall pay none of the costs of
this suit, viz: M. M. Richardson, Daniel J. Rick,
John W. Bagley, Charles Wheatley, Charles Chadwick, M. M.

Kountze, P.B. Fox sr. and H. S. Woolley.

It is ordered, adjudged and decreed, that the costs of the Judge, Pro Tem, shall be and the same is hereby taxed as costs of suit and the same is fixed at two hundred and ten dollars.

It is ordered, adjudged and decreed that the several quantities of water herein decreed shall be the quantities hereinbefore named measured under a four inch pressure, and that the first appropriator in point of time is first in point of right. and all appropriations of equal or of the same date are of equal rights.

It is further adjudged and decreed, that in case of insufficiency of water to supply all parties the entire volume is to be devoted to, and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from any stream mentioned in this decree by any party hereto shall be diverted through a box or flume so arranged and constructed as to permit of the water so diverted, being measured under a four inch pressure and when the waters of the streams mentioned in this decree are not used for irrigation of lands all water shall be returned to the natural channel of the stream, and no diversion thereof allowed.

It is adjudged and decreed, that the plaintiffs to this action shall pay one-sixth of all the costs to this action, and each and all of said plaintiffs shall be jointly and severally liable for the one-sixth part until such part of one-sixth is fully paid.

It is adjudged and decreed that Henry Dunn, N.A. Just, Emma Just, John Mislen, Leon Mislen, Robert Millen, Peter Morris, and Daniel Y. Miller shall pay one sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that P. B. Fox, Jr., William Howard, A. Whitten, Susan E. Whitten, Calvin Miles, Eastern Idaho Water Company, F. M. Shoemaker, Sample Orr, Daniel M. Taylor, Geo. Monroe, John Lyon, George Keaton, Levi Warren and Presto Burrell shall pay one-fourth of all

the costs of this action, and said parties shall be jointly and severally liable for said one-fourth until such part is fully paid.

It is adjudged and decreed, that Caroline Eliason, Jacob Eliason, W. H. Ellison, Abe Anderson, Thomas Collett, W. H. Edwards, J. H. Edwards, Evie McPherson, Elizabeth Collett, Mrs. Christensen, O. B. Hansen, H. Hansen, Enoch Hansen, S. Goodwin, James Durney, Peter Hansen, J. E. Davis, Donald Poluix, Lars Hansen, Wm. Kountze, R. J. Rasmussen, John Kountze, H. R. Lewis, Sarah Lewis, H. C. Messingale, James Drew and Samuel Boroh, shall pay one sixth, of all the costs of this action, and ^{said} parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that James Sharp, John Sharp, Sr., John Sharp, Jr., Elias A. Smith, George Romary, W. W. Riley, F. Little, Maylaw C. Fox, James F. Little, F. W. Jennings, Thos G. Webber, Henry Dinwoody, Heber M. Wells, L. S. Giles, W. H. Rowe, Charles Burton, Samuel J. Rich, and John A. Bagley, shall pay one-fourth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-fourth until such part is fully paid.

It is further ordered, adjudged and decreed, that all parties to this action shall have the right to use the waters of the several streams named in this decree for domestic purposes.

Done in open Court
this August 1st A.D. 1891.

Chas Cobb,
Judge, Pro Tem.

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	27-10344				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Robert + Marilyn Colson
410 West Riverton Road, Blackfoot
4. New Owner/Claimant(s) DAVID R. and DENISE C. STARIC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 410 W RIVERTON RT
 City, State and ZIP Code BLACKFOOT, ID 83221
 New Telephone Number 208 782-6742
5. Date you acquired the property NOVEMBER 21, 2000



WARRANTY DEED**495365**For Value Received **Robert F. Colson and Marilyn J. Colson, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David R. Stark and Denise C. Stark, husband and wife

whose address is: 410 W. Riverton Rd., Blackfoot, ID 83221,

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

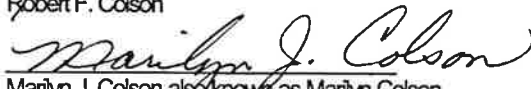
SEE ATTACHED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: November 21, 2000


 Robert F. Colson


 Marilyn J. Colson also known as Marilyn Colson

ORIGINAL FILED RECORDED
 BLACKFOOT, IDAHO
 2000 NOV 22 PM 4:57
 RECORDED AT THE REQUEST OF
 FIRST AMERICAN TITLE COMPANY

STATE OF Idaho

)ss.

COUNTY OF BINGHAM

On this 22nd day of November, 2000, before me Michelle Kofoed, personally appeared Robert F. Colson and Marilyn J. Colson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.


 Notary Public of Idaho
 Residing at Blackfoot, Idaho
 Commission Expires: 04/14/06


PARCEL I:

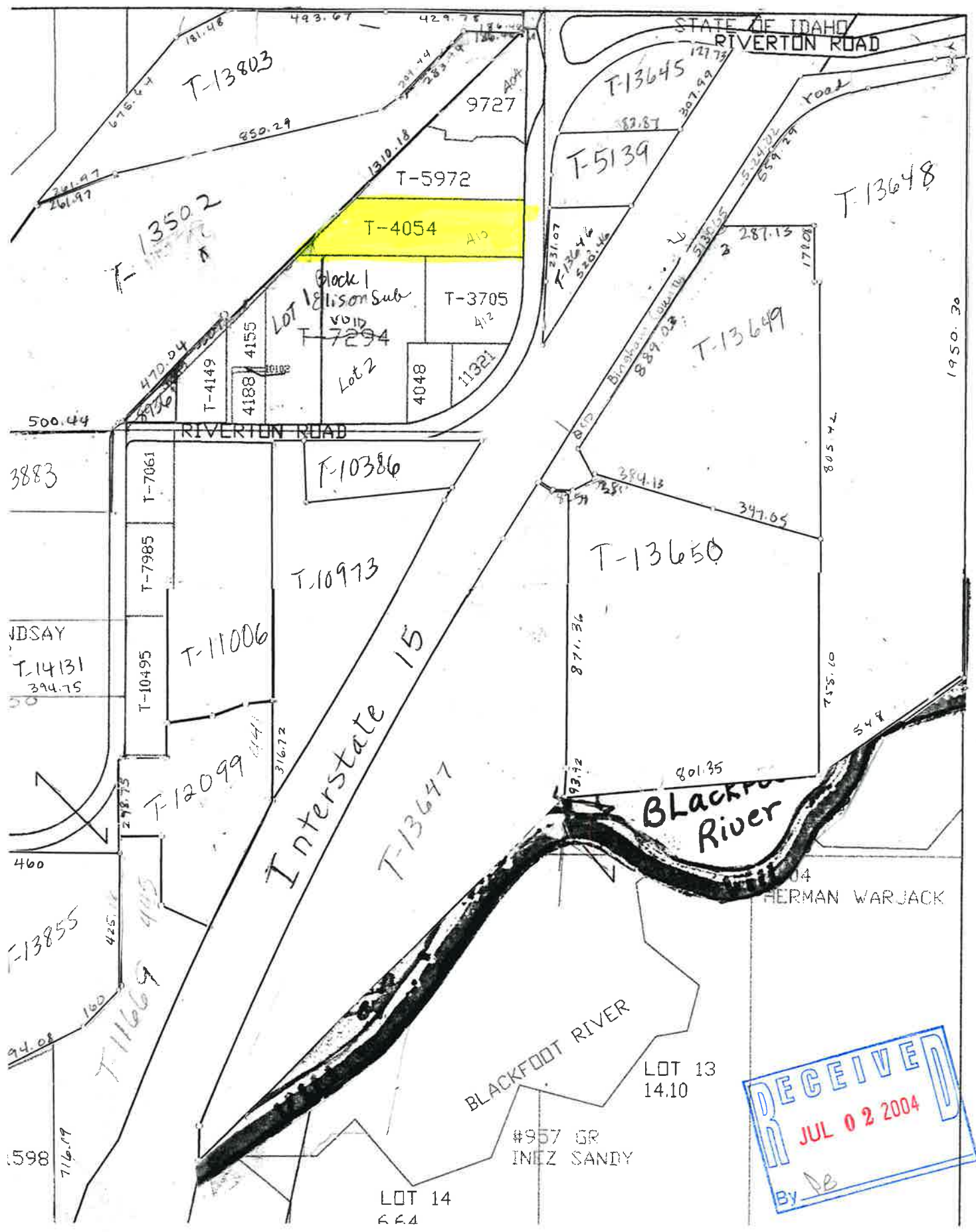
Portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a right-of-way marker on the West line of a County Road that is S. 89°51'03" W., along the Section line 1384.32 feet and S. 0°14'57" E., 411.86 feet from the NE corner of said Section 8; and running S. 0°14'57" E., along said County road 178.8 feet; thence N. 89°36'21" W., 527.29 feet to the easterly line of the Mary Lee Gold Mining Property; thence N. 44°38' E., along said easterly line 317.9 feet; thence S. 74°58'02" E., 59.76 feet; thence S. 3°47'13" W., 25.47 feet; thence S. 87°39'02" E., 86.28 feet; thence N. 48°47'59" E., 18.24 feet; thence N. 89°42'06" E., 115.27 feet; thence S. 58°57'13" E., 37.26 feet to the point of beginning.

PARCEL II:

Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the West line of a County Road S. 89°39'03" W., along the Section line 1385 feet and S. 00°14'57" E., 590.66 feet from the NE corner of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho; and running thence S. 00°14'57" E., 175.0 feet; thence N. 89°36'21" W., 733.6 feet; thence N. 44°46'29" E., 245 feet; thence S. 89°36'21" E., 560.4 feet to the point of beginning. **EXCEPT:** Part of Lot 1 of Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is S. 89°54'43" W., 1,329.32 feet along the section line and S. 45°06'58" W., 828.53 feet from the NE corner of said Section 8; and running thence S. 45°06'58" W., 245.18 feet to the south line of the property as described in Instrument No. 101326; thence along said property the following three (3) courses: (1) N. 89°20'41" W., 28.63 feet; thence (2) N. 45°02'09" E., 244.84 feet; thence (3) S. 89°20'41" E., 29.11 feet to the point of beginning.

495365





BLACKFOOT NOVEMBER 1912.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

David & Denise Stark
410 West Riverton Road
Blackfoot, Idaho 83221

June 14, 2004

Re: Snake River Basin Adjudication (SRBA)
Claim(s): 27-10344

Subject: CHANGE IN OWNERSHIP

Response Date: June 30, 2004

Dear Claimant(s),

I spoke to you on the phone Monday morning about this claim. According to Bingham County records you are listed as the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property, we need form 42-248/42-1409(6) completed, signed and returned to us. I have enclosed the form for your convenience.

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

Please submit the documentation by the above listed response date. If you have any questions feel free to contact me at 547-3993.

Respectfully,

Barbara Payne
Idaho Dept. of Water Resources

BP/pb

enclosure: form 42-248/42-1409(6) "Change in Water Right Ownership"



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 27.

You are invited to attend a **public meeting to be held on March 11 at 7:00 p.m. in the Eastern Idaho State Fairgrounds, Needle Craft Building, at the corner of Park and Maple streets.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 27. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

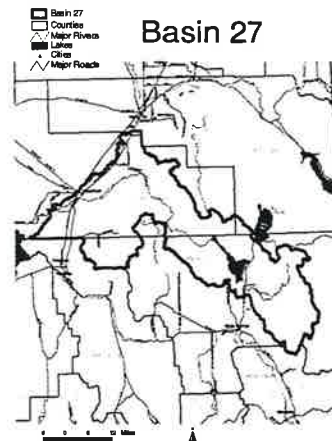
Please contact the Idaho Falls Office with any questions.

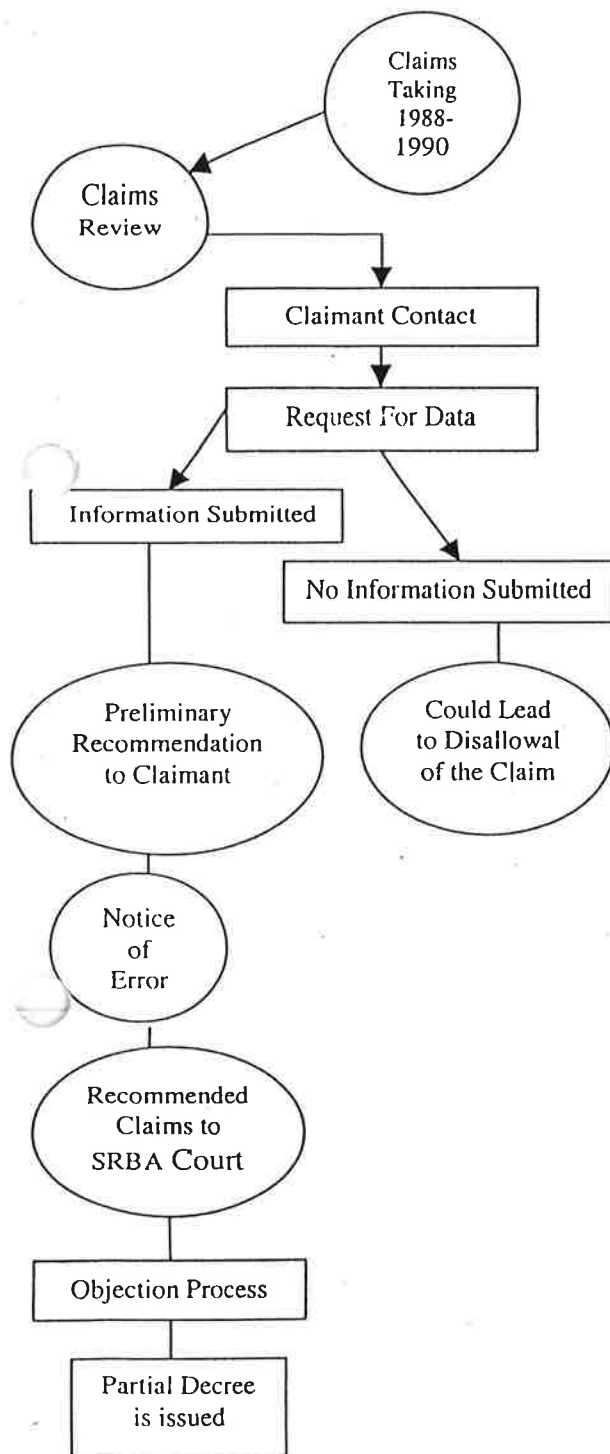
Sincerely,

A handwritten signature in cursive script that reads 'Ernest Carlsen'.

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosure: Information Brochure





Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

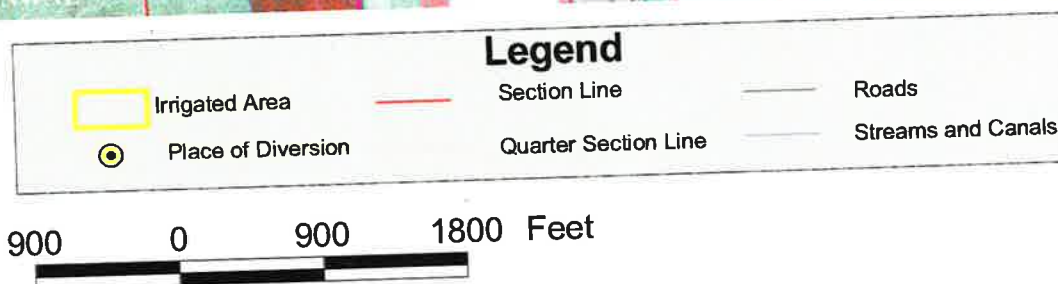
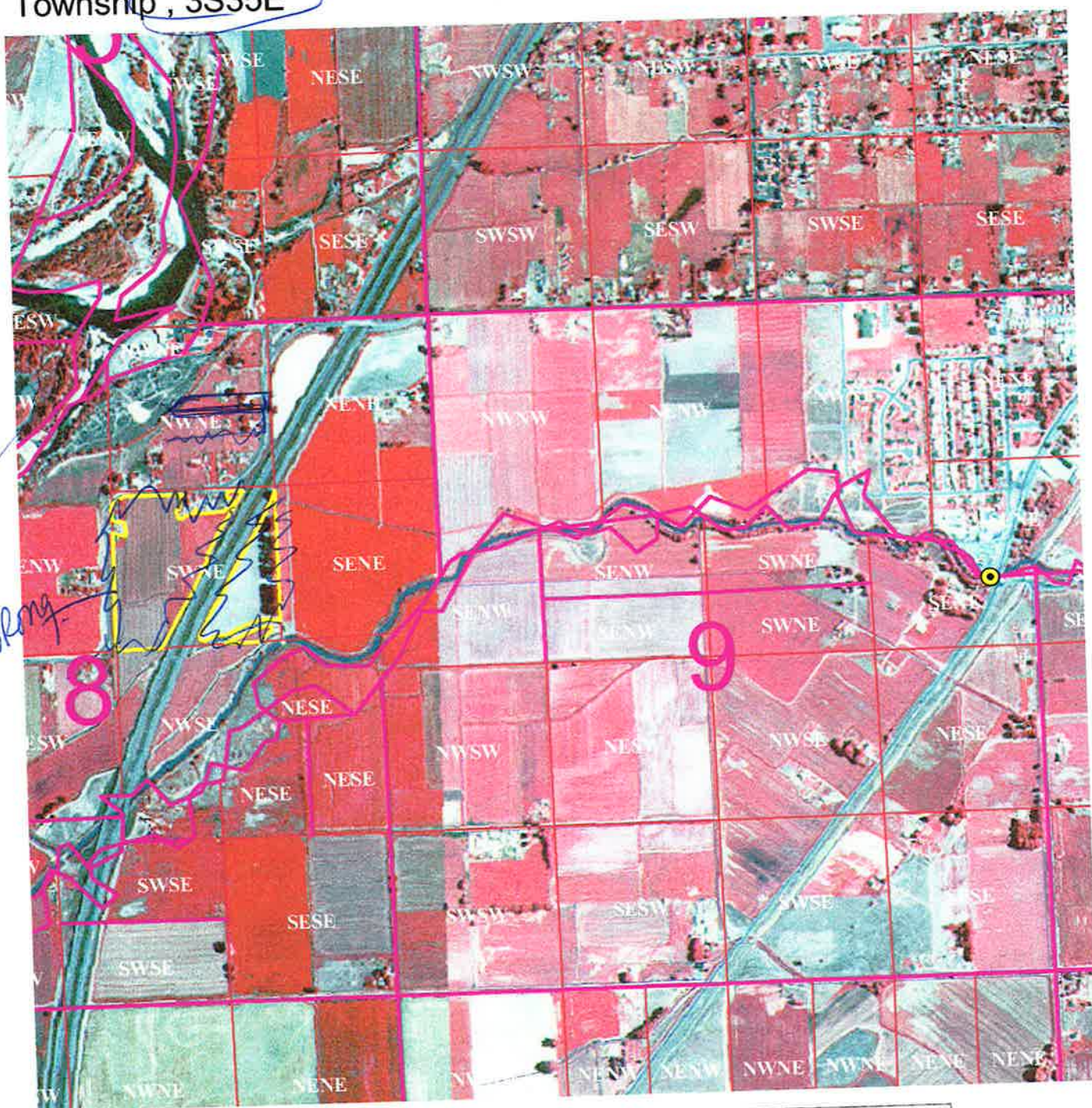
The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

Water Right Claim Number 27-10344
Township, 3S35E

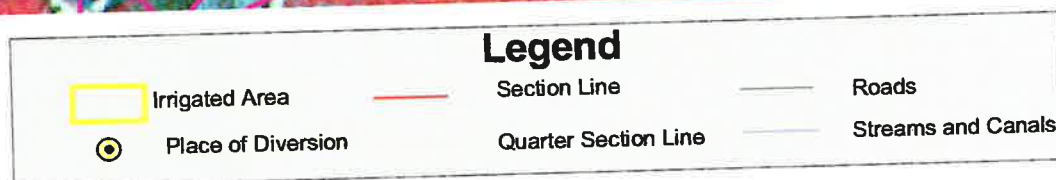
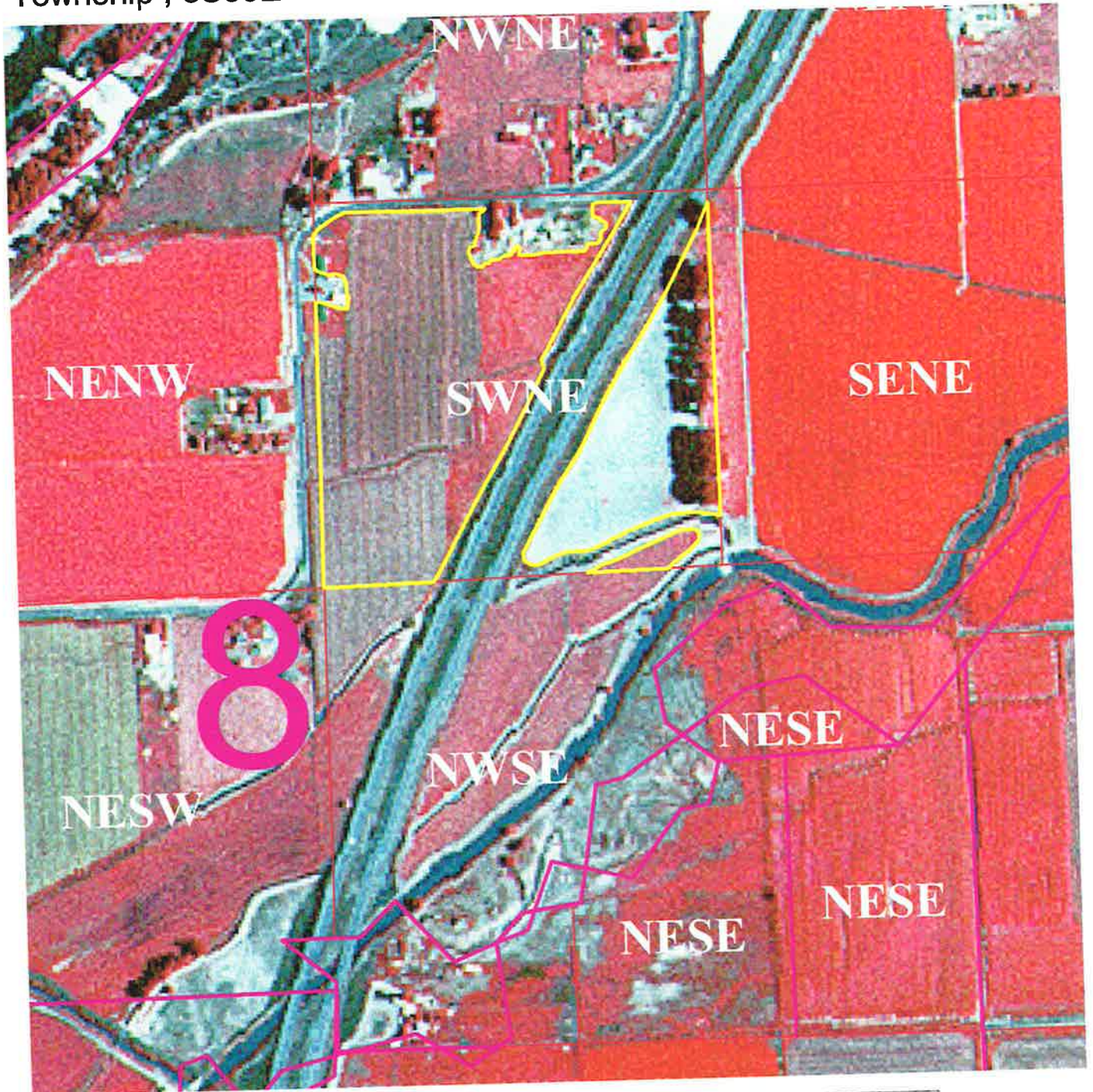
01/03/2001



SPATIAL
DYNAMICS

Water Right Claim Number 27-10344
Township , 3S35E

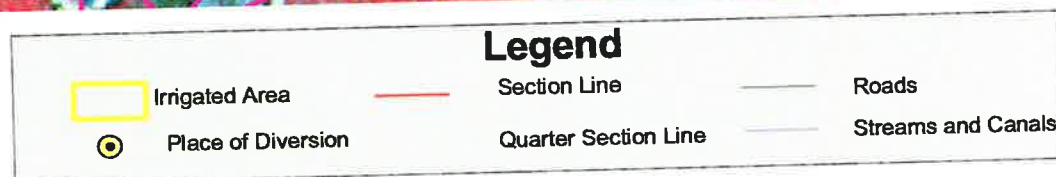
01/03/2001



SPATIAL
DYNAMICS

Water Right Claim Number 27-10344
Township , 3S35E

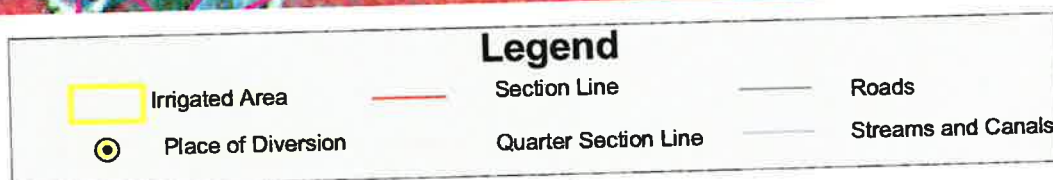
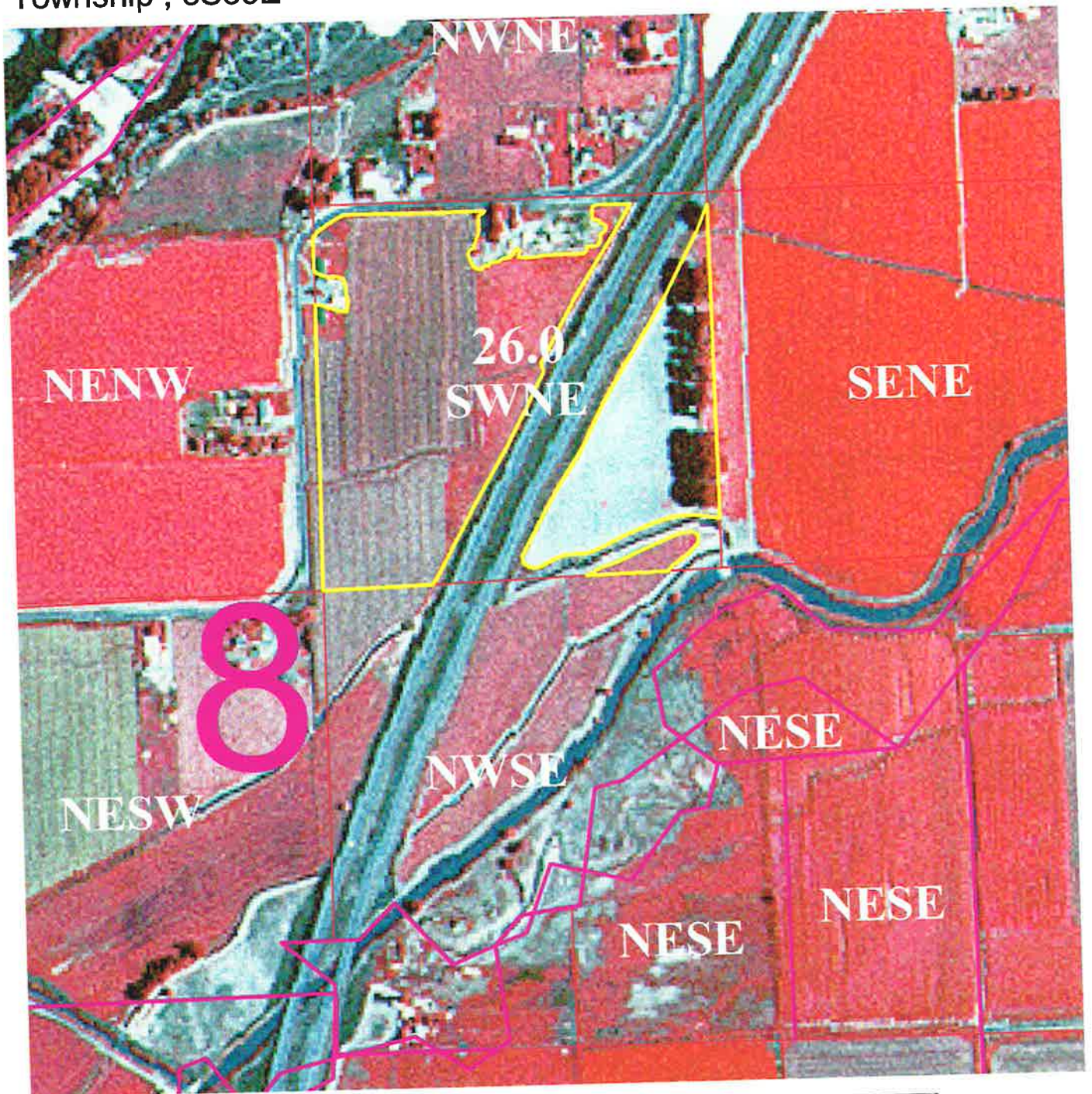
01/03/2001



 SPATIAL
DYNAMICS

Water Right Claim Number 27-10344
Township , 3S35E

01/03/2001



SPATIAL
DYNAMICS

SCANNED

JUL 20 2001

Log for claim 27-10344

Spatial Dynamics BTD

1/3/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	8	SWNE	4	26	Wrong tract in database?/ Indiscernible
Totals:			4	26	

 SPATIAL
DYNAMICS

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 27-10344
Date Received: 5/1/1989
Receipt No: M003264
Received By:

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

1. Name of Claimant(s)

David R Stark Phone: (208) 782-0742

410 West Riverton Rd
Blackfoot ID USA 83221

Denise C Stark Phone: (208) 782-0742

410 West Riverton Rd
Blackfoot ID USA 83221

2. Date of Priority: 05/01/1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	35E	9	NW SE NE	BINGHAM	

5. Description of diverting works:

HEADGATE TO CANAL, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.09	

7. Total Quantity Appropriated is:
0.09 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
03S	35E	8	NW	NE 1	IRRIGATION	4
Section Acres						4
Total Acres						4

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM BASED ON DECREED RIGHT 27-00003B, THIS CLAIM IS FOR 4.33 INCHES, DELIVERED BY THE MINERS DITCH.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20_____

Notary Public

Residing at _____

My commission Expires _____

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 27-10344
Date Received: 5/1/1989
Receipt No: M003264
Received By:

AMENDED

AMENDED

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

1. Name of Claimant(s)

~~ROBERT F COLSON~~ Phone: ~~(208) 785-0896~~ DAVID R. STARK (208) 782-0742

410 WEST RIVERTON RD
BLACKFOOT ID USA 83221

~~MARILYN J COLSON~~ Phone: ~~(208) 785-0896~~ DENISE C. STARK (208) 782-0742

410 W RIVERTON RD
BLACKFOOT ID USA 83221

2. Date of Priority: 05/01/~~1895~~ 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	35E	9	NW SE NE	BINGHAM	

5. Description of diverting works:

HEADGATE TO CANAL, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 11/01	0.09	

7. Total Quantity Appropriated is:
0.09 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
~~03S~~	~~34E~~	~~8~~	~~SW~~	~~NE~~	IRRIGATION	4
03S	35E	8	NW	NE	1	
Section Acres						4
Total Acres						4

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

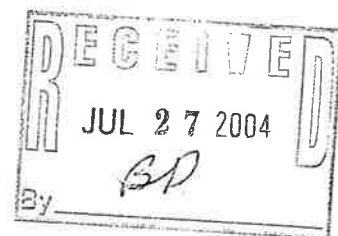
14. Remarks:

THIS CLAIM BASED ON DECREEED RIGHT 27-00003B, THIS CLAIM IS FOR 4.33 INCHES,
DELIVERED BY THE MINERS DITCH.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.



Number of attachments: 3

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): Dennis C. Stank Date: 7/26/04

Date: _____

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of July, 2004
Peggy Cottrell
Notary Public

Residing at Blackfoot, ID 83221
My commission Expires 3/13/09



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 27-10344
Date Received: 5/1/1989
Receipt No: M003264
Received By:

AMENDED

AMENDED

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

1. Name of Claimant(s)

~~ROBERT F COLSON~~ Phone: ~~(208) 785-0896~~ DAVID R. STARK (208) 782-0742

410 WEST RIVERTON RD
BLACKFOOT ID USA 83221

~~MARILYN J COLSON~~ Phone: ~~(208) 785-0896~~ DENISE C. STARK (208) 782-0742

410 W RIVERTON RD
BLACKFOOT ID USA 83221

2. Date of Priority: 05/01/~~1895~~ 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	35E	9	NW SE NE	BINGHAM	

5. Description of diverting works:

HEADGATE TO CANAL, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

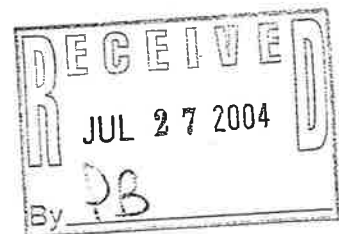
Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 11/01	0.09	

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

8. Total consumptive use:

27-10344

07/12/2004



9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
~~03S~~	~~34E~~	~~8~~	~~SW~~	~~NE~~	IRRIGATION	4
03S	35E	8	NW	NE 1	Section Acres	4
					Total Acres	4

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM BASED ON DECREED RIGHT 27-00003B, THIS CLAIM IS FOR 4.33 INCHES,
DELIVERED BY THE MINERS DITCH.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

JUL 20 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A27-10344
Date Received: 5/01/1989
Receipt No: M003264
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT F. COLSON 208-785-0896
Address: 410 WEST RIVERTON ROAD
BLACKFOOT, ID 83221

AND/OR

Name: MARILYN J. COLSON 208-785-0896
Address: 410 WEST RIVERTON ROAD
BLACKFOOT, ID 83221

2. Date of Priority: MAY 01, 1885 1895 DE 4/18/91 SC

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	9	NW	SE	NE		BINGHAM

5. Description of diverting works:
HEADGATE TO CANAL, PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10344

Page 1

Date: 05/02/89

MICROFILMED

NOV 12 1992

A2710344



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): David R. Stunt Date: 7-26-04

Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of July, 2004

Teresa Anderson
Notary Public



Residing at Ririe, ID
My commission Expires 9-27-05

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	34E	8	SW NE		IRR	4.0

Section Acres	4.0
---------------	-----

Total Acres	4.0
-------------	-----

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-10343 DOMESTIC

14. Remarks:
THIS CLAIM BASED ON DECREED RIGHT 27-00003B, THIS CLAIM IS FOR
4.33 INCHES, DELIVERED BY THE MINERS DITCH.

15. Basis of Claim: ~~BENEFICIAL~~ USE

DECREED

MICROFILMED

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): _____ 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 _____

MICROFILMED

NOV 12 1992

BAS

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 427-10344
Date Received 5/1/89
Receipt Number M003264

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
MAY 1 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Robert F. or Marilyn J. Colson Phone (208) 785-0896
Mailing Address 410 W. Riverton Road Zip 83221

2. Date of Priority (Only one (1) per claim) April 1st May 31, 1895

3. Source of water supply (a) Miners Ditch Blackfoot River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 35 Range 35E Section 8,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bingham

Additional points of diversion if any: _____

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 Bingham

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. Pump house w/ double pumps
into Miner's Ditch. Flood Irrigate from concrete
ditch.

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NOV 12 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/01 amount .09 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .09 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.) None.

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	
03	35E	8			4.0														4

Total number of acres irrigated 4

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
Domestic Well or None ()

14. Remarks: BASED on Decree Right 27-00003B
or 4.3" (inches)

MICROFILMED

NOV 12 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Last Name Colson Ident No. A27

Copies: White-State Yellow-Claims

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 27-000033
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 X
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) X Robert F. Colman Date X 5/1/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title 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 Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____
SEAL Notary Public Bruce A. Schuld
Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995
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 _____

Last Name _____ Ident. Number _____

MICROFILMED
NOV 12 1992
Copies White-State, Yellow-Claimant