

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

1



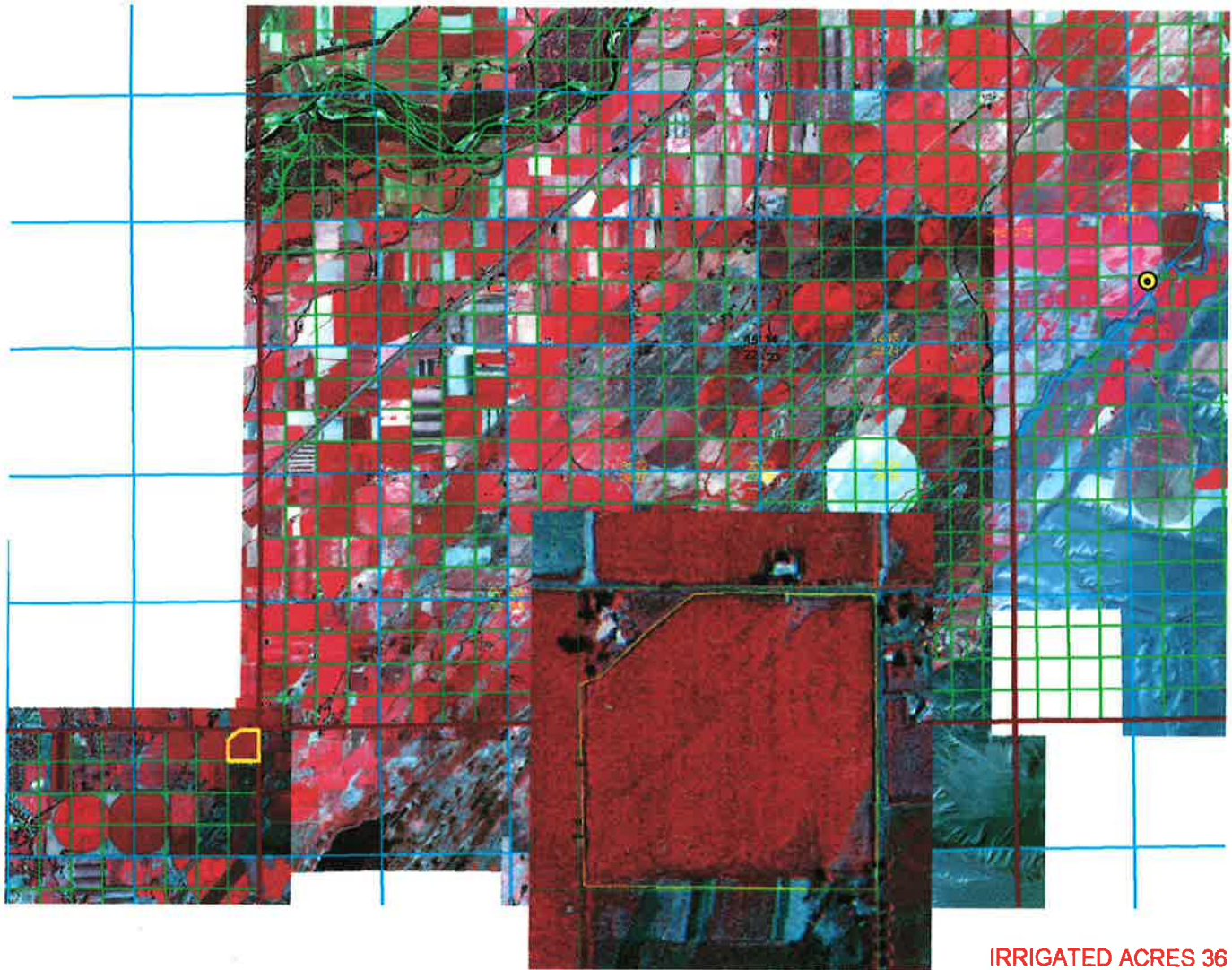
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-10545



0.8 0 0.8 1.6 Miles

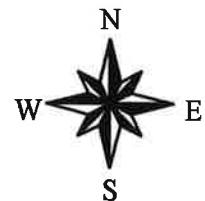
LEGEND

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

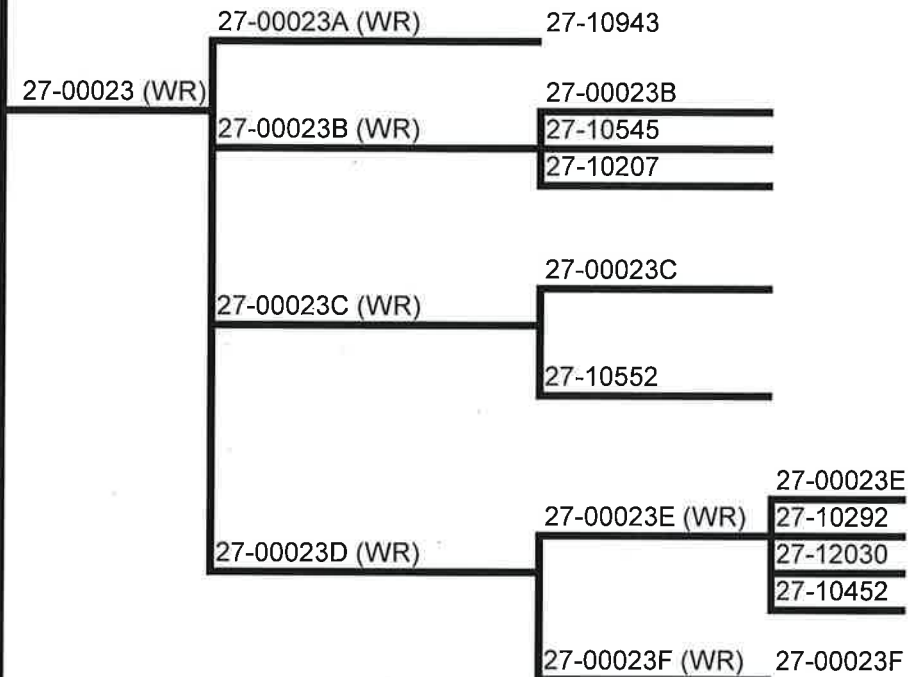
SCANNED
MAY 25 2006
PROFILED

Place of Use: T3S, R35E:
(part of) Sec. 1, NENE

Point(s) of Diversion: T2S, R37E:
Sec. 17, NWSW L-3



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: C. Bird
Date: March, 2005

PEDIGREE**PRIORITY DATE 03/25/1880**

Water right #	Water right #	to adjudication claim #
27-00023	27-00023A	27-10943
	27-00023B	27-00023B
		27-10545
		27-10207
	27-00023C	27-00023D
		27-00023E
		27-10552
	27-00023D	
	27-00023E	27-00023A
		27-10943
		27-00023C
		27-10552
		27-10292
		27-12030
		27-10452
	27-00023F	27-00023F

kmj 03/13/2006

SCANNED
MAY 25 2006

FILED

Quick Look	Contacts	Priority	POD	Source	POU	Water Use	Period of Use	Quar
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Review/Verify Log

Status

Claim Number Version Number

[View Documents](#) [View Recommendation](#)

Check List
☒ Priority Date
☒ Contacts
☐ Point of Diversion
☒ Source
☐ Place of Use
☒ Purpose of Use
☒ Period of Use
☒ Quantity
☐ Summary [Yes to All](#)

Print Form

Contacts

~~27-11236~~
PODT2S, R 37E Sec. 17
NWSW L-3.

Comments
Author Text
Subj
Date - - [Add](#) [Edit](#) [Remove Selected](#)

S
Con

adrian
3/9/05. cell # 681-2919 EIW.

Blackfoot Slough. T3S R39E, Sec. 22. ?
- government canal crosses.

diverts by presto.

Notes

3/4/04 Sent claimants a letter requesting documentation of ownership of claim 27-23.

Response date 3/25/04 CB

3/5/04 Watermaster Reports shows delivery of 27-23. to Adrian Young from 1976 - 1988.

3-8-04 Mr. Young called wanting to know what we wanted. I advised him we needed documentation that support the water from 1880 to now. He said he would go to the Court House & look up the deeds. BP

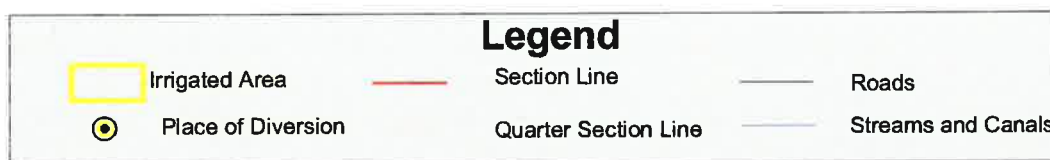
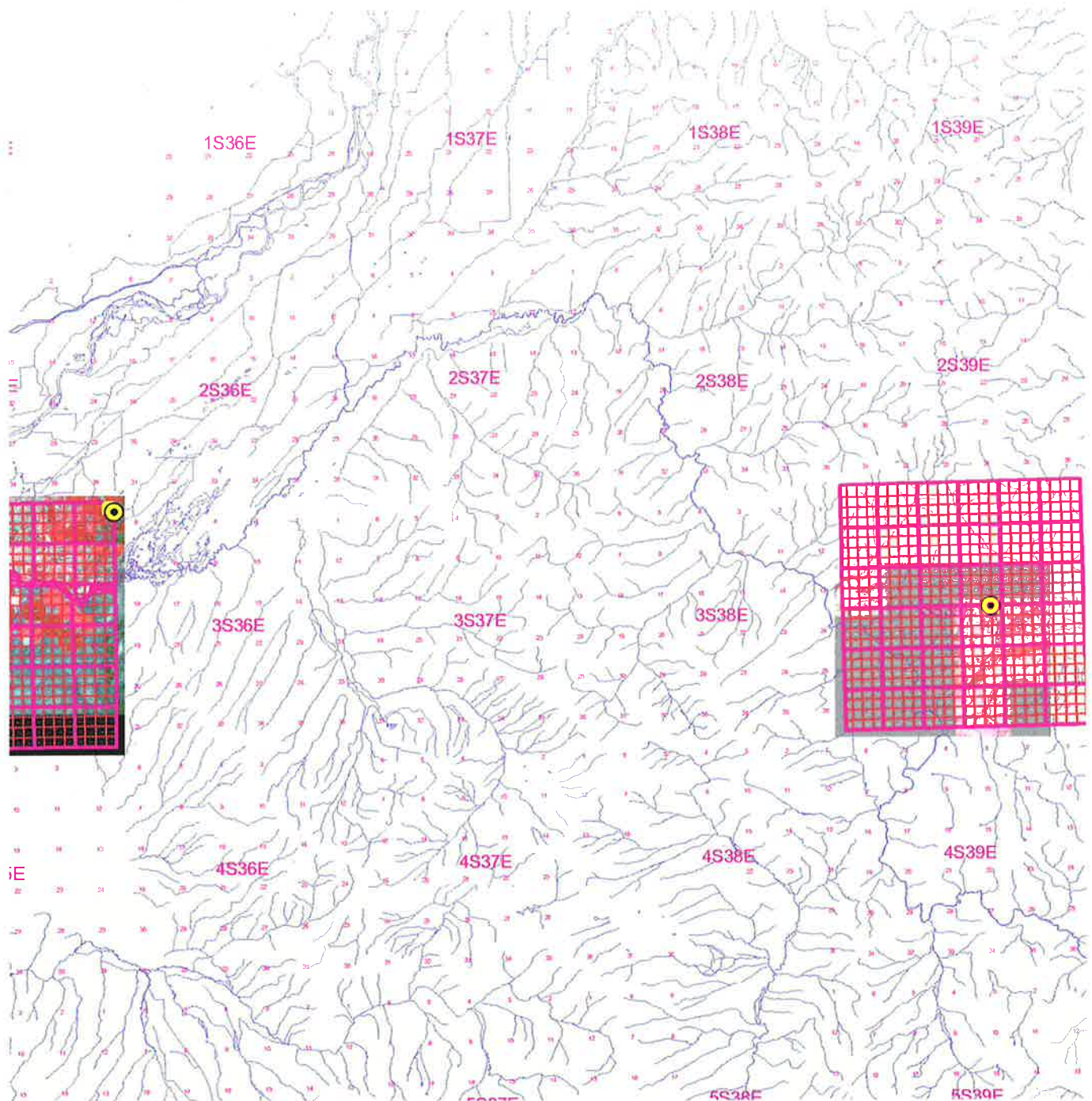
3-22-04 Adrian called he will be sending copies of the warranty deeds plus a copy from the Judgement book that pertains to his water. PB

3-24-04 Received warranty deeds from claimant PB

Water Right Claim Number 27-10545

Township , 3S35E

01/04/2001

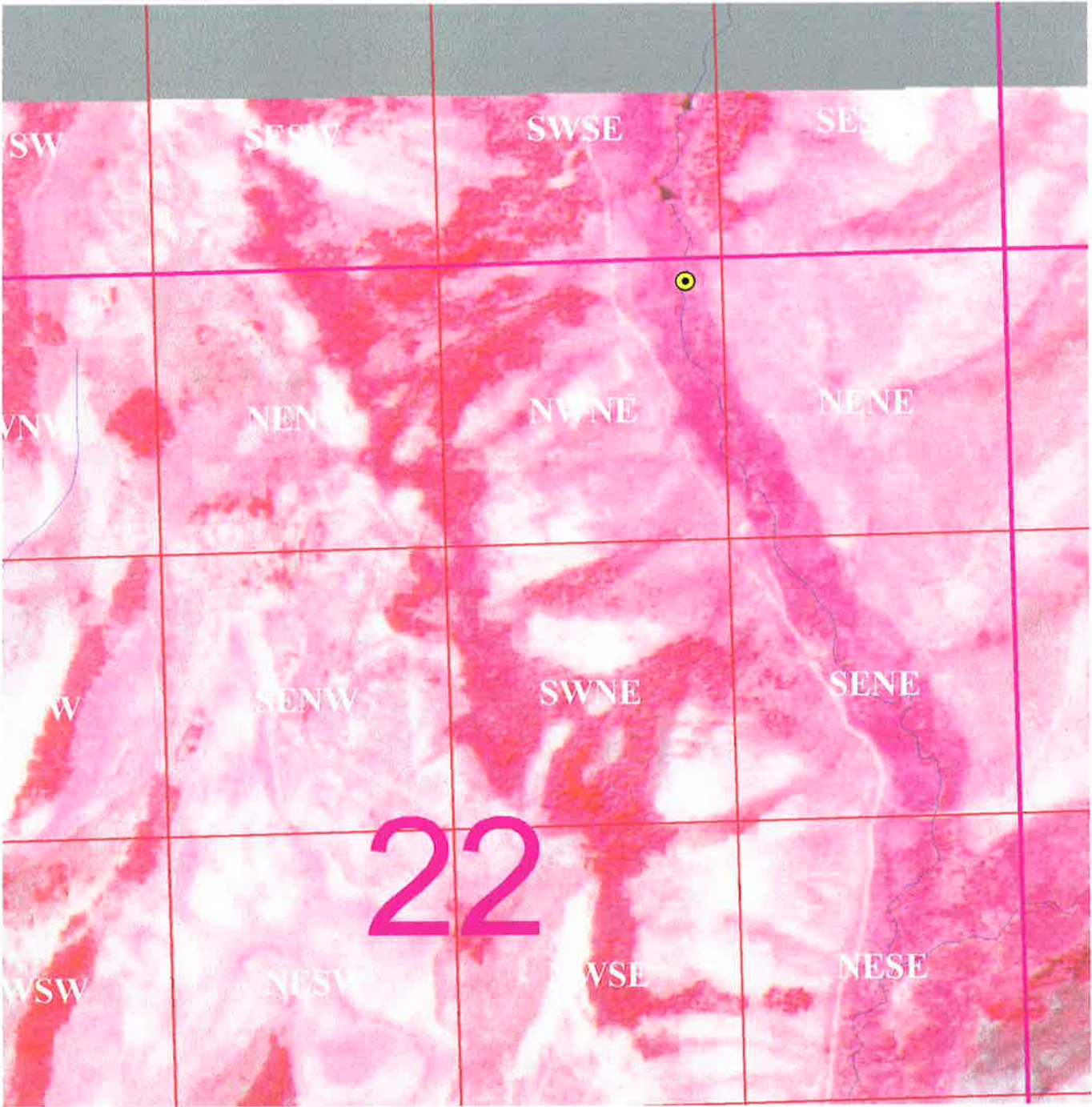


15000 0 15000 30000 Feet



Water Right Claim Number 27-10545
Township , 3S35E

01/04/2001



**Irrigated Area**

**Section Line**

**Roads**

**Place of Diversion**

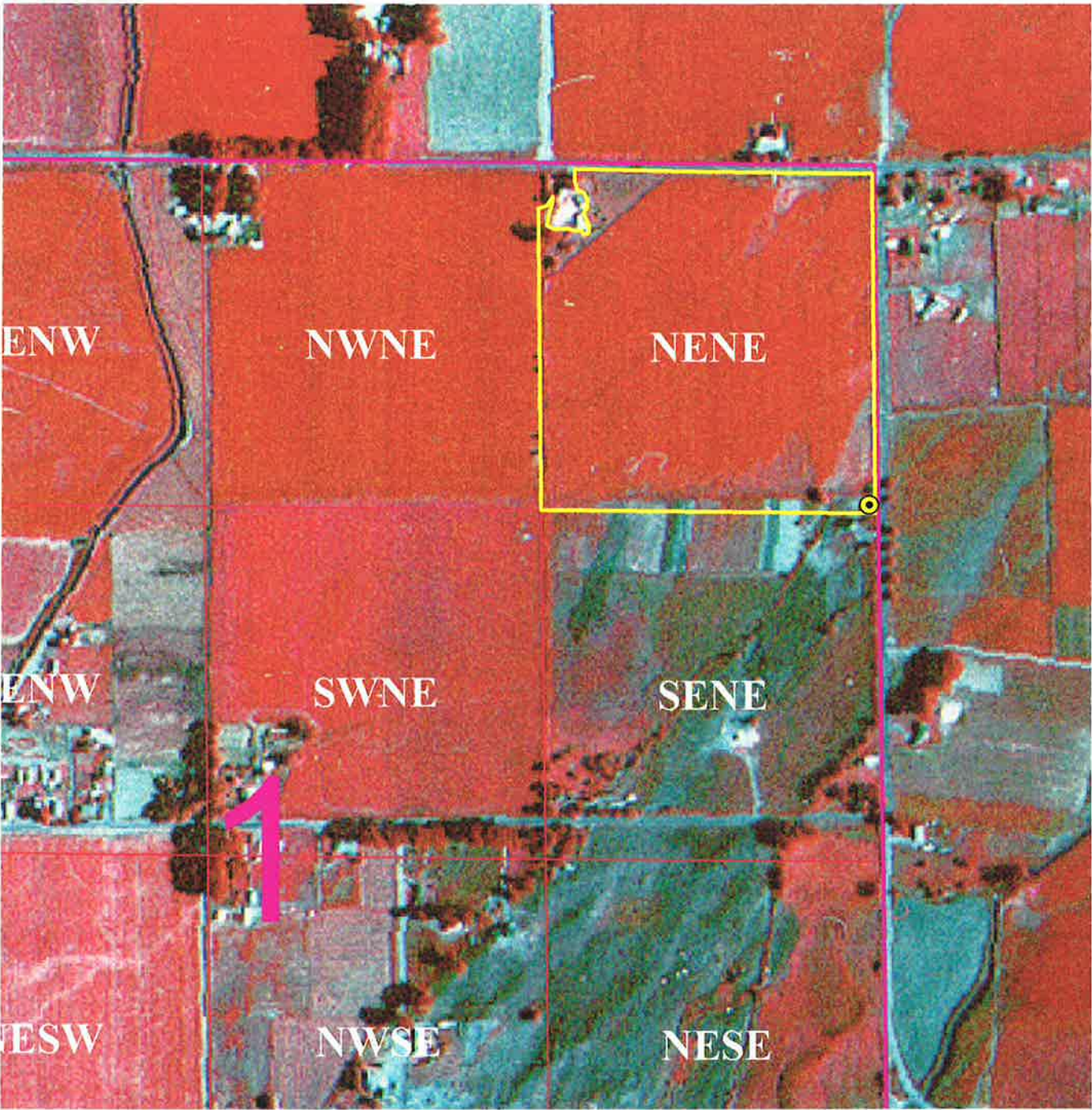
**Quarter Section Line**

**Streams and Canals**



Water Right Claim Number 27-10545
Township , 3S35E

01/04/2001



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

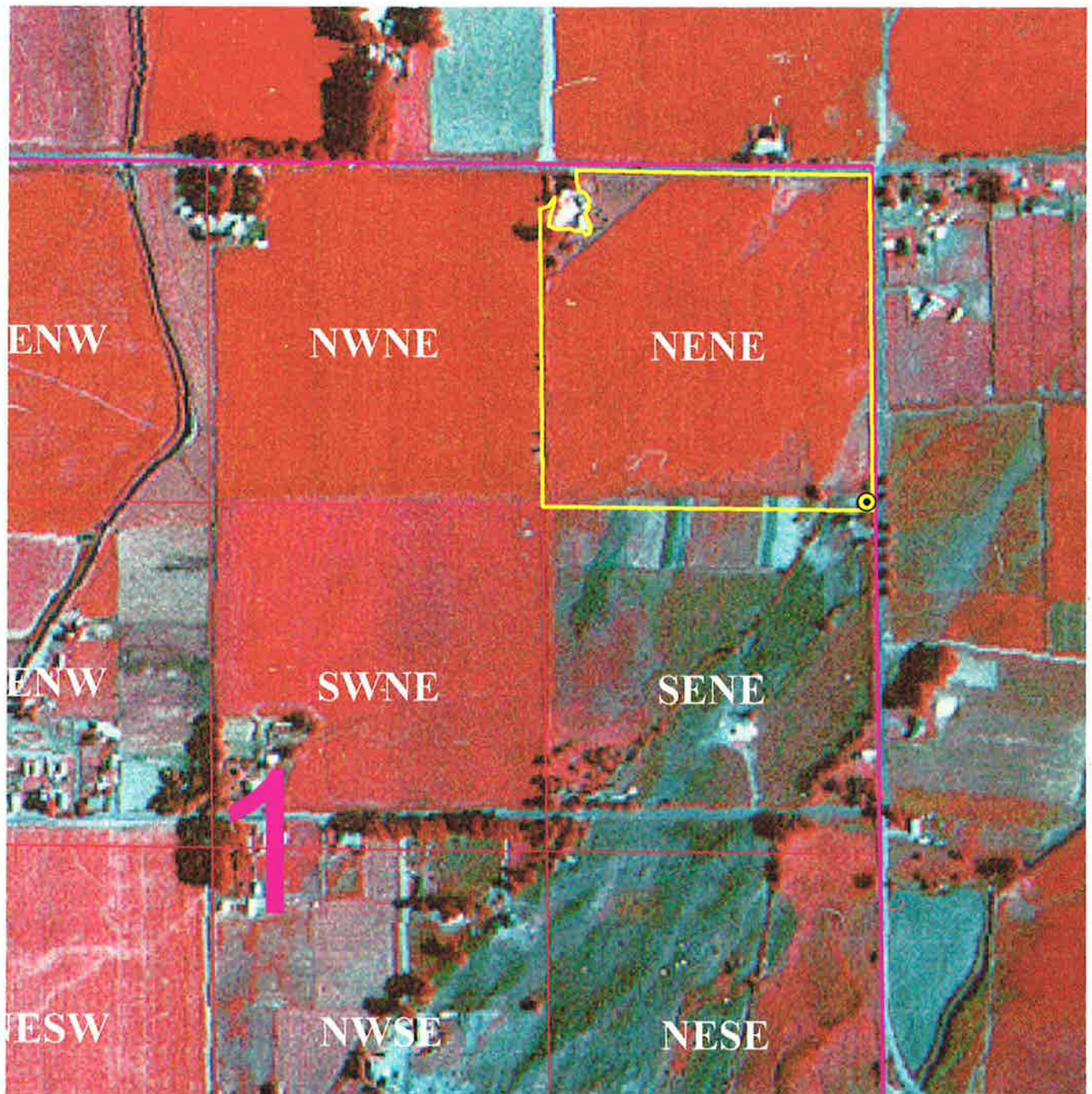
Streams and Canals

N



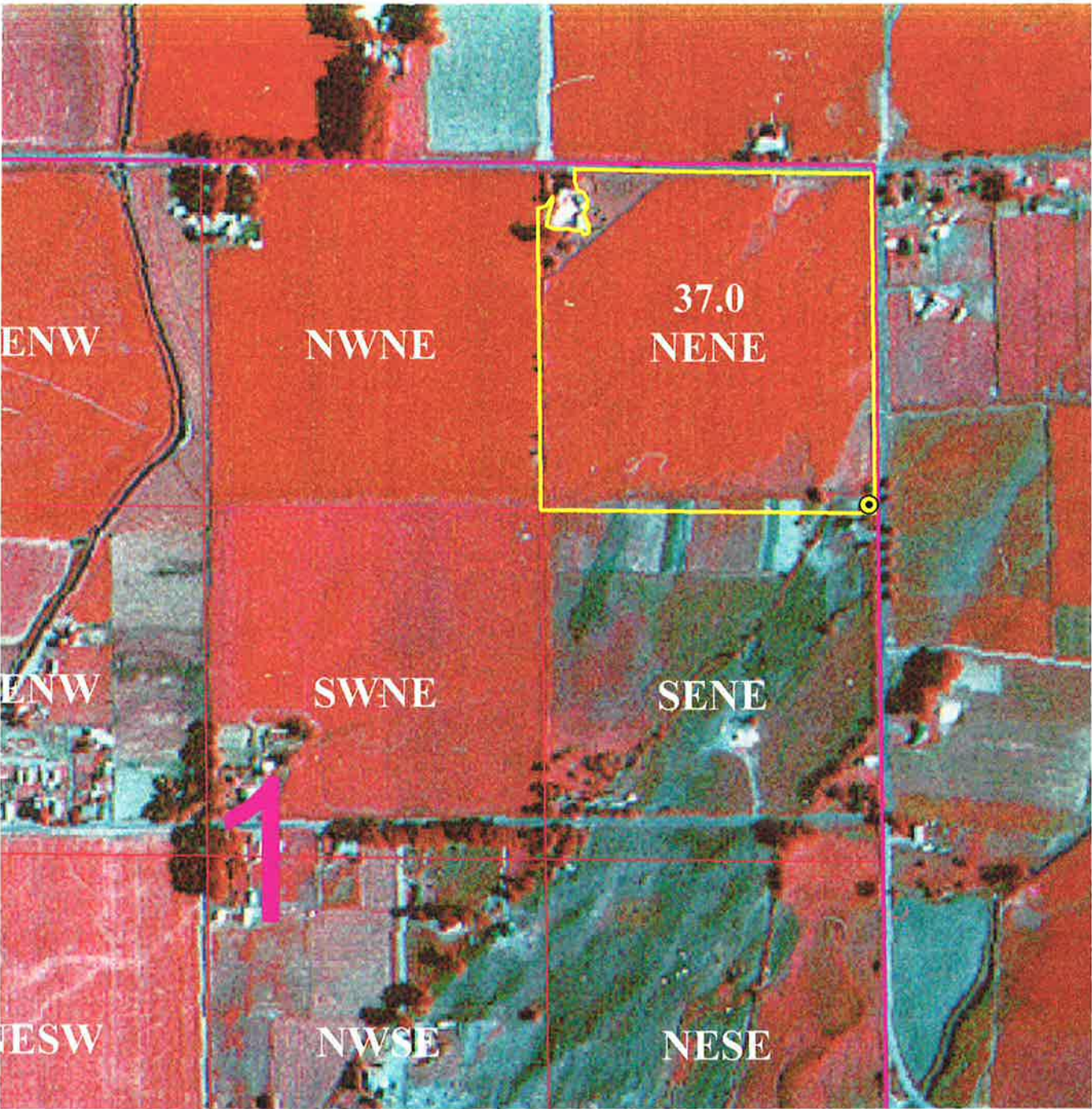
Water Right Claim Number 27-10545
Township , 3S35E

01/04/2001



Water Right Claim Number 27-10545
Township , 3S35E

01/04/2001



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

 Quarter Section Line

 Streams and Canals



JUL 20 2001

Log for claim 27-10545

Spatial Dynamics LTD

1/4/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	1	NENE	40	37	Blackfoot River doesn't flow through NENE qq of 0
Totals:			40	37	

Fox & Whitten

W. R. & Della A. Christensen sold water to Van B. Capps on December 30, 1920. 50 inches

Van B. & Alice Capps sold property to Fred & Edna Poindexter on December 10, 1941. T3S, R35E, section 1, lot 1. Together with all ditches and water rights of the first parties therefore and particularly 50 inches of water out of the Fox and Whitten decree in the waters of Blackfoot River, with priority right of date 1880, and 68 shares of the capital stock of the Loyd Canal Company, a corporation.

Fred & Edna Poindexter sold property & water to Adrian & Margot Young on May 1, 1967. T3S, R35E, section 1, lot 1. Together with the ditches and water rights thereunto appertaining and belonging, and particularly 45 shares of Blackfoot Slough Company and 45 shares of Loyd Canal Company; and 45 inches of water out of the Fox and Whitten Decree of waters of Blackfoot River with priority date of 1880.

Edna Poindexter, surviving widow of Fred Poindexter (deceased) sells and/or conveys to Adrian & Margot Young on June 30, 1988 A portion of lot 1 in section 1, T3S, R35E. Together with the water rights and ditch right-of-way used for the irrigation thereof.

27609
JJA

372999

Copy

WARRANTY DEED

For Value Received, EDNA POINDEXTER, surviving widow of Fred Poindexter, deceased, of Blackfoot, Idaho, by her attorney in fact, John T. Cowden of 215 Twin Willow, Boise, Idaho 83706

the grantor, does hereby grant, bargain, sell, and convey unto
ADRIAN J. YOUNG AND MARGOT B. YOUNG, husband and wife of
23 W. Rich Lane, Blackfoot, Idaho

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

A portion of Lot 1 in Section 1, Township 3 South, Range 35 E.B.M.,
Bingham County, Idaho, described as:

Beginning at the NW corner of said Lot, said NW corner being W. along
the Section line 1324.5 feet from the NE corner of said Section;
running thence S. $0^{\circ}11'47''$ E. 448.43 feet; thence N. $49^{\circ}00'$ E.
683.52 feet; thence W. 517.4 feet to the point of beginning.

Together with the water rights and ditch right-of-way used for
the irrigation thereof.

The parties agree to prorate taxes for the year 1988 as of June 30,
1988.

372999

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 3.00 DEP. 65

1988 JUL 12 PM 4:45

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

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 does hereby covenant to and
with the said Grantees, that she the owner in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that s he will warrant and
defend the same from all lawful claims whatsoever.
Dated: July 8, 1988

Edna Poindexter

EDNA POINDEXTER, by her attorney in fact,

John T. Cowden
JOHN T. COWDEN

WARRANTY DEED

FOR VALUE RECEIVED, We, FRED POINDEXTER and EDNA POINDEXTER, husband and wife, of Bingham County, Idaho,

the Grantors, do hereby grant, bargain, sell and convey unto ADRIAN YOUNG and MARGOT YOUNG, husband and wife, also of Bingham County, Idaho,

the Grantee, the following described premises, to-wit:

All of Lot One, in Section One, Township Three South, Range Thirty-five, East of the Boise Meridian, in Bingham County, Idaho, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT: Beginning at the Northwest corner of said Lot One, said Northwest corner being West along the Section Line 1324.5 feet from the Northeast corner of said Section One; and running thence South $0^{\circ}11'47''$ East 448.43 feet; thence North $49^{\circ}00'$ East 683.52 feet; thence West 517.4 feet to the point of beginning;

Together with the ditches and water rights thereunto appertaining and belonging, and particularly 45 shares of Blackfoot Slough Company and 45 shares of Loyd Canal Company; and 45 inches of water out of the Fox and Whitten Decree of waters of Blackfoot River with priority date of 1880;



TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, **their** heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that **they are** the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove mentioned, and that **they** will warrant and defend the same from all lawful claims whatsoever.
Dated: May 1, 1967.

Fred Poindexter
Edna G. Poindexter

	DITCH	OWNER	DESCRIPTION OF LAND			
			Subdivision	Sec.	Twp.	Rge.
1.	Earl Ockerman		27-2018			
2.	Don Esplin		27-0004			
3.	Barlow Cook		27-001-002-003-004-005-Blackfoot Irrig.			
4.	Arvel Fielding		27-004-013			
5.	Vin Reid		27-004-014-022-023-028-021			
6.	Fred Reid		27-004-014-021-022-029			
7.	Wallace Reid		27-004-014-021-022-028			
8.	Everett Lyon		27-028-029			
9.	James Mattson		Blackfoot Irrigation			
10.	J.D. Robertson		27-016			
11.	John Taney		27-029			
12.	Lloyd W. Young		27-029			
13.	Joe Oleson		27-4077			
14.	Vera Belnap, Sec.		27-022-035			
15.	Rex Hale		27-004			
16.	Herschell Mynarcik		27-004			
17.	Fred Poindexter		27-023			
18.	Neal Powell		27-004			
19.	Annette Stephenson		27-004			
20.	Francis Whitten		27-023			
21.	Adrian Young		27-004			
22.	Merrill Packer		27-004 013 Blackfoot Irrigation			
23.	Lambert Produce		27-022-035-038-29-040-041			
24.	LeRoy Howell, Sec.		27-003-004-017-020-022-029			Corbet Slough
25.	Eloise Hamilton, Sec.		27-012			Blkft. Irrig.
26.	Shipley & Coles		27-027			
27.	Harvey Coffman		27-004			
28.	O.E. Cook		27-027			
29.	Gordon Durney		27-027			
30.	Dan Daniels		27-027			
31.	Cordell Stewart		27-027			
32.	Darwin Thompson		27-027-023			
33.	Norman Wright		27-004-025-027-037 Blackfoot Irrigation			
34.	Stan McDaniels, Sec.		27-003-004-022-023-026-037			Blkft. Irrig.
35.	Albert Bell, Sec.		Smith Maxwell			
36.	Layne Hamilton, Sec.		27-7129			
37.	Walt Hamilton		27-4016			
38.	Chesterfield Land & Livestock		27-023			
39.	Neil Bitchell		27-4079			
40.	Joe Oleson		27-049			
41.	Merlin Frandsen		27-023-056			
42.	Gene Rishel		27-022			
43.	Earl Hunter		27-047-055			
44.	Ron Jensen		27-054			
45.	Lloyd Stolworthy		27-050-051-004-022-035-016-29			
46.	Clinton Cox		27-051			
47.	Lloyd Stolworthy		Sand Creek			
48.	Vera F. Belnap		Sand Creek			
49.	Basil Poulson		Sand Creek			
50.	Bruce Bradshaw		Sand Creek			
51.	Florian Werenette		27-0073-2132			
52.	Don Allen		27-0074-0080			
53.	Calvin Dredge		27-0076			
54.	Alma Hubbard		27-0075			
55.	L.W. White		27-2009-2040			
56.	Mary Sheridan		27-2069-2075			
57.	Lake & Ellis		27-0094			
58.	Sydney Thompson		27-203-20238-2028			
59.	Grant Lloyd		27-7008 A&B			
60.	Stauffer Chemical		27-4115			
61.	Jougard Sheep Co.		27-2011			
62.	Harris Bros.		27-2003			
63.	E. S. Stuck		27-2054-20542			
64.	D.W. Beckstead		27-0070			
65.	Calvin Bennett		27-0042-0043-0062-0063-0066-0070			
66.	Preston Allen		27-0060-0061-0065-0066-0067-0068-0069			
67.	Roland Allen		27-0060-0061-0065-0066-0067-0068-0069			
68.	Bear Lake Cattle Assn.		27-0033			
69.	Tom Cellan		27-0069			
70.	Corbridge Bros		Trans. #1641 W.R. #35-001			
71.	Monsanto Chemical		27-097-098			
72.	J.H. Stockings		27-7127-7118 Trans #2433 W.R. #01-0028A			
73.	Galen Christensen		27-7302			
74.	Conda Partnership		27-4066 27-4068			
75.	Lynn Rasmussen					

COPY

1986

OWNER OR DITCH	WATER RIGHT IDENT NO.	DESCRIPTION OF LAND		
		Subdivision	Sec	Tap
<u>BLACKFOOT RIVER</u>				
1. Circle 2 Bar Ranch		27-2018		
2. Don Esplin		27-004		
3. Barlow Cook		27-001-002-003-004-005. Blackfoot Irrigation		
4. Arvel Fielding		27-004-013		
5. Vin Reid		27-004-014-021-022-029		
6. Fred Reid		27-004-014-021-022-028		
7. Wallace Reid		27-023-029		
8. Everett Lyon		Blackfoot Irrigation		
9. James Mattson		27-016		
10. J.D. Robertson		27-029		
11. John Janey		27-029		
12. Lloyd W. Young		27-4077		
13. Joe Oleson				
<u>EASTERN IDAHO WATER CO.</u>				
14. Vera Buinap, Sec.		27-022-035		
<u>FOX & WHITTEN WATER</u>				
15. Rex Hale		27-004		
16. Herchell Hynarck		27-004		
17. Fred Joindexter		27-023		
18. Neal Povel		27-004		
19. Annette Stephenson		27-084		
20. Francis Whitten		27-023		
21. Adrian Young		27-023		
22. Merrill Packer		27-004		
<u>HANSEN DITCH</u>				
23. Lambert Produce		27-004-013 Blackfoot Irrigation		
<u>LITTLE BUTTE CANAL CO.</u>				
24. LeRoy Howell, Sec.		27-022-035-038-039-040-041		
<u>HINERS DITCH CO.</u>				
25. Eloise Hamilton, Sec.		27-003-004-017-020-022-029 Corbett Slough		
<u>STEVENS DITCH</u>				
26. Shipley & Coles		27-012		
27. Harvey Coffman		27-027		
28. O.E. Cook		27-004		
29. Gordon Durney		27-027		
30. Dan Daniels		27-027		
31. Cordell Stewart		27-027		
32. Darwin Thompson		27-027		
33. Norman Wright		27-027-023		
<u>CENTRAL DITCH CO.</u>				
34. Stan McDaniel, Sec.		27-004-023-027-037 Blackfoot Irrigation		
<u>RIVERTON DITCH CO.</u>				
35. Albert Bell, Sec.		27-003-004-022-023-026-037 Blackfoot Irrig.		
<u>SMITH MAXWELL DITCH CO.</u>				
36. Layne Hamilton, Sec.		SMITH MAXWELL		
<u>GRAVE CREEK</u>				
37. Walt Hamilton		27-7129		
38. Chesterfield Land & Livestock		27-4016		
<u>RAWLINS CREEK</u>				
39. Neil Bithell		27-023		
40. Joe Oleson		27-4079		
41. Merlin Frandsen		27-049		
<u>BRUSH CREEK</u>				
42. Gene Rishel		27-023-056		
<u>HINER CREEK</u>				
43. Earl Hunter		27-022		
<u>OPHAN CREEK</u>				
44. Ron Jensen		27-047-055		
45. Lloyd Stolorworthy		27-054		
<u>WOLVERINE</u>				
46. Clinton Cox		27-050-051-004-022-035-016-029		
47. Lloyd Stolorworthy		27-051		
<u>SAND CREEK</u>				
48. Vera P. Belnap		Sand Creek		
49. Jessie Foulson		Sand Creek		
50. Bruce Bradshaw		Sand Creek		
51. Florian Bernette		Sand Creek		

1987

1987

1987

OWNER OR DITCH	WATER RIGHT IDENT. NO.	DESCRIPTION OF LAND		
		Subdivision	Sec.	Twp. Rge.
<u>BLACKFOOT RIVER</u>				
1. Circle 2 Bar Ranch	27-2018			
2. Don Esplin	27-004			
3. Barlow Cook	27-001-002-003-004-005 Blkf. Irrig.			
4. Arvel Fieldin	27-004-013			
5. Vin Reid	27-004-014-021-022-029			
6. Fred Reid	27-004-014-021-022-029			
7. Wallace Reid	27-004-014-021-022-028			
8. Everett Lyon	27-023-029			
9. James Mattson	Blackfoot Irrigation			
10. Marion Walker	27-016			
11. Pat Taney	27-029			
12. Lloyd W. Young	27-029			
13. Joe Oleson	27-4077			
<u>EASTERN IDAHO WATER CO.</u>				
14. Leah Jones, Sec.	27-022-035			
<u>FOX & WHITTEN WATER</u>				
15. Rex Hale	27-004			
16. Gary Pratt	27-004			
17. Fred Poindexter	27-023			
18. Neal Powell	27-004			
19. Mark Pratt	27-004			
20. Francis Whitten	27-012			
21. Adrian Young	27-023			
22. Merrill Packer	27-004			
<u>HANSEN DITCH</u>				
23. Lambert Produce	27-004-013 Blackfoot Irrig.			
<u>LITTLE BUTTE CANAL CO.</u>				
24. LeRoy Howell, Sec.	27-022-035-038-039-040-041			
<u>MINERS DITCH CO.</u>				
25. Eloise Hamilton, Sec.	27-003-004-017-020-022-029 Corbett Slough Blkf. Irrig.			
<u>STEVENS DITCH</u>				
26. Dean Shipley	27-012			
27. Harvey Coffman	27-027			
28. O.E. Cook	27-004			
29. Gordon Durney	27-027			
30. Dan Daniels	27-027			
31. Cordell Stewart	27-027			
32. Darwin Thompson	27-027			
33. Norman Wright	27-027-023			
<u>CENTRAL DITCH CO.</u>				
34. Stan McDaniels, Sec.	27-004-025-027-037 Blkft. Irrig.			
<u>RIVERTON DITCH CO.</u>				
35. Lola Dawn Hernandez, Sec.	27-003-004-022-023-026-037 Blkf. Irrig.			
<u>SMITH MAXWELL DITCH CO.</u>				
36. Layne Hamilton, Sec.	Smith Maxwell			
<u>GRAVE CREEK</u>				
37. Walt Hamilton	27-7129			
38. Chesterfield Ln. & Lvstk.	27-4016			
<u>RAWLINS CREEK</u>				
39. NEIL BITHELL	27-023			
40. Joe Oleson	27-4079			
41. Dennis Frandsen	27-049			
<u>BRUSH CREEK</u>				
42. Gene Rishel	27-023-056			
<u>MINER CREEK</u>				
43. Earl Hunter	27-022			
<u>CEDAR CREEK</u>				
44. Ron Jensen	27-047-055			
45. Lloyd Stolworthy	27-054			
<u>WOLVERINE</u>				
46. Cox Enterprise	27-050-051-0404-022-035-016-029			
47. Lloyd Stolworthy	27-051			
<u>SAND CREEK</u>				
48. Vera P. Belnap	Sand Creek			
49. Basil Poulson	Sand Creek			
50. Bruce Bradshaw	Sand Creek			
51. Florian Wernett	Sand Creek			

1988



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

March 4, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Adrian Young
Margot Young
36 E. Richland
Blackfoot, ID 83221

REF: Snake River Basin Adjudication (SRBA)
Notice of Claim 27-10545

COPY

Subject: Water Ownership documentation

RESPONSE DATE: MARCH 25, 2004

Dear Claimants:

The Department of Water Resources is currently investing water right claims in Basin 27. IDWR's information indicates that your water right claim is based on a water right decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp 106-117 (Bingham County, Idaho August 1, 1891), Fox and Whitten. This water right was decreed for 600 inches (12.0 cfs) with a March 25, 1880, priority date. The Department later renumbered this water right to 27-23.

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

This office must receive your response by the date shown above. If no response is received, then your claim to water will not be recommended to be decreed. If you have any questions, please feel free to contact me at the Soda Springs Satellite office at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Claim 27-10545

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: A27-10545

Date Received: 4/12/1989

Receipt No: M003544

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ADRIAN YOUNG 208-785-2919
Address: 36 E RICHLANE
BLACKFOOT, ID 83221

OR

Name: MARGOT YOUNG 208-785-2919
Address: 36 E RICHLANE
BLACKFOOT, ID 83221

2. Date of Priority: MAR 25, 1880

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	1	SE	NE	NE		BINGHAM
	39E	22		NW	NE		BINGHAM

5. Description of diverting works:

ROCK HEADGATES WITH DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes: '

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:

1.000 C.F.S. (and/or) 120.00 A.F.A.

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:

N/A

A27-10545

Page 1

Date: 05/10/89

MICROFILMED
NOV 12 1992

A2710545



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	35E	1	NE	NE	IRR	40.0
Section Acres						40.0
Total Acres						40.0

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:
N/A

14. Remarks:

TRANS. 787. IN EXCHANGE OF 1.2 CFS OF THE WATERS OF BLACKFOOT
RIVER FOR 1.2 CFS FROM RAWLINGS CK.
THIS CLAIM IS FOR 50 INCHES OF THE ORIGINAL DECREE 27-00023B

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FRED S. STEVENS, ET AL.

Decree Plaintiff

vs

EASTERN IDAHO WATER CO., ET AL

Decree Defendant

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: 0

For Individuals:

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

Signature of Claimant(s): X *Delvin Young* Date: X 5-10-89
Date:

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of May 19 89 *Bruce A. Schuld*
Notary Public

Seal

BRUCE A. SCHULD, NOTARY PUBLIC
Residing at RESIDING AT BOISE, IDAHO
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

DEED RECORD, BINGHAM COUNTY

SYMS-YORK CO. PRINTERS & BINDERS, BOISE 122810

WARRANTY DEED

No. 36513

THIS INDENTURE, Made this 10th day of December, in the year of our Lord one thousand nine hundred and Forty-one, between ALICE CAPPS AND VAN B. CAPPS, her husband, of Blackfoot, County of Bingham, State of Idaho, the parties of the first part, and FRED POINDEXTER and EDNA POINDEXTER, 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 Four Thousand Three Hundred Forty-seven and 03/100 - - - - - 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, have 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 County, State of Idaho, to-wit:

The Lot One (1) in Section One (1), in Township Three(3) South of Range Thrity-five (35) East of the Boise Meridian in Idaho.

Together with all ditches and water rights of the first parties therefor and particularly 50 inches of water out of th Fox and Whitten decree in the waters of Blackfoot River, with priority right of date 1880, and 68 shares of the capital stock of the Loyd Canal Company, a corporation.

Subject to that certain mortgage upon said premises executed by first parties to Federal Land Bank of Spokane upon which there is an unpaid balance of \$2347.03, which grantees assume and agree to pay, with the interest thereon, when and as due, as a part of the purchase price of said premises, and subject to all taxes thereon subsequent to January 1, 1942.

\$2.20 I. R. S. Attached and Cancelled.

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 parties 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 the 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, 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
John W. Jones

Alice Capps [SEAL]
Van B. Capps [SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO,

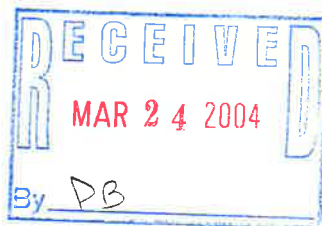
County of Bingham. ss.

On this 10th day of December, in the year 1941, before me, John W. Jones, a Notary Public in and for said State personally appeared ALICE CAPPS and VAN B. CAPPS, her husband, 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.

Seal

John W. Jones
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho.



Recorded at the request of Mrs. Edna Poindexter on November 14, 1942 at 11:42 A.M.
Recorder's Fees, \$1.20
By Jno. H. Falk, Recorder.
dp Joyce Womack Deputy.

No. 5661

DEED OF WATER RIGHT.

W. R. CHRISTENSEN

TO

VAN B. CAPPS

THIS INDENTURE, Made this 30th day of December, in the year of Our Lord One Thousand Nine Hundred Twenty, between W. R. Christensen and Della A. Christensen, husband and wife, of the County of Bingham, State of Idaho, the parties of the first part, and Van B. Capps of Bingham County, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Thousand Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents convey and grant and set over and forever quit-claim unto the said party of the second part, and to his heirs and assigns that certain water right as decreed in the Blackfoot River, in the County of Bingham, State Of Idaho, as follows:

Fifty (50) inches of the one-sixth interest of the said first parties in the decree of Six Hundred (600) inches of the waters of Blackfoot River to P.B. Fox, Jr. William Howard, A. Whitten, Susan E. Whitten and Calvin Miles, dating from March 25, 1880, by the District Court of Bingham County, State of Idaho, in an action wherein Fred S. Stevens et al. were plaintiffs and Eastern Idaho Water Company et al. were defendants, dated August 1, 1891, and entered in Judgement Book 1, at pages 107 to 116 of the records of said Court.

TO HAVE AND TO HOLD all and singular the said water rights unto the said party of the second part, and to his heirs and assigns forever.

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

W. R. Christensen Seal.

Della A. Christensen Seal.

\$1.00 I.R.S. attached and cancelled.

STATE OF IDAHO)
) SS.
COUNTY OF BINGHAM)

I DO HEREBY CERTIFY that on this 30th day of December, in the year of 1920, before me, John W. Jones, a notary Public in and for the said county and state personally appeared W. R. Christensen, and Della A. Christensen, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

John W. Jones.

Notary Public for the State

of Idaho, residing at Blackfoot, Idaho.

Seal.

My commission expires

July 16, 1921.

Recorded at the request of V. B. Capps, Jan 4, 1921, at 3:5 P. M.

F. M. Fisher, Recorder.

By

Margaret Hand

Deputy.



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

A.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. Shonemaker, 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

Susan E. Whitten

and Calvin Miles

March, 23rd 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

A.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 — 130 inches.

