

01/09/2003

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

RIGHT NUMBER: 29-290D

NAME AND ADDRESS: WARREN P WELLARD
825 RAPID CREEK RD
INKOM ID 83245

VALERE WELLARD
825 RAPID CREEK RD
INKOM ID 83245

BRUCE L WELLARD
825 RAPID CREEK RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 SWSNW Within BANNOCK County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.090 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S21 SESE 3.0

3 ACRES TOTAL

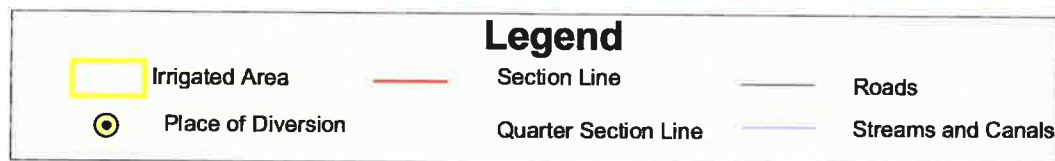
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

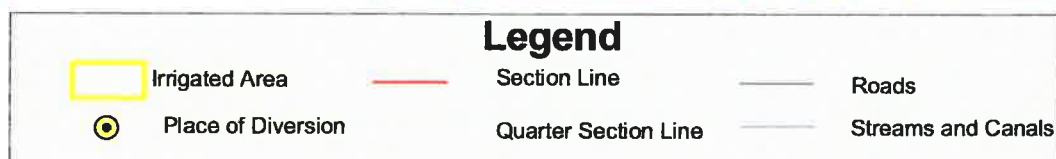
Water Right Claim Number A29-00290D
Township , 7S36E

08/24/2000

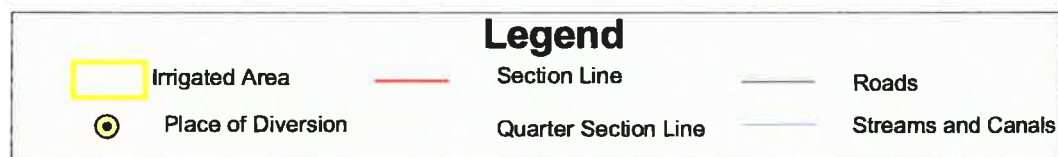


Water Right Claim Number A29-00290D
Township , 7S36E

08/24/2000



08/24/2000



400 0 400 800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-290D V1

WATER RIGHT NUMBER: 29-290D V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CHARLES E WELLARD 825 RAPID CK RD INKOM, ID 83245
Current Owner	WARREN P WELLARD 825 RAPID CREEK RD INKOM, ID 83245
Current Owner	VALERE WELLARD 825 RAPID CREEK RD INKOM, ID 83245 (208)775-3320
Current Owner	BRUCE L WELLARD 825 RAPID CREEK RD INKOM, ID 83245 (208) 775-4517

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source

RAPID CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.090 CFS

Annual VolumeTotal Diversion: 0.090 CFSLocation of Point(s) of Diversion

RAPID CREEK

SW1/4SW1/4NW1/4

Sec. 22, Twp 07S, Rge 36E, B.M.

BANNOCK County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	21																3.0	3.0

Total Acres: 3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-290D V1

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/9/2003 10:50:25 AM	csaxton			Active
Priority Date	1/9/2003 10:50:53 AM	csaxton			Active
POD	1/9/2003 10:51:06 AM	csaxton			Active
Source	1/9/2003 10:52:12 AM	csaxton			Active
POU	1/9/2003 10:57:21 AM	csaxton			Active
Use	1/9/2003 10:58:06 AM	csaxton			Active
Season	1/9/2003 10:59:05 AM	csaxton			Active
Quantity	1/9/2003 10:59:55 AM	csaxton			Active
Summary			01/09/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	1/9/2003 10:50:25 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 7/17/02
POD	1/9/2003 10:51:07 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-290D V1

Priority Date	1/9/2003 10:50:53 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/9/2003 10:51:33 AM	csaxton	Edited point location
POD	1/9/2003 10:51:57 AM	csaxton	Edited PLS
Source	1/9/2003 10:52:13 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/9/2003 10:57:22 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	1/9/2003 10:57:44 AM	csaxton	Edited shape boundary
Use	1/9/2003 10:58:06 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/9/2003 10:59:06 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-290D V1

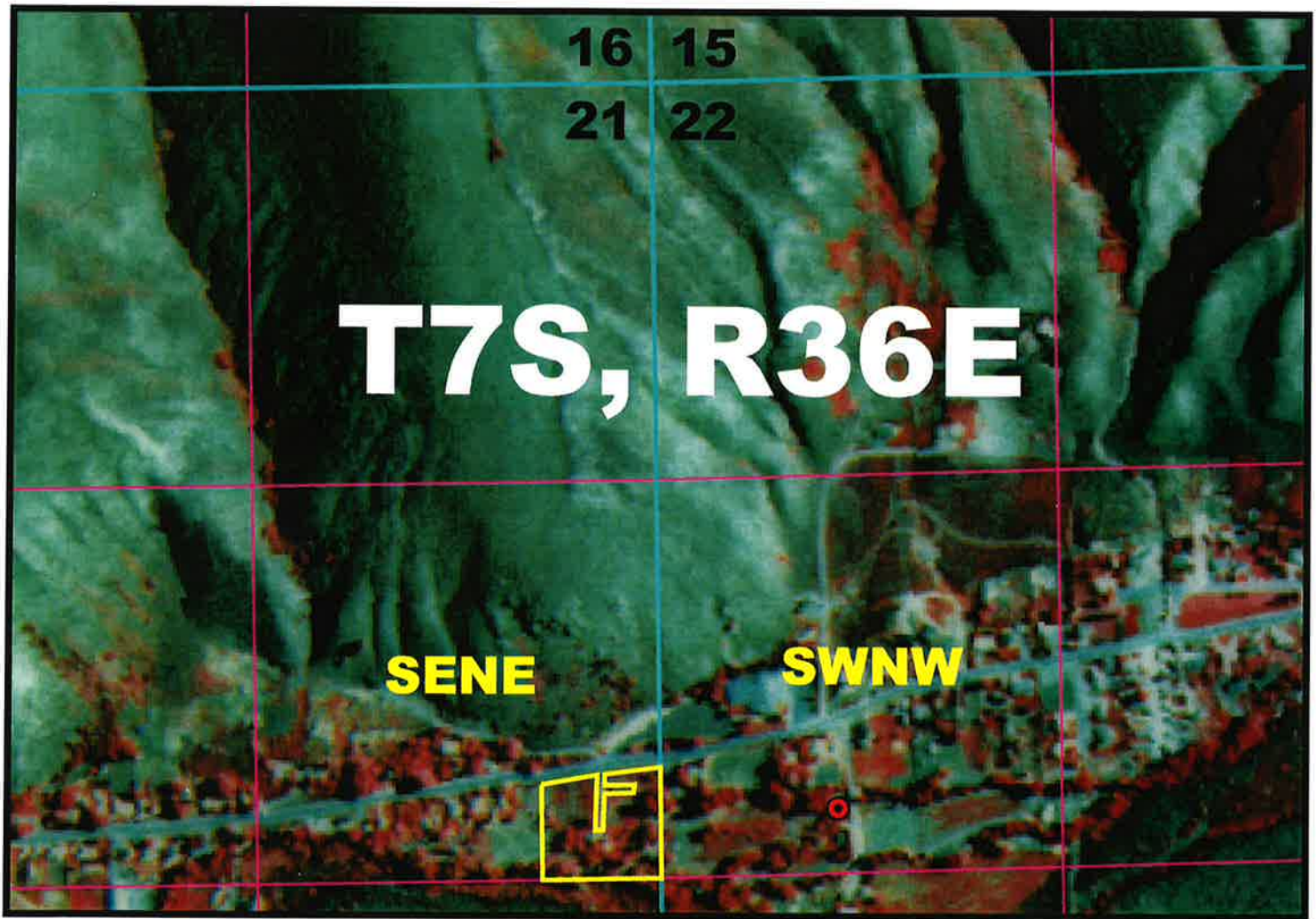
Quantity	1/9/2003 10:59:55 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	1/9/2003 11:01:00 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00290D



Total Irrigated Acres: 3.0



Point(s) of Diversion



Place of Use



Quarter Quarter Lines

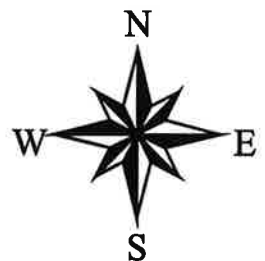


Section Lines

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JUL 21 2005

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: January 2003

Craig
02/18/2003

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: April 21, 2003

Water right number: 29-290D

WARREN P WELLARD
825 RAPID CREEK RD
INKOM ID 83245

VALERE WELLARD
825 RAPID CREEK RD
INKOM ID 83245
Telephone Number: (208) 775-3320

BRUCE L WELLARD
825 RAPID CREEK RD
INKOM ID 83245
Telephone Number: (208) 775-4517

RECEIVED
APR 02 2003
WATER RESOURCES
WESTERN REGION

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: March 16 2003 SIGNATURE:

Please print your name:

Valere M. Wellard
VALERE M. WELLARD

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

SCANNED
JUL 21 2005

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9-6-01 : POU - within TR 2885 POU + Decreed POU

: Diversion Rate - 2 splits under claimed

: Source - As TR 2885

9-11-01 : Should Have a portion of 29-289

Wellard Place is actually in SE NE 21
Poss NE SE 21
Falls under Right 29-289

Wellard Right next to obsca

7-17-02 : Used Water since 1947.

FE

: Flood Irrigate + Siphon Hoses

: Father Charles Passed March 1991

: Bruce Wellard - 775-4517 - Trailer House next to 105 church
Warren Paul = Brother

: Left NCO. with Bruce's mom

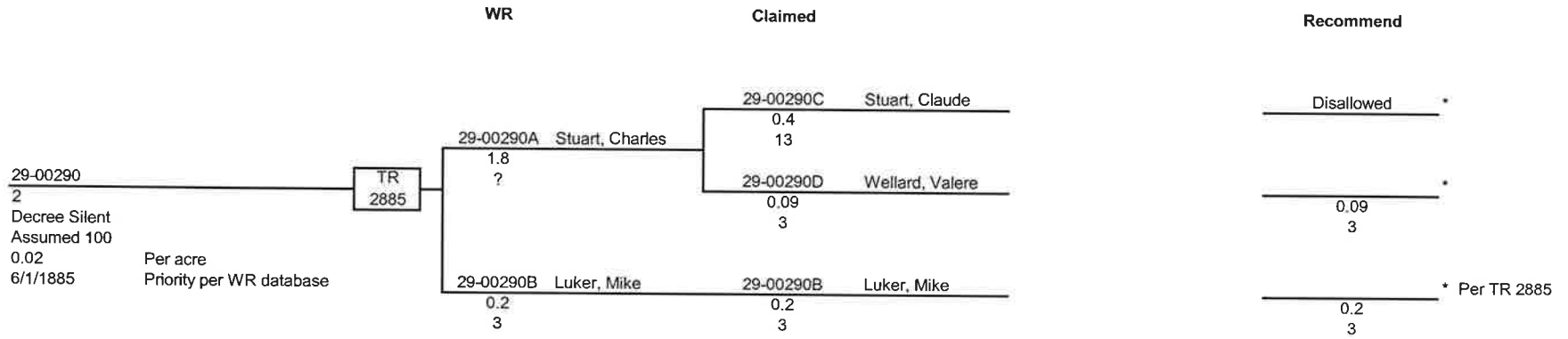
1-9-03 : Decreed
Right under-claimed and under-recommended.
Based on this Recommend Claimed diversion Rate
of 1" per acre.

: POD Same as Gilberts.

PROFILED

SCANNED
JUL 21 2005

Split history for Decreed Right 29-00290



Sum of claimed CFS =	0.69
Sum of claimed Acreage =	19

Sum CFS=	0.29	#
Sum Acre=	6	#

Un-accounted for CFS=	1.71	#
Un-accounted for Acres=	N/A	#

This right is under-claimed and under-recommended. Because of this, recommend 1 1/2 inch per acre for rights under 5 acres.

JUL 15 2005

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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
	29-002900				

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**.
Death Certificate + Warranty deed.
- 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)

Charles Wellard
825 Rapid Creek Rd Inkom Id 83245

4. New Owner/Claimant(s)

☒ Valere M. Wellard Warren P. Wellard

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

New Mailing Address

Bruce L. Wellard 825 Rapid Creek RD.

City, State and ZIP Code

Inkom, ID 83245

New Telephone Number

(208) 775-3320

5. Date you acquired the property

N/A

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JUL 21 2005

Diane Bilyeu
Assessor



P. O. Box 4969
Pocatello, ID 83205-4969

DATE: July 17, 2002

Parcel NO. RICPI004300

Bruce Wellard
843 Rapid Creek Rd
Inkom ID 83245

Property: 825 Rapid Creek Rd
Inkom ID 83245

This is in regard to the request for the most current document recorded for the benefit of your Mother, Valere. I have enclosed a copy of instrument #95002698 recorded February 24, 1995. This is an affidavit clearing the ownership interest of your late Father and giving all ownership to your Mother.

In the event I may be of further assistance, please free to contact me.

Sincerely,

LINDA HOWARD

SCANNED

JUL 21 2005

PROFILED

00235

2-1

AFFIDAVIT

95002699

STATE OF IDAHO

County of Bannock

ss:

95002699

Valere Mabel Wellard
name

being first duly sworn, on his/her

oath, deposes and says:

That he/she is a resident of

Idaho
TownBannock
CountyIdaho
State

and is competent to make this

affidavit:

That he/she is the surviving spouse of

Charles E Wellarddeceases, that affiant and Charles E Wellard
name of decedent are named as grantees incertain deeds recorded as Instrument NO. 538712, records of Bannock County,
Idaho:That Charles E Wellard
name of decedent diedMarch 17, 1991
date

possessed of

a community property interest in the following described real property, to-wit:

TISNEY

TAX 32 3.4 AC

21-7-36

RIPPI 004300

That Valere Mabel Wellard

knows of his/her own knowledge

that Charles E Wellard
name of decedent

died

March 17, 1991
date

NO. 95002699

Valere Wellard

95 FEB 24 AM 1:6

PROFILED

600

635
NO
JANU
ORDERSCANNED
JUL-21 2005

00236

2-2

95002699

and is named as a deceased person in a death certificate issued by the

State of Idaho

That under provisions of the Idaho Uniform Probate Codes (S 15-3-102),
(S 15-3-101), the said real property described herein has not been

possessed or claimed by anyone except Valerie Mabel Willard

and by virtue of the death of the decedent being more than three (3)

years, that the title records of Bannock County, Idaho, be amended

to show the present vestee to be Valerie Mabel Willard
(name)

825 Rapid Creek Rd Interm Id 83345
(address)

Valerie Mabel Willard
(affiant)

SUBSCRIBED AND SWORN TO before me this 24 day of Feb, 1995.

(seal)

[Signature]
Notary Public for Idaho

Residing at: [Address]

NOTARY SEAL

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SCANNED

JUL 21 2005

359459

STATE OF IDAHO,

COUNTY OF Bannock

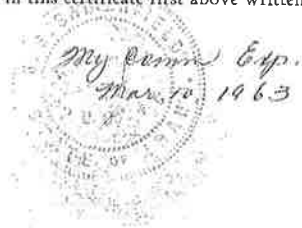
} ss:

On this 12th day of July, in the year 1960, before me
 the undersigned, a Notary Public in and for said County and
 State, personally appeared E. H. BERRETT and AMY J. BERRETT, husband and wife

COPY

known to me to be the person s whose name s
 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.



[Signature]
 Notary Public

Residence Pocatello, Idaho

at _____ minutes past
 o'clock _____ M., this _____ day of
 at my office and duly recorded in Book
 of Deeds at page _____
 By _____ Ex-Officio Recorder
 Fee, \$ _____ Deputy

STATE OF IDAHO.

COUNTY OF _____ } ss:

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

TO

WARRANTY DEED

359459

COPY

359459

NO
 RECORDING REQUEST AT
 Pocatello Title Co.

AUG 3 3 29 PM '60 153

RECORD FEE \$1.80
 \$1.80

copy

copy

2000

CCM

CCM

REAL ESTATE AGREEMENT

THIS AGREEMENT, made and entered into the 26th day of October
in the year of our Lord one thousand nine hundred Forty-Eight (19 48)

Between WALTER A. RABOURN

COPY

of Pocatello, County of Bannock, State of Idaho,
part Y of the first part, and CHARLES E. WELFORD and VALERE M. WELFORD, husband and wife.
of Pocatello, County of Bannock, State of Idaho,
the part ies of the second part.

WITNESSETH, that the part Y of the first part, in consideration of the covenants and agreements
on the part of the said part ies of the second part, herein after contained, agree s to sell and convey
unto the said part ies of the second part, and the second part ies agree to buy all those certain
lot s, piece s or parcel s of land, situate, lying and being in Pocatello
County of Bannock, State of Idaho, and bounded and particularly described as follows,
to-wit:

Starting at the Southwest corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 21,
Twp. 7, S. R. 36 E.B.M. (Government Stake); thence running East
230 feet to the beginning point; thence turning at a right angle
North 229 feet more or less to the South boundary line of Rapid
Creek Highway; thence turning in a Northeasterly direction along
the South boundary of Rapid Creek Highway a distance of 402 feet
to the East line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Sec. 21; thence turn-
ing at a right angle running South on said boundary line 324 feet
more or less to a Government Stake designating the corner of said
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 21; thence turning at a right angle running
West on the said line 402 feet more or less to the point of begin-
ning, containing 124,800 square feet more or less, located in Ban-
nock County, State of Idaho.

COPY

for the sum of FOUR THOUSAND EIGHT HUNDRED AND NO/100 ----- DOLLARS
lawful money of the United States, and said part ies of the second part, in consideration of the
premises, agree to pay to the said part y of the first part
the said sum of FOUR THOUSAND EIGHT HUNDRED AND NO/100 ----- DOLLARS,
as follows, to-wit:

The sum of \$1200.00 to be paid upon the signing of this Agreement,
and the balance of \$3600.00 to be paid at the rate of \$30.00 or more
per month, the first payment to be made on January 1, 1949, said
balance to bear interest at the rate of 4% per annum, the payment
to be applied first to the interest and the balance to be applied
to the principal.

COPY

It is agreed that the buildings on said premises shall be kept fully insured against loss by fire, with
loss payable to part y of the first part as present owner, and to part ies of the second part as pur-
chaser under contract, as their respective interests may appear; premiums on said policies to be paid
by part ies of the second part on and after October 1, 1948 .
And the said part ies of the second part agree to pay all State, City, School and County taxes,
or assessments of whatsoever nature, which are or may become due on the premises above described, on
or after October 1, 1948 .

COPY

In the event of a failure to comply with the terms hereof, by the part ies of the second part, the
said part y of the first part shall be released from obligation in law or equity to convey said property,
and said part ies of the second part shall forfeit all right thereto, and all payments made on said prop-
erty. And the said part y of the first part, on receiving such payment, at the time and in the manner
above mentioned, agree s to execute and deliver to the said part ies of the second part, or to their heirs or
assigns, a good and sufficient warranty deed and abstract to said premises, free from all encumbrances,
except

Time is the essence of this agreement and in case the parties of the second part should fail, refuse or neglect to pay said part Y of the first part the money as is agreed herein to be paid, or to pay taxes, assessments or insurance on the date same shall become due, and for a period of thirty days thereafter, or shall fail to fulfill any of the covenants or agreements on the Purchaser's part to be kept and performed, then and in that event, the part Y of the first part may, at her option, forfeit any and all rights of the purchaser in and to said property, and all money paid to the part Y of the first part by the purchaser under this agreement shall be retained by the said part Y of the first part as liquidated damages for the non-performance of this contract, and as rent for said property; and the purchaser, if then living on the property shall be considered a lessee of the part Y of the first part and shall be liable to ejectment under the laws of the State of Idaho, relating to forcible entry and unlawful detainer. And the said part Y of the first part, on receiving payment at the time and in the manner above mentioned, agrees to instruct the escrow holder to deliver to the said part 123 of the second part, or his heirs and assigns the escrow deed which shall be a good and sufficient Warranty Deed to said premises, together with abstract showing title free from incumbrances, except incumbrances above mentioned, excepting also, such incumbrances as may be created by the part 123 of the second part, or through his assigns or heirs. It is understood that the stipulations herein set forth, are to apply and bind the heirs, executors, administrators and assigns of the respective parties thereto.

COPY

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

Signed, Sealed and Delivered in the Presence of

D. H. Carlson

Wesley A. Rabourn (SEAL)

Charles E. Wellard (SEAL)

Valere M. Wellard (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, } ss.
COUNTY OF BANNOCK }

On the 26th day of October, in the year 1948, before me,
a Notary Public in and for said State personally appeared Wesley A. Rabourn, Charles E. Wellard and Valere M. Wellard
known to me to be the person s whose name s 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)

D. H. Carlson

in and for Idaho Notary Public

My commission expires June 3, 1952

Residing at Pocatello, Idaho.

COPY

JUL 21 2005

PROFITED

SCANNED

CERTIFICATE OF DEATH										State File No. <u>16-91</u> Local Reg. No. <u>16-91</u>	
ONLY A COPY OF THIS DOC. EMITTED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED 3 EVIDENCE OF THIS DEATH UNDER IDAHO CODE 39-7101 & 39-7102 LL BE USED AS FINAL PAGE											
DECEASED — NAME: <u>CHARLES ELIAS WELLARD</u> SEX: <u>Male</u> DATE OF BIRTH (Month, Day, Year): <u>17 March 1991</u> SOCIAL SECURITY NUMBER: <u>518 05 8777</u> AGE: <u>80</u> UNDER 1 DAY: <u>5 August 1910</u> BIRTHPLACE (City and State or Foreign Country): <u>Twin Groves, Idaho</u> WAS DECEASED EVER IN U.S. ARMED FORCES? ☒ Yes ☐ No PLACE OF DEATH (Check only one): ☒ (1) Inpatient ☐ (2) Outpatient ☐ (3) DCA ☐ (4) Licensed Nursing Home ☐ (5) Private Residence ☐ (6) Licensed Shelter Home ☐ (7) Other (Specify): FACILITY NAME AND ADDRESS (If not a hospital, enter name of place, street and number): <u>Pocatello Regional Medical Center</u> CITY, TOWN OR LOCATION OF DEATH: <u>Pocatello</u> COUNTY OF DEATH: <u>Bannock</u> MARRITAL STATUS — Married, Never Married, Widowed, Divorced (Specify): <u>Married</u> SURVIVING SPOUSE (If wife, give maiden name): <u>Valere Mable Martin</u> DECEASED'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired): <u>Crane Operator—Union Pacific Railroad</u> RESIDENCE STATE: <u>Idaho</u> COUNTY: <u>Bannock</u> CITY, TOWN OR LOCATION: <u>Inkom</u> STREET AND NUMBER: <u>825 Rapid Creek Road</u> ZIP CODE: <u>83245</u> POBSE CITY LIMITED? ☒ Yes ☐ No WAS DECEASED OF HISPANIC ORIGIN? (Specify into or by — if yes, specify Cuban, Mexican, Puerto Rican, etc.): ☐ Yes ☒ No RACE — American Indian, Black, Japanese, White, etc. (Specify): <u>White</u> FATHER — NAME: <u>James Elias Wellard</u> BIRTHPLACE: <u>Idaho</u> MOTHER — FULL MAIDEN NAME: <u>Pearl Irmina Burt</u> BIRTHPLACE: <u>Idaho</u> INFORMANT'S NAME (Specify): <u>Valere M. Wellard</u> MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code): <u>825 Rapid Creek Road, Inkom, Idaho 83245</u> METHOD OF DISPOSITION: ☒ Burial ☐ Cremation ☐ Removal from Idaho ☐ Donation ☐ Other (Specify): <u>Mountainview Cemetery</u> PLACE OF DISPOSITION (Name of cemetery, crematory, or other place): <u>Pocatello, Idaho</u> SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH: <u>Richard Whalley</u> LICENSE NUMBER (or License): <u>M-1168</u> NAME AND ADDRESS OF FACILITY: <u>MANNING FUNERAL CHAPEL, Pocatello, Idaho</u> DATE OF DEATH: <u>3:05 A.</u> DATE PRONOUNCED DEAD (Month, Day, Year): <u>17 March 1991</u> WAS CASE REFERRED TO CORONER? ☐ Yes ☒ No MANNER OF DEATH (Check one): ☒ Natural ☐ Homicide ☐ Suicide ☐ Accident ☐ Could Not Be Determined 27. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death): <u>Probable Pulmonary Embolus</u> minute 27. PART II. Other Significant Conditions contributing to death but not resulting in the underlying cause given in Part I. <u>COPD</u> 28. PHYSICIAN — To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☒ CORONER — On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. SIGNATURE AND TITLE OF CERTIFIER: <u>Mark P Benson MD</u> LICENSE NUMBER: <u>M3650</u> DATE SIGNED (Month, Day, Year): <u>3/19/91</u> NAME AND ADDRESS OF CERTIFIER (If not a physician, give name and address of the coroner): <u>Mark P Benson 707 No 7th Pocatello Id.</u> DATE OF INJURY (Month, Day, Year): <u>707 No 7th Pocatello Id.</u> HOUR OF INJURY: <u>707 No 7th Pocatello Id.</u> DESCRIBE HOW INJURY OCCURRED: <u>707 No 7th Pocatello Id.</u> INJURY AT WORK? ☐ Yes ☒ No IF TRANSPORTATION ACCIDENT, Specify: ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Other PLACE OF INJURY — At home, farm, street, factory, office building, etc. (Specify): <u>707 No 7th Pocatello Id.</u> LOCATION (Street or Route Number, City/Town, or County, and State): <u>707 No 7th Pocatello Id.</u> CORONER'S AUTHORITY (Check one): ☐ (1) Reviewed Only ☐ (2) Reviewed, Completed Items 26 and/or 30 ☐ (3) Reviewed, Amended and Certified CORONER'S SIGNATURE: <u>Kathy Vreeland</u> DATE SIGNED (Month, Day, Year): <u>3/21/91</u> REGISTRAR'S SIGNATURE: <u>Kathy Vreeland</u> DATE FILED (Month, Day, Year): <u>3/21/91</u>											

HS-11-7129

VITAL STATISTIC'S COPY

(STATE OF IDAHO)
(County of Bannock)

COPY

THIS IS TO CERTIFY that this is a true copy of a death certificate filed with the Idaho Department of Health and Welfare under Title 39, Idaho Code. The local Deputy State Registrar in the Southeastern District Health Department issued this copy with local registration number affixed under authority granted to the State Registrar (IDAPA 16.02.815Q.02b). Copies of this certificate made at a later date may reflect legal amendments made subsequent to this issuance.

NOT VALID WITHOUT RAISED SEAL OF IDAHO STATE DEPARTMENT OF HEALTH AND WELFARE

3/21/91 5002 1 2 707
Date Issued

Brian W Blair
State Registrar of Vital Statistics

12/83

1403

83

359459

THIS INDENTURE, made this 12th day of July in the year of our Lord, One Thousand Nine Hundred and Sixty, between

E. H. BERRITT and AMY J. BERRITT, husband and wife, of Pocatello, County of Bannock, State of Idaho the parties of the first part, and CHARLES E. WELIARD

of Incom, County of Bannock, 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 Dollar and other valuable considerations -- DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Starting at the Southwest corner of the SE 1/4 of NE 1/4 of Sec. 21, Twp. 7 S. R. 36 EBM (Government Stake); thence running East 930 feet to the beginning point; thence turning at a right angle North 299 feet more or less to the South boundary line of Rapid Creek Highway; thence turning in a Northeasterly direction along the South boundary of Rapid Creek Highway a distance of 402 feet to the East line of the SE 1/4 of NE 1/4 of said Sec. 21; thence turning at a right angle running South on said boundary line 324 feet more or less to a Government Stake designating the corner of said SE 1/4 NE 1/4 of said Sec. 21; thence turning at a right angle running West on the said line 402 feet more or less to the point of beginning, containing 124,800 square feet more or less, located in Bannock County, State of Idaho.

COPY

1.65



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

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

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

Signed, Sealed and Delivered in the Presence of

} E.H. Berritt [SEAL]
Amy J. Berritt [SEAL]

_____ [SEAL]

JUL 21 2005

SCANNED

1403

RECEIVED

JUL 29 2002

WATER RESOURCES
WESTERN REGION

July 23, 2002

Valere M. Wellard
Warren P. Wellard
Bruce L. Wellard

825 Rapid Creek RD
Inkom, Idaho 83245
(208) 775-3320

Craig L. Saxton
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

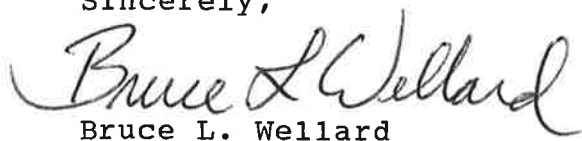
Enclosed is a NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP application. This application is made on claim 29-00290D originally filed by my father Charles Elias Wellard for land which he and his wife, my mother, Valere M. Wellard purchased in 1948 (see Real Estate Agreement enclosed). This land has the current mailing address listed above. My father passed away in March of 1991 as recorded on the Death Certificate issued by Pocatello Regional Medical Center (enclosed).

This application is made on behalf of Valere M. Wellard and her sons Warren P. Wellard and Bruce L. Wellard whom all currently reside on the land described above. My mother took legal possession of the land and its related rights by means of affidavit instrument #95002698 (enclosed) after my father's passing.

The water rights claimed for this land, as specified by the original Indian Water Rights Agreement have been in continual use since the time of the original land purchase in 1948 and continues being used currently.

Please contact me if I can be of further assistance.

Sincerely,


Bruce L. Wellard

PROFILED

SCANNED

JUL 21 2005

29-00290 D
FE: 7/29/00

C. Saxton



Looking S @ Claimed POB. Claimant's house
in the Background.



Looking W at head Gate that is opened to
Flood Irrigate W side of Claimed POB.

PROFILED

JUL 21 2005

SCANNED

29-062900
FF: 7/29/07

C. Sartor



- Looking SE From N. Side of Claimant's Property.
Picture Shows intake line from ditch that carries
Rapid Creek water



Looking S @ claimed POB, Claimant's Sons house
to left of picture

PROFILED

SCANNED

JUL 21 2005

JUN 11 2001

Log for claim A29-00290D

Spatial Dynamics BTD

8/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	21	SESE	3	23	Indiscernible
Totals:			3	23	

DATE: 05/18/00
PAGE: 37

Audit: 03/29/95 DCARLSON

POOR ORIGINAL

370. 12095.

ABSTRACT OF TITLE

TO

The Southwest quarter of Southeast quarter, Northwest quarter of Southeast quarter and Northeast quarter of Southwest quarter of Section 20, Township 7 South, Range 35 East, Boise Meridian in Idaho.

Prepared for
Theo. J. Turner,
Pocostello, Idaho.

PAGE NUMBER 1

BANKARD-ST. LOUIS

MICROFILMED

NOV 13 1956

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

Charles E. Stewart, Norscea
Sorrell, Annie Sorrell, Norscea
Sorrell, the natural guardian
of Edwin Sorrell, a minor, George
Jackson, Bill Jackson, Ya-ha-gwan-ah
Jackson, and George A. Whitworth,
Plaintiffs

DECREE

Dated: June 22, 1906
Filed: June 22, 1906
Recorded: Book 2 Judgment
Book page 280

vs

A. J. Damron, Philip Ferguson, Sam
Hargraves, John Richardson, William
Damron, E. M. Webb, Thos. Hargraves,
Richard Hoffine, George North, Richard
Douglas, James Crum, Bertha Shortz,
Blanche Von Stein, and Fred M. Kelsey,
Defendants.

This cause came regularly on for trial before the Court without a jury, a jury being waived in open Court, Messrs. Standrod & Terrell appearing as attorneys for all of the plaintiffs except George A. Whitworth, S. C. Winters, Esq. appearing for the said plaintiff, George A. Whitworth, Messrs. Dietrich & Clark appearing for the defendants A. J. Damron, Philip Ferguson, Sam Hargraves, William Damron, E. M. Webb, Richard Hoffine, John Richardson, and Fanny Richardson, his wife, and Fred M. Kelsey, Messrs. Holzheimer & Holzheimer appearing as counsel for the defendants Bertha Shortz and Blanche Von Stein, and the Oregon Short Line Railroad Company having been made a party to this action by an order of Court duly appearing by their counsel P. L. Williams, and F. S. Deitrich, Esqrs. and Norscea Sorrell by leave of Court having filed herein his complaint in intervention as administrator of the estate of Ethel Sorrell, deceased, duly appeared by his counsel, Messrs. Standrod & Terrell, and the defendants, Richard Douglas, George North and Thos. Hargraves, having been duly served with summons herein, and having failed to appear and answer in said action within the time allowed by law, or at all, and the time allowed by law for appearance and answer having expired, the defaults of the said defendants George North, Richard Douglas and Thos. Hargraves was duly entered according to law;

And it appearing that the plaintiffs Bill Jackson and Ya-ha-gwah-ha Jackson, have no interests in the matters in controversy, and were made parties to said action under a misapprehension of the facts, on motion of Messrs. Standrod & Terrell, the said complaint so far as it alleges rights for or on behalf of said last two named plaintiffs is dismissed and withdrawn.

And it further appearing that the said Charles E. Stewart, Norscea Sorrell, Annie Sorrell, Norscea Sorrell as the natural guardian for Edwin Sorrell, a minor, Norscea Sorrell as administrator of the estate of Ethel Sorrell, deceased, George Jackson, Tapap Jackson, Joe Jackson, Wegicata Jackson, George A. Whitworth, A. J. Damron, Philip Ferguson, Sam Hargraves, John Richardson and his wife, Fanny Richardson, William Damron, E. M. Webb, Richard Hoffine, Bertha Shortz, Blanche Von Stein, Fred M. Kelsey and the Oregon Short Line Railroad Company, being all of the parties to said action who have appeared therein, each and all appeared in person and by their respective attorneys of record, and in open court by their said several attorneys duly authorized, duly made and entered a stipulation by the terms of which the rights and priorities of all of said parties were settled and agreed upon and admitted to be the true relations and rights of the said parties respectively to the matters in controversy, as hereinafter more specifically set forth;

And it further appearing that the said several parties so appearing by their respective counsel, in open Court, duly waived findings of fact and conclusions of law;

And the cause having been finally submitted to the Court upon the stipulation aforesaid, and the Court now being fully advised in the law and the premises;

It is therefore ordered, adjudged and decreed, that the Oregon Short Line Railroad Company, a corporation, is entitled to the use, at all times of fourteen one-hundredths of one cubic foot per second of time of the waters of Rapid Creek, a tributary of Portneuf River, in Bannock County, State of Idaho, to be diverted from the main channel of said Rapid Creek and to be used at the station of said Railroad Company, known as Inkorn, in said County and State, for railroad uses and purposes and for no other uses or purposes, the said right to date from the year 1883;

That the defendants, A. J. Damron, Philip Ferguson, Samuel Hargraves, E. M. Webb, Fred M. Kelsey, Fanny Richardson and John Richardson, her husband and George A. Whitworth, are entitled to the joint use, at all times of one fifth of one cubic foot per second of time of the waters of said stream, to be used upon the respective tracts of land hereinafter described as belonging to said defendants, their said right to the use of said water to date from the year 1884; said rights being equal and said water shall be used in rotation;

That the said Norscea Sorrell or Norcisse Sorrell is entitled to the use at all times of one-half of one cubic foot per second of time of the waters of said stream (25 miners inches) his right to the use thereof to date from the year 1885, and to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Northeast quarter and Northwest quarter of Southeast quarter of Section 20 in Township 7 South of Range 36 East of Boise Meridian, in said County and State.

The said Annie Sorrell is entitled to the use at all times of one cubic foot per second of time (50 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Northeast quarter of Southeast quarter of Section 20, and Northwest quarter

of Southwest quarter of Section 21 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That said Edwin Sorrell is entitled to the use at all times of seven tenths of one cubic foot per second of time (35 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Northeast quarter of Southwest quarter and Southwest quarter of Northeast quarter of Section 21, in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That said Norscea Sorrell, as administrator of the estate of Ethel Sorrell, deceased, is entitled to the use at all times of one fifth of one cubic foot per second of time (10 miners inches) of the waters of said stream, his right as such administrator and the right of said estate to date from the year 1885, and to be used upon and become appurtenant to the following described lands, to-wit: Southeast quarter of Northeast quarter of Section 21 and the Northeast quarter of the Southwest quarter of Section 20 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That said Charles E. Stewart is entitled to the use, at all times, of two cubic feet per second of time (100 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: West half of Southeast quarter and Southeast quarter of Southeast quarter of Section 21 and Northeast quarter of Northeast quarter of Section 28 in Township 7 South of Range 36 East of Boise Meridian;

That the said George Jackson is entitled to the use, at all times, of three fifth of one cubic foot per second of time (30 miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Northeast quarter of Northeast quarter of Section 22 and Northwest quarter of Northwest quarter of Section 23 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said Tapap Jackson, wife of the said George Jackson, is entitled to the use at all times of one fifth of one cubic foot per second of time (10 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: Southeast quarter of Northeast quarter of Section 22 and Southwest quarter of Northwest quarter of Section 23 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Joe Jackson is entitled to the use, at all times, of one cubic foot per second of time (fifty miners inches) of the waters of said stream, his right to the use thereof to date from the year 1885, and to be used upon and to become appurtenant to the following described lands, to-wit: Southwest quarter of Northeast quarter and Northwest quarter of Southeast quarter of Section 22 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Wegecata Jackson, wife of the said Joe Jackson, is en-

titled to the use at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of said stream, her right to the use thereof to date from the year 1885, to be used upon and become appurtenant to the following described lands, to-wit: East half of Southeast quarter of Section 22 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said rights of the said Norscea Sorrell, Annie Sorrell, his wife, Edwin Sorrell, Norscea Sorrell, administrator, George Jackson, Tapap Jackson, Joe Jackson, Wegecata Jackson and Charles E. Stewart, above mentioned and defined, shall be of equal dignity in respect to the date of their respective appropriations in the use of said water, said water to be diverted from the main channel of said Rapid Creek;

That the said Fanny Richardson and John Richardson are entitled to the joint use, at all times of 48/100 of one cubic foot per second of time (24 miners inches) of the waters of said stream, their right to the use thereof to date from the 18th day of June, 1902, and to be used upon and become appurtenant to the following described lands, to-wit: Commencing at point 29 rods South of Northeast corner of Southeast quarter of Southwest quarter of Section 2, Township 7 South of Range 36 East of Boise Meridian, running thence in Southwesterly direction in a direct line to a point 11 rods North of Southwest corner of Southeast quarter of Southwest quarter of Section 2, thence South 80 rods; thence in Northeasterly direction in a direct line to a point 29 rods South of Northeast corner of Northeast quarter of Northwest quarter of Section 11 in said Township and Range; thence North 80 rods to the place of beginning, containing 40 acres; lying and being in said County and State;

That the said Samuel Hargraves is entitled to the use, at all times, of 96/100 of one cubic foot per second of time (48 miners inches) of the waters of said stream, his right to the use thereof to date from the 18th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: East half of Northwest quarter and Northwest quarter of Northeast quarter of Section 11, in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said George A. Whitworth is entitled to the use, at all times, of one and one-fifth cubic feet per second of time (60 miners inches) of the waters of said stream, his right to the use thereof, to date from the 19th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: West half of Southwest quarter and West half of Northwest quarter of Section 14 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Richard Hofhine is entitled to the use, at all times, of one and 4/100 hundreds cubic feet per second of time (52 miners inches) of the waters of the North Fork of said Rapid Creek, his right to the use thereof to date from June 23, 1902 to be used upon and become appurtenant to the following described lands, to-wit: East half of Southwest quarter and West half of Southeast quarter of Section 34 in Township 6 South of Range 36 East of Boise Meridian in said County and State;

That the said William Damron is entitled to the use, at all times of

four fifths of one cubic foot per second of time (40 miners inches) of the waters of Joe Rainey Creek, a tributary of said Rapid Creek, his right to the use thereof to date from the 4th day of March, 1905, to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Northeast Quarter and Southeast quarter of Northwest quarter and Northeast quarter of Southwest quarter and Northwest quarter of Southeast quarter of Section 2 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

Provided however, that if the waters flowing in the said North Fork and Joe Rainey Creek, tributaries aforesaid, or either of them, should ever become so low so that the same do not reach the body or channel of said Rapid Creek, then the said streams shall not be regarded as tributaries of said Rapid Creek.

That the said Fred M. Kelsey is entitled to the use at all times of 56/100 of one cubic foot per second of time (28 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, his right to the use thereof to date from the 23rd day of April, 1904, to be used upon and become appurtenant to the following described lands, to-wit: East half of Southeast quarter of Section 11 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said E. M. Webb is entitled to the use at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of said Rapid Creek, his right to the use thereof to date from the 1st day of June, 1904, to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Southwest quarter of Section 1, and South half of Southeast quarter of Section 2 and Northeast quarter of Northeast quarter of Section 11 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said A. J. Damron is entitled to the use, at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of said Rapid Creek, his right to the use thereof to date from the 1st day of June, 1904, to be used upon and become appurtenant to the following described lands, to-wit: East half of Southeast quarter of Section 15 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said Philip Ferguson is entitled to the use, at all times of one and one-fifth cubic feet per second of time (60 miners inches) of the waters of Rapid River, a tributary of Rapid Creek, his right to the use thereof to date from the 20th day of June, 1902, to be used upon and become appurtenant to the following described lands, to-wit: Southwest quarter of Southeast quarter, East half of Southwest quarter and Southwest quarter of Southwest quarter of Section 11 in Township 7 South of Range 36 East of Boise Meridian in said County and State;

That the said Blanche Von Stein is entitled to the use at all times of 64/100 of one cubic foot per second of time (32 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, her right to the use thereof to date from the 24th day of October, 1904, to be used upon and become appurtenant to the following described lands, to-wit: East

Abstract No. 12095

State as evidenced by Decree of District Court of Fifth Judicial District of State of Idaho in and for Bannock County, dated June 22, 1906, in case of Stewart et al vs Damron et al, filed, entered and recorded in office of Clerk of said Court which said lands and water rights are valued in said inventory returned herein at sum of \$500.00.

T. A. Johnston
Probate Judge

T. A. Johnston, Probate Judge,
Ex-Officio Clerk of said Court
of said County and state.

CERTIFICATE

Dated: September 23, 1907

That foregoing is true and correct copy of Decree Settling Final Account and for Distribution in above entitled Court and cause as same appears to me by records and files in said Court.

(Seal)

T. A. Johnston, Probate Judge
Ex-Officio Clerk of said Court
of said County and State.

half of Southwest quarter and Southwest quarter of Southwest quarter and Northwest quarter of Southwest quarter of Section 12 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

That the said Bertha Shortz is entitled to the use at all times of four fifths of one cubic foot per second of time (40 miners inches) of the waters of Rapid River, a tributary of said Rapid Creek, her right to the use thereof to date from the 23rd day of November, 1905, to be used upon and become appurtenant to the following described lands, to-wit: South half of Northeast quarter and Northwest quarter of Southeast quarter of Section 11 and Southwest quarter of Northwest quarter of Section 12 in Township 7 South of Range 36 East of Boise Meridian, in said County and State;

It is further ordered, adjudged and decreed that subject to all the other rights hereinbefore provided for, the following named persons shall be entitled, at all times to the following amounts of the waters of said Rapid Creek and its tributaries, to be diverted by them at the points respectively, from which they divert the waters hereinbefore decreed to them respectively, and to be used upon and become appurtenant to the several tracts of lands hereinbefore described as belonging to the said persons respectively, to-wit:

A. J. Damron, $1/2$ of one cubic foot per second of time (25 miners inches) Philip Ferguson $3/4$ of one cubic foot per second of time ($37 \frac{1}{2}$ inches) Samuel Hargraves $3/5$ of one cubic foot per second of time (30 inches) William Damron $1/2$ one cubic foot per second of time (25 inches) E. M. Webb, $1/2$ of one cubic foot per second of time (25 inches) Richard Hoffine, $65/100$ of one cubic foot per second of time ($32 \frac{1}{2}$ inches) Fred M. Kelsey, $35/100$ of a cubic foot per second of time ($17 \frac{1}{2}$ inches) Fannie Richardson and John Richardson, her husband, $30/100$ of one cubic foot per second of time (15 miners inches) George A. Whitworth $75/100$ of one cubic foot per second of time ($37 \frac{1}{2}$ in.) Blanche Von Stein, $40/100$ of one cubic foot per second of time (20 inches) Bertha Shortz, $50/100$ of one cubic foot per second of time (25 inches).

All of said last named rights are to be of equal dignity, and are subsequent in time and inferior in right to all other rights herein decreed.

It is further ordered, adjudged and decreed that any of the parties to said action who are entitled to the use of any of the waters of said Rapid Creek, or any of its tributaries, under this Decree, may pool or unite the waters so decreed to them, and use the same jointly or alternately or in any manner that will secure the greatest benefits and best results from said water, so that the waters so united or pooled do not exceed the aggregate of the amount so decreed to the parties entering into such arrangements.

It is further adjudged and decreed that each and every of the parties

hereto, both plaintiffs and defendants, and the persons and corporation made parties by order of Court, and the intervenors, and all parties to said action, their agents, servants, employees, attorneys, conselors, heirs, administrators, successors and assigns, and all and every person or persons acting by, under or in assistance of them or any of them, be and they are hereby forever and perpetually restrained and enjoined from in any manner wasting or suffering the waters herein decreed to them respectively to be wasted, and are hereby further perpetually and forever restrained and enjoined from in any manner using the waters of said Rapid Creek or any of its tributaries in any other quantity or in any other manner than as herein set out, defined and decreed, each and all of said parties respecting the superior rights of the others.

And it appearing to the Court that the defendant William F. Crum styled in said action as James Crum, was duly served with summons in said action, and thereafter by his attorneys, Messrs Deitrich & Clark, appeared herein and answered and filed his cross complaint, and the said attorneys in open Court having withdrawn as attorneys for said defendant, and the said defendant, William F. Crum failing to appear further in said action or to attend said trial, or to prosecute his claim, it is ordered, adjudged and decreed that the said cross complaint of the said defendant William F. Crum be dismissed and the same is hereby dismissed absolutely, and that the defendant William F. Crum take nothing by his answer or cross complaint filed herein.

That each of the parties hereto shall pay his own costs for witnesses, Sheriff and Clerk's fees; and the fees of the Court's Stenographer for transcribing the testimony in said cause, taxed at \$80.00 shall be paid by all of the parties to said action to whom rights are herein decreed, share and share alike, and execution may issue against any of said parties failing to pay his proportionate amount of said sum.

Done in open District Court this the 22nd day of June, 1906.

Alfred Budge,
Judge of said District Court.

MICROFILMED
NOV 13 1996

United States of America

PATENT

to

Ethel Sorrell

Dated: May 3, 1902
Filed: September 24, 1907
at 9:35 A. M.
Recorded: Book 17 Deed
Record page 64

Recites:

That there has been deposited in General Land Office of United States schedule of allotments of land dated March 22, 1902, from Commissioner of Indian Affairs approved by Secretary of Interior March 28, 1902 whereby it appears that under provisions of Act of Congress approved February 8, 1887 (24 Stats. 388) as amended by Act of February 28, 1891 (26 Stats. 794) and under further provisions contained in Fourth Section of Act of June 6, 1900 (31 Stats. 672) Ethel Sorrel, Indian, residing on ceded portion of Fort Hall Indian Reservation has been allotted following described land:

Southeast quarter of Northeast quarter of Section twenty-one and Northeast quarter of Southwest quarter of Section twenty in Township seven South of Range thirty-six East of Boise Meridian in Idaho, containing eighty acres.

In consideration of premises, and in accordance with provisions of fifth section of said Act of Congress of February 8, 1887, hereby declares that it does and will hold land thus allotted (subject to all restrictions and conditions contained in said fifth Section) for period of twenty-five years in trust for sole use and benefit of said Ethel Sorrell or in case of her decease for sole use of her heirs according to laws of State or Territory where such land is located and that at expiration of said period United States will convey same by Patent to said Indian or her heirs as aforesaid in fee discharged of said trust and free of all charge or incumbrance whatsoever.

Provided that President of United States may in his discretion extend said period.

(Seal)

By President: T. Roosevelt
By F. M. McKean, Secretary.

Recorded: Vol. 63 P. 180

C. H. Brush, Recorder of
General Land Office

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NOV 13 1996

IN PROBATE COURT OF BANNOCK COUNTY, IDAHO

In Matter of Estate

DECREE OF DISTRIBUTION

of

Dated: September 23, 1907

Filed: September 23, 1907

at 10:30 A. M.

Recorded: Book 1 Miscel-
laneous Record page 561

Ethel Sorrell, deceased

Petition of Norscea Sorrell heretofore filed herein praying for final distribution of residue of Estate of Ethel Sorrell, deceased in his hands as Administrator of said Estate among persons entitled thereto and praying for settlement of final account of said Administrator which was filed with said petition coming on regularly to be heard;

And it appearing to Satisfaction of Court that notice of settlement of said final account and hearing of said petition for distribution had been given for time and in manner heretofore ordered and directed by this Court;

And no objections being filed to said final account or to said petition;

And it appearing that said final account is correct;

And it appearing that all claims against said Estate are fully paid; and that all taxes levied or assessed against said Estate are fully paid;

And it further appearing that said residue of said Estate is separate property of deceased, she being minor and unmarried at time of her death;

And that deceased died intestate and her only heirs at law are her father, petitioner, Norscea Sorrell and her mother Annie Sorrell, all residents of Bannock County, Idaho, who as such heirs are each entitled to one half of said estate to be distributed.

It is therefore ordered, adjudged and decreed that said final account of said Administrator be and same is hereby settled, approved and allowed;

And it is further ordered, adjudged and decreed that residue of said estate of Ethel Sorrell, deceased, be and same is hereby distributed as follows: One half to said Norscea Sorrell and one half thereof to said Annie Sorrell.

Property so distributed and affected by this decree is described as follows:

Southeast quarter of Northeast quarter of Section twenty-one and Northeast quarter of Southwest quarter of Section twenty in Township seven South of Range thirty-six East of Boise Meridian in Bannock County, Idaho,

together with water rights and ditches appurtenant thereto and particularly one-fifth of one cubic foot per second of time (ten miners inches) of waters of Rapid Creek Tributary of Portneuf River in said County and

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 29-290D
Date Received: 4/26/1990
Receipt No: E013744
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WARREN P WELLARD Phone:

825 RAPID CREEK RD
INKOM ID USA 83245

VALERE WELLARD Phone: (208) 775-3320

825 RAPID CREEK RD
INKOM ID USA 83245

BRUCE L WELLARD Phone: (208) 775-4517

825 RAPID CREEK RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	SW NW	BANNOCK	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	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
07S	36E	21	SE	SE	IRRIGATION	3
Section Acres						3
Total Acres						3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

OLD INDIAN RIGHTS - HOMESTEAD

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.

JUN 11 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: **A29-00290D**
Date Received: 4/26/1990
Receipt No: E013744
Received By: _____

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

1. Name: CHARLES E WELLARD 208-775-3320
Address: 825 RAPID CREEK RD
INKOM ID 83245

2. Date of Priority: JUN 1, 1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	22		SW	NW		BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	21	SE	SE		IRR	3.0
			SE	SE		DOMEST	

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
OLD INDIAN RIGHTS - HOMESTEAD

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ 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)
) SS.
County of _____)

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

Notary Public

Seal

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: **A29-11764**

Date Received: 8/12/1993

Receipt No: E013744

Received By: _____

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

1. Name: CHARLES E WELLARD 208-775-3320
Address: 825 RAPID CREEK RD
INKOM ID 83245

2. Date of Priority: JUN 19, 1917

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	36E	22	SW		NW		BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	36E	21	SE	SE		IRR	3.0
			SE	SE		DOMEST	

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NOV 13 1996

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APR 14 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
OLD INDIAN RIGHTS - HOMESTEAD

15. Basis of Claim: BENEFICIAL USE

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: _____

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NOV 13 1996

MICROFILMED
APR 14 1994

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 13 1996

MICROFILMED
APR 14 1994

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: Renumbered A29-002906

Ident. Number 39576

Date Received 4/26/90

Receipt Number E013744

RECEIVED

APR 19 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 26 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) CHARLES E. WELLARD Phone (208) 775-3320
Mailing Address 825 RAPID CREEK RD TWIN FALLS, IDAHO Zip 83245

2. Date of Priority (Only one (1) per claim) 19 JUNE 1917

3. Source of water supply (a) WATER DITCH
which is tributary to (b) RAPID CREEK

4. a. Location of existing point of diversion is: Township 7S Range 36 EBM Section 22,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of BANNOCK

Additional points of diversion if any: _____

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

Township 7S Range 36 EBM Section 21, SE 1/4 of SE 1/4 of NE

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

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.

DITCH

A29002900



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NOV 13 1996

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APR 14 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 0.09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.09 (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.) DOMESTIC 2 HOMES

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	
<u>7</u>	<u>36E</u>	<u>21</u>																<u>3</u>	

Total number of acres irrigated 3

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

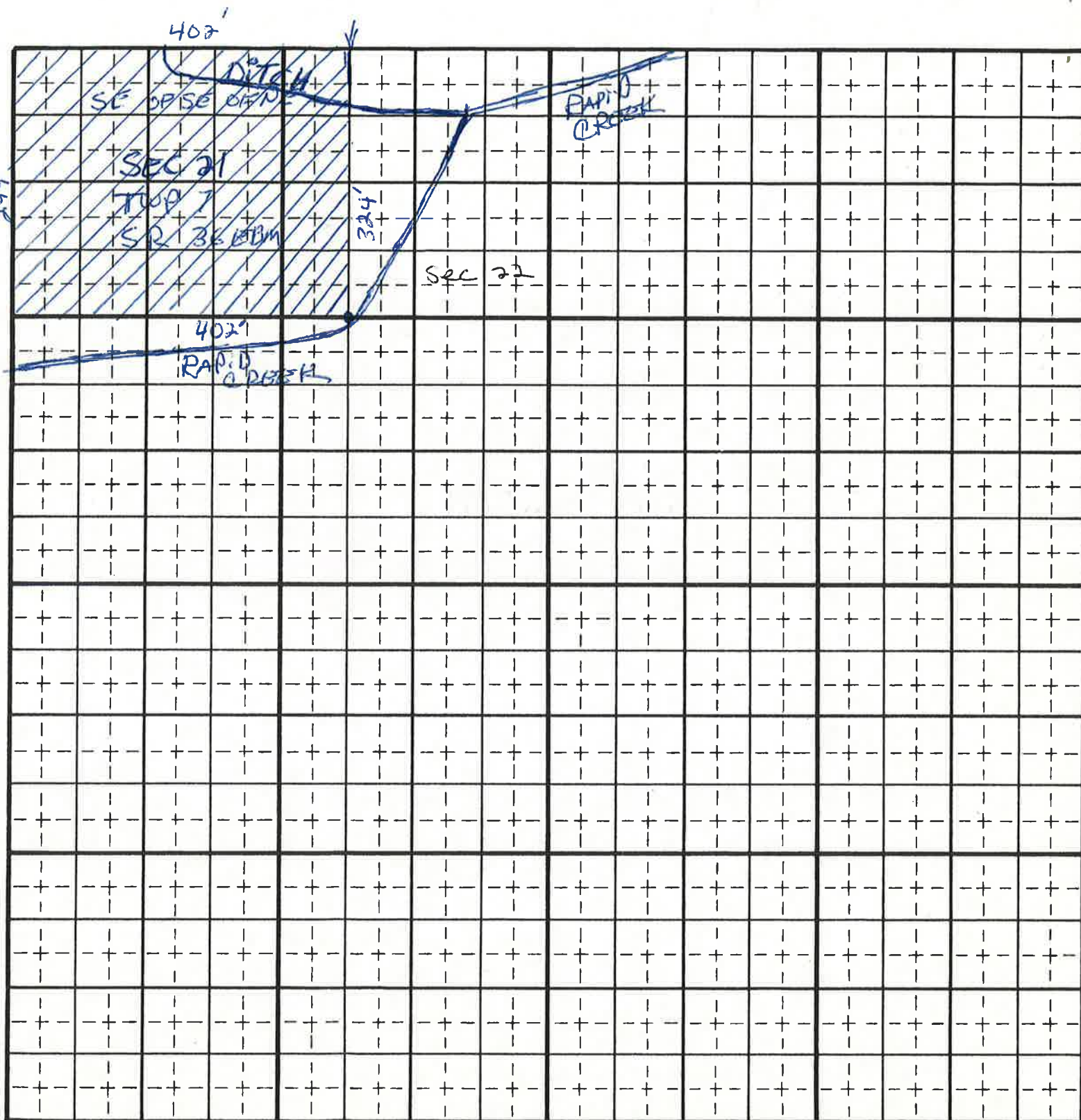
14. Remarks: OLD INDIAN RIGHTS - HOMESTEAD

Last Name WELLARD Ident No. _____

MICROFILMED
NOV 13 1983
MICROFILMED
APR 17 1984
Copies: White, State, Yellow, Claimant

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

Scale: 2 inches equals 1 mile NOT TO SCALE 1 SQ = APPROX 40'



Last Name WELARO

Ident No. _____

MICROFILMED
NOV 13 1996
MICROFILMED
APR 14 1994
Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Charles E. Wellard Date April 18, 1990

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 _____)

County of BANNOCK) SS.

Subscribed and sworn (or affirmed) before me this 18th day of April 19 90

SEAL

Notary Public Donna F. McKinley

Residing at Bocatello, Idaho

My Commission Expires 1/10/91

Please Print Name DONNA F. MCKINLEY

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 WELLARD Ident. Number _____

Ben use X

MICROFILMED
NOV 13 1996

MICROFILMED
APR 1 1991
Copies White-Side Yellow-Claimant