

04/30/2003

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

RIGHT NUMBER: 29-414

NAME AND ADDRESS: MORGAN ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214

CYNTHIA ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.375 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.56 CFS. COMBINED RIGHT NOS.:29-414,
29-415, 29-416.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-414, 29-415, 29-416 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1894

POINT OF DIVERSION:

T10S R36E S7 SENENW Within BANNOCK County Source: GARDEN CREEK

T10S R36E S7 SENWNW Within BANNOCK County Source: GARDEN CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.375 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S07	NWNE	25.0	T10S R36E S07	SWNE	3.0
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28 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 28.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.:29-414, 29-415, 29-416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

10/02/2002

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

RIGHT NUMBER: 29-414

NAME AND ADDRESS: MORGAN ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214

CYNTHIA ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.38 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.48 CFS. COMBINED RIGHT NOS.: 29-414, 29-415,
29-416.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-414, 29-415, 29-416 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 05/01/1894

POINT OF DIVERSION:

T10S R36E S7 SENENW Within BANNOCK County

T10S R36E S7 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.375 CFS

PLACE OF USE: T10S R36E S07

NWNE

25
21.0

T10S R36E S07

SWNE

3.0

24 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 24.0 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-414, 29-415, 29-416.

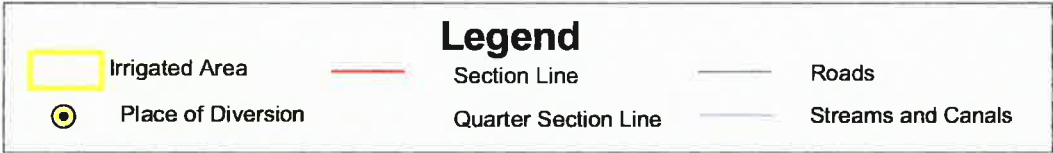
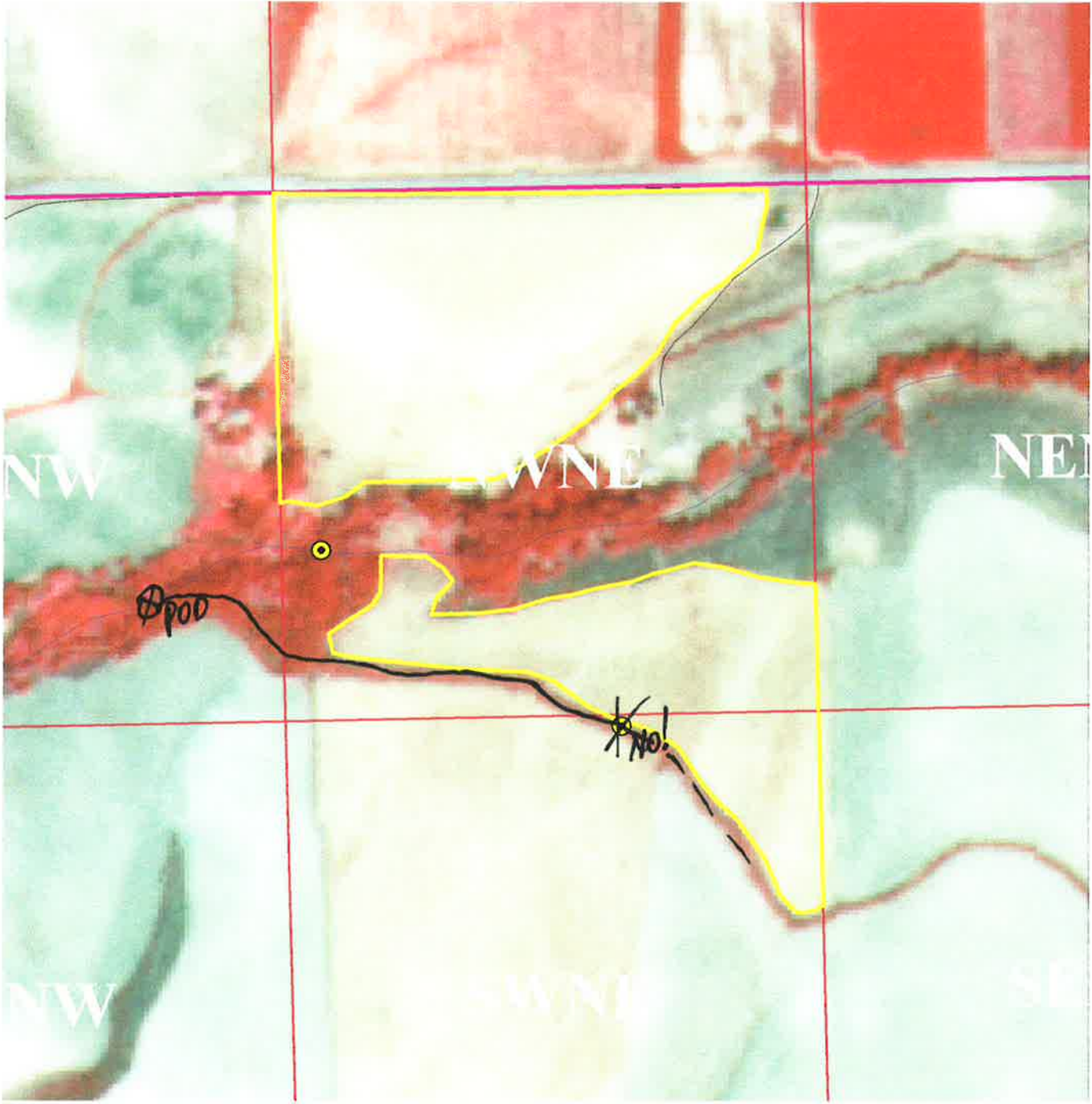
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.75 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

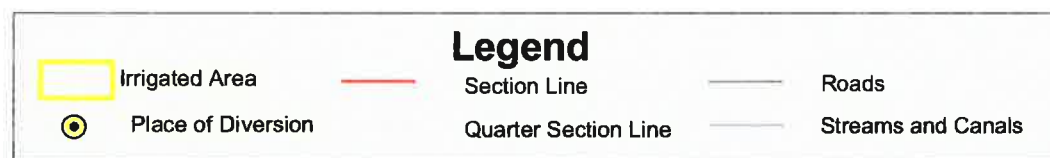
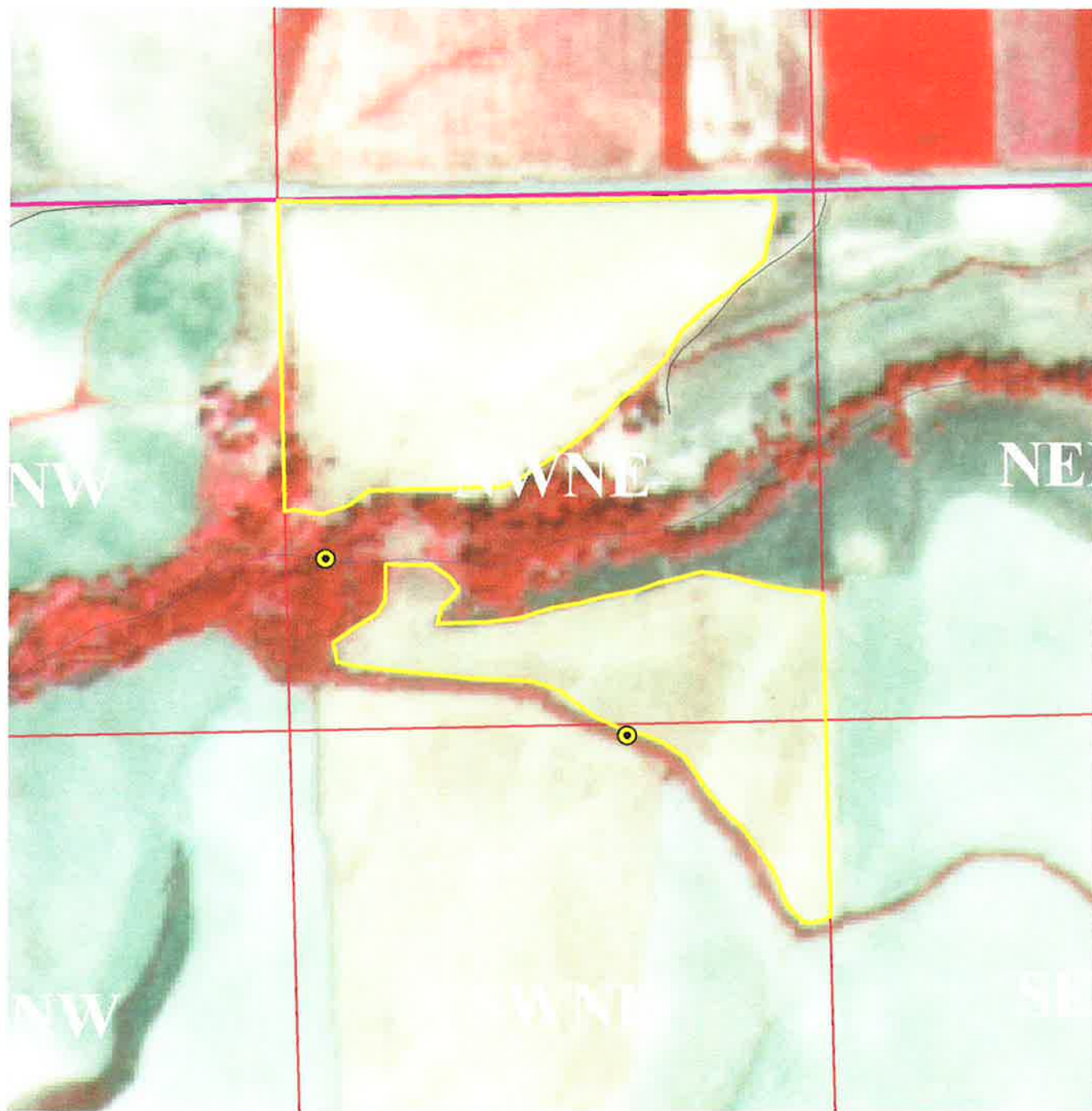
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definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Township , 10S36E



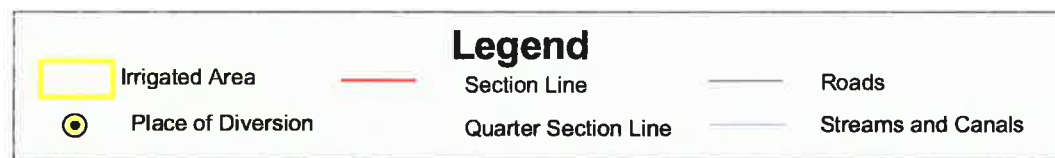
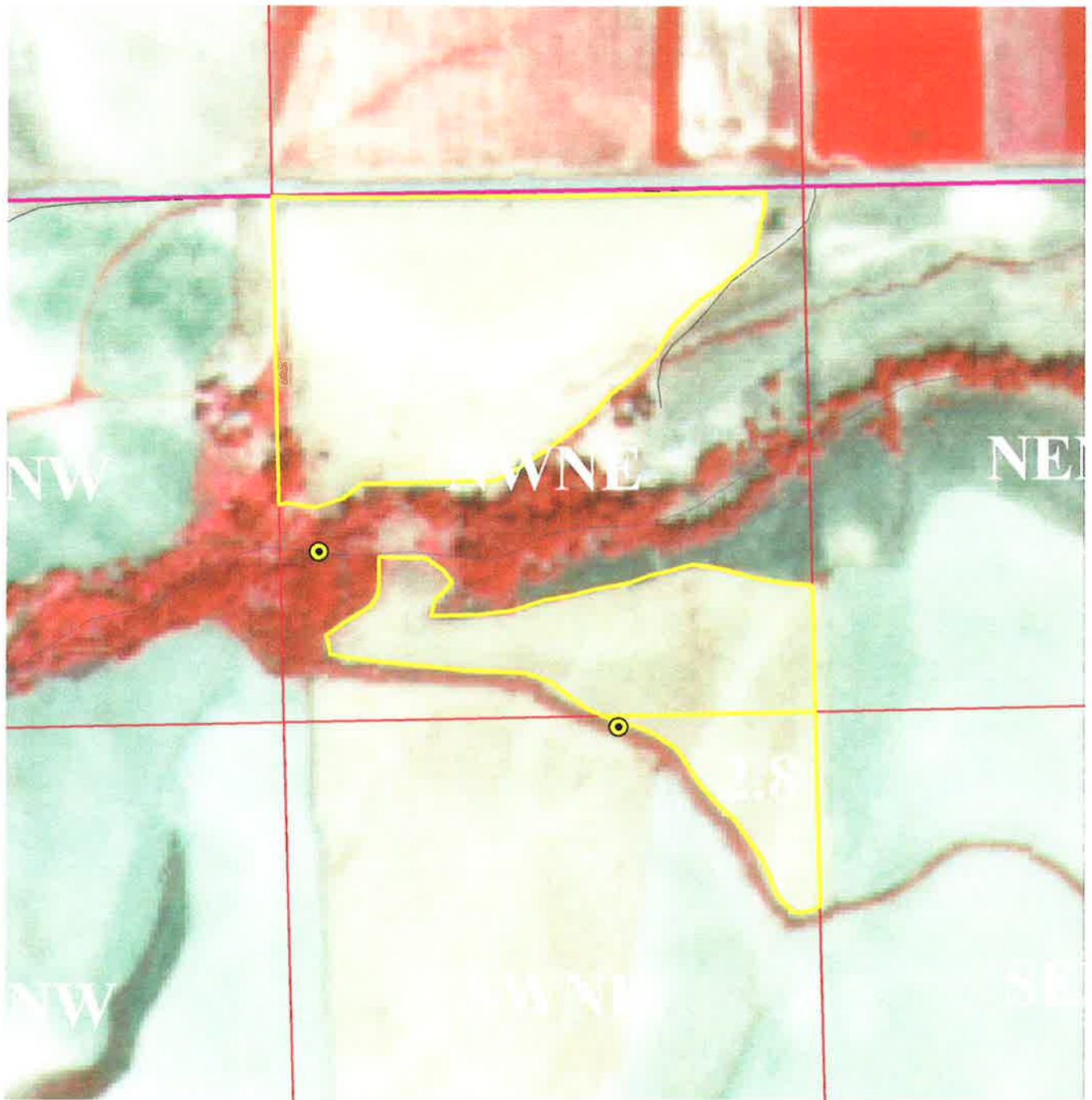
Township , 10S36E



200 0 200 400 Feet



Township , 10S36E



200 0 200 400 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-414

WATER RIGHT NUMBER: 29-414

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MORGAN ERCANBRACK 3187 W ARIMO RD ARIMO, ID 83214 (208)254-9141
Current Owner	CYNTHIA ERCANBRACK 3187 W ARIMO RD ARIMO, ID 83214 (208)254-9141
Original Owner	DANIEL B EVANS 663 E CUTLER AVE SPRINGVILLE, UT 84663 (801)489-7595
Original Owner	C HARRIET GUMMOW 526 E 1834 S OREM, UT 84057 (801)225-2005
Original Owner	MARTIN D EVANS SR 3608 CAREY NORTH LAS VEGAS, NV 89030 (801)225-2005
Original Owner	A M CURTIS

, ZZ

Priority Date: 05/01/1894

Basis: Decreed

Status: Active

Source

GARDEN CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

0.375 CFS

Annual VolumeTotal Diversion:

0.375 CFS

Location of Point(s) of DiversionGARDEN CREEK
BANNOCK County

NW1/4NE1/4

Sec. 7, Twp 10S, Rge 36E, B.M.

GARDEN CREEK
BANNOCK County

SW1/4NE1/4

Sec. 7, Twp 10S, Rge 36E, B.M.

Place of UseIRRIGATION Within BANNOCK County

T10S R36E S07 NWNE 24.0 T10S R36E S07 SWNE 4.0

Total Acres: 28

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-414

Conditions of Approval:

Remarks:

1. General DIVERSION WORKS: HEADGATE AND CANAL FROM GARDEN CREEK NW4NW4, SEC. 7
T10S,R36E HEADGATE IN CANAL FROM GARDEN CREEK NE4NE4NW4, SEC. 7,
T10S,R36E HEADGATE IN CANAL FROM GARDEN CREEK SE4NE4NW4, SEC. 7,
T10S,R36E SOUTHERNMOST CANAL FROM GARDEN CREEK THROUGH NW4NE4 &
SW4NE4, SEC. 7, T10S, R36E

Dates and Other Information:

Claim Received Date: 4/24/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND/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

02/08/2003

allen

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: 29-414

MORGAN ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214
Telephone Number: (208)254-9141

CYNTHIA ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214
Telephone Number: (208)254-9141

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

- a) I disagree with the quantity of 0.375 CFS and combined diversion rate of 0.48 CFS.
b) I disagree with the amount of irrigated land in NWNE and SWNE (T10S R36E S07)
c) I disagree with the 24 acres TOTAL land I can irrigate
d) I disagree with the 18.75 acres this right is allowed to irrigate.

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

- a.) The quantity should be 0.662 CFS
b.) The total irrigated land in NWNE and SWNE (T10S R36E S07) should be 33.1 acres.
c.) The total land I can irrigate should be 33.1 acres.
d.) The number of acres this right should irrigate is 33.1 acres.

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

- a.) The CFS and number of acres were incorrectly calculated based on the map used. A map provided by the FSA clearly shows the error. Since the CFS is calculated from the amount of irrigated land, the CFS is also in error.
b.) A 5 acre piece wasn't included in your calculations. Historically it was irrigated because the old irrigation ditch empties into the top of that 5 acre piece.

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

DATE: 4-14-03

SIGNATURE:

Morgan K. Ercanbrack

Please print your name:

MORGAN K. ERCANBRACK

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

4/30/03 SUB NOTES 29-416

Pace/Q change



RECEIVED

APR 23 2003

Department of Water Resources
Regional Office

SCANNED

NOV 08 2005

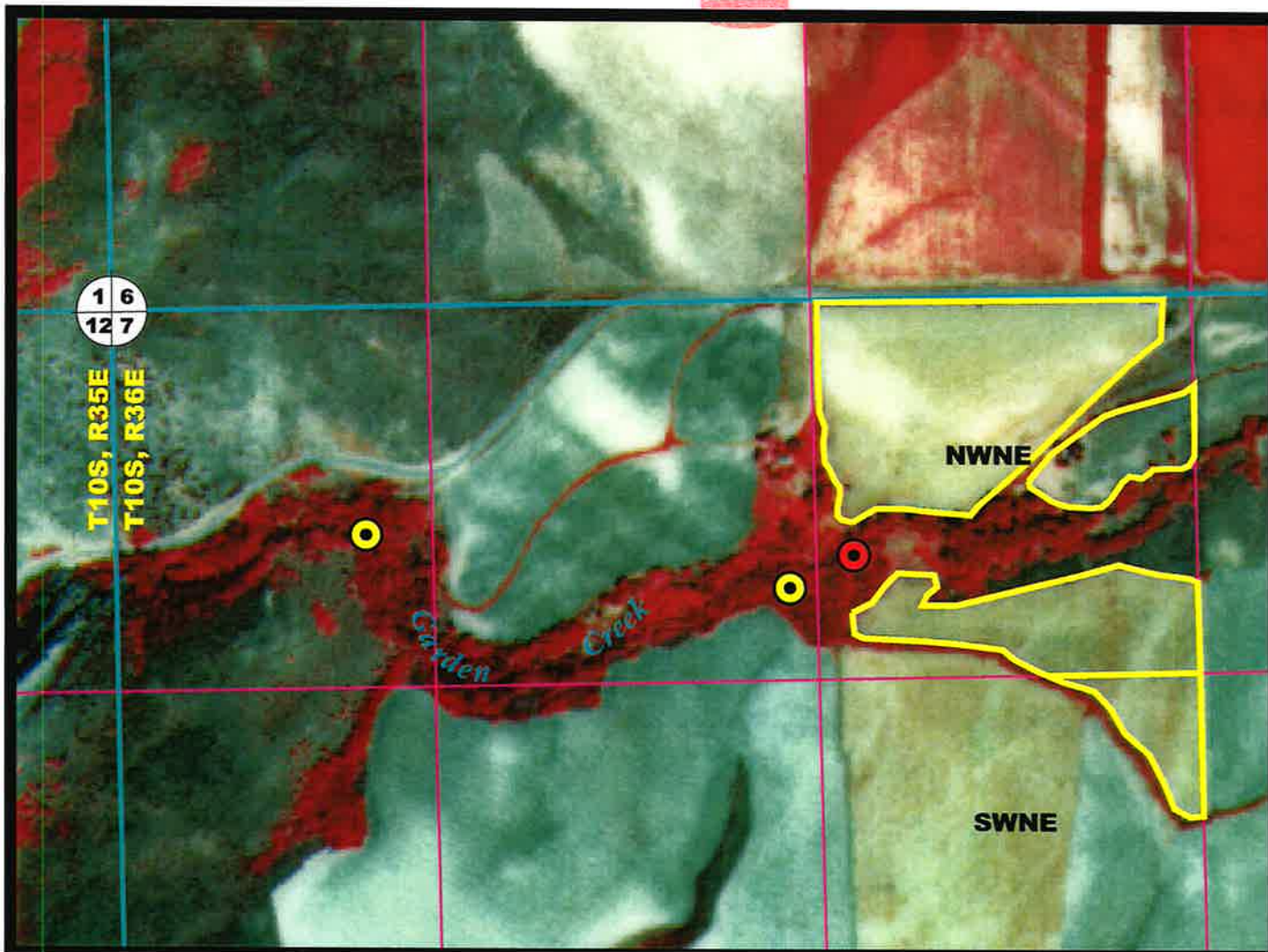
PROFILED



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-414,
29-415,
29-416

Place of Use: T10S, R36E
(parts of) Sec. 7 W2NE

Point(s) of Diversion: T10S, R36E
Sec. 7 SENWNW, SENENW



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter

250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500 2750 3000 3250 3500 Feet

T10S, R36E

6

7

NWNE
21

29-00414
29-00415
29-00416

SWNE
3

Marsh Creek



Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105	36E	7	NWNE		BANN		24 ⁰⁰	Paving
			SWNE		"		2 ⁰⁰	Paving
Total Acres							20 ⁰⁰	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105	36E	7	NWNE		BANN		21	Paving
			SWNE				4	"
Total Acres							24 ⁰⁰	

Document how the POU was verified:

POU overlaid w/ Plans "FROSHIT" Rts OF CAROLAN CR Paving
Compd ← Remark

Plus Rt. limit to 18.75 ac (@ 0.02 ac/ac) w/ POU. ← Remark

* NOB - CAROLAN CR POU to 28⁰⁰ ac

Transfers Changing POU _____

Reviewer: _____

SCANNED

Date: _____

PROFILED

NOV 08 2005

Contacts Data Entry Form

29-414

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DANIEL EVANS	⇒ 90	BRUAN BRACK			
Name connector: and	_____, or	_____, and/or	_____,	_____,	_____,	_____,
Current Owner			3187 Arimo Rd.			
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

GARDEN CK. Parag. vs Wawenton, et al, 15 Oct 1906.

8/7/02 LOST BUS. CARD w/ young daughter. Ask to have Mr/MRS call

8/8/02 VISITED w/ MRS. EREAN BRACK - DISCUSSED %

* CHECK % AND ADDRESS AS: MORGAN & CYNTHIA EREAN BRACK
3187 W. Arimo Rd.
Arimo ID 83214
254-9141 ✓ on

Also see: 29-415, 416 - PM

FB INDICATED: POD's, POL, Q, CRP contracts

Reviewer: _____

Date: _____

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NOV 08 2005

Priority Date Data Entry Form

Claim Number: 29-414
Water Right Priority Date: 5/1/1894 Water Right Basis: D 122580
Claimed Priority Date: " Claimed Basis: "
Recommended Priority Date: " Recommended Basis: "

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Claimed Priority matches Decree

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
103	368	7		SENNWN	Brown	Garwood Cr
GPS Coordinates: _____						
		7		SENNWN	"	"
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? 4/5 & 4/6

Document how the POD and Source were verified and/or Pump and Motor data:

POD NOT ADDRESSED BY DECREE CLAIMED
IN WRONG QQ - (MAP SHOWS CORRECT QQ) - NOT TEXT.

Transfers Changing POD _____

Reviewer: _____

Date: _____

PROFILED

SCANNED

NOV 08 2005

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	NOT	Spec.		

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	3/15	11/15	0.375	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/1	10/31	0.375	

Overall Diversion Rate 0.375 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOLD NOT SPEC. BY DECREE - 1/50 DEPT. STD. 4/1 - 10/31

Reviewer: _____

Date: _____

PROFILED

SCANNED
NOV 08 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 27, 2002

MORGAN & CYNTHIA ERCANBRACK
3187 W ARIMO RD
ARIMO ID 83214

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-414, 29-415, 29-416

Dear Mr. & Mrs. Ercanbrack:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

Respectfully yours,

Jennifer Crabtree

Technical Records Specialist

Enclosure

PROFILED

SCANNED

NOV 08 2005

DC 3/22/2002
5/2

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, 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
	29-416				
	29-415				
	29-414	←	SEE FILE FOR DOCS.		

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Daniel Evans, C. Harriet Gummow, Martin Evans, Sr.
663 E. Cutler Ave., Springville, UTAH
4. New Owner/Claimant(s) MORGAN and Cynthia Freanbrack
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3187 W. Arimo Rd.
- City, State and ZIP Code Arimo, Id. 83214
- New Telephone Number (208) 254-9141
5. Date you acquired the property July 1992

FILED

SCANNED
NOV 08 2005

100

0176

WARRANTY DEED

2-1

For Value Received

MARTIN DEAN EVANS AND RUBY EVANS, husband and wife

92010387

the grantors, do hereby grant, bargain, sell and convey unto

MORGAN K. ERCANBRACK and CYNTHIA L. ERCANBRACK, husband and wife
the grantees, whose current address is 1717 W. ARIMO ROAD, ARIMO, ID 83214 (MAILING)
(PROPERTY) AS PER LEGAL DESCRIPTION
the following described premises, in BANNOCK County Idaho, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.....

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except covenants, conditions, restrictions, easements of
record and any assessments for the current year, which are not yet due and
payable

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

Dated: July 1, 1992

MARTIN DEAN EVANS

RUBY EVANS

NOTARY SEAL

NEVADA
STATE OF NEVADA, COUNTY OF CLARK
On this 6th day of JULY, 1992,
before me, a notary public in and for the said State, personally appeared
MARTIN DEAN EVANS AND RUBY EVANS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.
Colleen Carter
Notary Public
Residing at Las Vegas, NEVADA
Comm. Expires 7/1/95

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the rec
at this
19
of Do
By-
Fees \$
Mail to:
NO 92010387
RECORDED IN BOOK OF
PIONEER TITLE
92 JUL 10 P4:25
567
567
567

PROFILED SCANNED

NOV 08 2005

INSTRUMENT NO.

0100 --

0177

2-2

EXHIBIT "A"

92010387

The Southwest 1/4 of the Northeast 1/4 of Section 7, Township 10 South, Range 36 East, Boise Meridian, containing 40 acres: but not including the oil, gas, and mineral rights which were reserved by a prior owner of the property.

The Northwest 1/4 of the Northeast 1/4 of Section 7, Township 10, South, Range 36 East, Boise Meridian, containing 40 acres.

Commencing at the East 1/16 corner of the North line of Section 7, Township 10 South, Range 36 East, Boise Meridian, thence Southerly along said East 1/16 line 1887 feet to intersect the centerline of a certain permanent and well-defined irrigation ditch the point of beginning, thence along said center line North 75°57' East 162.0 feet; thence North 56°47' East 234.0 feet; thence South 84°58' East 120.0 feet; thence South 62°58' East 134.5 feet; thence South 35°00' East 219.0 feet; thence South 50°02' East 245.0 feet, thence South 23°52' East 160.0 feet; thence South 16°07' East 343.0 feet; thence South 25°07' East 53.5 feet, more or less, to intersect the latitudinal centerline of said Section 7; thence Westerly along said latitudinal center line 1115.0 feet, more or less, to the East 1/16 corner of said Section 7; thence Northerly along the East 1/16 line of said Section 7, 753.0 feet, more or less, to the point of beginning. Containing approximately 18.0 acres.

An easement 45 feet in width for vehicular and other access to the parcels described above, which easement is more particularly described as follows: Beginning at a point in the centerline of a certain permanent and well established irrigation ditch, which point is southerly along the East line of Section 7, Township 10 South, Range 36 East, Boise Meridian, 2848.0 feet from the NE corner of said Section 7; thence North 67°37' West 146.5 feet along the centerline of said ditch; thence North 25°07' West 170.0 feet, more or less, to the latitudinal centerline of Section 7; thence westerly along said latitudinal centerline 49.70 feet; thence South 25°07' East 208.32 feet, more or less; thence South 67°37' East 182.82 feet to the East line of Section 7; thence northerly along the section line 48.88 feet to the point of beginning.

PROFILE

SCANNED

NOV 08 2005

100 --

42577

0180

WARRANTY DEED

For Value Received

2-1

92010389

DANIEL BOONE EVANS and MARY JO EVANS, husband and wife
the grantor, do hereby grant, bargain, sell and convey unto

MORGAN K. ERCANBRACK and CYNTHIA L. ERCANBRACK, husband and wife
the grantees, whose current address is 1717 W. ARIMO ROAD, ARIMO, ID 83214 (MAILING)
(PROPERTY) AS PER LEGAL DESCRIPTION
the following described premises, in Bannock County Idaho, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.....

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except covenants, conditions, restrictions, easements
of record and any assessments for the current year, which are not yet due
and payable

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

Dated: July 1, 1992

DANIEL BOONE EVANS

MARY JO EVANS

STATE OF UTAH, COUNTY OF UTAH
On this 6th day of JULY, 1992,
before me, a notary public in and for the said State, personally appeared

DANIEL BOONE EVANS and MARY JO EVANS

NOTARY SEAL

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



NOTARY PUBLIC
HAROLD H. SMITH
Springville, UT 84663
My Commission Expires UTAH February 5, 1995
STATE OF UTAH

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the 1st

NG 92010389

RECORDED AT 10:28 AM
PIONEER TITLE
92 JUL 10 P4:28

at
this
19
of D

By-

Fees \$
Mail to:

INSTRUMENT NO.

PROFILE

SCANNED

NOV 08 2005

040

0181

EXHIBIT "A"

92010389

The Southwest 1/4 of the Northeast 1/4 of Section 7, Township 10 South, Range 36 East, Boise Meridian, containing 40 acres; but not including the oil, gas, and mineral rights which were reserved by a prior owner of the property.

The Northwest 1/4 of the Northeast 1/4 of Section 7, Township 10, South, Range 36 East, Boise Meridian, containing 40 acres.

Commencing at the East 1/16 corner of the North line of Section 7, Township 10 South, Range 36 East, Boise Meridian, thence Southerly along said East 1/16 line 1887 feet to intersect the centerline of a certain permanent and well-defined irrigation ditch the point of beginning, thence along said center line North 75°57' East 162.0 feet; thence North 56°47' East 234.0 feet; thence South 84°58' East 120.0 feet; thence South 62°58' East 134.5 feet; thence South 35°00' East 219.0 feet; thence South 50°02' East 245.0 feet; thence South 33°52' East 160.0 feet; thence South 16°07' East 343.0 feet; thence South 25°07' East 53.5 feet, more or less, to intersect the latitudinal centerline of said Section 7; thence Westerly along said latitudinal center line 1115.0 feet, more or less, to the East 1/16 corner of said Section 7; thence Northerly along the East 1/16 line of said Section 7, 753.0 feet, more or less, to the point of beginning. Containing approximately 18.0 acres.

An easement 45 feet in width for vehicular and other access to the parcels described above, which easement is more particularly described as follows: Beginning at a point in the centerline of a certain permanent and well established irrigation ditch, which point is southerly along the East line of Section 7, Township 10 South, Range 36 East, Boise Meridian, 2848.0 feet from the NE corner of said Section 7; thence North 67°37' West 146.5 feet along the centerline of said ditch; thence North 25°07' West 170.0 feet, more or less, to the latitudinal centerline of Section 7; thence westerly along said latitudinal centerline 49.70 feet; thence South 25°07' East 208.32 feet, more or less; thence South 67°37' East 182.82 feet to the East line of Section 7; thence northerly along the section line 48.88 feet to the point of beginning.

FILED

SCANNED

NOV 08 2005

0182

Real Estate Mortgage

92010390

92010390

For Value Received, Morgan K. Ercanbrack and Cynthia L. Ercanbrack, husband and wife
1717 West Arimo Road

42577

0178

WARRANTY DEED

For Value Received

CAMILLA HARRIET GUMMOW AND J. FRED GUMMOW, wife and husband
the grantors, do hereby grant, bargain, sell and convey unto

92010388

MORGAN K. ERCANBRACK AND CYNTHIA L. ERCANBRACK, husband and wife
the grantees, whose current address is 1717 W. ARIMO ROAD, ARIMO, ID 83214 (mailing)
the following described premises, in (property) as per legal Bannock County Idaho, to-wit:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.....

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except covenants, conditions, restrictions, easements of
record and any assessments for the current year, which are not yet due and
payable

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

Dated: July 6, 1992

Camilla Harriet Gummow
CAMILLA HARRIET GUMMOW

J. Fred Gummow
J. FRED GUMMOW

STATE OF UTAH, COUNTY OF UTAH
On this 6th day of JULY, 1992,
before me, a notary public in and for the said State, personally appeared
CAMILLA HARRIET GUMMOW and
J. FRED GUMMOW

NOTARY SEAL

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

Teresa A. Voornhees
TERESA A. VOORHEES
Notary Public for the State of Utah
1151 W. FREDERICK BLVD.
PROVO, UT 84604
Comm. Expires 12-31-94

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

92010388

at this 19th day of Deeds
NO RECORDED AT PIONEER TITLE
92 JUL 10 P4:27

5:47
SCANNED
Deputy.

NOV 08 2005

INSTRUMENT NO.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

July 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARTINS D EVANS SR
5812 ROBIN LN
LAS VEGAS NV 89108-4707

RE: CHANGE OF ADDRESS FOR 29-00414, 29-00415, 29-00416,
29-11703, 29-11704 AND 29-11705

Dear Mr. Evans:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Martin D Evans Sr
3608 Carey
North Las Vegas NV 89030

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

NOV 08 2005

PROFILED

to be used on the North half of the S. E. 1/4 and the South half of the N. E. 1/4 Sec. 15, Township 10 South of Range 36 E. B. M.

To James Chattecon, three-fourths second foot of water to date from the 1st day of May, 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of Sec. 15, Township 10 South of Range 36 E. B. M.

To George Glover, three-fourths second foot of water to date from the 1st day of May, 1902, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of Sec. 33, Township 9, South of Range 36 E. B. M.

To George J. Allen, three-fourths second foot of water to date from the 1st day of May, 1896, and one second foot of water to date from the 1st day of May, 1904, to be used upon the N. E. 1/4 of the N. W. 1/4 of Sec. 5; also the West half of the N. W. 1/4 of Sec. 5, Township 10 South of Range 36 E. B. M.

To William C. Smith, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the East half of the N. W. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

To J. W. Stinger, three-fourths second foot of water to date from the 1st day of May, 1898 and one second foot of water to date from the 1st day of May, 1904, to be used on lots three and four in sec. 4, and lots one and two in Sec. 5, Township 10 South of Range 36 E. B. M.

To George A. Smith, three-fourths second foot of water to date from the 1st day of May, 1891, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4 and the east half of the N. W. 1/4 of Sec. 10, Township 10 South of Range 36 E. B. M.

To J. H. Curtis, three-eighths of second foot of water to date from the 1st day of May, 1894, and three-eighths second foot of water to date from the 1st day of

May, 1901, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

To A. M. Curtis, three-eighths second foot of water to date from the 1st day of May, 1894 and three-eighths second foot of water to date from the 1st day of May

1901, and one second foot of water to date from the 1st day of May 1904, to be used on the West half of the N. E. 1/4 Sec. 7, Township 10, South of Range 36 E. B. M.

To Nannie P. Rollison, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904 to be used on the S. E. 1/4 and the North half of the S. W. 1/4 and the S. E. 1/4 of the N. W. 1/4 of Sec. 4, Township 10 South of Range 36 E. B. M.

To William P. Burton, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the North half of the S. E. 1/4 and the East half of the S. W. 1/4 of Sec. 8, Township 10 South of Range 36 E. B. M.

To John B. Chedgzy, three-fourths second foot of water to date from the 1st day of May, 1891 and one second foot of water to date from the 1st day of May, 1904 to be used on the N. E. 1/4 of Sec. 9, Township 10, South of Range 36 E. B. M.

To William H. Allen, three-fourths second foot of water to date from the 1st day of May 1903 and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 31 and the S. W. 1/4 of the S. W. 1/4 Sec. 32 in Township 9, South of Range 36 E. B. M.

To Laura T. Toler, three-eighths second foot of water to date from the 1st day of May, 1895 and one-half second foot of water to date from the 1st day of May 1904, to be used on the North half of the S. W. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.

To E. R. Kendall, three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.

To Truman Rowe, one and three-fourths second foot of water to date from the 1st day of May, 1904, to be used on lots one and two in Sec. 4, Township 10, South of Range 36 E. B. M.

All of the above described lands being in Bannock County, State of Idaho.

It is further adjudged and decreed that the plaintiff and any of its stockholders, and any or all of said defendants, who are adjudged to be entitled to the use of any of the waters of said stream or any of its tributaries thereto or may pool or unite the waters so decreed to them and use the same jointly or alternately.

Log for claim A29-00414

Spatial Dynamics LTD

6/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	7	NWNE	24	23	
10s36e	7	SWNE	4	2.8	
Totals:			28	25.8	

#

AMOUNT \$

YES

NO

Required
Info?

- | Required Info? | | YES | NO |
|--|----------------|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code? | | ☒ | ☐ |
| 2. Is a priority date entered? | | ☒ | ☐ |
| Is the priority date acceptable in view of mandatory filing dates? | | | |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | N/A | ☒ | ☐ |
| 4. Is the legal description of the p.d. sufficient? | | ☒ | ☐ |
| 5. Is there a description of the diverting works? | put in Remarks | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | | ☒ | ☐ |
| Is the period of use included? | | ☒ | ☐ |
| Is a quantity claimed for each use? | | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | | ☒ | ☐ |
| 8. If required is a consumptive use entered? | N/A | ☒ | ☐ |
| Is the consumptive use correct? | N/A | ☒ | ☐ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A | ☒ | ☐ |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A | ☒ | ☐ |
| 15. Is the basis of the claim indicated? | | ☒ | ☐ |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | N/A | ☒ | ☐ |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | | ☒ | ☐ |
| 18. Has the claim been signed, sealed, and dated by a notary? | | ☒ | ☐ |
| 19. Was this claim filed on time, or was an extension granted? | | ☒ | ☐ |
| 20. Is the fee enclosed correct? | Exempt | ☒ | ☐ |
| 21. If this claim is based on an existing water right, has the identification number been entered? | N/A | ☒ | ☐ |
| 22. Should this claim be data entered? | | ☒ | ☐ |

Claim checked by:

Date:

Claim must be returned to claimant:

(Yes) / (No)

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

Date:

Date: 4/25/90

Checked by:

Date: 4/25/90

Comments:

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Water Right Number - 29-00414 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CURTIS A. M. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1894 15 D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - +
GARDEN CREEK MARSH CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 0.375

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.375

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

10S 36E 7 NW NE 01 IRRIGATION 5 BANNOCK
10S 36E 7 SW NE 01 IRRIGATION 5 BANNOCK

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 29-0415, & 0416.

+ - - - - Remarks - - - - - +
P/D & P/U INCOMPLETE.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
GARDEN CREEK IRRIGATION CO. THOMAS E. WOLVERTON, ET. AL. 10/15/1906

Water right number - 29-00414

Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 06/24/85

05/22/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000
Approved/Denied - 00/00/0000
Proof Made Date - 00/00/0000
Start Work Date - 00/00/0000
Order Show Cause - 00/00/0000
Licensed Date - 00/00/0000
Decree Date - 10/15/1906

Field Exam Made - 00/00/0000
Protested Date - 00/00/0000
Hearing Date - 00/00/0000
Verified Date - 06/24/1985
Receipt Number -
Appl Received - 00/00/0000
Presumption Flag -

Field Exam Fee -
Swan Falls -
Temporary Right - P
DLE/Carey Act -
Water District -
Transfer/Amended -

Microfilm Roll Number -

DO NOT FILM

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

Garden Creek Irrigation
Company, a corporation

Plaintiff,

vs.

DECREE ✓

Recorded Book 2 Judgments Page
292.

Thomas E. Wolverton, John Morley,
J. B. Chedzey, David Armstrong,
D. P. Armstrong, William E. Burton,
Thomas Exeter, A. N. Thacker, Albert
Evans, L. S. Whiting, Robert C. Jamerson,
W. C. Smith, J. H. Curtis, A. M. Curtis,
Mads Christensen, Geo. J. Allen, Nannie
B. Rollinson, T. C. Smith, W. J. Millard,
Geo. A. Smith, P. M. Larson, Wm. Jenkins,
Jr., James Chatterton, Hiram Chatterton,
Ann Crowshaw (widow) E. R. Kendall,
George Glover, J. S. Wheeler, A. I. Long,
J. W. Stinger, and Ben Lockyer, et al.
Defendants.

This cause came regularly on for trial on this the 15th day of
September, 1906, the same being a day of the regular term of the above
entitled court, before the court, a jury being expressly waived, Messrs.
Standrod & Terrell appearing as attorneys for the plaintiff and Messrs.
Gray & Boyd appearing as attorneys for the defendants.

And it appearing to the court that all of the defendants have been
regularly served with summons, and that the plaintiff and all of the defend-
ants have appeared herein and have signed and filed stipulations in writing
of the facts involved in said controversy, settling, adjusting and com-
promising all of their respective rights in and to the use of the waters
of Garden Creek, a tributary of Marsh Creek, in Bannock County, State of
Idaho;

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And it further appearing that Robert C. Jamerson has heretofore sold all his right, title, claim and interest in and to the use of the waters of said stream to the defendant A. N. Thacker; and that the defendant D. P. Armstrong has heretofore sold all his right, title and interest in and to the use of the waters of said stream to the defendant Ann Crowshaw.

And it being agreed in open court by counsel for respective parties that said stipulations shall be treated as the Court's findings of fact and made a part of the judgment roll and that all other findings of fact and conclusions of law are hereby waived; and it appearing from said stipulations of fact and from evidence taken at said hearing that all of the rights of the parties to said action are defined and established and should be decreed; and the court being fully advised in the premises;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plaintiff, Garden Creek Irrigation Company, a corporation, is and at all times since the 26th day of January, 1885 has been a corporation duly organized and existing under the laws of the Territory and State of Idaho, created, organized and existing for the purpose of taking, diverting, appropriating and acquiring the right to the use of the waters of Garden Creek, then in Oneida County, Territory of Idaho, now in Bannock County, State of Idaho, to be used by the stockholders of said corporation their heirs, personal representatives and assigns for the irrigation of their respective lands and for domestic and stock purposes, in the proportion to the capital stock of said corporation, held by them respectively;

That in the year 1877, about the month of June, the plaintiff and its grantors and predecessors in interest diverted and appropriated of the waters of said Garden Creek and its tributaries, for the benefit of its stockholders and their heirs, personal representatives and assigns, for the irrigation of their respective lands and for domestic and stock purposes, thereon, four cubic feet per second of time of the waters then flowing and to flow in said stream and its tributaries and at said time, did, by means of dams, ditches of sufficient size and capacity then and at all times thereafter, divert and appropriate of the waters of said stream at the the two certain diverting points and through the two certain canal systems as they now exist, now owned by The plaintiff, in such quantity and amount as the plaintiff deems advisable, so that the total amount so diverted through said two canal systems does not exceed the said four cubic feet per second of time, said right to date from the month of June, 1877, and is prior in time and superior in right to the rights of all of the defendants in this action, and to the rights of all and every of the persons

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NOV 13 1992

signingsaid stipulations, or any of them, the same being the first right to the use of the waters of said stream to the amount of four cubic feet per second of time.

And the remaining waters of said stream are decreed as follows, to-wit:

To Thomas E. Wolverton, three-fourths second foot of water to date from the 1st day of May, 1886 and one second foot of water to date from the 1st day of May 1904, said water to be used upon the S.W. 1/4 of the S. W. 1/4 of Sec. 4, and the N. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E. B. M.

To John Morley, three-fourths second foot of water to date from the 1st day of May, 1886, and one second foot of water to date from the 1st day of May, 1904, to be used on the E. half of the N.E. 1/4 Sec. 8, the S.E. 1/4 of the S.E. 1/4 of Sec. 5, and the S.W. 1/4 of the N. W. 1/4 of Sec. 9, in Township 10 South of Range 36, E.B.M.;

To Thomas C. Smith, three-fourths second foot of water to date from the 1st day of May, 1890 and one second foot of water to date from the 1st day of May, 1904, to be used on the N. W. 1/4 of Sec. 10, Township 10 South of Range 36 E. B .M.;

To William J. Millard, three-fourths second foot of water to date from the 1st day of May, 1893, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of Sec. 3 Township 10 South of Range 36 E. B. M.;

To Albert Evans, three-eighthssecond foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1898; also one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.W. 1/4 of Sec. 8, Township 10 South of Range 36 E. B. M.;

To L. S. Whitney Three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N. W. 1/4 of Sec. 8, Township 10, South of Range 36 E. B. M.;

To J. S. Wheeler, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S.W. 1/4, and the N. W. 1/4 of the S. E. 1/4 and S.W. 1/4 of the N. E. 1/4 in Sec. 2, Township 10, South of Range 36 E. B. M.;- Also the S.W. 1/4 of the N. W. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E. B. M.;

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To David Armstrong, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. $\frac{1}{4}$ of Sec. 10; also three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth of second foot of water to date from the 1st day of May, 1904, to be used on the S. W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 9, all in Township 10, South of Range 36 E. B. M.;

To Andrew N. Thacker, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used upon the S.W. $\frac{1}{4}$ of Sec. 9,; also three-fourths second foot of water to date from the 1st day of May 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N. W. $\frac{1}{4}$ and the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sec. 8, Township 10, South of Range 36 E.B.M.;

To Thomas Exeter, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used on the South half of the S.E. $\frac{1}{4}$ Sec. 8, and the North half of the N. E. $\frac{1}{4}$ Sec. 17, Township 10, South of Range 36 E. B. M.;

To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, and to be used on the East half of the N. E. $\frac{1}{4}$ and the East half of the S. E. $\frac{1}{4}$ Sec. 10 Township 10, South of Range 36 E. B. M.:-

To P. M. Larson, three-fourths secondfoot of water to date from the 1st day of May, 1896, and one second of water to date from the 1st day of May, 1904, and to be used on the East half of the N. W. $\frac{1}{4}$ and the East of the S. W. $\frac{1}{4}$ Sec. 11 Township 10 South of Range 36 E. B. M.;

To Annie Crowshaw, three-fourths second foot of water to date from the 1st day of May, 1898, and one second foot of water to date from the 1st day of May, 1904, to be used on the N. W. $\frac{1}{4}$ of Sec. 15, Township 10 South of Range 36 E. B. M.;

To Mads Christensen, three-fourths second foot of water to date from the 1st day of May, 1892 and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ and the East half of the S. E. $\frac{1}{4}$ of Sec. 6 and the S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 5, Township 10 South of Range 36 E.B.M.;

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To Ben Lockyer, Three-fourths second foot of water to date from the 1st day of May, 1901, and one second foot of water to date from the 1st day of May 1904, to be used on the North half of the N.E. 1/4 of Sec. 15, Township 10 South of Range 36 E.B.M.;

To Hyrum Chatterton, three-fourths second foot of water to date from the 1st day of May, 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the North half of the S.E. 1/4 and the South half of the N.E. 1/4 Sec. 15, Township 10 South of Range 36 E.B.M.;

To James Chatterton, three-fourths second foot of water to date from the 1st day of May, 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.W. 1/4 of Sec. 15, Township 10 South of Range 36 E.B.M.;

To George Glover, three-fourths second foot of water to date from the 1st day of May, 1902, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of Sec. 33, Township 9, South of Range 36 E.B.M.;

To George J. Allen, three-fourths second foot of water to date from the 1st day of May, 1896, and one second foot of water to date from the 1st day of May, 1904, to be used upon the N. E. 1/4 of the N.W. 1/4 of Sec. 5; also the West half of the N.W. 1/4 of Sec. 5, Township 10 South of Range 36 E.B.M.;

To William C. Smith, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May 1904, to be used on the East half of the N. W. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.;

To J. W. Stinger, three-fourths second foot of water to date from the 1st day of May, 1898 and one second foot of water to date from the 1st day of May, 1904, to be used on lots three and four in sec. 4, and lots one and two in Sec. 5, Township 10 South of Range 36 E. B. M.;

To George A. Smith, three-fourths second foot of water to date from the 1st day of May, 1891, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S.W. 1/4 and the east half of the N.W. 1/4 of Sec. 10, Township 10 South of Range 36 E.B.M.;

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To J. H. Curtis, three-eighths of second foot of water to date from the 1st day of May, 1894, and three-eighths second foot of water to date from the 1st day of May, 1901, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.E. 1/4 of Sec. 7, Township 10 South of Range 36 E.B.M.;

To A.M. Curtis, three-eighths second foot of water to date from the 1st day of May, 1894 and three-eighths second foot of water to date from the 1st day of May 1901, and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.E. 1/4 Sec. 7, Township 10 South of Range 36 E.B.M.;

To Nannie B. Rollison, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904 to be used on the S.E. 1/4 and the North half of the S.W. 1/4 and the S.E. 1/4 of the N.W. 1/4 of Sec. 4, Township 10 South of Range 36 E.B.M.;

To William P. Burton, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used on the North half of the S.E. 1/4 and the East half of the S.W. 1/4 of Sec. 8, Township 10 South of Range 36, E.B.M.;

To John B. Chedgzy, three-fourths second foot of water to date from the 1st day of May, 1891 and one second foot of water to date from the 1st day of May, 1904 to be used on the N.E. 1/4 of Sec. 9, Township 10, South of Range 36 E.B.M.;

To William H. Allen, three-fourths second foot of water to date from the 1st day of May 1903 and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of the S.E. 1/4 of Sec. 31, and the S.W. 1/4 of the S.W. 1/4 Sec. 32 in Township 9 South of Range 36 E.B.M.;

To Laura T. Toler, three-eighths second foot of water to date from the 1st day of May, 1895 and one-half second foot of water to date from the 1st day of May, 1904, to be used on the North half of the S.W. 1/4 of Sec. 9, Township 10 South of Range 36 E.B.M.;

To E.R. Kendall, three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of the S.E. 1/4 of Sec. 9, Township 10, South of Range 36 E.B.M.;

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To Truman Rowe, one and three-fourths second foot of water to date from the 1st day of May, 1904, to be used on lots one and two in Sec. 4, Township 10, South of Range 36 E.B.M.;

All of the above described lands being in Bannock County, State of Idaho.

It is further adjudged and decreed that the plaintiff and any of its stockholders, and any or all of said defendants, who are adjudged to be entitled to the use of any of the waters of said stream or any of its tributaries thereto or may pool or unite the waters so decreed to them and use the same jointly or alternately or in rotation, or in such other manner as will secure the greatest benefits and most economical use of said water, so that the waters so united or pooled do not exceed the amount decreed to the parties entering into such arrangement.

It is further ordered, adjudged and decreed that each of the parties to this action, their and each of their servants, agents, employees or others acting in aid or assistance of them, or any of them be, and they are hereby forever enjoined and restrained in any-wise using the water herein decreed, or molesting or interfering with such use, or the works provided for the diversion or carrying of said waters, except as herein provided.

And it is further ordered, adjudged and decreed that each of the parties hereto, pay the costs incurred by him in this action.

Done in open court this 15th day of October, 1906.

Alfred Budge,

District Judge.

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NOV 13 1992

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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: A29-00414
Date Received: 4/20/1990
Receipt No: E013618
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL B. EVANS 801-489-7595
Address: 663 E. CUTLER AVE.
SPRINGVILLE, UT 84663
AND
Name: C. HARRIET GUMMOW 801-225-2005
Address: 526 E. 1834 S.
OREM, UT 84057
AND
Name: MARTIN D. EVANS, SR.
Address: 3608 CAREY
NORTH LAS VEGAS, NV 89030

A2900414



2. Date of Priority: MAY 01, 1894

3. Source: GARDEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	36E	7	NW	NE	NE		BANNOCK
			SW				BANNOCK

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.375		

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

A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00414

Page 1

Date: 04/25/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	36E	7	NW	NE		IRR	24.0
			SW	NE		IRR	4.0
Section Acres							28.0
Total Acres							28.0

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:

29-0415, & 0416. *& Garden Cr. Bannock Shanos*

14. Remarks:

DIVERSION WORKS:

HEADGATE AND CANAL FROM GARDEN CREEK NW4NW4, SEC. 7 T10S, R36E

HEADGATE IN CANAL FROM GARDEN CREEK NE4NE4NW4, SEC. 7, T10S, R36E

HEADGATE IN CANAL FROM GARDEN CREEK SE4NE4NW4, SEC. 7, T10S, R36E

SOUTHERNMOST CANAL FROM GARDEN CREEK THROUGH NW4NE4 & SW4NE4,
SEC. 7, T10S, R36E

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

GARDEN CREEK IRRIGATION CO.

Decree Plaintiff

vs

THOMAS E. WOLVERTON, ET. AL.

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)
County of _____) SS.

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:

Ident. Number

Date Received

Receipt Number

39576
A29-00414
4/20/90
EO13618 Do

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 20 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Daniel B. Evans et al. (see remarks) Phone (801) 489-7595

Mailing Address 663 East Cutler Avenue, Springville, Utah Zip 84663

2. Date of Priority (Only one (1) per claim) 1st day of May 1894

3. Source of water supply (a) Garden Creek
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 10S Range 36E Section 7,
1/4 of N.W. 1/4 of N.E. 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: S.W. 1/4 of N.E. 1/4 of section 7, T10S, R36E

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

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

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

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate and canal from Garden Creek N.W. 1/4 of N.W. 1/4 of section 7, T10S, R36E

Headgate in canal from Garden Creek N.E. corner of N.E. 1/4 of N.W. 1/4, sec. 7, T10S, R36E

Headgate in canal from Garden Creek in S.E. 1/4 of N.E. 1/4 of N.W. 1/4, sec. 7, T10S, R36E

Southernmost canal from Garden Creek through N.W. 1/4 of NE 1/4 and S.W. 1/4 of N.E. 1/4
of section 7, T10S, R36E

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For **freshit irrigation** purposes from **3/15** to **11/15** amount **3/8=.375** or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) **3/8 or 0.375** (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is **70** acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) **none**

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	36E	7		24	4														28

Total number of acres irrigated **28**

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 ☒ 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.

1 cfs freshit irrigation priority date 1/May/1904

or None ()

3/8 cfs freshit irrigation priority date 1/May/1901

14. Remarks:

Additional names and addresses:

C. Harriet Gummow

Phone: (801)-225-2005

Martin D. Evans Sr.

526 East 1834 South

3608 Carey

Orem, Utah 84057

North Las Vegas, Nevada 89030

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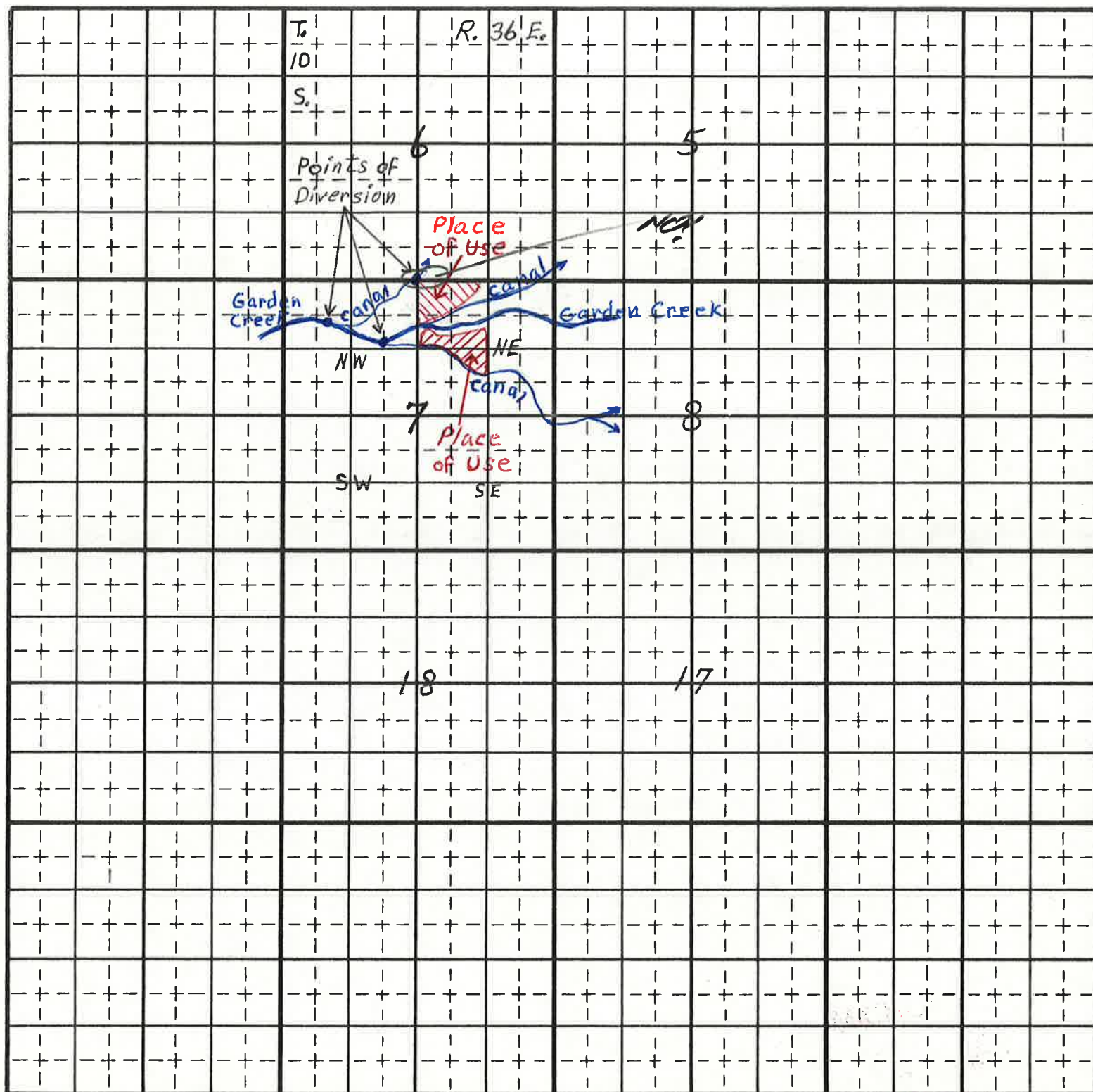
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Last Name **Evans** Ident No. _____

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



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Last Name Evans

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number _____
Court 5th Judicial District Case Number 292 Decree Date 15th Oct. 1906
Plaintiff vs Defendant Garden Creek Irrigation Company vs. Thomas E. Wolverton, et al.

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 8

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

Signature of Claimant (s)

Daniel B. Evans
C. Orriett Yumnow

Date April 16, 1990

Date April 16, 1990

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 _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Utah)
County of Utah) SS.

Subscribed and sworn (or affirmed) before me this 16th day of April 1990



Notary Public Christine Robertson

Residing at Springville, Utah

My Commission Expires 4-14-94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Evans Ident. Number _____

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NOV 13 1992

Copies White-State, Yellow-Claimant

STATE OF NEVADA)

County of)

) ss.

On April 17, 1990 (date) personally appeared before me, a notary public, Martin D. Evans, personally known to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the instrument.



NOTARY PUBLIC
STATE OF NEVADA
County of Clark
Virginia R. Vidaurri
My Appointment Expires Aug. 16, 1992

Virginia R. Vidaurri

Martin D. Evans
Martin D. Evans

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