

11/30/2001

ROSE STERNER
1936 S OLD HWY 91
INKOM ID 83245

TRIBUTARY: SNAKE RIVER

PRIORITY DATE: 03/05/1925

T08S R36E S11 SWSWSE Within BANNOCK County

QUANTITY
0.020 CFS

T08S R36E S11 SWSE 0.5

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

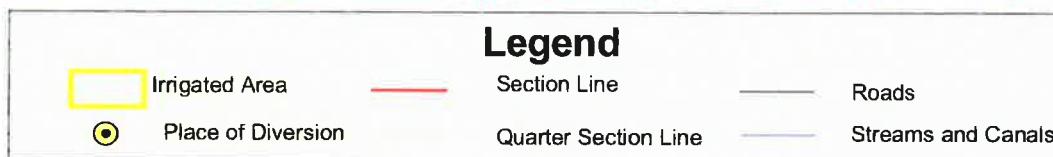
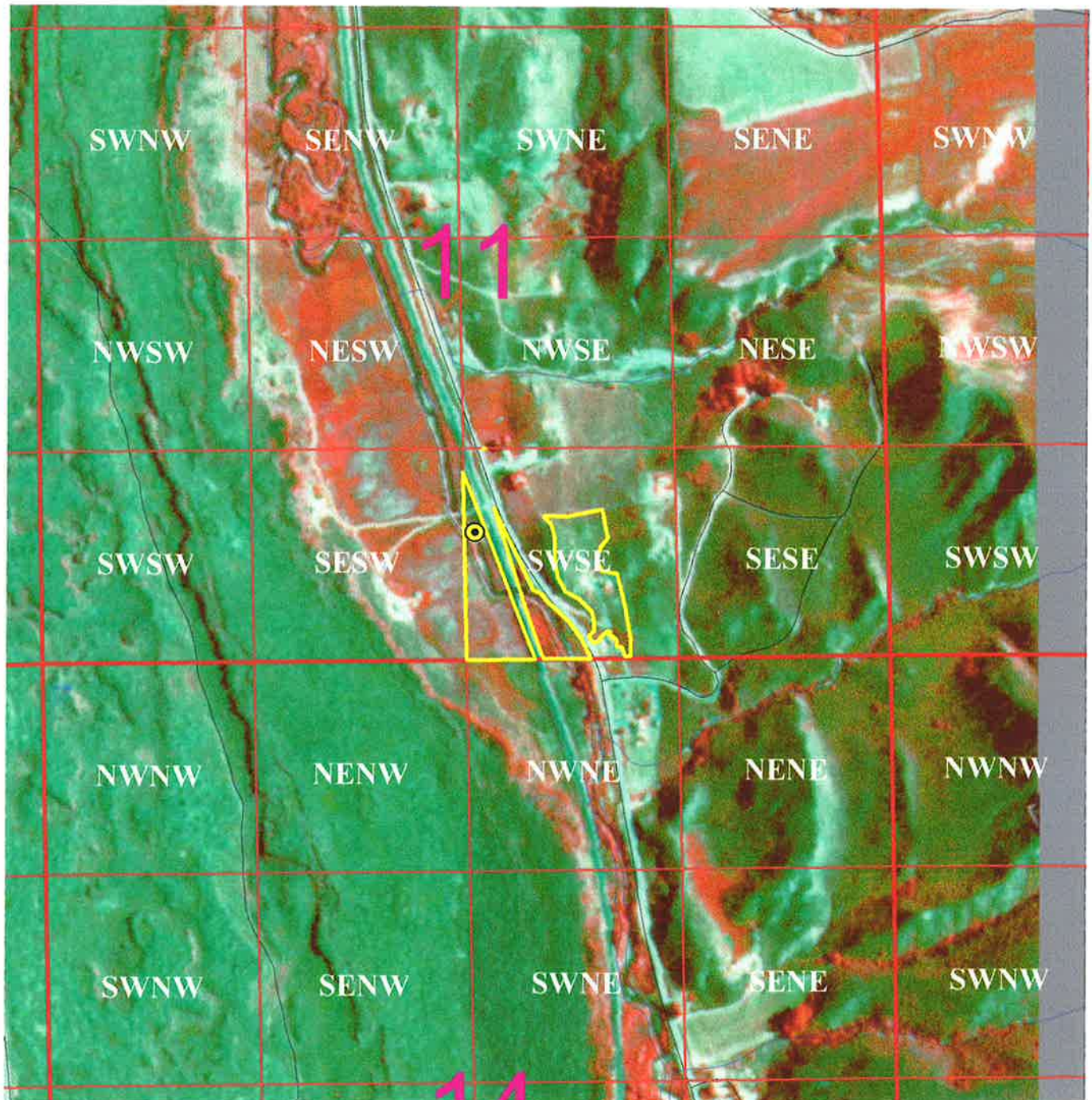
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-04043A

08/11/2000

Township , 8S36E



SCANNED
MAR 08 2006

Water Right Claim Number A29-04043A

08/11/2000

Township , 8S36E



700 0 700 1400 Feet



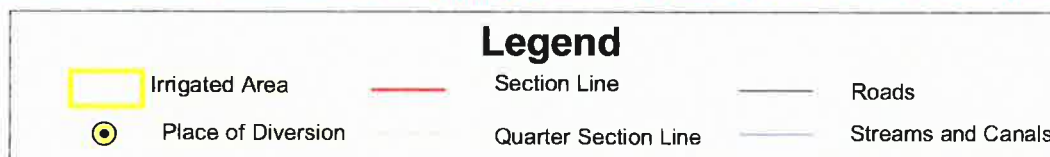
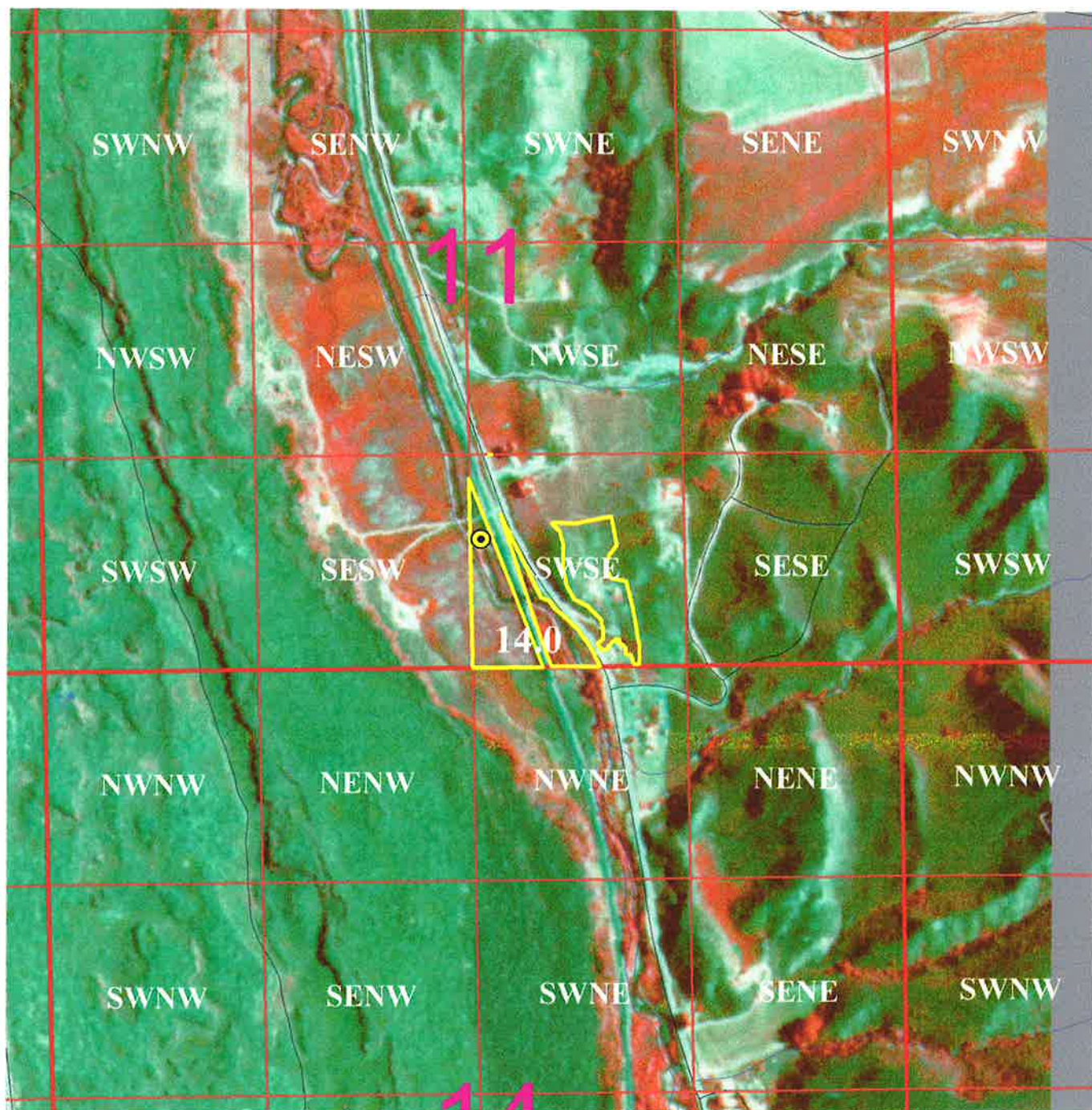
SCANNED

MAR 08 2006

Water Right Claim Number A29-04043A

08/11/2000

Township , 8S36E



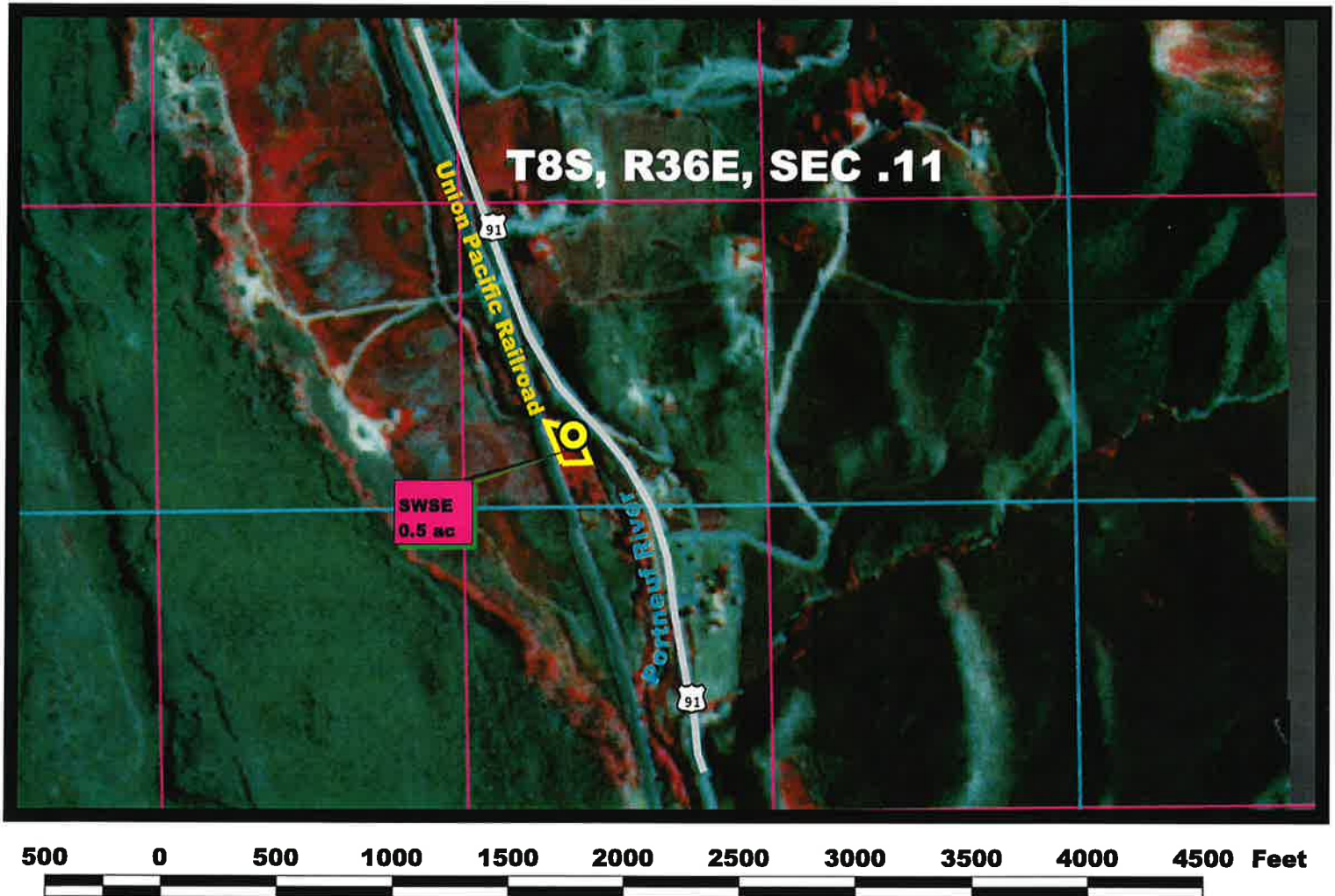
SCANNED
MAR 08 2006



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-04043A

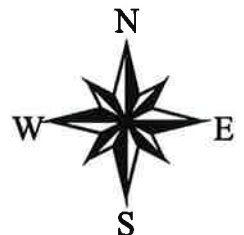


LEGEND

- SESE Place of Use
- Section
- Quarter-Quarter
- Point of Diversion

Place of Use: T8S, R36E
(part of) Sec. 11 SWSE

Point(s) of Diversion:
T8S, R36E Sec. 11 SWSE



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MAR 08 2006

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 2001

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: 29-4043A

HERMAN STERNER
1936 S OLD HWY 91
INKOM ID 83245

ROSE STERNER
1936 S OLD HWY 91
INKOM ID 83245

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: 03-03-03

SIGNATURE: Hermann & Rose Sterner

Please print your name: HERMANN & Rose Sterner

085257161

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29-04043 (A)(B)(C) ...

I. See Attached WR Proof RPT of 29-04043. NO RECORD OF SPLITS, NO TRANSFERS, NO CHANGE OF OWNERSHIP.

TOTAL OF PARTS CLAIMED (A.B.C) = 0.79 cfs on 39 AC.

Original claim RUD (42-225a) SEPT. 17, 1974 IS CLAIMED FOR 2.4 cfs on 120 AC. Considering this is only a Statutory claim - THIS COULD POTENTIALLY BE UNDERCLAIMED BY 1.61 cfs AND 81 ACRES

II. EVIDENCE OF Priority date is a 1902 Posteo Notice claiming 1 cfs from Spring (UN-NAMED). This claim claims source AS Portwest River $\Rightarrow$ NO GO!

11/29/01 DOCUMENTS PRESENTED AS EVIDENCE SUPPORTING A Priority DATE DO NOT Support July 25, 1902.

RATHER, A DUBD (ccattached) INSTRUMENT No. 136730 DOES TEND TO SUPPORT A Priority OF 5 MARCH 1925.

PRIORITY ADVANCED TO 1925. AS ABOVE.

III. DCD IS A SMALL ARON ALONG RIVER, REMAINDER IS HIGH EVIDE WHERE HOUSE AND DAM SET. NO IRRIG (OTHER THAN LAWN/TROSS). LAWN/TROSS IS IRRIG FROM DOWN. WOOD. SEE ATTACHED GPS. **PROFILED** SCANNED MAR 08 2006

IV. NO MEASURES DONE - Portable Pump (Too Small) UNLESS CONTRACTOR CONSIDERED SOMETHING -

T8S, R36E, SEC. 11

STERNER, HERMANN & STERNER, ROSALIND F

ANESTOS, PETER T & ANESTOS, THERESA J H/W

ANESTOS, PETER TASH

PERREIRA, TIMOTHY A

ANESTOS, PETER T

UNITED STATES OF AMERICA % IDAHO STATE OFFICE BLM

ANDREW, STEVEN

1.5 ac

6.98 ac

LANCE, JIM RICHARD

LANCE, JAMES R

STERNER, HERMANN & STERNER, ROSALIND F

STATE OF IDAHO FISH AND GAME

TRIPP, JOHN L

TRIPP, JOHN L

STATE OF IDAHO FISH AND GAME



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 4043 A
POD ID 210855
Quad McCammon
Claim Type L
Easting 646578
Northing 182964
GPSID A0011611

Diversion Description

PUMP FROM RIVER. Claimant indicated that pump has not been set for 10 to 12 years. Pump would push water under Hwy 91 via 4" pipe to sprinkler irrigate post Old GPS tag found 25 ft. N of tagged post after tag was placed.

Assumptions

5 foot lift, 5 HP pump, and 75 psi.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

OD ID 210855 01.JPG

Photos

OD ID 210855 02.JPG

EPE (ft)

15

Date (M/D/Y)

10/11/01

Time

Flow Rate (CFS)

0.172908835904628

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System



HP

5

Pressure Head (psi)

75

Elevation Head (ft)

5

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information



New Contact Comments

Address is same. Remove Lances from list and add Herman and Rose Sterner

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Servc, Inc.

November 23, 2001

Sterner

1936 South Old Highway 91

Inkom, Idaho 83245

208-775-1900

Ident.# A29-04043A

Civil Case # 39576

State of Idaho

Department of Water Resources

900 N. Skyline Drive, Suite A

Idaho Falls, Idaho 83402 – 1718

RECEIVED
NOV 26 2001
Department of Water Resources
Eastern Region

Dear Mr. Ruberry,

Enclosed please find all the information pertaining to our property that we were able to assemble. Also included is a copy of our Warrantee Deed and a letter of "known usage" as signed by our neighbor. The pipes used in the past are still along side of the Portneuf.

We would appreciate being able to use water for the purpose of livestock and for irrigation of our hay and pasture area.

Thank You,



Hermann Sterner

Rosalind F. Sterner

PROFILED

SCANNED
MAY 03 2006

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: A29-04042B
Date Received: 4/25/1990
Receipt No: E013500
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM EDWARD LANCE
Address: 1936 HWY 91
INKOM ID

208-775-4481

83245

2. Date of Priority: JUN 1, 1955

3. Source: UPPER ROCK CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	11	NE	NW			BANNOCK

5. Description of diverting works:

DIVERSION STRUCTURE, DIVERTED INTO DITCH AND THEN TO A PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4/2	11/01	0.200		

7. Total Quantity Appropriated is:

0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	11	SW	SE		IRR	10.0

Section Acres 10.0

Total Acres 10.0

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:
A2904043

14. Remarks:

JOYCE ORDERS HAS FILED ON ENTIRE CLAIM. APPLICANT FEELS HE HAS A
PART OF THIS CLAIM AS PRESALES AGREEMENT
**SEE TRANSFER 2389

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): Kenneth J. Sterne Date: 11-23-01
Rosalind J. Sterne Date: 11-23-01

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of November 1902

Kathleen L. Wynn
Notary Public

Seal

Residing at Idaho
My Commission Expires 1/18/03

39576 - Civil Case
ID # A-29-040439

Sterner

November 17, 2001

To Whom It May Concern:

I, John Tripp, can attest to certain knowledge that both my Grandfather,
Harold E. Tripp (acquired March 10, 1945)

And my Father,

Fred J. Tripp, (acquired November 15, 1953)

Rightfully used water from the Portneuf River during their ownership of property
Including the area known as 1936 S. Old Highway 91 Inkom, Idaho.

John Tripp
1984 South Old Highway 91
Inkom, Idaho 83245

John S Tripp

SCANNED

MAR 08 2006

WARRANTY DEED

20106007

For Value Received **THOMAS E. LANCE** a single person

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **ACCEPTED AND APPROVED:**

INITIAL:

HERMANN STERNER and ROSALIND F. STERNER, husband and wife

[Handwritten initials]

whose address is: **1936 OLD HIGHWAY 91, INKOM, ID 83245**

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

A PARCEL OF LAND LOCATED IN THE SW¹/₄ SE¹/₄ OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/16 CORNER ON THE SOUTH LINE OF SAID SECTION 11; THENCE NORTH 0°08'38" EAST ALONG THE EAST 1/16 LINE OF SAID SECTION, 192.17 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°08'38" EAST ALONG THE EAST 1/16 LINE 410.05 FEET; THENCE SOUTH 89°29'38" WEST, 1028.21 FEET TO THE EAST RAILROAD RIGHT OF WAY LINE; THENCE SOUTH 19°02'33" EAST ALONG SAID RIGHT OF WAY LINE, 443.21 FEET; THENCE NORTH 88°50'25" EAST, 882.80 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM OLD U.S. HIGHWAY 91.

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

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

Dated: March 26, 2001

[Handwritten signature of Thomas E. Lance]
THOMAS E. LANCE

SCANNED

NO

20106007

MAR 08

RECORDED
FIRST AMERICAN TITLE OF



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

39576
ID#A-29-04043A

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREIER
DIRECTOR

March 7, 2001

Tom E Lance
1936 HWY 91
Inkom ID 83245

Re: Snake River Basin Adjudication (SRBA) Claim 29-04042B

Dear Mr. Lance:

I have begun review of the SRBA claims in the Portneuf River Basin. Upon review and research of the claim referenced above I find no basis for a favorable recommendation of that water right claim. I am enclosing a copy of the memorandum which explains the theory for a **DISALLOWED** recommendation.

I will suggest you make an appointment to visit my office so that we might explore options. Should you have questions regarding this important matter, or wish to make an appointment, please contact me at the 525-7161. Address correction requested.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: file

Enclosure: Memorandum to the File 29-04042B (copy)

SCANNED

MAR 08 2006

MEMORANDUM

To: the files; 29-04240, 29-04042B, 29-04240C

From: A. Ruberry

Subject: History of 29-04042

29-04042 was originally filed by Fred Tripp on September 17, 1974, pursuant to §42-225a IC, as an irrigation claim for 1.2 cfs, 60 acres, priority date of June 1, 1955.

In February 1975, a letter explains that the elements of the claim differ from a transfer application; amendment requested. Letter dated April 1975, acknowledges the lack of response to the request to amend, and suggests cancellation of the transfer application. Then on May 28, 1975, Transfer #2346 (amended) was approved; whereby, the original 1974 claim was changed to add acreage (1 ac) in NWNE Section 11, T8S, R36E. The transfer also acknowledges the reduction of irrigated acres to 31.8.

Statutory claim 29-04042 was filed April 2, 1979, pursuant to §42-243 IC, which basically mirrored Transfer # 2346, 1975; 0.636 cfs on 31.8 acres. Letter dated May 21, 1979 informs claimant of the completion of advertising. Advertising Notice acknowledges the amendment to reduce the original claim to 0.636 cfs,... and reducing irrigated acres to 31.8.

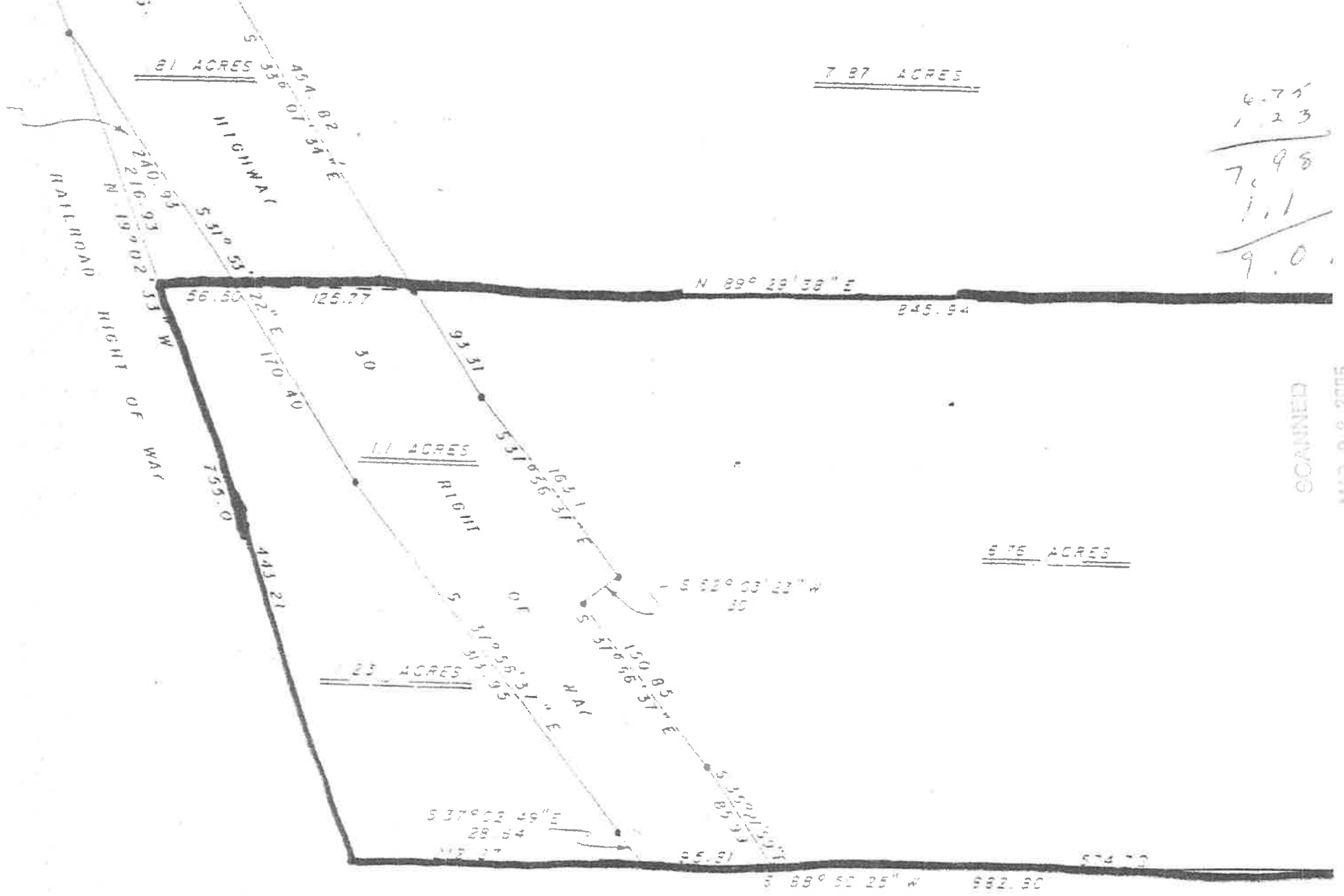
Now comes in the SRBA claims; 29-04042B and C. Attached to these claims are Warranty Deeds which state "Seller grants high water rights out of Rock Creek, pumping rights out of Portneuf River."

THE PROBLEM:

- 1.) 29-04042 was amended to reduce the order of the claim to 0.636 cfs on 31.8 acres, priority date June 1, 1955 (unchanged). As amended, the original claim, now filed in the SRBA, is filed in total by Joyce Orders.
- 2.) 29-04042B and 29-04042C, as filed in the SRBA have no basis. Even though the "Seller grants... rights" of one type or another by deed there is no basis. *The seller has no authority to grant any water rights, of any kind, from either Rock Creek and/or the Portneuf River.* Had the original 1974 claim been perfected, then split by transfer or change of ownership, there might very well have been a basis to a portion of 29-04042. But, that reference was amended away in 1975, by transfer and by a new claim in 1979.
- 3.) 29-04042B and C will be recommended for **DISALLOWAL. P01; NO LAWFUL APPROPRIATION SHOWN.**
- 4.) Documents are filed in 29-04042B.

SCANNED

MAR 03 2005



6.75
1.23

7.98
1.1

9.0

A 29-04043A

Form 41-24862-1 (09/00) July 2000

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
A29-04043A					

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)
T. B. LANCE
1936 Hwy 91 Pookom Rd.
4. New Owner/Claimant(s)
HERMANN & ROSALIND STERNER
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
1936 S. Old Highway 91
- City, State and ZIP Code
INCOM, IDAHO 83245
- New Telephone Number
(208) 775-1800
5. Date you acquired the property
MARCH 31, 2001

SCANNED

MAR 08 2003

Form 42-2-8002-1-2000 July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Forrester Starnes
Robert J. Starnes

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

SCANNED
MAR 08 2006

STATE OF WASHINGTON } ss.
COUNTY OF SPOKANE }

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 1st day of February, 1926, personally appeared before me Jonathan Heaton, a bachelor, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year above written.

LeRoy B. Way
Notary Public residing at
Spokane, Washington.
My Commission Expires 10-23-26

(seal)

RECORDED MAR 22 1928 3 08 PM in Book 58 of Deeds page 273 Records of Bannock County
State of Idaho at the request of P T & T Co
Lillian Sponberg, Recorder. Fee \$1.00

INSTRUMENT NO. 134730

#15504

DEED

THIS INDENTURE, made the 5th day of March, 1925, between Jonathan Heaton, a bachelor, party of the first part, and The Federal Land Bank of Spokane, a corporation organized and existing under the Federal Farm Loan Act party of the second part:

Witnesseth that the party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which hereby is acknowledged, does by these presents Grant, Bargain, Sell, Convey and Warrant to the party of the second part, and to its successors and assigns forever, the following described real estate, situate in the County of Bannock State of Idaho:

The East Half of the Southwest quarter, and the West Half of the Southeast Quarter, Section 11, Township 8 S. R. 36 E. B. M.

Together with all the tenements, hereditaments, rights, privileges and appurtenances thereto belonging, together with all waters and water rights of every kind and description, however evidenced or manifested, which may be appurtenant to said premises, or incident to the ownership thereof, or used in connection therewith, and all watering and irrigating apparatus and fixtures belonging to or used in connection with said premises, and together with any and all stock in any National Farm Loan Association subscribed for or held in connection with loan from The Federal Land Bank of Spokane, secured by mortgage on said property: To Have and To Hold said premises unto the party of the second part, its successors and assigns forever, subject to encumbrances now of record against said property.

IN WITNESS WHEREOF, said party of the first part has signed this indenture, the day and year first above written.

Witnesses:

Jonathan Heaton (Seal)

STATE OF WASHINGTON } ss.
COUNTY OF SPOKANE }

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 5th day of March, 1925, personally appeared before me Jonathan Heaton, a bachelor, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year above written.

LeRoy B. Way
Notary Public residing at
Spokane, Wash.
My Commission Expires Oct. 23, 1926

(seal)

RECORDED MAR 22 1928 3 08 PM in Book 58 of Deeds page 273 Records of Bannock County
State of Idaho at the request of P T & T Co
Lillian Sponberg, Recorder. Fee \$1.00

INSTRUMENT NO. 136731

40774

DEED

SCANNED
MAR 08 2006

ID # A 28-84043A

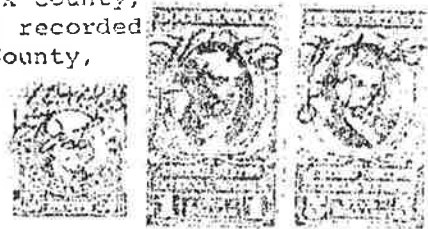
Printed and For Sale by—Gateway Printer, Inc., Portland

THIS INDENTURE, made this 30 day of October 1963 in the year of
 our Lord, One Thousand Nine Hundred and 63, between HAROLD E. TRIPP
 and PHEBE TRIPP, husband and wife,
 of McCammmon, County of Bannock, State of Idaho
 the parties of the first part, and FRED J. TRIPP

of McCammmon, County of Bannock, State of Idaho
 the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
One dollar and other good and valuable consideration 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, Bar-
 gain, 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:

The E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 11, Township 8 South,
 Range 36, EBM, EXCEPT THEREFROM the land heretofore
 conveyed to Fred J. Tripp by that certain deed
 dated the 15th day of November, 1953, between Harold E.
 Tripp and Phebe Tripp, and Fred J. Tripp and
 Gladys Lee Tripp, recorded on the 10th day of June,
 1954, at 4:35 P. M., book 115 of deeds, page 440
 and EXCEPT ALSO, that certain deed dated the 22nd day of
 March, 1963, between Harold E. Tripp and Phebe Tripp
 and Fred J. Tripp and Gladys Lee Tripp, being
 instrument number 390377 records of Bannock County,
 recorded April 1, 1963, at 12:09 P. M. and recorded
 in the official record book 178, Bannock County,
 Idaho.



Together with all and singular, the tenements, hereditaments and appurtenances thereunto belong-
 ing 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 hands
 and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

[Signature]
[Signature]

[Signature]
[Signature]

SCANNED

[SEAL]

[SEAL]

3997587

STATE OF IDAHO,

COUNTY OF Bannock

On this 30th

day of October, in the year 1963, before me

the undersigned

a Notary Public in and for said County and

State, personally appeared

HAROLD E. TRIPP and PHEBE TRIPP, husband and wife,

known to me to be the persons whose names are

subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Mildred E. Landerhult
Notary Public

Residence: McCall, Idaho

17.4

3997587 WARRANTY DEED

TO

Dated, 19

STATE OF IDAHO, }
COUNTY OF } ss:

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

at minutes past
o'clock M., this day of
A. D. 19
at my office and duly recorded in Book
of Deeds at page

By Ex-Officio Recorder
Deputy
Fee, \$

SCANNED
3997587
MAR 08 2006
Fred J. Tripp
McCall, Idaho
Nov 1 2 32 PM '63

Form No. 270

Printed and For Sale by—Gateway Printers, Inc., Pocatello

989 Real Estate Agreement**587132**

(ESCROW)

THIS AGREEMENT, Made and entered into this 21th day of October, 1977

between Fred A. Tripp and Joyce Tripp - Husband and Wife
of McCammonCounty of Bannock, State of Idaho, hereinafter called "Vendor," and
Tom Edward Lance and Sharon D. Lance - Husband and Wife
of Pocatello

County of Bannock, State of Idaho, hereinafter called "Purchaser."

WITNESSETH, That the Vendor, in consideration of the covenants and agreements on the part of the Purchaser, hereinafter contained, agrees to sell and convey unto the Purchaser, and the Purchaser agrees to buy, all that certain piece or parcel of land situated and lying and being in McCammon, County of Bannock, State of Idaho, and bounded and particularly described as follows, to-wit:

A parcel of land located in the Southwest quarter of the Southeast Quarter of section 11, Township 2 South, Range 30 East, Boise Meridian Bannock County, Idaho, being more particularly described as follows:
Beginning at the East 1/16 corner on the south line of said section 11, Township 2 South, Range 30 East, Boise Meridian; thence North 88°20'33" East along the East 1/16 line of said section, 192.17 feet to the true point of beginning; thence continuing North 88°20'33" East along the East 1/16 line 410.05 feet; thence South 88°20'33" West, 1,028.21 feet to the east railroad right of way line; thence South 18°20'33" East along said right of way line, 442.21 feet; thence North 88°20'33" East, 882.80 feet to the true point of beginning. Said parcel containing 0.12 acres, except old U.S. Highway 89-191-20 North, which contains 1.12 acres.

together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; subject, however, to all zoning laws, city ordinances, easements, restrictive agreements and right of ways of public roads as of the date of this agreement.

for the sum of Nineteen Thousand and No/100----- DOLLARS, (\$19,000.00), lawful money of the United States of America, and the said Purchaser, in consideration of the premises, agree to pay to the said Vendor the said sum of Nineteen thousand and No/100----- DOLLARS, (\$19,000.00), as follows, to-wit:

\$ 2,500.00 Receipt of which is hereby acknowledged -
\$16,500.00 \$177.00 or more due on the 1st day of Dec. 1977 and a like amount or more due on the 1st day of each succeeding month thereafter until Principal and Interest are fully paid. Principal to bear interest at the rate of 2 1/2 % per annum from October 21, 1977. An additional 25 per month will be paid as a collection and service fee, making the total payment \$177.00

The Purchaser, agree to keep the buildings located on said premises insured against loss by fire for their insurable value with the loss payable to the Vendor, as present owner, and to the Purchaser, as purchaser, under contract, as their respective interests may appear. Premiums on said policies to be paid by the Purchaser on and after the date of this contract, provided, however, that if the buildings located on said premises are now insured against loss by fire, the parties hereto agree to prorate the premiums heretofore paid on said policies as of the date the Purchaser take possession of said premises, in which event proper riders shall be placed on said policies to protect the interests of the respective parties as they may appear.

The Vendor, agree to pay all state, city, school and county taxes and all assessments, of whatever nature, which were levied against said premises for the year 1976, and prior years and 1977, and the Purchaser, agree to pay 1/12ths of the taxes and assessments levied against said premises for the year 1977, and the Purchaser, agree to pay 1/12ths of all state, city, school and county taxes and assessments, of whatever nature, which were assessed against said premises for the year 1977, and all of said taxes and assessments for each and every year thereafter.

The Vendor, agree to deliver to the Purchaser an Abstract of Title to said premises showing good, marketable title in the Vendor, free and clear of all encumbrances, said Abstract of Title, however, is to be placed in escrow, as hereinafter provided, as soon as the same is examined by the attorneys for the Purchaser, or, in lieu of an Abstract of Title, the Vendor, may, at their option, deliver a Title Insurance Policy which shall insure the Purchaser against loss or damage by reason of any defect in or lien or encumbrance affecting the title to said real estate or by reason of the unmarketability of the title of the Vendor.

It is further agreed by and between the parties that a copy of this agreement, together with a good and sufficient Warranty Deed, be used by the Vendor to the Purchaser, and the Abstract of Title or Title Insurance Policy to said premises, together with

930

587132

It is further agreed that this agreement cannot be assigned by the Purchaser S to any person, firm or corporation without the written consent of the Vendor S. A violation of this clause of the agreement shall be considered material and will give the right to the Vendor S to forfeit any and all rights of the Purchaser S in and to the said premises as hereinafter provided.

Time is of the essence of this agreement and in case the Purchaser S shall fail, refuse or neglect to pay to the Vendor S or the escrow holder the money as is agreed herein to be paid or to pay the taxes and assessments at the time the same shall become due or shall fail to fulfill any of the covenants or agreements on their part to be kept and performed, then and in that event the Vendor S shall be relieved from obligation in law or in equity to convey said property and the Vendor may, at their option forfeit any and all rights of the Purchaser S in and to the said real estate, and all money paid to the Vendor S or the escrow holder by the Purchaser S under this agreement shall be retained by the Vendor S as liquidated damages for non-performance of the contract and as rent for said premises, and the Vendor S shall have the right to demand the escrow holder to re-deliver to them the escrow papers and from the time the escrow papers are re-delivered to the Vendor S, the Purchaser S shall cease to have any right, title or interest in and to said premises and agree S to immediately surrender peaceable possession of the same to the Vendor.

It is agreed that the above remedy is cumulative and the Vendor S shall have any other remedy for the enforcement of this contract given to them by the laws of the State of Idaho.

It is further agreed that the seller will pay the initial escrow charges and the buyer will pay all escrow charges thereafter.

It is further agreed that if it becomes necessary for the Vendor S to bring an action in any court of competent jurisdiction for the enforcement of this contract for the repossession of said premises upon failure of the Purchaser S to make the payments and perform the covenants as herein specified, the Purchaser S shall pay all court costs contracted by the Vendor S, together with a reasonable attorney's fee.

It is further agreed that the stipulations herein set forth are to apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto and the Purchaser S shall have possession of said premises on the 24th day of October 1977.

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

Signed, Sealed and Delivered in the Presence of

Fred J. Tripp
Joyce Tripp

Tom Edward Lance (SEAL)
Sharon D. Lance (SEAL)
Sharon D. Lance (SEAL)
(SEAL)

STATE OF IDAHO,

COUNTY OF Cannoch } ss.

On the 24th day of October in the year 1977, before me, a Notary Public in and for said State personally appeared Tom Edward Lance and Sharon D. Lance Husband and Wife and Fred J. Tripp and Joyce Tripp Husband and Wife

known 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.

NOTARY SEAL

(SEAL)

Residing at Posatello, Idaho

My commission expires July 7 1977

587132

RECORDED AT REGISTRATION

Am. Land Title Co.

OCT 31 4 30 PM '77

110

2.00 - In

MAR 08 2006

777

WARRANTY DEED

1-45535-KS
(9)

For Value Received

FRED J. TRIPP AND JOYCE TRIPP, Husband and Wife

750379
jsh

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

Tom Edward Lance and Sharon D. Lance, Husband and Wife

whose current address is
1335 Eastridge
Pocatello, ID

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

A parcel of land located in the Southwest quarter of the Southeast Quarter of Section 11, Township 8 South, Range 36 East, Boise Meridian Bannock County, Idaho, being more particularly described as follows:

Beginning at the East 1/16 corner on the South line of said section 11, Township 8 South, range 36 east, Boise meridian; Thence north 0°08'38" East along the East 1/16 line of said section, 192.17 feet to the true point of beginning; thence continuing North 0°08'38" East along the east 1/16 line 410.05 feet; thence South 89°29'38" West, 1,028.21 feet to the east railroad right of way line; thence South 19°02'33" East along said right of way line, 443.21 feet; thence North 88°50'25" East, 982.80 feet to the true point of beginning.

Said parcel containing 9.12 acres. except old U. S. Highway 90-191-30 North, which contains 1.12 acres.

Seller grants high water rights out of Rock creek, pumping rights out of Portneuf River and ~~culinary water out of spring on adjacent property~~, also easement across sellers adjacent land for pipeline and maintenance of pipeline carrying water from Rock creek across sellers ground to purchasers ground. Grantors reserve an easement to carry water from Rock creek, water from Portneuf and also from the Spring.

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

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

Dated: October 24, 1977

Fred J. Tripp

STATE OF IDAHO, COUNTY OF Bannock
On this 24th day of Oct., 1977
before me, a notary public in and for said State, personally
appeared

Fred J. Tripp and Joyce Tripp
Husband and Wife

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.

Alan Kent England

Residing at Pocatello, Idaho
Comm. Expires July 9, 1979

NO. 750379
AMERICAN LAND TITLE CO.

'85 MAY 30 P4:27

OFFICE OF THE CLERK OF THE DISTRICT COURT
BANNOCK COUNTY, IDAHO
LARRY W. SUGAN, RECORDER
FEE \$2.00 DEPUTY jsh

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

SCANNED
MAR 08 2006

tion that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that it executed the same, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

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

(SEAL)
Commission Expires Oct. 7, 1947

E. C. Prestbye
Notary Public in and for the State of
Washington
Residing at Spokane, Washington

RECORDED MAR 10 1945 9 06 AM in Book 91 of Deeds, Page 637, Records of Bannock County,
State of Idaho. At request of H. E. Tripp, Route 1, McCammon.

Anna Keefe, Recorder

Fee \$1.40

INSTRUMENT NO. 236121

QUITCLAIM DEED

THE AMALGAMATED SUGAR COMPANY, a corporation, grantor, for valuable consideration, hereby quitclaims to FRANKLIN COUNTY SUGAR COMPANY, grantee, all of its right, title and interest in and to that certain real property in Bannock County, Idaho, particularly described as follows:

A certain piece or parcel of ground, described as follows: Beginning at a point 180 feet west of the southwest corner of Block Seven (7) of South McCammon Townsite, thence four hundred (400) feet north along the right-of-way of the Oregon Short Line Railroad; thence west one hundred twenty (120) feet; thence south four hundred (400) feet; thence east one hundred twenty (120) feet to the point of beginning.

IN WITNESS WHEREOF, The Amalgamated Sugar Company has hereby caused this instrument to be executed by its officers thereunto duly authorized, and its corporate seal affixed hereto this 27th day of February, 1945.

(CORPORATE SEAL)

THE AMALGAMATED SUGAR COMPANY
By H. A. Benning
President
By J. R. Bachman
Secretary

STATE OF UTAH

COUNTY OF WEBER

} SS.

On the 27th day of February, A. D., 1945, personally appeared before me H. A. BENNING and J. R. BACHMAN, who being by me duly sworn, did say that they are the PRESIDENT and SECRETARY, respectively, of THE AMALGAMATED SUGAR COMPANY, a corporation, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said H. A. BENNING and J. R. BACHMAN acknowledged to me that said corporation executed the same.

(SEAL)
Commission Expires Oct. 15, 1948

A. M. Squires
Notary Public

RECORDED MAR 10 1945 10 20 AM in Book 91 of Deeds, Page 638, Records of Bannock County,
State of Idaho. At request of Franklin Co. Sugar Co., Preston, Idaho.

Anna Keefe, Recorder

Fee 60¢

INSTRUMENT NO. 236124

QUIT CLAIM DEED

THIS INDENTURE, Made the 10th day of February in the year of our Lord One Thousand Nine Hundred and forty-five between L. D. Hickman and Jennie P. Hickman, husband and wife of Arimo, of the County of Bannock and State of Idaho the parties of the first part, and Walter F. Grossenbach and Mary A. Grossenbach, his wife of Arimo, of the County of Bannock and State of Idaho, the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One and no/100 and other valuable consideration DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever Quit claim unto the said parties of the second part, and to their heirs and assigns all that certain land situated in Bannock County, of the State of Idaho, particularly described as follows, to-wit:

The Northeast quarter of the Northwest quarter of Section Ten,
Township Eleven South, Range Thirty-six, East of the Boise Meridian.

SCANNED

MAR 08 2005

STATE OF IDAHO

County of BANNOCK

ss.

On this 22nd day of February in the year 1945, before me, Roy L. Black, a Notary Public in and for County and State, personally appeared Arlie R. Helms, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

Roy L. Black
Notary Public in and for Idaho,
Residing at Pocatello, Idaho
My commission expires June 2, 1948.

Filed for record at the request of H. T. A. Co March 4, 1945, at 25 minutes past 3 o'clock P.M.
in Record of Deeds, Book 91, page 636.

Anna Keefe, Recorder

Fee \$1.00

INSTRUMENT NO. 236116

#15504-Hess, L. Edw.

Form F.I.B. 410
M851 (Rev 6-44)

WARRANTY DEED

THIS INDENTURE, made this 27th day of December, 1944, between THE FEDERAL LAND BANK OF SPOKANE, a corporation organized and existing under the Act of Congress known as the Federal Farm Loan Act, as amended, with its principal place of business in the City of Spokane, County of Spokane, State of Washington, the party of the first part, and H. E. TRIPP, party of the second part,

WITNESSETH: That the party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Warrant to the party of the second part, and to his heirs and assigns forever, the following described real estate, situate in the County of Bannock, State of Idaho, to wit:

The East Half of the Southwest Quarter and the West Half of the Southeast Quarter of Section 11, Township 8 South, Range 36 East of the Boise Meridian.

(\$1.65 I. R. S. attached to Deed and cancelled)

Together with all the tenements, hereditaments, rights, privileges and appurtenances thereunto belonging, and all waters and water rights, and all watering and irrigating apparatus and fixtures which are appurtenant to or incident to the ownership of said premises; but nothing herein contained shall be construed as a warranty of any water right.

To Have and To Hold said premises unto the party of the second part, his heirs and assigns forever, subject to the following:

1. Unpaid taxes, assessments and water charges, including but not limited to those levied or imposed by the United States Reclamation or Indian Service or by any water or irrigation or drainage district or company, and all other unpaid charges, liens or assessments imposed by or pursuant to law on the above described property, including any and all deferred charges,
2. Any lien imposed by law by reason of the outstanding indebtedness of any drainage, irrigation or other special improvement district; and any lien or encumbrance revived or placed on said property by, through or under the party of the second part.
3. The exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the state in which said land is situate, or in deeds from railway companies; and any and all easements, rights of way for railroads, roads or highways or other servitudes.

The party of the first part hereby covenants that, except as hereinabove stated, it will forever Warrant and Defend the title to said premises and the quiet and peaceable possession thereof unto the said party of the second part, or his assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the party of the first part has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed by its proper and duly authorized officers.

(CORPORATE SEAL)
ATTEST:
Willard M. Rees
Assistant Secretary

THE FEDERAL LAND BANK OF SPOKANE
By S. C. Fish
S. C. Fish
Vice-President

STATE OF WASHINGTON

ss.

COUNTY OF SPOKANE

On this 29th day of December 1944, before me (a notary public in and for the above named state) personally appeared S. C. Fish, to me known to be Vice-President of the corpora-

IDA A29-04043A

1-22776-JN

WARRANTY DEED

554993

For Value Received FRED J. TRIPP and JOYCE TRIPP, husband and wife

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

WILLIAM R. HOADLEY and RUTH C. HOADLEY,
husband and wife

whose current address is 4761 Whitaker Road, Pocatello, Idaho 83201

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

A tract of land in Section 11, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East 1/16 corner on the south line of said Section 11; thence North 192.17 feet to the true point of beginning; thence South 89°59'09" West 888.04 feet, more or less, to the East edge of the Union Pacific Railroad Right of Way; thence North 19°04' West along said East right of way 755 feet; thence Northeasterly 1110 feet, more or less, to a point which North 820.10 feet from the true point of beginning; thence South 820.10 feet to the true point of beginning.....

Seller grants high water rights out of Rock Creek, pumping right out of Portneuf River and culinary water out of spring on adjacent property, also easement across sellers adjacent land for pipeline and maintenance of pipeline carrying water from Rock Creek across sellers ground to purchasers ground. Grantors reserves an easement to carry water from Rock Creek, water from Portneuf and also from the spring.

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

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

Dated: May 10, 1976

Fred J. Tripp

Joyce Tripp

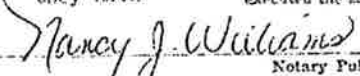
STATE OF IDAHO, COUNTY OF Bannock

On this 10th day of May, 1976, before me, a notary public in and for said State, personally appeared

Fred J. Tripp and Joyce Tripp
husband and wife

NOTARY SEAL

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


 Notary Public
 Residing at: Pocatello, Idaho
 Comm. Expires: 3-7-80

554993

NO
RECORDED AT REQUEST

Amer. Land Title Co.

MAY 20 8 43 AM '76

 RECORDED BY 4289
 BANNOCK COUNTY CLERK
 TIMOTHY L. REEDER
 FEE 1.00 DEPUTY MS

SCANNED

MAR 08 2006

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

00207

55118AKE
R4057000100
R4057006901
R4057006301
R4057008200
R4057008101
R4055000800



A Pioneer Company
PIONEER TITLE COMPANY
OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 231-9595

20006316

9-1

20020382

[Handwritten signature]

WARRANTY DEED

For Value Received

NOEL ORDERS and JOYCE ORDERS, who acquired title as JOYCE TRIPP, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

ROCK CHUCK RANCH LP

hereinafter referred to as Grantee, whose current address is

6429 ASLETT ROAD, McCAMMON, ID 83250

the following described premises, to-wit:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

****RE-RECORDED TO CORRECT LEGAL DESCRIPTION****

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

Dated: April 21, 2000.

[Signature of Noel Orders]
NOEL ORDERS

[Signature of Joyce Orders]
JOYCE ORDERS



STATE OF IDAHO)
ss.
COUNTY OF BANNOCK)

On This 24th day of April, in the year 2000, before me, a Notary Public in and for said State, personally appeared NOEL ORDERS and JOYCE ORDERS, known or identified 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.

20020282

RECORDED

PIONEER TITLE

2000 DEC 20 AM 8 26

272

[Signature of Arlene K. Evans]
Notary Public of Idaho
Residing at Pocatello, Idaho
Commission expires: 8/29/04

SCANNED

MAR 08 2006

20020382

Exhibit A

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 8 South, Range 36 East, Boise Meridian; and the North half of Section 12, Township 8 South, Range 36 East, Boise Meridian; and all of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 8 South, Range 36 East, Boise Meridian; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the West 440 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 8 South, Range 37 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Beginning at the West quarter corner of Section 12, Township 8 South, Range 36 East, Boise Meridian, the same being the point of beginning; thence East along the latitudinal centerline of said Section 12, a distance of 5280 feet, more or less, to the East quarter corner of said Section 12; thence North along the East line of said Section 12, a distance of 1320 feet, more or less, to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 8 South, Range 37 East;

thence East along the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1760 feet; thence North a distance of 1320 feet, more or less, to the North line of said Section 7; thence West along said North line a distance of 1760 feet, more or less, to the common corner of Section 6 and 7, Township 8 South, Range 37 East and Sections 1 and 12, Township 8 South, Range 26 East;

thence North along the East line of Section 1, Township 8 South, Range 36 East, a distance of 1320 feet, more or less, to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1; thence along the North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, West a distance of 1320 feet; thence South a distance of 1320 feet, more or less, to the North line of Section 12, Township 8 South, Range 36 East;

thence continuing South a distance of 765 feet, more or less, to the Northerly right of way line of Upper Rock Creek Road; thence following said right of way line in a Westerly direction a distance of 2332.57 feet, more or less, to a point easterly of an irrigation pond; thence leaving said right of way and following the irrigation pond, South 0° East a distance of 150 feet; thence West a distance of 200 feet; thence North 0° West a distance of 150 feet, more or less, to the northerly right of way line of Upper Rock Creek Road;

thence Westerly along said northerly right of way a distance of 1198.64 feet, more or less, to the Southeast corner of that property described in Instrument No. 823642 (Tax 20); thence South 0° East a distance of 400 feet; thence South 78°13'55" West a distance of 1748.76 feet, more or less, to the West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 8 South, Range 36 East; thence South along said line a distance of 1065 feet, more or less, to the Southwest corner of Tax 28; thence Northeasterly along the boundary of said Tax 28 a distance of 966.07 feet, more or less; thence North 45° East along said Tax 28, a distance of 103 feet, more or less, to the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 11; thence East a distance of 340 feet, more or less, to the point of beginning.

440

Bannock County, Idaho

INSTRUMENT No 300772

WARRANTY DEED

This Indenture, Made this 15th day of November in the year of Our Lord One Thousand Nine Hundred and Fifty-three

HAROLD E. TRIPP and PHEBE TRIPP, husband & wife
 of McCammon County of Bannock State of Idaho the part of the first part, and
 PRED J. TRIPP and GLADYS LEE TRIPP, husband & wife,
 of McCammon County of Bannock State of Idaho the parties of the second part:

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

ONE AND NO/100

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby convey, Grant, Bargain, Sell and Convey and Confine unto said parties of the second part, and to their 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:

Beginning at the Center $\frac{1}{4}$ Cor. of Section 11, T. 8 S., R. 36 E.B.M. thence running S 89°27' E. along the latitudinal Centerline of said section a distance of 1320.0 feet, more or less to the East $\frac{1}{16}$ corner of said section: Thence running South on the East $\frac{1}{16}$ line of said section a distance of 1131.5 feet, more or less, to a point which lies 188.5 feet North of the SE $\frac{1}{16}$ corner of said section; Thence running West Parallel to and 188.5 feet distant from the South $\frac{1}{16}$ line of said section a distance of 1242.9 feet, more or less to an intersection with the North-Easterly Right of Way Line of the U.S. 30N Highway; Thence running N 19°01' W. along said Right of Way line a distance of 1200.9 feet, more or less to an intersection with the latitudinal centerline of said section; Thence running S 89°27' E. along said latitudinal centerline a distance of 325.08 feet to the Point of Beginning.

Being a portion of the NW $\frac{1}{4}$ Sec 11 and a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T. 8 S. 36 E.B.M., and containing 37.51 acres.

Together with, all and singular, the tenements, hereditaments and appurtenances therunto in anywise appertaining, and the rents, issues and profits thereof:

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Harold E. Tripp

Phoebe Tripp

STATE OF IDAHO,

County of BANNOCK

On this 15th day of November, in the year 1953, before me, Cleve E. Cook, Notary Public in and for said County and State, personally appeared

HAROLD E. TRIPP & PHEBE TRIPP

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

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

(SEAL)

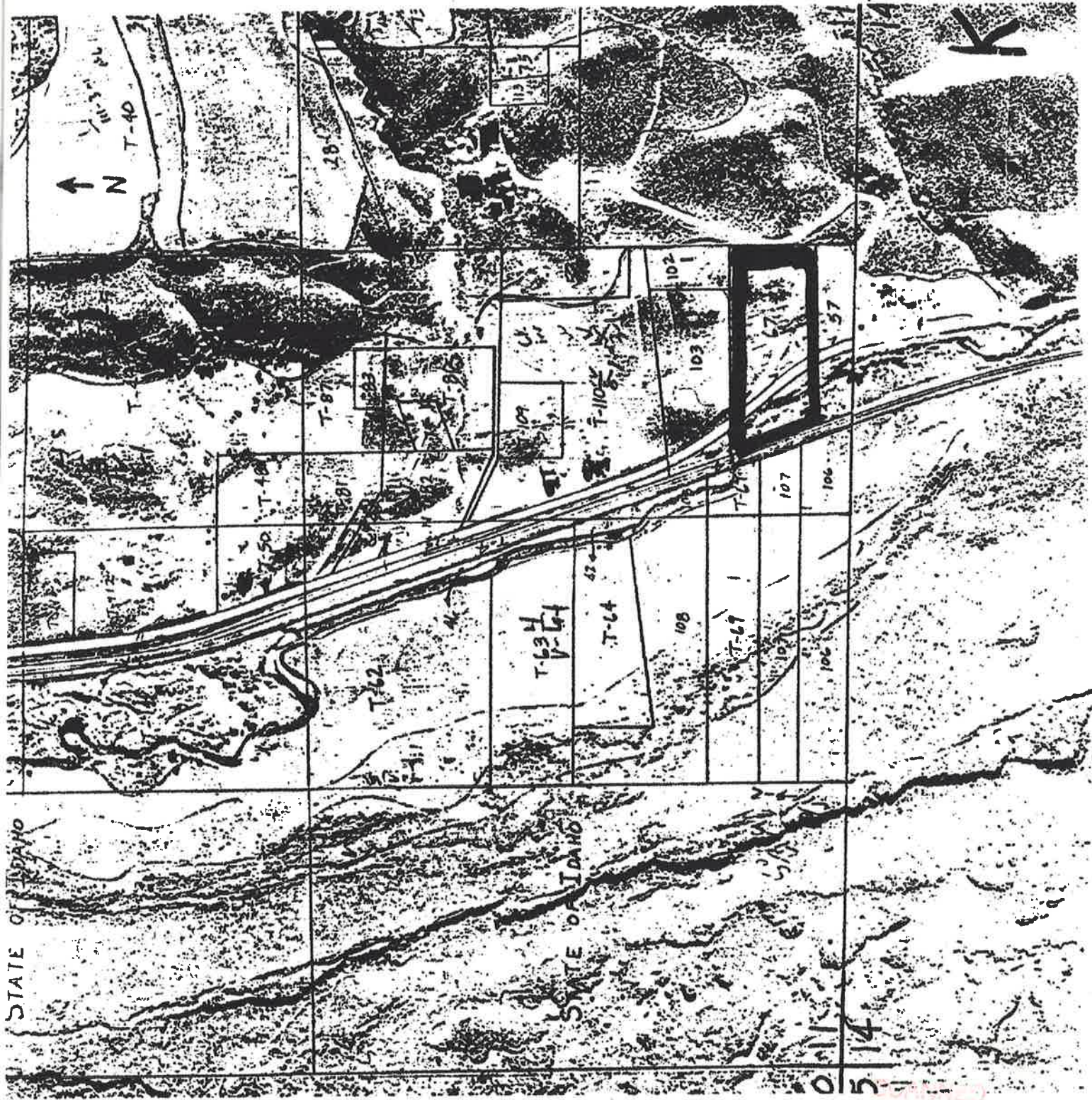
Cleve E. Cook Notary Public
 Residence: McCammon, Idaho
 My Commission expires: 1 August, 1954

SCANNED

MAR 08 2006

Plat Map

Borrower/Client Hermann & Rosalind Sterner			
Property Address 1936 Old Highway 91			
City Inkorn	County Bannock	State ID	Zip Code 83245
Lender Cendant Mortgage Corp.			



MAR 08 2006

Instrument No.

Page No. 2

NOTICE OF WATER APPROPRIATION

STATE OF IDAHO.

ss.

Bannock County.

TO ALL CONCERNED:

Notice is hereby given: That William A. Lish, of McCammon, of the County of Bannock and State of Idaho, hereby claims the water of that certain spring un-named here, flowing to the extent or amount of one (1) cubic foot per second of time, to be diverted at the point where the said spring issues from the ground, and situate about 150 yards in a southeasterly direction from the southeast corner of the southwest quarter of the southeast quarter of section 11, township 8 South of Range 36 E.B.M., at which said point a copy of this notice is posted.

It is intended to use the waters above described for agricultural and domestic purposes upon the $\frac{1}{4}$ SW $\frac{1}{4}$ and $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 8 S. R. 36 E. Boise Meridian in Idaho, containing 160 acres.

Said waters are intended to be diverted by means of a dam and a ditch about one fourth of a mile in length, running in a general north westerly direction from the point of diversion and distributed over and upon the lands above described, and having its terminus in the south west quarter of the southeast quarter of section 11, above described.

The works for the diversion and distribution of the waters above described are intended to be fully completed and in use within two years (2) from the date of this notice.

Witness the hand of claimant at McCammon Bannock County, Idaho this 23rd day of July A.D. 1902.

Claimant.

State of Idaho

ss.

County of Bannock

That William A. Lish, being first duly sworn according to law, deposes and says that he is of lawful age and the claimant of the water right mentioned in the foregoing notice and whose name is subscribed thereto; that the statements in said notice contained are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at the point of diversion therein described on the 23rd day of July A.D. 1902 at 3:40 o'clock P.M.

William A. Lish.

Subscribed and sworn to before me by the said William A. Lish this 23rd day of July A.D. 1902.

J.H. Stinger.

Justice of the Peace.

Recorded: July 25, 1902 at 2:35 P.M.

in Book 2 Water Loc. page 191, Records Bannock County, Idaho

SCANNED

MAR 03 2003

CHINA

PHS-254-2413

ing of claimant.

claims a right to the diversion and benefits

(mailing address)

the public water of the State of Idaho

The causal and nature of said claim is as follows:

Portnauf River	Snake River
Describe source of water (name of stream, lake, spring, etc.)	ground water tributary to

Describe the purposes for which the water has been used and the time during the year when you have used the right

Amount	100	Period of Use	From	Apr 1	To	Nov
Amount	100	Period of Use	From	1	To	7
Amount	100	Period of Use	From		To	

(c/s, supra.)

(dom, int,
stock, etc.)

(both data industries)

3) Total quantity of water claimed: 2.6 cubic feet per second
per minute, and/or: gallons per minute

4) Priority claimed: (the data was first applied to beneficial use) July 25, 1902

(4) Priorly claimed: (the date water was first applied to beneficial use) March 22, 1963
A claim is not acceptable on a ground-water source with a priority later than March 22, 1963 or on a surface water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (the location of point where water is diverted from its source)

Point of diversion: (give location of point where water is diverted from the source)
 NE Sec. 14 Twp. 8S R. 36E N.M. County of Bannock

Additional points of diversion

b) Describe the means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field etc.) Give sizes and capacities; be as specific as possible. Water is now diverted by means of a D-4 cat engine and a Berkley 4GRC pump for sprinkler irrigation.

A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of cases 120

1) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

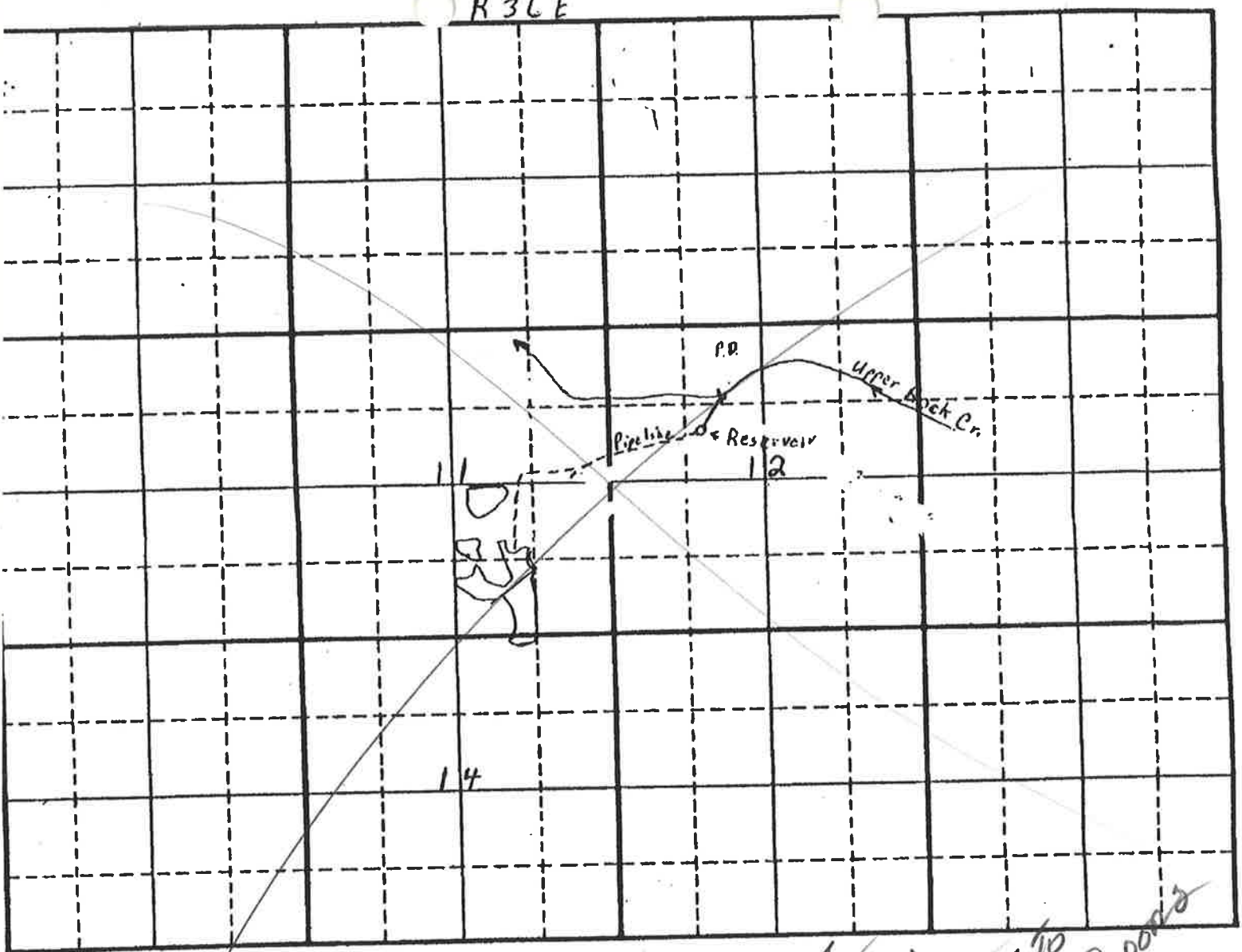
SCANNED

MAR 08 2006

1 2 3 4 5 6 7 8 9 10

Received by MA Date 9-17-74 Exemption filed by: _____ Forwarded to _____ Date _____
 Prelim. check by SSC Date 9/18/74 _____
 \$10.00 fee received by HB Date 9-17-74 _____
 Approved for publication by SSC 10. 9. 74 413054

R 36 E



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water, by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Bonneville

)
) ss.
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Mrs. Fred J. Dripps
(Claimant)

Sworn to before me this 2nd day of April

Callen Whaley

Notary Public
Residing at Idaho Falls, Idaho

MAR 08 2006

This map DOES NOT RELATE TO 4043A IT DOES RELATE TO 4042. Joyce O'Donnell

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: A29-04043AIdent. Number 39576Date Received 4-23-90Receipt Number 4-2-15013500

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) TELL EDWARD LANCE Phone (208) 775-4481
Mailing Address 1936 Hy 91 TIDKOM IDAHO Zip 83245

2. Date of Priority (Only one (1) per claim) 7/25/1902

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

4. a. Location of existing point of diversion is: Township 8S Range 36E Section 11,
SW 1/4 of SE 1/4 of 1/4, Govt. Lot, Bannock County of Bannock

Additional points of diversion if any: None

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

Township 8S Range 36E Section 11, SW 1/4 of SE 1/4 of 1/4,
Govt. Lot Bannock County of Bannock
ending point is: Township 8S Range 36E Section 11, SW 1/4 of SE 1/4 of
1/4, Govt. Lot Bannock County of Bannock

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

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MAR 08 2006

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For Irrig purposes from 4/1 to 10/30 amount 0.20 or 2.4
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25 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	
85	36E	11															10		10

Total number of acres irrigated 10

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.
Part of Claim no. 294042 - listed from Fred J. Tripp or None ()

14. Remarks: Order of Mr. Tripp has filed

Last Name _____ Ident No. _____

COPIES: White - State, Yellow - Claimant

MAR 08 2008

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ _____
If applicable provide IDWR Water Right Number 294043
Court _____ Case Number _____ Decree Date 7/25/02
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) Tom E. Lance

Date 4-21-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing

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 _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of April 19 90

Notary Public Betty J. Thompson

Residing at _____

My Commission Expires _____

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 Lance Ident. Number _____

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Copies White-State, Yellow-Claimant
MAR 08 2005

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper with dashed lines for handwriting practice. The grid contains handwritten text: "RBE" in the 4th row, 11th column; "TBS" in the 6th row, 8th column; and "11" in the 6th row, 10th column. There is also a small blacked-out area in the 7th row, 11th column.

SCANNED

Last Name LANCE Ident No.

Copies: White-State, Yellow-Claimant



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

November 20, 2001

Rose and Herman Sterner
1936 Old Hwy 91
Inkom ID 83245

RE: EVIDENCE OF PRIORITY FOR A29-04043A

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced claim to a water right claims a July 25, 1902 priority date from a spring. Your claim references source as the Portneuf River. Since the two sources do not match the evidence submitted will not satisfy the priority date requirement. As a side note; a Posted Notice only shows intent to divert it is not evidence of Beneficial Use.

In addition, I have not received the Notice of Change of Water Right Ownership form with a supporting document (deed, etc.) showing you as the new owner.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind

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MAR 10 8 2006

of Evidence is Required” and “Some Examples of Documents Which May Be Evidence of the Priority Date”.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Undermeulen

for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on “Evidence of Priority”
Notice(s) of Claim A29-04043A

SCANNED
MAR 08 2006



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

May 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TOM EDWARD LANCE
580 SNOWFLAKE ST
AMERICAN FALLS ID 83211-1178

RE: CHANGE OF ADDRESS FOR A29-04042B, A29-04043A AND
A29-11632

Dear Mr. Lance:

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:

Tom Edward Lance
Po Box 293
Inkom ID 83245

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

Cheri Vandermeulen
Records Clerk

Enclosure(s)

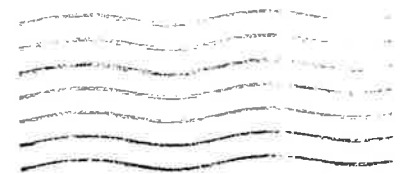
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SCANNED

MAR 08 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED



29-4042B
29-4043A
29-11632

LANCE, TOM EDWARD
PO BOX 293
INKOM ID 83245

LANC293 832452004 1301 05 05/03/01
RETURN TO SENDER
LANCE
580 SNOWFLAKE ST
AMERICAN FALLS ID 83211-1178
RETURN TO SENDER

SCANNED

MAY 18 2001

MEMORANDUM

15 March 2001

To: The Files 29-04042B, 29-04043A

From: A. Ruberry

Subject: SRBA investigations of above claims

8:45 am, Rose Sterner, of North Carolina, called to inquire about the validity of the water rights referenced above. She is the prospective buyer of the property to which these claims have been made.

Reference is made to a MEMORANDUM detailing the history of 29-04042 and split iterations (see 29-04042, 29-04042B, 29-04042C). This memo also explains the theory regarding the DISALLOWED recommendation.

During the discussion I explained, briefly, the DISALLOWAL of 29-04042B. However, 29-04043A is claimed for irrigation of 10 acres. Further, I explained that, at this point in time, there appears to be some basis for the 29-04043 split iterations. SRBA claim 29-04043A is the part appurtenant to the property in question by Ms Sterner.

She expressed concern that they would like to plant trees and water their horses but did not want to "get in trouble with the neighbors or the State." I explained that the domestic well, if one, is *de minimus* limiting use to 13,000 gpd, but allows for the watering of up to ½ acre lawn and garden and livestock. She also expressed concern that the kids would like to play in the river and would they be allowed to do that. I explained that swimming was ok but any delivery of water from the Portneuf River would be through the watermaster and would be subject to delivery based on Priority Date, as provided in the Idaho State Constitution.

In closing, I advised that once they have made their move, if they would like for me to meet with them she need only to call and make an appointment.

PROFILE

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MAR 08 2006

Log for claim A29-04043A

Spatial Dynamics AMH

8/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	11	SWSE	10	14	
Totals:			10	14	

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MAR 08 2006

 **SPATIAL
DYNAMICS**

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/06/01 16:04:36

Page 1

Water Right Number - 29-04043

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
TRIPP

FRED J.

1 -
2 -
3 -

City- MC CAMMON
Phone -

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/25/1902 15 EASTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER SNAKE RIVER

+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

08S 36E 14 NW NE (5) BANNOCK

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 2.400

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.400 0.0

+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08S 36E 11 NE SW 30.0 01 IRRIGATION (5) BANNOCK
08S 36E 11 SE SW 30.0 01 IRRIGATION (5) BANNOCK
08S 36E 11 NW SE 30.0 01 IRRIGATION (5) BANNOCK
08S 36E 11 SW SE 30.0 01 IRRIGATION (5) BANNOCK

Total Acres: 120.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
No Remarks found.

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

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

WR5808NP
(OD-26)

**IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT**

03/06/01 16:04:36

Page 2

Water right number - 29-04043

Prefix Translation: WATER RIGHT

+ - - - - Decree Plaintiff - - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - - -Comments- - - - - +

No Comments Found

+ - - Audit Fields - 03/12/85 05/22/88 CONVERT

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

NOTICE OF WATER APPROPRIATION.

STATE OF IDAHO, }

ss.

Bannock County, }

TO ALL CONCERNED:

Notice is hereby given: That William A. Lish, of McCammon, of the County of Bannock and State of Idaho, hereby claims the water of that certain spring un-named here, flowing to the extent or amount of one (1) cubic foot per second of time, to be diverted at the point where the said spring issues from the ground, and situate about 150 yards in a southeasterly direction from the southeast corner of the southwest quarter of the southeast quarter of section 11, township 8 South of Range 36 E.B.M., at which said point a copy of this notice is posted.

It is intended to use the waters above described for agricultural and domestic purposes upon the $\frac{1}{4}$ SE $\frac{1}{4}$ and $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T. 8 N. R. 36, East Boise Meridian in Idaho, containing 160 acres.

Said waters are intended to be diverted by means of a dam and a ditch about one fourth of a mile in length, running in a general north westerly direction from the point of diversion and distributed over and upon the lands above described, and having its terminus in the south west quarter of the southeast quarter of section 11, above described.

The works for the diversion and distribution of the waters above described are intended to be fully completed and in use within two years (2), from the date of this notice.

Witness the hand of claimant at McCammon Bannock County, Idaho this 23rd day of July A.D. 1902.

----- Claimant.

State of Idaho }

ss.

County of Bannock }

William A. Lish, being first duly sworn according to law, deposes and says that he is of lawful age and the claimant of the water right mentioned in the foregoing notice and whose name is subscribed thereto; that the statements in said notice contained are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at the point of diversion therein described on the 23rd day of July A.D. 1902 at 3:40 o'clock P.M.

William A. Lish.

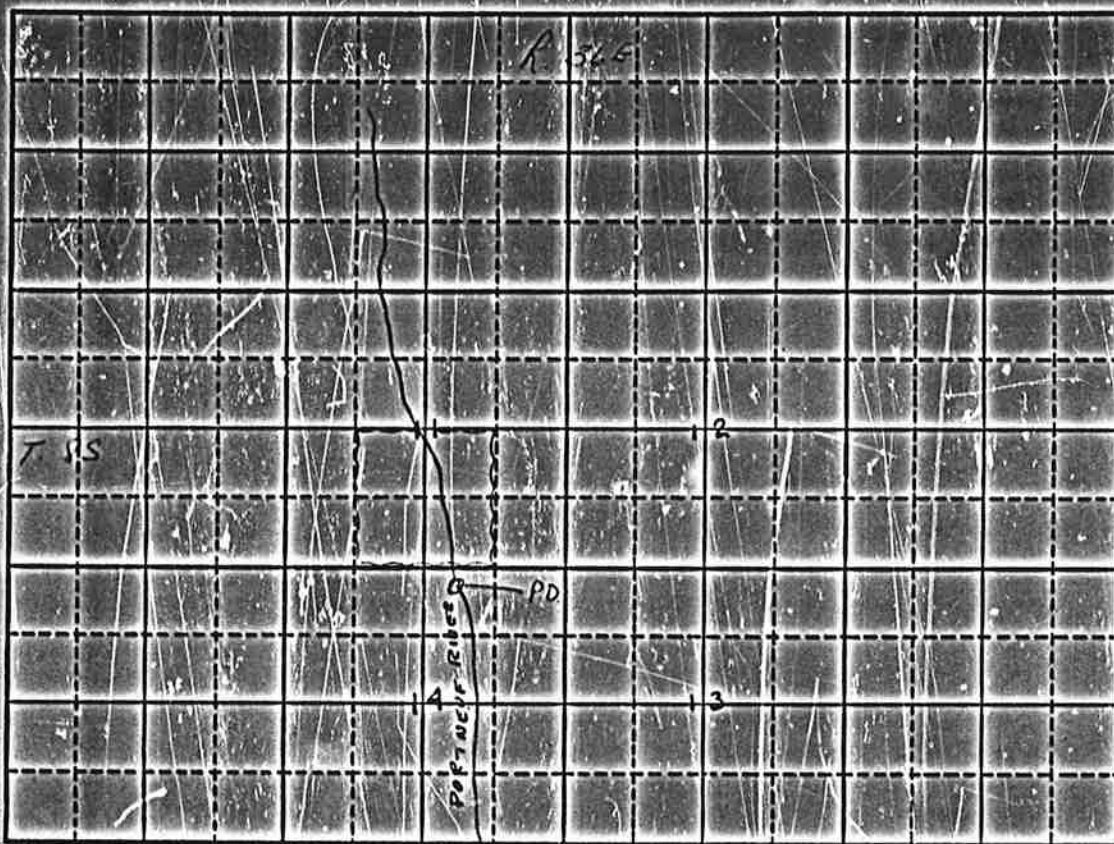
Subscribed and sworn to before me by the said William A. Lish this 23rd day of July A.D. 1902.

J.H. Stinger,
Justice of the Peace.

Recorded: July 25, 1902 at 2:35 P.M.

in Book 2 Water Loc., page 191, Records Bannock County, Idaho.

(8) Remarks See attached documents as support of claimed priority date.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of BONNEVILLE)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 17 day of SEPTEMBER, 1974.

Notary Public

Residing at FIETH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>9-17-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SCC</u>	Date <u>9/18/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>9-17-74</u>			
Approved for publication by <u>MB 10-9-74 #13059</u>				
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Dates <u>9/26 & 10/13/74</u>				

03/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 29-4043

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRED J TRIPP MC CAMMON, ID 000

Priority Date: 07/25/1902
Basis:
Status: See Remarks

<u>Source</u>	<u>Tributary to</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	2.4 CFS		

Total Diversion	2.4 CFS
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Location of Point(s) of Diversion:

PORTNEUF RIVER	NWNE	Sec. 14	Township 08S	Range 36E	BANNOCK County
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IRRIGATION Use:
Acre Limit: 120

Place(s) of use:

Place of Use Legal Description: IRRIGATION	BANNOCK County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08S	36E	11		NESW	30		SESW	30						
				NWSE	30		SWSE	30						

Total Acres: 120

Remarks:

1. General this right was SPLIT AND CLAIMED AS FOLLOWS: A29-04043A, LANCE, TOM 0.20 CFS
DC A29--4043B, LANCE JAMES 0.20 CFS DC A29-04043C, MINSHALL 0.39 CFS DC

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Sub Attached Notes

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector:
Water District Number:

SCANNED

MAY 18 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: A29-04043A
Date Received: 4/23/1990
Receipt No: E013500
Received By: De

Ross & Herman

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~TOM EDWARD LANCE~~ 208-775-4481
Address: 1936 HWY 91
INKOM, ID 83245

2. Date of Priority: JUL 25, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	11	SW	SE			BANNOCK

5. Description of diverting works:
PUMP FROM RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	11	SW	SE		IRR	10.0

A29-04043A

Page 1

Date: 05/22/90

A2904043A



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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

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:
29-04042

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____

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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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: A29-04043A

39576

Ident. Number A29-11631Date Received 4-23-90Receipt Number 4-2 E013500NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Tom Edward LANCE Phone (208) 775-4481
Mailing Address 1936 Hwy 91 INKOM IDAHO Zip 832452. Date of Priority (Only one (1) per claim) 7/25/19023. Source of water supply (a) Portneuf River
which is tributary to (b) Snake4. a. Location of existing point of diversion is: Township 8S Range 36E Section 11,
SW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BannockAdditional points of diversion if any: None

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

Township 8S Range 36E Section 11, SW 1/4 of SE 1/4 of _____ 1/4,Govt. Lot _____ B.M., County of Bannockending point is: Township 8S Range 36E Section 11, SW 1/4 of SE 1/4 of _____ 1/4,Govt. Lot _____ B.M., County of Bannock5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Pump - from river

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrig purposes from 4/1 to 10/30 amount 0.20 or 2.4
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25 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	
8S	36E	11															10		10

Total number of acres irrigated 10

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.
Part of Claim no. 294042 - listed from Fred J. Tripp or None ()

14. Remarks: Copy of Mr. Trip has filed

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Last Name _____ Ident No. _____

Scale: 2 inches equals 1 mile

[illegible]

LANCE

Ident No.

SCANNED
MAR 08 2006

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NOV 13 1992

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 294043
Court _____ Case Number _____ Decree Date 7/25/02
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) Tom E. Sance

Date 4-21-90

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 _____

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 _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of April 19 90

SEAL

Notary Public Betty J. Thompson

Residing at _____

BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires 6-30-94

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 _____

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MAR 08 2006

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NOV 13 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant