

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

10/28/2002

RIGHT NUMBER: 29-4101A

NAME AND ADDRESS: CURTIS DUNN
PO BOX 101
INKOM ID 83245

JODEANA DUNN
PO BOX 101
INKOM ID 83245

SOURCE: WALKER CREEK
QUANTITY: 0.420 CFS
PRIORITY DATE: 05/05/1916
POINT OF DIVERSION:

TRIBUTARY: MARSH CREEK

PURPOSE AND PERIOD OF USE: T08S R36E S15 NWNESW Within BANNOCK County

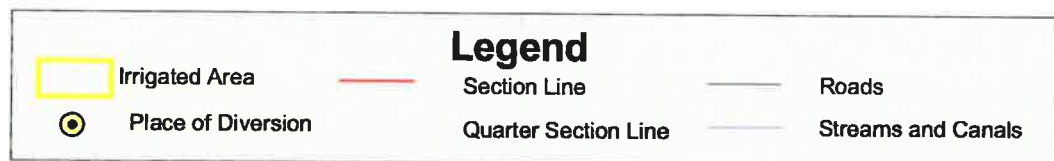
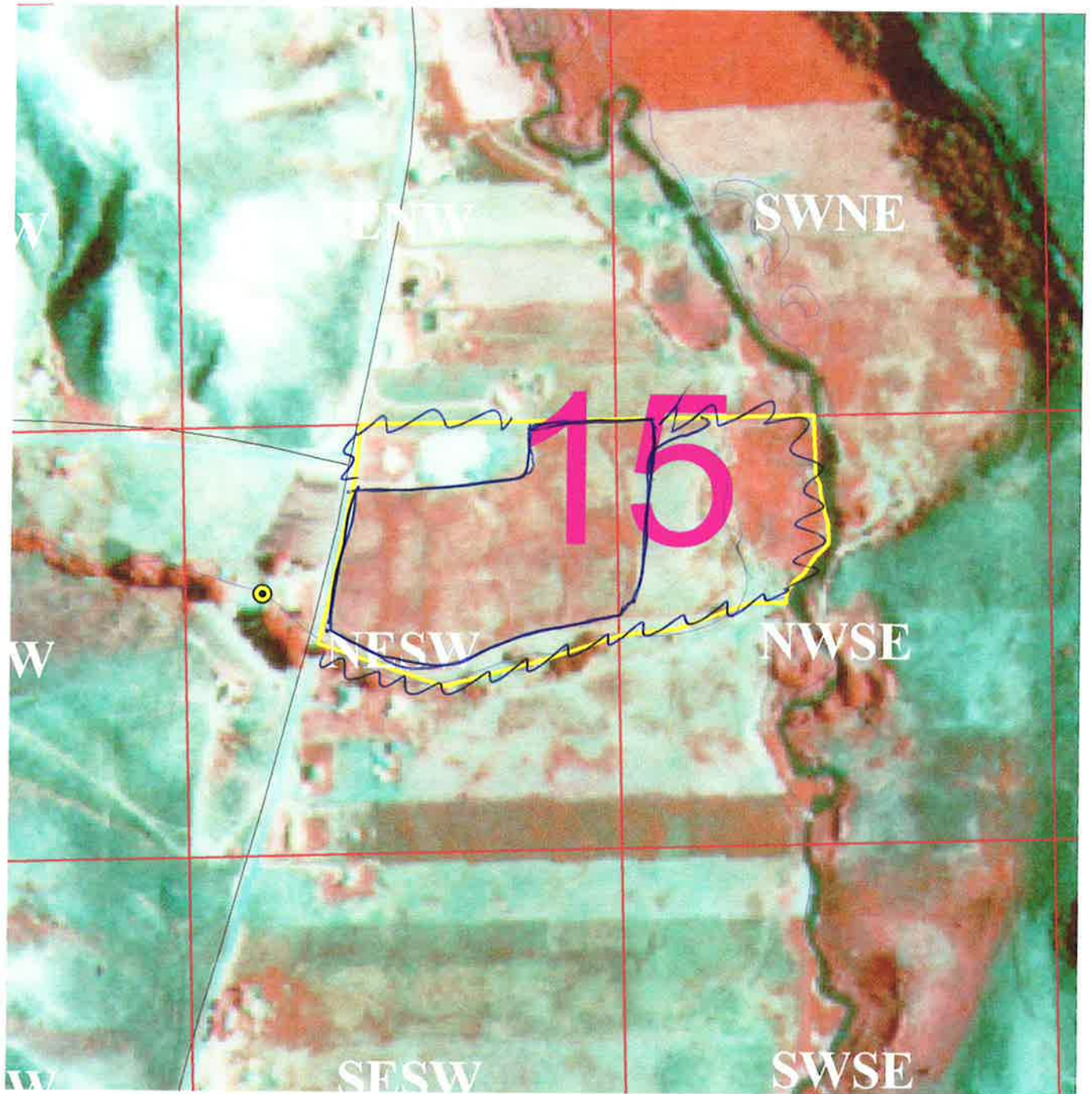
<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.420 CFS
PLACE OF USE: STOCKWATER Within BANNOCK County		
T08S R36E S15	NESW	
IRRIGATION Within BANNOCK County		
T08S R36E S15	NESW 10.0	
T08S R36E S15		
	NWSE	4.1

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

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

Township , 8S36E

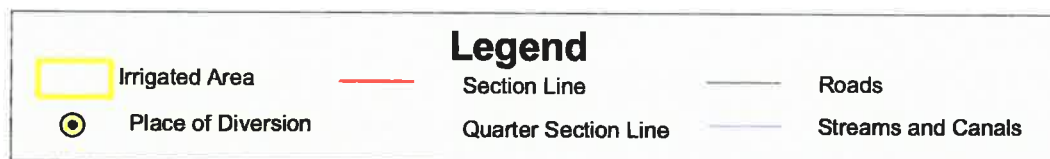
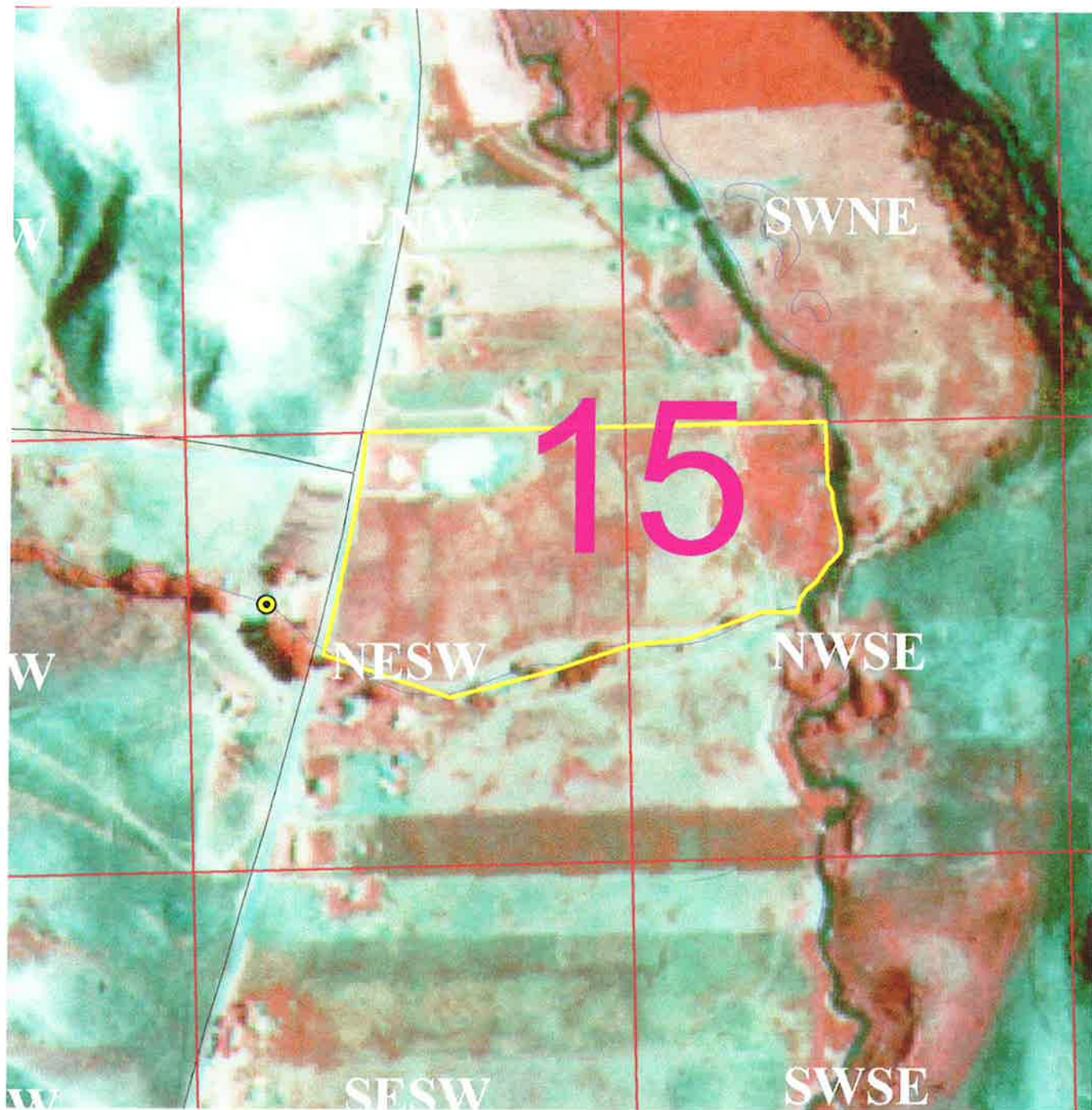


200 0 200 400 Feet



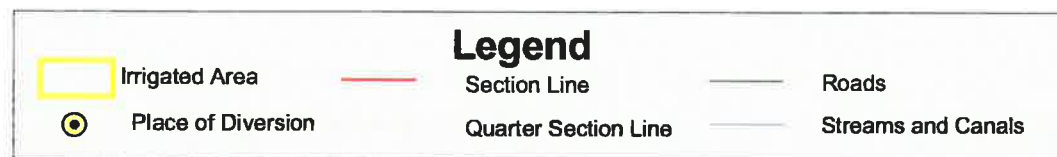
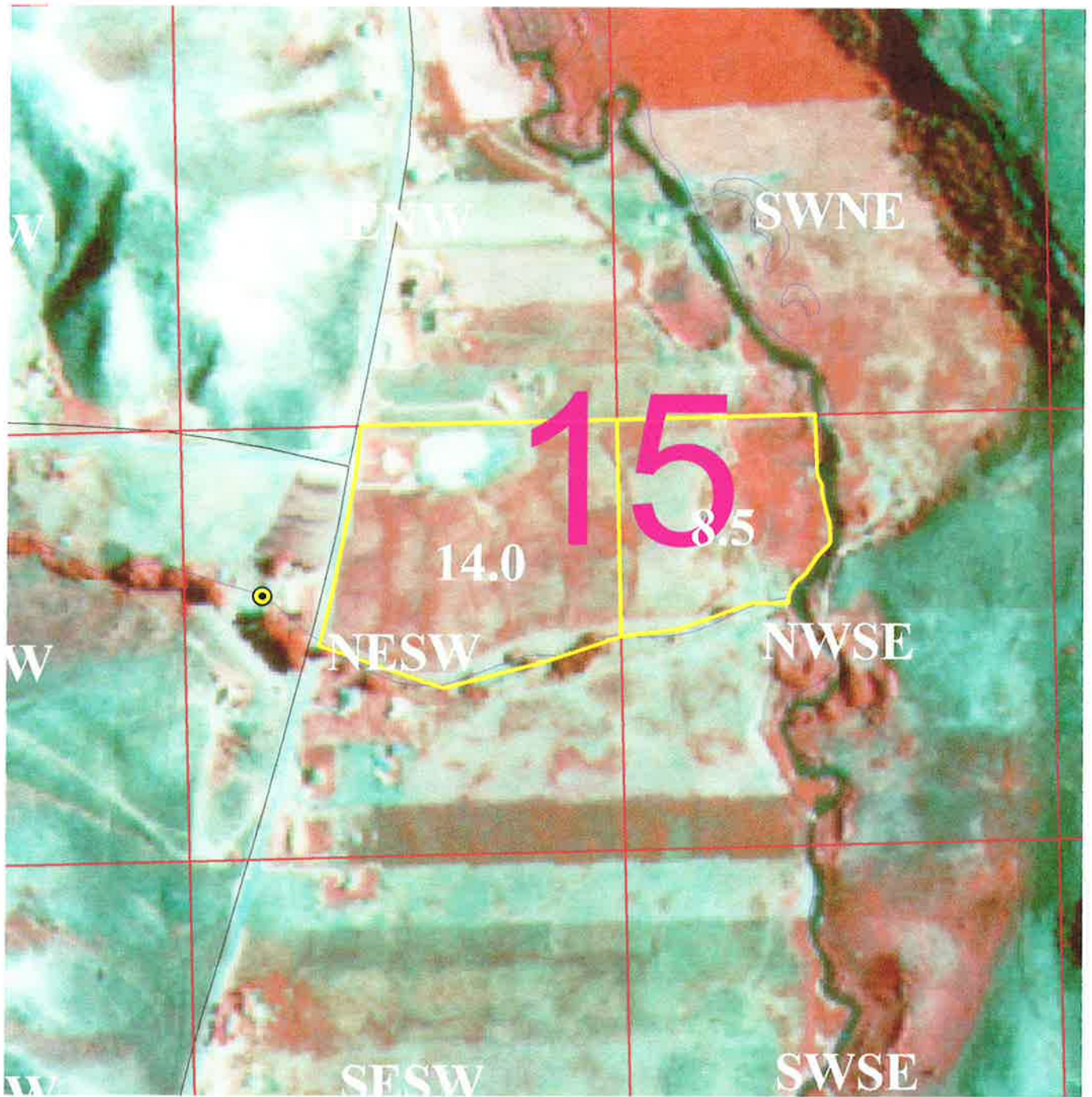
SCANNED
MAR 22 2006

Township , 8S36E



SCANNED
MAR 22 2000

Township , 8S36E



SCANNED
MAR 22 2006

OCTOBER 29, 1992

KEITH V HENRICHS
2526 S MARSH CREEK ROAD
MCCAMMON ID 83250

RE: RENUMBERED NOTICE

Dear Mr. Henrichs:

The Department has changed the identification number for Notice of Claim #A29-04101. The new number is #A29-04101a. We have also modified receipts #E000730 to reflect the new number.

A copy of the receipt and the Notice of Claim is enclosed for your records.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

PROFILED

SCANNED

MAR 22 2006

MICROFILMED

NOV 12



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 25, 2004

Gene Wise
2712 S Marsh Creek Rd
McCammon, ID 83250

Robert Wardle
2652 S Marsh Creek Rd
McCammon, ID 83250

Re: SRBA Subcase Nos. 29-7479, 29-7647

Dear Mssrs. Wise and Wardle:

This letter follows the hearing we had today in front of the SRBA Court concerning the above subcases. You had questions concerning the Department's basis for recommending 0.03 cfs per acre for claim no. 29-4101A. I have enclosed a copy of the Department's claim file on that claim that includes the Department's basis for its recommendation. As was explained to you today, if you want to object to claim no 29-4101A, you would need to file a motion to set aside the partial decree for that water right.

You also had questions concerning why the Department will not increase the quantity of water under your water rights. Water right no. 29-7647 was licensed on August 19, 1985, for 0.12 cfs with a June 15, 1982, priority date. I have enclosed a copy of the license for your reference. Water right no. 29-7479 was licensed on July 29, 1986, for 0.12 cfs with an April 3, 1979, priority date. I have enclosed a copy of that license for your reference.

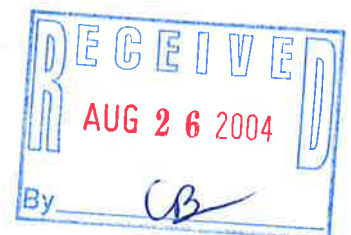
Unlike your licensed water rights, water right no. 29-4101A is a beneficial use water right. Therefore, there has been no prior proceeding that has confirmed what amount of water has been historically diverted and beneficially used under water right no. 29-4101A. However, your licensed water rights went through an administrative process that binds the parties and their successors as well as the Department. Idaho Code § 42-

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

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220 states "Such license shall be binding upon the state as to the right of such licensee to use the amount of water mentioned therein" Because your water rights went through a process where notice was given to the parties and any other interested persons, changing the quantity is not appropriate without another administrative process. In addition, the SRBA Court has held it is not proper to "collaterally attack" a license in the SRBA. *Memorandum Decision and Order on Challenge; and Order of Partial Decree*, Wood v. Troutt, Subcase No. 65-05663B (Issued May 9, 2002). In other words, changing the quantity on a license is not appropriate in the SRBA. Thus, your option to change the quantity of water under your licenses is to request that the licenses be amended.

However, as I discussed with you earlier, the Department only amends licenses if there was a clear error. In the case of your licenses, only 0.02 cfs per acre was requested in the original permits. The licenses issued were for the amount per acre requested. I do not believe that there was an error in the licenses.

Because water right no. 29-4101A was not licensed, there was more flexibility when recommending that water right. The claimant provided the Department with information that it concluded supported 0.03 cfs per acre. If you disagreed with that conclusion, it was your responsibility to file an objection to that water right. Since water right no. 29-4101A has been partially decreed, your only option to object to the Department's recommendation on that water right is to try and set aside the partial decree.

If you have any further questions, please contact me at (208) 327-5404.

Very Truly Yours,



Candice M. McHugh
Deputy Attorney General, IDWR

cc: *electronically*
Cindy Bird
Ernie Carlsen

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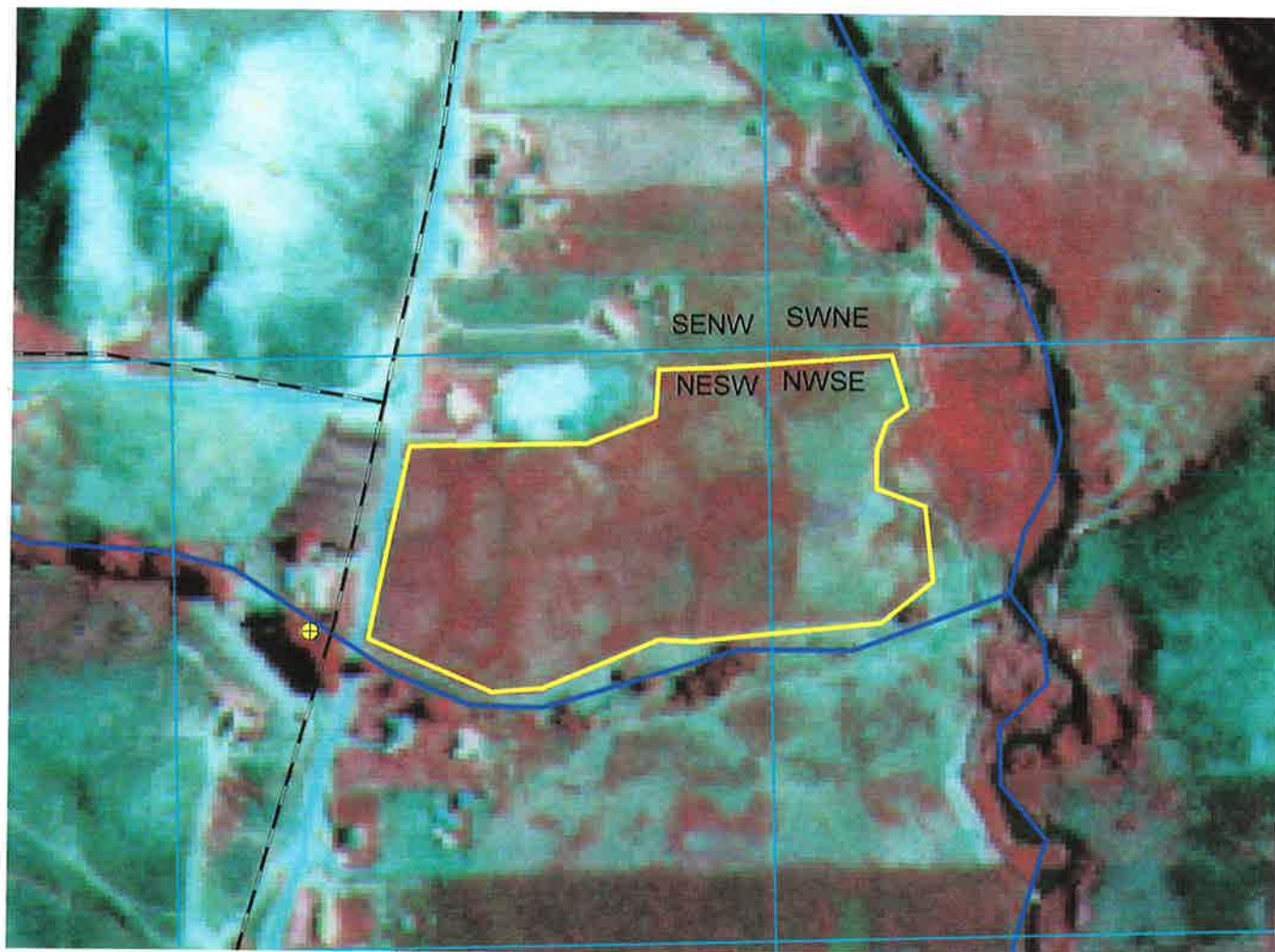
MAR 22 2006



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-4101A



0.1 0 0.1 0.2 Miles

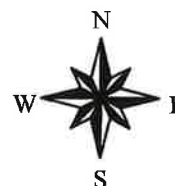
IRRIGATED ACRES 14.1

LEGEND

- Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T8S, R36E,
(part of) Section 15, NWSE AND NESW

Points of Diversion: T8S, R36E
Sec. 15 NWNESW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: October, 2002

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02/08/2003

NOTICE OF ERROR
REPLY

Cindy

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: 29-4101A

CURTIS DUNN
PO BOX 101
INKOM ID 83245
Telephone Number: (208)254-3660

JODEANA DUNN
PO BOX 101
INKOM ID 83245
Telephone Number: (208)254-3660

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: 3-18-03 SIGNATURE: *Curtis Dunn*
Please print your name: Curtis Dunn

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

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29-4101
(2.02)

29-4101A
DUNN (0.42)

29-4101B
Thomsen (0.02)

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Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Curtis & Jodeana Dunn					
Name connector: and _____, or _____, and/or _____		PO. Box 101				
Current Owner		Inkom, ID 83245				
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Jodeana Dunn Phone Number: 254-3660

Relationship to Claimant: Claimant

Date of Field Exam: 7/29/02 Time: 11 AM

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

25216 S. Marsh Ck

Reviewer: CB

Date: 8/16/02

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Priority Date Data Entry Form

Claim Number: A29-04101AWater Right Priority Date: 03-15-1912Water Right Basis: Irrigation, StockwaterClaimed Priority Date: 3/15/1912Claimed Basis: B. 11Recommended Priority Date: 3-15-1942
May 8, 1916Recommended Basis: B. 11☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Evidence for 1942 priority date submitted
evidence is filed in w/r file 29-4103
claimed Marsh Creek

EVIDENCE FOR June 30, 1934 IN FILE
29-10014

Evidence 5-5-1916
5-5-1916

10/25/02 Poor quality document
Changed to 5/5/1916

Dennis Gilbert
Tripplet
0.50

645
29-2016
Tripplet

2016B
2016B
2016B

Reviewer: CBDate: 8/16/02

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Point of Diversion and Source Data Entry Form

Claim Number: A29-04101AWater Right Point of Diversion: T 8, R 36, Sec. 15, County: BannockSource: Walker Creek Tributary: Marsh CreekClaimed Point of Diversion: T 8S, R 36E, Sec. 15, County: BannockSource: Walker ckr Tributary: Marsh ckr

Recommended Point of Diversion: T _____, R _____, Sec. _____, County: _____

Source: _____ Tributary: _____

☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>8S</u>	<u>36E</u>	<u>15</u>		<u>WNE SW</u>	<u>Bannock</u>	<u>Walker ckr</u>
GPS Coordinates: <u>N42° 43.429'</u>					<u>W112° 14.186'</u>	
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? None

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

field exam1987/88 NAPP PhotographyTransfers Changing POD NOReviewer: CBDate: 8/16/02

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MAR 22 2003

Place Of Use Data Entry Form

Claim Number: A29-04101A Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
8S	36E	15	NWSE		Bannock		~~0.5~~ 14.1	Irrigation
		15	NESW		Bannock		~~10.0~~	Irrigation

Total Acres ~~10.0~~ 14.1

Document how the POU was verified:

1987/88 NAPP Photograph
field exam.Irrigation ditches for the 4 acres in NESW.
In late summer Walker Creek is low
enough that it doesn't get to the NESW.
The NESW gets irrigated mostly in
the spring & early summer.Transfers Changing POU noReviewer: CBDate: 8/16/02.

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Purpose of Use Data Entry Form

Claim Number: A29-04101A☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			22.4	
Stock				

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			10.0	
Stock		30		

Document how the Purpose of Use was verified:

1987/88 NAPP Photograph
field exam

Transfers Changing Purpose of Use XEDReviewer: CBDate: 8/16/02SCANNED
MAR 22 2006

Period of Use and Quantity Data Entry Form

Claim Number:

A29-04101A
☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate

Overall Diversion Volume

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	3/15	11/15	0.67	
Stock	7/1	12/31	0.02	

Overall Diversion Rate

0.69

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation			0.30	
Stock	7/1	12/31	0.02	

Overall Diversion Rate

0.30

Overall Diversion Volume

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

- emailed Cardue & Enrie on claimed soil.
- SDI1 information from Soil Conservation Service indicates 0.03 needed per acre.

$$10 \times 0.03 \text{ cfs/ac} = 0.3$$

Reviewer:

CB

Date:

8/16/02

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MAR 22 2006

A29-4101A, A29-10014 & A29-4103

Narrative by Cindy Bird

August 1, 2002



Photo 1. Walker Creek diversion.



Photo 2. Looking south at Marsh Creek diversion.

July 29, 2002 Jodeana Dunn accompanied me during the field exam. Jodeana is the granddaughter of George Henrich and the daughter of Keith Henrich. Jodeana and Cutis purchased the property from Keith in 1992.

Photo 1 is looking north at the Dunn's diversion works from Walker Creek. Once diverted it flows into a buried culvert in Charles & Joan Thomsen's yard. It then flows through a culvert under Marsh Creek road and flood irrigates their property east of Marsh Creek road through a series of ditches and portable dams. The irrigation ditches run north and south on the upper portion of land in the NESW of section 15.

The lower portion is flood irrigated out of the Staley-Gilbert ditch.

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Photo 2 above shows the overgrown ditch described by Jodeana as their diversion from Marsh Creek for the lower 3 acres claimed in 29-4103. The land is flood irrigated from this ditch.

A 30-inch concrete culvert is installed in the ditch from Marsh Creek and had 14 inches of water flowing in the culvert. I used my Haestad program to calculate the diversion rate. Using the manning equation for a circular ditch, a coefficient for a weedy natural channel, 30 inch diameter and 14 inches of water the diversion rate was 1.66 cfs with slope of 0.001 ft/ft or 5.26 cfs for 0.01 ft/ft.

The piece of property claimed in 29-10014 and irrigated from Marsh Creek through the ditch also used by Grady Staley and DeMar Gilbert heads at Walker Creek about 15 feet before it flows into Marsh Creek.

On July 31, 2002 Rhonda Anthony accompanied me during the field exam for East Side Ditch Company. The point of diversion for the ditch company is the same ditch shown in photo 2. In 1989 the ditch company made repairs to the diversion works because the previous system was very unsafe. They got approval from the Army Corp. of Engineers to place large rocks in Marsh Creek (shown in photo 3) to back up the water and created a gentle fall to slow the creek down.

The file contains a letter from the Soil Conservationist in Pocatello to Keith Henrich on his soil type. The letter states that the soil is very porous and would require an addition 50% over the states standard of 1-inch per acre to property sustain a crop.



Diversion ditch

Photo 3. Looking southeasterly at Marsh Creek and the diversion ditch to East Side Ditch Company.

BOANNE J
MAR 22 2006

29-4101A.

- Need evidence of priority - letters indicate 1942
- POA shape as noted on 1987/88 Rapp photography
- Is lower part irrigated by Walker Ck or Marsh Ck?

- Source : Walker Creek.

Ditches go North & South in the upper portion of the field and not the lower section. Verify use.

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MAR 22 2006

Harmond - previous owner before Harmond's
George + Maurice Harmond grandparents -
Keith + go Harmond's parent.
- Keith: Spence Dunn 1992 - present.
33 acres.

E. Side elongation Co.
Stock
30-40 head upon removal
2-4 mice saw

elongation depends on snow. They start
as seen as the snow melts.

Dunn

- Walker Ck diversion

12:56pm (11:56am)

file name DUNNWC.

N42° 43.429' W112° 14.186'

- photo looking N @ POD.

8S 36E Sec. 15 NESW.

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MAR 22 2006

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office this 1st day of August, 1922.

WITNESSES:
Robert A. Burns
R. M. Allen

Inwitness her finger print
Deepon her finger print
Slin Hachi her finger print

Nevadene Tindore his finger print
Gidrean Tindore his finger print
Dumney Tindore (SEAL)
Sam Deewatzen (SEAL)
Lorenzo Tindore (SEAL)
William Danner (SEAL)
Legal Guardian for Mary Edna,
Pearl Edna and William Tindore,
minor heirs.

State of Idaho)
County of Blaine) ss:

BY ROBERT A. BURNS, Notary Public, in and for the County and State aforesaid, personally appeared Inwitness, Deepon, Slin Hachi, Nevadene Tindore, Dumney Tindore, Sam Deewatzen and William Danner, to me personally known to be the identical persons who executed the within instrument of writing, and each person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Robert A. Burns
Notary Public,
Fort Hall, Idaho.
My commission expires April 1, 1923. (SEAL)

Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
SEP 12 1922

The within deed is respectfully submitted to the Secretary of the Interior, and the recommendation that it be approved.

C. F. Hawke
Chief Clerk

Department of the Interior,
SEP 19 1922

The within deed is hereby approved.

V. E. Goodwin
Assistant Secretary.

Office of Indian Affairs,
LAND DIVISION,
SEP 22, 1922

Recorded in Deed Book, Inherited Indian Lands, Vol. 43, Page 213

This instrument was filed for record on the 1st day of Aug., 1922 at 3:05 o'clock P. M., and duly recorded in Book of Deeds on page 496 at the request of FOGARTY, J. L. & Co., Millers, Spokane, Wash., recorder.
See (1.20) By A. J. Smith, Notary.

X 100-100-100-100-100

0-100

INDIAN DEEDS INTERESTED LANDS.

THIS INSTRUMENT was filed and entered into this Book of Deeds on the 1st day of August, 1922, at 3:05 o'clock P. M., and duly recorded in Book of Deeds on page 496 at the request of FOGARTY, J. L. & Co., Millers, Spokane, Wash., recorder. It is hereby recommended that it be approved.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

RECEIVED
SEP 22 1922

Instrument # 132830

2-100V

The United States of America,

Do hereby certify that the following is a true and correct copy of the original as the same appears on file in the office of the Secretary of the Interior:

That the following is a true and correct copy of the original as the same appears on file in the office of the Secretary of the Interior:

That the following is a true and correct copy of the original as the same appears on file in the office of the Secretary of the Interior:

(NEWSW4)

That the following is a true and correct copy of the original as the same appears on file in the office of the Secretary of the Interior:

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That the following is a true and correct copy of the original as the same appears on file in the office of the Secretary of the Interior:

That the following is a true and correct copy of the original as the same appears on file in the office of the Secretary of the Interior:

RECEIVED
SEP 27 2002
CB

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

UTAH MORTGAGE LOAN CORPORATION,
a corporation,

Plaintiff,

vs.

FRANK TOSTON, a single man; UNITED STATES OF AMERICA
on relation and for the use of ELMER ELLSWORTH and
HUCHO, heirs of TAHMANZONAH PORTNEUF, deceased; UNIT-
ED STATES OF AMERICA on relation and for the use of
ELMER ELLSWORTH and HUCHO, heirs of CHARLEY PORTNEUF,
deceased; ELMER ELLSWORTH and HUCHO; UNITED STATES OF
AMERICA on relation and for the use of ELLA NEPHI
SMART, heir of NANNEATSE STONE, deceased; and ELLA
NEPHI SMART;

Defendants.

DECREE OF FORECLOSURE AND
ORDER OF SALE.

THIS CAUSE came regularly on to be heard this 22nd day of December, 1936. Merrill & Merrill of Pocatello, Idaho, Attorneys at Law, appeared for and on behalf of the plaintiff, and J. A. Carver, United States Attorney for the District of Idaho, and E. H. Casterlin, Assistant United States Attorney for the District of Idaho, of Pocatello, Idaho, appeared for and on behalf of the United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah Portneuf, deceased, and on relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, deceased, and on relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased; and it further appearing to the Court that the remaining defendants, and each of them, were duly served with Another Summons in said action according to law; that the said remaining defendants, and each of them, failed within the time allowed by law, or at all, to appear and plead to plaintiff's amended complaint on file herein, and the default of said remaining defendants, and each of them, for thus failing to appear and plead to plaintiff's amended complaint on file herein within the time allowed by law, or at all, was duly and regularly entered.

Evidence was introduced for and on behalf of the plaintiff in support of plaintiff's amended complaint consisting of plaintiff's Exhibits A and B inclusive, and oral evidence was introduced for and on behalf of the defendants. The Court being fully advised in the premises ordered that Decree according to the prayer of plaintiff's amended complaint be entered, except that attorneys' fees were fixed by the Court at \$125.00.

The Court further ordered that the defendant, United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah Portneuf, deceased, and on relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, deceased, and on relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased, be and they are forever barred from bringing any further action against the plaintiff, Utah Mortgage Loan Corporation, or its assigns, in connection with the above described mortgage.

introduced for and on behalf of the defendants. The Court being fully advised in the premises ordered that Decree according to the prayer of plaintiff's amended complaint be entered, except that attorneys' fees were fixed by the Court at \$125.00.

The Court further ordered that the defendant, United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah Portneuf, deceased, and on relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, deceased, and on relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased, has judgment liens against the land above described, subject, however, in all respects to the mortgage of the plaintiff above referred to; and

It appearing to the Court that Findings of Fact and Conclusions of Law have been specifically waived in writing, and it further appearing from the evidence in writing to the satisfaction of the Court:

1. That on the 10th day of July, 1936, the plaintiff herein caused to be filed and recorded in the office of the County Recorder of Bannock County, Idaho, a notice of the pendency of this suit, containing the names of the parties thereto, the object thereof, and also a true and correct description of the lands and premises affected thereby.

2. That there is now due and owing to the plaintiff, Utah Mortgage Loan Corporation, a corporation, from the defendants, the principal sum of \$196.00, together with interest thereon at the rate of 7% per annum from June 14, 1934, until paid, reasonable attorneys' fees and costs of this action;

3. That the terms and conditions of both said note and mortgage, and each of them, have been broken by the defendants; that the plaintiff is entitled to have said mortgage enforced and foreclosed and the lands and premises hereinafter described sold in the manner prescribed by law, and the proceeds arising from said sale applied to and upon the payment of the aggregate amount found due the plaintiff.

4. That each and all of the allegations and averments of plaintiff's amended complaint are true and correct;

5. That the defendant, United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah Portneuf, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$262.91, which said judgment is a lien against the land above described subject, however, to the plaintiff's mortgage herein ordered foreclosed; that the United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$113.38, which said judgment is a lien against the land above described subject, however, to the plaintiff's mortgage herein ordered foreclosed; that the United States of America on relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$145.00, which said judgment is a lien against the land above described subject, however, to the plaintiff's mortgage herein ordered foreclosed;

NOW, THEREFORE, on motion of Merrill & Merrill, Attorneys for the plaintiff,

satisfaction of the Court:

1. That on the 10th day of July, 1936, the plaintiff herein caused to be filed and recorded in the office of the County Recorder of Bannock County, Idaho, a notice of the pendency of this suit, containing the names of the parties thereto, the object thereof, and also a true and correct description of the lands and premises affected thereby.

2. That there is now due and owing to the plaintiff, Utah Mortgage Loan Corporation, a corporation, from the defendants, the principal sum of \$196.00, together with interest thereon at the rate of 7% per annum from June 14, 1934, until paid, reasonable attorneys' fees and costs of this action;

3. That the terms and conditions of both said note and mortgage, and each of them, have been broken by the defendants; that the plaintiff is entitled to have said mortgage enforced and foreclosed and the lands and premises hereinafter described sold in the manner prescribed by law, and the proceeds arising from said sale applied to and upon the payment of the aggregate amount found due the plaintiff.

4. That each and all of the allegations and averments of plaintiff's amended complaint are true and correct;

5. That the defendant, United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah Portneuf, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$262.91, which said judgment is a lien against the land above described subject, however, to the plaintiff's mortgage herein ordered foreclosed; that the United States of America on relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$115.38, which said judgment is a lien against the land above described subject, however, to the plaintiff's mortgage herein ordered foreclosed; that the United States of America on relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$145.00, which said judgment is a lien against the land above described subject, however, to the plaintiff's mortgage herein ordered foreclosed;

NOW, THEREFORE, on motion of Merrill & Merrill, Attorneys for the plaintiff,

IT IS ORDERED, ADJUDGED AND DECREED that Utah Mortgage Loan Corporation, a corporation, do have and recover of and from the defendants, the principal sum of \$196.00, together with interest thereon at the rate of 7% per annum from June 14, 1934, to date hereof, amounting to \$34.61; the sum of \$125.00, adjudged by this Court to be reasonable attorneys' fees, and the sum of \$17.40, costs of this action, all of which said sums aggregate \$373.01.

MAR 22 2006

SCANNED

MAR 2 2 1906
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, United States of relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah deceased, has a judgment against the defendant, Frank Toston, in the amount of which said judgment is a lien against the land above described, but is in all respects and inferior to the mortgage lien of the plaintiff herein ordered foreclosed, the defendant having, however, the right to redeem the land herein described from the sale by within the statutory redemption period;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, United States of relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, has a judgment against the defendant, Frank Toston, in the amount of \$113.38, which is a lien against the land above described, but is in all respects subject to and inferior to the mortgage lien of the plaintiff herein ordered foreclosed, the said defendant, however, the right to redeem the land herein described from the sale by the within the statutory redemption period;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, United States of relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$145.00 which said judgment is a lien against the land above described, but is in all respects subject to and inferior to the mortgage lien of the plaintiff herein ordered foreclosed, the said defendant, however, the right to redeem the land herein described from the sale by the Sheriff within the statutory redemption period;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all and singular the mortgaged premises mentioned in said complaint and hereinafter described, or so much thereof, as may be necessary to raise the amount due the plaintiff for moneys due as aforesaid, together with costs and expenses of sale and which may be sold separately without material injury to the parties interested, be sold at public auction by the Sheriff of the County of Bannock, Idaho, in the manner prescribed by law and according to the course and practice of such courts, that the sheriff, after the time allowed by law for redemption has expired, execute and deliver to the purchaser or purchasers of the mortgaged premises sold at said sale; that the sheriff, out of the proceeds of said sale, retain his fees and disbursements on said sale, and pay to the plaintiff or its attorneys out of said proceeds the aggregate sum of \$573.01, with interest thereon as aforesaid, together with interest thereon at the rate of six per cent per annum from the date of this decree, or so much thereof as the said proceeds of said sale will pay of the

that the defendants and all persons claiming or to claim from or under them, or any of them, and all persons having liens subsequent to said mortgage, and their heirs and personal representatives, and all persons claiming to have acquired any estate or interest in said premises subsequent to the filing of the notice of the pendency of this action with the clerk of the court aforesaid, be forever barred and foreclosed of and from all equity of redemption in and to said mortgaged premises and every part and parcel thereof, from and from the delivery of the sheriff's deed.

atives, and all persons claiming to have acquired any estate or interest in the premises subsequent to the filing of the notice of the pendency of this action with the re-aforesaid, be forever barred and foreclosed of and from all equity of redemption of, in and to said mortgaged premises and every part and parcel thereof, from and delivery of the sheriff's deed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the purchaser or purchasers of such premises at such sale be let into possession thereof, and any person who, since the date of this action has come into possession under them, or either of them, deliver up possession thereof to such purchaser or purchasers on production of the sheriff's deed for the same, or any part thereof, and that in case said purchaser be refused possession, a writ of assistance issue without further notice, requiring the said sheriff of the County of Bannock to place and maintain the said purchaser in the quiet and peaceable possession of the premises purchased by him, and the whole thereof.

The lands and premises directed to be sold by this decree are situated in Bannock County, Idaho, and particularly described as follows, to wit:

The Southwest quarter of the Northeast quarter; the East Half of the Northwest quarter; the North Half of the Southwest quarter and the Northwest quarter of the southeast quarter of Section 15, Township 8 South of Range 36 East of the Boise Meridian, containing 240 acres;

Together with any and all water, water rights, irrigating ditches, acqueducts, canals, appropriations, franchises, and privileges owned by said parties of the first part or either of them, or belonging to or with, leading to, connected with or usually had and enjoyed in connection with the said premises or any part or parcel thereof and especially including a right to the use of water from Fort Hall Government Irrigation Project sufficient in quantity to properly and permanently irrigate the lands above described, together with all ditch and lateral rights appurtenant thereto, and also including all that right to the waters of Marsh and Walker Creeks and all the right, title and interest of the mortgagor in and to the waters from said creeks;

Together with the tenements, hereditaments and appurtenances and any and all water rights and irrigating ditches thereto belonging or in anywise appertaining;

Subject to a first and prior mortgage in the amount of \$2800.00.

DATED this 22nd day of December, 1936.

Isaac McDougall
District Judge

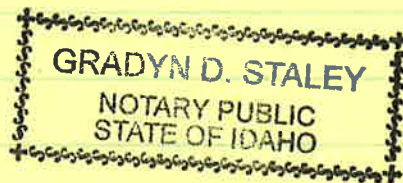
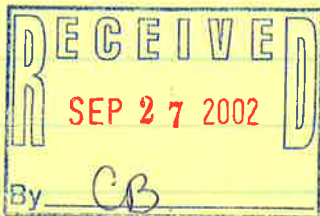
Sept. 18, 2002

To whom it may concern:

My husband, Keith Henrichs farmed for Dr. Newton on land that is now owned by Curtis & Jolleana Dunn. I took Keith many lunches while he was working and remember the irrigation of water from Marsh Creek & Walker Creek being used on said property. This started in 1965 through the time that the ranch was sold to and sub-divided by Don Hammond. Marsh Creek water was also used to irrigate Upt of Marsh Creek.

Josephine V. Henrichs
Josephine V. Henrichs

On 9-18-02 Josephine V. Henrichs appeared before me and signed the document above.



My Commission expires

10-17-07

SCANNED

MAR 22 2006

Signed 9/27/02
Cindy E. Bird
Exp. May 1, 2007

September 24, 2002

To: State of Idaho
Department of Water Resources

Re: JoDeana and Curtis Dunn property

I certify that I have knowledge of the aforementioned property since about 1972. At such time I moved to Inkom and lived in the "Old Doc Newton" home. I was employed by Keith Henrichs hauling hay, making fence and irrigating his pasture from both Walker Creek and Marsh Creek.

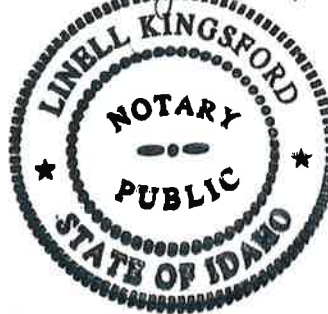
I remember and used the flood gate/dam system that Keith used to flood his pastures from Walker Creek and also the flood system he used to divert and move water from Marsh Creek.

I know also that these water diversion systems have been maintained through the years and continue to be used by Curtis and JoDeana Dunn.


John Patrick Ammon
494 North Marsh Creek / P.O. Box 484
Inkom, Idaho 83245



My comm 6-17-06



SCANNED
MAR 22 2006

September 12, 2002

To whom it May Concern:

I Margaret A. Whitworth and my late husband Marvin D. Whitworth leased and lived on property owned by Dr. D. N. Newton from the late 1950's into the early 1960's. The property is located at the bottom of Walker Creek Road and Marsh Creek Road.

We raised hay, cattle, sheep, and grain on this property.

The water from Walker Creek was diverted into ditches to flood irrigate property.

Marsh Creek was also used to irrigate this property. There was a dam placed in Marsh Creek located east of the Ranch House. This dam was used to, flood, irrigate the meadows. A pump was placed south of the dam, and water was pumped to the high ground from Marsh Creek into the ditches for flood irrigation.

Margaret Whitworth
Margaret A. Whitworth

State of Idaho
County of Bannock

Subscribed and sworn before me this 13 day of Sept., 2002
by Margaret A. Whitworth.

Dianna Atner
Notary Public
My Commission Expires:



SCANNED
MAR 22 2008

Sept 9, 02

I know That Walker Creek Water was used on The land north of The creek. My dad had a field of potatoes on the north side of the creek that he watered, and That was The only water there was. He also took water out of Marsh Creek to water a large wild hay meadow between Marsh Creek and The lava rocks. This had to be 1930 or 31 because he bought a new Model A Ford Truck

James R. Toston 9.10.02



Chikako Sanders

My Commission Expires 10/06/06



SCANNED
MAR 22 2006



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

June 28, 2002

CURTIS DUNN
PO BOX 7
INKOM ID 83245

RE: EVIDENCE OF PRIORITY FOR CURTIS DUNN

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 proof to support the priority date.

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 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.

SCANNED

MAR 22 2006

.....
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 our Soda Springs office: Cindy Bird, 15 W Center St., Soda Springs, ID 83276 (208) 547-3993.

Respectfully submitted,

Jennifer Crabtree

For Cindy Bird
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 29-04101A, 29-04103, and 29-10014

SCANNED
MAR 22 2006



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

May 30, 2002

CURTIS & JODEANA DUNN
PO BOX 101
INKOM ID 83245

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-4101A, 29-4103,
29-10014

Dear Mr. & Mrs. Dunn:

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

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree

Technical Records Specialist

Enclosure

PROFILED

SCANNED

MAR 22 2006

OK 5/12/2000
DC OK

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29 4101 A	40012652				
29-10014					
29-4103					

Entire rights

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

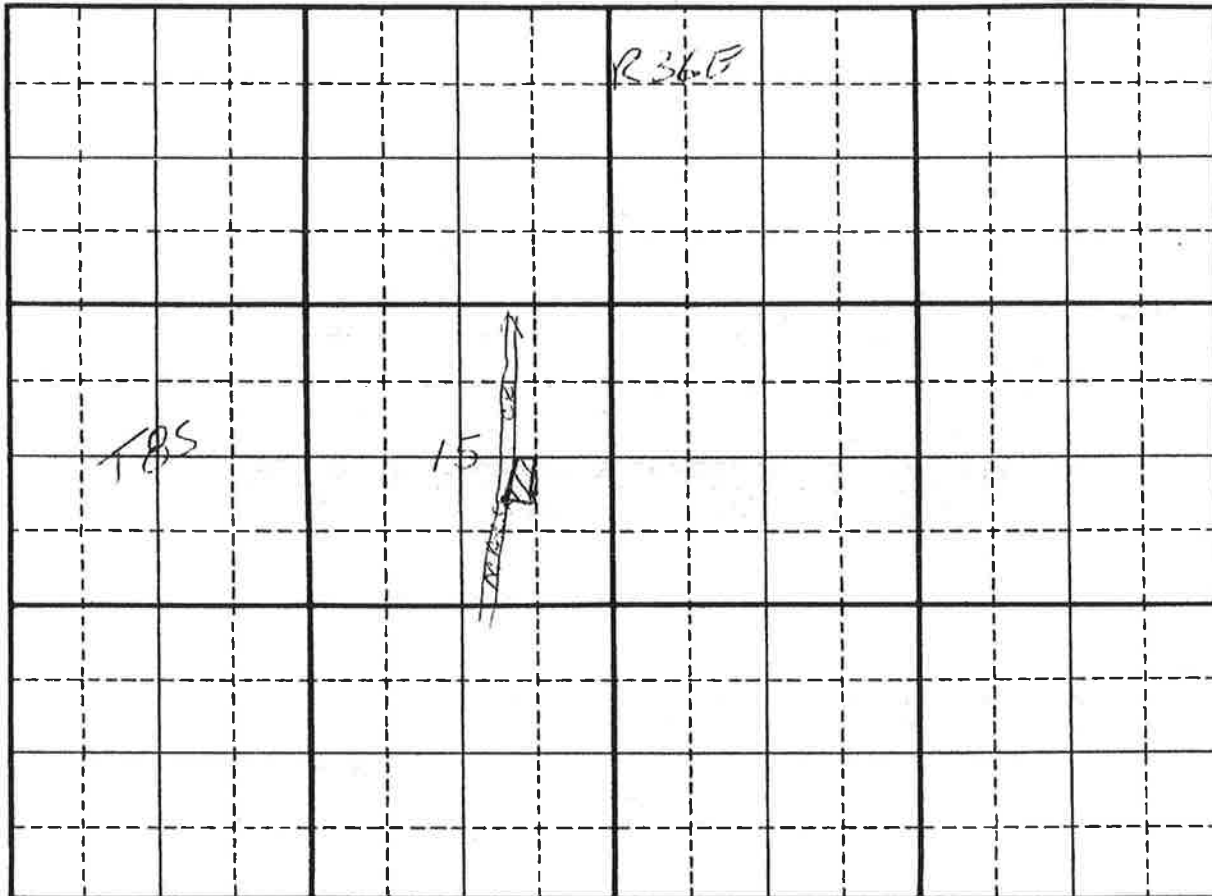
If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY**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

3. Name and Address of Former Owner/Claimant(s) Josephine V. Henrichs
2526 50th Mt. Oak Rd. McCamden, IDA. 83250.
4. New Owner/Claimant(s) Curtis or Jodeana Dynn
Name Connector (Check one): [] and, [X] or, [] and/or
- New Mailing Address P.O. Box 101
- City, State and ZIP Code Idaho, Idaho 83245
- New Telephone Number (208) 254-3660
5. Date you acquired the property July 16-1997

SCANNED

MAR 22 2006

(8) Remarks This water was purchased through land sales evidence by Title Insurance 502094, Bannock County and purchase agreement, attached.



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.

Sworn to before me this 19th day of June, 19 79.

Bella Maurine Harricks
(Claimant)

Notary Public

Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by CA Date 6-19-79 Exception filed by: _____ Date _____
Prelim. check by BR Date 6-19-79
\$20.00 fee received by CA Date 6-19-79
Published in Idaho State Journal # 11418
Dates June 28 & July 5, 1979 & July 12, 1979

SCANNED
MAR 22 2006

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL I

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 8 South, Range 36, E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows:

Beginning at a point on the Easterly right of way line of MARSH CREEK ROAD that is North 89°16' East on the latitudinal centerline of Section 15, Township 8 South, Range 36 E.B.M., 1873.44 feet from the West quarter corner of said Section 15; thence North 89°16'10" East, 2092.25 feet, more or less, to the East 1/16 line of said Section 15; thence South 00°10'30" East on East 1/16 line of said Section 15, 586.60 feet; thence West 919.50 feet; thence South 71°43'45" West, 240.01 feet; thence South 85°33'15" West, 163.78 feet; thence South 72°32'30" West, 240.13 feet; thence South 77°18'30" West, 332.28 feet; thence North 69°40'30" West, 394.40 feet, more or less, to the Easterly right of way line of MARSH CREEK ROAD; thence Northerly on the said Easterly right of way line on a curve to the left with a radius of 2894.79 feet for a distance of 151.14 feet; thence North 11°02' East on the said Easterly right of way line 508.45 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THE FOLLOWING:

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 8 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows:

Beginning at a point, marked by a found $\frac{1}{2}$ -inch pin, on the Easterly right of way line of MARSH CREEK ROAD that is North 89°16' East, on the latitudinal centerline of said Section 15, Township 8 South, Range 36, E.B.M., 1873.44 feet from the West quarter corner of said Section 15, the said point being the TRUE POINT OF BEGINNING; thence South 11°13' West, (recorded as South 11°02' West) 175 feet along said Easterly right of way line at MARSH CREEK ROAD; thence North 89°14' East, 1404.19 feet to a set $\frac{1}{2}$ -inch by 24 inch iron pin with a yellow plastic cap inscribed "H&V LS 977"; thence continuing 15 feet, more or less, to the thread of MARSH CREEK; thence Northerly along the thread of MARSH CREEK to a point that bears North 89°16' East, 15 feet, more or less, to a set $\frac{1}{2}$ -inch by 24 inch iron pin with a yellow plastic cap inscribed "H&V LS 977", said pin being North 0°25' East, 170.53 feet from the previously cited pin; thence South 89°16' West, 1371.36 feet to the POINT OF BEGINNING.

PARCEL II

A tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 8 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows:

Beginning at a point, marked by a found $\frac{1}{2}$ -inch pin, on the Easterly right of way line of MARSH CREEK ROAD that is North 89°16' East, on the latitudinal centerline of said Section 15, Township 8 South, Range 36, E.B.M., 1873.44 feet from the West quarter corner of said Section 15, the said point being the TRUE POINT OF BEGINNING; thence South 11°13' West, (recorded as South 11°02' West) 175 feet along said Easterly right of way line at MARSH CREEK ROAD; thence North 89°14' East, 1404.19 feet to a set $\frac{1}{2}$ -inch by 24 inch iron pin with a yellow plastic cap inscribed "H&V LS 977"; thence continuing 15 feet, more or less, to the thread of MARSH CREEK; thence Northerly along the thread of MARSH CREEK to a point that bears North 89°16' East, 15 feet, more or less, to a set $\frac{1}{2}$ -inch by 24 inch iron pin with a yellow plastic cap inscribed "H&V LS 977", said pin being North 0°25' East, 170.53 feet from the previously cited pin; thence South 89°16' West, 1371.36 feet to the POINT OF BEGINNING.

SCANNED

MAR 22 2005

FA #24283

WARRANTY DEED

For Value Received **JOSEPHINE V HENRICHS, an unmarried person**

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

CURTIS DUNN and JODEANA DUNN, husband and wife

whose address is: **2526 MARSH CREEK ROAD, MCCAMMON, IDAHO 83250**

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

SEE ATTACHED LEGAL DESCRIPTION - EXHIBIT "A"



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: JULY 16, 1997

Josephine V Henrichs

JOSEPHINE V HENRICHS

STATE OF IDAHO)

: ss

COUNTY OF BANNOCK)

On This 16TH day of JULY, in the year 1997, before me, a Notary Public in and for said State, personally appeared JOSEPHINE V HENRICHS, known or identified to me to be the person(s) whose name(s) IS subscribed to the within Instrument, and acknowledged to me that SHE executed the same.

U. D. Bauer Notary Public of Idaho
Residing at POCA TELLO
Commission Expires: 3/29/2002

SCANNED

MAR 22 2006

CURTIS R. DUNN JODEANA DUNN 2526 MARSH CREEK ROAD MCCAMMON, ID 83250	IRELAND BANK MAIN & CENTER - BOX 205 DOWNEY, ID 83234	ACCOUNT #: 518867838 Loan Number 117130134 Date JULY 16, 1997 Maturity Date JULY 15, 2012 Loan Amount \$ 53,824.00 Renewal Of NEW BORROWING
BORROWER'S NAME AND ADDRESS	LENDER'S NAME AND ADDRESS	
"I" includes each borrower above, jointly and severally.	"You" means the lender, its successors and assigns.	

For value received, I promise to pay to you, or your order, at your address listed above the **PRINCIPAL** sum of **FIFTY THREE THOUSAND EIGHT HUNDRED TWENTY FOUR AND NO/100** * * * * * Dollars \$ **53,824.00**

☒ **Single Advance:** I will receive all of this principal sum on **JULY 16, 1997**. No additional advances are contemplated under this note.

☐ **Multiple Advance:** The principal sum shown above is the maximum amount of principal I can borrow under this note. On _____

I will receive the amount of \$ _____ and future principal advances are contemplated.

Conditions: The conditions for future advances are _____

☐ **Open End Credit:** You and I agree that I may borrow up to the maximum principal sum more than one time. This feature is subject to all other conditions and expires on _____

☐ **Closed End Credit:** You and I agree that I may borrow (subject to all other conditions) up to the maximum principal sum only one time.

INTEREST: I agree to pay interest on the outstanding principal balance from **JULY 16, 1997** at the rate of **9.500%** per year until **AUGUST 15, 1997**

☒ **Variable Rate:** This rate may then change as stated below.

☒ **Index Rate:** The future rate will be **1.000% OVER** the following index rate: **NEW YORK PRIME RATE OF INTEREST AS QUOTED IN THE WALL STREET JOURNAL**

☐ **No Index:** The future rate will not be subject to any internal or external index. It will be entirely in your control.

☒ **Frequency and Timing:** The rate on this note may change as often as **DAILY**

A change in the interest rate will take effect **ON THE SAME DAY**

☐ **Limitations:** During the term of this loan, the applicable annual interest rate will not be more than _____ % or less than _____ % each _____

Effect of Variable Rate: A change in the interest rate will have the following effect on the payments:

☐ The amount of each scheduled payment will change. ☒ The amount of the final payment will change.

☐ _____

ACCRUAL METHOD: Interest will be calculated on a **ACTUAL/365** basis.

POST MATURITY RATE: I agree to pay interest on the unpaid balance of this note owing after maturity, and until paid in full, as stated below:

☒ on the same fixed or variable rate basis in effect before maturity (as indicated above).

☐ at a rate equal to _____

☐ **LATE CHARGE:** If a payment is made more than _____ days after it is due, I agree to pay a late charge of _____

☒ **ADDITIONAL CHARGES:** In addition to interest, I agree to pay the following charges which ☒ are ☐ are not included in the principal amount above: **LOAN FEE \$530.00, TITLE INS./CLOSING \$1,270.00, FILING FEE \$24.00**

PAYMENTS: I agree to pay this note as follows:

☐ **Interest:** I agree to pay accrued interest _____

☐ **Principal:** I agree to pay the principal _____

☒ **Installments:** I agree to pay this note in **180** payments. The first payment will be in the amount of **\$562.19**

and will be due **AUGUST 15, 1997**. A payment of **\$562.19** will be due _____

ON THE 15TH DAY OF EACH MONTH thereafter. The final payment of the entire

unpaid balance of principal and interest will be due **JULY 15, 2012**

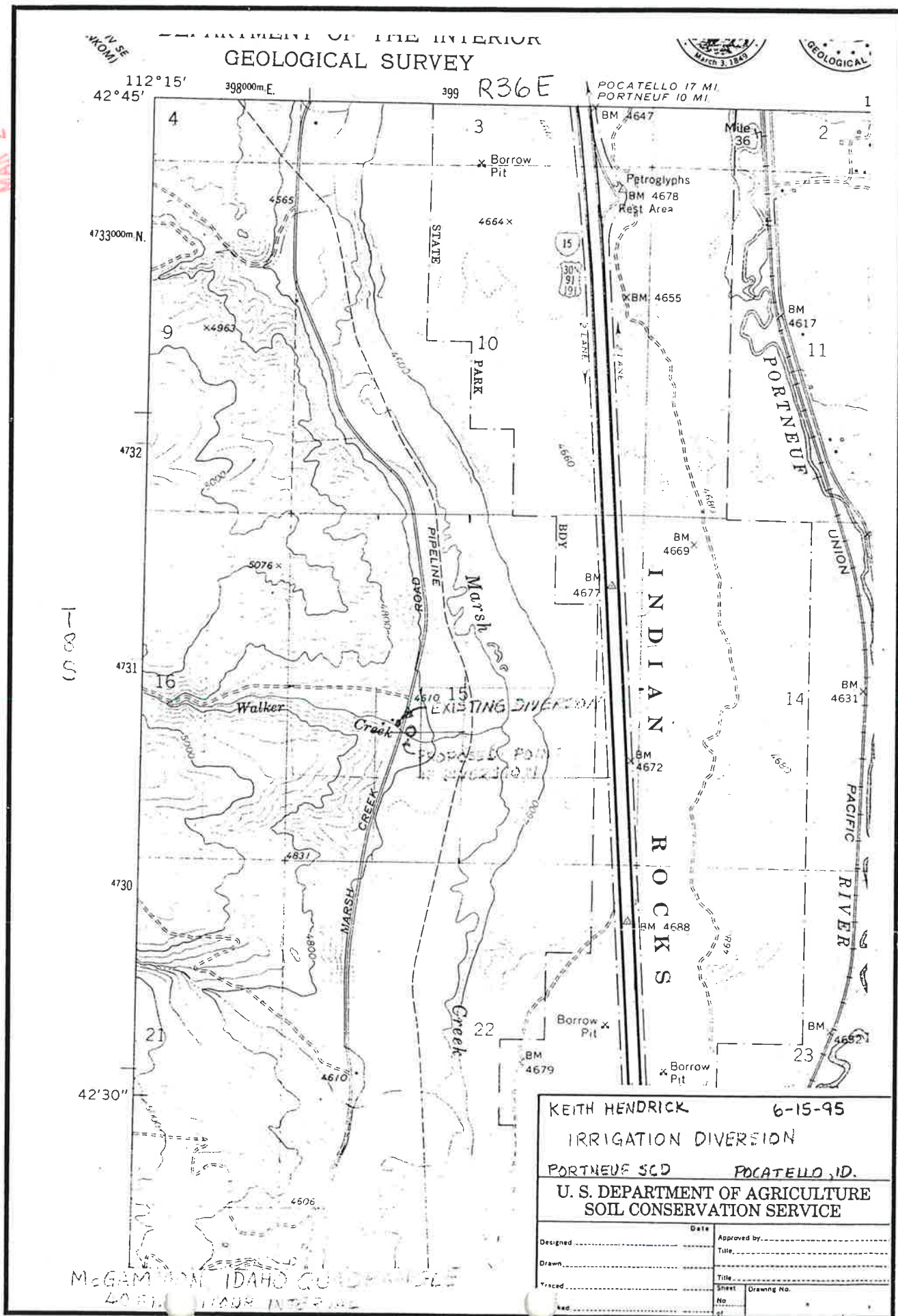
PURPOSE: The purpose of this loan is **BUSINESS: PURCHASE FARMLAND**

ADDITIONAL TERMS:

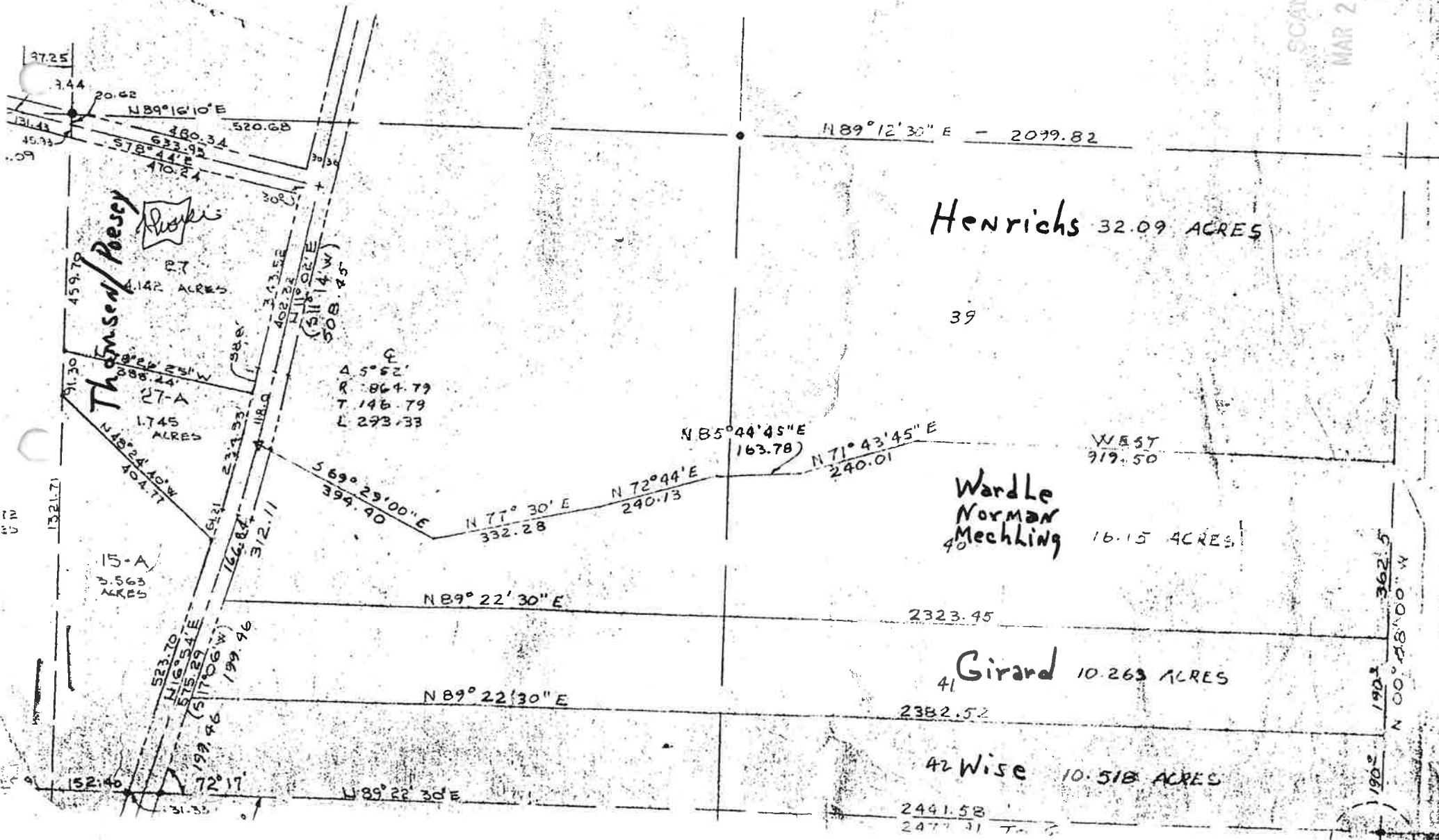
SEE MORTGAGE OF EVEN DATE

SCANNED

MAR 22 2006



SCANNED
MAR 22 2004



AJ5809NP
No. A29-04101A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 111

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KEITH V HENRICHS 2526 S MARSH CREEK RD MC CAMMON ID 83250 (208) 254-3340	03/15/1912	IRRIGATION STOCKWATER	03-15 11-15 01-01 12-31	0.670 CFS 0.020 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.690 CFS	56.00 AFA
C	JOSEPHINE V HENRICHS 2526 S MARSH CREEK RD MC CAMMON ID 83250					

Water Source: WALKER CREEK

Tributary to: MARSH CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R36E S15

NESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM
08S 36E 15	:		:		:		:		:	14	:		:		:	07	: 22.4
																TOTAL ACRES	: 22.4

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE				
T R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	:
08S 36E 15	:		:		:		:		:	S	:	S	:		:		:

POU County: BANNOCK

Non-Irrigation Uses: S/ 44 CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-10013	29-10817	29-10952	29-11055	29-11729	A29-04101B	A29-07205	A29-07479	A29-07647	A29-10013
A29-10817	A29-10952	A29-11055	A29-11647	A29-11729	A29-12514				

Other Water Rights Listing Overlapping Place(s) of Use:

A29-04101	A29-04101B	A29-04103	A29-07205	A29-07223	A29-07307	A29-07479	A29-07647	A29-10014	A29-11730
A29-11740									

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/14/92 CARLSEN 07/19/94 THOMPSON 03/29/95 POST-STD 04/13/00 CVANDERM

SCANNED

JUN 04 2001

Log for claim A29-04101A

Spatial Dynamics LTD

6/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	15	NESW	14	14	
08s36e	15	NWSE	7	8.5	
Totals:			21	22.5	

PROFILED

SPATIAL
DYNAMICS
MAR 22 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E000730

Date: 7/14/1988
Time:

Received
From: HENRICH, KEITH V.

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	410162 9337 6490	204.00

Total

CHECK 1525

\$204.00

Water Right Numbers
A29-04101A A29-04103 A29-10013 A29-10014

Region: EASTERN

Signature: Ernest Carlson.

Sept. 14, 1992.

changed from A29-04101

MICROFILMED

NOV 13 1992

SCANNED

MAR 22 2006

1-14845-K

2-1

DEED

502094
lab

FOR VALUE RECEIVED, GENERAL SALES, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto **GEORGE HERBERT HENRICHS and MAURINE D. HENRICHS,**
husband and wife
grantee, the following described real estate, to-wit:

See attached Schedule "A" Schedule "B"
Subject to attached restrictions

Schedule "A"

A TRACT OF LAND IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION
15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M., BANNOCK COUNTY, IDAHO, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK
ROAD THAT IS NORTH 89° 16' EAST ON THE LATITUDINAL CENTERLINE OF SECTION
15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M. 1873.44 FEET FROM THE WEST
QUARTER CORNER OF SAID SECTION 15; THENCE NORTH 89° 16' 10" EAST 2092.25
FEET, MORE OR LESS, TO THE EAST 1/16 LINE OF SAID SECTION 15; THENCE
SOUTH 00° 10' 30" EAST ON EAST 1/16 LINE OF SAID SECTION 15, 585.60 FEET;
THENCE WEST 919.50 FEET; THENCE SOUTH 71° 43' 45" WEST 240.01 FEET; THENCE
SOUTH 95° 33' 15" WEST 163.78 FEET; THENCE SOUTH 72° 32' 30" WEST 240.13
FEET; THENCE SOUTH 77° 18' 30" WEST 332.28 FEET; THENCE NORTH 69° 40' 30"
WEST 394.40 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF
MARSH CREEK ROAD; THENCE NORTHERLY ON THE SAID EASTERLY RIGHT OF WAY LINE
ON A CURVE TO THE LEFT WITH A RADIUS OF 2894.79 FEET FOR A DISTANCE OF
151.14 FEET; THENCE NORTH 11° 02' EAST ON THE SAID EASTERLY RIGHT OF WAY
LINE 508.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

- Grantor reserves unto itself the right to use the necessary water from Walker Creek
to irrigate its property adjacent to the above described property.

Schedule : "B"

NO DWELLING SHALL BE PERMITTED ON THE ABOVE DESCRIBED PROPERTY
HAVING LESS THAN 1,000 SQUARE FEET EXCLUSIVE OF GARAGE. SAID DWELL-
ING SHALL BE OF NEW CONSTRUCTION MATERIALS. NO USED MATERIAL OR USED
DWELLINGS SHALL BE MOVED ON TO THE ABOVE DESCRIBED PROPERTY. ANY
TRAILER HOUSE IN GOOD CONDITION MAY BE MOVED ON DESCRIBED PROPERTY
AS LONG AS THEY ARE A MINIMUM SIZE OF 12 FEET BY 50 FEET.

GRANTEES UNDER ANY CONVEYANCE SHALL NOT AT ANYTIME CONDUCT, OR PERMIT
TO BE CONDUCTED ON SAID PROPERTY, ANY TRADE OR BUSINESS OTHER THAN
FARMING. SAID LAND CAN BE USED FOR PRIVATE DWELLING OR RESIDENCE
AND NOT FOR A COMMERCIAL BUSINESS.

ALL LIVESTOCK SHALL BE LIMITED TO TWO PER ACRE, EXCEPT GOATS AND PIGS,
WHICH SHALL BE LIMITED TO TWO EACH ON THE ABOVE DESCRIBED TRACT.

THE ABOVE DESCRIBED PROPERTY SHALL NOT BE USED AS A DUMPING GROUND OR
FOR STORAGE OF LARGE QUANTITIES OF EQUIPMENT OR MATERIALS.

GRANTOR RESERVES ONE-HALF OF ALL MINERAL RIGHTS.

PROFILED

SCANNED

MAR 22 2006

AMENDED



PROFILED

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

WHAT DOES THIS MEAN?
The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that George H and/or Della Maurine Henrichs
(Name of Claimant)

Route 1, Box 11, McCammon, Idaho 83250
(Mailing Address)

(Zip Code)

Telephone No. 254-3620

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) March 15, 1912

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Walker Creek tributary to Marsh Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.75 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity	<u>0.02 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>0.77 cfs</u>	TOTAL QUANTITY USED.		

(cfs, gpd, AFA)

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

NE 1/4 SW 1/4, Sec. 15 Twp. 8S Rge. 36E B.M., County of Bannock

Additional points of diversion:

B) Describe 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. Describe any changes in the system and give the date of the change. Private ditch 3' wide by 2' deep

- (6) 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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	36E	15									21					10			31

No. of acres 31

B) If water is used for other than irrigation, fully describe that use, being as specific as possible.

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NOTE: Include here the type and number of stock watered: 80 head of cows and calves

- (7) If you are claiming water as a member of an organization, name of organization: Idaho Water Users Association

MICROFILMED

Remarks

1.11.15 por 31. ACRES. ?
A - HAS⁽²⁾ HOUSE 3000 BORDEN ACRES.
B IS THINK 31. ACRES IN AREA OF
THIS SIDE OF CANAL?

360

505

WALKER

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 subdivision section, township and range of the public land survey system.

State of Idaho

County of Dorchester) 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 his/her/their knowledge.

Sworn to before me this 19th day of _____

Small

Selle Munnier Alvar
(Claimant)

1944

1974
Edward Wray

Notary Public

Notary Public
Residing at 2411 E. 1st St.

My confidence in

10

WILSON

FEB 25 1988

FOR DEPARTMENT USE ONLY

Received by

Dated:

Exception filed by:

Date

Prelim. check by

【例 13】

Published in
Tulsa State Journal

Illinois State Journal

Dates
-~~June 28~~ July 5, 1979 & July

June 28 - July 5, 1979 & July

ENCLOSURE

5

RECEIVED

DEC 5 1974

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 29-7205 IN THE NAME OF)
RAYMOND W. &/or DEBRA GIRARD)

AMENDED
MEMORANDUM DECISION
AND ORDER

On July 1, 1974, Raymond W. &/or Debra Girard of Inkom, Idaho, filed Application for Permit No. 29-7205 to appropriate 0.80 cubic feet per second of water from Walker Creek, tributary to Marsh Creek, with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp. 8 S, Rge. 36 E, B. M., Bannock County, the water being requested for the irrigation of 20 acres of land within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp. 8 S, Rge. 36 E, B. M. Notice of the proposed application was published in the Idaho State Journal at Pocatello, Idaho, on July 11 and July 18, 1974.

The Department received protests against approval of said application from Mr. & Mrs. George Henricks, Charles Ray Evans, Jr., Rick Dale Evans, Charles R. Evans, Ron Evans, Mr. & Mrs. Herold Anthony, Mr. & Mrs. Arthur L. Latimer and Mr. & Mrs. Leo R. Anthony.

The Department held a conference on the matter on Monday, September 9, 1974, at Lava Hot Springs, Idaho. The applicants and protestants were present and represented themselves. The protestants agreed to allow the Director of the Department of Water Resources to render a decision based upon statements made at the conference, information available in the Department's official records and upon the Director's understanding of the law.

The Director of the Department of Water Resources, therefore, makes the following Findings of Fact, Conclusions of Law, and Order:

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FEB 25 1988

FINDINGS OF FACT

- (1) There are periods in most years during the normal irrigation season when more water is available in Walker Creek than is required to fill existing water rights.
- (2) A water right has been established by the diversion and beneficial use of water from Walker Creek for the irrigation of about 190 acres of land, including the land now owned by the applicants and protestants.

(3) That the water right established by diversion and beneficial use of water was withheld by the previous owner when the land was sold, except as to Mr. George Henricks, one of the protestants.

(4) Mr. George Henricks also purchased the water rights, withheld from the portion of the 190 acres that he did not purchase, for use upon his land.

(5) The sales agreements of the applicants and all of the protestants, except Mr. & Mrs. George Henricks, contain the condition that the grantor reserves a water right in Walker Creek.

(6) The proposed point of diversion is upon land owned by Mr. George Henricks.

(7) The land named in the application as the place of use requires 0.02 cfs, or one miners inch of water, for the irrigation of each acre.

CONCLUSIONS OF LAW

(1) The waters of Walker Creek, in excess of the right established for the irrigation of the 190 acres or of that being used by the present holders of this right, is subject to appropriation in accordance with the Idaho Code.

(2) The condition reserving the water rights for the grantor contained in the applicant's sales agreement applies only to the water right that was established by diversion and use on their lands prior to their purchase, and does not prohibit them from obtaining a new water right for the use of the unappropriated water.

(3) The applicants are, therefore, entitled to a permit from the State of Idaho, with the maximum rate of diversion not exceeding 0.40 cfs.

ORDER

IT IS, THEREFORE, ORDERED and Application for Permit No. 29-7205 is hereby APPROVED subject to the following conditions:

(1) The permit is subject to all prior existing water rights, particularly the prior right apparently now held by Mr. & Mrs. George Henricks, for the irrigation of 190 acres of land.

(2) The maximum rate of diversion shall not exceed 0.40 cfs of water.

(3) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

(4) The approval of this permit does not constitute an easement or right-of-way across the land of another person.

(5) Proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Resources on or before November 1, 1979.

Dated this 22nd day of November, 1974.

FEB 25 1988


R. KEITH HUGGINSON
Director

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Keith V. or Josephine V. Henrichs Phone 208-254-3340
Post Office address 2526 So. Marsh Creek Road McCammon, Idaho 83250

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Shorter distance, less Evaporation and Less Seepage
For better use of water on lower part of our
property because this will divert the water
at a point a lot closer to point of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>A29-04101A</u>	<u>3/15/1912</u>	<u>0.690 CFS</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u>A29-04101A</u>	<u>3/15/1912</u>	<u>0.020 CFS</u>	<u>Stock Water</u>	<u>0-1</u> to <u>12-31</u>
<u>See Attached</u>				to _____
				to _____

2. Total amount of water being transferred 0.690 cubic feet per second and/or 56.0 acre-feet per annum.

3. Source of water Walker Creek tributary to Marsh Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	8S	36E	Bannock	Henrichs (POD) #1 (Thomson/Ld)
		NE	SW	15	8S	36E	Bannock	Henrichs (POD) #2 (New)
		NW	SE	15	8S	36E	Bannock	
		NW	SE	15	8S	36E	Bannock	See Attached

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	36E	15			7					7									14 (New)
					approx					approx									
8S	36E	15			7														7 (old)

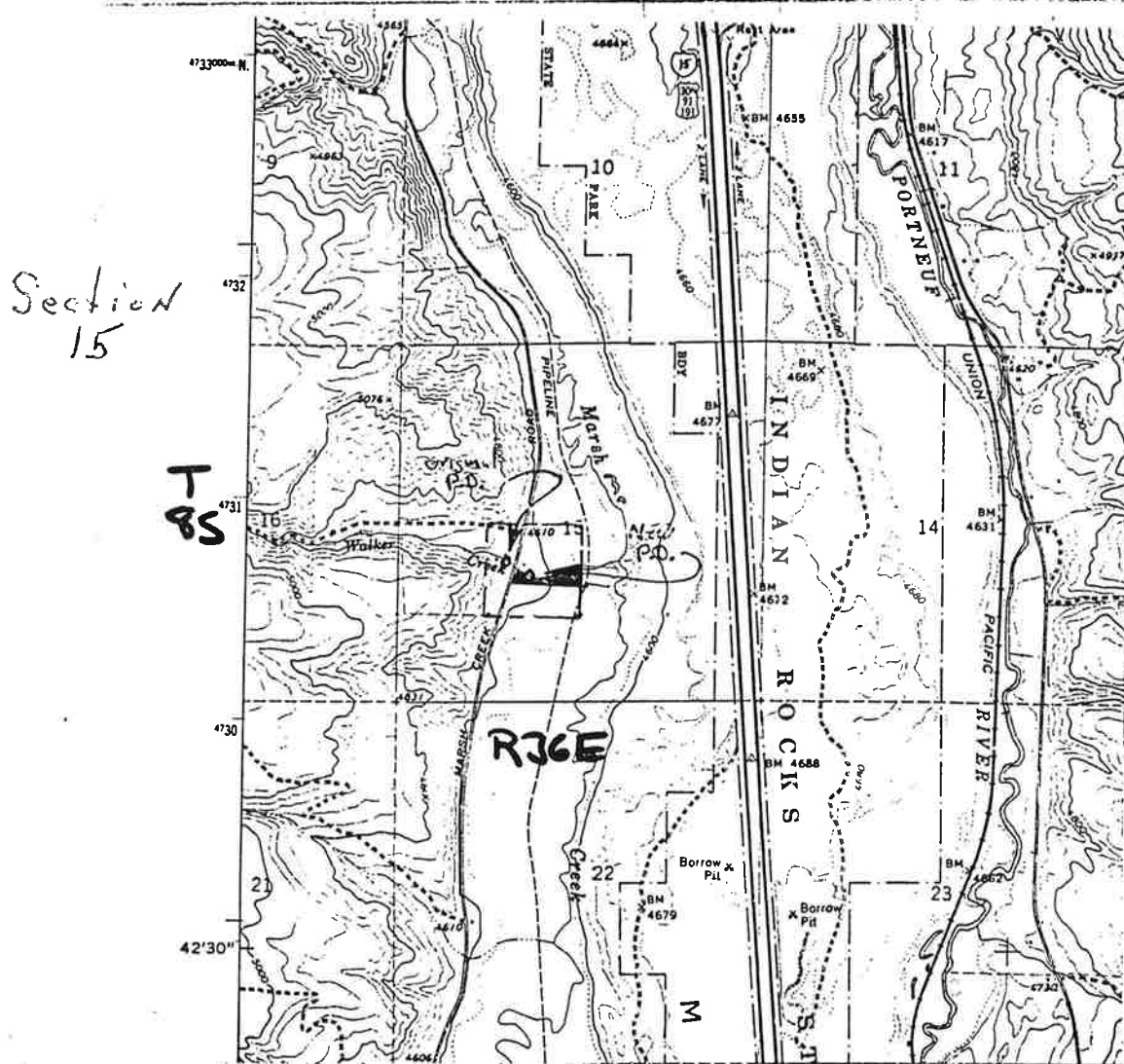
Total acres 24

Field Inspection Flag:
Presumption Flag:

MICROFILMED
SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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SEP 18 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A29-04101 A on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:



Tax Notice



Warranty Deed



Other _____

3. Source of water Walker Creek tributary to Marsh Creek

4. Date or priority 3/15/1912

5. Water is used for the following purpose:

amount 0.67 CFS for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft) 0.020 CFS for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.690 cubic feet per second and/or 56.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	15	8s	36E	Bannock	Henrichs
		NW	SE	15	8s	36E		

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8s	36E	15			7					7									14 (New)
					approx					Approx									
8s	36E	15			7														7 (old)

Total acres 21

9. Describe any other water rights used for the same purpose as described above _____

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

RENUMBERED A29-04101A
Ident. Number: ~~A29-04101~~
Date Received: 7-14-1988
Receipt No: E.000730
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH V. HENRICHS 208-254-3340
Address: 2526 S. MARSH CREEK ROAD
MCCAMMON, ID 83250

OR

Name: JOSEPHINE V. HENRICHS
Address: 2526 S. MARSH CREEK ROAD
MCCAMMON, ID 83250

2. Date of Priority: MAR 15, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	15	NE	SW			BANNOCK

5. Description of diverting works:
CONCRETE DIVERSION STRUCTURE W/ 12" OPENING AND SLIDING GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.670		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 44 CATTLE

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 7th day of June, 19 96

(Signature of Applicant)

Carol Brader

(Notary Public)

My commission expires 9-26-00**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by WM Date 6/10/96 Protest filed by _____Prelim. check by _____ Fee \$100^{XX} _____Receipted by HWT #E022262 Date 6-12-96 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED

SEP 10 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4863

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Keith V. or Josephine Heinrichs Phone (208) 254-3340
Post Office address 2526 S. Marsh Creek Rd. McCammy ID 83250

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Shorter distance to place of use on the lower part of our property by using the new point of diversion.
Also our seepage losses will be less.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|-----------|-----------------------|------------------|---------------|
| 29-0401 | 3/15/1912 | 0.67 | Irrigation | 3-15 to 11-15 |
| | | 0.02 | Stock | 1-1 to 12-31 |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>0.69</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>Walker Creek</u> tributary to <u>Marsh Creek</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8S	36E	15									14					7			21
WITHDRAWN 8-22-97			MICROFILMED SEP 10 1997																

Total acres 21

PART 2

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/14/96 13:41:14
Page 1

Water Right Number - 29-04701

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
HENRICH

KEITH V.

1 - 2526 S. MARSH CREEK ROAD

2 -

3 -

City- MCCAMMON

State- ID Zip- 832500000

Phone -

HENRICH

JOSEPHINE V.

1 - 2526 S. MARSH CREEK ROAD

2 -

3 -

City- MCCAMMON

State- ID Zip- 832500000

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/15/1912 15 EASTERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + - - - - Tributary - - - - - +
WALKER CREEK MARSH CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
08S 36E 15 NE SW (5) BANNOCK

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.000
04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.020

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08S 36E 15 NE SW 21.0 01 IRRIGATION (5) BANNOCK
08S 36E 15 NW SE 10.0 01 IRRIGATION (5) BANNOCK
Total Acres: 31.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

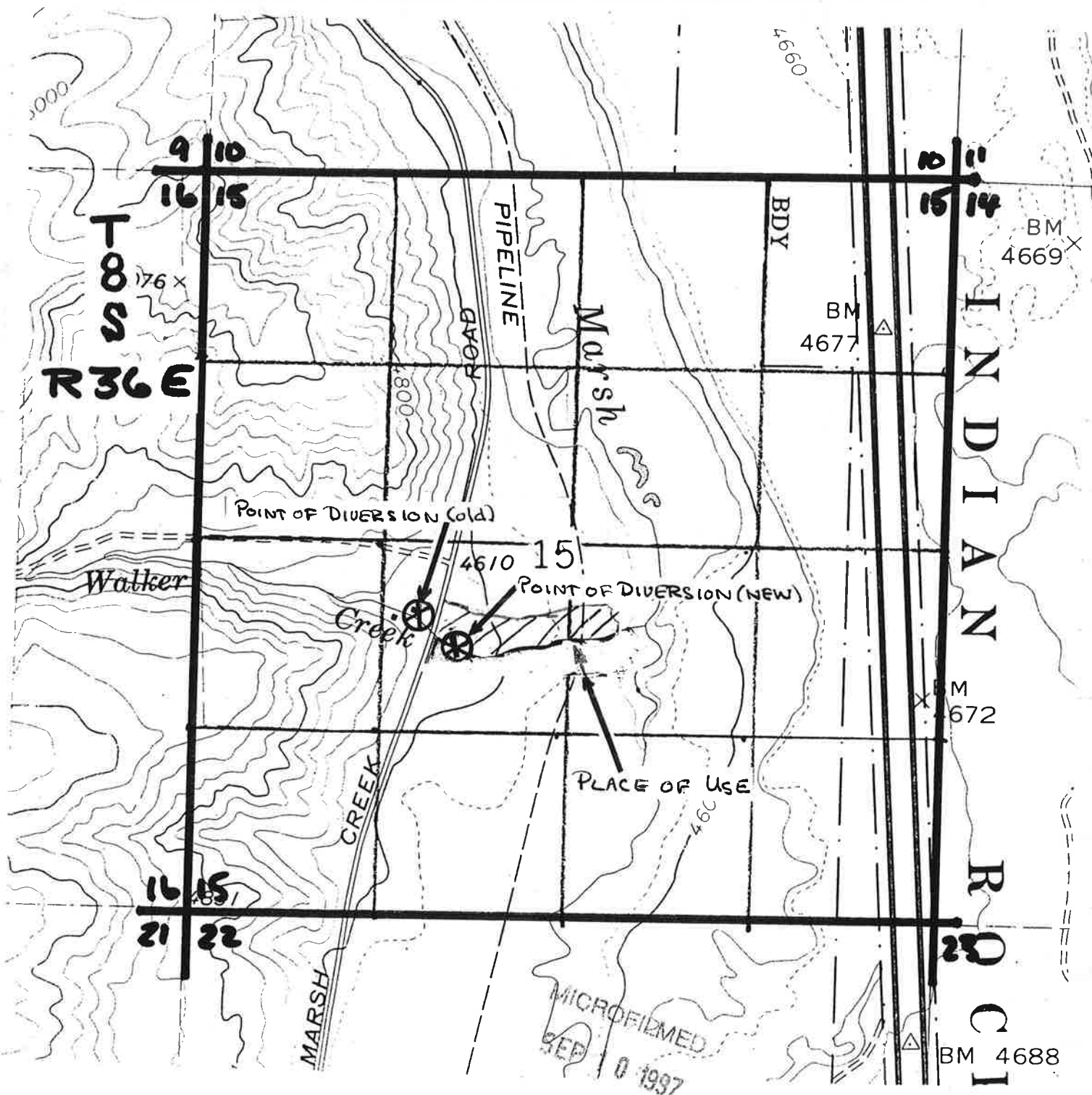
+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
STOCKWATER USE FOR 80 HEAD OF COWS & CALVES.

MICROFILMED
SEP 10 1997

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MAR 22 2006

2-2

502094

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GranteeS
their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused
its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its
Secretary this November 22, 1972

By General Sales, Inc.

L. Don Hammond

PRESIDENT:

CORPORATE SEAL

ATTEST:

SECRETARY.

STATE OF IDAHO, COUNTY OF Bannock

On this 22nd day of November, 19 72
before me, a notary public in and for said State, personally
appeared L. Don Hammond and

be the President and ~~Secretary~~ of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Residing at Pocatello

Comm. Expires 7-15-75

Notary Public

, Idaho

NOTARY SEAL

NO. 502094

RECORDED AT REQUEST

Am. Land Title Co.

Nov 28 10 30 AM '72

OFFICIAL RECORD BK. NO. 255
BANNOCK COUNTY, IDAHO
TIM ERIKSON, RECORDER

FEE 2.00 FIFTY In

This instrument furnished by the AMERICAN LAND TITLE CO.

1-14845-K 2-1

502026 *my*

REAL ESTATE MORTGAGE

For Value Received, GEORGE HERBERT HENRICKS and MAURINE D. HENRICKS, husband and wife

the mortgagors, do hereby grant, bargain, sell and convey unto
POCATELLO CHAROLAIS RANCHES, INC.

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

See attached Schedule "A" Schedule "B"
Subject to attached restrictions

✓ #132
#12307-35
1/23/85
American Land Title
Don Hammond

Schedule "A"

#133
American Land Title
(Wittes) 8702

A TRACT OF LAND IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD THAT IS NORTH 89° 16' EAST ON THE LATITUDINAL CENTERLINE OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M. 1873.44 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 15; THENCE NORTH 89° 16' 10" EAST 2092.25 FEET, MORE OR LESS, TO THE EAST 1/16 LINE OF SAID SECTION 15; THENCE SOUTH 00° 10' 30" EAST ON EAST 1/16 LINE OF SAID SECTION 15, 586.60 FEET; THENCE WEST 919.50 FEET; THENCE SOUTH 71° 43' 45" WEST 240.01 FEET; THENCE SOUTH 85° 33' 15" WEST 163.78 FEET; THENCE SOUTH 72° 32' 30" WEST 240.13 FEET; THENCE SOUTH 77° 18' 30" WEST 332.28 FEET; THENCE NORTH 69° 40' 30" WEST 394.40 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD; THENCE NORTHERLY ON THE SAID EASTERLY RIGHT OF WAY LINE ON A CURVE TO THE LEFT WITH A RADIUS OF 2894.79 FEET FOR A DISTANCE OF 151.14 FEET; THENCE NORTH 11° 02' EAST ON THE SAID EASTERLY RIGHT OF WAY LINE 508.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

Grantor reserves unto itself the right to use the necessary water from Walker Creek to irrigate its property adjacent to the above described property.

Schedule B

NO DWELLING SHALL BE PERMITTED ON THE ABOVE DESCRIBED PROPERTY HAVING LESS THAN 1,000 SQUARE FEET EXCLUSIVE OF GARAGE. SAID DWELLING SHALL BE OF NEW CONSTRUCTION MATERIALS. NO USED MATERIAL OR USED DWELLINGS SHALL BE MOVED ON TO THE ABOVE DESCRIBED PROPERTY. ANY TRAILER HOUSE IN GOOD CONDITION MAY BE MOVED ON DESCRIBED PROPERTY AS LONG AS THEY ARE A MINIMUM SIZE OF 12 FEET BY 50 FEET.

GRANTEES UNDER ANY CONVEYANCE SHALL NOT AT ANYTIME CONDUCT, OR PERMIT TO BE CONDUCTED ON SAID PROPERTY, ANY TRADE OR BUSINESS OTHER THAN FARMING. SAID LAND CAN BE USED FOR PRIVATE DWELLING OR RESIDENCE AND NOT FOR A COMMERCIAL BUSINESS.

ALL LIVESTOCK SHALL BE LIMITED TO TWO PER ACRE, EXCEPT GOATS AND PIGS, WHICH SHALL BE LIMITED TO TWO EACH ON THE ABOVE DESCRIBED TRACT.

THE ABOVE DESCRIBED PROPERTY SHALL NOT BE USED AS A DUMPING GROUND OR FOR STORAGE OF LARGE QUANTITIES OF EQUIPMENT OR MATERIALS.

GRANTOR RESERVES ONE-HALF OF ALL MINERAL RIGHTS.

SCANNED

MAR 22 2006

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said mortgagees ,
their heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of ----- DOLLARS
TWENTY-FOUR THOUSAND NINE HUNDRED and 00/100-----
with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of the
mortgagee, with final payment due November 20, 1983
and providing for acceleration of the due date of the principal for default in the payment of interest or any installment
of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagee's covenant and agree with the mortgagee as follows: That the Y agree in fee simple of the above described premises and that they
are free from all encumbrances

That the Y will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That the Y will pay all taxes, fees and assessments
of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That the Y will keep the buildings
on said premises insured against loss or damage by fire, by some insurance company acceptable to the mortgagee with them, if any, payable to the mortgagee as its
interest may appear, in the sum of at least \$ -0- , and deliver such policy or policies of insurance to the mortgagee , until the sums secured by this mortgage are
fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title report
from a reputable title company and the mortgagee's agree to pay the cost thereof upon demand.

If the mortgagee shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such fire insurance, the mortgagee may pay the same or
procure said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagee for any such purpose shall be added to the indebted-
ness hereby secured, and shall be repayable on demand, with interest at the rate of eight (8) per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagee's hereby sell and assign to the mortgagee
any and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagee shall pay or cause to be paid all moneys which may become due upon said promissory note, and shall otherwise comply with the terms
and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest,
or in any of the covenants or agreements herein contained, then the mortgagee or assigns, at his option, may declare the entire indebted-
ness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and out of the
moneys arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the costs and charges of
such foreclosure suit and sale, including such sum as the court may adjudge reasonable as an attorney's fee to be allowed the plaintiff, and the surplus, if any there be, pay over
to the mortgagee's . their heirs and assigns.

Dated: November 22, 1972

George Herbert Henrichs
George Herbert Henrichs
Maurine D. Henrichs
Maurine D. Henrichs

NOTARY SEAL

STATE OF IDAHO, COUNTY OF Bannock
On this 22nd day of November, 1972
before me, a Notary Public in and for said State, personally
appeared GEORGE HERBERT HENRICHS and
MAURINE D. HENRICHS, husband and wife

known to me to be the persons, whose names, as
subscribed to the within instrument, and acknowledged to
me that

George Herbert Henrichs
Residing at 1800
Comm. Expires 7-1-75 Notary Public, Idaho.

NO.
RECORDED AT REQUEST

502026

Amer. Land Title Co.

NOV 27 1 35 PM '72

OFFICIAL RECORD Bk. No. 255
BANNOCK COUNTY, IDAHO
TIM ERIKSEN, RECORDER
FEE \$2.00 RETURN ME

INSTRUMENT NO.

MAR 22 2006

DEED

02103

Claim #
29-04101A
29-04103
29-10014

FOR VALUE RECEIVED,

GENERAL SALES, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto
HENRICH, husband and wife
grantee, the following described real estate, to-wit:

See attached Schedule "A"

Subject to attached restriction Schedule B

Schedule "A"

A TRACT OF LAND IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 8
SOUTH, RANGE 36 E., B. M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST 1/16 LINE OF SECTION 15, TOWNSHIP 8
SOUTH, RANGE 36 E., B. M., THAT IS NORTH 89° 16' 10" EAST ON THE LATITUDINAL
CENTERLINE OF SAID SECTION 15, 1,322.09 FEET AND SOUTH 00° 10' 30" EAST,
20.62 FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 8 SOUTH,
RANGE 35 E., B. M.; THENCE SOUTH 00° 10' 30" EAST, ON THE WEST 1/16 LINE
OF SAID SECTION 15, 439.08 FEET; THENCE SOUTH 78° 26' 25" EAST, 388.44 FEET,
MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD;
THENCE NORTHEASTERLY ON THE SAID WESTERLY RIGHT OF WAY LINE ON A CURVE WITH
A RADIUS OF 2,834.79 FEET FOR AN ARC DISTANCE OF 58.80 FEET; THENCE NORTH
11° 02' EAST, ON THE SAID WESTERLY RIGHT OF WAY LINE 373.52 FEET; THENCE
NORTH 78° 44' WEST, ON THE CENTERLINE OF WALKER CREEK ROAD, 475.29 FEET,
MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT: THAT PORTION TO BE
RESERVED FOR WALKER CREEK ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST 1/16 LINE OF SECTION 15, TOWNSHIP 8
SOUTH, RANGE 36 E., B. M., THAT IS NORTH 89° 16' 10" EAST ON THE LATITUDINAL CENTER
LINE OF SAID SECTION 15, 1,322.09 FEET AND SOUTH 00° 10' 30" EAST, 20.62
FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE
36 E., B. M.; THENCE SOUTH 00° 10' 30" EAST, 25.31 FEET; THENCE SOUTH
78° 44' EAST, 470.24 FEET; THENCE NORTH 11° 02' EAST, 30.00 FEET; THENCE
NORTH 78° 44' WEST, 475.29 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

PARCEL 2:

A TRACT OF LAND IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 15, TOWNSHIP
8 SOUTH, RANGE 36 E., B. M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST 1/16 LINE OF SECTION 15, TOWNSHIP 8
SOUTH, RANGE 36 E., B. M., THAT IS NORTH 89° 16' 10" EAST ON THE LATITUDINAL
CENTERLINE OF SAID SECTION 15, 1,322.09 FEET AND SOUTH 00° 10' 30" EAST,
459.70 FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 8 SOUTH,
RANGE 35 E., B. M.; THENCE SOUTH 00° 10' 30" EAST, 91.30 FEET; THENCE SOUTH
48° 24' 40" EAST, 404.77 FEET, MORE OR LESS, TO THE WESTERLY RIGHT OF WAY
LINE OF MARSH CREEK ROAD; THENCE NORTH 16° 54' EAST, ON THE SAID WESTERLY
RIGHT OF WAY LINE, 61.21 FEET; THENCE NORTHEASTERLY ON THE SAID WESTERLY
RIGHT OF WAY LINE ON A CURVE WITH A RADIUS OF 2,834.79 FEET, FOR AN ARC
DISTANCE OF 234.53 FEET; THENCE NORTH 78° 26' 25" WEST, 388.44 FEET, MORE
OR LESS, TO THE POINT OF BEGINNING...

PARCEL 3:

A TRACT OF LAND IN SE $\frac{1}{4}$ NW $\frac{1}{4}$ AND SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, TOWN-
SHIP 8 SOUTH, RANGE 36 E., B. M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK
ROAD THAT IS NORTH 88° 58' EAST ALONG NORTH LINE OF SECTION 15, TOWNSHIP
8 SOUTH, RANGE 36 E., B. M., 1845.94 FEET, THENCE SOUTH 8° 53' EAST ALONG
THE SAID EASTERLY RIGHT OF WAY LINE 1336.95 FEET FROM THE NORTHWEST
CORNER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E., B. M., THENCE NORTH
89° 07' 00" EAST ON NORTH 1/16 LINE OF SAID SECTION 15, 1917.84 FEET, MORE
OR LESS, TO THE EAST 1/16 LINE OF SAID SECTION 15, THENCE SOUTH 00° 10' 30"
EAST ON THE EAST 1/16 LINE OF SAID SECTION 15, 190.00 FEET; THENCE SOUTH
89° 07' 40" WEST 1892.25 FEET, MORE OR LESS, TO THE SAID EASTERLY RIGHT OF
WAY LINE; THENCE IN NORTHERLY DIRECTION A CURVE WITH A RADIUS OF 848.51
FEET, FOR AN ARC DISTANCE OF 72.61 FEET; THENCE NORTH 8° 53' WEST 119.03
FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

Grantor reserves unto itself the right to use the necessary water from Walker Creek to
irrigate its property adjacent to the above described property.

SCAN
MAR 22 2014

2-2

502103

Schedule "B"

NO DWELLING SHALL BE PERMITTED ON THE ABOVE DESCRIBED PROPERTY HAVING LESS THAN 1,000 SQUARE FEET EXCLUSIVE OF GARAGE. SAID DWELLING SHALL BE OF NEW CONSTRUCTION MATERIALS. NO USED MATERIAL OR USED DWELLINGS SHALL BE MOVED ON TO THE ABOVE DESCRIBED PROPERTY. ANY TRAILER HOUSE IN GOOD CONDITION MAY BE MOVED ON DESCRIBED PROPERTY AS LONG AS THEY ARE A MINIMUM SIZE OF 12 FEET BY 50 FEET.

GRANTEES UNDER ANY CONVEYANCE SHALL NOT AT ANYTIME CONDUCT, OR PERMIT TO BE CONDUCTED ON SAID PROPERTY, ANY TRADE OR BUSINESS OTHER THAN FARMING. SAID LAND CAN BE USED FOR PRIVATE DWELLING OR RESIDENCE AND NOT FOR A COMMERCIAL BUSINESS.

ALL LIVESTOCK SHALL BE LIMITED TO TWO PER ACRE, EXCEPT GOATS AND PIGS, WHICH SHALL BE LIMITED TO TWO EACH ON THE ABOVE DESCRIBED TRACT.

THE ABOVE DESCRIBED PROPERTY SHALL NOT BE USED AS A DUMPING GROUND OR FOR STORAGE OF LARGE QUANTITIES OF EQUIPMENT OR MATERIALS.

GRANTOR RESERVES ONE-HALF OF ALL MINERAL RIGHTS

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantees their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this November 22, 1972

By General Sales, Inc.

L. Don Hammond

PRESIDENT.

ATTEST:

CORPORATE SEAL

SECRETARY.

STATE OF IDAHO, COUNTY OF Bannock

On this 22nd day of November, 19 72
before me, a notary public in and for said State, personally
appeared L. Don Hammond and

known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

[Signature]
Notary Public

Residing at Pocatello, Idaho
Comm. Expires

NOTARY SEAL

502103

RECORDED AT REQUEST OF

Am. Land Title Co.

Nov 28 3 11 PM '72

OFFICIAL REC'D BK. No 255

BANNOCK COUNTY, IDAHO

TIM ERIKSEN, RECORDER

FEE 2.00 DEPUTY In

This instrument furnished by the AMERICAN LAND TITLE CO.

SCANNED

MAR 22 2005



United States
Department of
Agriculture

Soil
Conservation
Service

250 South 4th--Suite 112
Pocatello, Idaho 83201

March 14, 1988

Keith Henrichs
2526 S. Marsh Creek Rd.
McCammon, Idaho 83250

Dear Keith:

As a follow-up to your question on the Hondoho gravelly silt loam, this soil has a lower water holding capacity than the average silt loam soil in Bannock County. As stated in our letter dated March 2, 1988, its water holding capacity is 4.8 to 6.6 inches, while the average silt loam is 11.4 to 12.6 inches of water.

Thus, if the State of Idaho, Department of Water Resources typical allocation per acre is .02 cfs per acre on average soils, then to have adequate water as stated above, an increase of 50% is needed.

The above information applies to all soils in your area labeled Honodaho gravelly silt loam.

Sincerely,

David L. Curtis

David L. Curtis
District Conservationist

jw
cc: file

SCANNED
MAR 22 2006

MICROFILMED
NOV 13 1987



The Soil Conservation Service
is an agency of the
United States Department of Agriculture



A29-04101



United States
Department of
Agriculture

Soil
Conservation
Service

250 South 4th--Suite 112
Pocatello, Idaho 83201

March 14, 1988

Keith Henrichs
2526 S. Marsh Creek Rd.
McCammon, Idaho 83250

Dear Keith:

As a follow-up to your question on the Hondoho gravelly silt loam, this soil has a lower water holding capacity than the average silt loam soil in Bannock County. As stated in our letter dated March 2, 1988, its water holding capacity is 4.8 to 6.6 inches, while the average silt loam is 11.4 to 12.6 inches of water.

Thus, if the State of Idaho, Department of Water Resources typical allocation per acre is .02 cfs per acre on average soils, then to have adequate water as stated above, an increase of 50% is needed.

The above information applies to all soils in your area labeled Honodaho gravelly silt loam.

Sincerely,

David L. Curtis
District Conservationist

jw
cc: file

SCANNED

MAR 22 2006



The Soil Conservation Service
is an agency of the
United States Department of Agriculture





United States
Department of
Agriculture

Soil
Conservation
Service

250 South 4th--Suite 112
Pocatello, Idaho 83201

March 14, 1988

Keith Henrichs
2526 S. Marsh Creek Rd.
McCammon, Idaho 83250

Dear Keith:

As a follow-up to your question on the Hondoaho gravelly silt loam, this soil has a lower water holding capacity than the average silt loam soil in Bannock County. As stated in our letter dated March 2, 1988, its water holding capacity is 4.8 to 6.6 inches, while the average silt loam is 11.4 to 12.6 inches of water.

Thus, if the State of Idaho, Department of Water Resources typical allocation per acre is .02 cfs per acre on average soils, then to have adequate water as stated above, an increase of 50% is needed.

The above information applies to all soils in your area labeled Honodaho gravelly silt loam.

Sincerely,

David L. Curtis
District Conservationist

jw
cc: file

SCANNED

MAR 22 2006



The Soil Conservation Service
is an agency of the
United States Department of Agriculture





United States
Department of
Agriculture

Soil
Conservation
Service

250 South 4th--Suite 112
Pocatello, Idaho 83201

March 2, 1988

Keith Henrichs
2526 S. Marsh Creek Rd.
McCammon, Idaho 83250

Dear Keith:

The soil on your property is classified as Hondoho Arbone gravelly silt loam. This soil is formed in alluvium derived from mixed sources.

The Hondoho soil is the dominant soil present here and below the 15 inch depth it is a composite of very gravelly loam and very cobbly loam.

Due to the above nature of this soil, it is very droughty and porous. Its water holding capacity is quite low when compared to the average silt loam soil in Bannock county. Specifically, its water holding capacity for a 60 inch profile varies from 4.8 to 6.6 inches of water, while the average silt loam varies from 11.4 to 12.6 inches of water.

Thus, the only way to have adequate irrigation water is to increase the amount of water needed by 40 to 50 per cent.

One other way to insure adequate irrigation water is to put it in a measuring devise at your property line.

David L. Curtis

David L. Curtis
District Conservationist

jw
cc: file

SCANNED

MAR 22 2006

MICROFILMED

A29-04401 NOV 13 1992



The Soil Conservation Service
is an agency of the
United States Department of Agriculture



A0012657

Claim # 29-04101A
2904103
29-10014

WALKER CREEK IRRIGATION ROTATION AGREEMENT

The undersigned water users of Walker Creek, located in Bannock County, Idaho, hereby agree to distribute the water of Walker Creek until such time as the rights and priorities of the parties have been formally adjudicated. The agreed distribution shall be as follows:

(A). If the flow of Walker Creek exceeds .36 cubic foot per second ("cfs"), the waters of Walker Creek shall be distributed by the undersigned users on a 10-day rotation period. The order of delivery and number of hours of use per rotation for each user shall be:

Keith Henrichs - 96 hours

Raymond Girard - 36 hours

Gene Wise - 31 hours

Bob Wardle - 31 hours

Chuck Thompson - 16 hours (Joann Poesy)

Kathy John Shultz - 10 hours

Norman Rademacher - 20 hours permit.

(B). If the water flow of Walker Creek falls below .36cfs, as measured as set forth below, then the above stated 10-day rotation period shall be modified and the undersigned users shall go to a 20-day rotation period. The modification from the 10-day rotation period to the 20-day rotation period will be based on the same acreage as the 10-day rotation period and on the same water allotment of .02cfs/acre/user. The number of hours of use per rotation credited to each user under the 20-day rotation period shall be:

Keith Henrichs - 192 hours

Raymond Girard - 72 hours

SCANNED

MAR 22 2006

Gene Wise - 62 hours

Bob Wardle - 62 hours

Chuck Thompson - 32 hours

John Shultz - 20 hours

Norman Rademacher - 40 hours

The reason for the modification from a 10-day rotation period to a 20-day rotation period when the flow of Walker Creek falls below .36cfs is to allow the parties longer periods of time to irrigate so that they may preserve, in times of low water, their pastures and other appurtenant property. Any of the undersigned users may use the water during their stated turn on each rotation or may pass their turn to another user they so designate. Any such designation shall not effect the designating party's use of the water on the next rotation. Each of the undersigned users is responsible for regulating their headgate at both the beginning and end of their respective turn.

For a determination of which rotation period to use at any particular time, the measurement of the flow of water in Walker Creek shall be done at such time as the water level appears to be approaching .36cfs. Any of the undersigned users may request the Portneuf River water master, if he or she so consents, or some other third person mutually agreed upon by all of the undersigned users to measure the water. If a

disagreement arises as to measurement, any of the undersigned users may request that a Department of Water Resources official measure the flow of water in Walker Creek. Such measurement by a Department of Water Resources official shall be deemed conclusive as to the level of flow in Walker Creek.

All measurements of the flow of Walker Creek used to make any determination under this agreement shall take place at the point of diversion used by water users Wardle, Wise and Girard. Any such measurements shall take place at a consistent hour at each time of measurement. An hour agreed upon by the parties is 10:00 a.m. on the day of measurement, or such consistent time as is convenient to the Portneuf River water master, the mutually agreed upon third party, or the Department of Water Resources official.

This agreement shall be in force and effect during the time period from March 15 through November 15 of each and every year, beginning with March 15, 1989, until an adjudication of the rights of the undersigned water users of Walker Creek is finally and fully completed. All prior agreements among the Walker Creek water users are superceded by this agreement. This agreement is binding on heirs, personal representatives, successors and assigns of any of the undersigned water users.

All of the undersigned, including the Department of Water Resources, agree that no adjudication has been completed on Walker Creek and that this agreement does not have any binding effect on any of the undersigned parties on any future adjudication. This agreement is solely a compromise agreement of a continuing controversy as to the rights and priorities of the parties to the use of Walker Creek and shall be considered solely in that regard. It shall not be considered as an admission in any regard by any of the undersigned parties as to their claims, licenses, permits or other arguments they may have in a subsequent adjudication. It shall not be considered binding, and shall not be used by any of the parties, including the Department of Water Resources, in any adjudication and shall not be considered by any Court in any hearing or other proceeding on an adjudication. All of the parties hereto reserve their objections to the various claims of the other users. The Department of Water Resources acknowledges and understands that the purpose of this agreement is solely for the purpose of a settlement of an on-going controversy. This agreement is a temporary, interim agreement until an adjudication of the rights of the parties can be formally determined.

The Department of Water Resources agrees that any cease and desist order issued to any of the undersigned

users is hereby terminated. It is further understood that the parties who received cease and desist orders do not admit that the Department of Water Resources had any legal authority to issue the cease and desist orders.

The Department of Water Resources agrees to recognize this agreement and not to intervene in the agreement or interfere with any of the use of the undersigned unless such parties do not abide by the rotation agreement set forth above. The undersigned users understand that the Department of Water Resources cannot view the agreement as revising any water rights the parties may be determined as having in an adjudication, but is solely an interim agreement.

IN WITNESS WHEREOF the undersigned hereby execute this agreement and acknowledge that each clearly understands the terms and conditions stated herein.

Dated: 1-19-89


Keith Henrichs

Dated: 2-5-89


Raymond Girard

Dated: 2-4-89


Gene Wise

Dated: 2-4-89


Bob Wardle

Dated: 2-4-89

Chuck Thompson
Chuck Thompson

Dated: Feb 6 1989

John Shultz
John Shultz

Dated: Feb 5, 89

Norman E. Rademacher
Norman Rademacher

Acknowledged and Approved by
the State of Idaho, Department
of Water Resources

Dated: _____

By _____
Norman C. Young
Administrator
Resource Administration Div.
Department of Water Resources

ADDENDUM

The attached Rotation Agreement is incorporated by reference and hereby made a part of the Walker Creek Irrigation Rotation Agreement.

April 16, 1990 Johnson had to close Wise, Warden & Guard head-gate to get our water turn.

All during 1991 irrigation we have to close the Warden Guard & Wise head-gate.

C. THOMSEN

1989

(16)

2 P.M. March 15	TO	6 A.M. March 16
2 P.M. March 25	TO	6 A.M. March 26
2 P.M. Apr 4	TO	6 A.M. Apr 5
2 P.M. Apr 14	TO	6 A.M. Apr 15
2 P.M. Apr 24	TO	6 A.M. Apr 25
2 P.M. May 4	TO	6 A.M. May 5
2 P.M. May 14	TO	6 A.M. May 15
2 P.M. May 24	TO	6 A.M. May 25
2 P.M. June 3	TO	6 A.M. June 4
2 P.M. June 13	TO	6 A.M. June 14
2 P.M. June 23	TO	6 A.M. June 24
2 P.M. July 3	TO	6 A.M. July 4
2 P.M. July 13	TO	6 A.M. July 14
2 P.M. July 23	TO	6 A.M. July 24
2 P.M. Aug 2	TO	6 A.M. Aug 3
2 P.M. Aug 12	TO	6 A.M. Aug 13
2 P.M. Aug 22	TO	6 A.M. Aug 23
2 P.M. Sept 1	TO	6 A.M. Sept 2
2 P.M. Sept 11	TO	6 A.M. Sept 12
2 P.M. Sept 21	TO	6 A.M. Sept 22
2 P.M. Oct 1	TO	6 A.M. Oct 2
2 P.M. Oct 11	TO	6 A.M. Oct 12
2 P.M. Oct 21	TO	6 A.M. Oct 22
2 P.M. Oct 31	TO	6 A.M. Nov 1
2 P.M. Nov 10	TO	6 A.M. Nov 11
2 P.M. Nov 20	TO	6 A.M. Nov 21
2 P.M. Nov 30	TO	6 A.M. Dec 1

G. SCHULTZ

1989

(12)

6 A.M. March 16	TO	4 P.M. March 16
6 A.M. March 26	TO	4 P.M. March 26
6 A.M. Apr 5	TO	4 P.M. Apr 5
6 A.M. Apr 15	TO	4 P.M. Apr 15
6 A.M. Apr 25	TO	4 P.M. Apr 25
6 A.M. May 5	TO	4 P.M. May 5
6 A.M. May 15	TO	4 P.M. May 15
6 A.M. May 25	TO	4 P.M. May 25
6 A.M. June 4	TO	4 P.M. June 4
6 A.M. June 14	TO	4 P.M. June 14
6 A.M. June 24	TO	4 P.M. June 24
6 A.M. July 4	TO	4 P.M. July 4
6 A.M. July 14	TO	4 P.M. July 14
6 A.M. July 24	TO	4 P.M. July 24
6 A.M. Aug 3	TO	4 P.M. Aug 3
6 A.M. Aug 13	TO	4 P.M. Aug 13
6 A.M. Aug 23	TO	4 P.M. Aug 23
6 A.M. Sept 2	TO	4 P.M. Sept 2
6 A.M. Sept 12	TO	4 P.M. Sept 12
6 A.M. Sept 22	TO	4 P.M. Sept 22
6 A.M. Oct 2	TO	4 P.M. Oct 2
6 A.M. Oct 12	TO	4 P.M. Oct 12
6 A.M. Oct 22	TO	4 P.M. Oct 22
6 A.M. Nov 1	TO	4 P.M. Nov 1
6 A.M. Nov 11	TO	4 P.M. Nov 11
6 A.M. Nov 21	TO	4 P.M. Nov 21
6 A.M. Dec 1	TO	4 P.M. Dec 1

4 P.M. March 16	TO 12 NOON March 17
4 P.M. March 26	TO 12 NOON March 27
4 P.M. Apr 5	TO 12 NOON Apr 6
4 P.M. Apr 15	TO 12 NOON Apr 16
4 P.M. Apr 25	TO 12 NOON Apr 26
4 P.M. May 5	TO 12 NOON May 6
4 P.M. May 15	TO 12 NOON May 16
4 P.M. May 25	TO 12 NOON May 26
4 P.M. June 4	TO 12 NOON June 5
4 P.M. June 14	TO 12 NOON June 15
4 P.M. June 24	TO 12 NOON June 25
4 P.M. July 4	TO 12 NOON July 5
4 P.M. July 14	TO 12 NOON July 15
4 P.M. July 24	TO 12 NOON July 25
4 P.M. Aug 3	TO 12 NOON Aug 4
4 P.M. Aug 13	TO 12 NOON Aug 14
4 P.M. Aug 23	TO 12 NOON Aug 24
4 P.M. Sept 2	TO 12 NOON Sept 3
4 P.M. Sept 12	TO 12 NOON Sept 13
4 P.M. Sept 22	TO 12 NOON Sept 23
4 P.M. Oct 2	TO 12 NOON Oct 3
4 P.M. Oct 12	TO 12 NOON Oct 13
4 P.M. Oct 22	TO 12 NOON Oct 23
4 P.M. Nov 1	TO 12 NOON Nov 2
4 P.M. Nov 11	TO 12 NOON Nov 12
4 P.M. Nov 21	TO 12 NOON Nov 22
4 P.M. Dec 1	TO 12 NOON Dec 2

Begin

6 L '0

12 NOON March 17	TO 12 NOON March 21
12 NOON March 27	TO 12 NOON March 31
12 NOON Apr 6	TO 12 NOON Apr 10
12 NOON Apr 16	TO 12 NOON Apr 20
12 NOON Apr 26	TO 12 NOON Apr 30
12 NOON May 6	TO 12 NOON May 10
12 NOON May 16	TO 12 NOON May 20
12 NOON May 26	TO 12 NOON May 30
12 NOON June 5	TO 12 NOON June 9
12 NOON June 15	TO 12 NOON June 19
12 NOON June 25	TO 12 NOON June 29
12 July 5	TO 12 NOON July 9
12 July 15	TO 12 NOON July 19
12 July 25	TO 12 NOON July 29
12 NOON Sept 17	TO 12 NOON Sept 21
12 NOON Sept 27	TO 12 NOON Sept 30
12 NOON Oct 7	TO 12 NOON Oct 11
12 NOON Oct 17	TO 12 NOON Oct 21
12 NOON Oct 27	TO 12 NOON Oct 31
12 NOON Nov 6	TO 12 NOON Nov 10
12 NOON Nov 16	TO 12 NOON Nov 20
12 NOON Nov 26	TO 12 NOON Dec 1
12 NOON Dec 6	

M L

B WARDLE

1989

(31)

12 NOON March 21 TO 7 P.M. March 22
 12 NOON March 31 TO 7 P.M. Apr 1
 12 NOON Apr 10 TO 7 P.M. Apr 11
 12 NOON Apr 20 TO 7 P.M. Apr 21
 12 NOON Apr 30 TO 7 P.M. May 1
 12 NOON May 10 TO 7 P.M. May 11
 12 NOON May 20 TO 7 P.M. May 21
 12 NOON May 30 TO 7 P.M. May 31
 12 NOON June 9 TO 7 P.M. June 10
 12 NOON June 19 TO 7 P.M. June 20
 12 NOON June 29 TO 7 P.M. June 30
 12 NOON July 9 TO 7 P.M. July 10
 12 NOON July 19 TO 7 P.M. July 20
 12 NOON July 29 TO 7 P.M. July 30
 12 NOON Aug 8 TO 7 P.M. Aug 9
 12 NOON Aug 18 TO 7 P.M. Aug 19
 12 NOON Aug 28 TO 7 P.M. Aug 29
 12 NOON Sept 7 TO 7 P.M. Sept 8
 12 NOON Sept 17 TO 7 P.M. Sept 18
 12 NOON Sept 27 TO 7 P.M. Sept 28
 12 NOON Oct 7 TO 7 P.M. Oct 8
 12 NOON Oct 17 TO 7 P.M. Oct 18
 12 NOON Oct 27 TO 7 P.M. Oct 28
 12 NOON nov 6 TO 7 P.M. nov 7
 12 NOON nov 16 TO 7 P.M. nov 17
 12 NOON nov 26 TO 7 P.M. nov 27
 12 NOON Dec 6 TO 7 P.M. Dec 7

End

B GIRARD

1989

(36)

7 P.M. March 21 TO 7 A.M. March 24
 7 P.M. Apr 1 TO 7 A.M. Apr 3
 7 P.M. Apr 11 TO 7 A.M. Apr 13
 7 P.M. Apr 21 TO 7 A.M. Apr 23
 7 P.M. May 1 TO 7 A.M. May 3
 7 P.M. May 11 TO 7 A.M. May 13
 7 P.M. May 21 TO 7 A.M. May 23
 7 P.M. May 31 TO 7 A.M. June 2
 7 P.M. June 10 TO 7 A.M. June 12
 7 P.M. June 20 TO 7 A.M. June 22
 7 P.M. June 30 TO 7 A.M. July 2
 7 P.M. July 10 TO 7 A.M. July 12
 7 P.M. July 20 TO 7 A.M. July 22
 7 P.M. July 30 TO 7 A.M. Aug 1
 7 P.M. Aug 9 TO 7 A.M. Aug 11
 7 P.M. Aug 19 TO 7 A.M. Aug 21
 7 P.M. Aug 29 TO 7 A.M. Aug 31
 7 P.M. Sept 8 TO 7 A.M. Sept 10
 7 P.M. Sept 18 TO 7 A.M. Sept 20
 7 P.M. Sept 28 TO 7 A.M. Sept 30
 7 P.M. Oct 8 TO 7 A.M. Oct 10
 7 P.M. Oct 18 TO 7 A.M. Oct 20
 7 P.M. Oct 28 TO 7 A.M. Oct 30
 7 P.M. nov 7 TO 7 A.M. nov 9
 7 P.M. nov 17 TO 7 A.M. nov 19
 7 P.M. nov 27 TO 7 A.M. nov 29

7 A.M. March 24	TO 2 P.M. March 25
7 A.M. Apr 3	TO 2 P.M. Apr 4
7 A.M. Apr 13	TO 2 P.M. Apr 14
7 A.M. Apr 23	TO 2 P.M. Apr 24
7 A.M. May 3	TO 2 P.M. May 4
7 A.M. May 13	TO 2 P.M. May 14
7 A.M. May 23	TO 2 P.M. May 24
7 A.M. June 2	TO 2 P.M. June 3
7 A.M. June 12	TO 2 P.M. June 13
7 A.M. June 22	TO 2 P.M. June 23
7 A.M. July 2	TO 2 P.M. July 3
7 A.M. July 12	TO 2 P.M. July 13
7 A.M. July 22	TO 2 P.M. July 23
7 A.M. Aug 1	TO 2 P.M. Aug 2
7 A.M. Aug 11	TO 2 P.M. Aug 12
7 A.M. Aug 21	TO 2 P.M. Aug 22
7 A.M. Aug 31	TO 2 P.M. Sept 1
7 A.M. Sept 10	TO 2 P.M. Sept 11
7 A.M. Sept 20	TO 2 P.M. Sept 21
7 A.M. Sept 30	TO 2 P.M. Oct 1
7 A.M. Oct 10	TO 2 P.M. Oct 11
7 A.M. Oct 20	TO 2 P.M. Oct 21
7 A.M. Oct 30	TO 2 P.M. Oct 31
7 A.M. Nov 9	TO 2 P.M. Nov 10
7 A.M. Nov 19	TO 2 P.M. Nov 20
7 A.M. Nov 29	TO 2 P.M. Nov 30
7 A.M. Dec 9	TO 2 P.M. Dec 10

C THOMSEN

1989

(32)

10 A.M. March 15	TO	6 P.M. March 16
10 A.M. Apr 4	TO	6 P.M. Apr 5
10 A.M. Apr 24	TO	6 P.M. Apr 25
10 A.M. May 14	TO	6 P.M. May 15
10 A.M. June 3	TO	6 P.M. June 4
10 A.M. June 23	TO	6 P.M. June 24
10 A.M. July 13	TO	6 P.M. July 14
10 A.M. Aug 2	TO	6 P.M. Aug 3
10 A.M. Aug 22	TO	6 P.M. Aug 23
10 A.M. Sept 11	TO	6 P.M. Sept 12
10 A.M. Oct 1	TO	6 P.M. Oct 2
10 A.M. Oct 21	TO	6 P.M. Oct 22
10 A.M. nov 10	TO	6 P.M. nov 11
10 A.M. nov 30	TO	6 P.M. Dec 1

N RADEMACHER

1989

(43)

6 P.M. March 16	TO	10 A.M. March 18
6 P.M. Apr 5	TO	10 A.M. Apr 7
6 P.M. Apr 25	TO	10 A.M. Apr 27
6 P.M. May 15	TO	10 A.M. May 17
6 P.M. June 4	TO	10 A.M. June 6
6 P.M. June 24	TO	10 A.M. June 26
6 P.M. July 14	TO	10 A.M. July 16
6 P.M. Aug 3	TO	10 A.M. Aug 5
6 P.M. Aug 23	TO	10 A.M. Aug 25
6 P.M. Sept 12	TO	10 A.M. Sept 14
6 P.M. Oct 2	TO	10 A.M. Oct 4
6 P.M. Oct 22	TO	10 A.M. Oct 24
6 P.M. nov 11	TO	10 A.M. nov 13
6 P.M. Dec 1	TO	10 A.M. Dec 3

C STEWART

1989

(43)

10 A.M. March 16	TO	6 A.M. March 18
10 A.M. Apr 7	TO	6 A.M. Apr 9
10 A.M. Apr 27	TO	6 A.M. Apr 29
10 A.M. May 17	TO	6 A.M. May 19
10 A.M. June 6	TO	6 A.M. June 8
10 A.M. June 26	TO	6 A.M. June 28
10 A.M. July 16	TO	6 A.M. July 18
10 A.M. Aug 5	TO	6 A.M. Aug 7
10 A.M. Aug 25	TO	6 A.M. Aug 27
10 A.M. Sept 14	TO	6 A.M. Sept 16
10 A.M. Oct 4	TO	6 A.M. Oct 6
10 A.M. Oct 24	TO	6 A.M. Oct 26
10 A.M. nov 13	TO	6 A.M. nov 15
10 A.M. Dec 3	TO	6 A.M. Dec 5

Remember
using our
water later
Day got caught
Called Hiram
1991

K HENRICHS

1989

(192)

6 A.M. March 19	TO	6 A.M. March 27
6 A.M. Apr 8	TO	6 A.M. Apr 16
6 A.M. Apr 28	TO	6 A.M. May 6
6 A.M. May 18	TO	6 A.M. May 26
6 A.M. June 7	TO	6 A.M. June 15
6 A.M. June 27	TO	6 A.M. July 5
6 A.M. July 17	TO	6 A.M. July 25
6 A.M. Aug 6	TO	6 A.M. Aug 14
6 A.M. Aug 26	TO	6 A.M. Sept 3
6 A.M. Sept 15	TO	6 A.M. Sept 23
6 A.M. Oct 5	TO	6 A.M. Oct 13
6 A.M. Oct 25	TO	6 A.M. nov 2
6 A.M. nov 14	TO	6 A.M. nov 22
6 A.M. Dec 4	TO	6 A.M. Dec 12

Aug 26. 1991
Shultz & Ward
using our water
for 11 hrs!
Sept 15 no
water at 7:2
also goes to Ward.
31
1-24
2-24
3-24

B WARDLE

1989

(62)

6 A.M. March 27	TO	8 P.M. March 29
6 A.M. Apr 16	TO	8 P.M. Apr 18
6 A.M. May 6	TO	8 P.M. May 8
6 A.M. May 26	TO	8 P.M. May 26
6 A.M. June 15	TO	8 P.M. June 17
6 A.M. July 5	TO	8 P.M. July 7
6 A.M. July 25	TO	8 P.M. July 27
6 A.M. Aug 14	TO	8 P.M. Aug 16
6 A.M. Sept 3	TO	8 P.M. Sept 5
6 A.M. Sept 23	TO	8 P.M. Sept 25
6 A.M. Oct 13	TO	8 P.M. Oct 15
6 A.M. nov 2	TO	8 P.M. nov 4
6 A.M. nov 22	TO	8 P.M. nov 24
6 A.M. Dec 12	TO	8 P.M. Dec 14

B GIBSON

1989

(71)

6 A.M. March 19	TO	8 P.M. March 27
6 A.M. Apr 8	TO	8 P.M. Apr 16
6 A.M. Apr 28	TO	8 P.M. May 6
6 A.M. May 18	TO	8 P.M. May 26
6 A.M. June 7	TO	8 P.M. June 15
6 A.M. June 27	TO	8 P.M. July 5
6 A.M. July 17	TO	8 P.M. July 25
6 A.M. Aug 6	TO	8 P.M. Aug 14
6 A.M. Aug 26	TO	8 P.M. Sept 3
6 A.M. Sept 15	TO	8 P.M. Sept 23
6 A.M. Oct 5	TO	8 P.M. Oct 13
6 A.M. Oct 25	TO	8 P.M. nov 2
6 A.M. nov 14	TO	8 P.M. nov 22
6 A.M. Dec 4	TO	8 P.M. Dec 12

6
3
9

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 29-4101A
Date Received: 7/14/1988
Receipt No: E000730
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CURTIS DUNN Phone: (208)254-3660
PO BOX 101
INKOM ID USA 83245

JODEANA DUNN Phone: (208)254-3660
PO BOX 101
INKOM ID USA 83245

2. Date of Priority: 03/15/1912

May 15, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	15	NE SW	BANNOCK	

5. Description of diverting works:

CONCRETE DIVERSION STRUCTURE W/ 12" OPENING AND SLIDING GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.67	
STOCKWATER	1/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
08S	36E	15	NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			NE	SW	IRRIGATION	14.8
			NW	SE	IRRIGATION	7.6
					Section Acres	22.4
					Total Acres	22.4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks: 30 head.

15. Basis of Claim: Beneficial Use

JUN 04 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

RENUMBERED A29-04101A
Ident. Number: ~~A29-04101~~
Date Received: 7-14-1988
Receipt No: E000730
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH V. HENRICHS 208-254-3340
Address: 2526 S. MARSH CREEK ROAD
MCCAMMON, ID 83250
OR
Name: JOSEPHINE V. HENRICHS
Address: 2526 S. MARSH CREEK ROAD
MCCAMMON, ID 83250

2. Date of Priority: MAR 15, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	36E	15	NE	SW			BANNOCK

5. Description of diverting works:
CONCRETE DIVERSION STRUCTURE W/ 12" OPENING AND SLIDING GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.670		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 44 CATTLE

A29-04101

Page 1

Date: 07/14/88

MICROFILMED

NOV 13 1988

SCANNED

MAR 22 2006

PROFILED



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	15	NE	SW		IRR	14.8
			NE	SW		STOCK	
			NW	SW		STOCK	
			NW	SE		IRR	7.6
						Section Acres	22.4
						Total Acres	22.4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

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): Keith V. Henrich Date: 7/14/88
_____ Date: _____

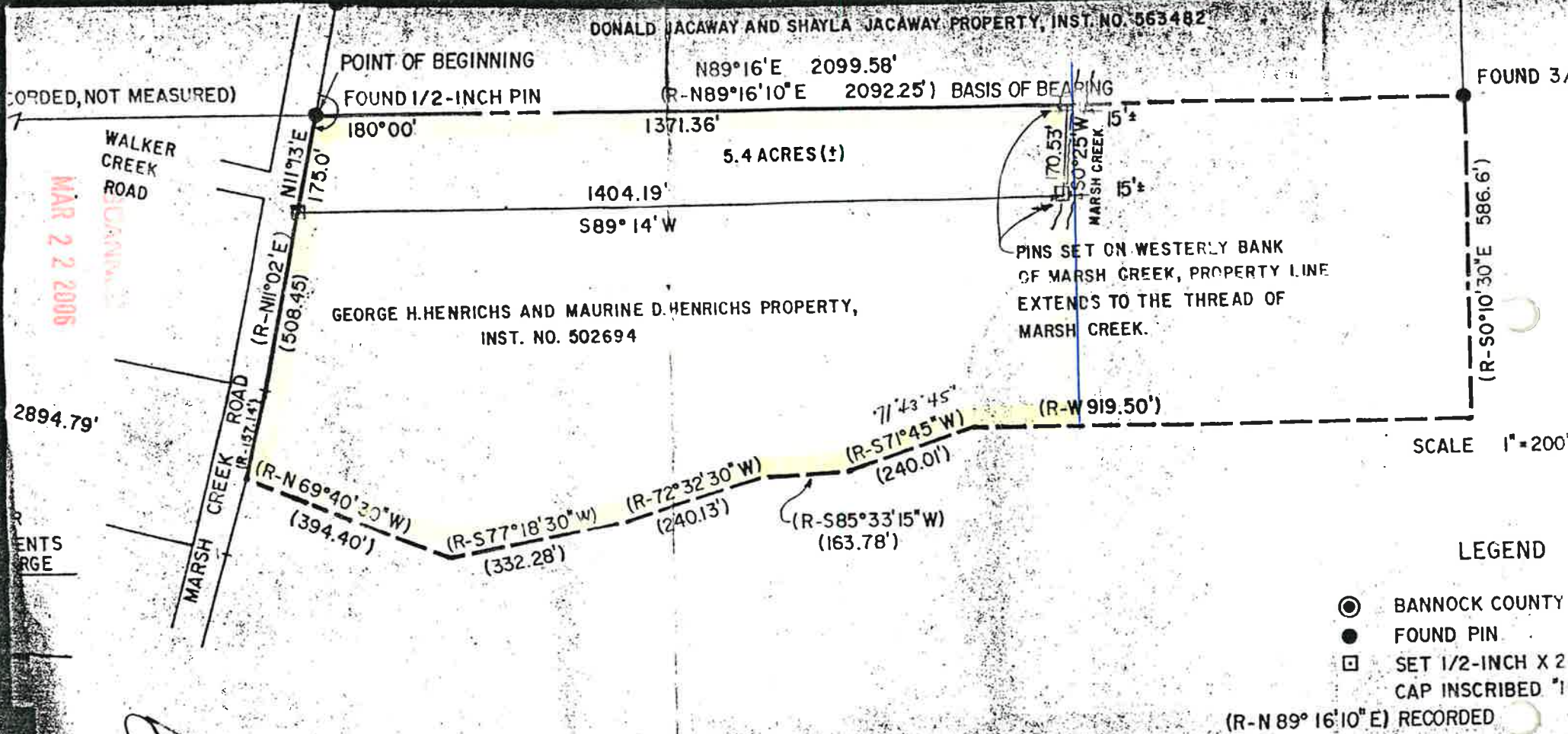
State of Idaho)
County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of July 19 88 Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 14 June 1994



RECORDED, NOT MEASURED)

MAR 22 2005

2894.79'

ENTS
RGE

MICROFILMED

A29-04101

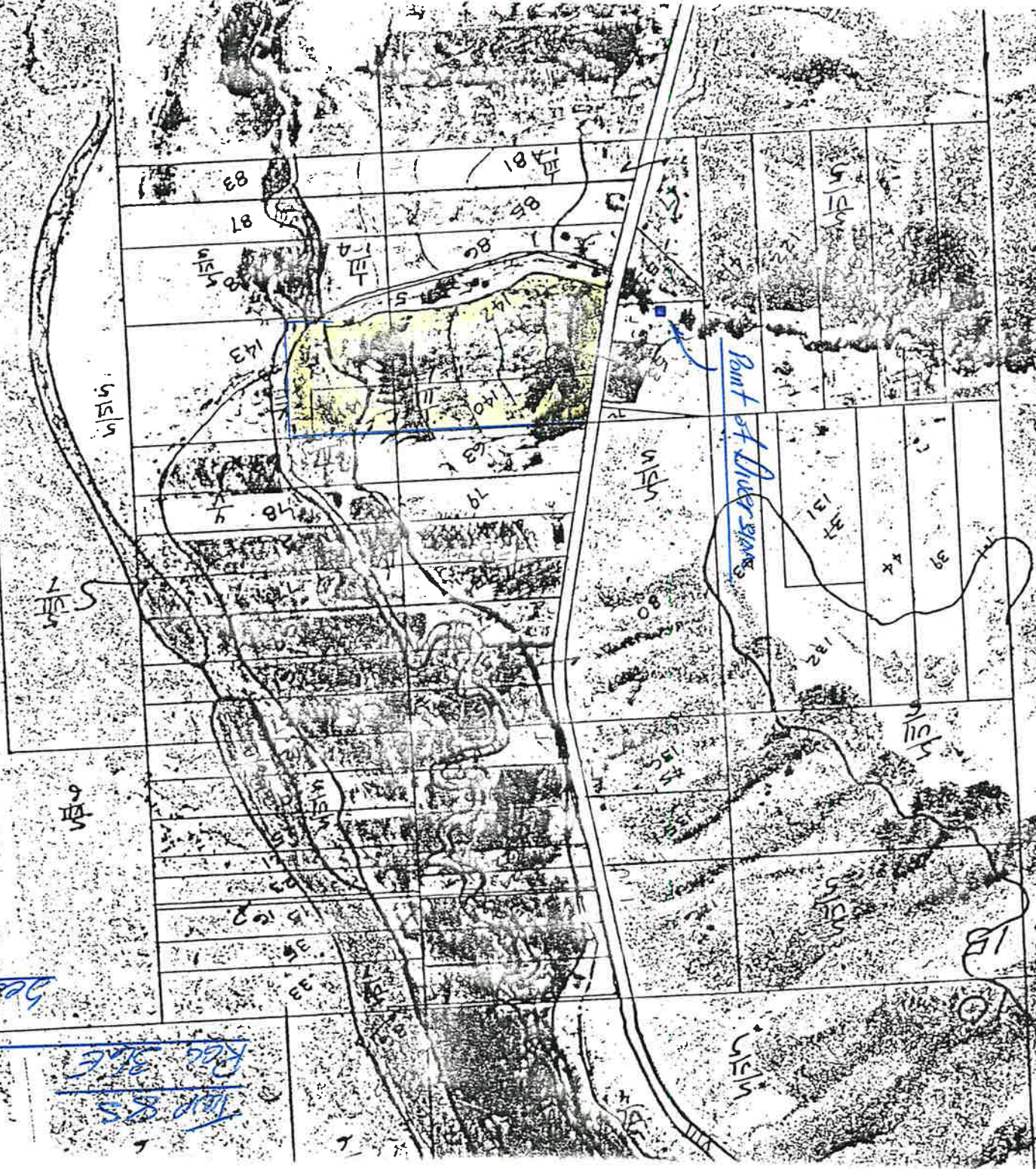
NOTE:
SURVEY BASED ON IRON PINS FOUND.
BOUNDARY OF ENTIRE HENRICHS PROPERTY
(INST. NO. 502694) WAS NOT RETRACED.

RECORD OF SURVEY

PARCEL 5.4

A29-04101

Point of Diversion



SCANNED

MAR 22 2005

MICROFILMED

NOV 1 1992

See 31E

Rgs 31E

15 10 11