

12/26/2002

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

RIGHT NUMBER: 29-4273

NAME AND ADDRESS: NORMA H WORTH
3259 N BANNOCK HWY
POCATELLO ID 83204

SOURCE: GIBSON JACK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.030 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/~~1957~~ 1902

POINT OF DIVERSION:

T07S R35E S17 SWNSW Within BANNOCK County

T07S R35E S17 SENSW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S17 NWSW 1.1

STOCKWATER same as IRRIGATION

1.1 ACRES TOTAL

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

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

05/13/2003

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

RIGHT NUMBER: 29-4273

NAME AND ADDRESS: NORMA H WORTH
3259 N BANNOCK HWY
POCATELLO ID 83204

SOURCE: GIBSON JACK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.080 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/26/1869

POINT OF DIVERSION:

T07S R35E S17 SWNWSW Within BANNOCK County Source: GIBSON JACK CREEK

T07S R35E S17 SENWSW Within BANNOCK County Source: GIBSON JACK CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.080 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S17 NWSW 2.7

STOCKWATER same as IRRIGATION

2.7 ACRES TOTAL

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

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

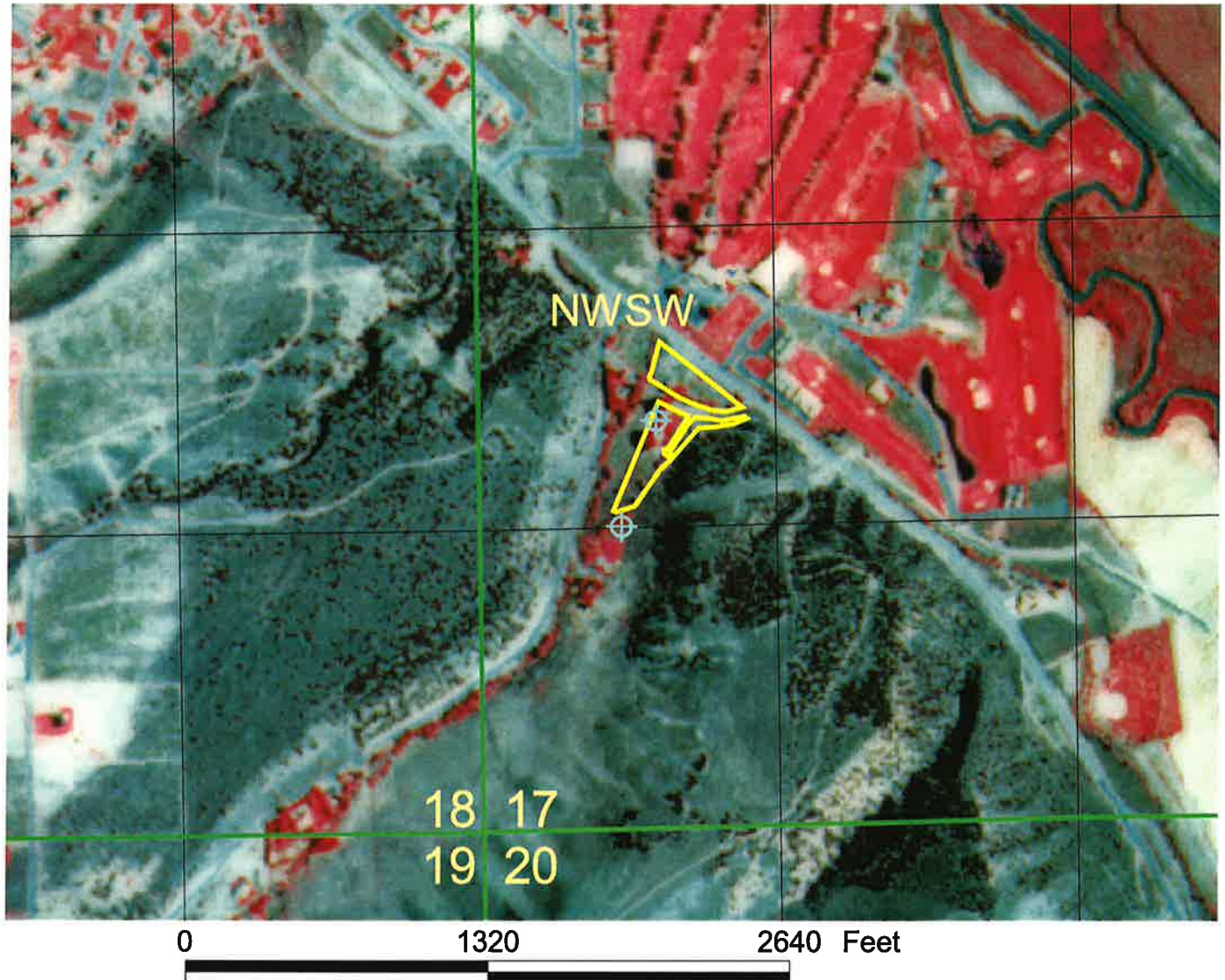
EXPLANATORY MATERIAL: Beneficial Use



Department of Water Resources

Claim No: 29-4273

Twp 07S Rge 35E

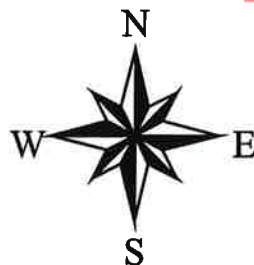


Irrigated Acres = 2.7

SCANNED
MAR 02 2005

PROF

-  Diversion.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: May 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4273 V1

WATER RIGHT NUMBER: 29-4273 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORMA H WORTH 3259 N BANNOCK HWY POCATELLO, ID 83204 (208)232-2367

Priority Date: 04/01/1902
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
GIBSON JACK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.090 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

GIBSON JACK CREEK	SW1/4NW1/4SW1/4	Sec. 17, Twp 07S, Rge 35E, B.M.
BANNOCK County		
GIBSON JACK CREEK	SE1/4NW1/4SW1/4	Sec. 17, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S17 NWSW 3.0

Total Acres: 3

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. n05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. n08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4273 V1

Dates and Other Information:

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/13/2002 2:17:38 PM	rwarner			Active
Priority Date	11/13/2002 2:20:31 PM	rwarner			Active
Priority Date	11/13/2002 5:08:01 PM	rwarner			Active
POD	11/13/2002 5:20:20 PM	rwarner			Active
Source	11/13/2002 5:21:33 PM	rwarner			Active
POU	11/13/2002 5:22:12 PM	rwarner			Active
Use	11/13/2002 5:25:35 PM	rwarner			Active
Season	11/14/2002 8:33:33 AM	rwarner			Active
Quantity	11/14/2002 8:37:28 AM	rwarner			Active
Summary			11/14/2002	rwarner	Active
Priority Date	11/14/2002 8:41:47 AM	rwarner			Active
Priority Date	12/23/2002 12:55:26 PM	ecarlson			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	11/13/2002 2:20:32 PM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4273 V1

Priority Date	12/23/2002 12:55:28 PM	ecarlson	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - See Priority Date Memo in file.
POU	12/26/2002 9:53:57 AM	ecarlson	Edited shape boundary
POU	12/26/2002 9:54:31 AM	ecarlson	Edited PLS
POU	12/26/2002 10:13:04 AM	ecarlson	Edited shape boundary
POU	12/26/2002 10:13:25 AM	ecarlson	Edited PLS
POD	12/26/2002 11:06:43 AM	ecarlson	Edited point location
POD	12/26/2002 11:09:47 AM	ecarlson	Edited point location
POU	3/12/2003 12:12:38 PM	rwarner	Edited shape boundary
Contacts	11/13/2002 2:17:39 PM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
POD	11/13/2002 3:56:51 PM	rwarner	Edited point location
Priority Date	11/13/2002 5:08:02 PM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (Yes) 7. Is the basis of claim a Application or Permit? (Yes) 10a. Has proof of beneficial use been submitted? (No) 10b. Has the Field exam been completed? (No) 10e. Will the license be issued prior to filing the Directors Report? (Yes) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?
POD	11/13/2002 5:20:21 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4273 V1

Source	11/13/2002 5:21:34 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Onsite inspection
POU	11/13/2002 5:22:13 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Onsite inspection
Use	11/13/2002 5:25:36 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - onsite field exam
Season	11/14/2002 8:33:33 AM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4273 V1

Quantity	11/14/2002 8:37:28 AM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required?
Summary	11/14/2002 8:41:40 AM	rwarner	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Priority Date	11/14/2002 8:41:48 AM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 13. Has additional evidence of priority date been submitted?



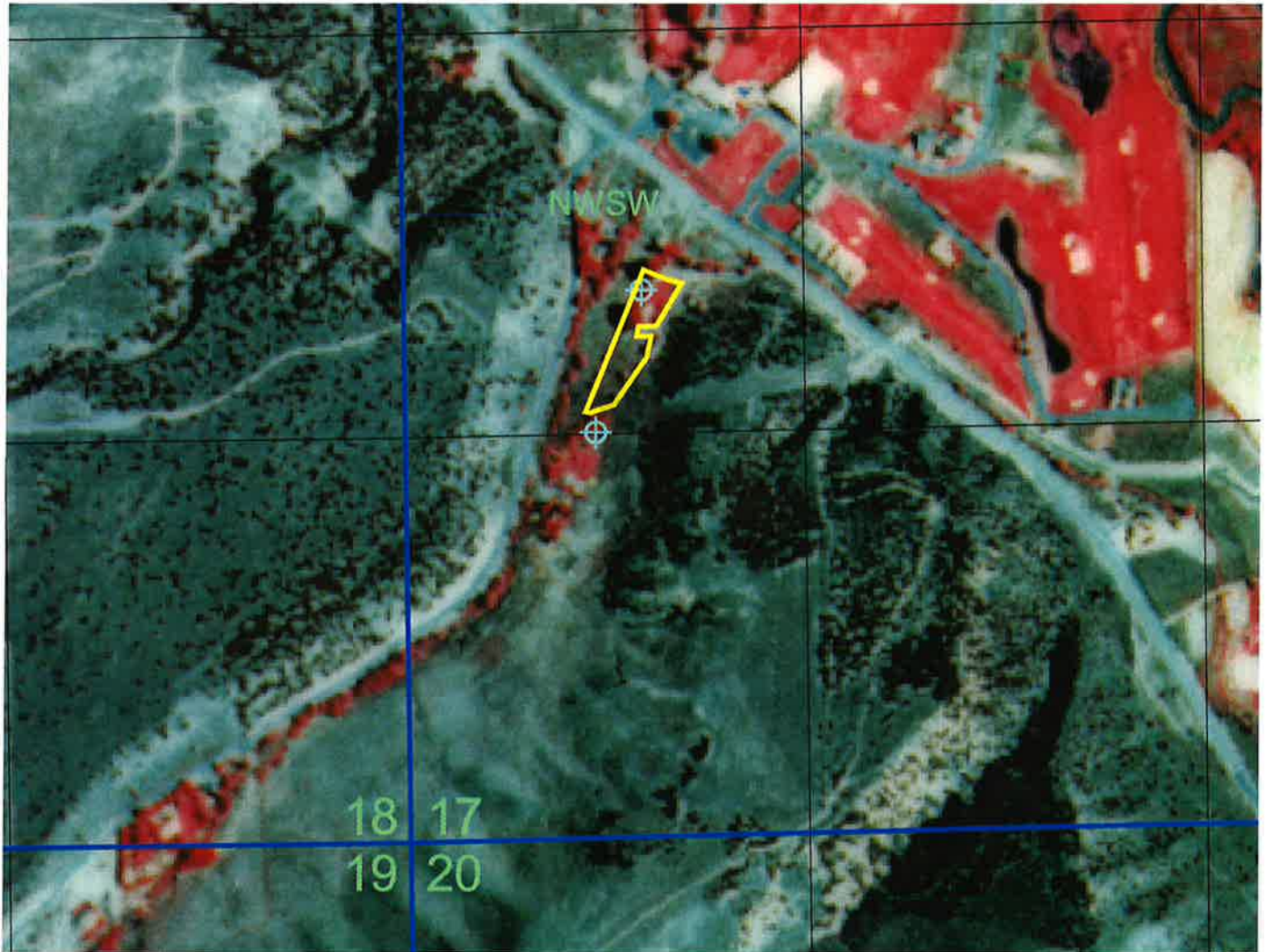
PROFILE



Department of Water Resources

Claim No.: 29-4273

Twp 07S, Rge 35E



0 660 1320 1980 2640 Feet

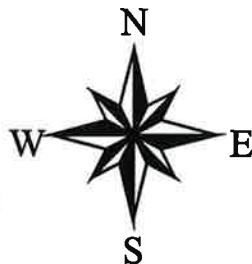
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Irrigated Acres = 1.1

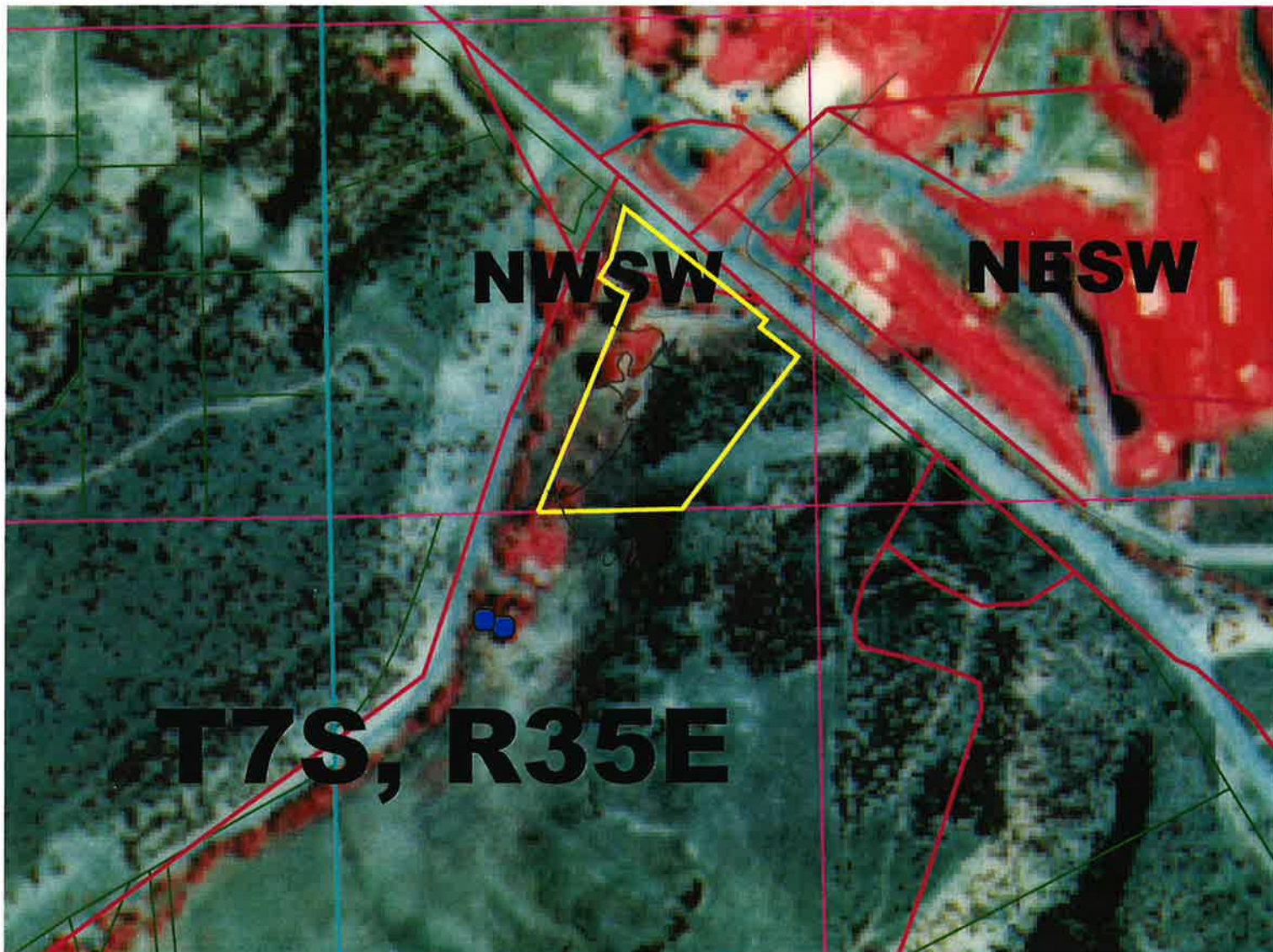
- Place of use.shp
- Diversion.shp
- Sections
- QQ

PROFILE



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: December 2002

29-04273 - Worth



Point of Diversion



Claimed POU - N/A



Property Boundary



Bannock Co Tax Lot Data



Section Lines



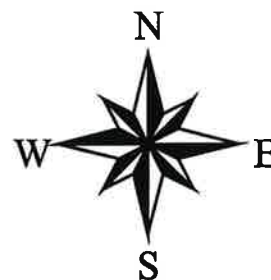
Quarter Quarter Lines

Property Acreage: 0.0

PROFILED

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MAR 02 2005



Prepared By: Craig Saxton
September 2002

Memorandum

Date: December 19, 2002

To: 29-4235 (formerly 29-263A), Farrington
29-4273, Worth

From: Ernie Carlsen

RE: Priority date

Both of the above mentioned claims were originally filed with priority dates of Feb 26, 1869. For claim 29-263A the basis of the priority date is decreed right 29-263 in Smith v Pocatello, June 5, 1926.

Right 29-263 was decreed to the Estate of T. B. Smith for 0.20 cfs from Mink Creek with a priority date of Feb 26, 1869. The right was appurtenant to 10 acres with a 220 acre described place of use that included the NWSW Section 17, T07S, R35E, where the claimant's property is located. The Findings of Fact in Smith v Pocatello states that for many years prior to 1888 there were 50 acres irrigated from Gibson Jack Creek. In 1889 the four owners of the 50 acres started construction of a ditch from Mink Creek and subsequently ceased diverting Gibson Jack and started using Mink Creek to irrigate the 50 acres plus some new land.

The Findings of Fact go on to explain that by the late 1890s the Pocatello Water Company Ltd. had constructed diversion works on Gibson Jack Creek and Cusick Creek. That "all of said waters" of Gibson Jack Creek, Cusick Creek and a portion of Mink Creek were insufficient to satisfy the requirements of Pocatello during the hot summer months. This finding may explain why the source of

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PROFILE

water for rights 29-263, 29-265, 29-267 and 29-269 was changed from Gibson Jack Creek to Mink Creek.

The USGS Quad (AA89) illustrates the location of the ditch from Mink Creek. The ditch enters the NWSW Section 17, T07S, R35E but is north east of the old highway. Water from this ditch cannot reach the claimants property south west of the old highway because it is higher in elevation.

Claimants did not provide evidence to support the claimed priority. In reviewing the warrantee deeds ownership of the property was divided in 1937. Walter Hayden purchased Mrs. Worth's property. While G. L. Smith retained 2.5 acres now owned by Mr. Farrington. The warrantee deed (instrument no. 238594) contains the first mention of a water system for use on the G. L. Smith property. The deed states: "There is specifically reserved, however, unto George L. Smith, ...an equal right the reservoir and domestic waters, pipe line, and supply of said waters forever". Though the source of water and irrigation are not specifically mentioned it is obvious work was done to develop water use and the logical source would have been Gibson Jack Creek. Though not conclusive evidence of irrigation because of the proximity of the POU to the creek, I am recommending a priority for claims 29-4235 and 29-4273 based on this warrantee deed.

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9-16-02: POH within Decreed POH - but wrong source
When did this change

: 89-10042 PO'd O+S from Well

9-18-02: met with Charmant. POH North
FE

: POH - Pump - 2nd POH

: GPS Pt: 630117
190995

±0 Estimated
Error

: Point taken 55' north of upstream
of actual POH

: Error Pt 630115 = it taken 50' down stream from
191073 actual location.

: Ditch runs on middle of Charmant's Property, at base of
Hill to the East

: Grant Passed Eight yrs ago.

: Pump is 2nd POH. : Magnetek
SN: BPS-157
HP: 1.5

1) Looking N @ Hill
Ditch Red-Yellow
leaves on tree in
pic

2) POH - Roger Strundling
Ditch

3) Looking W - House in
background

4) Black Pump with
white cover

SCANNED

MAR 02 2005

PROFILED

AJ5809NP
No. A29-04273

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 200

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GRANT T WORTH	02/26/1869	IRRIGATION	03-15 11-15	0.210 CFS	
C	NORMA H WORTH		STOCKWATER	03-15 11-15	0.020 CFS	
	3259 N BANNOCK HWY					
	POCATELLO ID 83204					
	(208) 232-2367					
				TOTAL DIVERSION:	0.230 CFS	

Water Source: GIBSON JACK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S17

NWSW

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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
07S	35E	17	:	:	:	:	:	07	:	:	:	:	:	7.0		
													TOTAL ACRES	7.0		

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	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
07S	35E	17	:	:	S	:	:	:	:	:	:	:	:			

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 50 HORSES, PIGS, AND CHICKENS.

Other Rights: NONE

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

29-10015 29-10042 29-11444 A29-00263A A29-10015 A29-10042 A29-11444

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

A29-00263 A29-00263A A29-00264 A29-02494 A29-04433

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 02/07/89 DUNN 12/10/92 THOMPSON 07/20/94 THOMPSON 03/29/95 POST-STD
04/12/00 CVANDERM

now deceased; that the same was and is community property of said Hans P. Hansen and Sine Hansen, Deceased.

That the said Sine Hansen died intestate on or about May 14, 1939, and that at the time of her death the said Hans P. Hansen was her husband, and that upon the death of the said Sine Hansen, all her right, title, interest, and estate in the lands and premises and property hereinafter described became vested in the said Hans P. Hansen, the surviving husband of said deceased, and that no other heirs at law, or any person or persons interested in the said estate, other than the said Hans P. Hansen, did, upon the death of said deceased, receive or become vested by descent, succession or otherwise of any right, title, interest or estate in the said lands or property, and that all of said lands and property is now vested in fee simple in the said Hans P. Hansen, free from any right, title or interest or claim by or on behalf of any other persons or person claiming under the said deceased.

That the lands and premises and property herein referred to and decreed herein, are situated in Bannock County, Idaho, and are particularly described as follows, to-wit:

The northeast quarter of section 24, township 10 south of range 40 east of the Boise Meridian, containing 160 acres, more or less. Together with all water and water rights belonging to, or used on or in connection with the said land, and especially including 191 shares of the capital stock of the East Grace Canal Company, Ltd., and 114-60/100 shares of the capital stock of the Bench Canal Company, Ltd.

Dated this 20th day of August A.D. 1945.

WILLARD LUND
Probate Judge of Bannock County
Idaho.

(SEAL)

STATE OF IDAHO) IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO
COUNTY OF BANNOCK) ss.

I, Ruth Petersen, Clerk of the Probate Court for the County of Bannock, State of Idaho, do hereby certify that the foregoing is a full, true and correct copy of the original DECREE ESTABLISHING RECORD TITLE TO COMMUNITY PROPERTY ON DEATH OF WIFE INTESTATE in the matter of the Estate of SINE HANSEN, Deceased, now on file and a matter of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 20th day of August, 1945.

(SEAL)

Ruth Petersen
Clerk of the Probate Court

RECORDED AUG 20 1945 11 10 AM in Book 93 of Deeds Page 362 RECORDS OF BANNOCK COUNTY STATE OF IDAHO, at request of Merrill & Merrill.

Anna Keefe, Recorder

Fee \$1.80

INSTRUMENT NO. 238594

WARRANTY DEED

THIS INDENTURE, Made this twentieth day of January 1937, by and between the ELKHORN LIVESTOCK AND DAIRY COMPANY, a corporation, organized and existing by virtue of the laws of the State of Idaho; G. L. Smith, trustee, acting under and by virtue of authority granted under Case No. 10718, dated December twenty-second, 1936, and signed by Isaac McDougall, District Judge in District Court, Fifth Judicial District in and for Bannock County; GEORGE L. SMITH (sometimes known as GEO. L. SMITH and G. L. SMITH), THOMAS B. SMITH (sometimes known as THOMAS B. SMITH JR. and T. B. SMITH), JAMES K. SMITH (sometimes known as J. K. SMITH), JESSIE FINLAYSON, ELIZA B. SMITH, FRANK H. SMITH, ELLA S. SMITH, T. STACY SMITH, parties of the first part, and VALTER HAYDEN of Pocatello, Bannock County, State of Idaho, party of the second part.

WITNESSETH: That Whereas, the Elkhorn Livestock and Dairy Company, a corporation, is one of the parties of the first part, and in pursuance of the statutes in such cases made and provided, has acquired and is part owner of the real estate hereinafter described:

WHEREAS, the Board of Directors of the Elkhorn Livestock and Dairy Company, a corporation, have by proper resolution authorized and empowered its President and Secretary to execute this deed and conveyance, and

NOW, THEREFORE, in pursuance to said resolution, the Elkhorn Livestock and Dairy Company, a corporation, G. L. Smith, trustee, GEORGE L. SMITH, THOMAS B. SMITH, JAMES K. SMITH, JESSIE FINLAYSON, ELIZA B. SMITH, FRANK H. SMITH, ELLA S. SMITH, T. STACY SMITH, the parties of the first part, and in consideration of the sum of TWELVE THOUSAND AND NO/100 Dollars (\$12,000.00) lawful money of the United States of America, to it and to them in hand paid by the said party of the second part the receipt whereof is hereby acknowledged, do by

MICROFILMED

NOV 14 1996

POOR ORIGINAL

these presents, grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of those lots, pieces, or parcels of land, situated in Bannock County, State of Idaho, and particularly described as follows, to-wit:

All of that portion of the Southwest Quarter of the Southwest Quarter of Section 17, and all of that portion of the Northwest Quarter of the Northwest Quarter of Section 17 lying West and South of the Oregon Short Line Railroad Company right of way; All that portion of the Northeast Quarter of the Northwest Quarter of Section 17, lying West and South of the right of way of the Oregon Short Line Railroad Company right of way; The East twenty two acres of the Southwest Quarter of the Northwest Quarter of Section 17; The Southeast Quarter of the Northwest Quarter; The Northeast Quarter of the Southwest Quarter of Section 17; And also, Commencing at the South 1/16th corner on the West line of said Section 17, thence East along the South 1/16th line of the said Section 17, 551.2 feet to the point of beginning, thence N 23° 19' E, 520.0 feet, more or less to a point in the Southerly right of way line of the Bannock Highway, said point being 53.3 feet southeasterly from a Bannock County Monument, which marks a point of tangency of the said right of way; thence Easterly along the said right of way line to an intersection with the west 1/16th line of the said Section 17, thence South along the said West 1/16th line 400 feet more or less to the SW 1/16th corner of said Section 17; thence West along the south 1/16th line of said Section 17, 760.0 feet more or less to the point of beginning; That portion of the Northwest Quarter of the Southwest Quarter of Section 17, lying North and East of the Bannock County Highway with the exception of a small strip of land heretofore deeded to George L. Smith, and said excepted land is more particularly described as follows to-wit: Commencing at the Southwest corner of Section 17, Township 7 South, Range 36, East Boise Meridian, thence North 17° 47' East, 1911.5 feet to the point of beginning, thence South 59° 40' East 49.3 feet; thence North 31° 55' East 251 feet; thence North 16° 34' East, 173.1 feet; thence North 50° 06' West, 60.0 feet; thence South 45° 30' West 127.0 feet; thence South 16° 02' West, 320.0 feet to the point of beginning, being a part of the NW 1/4 of Section 17, Township 7 South, Range 36, East Boise Meridian, and containing 2.52 acres, more or less; all the above described land being in Township 7 South, Range 36, East Boise Meridian; together with any and all water, water rights, dams, ditches, reservoirs now had and being enjoyed in connection with the above described lands; and particularly that certain Water right established by decree in the District Court of the Fifth Judicial District, State of Idaho in and for Bannock County, filed June 5, 1926 at 4:47 P.M. pertaining to the right and use of the water of Mink Creek and tributaries thereof and springs and sources of said tributaries wherein such amount and amounts of water of the date of appropriation or priority, and for the uses and purposes wherein such decreed waters may appertain to the above described lands. There is specifically reserved, however, unto George L. Smith, his heirs and assigns, an equal right to the reservoir and domestic waters, pipe line, and supply of said waters forever; and each owner in succession shall share equally in the maintenance of said water and pipe line; This deed being given subject to pole line easements and rights of way of the Bannock County Highway and any and all easements, rights of ingress and egress that may heretofore have been granted affecting said above described lands.

(\$13.20 I. R. S. attached to deed and cancelled.)

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

TO HAVE AND TO HOLD, all and singular, all of the above mentioned and described premises together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

And the said parties of the first part, its successors or assigns and their heirs and assigns, to keep the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against all and every person or persons, whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend, and such warranty shall be limited by the parties of the first part to the property wherein they have vested and record title only at this date.

IN WITNESS WHEREOF, the said ELKHORN LIVESTOCK AND DAIRY COMPANY, a corporation, has caused these presents to be subscribed by its President and Secretary, and its corporate name and seal to be hereunto affixed on the day and year first above written: and the other parties of the first part have hereunto set their hands and seals the day and year first above written.

ATTEST:

Frank H. Smith
Its Secretary
(CORPORATE SEAL)

ELKHORN LIVESTOCK AND DAIRY COMPANY, a corporation

By G. L. Smith
Its President

G. L. Smith
G. L. Smith, trustee
G. L. Smith,
George L. Smith
Thomas B. Smith
Thomas B. Smith

James J. K. Smith
James K. Smith

Jessie Finlayson
Jessie Finlayson

Eliza B. Smith
Eliza B. Smith

MICROFILMED

NOV 14 1996

POOR ORIGINAL

Ella S. Smith
Ella S. Smith

T. Stacy Smith
T. Stacy Smith

STATE OF IDAHO)
County of Bannock) SS.

Upon this First day of Feb'y 1937, before me, Paul M. Bryan, a Notary Public in and for said County, personally appeared G. L. Smith and F. H. Smith known to me to be the President and Secretary, respectively, of the ELKHORN LIVESTOCK AND DAIRY COMPANY, a corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

(SEAL)

Paul M. Bryan
Notary Public
Pocatello, Idaho Residence

STATE OF IDAHO)
County of Bannock) SS.

On the First day of Feb'y, in the year 1937, before me, Paul M. Bryan, a Notary Public, in and for said County, personally appeared G. L. SMITH, TRUSTEE, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

Paul M. Bryan
Notary Public
Residence: Pocatello, Idaho

STATE OF IDAHO)
County of Bannock)

On the First Day of Feb'y, 1937, before me, Paul M. Bryan, a Notary Public, in and for said County, personally appeared GEORGE L. SMITH, JESSIE WINLAYSON, FRANK H. SMITH, ELLA S. SMITH, T. STACY SMITH, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Paul M. Bryan
Notary Public
Residence, Pocatello, Idaho

STATE OF IDAHO)
County of Bingham) SS.

On the 20th Day of January 1937, in the year 1937, before me Beth Rodgers, a Notary Public, in and for said County, personally appeared THOMAS B. SMITH, JAMES K. SMITH, and ELIZA B. SMITH, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Beth Rodgers
Notary Public
Residence Blackfoot, Idaho

RECORDED AUG 20 1945 3 07 PM in Book 93 of Deeds Page 363 RECORDS OF BANNOCK COUNTY STATE OF IDAHO, at request of BTA CO.

Anna Keefe, Recorder

Fee \$3.40

INSTRUMENT NO. 238616

IN THE PROBATE COURT OF BANNOCK COUNTY,
STATE OF IDAHO

IN THE MATTER OF THE ESTATE

of

GEORGE EDWARD KINNEY, also
known as George E. Kinney,

ORDER SETTLING FINAL ACCOUNT
AND DECREE OF DISTRIBUTION

MICROFILMED

NOV 14 1936

POOR ORIGINAL

WARRANT-DEED

This Indenture, Made this 1st day of September, in the year of Our Lord One Thousand Nine Hundred and thirty-six, between

Walter Hayden and Delsa Hayden, husband and wife,
of Pocatello, County of Bannock, State of Idaho, the part 1st of the first part, and
Grant T. Worth and Norma H. Worth, husband and wife,
of Pocatello, County of Bannock, State of Idaho, the part 1st of the second part:

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of ----- Ten and no/100----- DOLLARS, lawful money of the United States of America, to ----- in hand paid by the said part ----- of the second part, the receipt whereof is hereby acknowledged and other valuable considerations, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part 1st of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to wit:

Commencing at the South one-sixteenth corner on the West line of Section 17, Town/7 South, Range 35 East of the Boise Meridian, in Bannock County, State of Idaho, and running thence East along the South one-sixteenth line of said Section a distance of 561.2 feet to the real point of beginning; thence North 23°19' East 592.85 feet, more or less, to the Southerly right-of-way boundary of the Old Bannock Highway; thence along said boundary North 52°11' West 53.3 feet; thence North 37°49' East 66 feet to the Northerly Boundary of said Old Bannock County Highway right-of-way; thence along said right-of-way boundary North 52°11' West 59.4 feet; thence North 31°16' East 40.0 feet; thence North 15°55' East 120.6 feet, more or less, to the Southerly right-of-way boundary of the New Bannock Highway; thence along said boundary South 51°15' East 507.6 feet; thence South 38°45' West 20.0 feet; thence South 51°15' East 124.7 feet; thence South 38°27' West 516.6 feet, more or less, to the South one-sixteenth line of said Section 17; thence West along said South one-sixteenth line 399.5 feet, more or less, to the real point of beginning.....together with all water, water rights, pipe line, waters to springs, etc.

(U.S.I.R.S.\$ 15.00 Attached to Deed and cancelled)

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said part 1st of the second part, and to their heirs and assigns forever. And the said part 1st of the first part, and warrant the said premises in the quiet and peaceable possession of the said part 1st of the second part, their heirs and assigns against the said part ----- of the first part, and ----- and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part 1st of the first part has hereunto set their hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Walter Hayden (SEAL)
Delsa Hayden (SEAL)
(SEAL)

STATE OF IDAHO,

ss.

County of Bannock

On this 1st day of September, in the year 19 56, before me, G. L. Stowell a Notary Public in and for said County and State, personally appeared

Walter Hayden and Delsa Hayden, husband and wife,

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

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

(SEAL)

G. L. Stowell Notary Public
Residence Pocatello, Idaho.

AMERICAN LAND TITLE CO.

POCATELLO, IDAHO
1-208-232-6163
BLACKFOOT, IDAHO
1-208-785-4573
IDAHO FALLS, IDAHO
1-208-524-5600

REXBURG, IDAHO
1-208-356-9323
SALMON, IDAHO
1-208-756-4231
RIGBY, IDAHO
1-208-745-9495

Worth

MICROFILMED

I hereby certify that this instrument was filed for record at the request of B.T.A. Co., at 29 minutes past 2 o'clock P.M., this 19th day of February A.D. 1957.

Fee \$ 1.75

Sarah Doveney Deputy Recorder.

By

Deputy.

NOV 14 1956

NOTE: Include here the type and number of stock watered: _____
If you are claiming water as a member of an organization, list name of organization: _____

MAR 22 1995
Department of Water Resources
Eastern District Office

March 20, 1995

Dear Carlson:
Water Right Agent,
Adjuncts

Priority Date 1869

I am sending you a copy of the part
of the Court Order, which shows the priority
date of our Water Right, as being of seniority
of the Priority Date, of our Water Right
#A29-04213, which is used for
irrigation and the care of animals.

Thank you for your help,
Wanna Smith

MICROFILMED
NOV 13 1995

Bureau Code
of Bureau County
or 8-1498

DECEMBER 10, 1992

GRANT T WORTH
3259 N BANNOCK HWY
POCATELLO ID 83204

RE: AMENDED NOTICE OF CLAIM/A29-04273

Dear Mr. Worth:

Pursuant to your letter dated December 3, 1992, enclosed is an "amended" Notice of Claim with the priority date of February 26, 1869. I apologize for the error. Since the Notice has been amended, it is necessary for you to sign the form in the presence of a Notary Public and return it to our office promptly.

In Item #1, your names are separated by "and/or", therefore, it only necessary that one of you sign the Notice before a Notary.

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

Respectfully,

Jo Thompson
Adjudication Secretary

Enclosure: Amended Notice of Claim/A29-04273

File: TIC

MICROFILMED

APR 12 1994

RECEIVED

DEC 09 1992

Department of Water Resources
Eastern District Office

December 3, 1992

State of Idaho
Dept. of Water Resources
150 Shoup Ave. Suite #15
Idaho Falls, ID 83402

To Whom It May Concern:

This letter is to inform you of a misprint in our water right claim. Our water right is ID# A29-04273 it has a priority date of February 26, 1869 but after receiving a copy from your office the priority date reads February 26, 1896 and has the 69 transposed to 96 which is incorrect. Our water right is the same as our neighbors that came from the same property when the property was split. Our neighbors - Ralph Farrington's ID# A29-00263A and his date should be February 26, 1869 also. Please correct your records and send proof of such.

Sincerely,

Grant T. and Norma H. Worth
3259 N. Bannock Hwy
Pocatello, ID 83204

Grant T. Worth
Norma H. Worth

MICROFILMED

APR 12 1994

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME WORTHCLAIM IDENT. NO. A29-04273DATE RECEIVED 1/30/89CK # 706AMOUNT \$ 82⁰⁰

- | | YES | NO |
|--|--|-------------------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? | | |
| A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | N/A ☒ | ☐ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? | N/A ☒ | ☒ |
| Is the consumptive use correct? | N/A ☒ | ☒ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A ☒ | ☐ |
| 10. Is (are) the place(s) of use entered? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A ☒ | ☐ |
| 15. Is the basis of the claim checked? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | Exempt ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | N/A ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

MICROFILMED

Claim checked by: TO

NOV 13 1992

Comments: (should be 2/26/1869) ② PRIORITY DATE INCORRECT ⑧ CONSUMPTIVE USE NEEDED.SEND AMENDMENT TO CLAIMANT FOR SIGNATURE. ③ SOURCE CORRECT?

5005638

named persons and corporation, defendants and cross-complainants in this action have the right to the use of said Mink Creek and the tributaries thereof, and springs, the sources of said tributaries, such amount and amounts of water, of the date of appropriation and priority, and for the uses and purposes and the point of diversion and means of diversion as set forth in the following schedule:

POOR ORIGINAL

MINK CREEK

Name of Claimant and
Date of Priority

Amount in Second
Feet.

Point of Diversion
And Place of Use

1. Estate of T. B. Smith
deceased:
29 0263 1869--February 26,
29 0264 1902--July 21,

10 inches
44.65 inches

Said water to be diverted from the said creek by means of a dam in said creek at or near the center of section 20, Township 7, South Range 35, T. B. M. Said water to be used on the following described land. Northwest quarter of section seventeen and Northwest quarter of Southwest quarter of Section 17, and Southwest quarter of Southwest quarter of section 8, Township 7, South Range 35, E. B. M.

STATE OF IDAHO,

COUNTY OF BANNOCK.

ss.

I, R. C. EARLEY, Clerk of the District Court, Ex-Officio Auditor and Recorder in and for said county and state hereby certify that the above and foregoing is a full, true and correct copy of the original DECREE in the case of SAM B. SMITH, Administrator of the Estate of T. B. Smith, deceased, et al Plaintiffs, vs CITY OF POCAHELLO, a municipal corporation, et al, defendants, recorded in Judgment Book 8, at page 306, as the same appears of record or on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Pocatello, Idaho, this 26th. day of June, 1926.

R. C. Earley,

Clerk of the District Court, Ex-Officio Auditor and Recorder.

By

L. S. Sherry

Deputy

SCANNED

JUN 11 2001

RECEIVED

DEC 18 1992

Department of Water Resources

Eastern District Office

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04273
Date Received: 1/31/1989
Receipt No: E005638
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GRANT T. WORTH 208-232-2367
Address: 3259 N. BANNOCK HWY.
POCATELLO ID 83204

AND/OR

Name: NORMA H. WORTH 208-232-2367
Address: 3259 N. BANNOCK HWY.
POCATELLO ID 83204

2. Date of Priority: FEB 26, 1869

3. Source: GIBSON JACK CREEK Trib. to: PORTNEUF

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	17	NW	SW			BANNOCK

5. Description of diverting works:
DITCH AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.210	12.5	
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 HORSES, PIGS, AND CHICKENS.

MICROFILMED

APR 12 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	17	NW NW		STOCK	
			NW SW		IRR	7.0
				Section Acres		7.0
				Total Acres		7.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Water Right Number: 290263

Case Number: 6669

Court :

Decree date: 6/ 5/1926

SAM B. SMITH CITY OF POCA TELLO, ET. AL.
Decree Plaintiff vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Norma H. North Date: 12-15-92
Date: APR 12 1994

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of December 19 92

Mavine R. Williams
Notary Public

Seal

Residing at Portello ID

My Commission Expires August 31, 1994

MICROFILMED
APR 12 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04273
Date Received: 1/30/1989
Receipt No: E005638
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT T. WORTH
Address: 3259 N. BANNOCK HWY.
POCATELLO, ID

208-232-2367

83204

AND/OR

Name: NORMA H. WORTH
Address: 3259 N. BANNOCK HWY.
POCATELLO, ID

208-232-2367

83204

2. Date of Priority: FEB 26, 1896

3. Source: GIBSON JACK CREEK

Trib. to: PORTNEUF

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	17	NW	SW			BANNOCK

5. Description of diverting works:
DITCH AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.210		
STOCKWATER	03/15	11/15	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 50 HORSES, PIGS, AND CHICKENS.

A29-04273

Page 1

Date: 02/07/89

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	17	NW	NW		STOCK	
			NW	SW		IRR	7.0
						Section Acres	7.0
						Total Acres	7.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 290263
Case Number: 6669
Court :
Decree date: 6/05/1926

SAM B. SMITH

Decree Plaintiff

vs

CITY OF POCA TELLO, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 04273Ident. Number A291Date Received 1-30-1989Receipt Number E005638

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Grant T. and/or Norma H. Worth Phone (208) 232 - 2367Mailing Address 3259 N. BANNER HWY, POCATELLO Zip 832042. Date of Priority (Only one (1) per claim) FEB 26, 18963. Source of water supply (a) GIBSON TRAIL CREEK
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7S Range 3SE Section 17,
_____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of BANNOCK

Additional points of diversion if any: _____

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

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

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

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

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

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

MICROFILMED

NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.21 cfs or _____
For Stockwater purposes from 3-15 to 12-85 amount 0.02 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.23 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater - 50 horses, pigs, chicken,

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7S</u>	<u>3SE</u>	<u>17</u>										<u>7</u>							<u>7</u>

Total number of acres irrigated 7

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
No NE or None ()

14. Remarks:

Last Name NORTH

Ident No.

A29-00263
A29-04273
A29-04273

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Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Worth.

Ident No.

~~A29-60263~~
~~A29-04273~~

A29-04273

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

Decree X

If applicable provide IDWR Water Right Number 29-0263

Court _____ Case Number 6669 Decree Date June 5, 1926

Plaintiff vs Defendant Sam B. Smith, et al vs. City of Pocatello, et al

16. Signature (s)

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

Number of attachments 0

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

Signature of Claimant (s) Grant North Date 1-30-89

Date _____

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

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30th day of January 19 89

SEAL

Notary Public Betty J. Thompson

Residing at _____

BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires _____

RESIDING AT IDAHO FALLS, IDAHO

Please Print Name

MY COMMISSION EXPIRES: 6-30-94

17. Notice of Appearance:

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

Signature _____

Address _____

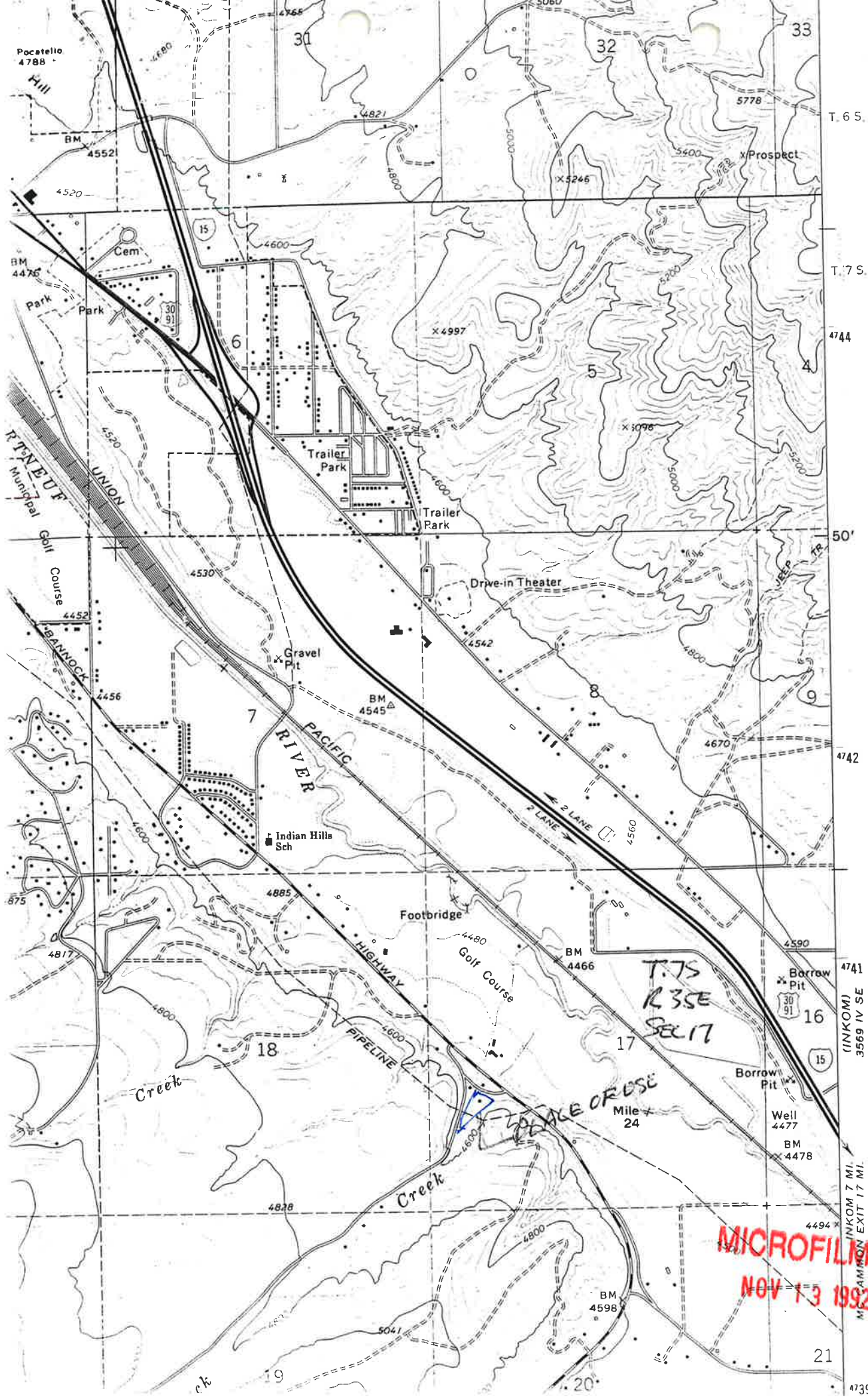
Date _____

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Last Name North

Ident. Number A29-04273
A29-00263

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