

01/14/2003

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

RIGHT NUMBER: 29-4405
NAME AND ADDRESS: STMB WATER ASSN
C/O HOMER SEMMONS
PO BOX 902
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.190 CFS~~
~~22.500 AFY~~ 20.8

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

PRIORITY DATE: 12/01/1960

POINT OF DIVERSION:

T07S R35E S30 NWSWSE 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	0.100 CFS 20.00 AFY
DOMESTIC	01/01 12/31	0.080 CFS ~~2.40 AFY~~
STOCKWATER	01/01 12/31	0.010 CFS ~~0.10 AFY~~

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S30 NWSE 5.0
DOMESTIC same as IRRIGATION
STOCKWATER same as IRRIGATION

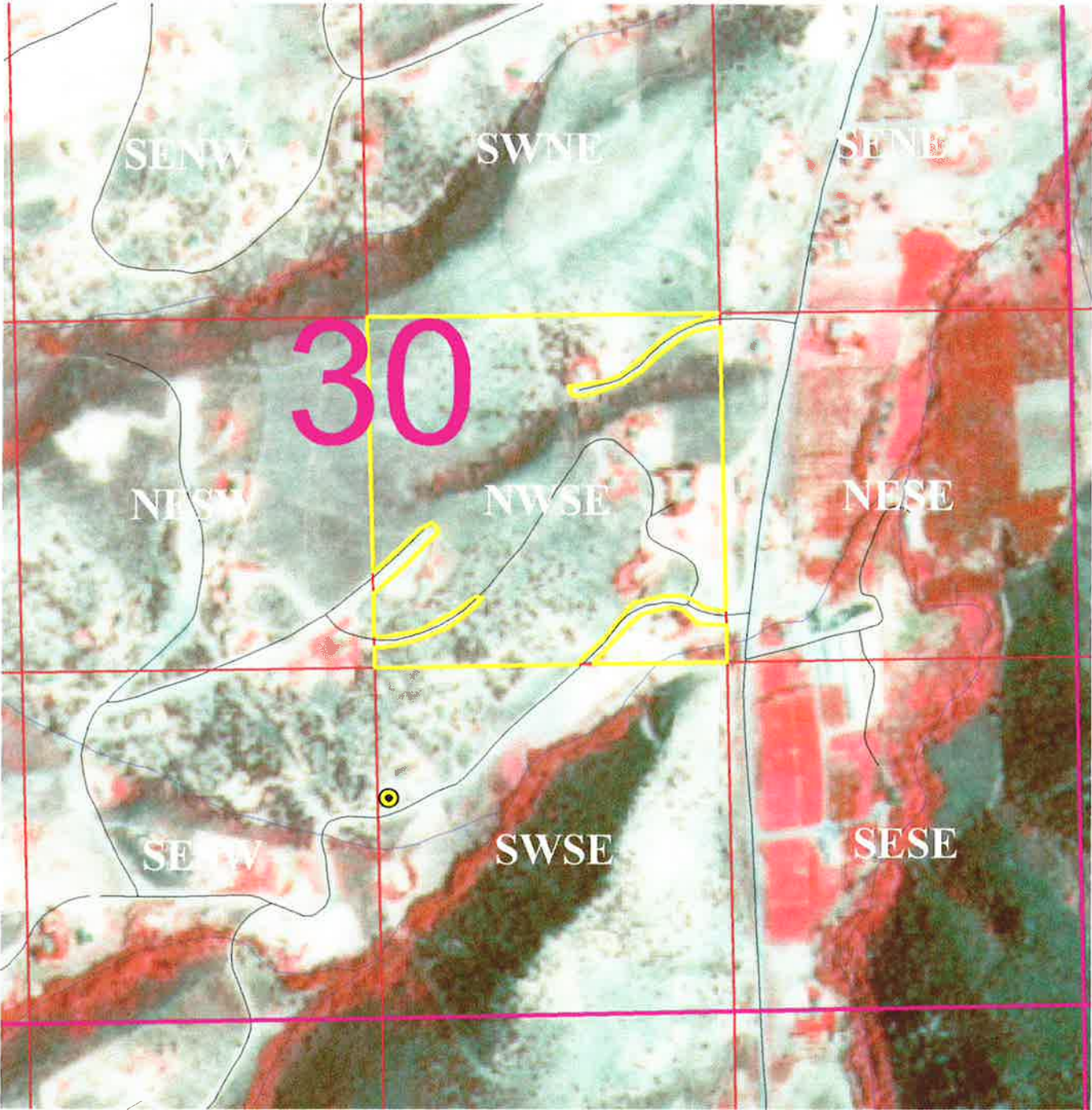
5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

N14
N09



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

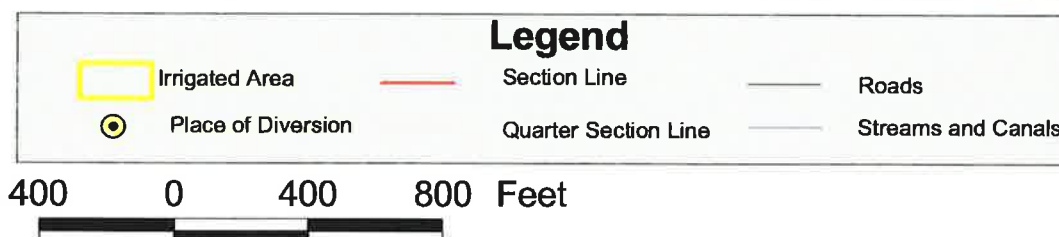
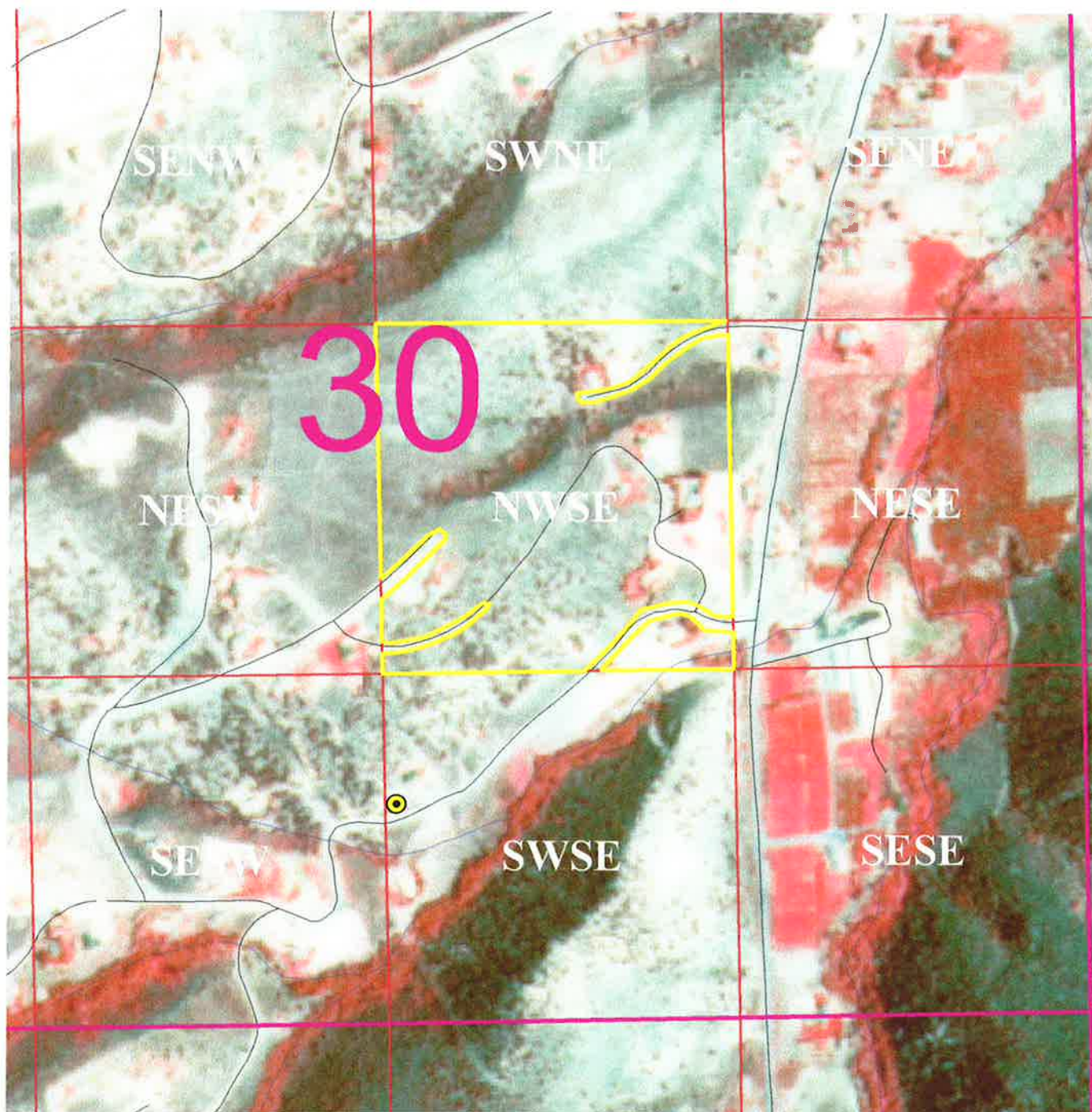
Quarter Section Line

 Streams and Canals



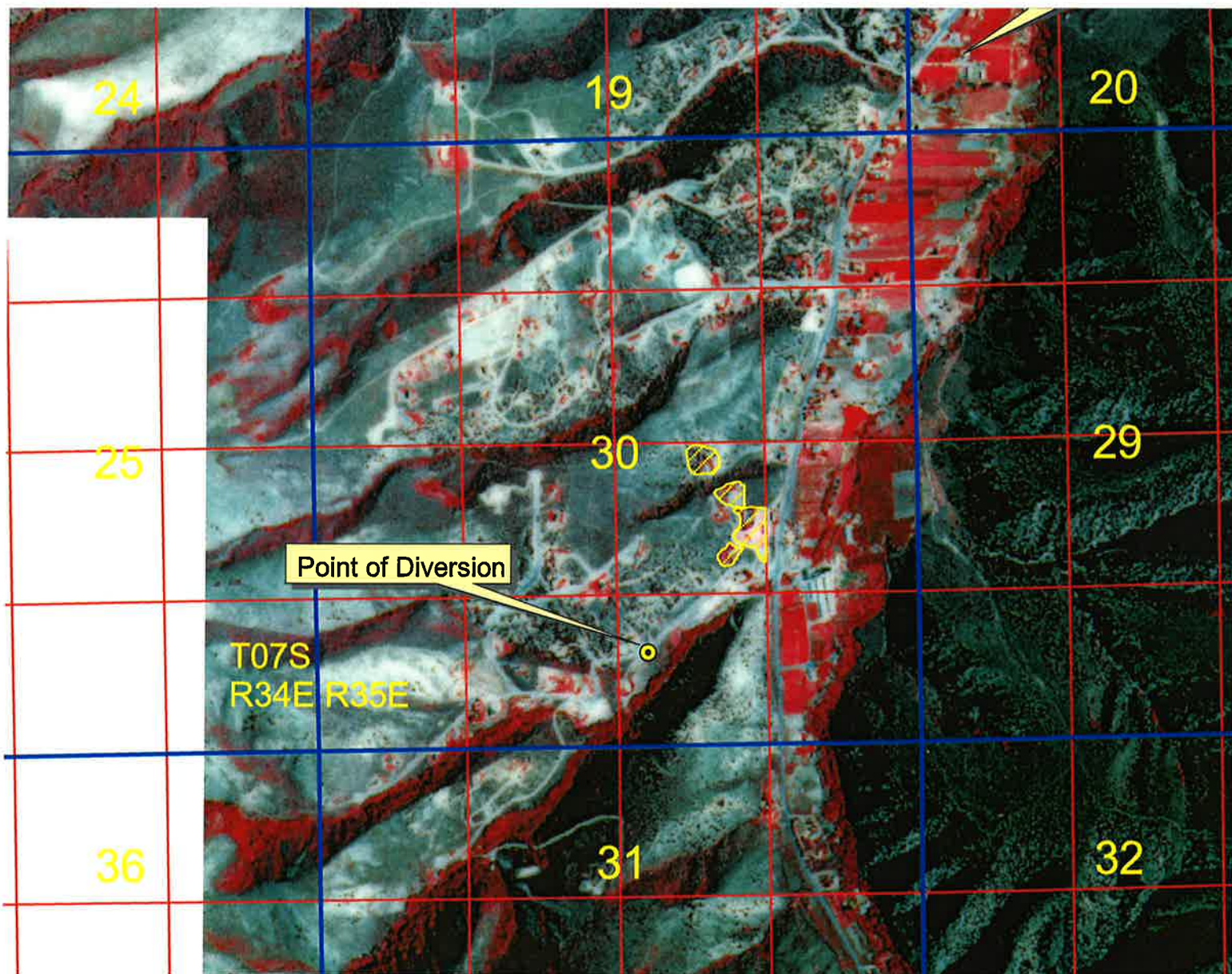
Water Right Claim Number A29-04405
Township , 7S35E

09/06/2000





State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-4405



0.5 0 0.5 1 Miles

1:16000



-  Point(s) of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

PROFILED

SCANNED
MAR 30 2006

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



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

June 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STMB WATER ASSN
C/O HOMER SEMMONS
PO BOX 902
POCATELLO ID 83204

RE: Notice of Error Reply for water right claim number 29-4405

Dear Homer:

Thank you for taking the opportunity of returning the "notice of error" reply. Upon the notice of error you indicated that you believed that the domestic claimed amount should reflect 0.10 cfs not the amount of 0.08 cfs. You also indicated that the department advised you in 1983 that based upon a the capacity of the well producing 25,344 gallons per day for serving four households, seven horses, and irrigating 13 acres of land that you were using approximately 0.10 cfs domestic, 0.10 for irrigation, and 0.02 for stockwater.

After reviewing the file for this water right and discussing the system via telephone, I comment the following:

- Our adjudication claim file shows a "243 claim" that indicates the amounts that you said that we advised you on. The 243 claim is based upon Idaho statute 42-243 which required all that had appropriated water through beneficial means that it was required of them to register their water right with the department. The filing of the claim did not confirm the water right as is done under other means of appropriation (permit, license, decree, etc).
- The capacity of the system, when it was installed, was greater than recent. Hence, a new well has been installed at or nearby the original well site. When used together, these wells produce near equal to the original amounts. For purposes of the adjudication, I have included a second point of diversion located within the same 10-acre tract to reflect the second well. If this is not correct, please let me know.
- Accordingly, I have revised the preliminary recommendation. Please find included with this letter, a copy of the revised preliminary recommendation to a water right. Upon the revised recommendation I have included 0.10 for domestic.

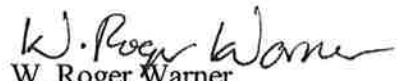
If you have any questions regarding this matter, please feel free to call me at 525-7161.

PROFILED

SCANNED

MAR 30 2006

Respectfully submitted,



W. Roger Warner

Adjudication Specialist

Enclosure(s) Revised Preliminary Water Right Recommendation 29-4405.

SCANNED

MAR 30 2006

06/04/2003

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

RIGHT NUMBER: 29-4405

NAME AND ADDRESS: STMB WATER ASSN
C/O HOMER SEMMONS
PO BOX 902
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
20.000 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/01/1960

POINT OF DIVERSION:

T07S R35E S30 NWSWSE Within BANNOCK County

T07S R35E S30 NWSWSE 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	0.100 CFS 20.00 AFY
DOMESTIC	01/01 12/31	0.100 CFS
STOCKWATER	01/01 12/31	0.010 CFS

Domestic use is for 4 homes.

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S30 NWSE 5.0

DOMESTIC same as IRRIGATION

STOCKWATER same as IRRIGATION

5 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 domestic use and stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

SCANNED

MAR 30 2006

02/18/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4405

STMB WATER ASSN
C/O HOMER SEMMONS
PO BOX 902
POCATELLO ID 83204
Telephone Number: (208)232-7128

RECEIVED

MAY 07 2003

WATER RESOURCES
WESTERN REGION

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

We believe the domestic use should be .1 cfs, not .08. This well serves four separate households.

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

Change domestic to .1 cfs, consistent with our prior filings.

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

The department advised us in 1983, based upon the pump having a capacity of 25,344 gallons per day and serving four households, watering approximately 7 horses and irrigating up to 13 acres of land that we were using approximately .1 cfs domestic, .1 for irrigation and .02 for stockwater.

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

DATE: 4-18-03

SIGNATURE:

Homer Semmons

Please print your name: HOMER SEMMONS

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

RECEIVED
MAY 21 2003
Department of Water Resources
Eastern Region

PROFILED

SCANNED
MAR 30 2006

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

Diversion Description

RIGHT ID 29 4405
POD ID 213102
Quad Pocatello South
Claim Type L
Easting 630283
Northing 187619
GPSID A0012542

PUMP & PIPELINE serves 4 homes. Submersible pump is located inside 10x20 stucco pumphouse on S side of road. Contact says drawdown is approx. 160 feet, and that they dry their pump up regularly, so they've installed an automatic overload shutoff. Placed GPS ID on top of Franklin Electric pump control box.

Assumptions

Invoice

2000-037-01-0

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

Linked

OD ID 213102 01.JPG

Photos

OD ID 213102 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.077732660781841

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

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

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

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

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

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

Channel Slope

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

Pumped System



HP 2

Pressure Head (psi) 60

Elevation Head (ft) 20

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information



New Contact Comments

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RECEIVED
JAN 23 2003



Department of Water Resources
Eastern Region

SCANNED

JUN 13 2001

Log for claim A29-04405

Spatial Dynamics BTD

9/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	30	NWSE	13	37	Indiscernible
Totals:			13	37	

Audit: 06/20/90 DCARLSON 07/22/94 THOMPSON 03/29/95 POST-STD



JUN 22 1983

Department of Water Resources
Eastern District OfficeSTATE 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.

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 S.T.M.B. Water c/o Homer Semons

(Name of Claimant)

P.O. Box 902, Pocatello, Idaho 83204

(Mailing Address)

Telephone No. 232-7128

(Zip Code)

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) December 1, 1960

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)

Ground Water - deep well tributary to _____

- (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>25,344 gpd</u>	Use <u>Domestic</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
Quantity		Use	Period of Use From	To

- (4) 04 cfs 25,344 gpd TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

SW ¼ SE ¼, Sec. 30 Twp. 7S Rge. 35 EBM 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. Pump and Pipeline. (2 horse 3 Phase 230 volt submersible) 4" dia Pipeline to properties. Well size 300' deep. 12" casing. Pressure tank 4 at 80 gal. Bladder type tanks.

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35	30													X				1.17
"	"	"													X				2.88
"	"	"													X				2.1
"	"	"													X				6.8

No. of acres 12.95

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for 4 at households, household stock, light irrigation to support same.

NOTE: Include here the type and number of stock watered: horses and household stock.

- (7) If you are claiming water as a member of an organization, list name of organization: S.T.M.B. Water Assoc.

is an unincorporated association with the following members owning the well sites as tenants-in-common: Homer & Barbara Semons; Ross & Jennie Lenroot;

L. Dix & Donna Tomblison; Thomas J. & Judy A. Holmes

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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P.O. Box 902 Pocatello, ID 83204

Telephone No. 232-7128

(Mailing Address)

(Zip Code)

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

Groundwater

tributary to

- (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, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.10cfs</u>	Use	<u>Domestic</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity	<u>0.10cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>3-15</u> To <u>11-15</u>
Quantity	<u>0.02cfs</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

- (4) 0.10cfs TOTAL QUANTITY USED.

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

SW ¼ SE ¼, Sec. 30 Twp. 7S Rge. 35E 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. Pump and pipeline (2 hp, 3 phase 230 volt submersible)

4" diameter pipeline to properties. Well site 300' deep 12" casing
four 80 gallon bladder type pressure tanks.

- (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.

[illegible]

No. of acres 13

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use for 4 homes.

NOTE: Include here the type and number of stock watered: 7 horses

- (7) If you are claiming water as a member of an organization, list name of organization:

S.T.M.B. Water Association

LAW OFFICES
JONES, CHARTERED
415 SOUTH ARTHUR
P.O. BOX 967
POCATELLO, IDAHO 83204-0967

LAMONT JONES
JACK H. ROBISON
THOMAS J. HOLMES
JESSE C. ROBISON

TELEPHONE: (208) 232-5911
FAX: (208) 232-5962

DC
July 31, 1996

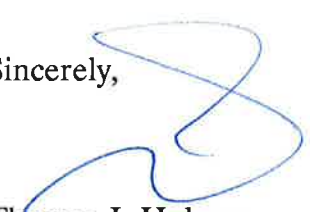
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, ID 83402-1718

RE: Evidence of Priority
A-29-04405
S.T.M.B. Water Association

Gentlemen:

Enclosed please find an Affidavit of Homer Semons which we submit as evidence of priority.

Sincerely,


Thomas J. Holmes

TJH/dsc
stmb08.147

Enclosure

RECEIVED
AUG 05 1996
Department of Water Resources
Eastern Region

MICROFILMED
NOV 13 1996

RECEIVED

AUG 05 1996

Department of Water Resources
Eastern Region

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

IN RE: S.T.M.B. Water Association,)

A-29-04405

)
)
)
)
AFFIDAVIT OF HOMER SEMONS

STATE OF IDAHO)

:SS

County of Bannock)

Homer Semons, being first duly sworn states:

1. I am one of the principals in S.T.M.B. Water Association.
2. I have owned the real estate described on the attached Exhibit "A" since January, 1960.
3. I have personal knowledge of the well that was drilled on the real estate described on the attached Exhibit "B." That well was drilled on or about December 1, 1960 and since that time has served the four pieces of property described on the pages 2 and 3 of the attached Exhibit "B."
4. The property owners have entered into a member agreement, attached as Exhibit "C" by which the well site was acquired.
5. The property owners entered into a community well agreement (Exhibit "D") which is recorded as Instrument No. 85012051 in the records of Bannock County, Idaho.

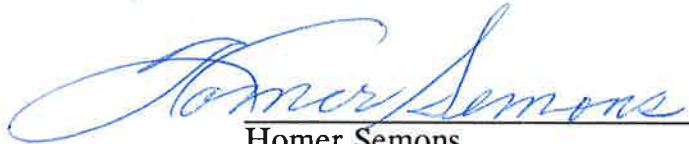
MICROFILMED

NOV 13 1990

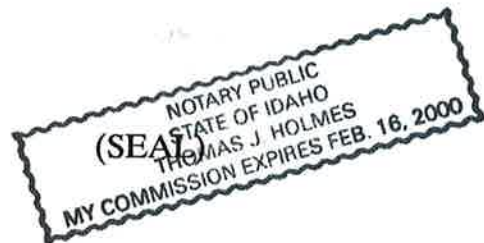
6. The well serves four homes and the water is been used from time to time by various of the property owners to water household stock, such as horses.

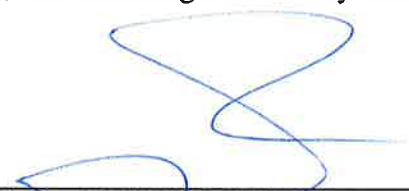
7. The total land owned by the four parties secured by the community well is approximately 13 acres.

DATED this 30 day of July, 1996.


Homer Semons

SUBSCRIBED AND SWORN TO, before me, the undersigned Notary Public,
this 30 day of July, 1996.




NOTARY PUBLIC-STATE OF IDAHO
My Commission Expires: _____

MICROFILMED
NOV 13 1996

These parties made and conveyed to the said George Senous and Barbara Jean Senous, husband and wife, of Bannock County, Idaho, fifty-nine acres, more or less, of the first part, and the said George Senous and Barbara Jean Senous, husband and wife, of Bannock County, Idaho, do hereby acknowledge to them in land paid by the said party of the second part, the receipt whereof is hereby acknowledged.

Witness my hand and seal this 1st day of May, 1964, at Boise, Idaho.

Witness my hand and seal this 1st day of May, 1964, at Boise, Idaho.

Witness my hand and seal this 1st day of May, 1964, at Boise, Idaho.

Witness my hand and seal this 1st day of May, 1964, at Boise, Idaho.

A tract of land in the NW 1/4 of Section 30, Township 7 South, Range 33 E. B.M. Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal center line of said Section 30; thence South on the East 1/16 line of said Section 30, 1560.4 feet to the TRUE POINT OF BEGINNING; thence continuing South 364.50 feet; thence South 74.035 feet; West 125.5 feet, more or less, to center line of road; thence on center line of road in a Northerly direction on curve to the left, having a central angle of 101.037 degrees and radius of 84.0 feet, a distance of 74.6 feet, more or less, to point of tangent; thence continuing on center line of road North 70.324 West, 102.10 feet, more or less, to point of curvature; thence continuing on center line of road along curve to the right, having a central angle of 114.034 degrees and a radius of 75.0 feet; a distance of 149.96 feet to point of tangent; thence continuing on center line of road North 44.021 East 61.26 feet, more or less, to point of curvature; thence continuing on center line of road on curve to the left, having a central angle of 91.046 degrees and a radius of 62.0 feet, a distance of 99.20 feet to point of tangent; thence continuing on center line of road North 47.044 West 78.16 feet; thence East 315.62 feet, more or less, to the true point of beginning, and containing 2.33 acres, more or less.

Together with all and singular, the tenements, buildements and appurtenances therein 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 privilege thereunto incident unto the said party of the second part and his heirs and assigns forever and the said party of the first part, and his heirs and assigns forever, warrant the said premises in the quiet and peaceable possession of the said party of the second part, and assigns against the said parties of the first part, and their heirs and assigns, all and every person or persons whomsoever lawfully claiming or to claim the same, still and will warrant and by these presents forever defend.

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

Signed, Sealed and Delivered in the Presence of

Edith S. K. K.

Barbara Jean Senous

George Senous

RECORDED
INDEXED
JAN 19 1930

the Linda A. Smith

State of Idaho

HARRY TAYLOR and SONNIE L. TAYLOR, husband and wife

known to me to be the person whose name is

attached to the within instrument, and being asked to do this, I do so

IN WITNESS WHEREOF

I have hereunto set my hand and affixed my official seal this 19th day of

January

1930

E. M. Smith

Notary Public

Residence: *Garfield Co. Idaho*



WARRANTY DEED

352956

at my office and duly recorded in Book

A-D 19

day of

January

1930

minutes past

o'clock

M. M.

was filed for record at the request of

LIBERTY CREDIT

STATE OF IDAHO

County of

Garfield

Deed

19

10

352957

NO.

RECORDED AT REQUEST OF

Garfield Co.

Idaho

JAN 19 1930

OFFICE RECORDS

RECORDS

SARAH DEANET

FEELDER

3-1

439542

- ORIGINAL -

QUIT CLAIM DEED

THIS INDENTURE, made the 20 day of July, 1966,
LESTER G. SCHAFER and CHARLOTTE A. SCHAFER, husband and wife,
of Pocatello, County of Bannock, State of
Idaho, the party of the first part, and HOMER GEORGE SEMONS and BARBAR
JEAN SEMONS, husband and wife, LYLE D. TOMBLISON and DONNA M. TOMBLIS
husband and wife, DUANE A. BYBEE and ARLIE BYBEE, husband and wife,
and ODELL JAMES MADSEN, JR. AND KAY L. MADSEN, husband and wife,
as tenants in common, of Pocatello, County of Bannock, State of Idaho,
the parties of the second part;

W I T N E S S E T H:

That the said party of the first part, for and in considera-
tion of the sum of TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERA-
TION, lawful money of the United States of America to it in hand paid
by the said parties of the second part, the receipt of which is hereby
acknowledged, does by these presents demise, release and forever
quitclaim unto the said parties of the second part, and to their
heirs and assigns, all those certain lots, pieces, or parcels of land
situated in Bannock County, State of Idaho, particularly described
as follows, to wit:

Commencing at the South Quarter Corner of Section 30,
Township 7 South, Range 35 E.B.M.; thence North 22°18'
West, 261.7 feet to a point on the Easterly boundary of
Mink Creek Subdivision; thence northerly along the said
Easterly boundary of the said Mink Creek Subdivision to
a point which bears South 36°41' West 2356.53 feet from
the East 1/16 corner on the latitudinal center line of
Section 30, Township 7 South, Range 35 E.B.M.; thence
South 87°42' East, 43.0 feet; thence North 75°53' East,
143.1 feet; thence continuing North 75°53' East, 186.1
feet to the point of beginning; thence South 8°55' East
116.0 feet; thence North 51°02' East, 97.1 feet; thence
North 38°58' West 100.0 feet; thence South 51°02' West
38.5 feet to the point of beginning.

Together with well situated on the said described realty,

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column, 4-inch water supply pipe line, and any and all right of way owned by Grantor for the conveyance of water from the well situated on said property to lands owned by Grantees, which lands are more particularly described as follows:

Hance
Barn
Sennons

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal centerline of said Section 30; thence South on the East 1/16 line of said Section 30, 560.4 feet to the true point of beginning; thence continuing South 364.50 feet; thence South 74°35' West 125.5 feet, more or less, to center line of road; thence on center line of road in a Northwesterly direction on curve to the left, having a central angle of 101°37' and radius of 84.0 feet, a distance of 74.6 feet, more or less, to point of tangent; thence continuing on center line of road North 70°32' West, 102.10 feet, more or less, to point of curvature; thence continuing on center line of road along curve to the right, having a central angle of 114°34' and a radius of 75.0 feet; a distance of 140.96 feet to point of tangent; thence continuing on center line of road North 44°02' East 61.26 feet, more or less, to point of curvature; thence continuing on centerline of road on curve to left, having a central angle of 91°46' and a radius of 62.0 feet; a distance of 99.20 feet to point of tangent; thence continuing on center line of road North 47°44' West 78.16 feet; thence East 315.62 feet, more or less, to the true point of beginning, and containing 2.3 acres, more or less.

Commencing at the Southeast 1/16 corner of Section 30, Township 7 South, Range 35 E.B.M.; thence North along the East 1/16 line 184.1 feet; thence South 88°04' West 128.4 feet; thence North 53°56' West 53.46 feet; thence North 31°05' East 71.85 feet; thence North 58°55' West 25 feet to the point of beginning; thence South 74°00' West 57.2 feet; thence South 79°10' West 98.74 feet; thence South 53°2' West 137.95 feet; thence North 17°37' West 255.6 feet; thence North 76°20' East 163.5 feet to a point on a curve to the left having a central angle of 114°34' and a radius of 100.0 feet, 74 feet more or less to the point of tangency of the said curve; thence South 70°32' East 102.1 feet to the point of curvature of a curve to the right having a central angle of 101°37' and a radius of 59 feet, 104.58 feet to the point of tangency of said curve which is the Point of Beginning. A tract in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M.

Ass't. Sec'y
Lemport

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal center line of said Section 30, thence South on the East 1/16 line of said Section 30, 297.90 feet to the True Point of Beginning; thence continuing South 262.50 feet; thence West 315.62 feet, more or less, to center line of road; thence North 47°44' West 214.05 feet along center line of road; thence North 66°50' East 200.0 feet; thence North 81°58' East 293.0 feet, more or less, to center line of road; thence North 47°44' West 78.16 feet; thence East 315.62 feet, more or less, to the true point of beginning, and containing 2.3 acres, more or less.

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or less to the point of beginning, and containing 2.1 acres, more or less.

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M., more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal centerline of Section 30, Township 7 South, Range 35 E.B.M.; thence South along the East 1/16 line of said Section 30, 33 feet; thence South 71°19' West 206.82 feet; thence South 55°02' West 337.70 feet; thence South 82°21' West 728.50 feet; thence North 3°47' East 40 feet; thence North 28°12' East 390.26 feet, more or less to the latitudinal centerline; thence East along said latitudinal center line 1004.0 feet; more or less to the point of beginning.

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

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto the said parties of the second part, and to their heirs and assigns forever.

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

(Seal)

Charlotte A. Schaffer
~~Notary Public for Idaho~~
 Residing at: Pocatello, Idaho

Foster J. Schaffer

SUBSCRIBED AND SWORN TO before me this 20th day of July, 1966.

Kent J. Parrish
 Notary Public for Idaho
 Residing at Pocatello, Idaho

NOTARY SEAL

439542

NO. RECORDED AT REQUEST OF

L.F. Racine
 Center Plaza

Pocatello, Idaho

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OFFICIAL
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 NOV 13 1966

MEMORANDUM AGREEMENT

THIS AGREEMENT made this 28th day of July, 1966, by and between MINK CREEK ACRES WATER ASSOCIATION, INC., an Idaho Corporation, with principal offices in Pocatello, County of Bannock, State of Idaho, the party of the first part, and HOMER GEORGE SEMONS and BARBARA JEAN SEMONS, husband and wife, LYLE D. TOMBLISON and DONNA M. TOMBLISON, husband and wife, DUANE A. BYBEE and ARLIE BYBEE, husband and wife, and ODELL JAMES MADSEN, JR. and KAY L. MADSEN, husband and wife, of Pocatello, County of Bannock, State of Idaho, Second Parties.

W I T N E S S E T H:

WHEREAS, First Party is the successor in interest of Lester G. Schafer and Charlotte A. Schafer of all their right, title and interest in and to a certain well located in the Mink Creek Subdivision, which is located on property as described in a Quit Claim Deed from First Party to Second Parties of even date; and First Party has heretofore operated as a water association, distributing water from two wells to various property owners within the Mink Creek Subdivision, including Second Parties; and prior to the succession of First Party to the rights of Lester G. Schafer and Charlotte A. Schafer, said Lester D. Schafer, and wife, entered into contracts and agreements with Second Parties and their predecessors for the supplying of water from the well located on the land as described in the quit Claim Deed, to Second Parties from First Party, which contract and obligation is recognized by First Party as a binding obligation upon it; and for the purpose of determining and settling any rights of Second Parties to claim water from First Party, it is agreed as hereinafter contained.

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NOW, THEREFORE, for and in consideration of the mutual covenants and releases as herein provided, First Party has simultaneously with the execution of this Agreement quit claimed any and all interest in and to the well as described in the Quit Claim Deed and conveying all pumping equipment, column, pipe and right of way for easements appurtenant to said well and used for conveying water from said well to lands of Second Parties.

The parties mutually agree that First Party is released from any and all further obligation to furnish water to Second Parties from any source. First Party will further cooperate with Second Parties in any necessary action by way of execution of instruments or assistance in obtaining signatures on any instruments from Lester G. Schafer and wife for the purpose of perfecting and establishing marketable title in Second Parties to the real property upon which the well is located as described in the Quit Claim Deed hereinabove referred to.

First Party further agrees to assert no claim in behalf of any of the members or stockholders to waters from the well located on the real property described in said Quit Claim Deed.

The officers executing the Quit Claim Deed and this Agreement in behalf of First Party represent that they have full authority from the members and stockholders of First Party to execute said Quit Claim Deed and this Agreement, and that this Agreement and the Quit Claim Deed are for the purposes of compromising and settling any and all differences between the parties to the date of this Agreement.

The real property upon which the well referred to is located and as said real property is described in the Quit Claim Deed is as shown in the description attached.

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THIS AGREEMENT is intended to be binding upon the heirs,
representatives and assigns of the respective parties.

IN WITNESS WHEREOF the parties have executed this Agreement
the day and year first above written.

ATTEST:

Miriam McJintire
Miriam McJintire Warren, Secretary

MINK CREEK ACRES WATER ASSOCIATION, INC.
an Idaho Corporation

By Noel Jacobs
Noel Jacobus, President
Noel Jacobs
- First Party -

Homer George Semons
Homer George Semons

Barbara Jean Semons
Barbara Jean Semons

Lyle D. Tomblison
Lyle D. Tomblison

Donna M. Tomblison
Donna M. Tomblison

Duane A. Bybee
Duane A. Bybee

Arlie Bybee
Arlie Bybee

Odell James Madsen, Jr.
Odell James Madsen, Jr.

Kay L. Madsen
Kay L. Madsen

- Second Parties -

STATE OF IDAHO)
: ss
County of Bannock)

On this 22nd day of July, 1966, before me, the under-
signed, a Notary Public in and for said County and State, personally
appeared NOEL JACOBUS and Miriam McJintire
Noel Jacobs WARREN, known to me to be the
President and Secretary, respectively, of MINK CREEK ACRES WATER
ASSOCIATION, INC., an Idaho Corporation, and the persons whose names
are subscribed to the within instrument, and acknowledged to me that
they executed the same in behalf of the corporation.

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NOV 13 1966

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)

Gordon C. Smith

Notary Public for Idaho
Residing at: Pocatello, Idaho

STATE OF IDAHO)
 ;
County of Bannock)

On this 22th day of July, 1966, before me, the undersigned,
a Notary Public in and for said State, personally appeared HOMER GEORGE
SEMONS and BARBARA JEAN SEMONS, husband and wife, LYLE D. TOMBLISON
and DONNA M. TOMBLISON, husband and wife, DUANE A. BYBEE and ARLIE
BYBEE, husband and wife, and ODELL JAMES MADSEN, JR. and KAY L. MADSEN,
husband and wife, known to me to be the persons whose names are sub-
scribed 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)

Gordon C. Smith

Notary Public for Idaho
Residing at: Pocatello, Idaho

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Commencing at the South Quarter corner of Section 30, Township 7 South, Range 35 E.B.M.; thence North 22°18' West, 261.7 feet to a point on the Easterly boundary of Mink Creek Subdivision; thence northerly along the said Easterly boundary of the said Mink Creek Subdivision to a point which bears South 36°41' West 2356.53 feet from the East 1/16 corner on the latitudinal center line of Section 30, Township 7 South, Range 35 E.B.M.; thence South 87°42' East, 43.0 feet; thence North 75°53' East, 143.1 feet; thence continuing North 75°53' East, 186.1 feet to the point of beginning; thence South 8°55' East 116.0 feet; thence North 51°02' East, 97.1 feet; thence North 38°58' West 100.0 feet; thence South 51°02' West 38.5 feet to the point of beginning.

Together with well situated on the said described realty,

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NOV 13 1950

column, 4-inch water supply pipe line, and any and all right of way owned by Grantor for the conveyance of water from the well situated on said property to lands owned by Grantees, which lands are more particularly described as follows:

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal centerline of said Section 30; thence South on the East 1/16 line of said Section 30, 360.4 feet to the true point of beginning; thence continuing South 364.50 feet; thence South 74°35' West 125.5 feet, more or less, to center line of road; thence on center line of road in a Northwesterly direction on curve to the left, having a central angle of 101°37' and radius of 84.0 feet, a distance of 74.6 feet, more or less, to point of tangent; thence continuing on center line of road North 70°32' West, 102.10 feet, more or less, to point of curvature; thence continuing on center line of road along curve to the right, having a central angle of 114°34' and a radius of 75.0 feet; a distance of 149.96 feet to point of tangent; thence continuing on center line of road North 44°02' East 61.26 feet, more or less, to point of curvature; thence continuing on centerline of road on curve to left, having a central angle of 91°46' and a radius of 62.0 feet, a distance of 99.20 feet to point of tangent; thence continuing on center line of road North 47°44' West 78.16 feet; thence East 315.62 feet, more or less, to the true point of beginning, and containing 2.3 acres, more or less.

Commencing at the Southeast 1/16 corner of Section 30, Township 7 South, Range 35 E.B.M.; thence North along the East 1/16 line 184.1 feet; thence South 88°04' West 128.4 feet; thence North 33°56' West 53.46 feet; thence North 31°05' East 71.83 feet; thence North 58°55' West 25 feet to the point of beginning; thence South 74°00' West 57.2 feet; thence South 72°10' West 98.74 feet; thence South 53°21' West 137.35 feet; thence North 17°37' West 255.6 feet; thence North 76°20' East 163.5 feet to a point on a curve to the left having a central angle of 114°34' and a radius of 100.0 feet, 74 feet more or less to the point of tangency of the said curve; thence South 70°32' East 102.1 feet to the point of curvature of a curve to the right having a central angle of 101°37' and a radius of 59 feet, 104.58 feet to the point of tangency of said curve which is the Point of Beginning. A tract in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M.

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal center line of said Section 30; thence South on the East 1/16 line of said Section 30, 297.90 feet to the True Point of Beginning; thence continuing South 262.50 feet; thence West 315.62 feet, more or less, to center line of road; thence North 47°44' West 214.05 feet along center line of road; thence North 66°50' East 200.0 feet; thence North 81°58' East 293.0 feet, more or less, to the true point of beginning, and containing 2.3 acres, more or less.

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NOV 13 1930

or less to the point of beginning, and containing 2.1 acres, more or less.

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M., more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal centerline of Section 30, Township 7 South, Range 35 E.B.M.; thence South along the East 1/16 line of said Section 30, 33 feet; thence South 71°19' West 206.82 feet; thence South 55°02' West 337.70 feet; thence South 82°21' West 728.50 feet; thence North 3°47' East 40 feet; thence North 28°12' East 390.26 feet, more or less to the latitudinal centerline; thence East along said latitudinal center line 1004.0 feet; more or less to the point of beginning.

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NOV 13 1960

QUIT CLAIM DEED

THIS INDENTURE, made the 27th day of July, 1966, between MINK CREEK ACRES WATER ASSOCIATION, INC., an Idaho Corporation, with principal offices in Pocatello, County of Bannock, State of Idaho, the party of the first part, and HOMER GEORGE SEMONS and BARBARA JEAN SEMONS, husband and wife, LYLE D. TOMBLISON and DONNA M. TOMBLISON, husband and wife, DUANE A. BYBEE and ARLIE BYBEE, husband and wife, and ODELL JAMES MADSEN, JR. AND KAY L. MADSEN, husband and wife, as tenants in common, of Pocatello, County of Bannock, State of Idaho, the parties of the second part;

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION, lawful money of the United States of America to it in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, does by these presents demise, release and forever quitclaim unto the said parties of the second part, and to their heirs and assigns, all those certain lots, pieces, or parcels of land situated in Bannock County, State of Idaho, particularly described as follows, to wit:

Commencing at the South Quarter Corner of Section 30, Township 7 South, Range 35 E.B.M.; thence North 22°18' West, 261.7 feet to a point on the Easterly boundary of Mink Creek Subdivision; thence northerly along the said Easterly boundary of the said Mink Creek Subdivision to a point which bears South 36°41' West 2356.53 feet from the East 1/16 corner on the latitudinal center line of Section 30, Township 7 South, Range 35 E.B.M.; thence South 87°42' East, 43.0 feet; thence North 75°53' East, 143.1 feet; thence continuing North 75°53' East, 186.1 feet to the point of beginning; thence South 8°55' East, 116.0 feet; thence North 51°02' East, 97.1 feet; thence North 38°58' West 100.0 feet; thence South 51°02' West 38.5 feet to the point of beginning.

Together with well situated on the said described realty,

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NOV 13 1966

column, 4-inch water supply pipe line, and any and all right of way owned by Grantor for the conveyance of water from the well situated on said property to lands owned by Grantees, which lands are more particularly described as follows:

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal centerline of said Section 30; thence South on the East 1/16 line of said Section 30, 560.4 feet to the true point of beginning; thence continuing South 364.50 feet; thence South 74°35' West 125.5 feet, more or less, to center line of road; thence on center line of road in a Northwesterly direction on curve to the left, having a central angle of 101°37' and radius of 84.0 feet, a distance of 74.6 feet, more or less, to point of tangent; thence continuing on center line of road North 70°32' West, 102.10 feet, more or less, to point of curvature; thence continuing on center line of road along curve to the right, having a central angle of 114°34' and a radius of 75.0 feet; a distance of 149.96 feet to point of tangent; thence continuing on center line of road North 44°02' East 61.26 feet, more or less, to point of curvature; thence continuing on centerline of road on curve to left, having a central angle of 91°46' and a radius of 62.0 feet, a distance of 99.20 feet to point of tangent; thence continuing on center line of road North 47°44' West 78.16 feet; thence East 315.62 feet, more or less, to the true point of beginning, and containing 2.3 acres, more or less.

Commencing at the Southeast 1/16 corner of Section 30, Township 7 South, Range 35 E.B.M.; thence North along the East 1/16 line 184.1 feet; thence South 88°04' West 128.4 feet; thence North 53°56' West 53.46 feet; thence North 31°05' East 71.85 feet; thence North 58°55' West 25 feet to the point of beginning; thence South 74°00' West 57.2 feet; thence South 79°10' West 98.74 feet; thence South 53°21' West 137.95 feet; thence North 17°37' West 255.6 feet; thence North 76°20' East 163.5 feet to a point on a curve to the left having a central angle of 114°34' and a radius of 100.0 feet, 74 feet more or less to the point of tangency of the said curve; thence South 70°32' East 102.1 feet to the point of curvature of a curve to the right having a central angle of 101°37' and a radius of 59 feet, 104.58 feet to the point of tangency of said curve which is the Point of Beginning. A tract in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M.

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho, more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal center line of said Section 30, thence South on the East 1/16 line of said Section 30, 297.90 feet to the True Point of Beginning; thence continuing South 262.50 feet; thence West 315.62 feet, more or less, to center line of road; thence North 47°44' West 214.05 feet along center line of road; thence North 66°50' East 200.0 feet; thence North 81°58' East 293.0 feet, more

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or less to the point of beginning, and containing 2.1 acres, more or less.

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M., more particularly described as follows: Beginning at the East 1/16 corner on the latitudinal centerline of Section 30, Township 7 South, Range 35 E.B.M.; thence South along the East 1/16 line of said Section 30, 33 feet; thence South 71°19' West 206.82 feet; thence South 55°02' West 337.70 feet; thence South 82°21' West 728.50 feet; thence North 3°47' East 40 feet; thence North 28°12' East 390.26 feet, more or less to the latitudinal centerline; thence East along said latitudinal centerline 1004.0 feet, more or less to the point of beginning.

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

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto the said parties of the second part, and to their heirs and assigns forever.

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

MINK CREEK ACRES WATER ASSOCIATION, INC.

ATTEST:

Miriam Mc Intire
Miriam Mc Intire Warren

By

Noel Jacobs
Noel Jacobs, President
NOEL Jacobs

STATE OF IDAHO)

: ss

County of Bannock)

On this 28th day of July, 1966, before me, the undersigned, a Notary Public in and for said County and State, personally appeared NOEL JACKOBES and Miriam Mc Intire WARREN, known to me to be the President and Secretary, respectively, of MINK CREEK ACRES WATER ASSOCIATION, INC., an Idaho Corporation, and the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in behalf of the corporation.

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)

NOTARY SEAL

Gordon C. Smith
Notary Public for Idaho
Residing at, Pocatello, Idaho

NO. 430543

RECORDED BY REC'D BY

L. E. Racine

Center Plaza

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COMMUNITY WELL AGREEMENT

Agreement made this 19 day of July, 1979, by and between Homer Semons and Barbara Semons, husband and wife; ^{DIX} L. Dickson Tomblison and Donna Tomblison, husband and wife; Ross Lenroot and Jeanie Lenroot, husband and wife; and F. Dewitt Reed and Patsy Reed, husband and wife.

1. RECITALS

1.1 Parties are the respective owners of the parcels of real property located in Bannock County, Idaho, and more particularly described in Exhibit A attached hereto and made a part hereof.

1.2 Each of the parties occupy residences located on their respective parcels of real property, which residences are served for purposes of domestic and culinary water by a common well, pumping and pressure system and distribution system. The well referred to in this Paragraph is of a depth of approximately 300 feet and is located in Bannock County, Idaho, on property more particularly described as follows:

Commencing at the South Quarter corner of Section 30, Township 7 South, Range 35 E.B.M.; thence North 22° 18' West, 261.7 feet to point on the Easterly boundary of Mink Creek Subdivision; thence northerly along the said Easterly boundary of the said Mink Creek Subdivision to a point which bears South 36° 41' West 2356.53 feet from the East 1/16 corner on the latitudinal center line of Section 30, Township 7 South, Range 35 E.B.M; thence South 87° 42' East, 43.0 feet; thence North 75° 53' East 143.1 feet; thence continuing North 75° 53' East, 186.1 feet to the point of beginning; thence south 8° 55' East 116.0 feet; thence North 51° 02' East 97.1 feet; thence North 38° 58' West 100.00 feet; thence South 51° 02' West 38.5 feet to the point of beginning.

1.3 Parties desire to formalize their agreement, and that of their predecessors in interest, as to use of water from the well, maintenance and distribution thereof.

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NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by and between the parties to this Agreement as follows:

2. JOINT RIGHTS

Parties to this Agreement shall have joint and undivided interests, as tenants in common, in the well described above, together with all pumping, pressure storage and distribution equipment and piping appurtenant thereto, including but not limited to electric pump and panel, well columns and bowls, holding tank, well-house, and main and lateral distribution lines.

3. MAINTENANCE AND REPAIR

3.1 Maintenance and repairs or necessary replacement of the pumping, pressure, storage and distribution equipment shall be the joint responsibility of the parties to this Agreement, and such parties shall be jointly liable for the costs thereof; PROVIDED, HOWEVER, lateral distribution pipelines located on the real property of any one of the parties shall be the sole responsibility of that party as to maintenance, repair and replacement.

3.2 Parties shall maintain a fund through appropriate bank deposit for payment of electrical service charges imposed in connection with the well pumping system and for maintenance thereon. Such fund shall be established and perpetuated by monthly assessments against the parties in the present sum of \$10 each, or in such greater or lesser sum in the future as they shall agree is necessary to meet recurring electrical service charges and maintenance needs.

4. AUTHORIZATION

Action may be taken, and funds expended, on behalf of the parties to this Agreement upon majority vote. Each family which is a party to this agreement may cast one vote on any such issue. Vote shall be required from each family on any such issue, whether cast at a formal meeting or otherwise,

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unless such right to vote is expressly waived, or unless a family fails to cast its vote on an issue after receipt of notice to do so and expiration of 10 days thereafter. Any family so waiv. its right to vote shall not be counted in determining formation of a majority on any issue.

5. RIGHT OF WAY

Parties to this Agreement grant to each other, during the terms of this Agreement and without payment of further compensation, necessary rights of way across their respective properties for maintenance and continuance of the existing main and lateral distribution lines and any necessary replacements thereof.

6. TERMINATION AND DISTRIBUTION

Upon majority vote as provided in the preceding section, this agreement may be terminated. Upon such termination, all property interests subject to this agreement, whether real or personal, shall be liquidated and the proceeds thereof, after payment of all expenses and liabilities relating to the community well, shall be divided equally among the parties to this Agreement.

7. ASSIGNMENT

Each parties' interest under this Agreement shall be fully assignable to a third-party purchaser of any of the residence properties described in Exhibit A hereto.

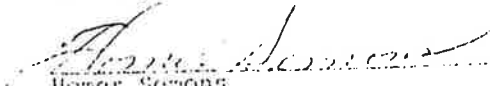
8. MISCELLANEOUS

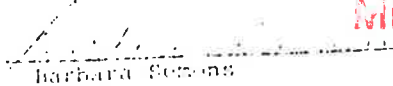
8.1 This Agreement shall be governed by and construed under the laws of the State of Idaho.

8.2 This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, legal representatives and assigns.

8.3 This Agreement may not be modified or amended except by further written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.


Homer Semons


Barbara Semons

MICROFILMED
NOV 13 1980

0401

7-4

89012051

F. Dewitt Reed
F. Dewitt Reed
Ross Lenroot
Ross Lenroot

Patsy Reed
Patsy Reed
Jeanie Lenroot
Jeanie Lenroot

L. Dickson Tomblison
L. Dickson Tomblison
DIX

Donna Tomblison
Donna Tomblison

STATE OF IDAHO)
) ss.
County of Bannock)

On this 19th day of July, 1979, before me,
the undersigned Notary Public in and for said county and state,
personally appeared Homer Semons and Barbara Semons, Known to me
to be the persons whose names are subscribed to the within and foregoing
instrument, and acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal the day and year in this certificate first above
written.

(seal) Notary Seal Karalyn Kay Hepworth
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello

STATE OF IDAHO)
) ss.
County of Bannock)

On this 19th day of July, 1979, before me,
the undersigned Notary Public in and for said county and state,
personally appeared F. Dewitt Reed and Patsy Reed,
known to me to be the person whose name is subscribed to
the within and foregoing instrument, and acknowledged to
me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my seal the day and year in this certificate first above
written.

(seal) Notary Seal Karalyn Kay Hepworth
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello

STATE OF IDAHO)
) ss.
County of Bannock)

On this 19th day of July, 1979, before me,
the undersigned Notary Public in and for said county and state,
personally appeared Ross Lenroot and Jeanie Lenroot,
known to me to be the persons whose names are subscribed
to the within and foregoing instrument, and acknowledged
to me that they, executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal the day and year in this certificate
first above written.

(seal) Notary Seal Karalyn Kay Hepworth
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello

MICROFILMED
NOV 13 1996

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89012051

STATE OF IDAHO)

) ss.

County of Bannock)

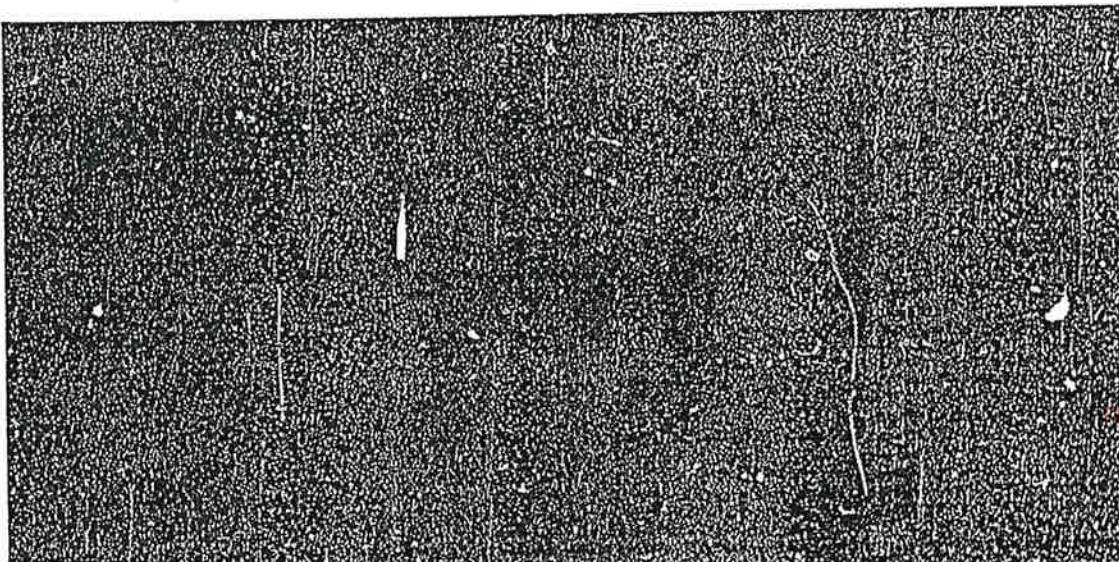
On this 30th day of October, 1979, before me, the undersigned Notary Public in and for said county and state, personally appeared L. ~~Dickson~~ Tomblison and Donna Tomblison, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they, executed the same.

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

Charles David
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello

(seal)

Notary Seal



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NOV 13 1980

0403

7-6
EXHIBIT "A"

0403

7-6
EXHIBIT "A"

89012051

Homer Semons and Barbara Semons property:

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 7 south, range 35 E.B.M., Bannock County, Idaho more particularly described as follows:
Beginning at the East 1/16 corner on the latitudinal centerline of said section 30; thence South on the East 1/16 line of said Section 30, 560.4 feet to the true point of beginning; thence continuing South 364.50 feet; thence South 74° 35' West 125.5 feet, more or less, to center line of road; thence on center line of road in a Northwesterly direction on curve to left, having a central angle of 101° 37' and radius of 84.0 feet, a distance of 74.6 feet, more or less, to point of tangent; thence continuing on center line of road North 70° 32' West, 102.10 feet more or less, to point of curvature; thence continuing on center line of road along curve to the right, having a central angle of 114° 34' and a radius of 75.0 feet; a distance of 149.96 feet to point of tangent; thence continuing on center line of road North 44° 02' East 61.26 feet, more or less, to point of curvature; thence continuing on centerline of road on curve to left, having a central angle of 91° 46' and a radius of 62.0 feet, a distance of 99.20 feet to point of tangent; thence continuing on center line of road North 47° 44' West 78.16 feet; thence East 315.62 feet, more or less, to the true point of beginning, and containing 2.3 acres, more or less.

L. Dickson Tomblison and Donna Tomblison property:

Commencing at the Southeast 1/16 corner of section 30, Township 7 South, range 35 E.B.M., thence north along the East 1/16 line 184.1 feet; thence South 88° 04' West 128.4 feet; thence North 53° 56' West 53.46 feet; thence North 31° 05' East 71.85 feet; thence North 58° 55' West 25 feet to the point of beginning; thence South 74° 00' West 57.2 feet thence South 79° 10' West 98.74 feet; thence South 53° 21' West 137.95 feet; thence North 17° 37' West 255.6 feet; thence North 76° 20' East 163.5 feet to a point on a curve to the left having a central angle of 114° 34' and a radius of 100.0 feet, 74 feet more or less to the point of tangency of the said curve; thence South 70° 32' East 102.1 feet to the point of curvature of a curve to the right having a central angle of 101° 37' and a radius of 59 feet; 104.58 feet to the point of tangency of said curve which is the Point of Beginning.
A tract of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35 E.B.M.

Ross Lenroot and Jean Lenroot property:

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30, Township 7 South, Range 35 E.B.M., Bannock County, Idaho more particularly described as follows:
Beginning at the East 1/16 corner on the latitudinal center line of said section 30, thence South on the East 1/16 line of said Section 30, 297.90 feet

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NOV 13 1996

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89012051

to the True Point of Beginning; thence continuing South 262.50 feet; thence West 315.62 feet, more or less to center line of road; thence North 47° 44' West 214.05 feet along center line of road; thence North 66° 50' East 200.0 feet; thence North 81° 58' East 293.0 feet, more or less to the point of beginning, and containing 2.1 acres, more or less.

F. Dewitt Reed and Patsy Reed Property:

A tract of land in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 35, E.B.M., more particularly described as follows:

Beginning at the East 1/16 corner on the latitudinal centerline of Section 30, Township 7 South, Range 35 E.B.M.; thence South along the East 1/16 line of said Section 30, 33 feet; thence South 71° 19' West 206.82 feet; thence South 55° 02' West 337.70 feet; thence South 82° 21' West 728.50 feet; thence North 3° 47' East 40 feet; thence North 28° 12' East 390.26 feet, more or less to the latitudinal centerline; thence East along said latitudinal center line 1004.0 feet; more or less to the point of beginning.

89012051

NO. 89012051
RECORDED AS PIONEER TITLE
'89 SEP 29 P3:50

47510
L.A.
FEE 200

MICROFILM 2

NOV 13 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 24, 1990

Jones, Christensen, Jorgensen, Robinson
Holmes and Robinson, Chartered
Attn: Thomas J. Holmes
405 West Whitman
Pocatello, Idaho 83204-0967

RE: Notice of Claim for S.T.M.B. Water Association

Dear Mr. Holmes:

The Idaho Department of Water Resources (IDWR) is returning your Notice(s) of Claim to a Water Right because of insufficient fees. All fees must be submitted before the IDWR can process the Notice(s).

The filing fee for multiple domestic subdivision systems are charged an additional variable fee of \$100.00/cfs claimed under domestic use in item 6. In this case the notice is charged:

Claim fee for one notice	= \$50.00
Irrigation of 13 acres	= \$13.00
Multi. Domestic use 0.10 cfs	= \$10.00
TOTAL	= \$73.00

*Wd
I don't
want
this*

You have indicated on your Notice of Claim that you wish to receive the Docket Sheet. If you wish to subscribe to this publication, please send \$7.50 to this office to cover the subscription fee, and we will add your name to the mailing list.

Please return the Notice(s) and filing fee(s) to the IDWR within 30 days of the date of this letter to avoid any late filing fees.

If you have any questions, please feel free to call the IDWR at (208) 525-7161.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Water Rights Supervisor, Adjudications

Enclosure

RECEIVED

APR 27 1990

MICROFILMED

Department of Water Resources
Eastern District Office NOV 13 1992

LAW OFFICES

JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered

LAMONT JONES
CRAIG W. CHRISTENSEN
CRAIG R. JORGENSEN
JACK H. ROBISON
THOMAS J. HOLMES
JESSE C. ROBISON
KELLY KUMM

405 WEST WHITMAN
POCATELLO, IDAHO 83204-0967

P. O. BOX 967
TELEPHONE: (208) 232-5911
FAX: (208) 232-5962

April 19, 1990

RECEIVED

APR 27 1990

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

RE: S.T.M.B. Water Association

Gentlemen:

Enclosed please find Notice of Claim for filing in the SRBA, along with our checks for the filing fee of \$73.00 which is the base fee, the \$1.00 for each acre irrigated, plus \$10.00 for multi. Domestic use. The pump has a rating of 25,000 gallons per day, which we anticipate would result in less than 13,000 gallons of water being used for in house domestic purposes.

Sincerely,


Thomas J. Holmes

TJH/dsc
stmb04.191

Enclosures

MICROFILMED

NOV 13 1992

LAW OFFICES
JONES, CHRISTENSEN, JORGENSEN, ROBISON,
HOLMES and ROBISON, Chartered

LAMONT JONES
CRAIG W. CHRISTENSEN
CRAIG R. JORGENSEN
JACK H. ROBISON
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KELLY KUMM

405 WEST WHITMAN
POCATELLO, IDAHO 83204-0967

P. O. BOX 967
TELEPHONE: (208) 232-5911
FAX: (208) 232-5962

April 19, 1990

RECEIVED

APR 20 1990

Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

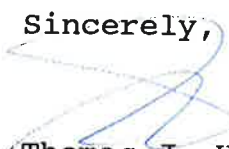
Department of Water Resources
Eastern District Office

RE: S.T.M.B. Water Association

Gentlemen:

Enclosed please find Notice of Claim for filing in the SRBA, along with our check for the filing fee of \$63.00 which is the base fee, plus the \$1.00 for each acre irrigated. The pump has a rating of 25,000 gallons per day, which we anticipate would result in less than 13,000 gallons of water being used for in house domestic purposes.

Sincerely,


Thomas J. Holmes

TJH/dsc
stmb04.191

Enclosures

RECEIVED

APR 27 1990

Department of Water Resources
Eastern District Office

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NOV 13 1992

SCANNED
JUN 13 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04405
Date Received: 5/22/1990
Receipt No: E013781
Received By: DL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: S.T.M.B. WATER ASS'N
Address: C/O HOMER SEMMONS
PO BOX 902
POCATELLO, ID 83204
208-232-7128

2. Date of Priority: DEC 01, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	30	SW	SE			BANNOCK

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.100		

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

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/7 HORSES, D/4 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	30	NW	SE		IRR	13.0

A29-04405

Page 1

Date: 06/19/90

MICROFILMED
NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	13.0
					Total Acres	13.0

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:

14. Remarks:

CLAIM C/O HOMER SEMONS

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

**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

A29-04405

Date Received

4-20-90 11:41-90

Receipt Number

E013781/90

RECEIVED

APR 27 1990

Department of Water Resources
Eastern District Office

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

RECEIVED

APR 20 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) S.T.M.B. Water Ass'n % Homer Semons Phone (208) 232-7128Mailing Address P. O. Box 902, Pocatello, Idaho Zip 832042. Date of Priority (Only one (1) per claim) December 1, 19603. Source of water supply (a) Ground water - deep well
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7south Range 35 EBM Section 30,
SW 1/4 of SE 1/4 of _____ 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. Pump (2hp 3 phase 230 volt submersible)
and 4" diameter pipeline to properties well is 300 feet deep with 12" casing.Four 80 gallon bladder type pressure tanks.

A2904405



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NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic (.04 x 4) purposes from 1-1 to 12-31 amount .1 or _____

For Irrigation (.02 x 13) purposes from 3-15 to 11-15 amount .1 or _____

For Stock Water purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .22 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .22 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic use for four homes on community well. Approximately 7 horses watered.
Small amount of land watered.

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	
7S	35	30														13			13

Total number of acres irrigated 13

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

12. Do you own the property listed above as place of use? Yes X-see 14 No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

S.T.M.B. Water Association is an unincorporated association with the following
members owning the well site as tenants in common. Homer and Barbara Semons,
Ross and Jennie Lenroot, L. Dix and Donna Tomblison and Thomas J. and Judy Holmes.

MICROFILMED

NOV 13 1992

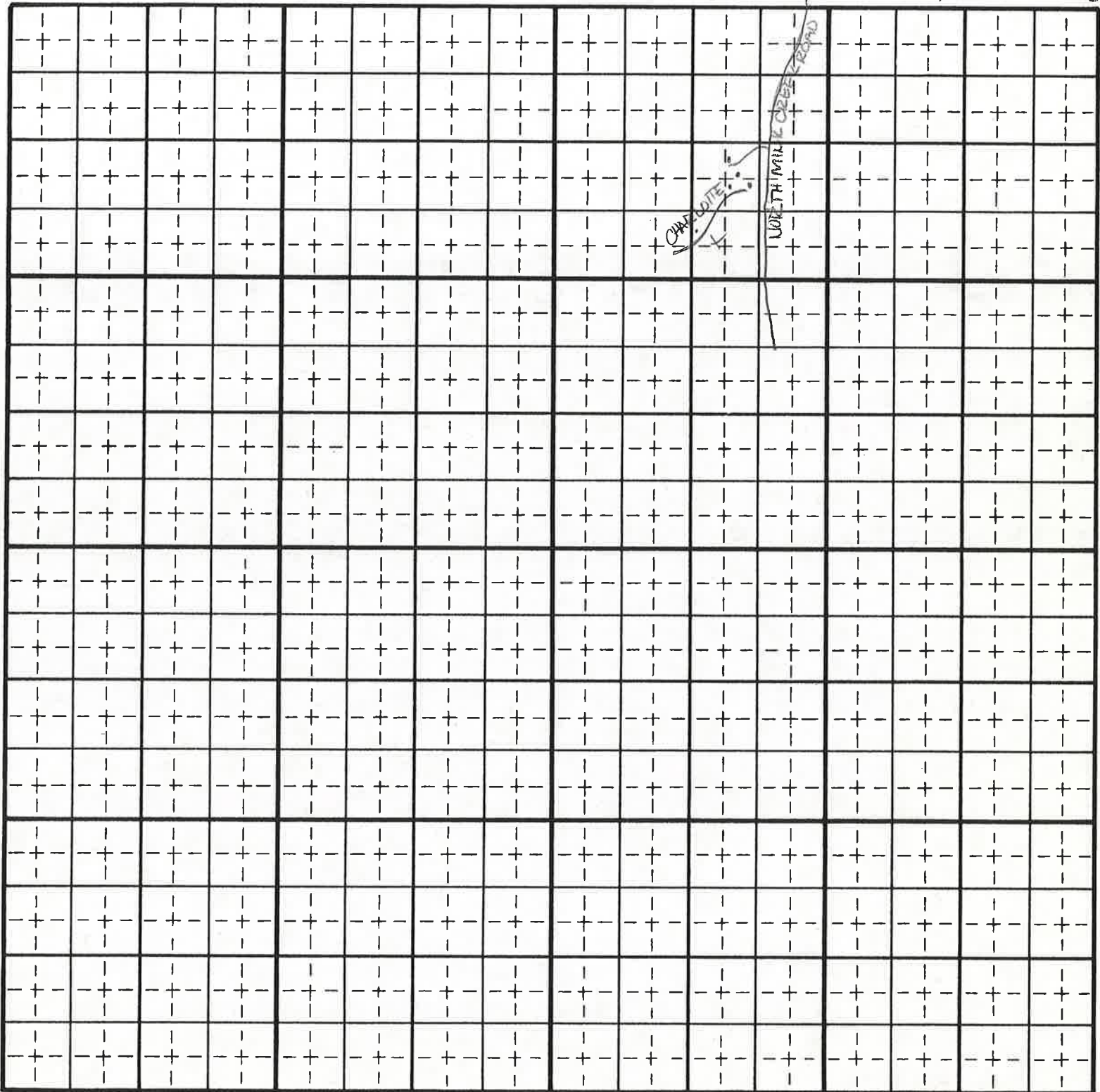
Last Name S.T.M.B. Water Ass'n Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

SECTION 30, T7S, R 35E BM



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NOV 13 1992

Last Name S.T.M.B. Water Ass'n Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 29-4405
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

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

For Organizations: I do solemnly swear or affirm that I am one of the co-owners _____
Title

of S.T.M.B. Water Association _____, that I have signed the foregoing
Organization

document in the space below as a co-owner _____ of S.T.M.B. Water Association _____
Title Organization

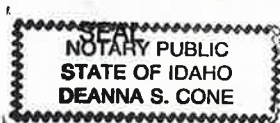
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Co-owner, S.T.M.B. Water Association Date _____

State of Idaho or _____)
County of Bannock) SS.

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



Notary Public Deanna S. Cone

Residing at Pocatello, Idaho

My Commission Expires 6-8-93

Please Print Name DEANNA S. CONE

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 _____

MICROFILMED
NOV 13 1992

Last Name S.T.M.B. Water Ass'n Ident. Number _____

Copies White-State, Yellow-Claimant