

08/30/2001

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

RIGHT NUMBER: 29-4442

NAME AND ADDRESS: CHANTZ SMITH
COURTNIE SMITH
1535 E FORK MINK CR RD
POCATELLO, ID 83204

SOURCE: EAST FORK MINK CREEK TRIBUTARY: MINK CREEK

QUANTITY: 0.03 CFS

PRIORITY DATE: 04/30/1954

POINT OF DIVERSION: T08S R35E S8 NENESW 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	0.03 CFS

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>	
T08S R35E S8 NESW	1.1

1.1 ACRES TOTAL

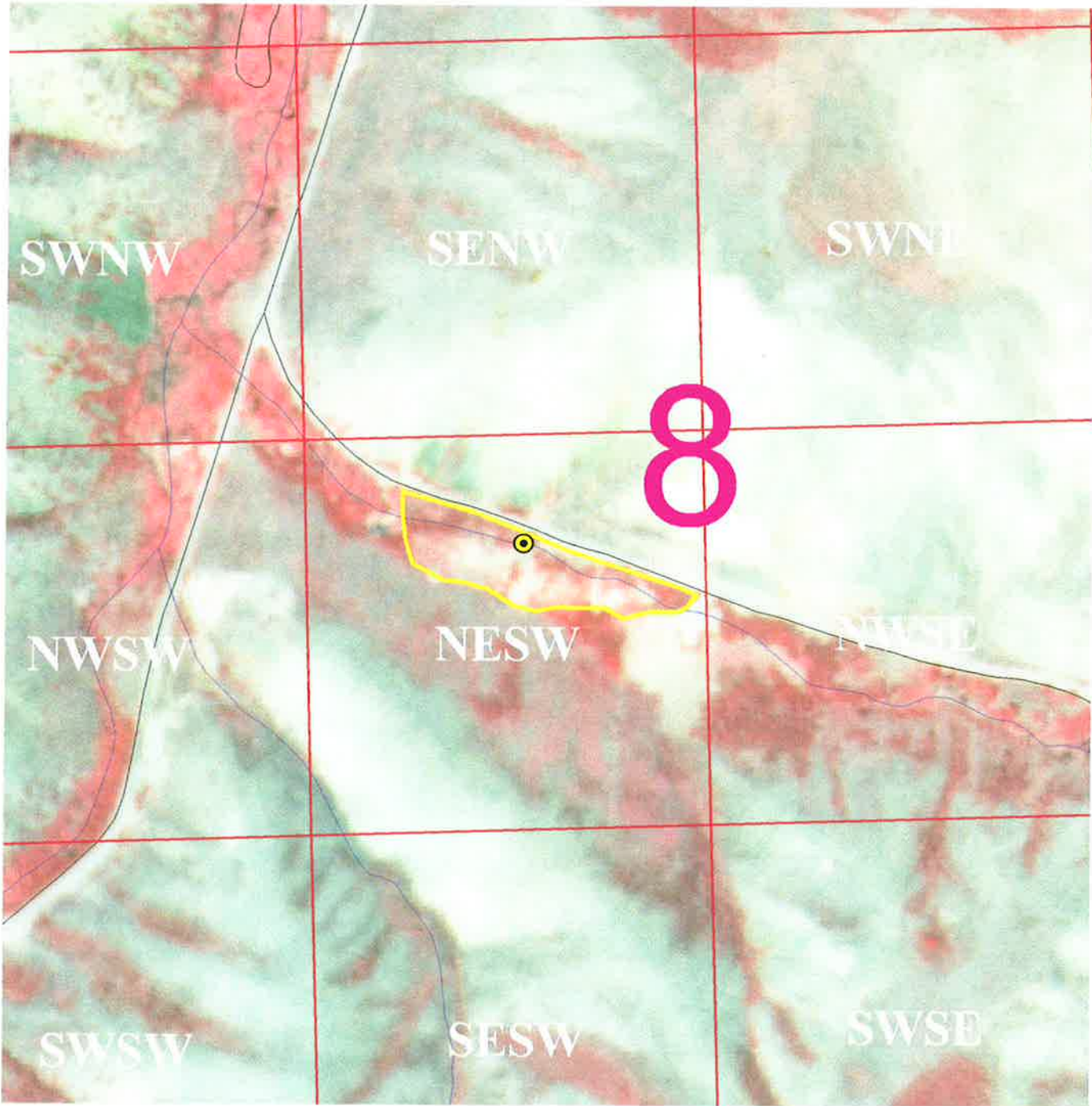
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right Claim Number A29-04442
Township , 8S35E

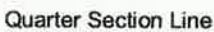
09/06/2000



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

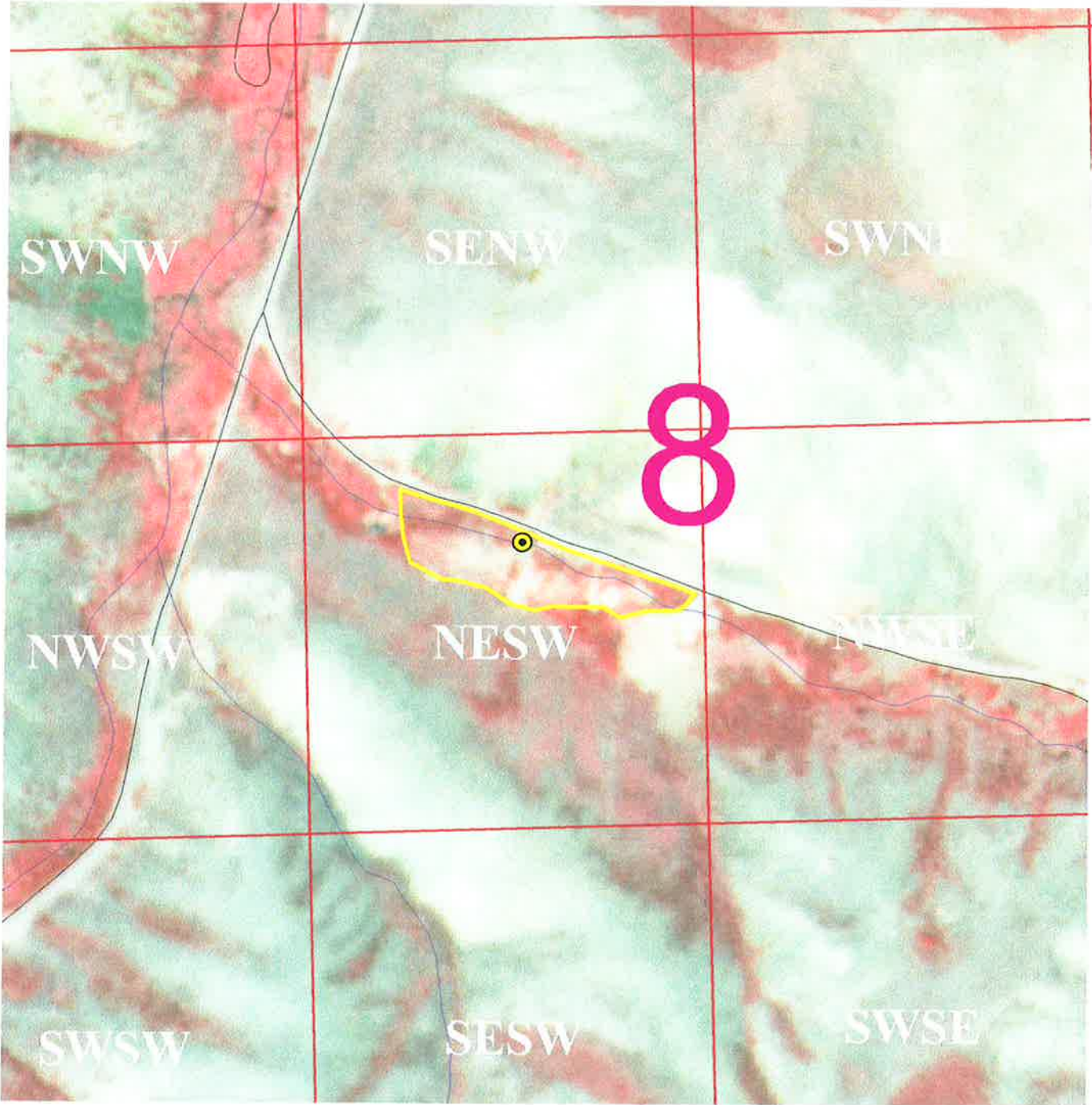
Streams and Canals

Legend



Water Right Claim Number A29-04442
Township , 8S35E

09/06/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

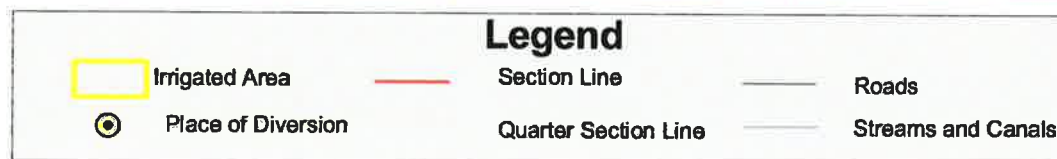
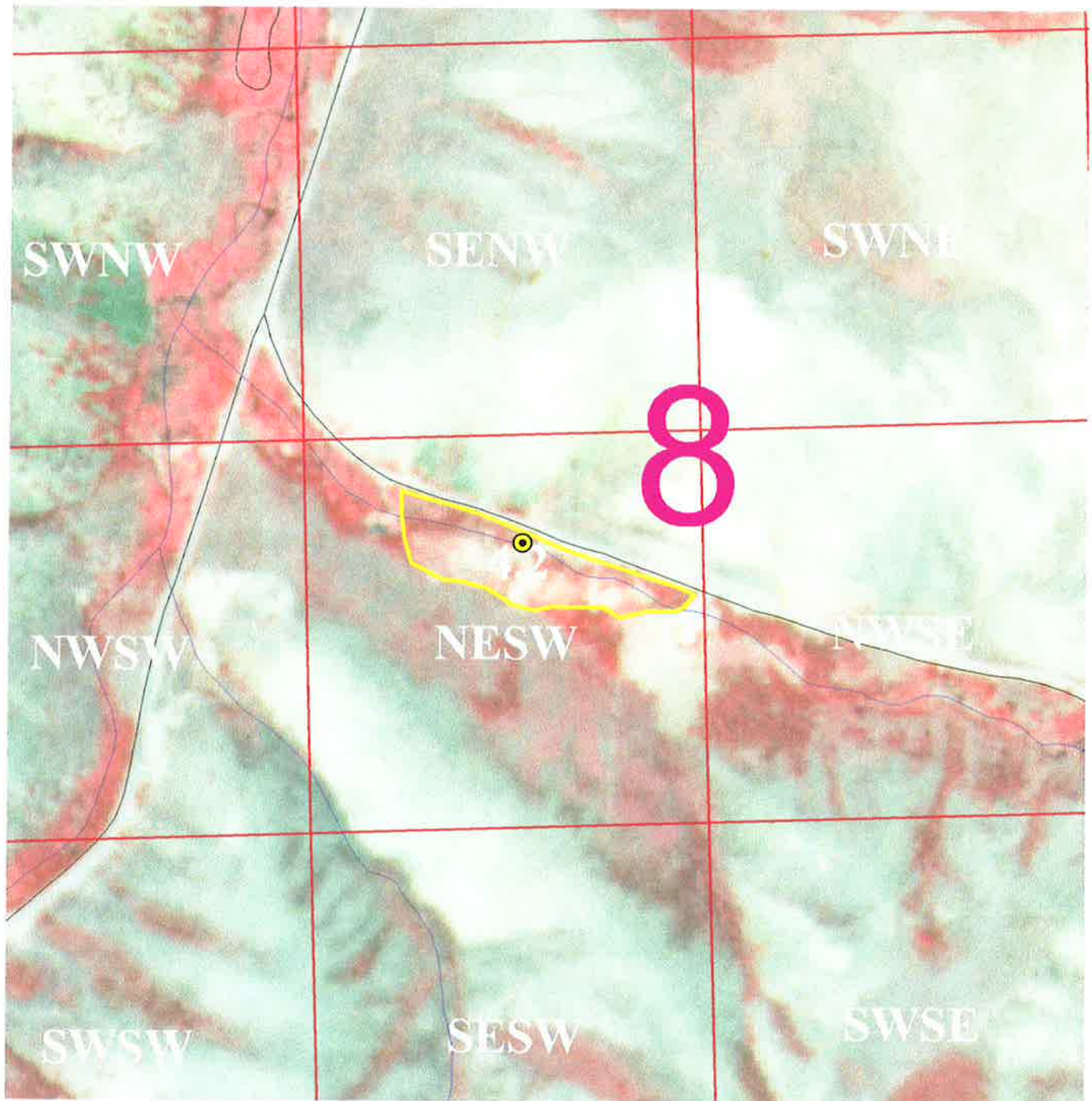
 Streams and Canals

Legend



Water Right Claim Number A29-04442
Township , 8S35E

09/06/2000



AJ5809NP
No. A29-04442

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 223

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES MARSHALL HAMMER	04/13/1954	IRRIGATION	03-15 11-15	0.110 CFS	
C	DEBRA ANN HAMMER					
	1535 E FORK MINK CREEK RD					
	POCATELLO ID 83204			TOTAL DIVERSION:	0.110 CFS	
	(208) 232-1087			CONSUMPTIVE USE:		10.00 AFA

Water Source: MINK CREEK, EAST FORK

Tributary to: MINK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T08S R35E S08 NESW BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
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	SUM	

08S 35E 8 :																																
:																																
:																																
04 :																																
:																																
:																																
TOTAL ACRES																																
4.0																																

POU County: BANNOCK

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

29-11060 A29-02257 A29-02323 A29-02327 A29-10060 A29-11060

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

A29-02257 A29-02327 A29-10060

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

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

Audit: 02/20/90 DCARLSON 02/09/94 THOMPSON 03/29/95 POST-STD 04/12/00 CVANDERM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4442 V1

WATER RIGHT NUMBER: 29-4442 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BONNIE BEBB MINK CREEK RD BOX 304 POCATELLO, ID 83201
Original Owner	DEBRA ANN HAMMER 1535 E FORK MINK CREEK RD POCATELLO, ID 83204 (208)232-1087
Original Owner	JAMES MARSHALL HAMMER 1535 E FORK MINK CREEK RD POCATELLO, ID 83204 (208)232-1087
Current Owner	CHANTZ SMITH 1535 E FORK MINK CR RD POCATELLO, ID 83204 (208)236-6538
Current Owner	COURTNIE SMITH 1535 E FORK MINK CR RD POCATELLO, ID 83204 (208)236-6538

Priority Date: 04/30/1954

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK MINK CREEK	MINK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

EAST FORK MINK CREEK	NE1/4NE1/4SW1/4	Sec. 8,	Twp 08S,	Rge 35E, B.M.
BANNOCK County				

Place of UseIRRIGATION Within BANNOCK County

T08S R35E S08 NESW 1.1

Total Acres: 1.1

Conditions 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-4442 V1

Remarks:Comments:

1. csaxton 8/30/01 Lawn
Comment: Lawn around house is irrigated from the domestic well.

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: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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	8/30/01 1:00:31 PM	csaxton			Active
Priority Date	8/30/01 1:00:50 PM	csaxton			Active
POD	8/30/01 1:02:35 PM	csaxton			Active
Source	8/30/01 1:09:59 PM	csaxton			Active
POU	8/30/01 1:10:29 PM	csaxton			Active
Use	8/30/01 1:56:00 PM	csaxton			Active
Season	8/30/01 1:57:12 PM	csaxton			Active
Quantity	8/30/01 1:58:55 PM	csaxton			Active
Summary	8/30/01 2:20:27 PM	csaxton	8/30/01 2:20:27 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	8/30/01 1:00:28 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field Exam 8/22/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4442 V1

Priority Date	8/30/01 1:00:48 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use. 10. (YES) The claim file contains sufficient evidence of priority date. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/30/01 1:02:32 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Field Exam 8/22/01 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/30/01 1:02:30 PM	csaxton	Edited point location
Source	8/30/01 1:09:56 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: Field exam 8/22/01 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/30/01 1:10:27 PM	csaxton	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: NAPP photography 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POU	8/30/01 1:09:41 PM	csaxton	Edited shape boundary
POU	8/30/01 1:10:13 PM	csaxton	Edited PLS
Use	8/30/01 1:55:58 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4442 V1

Season	8/30/01 1:57:09 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	8/30/01 1:58:53 PM	csaxton	1. (YES) The basis of claim is beneficial use. 5. (NO) A flow measurement was not required. Comment for 5: Per David Tuthill, rights less than 0.20 cfs do not need measurement. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	8/30/01 2:20:24 PM	csaxton	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-04442



0 1320 Feet

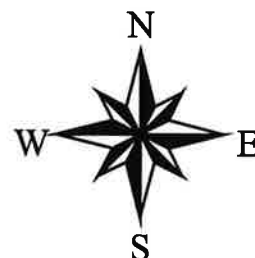
Total Irrigated Acres: 1.1

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

PROFILED

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APR 05 2006



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: August 2001

RECEIVED

FEB 27 2003

02/18/2003

NOTICE OF ERROR
REPLY

Craig

Department of Water Resources

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: 29-4442

CHANTZ SMITH
1535 E FORK MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208)236-6538

COURTNIE SMITH
1535 E FORK MINK CREEK RD
POCATELLO ID 83204
Telephone Number: (208)236-6538

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

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

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

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

DATE: 2-21-03

SIGNATURE: *Chantz Smith*

Please print your name: Chantz Smith

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

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APR 05 2006



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

6" Casing, submersible pump, 20' South of South Corner of house @ 1535 East Mink Creek Rd.

Assumptions

Horse power, pressure head, and elevation head.

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 198063 01.JPG

Photos

OD ID 198063 02.JPG

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0.094217806648835

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

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ 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

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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RECEIVED
JAN 23 2003



Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

RECEIVED

SEP 11 2001

Department of Water Resources
Eastern Region

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 30, 2001

CHANTZ SMITH
COURTNIE SMITH
1535 E FORK MINK CR RD
POCATELLO ID 83204

RE: Notice of Change in Water Right Ownership

Dear Chantz and Courtnie,

After our meeting on August 22, 2001, I went to the courthouse and found the deeds needed to complete the trail of property ownership from Mr. Hammer to yourself.

However, in further investigation I found a water right for your domestic well that has already been partially decreed by the Snake River Basin Adjudication (SRBA) court. This means the court has already approved your domestic right and it is now a "decreed" or "perfected" water right compared to the irrigation "claim" 29-04442 for the East Fork of Mink Creek water.

Because your domestic right has already been decreed, there is a \$25 fee to change the right into your name. Enclosed is a copy of the domestic right 29-10340. Please send in the fee of \$25 dollars ATTN: Craig L. Saxton, and I will have the appropriate documentation sent to the SRBA court so we can get the right in your name.

Make checks payable to IDWR .

I apologize for the inconvenience. Please feel free to contact me at (208) 525-7161 if you have any questions.

Respectfully Submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

25.00

Paid and Received
9/11/01
C Saxton

SCANNED

APR 05 2006

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-04442				
	29-10340 - AD'd				

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s)

James Marshall Hammer
1535 E Fork Mink Cr Rd Pocatello ID 83204

4. New Owner/Claimant(s)

Chantz + Courtney Smith
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1535 E FK Mink Cr Rd

City, State and ZIP Code

Pocatello ID 83204

New Telephone Number

(208) 236-6538 WR 233-0467

5. Date you acquired the property

11/30/2000

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APR 05 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

1 WHEN RECORDED MAIL TO:

CHANTZ J. SMITH
1535 EAST FORK MINK CREEK ROAD
POCATELLO, ID 83204

NO 20019323
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
2000 NOV 30 AM 11 14

BOOK NO 271
BANK COUNTY IDAHO
LARRY W. OHAN RECORDER
3-1 9- DEPUTY M

Space Above This Line for Recorder's Use Only

20019323

WARRANTY DEED

For Value Received THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON D.C., HIS SUCCESSORS AND ASSIGNS, the grantor(s), do(es) hereby grant, bargain, sell and convey unto CHANTZ J. SMITH

the grantee(s) whose current address is 1535 EAST FORK MINK CREEK ROAD, POCATELLO, ID 83204, the following described premises, in BANNOCK County Idaho, to wit:

Assessor's Parcel No. R4059000201

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owners(s) in fee simple of said premises; that they are free from all encumbrances except current year taxes, levies and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/09/00

SECRETARY OF HOUSING AND URBAN
DEVELOPMENT

[Signature]

SCANNED

APR 05 2006

1st Update

ATTACHED LEGAL DESCRIPTION

Order No.: P31890

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE NORTH ALONG THE MERIDIONAL CENTERLINE OF SAID SECTION 8, 145.00 FEET; THENCE NORTH 24°08' WEST ALONG THE TOP OF A NORTHWESTERLY RIDGE 304.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 28°35' WEST ALONG TOP OF SAID RIDGE 372.63 FEET; THENCE NORTH 41°27' WEST, ALONG TOP OF SAID RIDGE 846.84 FEET; THENCE NORTH 21°28' EAST, 951.00 FEET MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE EAST FORK OF MINK CREEK ROAD; THENCE SOUTH 68°44' EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE 424.15 FEET; THENCE SOUTH 0°16' WEST, 1702.30 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

EXCEPT: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 35 EAST, BOISE MERIDIAN. THE NORTHERN SIDE BEING ADJACENT TO THE EAST FORK OF THE MINK CREEK ROAD AND BEING A PORTION OF DEED NO. 433810, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 8 BEING MARKED BY USFS BRASS CAP MONUMENT, THE NEXT 4 BEARINGS FOLLOW DEED NO. 433810; THENCE NORTH ALONG THE MERIDIONAL CENTERLINE OF SECTION 8 TOWARD THE CENTER QUARTER CORNER OF SECTION 8 (CORNER RECORD NO. 706342), A DISTANCE OF 145.00 FEET TO AN EXISTING IRON ROD; THENCE NORTH 24°08' WEST ALONG THE TOP OF A NORTHWESTERLY RIDGE, A DISTANCE OF 304.00 FEET TO AN EXISTING IRON ROD AND THE TRUE POINT OF BEGINNING; THENCE NORTH 28°35' WEST ALONG THE TOP OF SAID RIDGE, A DISTANCE OF 372.63 FEET TO AN EXISTING IRON ROD; THENCE NORTH 41°27' WEST ALONG THE TOP OF SAID RIDGE, A DISTANCE OF 234.90 FEET TO AN IRON ROD; THENCE NORTH 9°27'53" EAST A DISTANCE OF 1261.70 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF THE EAST FORK OF MINK CREEK ROAD, MARKED BY AN IRON ROD; THENCE SOUTH 68°44' EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 144 FEET TO AN IRON ROD; THENCE SOUTH 0°16' WEST ALONG THE EAST LINE OF DEED NO. 433810 AND THE WEST LINE OF DEED NO. 488484, A DISTANCE OF 1695.60 FEET (SHOWN AS 1702.30 ON THE DEEDS) TO THE TRUE POINT OF BEGINNING.

ALTA Plain Language Commitment Legal Description
(P31890/P31890/7)

SCANNED

APR 05 2006



FA 830225

2-1

20013084

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, First Horizon Home Loans, P.D.B.A., a corporation duly organized and existing under the laws of the State, as grantor, does hereby Grant, Bargain, Sell and Convey unto The Secretary of Housing and Urban Development of Washington D.C., his successors or assigns, 2500 Michelson Drive, Suite 100, Irvine, California 92612 the grantee, the following described real estate, to-wit:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee their successors, heirs and assigns forever. And the Grantors do hereby covenant with the said Grantee(s), that they are the owners in fee simple of said premises; that they are free from all encumbrances, except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises. And that they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by an authorized officer of the corporation and its corporate seal to be affixed, this 5th day of August 2000



First Horizon Home Loans P.D.B.A.
FT MORTGAGE COMPANIES

BY:

ITS: THOMAS WADE ASSISTANT VICE PRESIDENT

STATE OF TEXAS

COUNTY OF DALLAS

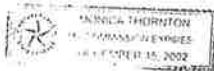
On this 5th day of August 2000, before me, a Notary Public in and for said State, personally appeared Thomas Wade, known to me to be the Assistant Vice President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public

Residing at

Commission expires: 12-15-2002 NO 20013084



FA-8384/0

RECORDED AT THE

2001 AUG 15 AM 11 08

15413

First American Title Company of Idaho



2-1
TRUSTEE'S DEED

200003239

First American Title Company of Idaho, Inc., an Idaho Corporation (herein called Trustee) as successor trustee under the Deed of Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to FIRST HORIZON HOME LOAN CORPORATION, PO Box 760969, Dallas, TX 75376-9902, (herein called Grantee) all of the real property situated in the County of BANNOCK, State of Idaho, described as follows:

SEE ATTACHED EXHIBIT A

This conveyance is made pursuant to the powers conferred upon Trustee by the deed of trust between DOUGLAS B HAGLER & TRUDY M HAGLER, husband & wife, as grantors for the benefit and security of FT MORTGAGE COMPANIES D/B/A MORTGAGE RESOURCES, as beneficiary, recorded May 20, 1997, as Instrument No. 97009300, Mortgage Records of Bannock County, Idaho and after the fulfillment of the conditions specified in said deed of trust authorizing this conveyance as follows:

- (a) Default occurred in the obligations for which said deed of trust was given as security and the beneficiary made demand upon the said trustee to sell said property pursuant to the terms of said deed of trust. Notice of Default was recorded as Instrument No. 96021428 RR 20001526, Mortgage Records of BANNOCK County, Idaho and in the office of the Recorder of each other county in which the property described in said deed of trust, or any part thereof, is situated, the nature of such default being as set forth in said notice of default. Such default still existed at the time of sale.
- (b) After recordation of said Notice of Default, trustee gave notice of the time and place of the sale of said property by registered/certified mail, return receipt requested, by personal service upon the occupants of said real property and/or by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to date of sale as Instrument No. 20006281, Instrument No. 20006282, Instrument No. 20006283, Mortgage Records of BANNOCK County, Idaho.
- (c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and there are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.
- (d) All requirements of law regarding the mailing, personal service, posting, publication and recording of notice of default, and notice of sale and all other notices have been complied with.
- (e) Not less than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of said property.
- (f) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder therefor, the property herein described, for the sum of \$90,701.37, subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, The Trustee, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Assistant Vice President, this 8th day of June, 2000.

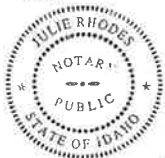
FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., Trustee

By Monine Cole
Monine Cole Asst. Vice President

STATE OF IDAHO)
COUNTY OF ADA)

On this 8th day of June, 2000, before me, a Notary Public in and for said State, personally appeared Monine Cole, known to me to be the Assistant Vice President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Julie Rhodes
Notary Public

NO 20009239
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
2000 JUN 12 PM 2 10
JULIE RHODES
Notary Public, State of Idaho
My Commission Expires October 18, 2003
BOOK NO 261
PAGE 60
RECORDED
FEB 6 2001

First American Title Company of Idaho

00069

2-2

20009239

EXHIBIT A

ATTACHED TO

Trustee's Deed

A parcel of land in the Southwest quarter of Section 8, Township 8 South, Range 35 East, Boise Meridian, BANNOCK COUNTY, IDAHO, more particularly described as follows: Beginning at the South quarter corner of Section 8, Township 8 South, Range 35 East, Boise Meridian; thence North along the meridional centerline of said Section 8, 145.00 feet; thence North 24°08' West along the top of a Northwesterly ridge 304.00 feet to the TRUE POINT OF BEGINNING; thence North 28°35' West along top of said ridge 372.63 feet; thence North 41°27' West, along top of said ridge 846.84 feet; thence North 21°28' East, 951.00 feet more or less, to the Southerly right of way line of the East Fork of Mink Creek Road; thence South 68°44' East, along said Southerly right of way line 424.15 feet; thence South 0°16' West, 1702.30 feet, more or less, to the TRUE POINT OF BEGINNING.

EXCEPT: A tract of land located in the Southwest quarter of Section 8, Township 8 South, Range 35 East, Boise Meridian. The Northern side being adjacent to the East Fork of the Mink Creek Road and being a portion of Deed No. 433810, BANNOCK COUNTY, IDAHO, described as follows:

Commencing at the South quarter corner of Section 8 being marked by USFS brass cap monument, the next 4 bearings follow Deed No. 433810; thence North along the meridional centerline of Section 8 toward the center quarter corner of Section 8 (corner record No. 706342), a distance of 145.00 feet to an existing iron rod; thence North 24°08' West along the top of a Northwesterly ridge, a distance of 304.00 feet to an existing iron rod and the TRUE POINT OF BEGINNING; thence North 28°35' West along the top of said ridge, a distance of 372.63 feet to an existing iron rod; thence North 41°27' West along the top of said ridge, a distance of 234.90 feet to an iron rod; thence North 9°27'53" East a distance of 1261.70 feet, more or less, to the Southerly right of way line of the East Fork of Mink Creek Road, marked by an iron rod; thence South 68°44' East, along said Southerly right of way line, a distance of 144 feet to an iron rod; thence South 0°16' West along the East line of Deed No. 433810 and the West line of Deed No. 488484, a distance of 1695.60 feet (shown as 1702.30 on the Deeds) to the TRUE POINT OF BEGINNING.

Julie Rhodes
TRUSTEE VERIFICATION

FA-8384

FA#23961

2-1
WARRANTY DEED

97008299

For Value Received JAMES MARSHALL HAMMER, AN UNMARRIED PERSON

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

DOUGLAS B. HAGLER and TRUDY M. HAGLER, husband and wife

whose address is: 1535 E FORK MINK CREEK, POCATELLO, ID, 83204

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

SEE ATTACHED EXHIBIT "A"

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

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

Dated: MAY 19, 1997

James Marshall Hammer
JAMES MARSHALL HAMMER

STATE OF IDAHO

COUNTY OF BANNOCK

On This 19TH day of MAY, in the year 1997, before me, a Notary Public in and for said State, personally appeared JAMES MARSHALL HAMMER, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that HE executed the same.



97008299

[Signature]
Residing at POCATELLO
Commission Expires: 2-18-99

FIRST AMERICAN TITLE

97 MAY 20 PM 2 07

RECORD SEAL

688

60

688

2-2

EXHIBIT 'A'

A parcel of land in the Southwest quarter of Section 8, Township 8 South, Range 35 East, Boise Meridian, BANNOCK COUNTY, IDAHO, more particularly described as follows: Beginning at the South quarter corner of Section 8, Township 8 South, Range 35 East, Boise Meridian; thence North along the meridional centerline of said Section 8, 145.00 feet; thence North 24°08' West along the top of a Northwesterly ridge 304.00 feet to the TRUE POINT OF BEGINNING; thence North 28°35' West along top of said ridge 372.63 feet; thence North 41°27' West, along top of said ridge 846.84 feet; thence North 21°28' East, 951.00 feet more or less, to the Southerly right of way line of the East Fork of Mink Creek Road; thence South 68°44' East, along said Southerly right of way line 424.15 feet; thence South 0°16' West, 1702.30 feet, more or less, to the TRUE POINT OF BEGINNING.

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with
 [Signature]

WARRANTY DEED

For Value Received

BONNIE O. MORNINGSTAR, now known as BONNIE O. BEBB, and
EDWIN BEBB, wife and husband

the grantor s do hereby grant, bargain, sell, and convey unto
JAMES MARSHALL HAMMER AND DEBRA ANN HAMMER,
husband and wife

the grantees , whose current address is

the following described premises, to-wit:

SEE EXHIBIT A (attached)

Subject to Reservations in United State and State Patents, existing and recorded
rights-of-way and easements, zoning and building ordinances, use restrictions of
record, if any and taxes and assessments for 1990 as prorated between the parties
hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s, that the y are the owners in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that the y will warrant and
defend the same from all lawful claims whatsoever.
Dated: JUNE 26, 1990

Bonnie O. Bebb
BONNIE O. BEBB

Edwin Bebb
EDWIN BEBB

STATE OF IDAHO, COUNTY OF BANNOCK
On this 26th day of June, 19 90,
before me, a notary public in and for said State, personally
appeared

Bonnie O. Bebb and
Edwin Bebb

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

Notary Public
Pocatello
Idaho
2-2-93

Residing at
Comm. Expires

INSTRUMENT NO.

Address all communications to:

Paul H. Merriam
 P.O. Truck Creek Road
 Pocatello Idaho.

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G. 33481

Permit No. G. 25621

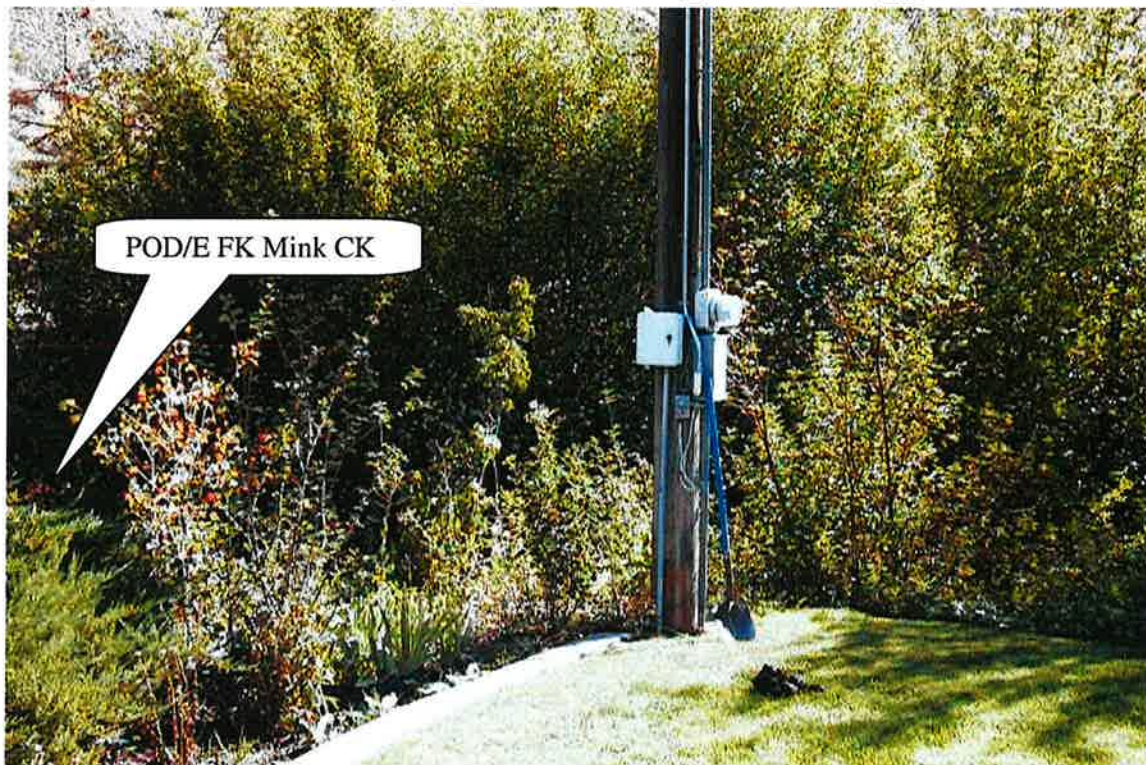
District No.

1. Name of applicant: Paul H. Merriam
 Post office address: Truck Creek Rd. Pocatello Idaho. County: Bannock State: Idaho.
2. Quantity of water claimed: 30 Cubic Feet per second.
 (a) Rate of withdrawal in cubic feet per second: 30 or Idaho Miner's inches 15 or gallons per minute
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean from dug well
4. Location of point of diversion or well is in the SW 1/4 of the SW 1/4 of Section 8
 Twp. 2S, Rge. 35E, B. M., County of Bannock
5. Water is to be used for: Domestic Irrigation & Stock watering
6. If for municipal, industrial or recreational purposes give:
 (a) Point of use of water is in the 1/4 of the 1/4 of Section
 Twp. , Rge. , B. M.
 (b) Waste water or sewage effluent is to be returned to
 at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B. M.
7. Kind of Works: Dug well with pump & motor
8. Estimated cost of works: \$ 250
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years. To irrigate cultivated land & orchard.

29-04442

POD

Field Exam 8/22/01



Looking North East. Claimant aquired the property November 2000. He said that when he purchased the property through HUD there was structures in the creek where a pump would have been set up. Picture shows power pole that ran power to pump. East FK of Mink Creek Road is in background behind the trees (csaxton 8/30/01).

PROFILE

SCANNED
APR 05 2006

29-04442

POU

Field Exam 8/22/01



Looking South. Napp indicates that this field could have been irrigated in 1987. Statement from neighbor Mrs. Norwood, said the land had been historically irrigated by original claimant James Marshall. Marshall sold the property in 1997. Even if no irrigation took place after Mr. Marshall sold the property, that is only 4 years of non-use. Recommend irrigation as seen on Napp photography (csaxton 8/30/01).

SCANNED
APR 05 2006

29-04442

POU

Field Exam 8/22/01



Looking South. Napp indicates that this field could have been irrigated in 1987. Statement from neighbor Mrs. Norwood, said the land had been historically irrigated by original claimant James Marshall. Marshall sold the property in 1997. Even if no irrigation took place after Mr. Marshall sold the property, that is only 4 years of non-use. Recommend irrigation as seen on Napp photography (csaxton 8/30/01).

SCANNED
APR 05 2006

JUN 13 2001

Log for claim A29-04442

Spatial Dynamics BTD

9/6/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s35e	8	NESW	4	4.2	
Totals:			4	4.2	

4/6/01 Priority Evidence Questionable - No well log
C4

When did Hammer Purchase Property?

✓

4/10/01 Priority Good - Affidavit From Bonnie coming & star

= Domestic 29-10340 PD's

Field Exam 8/22/01

Hagler - former owner

2nd Driveway

Chantz 2 1/2 units
country

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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 Bonnie Bebb

(Name of Claimant)

Box 304, Mink Creek Rd. Pocatello, ID 83201

Telephone No. 232-8869

(Mailing Address)

(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) April 13, 1954

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)

East Fork Mink Creek tributary to Mink Creek

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.11 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>3-15</u>	To <u>11-15</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>0.11 cfs</u>		Use _____		Period of Use From _____	To _____

- (4) 0.11 cfs TOTAL QUANTITY USED.

(cfs, af)

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

NE 1/4 SW 1/4, Sec. 8 Twp. 8S 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 to mainline with sprinkler system.

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	35E	8									4								4

No. of acres 4

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

NOTE: Include here the type and number of stock watered: _____

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

State of Idaho Department
of Water Resources

James Marshall Hammer
1535 S.E. Fork Mink Creek Road
Pocatello, Idaho 83204

Date: March 1, 1995

This letter is to certify that Bonnie O. (Morningstar) Bebb used
water out of the S.E. Fork of Mink Creek at 1535 S.E. Fork Mink
Creek Road Pocatello, Idaho for irrigation purposes on or before

(date) 4/1/95 - Bonnie O. Morningstar Bebb

signed: Bonnie O. (Morningstar) Bebb

Bonnie O. Morningstar Bebb Date: 4/1/95

signed: James Marshall Hammer

James Marshall Hammer Date: 4/1/95

Notary: see attached Date: _____

MICROFILMED

NOV 13 1995

STATE OF IDAHO, ...

Bannock

County ss:

On this day of March 1995,
before me, ... Stephanie M. Wright a Notary Public in and for said county and
state, personally appeared Bonnie O. Bebb and James M. Hamner
known or proved to me to be the person(s) who executed the foregoing 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.

Stephanie Wright

Notary Public residing at:

POCATELLO

MICROFILMED
NOV 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DATE: JAN. 3, 1995

A29-04442
JAMES MARSHALL HAMMER
DEBRA ANN HAMMER
1535 E FORK MINK CREEK RD
POCATELLO ID 83204

RECEIVED
MAR 07 1995

Department of Water Resources
Eastern District Office

EVIDENCE OF PRIORITY

Dear Claimant:

The Notice of Claim identified above and or below has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation, or other commercial application that is based on **BENEFICIAL USE**. Water rights of this type are established by the historical use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the **PRIORITY DATE**.

For your reference, I have provided a printout of your Notice of claim and the pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which documents will fulfill this requirement.

The IDWR can not recommend the notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by March 31, 1995, referencing the information with the corresponding Water right number. If you have any questions, please contact this office.

Dave Carlson
Water Right Agent, Adjudications

MICROFILMED

NOV 13 1990

AJ5809NP
No. A29-04442

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 17

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES MARSHALL HAMMER	04/13/1954	IRRIGATION	03-15 11-15	0.11 CFS	
C	DEBRA ANN HAMMER					
	1535 E FORK MINK CREEK RD			TOTAL DIVERSION:	0.11 CFS	
	POCATELLO ID 83204			CONSUMPTIVE USE:		10.00 AFA
	(208) 232-1087					

Water Source: MINK CREEK EAST FORK

Tributary to: MINK CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T08S R35E S08 NESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
08S	35E	8	:					:					:	04					:					:	4.0
TOTAL ACRES																							4.0		

POU County: BANNOCK

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

NOV 13 1990

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

FEBRUARY 9, 1994

JAMES MARSHALL HAMMER
1535 E FORK MINK CREEK RD
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A29-04442 AND -10340

Dear Mr. Hammer:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,


Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

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APR 12 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

JAN 25 1994

Department of Water Resources
Eastern District Office

DATE OF CLOSING: 6/26/1990

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

RECEIVED
FEB 7 1994

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) PERMIT NO. G 25621
IDENT NUMBER A29-044420K AT

[] Water Right Number(s) Assigned by IDWR: A29-10340 OK AT

[] Name and Address of Former Owner/Claimant(s)(Seller): BONNIE O. MORNING STAR
NEW KNOWN AS
BONNIE O. BEBB

[] New Owner/Claimant (Purchaser): JAMES MARSHALL HAMMER

[] New Mailing Address: DEBRA ANN HAMMER
1535 East Fork Mink Creek Rd
Pocatello, Idaho 83204

[] New Telephone Number: (208) 232-1087

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): James Marshall Hammer Date 1/21/1994
Debra Ann Hammer Date 1/21/94

[] Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

APR 12 1994

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

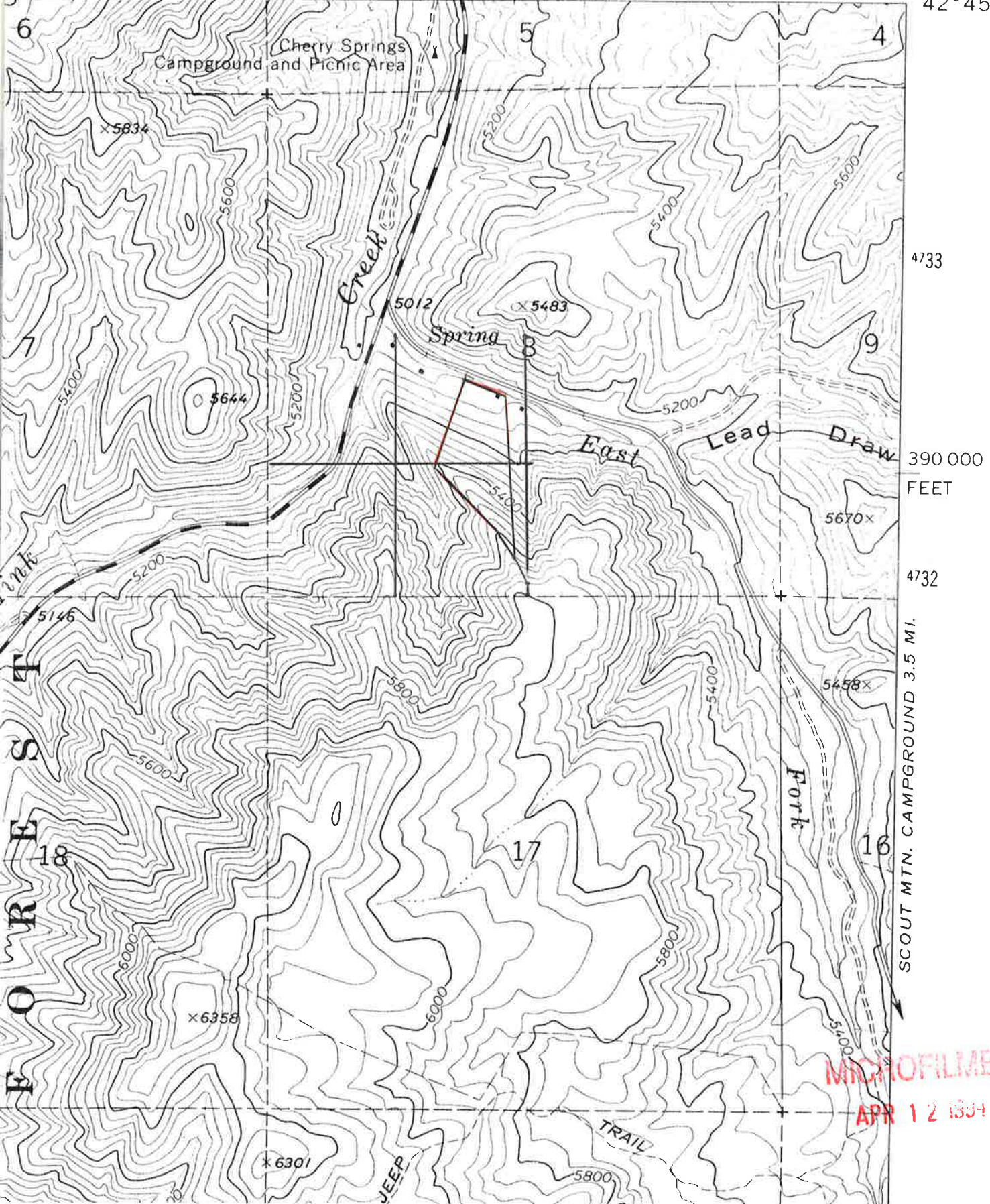
POLAR COORDINATE X-COR Y-COR (CHAINS)		ANGLE			BEARING ANGLE DIRECTION	DIST (FT)	CUMULATIVE ACRES
		DEGREES	MINUTES	SECONDS			
40.00	0.00						
40.00	2.20	0.00	0.00	0.00	NW	145.00	0.00
38.12	6.40	24.00	8.00	0.00	NW	304.00	0.40
35.42	11.36	28.00	35.00	0.00	NW	372.63	2.00
26.92	20.98	41.00	27.00	0.00	NW	846.84	10.49
32.20	34.38	21.00	28.00	0.00	NE	951.00	24.49
38.18	32.05	68.00	44.00	0.00	SE	424.15	23.37
38.06	6.26	0.00	16.00	0.00	SW	1702.30	18.53
38.06	6.26	0.00	0.00	0.00	SE	0.00	18.53

MICROFILMED
 APR 12 1984

CLIFTON CREEK QUADRANGLE
IDAHO
7.5 MINUTE SERIES (TOPOGRAPHIC)

3569 IV
POCATELLO 1:6

POCATELLO (INTERSTATE 15 & 15W) 11 MI. 440 000 FEET 387 112°22'30" 42°45'



MICROFILMED
APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

25-Jan-1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JAMES & DEBRA HAMMER
1535 E FORK MINK CREEK
POCATELLO ID 83204

RECEIVED
FEB 7 1994

RE: CHANGE IN OWNERSHIP

Dear Mr. & Mrs. Hammer:

Department of Water Resources
Eastern District Office

We are returning your Change in Ownership form because of insufficient information. The Warranty Deed that you submitted with the form mentioned "Exhibit A", but there was no Exhibit A enclosed with the Change in Ownership form. We will either need that portion of the deed to confirm the property purchased, or, the signature of the former owner.

We will also need you to complete the "New Mailing Address" portion to confirm that the address on the envelope is the address we are to send further correspondence. Please return the completed form to my attention and we will make the necessary changes to our records.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Respectfully,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:gt

MICROFILMED

APR 12 1994

EXHIBIT "A"

A Parcel of land in the Southwest quarter of Section 8, Township 8 South, Range 35 East, Boise Meridian, BANNOCK COUNTY, IDAHO, more particularly described as follows: Beginning at the South quarter corner of Section 8, Township 8 South, Range 35 East, Boise Meridian; thence North along the meridional centerline of said Section 8, 145.00 feet; thence North 24°08' West along the top of a Northwesterly ridge 304.00 feet to the TRUE POINT OF BEGINNING; thence North 28°35' West along top of said ridge 372.63 feet; thence North 41°27' West, along top of said ridge 846.84 feet; thence North 21°28' East, 951.00 feet more or less, to the Southerly right of way line of the East Fork of Mink Creek Road; thence South 68°44' East, along said Southerly right of way line 424.15 feet; thence South 0°16' West, 1702.30 feet, more or less, to the TRUE POINT OF BEGINNING.

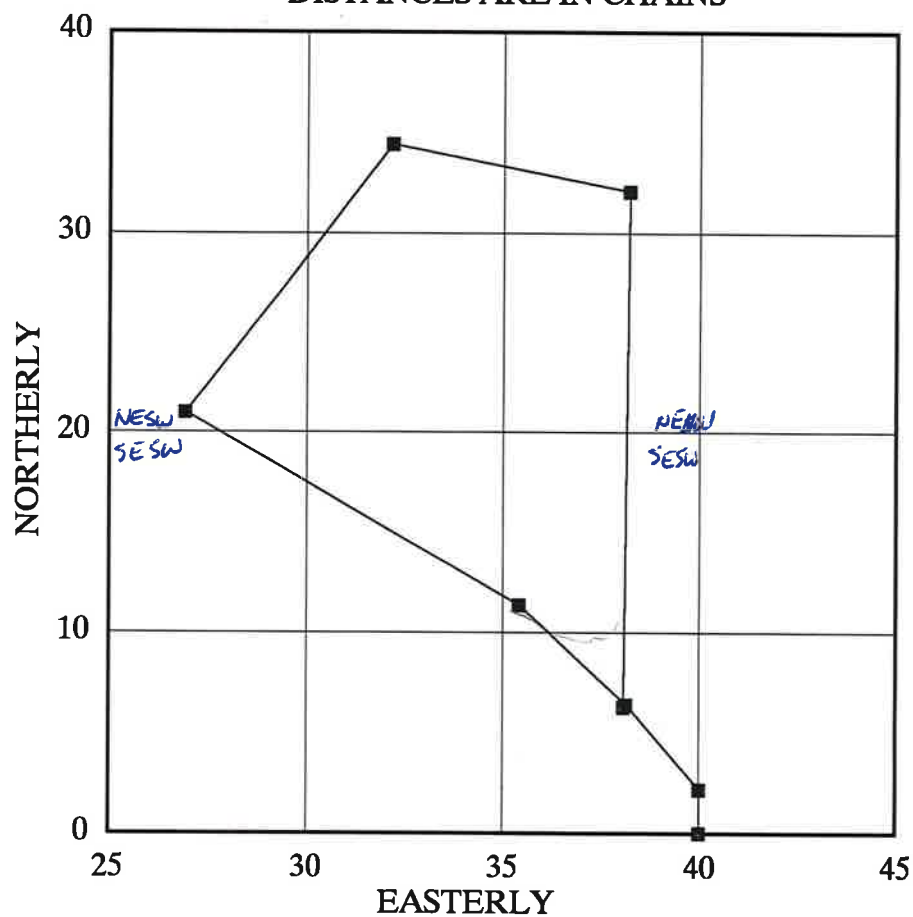
EXCEPT: A Tract of land located in the Southwest quarter of Section 8, Township 8 South, Range 35 East, Boise Meridian. The Northern side being adjacent to the East Fork of the Mink Creek Road and being a portion of Deed No. 433810, BANNOCK COUNTY, IDAHO, described as follows:

Commencing at the South quarter corner of Section 8 being marked by USFS Brass Cap Monument; the next 4 bearings follow Deed No. 433810; thence North along the meridional centerline of Section 8 toward the center quarter corner of Section 8 (Corner Record No. 706342), a distance of 145.00 feet to an existing iron rod; thence North 24°08' West along the top of a Northwesterly ridge, a distance of 304.00 feet to an existing iron rod and the TRUE POINT OF BEGINNING; thence North 28°35' West along the top of said ridge, a distance of 372.63 feet to an existing iron rod; thence North 41°27' West along the top of said ridge, a distance of 234.90 feet to an iron rod; thence North 9°27'53" East a distance of 1261.70 feet, more or less, to the Southerly right of way line of the East Fork of Mink Creek Road, marked by an iron rod; thence South 68°44' East, along said Southerly right of way line, a distance of 144 feet to an iron rod; thence South 0°16' West along the East line of Deed No. 433810 and the West line of Deed No. 488484, a distance of 1695.60 feet (shown as 1702.30 on the Deeds) to the TRUE POINT OF BEGINNING.

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APR 12 1994

METES & BOUNDS POLAR LOCATION PLOT DISTANCES ARE IN CHAINS



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 29-4442
Date Received: 2/20/90
Receipt No: E012103
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHANTZ SMITH Phone: (208)236-6538

1535 E FORK MINK CR RD
POCATELLO ID USA 83204

COURTNIE SMITH Phone: (208)236-6538

1535 E FORK MINK CR RD
POCATELLO ID USA 83204

2. Date of Priority: 04/13/1954

3. Source: MINK CREEK EAST FORK Trib. to: MINK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	35E	8	NE SW	BANNOCK	

5. Description of diverting works:

PUMP, MAINLINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.11	

7. Total Quantity Appropriated is:

0.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	35E	8	NE	SW	IRRIGATION	4
					Section Acres	4
					Total Acres	4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER CLAIMANT REQUEST (CSAXTON 8/24/01)

15. Basis of Claim: Beneficial Use

16. Signature(s)

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: A29-04442
Date Received: 2/20/1990
Receipt No: E012103
Received By:

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILE**

1. Name: JAMES MARSHALL HAMMER 208-232-1087
Address: 1535 E FORK MINK CREEK RD
POCATELLO ID 83204
AND
Name: DEBRA ANN HAMMER 208-232-1087
Address: 1535 E FORK MINK CREEK RD
POCATELLO ID 83204

2. Date of Priority: APR 13, 1954

3. Source: MINK CREEK EAST FORK Trib. to: MINK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	35E	8	NE	SW			BANNOCK

5. Description of diverting works:
PUMP, MAINLINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.110		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	35E	8	NE	SW		IRR	4.0

A2904442



MICROFILMED

10. Place of Use: Continued

Section Acres 4.0

Total Acres 4.0

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:

15. Basis of Claim: STATUTORY CLAIM

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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: **A29-04442**
Date Received: 2/20/1990
Receipt No: **E012103**
Received By: _____

COPY

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JAMES MARSHALL HAMMER
Address: 1535 E FORK MINK CREEK RD
POCATELLO ID

208-232-1087

AND

Name: DEBRA ANN HAMMER
Address: 1535 E FORK MINK CREEK RD
POCATELLO ID

83204

208-232-1087

83204

2. Date of Priority: APR 13, 1954

3. Source: MINK CREEK EAST FORK

Trib. to: MINK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	35E	8	NE	SW			BANNOCK

5. Description of diverting works:
PUMP, MAINLINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.110		

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

A.F.A.

. Total consumptive use is

10.0 Acre Feet Per Annum.

. Non-irrigation uses:

Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	35E	8	NE	SW		IRR	4.0

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NOV 13 1990

A29-04442

Date: 02/09/94

10. Place of Use: Continued

Section Acres 4.0

Total Acres 4.0

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:

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED

NOV 13 1990

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: A29-04442

Date Received: 2/20/1990

Receipt No: EQ13103

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BONNIE BEBB
Address: MINK CREEK RD.
BOX 304
POCATELLO, ID

83201

2. Date of Priority: APR 13, 1954

3. Source: MINK CREEK EAST FORK Trib. to: MINK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	35E	8	NE	SW			BANNOCK

5. Description of diverting works:
PUMP, MAINLINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.110		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	35E	8	NE	SW		IRR	4.0
Section Acres							4.0

10. Place of Use: Continued

Total Acres 4.0

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:

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): Bonnie Bebb Date: 2/20/90

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of February 19 90

Deleen Gray
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991