

04/18/2003

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

RIGHT NUMBER: 29-10376

NAME AND ADDRESS: STEWART RAY NELSON
2630 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.780 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 SENENE Within BANNOCK County Source: RAPID CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.780 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22	NENE	25.0	T07S R36E S22	NWNE	1.8
T07S R36E S22	SWNE	5.0	T07S R36E S22	SENE	2.3
T07S R36E S23	NWNW	9.9			

44 ACRES TOTAL

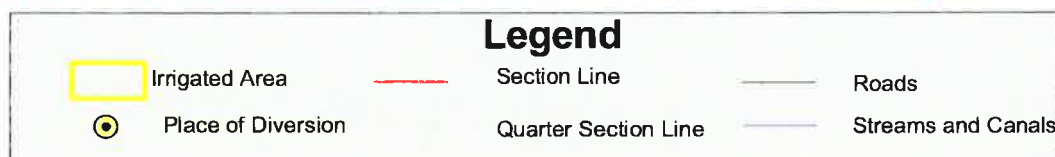
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

Water Right Claim Number A29-10376
Township , 7S36E

09/15/2000

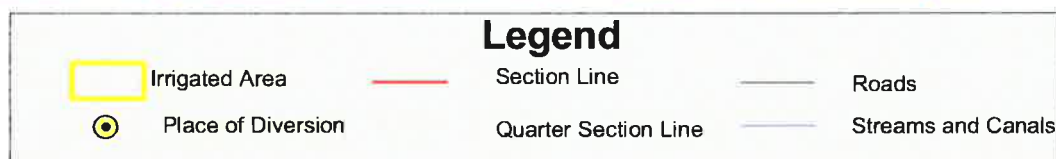


400 0 400 800 Feet



Water Right Claim Number A29-10376
Township , 7S36E

09/15/2000



400 0 400 800 Feet



Water Right Claim Number A29-10376
Township , 7S36E

09/15/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10376 V1

WATER RIGHT NUMBER: 29-10376 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEWART RAY NELSON 2630 N INKOM RD INKOM, ID 83245
Original Owner	MARILYN HAMMOND 2850 S BANNOCK HWY POCATELLO, ID 83204
Original Owner	DON HAMMOND 2850 S BANNOCK HWY POCATELLO, ID 83204

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RAPID CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.780 CFS	
	<u>Total Diversion:</u>	0.780 CFS	

Location of Point(s) of Diversion

RAPID CREEK	SE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	36E	22	25.0	1.8	5.0	2.3													34.1
07S	36E	23					9.9												9.9

Total Acres: 44

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10376 V1

Comments:

1. csaxton 1/10/2003 POD

Comment: POD not defined in Decree. No C03.

2. csaxton 1/10/2003 Diversion Rate

Comment: Decreed diversion rate proportioned out among the three users of this right (29-00393) and their irrigated acres. Total irrigated acreage is 44.8 divided into 1.0 cfs is 0.022 cfs per acre.

3. csaxton 1/10/2003 Combine Right

Comment: This right is a combination of portions of decreed rights 29-00291 and 29-00293.

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:

Water District Number: 29F

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	1/10/2003 11:18:02 AM	csaxton			Active
Priority Date	1/10/2003 12:40:01 PM	csaxton			Active
POD	1/10/2003 12:50:52 PM	csaxton			Active
Source	1/10/2003 12:51:34 PM	csaxton			Active
POU	1/10/2003 12:53:18 PM	csaxton			Active
Use	1/10/2003 12:54:56 PM	csaxton			Active
Season	1/10/2003 12:55:22 PM	csaxton			Active
Quantity	1/10/2003 12:56:31 PM	csaxton			Active
Summary			01/10/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/10/2003 12:40:43 PM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10376 V1

POD	1/10/2003 12:50:51 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	1/10/2003 12:51:34 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	1/10/2003 12:53:18 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Priority Date	1/10/2003 12:40:00 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/10/2003 12:42:43 PM	csaxton	Edited PLS
POU	1/10/2003 12:53:49 PM	csaxton	Edited shape boundary
POU	1/10/2003 12:54:14 PM	csaxton	Edited PLS
Use	1/10/2003 12:54:55 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10376 V1

Season	1/10/2003 12:55:22 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/10/2003 12:56:30 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	1/10/2003 12:57:57 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	1/10/2003 11:18:03 AM	csaxton	(No) 1. Do you want to schedule an appointment?

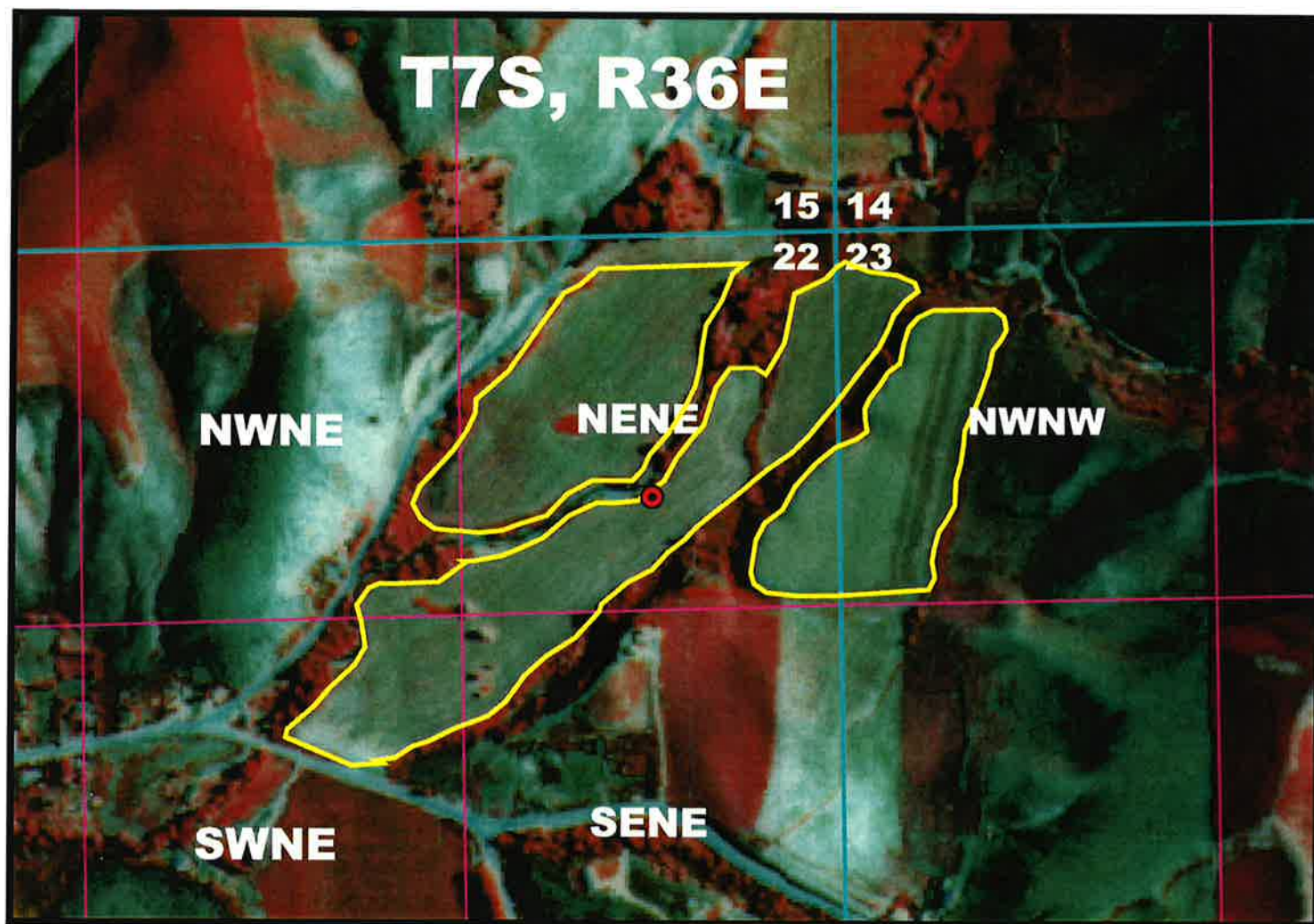
Comment for 1: FE 11/8/01



STATE OF IDAHO

Department of Water Resources
Eastern Region

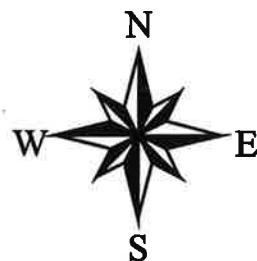
Water Right(s): 29-10376



0 1320 Feet

Total Irrigated Acres: 44.0

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



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

9-7-01 : POA within Decreed POA

: 29-00791, 292, 293 claimed under this
Claim. All three Rights overclaimed.
I need Evidence of ownership.

: Source - As Decreed

9-11-01 : According to WD - Hammond / Nelson doesn't Have
a portion of 292 and 293. Only 291

Right Not owned By Hammond - Stewart Nelson
is new owner:

Stewart Nelson
2630 N Yukon Rd
Yukon ID, 83245
775-3729

11-8-01 1969 - Sprinkler - Pav Hammond
FE

Roy Johnson - original owner 1917 - sold to Abe Newton
4x85 yrs old Then to Hammond

GPS - Diversion - old 645350
190947

Murdock - POA 645820
190689

Nelson - POA 645194
190664

4/16/02 : C/O completed to Stewart Nelson

11/2/01

Pat Whitworth operated it For

Pat Whitworth 25 Years

Doc Newton owned before Hammond

Jackson Creek - Moose Mountain Subdivision

1-10-03: Claimant has Portion of 29-00291 + 29-00293 according to my Research. 29-00292 Appears to belong to Norris M. Muddock. Intention of Decreed Right does not appear to have been to include Nelson's Property. This determined by looking @ layout of the land.

- : There is some Question whether the center field in Claimed POU consisting of approx 15.7 acres was historically Flood Irrigated See Map in file
- : 1987 NAPP Appears to Indicate the land was worked
- : 1977 Napp Shows red or evapotranspiration on Center field
- : Field Exam on 11-8-01. Found old Ditch that could Have Flood irrigated the 15.7 acres in Question (Picture 6).
- : Not enough evidence supporting that the 15.7 acres wasn't historically irrigated. Recommend 15.7 acres under this Claim.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 18, 2003

STEWART RAY NELSON
2630 N INKOM RD
INKOM ID 83245

RE: Preliminary Recommendation for Snake River Basin Adjudication (SRBA) claim
29-10376

Dear Mr. Nelson,

The Idaho Dept. of Water Resources sent out preliminary recommendations in February of 2003. I was just doing some research and noticed that I had not changed the name on recommendation 29-10376 from Don Hammond to yourself. I fear that the preliminary mailing was sent to the wrong address and you did not get a copy of the mailing.

I went ahead and changed the contact record on 29-10376 to show you as the current owner. For your convenience, I am sending you a copy of the preliminary recommendation.

Please look it over and give me a call if you have questions or concerns. If everything looks satisfactory, no further action needs to be taken. The SRBA court will notify you at the time the directors report is issued.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Split history for Decreed Right 29-00291, 292, 293

Claimed

29-00291 0.6 Decree Silent Assumed 30	29-00291A Beitz, Leonard	0.02
		4.5
	Combined Hammond, Don	0.6
		?
29-00292 0.2 Decree Silent Assumed 10	29-00292 Murdock, Norris M	0.88
	Combined Hammond, Don	0.06
		?
	29-00292B Mrudock, Norris K	0.02
		1
29-00293 1 Decree Silent Assumed 50 0.022	29-00293A Smith, Lyndon	0.96
		60
	29-00293B Frazier, Cleveland	0.04
		2
	Combined Hammond Don	0.2
		?

Deed 1 inch 29-00291A Should Be
0.02 Pamela Clark
4.5

Renumbered 29-13385 Now B-Use
Jackson Ck

C/O 29-10376
0.86

29-10376

Notes

29-00293

Notes

Recommend

29-00292

Notes

29-00291

Notes

Under 1" per acre
0.02
4.5

0.017 cfs per acre
Part of 29-10376
0.58
34.9

OK

0.2
24

Not for
this POU

OK

0.76
34

Per Affidavit

0.04
1.7

C05 of 4.1 ac
Part of
29-10376
0.20
9.1

Combined

0.78
44

Sum CFS=
Sum Acre=
Decreed CFS=

Un-accounted for CFS=
Un-accounted for Acres=

1
44.8
1

0
N/A

0.2
24
0.2

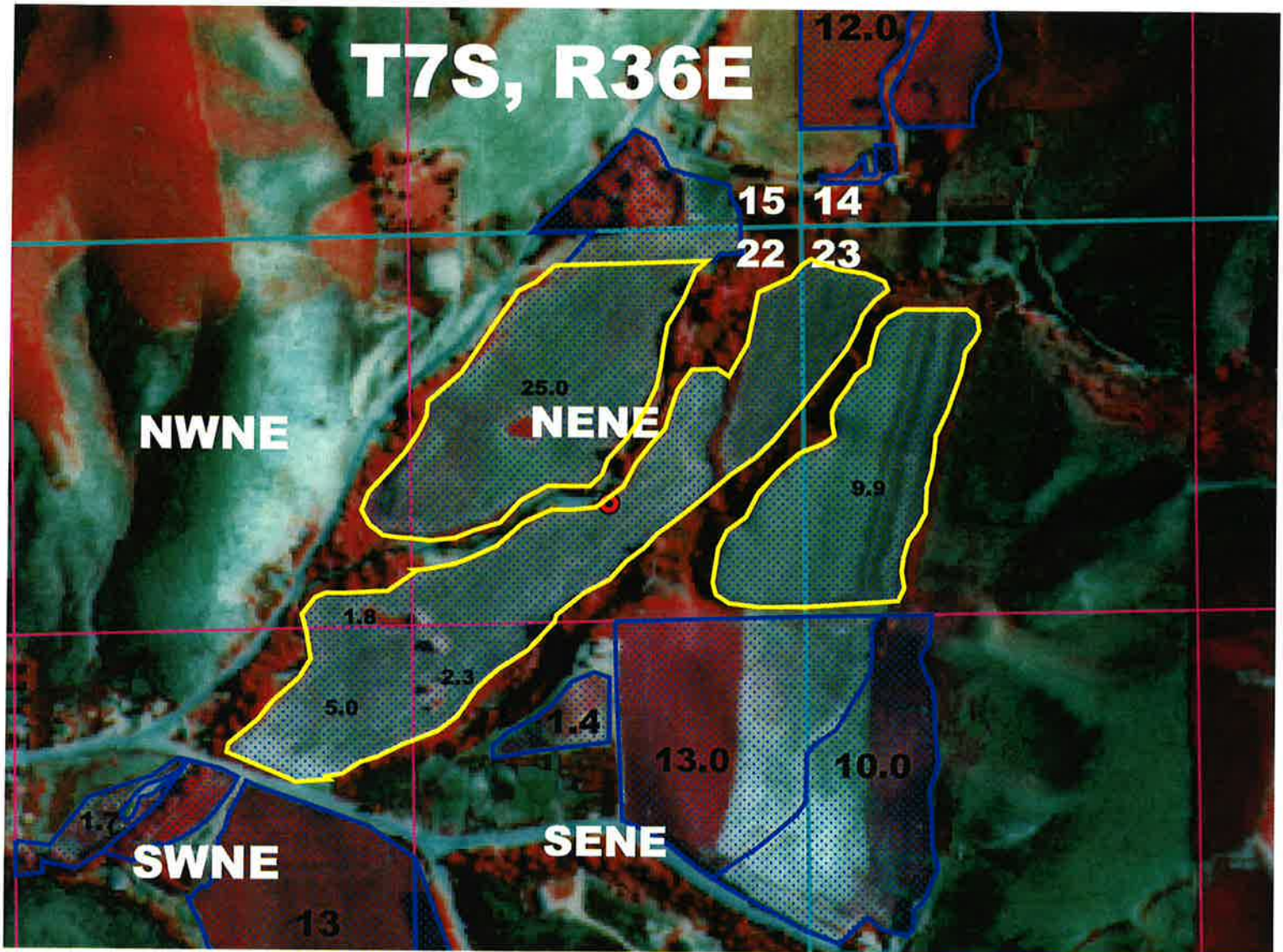
0
N/A

0.6
39.4
0.6

0
N/A

29-10376 - Nelson

POU Breakdown

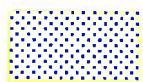


Point of Diversion

Irrigated Acres: 44.0



Bannock County Tax Lot Data - N/A



Irrigated POU



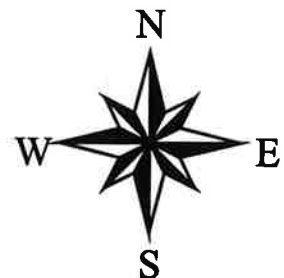
POU - N/A



Section Lines



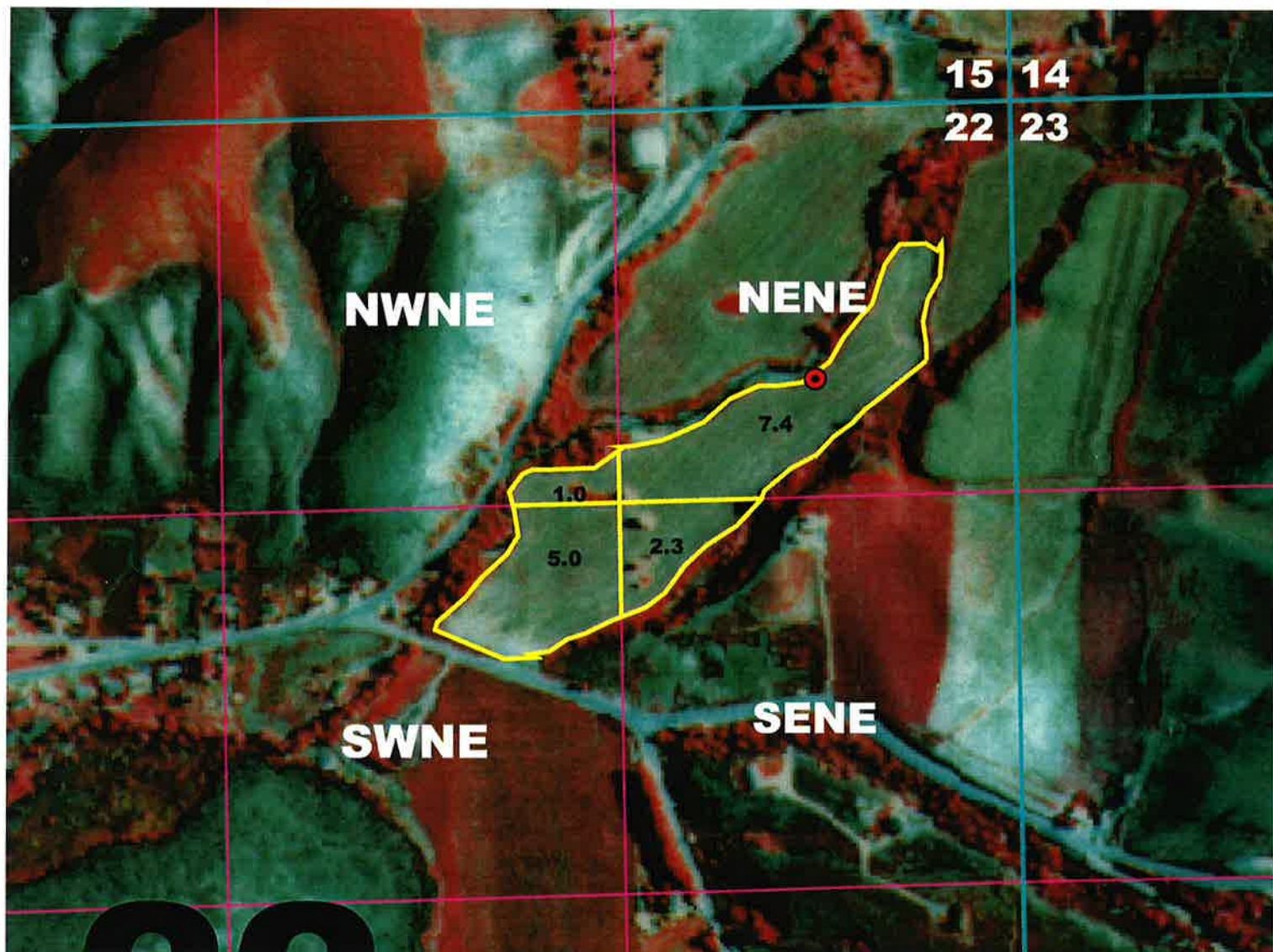
Quarter Quarter Lines



Prepared By: Craig Saxton
January 2003

29-10376 - Nelson

POU Issue of Historically Irrigated or not



Point of Diversion

Acres: 15.7



Bannock County Tax Lot Data - N/A



Calmed Irrigated Ground



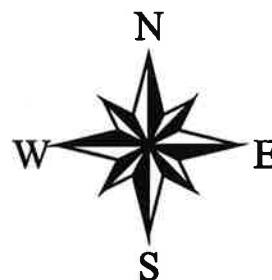
POU - N/A



Section Lines

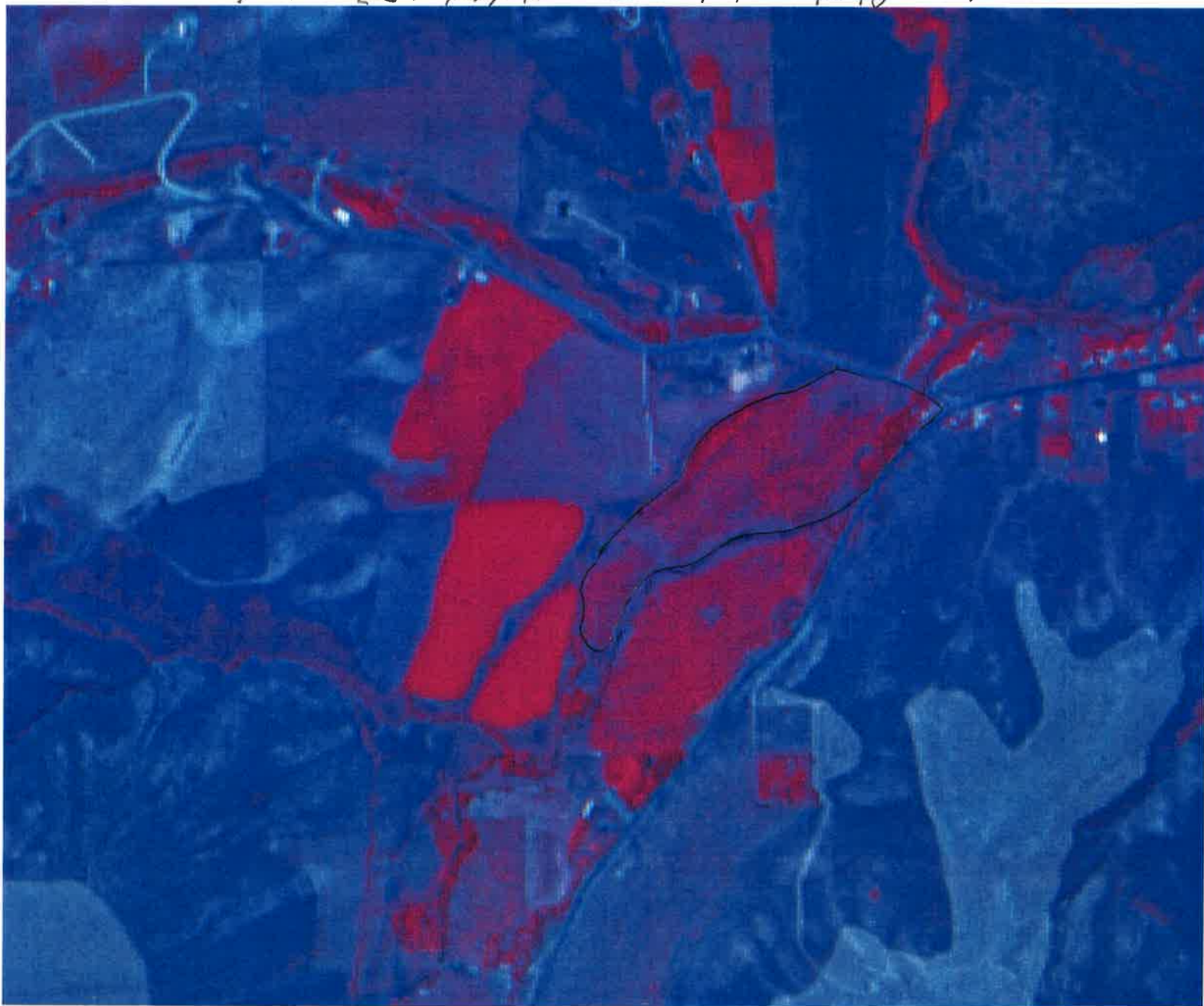


Quarter Quarter Lines



Prepared By: Craig Saxton
January 2003

29-10376 - Photo taken on 11/8/1977. As late in the
Season as this photo was taken - Indicate lands were
Probably not dry farmed.



29-10376

Culvert

Field Exam 11/8/01



Picture 1: Old culvert that shows water could have been taken from the ditch and flood irrigated the middle field (csaxton 4/18/02).

29-10376

Ditch

Field Exam 11/8/01



Picture 2: Looking South. Shows the old ditch that was used to flood irrigated the Eastern field and the highest irrigated point on the property (csaxton 4/16/02).

29-10376

Ditch

Field Exam 11/8/01



Picture 3: Looking North at old ditch as it follows the contours of the hillside to the irrigated POU.



Picture 4: Looking East at old ditch as it follows the contours of the hillside to the irrigated POU.

29-10376

Ditch

Field Exam 11/8/01



Picture 5: Looking East at old ditch as it follows the contours of the hillside to the irrigated POU.



Picture 6: Looking south at ditch that could have delivered water to lower middle field.

29-10376

POD

Field Exam 11/8/01



Picture 7: Looking East. Point of diversion (csaxton 4/16/02).

29-10376

Ditch

Field Exam 11/8/01



Picture 7: Looking West. Point of diversion (csaxton 4/16/02).

Craig;

Just spent some quality time with Mr. Stewart Nelson. Seems he may have some issues with Mr. Hammond(s) over the sale of land and water. That if the other splits as represented by your split history are confirmed 29-10376 can not do as claimed. But, if it can be shown that the lands were irrigated with the lesser amt of water, or same amt of water but more lands he may be able to file an enlargement. He is going to talk to Mr. Hammonds to see which is the case. I also advised he go to the ASCS to get air photos of the POU to see when the change was made (if).

I explained at length the priority service of water rights and the Preliminary DR as yet to come. He hopes you will contact him again this summer prior to the filing of the Prelim DR.

If I can muddy up your works more just let me know.....al

12 pages

Warranty Deed

94012133

For Value Received

L. DON HAMMOND AND MARILYN HAMMOND,

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

STEWART NELSON AND CYNTHIA NELSON, HUSBAND AND WIFE.

whose current address is

11791 N. NELSON LANE
POCATELLO, ID 83201

the grantor, the following described premises, in

BANNOCK

County Idaho, to wit:

SEE EXHIBIT "A"

ALL WATER RIGHTS, IDAHO DEPARTMENT OF WATER RESOURCES, TRACT NUMBER -
A29-10376, ARE TRANSFERRED WITH SUBJECT PROPERTY.

JUNE 1885

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning
ordinances and applicable building codes, laws and regulations.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
heirs and assigns forever. And the said Grantor do hereby covenant to and with the said
Grantee that he the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: July 1, 1994

[Signature of L. Don Hammond] *[Signature of Marilyn Hammond]*
L. DON HAMMOND MARILYN HAMMOND

STATE OF IDAHO, COUNTY OF

On this 1st

day of JULY

19

before me, a notary public in and for said State, personally appeared

L. DON HAMMOND
MARILYN HAMMOND

NOTARY SEAL

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

[Signature of Notary Public]
POCATELLO
Notary Public
Idaho
Register at 03/29/99
Clerk of Court

94012133

NO. 94012133
RECORDED AT REQUEST OFAMERICAN LAND TITLE CO.
94 JUL -1 P4:05

OFFICIAL BOOK NO 618
BANNOCK COUNTY IDAHO
LARRY W. JONES RECORDER
EE-15-0 DEPUTY

executed the same <i>[Signature]</i> Notary Public	
Residing at Pocatello County, Idaho	03/29/99

5-2

94012133

EXHIBIT A

PARCEL 1:

THE FOLLOWING DESCRIBED REAL ESTATE, ALL BEING LOCATED IN BANNOCK COUNTY, IDAHO: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. TRACT IN SW $\frac{1}{4}$ SW $\frac{1}{4}$, TAX 2, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., AND RUNNING THENCE WEST ALONG THE SOUTHERN BOUNDARY LINE OF THE SAID SUB-DIVISION, A DISTANCE OF 50 RODS; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 8 RODS; RUNNING WEST AT RIGHT ANGLES A DISTANCE OF 30 RODS TO THE WEST BOUNDARY LINE OF SAID SUB-DIVISION; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 12 RODS; RUNNING THENCE EAST AT RIGHT ANGLES A DISTANCE OF 80 RODS; RUNNING THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 20 RODS TO THE PLACE OF BEGINNING.

TRACT IN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, TAX 1, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., IN IDWCO, RUN THENCE NORTH ALONG WEST BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 8 RODS, THENCE EAST AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 30 RODS; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 8 RODS TO SOUTH BOUNDARY LINE OF SAID SECTION 14, TOWNSHIP AND RANGE AFORESAID, THENCE WEST ALONG SOUTH BOUNDARY LINE OF SAID SECTION 14; DISTANCE OF 30 RODS TO THE PLACE OF BEGINNING.

EXCEPT:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE NORTH 0°22'48" EAST ALONG THE WEST LINE OF SAID SECTION 14, 106.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 80°30'47" WEST, 117.15 FEET, RECORDED AS NORTH 79°55'20" WEST, 117.08 FEET; THENCE NORTH 74°51'12" WEST, 316.97 FEET, RECORDED AS NORTH 74°17'50" WEST, 316.81 FEET; THENCE NORTH 50°49'17" WEST, 128.03 FEET TO THE EAST RIGHT OF WAY LINE OF RAPID CREEK ROAD, RECORDED AS NORTH 50°16'10" WEST, 128.67 FEET; THENCE NORTH 38°17'11" EAST ALONG SAID RIGHT OF WAY LINE, 365.88 FEET; THENCE 106.76 FEET ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 13°50'34" AND A RADIUS OF 441.89 FEET; THENCE NORTH 24°26'37" EAST ALONG SAID EAST RIGHT OF WAY LINE, 563.97 FEET; THENCE 32.11 FEET ALONG SAID RIGHT OF WAY ON A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 2°50'52" AND A RADIUS OF 645.96 FEET, TO THE WEST SECTION LINE OF SECTION 14; THENCE SOUTH 0°22'48" WEST ALONG SAID SECTION LINE, 881.02 FEET; THENCE NORTH 89°16'14" EAST ALONG A LINE PARALLEL WITH AND 330.00 FEET NORTH OF THE SOUTH LINE OF SECTION 14, 325.00 FEET TO THE CENTERLINE OF RAPID CREEK; THENCE SOUTH 40°05'45" EAST ALONG SAID CENTERLINE, 45.11 FEET; THENCE SOUTH 2°05'14" WEST ALONG SAID CENTERLINE 179.85 FEET; THENCE SOUTH 87°51'57" WEST, 349.18 FEET TO THE POINT OF BEGINNING. SAID PARCEL SUBJECT TO A 50.00 FOOT WIDE

0774

WARRANTY DEED

For Value Received

ROY B. JOHNSON and HELEN N. JOHNSON,
husband and wife

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

93007186

whose current address is

DO: HAMMOND and MARILYN HAMMOND,
husband and wife
12101 CASTLEBAR DR.
Sun City WEST, AZ 85375the grantees, the following described premises, in Bannock County Idaho, to wit:Property described on Exhibit "A" attached hereto,
EXCEPTING SPECIFICALLY all the property described
on EXHIBITS "B", "C", and "D" attached hereto.....TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

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

Dated: September, 1979

ROY B. JOHNSON

HELEN N. JOHNSON

STATE OF IDAHO, COUNTY OF BARNOCK
On this 21st day of Sept. 1979,
before me, a notary public in and for said State, personally
appearedROY B. JOHNSON and HELEN N.
JOHNSON, husband and wifeknown to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.Notary Public
Building at Pocatello, Idaho
Comm. Expires

93007186

AMERICAN LAND TITLE CO.
93 SEP 20 P2:40

OFFICE

FEB 21 1980

587

CK

Recorded by the American Land Title Co.

93007186

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9-2

DESCRIPTION: THE FOLLOWING DESCRIBED REAL ESTATE, ALL BEING LOCATED IN HANNICK COUNTY, IDAHO, IDAHO, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. TRACT IN SW1/4, TAX 2, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. AND RUNNING THENCE WEST ALONG THE SOUTHERN BOUNDARY LINE OF THE SAID SUB-DIVISION, A DISTANCE OF 30 RODS; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 8 RODS; RUNNING WEST AT RIGHT ANGLES A DISTANCE OF 30 RODS TO THE WEST BOUNDARY LINE OF SAID SUB-DIVISION; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 12 RODS; RUNNING THENCE EAST AT RIGHT ANGLES A DISTANCE OF 80 RODS; RUNNING THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 20 RODS TO THE PLACE OF BEGINNING.

TRACT IN THE SOUTHWEST, TAX 1, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONTINUED ON PAGE 2

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COMMENCING AT SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. IN IDAHO, RUN THENCE NORTH ALONG WEST BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 8 RODS, THENCE EAST AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 30 RODS; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 8 RODS TO SOUTH BOUNDARY LINE OF SAID SECTION 14, TOWNSHIP AND RANGE AFORESAID, THENCE WEST ALONG SOUTH BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 30 RODS TO PLACE OF BEGINNING.

SE1/4 SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.

SE1/4 SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., EXCEPTING HOWEVER TAX NO. 3 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE WEST ON THE SOUTH LINE OF SAID SECTION 15, 1331.7 FEET TO THE SOUTHWEST CORNER OF THE SE1/4 OF SAID SECTION 15 TO THE POINT OF BEGINNING; THENCE EAST ON THE SOUTH LINE OF SAID SECTION 15, 200 FEET; THENCE NORTH AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 15, 247.5 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 15, 247.5 FEET; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE 247.5 FEET TO THE POINT ON SOUTH LINE OF SAID SECTION 15, THENCE EAST 64 FEET TO THE POINT OF BEGINNING.

SE1/4 SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.

TRACT SE1/4 SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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COMMENCING AT SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. IN IDAHO, RUN THENCE NORTH ALONG WEST BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 8 RODS, THENCE EAST AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 30 RODS; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 8 RODS TO SOUTH BOUNDARY LINE OF SAID SECTION 14, TOWNSHIP AND RANGE AFORESAID, THENCE WEST ALONG SOUTH BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 30 RODS TO PLACE OF BEGINNING.

SE $\frac{1}{4}$ SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.

S $\frac{1}{2}$ SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., EXCEPTING HOWEVER TAX NO. 3 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE WEST ON THE SOUTH LINE OF SAID SECTION 15, 1331.7 FEET TO THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION 15 TO THE POINT OF BEGINNING; THENCE EAST ON THE SOUTH LINE OF SAID SECTION 15, 200 FEET; THENCE NORTH AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 15, 247.5 FEET; THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 15, 204 FEET; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE 247.5 FEET; TO THE POINT ON SOUTH LINE OF SAID SECTION 15, THENCE EAST 64 FEET TO THE POINT OF BEGINNING.

NE $\frac{1}{4}$ SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.

TRACT S $\frac{1}{2}$ SECTION 22, TAX 56, SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SAID SECTION 22; THENCE EAST 483 FEET; THENCE SOUTHWESTERLY TO A POINT 500 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 500 FEET TO THE POINT OF BEGINNING;

TAX 40 BEING THE SW $\frac{1}{4}$ SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. EXCEPTING, HOWEVER, THE FOLLOWING DESCRIBED TRACTS OF LAND; BEGINNING AT A POINT SOUTH 00°02' EAST, 694 FEET FROM THE NORTHWEST CORNER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. WHICH POINT IS ON THE WEST BOUNDARY LINE OF THE ABOVE MENTIONED SUBDIVISION; THENCE SOUTH 83°14' EAST, 117 FEET; THENCE NORTH 38°13' EAST, 200 FEET; THENCE NORTH 71°23' EAST, 230 FEET; THENCE NORTH 55°25' EAST, 101.3 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY BOUNDARY OF THE BANNOCK COUNTY ROAD; THENCE SOUTH 73°11' EAST, 710.8 FEET ALONG THE SOUTHERLY RIGHT OF WAY BOUNDARY OF SAID BANNOCK COUNTY ROAD; THENCE ON A 21°48' DEGREE CURVE RIGHT, 157 FEET ALONG THE SOUTHERLY RIGHT OF WAY BOUNDARY OF SAID BANNOCK COUNTY ROAD TO A POINT ON THE EAST BOUNDARY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE SOUTH 02°29' EAST, 529.6 FEET, MORE OR LESS, ON THE EAST BOUNDARY LINE OF THE SAME SUBDIVISION TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. THENCE SOUTH 35°54' WEST,

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1373.4 FEET, MORE OR LESS, ON THE SOUTH BOUNDARY OF THE SAME SUBDIVISION TO THE SOUTHWEST CORNER OF THIS SAME SUBDIVISION, THENCE NORTH 00°02' WEST, 522.5 FEET, MORE OR LESS, TO THE WEST BOUNDARY LINE OF THIS SAME SUBDIVISION TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT A POINT 461.7 FEET SOUTH OF THE NORTHWEST CORNER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. (BEING A NORTHWEST CORNER OF AN INDIAN ALLOTMENT) THENCE SOUTH 0°02' EAST, 212.3 FEET; THENCE SOUTH 03°14' EAST, 117 FEET; THENCE NORTH 38°13' EAST, 200 FEET; THENCE NORTH 71°23' EAST, 250 FEET; THENCE NORTH 55°25' EAST, 100 FEET; THENCE NORTH 76°13' WEST, 175 FEET; THENCE SOUTH 77°15' WEST, 380 FEET TO THE POINT OF BEGINNING.

ALSO, COMMENCING AT THE NORTHWEST CORNER OF SOUTHWEST QUARTER OF NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. (BEING A NORTHWEST CORNER OF AN INDIAN ALLOTMENT) THENCE EAST 100 FEET; THENCE SOUTH 100 FEET; THENCE NORTH 85°57' EAST 430 FEET; THENCE SOUTH 64°19' EAST, 179 FEET TO POINT OF BEGINNING; THENCE SOUTH 48°58' WEST 310 FEET; THENCE SOUTH 77°50' EAST, 133 FEET; THENCE NORTH 55°15' EAST, 21 FEET; THENCE NORTH 28°15' EAST, 180 FEET; THENCE NORTH 12°50' WEST 61.4 FEET TO POINT OF BEGINNING. ALL BEING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.

ALSO BEGINNING AT A POINT 100 FEET EAST AND 100 FEET SOUTH OF THE NORTHWEST CORNER OF THE SWNEE OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE SOUTH 0°02' EAST, 294 FEET; THENCE NORTH 76°07' EAST, 264 FEET; THENCE NORTH 67°07' EAST 125 FEET; THENCE NORTH 46°30' EAST, 235 FEET; THENCE NORTH 64°19' WEST 119 FEET; THENCE SOUTH 85°57' WEST 430 FEET TO THE PLACE OF BEGINNING.

SEASW, SWSEW, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., NEENE, NEENE, TAX NO. 7 (NEENE) TAX NO. 8 (SEENE) ALL IN SECTION 23, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNON COUNTY, IDAHO.

EXCEPTING, COMMENCING AT THE CENTER OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., AND RUNNING THENCE WEST ALONG THE LATITUDINAL CENTER LINE OF SAID SECTION, 226 FEET, MORE OR LESS, TO THE INTERSECTION OF THE LATITUDINAL CENTER LINE WITH THE WESTERLY BOUNDARY LINE OF JACKSON CREEK ROAD AS NOW LOCATED, THE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG SAID LINE 121.5 FEET; THENCE NORTH 200 FEET; THENCE EAST 274 FEET, MORE OR LESS TO THE WESTERLY BOUNDARY OF SAID JACKSON CREEK ROAD; THENCE SOUTHWESTERLY FOLLOWING THE WESTERLY BOUNDARY OF SAID ROAD TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THE FOLLOWING DESCRIBED PARCEL CEDED TO INKUM CEMETERY DISTRICT FROM ROY H. JOHNSON AND HELI JOHNSON, HUSBAND AND WIFE BY DEED RECORDED JULY 22, 1971, IN BOOK 242, NO. 48477.

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COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE WEST ON THE SOUTH LINE OF SAID SECTION 15, 1331.7 FEET TO THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SAID SECTION 15, THE TRUE POINT OF BEGINNING; THENCE CONTINUING WEST ON SAID SOUTH LINE 117.0 FEET; THENCE SOUTH AT RIGHT ANGLES TO SAID SOUTH LINE 230 FEET; THENCE EAST PARALLEL TO SAID SOUTH LINE 295.0 FEET; THENCE NORTH AT RIGHT ANGLES TO SAID PARALLEL LINE 230 FEET TO THE SAID SOUTH LINE OF SECTION 15; THENCE WEST ALONG SAID SOUTH LINE 178.0 FEET TO THE POINT OF BEGINNING; A TRACT OF LAND IN THE NORTH HALF OF THE NE $\frac{1}{4}$, SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. ALSO A TRACT OF LAND 20 FEET WIDE BEING 10 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE SOUTHWEST CORNER OF THE SE $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 15, 178.0 FEET; THENCE SOUTH AT RIGHT ANGLES TO SAID SOUTH LINE 230.0 FEET; THENCE WEST PARALLEL TO SAID SOUTH LINE 12 FEET TO THE POINT OF BEGINNING; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED LINE 91.1 FEET; THENCE SOUTH 47°15' WEST, 352.2 FEET; THENCE SOUTH 24°25' WEST, 50 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF THE RAPID CREEK ROAD. A TRACT OF LAND IN THE NORTH HALF OF THE NE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO....

SUBJECT TO THE USUAL PRINTED EXCLUSIONS (ATTACHED).

1. TAXES FOR THE YEAR 1979 AND SUBSEQUENT YEARS.
TAXES FOR THE YEAR 1978 WERE \$688.48.
2. EASEMENT TO IDAHO POWER COMPANY, A CORPORATION, RECORDED APRIL 11, 1972, IN BOOK 248, NO. 492202, RECORDS OF BANNOCK COUNTY, IDAHO. SAID EASEMENT BEING FOR POWER LINE AND INCIDENTAL PURPOSES. AFFECTS THE NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$.
3. EASEMENT TO IDAHO POWER COMPANY, A CORPORATION, RECORDED AUGUST 10, 1940, IN BOOK 80, NO. 553, RECORDS OF BANNOCK COUNTY, IDAHO. SAID EASEMENT BEING FOR POWER LINE AND INCIDENTAL PURPOSES. AFFECTS E $\frac{1}{2}$ NW $\frac{1}{4}$ LESS TAX B, SE $\frac{1}{4}$ SECTION 15 AND SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 14.
4. RIGHT, TITLE AND INTEREST OF THE PUBLIC IN AND TO THOSE PORTIONS OF ABOVE DESCRIBED PREMISES FALLING WITHIN THE BOUNDS OF ROADS OR HIGHWAYS.

0779

EXHIBIT "B"

NORTHWESTERN ENGINEERING, INC.

Engineers • Planners • Surveyors



180 PARK AVENUE
P.O. BOX 846
BOCATELLO, IDAHO 83301
PHONE (208) 323-7261

9-6 93007186

AUGUST 27, 1979
JOB # 79-047

ROY D. JOHNSON

LEGAL DESCRIPTION

0779

EXHIBIT "B"

NORTHWESTERN ENGINEERING, INC.

Engineers, Planners, Surveyors



104 PARK AVENUE
P. O. BOX 544
POCATELLO, IDAHO 83201
PHONE (208) 233-7341

9-6 33007186

AUGUST 27, 1979
JOB # 79-047

ROY B. JOHNSON

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 22, SAID POINT BEING MARKED BY A 3 INCH ALUMINUM CAP STAMPED LS 968;
THENCE SOUTH $0^{\circ}20'05''$ WEST ALONG THE EAST LINE OF SAID SECTION 99.01 FEET TO A 1/2 INCH IRON PIN TAGGED LS 968;
THENCE SOUTH $89^{\circ}49'07''$ WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 824.46 FEET, TO A 1/2 INCH IRON PIN TAGGED LS 968;
THENCE SOUTH $49^{\circ}10'17''$ WEST 89.79 FEET TO A 1/2 INCH IRON PIN TAGGED LS 968;
THENCE SOUTH $66^{\circ}36'34''$ WEST 36.33 FEET TO THE EAST LINE OF RAPID CREEK ROAD, SAID POINT BEING MARKED BY A 1/2 INCH IRON PIN TAGGED LS 968;
THENCE NORTH $33^{\circ}44'30''$ EAST ALONG SAID EAST LINE 64.60 FEET;
THENCE ALONG A CURVE CONCAVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF $16^{\circ}54'34''$, A RADIUS OF 648.38 FEET, FOR AN ARC LENGTH OF 191.35 FEET;
THENCE NORTH $50^{\circ}47'34''$ EAST ALONG SAID EAST LINE 49.04 FEET;
THENCE ALONG A CURVE CONCAVE TO THE LEFT SAID CURVE HAVING A CENTRAL ANGLE OF $17^{\circ}48'28''$, A RADIUS OF 724.75 FEET, FOR AN ARC LENGTH OF 225.25 FEET;
THENCE NORTH $36^{\circ}54'13''$ EAST ALONG SAID EAST LINE 95.13 FEET, SAID POINT BEING MARKED BY A 1/2 INCH IRON PIN TAGGED LS 968;

ANGLE OF $17^{\circ}40'28''$, A RADIUS OF 724.75, FOR
 AN ARC LENGTH OF 225.25 FEET,
 THENCE NORTH $36^{\circ}54'13''$ EAST ALONG SAID EAST LINE 95.13 FEET,
 SAID POINT BEING MARKED BY A 1/2 INCH IRON PIN TAGGED LS 968;

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LEGAL DESCRIPTION
 ROY B. JOHNSON
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THENCE SOUTH $50^{\circ}16'10''$ EAST 323.47 FEET TO A 1/2 INCH IRON
 PIN TAGGED LS 968;
 THENCE SOUTH $74^{\circ}17'50''$ EAST 316.81 FEET TO A 1/2 INCH IRON
 PIN TAGGED LS 968;
 THENCE SOUTH $79^{\circ}55'20''$ EAST 117.08 FEET TO THE EAST LINE OF
 SAID SECTION 15, SAID POINT BEING MARKED BY A 1/2 INCH IRON
 PIN TAGGED LS 968;
 THENCE SOUTH $0^{\circ}56'32''$ WEST ALONG SAID EAST LINE 306.85 FEET
 TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 4.9 ACRES MORE OR LESS.

EXCEPTING THEREFROM ANY PORTION EAST OF RAPID CREEK ROADS
 WESTERLY BOUNDARY;
 ALSO EXCEPTING ANY PORTION OF THE INKOM CEMETARY.

SAID PARCEL CONTAINING 40 ACRES MORE OR LESS.

RETAKE

PIN 1 AND LS 9601

THENCE SOUTH 79°55'20" EAST 117.08 FEET TO THE EAST LINE OF
SAID SECTION 35, SAID POINT BEING MARKED BY A 1/2 INCH IRON
PIN TAGGED LS 9601

THENCE SOUTH 0°56'52" WEST ALONG SAID EAST LINE 106.85 FEET
TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 4.9 ACRES MORE OF LESS.

#77: 0781

EXHIBIT "C"

NORTHWESTERN ENGINEERING, INC.

Engineers - Planners - Surveyors



93007186

101 PARK AVENUE
P. O. BOX 888
PCINTELLO, IDAHO 83201
PHONE (208) 837-7841

9-8

SEPTEMBER 7, 1979
JOB # 79-047

ROY H. JOHNSON

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER
OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN,
BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID
SECTION AND THE EAST 150.00 FEET OF THE SOUTHWEST QUARTER
OF THE SOUTHEAST QUARTER OF SAID SECTION
EXCEPTING THEREFROM ANY PORTION EAST OF RAPID CREEK ROADS
WESTERLY BOUNDARY
ALSO EXCEPTING ANY PORTION OF THE INKOM CEMETARY.

SAID PARCEL CONTAINING 40 ACRES MORE OF LESS.

ALSO RECEIVING ANY PORTION OF THE INKUM CEMETARY

SAID PARCEL CONTAINING 40 ACRES MORE OR LESS.

340782

EXHIBIT "D"

NORTHWESTERN ENGINEERING, INC.

Engineers, Planners, Surveyors

93007186



9-9

 124 PARK AVENUE
 P. O. BOX 946
 POGATELLA, IDAHO 83201
 PHONE (208) 833-7241

 SEPTEMBER 7, 1979
 JCB # 79-047

ROY B. JOHNSON

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION;
 THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 900.00 FEET
 MORE OR LESS TO THE WEST LINE OF RAPID CREEK ROAD, SAID POINT
 ALSO BEING THE TRUE POINT OF BEGINNING;
 THENCE SOUTHWESTERLY ALONG SAID WEST LINE 700.00 FEET MORE
 OF LESS TO THE EAST LINE OF INKUM CEMETARY ROAD;
 THENCE NORTHEASTERLY ALONG SAID EAST LINE 600.00 FEET MORE
 OR LESS TO THE NORTH LINE OF SAID SECTION;
 THENCE EAST ALONG SAID NORTH LINE 300.00 FEET MORE OR LESS
 TO THE POINT OF BEGINNING.

0783

Warranty Deed

Buy Value Received

GARRY DEWILL AND HELEN DEWILL, MICKLAND AND JIFF

93007187

Saxton, Craig

From: Saxton, Craig
Sent: Friday, February 22, 2002 3:32 PM
To: Ruberry, Allen
Subject: Info on 29-10376 for Steward Nelson

Hey Al,

As we spoke about, there are several issues with the Don Hammond/Stewart Nelson Property.

Issue 1: Change of Ownership

The deed supplied with C/O speaks of, "A Tract of land in the NWNW Section 23 etc" (paragraph 1, pg 5 of 2). Then a portion of the NWNW S23 is excluded in paragraph 2, pg 5 of 3.

The result of this would indicate to me that the C/O can be processed. However, Bannock Co assessors office confirmed the property in the NWNW of S23 is still in Don Hammonds name.

The result of this is that either the assessors office is wrong, or I am interpreting the Deed incorrectly.

Thus, the C/O has not been processed at this point.

Fax will have C/O information.

CC to Ernie for guidance on this issue.



29-10376_nelson.jp
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Issue 2: Combined rights

This right is over claimed. Attached is a Excel spread sheet with all of the Rapid rights and how they were claimed vs. how they were decreed. Please contact if you have questions interpreting the spreadsheet. Also included in Fax is a Split history including rights 29-00291, 29-00292, 29-00293.



Rapid Creek.xls

Issue 3: POU

POU claimed all falls within the decreed POU for 29-00291, 29-00292, 29-00293.

Attached is a shape file that I plan on recommending as irrigated POU- There will be issues with this since there are arguments among the neighbors weather SW portion of the center field was historically irrigated. My field exam show signs of old ditches and feel I have enough information to recommend that POU.



nelson.dbf



nelson.sbn



nelson.sbx



nelson.shp



nelson.shx

Lastly:

Rapid creek is a disaster. I know this isn't your responsibility, but any additional information you gather during your Tuesday meeting would be helpful.

Have a good weekend,

Craig

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**NOV 01 2001**Department of Water Resources
Eastern Region

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
	29-10376				

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)

Don + Marilyn Hammond

4. New Owner/Claimant(s)

Stewart Ray Nelson

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2630 North Inkorn Rd

City, State and ZIP Code

Inlcom, Idaho 83245

New Telephone Number

(208) 775-3799

5. Date you acquired the property

6-23-94

Cell: 681-4444

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS 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:

Warranty Deed

94012133

For Value Received

L. DON HAMMOND AND MARILYN HAMMOND,

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

STEWART NELSON AND CYNTHIA NELSON, HUSBAND AND WIFE,

whose current address is

11791 N. NELSON LANE

POCATELLO, ID 83201

the grantee, the following described premises, in

BANNOCK

County Idaho, to wit:

SEE EXHIBIT "A"

ALL WATER RIGHTS, IDAHO DEPARTMENT OF WATER RESOURCES - SHOT NUMBER -
A29-10376, ARE TRANSFERRED WITH SUBJECT PROPERTY.

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning
ordinances and applicable building codes, laws and regulations.

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

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

Dated: July 1, 1994

L. DON HAMMOND

MARILYN HAMMOND

STATE OF IDAHO, COUNTY OF

On this 1st day of JULY, 1994,
before me, a notary public in and for said State, personally appeared

L. DON HAMMOND
MARILYN HAMMOND

NOTARY SEAL

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

[Signature]
Notary Public

POCATELLO
Residing at 03/29/99
Expires

Idaho

NO. 94012133
RECORDED AT REQUEST OF

AMERICAN LAND TITLE CO.
94 JUL -1 P4:05

OFFICIAL BOOK NO. 618
BANNOCK COUNTY IDAHO
LARRY E. ELLIOTT, RECORDER
EE-1500 DEPUTY

POCAHELLO
Residing at 03/29/99
Comm. Expires

Notary Public
Idaho

5-2

94012133

EXHIBIT A

PARCEL 1:

THE FOLLOWING DESCRIBED REAL ESTATE, ALL BEING LOCATED IN BANNOCK COUNTY, IDAHO: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. TRACT IN SW $\frac{1}{4}$ SW $\frac{1}{4}$, TAX 2, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., AND RUNNING THENCE WEST ALONG THE SOUTHERN BOUNDARY LINE OF THE SAID SUB-DIVISION, A DISTANCE OF 50 RODS; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 8 RODS; RUNNING THENCE WEST AT RIGHT ANGLES A DISTANCE OF 30 RODS TO THE WEST BOUNDARY LINE OF SAID SUB-DIVISION; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 12 RODS; RUNNING THENCE EAST AT RIGHT ANGLES A DISTANCE OF 80 RODS; RUNNING THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 20 RODS TO THE PLACE OF BEGINNING.

TRACT IN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, TAX 1, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., IN IDAHO, RUN THENCE NORTH ALONG WEST BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 8 RODS, THENCE EAST AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 30 RODS; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 8 RODS TO SOUTH BOUNDARY LINE OF SAID SECTION 14, TOWNSHIP AND RANGE AFORESAID, THENCE WEST ALONG SOUTH BOUNDARY LINE OF SAID SECTION 14; DISTANCE OF 30 RODS TO THE PLACE OF BEGINNING.

EXCEPT:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 14, AND THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE NORTH 0°22'48" EAST ALONG THE WEST LINE OF SAID SECTION 14, 106.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 80°30'47" WEST, 117.15 FEET, RECORDED AS NORTH 79°55'20" WEST, 117.08 FEET; THENCE NORTH 74°51'12" WEST, 316.97 FEET, RECORDED AS NORTH 74°17'50" WEST, 316.81 FEET; THENCE NORTH 50°49'17" WEST, 128.03 FEET TO THE EAST RIGHT OF WAY LINE OF RAPID CREEK ROAD, RECORDED AS NORTH 50°16'10" WEST, 128.67 FEET; THENCE NORTH 38°17'11" EAST ALONG SAID RIGHT OF WAY LINE, 365.88 FEET; THENCE 106.76 FEET ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 13°50'34" AND A RADIUS OF 441.89 FEET; THENCE NORTH 24°26'37" EAST ALONG SAID EAST RIGHT OF WAY LINE, 563.97 FEET; THENCE 32.11 FEET ALONG SAID RIGHT OF WAY ON A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 2°50'52" AND A RADIUS OF 645.96 FEET, TO THE WEST SECTION LINE OF SECTION 14; THENCE SOUTH 0°22'48" WEST ALONG SAID SECTION LINE, 881.02 FEET; THENCE NORTH 89°16'14" EAST ALONG A LINE PARALLEL WITH AND 330.00 FEET NORTH OF THE SOUTH LINE OF SECTION 14, 325.00 FEET TO THE CENTERLINE OF RAPID CREEK; THENCE SOUTH 40°05'45" EAST ALONG SAID CENTERLINE, 45.11 FEET; THENCE SOUTH 2°05'14" WEST ALONG SAID CENTERLINE 179.85 FEET; THENCE SOUTH 87°51'57" WEST, 349.18 FEET TO THE POINT OF BEGINNING. SAID PARCEL SUBJECT TO A 50.00 FOOT WIDE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 7, 2001

STEWART NELSON
2630 N INKOM RD
INKOM ID 83245-1720

RE: CHANGE IN OWNERSHIP FOR A29-10376

Dear Mr. Nelson:

It has come to our attention that you may have recently purchased a tract of land in Bannock County. The property to which I am referring was most recently owned by Don & Marilyn Hammond. The legal description is as follows:

T07S R36E S22 NE1/4 NE1/4
T07S R36E S22 SW1/4 NE1/4
T07S R36E S22 SE1/4 NE1/4
T07S R36E S23 NW1/4 NW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

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

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

REAL ESTATE MORTGAGE

94012134

For Value Received,

STEWART NELSON AND CYNTHIA NELSON, HUSBAND AND WIFE

the mortgagor S, do hereby grant, bargain, sell and convey unto

L. DON HAMMOND AND MARILYN HAMMOND, HUSBAND AND WIFE

the mortgagees, the following described premises, in BANNOCK County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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

This conveyance is intended as a mortgage to secure the payment of the sum of ONE HUNDRED, THIRTY THOUSAND AND NO/100 DOLLARS with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of the mortgagee, with final payment due JULY 1, 1999 and providing for acceleration of the due date of the principal for default in the payment of interest or any installment of principal, and providing for a reasonable attorney's fee in case of suit or action.

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

That he will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That he will pay all taxes, liens and assessments of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That he will keep the buildings on said premises insured against loss or damage by fire, by some insurance company acceptable to the mortgagee with loss, if any, payable to the mortgagee as interest may appear, in the sum of at least \$1,000, and deliver such policy or policies of insurance to the mortgagee, until the sums secured by this mortgage are fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title report from a reputable title company and the mortgagee agree to pay the cost thereof upon demand.

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

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

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

Dated: JULY 1, 1994

Stewart Nelson
STEWART NELSON

Cynthia Nelson
CYNTHIA NELSON

STATE OF IDAHO, COUNTY OF BANNOCK
On this 1ST day of JULY, 19 94,
before me, a Notary Public in and for said State, personally
appeared

NOTARY SEAL

STEWART NELSON
CYNTHIA NELSON

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

Julissa J. Swilling
Notary Public,

Residing at POCATELLO Idaho.
Comm. Expires 3-29-99 12-10-99

NO. 94012134
RECORDED AT REQUEST OF

AMERICAN LAND TITLE CO.
'94 JUL -1 P4:06

OFFICIAL RECORD BOOK NO. 618
BANNOCK COUNTY IDAHO
LARRY W. GHAN RECORDER
EEAS-00 DEPUTY

INSTRUMENT NO.

EXHIBIT A

PARCEL 1:

THE FOLLOWING DESCRIBED REAL ESTATE, ALL BEING LOCATED IN BANNOCK COUNTY, IDAHO: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 23, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. TRACT IN SW $\frac{1}{4}$ SW $\frac{1}{4}$, TAX 2, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., AND RUNNING THENCE WEST ALONG THE SOUTHERN BOUNDARY LINE OF THE SAID SUB-DIVISION, A DISTANCE OF 50⁰⁰ RODS; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 8⁰⁰ RODS; RUNNING WEST AT RIGHT ANGLES A DISTANCE OF 30⁰⁰ RODS TO THE WEST BOUNDARY LINE OF SAID SUB-DIVISION; RUNNING THENCE NORTH AT RIGHT ANGLES A DISTANCE OF 12⁰⁰ RODS; RUNNING THENCE EAST AT RIGHT ANGLES A DISTANCE OF 80⁰⁰ RODS; RUNNING THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 20⁰⁰ RODS TO THE PLACE OF BEGINNING.

TRACT IN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, TAX 1, SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., IN IDAHO, RUN THENCE NORTH ALONG WEST BOUNDARY LINE OF SAID SECTION 14, DISTANCE OF 8⁰⁰ RODS, THENCE EAST AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 30⁰⁰ RODS; THENCE SOUTH AT RIGHT ANGLES TO LAST DESCRIBED LINE DISTANCE OF 8⁰⁰ RODS TO SOUTH BOUNDARY LINE OF SAID SECTION 14, TOWNSHIP AND RANGE AFORESAID, THENCE WEST ALONG SOUTH BOUNDARY LINE OF SAID SECTION 14; DISTANCE OF 30⁰⁰ RODS TO THE PLACE OF BEGINNING.

EXCEPT:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE NORTH 0°22'48" EAST ALONG THE WEST LINE OF SAID SECTION 14, 106.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 80°30'47" WEST, 117.15 FEET, RECORDED AS NORTH 79°55'20" WEST, 117.08 FEET; THENCE NORTH 74°51'12" WEST, 316.97 FEET, RECORDED AS NORTH 74°17'50" WEST, 316.81 FEET; THENCE NORTH 50°49'17" WEST, 128.03 FEET TO THE EAST RIGHT OF WAY LINE OF RAPID CREEK ROAD, RECORDED AS NORTH 50°16'10" WEST, 128.67 FEET; THENCE NORTH 38°17'11" EAST ALONG SAID RIGHT OF WAY LINE, 365.88 FEET; THENCE 106.76 FEET ALONG SAID RIGHT OF WAY LINE ON A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 13°50'34" AND A RADIUS OF 441.89 FEET; THENCE NORTH 24°26'37" EAST ALONG SAID EAST RIGHT OF WAY LINE, 563.97 FEET; THENCE 32.11 FEET ALONG SAID RIGHT OF WAY ON A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 2°50'52" AND A RADIUS OF 645.96 FEET, TO THE WEST SECTION LINE OF SECTION 14; THENCE SOUTH 0°22'48" WEST ALONG SAID SECTION LINE, 881.02 FEET; THENCE NORTH 89°16'14" EAST ALONG A LINE PARALLEL WITH AND 330.00 FEET NORTH OF THE SOUTH LINE OF SECTION 14, 325.00 FEET TO THE CENTERLINE OF RAPID CREEK; THENCE SOUTH 40°05'45" EAST ALONG SAID CENTERLINE, 45.11 FEET; THENCE SOUTH 2°05'14" WEST ALONG SAID CENTERLINE 179.85 FEET; THENCE SOUTH 87°51'57" WEST, 349.18 FEET TO THE POINT OF BEGINNING. SAID PARCEL SUBJECT TO A 50.00 FOOT WIDE

EXHIBIT A (Continued)

ACCESS AND UTILITY EASEMENT ALONG THE SOUTH LINE OF SAID PARCEL.

ALSO EXCEPT:

A PARCEL OF LAND LOCATED IN SECTION 14 AND 23, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, IT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Exception from NW 1/4 of 23
 BEGINNING AT THE SW CORNER OF SECTION 14 A FOUND 3" ALUM. CAP, LS-968; THENCE NORTH 0°22'48" EAST ALONG THE WEST LINE OF SECTION 14, A DISTANCE OF 106.72 FEET TO A POINT, THE WEST 1/4 (INSTRUMENT NO. 690532) OF SECTION 14 BEARS NORTH 0°22'48" AND IS 2589.57 FEET DISTANT; THENCE NORTH 87°52'21" EAST, A DISTANCE OF 349.16 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND CONVEYED TO WES KENT BY DON HAMMOND AND SHOWN ON THE R.O.S. INSTRUMENT NO. 761922, SAID POINT FALLS IN CENTER OF RAPID CREEK AND IS THE TRUE POINT OF BEGINNING; THENCE NORTH 2°05'38" EAST ALONG EAST LINE OF SAID PARCEL, A DISTANCE OF 179.85 FEET TO A POINT; THENCE NORTH 40°05'21" WEST, A DISTANCE OF 8.71 FEET TO THE SOUTH LINE OF THE SPRAKER PROPERTY AND AN INTERSECTION WITH AN EXISTING FENCE LINE; THENCE NORTH 88°42'57" EAST ALONG SAID FENCE LINE, A DISTANCE OF 963.16 FEET TO A POINT; THENCE SOUTH 0°04'34" EAST ALONG AN EXISTING FENCE LINE, A DISTANCE OF 326.06 FEET TO AN INDIAN ALLOTMENT POST; THENCE CONTINUING ALONG SAID FENCE LINE SOUTH 0°35'38" EAST, A DISTANCE OF 406.91 FEET TO A POINT; THENCE NORTH 75°14'25" WEST ALONG AN EXISTING FENCE LINE, A DISTANCE OF 395.66 FEET TO A POINT; THENCE NORTH 56°41'56" WEST, A DISTANCE OF 537.81 FEET TO A POINT; THENCE NORTH 28°12'31" WEST, A DISTANCE OF 149.04 FEET TO A POINT; THENCE SOUTH 87°52'21" WEST, A DISTANCE OF 66.02 FEET TO A POINT TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE NORTH 0°22'48" EAST ALONG THE WEST LINE OF SAID SECTION, 71.89 FEET TO THE CENTERLINE OF RAPID CREEK AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°22'48" EAST ALONG SAID WEST SECTION LINE, 35.00 FEET; THENCE NORTH 87°51'57" EAST, 349.18 FEET TO THE CENTERLINE OF RAPID CREEK; THENCE SOUTH 2°05'14" WEST ALONG SAID CENTERLINE, 20.00 FEET; THENCE SOUTH 79°40'43" WEST, 107.88 FEET ALONG SAID CENTERLINE; THENCE SOUTH 44°36'02" WEST ALONG SAID CENTERLINE, 133.03 FEET; THENCE NORTH 59°58'58" WEST ALONG SAID CENTERLINE, 171.97 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

NW 1/4 NE 1/4 AND NE 1/4 NE 1/4, LYING EAST OF RAPID CREEK ROAD, SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

EXCEPT: A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 22, SAID POINT BEING

EXHIBIT A (Continued)

MARKED BY A 3 INCH ALUMINIUM CAP STAMPED LS 968; THENCE SOUTH 0°20'05" WEST ALONG THE EAST LINE OF SAID SECTION 98.01 FEET TO A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 89°49'07" WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 824.46 FEET, TO A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 49°10'17" WEST, 89.79 FEET TO A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 66°36'34" WEST 36.33 FEET TO THE EAST LINE OF RAPID CREEK ROAD, SAID POINT BEING MARKED BY A 1/2 INCH IRON PIN TAGGED LS 968; THENCE NORTH 33°44'30" EAST ALONG SAID EAST LINE 64.60 FEET; THENCE ALONG A CURVE CONCAVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 16°54'34" A RADIUS OF 648.38 FEET, FOR AN ARC LENGTH OF 191.35 FEET; THENCE NORTH 50°47'34" EAST ALONG SAID EAST LINE 49.04 FEET; THENCE ALONG A CURVE CONCAVE TO THE LEFT SAID CURVE HAVING A CENTRAL ANGLE OF 17°48'28" A RADIUS OF 724.75 FEET, FOR AN ARC LENGTH OF 225.25 FEET; THENCE NORTH 36°54'13" EAST ALONG SAID EAST LINE 95.13 FEET; SAID POINT BEING MARKED BY A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 50°16'10" EAST, 128.67 FEET TO A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 74°17'50" EAST, 316.81 FEET TO A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 79°55'20" EAST, 117.08 FEET TO THE EAST LINE OF SAID SECTION 15, SAID POINT BEING MARKED BY A 1/2 INCH IRON PIN TAGGED LS 968; THENCE SOUTH 0°56'52" WEST ALONG SAID EAST LINE 106.85 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, SAID SECTION 22; THENCE EAST 480 FEET; THENCE SOUTHWESTERLY TO A POINT 500 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 500 FEET TO THE POINT OF BEGINNING;

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF RAPID CREEK ROAD, TO WIT:

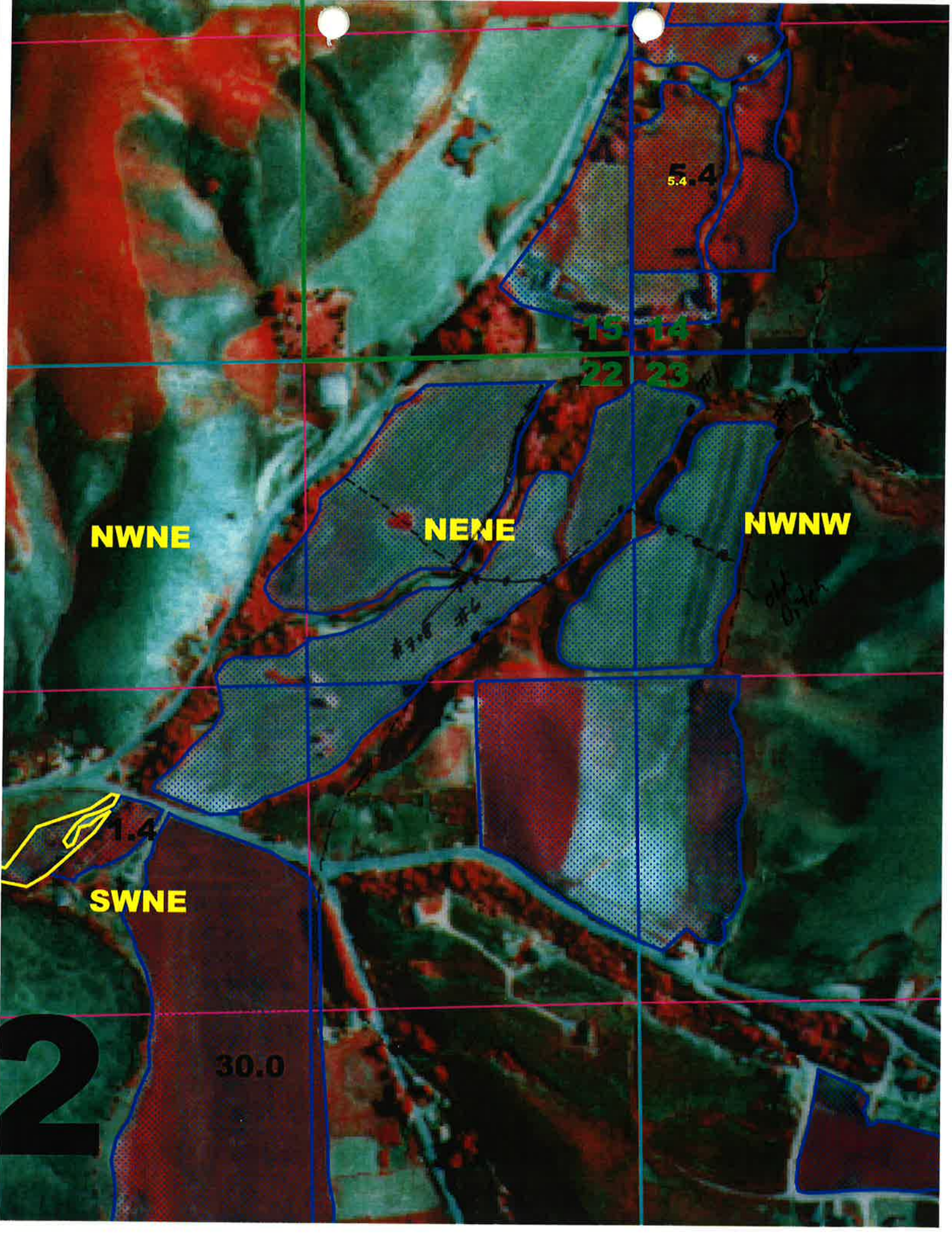
TAX 40 BEING THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M., EXCEPTING, HOWEVER, THE FOLLOWING DESCRIBED TRACTS OF LAND; BEGINNING AT A POINT SOUTH 00°02' EAST, 694 FEET FROM THE NORTHWEST CORNER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. WHICH POINT IS ON THE WEST BOUNDARY LINE OF THE ABOVE MENTIONED SUBDIVISION; THENCE SOUTH 83°14' EAST, 117 FEET; THENCE NORTH 38°13' EAST, 200 FEET; THENCE NORTH 71°23' EAST, 230 FEET; THENCE NORTH 55°25' EAST, 101.3 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT OF WAY BOUNDARY OF THE BANNOCK COUNTY ROAD; THENCE SOUTH 73°11' EAST, 710.8 FEET ALONG THE SOUTHERLY RIGHT OF WAY BOUNDARY OF SAID BANNOCK COUNTY ROAD; THENCE ON A 21°48'; DEGREE CURVE RIGHT, 157 FEET ALONG THE SOUTHERLY RIGHT OF WAY BOUNDARY OF SAID BANNOCK COUNTY ROAD TO A POINT ON THE EAST BOUNDARY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE SOUTH 02°29' EAST, 529.6 FEET, MORE OR LESS, ON THE EAST BOUNDARY LINE OF THE SAME SUBDIVISION TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. THENCE SOUTH 86°54' WEST, 1373.4 FEET, MORE OR LESS, ON THE SOUTH BOUNDARY OF THE SAME SUBDIVISION TO THE SOUTHWEST CORNER OF THIS SAME SUBDIVISION; THENCE NORTH 00°02' WEST, 622.5 FEET, MORE OR LESS, ON THE WEST BOUNDARY LINE OF THIS SAME SUBDIVISION TO THE POINT OF BEGINNING.

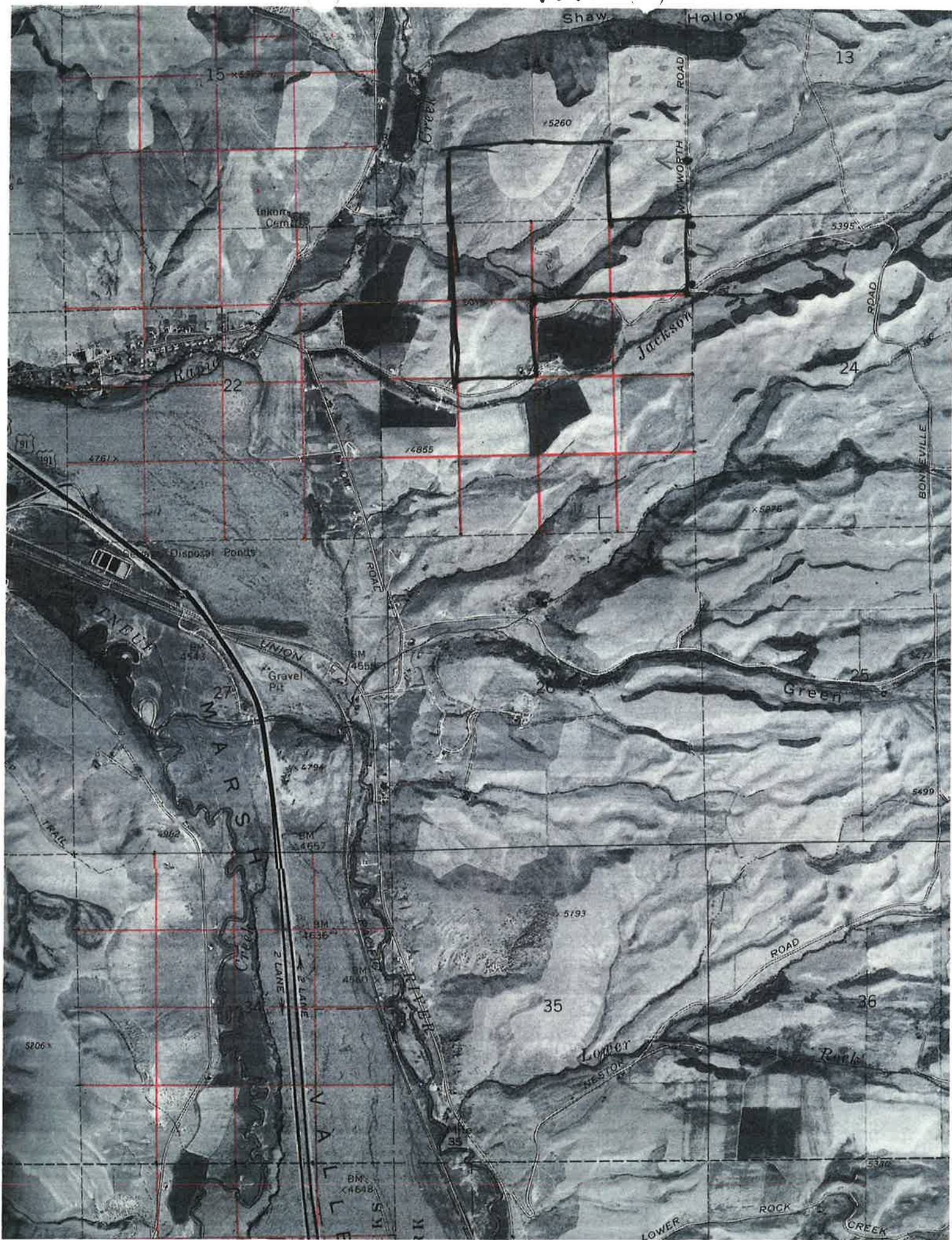
EXHIBIT A (Continued)

ALSO: BEGINNING AT A POINT 461.7 FEET SOUTH OF THE NORTHWEST CORNER OF SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. (BEING A NORTHWEST CORNER OF AN INDIAN ALLOTMENT) THENCE SOUTH $0^{\circ}02'$ EAST, 232.3 FEET; THENCE SOUTH $83^{\circ}14'$ EAST, 117 FEET; THENCE NORTH $38^{\circ}13'$ EAST, 200 FEET; THENCE NORTH $71^{\circ}23'$ EAST 230 FEET; THENCE NORTH $55^{\circ}25'$ EAST, 100 FEET; THENCE NORTH $76^{\circ}33'$ WEST, 175 FEET; THENCE SOUTH $77^{\circ}37'$ WEST, 380 FEET TO THE POINT OF BEGINNING.

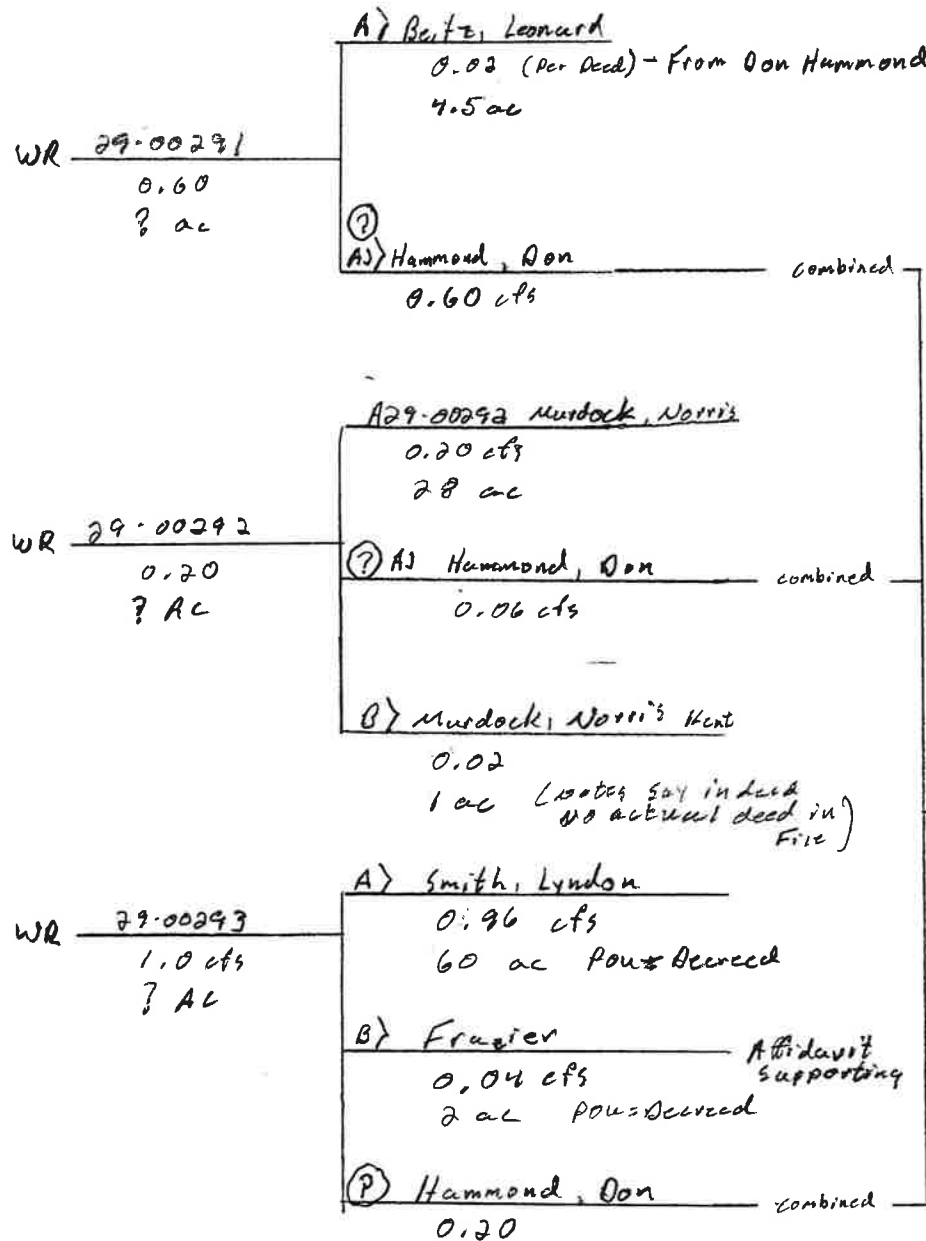
ALSO: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M. (BEING A NORTHWEST CORNER OF AN INDIAN ALLOTMENT) THENCE EAST 100 FEET; THENCE SOUTH 100 FEET; THENCE NORTH $85^{\circ}57'$ EAST 430 FEET; THENCE SOUTH $64^{\circ}19'$ EAST, 179 FEET TO POINT OF BEGINNING; THENCE SOUTH $48^{\circ}58'$ WEST 314 FEET; THENCE SOUTH $77^{\circ}50'$ EAST, 138 FEET; THENCE NORTH $55^{\circ}25'$ EAST, 21 FEET; THENCE NORTH $28^{\circ}15'$ EAST, 180 FEET; THENCE NORTH $12^{\circ}50'$ WEST 67.4 FEET TO POINT OF BEGINNING. ALL BEING IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 38 E.B.M.

ALSO BEGINNING AT A POINT 100 FEET EAST AND 100 FEET SOUTH OF THE NORTHWEST CORNER OF THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 36 E.B.M.; THENCE SOUTH $0^{\circ}02'$ EAST 294 FEET; THENCE NORTH $76^{\circ}07'$ EAST, 262 FEET; THENCE NORTH $67^{\circ}07'$ EAST 125 FEET; THENCE NORTH $46^{\circ}30'$ EAST, 236 FEET; THENCE NORTH $64^{\circ}19'$ WEST 119 FEET; THENCE SOUTH $85^{\circ}57'$ WEST 430 FEET TO THE PLACE OF BEGINNING.





Split History For 29-00291, 292, and 293



Results:

29-00291 - Overclaimed on cfs But water Decreed From Hammond to Beitz. Reduce Hammonds Right

29-00292 - cfs Overclaimed. Need Evidence From All Parties that they own Right

29-00293 - Overclaimed cfs. Need Evidence of ownership of right From All Parties

29-10376 Hammond, Don

0.86 cfs

49.8 AC

within Decreed POU

C Saxton 9-7-01

JUN 15 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTOR

May 20, 2001

29-10376

L DON HAMMOND

MARILYN HAMMOND

PO BOX 1694

POCATELLO ID 83204

 2850 S Bannock Hwy #14
 Pocatello ID 83204-3606

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, 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.

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

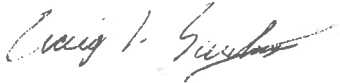
For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention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

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

.....
The Department 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 June 22, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,



Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Notice of Claim 29-10376

Log for claim A29-10376

Spatial Dynamics LTD

9/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	22	NENE	29	33	
07s36e	22	SWNE	5	5.1	
07s36e	22	SENE	2	2.3	
07s36e	23	NWNW	13	11	
Totals:			49	51.4	

6/7/01 NCO - send

Nelson, Stewart
2630 Al Intcom Rd
Intcom ID
83245

AJ5809NP
No. A29-10376

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 283

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARILYN HAMMOND	06/01/1885	IRRIGATION	03-15 11-15	0.860 CFS	
C	DON HAMMOND					
	BOX 1694					
	POCATELLO ID 83204					
				TOTAL DIVERSION:	0.860 CFS	
				CONSUMPTIVE USE:		125.00 AFA

Water Source: RAPID CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R36E S22 NENE BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
				NENE				NWNW				NWSW				NENE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
07S	36E	22	:	29		05	02	:										:	36.8	
07S	36E	23	:					:	13									:	13.0	
																		TOTAL ACRES	49.8	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

A29-00291A A29-00292 A29-00292B A29-00294A A29-00294B A29-00294C A29-00294D A29-00294E A29-00294G A29-00294J

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

A29-00291 A29-00291A A29-00292 A29-00292B A29-00293 A29-00293A A29-00293B A29-00294A A29-07602 A29-10024

Remarks: GEN THIS CLAIM COMBINES 29-00293- 0.2 CFS, 292- 0.06 CFS, 291- 0.6CFS

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

Misc: Water District Number: 29F Field Inspection Flag:
Presumption Flag:

Audit: 03/15/90 DCARLSON 03/22/90 DCARLSON 12/03/92 COX 03/29/95 POST-STD
11/02/95 CFRITSCH

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 29-10376
Date Received: 2/23/1990
Receipt No: E012377
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEWART RAY NELSON Phone: (208) 775-3799

2630 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	NE NE	BANNOCK	

5. Description of diverting works:

PUMP FROM CREEK TO SPRINKLE IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.86	

7. Total Quantity Appropriated is:
0.86 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
07S	36E	22	NE	NE	IRRIGATION	29
			SW	NE	IRRIGATION	5
			SE	NE	IRRIGATION	2.8
					Section Acres	36.8
07S	36E	23	NW	NW	IRRIGATION	13
					Section Acres	13
					Total Acres	49.8

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 4/18/02).

THIS CLAIM COMBINES 29-00293- 0.2 CFS, 292- 0.06 CFS, 291- 0.6CFS

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED
JUN 15 2001

#100⁰⁰.x

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: A29-10376
Date Received: 2/23/1990
Receipt No: E012377
Received By: OC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 15 1990

Department of Water Resources
Eastern District Office

1. Name: L. DON HAMMOND & Marilyn Hammond
Address: BOX 1694
POCATELLO, ID 83204

2. Date of Priority: JUN 01, 1885

3. Source: RAPID CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	22		NE	NE		BANNOCK

5. Description of diverting works:
PUMP FROM CREEK TO SPRINKLE IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.860		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	22	✓ NE	NE		IRR	29.0
			✓ SW	NE		IRR	5.0
			✓ SE	NE		IRR	2.8

Section Acres 36.8

A29-10376

Page 1

Date: 02/23/90

MICROFILMED

NOV 16 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	23	NW	NW	IRR	13.0

Section Acres 13.0

Total Acres 49.8

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM COMBINES 29-00293- 0.2 CFS, 291- 0.06 CFS, 291- 0.6CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

CHARLES E. STEWART, ET. AL.

Decree Plaintiff

vs

A. J. DAMRON, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): *L. L. Hammond* Date: 3-12-90
Marlyn Hammond Date: 3-12-90

ARIZONA
State of Idaho)
County of Yavapai) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of March 19 90
Kenneth M. Hoif
Notary Public

Seal
Residing at *Yuma, ARIZONA*
My Commission Expires *July 27, 1993*

NOT TO SCALE

FEB
1989

18D

BLM

BLM
9
7/7

0292

29-00293

MICROFILMED
NOV 16 1992