

12/15/2002

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

RIGHT NUMBER: 29-11078

NAME AND ADDRESS: MARCELL C WANNER
PO BOX 82
INKOM ID 83245

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.090 CFS

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

PRIORITY DATE: 05/01/1940

POINT OF DIVERSION:

T07S R36E S21 NWSESW 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	0.080 CFS
STOCKWATER	01/01 12/31	0.010 CFS

Stockwater use is for 7 head of mixed stock.

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S21 SESW 2.7

STOCKWATER same as IRRIGATION

2.7 ACRES TOTAL

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

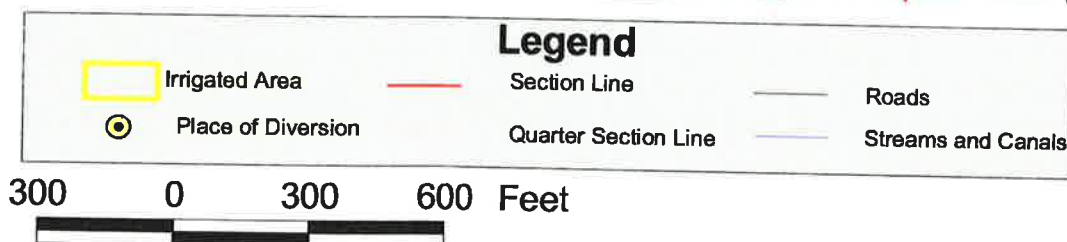
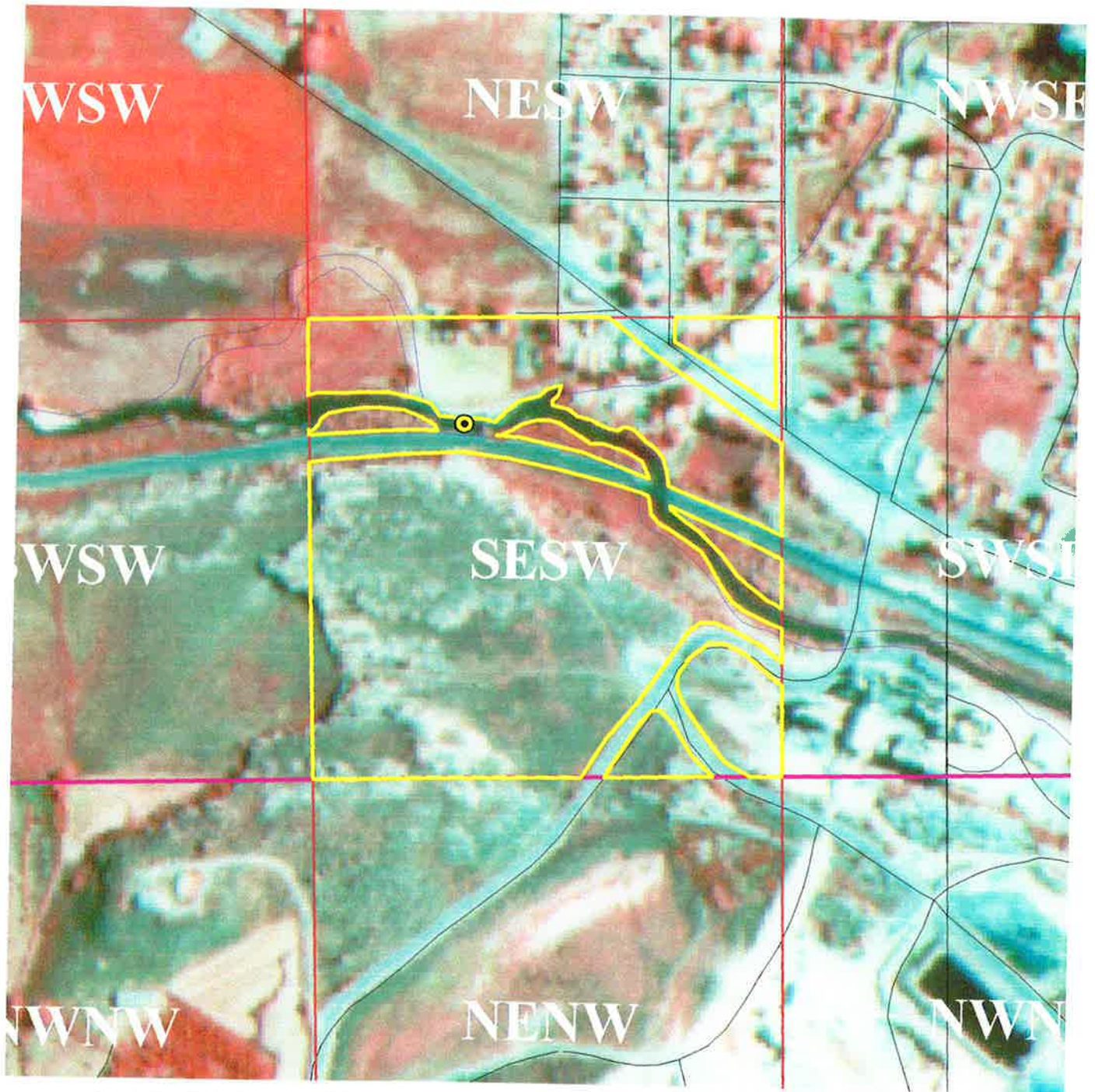
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: Beneficial Use

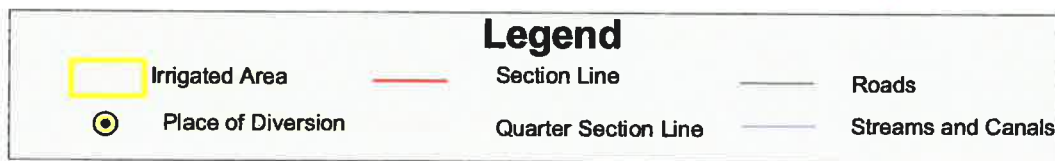
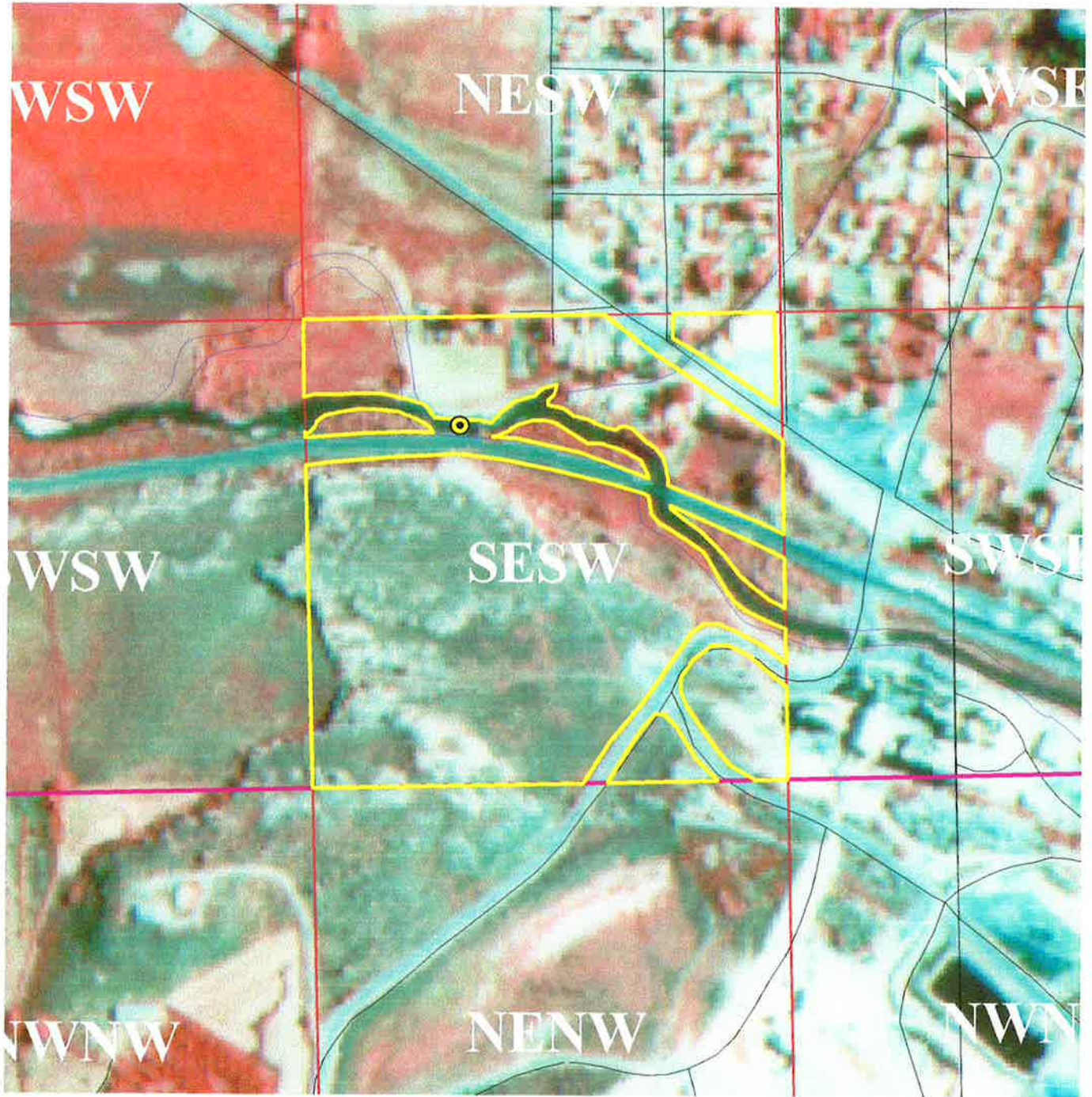
Water Right Claim Number A29-11078
Township , 7S36E

09/13/2000



Water Right Claim Number A29-11078
Township , 7S36E

09/13/2000



May 9, 2003

MARCELL C WANNER
PO BOX 82
INKOM ID 83245

RE: NOTICE OF ERROR FOR WATER RIGHT CLAIM NO. 29-11078.

Dear Mrs. Wanner:

Thank you for taking the opportunity of returning the "notice of error" reply for the above referenced water right. Upon it you indicated that you disagreed with the recommended priority date. You said that since the land was transferred from the United States to an Indian named "Tindore," that you should be able to recognize that (May 1902) priority date.

I have reviewed the information that you have provided and submit the following:

You are well founded in your attempt to "better" your priority date. My review of map data for your area, suggest that your property was a part of original Indian Allotments #14 and #15. The negotiated Indian Allotment priority date is June 14, 1867.

The process by which Indian Allottee priority dates may be claimed is this:

1. Provide name and Allottee number for the original Allottee,
2. Provide a chain of title since the original Allottee down to the present owner,
3. Submit data with an amended claim for the Allottee priority date.

Once we have received the Allottee information, we are obliged to send it to our state attorney general representatives at Idaho Department of Water Resources administration in Boise for review and recommendation for the claimed "Indian" priority date. For your convenience, I have provided an amended claim reflecting the Indian allotment priority date should you decide to press forward on this issue. It must be signed in the presence of a Notary Public before returned.

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

Respectfully submitted,

W. Roger Warner
Adjudication Specialist

Enclosure(s) Amended Claim form for Water Right Claim No. 29-11078.

02/18/2003

NOTICE OF ERROR
REPLY

RECEIVED

APR 21 2003

WATER RESOURCES
WESTERN REGION

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: 29-11078

MARCELL C WANNER

PO BOX 82

INKOM ID 83245

Telephone Number: (208)775-3385

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

I disagree with the priority date

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

Priority date should be moved to 1902. Enclosed are 2 documents showing the land had water right from President Coolidge

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

I have evidence showing a 1902 date for priority of water right from the Portneuf River.

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

DATE: 4/7/2003

SIGNATURE:

Marcell Wanner

Please print your name:

MARCELL WANNER

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

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

RECEIVED

APR 08 2003

Department of Water Resources
Eastern Region

P.O. Box 82
Inkom, ID 83245
April 6, 2003

Idaho Department of Water Resources
Regional Office
900 N Skyline Dr Ste A
Idaho Falls, ID 83402

NOTICE OF ERROR REPLY

Dear Sirs:

Enclosed you will find two legal documents that show that the land in question has a water right priority date of at least 1902. This is due to the fact that President Coolidge and the United States Government transferred this land, along with a water right, to the American Indian named Tindore in May of 1902. Tindore's heirs then sold the land to M.M. Bush in 1922.

This evidence is ground for moving the priority date for this land back from 1940 to 1902.

Thank you,

Marcell Wanner

Marcell Wanner
Water Right No 29-11078

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

RECEIVED

APR 08 2003

Department of Water Resources
Eastern Region

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a schedule of allotments approved by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Hevedore Tindore,

an Indian of the Fort Hall Reservation, has been allotted the following-described land:

The southwest quarter of the southwest quarter of Section twenty-one and the northwest quarter of the northwest quarter of Section twenty-eight in Township seven south of Range thirty-six east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in accordance with the provisions of the Act of Congress of February 23, 1889 (25 Stat., 688), HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Hevedore Tindore and to his heirs, the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Hevedore Tindore and to his heirs forever, with the provision that the title hereby acquired shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued in lieu of one dated May 3, 1902 and shall not operate to extend the restriction declared in that patent.

IN TESTIMONY WHEREOF, I, Calvin Coolidge,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTIETH

day of APRIL In the year of our Lord one thousand nine hundred and TWENTY-FIVE and of the Independence of the

United States the one hundred and FORTY-NINTH

By the President: Calvin Coolidge

By M. D. Le Ray, Secretary.

M. D. Le Ray
Recorder of the General Land Office.

RECEIVED

APR 08 2003

Department of Water Resources
Eastern Region

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

RECORDED: Patent Number 958549

ALLOTMENT CARD

Allotment No. 15 Original Allottee Tee-emb or Fee emb Tindore

Legal Description SE/4 SW/4 Sec. 21, NE/4 NW/4 Sec. 26, T 7 S, R 36 E B M

80 Acres

STATE OF OWNERSHIP

Died: 4/5/1916

Original ()

Probate No. 27875-18

Heirship (x)

Relinquished in lieu ()

Certificate of Competency

Fractional Owners

I.I.M. No.	Al. No.	Name	ID or An. Number	Share
		Hevedore Tindore	husband	1/3
		Chauncey Tindore	son	2/15
		Lorenzo Tindore	son	2/15
		William Tindore	son	2/15
		Pattish Edmo	daughter	2/15
		Sam Deepwater	son-1	2/15
		Heirs of Pattish Edmo, Probate 81034-19		
		Gidgeon Edmo	husband	1/3 of 2/15 or 2/45
		Mary Edmo Dixey	daughter	1/3 of 2/15 or 2/45
		Pearl Edmo	daughter	1/3 of 2/15 or 2/45

Note: Above heirs sold entire 80 acres to M.M. Eush. 3-1-22

Patent # 889996

Misc deed book

Vol. 17, pg 398

Vol 44 pg 117

Jan 23, 1923

allot # 15

File No. ~~89140-22~~
875 44-22

RECEIVED

APR 1

Department of water
Eastern Region

9-16-02 : According to Phone Book - Physical Address is
377 Rapid Ave
Inkom ID

: NO test data. Need to Go to Site and determine
POU.

: Priority Good

9-19-02 : - Evidence of Stock
FE - GPS at Pump
- Include Back Yard as POU
: Claimant not Present

18 W sprinkler
zones

Adjudication Claim Report 29-11078

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-11078
R: 29-11078

Name and Address

MARCELL C WANNER *ok*
PO BOX 82
INKOM, ID 83245
(208)775-3385

OK

OK

OK

Tributary

SNAKE RIVER 012

1.5" per acre

From To

Annual Volume

~~03/15 to 11/15~~
~~4/1 10/31~~

-0.08

01/01 to 12/31

~~0.20 AF~~ v/A

Total Diversion: ~~0.120 CFS~~ 0.10

0.10

✓ ✓ ✓

NW1/4SE1/4SW1/4

Sec. 21, Twp 07S, Rge 36E, B.M.

BANNOCK County

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	Totals
07S	36E	21												4.0					4.0
													2.7						2.7

Total Acres: ~~4~~ 2.7

STOCKWATER same as IRRIGATION

$N_{\phi 5} + N_{\phi 8}$
C18
 $X_{\phi 2} = 7$ head

$X_{02} = 7$ head

1. CLAIM AMENDED 4/9/01 TO ADD STOCKWATER AS USE PER CLAIMANT INDICATION ON ORIGINAL CLAIM. CSAXTON

ENDED 4/9/01 TO ADD STOCK
CLAIM. CSAXTON

CONCLUSION

29-11078 POU Field Exam: 9/19/02



Looking West at claimed POU. Sprinkler line can be seen in picture (csaxton).



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Portable gas engine powers pump to hand lines in downstream corner of pasture.

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 205802 01.JPG

Photos

OD ID 205802 02.JPG

EPE (ft)

19 Heavy tree

Date (M/D/Y)

10/5/01

Time

11.53

Flow Rate (CFS)

0.189862422997947

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

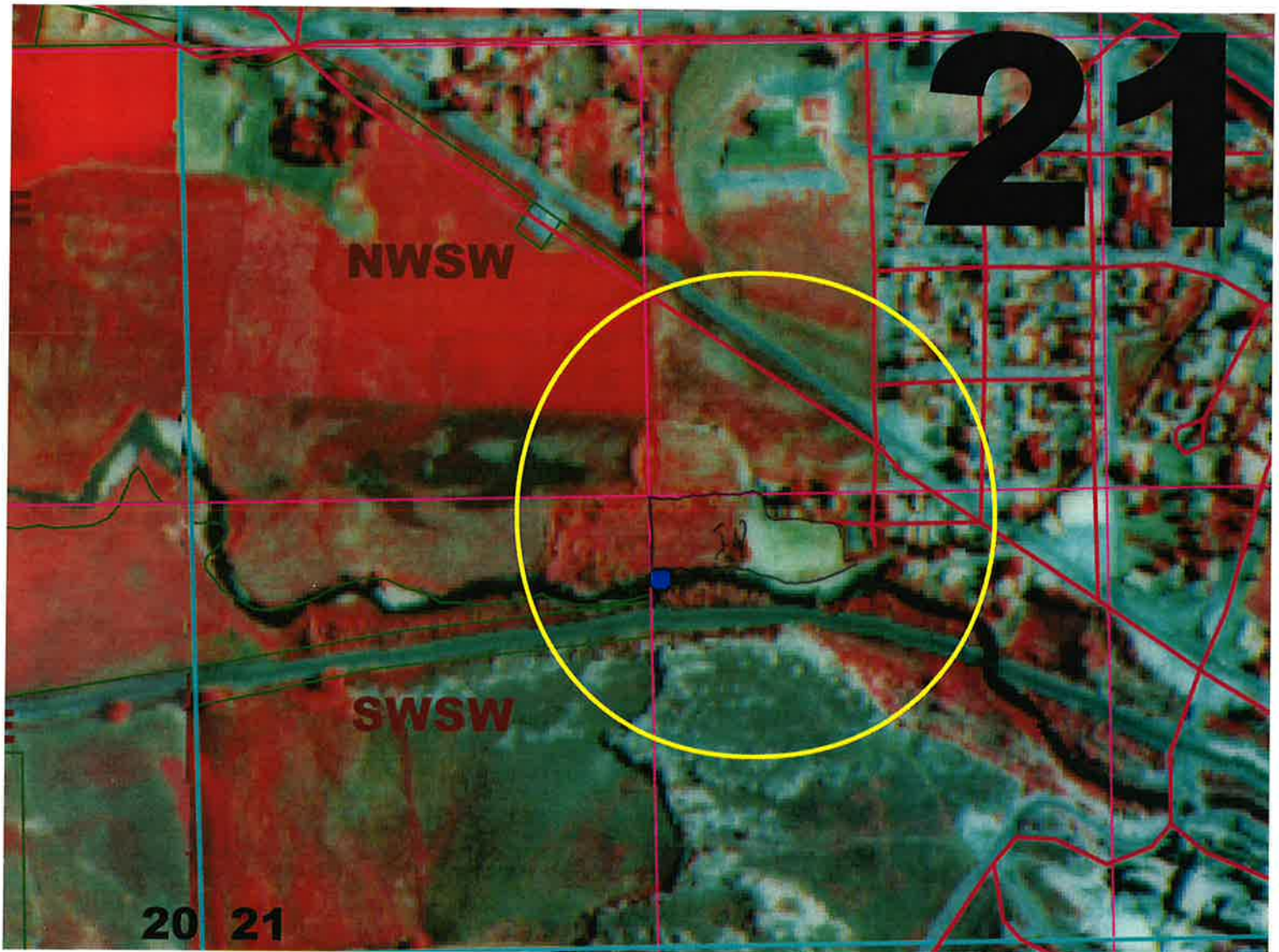
This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Servc, Inc.







29-11078 - Wanner



Point of Diversion

Property Acreage: 0.0



Claimed POU - N/A



Property Boundary



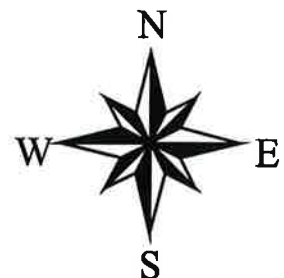
Bannock Co Tax Lot Data



Section Lines



Quarter Quarter Lines



Prepared By: Craig Saxton
September 2002

SCANNED

JUN 15 2001

Log for claim A29-11078

Spatial Dynamics BTD

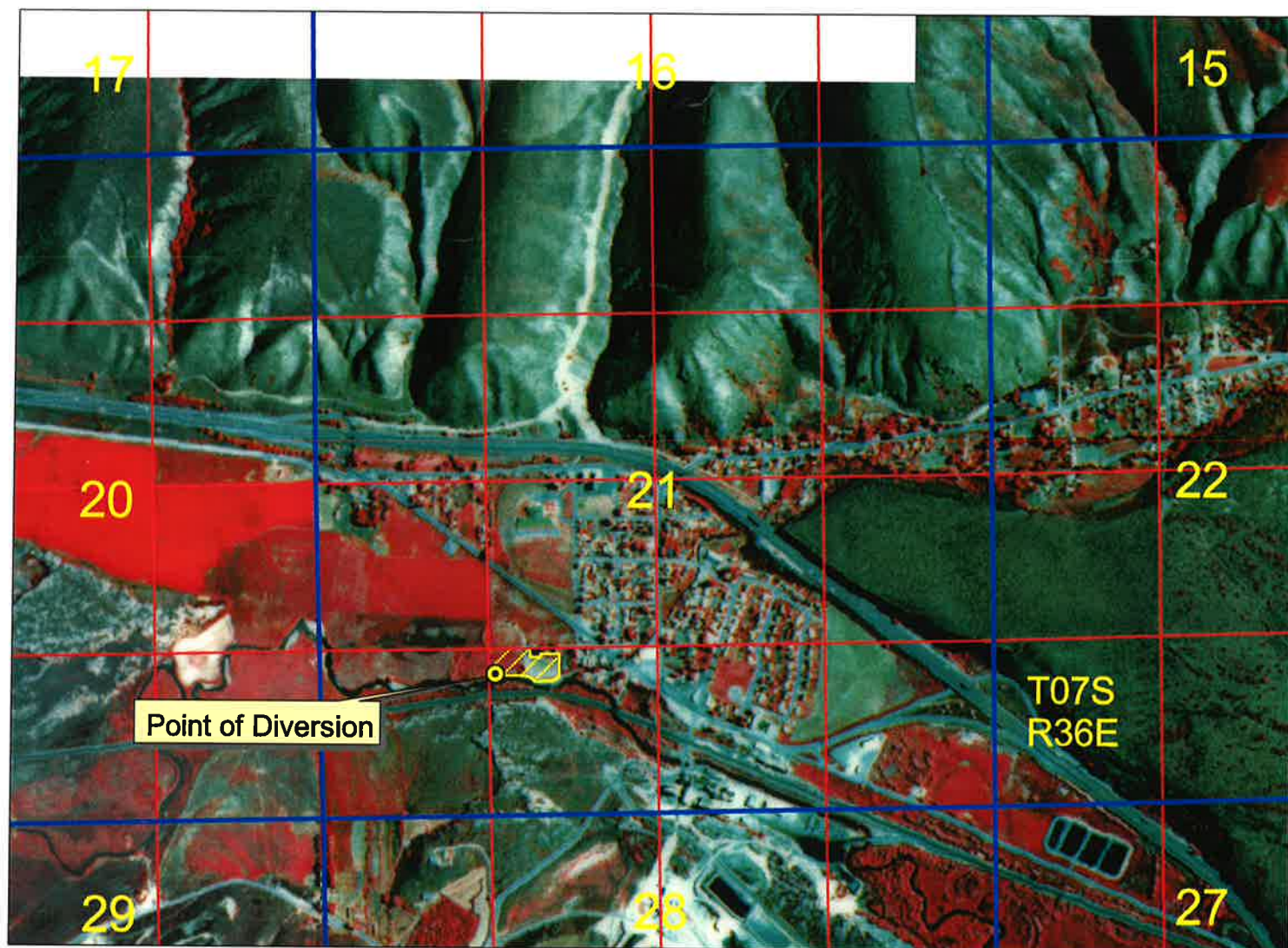
9/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s36e	21	SESW	4	34	Indiscernible
Totals:			4	34	



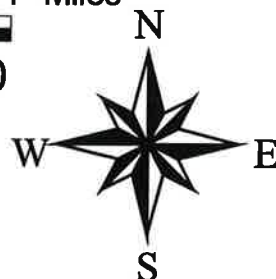
State of Idaho
Department of Water Resources
Eastern Region

Water Right: 29-11078



0.5 0 0.5 1 Miles

1:16000



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

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: December 2002

AJ5809NP
No. A29-11078

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 316

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARCELL C WANNER PO BOX 82 INKOM ID 83245 (208) 775-3385	05/01/1940	IRRIGATION	03-15 11-15	0.120 CFS	
TOTAL DIVERSION:					0.120 CFS	
CONSUMPTIVE USE:						10.00 AFA
Water Source: PORTNEUF RIVER		Tributary to: SNAKE RIVER			Stage: BENEFICIAL USE	

AJ5809NP
No. A29-11078

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 317

Point(s) of Diversion: T07S R36E S21 NWSESW 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	:	SUM			
				-----				:	-----				:	-----				:	-----				:	-----				:	-----
07S 36E 21 :								:					:	04 :				:					:					:	4.0
								:					:					:	TOTAL ACRES				:					:	4.0

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCK USE, 3 HORSES, 5 COWS

Other Rights: NONE

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

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

Audit: 04/19/90 CARLSON 08/24/90 MCCARTHY 08/04/94 THOMPSON 03/29/95 POST-STD

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARCELL C WANNER PO BOX 82 INKOM ID 83245 (208) 775-3385	05/01/1940	IRRIGATION	03-15 11-15	0.12 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.12 CFS	10.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R36E S21

NWSESW

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
07S	36E	21	:													04					
TOTAL ACRES																			4.0		
																			4.0		

POU County: BANNOCK

Non-Irrigation Uses: INCIDENTAL STOCK USE, 3 HORSES, 5 COWS

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

My husband Howard Carzon And I first Pumped
water from The port Neuf River ON property described
Above, in the year 1938. IT WAS USED for purpose
of irrigation And Stock WATERing.

We purchased the Land And built A home ON the
Property, IT is Now owned by MARCELL C. WANNER

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9TH DAY
OF JANUARY 1995

NOTARY: *Melanie Johnson*
MY COMMISSION EXPIRES: 10-20-99

Eva Carzon

No. A29-11078



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

June 14, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Mr. Marcell C. Wanner
P.O. Box 82
Inkom, ID 83245

RE: Snake River Basin Adjudication - Bannock County

Dear Mr. Wanner:

We are returning your Notice of Claim to a Water Right filed for your property in Bannock County. We have noted some missing information on your claim which we would like to have you supply.

In Item #10, please enter the number of acres are irrigated. The variable fee paid when the claim was submitted was \$4.00, which implies 4 acres of irrigation. However, since this is a legal document, we would prefer to have this information entered in Item #10.

Also, the only purpose of the water listed in Item #6 is irrigation. However, in Items #9 and #10 stockwater is indicated. If you wish to have stockwater included as a water use on your claim, it would be best to enter "stockwater, a period of use and a quantity claimed" in Item #6. The maximum number and kind of stock should be entered in Item #9.

I have enclosed another computer-generated copy of your claim on which you may add the additional information. Please enter the additional information, initial the entries, sign the claim form, and have your signature verified by a notary public.

If you will return the completed documents to this office to the attention of Carter Fritschle before July 16, 1990, you will not be assessed a late filing fee. Do not hesitate to contact this office if you have any questions or desire an appointment to obtain assistance in completing the form.

Yours truly,

John D. Carlson
Adjudication Supervisor

JDC:CF:/lk
Enclosures:

2 copies of Notice of Claim No. A29-11078

MICROFILMED
NOV 16 1992

I will send through mail
with Notary Public

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 29-11078
Date Received: 4/19/1990
Receipt No: C016401
Received By:

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

RECEIVED

JUL 03 2003

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

MARCELL C WANNER Phone: (208)775-3385

PO BOX 82
INKOM ID USA 83245

2. Date of Priority: ~~05/01/1940~~ June 14, 1867

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	21	NW SE SW	BANNOCK	

5. Description of diverting works:

PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	0.2

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 7

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	36E	21	SE 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: None

14. Remarks:

CLAIM AMENDED 4/9/01 TO ADD STOCKWATER AS USE PER CLAIMANT INDICATION ON ORIGINAL CLAIM. CSAXTON

15. Basis of Claim: Beneficial Use

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): Marcell Warner Date: 7/2/2003

Date:

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 2nd
of July 2003

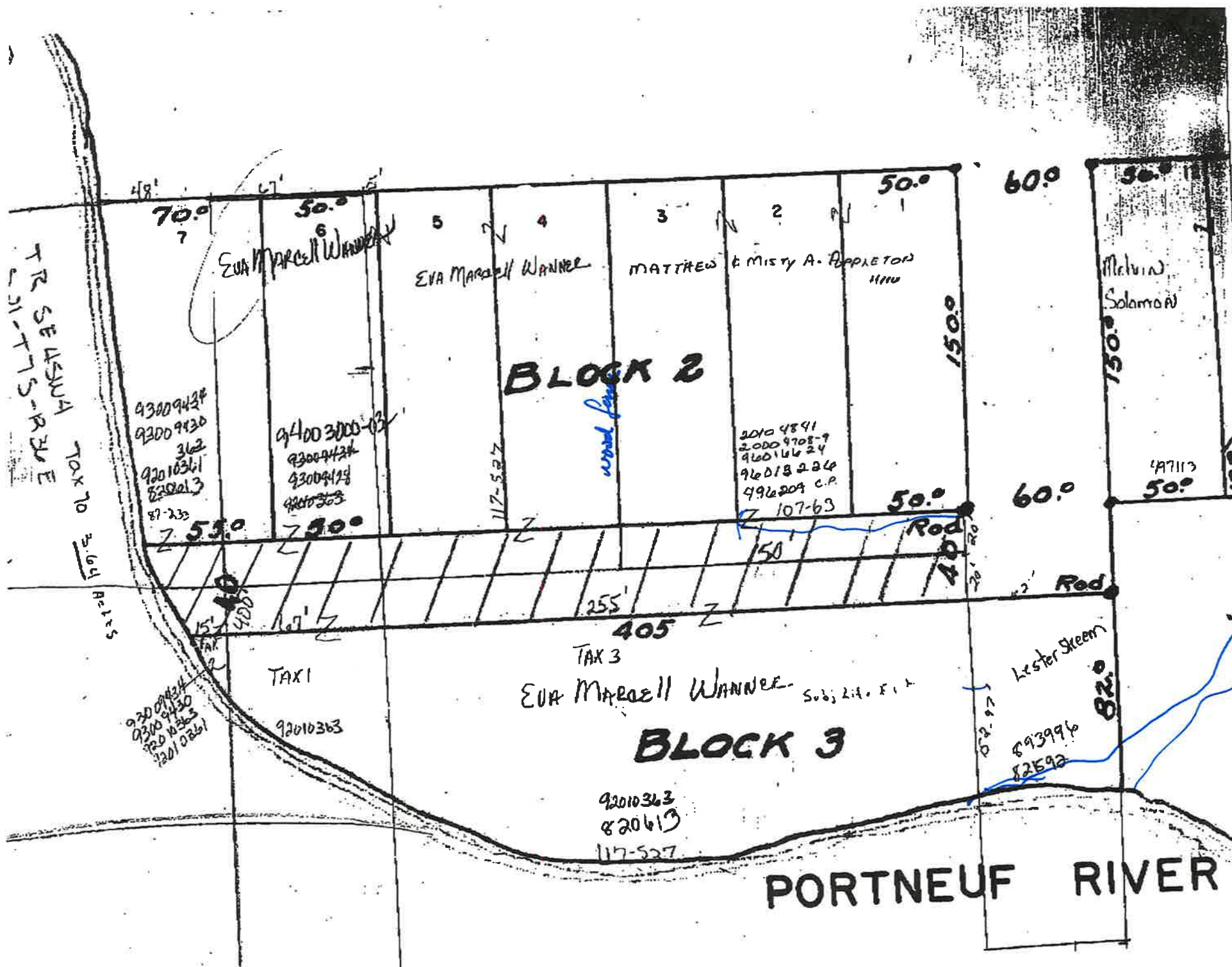
Dianna Sterner

Notary Public

Residing at Idaho

My commission Expires Oct. 27, 2003





kinko's®

Kinko's, Inc.
650 S. 5th Ave.
Pocatello, Id. 83201
TEL (208) 232-6646
FAX (208) 232-6647

Fax

To: Boger Warner From: Nancy Wanner
Fax: 525-7177 Pages: _____
Phone: 525-7161 Date: July 1' 03
Re: Water Rights CC: _____

☒ Urgent ☐ For Review ☒ Please Comment ☐ Please Reply

Nancy Wanner
5111 Cherokee
Pocatello, Idaho
83204
232-6602
Water Right 29-11078
For Marcell Wanner
P.O. Box 82
Inkom Idaho, 83245

June 30, 2003

Roger Warner:

To continue our phone conversation of Monday June 30, 2003, I have included the following information. (I have called several times over the past few weeks but was unable to connect with you. I apologize for this situation). First off the priority date would be nice to move back to 1902 or 1867 when the Indian Tindore received the Allotments #14 and #15. I included those papers in the letter dated April 8, 03.

1) I have included a quit claim deed showing the 2 parcels of land in Marcell

Wanner's name, one county:

TRSE4SW4 Tax70 3.6 acre

S21-T7S-R36E

and the other one City of Inkom Lots 4-5-6-7 Block 2

All of block 3 (less 60 of block 3)

Eagle Addition to Inkom

Total 7 acres, both including water rights dating to the Indian Tindore.

2) I have included three maps showing the 2 parcels of land. The map from you sent to my E-mail, with information of corrections. The outlined of land, looks correct but the total acreage and water usage is incorrect, because the city portion has been left off. This is approximately 3.5 acres. I found this error while at the courthouse yesterday.

3) The third paper is a chain of title for the county land ownership, starting with Tindore Indian. My paper shows a date of 1902 (which I mailed to you on April 8, 03.)

4) The forth Set of papers show the county land chain of title, including the warranty deed between Sam Wanner and A.G. Hall in 1988 with a Notice of Amended Claim to Water Right, from the water board dated 1990. *Signed mailed*

5) The fifth paper has to do with Warranty Deeds: I did not / I did find copies of legal warranty deeds transactions.

6) One last paper included with a question of water rights. School water claim # 29-288c is adjacent to Wanner property. Why would Land adjacent to Wanner's land have priority date of 1867 from the Indians. All land was owned/given to the Indians in that area. Wouldn't this show we have the same water date and water right? The land has always be farmed etc.

Thank you for your time, I will fax this info. to you Tuesday 7/1/03
Nancy Wanner ph. 2326602.

02/18/2003

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 29-11078

MARCELL C WANNER

PO BOX 82

INKOM ID 83245

Telephone Number: (208) 775-3385

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

On June 30, 03 I discovered 2 parcels of land, county & City. Water department board only listed county. We asked about how acreage etc

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

I increase acreage to 7 acres including both parcels and increase water usage amount. Also we had tried to move date to 1902-

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

Mistake in Records, Question not answered
Maybe listed under Samuel Wanner

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

DATE: June 30, 03

SIGNATURE:

Marcell Wanner

Please print your name:

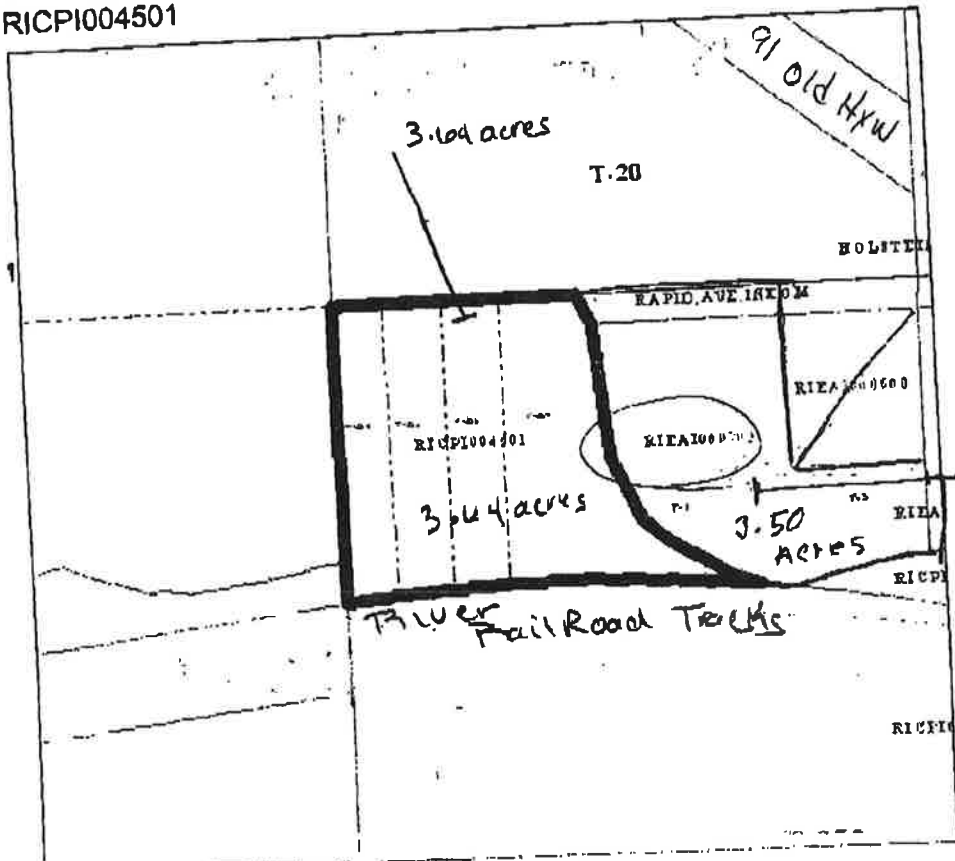
Marcell Wanner

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257151

Nancy talked to you on phone June 30, 03

(1)

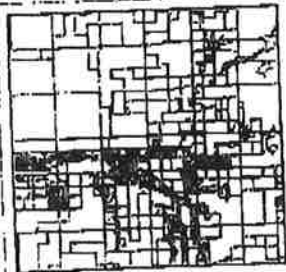
WANNER, MARCELL
RICPI004501



RICPI000703

Lot 4-5-6-7
Block 2
All of Block 3
(Less the E 60' of Block 3)
Eagle Addn to Inkom

1:2400

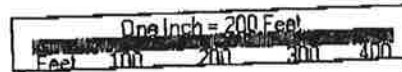


T.07S
Sec.21

R.38E



- Parcel
- Selected Parcel
- Tax lots
- Lot
- City Streets and no parcel available
- Roads

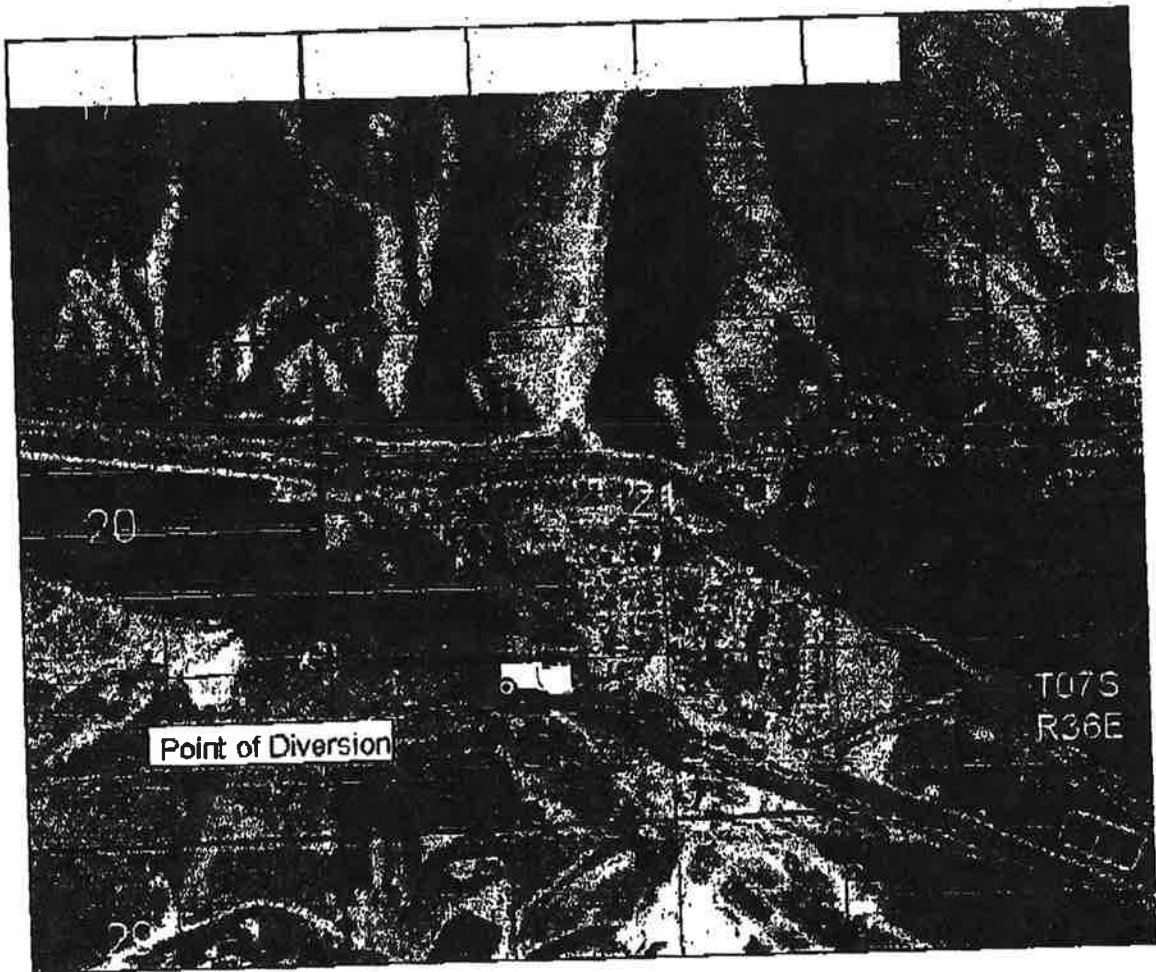


THIS DRAWING IS TO BE USED FOR
REFERENCE PURPOSES ONLY. THE COUNTY
IS NOT RESPONSIBLE FOR ANY
INACCURACIES CONTAINED HEREIN.



State of Idaho
Department of Water Resources
Eastern Region

Water Right: 29-11078



2 parcels of land
boundaries look correct

● Point(s) of Diversion

Total acres 1+-

City land:

RIEAI000703

County Bannock:

07S 36E 21 NW SE SW



1364
1364

QUITCLAIM DEED

94003003

For Value Received

Marcell Wanner, a widow,
do hereby convey, release, remise and forever quit claim unto
David J. and/or Nancy Wanner
Lynn and/or Janice Peppleton
Clark and/or Wendy Wanner
whose current address is
377 Rapid Ave PC Box 82

Michael and/or Laker Anderson
Allan and/or Mafce Parker
Incom. ID 83245

the following described premises, to-wit:

TR 8E4SW4 TAX 70 3.64 AC
S21-T7S-R36E
COUNT PROP IN INKOM

LOTS 4-5-6-7
BLOCK 2
ALL OF BLOCK 3
(LESS THE E 60' OF BLOCK 3)
EAGLE ADDN TO INKOM

County Land?

T-70

64-108-150847 ✓

Bush '29

74-540-189839 -

Private Bush, died '39 → kids

480-

809917

Bush → AG Hall '44

813175

AG Hall → Sam Wanner '88

820613

Sam → Marcell

T-70 Mul

1-354 820613

T-355

T-356

T-357

94003003

94423000

93009286

94003000

94003000

94003000

94003000

94003000

94003000

94003000

94003000

Marcell Wanner

29-11078

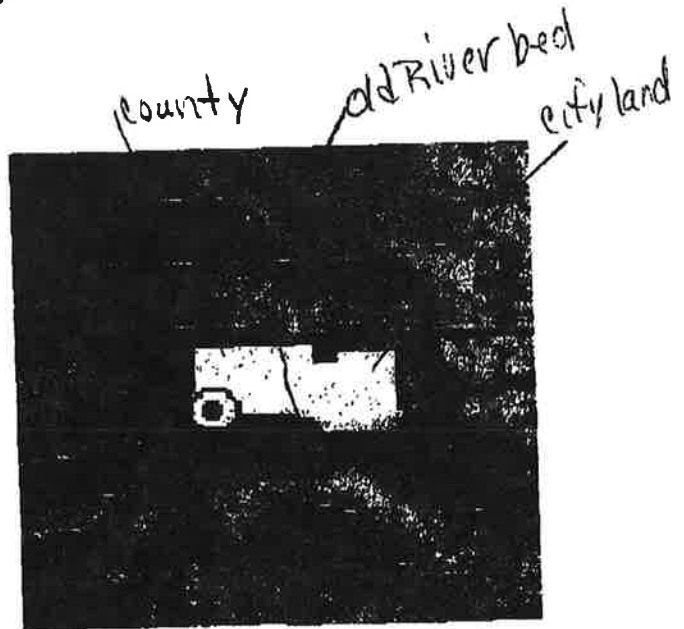
County Land:

(1867) 1867 Tindore/Indian (mailed papers 4-8-03)
 1902 M Jenkins
 1922 Marius Bush
 1944 (A-6) Armond Hall
 1988 Samuel Wanner

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



GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: P. Meyer
 Date: December 2002

City land:

(1867) Tindore/Indian
 1902 M. Jenkins
 1922 Marius Bush
 1936 Howard Curzon
 1948 Samuel Wanner

rec'd
April 21

You received our letter dated April 6th 03 stating
I no longer wanted our water right date changed
from 1940 to 1902

claim responding to your letter dated May 9, 2003
Below I have listed the chain of title for
both the City & County Tabor area, approx 7 acres
of land

original allot

Tee-emb or Feeemb Tindore 1902

County land

City land

1867 Tindore (Native American)

1867 Tindore

mailed papers 4-8-03

1902 M. Jenkins

1902 M. Jenkins

1922 Marcus Bush

1922 Marcus Bush

1944 A.G. Hall

1936 Howard Curson

1988 Samuel Wanner

1948 Samuel Wanner

Eva Marcell Wanner

I will Send through Mail
with Notary Public

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 29-11078
Date Received: 4/19/1990
Receipt No: C016401
Received By:

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

1. Name of Claimant(s)

MARCELL C WANNER Phone: (208)775-3385

PO BOX 82
INKOM ID USA 83245

2. Date of Priority: ~~05/01/1940~~ June 14, 1867

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	21	NW SE SW	BANNOCK	

5. Description of diverting works:

PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	0.2

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 7

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	36E	21	SE SW	IRRIGATION	4

Samuel → Marcell Wanner

820613

2-1

57

PERSONAL REPRESENTATIVE'S DEED

For value received, Eva Marcell Wanner, the Grantor, as qualified Personal Representative of the Estate of Samuel Wilson Wanner, deceased, filed as probate no. SP-3643, in Bannock County, Idaho, does hereby grant, bargain, sell and convey unto Eva Marcell Wanner, whose current address is Box 82, Inkom, Idaho, the Grantee, the following described premises in Bannock County, Idaho, to wit:

Lot 4 in Block 2 in Eagle Addition to Inkom, lying and being in the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section 21, Township 7 South Range 36 E.B.M. in Idaho, and also lots 5, 6 and 7 in Block 2, and all of Block 3 of said Eagle Addition to Inkom, according to the Official Plat of said Eagle Addition to Inkom, on file in the Office of the County Recorder of Bannock County, Idaho, and found of record in Book "A" of Plat Books, page 36 of said records.

and:

Tract in the SE 1/4 of the SW 1/4, Tax 70, 3.64 acres, Section 21, Township 7 South, Range 36 East, Country Property in Inkom.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor, as Personal Representative of the Estate of Samuel Wilson Wanner, does hereby covenant to and with the said Grantee, that she is authorized to convey title, as Personal Representative of the Estate of Samuel Wilson Wanner, of said premises; that they are free from all

2-2

820613

58

incumbrances, except as stated hereinabove, and that she will warrant and defend the same from all lawful claims whatsoever.

Eva Marcell Wanner
EVA MARCELL WANNER, as
Personal Representative of the
Estate of Samuel Wilson Wanner

STATE OF IDAHO)
 : ss.
County of Bannock)

On the 24th day of October, 1986, before me a Notary Public in and for said State, personally appeared Eva Marcell Wanner, known to me to be the person whose name is subscribed on the foregoing instrument as personal representative of the Estate of Samuel Wilson Wanner, and acknowledged to me that she executed the same as such personal representative.

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

Sandra R. Payne
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
My commission expires: 1-26-94

(SEAL)

Notary Seal

820613

NO. 820613
MARTIN WARD
TEL OCT 24 P2:16

492

1949

Printed and For Sale by Gateway Printers, Inc., Pocatello

INDENTURE, made this 5th day of April in the year of
 ord, One Thousand Nine Hundred and forty-nine, between
 Robert J. Southworth and Alice B. Southworth,
 of Inkom, County of Bannock, State of Idaho

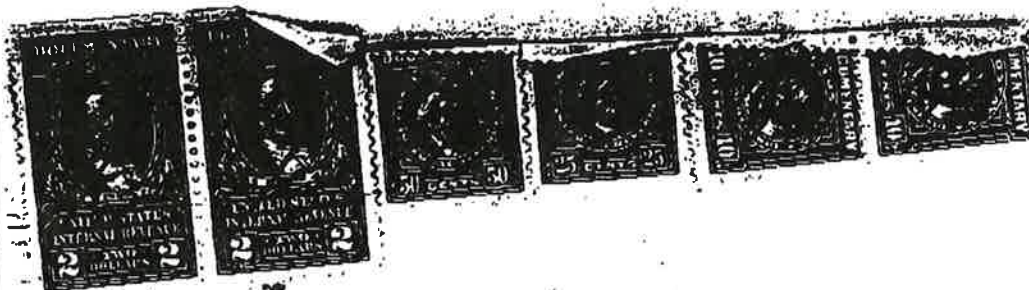
the parties of the first part, and
 Sam W. Wanner,

of Inkom, County of Bannock, State of Idaho,
 the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of

One (\$1.00) DOLLARS,
 lawful money of the United States of America, and other valuable consideration
 second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bar-
 gain, Sell and Convey and Confirm unto said party of the second part, and to his heirs
 and assigns forever: All that certain lot, piece or parcel of land situate, lying and
 being in the County of Bannock, State of Idaho; bounded and more particularly
 described as follows, to-wit:

Lot 4 in Block 2 in Eagle Addition to Inkom, lying and being in
 the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SE $\frac{1}{4}$) of
 Section 21, Township 7 South, Range 36 E.B.M. in Idaho, and
 Also Lots 5, 6, and 7 in Block 2, and all of Block 3 of said
 Eagle Addition to Inkom, according to the Office Plat of said
 Eagle Addition to Inkom, on file in Office of County Recorder of
 Bannock County, Idaho, and found of record in Book "A" of Plat
 Books, page 36 of said records.



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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and
 privileges thereunto incident unto the said party of the second part, and to their heirs and
 assigns forever and the said parties of the first part, and their heirs
 the said premises in the quiet and peaceable possession of the said party of the second part,
 the said parties of the first part, and their heirs and

1186

Bush → Hall

STATE OF IDAHO)
COUNTY OF BANNOCK)

AFFIDAVIT

809917

I, A.G. Hall being first duly sworn depose and says:

Then I am a resident of Inkom, Idaho. That for the last (44) years, I have owned and possessed and paid taxes on the following described property

Tract in the SE ⁴SW
Tax 70 3.64 Acres
Section 21, Township 7 South, Range 36 E.B.M.
Country property in Inkom

That in March 1944 I bought the property along with other property from Mary A. Bush. The property mentioned above was not included on my deed. Said property has been owned and possessed by me since that time.

That I, A.G. Hall and Rowena Hall, husband and wife, described by adverse possession through using said land and paying the taxes and using it as my own. That no adverse claim has ever been made to said land.

Further Deponent sayeth not.

Dated this 23rd of March 1988.

A.G. Hall

Subscribed and sworn to before me this 23rd day of March 1988.

NOTARY SEAL

809917
NO. RECORDED
A. G. Hall
'88 MAR 23 PM 2:34

Shauna Hale
Notary Public
State of Idaho
My Commission expires:

4/13/93

480

3.00

(Land lost on Record until 1988)
Samuel Wanner bought land from ^{Mary} AG Hall in 1988
Warranty Deed included

Jenkins → Bush 29

UNCLASSIFIED NO. 150007

Handwritten: 2830

[illegible]

WITNESSETH that the said party of the first part, for and in consideration of love and affection, DOLEARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do hereby grant, bargain, sell and convey and confirm unto said party of the second part, and to his heirs and assigns forever, ALL that certain Lot, Piece, or parcel of land situate, lying and being in the County of Boone, State of Idaho, bounded and more particularly described as follows, to-wit:

Beginning at the northeast corner of the Southeast quarter of the southeast quarter of Section 21, Township 7 South, of Range 38 East of the Boise Meridian, thence N100 East, more or less, East on the south 1/4 line of said Section 21, to the east bank of the Portland River; thence South 500 feet, more or less to the North boundary line of the Oregon Short Line Railroad right of way; thence in an Easterly direction along said line Railroad right of way, thence North 300 feet, more or less, more or less, along said Oregon Short Line Railroad right of way to the Southwest corner of Tax All; thence North 300 feet, more or less, along the East boundary line of Tax All; to the Northwest corner of Tax All; thence East 340 feet along the North boundary line of Tax All; thence North 200 feet to the point of beginning, all being a tract in the SW 1/4 of Section 21, Township 7 South of Range 38 East Boise Meridian, containing 7.66 acres, more or less.

the southeast quarter of the southwest quarter of Section 10,
the southeast quarter of the northeast quarter of Section 19, Township
7 South, Range 56 East, 60th Meridian;

11.00, beginning at the North quarter corner of Section 28, Town-
ship 7 South, Range 36 East, Boise Meridian; thence south 89° 01' East 698 feet more or
less to the easterly boundary of the Indian land road; thence Northeast-
erly parallel to the tangent of center line of the Indian land road, 90
feet more or less to North boundary of said Section 28, thence East 78°
30' 00" North 1087 feet to the Northwest corner of the Northwest quarter of the
Northwest quarter of said Section 28, thence South 1087 feet, thence in
a Northeasterly direction 1240 feet more or less to a point on the sec-
tion center line of said Section 28, thence North 511.5 feet to place
of beginning, containing 16.76 acres more or less, all in Section 28,
Township 7 South, Range 36 East, Boise Meridian.

Also, beginning at a point 300 feet westerly from the intersection of the south boundary line of the Oregon tract line right of way with the

Worldisland corner line of Section 21, Township 7 South, Range 70 East Boise, Meridia, thence easterly along said right of way line met Boise Meridia, thence easterly along said east 1/4 section line of said more or less to the intersection with the west 1/4 section line of said section 21; thence south 910 feet more or less to the southeast corner of the center of quarter of the northeast quarter of said section 21, thence east 798 feet more or less to intersection with westerly boundary of Indian Creek Road, thence northeasterly parallel to the tangent of center line of the Indian Creek road 650 feet more or less to place of beginning, containing 20 acres more or less, all in section 21, township 7 south, range 70 east, excepting from said tract all existing rights of way.

also, Northwest quarter of the Southwest quarter Section 38, Township 7 South, Range 38 E.S.2. Southwest quarter of the Southwest quarter Section 38 Township 7 South Range 38 E.S.2. Northwest quarter of the Northwest quarter Section 38, Township 7 South, Range 38 E.S.2.

also, under the act of 1906, sec. 1, 34 Stat. 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Jenkins → Bush 1929

meridional center line of Section 21, Township 7 South, Range 35 East, thence southerly along said right of way 1200 feet more or less to the intersection with the East 1/16th line of said Section 21; thence south 910 feet more or less to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 21, thence East 798 feet more or less to intersection with the Easterly boundary of Indian Creek Road, thence northeasterly parallel to the tangent of center line of the Indian Creek Road 856 feet more or less to place of beginning, containing 20 acres more or less, all in Section 21, Township 7 South, Range 35 East. Excepting from said lands all existing rights of way.

Also, Northwest quarter of the Southwest quarter Section 28, Township 7 South, Range 36 S.B.M. Southwest quarter of the Southwest quarter Section 28 Township 7 South Range 36 S.B.M. Northwest quarter of the Northwest quarter Section 35, Township 7 South, Range 36 S.B.M.

Also, Tract 37 of R.R. Map No. 1, 2.50 acres, Sec. 28, T. 7 S., R. 36 S.B.M., more particularly described as follows:

Beginning at a point 3 rods East of N.E. corner of Sec. 28, T. 7 S., R. 36 S.B.M., thence running southeasterly direction 129 yards to the crest of hill thence running in a northeasterly direction a distance of 287 yards to a point 34 rods East of the place of beginning, thence West 34 rods to the place of beginning, containing 2.50 acres.

M. M. Bush
Harry A. Bush

THIS CONVEYANCE is delivered and accepted for the purpose of making the property herein described the sole and separate property of the grantee, Marius M. Bush, and of making the rents, issues and profits thereof the sole and separate property of the said Marius M. Bush.

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

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident unto the said party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons who may, lawfully claim or to claim the same, shall and will warrant and by these presents forever defend.

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

Signed, Sealed and Delivered in the presence of
Marius M. Bush (Seal)
Harry A. Bush (Seal)

STATE OF IDAHO,
County of Bannock.) ss:

On this 3rd day of December, in the year 1929, before me Thos. C. Coffin, a Notary Public in and for said County and State, personally appeared Marius M. Bush, sometimes known as M. M. Bush, and Harry A. Bush, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Seal)

Thos. C. Coffin
Notary Public for Idaho.
Residence Pocahello, Idaho.

I hereby certify that this instrument was filed for record at the request of M. M. Bush at 05 minutes past 12 o'clock P.M., this 21 day of April A.D. 1930, at my office and duly recorded in Book 64 of Deeds at page 108.

Lillian Sponberg, Recorder Fee \$1.50

INSTRUMENT NO. 190689

THIS INSTRUMENT, made this 14th day of April, 1930, between HARRY W. MASON, SON, the Sheriff of Bannock County, State of Idaho, party of the first part, and BERTHA L. KERR of Pocahello, Bannock County, State of Idaho the party of the second part.

WHEREAS, A Judgment and Decree of Foreclosure and Sale was rendered and entered in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, on the 19th day of March, 1929, in an action then pending in said Court in favor of BERTHA L. KERR as plaintiff, and against G. T. BRISKEILL and AMES L. BRISKEILL, Defendants and an execution and order of sale issued out of and under the seal of the said District Court reciting the material parts of said Judgment and Decree, duly attested on the 19th day of March 1929, and to the Sheriff of Bannock County, State of Idaho, directed and to HARRY W. MASON as such Sheriff delivered on the 19th day of March 1929, commanding and requiring him as such Sheriff

ALLOTMENT CARD

Allotment No. 15

Original Allottee

Tee-emb or Fee emb Tindore

Legal Description

SE/4 SW/4 Sec. 21, NE/4 NW/4 Sec. 2E, T 7 S, R 36 E B M

EO

Acres

STATE OF OWNERSHIP

Died: 4/5/1916

Original ()

Probate No. 27875-18

Heirship (x)

Relinquished in lieu ()

Certificate of Competency

Fractional Owners

I.I.M. No.	Al. No.	Name	ID or An. Number	Share
		Hevedore Tindore	husband	1/3
		Chauncey Tindore	son	2/15
		Lorenzo Tindore	son	2/15
		William Tindore	son	2/15
		Pattish Edmo	daughter	2/15
		Sam Deepwater	son-1	2/15
Heirs of Pattish Edmo, Probate 81034-19				
		Gidgeon Edmo	husband	1/3 of 2/15 or 2/45
		Nerv Edmo Fixey	daughter	1/3 of 2/15 or 2/45
		Pearl Edmo	daughter	1/3 of 2/15 or 2/45

Note: Above heirs sold entire 60 acres to M.L. Bush. 3-1-22

Patent # 889996

misc deed book

Vol. 17, pg 398

Vol 44 pg 117

Jan 23, 1923

allot # 15

File No. 889996-22
815 44-22

STATE OF IDAHO,)

(SS.

Bannock County.)

1902

TO ALL CONCERNED:--Notice is hereby given:-- That Martha Jenkins, of Robin, of the County of Bannock and State of Idaho, hereby claims the use of the waters of that certain spring, un-named, to the extent or amount of one half cubic foot per second of time situate about 200 yards in a south-westerly direction from the north-west corner of the north-east quarter of the north-east quarter of Section 33 in Township 9 South of Range 36 E.B.M., said waters are intended to be diverted and have been diverted for the 11 years last past, from the above described point and at which said point a copy of this notice is posted.

The waters above described are intended to be used and have been used for the 11 years last past for agricultural and domestic purposes upon the east-half of the south east quarter of Section 28 and the west-half of the south-west quarter of Section 27 in Township 9 South of Range 36 East of the Boise Meridian in Idaho, containing 160 acres. The said waters have been diverted and are intended to be diverted and conducted to, upon and over the above described lands by means of one ditch about one-half mile in length running from the above described point of diversion in a general north-easterly direction, and having its terminus in the south-east quarter of Section 28 above described.

STATE OF IDAHO,)

Bannock County.) SS.

TO ALL CONCERNED:-- Notice is hereby given:-- That Martha Jenkins, of Robin of the County of Bannock and State of Idaho, hereby claims the use of the waters of that certain spring, un-named to the extent or amount of one half of one cubic foot per second of time situate about 200 yards in a south-westerly direction from the north west corner of the north-east quarter of the north-east quarter of Section 33 in Township 9 South of Range 36 E.B.M., said waters are intended to be diverted and have been diverted for the 11 years last past, from the above described point and at which said point a copy of this notice is posted.

The waters above described are intended to be used and have been used for the 11 years last past for agricultural and domestic purposes upon the east half of the south-east quarter of Section 28 and the west-half of the south-west quarter of Section 27 in Township 9 South of Range 36 East of the Boise Meridian in Idaho, containing 160 acres.

The said waters have been diverted and are intended to be diverted and conducted to, upon and over the above described lands by means of one ditch about one-half mile in length running from the above described point of diversion in a general north-easterly direction, and having its terminus in the south-east quarter of the south-east quarter of Section 28 above described.

The works for the diversion and distribution of the waters above described have been fully completed and in use for the 11 years last past, and this notice is posted and a copy thereof filed in the office of the State Engineer for the State of Idaho, and recorded in the office of the County Recorder for Bannock County, Idaho, for the purpose of making of record the Claimant's right and title thereto.

Witness the hand of Claimant at Robin, Bannock County, Idaho, this 28th day of June, A.D.

Martha Jenkins,

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

04/04/2003

WATER RIGHT NO. 29-288C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARSH VALLEY JOINT SCHOOL DISTRICT # 21 PO BOX 180 ARIMO, ID 83214
Original Owner	EDWIN SORRELL

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>Volume</u>
IRRIGATION	4/01	11/01	0.35 CFS	
Total Diversion			0.35 CFS	

6

Three Thousand Five Hundred Dollars

A. G. Hall
the grantor , do hereby grant, bargain, sell and convey unto

Sam Wanner
the grantee , whose current address is
the following described premises, in

Box 82
Inkom, Idaho 83245
Bannock

County Idaho, to-wit:

— TR SE4SW4 Tax 70 3.64 AC
— S21-T7S-R36E
COUNT PROP IN INKOM

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:

A.G. Hall S.W. Wanner

STATE OF IDAHO, COUNTY OF
On this 27th day of May , 19 88,
before me, a notary public in and for the said State, per-
sonally appeared
A.G. Hall and S.W. Wanner

STATE OF IDAHO, COUNTY OF

record at

NO. **813175**
RECORDED AT REC-155 16

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 29-11078
Date Received: 4/19/90
Receipt No: C016401
Received By:

COPY

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARCELL C WANNER Phone: (208) 775-3385

PO BOX 82
INKOM ID USA 83245

2. Date of Priority: 05/01/1940

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	21	NW SE SW	BANNOCK	

5. Description of diverting works:

PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.12	
STOCKWATER	01/01	12/31	0.02	0.2

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 7

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	21	SE	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:

CLAIM AMENDED 4/9/01 TO ADD STOCKWATER AS USE PER CLAIMANT INDICATION ON ORIGINAL CLAIM. CSAXTON

15. Basis of Claim: Beneficial Use

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.

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: A29-11078
Date Received: 4/19/1990
Receipt No: C016401
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARCELL C. WANNER 208-775-3385
Address: P.O. BOX 82
INKOM, ID 83245

2. Date of Priority: MAY 01, 1940

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	36E	21	NW	SE	SW		BANNOCK

5. Description of diverting works:
PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

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

9. Non-irrigation uses:
INCIDENTAL STOCK USE, 3 HORSES, 5 COWS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	36E	21	SE	SW		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho

County of _____

)
) SS.
)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

JUN 15 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

RECEIVED
JUL 9 1990

Ident. Number: A29-11078
Date Received: 4/19/1990
Receipt No: C016401
Received By:

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARCELL C. WANNER
Address: P.O. BOX 82
INKOM, ID

208-775-3385

83245

2. Date of Priority: MAY 01, 1940

3. Source: PORTNEUF RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	36E	21	NW	SE	SW		BANNOCK

5. Description of diverting works:
PUMP WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION ^{mw} AND stock water	03/15	11/15	0.120		

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

A.F.A.

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

9. Non-irrigation uses:

S/ STOCK DRINK FROM CREEK

3 horses 5 cows or steers ^{mw}

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	36E	21	SE	SW		IRR	4 ^{mw}
			SE	SW		STOCK	

11. Place of use in counties: BANNOCK

A29-11078

Page 1

Date: 06/13/90

MICROFILMED
NOV 16 1992

A2911078



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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Marcell Warner Date: July 6, 1990

Date: _____

State of Idaho)
County of Bannock) SS.

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

of July 19 90

Carol Broadie
Notary Public

Seal

Residing at Mc Cammon

My Commission Expires 9-26-94

MICROFILMED
NOV 1 8 1992



MCCAMMON EXIT 10 MI.
MADRID CITY 44 MI.

Good in