

06/27/2003

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

RIGHT NUMBER: 29-11300

NAME AND ADDRESS: JERI ARMSTRONG
9021 GIBSON JACK
POCATELLO ID 83204

BARTON ARMSTRONG
9021 GIBSON JACK
POCATELLO ID 83204

SOURCE: GIBSON JACK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: ~~0.14~~ 0.150 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION:

T07S R35E S17 NWSWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	~~0.14~~ 0.150 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S17 SWSW 4.6 5.5

STOCKWATER same as IRRIGATION

4.6 5.5 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: Beneficial Use

12/26/2002

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

RIGHT NUMBER: 29-11300

NAME AND ADDRESS: JERI ARMSTRONG
9021 GIBSON JACK
POCATELLO ID 83204

BARTON ARMSTRONG
9021 GIBSON JACK
POCATELLO ID 83204

SOURCE: GIBSON JACK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.140 CFS

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

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION:

T07S R35E S17 NWSWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.140 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S17 SWSW 4.6

STOCKWATER same as IRRIGATION

4.6 ACRES TOTAL

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

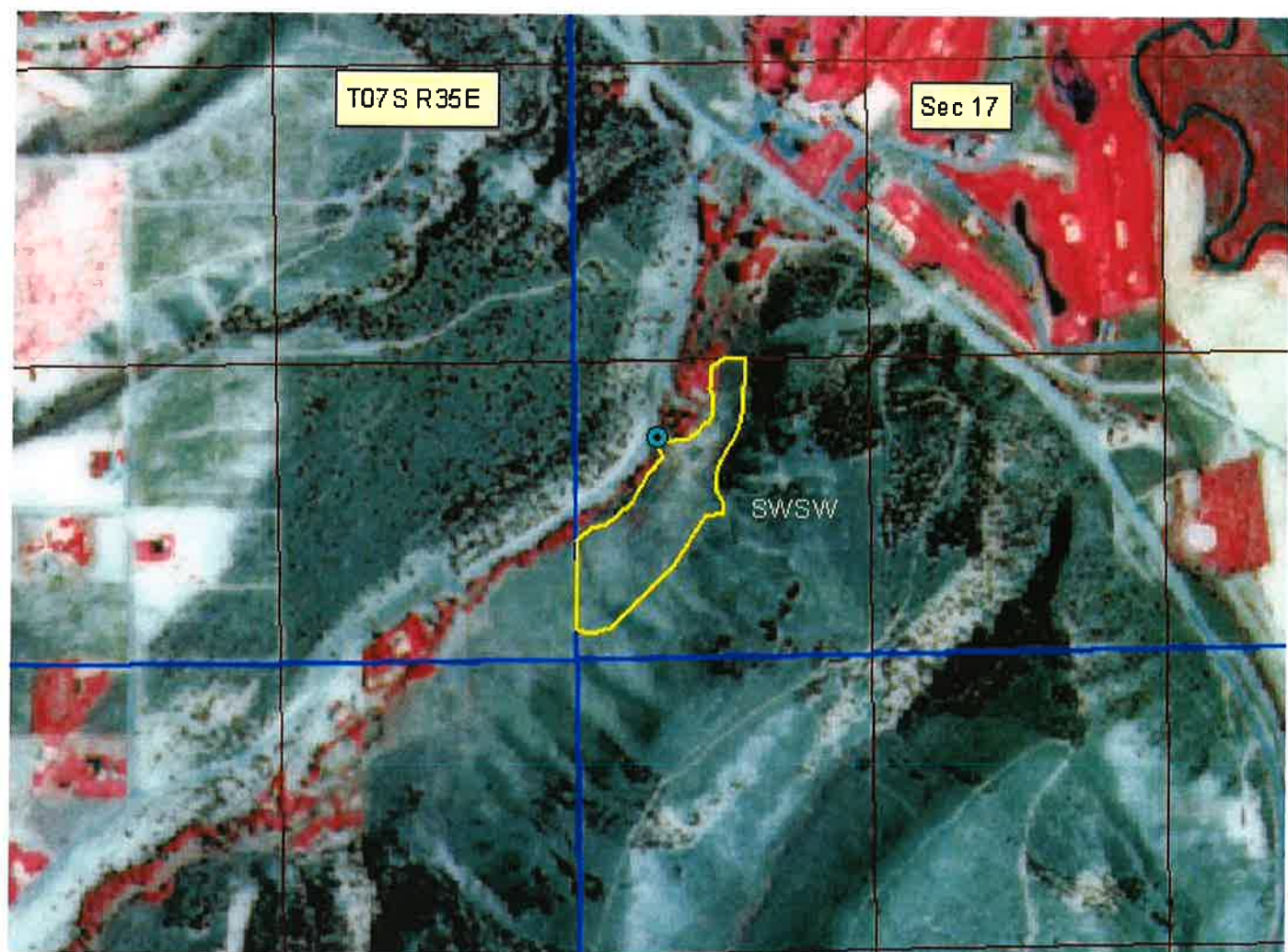
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THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

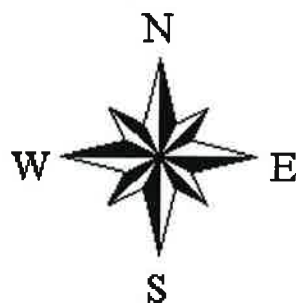
DEPARTMENT OF WATER RESOURCES

Claim No.: 29-11300



0 1320 2640 3960 Feet

-  Point of diversion.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-11300

NAME AND ADDRESS:

BARTON ARMSTRONG
9021 GIBSON JACK
POCATELLO ID 83204

JERI ARMSTRONG
9021 GIBSON JACK
POCATELLO ID 83204

SOURCE: Source: Tributary:
GIBSON JACK CREEK PORTNEUF RIVER

QUANTITY: 0.150 CFS

The quantity of water under this right for stock water use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION:

T07S R35E S17 NWSWSW Within BANNOCK County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	0.150 CFS
	STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION within BANNOCK County
T07S R35E S17 SWSW 8.0 ~~T07S R35E S17 SWSW 5.5~~
STOCKWATER Same As IRRIGATION
8 ACRES TOTAL ~~5.5 ACRES TOTAL~~

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

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

The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

July 8, 2003

Ernest Carlsen
Water Rights Supervisor

RECEIVED

JUL 10 2003

Department of Water Resources
Eastern Region

Dear Ernest,

Greetings! If you look at the original source of water for Smith and Elkhorn Livestock right, it originally came from Gibson Jack and Mink Creek. After the city put the weir in, all of Smith's water came from Mink Creek. Then the canal that serviced Smith was filled in for Mink Creek Road and Smith's source went back to Gibson Jack. In 1990, Nan Ingram (AC Ingram's wife) stated to me that Smith promised to deed them the February 26, 1869 water right to their property when it was paid for. In May of 1950, the property was paid off but Mr. Smith had already died and his widow, Dorothy Smith, refused to deed this water right over to the Ingrams. The Ingrams filed beneficial usage right of 1939. Nan Ingram was quite clear that this property, plus the current Worth and Farrington property, were all watered by Gibson Jack Creek before and after they had purchased from Smith. I have waited since the early 90's for adjudication to resolve this matter. I hired Rocky Mountain Engineering to calculate my irrigated acreage. I have enclosed this plat so you can see what they have come up with. I do not try to water what Ingrams watered, yet my true irrigated land at present is more than 5.5 acres. The Worths and I have fought the City of Pocatello for many years to receive water for our ground. Since the 1993 Federal mandate on above ground culinary treatment and the city's abandonment of the creek for the Riverside Golf Course, things are getting better. Please call if you have any questions.



Barton Armstrong
9021 Gibson Jack
Pocatello, ID 83204
(208) 233-0404

An aerial photograph of a rural landscape. A large, irregularly shaped area in the lower-left quadrant is shaded in a darker tone and outlined with a thick black line. This area is labeled with the text 'ARMSTRONG IRRIGATED AREA 8.9 ACRES'. Above this shaded area, there is a cluster of small, light-colored rectangular structures, possibly farm buildings or houses, surrounded by some trees. The rest of the landscape is a mix of light-colored, textured ground (possibly fields or dry vegetation) and darker, more dense patches of trees or shrubs. Two white circular marks are visible at the top of the image, likely from hole punches in a document.

ARMSTRONG
IRRIGATED AREA
8.9 ACRES

AJ5809NP
No. A29-12527

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERI ARMSTRONG	04/01/1939	IRRIGATION	01-15 11-15	0.35 CFS	
C	BARTON ARMSTRONG		STOCKWATER	01-01 12-31	0.02 CFS	
	9021 GIBSON JACK					
	POCATELLO ID 83204					
	(208) 233-0404					
				TOTAL DIVERSION:	0.35 CFS	
				CONSUMPTIVE USE:		17.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R35E S17 SWSW

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	:	
07S	35E	17	:					:					:					:					:	17.5

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	35E	17	:					:					:					:					:	S

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 12 HEAD COWS, 12 HEAD CALF, 3 HORSES

Other Rights: A29-11300

Remarks: WELLS HAVE BEEN USED WHEN GIBSON JACK CREEK FLOW DROPS TOO LOW
TO WATER FROM, BUT THEY HAVE NEVER BEEN FILED ON. WHEN THE CREEK
RUNS, WE TAKE IT FOR IRRIGATION, BUT IT DOESN'T USUALLY RUN YEAR
ROUND (THE LAST FEW YEARS).

City always took it

Dates: Exam Made Date: Verified Date:

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

RECEIVED
JUL 10 2000
Department of Water Resources
Eastern Region

March 20, 1995

Dave Carlson
900 N. Skyline Dr.
Idaho Falls, ID 83202-1718

Mr. Dave Carlson:

Concerning water right A-29-11300. First we will follow the chain of title for the property with water rights A29-00263A, A29-04273 & A-29-11300. Enclosed please find 3 separate files marked Worth, Farrington & Armstrong.

If you follow the deeds on all 3, you will find that these 3 pieces of property all came from Elkhorn Livestock & Dairy Company and that Elkhorn Livestock & Dairy won a decree in court June 5, 1926 case #39576 with a water right number of A29-00263A for these properties.

Armstrong

My property was purchased in 1939 from Smith (Estate of Elkhorn Livestock & Dairy) with final payment & deed on May 29th, 1950. In 1990 this property was deeded to Armstrong (present owner, myself).

Worth

In January 1937, Smith (Estate of Elkhorn Livestock & Dairy) deeded to Hayden who turn deeded in September 1956 to Worth (present owner).

Farrington

In January 1970, Dorothy Smith (widow of G.O. Smith-Estate of Elkhorn Livestock & Dairy). Deeded to Dorothy Farrington that deeded to Ralph Farrington (present owner).

Historically the water out of Gibson Jack creek has been used on all three of these properties & was appurtenant to every piece of land. Before Ingram purchased from Smith in 1939, the land was irrigated pasture and after Ingrams purchased it continued to be irrigated. In the early 1950's, G.O. Smith died and shortly after that Ingram went to water resource to put February 26, 1869 water right in their name.

Dept. of Water Resources
page 2

Mrs. Smith (G.O. Smiths Widow) still owned piece now owned by Farrington & was uncooperative and inturn with G.O. Smith deceased, the Ingram had to file for the beneficial use date April 1, 1939 when they purchased this property. Also, G.O. Smith deeded to Hayden (who deeded 6.8 acres to Worth) also deed 25.84 acres to Carlile who intern deeded to myself (Armstrong). Worth & Farrington have no more than 3 acres each that are irrigated land I (Armstrong) have approximately 10 to 12 acres irrigated.

Armstrong - Owns 61.62 Acres

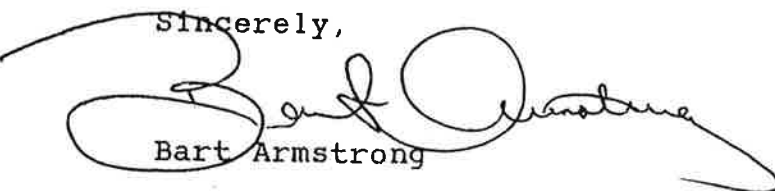
Worth - Owns 6.8 Acres

Farrington - Owns 14.85 Acres

Both Worth & Farrington have more allotment than they have usage for. Water right #A29-00263 was historically provided water from Mink Creek & not Gibson Jack. (See attached claim) This claim is from Juniper Hills Country Club. For the years that I (Armstrong) have owned the Gibson Jack property, the creek has provided ample water to myself, Worth, Farrington and the City of Pocatello for partial irrigation. This property was first owned by an Indian by the name of Gibson Jack.

Feel free to contact me for any questions or documentation you may need. I feel that my right is the 1869 right & since the water shares did not get divided correctly that the adjudication board should do now. In 1992, Worth was going to transfer part of their right to me but Mr. Jones said it would have to be resolved thru adjudication.

Sincerely,



Bart Armstrong



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 27, 2003
Barton Armstrong
9021 Gibson Jack
Pocatello ID 83204

RE: Claim 29-11300

Dear Bart:

In response to your Notice of Error Reply, enclosed is a revised Preliminary Director's Report for right number 29-11300 and a new layout.

Changes on the new Preliminary Director's Report are 5.5 irrigated acres with 0.15 cfs as a rate of diversion. The field boundary on the layout shows the location of the new acreage. This was taken from an Aug 1998 aerial photo. Earlier aerial photos either show no irrigation or the irrigated field boundaries are not discernable.

I have read through the documents included with the claim looking for references to irrigation from Gibson Jack Creek. I failed to find any refer to irrigation from Gibson Jack Creek in the warranty deeds. Only the 1937 Elkhorn Livestock and Dairy Company Warranty Deed mentions irrigation and it specifies irrigation was from Mink Creek. This would have been for irrigation below or north of the old highway. Of the statements from individuals the earliest reference to irrigation from Gibson Jack Creek is by Elaine Ingram Kniffin. She states "To best of my knowledge our property was farmed and irrigated out of Gibson Jack Creek since 1945 or 1946." Therefore, I left the priority date as previously recommended.

If you have new evidence for either the irrigated acres or the priority date please submit it to me at this office. Be sure to reference the claim number.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor

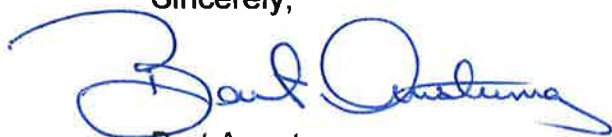
Enclosures (2)

Roger

Item A

I have shown evidence of use and priority with deeds from Smith to myself for February 26, 1869 water right. My current priority date April 1, 1939 beneficial use right is of record. You now send proposed date of April 1, 1945 and reduce irrigation to 4.6 acres. I irrigate the original amount of land that the previous owner irrigated and it is approximately four times the 4.6 acres you propose. I do not believe your goal is to accurately determine the historical water right. Enclosed is aerial of Farrington, Worth and my property with irrigation areas highlighted in green. My property has been farmed and watered from when Elkhorn Livestock owned it to the present. The use of water on my property has never changed, only the deeded owners. My property is the largest irrigated piece within Worth, Farrington and Armstrong claims and I believe you should establish the historical use and right. All water rights for my property were not transferred with the deed, thus Farrington and Worth end up with all the water rights and no land which to use the right for. I ask for your attention to this matter.

Sincerely,



Bart Armstrong

RECEIVED

MAR 06 2003

Department of Water Resources
Eastern Region

Ernie & I will go
Call me to go to
Come up this feed but
over to right for
going for some bread
was a little bit
extra for the
on bread for
corrected

Ernie back on irrigate
I cut the city
address when for city
look water is way
your map is 1987
off to see for
Hill the city
present the
-000 the

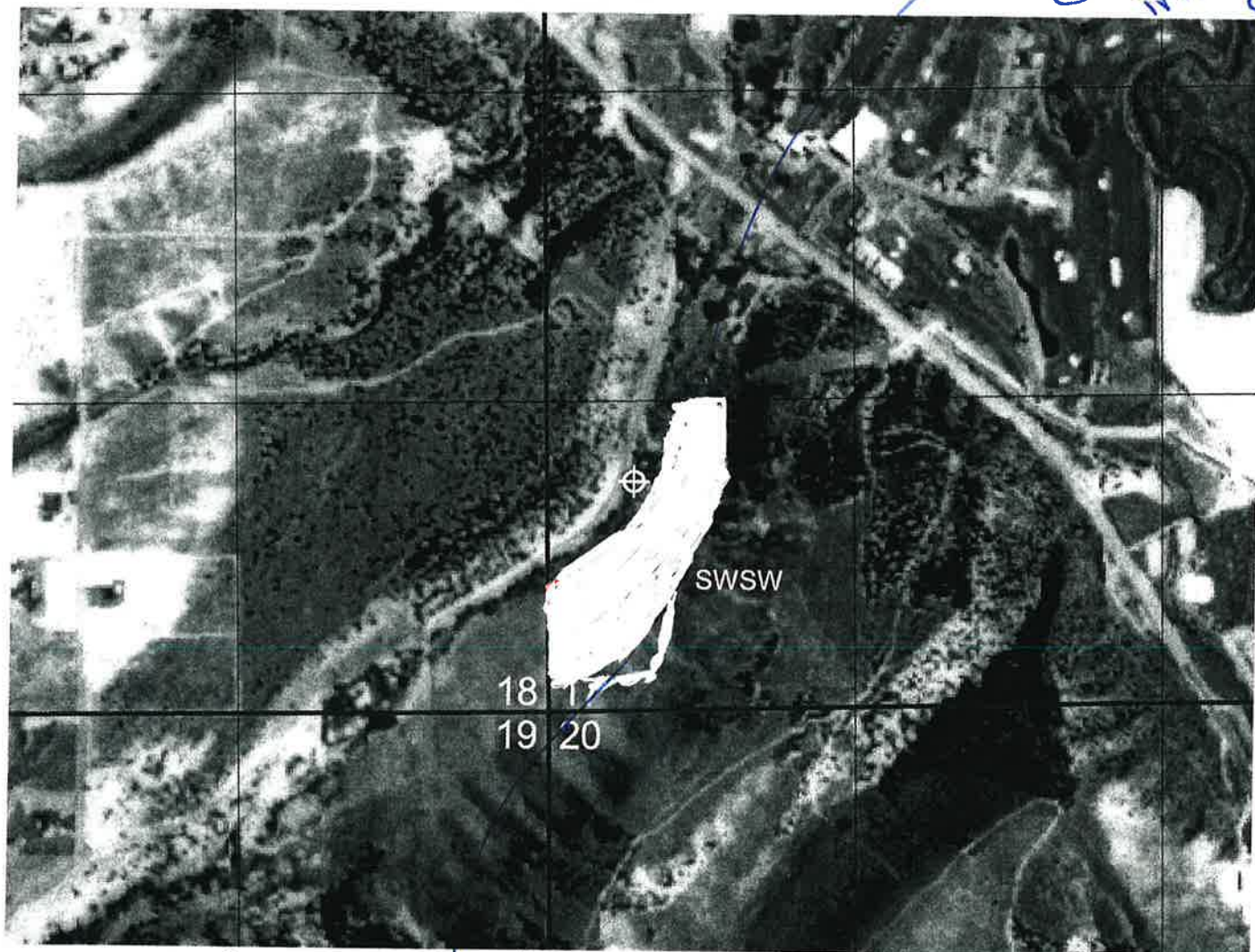


Department of Water Resources

Claim No.: 29-11300

Twp 07S, Rge 35E

This is current irrigated acreage

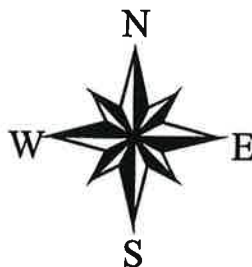


0 1320 2640 3960 Feet

I use to water this section

Irrigated Acres = 4.6

Place of use.shp
Diversion.shp
Sections
QQ



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

NOTICE OF ERROR
REPLY

RECEIVED

MAR 06 2003

Department of Water Resources
Eastern 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: 29-11300

JERI ARMSTRONG
9021 GIBSON JACK
POCATELLO, ID 83204
Telephone Number: (208) 233-0404

BART ARMSTRONG
9021 GIBSON JACK
POCATELLO, ID 83204
Telephone Number: (208) 233-0404

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

My priority date at present is 4/01/1939. I believe it should be 2/26/1869.

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

See attached memo Item A – 2/26/1869 priority.

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

See attached memo Item A

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

DATE: 3-3-03 SIGNATURE: Bart Armstrong

Please print your name: Bart Armstrong

George C. Guinn
Pocatello, ID
208-237-1961

A F F I D A V I T

I am George C. Guinn age 72. When I was 15 to 16 years old, I worked for Elkhorn Dairy at the bottom of Gibson Jack Creek, and in 1939 AC Ingram purchased a parcel of land on Gibson Jack. I later married Belva Ingram, AC Ingrams daughter. In 1953 & 1954, I farmed Ingrams property. I raised hay & the land was irrigated out of the Gibson Jack Creek by a sprinkler system.

George C. Guinn

STATE OF IDAHO, COUNTY OF

On this 17th day of March, 1995,
before me, a notary public in and for said State, personally
appeared

George C Guinn

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

B. J. O. Guinn
Notary Public
Residing at P.O. Box 2744
Comm. Expires 4-1-1998
Pocatello, Idaho

March 20, 1995

Dave Carlson
900 N. Skyline Dr.
Idaho Falls, ID 83202-1718

Mr. Dave Carlson:

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Dept. of Water Resources
page 2

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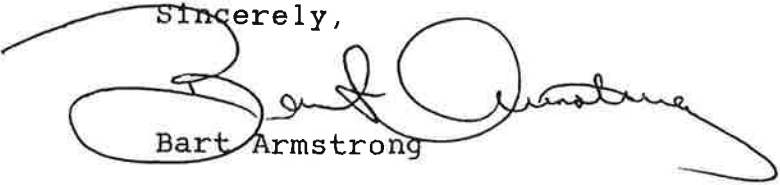
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Sincerely,



Bart Armstrong

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERI ARMSTRONG	04/01/1939	IRRIGATION	01-15 11-15	0.35 CFS	
C	BARTON ARMSTRONG		STOCKWATER	01-01 12-31	0.02 CFS	
	9021 GIBSON JACK					
	POCATELLO ID 83204					
	(208) 233-0404					
				TOTAL DIVERSION:	0.35 CFS	
				CONSUMPTIVE USE:		17.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R35E S17

SWS

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		
07S	35E	17	:					:					:					:					:	17.5

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	35E	17	:					:					:					:					:	

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, 12 HEAD COWS, 12 HEAD CALF, 3 HORSES

Other Rights: A29-11300

Remarks: WELLS HAVE BEEN USED WHEN GIBSON JACK CREEK FLOW DROPS TOO LOW TO WATER FROM, BUT THEY HAVE NEVER BEEN FILED ON. WHEN THE CREEK RUNS , WE TAKE IT FOR IRRIGATION, BUT IT DOESN'T USUALLY RUN YEAR ROUND (THE LAST FEW YEARS).

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

SD-34

Source: GIBSON JACK CREEK

Basin: 29

STATE

Water Right No.	Current Owner Last, First	S T G	Priority Date	Tributary	# Records Total Diversion	8 Use Code Desc
A29-00263A	FARRINGTON, RALPH	D	02/26/1869	PORTNEUF RI	0.100	01 IRR
A29-04273	WORTH, GRANT T.	D	02/26/1896	PORTNEUF	0.230	01 IRR
	WORTH, NORMA H.		1869			04 STOCK
A29-10838	LAMBERT, JOSEPH J.	J	08/08/1967	PORTNEUF RI	0.020	43 DOMEST
	LAMBERT, THERESA A.					
A29-10959	BROWER, HANNAH M	J	12/10/1953	PORTNEUF RI	0.040	43 DOMEST
						04 STOCK
A29-11300	ARMSTRONG, BARTON	J	04/01/1939	PORTNEUF RI	0.160	01 IRR
	ARMSTRONG, JERI					04 STOCK
A29-04222	CITY OF POCA TELLO,	S	06/16/1898	PORTNEUF RI	7.000	40 MUNI
R29-10838	LAMBERT, JOSEPH J	J	08/08/1967	PORTNEUF RI	0.020	43 DOMEST
	LAMBERT, THERESA A					
R29-10959	BROWER, HANNAH M	J	12/10/1953	PORTNEUF RI	0.040	43 DOMEST
						04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

ITX101	TAX MASTER INQUIRY		YEAR--->	[1992]	[INQUIRE]	[12/14/92]
Parcel[R4013017200] Option[00]			----- Market Value -----		--- Tax Information ---	
----- Name /address -----			Mkt. Value	141,667	Tax	1,837.74
ARMSTRONG, BART			Homeowners	50,000	Specials	30.00
P O BOX 2744			Hardship		Total Tax	1,867.74
			Net Value	91,667	Circ Brk	.00
			- Parcel Information -		Tax Bill	1,867.74
POCATELLO ID			Code Area	003600		
832060000			Bill Number	R02482	Payments	.00
			Prev Parc		Cancels	.00
			Bank Code	FSBA	Tax Due	1,867.74
----- Legal Description -----			Loan#			
TR SW4SW4 TAX 103 35.78 AC			Hms ARMSTRONG, BARTON		Paid date	/ /
S17-T7S-R35E			Deed 90005452		Notf=N Ta=	
			Old Deed		Packet #1-	#2-
			Property Type	RR	Delinq Taxes	
			Hardship Flag		Year 1992	.00
			Hardship Pct.	0.00	Year 1991	.00
			Circ. Brk. Code		Year 1990	.00
009021 W GIBSON JACK			Map Number		Year 1989	.00

No 'TO' device
Press ENTER to clear

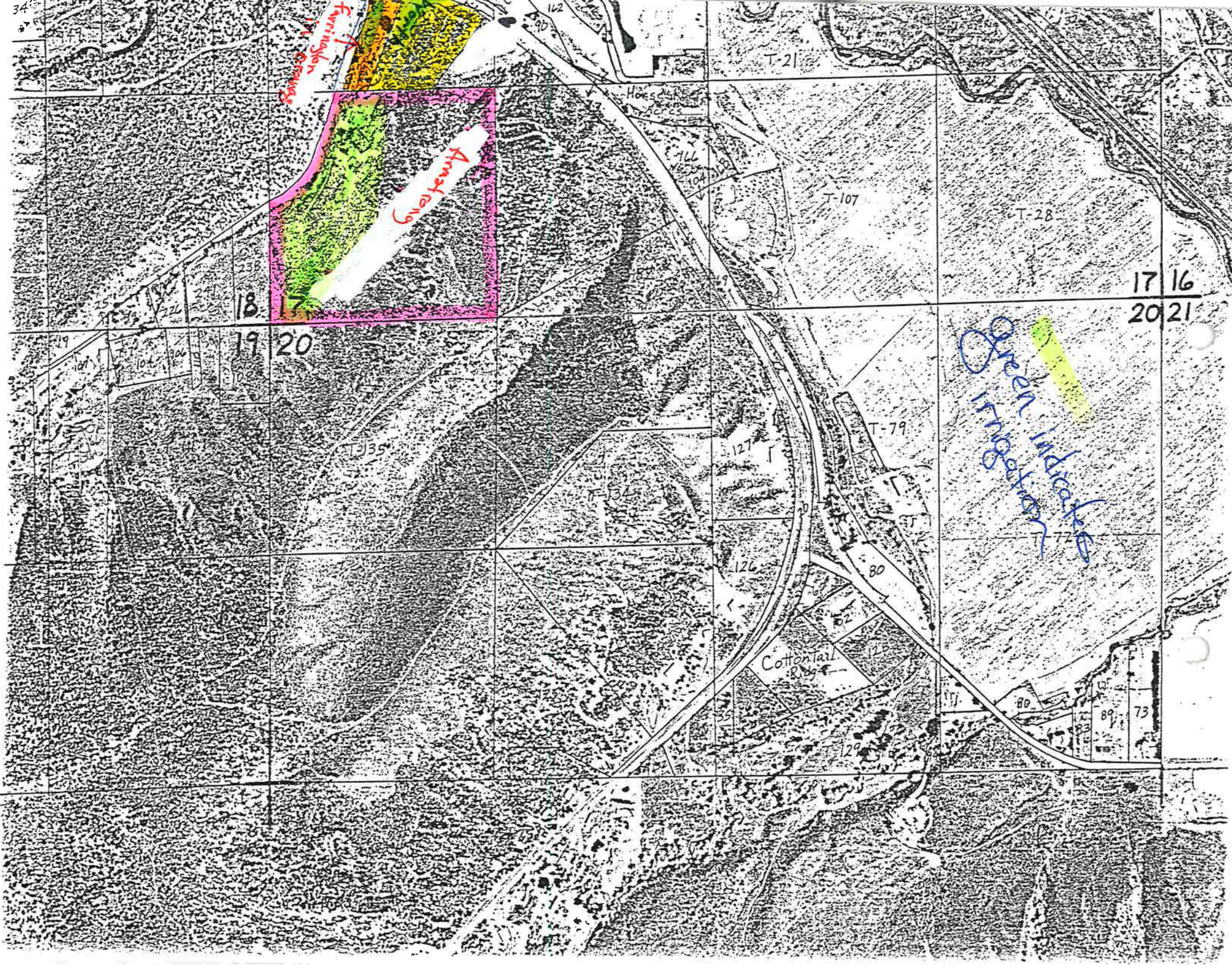
90 005452 (35.78ac)
 372928 (35.78ac) BK 163
 273405 (40ac) BK 109 Pg. 253
 191640 (80ac. SWSW & SESW)
 BK 73 Pg. 623
 106956 (40ac SWSW)
 BK 48 Pg 592

Grantee
 Armstrong
 Van Sengen
 AC Sengen

Geo. L. Smith

Elkhorn Livestock &
 Dairy Co.

Deeds to Armstrong

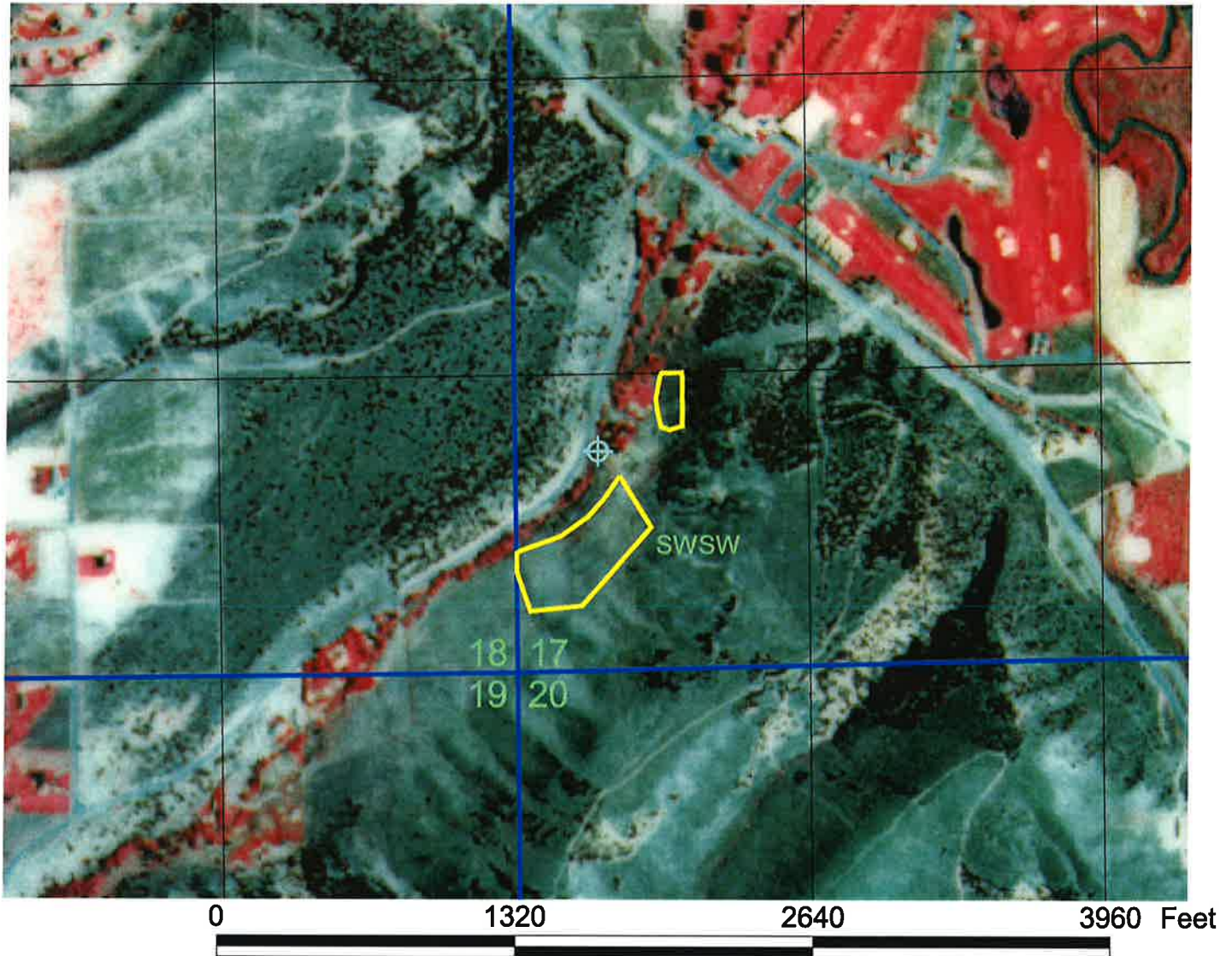




Department of Water Resources

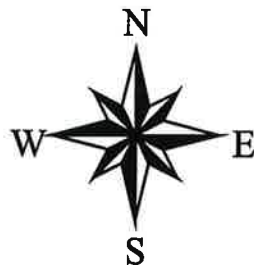
Claim No.: 29-11300

Twp 07S, Rge 35E



Irrigated Acres = 4.6

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



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



6-24-02 : 29-04092 Domestic PD'd

: This claims a B-use Basis. but letter from claimant says it should be a Decreed right from the Mink Creek decree.

: This is Related to 29-00263A. need to find out how water

: Not within the Decreed POU - Treat as B-use

9-18-02 : Pump Info: Berkeley
FE

: 10 HP

ESU: P0591

4" outlet - Runs 3" lines

1) Gray Pump white
Intake + Outlets

2) POU - Green field

JUN 15 2001

Log for claim A29-11300

Spatial Dynamics BTD

9/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	17	SWSW	7	4.7	
Totals:			7	4.7	

4/9/01 Going to need Research. Poss dispute.

Audit: 04/12/90 DCARLSON 09/23/91 THOMPSON 03/29/95 POST-STD

March 20, 1995

Dave Carlson
900 N. Skyline Dr.
Idaho Falls, ID 83202-1718

Mr. Dave Carlson:

Concerning water right A-29-11300. First we will follow the chain of title for the property with water rights A29-00263A, A29-04273 & A-29-11300. Enclosed please find 3 separate files marked Worth, Farrington & Armstrong.

If you follow the deeds on all 3, you will find that these 3 pieces of property all came from Elkhorn Livestock & Dairy Company and that Elkhorn Livestock & Dairy won a decree in court June 5, 1926 case #39576 with a water right number of A29-00263A for these properties.

Armstrong

My property was purchased in 1939 from Smith (Estate of Elkhorn Livestock & Dairy) with final payment & deed on May 29th, 1950. In 1990 this property was deeded to Armstrong (present owner, myself).

Worth

In January 1937, Smith (Estate of Elkhorn Livestock & Dairy) deeded to Hayden who turn deeded in September 1956 to Worth (present owner).

Farrington

In January 1970, Dorothy Smith (widow of G.O. Smith-Estate of Elkhorn Livestock & Dairy). Deeded to Dorothy Farrington that deeded to Ralph Farrington (present owner).

Historically the water out of Gibson Jack creek has been used on all three of these properties & was appurtenant to every piece of land. Before Ingram purchased from Smith in 1939, the land was irrigated pasture and after Ingrams purchased it continued to be irrigated. In the early 1950's, G.O. Smith died and shortly after that Ingram went to water resource to put February 26, 1869 water right in their name.

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NOV 14 1990

Dept. of Water Resources
page 2

Mrs. Smith (G.O. Smiths Widow) still owned piece now owned by Farrington & was uncooperative and inturn with G.O. Smith deceased, the Ingram had to file for the beneficial use date April 1, 1939 when they purchased this property. Also, G.O. Smith deeded to Hayden (who deeded 6.8 acres to Worth) also deed 25.84 acres to Carlile who intern deeded to myself (Armstrong). Worth & Farrington have no more than 3 acres each that are irrigated land I (Armstrong) have approximately 10 to 12 acres irrigated.

Armstrong - Owns 61.62 Acres

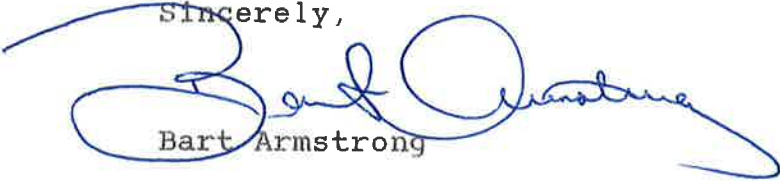
Worth - Owns 6.8 Acres

Farrington - Owns 14.85 Acres

Both Worth & Farrington have more allotment than they have usage for. Water right #A29-00263 was historically provided water from Mink Creek & not Gibson Jack. (See attached claim) This claim is from Juniper Hills Country Club. For the years that I (Armstrong) have owned the Gibson Jack property, the creek has provided ample water to myself, Worth, Farrington and the City of Pocatello for partial irrigation. This property was first owned by an Indian by the name of Gibson Jack.

Feel free to contact me for any questions or documentation you may need. I feel that my right is the 1869 right & since the water shares did not get divided correctly that the adjudication board should do now. In 1992, Worth was going to transfer part of their right to me but Mr. Jones said it would have to be resolved thru adjudication.

Sincerely,



Bart Armstrong

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NOV 14 1994

George C. Guinn
Pocatello, ID
208-237-1961

A F F I D A V I T

I am George C. Guinn age 72. When I was 15 to 16 years old, I worked for Elkhorn Dairy at the bottom of Gibson Jack Creek, and in 1939 AC Ingram purchased a parcel of land on Gibson Jack. I later married Belva Ingram, AC Ingrams daughter. In 1953 & 1954, I farmed Ingrams property. I raised hay & the land was irrigated out of the Gibson Jack Creek by a sprinkler system.

George C. Guinn

STATE OF IDAHO, COUNTY OF

On this 17th day of March, 1995,
before me, a notary public in and for said State, personally
appeared

George C Guinn

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

[Signature]
Notary Public

Residing at P.O. Box 2744
Comm. Expires 4-1-1998

Poc, Idaho

ENCLOSURE
NOV 14 1995

Elaine Ingram Kniffin
3599 N. 2600 E.
Twin Falls, ID 83301

A F F I D A V I T

I am Elaine Ingram Kniffin, my parents purchased property in Gibson Jack in 1939. To best of my knowledge our property was farmed & irrigated out of Gibson Jack Creek since 1945 or 1946.

Elaine Ingram Kniffin

STATE OF IDAHO, COUNTY OF

On this 17th day of March, 1995,
before me, a notary public in and for said State, personally
appeared

Elaine Ingram Kniffin

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

Paula O. O'Connell

Notary Public

Residing at P.O. Box 2744, Pocatello, Idaho
Comm. Expires 4-1-1998

RECORDED
NOV 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

SEPTEMBER 23, 1991

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

C FORSMAN REALTY WORLD
FOR BARTON AND JERI ARMSTRONG
1424 YELLOWSTONE SUITE A
POCATELLO ID 83206

RE: CHANGE IN OWNERSHIP FOR A29-11300 AND A29-04092

Dear Mr. Forsman:

The request for Change in Ownership concerning your clients' Notices of Claim in the above reference has been processed and the Notices modified to reflect your clients as the new owners.

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

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

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

MICROFILMED

NOV 16 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
SEP 18 1991

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

DATE OF CLOSING: 4-30-90

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 35 E 8m
Section 17, SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A29-11300 & A29-04092
- ☐ Name and Address of Former Owner/Claimant(s) (Seller): Man Ingram 70 Belva Guinn
Rt 2 Box 50
Poc Ida 83202
- ☐ New Owner/Claimant (Purchaser): Barton & Jeri Armstrong
- ☐ New Mailing Address: 9021 Gibson Jack
Poc, Ida 83204
- ☐ New Telephone Number: (208) 233-0404
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: (yes) Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Barton Armstrong Date 9-14-91
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

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NOV 16 1992

1190

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by BELVA M. GUINN, as Personal Representative of the estate of NANCY RACHEL DAVIS INGRAM, deceased, Grantor, to BART ARMSTONG, whose address is P. O. BOX 2744, Pocatello, Idaho 83206. AND JERI M. ARMSTRONG

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case No. SP-3681, in the Magistrate Division of the Sixth Judicial District, Bannock County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Bannock County, Idaho:

Township 7 South, Range 35 E. B. M., Bannock County, Idaho
Section 17: SW1/4SW1/4 Less all that portion of SW1/4SW1/4
Section 17, lying Northwest of the Northwesterly right of
way line of Gibson Jack Road.

EXECUTED this 30 day of April, 1990.

Belva M. Guinn

BELVA M. GUINN
Personal Representative of the
Estate of Nancy Rachel Davis
Ingram, deceased.

STATE OF IDAHO)
County of Bannock)

ss.

On the 30th day of April, 1990, before the undersigned Notary Public, personally appeared BELVA M. GUINN, known to me to be the Personal Representative of the Estate of Nancy Rachel Davis Ingram, and acknowledged to me that she executed the same as such Personal Representative.

Michael Anderson

Notary Public for Idaho
Residing at: Pocatello, Idaho
My Commission Expires:

(Notary Seal)

Notary Seal

1/20/92

NO. 90005452
RECORDED
AMERICAN LAND TITLE CO.
90 MAY -1 P2:12
NOV 14 1996

PERSONAL REPRESENTATIVE'S DEED

-1-

3.00

521

.../lw

RECEIVED
SEP 18 1991

1-75028DD
90005452

Department of Water Resources

PERSONAL REPRESENTATIVE'S DEED

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Belva M. Guinn

BELVA M. GUINN
Personal Representative of the
Estate of Nancy Rachel Davis
Ingram, deceased.

STATE OF IDAHO)
) ss.
County of Bannock)

On the 30th day of April, 1990, before the undersigned Notary Public, personally appeared BELVA M. GUINN, known to me to be the Personal Representative of the Estate of Nancy Rachel Davis Ingram, and acknowledged to me that she executed the same as such Personal Representative.

Michael Anderson

Notary Public for Idaho
Residing at: Pocatello, Idaho
My Commission Expires:

(Notary Seal)

Notary Seal

1/20/92

NO. 90005452
RECORDER AT REQUEST OF
AMERICAN LAND TITLE CO.
'90 MAY -1 P2:12

PERSONAL REPRESENTATIVE'S DEED

-1-

MICROFILMED

NOV 6 1992
FEE 3.00

WARRANTY DEED

This Indenture, Made this twenty-ninth day of May in the year of Our Lord One Thousand Nine Hundred and Fifty (1950), between

George L. Smith and Dorothy W. Smith, husband and wife,
of Pocatello, County of Bannock, State of Idaho, the parties of the
first part and A. C. Ingram

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

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
ONE (\$1.00)

DOLLARS,

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 and for other valuable considerations, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All those certain lots, 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:

The Southwest Quarter of the Southwest Quarter of Section seventeen (17), the Southeast Quarter of the Southeast Quarter of Section Eighteen (18), and the Northeast Quarter of the Northeast Quarter of Section nineteen (19), Township seven (7) South, Range Thirty-five (35) East of the Boise Meridian, in Idaho, according to the Official Plat of the survey of the said lands, returned to the General Land Office by the Surveyor General.

This deed is given and accepted subject to all rights-of-way or easements as the same now exist over, across or upon said lands or any part or parcel thereof, and taxes for the years 1949 and 1950 and all subsequent years.

(U.S.L.R. \$1.60 Attached to Deed and Cancelled.)

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, 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 whomsoever, lawfully claiming 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

Theo J. Turner

George L. Smith

(SEAL)

Dorothy W. Smith

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Bannock

ss.

On this 29th day of May, in the year 1950, before me, Theo J. Turner a Notary Public in and for said County and State, personally appeared

George L. Smith and Dorothy W. Smith, 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)

Theo J. Turner Notary Public
Residence: Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of B.T.A.Co.,

at # minutes past Three o'clock P.M., this 2nd day of June, A.D. 1950.

Fee, 1.25 Anna Koefe, By Deputy,
Ex-Officio Recorder.

In Book 109 of Deeds, page 253.

new deceased; that the same was and is community property of said Hans P. Hansen and Sine Hansen, Deceased.
The said Sine Hansen died intestate on or about May 14, 1938, and that at the time of her death the said Hans P. Hansen was her husband, and that upon the death of the said Sine Hansen, all her right, title, interest, and estate in the lands and premises and property hereinafter described became vested in the said Hans P. Hansen, the surviving husband of said deceased, and that no other heirs at law, or any person or persons interested in the said estate, other than the said Hans P. Hansen, did, upon the death of said deceased, receive or become vested by descent, succession or otherwise of any right, title, interest or estate in the said lands or property, and that all of said lands and property is now vested in fee simple in the said Hans P. Hansen, free from any right, title or interest or claim by or on behalf of any other persons or person claiming under the said deceased.

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

The northeast quarter of section 26, township 10 south of range 40 east of the Boise Meridian, containing 160 acres, more or less. Together with all water and water rights belonging to, or based on or in connection with the said land, and especially including 100 shares of the capital stock of the Lost Chance Canal Company, Ltd., and 114-60/100 shares of the capital stock of the Merch Canal Company, Ltd.

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

WILLARD LUND
Probate Judge of Bannock County
Idaho.

(SEAL)

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

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

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

(SEAL)

Ruth Peterson
Clerk of the Probate Court

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

Anna Keefe, Recorder

Fee \$1.80

INSTRUMENT NO. 238504

WARRANTY DEED

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

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

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

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

MICROFILMED

NOV 14 1996

POOR ORIGINAL

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

All of that portion of the Southwest Quarter of the Southwest Quarter of Section 8, and all of that portion of the Northwest Quarter of the Northwest Quarter of Section 17, lying West and South of the Oregon Short Line Railroad Company right of way; All that portion of the Northeast Quarter of the Northwest Quarter of Section 17, lying West and South of the right of way of the Oregon Short Line Railroad Company right of way; The East twenty two acres of the Southwest Quarter of the Northwest Quarter of Section 17; The Southeast Quarter of the Northwest Quarter; The Northeast Quarter of the Southwest Quarter of Section 17; And also, Commencing at the South 1/16th corner on the West line of said Section 17, thence East along the South 1/16 line of the said Section 17, 561.2 feet to the point of beginning, thence N 23° 19' E. 591.0 feet, more or less to a point in the Southerly right of way line of the Bannock Hwy., said point being 53.3 feet southeasterly from a Bannock County Monument, which marks a point of tangency of the said right of way; thence Easterly along the said right of way line to an intersection with the west 1/16th line of the said Section 17, thence South along the said West 1/16th line 400 feet more or less to the SW 1/16th corner of said Section 17; thence West along the south 1/16th line of said Section 17, 750.0 feet more or less to the point of beginning; That portion of the Northwest Quarter of the Southwest Quarter of Section 17, lying North and East of the Bannock County Highway with the exception of a small strip of land heretofore deeded to George L. Smith, and said excepted land is more particularly described as follows to-wit: Commencing at the Southwest corner of Section 17, Township 7 South, Range 35, East Boise Meridian, thence North 17° 47' East, 1911.5 feet to the point of beginning, thence South 59° 40' East 49.3 feet; thence North 31° 55' East 251 feet; thence North 16° 34' East, 173.1 feet; thence North 50° 06' West, 60.0 feet; thence South 45° 30' West 127.0 feet; thence South 16° 02' West, 520.0 feet to the point of beginning, being a part of the NW 1/4 of Section 17, Township 7 South, Range 35, East Boise Meridian, and containing 2.52 acres, more or less; all the above described land being in Township 7 South, Range 35, East Boise Meridian; together with any and all water, water rights, dams, ditches, reservoirs now had and being enjoyed in connection with the above described lands; and particularly that certain Water right established by decree in the District Court of the Fifth Judicial District, State of Idaho in and for Bannock County, filed June 5, 1926 at 4:47 P.M. pertaining to the right and use of the water of Mink Creek and tributaries thereof and springs and sources of said tributaries wherein such amount and amounts of water of the date of appropriation or priority, and for the uses and purposes wherein such decreed waters may appertain to the above described lands. There is specifically reserved, however, unto George L. Smith, his heirs and assigns, an equal right to the reservoir and domestic waters, pipe line, and supply of said waters forever; and each owner in succession shall share equally in the maintenance of said water and pipe line. This deed being given subject to pole line easements and rights of way of the Bannock County Highway and any and all easements, rights of ingress and egress that may heretofore have been granted affecting said above described lands.

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

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

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

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

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

ATTEST:

Frank H. Smith
Its Secretary

(CORPORATE SEAL)

ELKHORN LIVESTOCK AND DAIRY COMPANY, a corporation

By G. L. Smith
Its President

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

James J. K. Smith
James K. Smith

Jessie Finlayson
Jessie Finlayson

Eliza B. Smith
Eliza B. Smith

POOR ORIGINAL

MICROFILMED
NOV 14 1956

Elle S. Smith
Elle S. Smith

T. Stacy Smith
T. Stacy Smith

STATE OF IDAHO)
County of Bannock) SS.

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

(SEAL)

Paul M. Bryan
Notary Public
Pocatello, Idaho Residence

STATE OF IDAHO)
County of Bannock) SS.

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

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

(SEAL)

Paul M. Bryan
Notary Public
Residence: Pocatello, Idaho

STATE OF IDAHO)
County of Bannock)

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

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

(SEAL)

Paul M. Bryan
Notary Public
Residence, Pocatello, Idaho

STATE OF IDAHO)
County of Bingham)

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

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

(SEAL)

Beth Rodgers
Notary Public
Residence Blackfoot, Idaho

RECORDED AUG 20 1945 3 07 PM in Book 55 of Deeds Page 343 RECORDS OF BANNOCK COUNTY STATE OF IDAHO, at request of BTA CO.

Anna Keefe, Recorder

Fee \$5.40

INSTRUMENT NO. 238616

IN THE PROBATE COURT OF BANNOCK COUNTY,
STATE OF IDAHO

IN THE MATTER OF THE ESTATE

of

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

ORDER SETTLING FINAL ACCOUNT
AND DECREE OF DISTRIBUTION

MICROFILMED

NOV 14 1996

POOR ORIGINAL

WARRANTY DEED

This Indenture, Made this Thirty-first day of May in the year of Our Lord One Thousand Nine Hundred and Thirty-seven, between ELKHORN LIVESTOCK & DAIRY COMPANY, a corporation of Pocatello, County of Bannock, State of Idaho, the party of the first part, and George L. Smith, of Pocatello, County of Bannock, State of Idaho, the part of the second part.

WITNESSETH: That the said part y of the first part, for and in consideration of the sum of One Hundred Dollars and other valuable consideration Dollars, lawful money of the United States of America, to it in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do ss by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said part y of the second part, and to his heirs and assigns forever: All those certain lots, 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:

The Southwest Quarter of the Southwest Quarter; the Southeast Quarter of the Southwest Quarter of Section 17, Township 7 South, Range 35 E. B. M. The Southeast Quarter of the Southeast Quarter of Section 18, Township 7 South, Range 35 East of the Boise Meridian. The North Half of the Northwest Quarter of Section 20, Township 7 South, Range 35 East of the Boise Meridian. The Northeast Quarter of the Northeast Quarter; East Half of the Southwest Quarter; Lots 3 and 4; Southwest Quarter of the Southeast Quarter of Section 19, Township 7 South, Range 35 East of the Boise Meridian.

Lots 1 and 2; East Half of the Northwest Quarter; West Half of the Northeast Quarter; Lots 3 and 4; West Half of the Southeast Quarter; Southeast Quarter of the Southwest Quarter; Northeast Quarter of the Southwest Quarter of Section 30, Township 7 South Range 35, East of the Boise Meridian.

Northeast Quarter of the Northwest Quarter; Lot 1, in Section 31, Township 7 South, Range 35 East of the Boise Meridian.

This deed is executed pursuant to a resolution adopted at a special meeting of the stockholders of said corporation and pursuant to unanimous consent of all of the stockholders.

(\$5.00 I. R. S. attached to deed and cancelled).

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and the rents, issues and profits thereof:

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

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Elkhorn Livestock & Dairy Co.

By

(CORPORATE SEAL)

George L. Smith, Press (SEAL)

Frank H. Smith (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Bannock

ss.

On this Thirty-first day of May, in the year 1937, before me, F. E. Tydeman a Notary Public in and for said County and State, personally appeared George L. Smith and Frank H. Smith, known to me to be the President and Secretary ~~known to me to be the President and Secretary~~ known to me to be the President and Secretary of the corporation that executed the within instrument, and acknowledged to me that such / corporate / act / executed the same.

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

F. E. Tydeman

Notary Public

Residence Pocatello, Idaho.

(SEAL)

I hereby certify that this instrument was filed for record at the request of Geo. L. Smith at 05 minutes past 11 o'clock A. M. this 1st day of June A. D. 1937 in Book 73 of Deeds, at page 623.
By Anna Keefe Ex-Officio Recorder.
Fee, \$ 1.20

INSTRUMENT NO. 106956

WARRANTY DEED.

This Indenture, Made this 31st day of March, in the year of our Lord
One Thousand Nine Hundred and Twenty four, between

D.C. Thacker and Florrie V. Thacker, husband and wife,
of Pocatello, County of Bannock, State of Idaho, the parties of the
first part, and

Elkhorn Livestock & Dairy Company, a corporation,
of Pocatello, 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 Dollar and other valuable considerations
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

by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to its successors
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:

The Southwest quarter of the Southwest quarter of Section Seventeen
and the Southeast quarter of the Southeast quarter of Section
Eighteen, and the Northeast quarter of the Northeast quarter of Section
Nineteen, all in Township Seven (7) South of Range thirty-five (35) E.B.M.

\$2.50 I.R.S. attached and duly cancelled.

Together with, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or otherwise 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 its successors and assigns forever. And the said parties of the first
part, and warrant the said premises in the quiet and peaceable possession of the said party of the second part,
its successors and assigns against the said party of the first part, and their heirs and against all and every
person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

D. C. Thacker, (SEAL)

Florrie V. Thacker. (SEAL)

STATE OF IDAHO,

County of Bannock, ss.

On this 1st day of April, in the year of 1924, before me, B. Marie Aukerman, husband and
a Notary Public in and for said County, personally appeared D.C. Thacker and Florrie V. Thacker,
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that
executed the same.

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

(SEAL)

B. Marie Aukerman,
Notary Public.
Residence, Pocatello, Idaho.

I hereby certify that this instrument was filed for record at the request of
at 30 minutes past 3 o'clock P.M., this
A.D. 1924

Elkhorn L. S. Co.
1 day of April

Fee, \$ 1.00

R. J. Earley

Ex-Officio Recorder.

by

L. Springberg,

Deputy.

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: A29-11300
Date Received: ~~4/12/1990~~
Receipt No: _____
Received By: _____

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

1. Name: ESTATE OF NAN INGRAM *Armstrong 40* 208-237-1961
Address: C/O BELVA MARTHA GUINN *9021 West Gibson Sack*
RT.2 BOX 50 *Poc 2da*
POCATELLO, ID 83201 *4*

2. Date of Priority: ~~APR 01, 1939~~ *2-26-1869*

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

4. Point of Diversion:

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

5. Description of diverting works:
PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	17				STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use
07S	35E	17	SW	SW		IRR

Acres	8.5
~~7.0~~	
Section Acres	8.5
~~7.0~~	
Total Acres	8.5
~~7.0~~	

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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: 1

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) [Signature] Date 4-21-04
Date _____

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

of _____, that I have signed the foregoing
Organization _____

document in the space below as _____ of _____
Title _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this

21st

day of April 2004



Notary Public [Signature]

Residing at OEABLE ID.

My Commission Expires 1-27-06

Please Print Name

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

Signature _____

Address _____

Date _____

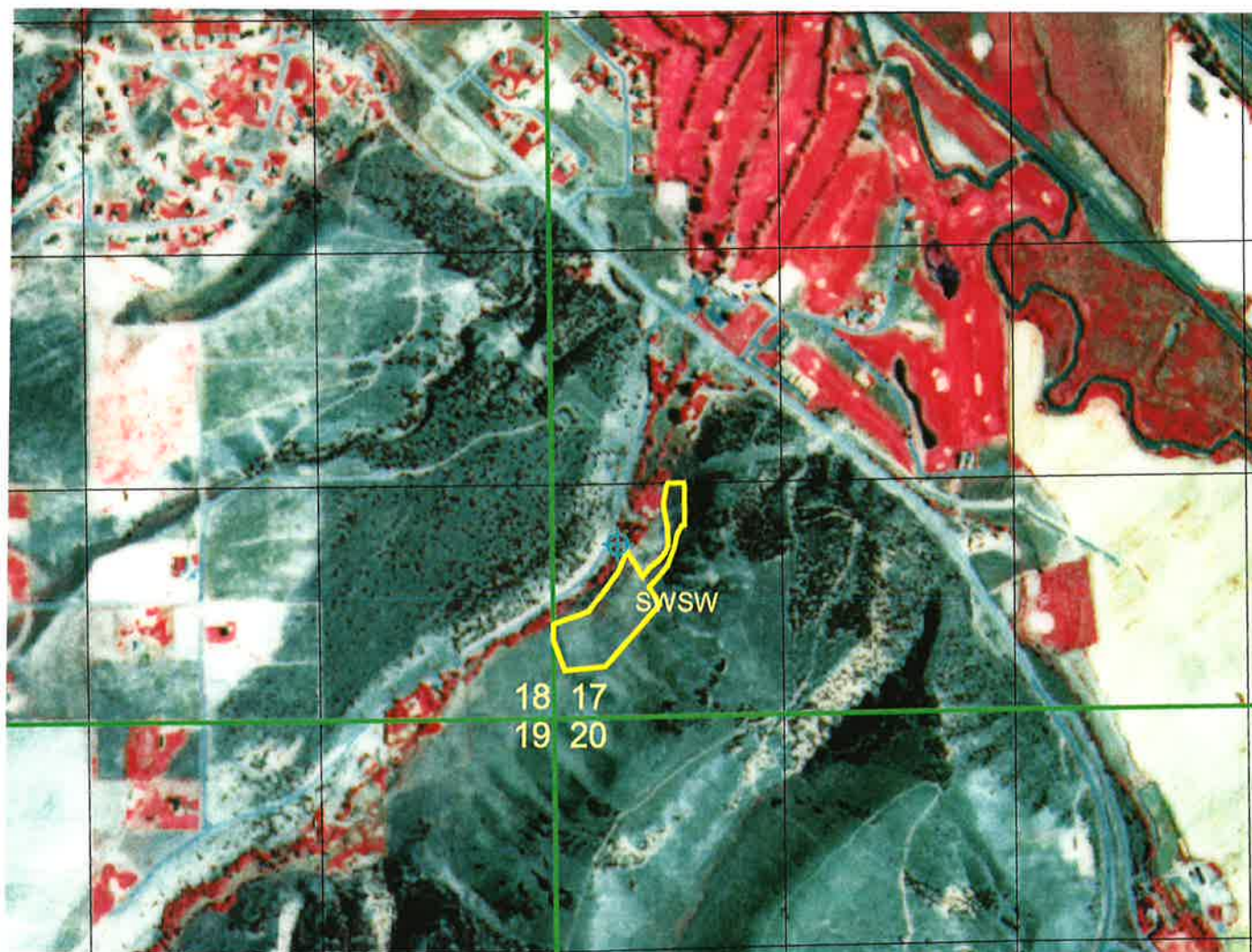
Last Name _____ Ident. Number _____



Department of Water Resources

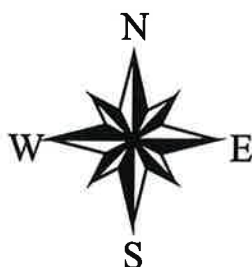
Claim No: 29-11300

Twp 07S Rge 35E



0 1320 2640 3960 5280 Feet

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



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

29-Armstrong POD Field Exam: 9/18/02



Looking SW at POD. Claimed POU to the left of picture. Gibson Jack Creek in picture (csaxton).



Looking East at claimed POU. Irrigation pipe can be seen in the picture (csaxton).

SCANNED
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

Ident. Number: A29-11300
Date Received: 4/12/1990
Receipt No: E013137
Received By: _____

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

1. Name: BARTON ARMSTRONG 208-233-0404
Address: 9021 GIBSON JACK
POCATELLO ID 83204

AND/OR

Name: JERI ARMSTRONG 208-233-0404
Address: 9021 GIBSON JACK
POCATELLO ID 83204

2. Date of Priority: APR 1, 1939

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

4. Point of Diversion:

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

5. Description of diverting works:
PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ STOCKWATER

MICROFILMED

NOV 16 1992

10. Place of Use:

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

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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 _____

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: A29-11300
Date Received: 4/12/1990
Receipt No: EO 3137
Received By: DE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ESTATE OF NAN INGRAM *Armstrong 40* 208-237-1961
Address: C/O BELVA MARTHA GUINN
RT.2 BOX 50
POCATELLO, ID 83202

2. Date of Priority: APR 01, 1939

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

4. Point of Diversion:

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

5. Description of diverting works:
PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	17				STOCK	

A29-11300

Page 1

Date: 04/12/90

MICROFILMED

NOV 16 1992



10. Place of Use: Continued

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

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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: 1

For Organizations:

I do solemnly swear or affirm that I am Personal Representative of

Estate of Nan Ingram
Organization

, that I have signed the foregoing document in the space below as Personal Representative

Estate of Nan Ingram
Organization

and that the statements contained in the

foregoing document are true and correct.

Delva Guinn
Signature of Authorized Agent

Estate of Nan Ingram
Title and Organization

April 12th 1990
Date

State of Idaho

County of Bonneville)
) SS.

Subscribed and sworn (or affirmed) before me this 12 day

of April 19 90

Glenn Carls
Notary Public

Seal

Residing at Heise, Id

My Commission Expires 2/26/96



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35E

Scar

MICROFILMED

NOV 16 1992