

06/05/2003

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

RIGHT NUMBER: 29-12020

NAME AND ADDRESS: PHILIP J FERGUS
PO BOX 143
DOWNEY ID 83234

SOURCE: ROWLEY CREEK

TRIBUTARY: SINKS

QUANTITY: 2.020 CFS

The amount of water diverted under this water right may not exceed 1/4 of the stream flow of Rowley Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHT NO. 29-00328B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T12S R36E S11 SWSNW 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	2.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R36E S11	SWNE	2.2	T12S R36E S11	SENE	34.0
T12S R36E S11	NESE	38.0	T12S R36E S11	NWSE	23.0
T12S R36E S12	NWSW	3.6			

100.8 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

01/22/2003

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

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NAME AND ADDRESS: PHILIP J FERGUS
PO BOX 143
DOWNEY ID 83234
SOURCE: ROWLEY CREEK TRIBUTARY: SINKS
QUANTITY: 2.020 CFS
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POINT OF DIVERSION:
T12S R36E S11 SWSNW Within BANNOCK County
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PERIOD OF USE:

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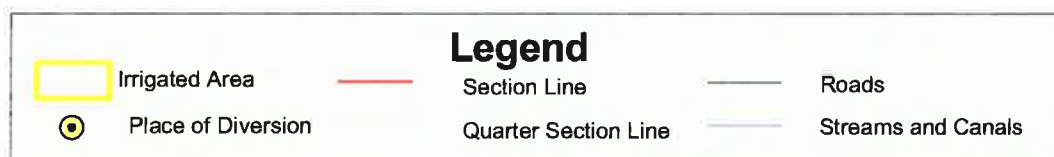
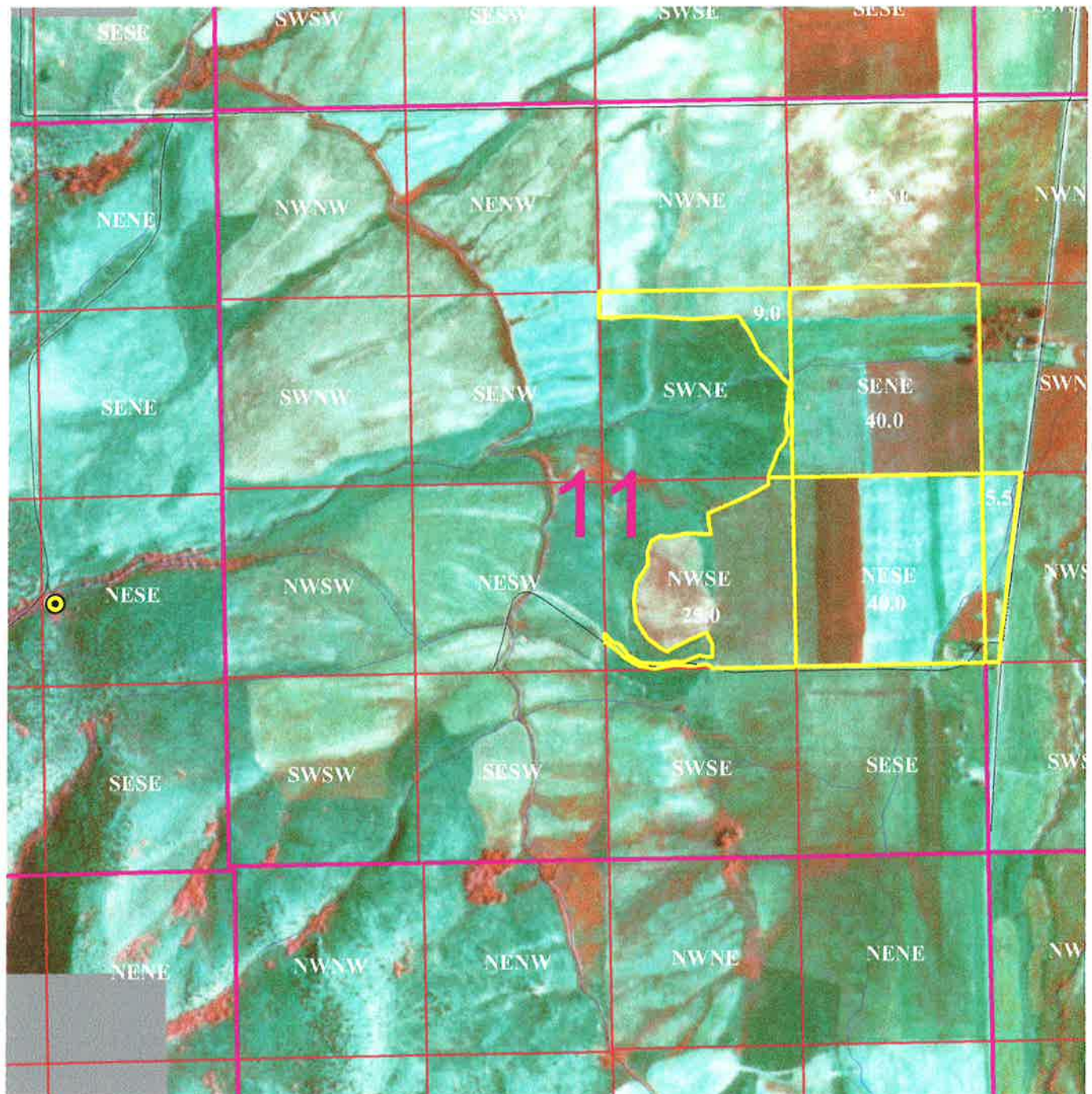
EXPLANATORY MATERIAL: Decreed

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PURSUANT TO SECTION 42-1425, IDAHO CODE.

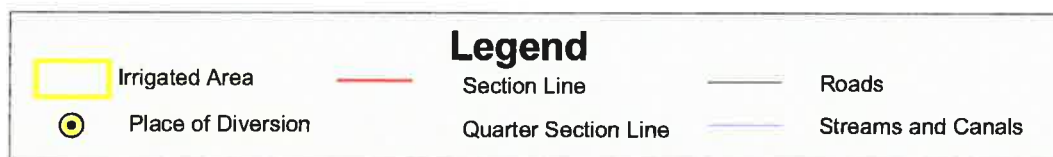
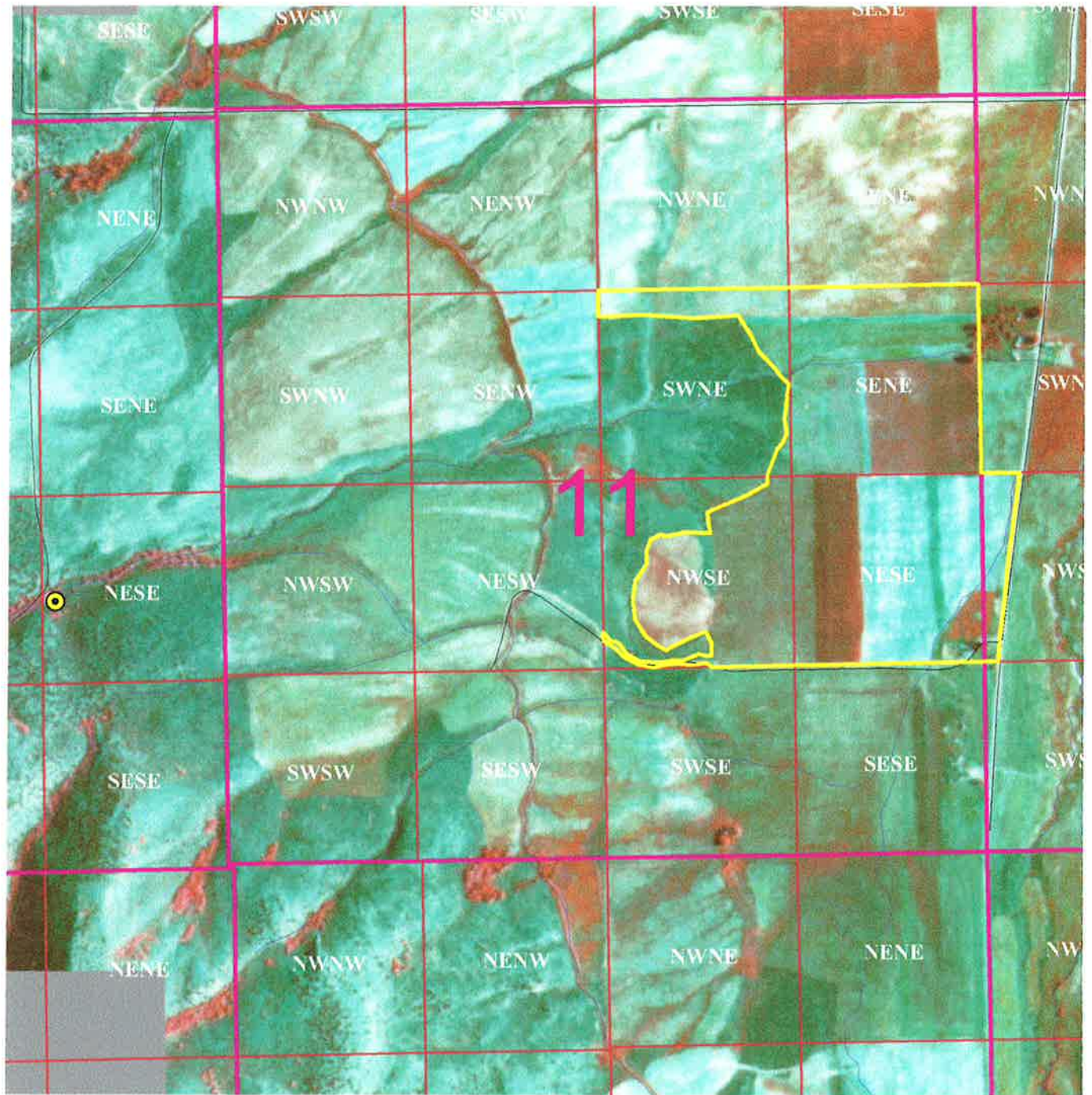
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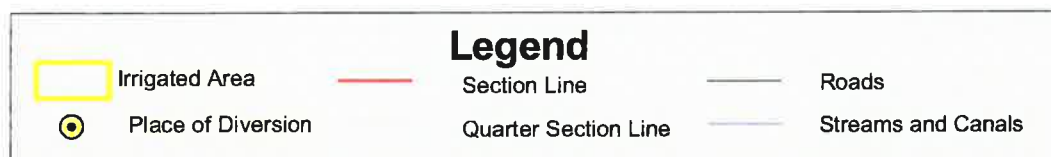
WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

Township , 12S36E



Township , 12S36E







STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
June 4, 2003

TO: Basin 29 Surface Water User

I am writing this letter to you as a courtesy to inform you that after review of the Department of Water Resource's preliminary recommendation for your water right(s), a quantity remark has been added. The quantity remark will reflect how your water right(s) was historically decreed in a prior decree. The prior decree recognized the quantity for your water right(s) as a fractional amount of the stream flow listed from the source on your water right. You can expect the Department's Director's Report, which is to be filed with the SRBA Court sometime in July, to include a quantity remark as follows:

The amount of water diverted under this water right may not exceed (*decreed percent or fraction*) of the stream flow of (*decreed source*) at the point of diversion described above at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

The information in parentheses and italics will reflect whatever fraction and source is correct for your water right(s).

If you disagree with the inclusion of this quantity remark in your water right, you will be able to file an objection with the SRBA Court. A Notice of Filing Director's Report will be mailed to you along with the Director's Report for your water right(s) sometime in July. This Notice will outline the deadlines and process for filing an objection to your water right(s).

If you have any further questions regarding this matter, you can contact me at 208-327-7900.

Very truly yours,

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Allen Ruberry
CMM/pm

Claim No.	Claimant	Fract.	Q by Rec	Acres	Stream	Remarks
Phillips vs Edwards Decree, 1924..... Rowley Creek						
29-11242	Wm Phillips	1/2	1.50	75.0	Rowley Ck	
29-12020	P Fergus	1/4	2.02	100.8	Rowley Ck	
29-13469	K Williams	1/4	2.52	126.0	Rowley Ck	

Claimed in-full

Wakley vs Wakley, 1904..... Station Creek

29-00321	Vaughan, et al	1/5	3.91		Station Ck
29-00326	F Winward	1/5	1.92	96.0	Station Ck
29-10461	Lazy VZ Trust	2/5	3.08		Station Ck
29-11699	P Adams	1/5	5.64	282.2	Station Ck

Decreed right(s) claimed in-full

29-13476 TJL Properties 0.065 Station Ck Recommended as BU, Priority 6/10/1904

Wakley vs Wakley, 1904..... Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)

29-00317A	Vaughan, et al	4/4 0/0	3.91		Big Ck/Maple Ck	DISALLOWED-ownership not proven
29-00320	Vaughan, et al	1/4	3.91		Big Ck/Maple Ck	
29-10462	Lazy VZ Trust	4/4 1/2	1.23		Big Ck/Maple Ck	Recommended as 1/2 flow **
29-11698	P Adams	1/4	5.64	282.2	Big Ck/Maple Ck	

Claimed in-full

29-11700 P Adams XX 0.36 282.2 **Unnamed Strm Beneficial Use**
 29-10407 TJL Properties XX 0.07 Big Ck/Maple Ck Recommended as BU, Priority 6/10/1904

Daniels vs Woodland, 1878..... Birch Creek

29-13103 Malad Valley Irr 3/4 6.20 Lg POU Birch Ck
 Marsh Creek side (B29) users got 1/4 of the flow of Birch Creek as shown below.

Wakley vs Wakley, 1904..... Birch Creek

29-00322	Vaughan, et al	4/24	3.91	195.3	Birch Ck
29-00327	Marler/Gardner	2/24	2.54	128.0	Birch Ck
29-00328A	K Williams	1/24	2.52	126.0	Birch Ck
29-00328B	P Fergus	5/24	2.02	100.8	Birch Ck
29-00328C	F Winward	2/24	1.92	96.0	Birch Ck
29-00329	F Winward	2/24	0.80	40.0	Birch Ck
29-11241	Wm Phillips	2/24	1.50	75.0	Birch Ck
29-11650	TJL Properties	2/24	1.76	88.0	Birch Ck
29-11697	P Adams	4/24	5.64	282.2	Birch Ck

Claimed in-full

Notes:

** Re; 29-10462 see Transfer #3032 Claim combines 29-317 and 29-330C (which recombines A & B)
 The Decree of Davis vs Treasure only involves Birch Creek water.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

AR/ja-3-02
DE LOG

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
NOV 27 2002
Department of Water Resources
Eastern Region

1. Water Right Number(s) 29-12020
Adjudication Claim Number(s) 29-00328 B

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

- A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE**, or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

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

4. New Owner/Claimant(s) Philip J. Fergus

New Mailing Address PO Box 143
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

City, State and ZIP Code Downey ID 83234

New Telephone Number 208-254-3296

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Philip Fergus Date 11-20-02

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone

Current Owner Wm Evans

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Phillips vs EDWARDS

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED - WARRANTY DEED DATED 9/29/1919 DISCLOSES
"ALL THE WATERS OF ... ROWLEY CREEK ..."

BANKROCK Co. OWNER THOMAS SHOWS Philip FERGUS
PO Box 143
Downey ID 83234

AS RECORDED OWNER: No Phone *
LETTER SENT 7/11/02 REQUESTING C/O
Spoke to Phil Fergus: 11/15/02, 11/18/02, 12/18/02
1/10/03, 1/22/03 (MESSAGE OF DISAVOWAL)

FB INDICATED: ALL ROD @ Priority

Reviewer: _____

Date: _____

Rowley CK

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

Rebecca Phillips,

Plaintiff,

vs.

Chester Edwards, Ervin Madsen,
and George W. Ware,

defendants.

6712
DECREE
1924 10/35

This cause coming regularly on for hearing before the court sitting without a jury, on the 30 day of August 1924, upon the verified complaint of the plaintiff and the verified answer and cross-complaints of the defendants herein; plaintiff appearing in person and by her counsel, Messrs. Jones, Pomeroy & Jones, and the defendants and each of them, appearing in person and by their counsel, E. W. Davis, Esq., and after hearing the evidence offered by the parties hereto and the argument of counsel, Findings of Fact and Conclusions of Law having been expressly waived, and the Court being fully advised in the premises, makes the following Decree herein:

IT IS ORDERED, ADJUDGED, and DECREED that the parties to this action are entitled to divert from the flow of the waters of Rowley Creek for irrigation and domestic purposes, the amount of water hereinafter set out respectively and from the dates herein decreed, to-wit:

The plaintiff, Rebecca Phillips, two cubic feet per second of time of the waters of Rowley Creek during the entire season that water may be necessary for irrigation or domestic purposes, said right to date from the 1st day of May, 1904, and to be used for the irrigation of those certain premises owned by the plaintiff, described as follows:

Priority Date Data Entry Form

Claim Number: 29-12020 BU

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 9 June 1904 Claimed Basis: DECEASE (Wahley vs Wahley)Recommended Priority Date: 5/01/1884 Recommended Basis: DECEASED☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

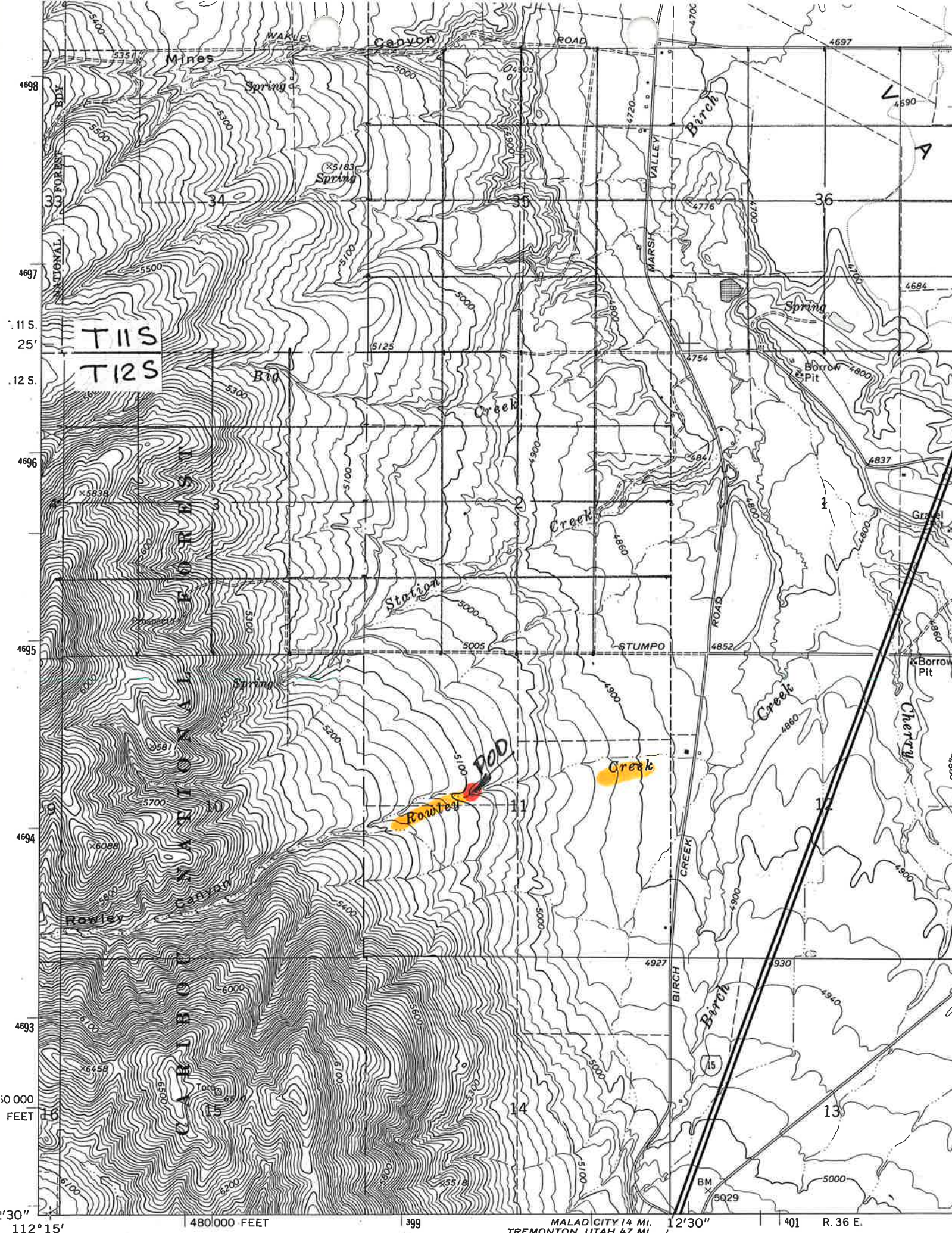
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

CLAIMS DECEASE DATE OF WAHLEY VS WAHLEY ALTHOUGH
ROWLEY CREEK (AKA ROWLEY CANYON) AND NOT
REFERENCE BY THAT DECEASE. WARRANT DODD
SUBMITTED SHOWS TRANSACTION ON 9/29/1919, AND
DEFINES "ALL THE WATERS OF ROWLEY CREEK (CANYON)"
ROWLEY CR IS ADDRESSED BY PHILLIPS VS EDWARDS, 1884
CC ATTACHED.

FB INDICATED: POD, POC, Q, Overlaps

Reviewer: _____

Date: _____



T11S
T12S

10 000
FEET

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 12S, R 36E, Sec. 10, _____, NB, SB. County: BannerSource: Rowley Cr Tributary: Sinks

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
12S	36E	11	S ² NE				70	
			N ² SE				65	
		12	NWSW				5	

Total Acres 140[±]

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Overlap w/ 29-32BB

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Travis</i>	<i>4/1</i>	<i>11/1</i>	<i>2.8</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Travis</i>	<i>4/1</i>	<i>10/31</i>	<i>2.8</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

2.8 cfs sounds like a lot of water to be trib to 'Sinks'.

Reviewer: _____

Date: _____



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE
October 15, 2002

Phillip Fergus
P O Box 143
Downey, ID 83234

Re: SRBA Claim No. 29-12020

Dear Mr. Fergus:

I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources in Basin 29 in the Snake River Basin Adjudication.

The Department of Water Resources has previously requested that a change of ownership be submitted for the above listed water right. I have again enclosed a change of ownership form along with this letter. It is important in order for us to properly recommend this water right that we know the proper owners.

Please contact Allen Ruberry at IDWR's Eastern Region Office at 208-525-7161 or you may contact me directly at 208-327-5404.

Very truly yours,

A handwritten signature in cursive script, reading "Candice M. McHugh", is written over the typed name.

CANDICE M. McHUGH
Deputy Attorney General
Idaho Department of Water Resources

CMM/pm
Enclosure



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

July 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PHILLIP FERGUS
PO BOX 143
DOWNEY ID 83234

RE: CHANGE IN OWNERSHIP FOR A29-328B & 29-12020

Dear Mr. Fergus:

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

T12S, R36E, SEC 23 SE/NW & T12S, R36E, SEC 10 NE/SE

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

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

If you questions regarding this matter, please call 525-7161. Please call Allen concerning this matter. He needs to discuss it with you.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

Enclosure(s)



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

HEADGATE AND DITCH Spoke with former claimant. He indicated that the canyon rarely flows, and that when he sold the POU 3-4 years ago, there was no diversion works. He could not remember who he had sold the ground to.

Assumptions

POD does not exist.

Invoice #

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

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

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

New claimant; previous owner couldn't provide contact info.

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.



SCANNED

MAY 24 2001

Log for claim A29-12020

Spatial Dynamics TWB

6/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	11	SWNE	30	9	
12s36e	11	SENE	40	40	
12s36e	11	NESE	35	40	
12s36e	11	NWSE	30	25	
12s36e	12	NWSW	5	5.5	
Totals:			140	119.5	

AJ5809NP
No. A29-12020

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 193

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM T EVANS 25976 S HWY 91 DOWNEY ID 83234 (208) 897-5734	06/09/1904	IRRIGATION	04-01 11-01	2.800 CFS	
TOTAL DIVERSION:					2.800 CFS	
CONSUMPTIVE USE:						350.00 AFA

Water Source: ROWLEY CREEK

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T12S R36E S10 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
12S	36E	11	:					30		40								35	30	:	135.0
12S	36E	12	:											05						:	5.0
TOTAL ACRES																				:	140.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-00328B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-12395 A29-00328A

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00328 A29-00328B

Remarks: GEN MR EVANS DEEDS INDICATE HE HAS 1/4 OF WATERS OF ROWLEY CANYON.
THE FLOW RATE ON THIS CLAIM IS BASED ON 1 INCH PER ACRE.

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

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

Audit: 05/08/90 DUNN 09/15/94 JTHOMPSO 03/29/95 POST-STD

Certificate of Abstracter.

State of Idaho,)
County of Bannock,) ss.

The Turner Trust Company, a corporation duly authorized by the laws of the state of Idaho, to compile and certify title abstracts, hereby certifies that the foregoing pages numbered nineteen to twenty-three, both inclusive set forth a true and correct abstract of all conveyances or other instruments of writing now of record in the office of the County Recorder of said Bannock County, which in any way affect the title to the property described in the caption hereof since the 13th day of October, 1919.

It is further certified that there are no judgments or liens of any kind of record in the office of the Clerk of any Court of record in said county which are liens upon the saidlands, and that there are no taxes due and unpaid thereon except as hereinbefore shown.

This certificate is made to J.N Ireland and Company, at the request of J.N.Ireland and Company.

Dated at Pocatello, Idaho this 31st day of October, 1919
at 10:50 o'clock A.M.

Turner Trust Company,

By *Thos. J. Turner*
~~President~~ Secretary.

NOV 14 1919

WARRANTY DEED.

Grantor:-

William Evans and his wife
Chloe Ware Evans.

Grantee:-

Chester A. Edwards.

Dated:-

September 29 1919

Consideration:-

\$500.00

Recorded:-

October 20 1919 at 9:53 A.M. in
Book Deeds at page
Records of Bannock County Idaho.

Acknowledged:

September 29 1919 by William Evans
and his wife Chloe Ware Evans
before J.F. Fredrickson Notary
Public for Oneida County Idaho.
Sealed.

Witness:-

J.F. Fredrickson.

Granting Words: Grant, bargain sell convey and confirm unto the said party of the second part and his heirs and assigns forever:

Description of property: Beginning at a point on the East line of Section Eleven (11) Township twelve (12) South Range thirty-six (36) East of the Boise Meridian (1530) feet South of the Northeast corner of said section; thence South on the East line of said Section (11) (323.2) feet; thence West on a line parallel with the North line of said section (11) (2640) feet, more or less, to the longitudinal center line of said section (11) thence North on the said longitudinal center line (323.2) feet, thence East on a line parallel with the North line of said Section (11) (2640) feet, more or less to the place of beginning, the same being a part of the South half of the Northeast quarter of section (11) and containing 19.58 acres more or less.

This deed is given subject to a payment of \$500.00 and interest from the date of this Indenture, on a mortgage of \$3000.00 running to the International Mortgage Bank, Spokane Washington. This payment may be made at any time on or before the due date of the mortgage by Chester A. Edwards. Upon the payment of the said \$500.00 by Chester A. Edwards, and the balance of the mortgage by the mortgagor or his assigns Chester A. Edwards shall be entitled to a clear title to above property.

(50¢ I.R.S. Cancelled
on the original note.)

Signed:

William Evans

Chloe Ware Evans

NOV 14 1919

THIS INDENTURE, made the 20th day of October, in the year of our Lord, one thousand nine hundred and nineteen, between Chester A. Edwards and Mae L. Edwards, his wife of Downey, County of Bannock, State of Idaho, the parties of the first part, and J.N. Ireland and Co., Bankers, a corporation of Malad, County of Oneida, 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 Seventy Five Hundred and 00/100 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, have granted, bargained, sold and conveyed and by these presents, do grant, bargain sell and convey unto the said party of the second part and to its successors and assigns forever, all those certain lots, pieces or parcels of land situate lying and being in the County of Bannock, and State of Idaho and particularly described as follows, to-wit:

Beginning at a point on the east line of section 11, township 12 South, Range 36 East of the Boise Meridian, 1853.2 feet south of the northeast corner of said section thence south on the said east line of section 11, 786.8 feet more or less to the quarter section corner between sections 11 & 12, thence east on the latitudinal center line of section 12, 297.5 feet to the center of the county road, thence south $7^{\circ} 33'$ west along the said county road 1331.6 feet, more or less to the intersection of its center line with the south $1/16$ line of section 12, township 12, south range 36, East Boise Meridian; thence west on the south $1/16$ section line of section 11 & 12, 1442.5 feet more or less to the east $1/16$ section corner on the south $1/16$ section line of section 11; thence north on the east $1/16$ section line of section 11, 2106.8 feet, more or less to a point 1853.2 feet south of the north line of said section; thence east on a line parallel with the north line of said section 11, 1320 feet more or less to the place of beginning, the said tract being in the northeast quarter of the southeast quarter of section 11 and a part of the southeast quarter of the northeast quarter of section 11, and a part of the northwest quarter of the southwest quarter of section 12, township 12, south range 36, east Boise Meridian, and containing 70.21 acres more or less.

Also the following described tract of land: Beginning at a point on the east $1/16$ section line of section 11, township 12, south Range 36 East Boise Meridian 1853.2 feet South of the east $1/16$ section corner on the north line of said section 11; thence south on the said east $1/16$ section line 2106.8 feet, more or less to the south $1/16$ section corner on said line; thence west on the south $1/16$ section line of said section, 1320 feet more or less to the south $1/16$ section corner.

NOV 14 1936

on the longitudinal center line of said section 11, thence north on said center line 2106.8 ft. more or less, to a point on said line, 1853.2 feet south of the north quarter corner of said section 11; thence east on a line, parallel with the north line of said section 11, 1320 feet more or less, to the place of beginning, the same being the northwest quarter of the southeast quarter, and a part of the southwest quarter of the northeast quarter of section 11, township 12 south, Range 36 east Boise Meridian and containing 63.85 acres, more or less. Together with one fourth of all the waters of the John E. Ware Estate, of Bannock Co., Idaho, and which waters of said estate of John E. Ware, consists of one sixth of all the waters of what is known as Birch Creek, and all the waters of what is known as Rowley Creek, Bannock Co. Idaho, and the said Birch Creek, consists of one fourth of all the waters of Mill Creek Canyon and its tributaries, said Mill Creek Canyon stream arises in Oneida and Bannock Counties Idaho.

Also beginning at a point on the east line of section 11, tp. 12 south, range 36 East Boise Meridian, 1530 feet, south of the northeast corner of said section: thence south on the east line of said section 11, 323.2 ft. thence West on a line parallel with the north line of said section 11, 2640 feet, more or less to the longitudinal center line of said section 11; thence north on said longitudinal center line 323.2 feet; thence east on a line parallel with the north line of said section 11, 2640 feet, more or less to the place of beginning.

The said being a part of the south half of the northeast quarter of section 11.

together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS GRANT is intended as a mortgage to secure the payment of one certain promissory note of even date herewith, executed and delivered by the said Chester A. Edwards and Mae L. Edwards, to the said party of the second part, copy of which note is hereto attached.

\$7500.00

Malad City, Idaho,
October 20, 1919
NOV 14 1919

-3-

On or before, five years after date, for value received, I, we, or either of us, promise to pay to the order of J.N.Ireland & Company, Bankers, seventy-five Hundred and no/100 Dollars in U.S.Gold Coin, at their office, with interest at ten per cent per annum, from date until due, and if not paid at maturity, interest shall thereafter be one per cent per month, interest payable semi-annually from date.

If the interest be not paid as stipulated, the legal holder of this note may declare the principal due, and proceed by law to recover both principal and interest. And we do hereby agree, that in case this note is collected by an attorney, with or without suit, to pay reasonable attorney's fees.

P.O. Adress, Downey Idaho

Chester A.Edwards

COPY.

Mae L. Edwards

(\$1.50 I. R. S. Stamps placed on original note and duly cancelled.)

And these presents shall be void if such payment be made. But in case default shall be made in the payments of said principal sum of money, or any part thereof, as provided in said note, or if the interest be not paid, as herein specified, then and from thence forth it shall be optional with the said party of the second part, its executors, administrators or assigns, to consider the whole of said principal sum expressed in the said note, as immediately due and payable, although the time expressed in said note for the payment thereof shall not have arrived; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same and all benefit and equity and redemption of the said parties of the first part, their heirs, executors administrators or assigns, according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit: including a reasonable amount as attorney fees and also the amounts of all such payments of taxes, assessments, incumbrances, or insurance as may have been made by the said party of the second part, its successors, executors, administrators or assigns

NOV 14 1936

QUIT CLAIM DEED.

Grantor:- John Ware.
Grantee:- Lucy Ware.
Dated:- June 14, 1899.
Consideration:- \$500.00
Recorded:- June 21, 1899 at 9:25 A.M.
in Book 11 of Deeds at page
430. Records of Bannock
County, Idaho.
Acknowledged:- June 14, 1899 by John Ware
and Lucy Ware before A.L.Ri-
chardson, Clerk U.S. District
Court, Bannock County, Idaho.
Sealed.
Witnesses:- H.L. Jefferiss
Theo. Turner.

Description of Property: Two Hundred and Fifty inches (250) of
the waters of Birch Creek, for use upon her Desert Entry #2050, em-
bracing the East Half, Northeast Fourth, the Northeast fourth Southeast
Fourth of Section 11, and the North half of the Southwest Fourth
of Section 12, township 12, South Range 36, East of the Boise Meri-
dian, containing 200 acres.

The Grantor herein covenants; that he is well siezed of a good
and sufficient title to the hereinbefore described water right, hav-
ing diverted and used the same for more than twenty (20) years, imm-
ediately prior to the date hereof.

(\$1.00 I.R. Stamps affixed and cancelled J.W. 6/14/99.)

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NOV 16 1992

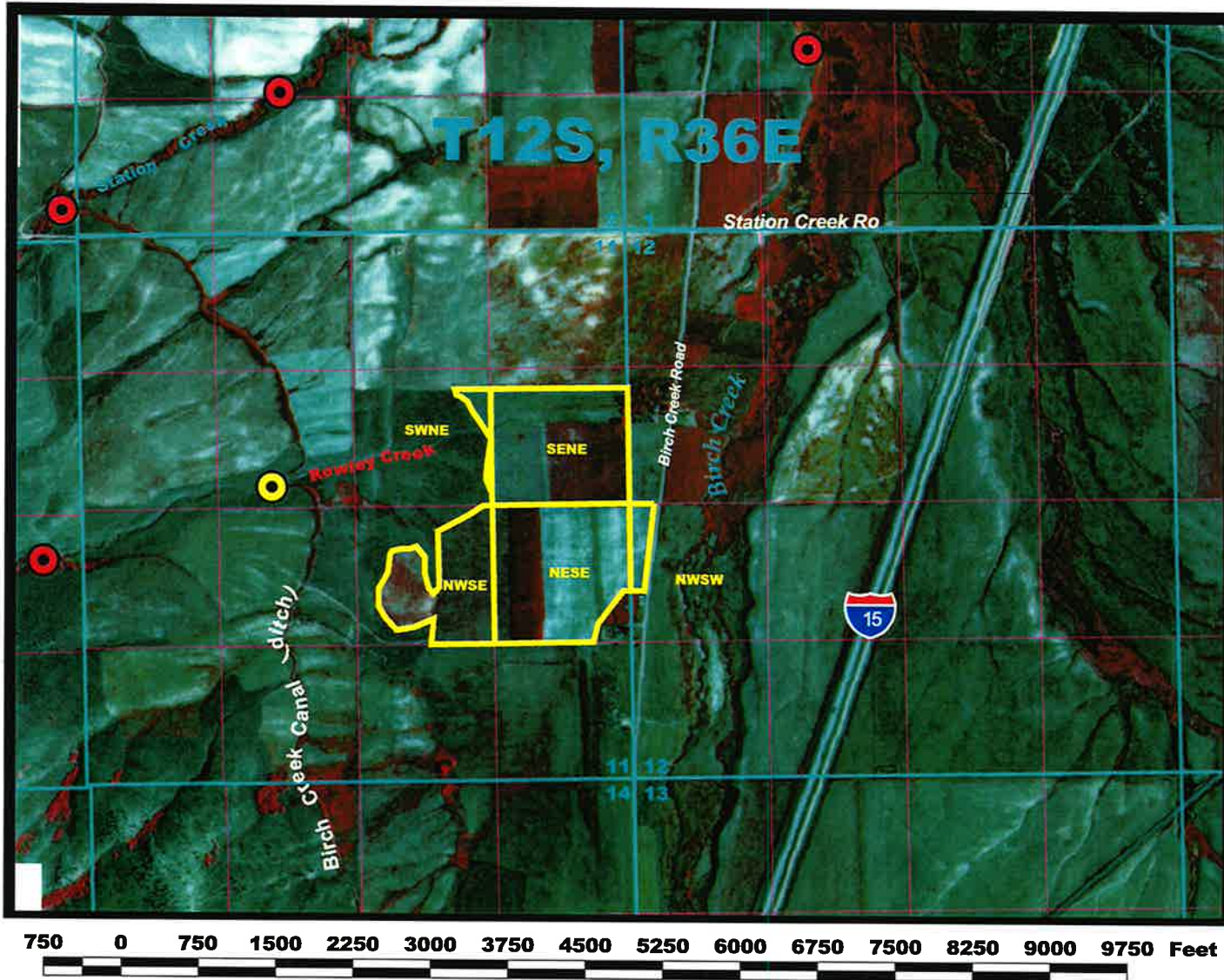
06-09-04



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-00328B, 29-12020

Place of Use: (parts of): T11S, R36E
Sec. 25 S2, Sec. 35 NE, Sec. 36 N2

Point(s) of Diversion: T12S, R36E
Sec. 11 SWSNW (Rowley Creek)
Birch Creek (not shown);
Sec. 23 SWSWNE (Rediv)
Sec. 27 SENWSW (2 PODs/POIs)

Note: Delivery through Birch Creek
Canal (ditch)



LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter

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 29-12020
Date Received: 5/7/1990
Receipt No: E014219
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Notes
clp

1. Name of Claimant(s)
WILLIAM T EVANS Phone: (208)897-5734
25976 S HWY 91
DOWNEY ID USA 83234
2. Date of Priority: 05/01/1884
3. Source: ROWLEY CREEK Trib. to: SINKS
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
12S 36E 10 NE SE BANNOCK
5. Description of diverting works:
HEADGATE AND DITCH
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 4/01 11/01 2.8
7. Total Quantity Appropriated is:
2.8 C.F.S.
8. Total consumptive use:
9. Non-irrigation uses:
10. Place of use:
Township Range Section 1/4 of 1/4 Lot Use Acres
12S 36E 11 SE NE IRRIGATION 40
NE SE IRRIGATION 35
SW NE IRRIGATION 30
NW SE IRRIGATION 30
Section Acres 135
12S 36E 12 NW SW IRRIGATION 5
Section Acres 5
Total Acres 140
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:

AMENDED TO CORRECT PRIORITY DATE PER PHILLIPS VS EDWARDS, 1884. ALSO NEEDS C/O W/ DEED CC.

MR EVANS DEEDS INDICATE HE HAS 1/4 OF WATERS OF ROWLEY CANYON.
THE FLOW RATE ON THIS CLAIM IS BASED ON 1 INCH PER ACRE.

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):

Philip Ferguson

Date: 1-10-05

Date: _____

State of Idaho

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this

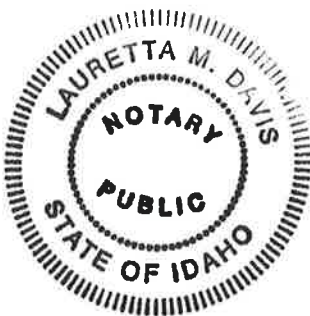
of January 2003

10th
Lauretta M Davis

Notary Public

Residing at Downey, Idaho

My commission Expires 12-22-05



MAY 24 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: A29-12020
Date Received: 5/07/1990
Receipt No: EQ4219
Received By: BMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T. EVANS
Address: 25976 SOUTH HIGHWAY 91
DOWNEY, ID 83234
208-897-5734

2. Date of Priority: JUN 09, 1904

3. Source: ROWLEY CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	10		NE	SE		BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	11	SW	NE		IRR	30.0
			SE	NE		IRR	40.0
			NE	SE		IRR	35.0
			NW	SE		IRR	30.0

A29-12020

Page 1

Date: 05/07/90

A2912020



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NOV 16 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	135.0
		12	NW	SW		IRR	5.0
						Section Acres	5.0
						Total Acres	140.0

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:
A29-00328B

14. Remarks:

MR EVANS DEEDS INDICATE HE HAS 1/4 OF WATERS OF ROWLEY CANYON.
THE FLOW RATE ON THIS CLAIM IS BASED ON 1 INCH PER ACRE.

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): William W. Evans Date: 5/7/90
Date: _____

MICROFILMED

NOV 16 1992

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of May 19 90

Seal

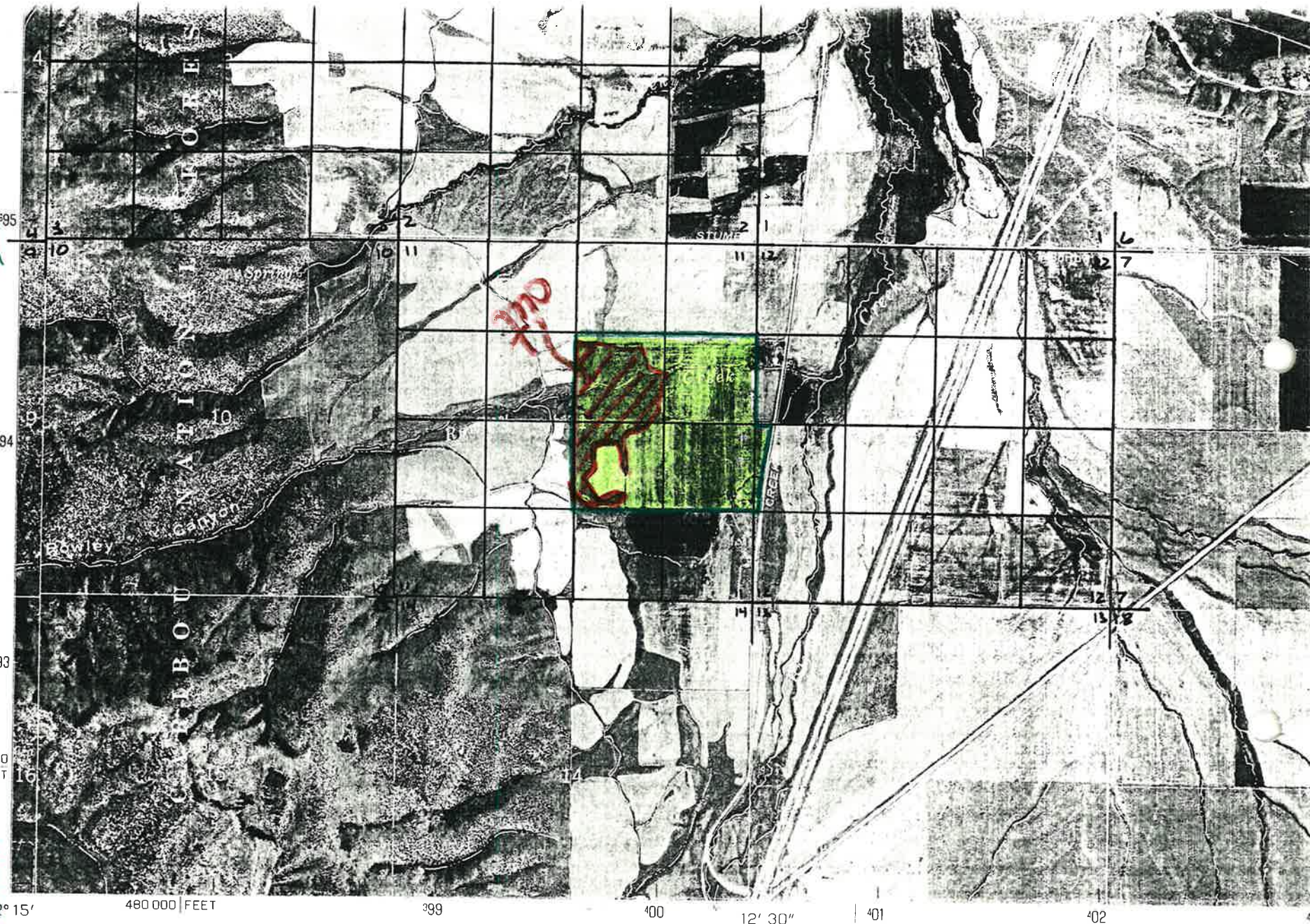
Betty J. Thompson
Notary Public

Residing at BETTY L. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

36F
12S

NOV 16 1992
MICROFILMED



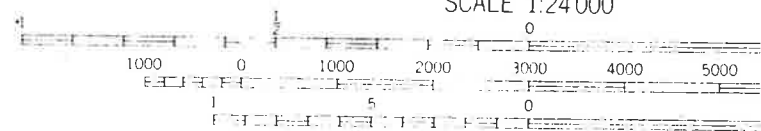
Produced by the Geological Survey
in cooperation with the Forest Service

Orthophotograph prepared from 1:78 000-scale
aerial photographs taken August 7, 1976

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone and transverse Mercator
1000-meter Universal Transverse Mercator grid ticks,
zone 12. 1927 North American datum

Photoimagery transformed by scanning techniques

SCALE 1:24 000



NORTH