

10/28/2002

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

RIGHT NUMBER: 29-12515

NAME AND ADDRESS: DAVID L WHITWORTH
PO BOX 183
INKOM ID 83245

A LIN WHITWORTH
PO BOX 183
INKOM ID 83245

DISALLOWED

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/05/1913

POINT OF DIVERSION:

T08S R36E S15 SWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R36E S15	SESW	6.1	T08S R36E S22	NWNE	9.3
T08S R36E S22	SWSE	2.6			

17.97 ACRES TOTAL

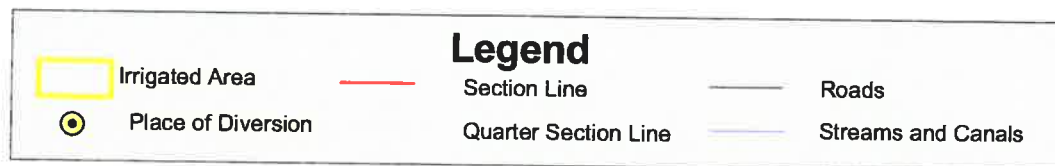
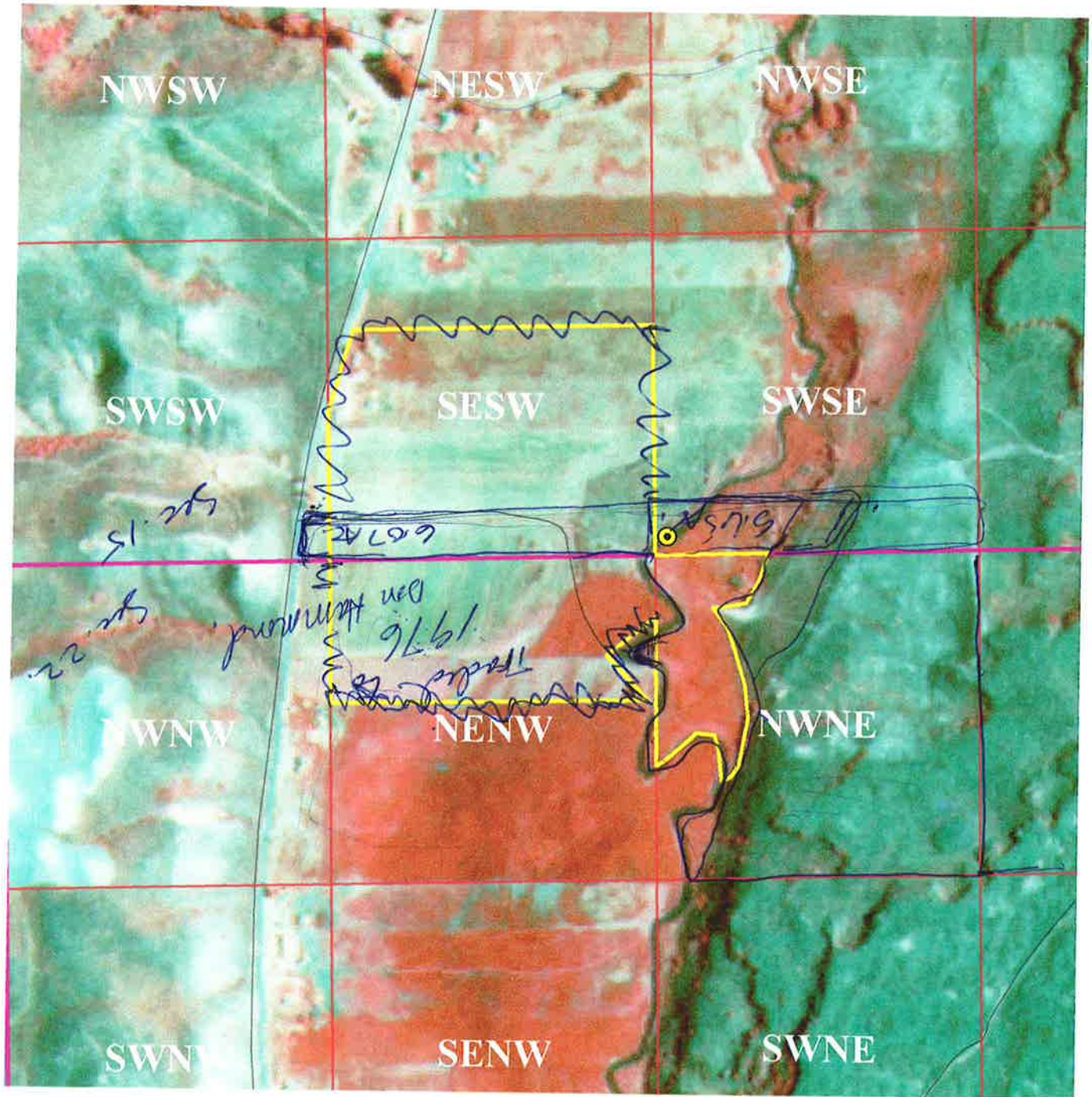
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

NO BENEFICIAL USE FOUND: This is included for a claim based on beneficial use that is PROPOSED to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

NO BENEFICIAL USE FOUND.

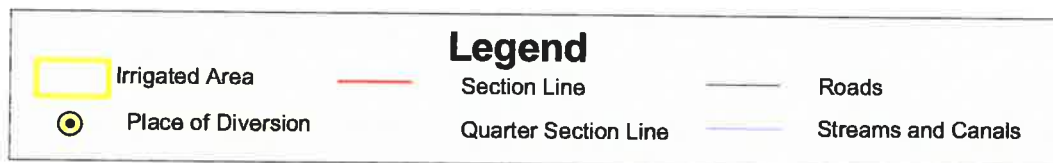
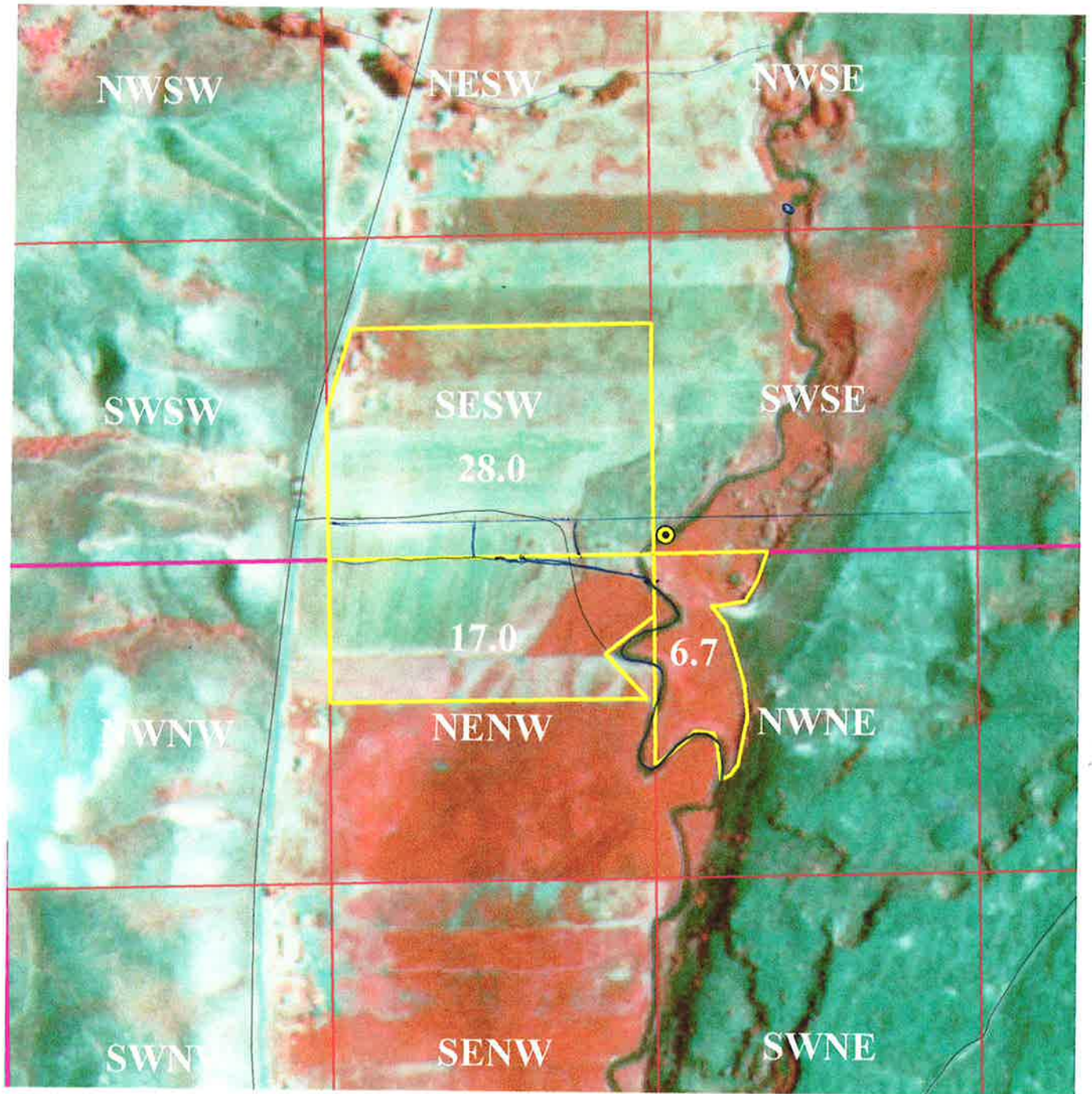
EXPLANATORY MATERIAL: Beneficial Use

Township , 8S36E



1972
Don Hammond

Township , 8S36E





STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 28, 2005

David L. Whitworth
P.O. Box 183
Inkom, ID 83245

RE: Subcase Nos. 29-12514 & 29-12515

Dear Mr. Whitworth:

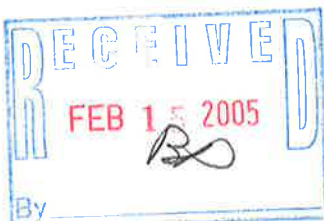
The purpose of this letter is to follow up to our discussions and my letter of August 25, 2004. In my letter, I requested the following information to further evaluate your irrigation claims:

1. What types of crops are you growing on the property?
2. Are there any other rights that were on this ground? If so, what were those water right numbers and have you made an SRBA Claim for them?
3. Is this land taxed as irrigation lands or dry land? We would want to get information from the county to verify that it is irrigated land.

In addition to the information requested in my letter of August 25, 2004, please provide a map or some other type of documentation that illustrates how the water from Walker Creek is used to irrigate the place of use that you are claiming.

As you know, trial in this matter is set for April 5, 2005. If you could provide the information requested above at your earliest opportunity, we may be able to resolve your objections to your water rights without going to trial.

If you should have any questions, please don't hesitate to contact me at (208) 287-4810.



Sincerely yours,

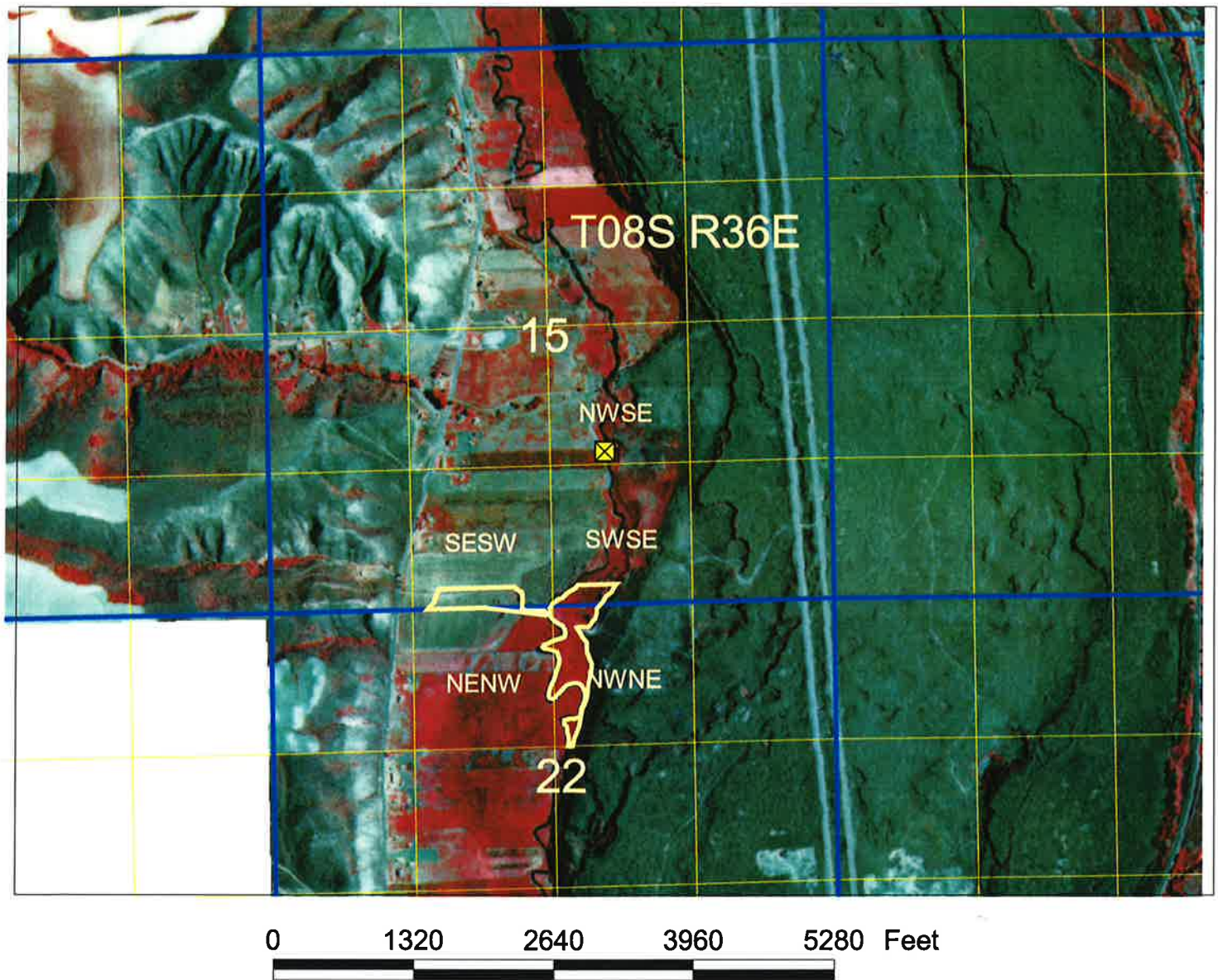
CANDICE M. MCHUGH
Deputy Attorney General
Idaho Department of Water Resources

cc: Cindy Bird ✓
Ernie Carlsen

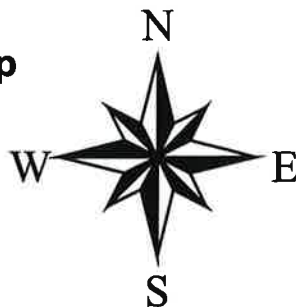
Cindy Bird

Idaho Department of Water Resources

Claim No.: 29-12515



-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: March 2005

29-12514, 29-12515

Notes

4/22/04 Basin 29 objection settlement
Conference.

Candice will have to talk to Dave
T to find out if this would
administratively fit into the
Department's description for sub-irrigation.
Candice told the Whitworth's not to
contact me because I made the
recommendations based on the Statute
and to recommend it would have to
come from Dave T. So all correspondence
should go through Candice CB

COPY

PROFILE

SCANNED

APR 9 6 2005

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

In Re SRBA

) Subcase 29-12515
) (Insert water right number)
)

Case 39576

) STANDARD FORM 4
)
)

) MOTION TO FILE:
)

) ☐ LATE NOTICE OF CLAIM
)

) ☒ AMENDED NOTICE OF CLAIM
)

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

PROFILE

SCANNED
APR 06 2005

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

In Re SRBA

) Subcase

29-12515

) (Insert water right number)

) Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☐ LATE NOTICE OF CLAIM

) ☒ AMENDED NOTICE OF CLAIM

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PROFILED

(over)

SCANNED
APR 06 2005

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is A. Lin Whitworth

My address is Box 183
Inkom Id. 83245

My phone number is: Work _____ Home 208-275-3223

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is A. Lin Whitworth

My address is Box 183
Inkorn Id. 83245

My phone number is: Work _____ Home 208-225-3223

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

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SCANNED

APR 06 2005

PROFILED

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

We have determined the point of diversion is in a different location than originally claimed. The place of use is also slightly different than originally claimed.

APR 10 2005

PROFILED
(over)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
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We have determined the point of diversion is in a different location than originally claimed. The place of use is also slightly different than originally claimed.

PROFILED

SCANNED
APR 9 6 2005

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1987 aerial photograph with the new point of diversion & place of use illustrated.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

No additional fees.

PROFILED

SCANNED

APR 9 6 2005

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1987 aerial photograph with the new point of
diversion & place of use illustrated.

I have attached:

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- ☐ Payment of the following additional fees required by IDWR:

No additional fees.

SCANNED

APR 9 6 2005

VERIFICATION (Must be completed)

State of Idaho

County of Bannerville

A Lin Whitworth, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

[Signature]
A Lin Whitworth
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 11, 2005
(Insert Date)



Ernest M Carlsen
Notary Public for LDWR
Residing at: Idaho Falls
My Commission expires: 2-21-2009

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

VERIFICATION (Must be completed)

State of Idaho

County of Bonner

A Lin Whitworth, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

[Signature]
A Lin Whitworth
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 11, 2005
(Insert Date)



Ernest M Carlsen
Notary Public for LDWR
Residing at: Idaho Falls
My Commission expires: 8-21-2009

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PROFILED (over)

8-21-2009
APR 9 8 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-12515
Date Received: 2/28/1992
Receipt No: E016978
Received By:NOTICE OF AMENDED CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID L WHITWORTH Phone: (208)775-3773
PO BOX 183
INKOM ID USA 83245A LIN WHITWORTH Phone: (208)775-3773
PO BOX 183
INKOM ID USA 83245

2. Date of Priority: 07/15/1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	15	NW SE	BANNOCK	

5. Description of diverting works:

DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.44	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

SCANNED

APR 9 6 2005

PROFILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-12515
Date Received: 2/28/1992
Receipt No: E016978
Received By:NOTICE OF AMENDED CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID L WHITWORTH Phone: (208)775-3773
PO BOX 183
INKOM ID USA 83245A LIN WHITWORTH Phone: (208)775-3773
PO BOX 183
INKOM ID USA 83245

2. Date of Priority: 07/15/1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	15	NW SE	BANNOCK	

5. Description of diverting works:

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IRRIGATION	04/15	10/15	0.44	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	15	SE	SW	IRRIGATION	6
			SW	SE	IRRIGATION	6
			Section Acres		12	
08S	36E	22	NW	NE	IRRIGATION	7
			NE	NW	IRRIGATION	3
			Section Acres		10	
Total Acres						22

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: 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 notices 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): *A. Lippert* Date: 3-11-05
A. Lippert Date: 3-11-05

State of Idaho)
 County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day of March 2005



Ernest M. Carlsen

Notary Public

Residing at *Idaho Falls*

My commission Expires 8-21-2009

SCANNED

APR 9 6 2005

PROFILED

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
08S	36E	15	SE	SW	IRRIGATION	6
			SW	SE	IRRIGATION	6
			Section Acres		12	
08S	36E	22	NW	NE	IRRIGATION	7
			NE	NW	IRRIGATION	3
			Section Acres		10	
Total Acres						22

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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): *A. L. Whitworth* Date: 3-11-05
[Signature] Date: 3-11-05

State of Idaho)

County of Bonneville,) ss.

Subscribed and sworn (or affirmed) before me this 11 day of March 2005



Ernest M. Carlsen

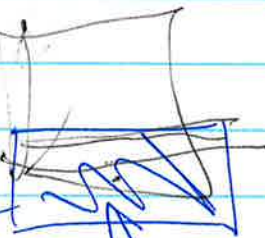
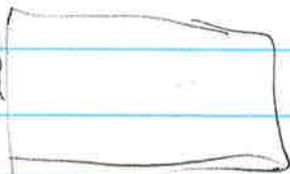
Notary Public

Residing at *Idaho Falls*

My commission Expires 8-21-2009

Walker

alter



Whitworth

Whitworth
subirrigated

Marsh Creek

alter

Rocky Marsh

may have
used Marsh
Creek. Too high
to be subirrigated
never used
Walker Creek

- Early warranty deeds reference irrigation from Marsh Creek. Due to extensive subdividing of property along Marsh Creek the old delivery system has been filled in. Have to rely on deed references, as circumstantial evidence that irrigation from Marsh Cr. existed. Claimant has not sprinkled for many years. Has relied on Stalley dam to raise shallow water table & effectively sub-irrigate land adjacent to Marsh Creek.

Strip of land runs likely at one time irrigated
when it was part of a larger piece of
property and flood irrigation system was entered.

PROFILED

SCANNED
APR 06 2005



RECEIVED
NOV 12 2003
Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 29-12514 AND 29-12515
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: A. Lin Whitworth AND David L.

Address: Whitworth - PO Box 183
Tukom, ID 83245

Daytime Phone: 208-225-3773

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: A. Lin Whitworth AND

Address: David L. Whitworth - PO Box
183, Tukom ID 83245

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☒ **Purpose(s) of Use**

Should be: Beneficial use for food and stock

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** We strongly disagree with ~~TDNR~~ recommendation that water rights be disallowed for no beneficial use. We can and will prove that there has been continual and historical use of water claimed back to when the land was Fort Hall Indian Reservation.

F.

VERIFICATION (Must be Completed)

State of Idaho)

)ss.

County of Bannock

A. Lin Whitworth, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

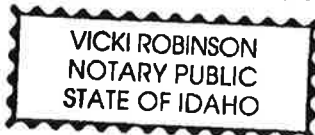
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

A. Lin Whitworth
(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Nov 7, 2003



Vicki Robinson

Notary Public for

Residing at: Bannock Co

My Commission Expires: 1/24/09

I CERTIFY THIS TO BE A
TRUE AND EXACT COPY
OF THE ORIGINAL.

Vicki Robinson

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on NOV 7, 2003, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: A. Lin and David L Whitworth
Address: PO Box 183
Tukwila, ID 83245

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

02/18/2003

Cindy

NOTICE OF ERROR
REPLY

RECEIVED
APR 21 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: 29-12515

DAVID L WHITWORTH
PO BOX 183
INKOM ID 83245
Telephone Number: (208) 775-3773

A LIN WHITWORTH
PO BOX 183
INKOM ID 83245
Telephone Number: (208) 775-3773

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

There has been beneficial use of our water rights since its inception.

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

None except the beneficial use has been continuous.

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

Because there has been beneficial use, continuous except when interrupted by neighbors interfering with our ditches.

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

DATE:

4/18/03

SIGNATURE:



Please print your name:

DAVID L. WHITWORTH

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

SCANNED
APR 06 2005

PROFILED

Priority Date Data Entry Form

Claim Number: A29-12515Water Right Priority Date: July 15, 1902 Water Right Basis: _____Claimed Priority Date: _____ Claimed Basis: Beneficial UseRecommended Priority Date: April 5, 1913 Recommended Basis: B 21☐ 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:

Warranty deed between Rutlandson &
Walker Creek Land & Livestock
dated 4-15-1913

SCANNED

APR 06 2005

Reviewer: CBDate: 10/28/12

PROFILED

Point of Diversion and Source Data Entry FormClaim Number: A29-12515

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

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

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twsp	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:

No POD found. Claimant sub-irrigates.
Claiming the dam put in by Grady Staley
allows is property to sub-irrigate. The structure
was put in by Grady in 1970/71.
There is a pad of concrete by Marsh Creek, no
pump or sprinkler system was on site.

Transfers Changing POD _____

Reviewer: CBDate: 10/28/02

SCANNED

APR 06 2005

PROFILE

Place Of Use Data Entry Form

Claim Number: A29-12515☐ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
T8S	36E	15	SESW.		Bannock		6.07	
		22	NWNE		Bannock		9.3	
		22	SWSE		Bannock		2.6	

Total Acres 18.0

10/28/02
used Bannock
Co. tax lot
information

Document how the POU was verified:

The land in Sec 15, SWSE and Sec. 22 NWNE is irrigated (subirrigated) by Marsh Creek. Mr. Whitworth said he use to sprinkle it but then his weeds were doubled. By allowing the subirrigation from Marsh Creek he doesn't have the weed problem.

- Is subirrigation considered irrigation? or diverting for the purpose of irrigation?

- Claimant traded land in the NE NW for land in the NWNE. He owns a narrow strip in the SE SW & SWSE.

Transfers Changing POU _____

Reviewer: CB

SCANNED

Date: 10/28/02

PROFILED

APR 05 2005

Purpose of Use Data Entry Form

Claim Number: A29-12515☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
			18	

Document how the Purpose of Use was verified:

Used 1987/88 NAPP Photography & Bannock Co.
tax information.

The only irrigated acres from the 1987/88 NAPP
photography is the land east of Marsh Crk.
Nothing west of Marsh Creek appears irrigated
from our 1987/88 NAPP Photography.

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 10/28/02

PROFILED

SCANNED
APR 06 2005

Period of Use and Quantity Data Entry Form

Claim Number: A29-12515☐ 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

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
	4/1	10/31	0.36	

Overall Diversion Rate 0.36 Overall Diversion Volume _____

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

Claim has been sub-irrigating the property.
According to my phone conversation
with Ernie Jolley Oct 25th, 2002.
Sub-irrigation is not considered a
use.
Used Std 504, and rate @ 0.02/acre.

Reviewer: CBDate: 10/28/02

PROFILED

SCANNED
APR 06 2005

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	A. Lin Whitworth	Box 183 Inkom, ID 83245				
Name connector: and	____, or	____, and/or	☒			
Current Owner	David L. Whitworth					
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: A. Lin Whitworth. Phone Number: 775-3743.

Relationship to Claimant: Self

Date of Field Exam: 7/31/02 Time: 8:30 Am.

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

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: _____

Date: _____

PROFILED

SCANNED
APR 06 2005

10/24/02. Phone conversation with Shady
Stacy. 775-3560.

When did you put in the dam in
March Creek? 1970-71.

Shady worked with the Army Corp.
of Engineers to replace telephone
poles placed in March Creek with
the current system in 1970/71. They
have a vertical system now. It's
a concrete structure that allows
the water to flow into Shady's
ditch.

SCANNED

APR 06 2005

PROFILED

Bird, Cindy

From: Carlsen, Ernie
Sent: Monday, October 28, 2002 11:23 AM
To: Bird, Cindy
Cc: McHugh, Candice; Music, Vicky
Subject: RE: Lin Whitworth claims

Cindy,

My guidance at this stage is to keep the Candice informed so we ensure everybody is looking at the same information and reaching the same conclusion.. Her concurrence is important. I prefer to have your efforts directed at producing recommendations. A letter to explain why the claims are disallowed may result in more of your time being directed at assisting him with these questionable claims. Mr. Whitworth will get notice with the PDR and then this issue can be addressed during the notice of error process.

Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Monday, October 28, 2002 10:08 AM
To: Carlsen, Ernie
Subject: Lin Whitworth claims

Good Morning Ernie,

Should we have Candice write Mr. Whitworth a letter explaining that his claims are being recommended as disallowed to the court because sub-irrigation is not putting the water to b.u.?

Cindy

PROFILED

SCANNED

APR 06 2005

Bird, Cindy

From: Bird, Cindy
Sent: Thursday, October 24, 2002 9:59 AM
To: Carlsen, Ernie
Cc: McHugh, Candice
Subject: RE: Lin Whitworth

I wrote a letter to Lin Whitworth asking him about the "dam" that backs the water up for him and allows for sub-irrigation of his property. In his reply he said that dam is approximately .25 miles below his property and was put in by Grady Staley and Dee Mar Gilbert. The sub-irrigation was in place before he bought the property. I called Grady this morning and he said the concrete structure was put in 1970-71 to allow them to divert water into their ditch. Grady didn't realize that the structure was backing water up and sub-irrigating Whitworth's property. If you look at the 1987/88 NAPP photograph the only irrigated part of Lin's property is that land east of Marsh Creek. From that I'm not convinced that Lin Whitworth has diverted the water for the purpose of irrigation. As you stated sub-irrigation is not putting the water to beneficial use for irrigation. I'm going to disallow both claims and let Lin defend it in court.

Would either one of you like me to fax the letter or the reply to you?

Any other thoughts.
Cindy

-----Original Message-----

From: Carlsen, Ernie
Sent: Thursday, October 24, 2002 8:15 AM
To: Bird, Cindy
Subject: RE: Lin Whitworth

Cindy there is a P03 Remark and a P03 Condition. Use both of them. Then under the quick look tab and a comment explaining the situation with the two claims and the reason for denying the one originally from Walker Creek.
Ernie

-----Original Message-----

From: Bird, Cindy
Sent: Wednesday, October 23, 2002 12:29 PM
To: Carlsen, Ernie
Subject: RE: Lin Whitworth

Would the comment to the disallowed claim be just that a comment and not a remark or condition?

-----Original Message-----

From: Carlsen, Ernie
Sent: Wednesday, October 23, 2002 12:12 PM
To: Bird, Cindy
Cc: McHugh, Candice
Subject: RE: Lin Whitworth

Cindy,

I consulted with Candice about this matter and her suggestion was to use P03, No beneficial use found. The logic is that if he already has a right for 0.02 cfs/acre from the same source diversion of water under a second right is not recognized as a beneficial use. Be sure and add a comment to the disallowed claim explaining that the other right from the same source already allows diversion of 0.02 cfs/ac.

I believe Candice is going to email you for the claim numbers. I could not figure out what they were.
Ernie

-----Original Message-----

From: Bird, Cindy

PROFILED
1

SCANNED

APR 06 2005

Sent: Monday, October 21, 2002 3:10 PM
To: Carlsen, Ernie
Subject: Lin Whitworth

Ernie,

Friday we were talking about Lin Whitworths claims. One that he amended the source to Marsh Creek and on he claimed Marsh Creek. You said to disallow the Amended Claim and recommend the Marsh Creek Claim because it's at an inch/acre. What Remark/Condition Codes do I put on the disallowed claim? That it's being recommended as right number ____-____ because it's the same source? It wouldn't be P01, NO LAWFUL APPROPRIATION FOUND.

There have been several trains today.
Cindy

PROFILED

SCANNED
APR 06 2005

A. Lin Whitworth
PO Box 183
Inkom, ID 83245

October 16, 2002

Cindy E. Bird
Dept. of Water Resources
15 West Center Street
Soda Springs, ID 83276

REF: Response to your letter of September 30, 2002

Subject: Answer some questions on SRBA claims A29-12514 and A29-12515

Dear Cindy Bird:

I hope the following answers your questions.

Para 1: The diversion change was made in the late 50's when the natural gas line went through the property then owned by A.M. Newton.

We sprinkle irrigated through the 70's, and flood irrigated out of walker creek when our water was uninterrupted by neighbors.

Para 2: The dam producing sub irrigation is approximately .25 mile below our property, put in by Grady Staley and Dee Mar Gilbert Jr. it is made of wood, metal, earth. The sub-irrigation was in place before we bought the property.

Para 3: The flood irrigation of the land west of Marsh Creek was interrupted prior to 1989 by the continual destruction by neighbors of our ditch out of Walker Creek.

Para 4: A. Lin Whitworth and Dennis P. Whitworth purchased the land on May 15, 1973 (instrument # 508746). A. Lin Whitworth acquired sole interest by quit claim deed on May 11, 1974 (instrument # 529504).

Para 5: The water rights should be in A. Lin Whitworth and David L. Whitworths names.

Thank you;



A. Lin Whitworth

SCANNED

APR 06 2005

PROFILE



9/30/02 attached are photos submitted by David Whitworth. on 9/27/02.



Point of diversion originally on old Carlyle place now the Bud Bullock place.



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APR 06 2005

Ditch on Bullock place.



Ditch on Bullock place.



Ditch on Kay Brodie's place.

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APR 06 2005



Original diversion on Bullock Place.



Ditch on Bullock Place.

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APR 06 2005



Ditch by Brodie place.

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APR 06 2005

Ownership trail:

9/30/02 CB

Aug. 24, 1909 Durand → Francis.
(160 ac) including 4 cfs of Walker crk.

Sept. 20, 1910 Francis → Richardson.
(160 ac.) including 4 cfs of Walker crk.

April 5, 1913 Richardson → Walker crk Land & Livestock.
(160 ac) including 4 cfs of Walker crk, all water

Dec. 15, 1915 Walker crk Land & Livestock → Webster.
(200 ac) including all water from Walker crk & Marsh Crk.

Aug 11, 1930 Webster → Toston
(200 ac) Walker crk & Marsh Crk water.

Aug 14, 1940 Toston → Dr. Newton.
all water.

May 15, 1973
(General Sales) Dr. Newton → Whitworth.

1975 - changed source to Marsh Crk.

PROFILED

SCANNED

APR 06 2005

24566
~~24356~~
Re-24558
Frank Toston.

Fort Hall Indian Agency,
Fort Hall, Idaho.
June 26, 1934.

Utah Mortgage Loan Corporation,
Logan, Utah.

Dear Sirs:

Receipt is acknowledged of your letter of June 25, 1934
and the following information is herewith listed:

1. Ingweboo, patentee, is the same person as Ingweboo Ochapit, incompetent Indian and not married on January 25, 1926. She is a widow.
2. The legal heirs of the Yawgwazap Estate are Slim Nephi and Ella Kenio Nephi, each undivided one-half interest. Probate findings approved by the Secretary of the Interior under date of July 3, 1918. (Probate reference 43179-18).
3. Slim Nephi and Ella Kenio Nephi are not certificate of competency Indians but the sale was valid because the Secretary of the Interior is empowered by an Act of Congress to approve Indian sales and thereby remove the restrictions.
4. The legal heirs of Nephi Ochapit are Ingwaboo, Peeyou, Slim Nephi, Hevedore Tindore, Chauncey Tindore, Lorenzo Tindore, William Tindore, Pearl Edmo, Mary Edmo, Gidgeon Edmo, and Sam Deepwater. Probate findings were approved by the Secretary of the Interior under date of Feb. 16, 1918. Probate references 110366-17; 84034-19.)
5. The heirs are not certificate of competency Indians but the sale was also approved by the Secretary of the Interior on Sept. 19, 1922.

We are glad to give you this information and there is no charge whatever.

Yours very truly,

JBM

F. A. Cross,
Superintendent.

PROFILED

SCANNED
APR 06 2005

SCANNED
APR 06 2005

ESTABLISHED 1892

UTAH MORTGAGE LOAN CORPORATION

A. H. THOMPSON, PRESIDENT
FREDERICK P. CHAMP, VICE-PRESIDENT & TREASURER HENRY G. HAYBALL, VICE PRESIDENT J. C. WALTERS, VICE-PRESIDENT
WILLARD PAULSEN, SECRETARY

LOGAN, UTAH

June 25, 1934.

U.S. Indian Agency,
Ft. Hall, Idaho.

Gentlemen

Will you kindly furnish us the following information
from your records:

On May 5, 1916, the United States of America issued
its Patent for certain lands in your district to Ingweboo.

In the year 1926 a deed was made by Ingweboo Ohapit
covering these lands. The deed was approved by the Department
of the Interior. Is the said Ingweboo, Patentee, the same
person as Ingweboo Ohapit and has he been declared competent
since that time, and was said indian married on January 25,
1926.

On May 5, 1916 the United States of America issued its
Patent for certain lands in your district to Yawgwazap.
Can you advise us from your records who the legal heirs of
this Patentee are, and has there been a probate proceeding in
your department determining his heirs and successors?

On May 5, 1916 the United States issued its certain
Patent to Nephi Ohapit, an indian. Do your records show who
the heirs of the said Nephi Ohapit were and has a probate
proceeding been had in your department, in his estate?

The abstract of title covering Indian lands shows a deed
from Slim Nephi and Ella Kenic and said deed recites that
they are heirs of Yawgwazap. This deed is dated March 25,
1922 and is approved by the Department of the Interior.
Had the said Slim Nephi and Ella Kenic been declared competent be-
fore March 25, 1922.

On March 6, 1922 a deed is shown from Ingweboo, Peeyou,
Slim Nephi, Hevedore Tindore, Chauncey Tindore, Lorenzo
Tindore, William Tindore, Pearl Edmo, Mary Edmo, Gidgeon
Edmo and Sam Deepwater, Heirs of Nephi Ohapit. Had the said
indians been declared competent before March 6, 1922?

Kindly furnish us with this information and a statement
of your charges in the matter.

Yours truly,

UTAH MORTGAGE LOAN CORPORATION,

PROFILED

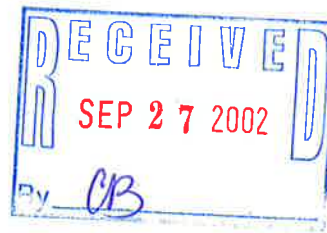
SCANNED

APR 06 2005

ES

RE-24566- Frank Toston.

G. H. Dunn
Attorney



1-15707-K

2-1

DEED

508746

FOR VALUE RECEIVED, GENERAL SALES, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto A. LIN WHITWORTH and CAROL A. WHITWORTH, husband and wife and DENNIS P. WHITWORTH and EMMA MAY WHITWORTH, husband and wife grantees, the following described real estate, to-wit:

REVENUE STAMPS

Parcel 1

A tract of land in SW $\frac{1}{4}$ SV $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T. 8S., R. 36E., B.M., Bannock County, Idaho, more particularly described as follows:
Beginning at a point on the Easterly right of way line of Marsh Creek Road that is N 89° 28' 45" E 1189.03 feet from the Southwest corner of Section 15, T. 8S., R. 36E., B.M.; thence N 6° 12' (N 6° 23' 30") on the Easterly right of way of Marsh Creek Road 185.99 feet; thence N 89° 22' 30" E 2758.77 feet, more or less, to the East 1/16 line of said Section 15; thence S 0° 08' E on the East 1/16 line of said Section 15, 186.60 feet; thence S 89° 22' 30" W 2781.14 feet, more or less, to the Point of Beginning.

Parcel 2

A tract of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 8S., R. 36E., B.M., Bannock County, Idaho, more particularly described as follows:
Beginning at a point on the North line of Section 22, T. 8S., R. 36E., B.M. that is N 89° 28' 45" E 1322.07 feet from the Northwest corner of said Section 22; thence N 89° 28' 45" E on the North line of said Section 22, 2644.14 feet, more or less, to the East 1/16 line of said Section 22; thence S 00° 05' 45" E on the East 1/16 line of said Section 15, 1327.82 feet, more or less, to the North 1/15 line of said Section 15; thence S 89° 33' 50" W on the North 1/16 line of said Section 15, 2643.5 feet, more or less, to the West 1/16 line of said Section 15; thence N 00° 06' 35" W on the North 1/16 line of said Section 15, 1323.9 feet more or less, to the Point of Beginning and contains 80.0 acres, more or less.
Subject to attached restrictions

EIVE

27 2002

CB

NO DWELLING SHALL BE PERMITTED ON THE ABOVE DESCRIBED PROPERTY HAVING LESS THAN 1,000 SQUARE FEET EXCLUSIVE OF GARAGE. SAID DWELLING SHALL BE OF NEW CONSTRUCTION MATERIALS. NO USED MATERIAL OR USED DWELLINGS SHALL BE MOVED ON TO THE ABOVE DESCRIBED PROPERTY. ANY TRAILER HOUSE IN GOOD CONDITION MAY BE MOVED ON DESCRIBED PROPERTY AS LONG AS THEY ARE A MINIMUM SIZE OF 12 FEET BY 50 FEET.

GRANTEES UNDER ANY CONVEYANCE SHALL NOT AT ANYTIME CONDUCT, OR PERMIT TO BE CONDUCTED ON SAID PROPERTY, ANY TRADE OR BUSINESS OTHER THAN FARMING. SAID LAND CAN BE USED FOR PRIVATE DWELLING OR RESIDENCE AND NOT FOR A COMMERCIAL BUSINESS.

ALL LIVESTOCK SHALL BE LIMITED TO TWO PER ACRE, EXCEPT GOATS AND PIGS WHICH SHALL BE LIMITED TO TWO EACH ON THE ABOVE DESCRIBED TRACT.

THE ABOVE DESCRIBED PROPERTY SHALL NOT BE USED AS A DUMPING GROUND OR FOR STORAGE OF LARGE QUANTITIES OF EQUIPMENT OR MATERIALS.

GRANTOR RESERVES ONE-HALF OF ALL MINERAL RIGHTS.

GRANTOR RESERVES ALL WATER RIGHTS IN WALKER CREEK.

2-2

508746

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grant to
heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary
this May 15, 1973



CORPORATE SEAL

By *Leah Harrison*

PRESIDENT

ATTENT:

SECRETARY

STATE OF IDAHO,
County of Bannock, ss.

On this 15th day of May, 1973,
before me, a Notary Public in and for said State, personally
appeared *Leah Harrison* and

known to me to be the President and Secretary of the corporation that executed
the instrument in the presence of the person who executed the instru-
ment, and acknowledged to me that the instrument was executed by the
said corporation.

I, *Leah Harrison*, have hereunto set my hand
and seal, and my official seal, the day and year in this certificate
first above written.

Leah Harrison
Notary Public for the State of Idaho,
Residing at Pocatello

508746

RECORDED & RETURNED

Am. Land Title Co.

May 21 4 30 PM '73

INDEXED

112.00

FOR A LOST ESTATE MORTGAGE
The undersigned, *LEAH HARRISON*, of the County of Bannock, State of Idaho, do hereby certify that the following described premises, in Bannock County, Idaho, to-wit:
FOR A LOST ESTATE MORTGAGE
the following described premises, in Bannock County, Idaho, to-wit:
Parcel 1
A tract of land in SW 1/4 SW 1/4, SW 1/4 and SW 1/4 SE 1/4 of Section 15, T. 33 N., R. 36 E., E.M., Bannock County, Idaho, more particularly described as follows:

611

QUITCLAIM DEED

For Value Received

Dennis P. Whitworth and Emma May Whitworth

do hereby convey, release, remise and forever quit claim unto

Arthur Lin. Whitworth and Carol Whitworth

whose current address is

Idaho, Idaho

the following described premises, to-wit:

Parcel 1

A tract of land in SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T.8S., R. 36E., B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at a point on the Easterly right-of-way line of Marsh Creek Road that is N 89° 28' 45" E 1189.03 feet from the Southwest corner of Section 15, T.8S., R. 36E., B.M.; thence N 6° 12' (N 6° 23' 30") on the Easterly right-of-way of Marsh Creek Road 185.99 feet; thence N 89° 22' 30" E 2758.77 feet, more or less, to the East 1/16 line of said Section 15; thence S 0° 08' E on the East 1/16 line of said Section 15, 186.60 feet; thence S 89° 22' 30" W 2781.14 feet, more or less, to the Point of Beginning.

Parcel 2

A tract of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 8S., R. 36E., B.M., Bannock County, Idaho, more particularly described as follows:

Beginning at a point on the North line of Section 22, T.8S., R. 36E., B.M. that is N 89° 28' 45" E 1322.87 feet from the Northwest corner of said Section 22; thence N 89° 28' 45" E on the North line of said Section 22, 2644.14 feet, more or less, to the East 1/16 line of said Section 22; thence S 00° 05' 45" E on the East 1/16 line of said Section 15, 1327.82 feet, more or less, to the North 1/16 line of said Section 15; thence S 89° 33' 50" W on the North 1/16 line of said Section 15, 2643.5 feet, more or less, to the West 1/16 line of said Section 15; thence N 00° 06' 35" W on the North 1/16 line of said Section 15, 1323.9 feet more or less, to the Point of Beginning and contains 80.0 acres, more or less.

Subject to attached restrictions

NO DWELLING SHALL BE PERMITTED ON THE ABOVE DESCRIBED PROPERTY HAVING LESS THAN 1,000 SQUARE FEET EXCLUSIVE OF GARAGE. SAID DWELLING SHALL BE OF NEW CONSTRUCTION MATERIALS. NO USED MATERIAL OR USED DWELLINGS SHALL BE MOVED ON TO THE ABOVE DESCRIBED PROPERTY. ANY TRAILER HOUSE IN GOOD CONDITION MAY BE MOVED ON DESCRIBED PROPERTY AS LONG AS THEY ARE A MINIMUM SIZE OF 12 FEET BY 50 FEET.

GRANTEES UNDER ALL CONVEYANCES SHALL NOT AT ANYTIME CONDUCT, OR PERMIT TO BE CONDUCTED, ON SAID PROPERTY, ANY TRADE OR BUSINESS OTHER THAN FARMING. SAID LAND CAN BE USED FOR PRIVATE DWELLING OR RESIDENCE

SCANNED

APR 06 2005

PROFILE

612

529504

together with their appurtenances.

Dated: 11-4-74

Dennis P. Whitworth

Emma May Whitworth

STATE OF IDAHO, COUNTY OF BANNOCK
On this 5th day of NOVEMBER, 1974,
before me, a notary public in and for said State, personally
appeared
DENNIS P. WHITWORTH &
EMMA MAY WHITWORTH

NOTARY SEAL

known to me to be the person s whos s names ARE
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Robert R. Black

Notary Public
Idaho

Residing at POCATELLO
Comm. Expires 12-24-74

NO. 529504
RECORDED AT REQUEST OF
Am. Land Title Co.
Nov. 5 9 07 AM '74
OFFICE REC'D. F.A. NO. 272
BANNOCK COUNTY, IDAHO
TIM FRANKS, CLERK
PER 200 FIDELITY In

PROFILED

SCANNED

APR 06 2005

WARRANTY DEED

560232

For Value Received ARTHUR LIN WHITWORTH, also known as A. LIN WHITWORTH, and
CAROL WHITWORTH, also known as CAROL A. WHITWORTH,
husband and wife

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

POCATELLO CHAROLAIS RANCHES, INC.

whose current address is

the grantee, the following described premises, in Bannock County Idaho, to wit:

A tract of land in the NE1/4 and NW1/4 of Section 22, Township 8 South
Range 36 East Boise Meridian, Bannock County, Idaho, more particularly
described as follows:

Beginning at a point on the North line of Section 22, Township 8 South,
Range 36 East Boise Meridian, that is North 89°28'45" East 1322.07 feet
from the Northwest corner of said Section 22; thence North 89°28'45" East
on the North line of said Section 22, 688.75 feet; thence in a Southeasterly
direction to a point that is 45 feet South of the North line of said Section
22 and is at the centerline of Marsh Creek; thence in a Southerly direction
along the centerline of Marsh Creek, to the North 1/16 line of said Section
22; thence South 89°33'50" West along the North 1/16 line of said Section 22
to West 1/16 line of said Section 22; thence North 00°06'35" West along the
West 1/16 line 1323.9 feet, more or less, to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except matters of public record.

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

Dated: August 17, 1976

Arthur Lin Whitworth
Arthur Lin Whitworth aka A. Lin Whitworth
Carol A. Whitworth
Carol Whitworth aka Carol A. Whitworth

STATE OF IDAHO, COUNTY OF Bannock
On this 17th day of August, 1976,
before me, a notary public in and for said State, personally
appeared Arthur Lin Whitworth, aka A.
Lin Whitworth and Carol Whitworth
aka Carol A. Whitworth, husband
and wife.

NOTARY SEAL

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

Kelly W. Adams
Notary Public

Residing at Pocatello, Idaho
Comm. Expires 10-29-76

NO. 560232
RECORDED AT REQUEST

Am. Land Title Co.

AUG 18 11 53 AM '76

292
OFFICIAL REPLY BY MAIL
BANNOCK COUNTY, IDAHO
TIM ERIKSEN, RECORDER
FEE 1.00 DEPUTY In

PROFILE

APR 06 2005

Instrument No. 4240

C. H. CROCKER CO. PORTLAND, OR. 1911

THE UNITED STATES OF AMERICA.

Certificate No. *7339*

To all to whom These Presents shall Come—Greeting:

WHEREAS, *William Durand of Bureau County, Idaho*

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Blackfoot, Idaho* whereby it appears that full payment has been made by the said *William Durand*

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provisions for the Sale of the Public Lands," and the acts supplemental thereto, for the *South East quarter of the South West quarter and the North West quarter of the North East quarter of Section fifteen and the North East quarter of the North West quarter and the North West quarter of the North East quarter of Section twenty two in Township eight South of Range thirty five East of Boise Meridian in Idaho, containing one hundred and sixty acres.*

according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the Surveyor General, which said Tract *has been purchased by the said William Durand*

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have Given and Granted, and by these presents do Give and Grant, unto the said *William Durand* and to *his* heirs, the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, unto the said *William Durand* and to *his* heirs and assigns, forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

And the same shall be held by the said Durand and his heirs and assigns forever, subject to the right of the United States to locate and mine on the same.

PROFIT

APR 16 2003

RECEIVED
SEP 7 1902
CB

according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have Given and Granted, and by these presents do Give and Grant, unto the said William L. ... and to his heirs, the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said William L. ... and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I, William L. ... President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the 11th day of November in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty year.

BY THE PRESIDENT: William L. ...

Recorded Vol. 56 Page 376 By John M. ... Secretary. John M. ... Recorder of the General Land Office.

Filed for Record at 11 o'clock A.M. March 3 A. D. 1904, and recorded at the request of ...

By ... Deputy.

PROFIT

Fee, \$...

APR 16 2005

DEED RECORD

Arb #1

Instrument No. 14674.

THIS INDENTURE, Made the Twenty fourth day of August In the year of our Lord one thousand nine hundred and Nine (1909) between William Durand and Alva V. Durand, his wife of Postville County of Barnock State of Idaho the parties of the first part, and James A. Proctor of Mc Cammon County of Barnock State of Idaho the part Y of the second part,

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of Five Thousand and no/100 Dollars,

in full money of the United States of America to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell and convey and certify unto the said part Y of the second part and to his heirs and assigns forever. All those certain lots, pieces or parcels of land, situate, lying and being in the County of Barnock and State of Idaho, bounded and more particularly described as follows, to wit:

The Southeast quarter of the Southwest quarter, and the Southwest quarter of the Southeast quarter of section fifteen (15), the Northwest quarter of the Northwest quarter of and the Northwest quarter of the Northeast quarter of Section Twenty Two (22) in Township eight (8) South of Range Thirty six (36) East of the Boise Meridian, in T24S, containing one hundred and sixty (160) acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General.

Together with any and all water, water rights, ditches, canals and aqueducts used, had and enjoyed in connection with the above described premises, and particularly four (4) cubic feet per second of flow of the waters of Walker Creek, as shown in that certain water location dated July 15, 1902, and recorded in Book "2" of Water Locations at page 186 of the Records of Barnock County, State of Idaho.

This deed is given and accepted subject to the certain mortgages given by the parties of the first part herein to the Union Central Life Insurance Company of Cincinnati, Ohio, due and payable as follows: One for the sum of \$1500.00, given April 15, 1904, due ten years after date with interest at the rate of ten per cent per annum, payable annually, and recorded April 15, 1904, in Book "5" of Mortgages at page 442, records of Barnock County, State of Idaho, and one for the sum of \$1000.00 given November 21, 1907, due ten years after date with interest at the rate of ten per cent per annum, payable annually and recorded December 21, 1907 in Book "11" of Mortgages at page 253, Records of Barnock County, State of Idaho, both of which mortgages the grantee herein assumes and agrees to pay.

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges therunto incident, unto the said part Y of the second part and to his heirs and assigns forever. And the said part 1st of the first part, and their heirs, 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 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, sell by these presents forever defied.

IN WITNESS WHEREOF, the said part 1st 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

W. H. Jackson Jr.
L. D. Brown

William Durand [SEAL]

Alva V. Durand [SEAL]

[SEAL]

STATE OF IDAHO

County of Barnock

Before me Lorenzo D. Brown

On this 24th day of August In the year 1909

Notary Public

personally appeared William Durand and Alva V. Durand, his wife in and for said County,

known to me to be the person whose name is are subscribed to the within instrument, and acknowledged to me that he by

executed the same, and on this day of the year before me the officer above described,

personally appeared known to me to be the person

whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her

husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same,

and that she did so with no restraint or coercion.

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

written.

[L.S.]

(seal)

Lorenzo D. Brown

Notary Public

Recorded at the request of
at 10.32 A.M.

Cit Nat Bank Ltd., this 25th day of Aug, 1909

E. G. Collet

Recorder

Fee 1.20

By W. A. Hyde

Deputy

FILED

SCANNED

APR 06 2001

SESW Sec. 15
SW SE Sec 15

NENW Sec. 22
NWNE

Aug 24, 1909

DEED RECORD

Arb #1 403

Instrument No. 28599

THIS INDENTURE, Made the 20th day of September in the year of our Lord one thousand nine hundred and 1910 between James A. Francis and Etta L. Francis, his wife,

of McCannon County of Bannock State of Idaho the parties of the first part, and Thomas I. Richardson of Idaho 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 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, do hereby by these presents grant, bargain, sell and convey and confirm unto the said party of the second part and to his heirs and assigns forever: All that certain lot, piece or parcel of land, situate,

lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to-wit: The southeast quarter of the southwest quarter, the southwest quarter of the southeast quarter of Section 15, the northeast quarter of the northwest quarter and the northwest quarter of the northeast quarter of Section 23, Township 8 South, Range 36 East of the Boise Meridian, in Idaho, containing 160 acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General. Together with any and all water, water rights, ditches, canals and aqueducts used, had and enjoyed in connection with the above described premises, and particularly 4 cubic feet per second of time of the waters of Walker Creek, as shown in that certain water location dated July 15, 1902, and recorded in Book "2" of Water Locations at page 186 of the records of Bannock County, State of Idaho.

This deed is given and accepted subject to two certain mortgages given by William Durand and Alva V. Durand, his wife, to the Union Central Life Insurance Company of Cincinnati, Ohio, due and payable as follows: One for the sum of \$1500.00 given April 15, 1904, due ten years after date with interest at the rate of ten per cent per annum, payable annually, and recorded April 16, 1904, in Book "8" of Mortgages at page 442, records of Bannock County, State of Idaho, and one for the sum of \$1000.00 given November 21, 1907, due ten years after date with interest at the rate of ten per cent per annum, payable annually, and recorded December 21, 1907, in Book "11" of Mortgages at page 253, records of Bannock County, State of Idaho, both of which mortgages the grantee herein assumes and agrees to pay.

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

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, and their heirs, 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 seal, the day and year first above written.

Signed, sealed and delivered in the presence of

Aaron Elliott

Lottie Nielson

James A. Francis [SEAL]

Etta L. Francis [SEAL]

[SEAL]

STATE OF IDAHO

County of Bannock do. On this 20th day of September in the year 1910 before me Aaron Elliott, a Notary Public in and for said County, personally appeared James A. Francis and Etta L. Francis, his wife, known to me to be the person whose name are 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.

(L. S.)

APR 06 2005 (SEAL)

Aaron Elliott

Notary Public

Recorded at the request of T. I. Richardson this 8th day of January, 1913,

at 2:41 P. M.

X. G. Gallet

Recorder

Fee \$1.10

By Edith Buchay Deputy

PROFIT

4 c/s of
Walker Creek

ARB #1

STATE OF CALIFORNIA,
County of Los Angeles. } ss.

On this 28th day of March, in the year 1914, before me John Edward Bishop, a Notary Public in and for said County, personally appeared J.M. Bistline and Martha Bistline, his 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.

John Edwards Bishop,
Notary Public.

(Seal)

My commission expires April 18, 1916. In & for Los Angeles County State of California.
Approved as to form and execution,
P.L. Williams,
P.W.

Recorded at request of Carl Stradley.
By Harry J. Fox, Deputy.

9:15 Am.,
Fee \$1.60

May 9th, 1914.
C.W. Pomeroy, Recorder.

Instrument No. 33320.

BARGAIN AND SALE DEED.

THIS INDENTURE, made this 5th day of April, 1913, between Thomas I. Richardson, and Hattie Richardson, (husband and wife) the party of the first part, and the Walker Creek Land & Live Stock Company, a corporation, the party of the second part, WITNESSETH: That the said party of the first part, for and in consideration of the sum of one (\$1.00) Dollar, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, convey, and confirm unto the said party of the second part, and to its successors and assigns forever, all the certain lot piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, and bounded and particularly described as follows, to-wit: The southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of Section 15, the northeast quarter of the northwest quarter and the northwest quarter of the northeast quarter of section 22, Township 8 South, Range 36 East of Boise Meridian, in Idaho, containing 160 acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General. Together with any and all water, water rights, ditches, canals and aqueducts used, had and enjoyed in connection with the above described premises and particularly four cubic feet per second of time of the waters of Walker Creek, as shown in that certain water location dated July 15, 1902 and recorded in Book "2" of Water Locations at Page 186 of the Records of Bannock County, State of Idaho. This deed is given and accepted subject to two certain mortgages given by William Durand and Alva V. Durand, his wife, to the Union Central Life Insurance Company of Cincinnati, Ohio, due and payable as follows: - One for the sum of \$1500.00, given April 15, 1904, due ten years after date with interest at the rate of ten per cent per annum, payable annually, and recorded April 16, 1904, in Book "8" of Mortgages at Page 442, records of Bannock County, State of Idaho, and one for the sum of \$1000.00 given November 21, 1907, due ten years after date with interest at the rate of ten per cent per annum, payable annually, and recorded December 21, 1907, in Book "11" of Mortgages at Page 253, records of Bannock County, State of Idaho, both of which mortgages the grantee herein assumes and agrees to pay. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any-wise appertaining, and the revision and reversions, remainder and remainders, 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 their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors 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.

Thomas I. Richardson.
Hattie Richardson.

Signed, Sealed and Delivered
in the presence of
Henry O'Leary.

STATE OF IDAHO,
County of Bannock. } ss.

On this 8th day of April, in the year 1913, before me Henry O'Leary, a Notary Public in and for said county of Bannock, personally appeared Thomas I. Richardson and Hattie Richardson, (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.

Henry O'Leary,
Notary Public.

Recorded at request of John A. Webster.
By Sidonia Grose, Deputy.

2:25 Pm.,
Fee \$1.60

May 12th, 1914.
C.W. Pomeroy, Recorder.

SCANNED

APR 06 2005

PROFILE

(SEAL)

By the President: Woodrow Wilson

By U. P. LeRoy, Secretary

L. C. C. Lamar

RECORDED: Patent Number 486127

Recorded at request of Arthur C. Saunders, at 2:45 P.M., Jan'y. 25, 1916

By Sidonia Grosse, Deputy

Fee 1.00

C. W. Pomeroy, Recorder.

Instrument No. 44168.

THIS INDENTURE, Made the 3rd day of December in the year of our Lord one thousand nine hundred between Joseph S. Stoddard and wife, Susan E. Stoddard, of Downey, County of Bannock, State of Idaho, the parties of the first part, and Adelbert O. Merrill of Swan Lake, 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 hundred and ninety nine 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, do by these presents, grant, bargain, sell and convey and confirm unto the said party of the second part, and to his heirs 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, bounded and more particularly described as follows, to-wit: The north half of of south east quarter (N2 SE4) and south west quarter (SW4) of south east quarter (SE4) and north east quarter of south west quarter (NE4 SW4) of section seventeen (17) in Township twelve (12) south of range thirty eight (38) east Boise Meridian and containing one hundred and sixty (160) acres, all being and lying in Bannock County, State of Idaho.

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

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, and their heirs, 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 Wm. F. Fisher,

Samuel T. Merrill,

Joseph S. Stoddard, (Seal)
Susan E. Stoddard, (Seal)

STATE OF IDAHO,

ss.

County of Bannock,

On this 3rd day of December in the year 1900, before me William F. Fisher, a Notary Public in and for said County, personally appeared Joseph S. Stoddard of Downey, Bannock County, State of Idaho, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this 3rd day of December in the year 1900, before me, the officer above described, personally appeared Susan E. Stoddard, known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same and that she does not wish to retract such execution.

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)

William F. Fisher,
Notary Public.

My commission expires Dec. 16th, A.D. 1900;

Recorded at request of Utah Mortgage Loan Corp., 2:01 P.M.,

February 4, 1916.

By Harry J. Fox, Deputy.

Fee \$1.20

C. W. Pomeroy, Recorder.

Instrument No. 44173.

DEED

ARB #1

THIS INDENTURE, made the 15th day of December, 1915, between the WALKER CREEK LAND AND LIVE STOCK COMPANY, a corporation, heretofore organized and doing business under the laws of the State of Utah, party of the first part and JOHN A. WEBSTER of Kayaville, State of Utah, party of the second part, WITNESSETH:

That the said party of the first part in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States, paid to it by the said party of the second part, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, releases and conveys to the said party of the second part, his heirs and assigns forever, all those lots and parcels of land situated in the County of Bannock, State of Idaho, particularly described as follows: The southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of Section 15, the northeast quarter of the northwest quarter and the northwest quarter of the northeast quarter of Section 22, Township 8 south, Range 36 east, of Boise Meridian, in Idaho, containing 160 acres, according to the official plat of the survey of the said lands, also, the southwest quarter of the southwest quarter of Section 15, Township 8 south, Range 36 east, Boise Meridian, containing 40 acres, according to the

PROFILE

SCANNED

APR 06 2005

official plat of the survey of said lands, returned to the General Land Office by the Surveyor General. Together with primary water rights out of Walker Creek and Marsh Creek and all other water rights of any nature whatsoever, together with the appurtenances of all the estate and rights of the party of the first part in and to said premises.

To have and to hold the above granted premises unto said party of the second part, his heirs and assigns forever, the said party of the first part hereby covenants with the party of the second part, as follows:

First. That the party of the first part is seized of the said premises in fee simple and has a right to convey the same.

Second. That the party of the second part shall quietly enjoy the said premises.

Third. That the said premises are free from incumbrances except a certain mortgage given to secure the purchase price of said tracts of land.

Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to the said premises.

Fifth. That the party of the first part will forever warrant the title to said premises.

IN WITNESS WHEREOF, the said party of the first part, the Walker Creek Land and Live Stock Company, has caused this instrument to be signed, acknowledged and delivered in its name and on its behalf by its President and attested by its Secretary the day and year first above written.

WALKER CREEK LAND AND LIVE STOCK COMPANY
By John A. Webster, Its President.

ATTEST: George W. Watt,
Its Secretary.

STATE OF UTAH,)
County of B Davis,) ss.

On this 15th day of December, A.D. 1916, before me, a Notary Public, personally appeared John A. Webster, known to me to be the President of the corporation that executed this instrument and acknowledged to me that such corporation executed the same.

John A. Gailley,
Notary Public.

(Seal) My commission expires Nov. 12th, 1918.

Recorded at request of Home Inv. Co.,
By Harry J. Fox, Deputy.

2:19 P.M., February 4, 1916.
Fee \$1.40 C.W. Pomeroy, Recorder.

Instrument No. 44182.

SHERIFF'S DEED ON FORECLOSURE.

THIS INDENTURE, made this 2nd day of November, 1915, between W.W. Cooper, the now duly elected, qualified and acting Sheriff of the County of Bannock, State of Idaho, of the first part, and Farmers and Traders Bank, a corporation, the party of the second part, WITNESSETH:

WHEREAS, in and by a judgment and decree made and entered on the 5th day of October, 1914, in and by the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, in a suit then pending in said court, wherein Farmers and Traders Bank, a corporation, was plaintiff, and Martha W. Ulrich, Carl F. Ulrich, Otto Ulrich and Isaac Bevel, were defendants, it was, among other things, ordered, adjudged and decreed that the mortgaged premises described in the complaint and decree in said action, be sold at public auction by the Sheriff of said county in the manner directed by law, upon which said judgment or decree an execution in foreclosure was duly issued and delivered to E. E. Lowry, the then duly elected, qualified and acting Sheriff of the said County of Bannock, requiring him to make sale of said premises as therein directed; and

WHEREAS, in obedience to said decree and execution in foreclosure and after due public notice given as required by law, the said E. E. Lowry, the then Sheriff of said county, did, on the 31st day of October, 1914, at ten o'clock A.M. duly sell at public auction, at the southeasterly front door of the Court House at the City of Pocatello, Bannock County, Idaho, the premises in said decree and hereinafter described; and

WHEREAS, at such sale said premises were fairly sold to Farmers and Traders Bank, a corporation, the plaintiff in said action, and the grantee herein, for the sum of Three Thousand, one hundred three and 21/100 dollars (\$3103.21), it being the highest bidder and that sum being the highest bid therefor; which sum was duly paid by said purchaser to said E. E. Lowry, the then Sheriff, and said E. E. Lowry, the then Sheriff, thereupon delivered his certificate of sale to the said purchaser and filed a duplicate thereof in the office of the County Recorder of the said County of Bannock, as required by law; and

WHEREAS, more than one year has expired since the date of said sale and no redemption has been made of the property so sold, by any person;

NOW, THEREFORE, in consideration of the premises and of said sum so paid, as aforesaid and in compliance with the statute, said W.W. Cooper, the now duly elected, qualified and acting Sheriff, as aforesaid, and successor to the said E. E. Lowry, the then Sheriff of said county, does hereby grant, bargain, sell and convey to the said grantee and to its successors and assigns forever, all that real property lying and being in the County of Bannock, State of Idaho, described as follows, to-wit:

Lot fourteen in Block four hundred twenty-eight and lot fourteen in Block five hundred and nine, containing 8400 square feet, according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor General, together with the tenements hereditaments and appurtenances thereto belonging or in anywise appertaining and situated in the City of Pocatello, County of Bannock, State of Idaho.

TO HAVE AND TO HOLD the above described premises with the appurtenances unto the said grantee and its successors and assigns forever.

IN WITNESS WHEREOF, said grantor as sheriff aforesaid, doth hereunto set his hand the day and year first above written.

W. W. Cooper,
Sheriff of Bannock County, Idaho.

PROFILED

SCANNED
APR 06 2005

8-11-1930

ARB #1 Frank TOSTON

INSTRUMENT No. 173496

WARRANTY DEED

This Indenture, Made on this 11th day of August, in the year of Our Lord One Thousand Nine Hundred and thirty, between John A. Webster, & Fannie Webster, his wife, of Kayville, County of Davis, State of Utah, the parties of the first part, and Frank Toston of Pocatello, County of Blaine, 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 and no/100

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 other good and valuable considerations, by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part, and to his heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Blaine, State of Idaho, bounded and more particularly described as follows, to-wit:

The South half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter of Section Fifteen (15), The Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section Twenty two (22), in Township Eight (8) South, Range Thirty six (36), East of the Boise Meridian, in Idaho, containing 200 acres according to the Official Plat of the Survey of the said lands, returned to the General Land Office by the Surveyor General, together with all water rights and particularly water rights obtained from Walker and Marsh Creeks.

15 + 22

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 his heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part, 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 premises forever defend.

IN WITNESS WHEREOF, The said parties 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

John R. Gailley

G. Melvin Barnes

John A. Webster

her
Fannie X Webster
mark

STATE OF ~~XXXXXX~~ Utah

County of Davis

On this 11th day of August, in the year 1930, before me, the undersigned a Notary Public in and for said County and State, personally appeared John A. Webster, his wife, known to me to be the person whose name is 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 the certificate first above written.

(SEAL) Commission Expires Nov. 7, 1930. John R. Gailley
Notary Public.
Residence Kayville, Utah.

SCANNED

PR 0 6 2005

PROFILE

I hereby certify that this instrument was filed for record at the request of B. T. A. Co., at 05 minutes past 3 o'clock P.M., this 6 day of Oct., A. D. 1934, in Book 67 of Deeds, at page 632. Grace L. Hall, Ex-Officio Recorder. By Clarice K. Mitchell, Deputy.

DEEDS BOOK 82

217

STATE OF CALIFORNIA

County of ALAMEDA

ss.

On this 9th day of October in the year 1940, before me, J. L. Wyquist, a Notary Public in and for said County of Alameda, personally appeared E. S. Davis, 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)

J. L. Wyquist

Filed for record at the request of O. R. Deane, Oct 19, 1940, at 45 minutes past 9 o'clock AM., in Record of Deeds 82, page 216.

Anna Keefe, Recorder

Fee 80¢

INSTRUMENT NO. 211-83

QUIT CLAIM DEED

"THIS INSTRUMENT, Made the Fourteenth day of August, in the year of our Lord, One Thousand Nine Hundred and Forty, between Frank Toston, a single person of McCammon county of Bannock and State of Idaho the party of the first part, and A. M. Newton and Florence Newton, his wife of Pocatello, of the County of Bannock and State of Idaho the parties of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE and 00/100 DOLLARS lawful money of the United States of America to him in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged, does by these presents demise, release and forever Quitclaim unto the said parties of the second part, and to their heirs and assigns, all that certain real estate situated in Bannock County, of the State of Idaho, particularly described as follows, to wit:

The South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section Fifteen; the Northeast Quarter of the North-west Quarter and the Northwest Quarter of the Northeast Quarter of Section Twenty-two; all in Township Eight South, Range Thirty-six, East of the Boise Meridian; and

All water and water rights used upon or appurtenant to said property and however evidenced;

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

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

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said parties of the second part, and to their heirs and assigns forever.

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

Signed, Sealed and Delivered in the Presence of

Frank Toston (Seal)

STATE OF IDAHO

County of Bannock

ss.

On this Fourteenth day of August in the year 1940, before me, F. M. Bistline, a Notary Public in and for the County of Bannock, State of Idaho, personally appeared Frank Toston, 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)

F. M. Bistline

Notary Public.

Residence: Pocatello, Idaho

Filed for record at the request of Dr. A. M. Newton Oct. 19, 1940 at 4 minutes past 9 o'clock AM., in Record of Deeds 82, page 217. Box 582.

Anna Keefe, Recorder

Fee 80¢

INSTRUMENT NO. 211-83

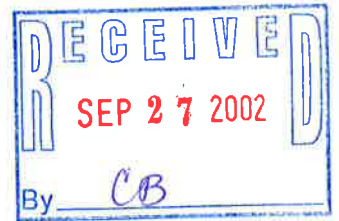
PROFIT

SCANNED

APR 06 2005

Affidavit

State of Idaho)
County of Bannock)



I RIsden BARRON

Flood irrigated the property
Described herein by pumping
out of Marsh Creek AND
Ditching water out of

Walker Creek. I farmed AND
irrigated the Land KNOWN AS

The A.M. Newton Ranch

from Approximately 1950 to

1957. I make this Affidavit

SCANNED
APR 06 2005

PRO

To Support A.M. Newtons Affidavit
Dated & Recorded in Bannock County

Idaho on July 13, 1972.

I believe the Legal
description on the Affirmations
Affidavit of A.M. Newtons
to describe the Property
I farmed and including
the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.

10-2-96 X Grider Barrow

10-2-96 X Shirley Nash
Wittness

10-2-96 X _____

PROFILED

SCANNED
APR 06 2005

Affidavit

State of Idaho)
County of Bannock)

I John Neeser do swear
THAT I irrigated property for
FRANK Toston for 3-4 years
around the years 1927-1931. We
used water and Flood irrigated
from both Walker and Marsh
Creeks on property on both
sides of the Marsh Creek
in sections 15 & 22 Township 8 South
Range 34 E.B.M. I make these
statements to certify use of
these waters for beneficial

PROFILE

SCANNED

APR 06 2005

Page 2 of 2
 investigation & Agricultural use.
 I certify that Frank Toston
 Pumped water up from Marsh
 Creek and by ditching irrigated
 the property he owned and
 Leased by Flood irrigation.

10-3-96 X John Neeser
 John Neeser
 10-3-96 X John Neeser
 John Neeser
 Witness

SCANNED
 APR 06 2005

PROFIT

Affidavit

State of Idaho)
County of Bannock)



I FRANK M. Whitworth do
swear That I irrigated by
Flooding out of Both Marsh
and Walker Creeks The property
belonging to A.M. Newton Located
in Section 15 to 22 Township 8 South
Range 36 E.B.M. I ditched water
from a diversion located on
Lou Carlyles place on Marsh
Creek. Point of Diversion in Section
34 Township 8 South Range 36 E.B.M.

PROFILED

SCANNED
APR 06 2005

Page 2
I investigated there from 1955

to 1958.

I make this affidavit

in support of A. M. Newtons
Affidavit Dated and Recorded

in Bannock County Idaho

on July 13, 1972.

I confirm the legal description

on said A. M. Newton Affidavit
to be correct except where

it Reads. Section 15: SW 1/4 SE 1/4
should read SE 1/4 of the SW 1/4.

X James M. Newton

X John H. M. Newton

Witness

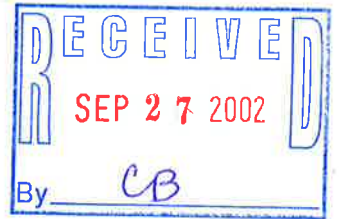
Witness

APR 06 2005

PROVIDED
SCANNED

Affidavit:

State of Idaho)
County of Bannock):



I MARVIN DANIEL WHITWORTH
DO SWEAR THAT I irrigated
by Flooding out of both Marsh
and Walker Creeks the property
belonging to A.M. Newton located
in Sections 15 & 22 Township 8 south
Range 36 E.B.M.. I ditched water
from a diversion located on Lou Carlyle
Place on Marsh Creek. Point of diversion
in section 34 Township 8 south Range
36 E.B.M.. Also Pumping water out of
Marsh Creek up through a set of
headgates. I irrigated the property
in 1959.

PROFILE

SCANNED
APR 06 2005

I make Affidavit in support
of A.M. Newtons Affidavit Dated
And Recorded in Bannock County
Idaho on July 13, 1972.

I confirm the legal description
on said A.M. Newton Affidavit
to be correct except where it
reads Section 15: SW $\frac{1}{4}$ SE $\frac{1}{4}$
should read SE $\frac{1}{4}$ of the SW $\frac{1}{4}$.

X Mavin Whitworth

witness X Albert Whitworth

witness X _____

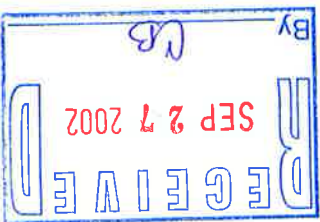
SCANNED

APR 06 2005

PROFILE

Affidavit

State of Idaho)
County of Blaine)



I Gordon B. Cooper do

swear That I pumped water
with a natural Gas pump Flood

irrigating The old A.M. Newton Ranch

Located in Sections 15 & 22 Township
8 South Range 36 E.B.M. The system
was made up of Cement diversion
boxes.

A dam downstream from said

Property backed water up the
Creek bed raising the water

Table and 506 irrigating said

Property also, I irrigated the property

in 1970.

PROFFED

APR 05 2005

SCANNED

Page 2 of 2

I make this Affidavit to support continual use and the

Affidavit filed by A.M. Newton and Recorded in Bureau Count

Idaho on July 13, 1972

I Confirm the Legal

Description on said A.M. Newtons

Affidavit to be correct but

Should also include the

South East $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 15.

Dated 10-1-96

X Gordon Long

Dated 10-1-96

X Beverly J. Cooper
Witness

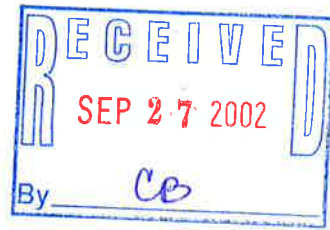
SCANNED

APR 06 2005

PROFILED

Affidavit

State of Idaho)
County of Bannock)



I Howard Hall do swear
That There was A diversion
dam and A ditch located on
my in laws property Known as
the Carlyle place. Said diversion
and ditch located just below
Bell Marsh Creek in Section
34, T8S, R36E was used
to run water for irrigation
to irrigate property downstream
including Frank Toston and
Newton Ranch located in the

PROFILED

SCANNED

APR 06 2005 A.M.

SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ AND SW $\frac{1}{4}$ of
the SE $\frac{1}{4}$ of Section 15 T8S
R 36 EBM, AND the N $\frac{1}{2}$ of the
NW $\frac{1}{4}$ AND the NW $\frac{1}{4}$ of the
NE $\frac{1}{4}$ of Section 22 T8S
Range 36 EBM.

I make this statement
to certify that Marsh Creek
water was used to irrigate
these properties above from 1944
to 1962 or 1963, AND Also to
support A M Newtons Affidavit
#496994 Recorded AND Dated
July 13, 1972.

FILED

SCANNED

APR 13 2005

Oct/3/96 X Howard Hall
Oct/3/96 X R. M. Kell
witness

10 - 4 - 1996

Jukam Idaho

County of Bannock.

State of Idaho



To whom it may concern

Beginning at the time I purchased 92
acres of the old Durand - Francis
T.I. Richardson - Am Newton Ranch on
Marsh Creek, a tributary to the Portnevo
River, a purchase made in 1973 By
Myself and my Brother Dennis and our
wives. I used the water from Walker
Creek, a tributary to Marsh Creek and Water
from Marsh Creek by gravity flow and
Pumping for flood irrigation and sprinkle
irrigation and sub irrigated from said
streams from 1973 until the

PROFIT

SCANNED
APR 06 2005
End page

Present time.

The property irrigated is specifically described as follows. SE $\frac{1}{4}$ of ~~Sec~~ $\frac{1}{4}$ of Section 15 and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 15 and the North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22 and also NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22 in T5 8 South Range 36 East. B.M.

I also transferred my Walker creek water to my Marsh creek water in 1975 at which time I began using some Sprinkler irrigation.

This statement is to ^{certify} ~~certify~~ the continued use of said waters for beneficial use on said properties

A Lin Whitworth

Jubam Idaho 10-4-96

Notary Public

PROFILE

SCANNED

APR 06 2005

Sherry Helmandollar
November 1, 1999
Commission Expires

State of Idaho)

County of Bannock)

On this 4 day of October, 19 96, before me

Sherry Helmandollar, a notary public, personally appeared

A. Lin Whitworth, personally known to me to be the person
whose name is subscribed to this instrument, and acknowledged
that he/she executed the same.

Sherry Helmandollar

NOTARY PUBLIC

Residing at: Inkom, Idaho

My Commission expires November 1, 1999

PROFILED

SCANNED
APR 06 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2002

Lin Whitworth
P.O. Box 183
Inkom, Idaho 83245

RE: Snake River Basin Adjudication Claim(s)
A29-12514 & A29-12515

Subject: Conveyance System

Response Date: October 4, 2002

Dear Claimant (s):

Under the Idaho Code 42-101, all the waters of the state, when flowing in their natural channels, belong to the State of Idaho. A water right must be obtained to divert the water and it must be applied to the property described under the water right.

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

The Idaho Department of Water Resources (IDWR) has recently begun its water right review and field exams in Basin 29. During the recent field exam of your claim, it was determined that there was no way to convey the water onto the ground claimed in your adjudication claim.

The IDWR has investigated the Notice of Claim listed above, but so far has been unable to verify the irrigation use claimed. To establish the existence of the right, you must submit persuasive evidence of the use claimed.

SCANNED
APR 06 2005

PROFILED

This office must receive your response by the response date shown above. If no response is received, then your claim will be recommended for **disallowal** on the basis that no beneficial use was found. If you feel this determination has been made in error, or if you have any questions, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird

Cindy E. Bird
Adjudication Bureau

PROFILED

SCANNED

APR 06 2005

SCANNED

APR 06 2005

JUN 04 2001

Log for claim A29-12515

Spatial Dynamics LTD

7/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s36e	15	SESW	22	28	
08s36e	22	NWNE	4	6.7	
08s36e	22	NENW	10	17	Indiscernible
08s36e	22	NWNW	0	0	
Totals:			36	51.7	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:52:13
06/03/96

18
CLAIM NUMBER: 420-12015

PAGE: 1
GENERAL INFORMATION

LAST: WHITWORTH
ADDRESS: BOX 183
CITY: INKOM
PHONE NUMBER: 208-775-3773

FIRST: A LIN

STATE: ID ZIP: 83245

OWNER CODE: C

LAST: WHITWORTH
ADDRESS: BOX 183
CITY: INKOM
PHONE NUMBER: 208-775-3773

FIRST: DAVID L

STATE: ID ZIP: 83245

OWNER CODE: C

LAST: WHITWORTH
ADDRESS: BOX 183
CITY: INKOM
PHONE NUMBER: 208-000-0000

FIRST: GENE D

STATE: ID ZIP: 83245

OWNER CODE: C

LAST: WHITWORTH
ADDRESS: BOX 183
CITY: INKOM
PHONE NUMBER: 208-000-0000

FIRST: TOM M

STATE: ID ZIP: 83245

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

DITCH TO FLOOD IRRIGATION. Owner is in process of changing the POD from flood to pumped from Marsh Creek. Ditch has been filled in. POD no longer exists.

Assumptions

POD does not currently 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)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

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AJ5809NP
No. A29-12515

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 269

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	A LIN WHITWORTH BOX 183 INKOM ID 83245 (208) 775-3149	07/15/1902	IRRIGATION	04-15 10-15	0.720 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.720 CFS	90.00 AFA

C TOM M WHITWORTH
BOX 183
INKOM ID 83245
(208) 775-4516

C DAVID L WHITWORTH
BOX 183
INKOM ID 83245
(208) 254-9805

C GENE D WHITWORTH
BOX 183
INKOM ID 83245

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R36E S15

SWSE

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
08S	36E	15	:																	:	22.0
08S	36E	22	:			04				10										:	14.0
																				TOTAL ACRES	36.0

POU County: BANNOCK

Non-Irrigation Uses: INC. LIVESTOCK

Other Rights: 29-12514

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

A29-12514 A29-12515A A29-12515B A29-12517 R29-12517

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 02/29/92 DCARLSON 03/29/95 POST-STD 06/25/96 GTAYLOR 07/01/96 GTAYLOR

INTER-DEPARTMENT MEMO

TO: Claim A29-12515 + -12514

SUBJECT: _____

FROM: H.W. Jones

DATE: 9-23-95

David Whitworth came in and discussed his claim
+ "actual" irrigated acres. He had a Aerial Photo
with 12.4" to the mile. The ground he outlined
as owned + irrigated by Whitworth was then calculated
using the dot-grid method. Results are below

T85 R36E	Sec 15	SWSW 0.5acres	SESW 5.6acres	SWSE 1.6acres
	Sec 22	NESW 0.6acres	NWNE 6.8acres	

☒ For your information

☐ Response required

H.W. Jones
signature

MICROFILMED
NOV 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 9, 1996

PRESTON TAYLOR
PO BOX 219
INKOM ID 83245

Re: Change in Ownership of A29-12515.

Dear Mr. Taylor:

After further review of the Change in Ownership submitted by you and received in this office June 11, 1996, we have found that in fact the property you have purchased is not part of Notice of Claim No. A29-12515. Because of this, we have have deleted A29-12515A and A29-12515B from our records. We have also amended the original claim to reflect how the Whitworths originally claimed it.

If you wish to file a new claim or can submit additional information on any water rights you believe you now own, we would be happy to assist you in any way.

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

Sincerely,

Gregory J. Taylor
Sr. Water Agent, Adjudications

MICROFILMED
NOV 14 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

JUNE 26, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PRESTON M TAYLOR
PO BOX 219
INKOM ID 83245

RE: CHANGE IN OWNERSHIP FOR A29-12515

Dear Mr. Taylor::

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

A29-12515A (Whitworth) 0.60 cfs; 30 acres
A29-12515B (Taylor) 0.12 cfs; 6 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

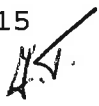
Enclosure:

cc: A Lin Whitworth/copy claim/letter

MICROFILMED

NOV 14 1996

MEMO

To: File #A29-12515
From: Greg Taylor 

After further review of the change in ownership submitted by Preston Taylor we have found that no portion of Notice of Claim #A29-12515 was purchased by Mr. Taylor.

A29-12515 was re-data-entered to reflect the original claim filed by Whitworths. A29-12515A and A29-12515B were deleted from the data base.

MICROFILMED
NOV 14 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 11 1996

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. Department of Water Resources
Lot _____, Block _____, Subdivision/Townsite _____ Eastern Region
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: NO A29-12514 AND A29-12515 OK NO

☐ Name and Address of Former Owner/Claimant(s)(Seller): A. LIN WHITWORTH ETAL.
Box 183

☒ New Owner/Claimant (Purchaser): INKOM ID 83245
Preston M Taylor

☒ New Mailing Address: P.O. BOX 219
INKOM ID 83245

☒ New Telephone Number: (208) 254-9315

☐ 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:
PRO-RATED SHARE OF ACREAGE PURCHASED

☐ Attach proof of ownership, describe proof attached: Warranty 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) Preston M Taylor Date 5-17-96

☐ Signature of Former Owner/Claimant(s): _____ 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:

Deed dated 1991 states grantor retains all of Walker Creek water. after further review none of these rights are owned by Mr. Taylor. Original to be mailed to Idaho Department of Water Resources Copies to Former Owner and New Owner
A29-12515 in total is owned by Whitworth. 7-9-96

MICROFILMED

JUN 14 1996

MICROFILMED
NOV 14 1996

NO 91012498
RECORDED & RETURNED
AMERICAN LAND TITLE CO.
SEP 16 P2:20
OFFICIAL RECORD & RETURN
LARRY W. CHAPMAN, JR.
CLERK

POOR ORIGINAL

A TRACT OF LAND IN THE SW¹/₄SW¹/₄ AND SW¹/₄SE¹/₄ OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARSH CREEK ROAD THAT IS NORTH 89°28'45" EAST, 1189.03 FEET ON THE SOUTH LINE OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 36 E.B.M., AND NORTH 06°12' EAST (NORTH 06°23'30" NORTHEASTERLY ON THE SAID EASTERLY RIGHT OF WAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1879.86 FEET FOR A DISTANCE OF 351.06 FEET, AND NORTH 16°54' EAST (NORTH 17°05'30" EAST) ON THE SAID EASTERLY RIGHT OF WAY LINE 422.91 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 15, THENCE NORTH 16°54' EAST (NORTH 17°05'30" EAST) ON THE SAID EASTERLY RIGHT OF WAY LINE 199.46 FEET, THENCE NORTH 89°22'30" EAST, 2442.58 FEET, MORE OR LESS, TO THE EAST 1/16 LINE OF SAID SECTION 15, THENCE SOUTH 00°08' EAST ON THE EAST 1/16 LINE OF SAID SECTION 15, 190.00 FEET, THENCE SOUTH 89°22'30" WEST, 2500.65 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

91012498

EXHIBIT "A"

43
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, United States of America, on relation and for the use of Elmer Ellsworth and Hucho, heirs of Tahmanzonah Portneuf, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$262.91, which said judgment is a lien against the land above described, but is in all respects subject to and inferior to the mortgage lien of the plaintiff herein ordered foreclosed, the said defendant having, however, the right to redeem the land herein described from the sale the Sheriff within the statutory redemption period;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, United States of America, on relation and for the use of Elmer Ellsworth and Hucho, heirs of Charley Portneuf, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$113.38, which said judgment is a lien against the land above described, but is in all respects subject to and inferior to the mortgage lien of the plaintiff herein ordered foreclosed, the said defendant having, however, the right to redeem the land herein described from the sale by the Sheriff within the statutory redemption period;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, United States of America, on relation and for the use of Ella Nephi Smart, heir of Nanneatse Stone, deceased, has a judgment against the defendant, Frank Toston, in the amount of \$145.00 which said judgment is a lien against the land above described, but is in all respects subject to and inferior to the mortgage lien of the plaintiff herein ordered foreclosed, the said defendant, having, however, the right to redeem the land herein described from the sale by the Sheriff within the statutory redemption period;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all and singular the mortgaged premises mentioned in said complaint and hereinafter described, or so much thereof, as may be sufficient to raise the amount due the plaintiff for moneys due as aforesaid, together with accruing costs and expenses of sale and which may be sold separately without material injury to the parties interested, be sold at public auction by the Sheriff of the County of Bannock, State of Idaho, in the manner prescribed by law and according to the course and practice of this court; that the sheriff, after the time allowed by law for redemption has expired, execute a deed to the purchaser or purchasers of the mortgaged premises sold at said sale; that the sheriff, out of the proceeds of said sale, retain his fees and disbursements on said sale and pay to the plaintiff or its attorneys out of said proceeds the aggregate sum of \$373.01 due as aforesaid, together with interest thereon at the rate of six per cent per annum from the date of this decree, or so much thereof as the said proceeds of said sale will pay of the same.

That the defendants and all persons claiming or to claim from or under them, or any of them, and all persons having liens subsequent to said mortgage, and their heirs and personal representatives, and all persons claiming to have acquired any estate or interest in said premises subsequent to the filing of the notice of the pendency of this action with the recorder, as aforesaid, be forever barred and foreclosed of and from all equity of redemption and claim of, in and to said mortgaged premises and every part and parcel thereof, from and after the delivery of the sheriff's deed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the purchaser or purchasers of said mortgaged premises at such sale be let into possession thereof, and any person who, since the commencement of this action has come into possession under them, or either of them, deliver possession thereof to such purchaser or purchasers on production of the sheriff's deed for such premises, or any part thereof, and that in case said purchaser be refused possession, writ of assistance issue without further notice, requiring the said sheriff of the County of Bannock, to place and maintain the said purchaser in the quiet and peaceable possession of the lands and premises purchased by him, and the whole thereof.

The lands and premises directed to be sold by this decree are situated in Bannock County, Idaho, and particularly described as follows, to wit:

The Southwest quarter of the Northeast quarter; the East Half of the Northwest quarter; the North Half of the Southwest quarter and the Northwest quarter of the southeast quarter of Section 15, Township 8 South of Range 36 East of the Boise Meridian, containing 240 acres;

Together with any and all water, water rights, irrigating ditches, acqueducts, canals, appropriations, franchises, and privileges owned by said parties of the first part or either of them, or belonging to or with, leading to, connected with or usually had and enjoyed in connection with the said premises or any part or parcel thereof and especially including a right to the use of water from Fort Hall Government Irrigation Project sufficient in quantity to properly and permanently irrigate the lands above described, together with all ditch and lateral rights appurtenant thereto, and also including all that right to the waters of Marsh and Walker Creeks and all the right, title and interest of the mortgagor in and to the waters from said creeks;

Together with the tenements, hereditaments and appurtenances and any and all water rights and irrigating ditches thereto belonging or in anywise appertaining;

Subject to a first and prior mortgage in the amount of \$2800.00.

DATED this 22nd day of December, 1936.

Isaac McDougall
District Judge

FILED
Anna Keefe,
CLERK, AUDITOR & RECORDER
BANNOCK COUNTY, IDAHO
By Gretta W. Chambers, Dep.
DEC 23 1936 10 20AM.,
Book 12 of Judgments page 438.

WARRANTY DEED

For Value Received MICHAEL JO MOWERS and OPAL JANENE MOWERS, husband and wife

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

PRESTON MORONI TAYLOR and BARBARA D. TAYLOR, husband and wife

whose address is: 2710 MARSH CREEK ROAD 83250 Bl.
MC CAMMON, ID. 83205 PT

ACCEPTED & APPROVED BY

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

A tract of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 8 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows:

BEGINNING at a point on the Easterly right of way line of Marsh Creek Road that is North 89°28'45" East, 1189.03 feet on the South line of Section 15, Township 8 South, Range 36 E.B.M., and North 06°12' East (North 06°23'30" East) on the Easterly right of way of Marsh Creek Road 200.88 feet, and Northeasterly on the said Easterly right of way line on a curve to the right with a radius of 1879.86 feet for a distance of 351.06 feet, and North 16°54' East (North 17°05'30" East) on the said Easterly right of way line 422.91 feet from the Southwest Corner of said Section 15; thence North 16°54' East (North 17°05'30" East) on the said Easterly right of way line 199.46 feet; thence North 89°22'30" East, 2442.58 feet, more or less, to the East 1/16 line of said Section 15; thence South 00°08' East on the East 1/16 line of said Section 15, 190.00 feet; thence South 89°22'30" West, 2500.65 feet, more or less, to the POINT OF BEGINNING

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

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

Dated: MAY 17, 1993

Michael Jo Mowers
MICHAEL JO MOWERS

Opal Janene Mowers
OPAL JANENE MOWERS

STATE OF IDAHO)
COUNTY OF BANNOCK)

On This 17TH day of MAY, in the year 1993, before me, a Notary Public in and for said State, personally appeared MICHAEL JO MOWERS and OPAL JANENE MOWERS, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

NO. 93006971 *Chris Brammell*
Residing at Pocatello, Id.
Commission Expires: 10/30/94
FIRST AMERICAN TITLE
'93 MAY 18 P1:24

NOTARY SEAL

OFFICIAL RECORD BOOK NO. 587
BANNOCK COUNTY IDAHO
LARRY W. GIAN RECORDED
FEE 3 DEPUTY

This Indenture, Made the first day of March

in the year of our Lord One Thousand Nine Hundred and twenty two between

Mrs Albert Zweigart,
of Pocatello County of Bannock State of Idaho
part y of the first part, and the officer in charge of the Fort Hall Indian
Reservation

of Fort Hall, County of Bingham, State of Idaho
the part y of the second part,

WITNESSETH, That the said party of the first part for and in consideration of the sum of TWENTY-TWO HUNDRED FIFTY, - - - - - (\$2,250.00)-DOLLARS, do esby these presents Grant, Bargain, Sell and Convey unto the said part y of the second part, and to his heirs and assigns forever, all that certain real property situate in the County of Bannock and State of Idaho, and bounded and particularly described as follows, to-wit: South half (S/2) of the (SW/4) south west quarter of section fifteen (15) township eight (8) south, range (36) thirty-six east of the Boise Meridian, Idaho.

together with the

tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

And said part y of the first part hereby agrees to keep the buildings on said premises fully insured against loss by fire in some reliable fire insurance company, with loss, if any, payable to the party of the second part as mortgagee, as interest may appear.

THIS GRANT is intended as a mortgage to secure the payment of three certain promissory notes of even date herewith, executed and delivered by the said Mrs Albert

Zweigart, party of the first part to the said party of the second part

No. 1, dated at Fort Hall, Idaho, March 1, 1922 for \$750.00, due in one year with interest at the rate of 7% per annum.

No. 2, dated at Fort Hall, Idaho, March 1, 1922 for \$750.00, due in two years with interest at the rate of 7% per annum.

No. 3, dated at Fort Hall, Idaho, March 1, 1922 for \$750.00, due in three years with interest at the rate of 7% per annum.

And these presents shall be void if such payment be made. But in case default shall be made in the payment of said principal sum, of money or any part thereof as provided in the said notes, or if the interest be not paid as therein specified, then it shall be optional with the said part y of the second part, his heirs, executors, administrators or assigns to consider the whole of said principal sum expressed in said notes as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same 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 notes, together with the costs of foreclosure suit, including reasonable counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance as may have been made by said second part y his heirs, executors, with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said Mrs Albert Zweigart

part y of the first part, her heirs, executors, administrators or assigns. IN WITNESS WHEREOF, the said part y of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of



SCHEDULE A

1. Commitment Date: May 4, 1993 at 2:00 p.m.

Commitment No. 16304-G

TO: U. S. BANCORP MORTGAGE COMPANY
ATTN: VICKI
P.O. BOX 2197
POCATELLO, IDAHO 83206

2. Policy or Policies to be issued:	Policy Amount	Premium
[X] Standard Owners Policy ALTA Form 1402-83 (4-6-90) Proposed Insured: PRESTON MARONI TAYLOR and BARBARA D. TAYLOR	\$72,000.00	\$478.00
[X] Extended Lenders Policy ALTA Form 1056-87 (4-6-90) Proposed Insured: U. S. BANCORP MORTGAGE COMPANY	44000 \$60,000.00	\$169.00
[X] Endorsements: 100/116/8.1 Proposed Insured: U. S. BANCORP MORTGAGE COMPANY		\$ 50.00

3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by

MICHAEL JO MOWERS and OPAL JANENE MOWERS, husband and wife

4. The Land referred to in this Commitment is described as follows:

SEE ATTACHED SCHEDULE C FOR LEGAL DESCRIPTION

High Country Realty - Naomi Tibbets
Premier Properties Real Estate - Gary Brown

ESCROW - CHRIS BRAMWELL

MICROFILMED

NOV 14 1996

SCHEDULE C

A tract of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 8 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, more particularly described as follows:

BEGINNING at a point on the Easterly right of way line of Marsh Creek Road that is North 89°28'45" East, 1189.03 feet on the South line of Section 15, Township 8 South, Range 36 E.B.M., and North 06°12' East (North 06°23'30" East) on the Easterly right of way of Marsh Creek Road 200.88 feet, and Northeasterly on the said Easterly right of way line on a curve to the right with a radius of 1879.86 feet for a distance of 351.06 feet, and North 16°54' East (North 17°05'30" East) on the said Easterly right of way line 422.91 feet from the Southwest Corner of said Section 15; thence North 16°54' East (North 17°05'30" East) on the said Easterly right of way line 199.46 feet; thence North 89°22'30" East, 2442.58 feet, more or less, to the East 1/16 line of said Section 15; thence South 00°08' East on the East 1/16 line of said Section 15, 190.00 feet; thence South 89°22'30" West, 2500.65 feet, more or less, to the POINT OF BEGINNING

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NOV 14 1996

No. 16304-G

SCHEDULE B - SECTION 2

Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes which may be assessed and extended on any subsequent roll for the tax year 1993 with respect to new improvements and the first occupancy which may be included on the regular assessment roll and which are an accruing lien not yet due or payable.

General taxes, as follows, plus penalty and interest after delinquency:

Year	Amount Billed	Amount Paid	Parcel No.
1992	\$128.16✓	\$ -0-	R4057012300
1992	\$ 17.52	\$ 8.76	R4057012300-0
1992	\$155.84	\$77.92	MH028001400-0
1992	\$137.06✓	\$ -0-	R4057015900

NOTE: The 1992 tax figure does not reflect a Homeowners Exemption. 360.73

8. Easement for PIPE LINES granted to PACIFIC NORTHWEST PIPELINE recorded August 30, 1955, in Book 123, as No. 295.

+ 193 MH -

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NOV 14 1996

continued on page 2

9. The Effect of and Conditions contained in WARRANTY DEED, recorded July 10, 1973, in Book 260, as Instrument No. 511019, as follows: No dwelling shall be permitted on the above described property having less than 1,000 square feet exclusive of garage. Said dwelling shall be of new construction material. No used material or used dwellings shall be moved on to the described property. Any trailer home in good condition may be moved on described property as long as they are a minimum size of 12 feet by 50 feet.

Grantees under any conveyance shall not at anytime conduct, or permit to be conducted on said property, any trade or business other than farming. Said land can be used for private dwelling or residence and not for a commercial business.

All livestock shall be limited to two per acre, except goats and pigs, which shall be limited to two each on the above described tract. Grantor reserved one-half of all mineral rights. Grantor reserves all water rights in Walker Creek.

The above described property shall not be used as a dumping ground or for storage of large quantities of equipment or material.

11-8-93
Rec. 11-30-93 as inst. # 93020112
DEED OF TRUST dated July 15, 1992 to secure an indebtedness in the principal sum of \$30,147.50, and any other amounts and/or obligations secured thereby.
Recorded: July 16, 1992, Instrument No. 92010703
Grantor: MICHAEL JO MOWERS and JANENE (OPAL) MOWERS
Trustee: THE AMERICAN LAND-TITLE CO., INC.
Beneficiary: SECURITY PACIFIC HOUSING SERVICES, INC.
orig. doc. sent 11-8-93 mjs
111139511
part
111111

11. Right, title and interest of the Public in and to those portions of above described premises falling within the bounds of roads and highways.
12. Any claim arising from the difference in the mean highwater line of Marsh Creek and the meander line of the Government Survey.

NOTE: According to the County Assessors office, the above described property is commonly known as:
2710 Marsh Creek Road
McCammon, Idaho.

GG/cdg

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NOV 14 1996

WARRANTY DEED

91012498

For Value Received MICHAEL A. WOLF, A SINGLE MAN AND

JOAN M. WOLF NOW KNOWN AS JOAN M. SCHIPPER, A MARRIED WOMAN DEALING WITH HER SOLE AND SEPARATE PROPERTY the grantor S. do hereby grant, bargain, sell and convey unto MICHAEL JO MOWERS AND OPAL JANENE MOWERS, HUSBAND AND WIFE.

whose current address is
3710 CARDINAL, POCATELLO, ID 83201

the grantee S, the following described premises, in BANNOCK County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

POOR ORIGINAL

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

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

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

Dated: *9-11-91

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On this 11 day of SEPT. 1991, before me, Patricia Ann Hill, a Notary Public, in and for said County and State, duly commissioned and sworn, personally appeared MICHAEL A. WOLF and JOAN M. SCHIPPER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person (s):

INDIVIDUAL
CORPORATION
SHIP
IN-FACT

Whose name is subscribed to this instrument, and acknowledged he, she, they, execute

Who executed the within instrument as _____ on behalf of t. corporation therein named, and acknowledged to me that such corporation executed t within instrument pursuant to its by-laws or resolutions of its Board of Directors

That _____ executed the within instrument on behalf of the part ship, and acknowledged to me that the partnership executed it.

To be the person whose name is subscribed to the within instrument as the Attorney; Fact of _____ and acknowledged to me that he subscribed the n thereto as principal, and h own name as Attorney-in of _____

Title or Type of Document Warranty Deed
Number of Pages 2 Date of Document 9-11-91

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in and for said County and State, this 11 day of SEPT. 1991.

(Seal)



PATRICIA ANN HILL
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires April 23, 1994

MICROFILMED

NOV 14 1991

Notary Public in and for Los Angeles, California
PATRICIA A. HILL
301 N. LOS ANGELES, #23
LOS ANGELES, CA 90012

JUL 15 1992

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: A29-12515
Date Received: 2/28/1992
Receipt No: E016978
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: A LIN WHITWORTH 208-775-3149
Address: BOX 183
INKOM ID 83245
AND/OR
Name: TOM M WHITWORTH 208-775-4516
Address: BOX 183
INKOM ID 83245
AND/OR
Name: DAVID L WHITWORTH ~~208-254-9805~~
Address: BOX 183
INKOM ID 83245
AND/OR
Name: GENE D WHITWORTH
Address: BOX 183
INKOM ID 83245

2. Date of Priority: JUL 15, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	15	SW	SE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.720		

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

A.F.A.

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INC. LIVESTOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
08S	36E	15	SE	SW	IRR	~~22.0~~	6.0 AC.
			SW	SE			5.65 AC.
					Section Acres	22.0	
		22	NW	NE	IRR	4.0	39.8 ac
			NE	NW	IRR	10.0	C
					Section Acres	14.0	
					Total Acres	36.0	

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:
29-12514

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED

NOV 14 1996

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: A29-12515
Date Received: 2/28/1992
Receipt No: EG16978
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	A LIN WHITWORTH	208-775-3773
Address:	BOX 183	
	INKOM ID	83245
AND/OR		
Name:	DAVID L WHITWORTH	208-775-3773
Address:	BOX 183	
	INKOM ID	83245
AND/OR		
Name:	GENE D WHITWORTH	
Address:	BOX 183	
	INKOM ID	83245
AND/OR		
Name:	TOM M WHITWORTH	
Address:	BOX 183	
	INKOM ID	83245

A2912515



2. Date of Priority: JUL 15, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	15	SW	SE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.720		

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

A.F.A.

MICROFILMED

NOV 16 1992

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INC. LIVESTOCK

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	15	SE	SW	IRR	22.0
					Section Acres	22.0
		22	NW	NE	IRR	4.0
			NE	NW	IRR	10.0
					Section Acres	14.0
					Total Acres	36.0

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:
29-12514

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

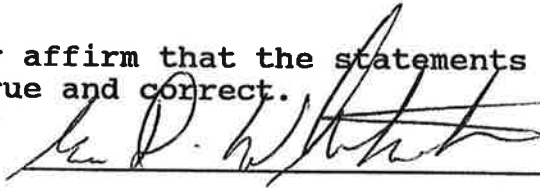
16. Signature(s)

(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: 2-28-92

Date: _____

MICROFILMED

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 28 day
of Feb 19 92

[Signature]
Notary Public

Seal

Residing at Heise, Id

My Commission Expires 2/26/92

MICROFILMED

NOV 16 1992