

10/23/2002

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

RIGHT NUMBER: 29-13117

NAME AND ADDRESS: JAY N ANTHONY
PO BOX 201
INKOM ID 83245

GOLDIE O ANTHONY
PO BOX 201
INKOM ID 83245

SOURCE: UPPER ROCK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.020 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-10594 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.06 CFS.

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

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T08S R36E S11 NENWNE 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	0.020 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T08S R36E S02 SWSE 2.8 T08S R36E S11 NWNE 0.9

STOCKWATER same as IRRIGATION

3.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-10594 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.7 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1 ACRE WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Beneficial Use

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

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



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-10594
29-13117

Place of Use: T8S, R36E
(parts of) Sec. 2 SWSE,
Sec. 11 NWNE

Point(s) of Diversion: T8S, R36E
Sec. 2 NESESE (Onyx Sp)
Sec. 11 NENWNE (Rock Ck)



LEGEND

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

500 0 500 1000 1500 2000 2500 3000 3500 4000 Feet

RECEIVED

MAY 26 2004

Department of Water Resources
Eastern Region

MAY 25 AM 10:36

FILED
SRBA
IDAHO

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	)	Water Rights 29-10594, 29-13117, 29-13138,
	)	29-13141, 29-11816 and 29-11817
Case No. 39576	)	
	)	ORDER OF REFERENCE TO SPECIAL
	)	MASTER BRIGETTE BILYEU

On May 24, 2003, this Court received Standard Form 1 Objections filed by Joyce Orders. Each of the Objections indicated the name and address of the claimant to the water rights for which Ms. Orders filed the objection, but no water right numbers were included. After a search of the SRBA data base, the Court has matched the claimant names and addresses to the following water right numbers: Jay and Goldie Anthony, water rights 29-10594 and 29-13117, **Partial Decrees** entered March 22, 2004; Deloy and Marjorie Armstrong, water right 29-13138, **Partial Decree** entered March 22, 2004; Kevin and Sharon Baird, water right 29-13141, **Partial Decree** entered March 22, 2004; and Tim and Brenda Figone water right 29-11816, **Partial Decree** entered March 22, 2004 and water right 29-11817, **Partial Decree** entered December 2, 1998.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Brigitte Bilyeu is appointed Special Master to preside over the above-captioned water right claims for the following purposes:

a. To determine the intended purpose of the Standard Form 1 Objections. For example, the Special Master may determine whether the filing constitutes a motion to set aside a partial decree pursuant to I.R.C.P. 60(b), etc.;

b. To determine whether the filing complies with **SRBA Administrative Order 1 (AOI)** and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to determine

whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

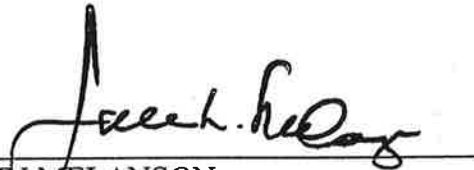
c. If the filing is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this **Order** shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this **Order**.

3. The Special Master shall issue a **Special Master's Report and Recommendation** on the matter consistent with **AO1**.

IT IS SO ORDERED.

DATED May 25, 2004.



JOHN MELANSON

Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER BRIGETTE BILYEU was mailed on November 13, 2003, with sufficient first-class postage to the following:

IDWR
Eastern Regional Office
900 N Skyline Dr
Idaho Falls, ID 83402

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

Joyce Orders
1744 S Old Hwy 91
Inkom, ID 83245

Jay Anthony
Goldie Anthony
PO Box 201
Inkom, ID 83245

Deloy Armstrong
Marjorie Armstrong
PO Box 204
Inkom, ID 83245

Kevin Baird
Sharon Baird
PO Box 344
Inkom, ID 83245

Tim Figone
Brenda Figone
PO Box 265
Inkom, ID 83245


Deputy Clerk

02/08/2003

Allen

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 29-13117

JAY N ANTHONY
PO BOX 201
INKOM ID 83245
Telephone Number: (208) 775-3754

GOLDIE O ANTHONY
PO BOX 201
INKOM ID 83245
Telephone Number: (208) 775-3754

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

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

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

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

DATE: MARCH 4, 2003

SIGNATURE:

Please print your name:

JAY N. ANTHONY & GOLDIE O. ANTHONY

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

30

Onyx School Spring

SWSE

2.8



NWNE

0.9

2 1

11 12

Upper Rock Creek

Union Pacific Railroad

Portneuf River

T8S, R36E

T8S, R36E

GILBERT, TODD

GILBERT, TODD

ELL OTT, STEVEN D & ELLIOTT, KATRINA M

ANTHONY, JAY N

ANTHONY, JAY N

ARMSTRONG, E DELOY

ASH, ERVIN DANE % CHARLT

HAZEKAMP, DONALD

KIRBY, LAWRENCE LEE

Union Pacific Railroad

Upper Rock Creek

uf River

29-10594

3/8/01 Met w/ Mrs. ANTHONY AND Mr/Mrs. Armstrong - nice folks

DISCUSSED THE CLAIM BASIS (BU) AND 1902 PRIORITY.

They AND GOLDIE ANTHONY (NEIGHBOR) PRESENTED A COPY OF A POSTED NOTICE OF WATER RIGHT IN THE HANDS OF LUSH, RUMBLE & CUTLER BEARING A DATE OF 18 JUNE 1902.

THIS DOCUMENT SPECIFICALLY REFERENCES THE LANDS THAT ARE NOW BY ARMSTRONG AND ANTHONY. I.E. SE $\frac{1}{2}$ OF SE $\frac{1}{4}$ SEC. 2, T.8S, R.36E. THEY BOTH OWN PARCELS W/ SW SE SEC. 2 T.8S, R.36E. AND SMALL SLIVERS OF NENEWE SEC. 11.

- * { FIRST, TRENTON UNION G&E DECREE (RS: UPPER ROCK CR.) TO SEC. 1E 1902 AND POLL AND ADDRESSSED FOR THE CORRECT WR#. $\Rightarrow$ NO REFERENCE TO UG&E DECREE
- SECOND, IF A NUMBER CAN BE DETERMINED BY/ FROM DECREE - HAS THERE BEEN A TRANSFER MOVING OR SPLITTING THE RIGHT AND ANY PARTICULARS. NO!
- $\rightarrow$ THIS DRAINAGE WAS NOT ENSIGNED TO UNION GRASS & ELMTON. SO, NO DECREE#. THIS IS TRULY A BU CLAIM.

DURING SUMMER IRRIGATION - THIS STREAM, DOWN LOW, IS USUALLY DRY OR VERY NEARLY SO.

THIS CLAIM (1AC) IS PPL w/ ONYX SP @ 3rd AC OR 3rd AC RECOMMENDED.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Assumptions

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

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2001

Jay N Anthony
PO Box 201
Inkom ID 83245

RE: EVIDENCE OF PRIORITY FOR A29-13117

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary evidence to support the priority date.**

The above referenced Claim to a water right shows a priority date of June 18, 1902, claiming a source of Upper Rock Creek. You have submitted, as evidence of priority, a document representing a Posted Notice dating to 1902. In conference with IDWR legal staff, the opinion is that a Posted Notice only represents and intent to divert water for a specific use and not the actual diversion or use. Further evidence of actual use is needed to gain a favorable recommendation of this water right claim.

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

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

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

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Undermeulen

for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-13117

December 12, 2000

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Re: UPPER ROCK CREEK
WATER RIGHTS CLAIM

TO WHOM IT MAY CONCERN:

We have filed a claim for water rights to Upper Rock Creek. We believe we have a right to the use of waters from this creek since our property was one of those listed in a recorded Notice of Water Right, posted in 1902.

Since we were informed by an employee at your office that our claim file is not confidential and that anyone who requests it can have access to all or any part of the information in that file, we are not submitting, at this time, the document verifying our 1902 priority date.

When the adjudication team begins its review of our claim, please notify us at P. O. Box 201, Inkom, ID 83245 or phone us at (208) 775-3754, and we will immediately produce the appropriate document.

If this document absolutely MUST be in our file before it is reviewed, please let us know, and we will make it available.

We have already submitted to your office two letters from previous owners verifying their use of the water from this creek during the time they lived here.

Enclosed is a notarized letter from Dale Hoffhine verifying that his family owned land here in this area and watered from Upper Rock Creek. He also mentioned the "Lovin" family as being their neighbors during that time, whom he believed also irrigated from Upper Rock Creek. Lovin's sold their piece of land in 1944 (See copy of deed attached). The land Lovin's owned was a portion of the land we purchased in 1978.

We sold the east part of this land in 1990 to E. DeLoy & Marjorie Armstrong, but still own and reside in the west section of it.

Besides the above-mentioned deed, we are also enclosing copies of the following deeds: 1. Myrtle G. Robinson to A. B. Chase; 2. Amos B. & Carol D. Chase to Donald G. & LaVerne Voeltzel; 3. Donald G. & LaVerne Voeltzel to Jay N. & Goldie Anthony; 4. Jay N. & Goldie Anthony to E. DeLoy & Marjorie P. Armstrong. All these deeds are in reference to the same piece of property or portion thereof.

 
Jay N. Anthony & Goldie O. Anthony

STATE OF IDAHO)

)ss.

COUNTY OF BANNOCK)

On this 14 day of ~~NOVEMBER~~^{DECEMBER}, in the year of 2000, before me VIKI D BAUER, personally appeared JAY & ANTHONY & GOLDIE O ANTHONY, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Viki D Bauer

Notary Public of Idaho

Residing at: POCA TELLO

Commission Expires: 3/29/2002

Bannock County, Idaho

INSTRUMENT No. 249266

WARRANTY DEED

This Indenture, Made this 2nd day of December in the year of Our Lord
One Thousand Nine Hundred and forty-four, between Robert S. Lovin and Hazel Lovin, his
wife

of Inkom, County of Bannock, State of Idaho, the part 1 of the
first part, and Myrtle G. Robinson, a widow
of Lava Hot Springs, County of Bannock, State of Idaho, the part y of the
second part:

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

Ten and no/100

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is
hereby acknowledged, do by these presents, Grant, Bargain, Sell and
Convey and Confirm unto said part y of the second part, and to heirs and assigns forever: All th certain
lot — piece — or parcel — of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly
described as follows, to-wit:

Commencing at the Southwest corner of the Southwest quarter of the
Southeast quarter of Section 2, township 8, South of Range 36 East of
the Boise Meridian, run thence east along the South boundary line of said
subdivision a distance of 25 rods more or less to the West boundary of
the private road, as same now exists, which is the true point of begin-
ning, continue East along said boundary line distance of 55 rods more or
less to the Southeast corner of said SW1/4SE1, run thence North at right
angles to the last course distance of 28 rods; run thence West at right
angles to last course distance of 55 rods to west boundary of said private
road, run thence South at right angles to last course distance of 28 rods
to the true point of beginning.

Grantors warrant that they have been husband and wife at all time since
May 1st, 1935.

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident,
unto the said part — of the second part, and to heirs and assigns forever. And the said part — of the first part,
and the said premises in the quiet and peaceable possession of the said
part of the second part, — heirs and assigns against the said part — of the first part, and — 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 part — of the first part ha — hereunto set — hand — and seal —
the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Robert S. Lovin (Seal)

Hazel Lovin (Seal)

STATE OF IDAHO,

County of Bannock

ss.

On this 2nd day of December, in the year 1945, before me, A. B. Chase
a Notary Public in and for said County and State, personally appeared Robert S. Lovin and Hazel Lovin, his
wife,

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

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

(Seal)

A. B. Chase, Notary Public
Residence Pocatello, Idaho

December 6, 2000

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Re: UPPER ROCK CREEK
WATER RIGHTS

TO WHOM IT MAY CONCERN:

Todd Gilbert diverts water from Upper Rock Creek clear up just below Bonneville Road and runs it over to a large reservoir on his property. What water he lets come down, Joyce Orders then pulls out and runs into her reservoir, which is way up the canyon not far below where Todd's headgate spans the creek.

From this point on down Upper Rock Creek was completely dry for about four months this year as a result of Gilberts and Orders drawing every bit of the water out of the creek.

This past summer was a very dry one with practically no rain, so we thought perhaps there just wasn't much water being fed into the creek. So, about the middle of September, when the creek water should be at its very lowest, we walked up the canyon to Bonneville Road to see just how much water was actually coming down Upper Rock Creek above the cement headgate where Todd Gilbert diverts the water.

We were amazed to see how much water was flowing in the creek.

That proved to us there is plenty of water for everyone living along this creek to have some. There is absolutely no excuse for this creek to dry up at all during the summer months.

Todd Gilbert and Joyce Orders store the water in their reservoirs. Even when they are irrigating, their reservoirs remain full, proving they are pulling out more water than they can possibly use.

Therefore, we ask that the Water Resources people take this into consideration and award water rights to all the people who have filed a claim and whose property Upper Rock Creek flows through.

Sincerely,


Jay N. Anthony & Goldie O. Anthony
582 Upper Rock Creek Road
Inkom, Bannock County, Idaho

(See photo attached)

STATE OF IDAHO)

)ss.

COUNTY OF BANNOCK)

On this 14 day of ^{DECEMBER}~~NOVEMBER~~, in the year of 2000, before me VIKI D BAUER,
personally appeared JAY S ANTHONY & GOLDIE O ANTHONY, known or identified to
me (or proved to me on the oath of), to be the person(s) whose name(s) ARE
subscribed to the within instrument, and acknowledged to me that THEY executed the
same.

Viki D Bauer
Notary Public of Idaho
Residing at: POCATELLO
Commission Expires: 3/29/2002

Nov. 30-00

to whom it may concern;
my parents, Doc and Minnie Shofner owned
three hundred fifty acres more or less
on the water shed area between Jensen
and McCammon that the stream
known as Upper Rock Creek flowed
through. They owned it from about 1929
to 1950.

Dad made it clear to me that he owned
1/2 of the water right of that creek which he
used to irrigate a large garden and orchard
and berry patch. He also irrigated about
thirty acres of hay in the south field from
the stream.

The stream always flowed year round and
maintained a native fish population which
various friends and neighbors enjoyed fishing
occasionally. In the spring of the year, large
salmon fish could be seen. The neighbors
of that time that lived below us near the
3 acre family, I believe they also irrigated
a portion of their land from this stream.

Rae Kephner

P.O. Box 38

Lava Hot Springs Idaho

M. J. Kephner
NOTARY PUBLIC IN AND FOR THE
STATE OF IDAHO, RESIDING AT
LAVA HOT SPRINGS

MY APPOINTMENT EXPIRES 4-26-2004

Dated @ 10:00
Nov. 30. 00

JOHN D. CHASE
P.O. BOX 587
PROVO, UTAH 84603

September 29, 2000

To Whom It May Concern:

In 1947, my father, Amos B. Chase, purchased land on Upper Rock Creek Road, which is approximately six miles south of Inkom. A creek, called Upper Rock Creek, ran through the property. I was ten years old at the time of the purchase.

My father used the water from that creek to irrigate his alfalfa field, a garden, and the yard around the house. For many years it was my job to irrigate the ground. I helped my father until I was old enough to drive at 14 and then the job was all mine. I drove from Pocatello every day to work on the farm. I irrigated the alfalfa and the yard around the house that was on the property.

Eventually my parents built a new home on the property. We continued to use water from the creek to irrigate our crops, and the yard around the new home.

That land, including the house my parents had built on it and lived in, now belongs to Jay N. and Goldie O. Anthony.



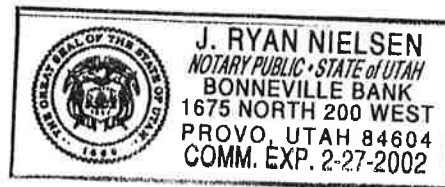
John D. Chase

State of Utah
County of Utah

Subscribed and sworn before me on this 29th of September, 2000.



Notary Public



ORIGINAL
ALREADY
IN OUR FILE
ID # 110
FALLS

See
copy of
deed to
Chase
attached

Bannock County, Idaho

INSTRUMENT No. 254042

PREMISES - BANNOCK COUNTY, IDAHO

WARRANTY DEED

This Indenture, Made this 2nd day of July in the year of Our Lord One Thousand Nine Hundred and Forty-seven, between Myrtle G. Robinson, a widow

of Lava Hot Springs, County of Bannock, State of Idaho, the part y of the first part, and A. E. Chase

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

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

TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

lawful money of the United States of America, to her in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part y of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Commencing at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 2, Township 8, South of Range 36 East of the Boise Meridian, run thence east along the South boundary line of said subdivision a distance of 25 rods more or less to the West boundary of the private road, as same now exists, which is the true point of beginning, Continue East along said boundary line distance of 55 rods more or less to the Southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, run thence North at right angles to the last course distance of 28 rods; run thence West at right angles to last course distance of 55 rods to west boundary of said private road, run thence South at right angles to last course distance of 28 rods to the true point of beginning.

Reserving, however, unto the said grantor an estate in said property for and during her natural life. It being the intention of the grantor to reserve unto herself a life estate, conveying the remainder in fee to the said grantee.

(U.S.T.R. 1.10 Attached and Cancelled.)

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges, therunto incident, unto the said part y of the second part, and to their heirs and assigns forever. And the said part y of the first part, and her heirs and assigns warrant 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 her heirs and assigns 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 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

Myrtle G. Robinson, (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

ss.

County of BANNOCK

On this 12th day of July, in the year 1947, before me, a Notary Public in and for said County and State, personally appeared

Myrtle G. Robinson, a widow

known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she 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)

Terrell Hall Notary Public
Residence Lava Hot Springs, Idaho

130034 5-1

948

WARRANTY DEED

606705

For Value Received

612808

Donald G. and La Verne Voeltzel, Husband and Wife,
the grantor s, do hereby grant, bargain, sell and convey unto

Jay N. and Goldie Anthony, Husband and Wife,
whose current address is
Upper Rock Creek Road, Inkom, Idaho

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

See Exhibits "A" and "C", which are attached and incorporated
by reference.

Water rights also

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s that they the owner in fee simple of said premises; that they are free
from all incumbrances except those enumerated in Exhibit "B", which is
attached and incorporated by reference.

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

Dated: August 16, 1978.

Donald G. Voeltzel
DONALD G. VOELTZEL
La Verne Voeltzel
LA VERNE VOELTZEL

STATE OF IDAHO, COUNTY OF

On this 16th day of August, 19 78
before me, a notary public in and for said State, personally
appeared

Donald G. and La Verne Voeltzel,
Husband and Wife,

Commencing at the Southwest corner of the SW1/4 SE1/4 Section 2, and running thence East along the South boundary line of said subdivision a distance of 25 rods, more or less, to the West boundary line of a private road, as the same now exists, the true point of beginning; thence continuing East along said boundary line a distance of 55 rods, more or less, to the Southeast corner of said SW1/4 SE1/4 Section 2, thence north a distance of 28 rods, thence West 55 rods, to the West boundary of said private road, thence South 28 rods to the true point of beginning. TOWNSHIP 8 SOUTH RANGE 36 EBM

Also, commencing at the Northwest corner of the NW1/4 NE1/4 of Section 11, Township 8 South, Range 36 E.B.M.; thence East along the North boundary line of said NW1/4 NE1/4 a distance of 25 rods to the West boundary line of a private road as it now exists, the true point of beginning of this survey; thence at right angles South a distance of 10 rods; thence at right angles, East 55 rods more or less to the East boundary line of the said NW1/4 NE1/4; thence at right angles North along the said East boundary line a distance of 10 rods to the Northeast corner of the said NW1/4 NE1/4; thence at right angles West along the North boundary line of said NW1/4 NE1/4 a distance of 55 rods to the true point of beginning of this survey.

Including but not limited to (1) all water, water rights, ditch rights, and irrigation ditches belonging or in anywise appertaining thereto, and (2) an undivided one half interest in and to that certain spring referred herein as the Onyx School Spring, which is located near the Easterly Boundary Line of SE1/4 of Section 2, Township 8 South, Range 36 East, Boise Meridian, together with the easements, licenses and all that pertains to the water system, cement water storage tank, spring box, and pipe line that transports the water to the above described property, (the said water system was originally installed by and for the Onyx School) with the right of ingress and egress, for the purpose of repairing and maintaining the said water system and (3) all right, title and interest in and to that portion of the water system situated on the property particularly described in part A of this Paragraph.

S-2

606705

612808

A. All easements of record and those apparent by inspection of the property.

B. All assessments, zoning regulations and governmental laws and restrictions.

C. Easement to Utah Power and Light, recorded November 14, 1946, in Book 98, No. 273, in Bannock County, Idaho.

D. A Real Estate Agreement from Amos B. Chase and Carol D. Chase, Husband and Wife, to Donald G. and La Verne Voeltzel, Husband and Wife, which is unrecorded, and dated March 10, 1972, and held in Escrow at the First Security Bank of Idaho, Center and Arthur Streets, Pocatello, Idaho.

E. A mortgage from Amos B. Chase and Carol D. Chase, also known as Carol Dunn Chase, Husband and Wife, to the Equitable Life Assurance Society of the United States, in the amount of \$15,000.00, dated May 19, 1967, recorded May 31, 1967, in Book 213, No. 439358.

F. Right, title and interest of the public in and to those portions of the property sold in this agreement falling within the bounds of roads or highways.

CONVEYANCE OF SPRING

An undivided one-half interest in and to a spring referred to herein as the "Anthony Spring" located on the described property:

Beginning at the Northwest corner NE1/4 NE1/4 Section 11, Township 8 South, Range 36 E.B.M., thence East 550 feet to the true point of beginning, thence East 4730 feet to the Northeast corner of the NW1/4 NE1/4 Section 12, Township 8 South, Range 36 E.B.M., thence South to the North right of way line of Upper Rock Creek Road, thence following the North boundary of said road in a Westerly direction to a point 236 feet East of the East 1/16 line, thence East 314 feet, thence North 850 feet, more or less, to the true point of beginning.

The spring is more particularly described as follows:

An undivided one-half interest in and to that spring located at the Southeasterly end of the "Anthony easement"

CONVEYANCE OF EASEMENT

1. The Grantors further Grant to the Grantees a perpetual easement and right of way for the erection, continued maintenance, repair, alteration and replacement of a water course and water system which shall be referred to herein as the Anthony Easement, to be erected and maintained on a parcel of land located on the following described property:

Beginning at the Northwest corner NE1/4 NE1/4 Section 11, Township 8 South, Range 36 E.B.M., thence East 550 feet to the true point of beginning, thence East 4730 feet to the Northeast corner of the NW1/4 NE1/4 Section 12, Township 8 South, Range 36 E.B.M., thence South to the North right of way line of Upper Rock Creek Road, thence following the North boundary of said road in a Westerly direction to a point 236 feet East of the East 1/16 line, thence East 314 feet, thence North 850 feet, more or less, to the true point of beginning.

952

612808

606705

S-5

2. The easement and right of way is a strip of land 15 feet on each side of a centerline more particularly described as follows: COMMENCING AT THE EAST 1/16TH CORNER ON THE NORTH LINE

OF SAID SECTION;

Commencing said s THENCE EAST 550.00 FEET;

15.00 of thi THENCE SOUTH 783.00 FEET TO THE TRUE POINT OF BEGINNING

East y OF THE CENTERLINE OF THIS EASEMENT;

of thi THENCE EAST 56.00 FEET MORE OR LESS TO THE SPRING AND

THE END OF THIS EASEMENT

3. It is agreed that: (a) the Grantees of the water course and water system shall have the right to maintain, repair and keep in good condition said water course and water system, (b) Grantees shall assume and pay costs and expenses thereof (c) Grantees have all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right to repair and maintain the water system including but not limited to the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantees' use, occupation or enjoyment of this easement.

612808
RECORDED AT REC-10
American Land Title Co
NOV 15 1 33 PM '76
328
5.00
GJ

606705
RECORDED AT REC-10
American Land Title Co
NOV 15 11 31 AM '76
324
5.00
81

TO - Whom it MAY CONCERN.

FOR - MR. + MRS. JAY ANTHONY.

582 E. UPPER ROCK CR RD.

FROM - DON + LAVENNE VOETZEL

761 E. UPPER ROCK CR. RD.

IN 1970 WE BOUGHT FROM MR + MRS
AMOS CHASE. A HOME AND 13 ACRES.
AT ~~582~~⁷⁸² E. UPPER ROCK CR.

WE SOLD THIS HOME + 13 ACRES IN
19~~70~~⁷⁸ TO MR + MRS JAY ANTHONY.

WE USED WATER OUT OF UPPER ROCK
CR. FOR TEN YEARS. TO WATER OUT
HAY FIELD AND YARD

Signed 10-13-00

Don Voetzel

Original is already
in our file in
Idaho Falls
ga

cy of deed
to Voetzel's
attached

PERSON ACKNOWLEDGING INSTRUMENT UNKNOWN TO NOTARY BUT PROVEN TO BE
SIGNER BY SATISFACTORY IDENTIFICATION

State of Idaho)
 S.S.

County of BANNOCK

On this 13 day of OCTOBER, in the year of 1900, before me DIANNA STERNER,
personally appeared DON VOELTZEL, proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and
acknowledged that he (she) (they) executed the same.

S
E
A
L

Dianna Sterner

Notary Public

My Commission Expires on Oct. 27-03

WARRANTY DEED

229

793791

For Value Received

Amos. B. Chase and Carol D. Chase, Also known as Carol Dunn Chase

Husband and Wife

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

Donald G. Voeltzel and La Verne Voeltzel, Husband and Wife.

TWP 8 South, Range 36 East Boise Meridian

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

Commencing at the southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, and running thence east along the south boundary line of said subdivision a distance of 25 rods, more or less, to the west boundary line of a private road, as the same now exists, the true point of beginning; thence continuing east along said boundary line a distance of 55 rods, more or less, to the southeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ Secyion 2, thence north a distance of 28 rods, thence west 55 rods, to the west boundary of said private road, thence south 28 rods to the true point of beginning.

Also, Commencing at the northwest corner of the NW $\frac{1}{4}$ 1 $\frac{1}{2}$ of Section 11, Twp. 8 S, R. 36 E., B.M.; thence east along the north boundary line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 25 rods to the west boundary line of a private road as it now exists, the true point of beginning of this survey; thence at right angles south a distance of 10 rods; thence at right angles East 55 rods more or less to the east boundary line of the said NW $\frac{1}{4}$ NE $\frac{1}{4}$; Thence at right angles north along said East boundary line a distance of 10 rods to the northeast corner of the said NW $\frac{1}{4}$ NE $\frac{1}{4}$; Thence at right angles west along the north boundary line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 55 rods to the true point of beginning of this survey.

Subject to existing private and county roads and subject to easement of Idaho Power Company and the Mountain Bell Telephone Company.

Together with an undivided one-half ($\frac{1}{2}$) interest in and to that certain spring located near the Easterly Boundary line of SE $\frac{1}{4}$ of Section 2, Township 8 South, Range, 36 East, Boise Meridian, together with all that pertains to the water system, cement water storage tank, spring box, and pipe line that transports the water to the above described property, (the said water system was originally installed by and for the Onyx School) with the right of ingress and egress, for the purpose of repairing and maintaining the said water system.

It being understood and agreed that all of the owners of the said spring and water system, shall jointly and severally maintain, repair, and keep in good condition said spring and water system, each paying a pro-rata of the cost and expense.

Attached to and forming a part of a Warranty Deed, dated March 10 1972.

Amos B. Chase
Amos B. Chase

Carol D. Chase
Carol D. Chase

STATE OF IDAHO COUNTY OF Bannock
On this 15th day of March, 1972,
before me, a notary public in and for said State, personally
appeared Amos B. Chase and Carol D. Chase
Husband and Wife

NOTARY SEAL

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

Laurel Brown
Notary Public
Residing at _____, Idaho

NO. 793791
RECORDED AT RECORDERS
PIONEER TITLE CO.
81 APR 30 P3:55

OFFICIAL RECORDS
BANNOCK COUNTY, IDAHO
LARRY W. DEAN, CLERK
FEE 2.00 DEPUTY JD

Receipt Details for ID E026093

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/21/00 4:27:55 PM	8/21/00	Eastern	\$101.00	Cash
Payer		ANTHONY, JAY N		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
Card Expiration Date	Credit Card Transaction #		

Comment LATE FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$51.00	ADJUDICATION CLAIM BASIN 29	41503	337	0	0	1155
\$50.00	LATE FEE	41503	337	0	0	1155

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

December 6, 2000

State of Idaho
Department of Water Resources
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Re: WATER RIGHTS CLAIM
UPPER ROCK CREEK
E. DeLOY & MARJORIE ARMSTRONG

TO WHOM IT MAY CONCERN:

When reviewing the claim file of E. DeLoy and Marjorie Armstrong, please refer to the information in our file (Jay N. & Goldie O. Anthony). All the documents in our file are in reference to the approximately 13 acres we owned.

In 1990, we sold the east approximately 7½ acres of that approximate 13 acres to the Armstrongs.

Therefore, all our documentation refers to their land as well as ours.

Thank you.

Sincerely,

 
Jay N. Anthony & Goldie O. Anthony

29-10594 Spring

29-13117 Upper Rock Ck

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

STATE OF IDAHO)

)ss.

COUNTY OF BANNOCK)

On this 14 day of ^{December}~~NOVEMBER~~ in the year of 2000, before me VIKI D BAUER,
personally appeared JAY ^{Nov 14}~~S~~ ANTHONY & GOLDIE O ANTHONY, known or identified to
me (or proved to me on the oath of), to be the person(s) whose name(s) ARE
subscribed to the within instrument, and acknowledged to me that THEY executed the
same.

Viki D Bauer

Notary Public of Idaho

Residing at: POCATELLO

Commission Expires: 3/29/2002

State of Idaho

Department of Water Resources

Eastern District office

900 N. Skyline Dr.

Idaho Falls, Idaho 83402-1718

Dec. 15, 2000

RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

RE: Upper Rock Creek
Water Rights claim

To Whom it may concern:

We have filed a claim for waters to Upper Rock Cr.
We believe we have a right to the use of waters
from this creek since our property was one of those
listed in a recorded Notice of Water Right, posted in
1902.

We are not submitting, at this time, ~~these~~ document
verifying our 1902 priority date.

When the adjudication team begins its review of
our claim, please notify us at P.O. Box 204 ⁸³²⁴⁵ ~~Idaho Falls~~
or Phone # 1-208-775-3110 and we will
immediately produce the appropriate document.

Please add this letter to our file in your office.

E. DeLay Armstrong + Marjorie P. Armstrong

RE: 29-11418

29-11300

(State of Idaho)
County of Bannock) S.S.

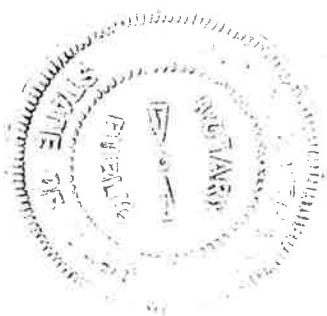
RECEIVED

DEC 18 2000

Department of Water Resources
Eastern Region

On the 15th day of December in the year 2000, before me E. De Loy & Marjorie P. Armstrong known, or identified to me (or provide to me on the oath of), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jay N. Anthony
Notary Public of Idaho
Residing at Pukon
Commission Expires 12/27/2000



TO - WHOM IT MAY CONCERN.

FOR. MR. + MRS. JAY ANTHONY.

582 E. UPPER ROCK CR RD.

FROM - DON + LAVERNE UOEITZEL

761 E. UPPER ROCK CR. RD.

IN 1970 WE BOUGHT FROM MR + MRS
AMOS CHASE. A HOME AND 13 ACRES.
AT ~~582~~^{582nd} E. UPPER ROCK CR.

WE SOLD THIS HOME + 13 ACRES IN
19~~70~~^{78nd} TO MR + MRS JAY ANTHONY.

WE USED WATER OUT OF UPPER ROCK
CR. FOR TEN YEARS. TO WATER OUT
HAY FIELD AND YARD

RECEIVED

Signed 10-13-00

NOV 02 2000

Department of Water Resources
Eastern Region

Don Uoeitzel

PERSON ACKNOWLEDGING INSTRUMENT UNKNOWN TO NOTARY BUT PROVEN TO BE
SIGNER BY SATISFACTORY IDENTIFICATION

State of Idaho)
S.S.
County of BANNOCK)

On this 13 day of OCTOBER, in the year of 2000, before me DIANNA STERNER,
personally appeared DON VOELTZEL, proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and
acknowledged that he (she) (they) executed the same.

S
E
A
L

Dianna Sterner

Notary Public

My Commission Expires on Oct. 27-03

RECEIVED

NOV 02 2000

Department of Water Resources
Eastern Region

JOHN D. CHASE
P.O. BOX 587
PROVO, UTAH 84603

September 29, 2000

To Whom It May Concern:

In 1947, my father, Amos B. Chase, purchased land on Upper Rock Creek Road, which is approximately six miles south of Inkom. A creek, called Upper Rock Creek, ran through the property. I was ten years old at the time of the purchase.

My father used the water from that creek to irrigate his alfalfa field, a garden, and the yard around the house. For many years it was my job to irrigate the ground. I helped my father until I was old enough to drive at 14 and then the job was all mine. I drove from Pocatello every day to work on the farm. I irrigated the alfalfa and the yard around the house that was on the property.

Eventually my parents built a new home on the property. We continued to use water from the creek to irrigate our crops, and the yard around the new home.

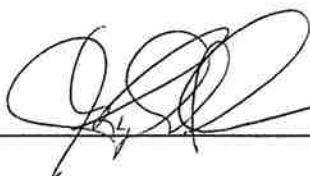
That land, including the house my parents had built on it and lived in, now belongs to Jay N. and Goldie O. Anthony.



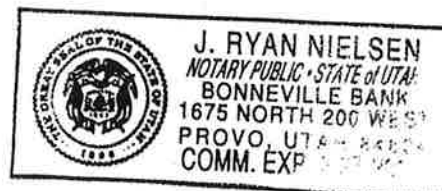
John D. Chase

State of Utah
County of Utah

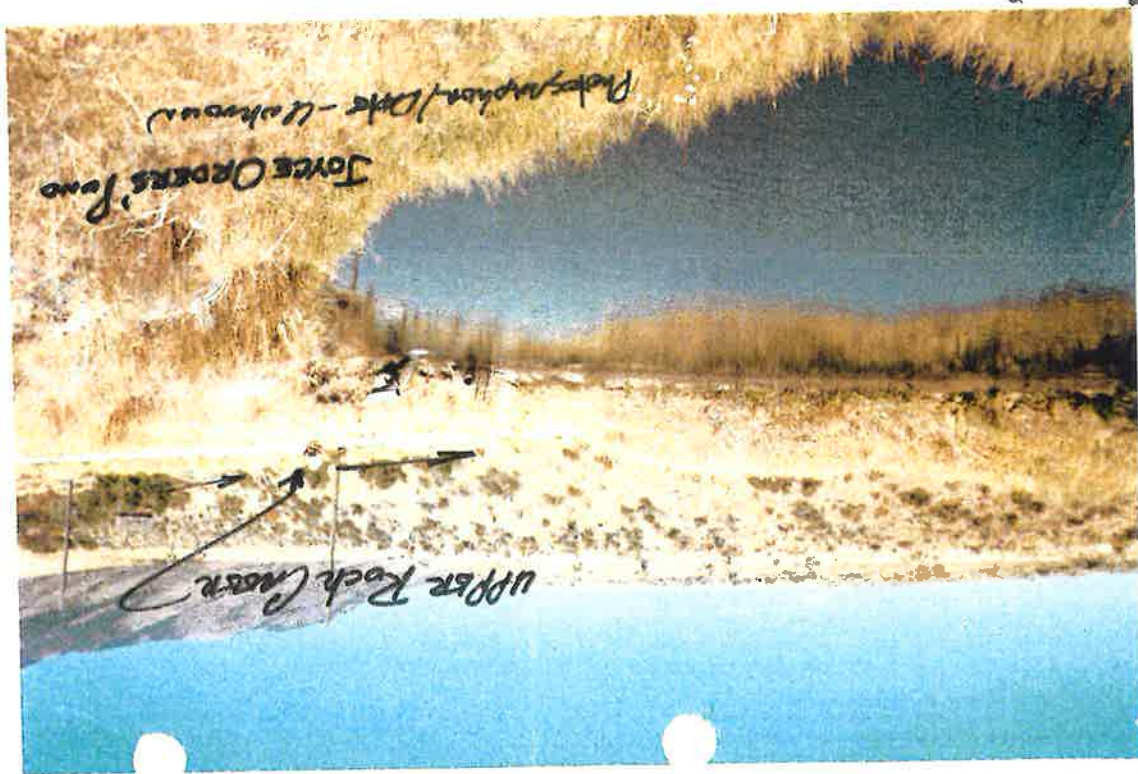
Subscribed and sworn before me on this 29th of September, 2000.



Notary Public



Order's reservoir in which
 water flows of the long
 diverted from Upper Rock Creek.
 (At the time this picture was taken
 I don't know their irrigation operation
 going "full blast" down by their house
 when they water lawn and pasture, and
 also their reservoirs remain full, as you
 can see by the picture. As it is obvious
 they're looking out from the creek to their
 reservoir for more water than they can use.)



(See Rock Side)

WARRANTY DEED

948

For Value Received

606705

612808

Donald G. and La Verne Voeltzel, Husband and Wife,
the grantors do hereby grant, bargain, sell and convey unto

Jay N. and Goldie Anthony, Husband and Wife,
whose current address is
Upper Rock Creek Road, Inkoma, Idaho

the grantees, the following described premises, in Blaine County Idaho, to wit:

See Exhibits "A" and "C", which are attached and incorporated
by reference.

Water rights, also

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees that they the owner in fee simple of said premises; that they are free
from all incumbrances except those enumerated in Exhibit "B", which is
attached and incorporated by reference.

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

Dated: August 16, 1978.

Donald G. Voeltzel
DONALD G. VOELTZEL

La Verne Voeltzel
LA VERNE VOELTZEL

STATE OF IDAHO, COUNTY OF

On this 16th day of August, 1978
before me, a notary public in and for said State, personally
appeared

Donald G. and La Verne Voeltzel,
Husband and Wife,

NOTARY PUBLIC

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

Daniel M. Lawrence
Notary Public

Residing at

Comm. Expires 1-28-80

Commencing at the Southwest corner of the SW1/4 SE1/4 Section 2, and running thence East along the South boundary line of said subdivision a distance of 25 rods, more or less, to the West boundary line of a private road, as the same now exists, the true point of beginning; thence continuing East along said boundary line a distance of 55 rods, more or less, to the Southeast corner of said SW1/4 SE1/4 Section 2, thence north a distance of 28 rods, thence West 55 rods, to the West boundary of said private road, thence South 28 rods to the true point of beginning. TOWNSHIP 8 SOUTH RANGE 36 EEM

Also, commencing at the Northwest corner of the NW1/4 NE1/4 of Section 11, Township 8 South, Range 36 E.B.M.; thence East along the North boundary line of said NW1/4 NE1/4 a distance of 25 rods to the West boundary line of a private road as it now exists, the true point of beginning of this survey; thence at right angles South a distance of 10 rods; thence at right angles, East 55 rods more or less to the East boundary line of the said NW1/4 NE1/4; thence at right angles North along the said East boundary line a distance of 10 rods to the Northeast corner of the said NW1/4 NE1/4; thence at right angles West along the North boundary line of said NW1/4 NE1/4 a distance of 55 rods to the true point of beginning of this survey.

Including but not limited to (1) all water, water rights, ditch rights, and irrigation ditches belonging or in anywise appertaining thereto, and (2) an undivided one half interest in and to that certain spring referred herein as the Onyx School Spring, which is located near the Easterly Boundary Line of SE1/4 of Section 2, Township 8 South, Range 36 East, Boise Meridian, together with the easements, licenses and all that pertains to the water system, cement water storage tank, spring box, and pipe line that transports the water to the above described property, (the said water system was originally installed by and for the Onyx School) with the right of ingress and egress, for the purpose of repairing and maintaining the said water system and (3) all right, title and interest in and to that portion of the water system situated on the property particularly described in part A of this Paragraph.

MAY 18 2001

RECEIVED

JAN 02 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13117
Date Received: 8/21/00
Receipt No: E026093
Received By:

AMENDED

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

1. Name of Claimant(s)

JAY N ANTHONY Phone: (208)775-3754

PO BOX 201
INKOM ID USA 83245

GOLDIE O ANTHONY Phone: (208)775-3754

PO BOX 201
INKOM ID USA 83245

2. Date of Priority: 06/18/1902

3. Source: UPPER ROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08S	36E	11	NE NW NE	BANNOCK

5. Description of diverting works:

Diversion dam pump mainline to sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:

0.03 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	2	SW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

29-10594

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): Jay N. Anthony / Gwendolyn O. Anthony Date: 12-26-00
12-26-00 Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 26
of Dec. 2000

Deanna Sterner

Notary Public

Residing at Idaho

My commission Expires Oct. 27-03

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13117
Date Received: 8/21/00
Receipt No:
Received By: *ED 26093*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAY N ANTHONY Phone: (208) 775-3754

PO BOX 201
INKOM ID USA 83245

GOLDIE O ANTHONY Phone: (208) 775-3754

PO BOX 201
INKOM ID USA 83245

2. Date of Priority: 07/14/1947

3. Source: UPPER ROCK CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08S	36E	11	NE NW NE	BANNOCK

5. Description of diverting works:

Diversion dam pump mainline to sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	

7. Total Quantity Appropriated is:

0.03 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	2	SW	SE	IRRIGATION	1
Section Acres						1
Total Acres						1

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 notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13117
Date Received: 8/21/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: JAY N ANTHONY Phone: (208)775-3754

Address: PO BOX 201
INKOM ID USA 83245

Name: GOLDIE O ANTHONY Phone: (208)775-3754

Address: PO BOX 201
INKOM ID USA 83245

2. Date of Priority: 07/14/1947

3. Source: Unknown

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08S	36E	11	NE NW NE	BANNOCK

5. Description of diverting works:

Diversion dam pump mainline to sprinklers.

Source is Upper Rock Creek tributary to Marsh Creek. Software wouldn't allow data entry (csaxton 8/21/00)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	

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

A2913117



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	2	SW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

Source is Upper Rock Creek tributary to Marsh Creek. Software wouldn't allow data entry.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

29-13117

Date Received

Receipt Number

E026093

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Jay N. or Goldie O. Anthony Phone (208) 775 3754
Mailing Address PO Box 201 Inkom ID 83245 Zip 83245

2. Date of Priority (Only one (1) per claim) July 14, 1947

3. Source of water supply (a) Upper Rock Creek
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 8 S Range 36 E Section 11,
NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bannock

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Diversion Dam pump mainline
to sprinklers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 10/31 amount 0.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.03 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	36E	2															/		/

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (☒)

14. Remarks:

Last Name ANTHONY Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Jay N. Anthony

Date 8-21-2000

Date _____

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

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day of August 19 2000



Notary Public Wendy J. Murphy

Residing at Idaho Falls

My Commission Expires 6/23/06

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Anthony Ident. Number _____

Copies White-State, Yellow-Claimant

