

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

10/17/2002

**RIGHT NUMBER: 29-13164**

NAME AND ADDRESS: ROBERT J MURRAY  
9754 S MARSH CREEK RD  
MC CAMMON ID 83250

MAUREEN MURRAY  
9754 S MARSH CREEK RD  
MC CAMMON ID 83250

SOURCE: COTTONWOOD CREEK

QUANTITY: 0.010 CFS

TRIBUTARY: MARSH CREEK

PRIORITY DATE: 06/18/1902

POINT OF DIVERSION:

T09S R36E S21 NESE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04/01 10/31

QUANTITY  
0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S21

NESE 0.5

T09S R36E S22 Lot 9 NWSW 0.1

0.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Beneficial Use

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

RIGHT NO. 29-10007 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4045.

06/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES  
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NAME AND ADDRESS: ROBERT J MURRAY  
9754 S MARSH CREEK RD  
MC CAMMON ID 83250

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9754 S MARSH CREEK RD  
MC CAMMON ID 83250

SOURCE: COTTONWOOD CREEK                      TRIBUTARY: MARSH CREEK

QUANTITY: 0.010 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-2269C IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.13 CFS.

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION:

T09S R36E S21 NESE 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          | 0.010 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |     |                          |     |
|---------------|------|-----|--------------------------|-----|
| T09S R36E S21 | NESE | 0.7 | T09S R36E S22 Lot 9 NWSW | 5.6 |
|---------------|------|-----|--------------------------|-----|

6.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.6 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 PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 29-10007 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE.

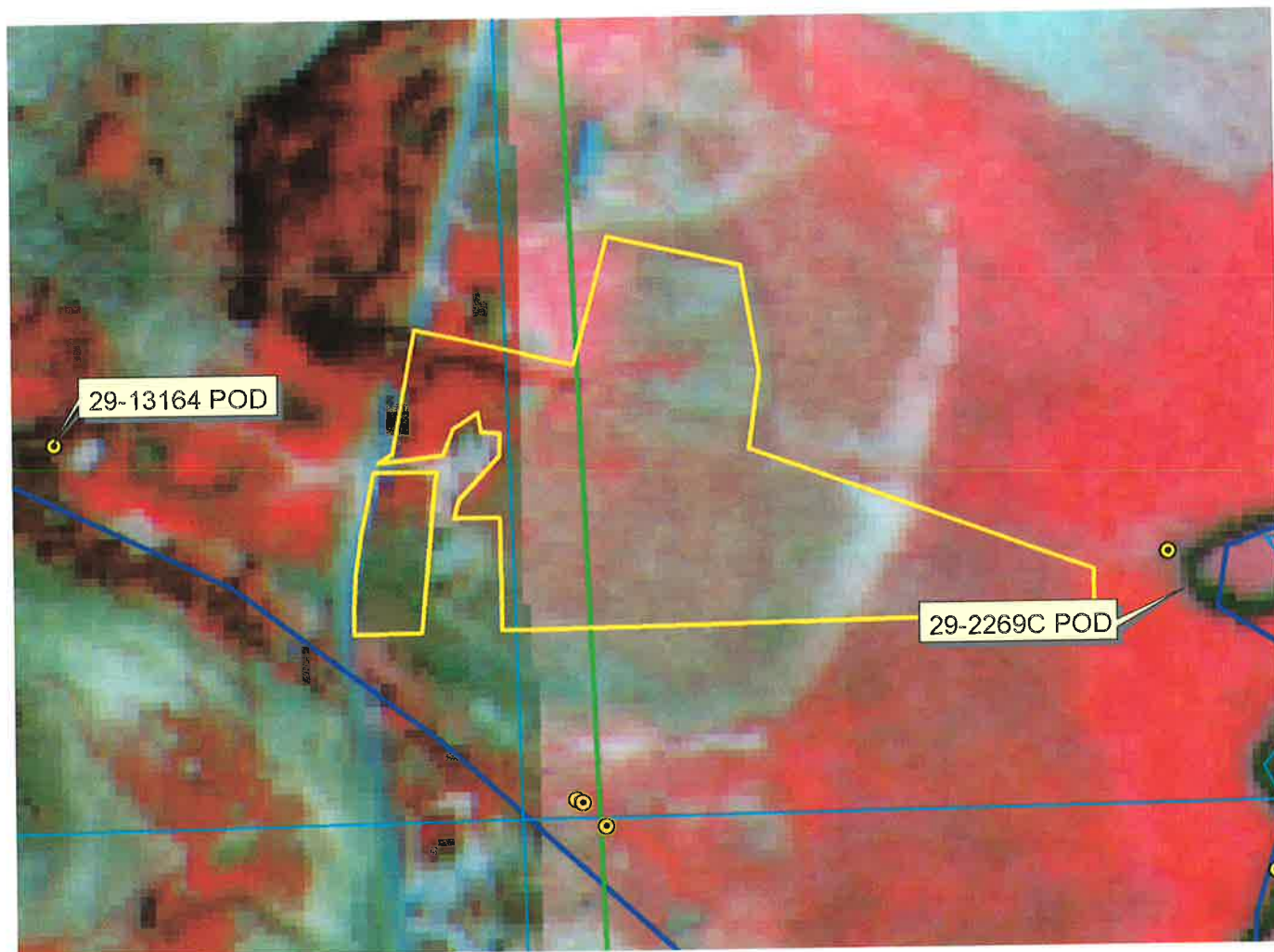
PROPERTY IS ALSO KNOWN AS LOTS 9 AND 10 IN THE COTTONWOOD  
ACRES SUBDIVISION.



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Rights 29-2269C and 29-13164.



0.02 0 0.02 0.04 Miles



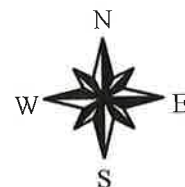
**IRRIGATED ACRES: 6.9**

### LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T9S, R36E,  
(part of) Sections 21 and 22  
Cottonwood Acres Subdivision  
Lots 9 and 10.

Points of Diversion: T9S, R36E  
Sec. 22 NWSW and Sec. 21  
NESE



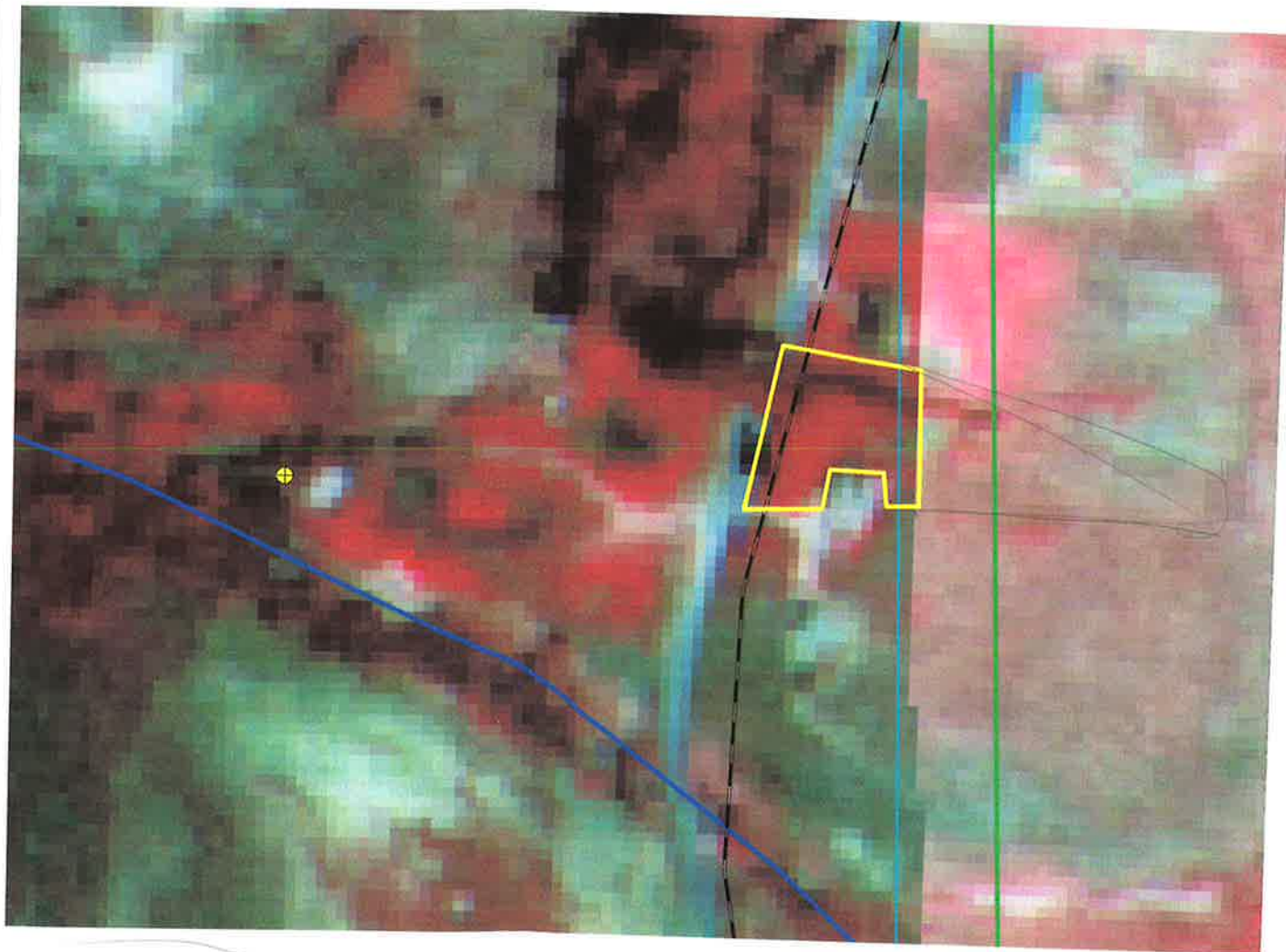
GIS Place of Use Illustration  
1987/88 NAPP PHOTOGRAPHY  
Prepared by C. Bird  
Date: June, 2003



# STATE OF IDAHO

Department of Water Resources  
Eastern Region

## Water Right 29-13164



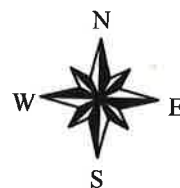
200 0 200 400 600 Feet

### LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T9S, R36E,  
(part of) Sections 21 & 22

Points of Diversion: T9S, R36E  
Sec.21 NESE



GIS Place of Use Illustration  
1987/88 NAPP PHOTOGRAPHY  
Prepared by C. Bird  
Date: August 2002

6/16/03 Roger Warner linked the shape.

Repeat layout -

New layout!

0.73 ac. around the home.

0.44 ac. yard + garden

1.17

0.52 - around house

0.14 - garden area

0.66 ~~area~~

6/13/03: Robert & Maureen Murray  
29-2269C & 29-13164.

The warranty deeds from Frank Lew to  
Emil & Hulda Huskamp dated August  
10th, 1973, Conveyed 10 inches of water  
from Marsh Creek to Lots 8 (5.6 acres) and  
Lot 9 (5.04) acres

March 28th, 1974 Frank Lew Conveyed with  
Lot 10 (2.5 acres) in the Cottonwood Acres  
subdivision (2-inches) of Marsh Crk water;  
TO the Huskamps.

January 10th, 1989 Kuskamp didn't convey  
any water in his deed to Robert & Maureen  
Murray. So the silence in the warranty deed  
of Kuskamp conveyed what water was  
appurtenant to the property, approximately 7 inches  
of Marsh Creek.

The 1976 Orthogquad BB91; Arimo Idaho  
doesn't show irrigation of the yard as it does  
in the 1987 photo.

The pipeline wasn't installed until 1989.

So, I'm recommend 1/2 acre from Cottonwood  
Creek with a 4/1/1987 priority date.

6/13/03 Cont'd from pg. 1. 29-13164.

I'm not recommending this right based on Statutory claim 29-4045. Because Frank Lew did not convey the cottonwood water under his Warranty deed. In 1973 & 1974 when Frank Lew sold this property I don't think it was irrigated by cottonwood. I think the development occurred between 1976 → 1987, and the pipeline was installed in 1989.

Cindy Bird

6/13/03.

Shipped by email to Roger Warner today to link to the claims 29-2269C & 29-13164

Mami, R

Cindy



# IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 13164  
 POD ID 536922  
 Quad   
 Claim Type S  
 Easting 0  
 Northing 0  
 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 0

Depth

#### ☐ Rectangular Channel

Width

Depth

## Flow Calculation

### ☐ Continuity

Velocity 0

#### ☐ 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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SCANNED

SEP 13 2004

PROFILED

## **Bird, Cindy**

---

**From:** Bird, Cindy  
**Sent:** Friday, June 13, 2003 3:34 PM  
**To:** Warner, Roger  
**Subject:** PLEASE LINK A BASIN 29 SHAPE

Roger,  
Happy friday, please link the attached shape to claims 29-2269C and 29-13164. Also, update the PLS/Acerage.

Thanks,  
Cindy



murray.dbf



murray.sbn



murray.sbx



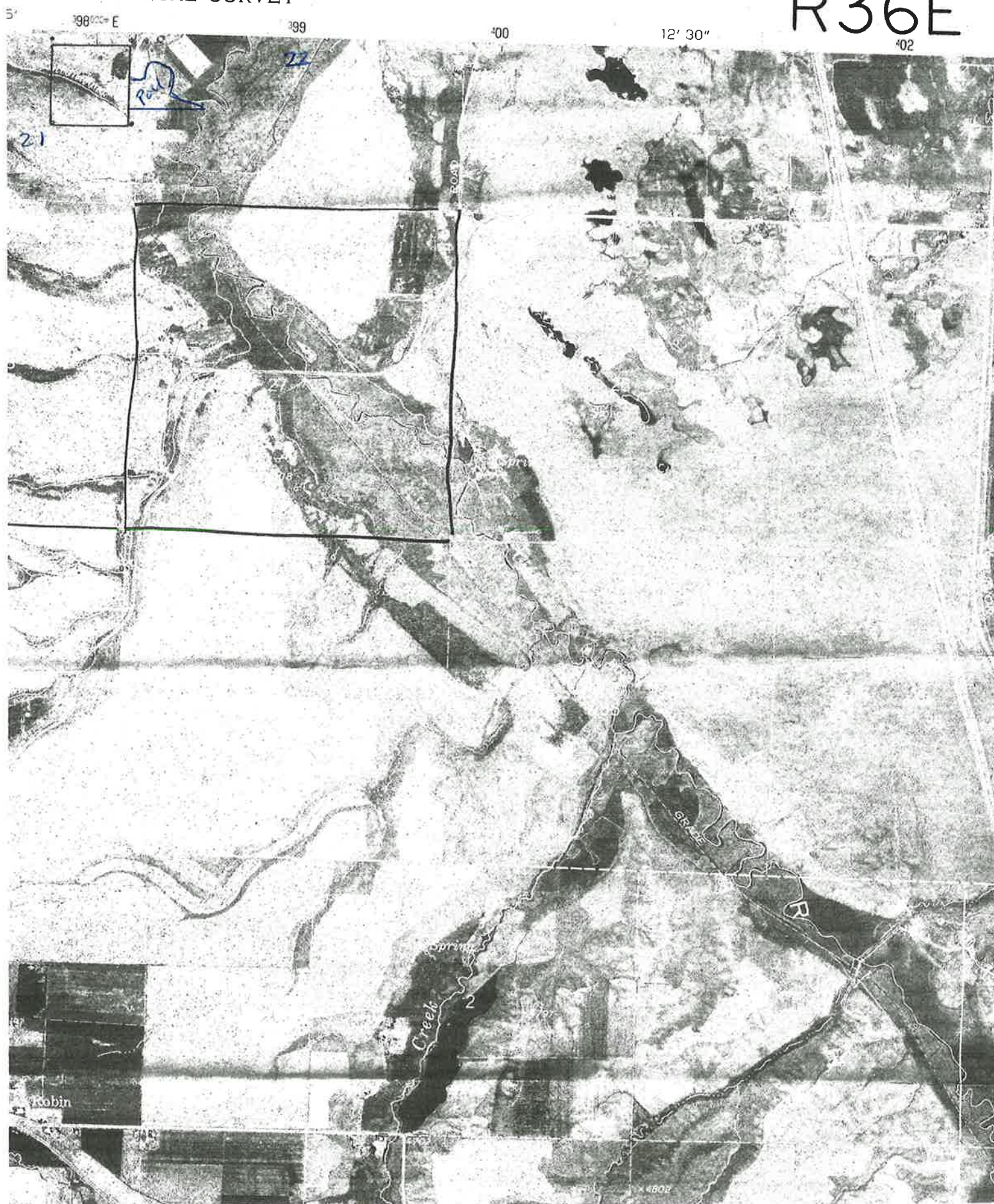
murray.shp



murray.shx

10

#02



Orthogwad BB91 ARIMO, IDaho. 1976 print.  
T95, R36E section 21 & 22 Robert Murray's property.

## Bird, Cindy

---

**From:** Bird, Cindy  
**Sent:** Thursday, June 05, 2003 1:29 PM  
**To:** McHugh, Candice  
**Subject:** RE: Cottonwood Crk-Murray

I realize that silence in a deed conveys the water that is appurtenant to the property but I don't know what that is.

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

**From:** McHugh, Candice  
**Sent:** Thursday, June 05, 2003 1:15 PM  
**To:** Bird, Cindy  
**Subject:** RE: Cottonwood Crk-Murray

When you say the deed to Murray's "didn't convey any water" that's not true. It conveyed all the water that was still appurtenant to the property sold to Murrays. Does this change any of your analysis?

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

**From:** Bird, Cindy  
**Sent:** Monday, June 02, 2003 3:57 PM  
**To:** McHugh, Candice  
**Cc:** Carlsen, Ernie  
**Subject:** Cottonwood Crk-Murray

hi Candice,

I'm sending you some document to review and give me your option on for the Murray's. They have two claims in the SRBA, claims 29-2269C (Marsh Creek) and 29-13164 (Cottonwood Creek).

When Huskamp purchased property from Frank Lew (August 10, 1973 warranty deed) he conveyed 10 minor inches of what I would interrupt as Marsh Creek Water for lot 9 in the Cottonwood Acres subdivision. Then March 28th of 1974 they again purchased 2.5 acres (lot 10 in the subdivision) with 2 minor inches of water, which I've interrupted as Cottonwood Creek. —

Then in September of 1988 Huskamp and Arther Hope entered into a contract to put Cottonwood Creek in a pipe. Huskamp conveyed the agreement to Murray's in 1989 when they purchased the property and didn't convey any water in the warranty deed. In May of 2001 Robert and Maureen Murray filed adjudication claims on 7.5 acres (lots 9 & 10 of the Cottonwood Acres subdivision) from both Cottonwood Creek and Marsh Creek. But the way I've interrupted the warranty deeds Murray's have 2 miner's inches of Cottonwood Creek water to be applied to lot 10, and approximately 5 inches of Marsh Creek water to be applied to lot 9. So, In 1988-89 when they put in the pipeline they will have to file an administrative transfer to water the lawn in lot 9 with Cottonwood Creek water? When I was out to the claimants property Robert said "he buried the pipeline in 1989".

Add Randy Budge's letter doesn't make sense in context of these rights except for the fact that the "Murray's purchased the property and water rights from Emil Huskamp in 1989". Which you limit them to the water conveyed to Emil Huskamp from Frank Lew?

Thanks,  
Cindy

**Bird, Cindy**

---

**To:** McHugh, Candice  
**Cc:** Carlsen, Ernie  
**Subject:** Cottonwood Crk-Murray

4/2/03.

hi Candice,

I'm sending you some document to review and give me your option on for the Murray's. They have two claims in the SRBA, claims 29-2269C (Marsh Creek) and 29-13164 (Cottonwood Creek).

When Huskamp purchased property from Frank Lew (August 10, 1973 warranty deed) he conveyed 10 minor inches of what I would interrupt as Marsh Creek Water for lot 9 in the Cottonwood Acres subdivision. Then March 28th of 1974 they again purchased 2.5 acres (lot 10 in the subdivision) with 2 minor inches of water, which I've interrupted as Cottonwood Creek.

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Thanks,  
Cindy

A29-13164.

Re-exam for Cottonwood Ct

5/29/03 Bob buried the pipeline in 1989

when they purchased the property because he put a garage over where the pipe was above ground.

The ditch goes along the front of the property. With ditches along the property line. Running west.

A valve is located west of the garage to put the water into the pipe. 4" galv pipe. There however, was not enough water to turn the sprinklers on the day of my re-exam.

**A29-13164**  
**ROBERT AND MAUREEN MURRAY**  
MAY 29, 2003  
RE-EXAM



02/13/2003

Cindy

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: 29-13164

ROBERT J MURRAY  
9754 S MARSH CREEK RD  
MC CAMMON ID 83250  
Telephone Number: (208)254-9131

MAUREEN MURRAY  
9754 S MARSH CREEK RD  
MC CAMMON ID 83250  
Telephone Number: (208)254-9131

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

*We disagree with the acreage allotment.*

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

*We claim 7 (plus ~~various~~) acres*

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

*when the water is available, we irrigate about 7 acres.  
We would like a field agent from IDWR to inspect our property.*

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

DATE: 3-10-03

SIGNATURE:

*Maureen Murray*

*Robert J Murray*

Please print your name:

*Maureen Murray*

*Robert J Murray*

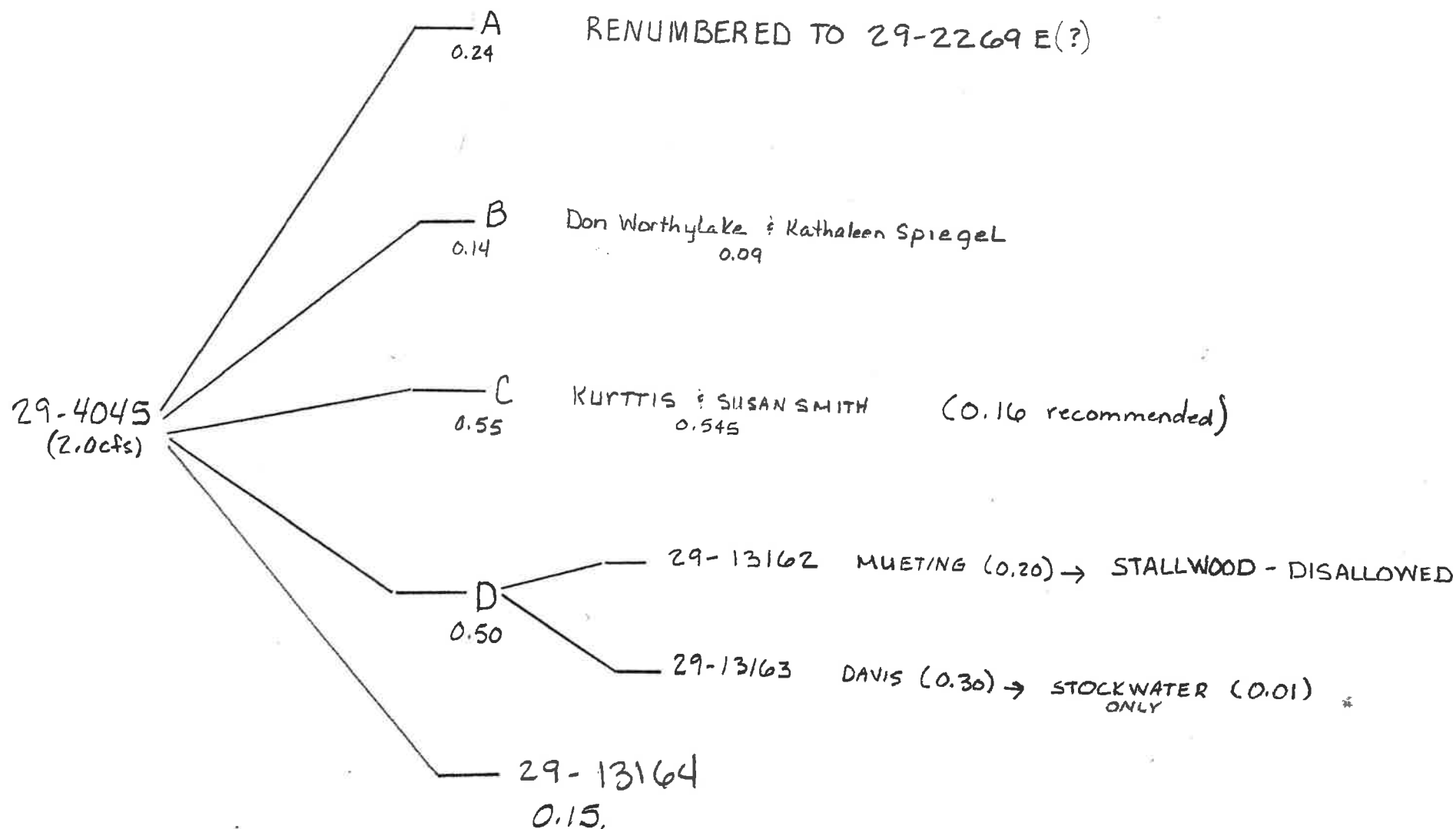
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*201 explanatory  
remark*

*Lot 9 & 10  
added  
lot 9 & 10  
5/27/03*

*201 remark for  
cottonwood acres  
subdivision*

RECEIVED  
MAR 17 2003



Murray

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY  
CHARTERED**

LOUIS F. RACINE, JR.  
WILLIAM D. OLSON  
W. MARCUS W. NYE  
RANDALL C. BUDGE  
JOHN A. BAILEY, JR.  
JOHN R. GOODELL  
JOHN B. INGELSTROM  
DANIEL C. GREEN  
BRENT O. ROCHE  
KIRK B. HADLEY  
FRED J. LEWIS  
MITCHELL W. BROWN  
ERIC S. HUNN  
DAVID E. ALEXANDER  
LISA M. CHRISTON  
RICHARD A. HEARN, M.D.  
ERIC L. OLSEN  
LANE V. ERICKSON

CENTER PLAZA-CORNER FIRST & CENTER  
POST OFFICE BOX 1391  
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101  
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITAL  
BOULEVARD  
U.S. BANK PLAZA, SUITE 202  
BOISE, IDAHO 83702  
TELEPHONE: (208) 395-0011  
FACSIMILE: (208) 433-0167

May 24, 2001

**DRAFT**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

William Junior and Heather M. Field  
10 W. Railroad Avenue  
Arimo, Idaho 83214

Mrs. Sarah Davis  
1867 Osterloh  
Twin Falls, Idaho 83302



Re: *Cottonwood Creek Water Rights*

Dear Folks:

We have been employed by Robert and Maureen Murray, Arthur Powell, Don and Murial Worthylake and Kathleen Speigle to take such legal action as may be necessary to protect and ensure delivery of their water rights and prevent interference or taking of their water rights by you or others acting in concert or participation with you. In the event legal action is necessary, we will also seek to recover damages they have sustained as a result of the interference with their water rights, together with reasonable attorney fees and costs as allowed by Idaho law. Notwithstanding, please understand that it is the desire and objective of our clients to avoid litigation and come to an amicable solution that is mutually acceptable to all parties to permit the water in Cottonwood to be allocated and rotated among all of the users in accordance with historic practices.

Information provided us indicates that Sarah Davis is the owner of certain real property in Bannock County near the vicinity of Cottonwood Creek described in the tax notices as a Tract in the N1/2 SW1/4 of Section 22, Township 9 South, Range 36 East, B.M. (Tax 52) consisting of a total of 9.52 acres. Additionally, that Mrs. Davis has entered into a lease or other arrangements with her granddaughter, Heather M. Field and her husband William Junior Field, to occupy the property. Information provided us further indicates that Mrs. Davis acquired this property earlier this year from

Karl Evans. Apparently Karl Evans had installed a pipe in the mid-1990's in Cottonwood Creek some distance upstream from our clients' diversion pipe to be discussed below. During the period of Mr. Evans' ownership, no particular difficulties were encountered as our clients' prior and existing water rights were recognized, Mr. Evans used excess or overflow water; and, in times of shortage, rotation arrangements were made between the parties and other users.

We are further informed that beginning in May of 2000, William Fields, Sr., began using the described pipeline installed by Karl Evans to intercept most or all of the available water in Cottonwood Creek during the drought-short year, thus taking and interfering with the lawful and vested water rights of our clients and others on Cottonwood Creek. The use by William Field, Sr., and the use by William Field, Jr., and Heather Field of all the water of Cottonwood Creek to the exclusion of the water rights of others, together with the blockage, damming and interference of our clients' diversion facilities is clearly an unlawful violation of our clients' water rights, entitling them to injunctive relief and the recovery of damages should litigation be necessary.

We have reviewed considerable records as well as consulted with the Idaho Department of Water Resources ("IDWR") in an effort to evaluate the water rights on Cottonwood Creek. While we may not have all available information, from our review of considerable information and documents the following appears to exist:

- Not the Murray's property
1. The first known litigation over the water rights in Cottonwood Creek occurred in the case of *William Goodenough, Plaintiff v. A.P. Marso, Truman Rowe, et al., Defendants*, which resulted in a judgment being entered in Bannock County District Court on June 20, 1924, establishing that Truman Rowe had a water right consisting of 2.5 cfs in Little Cottonwood or Goodenough Creek, tributary to Marsh Creek for irrigation purposes, with a priority date of May 1, 1879; and further that he had an additional right to 1.6 cfs with a priority of May 1, 1901, which water rights were appurtenant to certain lots in Sections 15 and 22 of Township 9 South, Range 36 East, B.M. Water rights originally decreed to Truman Rowe appear to have been acquired and owned by Bishoff.
  2. Subsequent litigation occurred in Bannock County Case No. 33099 in the matter of *Charles and Kathleen Speigle, Plaintiffs, vs. Frank Lew, Defendant*. A judgment entered in that case on March 3, 1976, awarded 2 cfs of water in Cottonwood Creek. to Frank Lew and the excess to Speigle. Frank Lew appears to be the successor in interest to Bishoff, whose land and water rights tie back to the original right decreed to Truman Rowe with a priority of May 1, 1879, as above discussed.
  3. Frank Lew subdivided the property and sold off various parcels. He is a predecessor in interest to each of our clients. Accordingly, each of our clients own and hold a portion of the original Frank Lew water right. The Murrays acquired their property

and water rights from Emil Huskamp in 1989, who acquired from Frank Lew in approximately 1973. The records reflect that Arthur Powell acquired his property and water rights from Arthur Hope, who had also acquired directly from Frank Lew in approximately 1983.

4. Others acquiring property from Frank Lew may also have acquired a portion of the original Frank Lew water right consisting of 2.0 cfs, with the early priority date of May 1, 1879 or May 1, 1901.
5. A "Pipeline System and Agreement" was entered into between Arthur C. Hope and Emil Huskamp in 1987. In the spring of 1987 they installed a diversion structure and buried approximately 750 feet of 4-inch pipeline utilized to deliver water rights to their respective properties. The same pipeline was continuously used by them and their successors in interest, Arthur Powell and the Murrays.
6. A number of parties have filed water right claims with IDWR in the pending adjudication known as the Snake River Basin Adjudication. It appears clear that the claims our clients have filed will be lawfully established in the adjudication as they are well grounded and based in law and fact based on the foregoing information. However, many other claims that have been filed appear to be fictitious and without any factual or legal supporting basis because either they cannot trace back to the original decreed water rights, or they cannot prove that they have continuously diverted and applied water from Cottonwood Creek to beneficial use as the law requires to establish and maintain a water right.
7. Disputes that have existed and will continue to exist between the parties regarding the nature and extent of their water rights is in the process of being adjudicated in the pending litigation and ultimately will be determined there over time. As a part of that process, IDWR will be submitting a report to the Court setting forth its recommended water rights in Cottonwood Creek as to each of the claimants based upon IDWR's own independent investigation. The bottom line is that a legal mechanism is in place and ongoing which will resolve the water right disputes.
8. Historically in the normal year there is ample water in Cottonwood Creek to meet the needs of the historic users who have water rights. As the flow diminishes substantially after the first of July, as well as in drought years such as last year and this year, there are often times when the water available in Cottonwood Creek is not adequate to supply all of the users. In that circumstance, arrangements have been made between the users and rotation practices have existed to share the available water and permit everybody to get along, at least until recently.

9. Beginning last year and continuing now during times of shortage, the Fields have interfered with the historic diversion and use of Cottonwood Creek as described above, and taken or attempted to take all of the water, thus interfering with everyone else's use and enjoyment of the same. Fields apparently insist upon taking far more water than would ordinarily be used for normal domestic and culinary purposes, expanding their uses to include irrigation of additional property which historically either was never irrigated or was irrigated from other rights in Marsh Creek. The historic use by the predecessors in interest to Mrs. Davis and the Fields only consisted of using any excess water available beyond what was needed to fill the Powell-Murray pipeline and satisfy the domestic and culinary needs of our clients.

Based on the foregoing, demand is hereby made on behalf of our clients that you immediately cease all acts which block or obstruct our clients' diversion facilities, cease interfering with our clients' water rights in accordance with historic practices, and restore the practice of sharing and rotating available water during times of shortage. In other words, we request that the status quo be maintained until the water rights are finally adjudicated in the pending SRBA.

Our clients are willing to meet with you and representatives of IDWR in order to further discuss this matter and arrive at an amicable understanding to permit current hostilities to end and normal water use practices to resume to protect all the parties' water rights in accordance with historic practices. On the other hand, if your conduct of obstructing our clients' water rights and taking all of the water in Cottonwood Creek persists, legal action will be taken against you seeking a restraining order as well as damages, costs and attorney fees.

Sincerely,

RANDALL C. BUDGE

RCB:rr

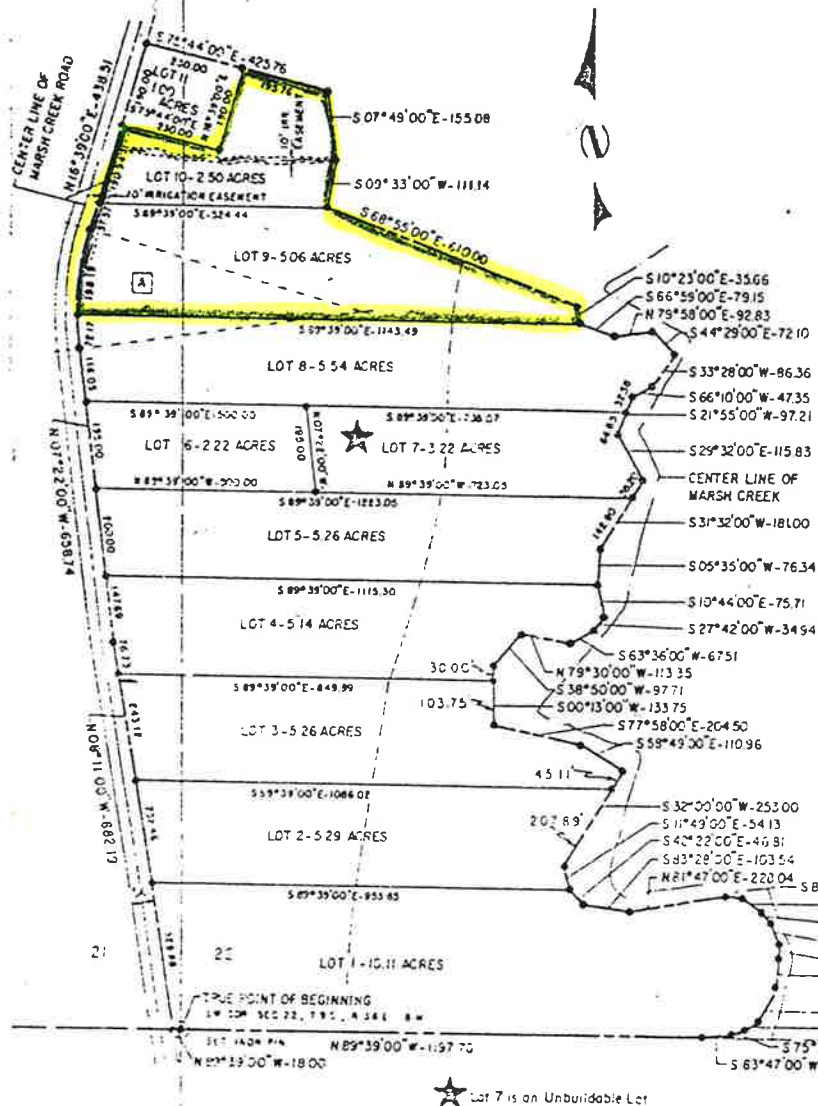
cc: Robert and Maureen Murray  
Arthur Popwell  
Don and Murial Worthylake  
Kathleen Speigle

Legal Clarification:

3/6/03.

T9S R36E Sec. 22.  
Government lot 9.

Cottonwood Acres Subdivision.  
Lots 9 & 10.



Commencing at the Southwest Corner of Section 22, T. 9S., R. 36E., S.M., also the TRUE POINT OF BEGINNING; thence  $N9^{\circ}33'00''W$ , 18.00 feet along the South Line of Section 21, T. 9S., R. 36E., S.M., to the Easterly right-of-way line of Marsh Creek Road; thence

$N08^{\circ}11'00''W$ , 882.19 feet;  
 Thence  $N07^{\circ}22'00''W$ , 658.74 feet;  
 Thence along Curve A: 270.36 feet;  
 Thence  $N16^{\circ}19'00''E$ , 438.51 feet;  
 Thence  $S75^{\circ}44'00''E$ , 425.76 feet;  
 Thence  $S07^{\circ}49'00''E$ , 155.08 feet;  
 Thence  $S09^{\circ}33'00''W$ , 111.14 feet;  
 Thence  $S68^{\circ}55'00''E$ , 619.00 feet;  
 Thence  $S10^{\circ}23'00''E$ , 35.66 feet;  
 Thence  $S66^{\circ}59'00''E$ , 79.15 feet;  
 Thence  $N79^{\circ}58'00''E$ , 92.83 feet;  
 Thence  $S44^{\circ}29'00''E$ , 72.10 feet;  
 Thence  $S33^{\circ}28'00''W$ , 86.36 feet;  
 Thence  $S66^{\circ}10'00''W$ , 47.35 feet;  
 Thence  $S21^{\circ}55'00''W$ , 97.21 feet;  
 Thence  $S29^{\circ}32'00''E$ , 115.83 feet;  
 Thence  $S31^{\circ}32'00''W$ , 181.00 feet;  
 Thence  $S05^{\circ}35'00''W$ , 76.34 feet;  
 Thence  $S10^{\circ}44'00''E$ , 75.71 feet;  
 Thence  $S27^{\circ}42'00''W$ , 34.94 feet;  
 Thence  $S63^{\circ}36'00''W$ , 67.51 feet;

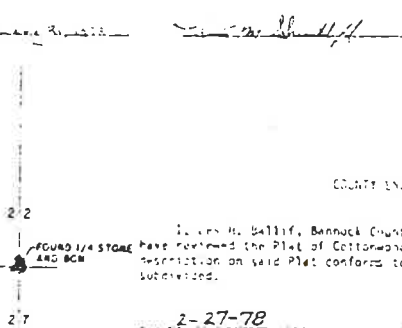
$N79^{\circ}30'00''W$ , 113.35 feet;  
 Thence  $S38^{\circ}50'00''W$ , 97.71 feet;  
 Thence  $S27^{\circ}58'00''E$ , 204.50 feet;  
 Thence  $S58^{\circ}46'00''E$ , 110.96 feet;  
 Thence  $S17^{\circ}00'00''W$ , 253.00 feet;  
 Thence  $S11^{\circ}49'00''E$ , 54.13 feet;  
 Thence  $S42^{\circ}22'00''E$ , 46.81 feet;  
 Thence  $S62^{\circ}46'00''E$ , 103.54 feet;  
 Thence  $N41^{\circ}41'00''E$ , 226.04 feet;  
 Thence  $S64^{\circ}43'00''E$ , 37.12 feet;  
 Thence  $S42^{\circ}41'00''E$ , 53.39 feet;  
 Thence  $S36^{\circ}44'00''E$ , 24.32 feet;  
 Thence  $S21^{\circ}29'00''E$ , 50.78 feet;  
 Thence  $S00^{\circ}23'00''E$ , 34.06 feet;  
 Thence  $S11^{\circ}04'00''W$ , 65.72 feet;  
 Thence  $S24^{\circ}33'00''W$ , 79.39 feet;  
 Thence  $S52^{\circ}32'00''W$ , 37.09 feet;  
 Thence  $S75^{\circ}37'00''W$ , 39.53 feet;  
 Thence  $S23^{\circ}47'00''W$ , 64.22 feet;  
 Thence  $N65^{\circ}35'00''W$ , 119.70 feet;  
 to the TRUE POINT OF BEGINNING.

A  
 $\Delta = 24^{\circ}01'00''$   
 $R = 645.00$   
 $T = 137.20$   
 $L = 270.36$   
 $CL = 268.39$

#### SURVEYOR'S CERTIFICATE

I, Tim Shurtliff, do hereby certify that I am a Registered Land Surveyor holding Certificate No. 977 as prescribed by the laws of the State of Idaho; that by authority of the owners I made a survey of the property shown hereon and described in the Boundary Description; that I have subdivided said property into lots, the dimensions of which are as shown; that said property is located in SW 1/4, Section 22 and SE 1/4, Section 21, T. 9S., R. 36E., S.M., Bannock County, Idaho; and that pertinent provisions of the laws of the State of Idaho have been complied with.

SITE: Tim Shurtliff



COUNTY ENGINEER

I, L. Ray Ballif, Bannock County Engineer, do hereby certify that I have reviewed the Plat of Cottonwood Acres and found that the description on said Plat conforms to the drawing of the property to be subdivided.

2-27-78

COUNTY COMMISSIONER

I, L. Ray Ballif, Chairman of the Board of County Commissioners of Bannock County, Idaho, do hereby certify that this Plat of Cottonwood Acres was accepted and approved by the Board on this 19th day of February, 1978.

In witness whereof I have hereunto set my hand and affixed the official seal of said County this 22nd day of February, 1978.

2-12-79

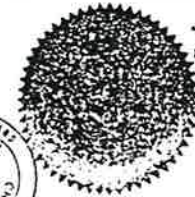


**COTTONWOOD ACRES**  
 A Subdivision in Section 21 & 22,  
 T. 9S., R. 36E., S.M.

#### ADJUTANT EQUIPMENT

STATE OF IDAHO  
 BANNOCK COUNTY

On the 15 day of May, 19 79 personally appeared before me, the undersigned Notary Public in and for the said county in said State, the signers of the above Owner's Certificate, who duly acknowledged to me that they did sign freely and voluntarily for the purposes therein mentioned.



Mary M. Macomber  
 Notary Public

STATE OF IDAHO  
 BANNOCK COUNTY

Recorded and filed at the request of:

FRANK LEW

Date 5-17-79  
 Book 20  
 Instrument No. 622656

Time Page 12:12 PM  
5

John Anderson  
 County Recorder

(i) Sanitary Restrictions in force under Title 50, Chapter 13, Idaho Code.

LEGEND  
 --- Traversed Line  
 --- Lot Line  
 --- Easement Line  
 --- Center Line

12" x 22" Iron Pin at all property corners and PC&PT  
 Flood Hazard Areas, 100 Years

## WARRANTY DEED

890369

## FOR VALUE RECEIVED

EMIL A. HUSKAMP and HULDA E. HUSKAMP, Husband and Wife

The Grantors, do hereby grant, bargain, sell and convey unto

ROBERT J. MURRAY and MAUREEN B. MURRAY, Husband and Wife

The Grantee, whose address is 9754 Marsh Creek Rd., McCammon, Idaho 83250

the following described premises, to-wit:

Lots 9 and 10 in COTTONWOOD ACRES, Bannock County, Idaho, according to the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

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 said premises are free from all encumbrances except covenants, conditions, restrictions and easements of public record and any assessments for the year 1988 which are not yet due and payable,

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

Dated: January 10, 1989

EMIL A. HUSKAMP

HULDA E. HUSKAMP

STATE OF IDAHO, COUNTY OF BANNOCK

On this 10th day of January, 1989, before me, a notary public in and for said State, personally appeared

Emil A. Huskamp and Hulda E. Huskamp

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

Notary Public

Residing at Pocatello, Idaho  
Comm. Expires 8/29/92

STATE OF IDAHO, COUNTY OF

requ

at this  
19  
of D

NO. 890369  
RECORDED AT REQUEST OF  
PIONEER TITLE  
'89 JAN 11 P3:51

By

FEES 3.00 DEPUTY 3.00

Fees  
Mail to:

Covers Lot # 10

1974

Deed, recorded, made this 27th day of March, 1974, at the County of Bannock, State of Idaho, between the party of the first part, and EMIL A. HUSKAMP, and his wife, AND wife, of Tonopah PG 253 89049, County of Bannock, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situated, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

A tract of land in Sections 21 and 22, Township 9 South, Range 36, E.B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of Section 21, Township 9 South, Range 36, E.B.M.; thence North 89°39' West, along the South line of said Section 21, 18.00 feet, more or less, to the Easterly right-of-way line of Marsh Creek Road; thence North 08°11' West along the said Easterly right-of-way line, 882.47 feet; thence North 07°22' West, along the said Easterly right-of-way line, 658.75 feet; thence in a Northerly direction along the said Easterly right-of-way line on a curve to the right with a radius of 645.00 feet, and a central angle of 24°01' for a distance of 270.36 feet; thence North 16°39' East, along the said Easterly right-of-way line, 60.54 feet, to the TRUE POINT OF BEGINNING; thence North 16°39' East along the said Easterly right-of-way line 192.29 feet; thence South 75°42' East 230.00 feet; thence North 16°39' East, 190.00 feet; thence South 75°42' East, 195.76 feet; thence South 07°47' East, 154.96 feet; thence South 09°35' West, 112.33 feet; thence North 89°39' West, 524.45 feet, more or less, to the TRUE POINT OF BEGINNING, and contains 2.50 acres, more or less.

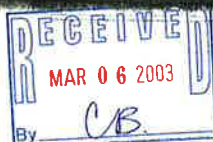
Seller has a ditch right of way across the above described property, together with 2 minor inches of water. Purchaser will not be granted a easement to deliver the water across any lands of Seller, and assumes the responsibility of obtaining a change of point of diversion from the State Reclamation Engineer, State of Idaho to pump water directly from Marsh Creek. Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof.

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

*Deborah L. ...*



2-2

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

527761

STATE OF IDAHO,  
COUNTY OF Bannock

} ss:

On this 29<sup>th</sup> day of March, in the year 1974, before me  
the undersigned, a Notary Public in and for said County and  
State, personally appeared FRANK LEW, a single man

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.

NOTARY SEAL

*Emil A. Huskamp*  
Notary Public

Residence Pocatello, Idaho

527761

NO. 527761  
RECORDED AT REQUEST OF  
Emil A. Huskamp

SEP 16 9 17 AM '74

RECORDED AT REQUEST OF  
Emil A. Huskamp  
FEE 2.00

Emil A. and Hulda E. Huskamp  
P.O. Box 253  
Tonopah, Nevada 89049

WARRANTY DEED

TO

Dated 19

STATE OF IDAHO,  
COUNTY OF } ss:

I hereby certify that this instrument  
was filed for record at the request of

at minutes past

o'clock M. this day of

A. D. 19

at my office and duly recorded in Book

of Deeds at page

By Ex-Officio Recorder

Fee \$ Deputy

3-1

653139

THIS INDENTURE, made this 10th day of August in the year of our Lord, One Thousand Nine Hundred and Seventy Three, between FRANK LEW,

A single person  
of McCommon, County of Bannock, State of Idaho  
the party of the first part, and EMIL A. RUSKAMP, and HULDA E. RUSKAMP,  
Husband and wife  
of Tonopah, County of Nevada, State of Nevada  
the parties of the second part:

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of  
TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS,  
lawful money of the United States of America, to him in hand paid by the said part 1st of the  
second part, the receipt whereof is hereby acknowledged do as by these presents, Grant, Bargain,  
Sell and Convey and Confirm unto said part 1st 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:

A tract of land in the Section 21, and 22, T. 9 South, Range 36, E.B.M. Bannock County, Idaho, more particularly described as follows:  
Commencing at the section corner that is common to Sections 21, 22, 27,  
and 28, T. 9S., R. 36 E.B.M.; thence North 69°39'W, 18.00 feet, more or  
less, to the Easterly right of way line of Marsh Creek Road; thence N 8°  
11' W on said Easterly right of way line, 882.47 feet; thence N7°22' W  
on said Easterly right of way line, 542.35 feet, to the TRUE POINT OF  
BEGINNING; thence continuing S7°22'W on said Easterly right of way line,  
116.40 feet; thence Northerly along the said Easterly right of way line on a  
curve to the left with a radius of 645.00 feet, for a distance of 72.20  
feet; thence S89°39' N. 1141.30 feet, more or less, to the Westerly bank  
of Marsh Creek; thence S56°59'E. along said Westerly bank 79.15 feet;  
thence N79°58'E along the said Westerly bank, 92.80 feet; thence S44°29'  
E along the said Westerly bank, 72.10 feet; thence S 23°28'W along the  
said Westerly bank, 86.36 feet; thence S 66°10'W along the said Westerly  
bank 47.35 feet; thence S 21°55' W along the said Westerly bank 32.62  
feet; thence N89°39' W, 1234.66 feet, more or less, to the Point of  
Beginning and contains 5.6 acres, more or less.

Also:  
A tract of land in Section 21, and Sec. 22, T. 9S., R. 36 E.B.M. Bannock  
County, Idaho, more particularly described as follows:  
Commencing at the section corner that is common to Sections 21, 22, 27  
and 28, T. 9S., R. 36 E.B.M., thence N 89°39'E along the south line of  
Section 21, T. 9S., R. 36 E.B.M., 18.00 feet, more or less, to the Easterly  
line of Marsh Creek Road; thence N8°11' W, on said Easterly right of way  
line 882.47 feet; thence N7°22' W., on said Easterly right of way line  
658.75 feet; thence in a Northerly direction along the said Easterly  
right of way line on a curve to the right with a radius of 645.00  
feet, for a distance of 72.20 feet to the TRUE POINT OF BEGINNING; thence  
Northerly along the said Easterly right of way line on a curve to the right  
with a radius of 645.00 feet, for a distance of 190.16  
feet; thence North 16°39'E along the said Easterly right of way line  
60.54 feet; thence S89°39'E, 524.40 feet; thence N 68°55'E, 410.00 feet,  
more or less, to the Westerly bank of Marsh Creek; thence S 10°23'E,  
along the said Westerly bank of Marsh Creek, 35.66 feet; thence N 89°39'  
1141.30 feet, more or less, to the TRUE POINT OF BEGINNING and contains  
5.00 acres, more or less. 5.04 AC.

Seller has a ditch right of way across the above described property.  
Together with 10 minor inches of water. It is understood and agreed  
that the purchaser will not be granted any easement to deliver the water  
across any lands of the Sellers and assumes the responsibility of obtaining  
a change of point of diversion from the State Reclamation Engineer, State  
of Idaho, so purchasers can pump water directly from Marsh Creek.

(SEAL)

[SEAL]

GP

3-2

653199

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

To HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident unto the said part *on* of the second part, and to their heirs and assigns forever and the said part *y* of the first part, and his heirs and assigns warrant the said premises in the quiet and peaceable possession of the said part *on* of the second part, their heirs and assigns against the said part *y* of the first part, and his heirs and assigns 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 his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

*Robert L. Low*

[SEAL]

[SEAL]

[SEAL]

[SEAL]

GP

3-3

653199

STATE OF IDAHO,  
COUNTY OF Bannock

On this 10th day of August, in the year 19 73 before me  
the undersigned, a Notary Public in and for said County and  
State, personally appeared FRANK LEW, A single person

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.

*Herbert C. Carter*  
Notary Public

Residence: Pocatello, Idaho

NOTARY SEAL

653199  
BY Boyd B. White  
REC'D OF  
PRO 22 P 3:31

OFFICIAL RECORDS - 357  
CITY OF POCATELLO, IDAHO  
FEE \$6.00

WARRANTY DEED

TO

STATE OF IDAHO,

COUNTY OF \_\_\_\_\_ } ss:

I hereby certify that this instrument  
was filed for record at the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_

o'clock, \_\_\_\_\_ M., this \_\_\_\_\_ day of \_\_\_\_\_

at my office and duly recorded in Book \_\_\_\_\_

of Deeds at page \_\_\_\_\_

By \_\_\_\_\_ Ex-Officio Recorder

Per \_\_\_\_\_ Deputy

20 May 1987

To whom it may concern:

818504

This instrument will confirm previous oral arrangements. It pertains to the irrigation piping extending from the locally-known Cottonwood Creek immediately west of the Wheatley buildings and thence some 500 feet easterly to the Huscamp property and thence some 240 feet along the road to the corner of the Arthur C. Hope property. This piping hereafter will be known as the system.

The refusal of additional right-of-way makes it necessary that the system underlie the bed of the ditch which has been in use for many years.

Persons legally interested in waters of this ditch were contacted but declined cost sharing in the installation of the system.

The system is the sole property of Arthur C. Hope or assignees.

The system owner reserves right-of-way privileges in the free-flowing stream above the system and denies use of the system to anyone without special arrangement.

Any use permitted to non-owners will be by piping with shut off valves located above ground and within 36 inches of the system. Any piping ahead of the valves will automatically become a part of the system.

The owner reserves the right and will exercise the same to suspend use of the system for the period of time necessary to forestall any establishment of right-of-way in the system by virtual continual use.

Arthur C. Hope  
System owner

Emil A. Hustamp  
Interested user

STATE OF IDAHO )  
COUNTY OF BANNOCK ) ss.

On this 15<sup>TH</sup> day of SEPTEMBER, 1988 before me, a Notary Public in and for the State of Idaho, personally appeared ARTHUR C. HOPE AND EMIL A. HUSTAMP known to me to be the SAME of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Seal

Larry W. Green, Notary  
Notary Public for the State of Idaho  
Residing in Pocatello, Idaho  
Notary Expires on 12 of 1991

lawful age and is the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at.....M., the 18th day of June 1902.

Subscribed and Sworn to before me this 19th day of June 1902.

Truman W. Rowe,

P.M. Larson,

Justice of Peace.

Recorded at request of D.W. Standrod, at 9.11 o'clock A.M. July 5th, 1902.

By E.G. Gallet,

J.S. Campbell,

Deputy.

Fee 80¢

Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That Benjamin T. Rowe Sr., of McCammon, County of Bannock State of Idaho has this 18th day of June 1902 appropriated and hereby claims the use of the waters of Rowe Creek in Bannock County, State of Idaho, to the extent of Four cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about one half mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 South of Range 36 East B.M.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is the E. half of the S.E. 1/4 of Sec. 21 and lots 9 & 10 of Sec. 22, in Township 9 South of Range 36 East B.M. containing 155.25 acres.

That the general course of the proposed canal or conduit is Easterly.

The length of said proposed canal or conduit is one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.

Appropriator and Claimant. (Benjamin T. Rowe,  
his X mark.

State of Idaho, )

(SS.

County of Bannock.)

Benjamin T. Rowe Sr., being first duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at.....o'clock.....M., the 18th day of June 1902.

Subscribed and Sworn to before me this 19th day of June 1902.

Benjamin T. Rowe Sr.,

P.M. Larson,

Justice of Peace.

Recorded at request of D.W. Standrod, at 9.12 o'clock A.M. July 5th, 1902.

By E.G. Gallet,

J.S. Campbell,

Deputy.

Fee 80¢

Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That Truman W. Rowe of McCammon, County of Bannock, State of Idaho has this 18th day of June 1902 appropriated and hereby claim the use of the waters of Rowe Creek in Bannock County State of Idaho, to the extent of Four cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about one half mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 S. of Range 36 East B.M.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is S.E. 1/4 of the N.W. 1/4 and South half of N.E. 1/4 of Sec. 21, and S.W. 1/4 of N.W. 1/4 of Sec. 22, in Township 9 south of Range 36 East B.M. containing 160 acres.

That the general course of the proposed canal or conduit is Easterly.

The length of said proposed canal or conduit is one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.

Appropriator and Claimant. (Truman W. Rowe,  
State of Idaho, )

(SS.

County of Bannock.)

Truman W. Rowe being first duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name.....subscribed thereto.



Appropriators and Claimants.

( Joshua Munn,  
( Joseph Meadows,

STATE OF IDAHO, )  
(SS.  
County of Bannock.)

Joshua Munn being first duly sworn, depose and says that he is of lawful age and is one of the appropriator and claimants of the Water Right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at Five o'clock P.M. the 2d day of July 1902.

Subscribed and Sworn to before me this 2d day of July 1902.

Joshua Munn,  
J.J. Guheen,  
Notary Public.  
Recorded at request of Joshua Munn, at 8.46 o'clock A.M. July 3rd. 1902.  
By E.G. Gallet, J.S. Campbell,

(SEAL)

Deputy.

Fee 80¢

Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That Truman W. Rowe of McCammon, County of Bannock State of Idaho has this 18th day of June 1902 appropriated and hereby claims the use of the waters of Dry Creek, in Bannock County, State of Idaho, to the extent of Four cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about 1/2 mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 South of Range 36 East B.M.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is S.E. 1/4 of the N.W. 1/4 and south half of N.E. 1/4 of Sec. 21, and S.W. 1/4 of N.W. 1/4 of Sec. 22, in Township 9 south of range 36 east B.M. containing 160 acres.

That the general course of the proposed canal or conduit is .....

The length of said proposed canal or conduit is one mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.

Appropriator and Claimant. ( Truman W. Rowe.

State of Idaho, )  
(SS.  
County of Bannock.)

Truman W. Rowe being first duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant of the Water Right described in the within and foregoing notice and whose name ... subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at ..... o'clock .... M., the 18th day of June 1902.

Subscribed and Sworn to before me this 19th day of June 1902.

Truman W. Rowe,  
P.M. Larson,  
Justice of the Peace.  
Recorded at request of D.W. Standrod, at 9.10 o'clock A.M. July 5th, 1902.  
By E.G. Gallet, J.S. Campbell,

Deputy.

Fee 80¢

Recorder.

Notice of Water Right Location.

To Whom it May Concern:

Notice is hereby Given, That Truman W. Rowe of McCammon County of Bannock State of Idaho, has this 18th day of June 1902 appropriated and hereby claims the use of the waters of Quaking Asp Spring in Bannock County, State of Idaho, to the extent of One cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to-wit: about 1/4 mile west from the N.W. Cor. of the S.E. 1/4 of the N.W. 1/4 of Sec. 21 in Township 9 South of Range 36 East B.M. at what is known as a patch of Quaking Asp.

That the special purpose or purposes for which said water is claimed for irrigation and domestic use.

The place of its intended use is S.E. 1/4 of the N.W. 1/4 and south half of N.E. 1/4 of Sec. 21, and S.W. 1/4 of N.W. 1/4 of Sec. 22, in Township 9 south of range 36 east B.M.

That the general course of the proposed canal or conduit is .....

The length of said proposed canal or conduit is one fourth (1/4).

That it is intended to complete the works for the diversion and use of said water as aforesaid within work is already completed.

A copy of this notice was duly posted at or near the point of intended diversion on the 18th day of June 1902.

Witness my hand at Robin County of Bannock State of Idaho, this 18th day of June 1902.

Appropriator and Claimant. ( Truman W. Rowe,

State of Idaho, )  
(SS.  
County of Bannock.)

Truman W. Rowe being first duly sworn, deposes and says that he is of

28 February 2003

To Whom it May Concern -

I, Virginia B. Allen, make note of property lying across the creek from me, of which I am familiar since 1947. I reside at 9549 S. Fagan Rd.

The land shown is property, at that time, owned by Fred & Esther Goshoff. Land south of the property now owned by Robert & Maureen Murray; was pasture & only had water when necessary to prevent flooding.

Frank has cleared this pasture of high poplars, with a tractor, to improve the land; he wanting to sell lake. From Murray to Little Creek property.

Property from Murray Post was hay & grass, irrigated from Cottonwood Creek, from a ditch thru Neale's barn yard, into a culvert carrying the water to Murray property.

Frank Nealeham used irrigation pipe instead of flood ditches; to irrigate all of his property; now owned by Murray. Since my taking up land here in 1946 and living here since 1947, the property across the Creek belonging now to Murray has always been green -

(2)

cept for a time in late summer, during draught years, due to irrigation water from Cottonwood Creek, being lower at that time.

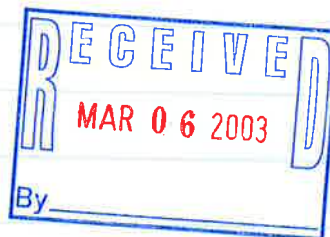
Virginia L. Allen

Sworn this 3rd day of March, 2003.

Sign Virginia L. Allen



Notary - Michelle D. Howell  
exp. date - 10-25-07



November 12, 2001

To Whom It May Concern:

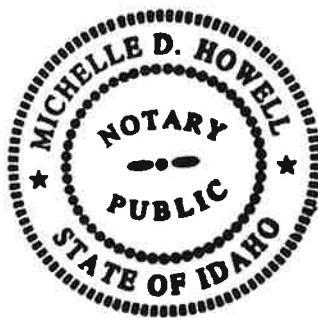
I, Lynn Bullock, moved to the property that is now 8455 Marsh Creek Rd with my family in March 1926. I am 77 years old and have lived here for 76 years.

When we moved here the Rowe family had been here for 46 years. My oldest brother, Ed, worked for them. When they lost the property to the Federal Land Bank, Ed leased the land for 2 years before the Bischoffs bought it. Ed lived in the old Rowe home that was on what is now the Smith property. Ed used the irrigation ditches dug by the Rowes to water his garden and grain and hay fields. The first ditch across the road connected to ditches west of the orchard to move water from Rowe Creek [now Cottonwood Creek] and a ditch northwest of the house to move the water down by the house and through the field south of the house to ditches going to the northern fields and in case of flooding, to Marsh Creek. The second ditch that crossed the road is on Murray's property and is the high point of the old ranch. The ditch runs through what is now Wheatly's cattle lot. It was used to bring water from Rowe Creek [now Cottonwood Creek] to irrigate hay and grain crops. The water ran through ditches toward Marsh Creek but could be diverted to run north or south, where ever the water was needed. The third ditch across the road is on Worthylakes property. The ditches across the road were replaced with culverts when Marsh Creek Rd became a county road in 1948. The canyon and creek west of Murrays was known for years as Rowe canyon and Rowe creek.

When Bischoffs bought the property, they continued to use the existing irrigation ditches for their garden, hay and grain crops. They used the land from Worthylakes south for pasture.

Frank Lew also used the existing irrigation ditches to water his garden, potato and hay crops.

Lynn Bullock

  
Exp. Date 10-25-07

To whom it may concern,

I, Lynn Bullock, moved to the property that is now 8466 Marsh Creek Road with my family in March, 1926. I was 1 year old.

Rowe's dug a ditch from Cottonwood Creek, through what is now Wheatly's cattle lot, that ran under the road and down through Murray's land to N-S irrigation ditches in section 22. That ditch has been used by Rowe, Bischoff, Lew, Huskamp, Murray, Hope, and Powell.

The culverts on Marsh Creek Road are where the spring runoff was used for ditch irrigation by Rowe, Bischoff, Lew, Spiegel, Worthylake, Smith, Huskamp (Murray), and Hope (Powell.) The culverts were in place on what is now Worthylake, Smith, and Murray's property when Marsh Creek was just a wagon road.

When Frank Lew bought the Bischoff property, the land from Murray's south had not been farmed for a while and Lew cleared sage brush before he sold the land.

*Lynn & Bullock*

*Lynn Bullock personally appeared before  
ME Aug. 30, 2002*

*Michelle D. Howell*  
*exp. date - 10-15-07*  
*8-30-2002*



March 9, 1995

Im Fred R. Bischoff (Im 88 years old)  
And I bought  
the land from the Federal Land  
Bank between 1939 and according  
to their records the water was  
filed on on June 18 1902. We  
farmed it until 1965. We used  
the water every year to flood  
irrigate. We sold the place to  
Frank Jew as near as I know  
they used the water ever since.

Human Rome mortgaged the  
land to the Federal Land Bank.  
He got struck by lightning and it  
killed him. He also used flood  
irrigation method.

The main crops were hay and  
grain.

Fred R Bischoff

Fred Bischoff Came before  
me 3-9-95

Belva Olsen Hansen  
McCammon, Id

exp date 10-95

2-1

## PIPE SYSTEM AND AGREEMENT

This instrument will alter that of 15 September 1988 and recorded under No. 813504 at the Bannock County Courthouse. Emil Huscamp has since sold his property to Robert Murray and in preparation for sale of the Hope property the undersigned system owner sells half (1/2) interest in the pipe system to Robert Murray for \$500. The part of the system involved in this sale extends from the present point of diversion and for a distance of approximately 740 feet to the southwest corner of the Arthur C. Hope property and includes the 4 inch shutoff valve there. Joint ownership will terminate just behind any circuit valve in the system above this point.

It is further stipulated that neither of the two owners of the defined system will sub-lease or sell to any other party without mutual agreement

System terminates  
immediately behind  
the 4" valve at the  
common corner of  
properties.

A.C.H.

Arthur C. Hope  
System Owner

Robert J. Murray  
Purchaser

Robert J. Murray

This is an amendment  
concerning a water system  
# 818504

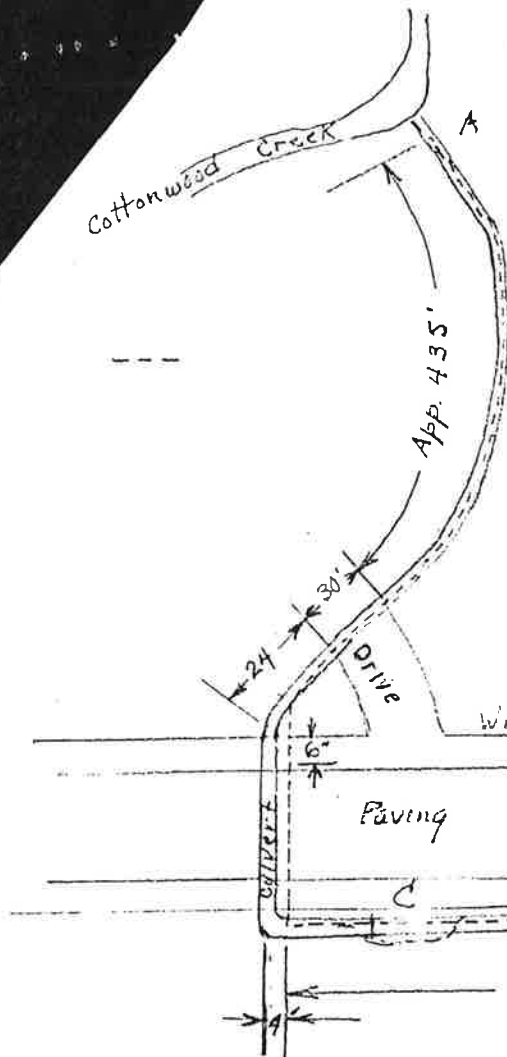


Belva Hansen  
exp date 12-29-01  
McCammor

2A

20108990

## NOTES and EXPLANATION



The system from A to B is approx. 745 feet long of PVC thin wall except as noted below. A is 36 feet above B. From B 220 feet upstream and thence 50 feet across the road is heavy wall PVC. Then three 10 ft. lengths (30) of thin wall S and D are in the system before reverting again to the heavy pipe to accommodate the heavy trucks of the Wheatley drive. After 30 feet of the heavy pipe the thin wall makes up the rest of the system to the head of the system at Cottonwood Creek. The thin wall pipe begins first just 6 ft. inside the county road before encountering the Wheatley fence. The PVC pipe is located about 4 feet north of the culvert to preclude damage when the county

is cleaning or replacing the culvert nearby. The PVC is 30 inches or more below the asphalt. The pipe is only about 6 inches below the ditch bottom in the Huskamp property. It was placed 24 inches below the ditch through the Wheatley property but erosion toward

the upper end has left less coverage there. Huskamp made special arrangements and installed a T and valve at the corner where the system first enters his property. A 4 inch gate valve is located on the Huskamp-Hope property line.

At C the pipe runs immediately along the east side of the culvert at the driveway.

NO 20108990

RECORDED AT REQUEST OF

Robert &amp; Maureen Murray

2001 MAY 14 AM 10 28

OFFICIAL OF BOOK NO 783

BANNOCK COUNTY IDAHO

LARRY W CHAN RECORDER

FEE 600 DEPUTY JC

3-1

THE DISTRICT COURT  
CLERK  
BANNOCK COUNTY, IDAHO

JUL 17 4 33 PM '75

BY Theresa Pederson  
DEPUTY

W. Marcus W. Nye  
RACINE, HUNTLEY & OLSON  
Attorneys at Law  
Center Plaza; P. O. Box 1391  
Pocatello, Idaho 83201

Telephone: (208) 232-6101

Attorneys for Plaintiffs

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

CHARLES SPIEGEL and KATHLEEN  
M. SPIEGEL, Husband and Wife,

Case No. 33099

Plaintiffs,

vs.

STIPULATION AND ORDER

FRANK LEW, a single person,  
Defendant.

COME NOW the parties, by and through their attorneys  
of record, and stipulate and agree as follows:

1. Plaintiffs are to be specifically restrained  
and enjoined during the pendency of this action from taking  
any affirmative act to injure, damage or destroy defendant's  
dam on Cottonwood Creek, or from taking any other action which  
would interfere with defendant's use of up to a maximum of two  
(2) cubic feet per second of water from said creek.

2. Defendant is to be specifically restrained and  
enjoined from any affirmative act or omission which would in-  
terfere with plaintiffs' right to utilize any and all waters  
in excess of two (2) cubic feet per second from Cottonwood  
Creek during the pendency of this action.

3. The foregoing restraints are to apply to the  
parties to this action, their officers, agents, servants and  
employees, and upon those persons in active concert or parti-  
cipation with them who receive actual notice of this Stipulation  
and Order by personal service or otherwise.

*Spiegel owned lots 5-6-7*

4. During the pendency of this action, the parties stipulate and agree that a dam or other proper structure, together with an accurate gauge or water meter will be installed, at the present dam site located on Cottonwood Creek on the property of Mr. Weatley. This structure and device shall be constructed and installed with all due deliberate haste and cooperation by and between the parties; said structure and device will be situated and operated so as to allow no more than two (2) cubic feet per second of water from Cottonwood Creek to flow into the diversion ditches of the defendant; and said structure and device will operate so as to allow any and all waters in excess of two (2) cubic feet per second to flow through the natural stream channel of Cottonwood Creek to the plaintiffs' property.

It is further stipulated and agreed by and between the parties that all costs and expenses for the purchase and installation of said device will be divided equally, and that the prevailing party in this action will be awarded said expenditures as costs.

5. It is further stipulated and agreed that during the interim period before the foregoing dam, structure and device are installed, that the defendant will not divert waters in excess of two (2) cubic feet per second from Cottonwood Creek onto his property, and that the plaintiffs are in the meanwhile entitled to any waters from Cottonwood Creek in excess of two (2) cubic feet per second; and, further, that the parties will fully cooperate in complying with this provision by taking those reasonably necessary steps to insure that this provision is complied with through reasonably agreed measuring devices available, and such modifications to the present dam as may be necessary.

6. It is further stipulated and agreed that none of the foregoing in any way constitutes a waiver, express or implied, or an admission as to the facts, contentions, or merits

of this case, and is made without prejudice to the assertions and rights of the parties.

7. It is expressly understood that this agreement shall be in full force and effect during the pendency of this action and is fully enforceable by all the remedies provided by law.

RACINE, HUNTLEY & OLSON

By: W. Marcus W. Nye  
W. Marcus W. Nye of the Firm  
Attorneys for Plaintiffs

WHITTIER & JARMAN

By: Ronald J. Jarman  
Ronald J. Jarman  
Attorneys for Defendant

O R D E R

Upon reading the foregoing and good cause appearing therefore, and after a partial hearing on the merits for preliminary injunctions requested by the parties, and upon an oral stipulation taken in Open Court on the 1st day of July, 1975, containing the general terms and substance of the foregoing, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the terms and conditions of the foregoing Stipulation are hereby Ordered throughout the pendency of this action.

DATED this 17 day of July, 1975.

Arthur P. Oliver  
Arthur P. Oliver - District Judge

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-4045

WATER RIGHT NUMBER: 29-4045

|                   |                                                     |
|-------------------|-----------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                             |
| Current Owner     | FRANK LEW<br>STAR RT BOX 291<br>MC CAMMON, ID 83250 |

Priority Date: 06/18/1902  
 Basis: Statutory Claim  
 Status: Active

|                  |                  |
|------------------|------------------|
| <u>Source</u>    | <u>Tributary</u> |
| COTTONWOOD CREEK | MARSH CREEK      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| STOCKWATER            | 1/01 to 12/31           | 0.020 CFS             |                      |
| IRRIGATION            | 3/15 to 11/15           | 2.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.000 CFS             |                      |

Location of Point(s) of Diversion

|                  |            |                                 |
|------------------|------------|---------------------------------|
| COTTONWOOD CREEK | NE1/4SE1/4 | Sec. 21, Twp 09S, Rge 36E, B.M. |
| BANNOCK County   |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |      |     | SW  |      |    |    | SE  |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|------|-----|-----|------|----|----|-----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW   | SE  | NE  | NW   | SW | SE | NE  | NW | SW | SE |        |
| 09S | 36E | 21  |    |    |    |    |    |    |      |     |     |      |    |    | 4.0 |    |    |    | 4.0    |
| 09S | 36E | 22  |    |    |    |    |    |    | 16.0 | 4.0 | 5.0 | 26.0 |    |    |     |    |    |    | 51.0   |

Total Acres: 55

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General SOURCE PREVIOUSLY KNOWN AS ROWE CREEK.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-4045

Dates and Other Information:

Licensed Date:  
Decreed Date:  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

**Jill Rowe Gunter, NBCT**  
1300 State Street PO Box 312  
McCammon, ID 83250

August 25, 2002  
McCammon, Id 83250

To Whom It May Concern:

I wish to attest to all parties concerned that my ancestors on the Rowe family line first settled in the McCammon area as early as 1880. According to family records, they moved on the property now in question concerning water adjudication, on January 15, 1880 and lived in their covered wagon until spring at which time they built a log cabin which is still standing.

The family of Benjamin T. Rowe and Mary Ann Pope Rowe, my great-great grandparents are listed in the 1880 census of Oneida County (which then encompassed the area now in question), Idaho Territory. Four children, Benjamin Jr., Louisa, Mary, and Truman, my great-grandfather, are listed as their living children.

According to Blackfoot Homestead Entries, recorded at the Blackfoot Land Office, Benjamin Sr. took patent on this land with water rights, on June 18, 1902. This was the first day following the great land rush of June 17, 1902 that the land office was open for recording of homestead property.

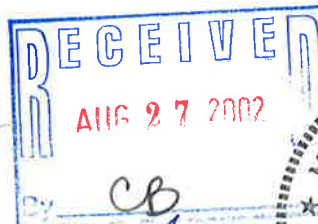
Truman acquired the property following his father's death and farmed the land until he was killed by lightning in 1926. My dad, Loyal Ted Rowe, son of Sherman Rowe, told me many times how he loved to help his Grandpa Truman water the fields in the little red irrigating boots which were a gift from his grandfather.

After Truman's death, his wife, Mary Jane Croshaw Rowe and their grown sons, Sherman, Earl, William, and Edgar continued to farm and irrigate the ground until it was foreclosed on and sold at a sheriff's auction in 1937.

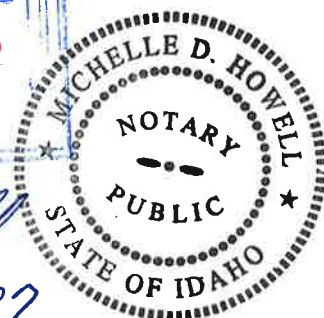
To the best of my knowledge, according to land records, deeds, marriage records, birth and death certificates, and written and oral family history, the Rowe family was one of the earliest to settle in the valley. They occupied and watered the aforementioned land from 1880 to 1937, a total of 57 years.

Yours truly,

*Jill Rowe Gunter*  
Jill Rowe Gunter



*Michelle D. Howell*  
Exp. Date 10-15-07



## ROWE FAMILY HISTORY-

The Rowe family of McCammon were pioneers in the area before 1880. The name Rowe is an anglicization of the German name, RAU, and the immigrant ancestor, Jacob Rau or Rauh came from the Palatinate of that country in 1709 in an immigrant vessel to the shores of New York. The family remained in the county of Delaware, New York, for over three generations, until about 1855 when Benjamin Turner Rowe (Senior) left New York for Clark County, Missouri. It was in this northeast corner of the "show me" state that he met another German, Rebecca Ann Pope (anglicized from Pabst, Papp) and they married in 1862, by a minister of the

Six children were born to this couple in Kahoka, Missouri. They were; William J., Benjamin Turner (junior), Louisa Alice (called Eliza) Ally (possibly a twin who died at birth- a male child), Mary Ellen, (called Molly) and Truman Washburn Rowe.

Two of Benjamin T. Rowe's brothers, Peter and Hiram Rowe, were with him in 1874 when they left Kahoka, evidently headed west. A son of Hiram's named Wellington Hiram Rowe was a printer's devil or typesetter for the local newspaper, the KAHOKA GAZETTE. A copy of that newspaper, still in the offices of that paper quotes: "We will miss Wellie, as he could up-end more m's and w's than any other printer's devil we have had. The item goes on to say that the family and two uncles and their families are "headed for Boulder, Colorado".

The two brothers, Hiram and Peter Rowe did settle in and around Boulder, Colorado and their families are still there 2 generations later. Benjamin Turner Rowe, Sr., however, evidently had his eyes farther west on the Oregon Territory which was opening at about that time. They continued westward, probably on the Oregon Trail. Tradition says they travelled by wagon and on horseback, the children walking most of the way, thinking to reach the coast before winter. It seems a wrong turn somewhere, perhaps close to Fort Hall, put them on to the trail for California. They were heading back for their Oregon Trail when rumors of Indian uprisings and winter overcame them. They had to stay the winter in the valley of McCammon.

Perhaps the valley was comfortable to the weary travelers. There was water there and the land was fertile. They heard of prospects of a railroad being built. There were already other settlers in the valley. They stayed on.

The 1880 census of Oneida County, Idaho Territory, finds Benjamin Turner Rowe and Rebecca A. Rowe with 4 children at home; Benjamin (Jr), Louisa, Mary and Truman. Perhaps William had gone on to Oregon. Both daughters eventually marry and are in Oregon later, also.

Benjamin Turner Rowe Jr. married Sarah Jane Allen in 1888 and they were the parents of 12 children all born in McCammon. Truman married Mary Croshaw in 1896.

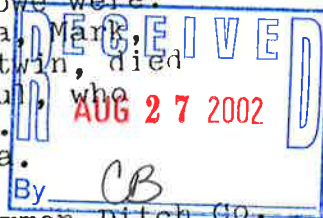
By the Blackfoot Homestead Entries, Benjamin Sr. took patent on land in McCammon in Section 22 in 1902. The note says--"Our records do not show exactly what happened on this transaction. However, patent to this land was issued to Rebecca Rowe on 27 April 1908." This was 3 years after Benjamin Sr. died. Truman Rowe and Benjamin Jr. took patent on land there in 1908, also, as did Mary J. Rowe, wife of Truman. Some of the land records give patent as early as 1881.

Benjamin Sr. and the sons built a log cabin in the area on what they called the "Marsh Creek Road" west of town. Here Rebecca lived close to Truman until her death in 1912. The cabin is still there.

Children of Benjamin T. Rowe and Sarah Jane Allen Rowe were: Louis, Vern, Myrtle, Elicia, Alice, Priscilla, Willametta, Mark, Paul and Paulene (twins) Bert, and Delos. Paulene, the twin, died shortly after birth. Two of this family are living: Paul, who resides at Blackfoot and Delos of Bellingham, Washington.

Truman's descendants still live in the McCammon area.

B.T. Rowe Jr. was instrumental in starting the McCammon Ditch Co. 1908



March 9, 1995

I'm Fred R. Bischoff. (I'm 88 years old)  
And I bought  
the land from the Federal Land  
Bank between 1939 and according  
to their records the water was  
filed on on June 18 1902. We  
farmed it until 1965. We used  
the water every year to flood  
irrigate. We sold the place to  
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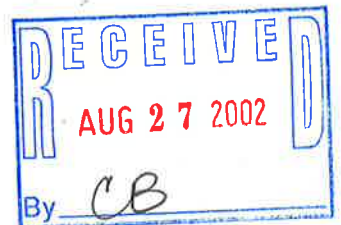
Fred R Bischoff

Fred Bischoff Came before  
me 3-9-95

Belva Olsen Hansen

McCammon, Id

exp date 10-95



August 20, 2002

My father, Fred R. Bishoff, bought property along the Marsh Creek, then known as the Truman Rowe ranch, in the spring of 1939.

As I remember, he used water for irrigation from the snow run off that came down from the mountain south of the orchard.

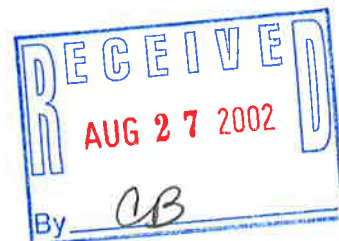
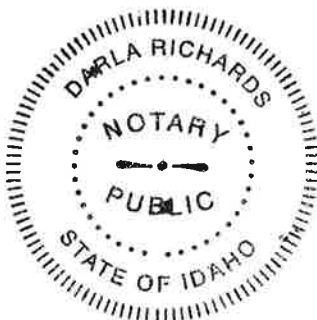
*Marlene B. Rowsell*

Marlene Bishoff Rowsell  
590 Hillview Dr.  
Blackfoot, ID 83221

*8/20/2002*

*Darla Richards*

*3/12/2005*



A29-13164  
Robert Murray  
Field exam 8/15/02  
Cottonwood Creek



Photo 1. Looking southwesterly at pod on Cottonwood creek.



Photo 2. Looking north at the place of use.

## Contacts Data Entry Form

| Owner Type          | Full Name                     | Address                | City  | State | Zip | Phone |
|---------------------|-------------------------------|------------------------|-------|-------|-----|-------|
| Current Owner       | Robert & Maureen Murray       | 9754 S. Marsh Creek Rd |       |       |     |       |
| Name connector: and | _____, or _____, and/or _____ | McCammon, ID           | 83250 |       |     |       |
| Current Owner       |                               |                        |       |       |     |       |
| Current Owner       |                               |                        |       |       |     |       |

Representing Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Accompanied By: Bob Murray Phone Number: 254-9131Relationship to Claimant: ClaimantDate of Field Exam: 8/15/02 Time: 8:30 AM

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Bob said Dave Carlson was out last year and took photos of POP, but nothing is in the file so I retok photos.

29-10007 is also diverted through the same POP.

P21 Split from 29-4045

Reviewer: CBDate: 8/16/02

**Priority Date Data Entry Form**Claim Number: A29-13164Water Right Priority Date: June 18, 1902 Water Right Basis: B.U.Claimed Priority Date: 6-18-1902 Claimed Basis: Beneficial UseRecommended Priority Date: 6-18-1902 Recommended Basis: B.U.☐ 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:

- evidence of priority purchase left during  
field exam.

- evidence in file

Reviewer: CBDate: 8/16/02

## Point of Diversion and Source Data Entry Form

Claim Number: A29-13164

Water Right Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_,\_\_\_\_,\_\_\_\_,\_\_\_\_. County:\_\_\_\_\_

Source:\_\_\_\_\_ Tributary:\_\_\_\_\_

Claimed Point of Diversion: T 9S, R 36E, Sec. 21,\_\_\_\_, NE SE, County: BannockSource: Cottonwood crk Tributary: Marsh crk

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_,\_\_\_\_,\_\_\_\_,\_\_\_\_. County:\_\_\_\_\_

Source:\_\_\_\_\_ Tributary:\_\_\_\_\_

☒ Use Claimed POD and Source as Recommended POD and Source

| Twp                                   | Rge        | Sec       | Gov Lot | QQQ of QQ of Q        | County         | Source                |
|---------------------------------------|------------|-----------|---------|-----------------------|----------------|-----------------------|
| <u>9S</u>                             | <u>36E</u> | <u>21</u> |         | <u>NESE</u>           | <u>Bannock</u> | <u>Cottonwood crk</u> |
| GPS Coordinates: <u>N 42° 37.345'</u> |            |           |         | <u>W 112° 14.681'</u> |                |                       |
| GPS Coordinates: _____                |            |           |         |                       |                |                       |
| GPS Coordinates: _____                |            |           |         |                       |                |                       |
| GPS Coordinates: _____                |            |           |         |                       |                |                       |
| GPS Coordinates: _____                |            |           |         |                       |                |                       |
| GPS Coordinates: _____                |            |           |         |                       |                |                       |
| GPS Coordinates: _____                |            |           |         |                       |                |                       |

Other rights from this POD? 29-16097

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

- field exam
- 1987/88 NAPP Photography

Transfers Changing POD \_\_\_\_\_

Reviewer: CBDate: 8/16/02

## Place Of Use Data Entry Form

Claim Number: A29-13164☐ 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 |
|-----|-----|-----|------|---|---------|---------|-------|----------------|
| 9S  | 36E | 21  | NESE |   | Bannock |         | 0.5   | Irrigation     |
|     |     | 22  | NWSW |   |         |         | 0.1   | Irrigation     |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |

Total Acres 0.6

Document how the POU was verified:

1987/88 NAPP Photography  
 field exam  
 ,

Transfers Changing POU \_\_\_\_\_

Reviewer: CBDate: 8/16/02

**Purpose of Use Data Entry Form**Claim Number: A29-13164☐ 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 |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 7.5        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

## Recommended Purpose of Use

| Water Use  | Number of Homes | Number of Stock | Acre Limit | Number of Other |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 | 0.6        |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

Document how the Purpose of Use was verified:

field exam  
1987/88 NAPP PHOTOGRAPHY

Transfers Changing Purpose of Use \_\_\_\_\_

Reviewer: CBDate: 8/16/02

**Period of Use and Quantity Data Entry Form**Claim Number: A29-13164☐ 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 |
|------------|-------|-------|------|--------|
| Irrigation | 4/1   | 10/31 | 0.15 |        |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate 0.15

Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use  | Start | End   | Rate  | Volume |
|------------|-------|-------|-------|--------|
| Irrigation | 4/1   | 10/31 | 0.012 |        |
|            |       |       |       |        |
|            |       |       |       |        |

Overall Diversion Rate 0.01

Overall Diversion Volume \_\_\_\_\_

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

1987/88 imagery  
field exam

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

8/15/02

Pop. Cottonwood ckr.  
Concrete collection box - screen and  
4" pipe to pop.



8/15/02 10:02 am (11:02 am)  
MURRAY  
N 42° 37.345'  
W 112° 14.681'

1 - Photo looking at Pop, concrete box & screen.

Charlie 254-9151

Arthur C. Powell }  
Robert Murray }

1989, January purchased the property.

Lot 9 5.0 acres

Lot 10 2.5 acres

4" pipe (buried) 1987 installed.

4" valve at the corner of the property

between Arthur Powell & Murray.

From Cottonwood Creek <sup>Approx</sup> 475' to the road.

Powell & Murray are the only ones on the  
pipe from Cottonwood Ck.

- Was there a spring claim filed for Robert  
Murray?

- domestic well for fields.  
stock?

- Irrigates lawn garden. from Cottonwood Ck.  
- 300' of 3" pipe

4" line to Charlie Powell.

4" pipeline on N side of property along Main Ck.

JUN 04 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 29-13164

Date Received: 5/14/01

Receipt No: E026711

Received By: DC

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

1. Name of Claimant(s)

ROBERT J MURRAY Phone: (208)254-9131

9754 S MARSH CREEK RD  
MC CAMMON ID USA 83250

MAUREEN MURRAY Phone: (208)254-9131

9754 S MARSH CREEK RD  
MC CAMMON ID USA 83250

2. Date of Priority: 06/18/1902

3. Source: COTTONWOOD CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 09S      | 36E   | 21      | NE SE                 | BANNOCK |      |

5. Description of diverting works:

HEADGATE TO PIPELINE 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 | 0.15   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
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| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
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|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 0.15   |            |

7. Total Quantity Appropriated is:  
0.15 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             |
|----------|-------|---------|------------|-----|------------|-------------------|
| 09S      | 36E   | 22      | NW SW      | 9   | IRRIGATION | 7.5               |
|          |       |         |            |     |            | Section Acres 7.5 |
|          |       |         |            |     |            | Total Acres 7.5   |

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:

FILED AS PART OF 29-4045

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): Doreen T Murray Date: May 14, 2001

\_\_\_\_\_  
Date:

State of Idaho

County of Bonneville } SS.

Subscribed and sworn (or affirmed) before me this

14 of May 2001

[Signature]

Notary Public

Residing at Rigby, ID

My commission Expires 2/26/2002