

02/20/2003

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

RIGHT NUMBER: 29-13485

NAME AND ADDRESS: NANCY ARMSTRONG
PO BOX 1441
OLYMPIA WA 98507

SOURCE: BIRCH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.200 CFS

PRIORITY DATE: 07/01/1879

POINT OF DIVERSION:

T09S R36E S29 SENESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.200 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R36E S32 SESE 29.0

29 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

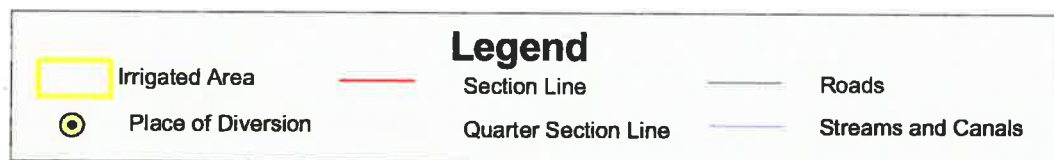
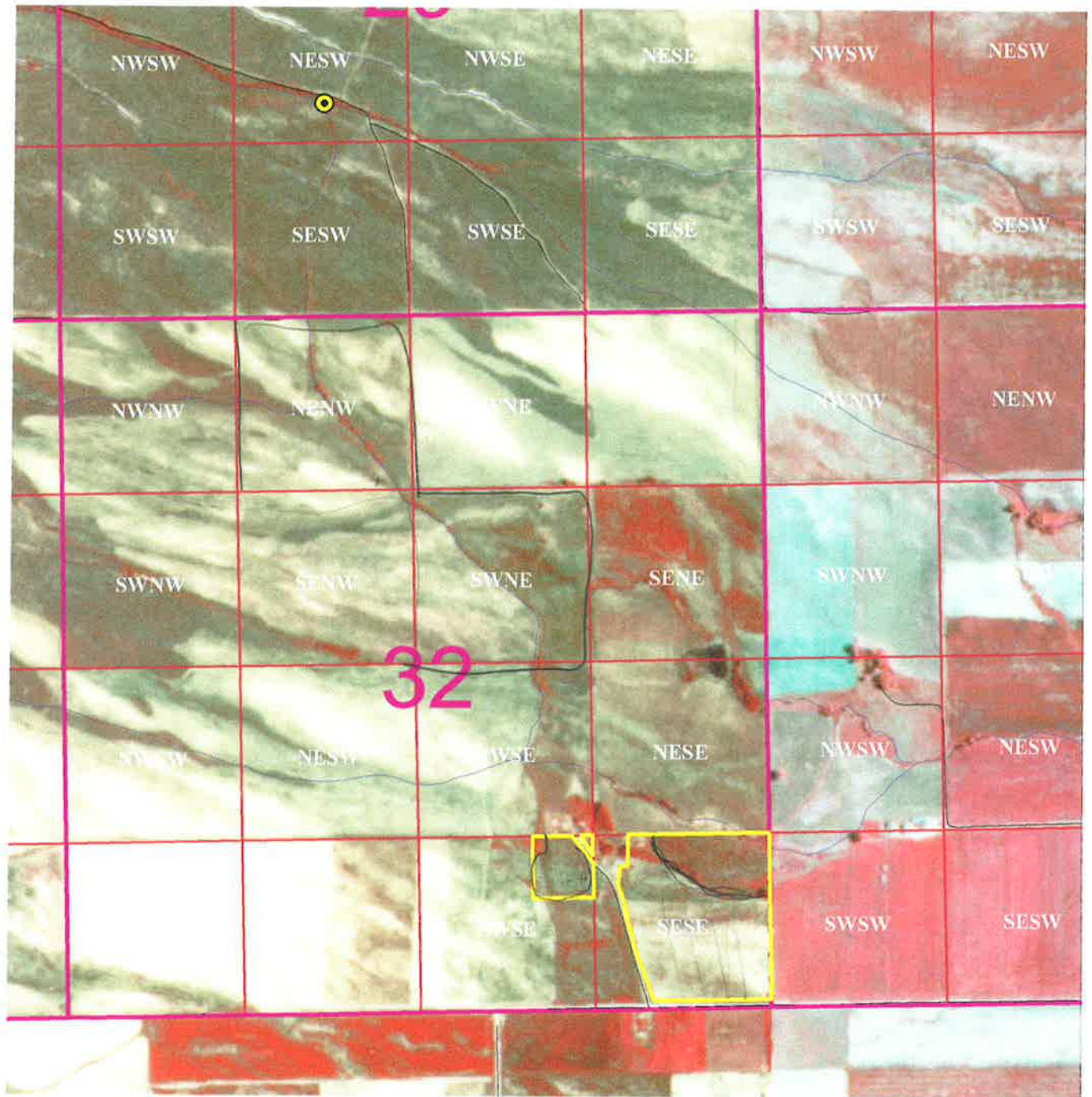
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-335.

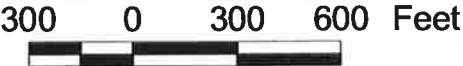
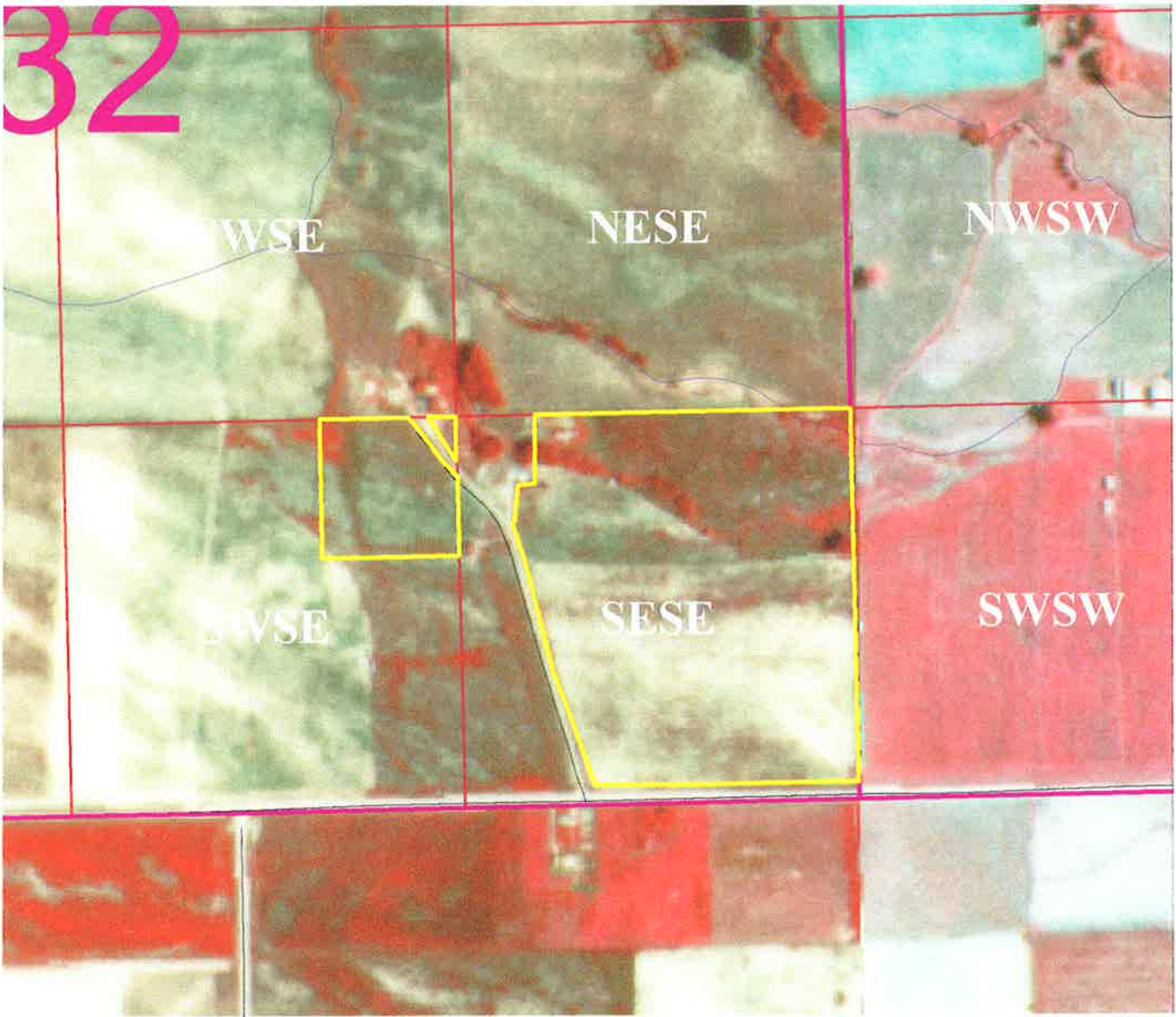
Township , 9S36E



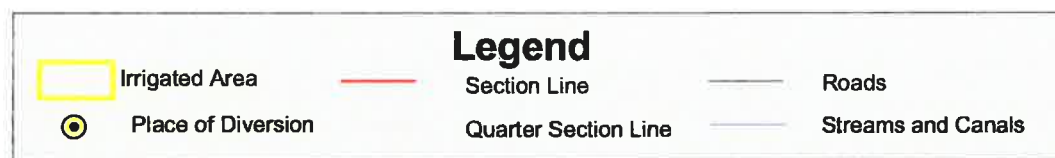
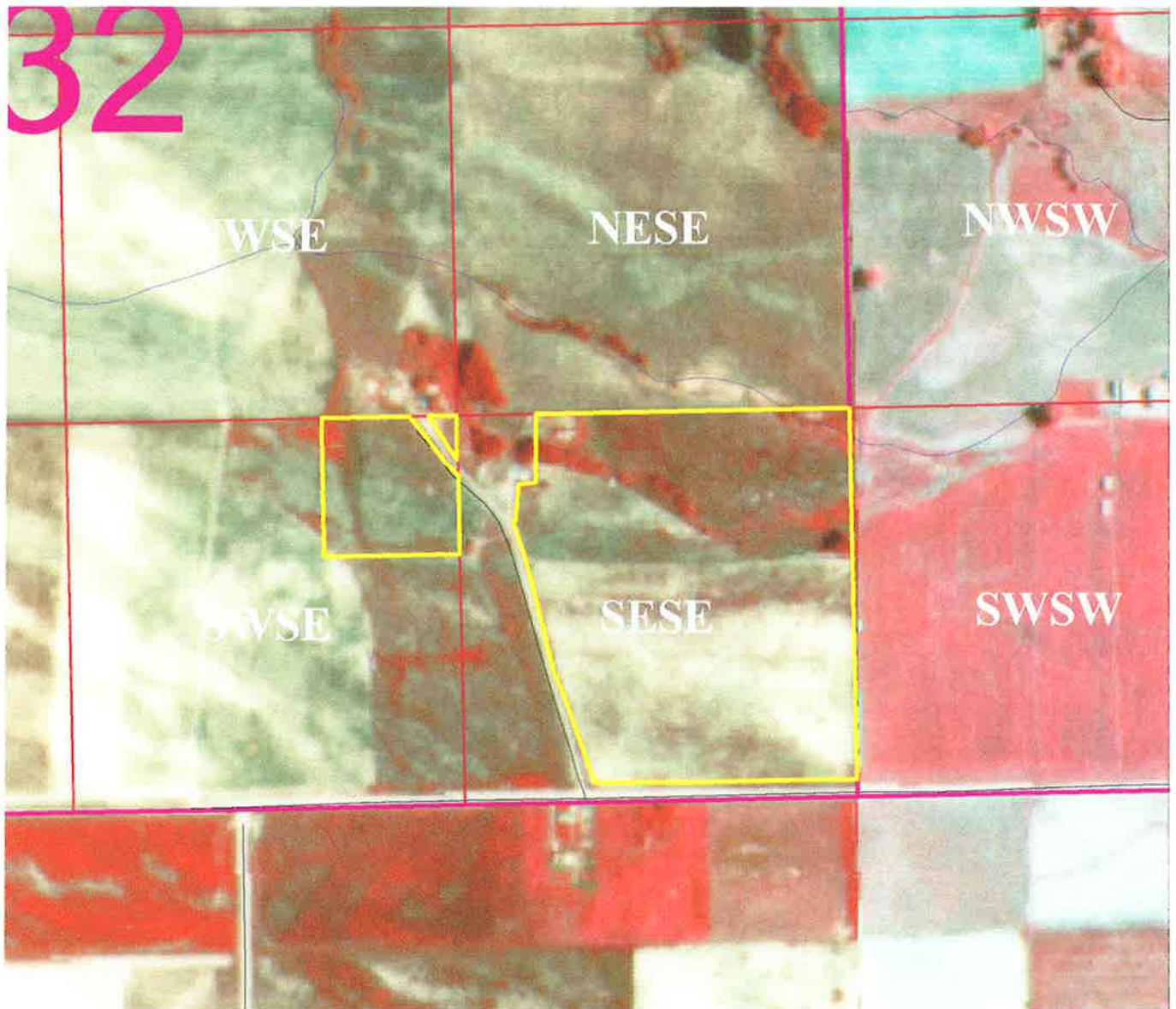
700 0 700 1400 Feet



Township , 9S36E



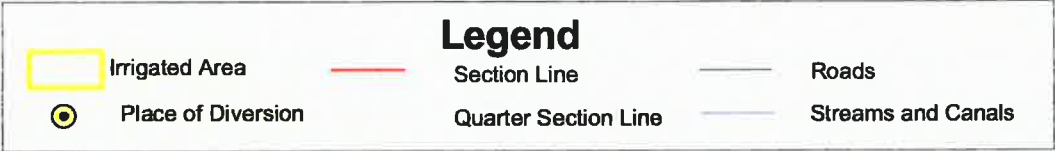
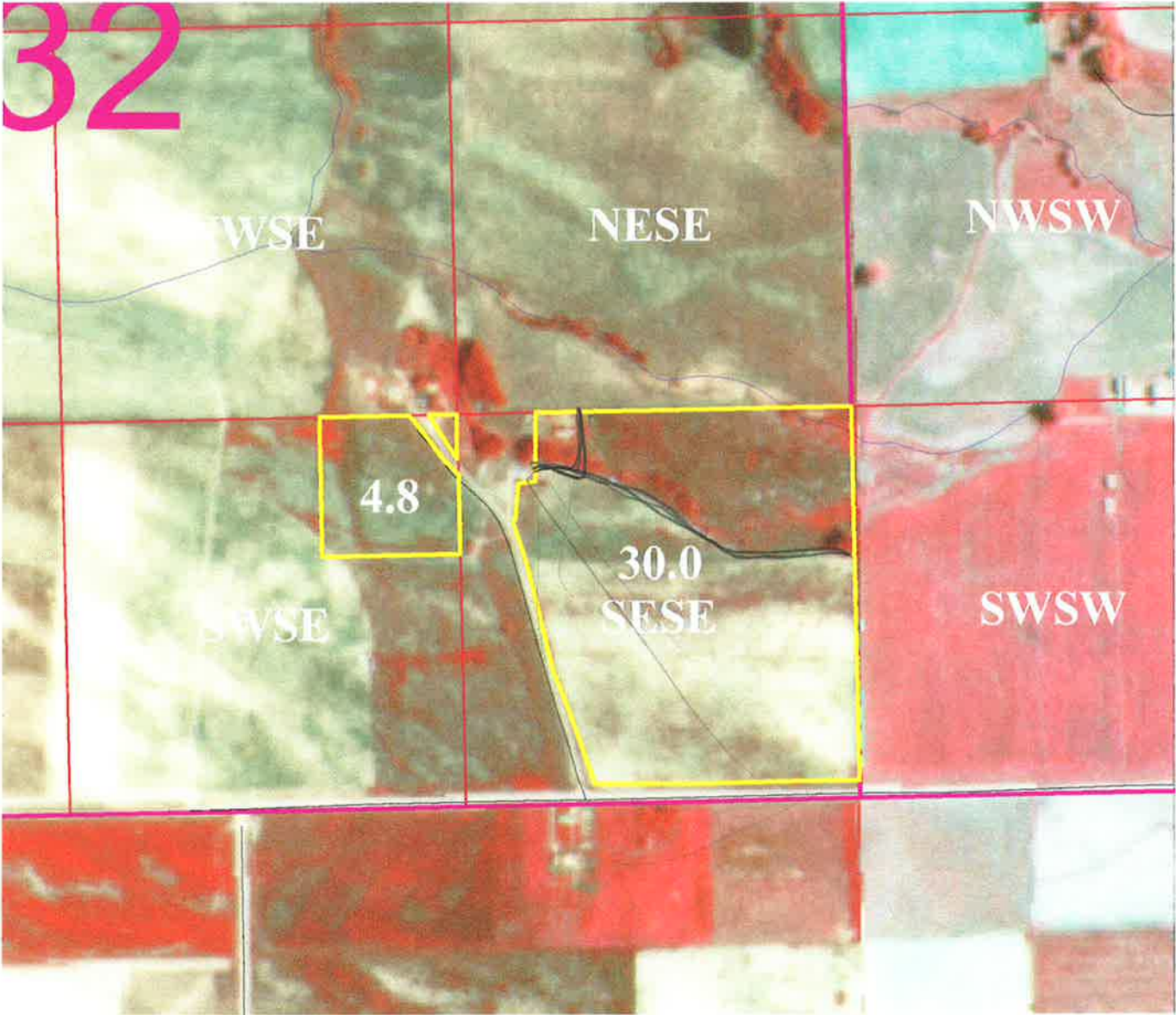
Township , 9S36E



300 0 300 600 Feet



Township , 9S36E

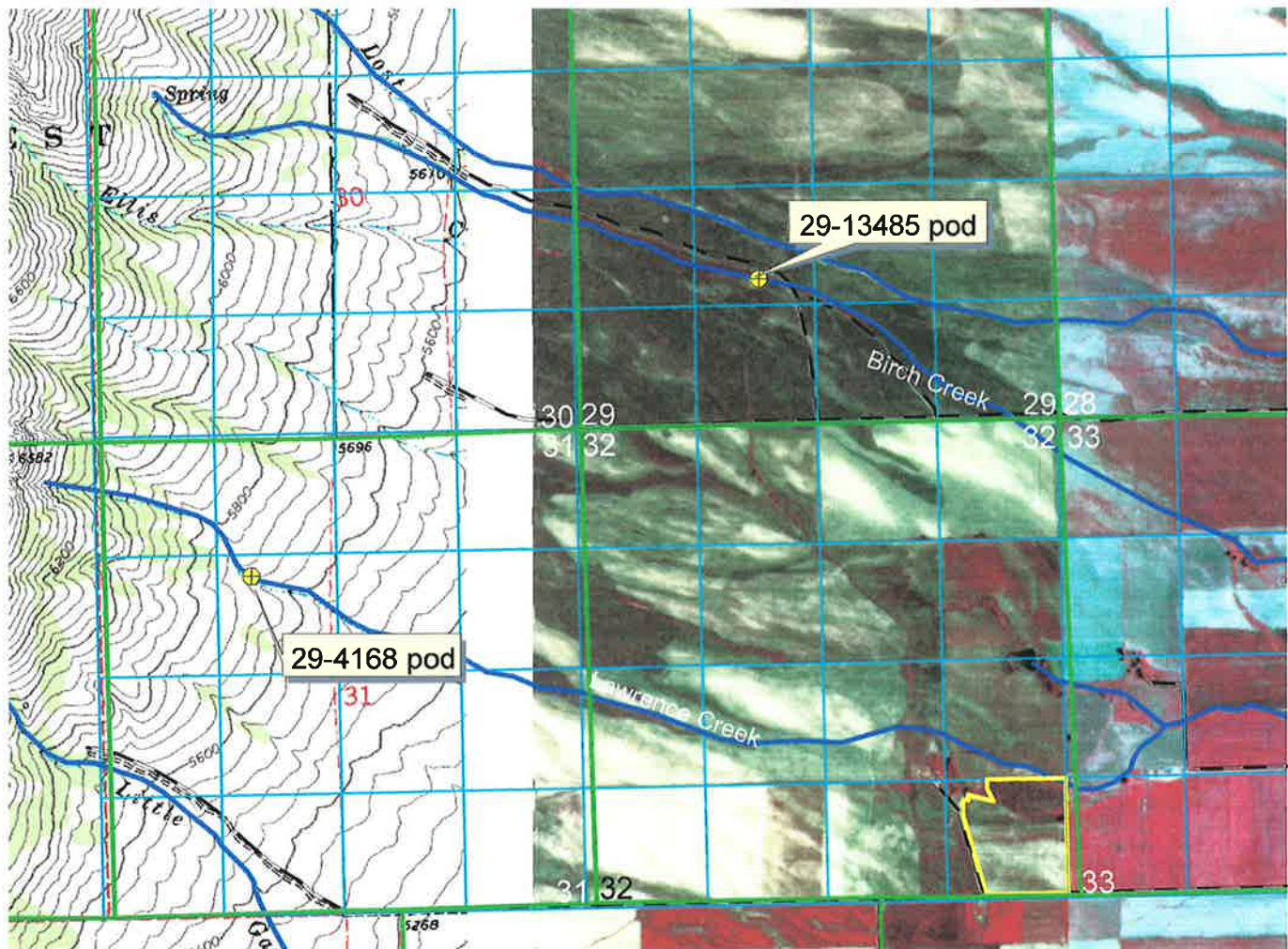




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Rights: 29-4168 & 29-13485



0.3 0 0.3 0.6 Miles

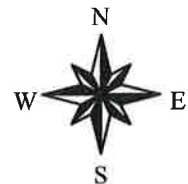
IRRIGATED ACRES 29

LEGEND

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

Place of Use: T9S, R36E,
(part of) Section 32.

Points of Diversion: T9S, R36E,
Sec. 29 and 31



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC 10-28-02
 RECEIVED
 AUG 12 2002
 Department of Water Resources
 Eastern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
RE. 29-04168,	29-00335		29-00338		

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Bernice ARMSTRONG
 555 S. Grant

4. New Owner/Claimant(s)

Pocatello ID 83204

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

NANCY ARMSTRONG

City, State and ZIP Code

P.O. Box 1441 OLYMPIA, WA 98507

New Telephone Number

360, 705-1559

5. Date you acquired the property

AUG 9, 2001

EDWARD J. BERRETT

Attorney at Law
1335 East Center
Pocatello, Idaho 83201
(208) 232-8380

August 9, 2001

Re: Estate of Bernice Armstrong, deceased.

Dear heir:

This office represents Nancy Armstrong, as Personal representative of the Estate of Bernice Armstrong, deceased.

Enclosed is a copy of the petition for appointment, together with a copy of the will and codicil; and a copy of the notice of the time, place and date of the hearing. It is not required that you be at the hearing, but you may be there if you desire or if you have any objection to the appointment.

If you have any question or comment, please advise me.

Very truly yours,

Edward J. Berrett
Edward J. Berrett

EDWARD J. BERRETT
Attorney at Law
1335 East center
Pocatello, Idaho 83201
(208) 232 8380

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

In the Matter of the Estate of)
BERNICE ARMSTRONG,)
Deceased.)

Case No. SP-_____
NOTICE OF HEARING

Please take notice that the undersigned will bring on for hearing Petitioner's petition for appointment of Personal Representative, before the above-entitled court on, MON the 20 day of AUG, 2001, at the hour of 3 o'clock, P M., or as soon thereafter as counsel can be heard. A copy of the Petition for Appointment of Personal Representative is attached, together with a copy of the will and codicil.

Dated this 9th day of Aug., 2001.

Edward J. Berrett
Edward J. Berrett
Attorney at Law.

EDWARD J. BERRETT
Attorney at Law
1335 East center
Pocatello, Idaho 83201
(208) 232 8380

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

In the Matter of the Estate of	)	Case No. SP-_____
	)	
BERNICE ARMSTRONG,	)	PETITION FOR
	)	APPOINTMENT OF
Deceased.	)	PERSONAL REPRESENTATIVE
_____	)	

The Petition of NANCY ARMSTRONG respectfully shows:

I.

That BERNICE ARMSTRONG, died on the 31 day of ^{July}~~August~~, 2001,
at Pocatello, Bannock County, Idaho, at the age of 85 years;
at the time of her death she was a resident of and domiciled in
Pocatello, Bannock County, Idaho.

II.

That the decedent was survived by the following heirs:
(See attached schedule A)

III.

Petitioner has attached to this petition the original of
the Will of BERNICE ARMSTRONG, together with the original of
a codicil of BERNICE ARMSTRONG.

IV.

Venue for the proceeding is in Bannock County, Idaho
because the decedent was a resident thereof.

V.

No Personal Representative of the decedent has been
PETITION FOR APPOINTMENT OF PERSONAL REPRESENTATIVE

appointed in this state or elsewhere.

VI.

Petitioner has not received a demand for notice and is not aware of a demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this state or elsewhere.

VII

The estate consists of separate property.

VIII

The time limit for informal probate has not expired because not more than three years have passed since the decedent's death and more than five days have passed since the decedent passed away.

IX.

Administration of the estate will be under the Statutes of the State of Idaho regarding and concerning testate estates and succession and in accordance with the Will of BERNICE ARMSTRONG executed on the 16th day of September, 1992. a Codicil to the Will dated the 16th day of November, 1995. Petitioner believes that the will and codicil were validly executed, duly witnessed and are self proved, being duly notarized.

IX.

Bond is not required.

WHEREFORE, PETITIONER PRAYS:

I.

The Court fix a time and place for hearing.

II.

Following notice, as required by law, the Court enter its findings that BERNICE ARMSTRONG died testate and that her daughter, NANCY ARMSTRONG be appointed personal representative of this estate as nominated by the Will.

III.

That Letter Testamentary be issued to her upon qualification and acceptance.

DATED this 9th day of Aug, 2001.

Nancy Armstrong
NANCY ARMSTRONG, Petitioner.

STATE OF IDAHO

COUNTY OF BANNOCK

)
) ss.
)

NANCY ARMSTRONG, being first duly sworn on her oath, deposes and states that she is the petitioner in the above matter; that she has read the Petition for Appointment of Personal Representative, knows the contents thereof and that the same is true to the best of her information and belief.

Nancy Armstrong
NANCY ARMSTRONG

SUBSCRIBED AND SWORN TO before me this 9th day of Aug, 2001.

(Notary Seal)

Edward J. Burnett
Notary Public for Idaho
Residing at Pocatello
My commission expires: 3/1/03

LAST WILL AND TESTAMENT
OF
BERNICE ARMSTRONG

I, BERNICE ARMSTRONG, a resident of Pocatello, County of Bannock, State of Idaho, being of sound and disposing mind and memory, and free from all menace, fraud, duress, undue influence or restraint whatsoever, do hereby make, publish and declare this to be my Last Will and Testament, in the manner and form following: .

FIRST: Prior Wills. I hereby expressly revoke all prior Wills or Codicils heretofore made by me.

SECOND: Marriage and Family. I declare that I am married to NOLAN ARMSTRONG. We have three children, all of adult age, namely; NANCY ARMSTRONG, PAUL ARMSTRONG and CHARLOTTE ARMSTRONG.

THIRD: Appointment of Fiduciaries. I appoint my husband, NOLAN, to be Personal Representative of my Will to serve without bond. In the event that he is unable or unwilling to act as Personal Representative, then in that event I appoint my daughter, NANCY, to be Personal Representative of my estate to serve without bond.

FOURTH: Debts, Taxes and Estate Expenses. I order and direct that all my just debts, all taxes at or because of my death, all expenses of my last illness and burial, and all costs and expenses in connection with the probate and distribution of my estate be paid as soon after my death as conveniently can be

LAST WILL AND TESTAMENT OF Bernice Armstrong

done. I hereby empower my Personal Representative to settle and discharge any claim made in favor of or against my estate in the absolute discretion of my Personal Representative.

FIFTH: Gift by Written Statement. I give my personal and household effects of every kind, including, but not limited to, furniture, appliances, furnishings, pictures, silverware, china, glassware, jewelry, wearing apparel, boats, guns, sports equipment, automobiles and other vehicles, in accordance with a written statement signed by me or in my handwriting which I intend to leave at my death.

SIXTH: Joint Tenancy Clause. Any savings accounts, checking accounts, stocks, bonds or certificates that are held in the joint name of myself and one of my children or another person are not for convenience only and such registry indicates the ownership at my death by the party so named on the account.

SEVENTH: Gift to Husband. I give, devise and bequeath all the rest, residue and remainder of my property, real, personal and mixed, wheresoever situate, now known or hereafter discovered, to my husband, NOLAN. In the event that my husband should be deceased at my passing, then in that event, I give devise and bequeath my estate as hereinafter set forth.

EIGHTH: Specific Gifts, Devises and Bequests.

(A) I devise the Home place, the Wills place, The Freds Place and the Laurence Creek Place, to my daughter, Nancy. The legal descriptions are as follows: (1) Home place: S2SE4; S2SW4;

LAST WILL AND TESTAMENT OF

Bernice Armstrong

S32-t9S-R36E, Bannock County, Idaho. (2) the Wills place: NW4SW4; NE4SW4; TR NW4SE4 Tax 4; S32-T9S-R36E, Bannock County, Idaho. (3) the Fred's place: S2NE4; S4-T10S0R36E, Bannock County, Idaho. (4) the Lawrence Creek Place: N2NE4; SE4NE4; SW4NE4; S31-T9S-R36E, Bannock County, Idaho.

(B) Gift to Paul. I devise the Lulas Place to my son, Paul. The legal description of the Lulas Place is: SE4; S3-T10S-R36E, Bannock County, Idaho.

(C) Gift to Charlotte. I devise the residence at 555 S. Grant to my daughter, Charlotte. The legal description of the residence is South 15 feet, Lot 9 and Lot 10, Block 541, Pocatello Townsite, Bannock County, Idaho. In the event that there may be an indebtedness against the property, I direct that my Personal Representative pay off that balance from money in the estate.

NINTH: Power of Fiduciary. In the administration of my estate, the Personal Representative, the Personal Representative shall have the power with respect to the property of the trust estate which he administers, or any part thereof, and under such terms and in such manner as he may deem advisable, to sell, convey, exchange, convert, improve, repair, manage and control; to lease for terms within or beyond the terms of this Trust and for any purpose, including the exploration for and removal of gas, oil and other minerals; to borrow money for any trust purpose, and to encumber or hypothecate by mortgage, deed of trust funds in such property as the fiduciary may deem advisable, whether or

LAST WILL AND TESTAMENT OF *Bernice Armstrong*

not of the character permitted by law for the investment of trust funds; and with respect to securities held in the trust, to vote, give proxies and pay assessments or other charges, to participate in foreclosures, reorganizations, consolidations, mergers and liquidations, and incident thereto, to deposit securities with a transfer title to any protective or other committee upon such terms as the fiduciary may deem advisable, and to exercise or sell stock subscriptions or conversion rights; and the fiduciary shall have such additional powers as may now or hereafter be conferred upon it by law as may be necessary to enable the fiduciary to administer this Trust in accordance with the provisions of this instrument.

NINTH: Gift of Residue: In the event my husband, NOLAN is deceased, and after allowance for the Specific Devises above, then I give, devise, and bequeath all the rest, residue and remainder of my estate in equal shares to my three children, share and share alike.

IN WITNESS WHEREOF, I, the said BERNICE ARMSTRONG, herewith set my hand to this, my Last Will and Testament. I have subscribed my name to this Last Will and Testament this 16th day of Sept., 1992.

Bernice Armstrong
BERNICE ARMSTRONG

LAST WILL AND TESTATMENT OF Bernice Armstrong

On this 16th day of Sept., 1992, BERNICE ARMSTRONG declared to us, the undersigned, that the foregoing instrument was her Last Will and Testament and she requested us to act as witnesses to the same, and to her signature thereon. She thereupon signed said Will in our presence, and in the presence of each of us, and we now at her request and in her presence, and in the presence of each other, do hereunto subscribe our names as witnesses, and we, and each of us, declare that we believe this Testatrix to be of sound mind and memory and free from all menace, fraud, duress and undue influence.

Penny Cooper
Witness

Residing at: Pocatello, Idaho

Raymond K. Hudson
Witness

Residing at: Pocatello, Idaho

STATE OF IDAHO)

County of Bannock)

ss.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by BERNICE ARMSTRONG, the Testatrix, and subscribed and sworn to before me by PENNY COOPER and RAYMOND HUDSON, the witnesses, this 16th day of SEPT, 1992.

Edward Bennett
Notary Public for Idaho

Residing at: Pocatello, Idaho

My commission expires: 3/1/97

(Notary Seal)

LAST WILL AND TESTAMENT OF

Bernice Armstrong



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

July 2, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NANCY ARMSTRONG
PO BOX 1441
OLYMPIA WA 98507

RE: CHANGE IN OWNERSHIP FOR 29-04168, 29-00335 & 29-00338

Dear Mrs. Armstrong:

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

T09S, R36E, SEC 31 NE/NW/SW AND T09S, R36E SEC 29 SE/NE/SW

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

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

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

RECEIVED

MAR 24 2003

NOTICE OF ERROR
REPLY

02/25/2003

WATER RESOURCES
WESTERN REGION

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

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

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

Water right number: 29-13485

NANCY ARMSTRONG

PO BOX 1441

OLYMPIA WA 98507

Telephone Number: (360) 705-1559

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:

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

DATE:

3/9/03

SIGNATURE:

Nancy Armstrong

Please print your name:

NANCY ARMSTRONG

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

Claim No.: 29-1348

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18
P21- 29-335
K06- 10 acre limit

Split or Combined Right Analysis:

see enclosed split analysis

Attached Field Notes or Other Documents:

Claim No.:

Reviewer

CB

Date

2/20/03

Notes

Rights 29-4168 & 29-13485 ($\frac{1}{2}$ 29-335)
Come together in the 51

Bird, Cindy

From: Carlsen, Ernie
Sent: Tuesday, February 11, 2003 3:12 PM
To: Bird, Cindy
Subject: RE: NEW CLAIM NUMBER

Cindy the system assigned number 29-13485.
Ernie

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

From: Bird, Cindy
Sent: Tuesday, February 11, 2003 1:38 PM
To: Carlsen, Ernie
Subject: NEW CLAIM NUMBER

HI ERNIE,

I charged claim 29-335 to a parent right. Will you check me a new 10,000 claim number for this old 29-335 number for Nancy Armstrong. Claim 29-335 is being split between Don Peterson and Nancy Armstrong. Don's new number is 29-13412. This right combined 1/2 of 29-335 and all of 29-334.
Cindy

Notes

2/11/02 emailed Ernie and asked him
to renumber this to a 10,000 number.
Don Peterson claimed $\frac{1}{2}$ this right
under 29-13412.

Nancy gets 10" and Don Peterson gets
10".

add K06, limited acres to 10 acres.

Create layout for both 29-4168 &
this right with the new number.

29-335
0.40 cfs

29-335 + 29-334 =
29-

ADD:

PIS Remark - Peterson
this right / this

Combined right No. of 29-334
& 1/2 (29-335).

10/23/02 sent claims to I.F.
attention allen. to receipt
and make up new claim
numbers.

10/23/02 phone conversation with Allen Ruberry.
The new 10,000 number for Don Petersen
needs the PIS-REMARK Combined rights
29-334 & 1/2 (29-335).

Renumber 29-335 for Nancy Armstrong.

In the claims layer. Change 29-335 to a
parent right.

Pole REMARK/COND. Recommended as
rights 29-_____ & 29-_____
for Nancy Armstrong & Don Petersen.

P20 Remark

29-13412 & 29-13485.

NO 3983

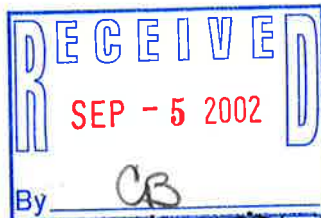
ABSTRACT OF TITLE

TO

9/9/02 According to Pannock Co Into
Thomas McDevitt owns this property.

✓ The Southwest quarter of the
Northeast quarter, and the East
half of the Northwest quarter,
and the Southwest quarter of the
Northwest quarter, Section Thirty-
two, Township Nine South, Range
Thirty-six, East of the Boise Meri-
dian, in Idaho, according to the
Official Plat of the Survey of the
said Lands returned to the General
Land Office by the Surveyor General.

SW NE } 29-347 w/R No 13 claim Thomas McDevitt
E 1/2 NW } Thomas McDevitt
SW NW }



APPLICATION NO. A77746

ARMSTRONG

IDAH0 17-0

POCATELLO TITLE AND TRUST COMPANY

Pocatello, Idaho.

Plaintiff's Exhibit
Admitted in Evidence

62729 SP 2. McDevitt

Entry No. 1

Sheet No. 1

NOTICE OF WATER APPROPRIATION

STATE OF IDAHO,)
) ss.
Bannock County,)

Filed June 21, 1902 at 1:37 P.M.
Recorded in Book 2 of Water Loca-
tions, page 149.

TO ALL CONCERNED: Notice is hereby given: That Mark R. Lawrence of Robin of the County of Bannock, of the State of Idaho, hereby claims the use of the waters of Birch Creek, a small stream in Bannock County, Idaho, emptying into Marsh Creek in said County from the West, here flowing to the extent, or amount of three-fourths ($3/4$) of one cubic foot per second of time, to be diverted from said stream at a point on the Southwesterly side thereof about one-fourth of a mile up said stream from where it crosses the North boundary line of Sec. 32, Tp. 9 S. R. 36 E. B. M. in Idaho, at which said point a copy of this notice is posted.

It is intended to use the said waters for irrigating the following described lands and for domestic purposes thereon, to-wit: S. $1/2$ of N.W. $1/4$ N. E. $1/4$ of N. W. $1/4$ and S.W. $1/4$ of N. E. $1/4$ Sec. 32, Tp. 9 S. R. 36 E. B. M. in Idaho, containing 160 acres.

It is intended to divert said waters by means of a small dam built across the said stream at the point of diversion, and to conduct the same to the place of use by means of a ditch about two (2) feet wide and one (1) foot deep running in a general Southeasterly course from the said described point of diversion to and upon the lands whereon the said waters hereby claimed are used. The length of said ditch is about three-fourths of a mile and its terminus is in the S.E. $1/4$ of N.E. $1/4$ Sec. 32, Tp. 9 S. R. 36 E. B. M.

It is intended to have the works for the diversion and distribution of the said waters fully completed within one (1) years from the date of this notice.

Witness the hand of claimant at Robin, Bannock County, Idaho, this 20th day of June A. D. 1902.

Mark R. Lawrence,
Claimant

Subscribed and sworn to by Mark R. Lawrence on June 20, 1902 before J. H. Stinger, Justice of the Peace.

Entry No. 2

Sheet No. 2

NOTICE OF WATER APPROPRIATION.

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

Filed June 25, 1902 at 3:45 P.M.
Recorded Book 2 Water Locations,
page 159

TO ALL CONCERNED: Notice is hereby given: That Mark R. Lawrence of Robin, of the County of Bannock and State of Idaho, hereby claims and for the twelve years last past has claimed the use of the waters of Lawrence Creek, here flowing to the extent or amount of one (1) cubic foot per second of time, which has been and is to be diverted at a point on said stream near where it crosses the west line of the lot numbered 1 in Section 31, Township 9 South of Range 36 E. B. M., at which said point a copy of this notice is posted.

Said waters have been for the twelve years last past, and are intended to be diverted and distributed over and upon the south half of the northwest quarter, the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of Section 32 in Township 9 South of Range 36 East of the Boise Meridian in Idaho, containing 160 acres, by means of a ditch about one and one half miles in length running from the above described point of diversion in a general easterly direction and having its terminus in the southwest quarter of the northeast quarter of said Section 32.

Said waters are intended to be used and have been used for agricultural and domestic purposes upon the lands above described.

The works for the diversion and distribution of the above described waters have been partially completed and in use for the twelve years last past, and will be fully completed within two years from the date of this notice.

Witness the hand of claimant at Robing, Bannock County, Idaho, this 21st day of June, A. D. 1902.

Mark R. Lawrence.

Subscribed and sworn to by Mark R. Lawrence on June 21, 1902 before J. H. Stinger, Justice of the Peace.

S 1/2 NW
NENW
SWNE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-347

WATER RIGHT NUMBER: 29-347

Owner Type Name and Address

Current Owner MARY DAVIS

, ZZ

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

Source

SPRINGS

Tributary

QUAKENASP CREEK

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.200 CFS

Annual VolumeTotal Diversion: 0.200 CFSLocation of Point(s) of Diversion

SPRINGS

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	32			X	X													

Conditions of Approval:Remarks:

- General AC. IRR. = 80.
P/D & P/U INCOMPLETE.

Comments:Dates and Other Information:

Not claimed in A.J.
29-345 is also not
claimed.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-347

Dates and Other Information:

Licensed Date:
Decreed Date: 12/15/1908
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

Thomas
Mc Devitt

32

reynel martinez

don
petersen

Ellis
Ck.

Lawrence Ck

bernice armstrong

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-345

WATER RIGHT NUMBER: 29-345

Owner TypeName and Address

Current Owner

MELVIN HENDERSON

, ZZ

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

SourceTributary

QUAKING ASP CREEK

BIRCH CREEK

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

/ to /

0.500 CFS

Total Diversion:

0.500 CFS

Location of Point(s) of Diversion

QUAKING ASP CREEK

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	32										X	X		X	X	X		

Conditions of Approval:Remarks:

1. General P/D & P/U INCOMPLETE.
AC. IRR. = 160.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-345

Dates and Other Information:

Licensed Date:
Decreed Date: 12/15/1908
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

Nancy Armstrong & Mary.
10/5/02. Looking east at pasture (not in
CRP) in front and east of the house.

looking south easterly at 18.5 acres
put into CRP in 1997.

→ Water is ditched to the upper piece.
Culvert under the road.

Lawrence Ck water

GPS tag - on rock above diversion

AOB 12623 - Oct 5 - 02.

ARMSTG 12:35 pm.

N $42^{\circ} 35.871'$

W $112^{\circ} 17.563'$

Lawrence Ck.

Accompanied by Nancy Armstrong & Mary.

Birch Creek water is diverted at the same
concrete box as Don Petersen's and
added into the ditch (same as Lawrence
Creek water).

Bird, Cindy

From: Robinidaho@aol.com
Sent: Sunday, October 27, 2002 6:21 PM
To: CindyBird@idwr.state.id.us
Subject: Re: Birch Creek

I'm not sure the headgate is on Peterson's property, but the water goes straight through the flue (south) to Peterson's. There is also a pipe that "y"s off to the west where it would follow a ditch west over to my place and connect with the same ditch that came down to the house. I could show you on the aerial photos. Nancy

55E R36E

WILKINS ORTHOPHOTOQUAD
IDAHO

393

17' 30"

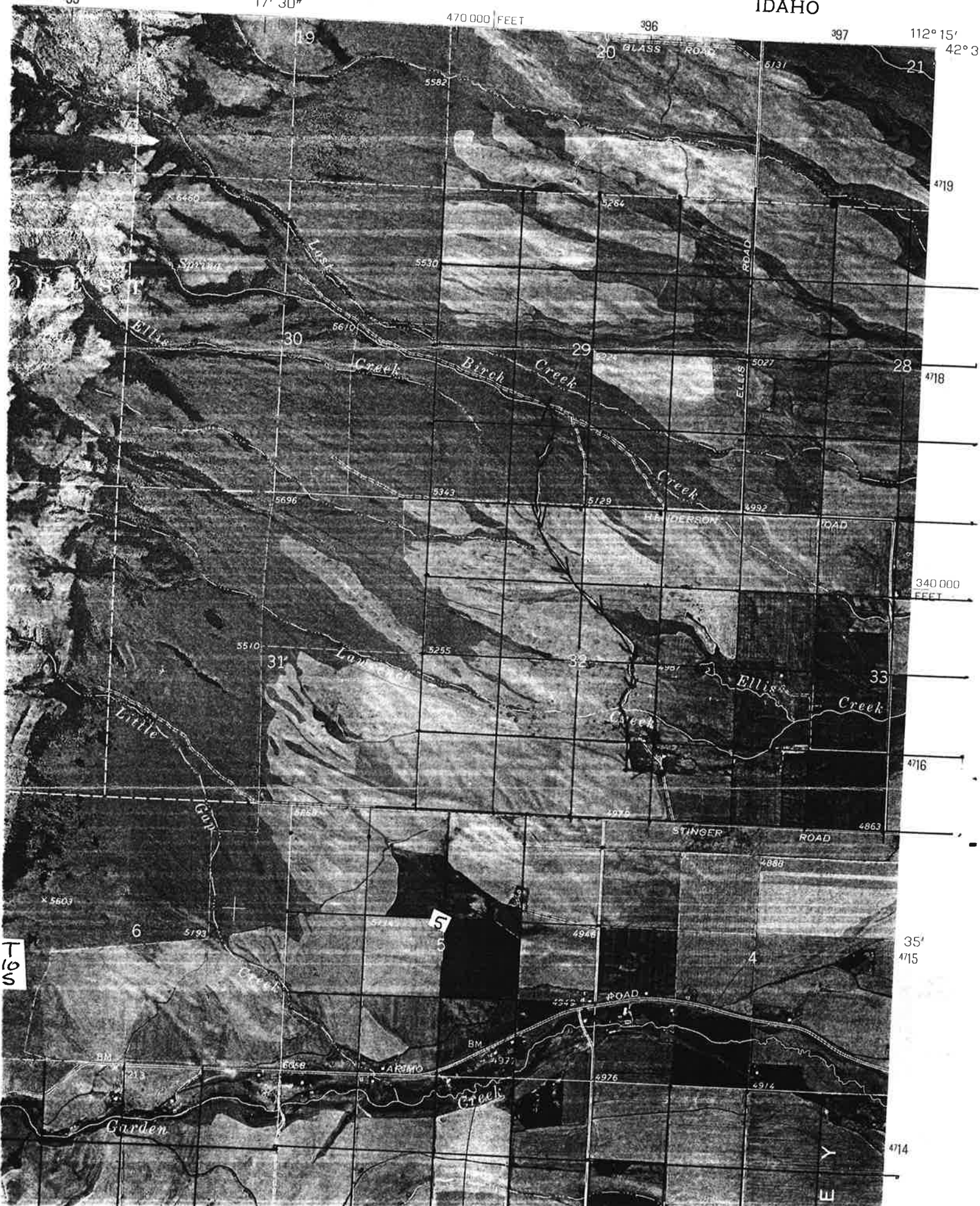
470 000 FEET

396

397

112° 15'

42° 3'



Bird, Cindy

From: Bird, Cindy
Sent: Thursday, October 24, 2002 8:57 AM
To: 'Robinidaho@aol.com'
Subject: Birch Creek

Good Morning Nancy,

I had some additional questions on Birch Creek. When we were out at your place you said that the concrete box on Don Petersen's property is also your point of diversion. How does the water get to you from the concrete box? You said that you run it down the same ditch as the Lawerence Creek water. Where does it come into the ditch? When I visited the concrete structure the water was diverted into the pipe for Don Petersen. I didn't see it going into a ditch to your property.

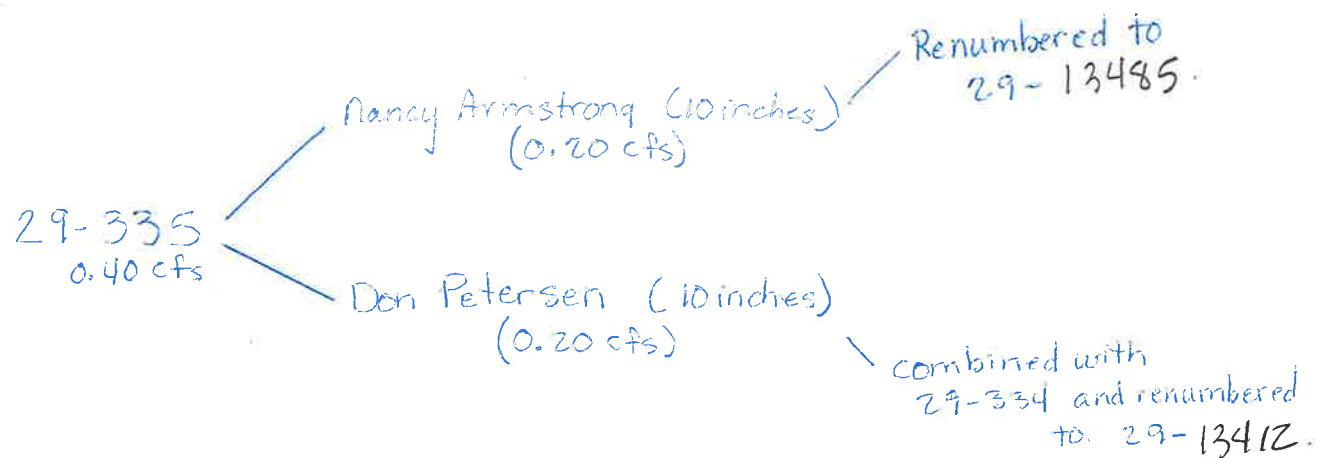
Thanks,
Cindy

10/23/02 phone conversation with Allen Ruberry.
The new 10,000 number for Don Petersen
needs the PIS-REMARK combined rights
29-334 & 1/2 (29-335).

Renumber 29-335 for Nancy Armstrong.

In the claims layer. Change 29-335 to a
parent right.

Pole REMARK/COND. Recommended as
rights 29-_____ & 29-_____
for Nancy Armstrong & Don Petersen.



Bird, Cindy

From: Bird, Cindy
Sent: Monday, September 16, 2002 11:49 AM
To: 'robinidaho@aol.com'
Subject: 1985-87 tax bill

Good morning Nancy,

Please send me copies of your 1985-1987 county tax bill for this property in the S1/2SE section 32, township 9 south, range 36 east. It should show how the property was being billed, if it's billed as irrigated or nonirrigated land.

Thanks,
Cindy

29-335, 338, 4168.

9/10/02 Tom - FSA office Pocatello 237-3435 x100.
Field No. 8 (18.5 acres) first went into CRP in 1997.

9:05am Tom will check on fields 2 (4.5 ac), 4 (7.4 ac.) & field 3 (3.8 acres) when the first went into CRP.
Tom has a meeting this morning and will get back to me this afternoon.

11:11am 9/16/02 Tom - checking on field 2 (4.5 ac), 4 (7.4 acres) and field 3 (3.8 acres) north and northwest from 18.5 acres. He will hopefully be able to get it to me by this afternoon.

(10:14 min.) 11:30am Tom - FSA Poky.
1996/1997 Crop report - Nonirrigated (4.5 ac.) (7.4 ac.) (3.8 ac.)
1998-2002 Irrigated.

1987 Photo doesn't show irrigation

Bruce Wheatly - certified (operator of farm)
1996/2002 signed by Bruce.

2pm: 9/23/02 Steve - FSA office Poky.



**Bannock County
USDA Service Center
1551 Baldy Avenue**

**Farm Service Agency-Suite #1
Natural Resource Conservation Service-Suite #2
Portneuf Soil and Water Conservation District-Suite #2
Resource Conservation and Development-Suite #4**

Pocatello, Idaho 83201

Phone (208) 237-3435

Fax (208) 237-3412

FAX COVER SHEET

To: IDWR

From: BANNOCK COUNTY FSA

Attention: CINDY BIRD

Regarding: CRP CONTRACTS PRIOR TO 1997

Date 9-09-02

Page 1 of 4

5-CM PMT. RULES APPLY
Approved - OMB No. 0560-0125CRP-1
(02-21-86)U.S. DEPARTMENT
OF AGRICULTURE
Agricultural Stabilization
CommodityOF AGRICULTURE
and Conservation Service
Joint Corporation

O. CODE &

2. CONTRACT NO.

10 005 2

3. FARM NO.

269

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable sign-up period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

Nolan Armstrong
1780 W. Stinger Road
McCammon, ID 83250

SHARE \$8631

SSN

518 14 1306 2

SIGNATURE

DATE

Nolan Armstrong

Feb. 18, 1987

B. OWNER NAME AND ADDRESS

Bernice Armstrong
1780 W. Stinger Road
McCammon, ID 83250

SHARE \$8631

SSN

518 16 5751 0

SIGNATURE

DATE

Bernice Armstrong

Feb 18, 1987

C. NAME AND ADDRESS

SHARE %

SSN

SIGNATURE

DATE

D. NAME AND ADDRESS

SHARE %

SSN

SIGNATURE

DATE

5. ACRES FOR CRP

***191.8

6. RENTAL RATE PER ACRE

\$ 45.00

7. CONTRACT PERIOD

FROM

TO

10-1-1987

9-30-1997

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
T514	4 ⁵ UG	CP 1	111.3	Seedbed Prep \$10.00/ac					
	4 ⁷	CP 1	5.2	Seeding \$6.00/ac					
T515	2	CP 1	75.3	Seed 50% of cost not to exceed \$30.00/ac					

18. ANNUAL PAYMENT

\$8631.00

19. CCC USE ONLY - Payments
according to the shares are
approved.

CCC REPRESENTATIVE'S SIGNATURE

DATE

Verna Burrell

4-7--87

ORIGINAL - COUNTY OFFICE COPY

S-CM Payment Rules
Form Approved - OMB No. 0560-0125CRP-1
(02-21-86)U.S. DEPT. OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

10. CODE & 2. CONTRACT NO.

34

CONSERVATION RESERVE PROGRAM CONTRACT

16 005 2

3. FARM NO.

B389 269

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

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4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

Nolan Armstrong
1780 W. Stinger Road
McCammon, ID 83250

SHARE \$6183

SSN

518 14 1306 2

SIGNATURE

Nolan Armstrong

DATE

Aug. 5
1986

B. OWNER NAME AND ADDRESS

Berniece Armstrong
1780 W. Stinger Road
McCammon, ID 83250

SHARE \$0.

SSN

518 16 5751 0

SIGNATURE

Berniece Armstrong

DATE

Aug. 15
1986

C. NAME AND ADDRESS

SHARE %

SSN

SIGNATURE

DATE

D. NAME AND ADDRESS

SHARE %

SSN

SIGNATURE

DATE

5. ACRES FOR CRP

137.4

6. RENTAL RATE PER ACRE

\$

45.00

7. CONTRACT PERIOD

FROM

TO

10-1-86

9-30-1996

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17
T513	1	CP1	3.2	\$16.00/ac Seedbed					
T513	2	CP1	4.6	Seed-50% not to					
T513	3	CP1	26.1	exceed \$30.00/ac					
T514	UG 2	CP1	103.3	"					

18. ANNUAL PAYMENT

\$6,183.00

19. CCC USE ONLY - Payments according to the shares are approved.

CCC REPRESENTATIVE'S SIGNATURE

William J. Salomon

DATE

9-12-86

ORIGINAL - COUNTY OFFICE COPY

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - OMB No. 0560-0125

CRP-1F Addendum
(03-15-95)U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit CorporationCRP-1 MODIFICATION TO EXTEND THE EXPIRATION DATE
FOR 1 YEAR

1. ST. & CO. Code

16 005 ID/BANNOCK

2. Contract Number

#34

3. Form Number

#269

4. TERMS TO EXTEND EXPIRATION DATE OF THE CRP-1 CONTRACT

This contract modification is entered into by the Commodity Credit Corporation (CCC) and the undersigned participant(s) of the Conservation Reserve Program (CRP) contract in item 2 above.

By signing this contract modification, the participant(s) and CCC agree to:

- extend the expiration date of the CRP contract identified in item 2 above for the period from October 1, 1996, through September 30, 1997.
- comply with the terms and conditions of the cited contract as contained in the corresponding CRP-1, CRP-1 Appendix, and any addendum thereto.
- extend the lifespan of all CRP practices established for the contract identified in item 2 above for 1 year longer than indicated on ACP-245, page 2 or for 1 year longer than was agreed to under other extension provisions.

It is so agreed and understood.

Participant Name (Printed) NOLAN ARMSTRONG	Participant Signature <i>Nolan Armstrong</i>	Date 1996 Mar 23, 1996
Participant Name (Printed) BERNICE ARMSTRONG	Participant Signature <i>Bernice Armstrong</i>	Date Mar. 23, 1996
Participant Name (Printed)	Participant Signature	Date
Participant Name (Printed)	Participant Signature	Date

5. Signature of CCC Representative

William A. Egan

Date

4-9-96

6. County FSA Office Name and Address

Bannock Co FSA Office
1551 Baldy Ave, Suite 1
Pocatello, ID 83201-7117

Telephone No. (area code): (208) 237-3435

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1980, as amended. The authority for requesting the following information is 7 CFR Part 704. The information will be used to modify the CRP-1 contract by extending the expiration date for 1 year. Furnishing the requested information is voluntary. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 380, 387, 371, 851, 1001; 19 USC 714a; and 31 USC 3725, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0125), AG Box 7830, Washington, D.C. 20250. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.



**Bannock County
USDA Service Center
1551 Baldy Avenue**

Farm Service Agency-Suite #1
Natural Resource Conservation Service-Suite #2
Portneuf Soil and Water Conservation District-Suite #2
Resource Conservation and Development-Suite #4

**Pocatello, Idaho 83201
Phone (208) 237-3435
Fax (208) 237-3412**

FAX COVER SHEET

To: IDAHO DEPARTMENT OF WATER RESOURCES **From:** BANNOCK COUNTY FSA

Attention: CINDY BIRD

Regarding: CRP CONTRACT INFORMATION ON NANCY ARMSTRONG (BERNICE)

Date 09-06-02

Page 1 of 3

Form Approved - OMB No. 0700-0125

of 2

CONFIDENTIAL OFFICE COPY

Form Approved - OMB No. 0560-0125

CRP-1
(01-30-97)U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

CONSERVATION RESERVE PROGRAM CONTRACT

1. ST. & CO. CODE & C/D 16 005 2	2. SIGN-UP NUMBER # 15
3. CONTRACT NUMBER 507	4. ACRES FOR ENROLLMENT 238.5
5. FARM NUMBER 269	6. TRACT NUMBER(S) 514
8. OFFER (Select one) STANDARD ☒ ENVIRONMENTAL PRIORITY ☐	9. CONTRACT PERIOD FROM (M/D/Y) 10-01-97 TO (M/D/Y) 9-30-2007

7. COUNTY OFFICE ADDRESS AND PHONE NO. (area code)

BANNOCK COUNTY FSA OFFICE
1551 BALDY AVE, SUITE 1
POCATELLO, ID 83201-7117
TELEPHONE #: (208)237-3435

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "Owner", "Operator", and "Tenant", respectively) on the farm identified above. The undersigned person or persons may hereafter collectively be referred to as "the Participant." The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") for the stipulated contract period from the date the Contract is executed by the CCC or other use set by CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2; and if applicable, CRP-15 and CRP-1 Continuation.

10. OFFER FOR PERMISSION TO ALLEY CROP

In order to participate in CRP under CP19, Alley Cropping, I/we submit an offer of \$ _____ per acre reduction, from the amount specified in item 11A, in the annual rental payments for permission to produce agricultural commodities on eligible acres in accordance with the provisions for alley cropping set out in the applicable regulations. I/we understand that for each year of the CRP contract the annual rental payment will be reduced by the amount agreed to above, which reduction must be a reduction of at least 50 percent in the annual rental payment.

11A. Rental Rate Per Acre	\$ 36.50	12. Identification of CRP Land				
B. Annual Contract Payment	\$ 8706.00	A. Tract No.	B. Field No.	C. Practice	D. Acres	E. Total C/S
C. First Year Payment	\$ NA	514	1	CP10 - GRASS EST	103.5	
(Item 11C applicable only to continuous signup when the first year payment is prorated.)			5	CP10 - GRASS EST	111.3	
			7	CP10 - GRASS EST	5.2	

13. OWNERS, OPERATORS, AND TENANTS

A. OPERATOR NAME AND ADDRESS BRUCE WHEATLEY 2584 W ARIMO RD ARIMO, ID 83214-1504	0.260%	SOCIAL SECURITY NUMBER 519 46 1594 SIGNATURE <i>Bruce A. Wheatley</i> DATE 3/20/97
B. OWNER NAME AND ADDRESS BERNICE ARMSTRONG 555 S GRANT AVE POCATELLO, ID 83204-4240	97.40%	SOCIAL SECURITY NUMBER 518 16 5751 SIGNATURE <i>Bernice Armstrong</i> DATE Mar. 26, 1997
C. NAME AND ADDRESS DARLENE WHEATLEY 2584 W ARIMO RD ARIMO, ID 83214-1504	0%	SOCIAL SECURITY NUMBER 518 52 0393 SIGNATURE <i>Darlene Wheatley</i> DATE 3/20/97

14. CCC USE ONLY - Payments according to the shares are approved. SIGNATURE OF CCC REPRESENTATIVE *Sean A. Chandler* DATE 9-17-97

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1980, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended, and regulations promulgated at 7 CFR PART 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct period to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court subpoena or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 288, 289, 371, 651, 1001; 15 USC 714ac; and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 4 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, (OMB No. 0560-0125), STOP 7630, Washington, D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

☐ Original - County Office Copy ☐ Owner's Copy ☐ Operator's Copy ☐ NRCS Copy

HEL 3
26.1

HEL

2
109.1

3
25.3

4
4.2

T514
#269

Armstrong Property

HEL

CRP

1
103.5

NHE

15
42.0

NHE
2
4.5

3
3.8

4
7.4

HEL

CRP

7
5.2

HEL

CRP

5
11.3

NHE

8
18.5

CRP

32 33

31 32

2
12.1

HEL

3
7.3

HEL

4
57.8

NHE

2
29.3

T308

T397

#1148

1
20.0

NHE

1
29.3

ee HIS-A

T95

Rg 36E

Sec 32

S 1/2 of SE 1/4

SA

1
2.9

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner: Nancy Armstrong PO Box 1441 Olympia, WA 98507
Name connector: and _____, or _____, and/or _____
Current Owner: _____ 1-360-705-1559
Current Owner: _____ email: Robinidaho@aol.com

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 9-28-02 Time: _____

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

Gwenion Marley - w/R owner.
-conveyed 10" of Birch creek to Dudley Armstrong.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A29-00335 29-13486Water Right Point of Diversion: T 9, R 36, Sec. 29, _____, _____, _____, County: BannockSource: Birch Creek Tributary: Marsh CreekClaimed Point of Diversion: T 9S, R 36E, Sec. 29, SE, NE, SW, County: BannockSource: Birch Creek Tributary: Marsh Creek

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
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

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

Ortho quad
1987/88 UNAPP PhotographsPOD Shape: 29-13485 pod.Shp

Transfers Changing POD _____

Reviewer: CBDate: 2/20/03

Place Of Use Data Entry Form

Claim Number: A29-00335 13485☐ 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
2995	36E	32	S	SWSW	Bannock		29	

Total Acres 29

Document how the POU was verified:

- property is in CRP. - See contract and map from FSA in Pocatello. 18.5 acres in the SESESE of section 32. in CRP. Put in for the first time in 1997

29-4168 pou-shp. used for Place of use.

K06 mark 10 acre limit

Transfers Changing POU _____

Reviewer: CBDate: 2/20/03

Purpose of Use Data Entry Form

Claim Number: A29-00335 13485☐ 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
Irrigation.			20.	

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			34	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation.			10	

Document how the Purpose of Use was verified:

at an inch/acre it would be limited to 20 acres
under the decree. The decree doesn't specify
number of acres.

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 2/20/03

Period of Use and Quantity Data Entry Form

Claim Number: A29-00335☐ 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
Irrigation	4/1	11/1	0.40	

Overall Diversion Rate 0.40

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1	0.40	

Overall Diversion Rate 0.40

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	0.20	

Overall Diversion Rate 0.20

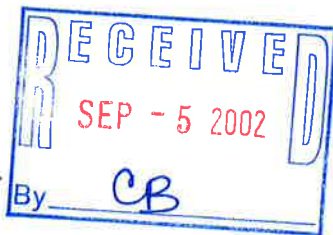
Overall Diversion Volume _____

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

Abstract of title only conveyed 10" to
Dudley Armstrong in 1905.

Reviewer: CBDate: 2/20/03

31 AUG 02



Dear Cindy—

Here are some documents I hope will be helpful. I do believe Birch Creek's rights are decreed. Lawrence creek has also been used all these years. I do have a aerial photo showing irrigation ditches. I won't copy well - or fax - so I guess I'll bring it with me on the 28th.

The water schedule was for Birch creek and has been used all these years - only the names changed as property ownership changed. Also cancelled check from Alsens for water use 1988-89.

I call you later on to firm up our plans for 28 Sep 02.

Hm (360) 705-1559 backline
WLC (360) 943-5127 (5252)
cell (360) 701-3193

Sincerely,
Nancy Quateerap
P.O. Box 1441
Oler, WA 98507

OLSON FARMS
GRANT H. OLSON 518 48 2190
SPENCER J. OLSON 519 56 6330
ARIMO, ID 83214

2679

Mar 29 1989

92-301/1241

BY TO THE
ORDER OF

Nolan Armstrong

\$ 100.00

One hundred and 00/100

DOLLAR



First Interstate Bank
of Idaho, N.A.
Yellowstone Office
850 Yellowstone Avenue
P.O. Box 57
Boise, ID 83757-0052

Reserve use - 88 & 89

Spencer J. Olson

⑆124103016⑆32010601⑆ 2679⑈

GS-50000-10

①

Birch Creek.

WATER SCHEDULE

- 1 Turn at Birch Creek.

Preslar.	6:00 A.M. Apr. 1st. to 6: A.M Apr. 3rd.	2 days.
Gene.	6:00 A.M. Apr. 3rd. to 6:00 A.M. Apr. 5th	2 days.
Chris.	6:A.M. Apr. 5th. to 6:00 P.M. Apr. 12.	7 $\frac{1}{2}$ days.
Armstrong.	6:00 P.M. Apr. 12th to 6:00 P.M. Apr. 13th.	1 day.
- 2 Turn at Birch Creek.

Gene.	6:00 P.M. Apr. 13th to 6:00 P.M. 15th.	2 days.
Preslar.	6:00 P.M. Apr. 15th to 6:00 A.M. Apr. 17th.	1 $\frac{1}{2}$ days
Chris.	6:00 A.M. Apr. 17th to 6:00 A.M. Apr. 25th	8 days
Armstrong.	6:00 A.M. Apr. 25th to 6:00 A.M. Apr. 26th	1 day
- 3 Turn at Birch Creek.

Preslar.	6:00 A.M. Apr. 26th. to Apr. 28th. 6:00 A.M.	2 days.
Gene.	6:00 A.M. Apr. 28th. to 6:00 P.M. Apr. 29th.	1 $\frac{1}{2}$ days.
Chris.	6:00 P.M. Apr. 29th. to 6:00 P.M. May 7th.	8 days.
Armstrong.	6:00 P.M. May 7th. to 6:00 P.M. May 8th.	1 day.
- 4 Turn at Birch Creek.

Gene.	6:00 P.M. May 8th to 6:00 P.M. May 10th.	2 days.
Preslar.	6:00 P.M. May 10th. to 6:00 P.M. May 12th.	2 days.
Chris.	6:00 P.M. May 12th. to 6:00 A.M. May 20th.	7 $\frac{1}{2}$ days.
Armstrong.	6:00 A.M. May 20th. to 6:00 A.M. May 21st.	1 day.
- 5 Turn at Birch Creek.

Preslar.	6:00 A.M. May 21st. 6:00 A.M. May 23rd.	2 days.
Gene.	6:00 A.M. May 23rd. to 6:00 P.M. May 24th.	1 $\frac{1}{2}$ days.
Chris.	6:00 P.M. May 24th. to 6:00 P.M. June 1st.	8 days.
Armstrong.	6:00 P.M. June 1st. to 6:00 P.M. June 2nd.	1 day.
- 6 Turn at Birch Creek.

Gene.	6:00 P.M. June 2nd. to 6:00 P.M. June 4th.	2 days.
Preslar.	6:00 P.M. June 4th to 6:00 A.M. June 6th.	1 $\frac{1}{2}$ days.
Chris.	6:00 A.M. June 6th. to 6:00 A.M. June 14th.	8 days.
Armstrong.	6:00 A.M. June 14th. to 6:00 A.M. June 15th.	1 day.

- (2)
- 7 Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Preslar. | 6:00 A.M. June 15th. to 6:00 A.M. June 17th. | 2 days. |
| Gene. | 6:00 A.M. June 17th. to 6:00 A.M. June 19th. | 2 days. |
| Chris. | 6:00 A.M. June 19th. to 6:00 A.M. June 26th. | 7½ days. |
| Armstrong. | 6:00 P.M. June 26th. to 6:00 P.M. June 27th. | 1 day. |
- Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Gene. | 6:00 P.M. June 27th. to 6:00 P.M. June 29th. | 2 days. |
| Preslar. | 6:00 P.M. June 29th to 6:00 A.M. July 1st. | 1½ days. |
| Chris. | 6:00 A.M. July 1st. to 6:00 A.M. July 9th. | 8 days. |
| Armstrong. | 6:00 A.M. July 9th. to 6:00 A.M. July 10th. | 1 day. |
- 9 Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Preslar. | 6:00 A.M. July 10th. to 6:00 A.M. July 12th. | 2 days. |
| Gene. | 6:00 A.M. July 12th. to 6:00 P.M. July 13th. | 1½ days. |
| Chris. | 6:00 P.M. July 13th. to 6:00 P.M. July 21st. | 8 days. |
| Armstrong. | 6:00 P.M. July 21st. to 6:00 P.M. July 22nd. | 1 day. |
- 10 Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Gene. | 6:00 P.M. July 22. to 6:00 P.M. July 24th. | 2 days. |
| Preslar. | 6:00 P.M. July 24th. to 6:00 P.M. July 26th. | 2 days. |
| Chris. | 6:00 P.M. July 26th to 6:00 A.M. Aug. 3rd. | 7½ days. |
| Armstrong. | 6:00 A.M. Aug. 3rd. to 6:00 A.M. Aug. 4th. | 1 day. |
- 11 Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Preslar. | 6:00 A.M. Aug. 4th. to 6:00 A.M. Aug. 6th. | 2 days. |
| Gene. | 6:00 A.M. Aug. 6th. to 6:00 P.M. Aug. 7th. | 1½ days. |
| Chris. | 6:00 P.M. Aug. 7th. to 6:00 P.M. Aug. 15th. | 8 days. |
| Armstrong. | 6:00 P.M. Aug. 15th. to 6:00 P.M. Aug. 16th. | 1 day. |
- 12 Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Gene. | 6:00 P.M. Aug. 16th. to 6:00 P.M. Aug. 18th. | 2 days. |
| Preslar. | 6:00 P.M. Aug. 18th. to 6:00 A.M. Aug. 20th. | 1½ days. |
| Chris. | 6:00 A.M. Aug. 20th. to 6:00 A.M. Aug. 28th. | 8 days. |
| Armstrong. | 6:00 A.M. Aug. 28th. to 6:00 A.M. Aug. 29th. | 1 day. |
- 13 Turn at Birch Creek.
- | | | |
|------------|---|----------|
| Preslar. | 6:00 A.M. Aug. 29th. to 6:00 A.M. Aug. 31st. | 2 days. |
| Gene. | 6:00 A.M. Aug. 31st. to 6:00 A.M. Sept. 2nd. | 2 days. |
| Chris. | 6:00 A.M. Sept. 2nd. to 6:00 P.M. Sept. 9th. | 7½ days. |
| Armstrong. | 6:00 P.M. Sept. 9th. to 6:00 P.M. Sept. 10th. | 1 day. |
- 14 Turn at Birch Creek.
- | | | |
|------------|--|----------|
| Gene. | 6:00 P.M. Sept. 10th. to 6:00 P.M. Sept. 12th. | 2 days. |
| Preslar. | 6:00 P.M. Sept. 12th. to 6:00 A.M. Sept. 14th. | 1½ days. |
| Chris. | 6:00 A.M. Sept. 14th. to 6:00 A.M. Sept. 22nd. | 8 days. |
| Armstrong. | 6:00 A.M. Sept. 22nd. to 6:00 A.M. Sept. 23rd. | 1 day. |

- ③
- 15 Turn at Birch Creek.
Preslar. 6:00 A.M. Sept. 23rd. to 6:00 A.M. Sept. 25th. 2 days.
Gene. 6:00 A.M. Sept. 25th. to 6:00 P.M. Sept. 26th. 1½ days.
Chris. 6:00 P.M. Sept. 26th. to 6:00 P.M. Oct. 4th. 8 days.
Armstrong. 6:00 P.M. Oct. 4th. to 6:00 P.M. Oct. 5th. 1 day.
- 16 Turn at Birch Creek.
Gene. 6:00 P.M. Oct. 5th. to 6:00 P.M. Oct. 7th. 2 days.
Preslar. 6:00 P.M. Oct. 7th. to 6:00 P.M. Oct. 9th. 2 days.
Chris. 6:00 P.M. Oct. 9th. to 6:00 A.M. Oct. 17th. 7½ days.
Armstrong. 6:00 A.M. Oct. 17th. to 6:00 A.M. Oct. 18th. 1 day.
- 17 Turn at Birch Creek.
Preslar. 6:00 A.M. Oct. 18th. to 6:00 A.M. Oct. 20th. 2 days.
Gene. 6:00 A.M. Oct. 20th. to 6:00 P.M. Oct. 21st. 1½ days.
Chris. 6:00 P.M. Oct. 21st. to 6:00 P.M. 29th. Oct. 8 days.
Armstrong. 6:00 P.M. Oct. 29th. to 6:00 P.M. Oct. 30th. 1 day.
- 18 Turn at Birch Creek.
Gene. 6:00 P.M. Oct. 30th. to 6:00 P.M. Nov. 1st. 2 days.

No. 6988.

Expanded

ABSTRACT OF TITLE

TO

RECEIVED
CLOSING SECTION
JUN 14 1934

South half of Southwest quarter,
(Northeast quarter of Southwest quarter,
Northwest quarter of Southeast quarter)
and South half of Southeast quarter
of Section thirty-two, Township nine
South, Range thirty-six East of Boise
Meridian in Idaho.



Prepared for
Ada R. Armstrong,
Robin, Idaho.

TOWN OF A 77796
COUNTY ARMSTRONG
STATE IDAHO

172D

APPLICATION NO.	A 14810
APPLICANT	Ada R. Armstrong
F.E.L.A.	Wright

THE FEDERAL LAND BANK,
OF SPOKANE

PAGE NUMBER 1-A

FILED

1

No.

6988.

ABSTRACT OF TITLE

TO

The Northwest quarter of the Southeast quarter, and the South half of the Southeast quarter of Section thirty-two, Township nine South of Range thirty-six East of Boise Meridian in Idaho, according to Official Plat of Survey of said lands returned to General Land Office by Surveyor General.

Prepared for
Ada R. Armstrong,
Robin, Idaho.

PAGE NUMBER 1

FILE

BANNOCK TITLE-ABSTRACT COMPANY

NO 303.

ABSTRACT OF TITLE TO

The South half of the Southeast quarter of Section thirty-two (32), Township nine (9) South, Range thirty-six (36) East of the Boise Meridian in Idaho, containing eighty (80) acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General.

Together with any and all water, water rights, ditches and canals used, had and enjoyed in connection with said premises, and particularly ten (10) inches of the waters of Birch Creek, and one-half of the waters of Marley Creek. *Where is Marley Creek?*

Prepared for Dudley P. Armstrong,
August 17, 1905.

FLB

4

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

James Henderson, Benjamine W. Henderson and James Henderson, Jr., partners under the firm name and style of James Henderson and Sons, and Melvin Henderson,
Plaintiffs,)

VS.

Thomas Marley, Mark R. Lawrence, William Stinger, Mary Davis, and Gwenlion Marley (intervenor),
Defendants.)

This cause having been commenced on May 7, 1901, and thereafter all the parties having duly entered their appearance, W. T. Reeves, Esq. and F. S. Dietrich, Esq., appearing for the plaintiffs, S. C. Winters, Esq. appearing for Thomas Marley, William Stinger and the intervenor, Gwenlion Marley, and Messrs. Terrill & Guheen appearing for the defendants, Mark R. Lawrence and Mary Davis; And thereafter it was stipulated by the counsel for the respective parties that the cross complaints and the complaint in intervention should be deemed and treated as duly denied with the same force and effect as if verified answers thereto were duly filed.

And thereafter the Court having heard the evidence adduced by the several parties in support of their respective claims and the counsel for the respective parties having made their arguments and the Court being fully advised in the premises and having made and filed herein its findings of fact and conclusions of law.

Now, therefore, in accordance with its findings and conclusions, it is ordered, adjudged and decreed that the waters of Birch Creek and Lost Creek, both of which said creeks are situated in Bannock County, State of Idaho, be and the same are hereby distributed and decreed to the several parties to this suit for beneficial purposes and uses in amounts and of the dates with priority of rights as follows, to-wit:--

To James Henderson, Benjamine W. Henderson and James Henderson, Jr., partners under the firm name and style of James Henderson and Sons; all of the waters of the said Lost Creek and one and one-tenth cubic feet per second of the waters of Birch Creek dating from July 1st 1879.

INSTRUMENT NO. 20.

To Melvin Henderson; one cubic foot of water per second of the waters of Birch Creek dating from July 1st 1879.

To the intervenor, Gwenlion Marley; two-fifths of a cubic foot per second of the water of Birch Creek dating from July 1st 1879. 20 inches? (0.408)

To Mary Davis; three-tenths of a cubic foot per second of the water of Birch Creek dating from April 1st 1881.

To Mark R. Lawrence; one-tenth of a cubic foot per second of the water of Birch Creek dating from July 1st 1888.

To Thomas Marley; three-tenths of a cubic foot per second of the water of Birch Creek dating from July 1st 1889.

That William Stinger is not entitled to any of the waters of said Birch Creek.

That the several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion from the natural channel of the said Birch Creek except the right decreed in the said Lost Creek.

That the said waters of Birch Creek be measured under the Weir system in cubic feet per second of time. It is further ordered that each of the said parties to this suit construct and maintain at their several points of diversion respectively, substantial and uniform boxes, headgates and weirs for the measurement of their said water.

It is further ordered, adjudged and decreed that each and every of the said parties to this suit, their agents, attorneys, assignees and grantees, be and they are hereby restrained and perpetually enjoined from in any manner interfering with the waters of the said Birch Creek and of the said Lost Creek or exercising any other or greater rights with reference to the said waters than as herein decreed to the said parties respectively.

It is further ordered that each party to this suit pay his own costs.

Dated this 13th day of March, 1902.

Joseph C. Rich.

Judge of District Court.

GRANTOR:

Mrs. Gwendolin Marley, Single.
(Signed, Mrs. Gwendelin Marley.)

GRANTEE:

Dudley P. Armstrong.

Kind of Instrument, - - - - -Quit Claim Deed.

Date of Instrument, - - - - -April 14, 1903.

Consideration, - - - - -Five Hundred (\$500.00) Dollars.

Recorded, - - - - -June 24, 1905, at 3.57 P.M. in

Book "15" of Deeds at Page "302" Records of

Bannock County, State of Idaho.

Acknowledged before T.M.Larson, Justice of the Peace in and for Robin
Precinct, Bannock County, Idaho, April 14, 1903.

Witness, - - - - -P.M.Larson.

DESCRIPTION AND REMARKS:

All the certain right, title and interest of the party of the first
part, of, in, or to the waters of Birch Creek, the same being about
twenty inches as shown by the water location made by said Gwendolin
Marley and recorded in the office of the Recorder of said Bannock County.

Together with all the right, title and interest of the said party
of the first part, in, and to the waters of Marley Creek in said Ban-
nock County.

MORTGAGE.

Mortgagor, -- Dudley P. Armstrong and Ada R. Armstrong, his wife.
Mortgagee, -- The Bannock Abstract, Deposit & Trust Company, a corporation.
Date, -- June 1, 1911.
Consideration, -- Three Hundred Fifty (\$350.00) Dollars.
Recorded, -- July 14, 1911, 9:54 A. M., in Book "15" of Mortgages at page 415, of the Records of Bannock County, Idaho.
Acknowledged, -- Before Edward Murphy, a Notary Public in and for Bannock County, Idaho, July 11, 1911. (Seal)
Witness, -- Edw. Murphy, Harry Hanson.

DESCRIPTION AND REMARKS.

The South half of the Southeast quarter of Section 32, Township 9 South, of Range 36 East of the Boise Meridian, in Idaho, containing 80 acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General.

Together with any and all water, water rights, ditches, canals and aqueducts used, had and enjoyed in connection with said premises and particularly 10 inches of the waters of Birch Creek and one half of the waters of Marley Creek.

This Grant is intended as a Mortgage to secure the payment of one certain promissory note for \$350.00, due five years after date with interest thereon at the rate therein specified.

FIRST DIVISION.

EDWARD J. TURNER, *Commissioner.*

COVE, IDAHO.

1903.

DECREED WATER RIGHTS,
Birch and Lost Creeks, Bannock County.

DECREE.

In the District Court of the Fifth Judicial District of Idaho, in and for the County of Bannock.

James Henderson, Benjamin W. Henderson and James Henderson, Jr., Partners Under the Firm Name and Style of James Henderson and Sons, and Melvin Henderson, Plaintiffs,

vs.

Thomas Marley, Mark R. Lawrence, William Stinger, Mary Davis and Gwenlion Marley (Intervenor), Defendants.

This case having been commenced on May 7th, 1901, and thereafter all the parties having duly entered their appearance, W. T. Reeves, Esq., and F. S. Dietrich, Esq., appearing for the plaintiffs, S. C. Winters, Esq., appearing for Thomas Marley, William Stinger and the intervenor, Gwenlion Marley, and Messrs. Terrell and Guheen, appearing for the defendants, Mark R. Lawrence and Mary Davis.

And thereafter it was stipulated by the counsel for the respective parties that the cross-complaints and the complaint in intervention should be deemed and treated as duly denied with the same force and effect as if verified answers thereto were duly filed.

And thereafter, the court having heard the evidence adduced by the several parties in support of their respective claims, and the counsel for the respective parties having made their arguments, and the court being fully advised in the premises and having made and filed herein its findings of fact and conclusions of law.

Now, therefore, in accordance with its findings and conclusions, it is ordered, adjudged and decreed that the waters of Birch Creek and of Lost Creek, both of which said creeks are situate in Bannock County, State of Idaho, be, and the same are hereby, distributed and decreed to the several parties to this suit for beneficial purposes and uses in amounts and of the dates with priority of rights as follows, to wit:

To James Henderson, Benjamine W. Henderson and James Henderson, Jr., partners under the firm name and style of James Henderson & Sons, all of the waters of said Lost Creek, and one and one-tenth cubic feet per second of the water of Birch Creek, dating from July 1st, 1879.

To Melvin Henderson, one cubic foot of water per second of the waters of Birch Creek, dating from July 1, 1879.

To the intervenor, Gwenlion Marley, two-fifths of a cubic foot per second of the water of Birch Creek, dating from July 1, 1879.

0.4 cfs.

To Mary Davis, three-tenths of a cubic foot per second of the water of Birch Creek, dating from April 1, 1881.

To Mark R. Lawrence, one-tenth of a cubic foot per second of the water of Birch Creek, dating from July 1, 1888.

To Thomas Marley, three-tenths of a cubic foot per second of the water of Birch Creek, dating from July 1, 1889.

That William Stinger is not entitled to any of the waters of the said Birch Creek.

That the several amounts of water above decreed be measured and distributed to the said parties at their several points of diversion from the natural channel of the said Birch Creek, excepting the right decreed in the said Lost Creek.

That the said waters of Birch Creek be measured under the weir system in cubic feet per second of time.

It is further ordered that each of the said parties to this suit construct and maintain at their several points of diversion respectively substantial and uniform boxes, head

gates and weirs, for the measurement of their said water.

It is further ordered, adjudged and decreed, that each and every of the parties to this suit, their agents, attorneys, assignees and grantees, be, and they are hereby, restrained and perpetually enjoined from in any manner interfering with the waters of the said Birch Creek and of the said Lost Creek, or exercising any other or greater rights with reference to the said waters than is herein decreed to the said parties respectively.

It is further ordered that each party to this suit pay his own costs.

Dated this 13th day of March, 1902.

JOSEPH C. RICH,
Judge of the District Court.

State of Idaho, County of Bannock, ss.

I, E. G. Gallet, Clerk of the District Court in and for said county and State, hereby certify the within and foregoing to be a full, true and correct copy of the original decree as recorded at page 118 of Judgment Book No. 2, records of said county.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, this 11th day of May, A. D. 1903.

(Seal.)

E. G. GALLET,
Clerk of Said Court.

By: D. N. CAMPBELL,

Deputy.

AGREEMENT.

1902

This Agreement, *Made and entered into the* twelfth *day of* April

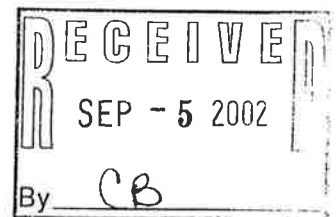
in the year of our Lord one thousand eight hundred and ninety- nine hundred and two,

BETWEEN Gwendolin Marley, widow, of Robin, County of Bannock
and State of Idaho, the party of the first part, and David Armstrong and
Dudley P. Armstrong of the same place,

the parties of the second part.

WITNESSETH, that the said party Y *of the first part, in consideration of the covenants and agree-*
ments on the part of the said parties of the second part, hereinafter contained, agrees to sell and convey
unto the said parties of the second part, and the second parties agree to buy all the at certain to
piece or parcel of land, situate, lying and being in personal property in the
County of Bannock *and State of Idaho, and bounded and particularly described as follows, to-wit:*

One four-room log house with shingle roof; one log stable with dirt roof, one log granary with dirt roof; 200 rods of wire fence, and all other improvements situate on the south half of the southeast quarter and the south half of the southwest quarter of section 32, township 9 south of Range 36 east, together with all the right, title and interest of, the, party of the first part, of, in, or to the waters of Birch Creek, the same being about twenty inches, as shown by the water location made by said Gwendolin Marley and recorded in the office of the Recorder of said Bannock County. Together with all the right, title and interest of the said party of the first part in and to the waters of Marley Creek in said Bannock County.





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

December 13, 2001

NANCY ARMSTRONG
PO BOX 1441
OLMPIA WA 98507

RE: CHANGE IN OWNERSHIP FOR A29-00335, A29-00338, A29-00369, A29-00370, A29-00423, A29-00424 AND A29-04168

Dear Ms. Armstrong:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

DE 12/2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A29-369			A29-335		
A29-370			A29-338		
A29-423			A29-4168		
A29-424					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

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

Bernice Armstrong
Enoch Armstrong
Mc Cammon, Id

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

Nancy Armstrong 325277
PO BOX 1441 Olympia, WA
Home (360) 705-1559 98507

5. Date you acquired the property

Aug 2001

4 Dec 01.

RECEIVED

DEC 10 2001

Department of Water Resources
Eastern Region

Dear ~~Glenn~~

Here is a copy of the court
order transferring ownership
of specific properties to myself,
Nancy Armstrong, and my
brother Paul Armstrong.

This should suffice in transferring
water rights to my name.

Please forward papers I need to sign
to transfer the appropriate water
rights to Paul.

Sincerely -

Nancy Armstrong

P.O. Box

1441

Olympia, WA

98507

STATE OF IDAHO
County of Bannock

} ss.

20119732

I hereby certify that the foregoing
is a true and correct copy
filed in the office of the
Clerk of the District Court

Edward J. Berrett
Attorney at Law
1335 East Center
Pocatello, Idaho 83201

(208) 232 8380

22 August 2001
Clerk of Magistrate Division

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

In the Matter of the Estate of
BERNICE ARMSTRONG,
deceased.

Case No.

SP1E 01-00123

LETTERS TESTAMENTARY

The Petition of NANCY ARMSTRONG, having been heard in the
above-named Court; NANCY ARMSTRONG is appointed Personal
Representative.

WITNESS: R. Ted Israel, Magistrate of the District
Court, County of Bannock, State of Idaho, with the seal of
the Court affixed, this 20 day of August, 2001.

R. Ted Israel
Magistrate

STATE OF IDAHO

ss

County of Bannock

The undersigned, NANCY ARMSTRONG hereby accepts the duties of
Personal Representative of the Estate of NANCY ARMSTRONG, and she
does solemnly swear that she will perform, according to law, the
duties of Personal Representative.

Nancy Armstrong
NANCY ARMSTRONG

SUBSCRIBED AND SWORN TO before me this 20th day of Aug, 2001.

Edward J. Berrett
Notary Public for Idaho
Residing at Pocatello.
My commission expires 3-1-03

(Notary Seal)

LETTERS TESTAMENTARY

NO 20119732
RECORDED AT REQUEST OF -1-
Ed Berrett
2001 OCT 9 PM 1 07

795
BANK OF IDAHO
LARRY W. HAN RECORDER
3W DEPUTY

20118574

20118574

NO

RECORDED AT REQUEST OF

Ed Barrett

2001 SEP 25 AM 9 24

PERSONAL REPRESENTATIVE'S DEED

For the consideration of Ten Dollars, and other valuable consideration, NANCY ARMSTRONG, Personal Representative of the estate of BERNICE ARMSTRONG, deceased, as grantor, does hereby convey to NANCY ARMSTRONG, a single person, as grantee, whose address is POBox 1441, Olympia, Washington, 98507, the following real property situated in Bannock County, Idaho:

Sec. 32, T9S, R36E;
S2SE4;
S2SW4;

Sec. 32, T9S, R36E;
NW4SW4;
NE4SW4;
TrNW4SE4 Tax 4;

Sec 4, T10S, R36E;
S2NE4;

Sec. 31, T9S, R36E;
N2NE4;
SE4NE4;
SW4NE4;

IN WITNESS WHEREOF, Grantor has caused her name to be hereunto affixed this 13 day of Sept, 2001.

Nancy Armstrong
NANCY ARMSTRONG
Personal Representative of
the Estate of Bernice Armstrong,
deceased.

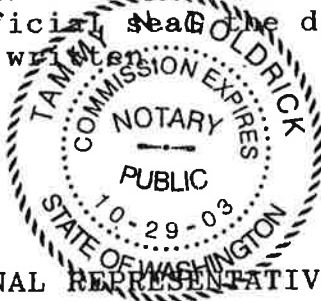
STATE OF WASHINGTON

County of THURSTON

) ss

On the 13 day of Sept, 2001, personally appeared before me NANCY ARMSTRONG, the signer of the foregoing Personal Representative's Deed, who duly 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.



Tammy Goldrick
Notary Public for Washington
Residing at Rochester
My commission expires: 10-29-03

PERSONAL REPRESENTATIVE'S DEED

20118573

PERSONAL REPRESENTATIVE'S DEED

For the consideration of Ten Dollars, and other valuable consideration, NANCY ARMSTRONG, Personal Representative of the estate of BERNICE ARMSTRONG, deceased, as grantor, does hereby convey to PAUL ARMSTRONG, a single person, as grantee, whose address is 1780 West Stinger Road, McCammon, Idaho, 83250, the following real property situated in Bannock County, Idaho:

Sec. 3, T10S, R36E;
SE4;

IN WITNESS WHEREOF, Grantor has caused her name to be hereunto affixed this 13 day of Sept, 2001.

Nancy Armstrong
NANCY ARMSTRONG
Personal Representative of
the Estate of Bernice Armstrong,
deceased.

STATE OF WASHINGTON)

County of Thurston)

ss

On the 13 day of Sept, 2001, personally appeared before me NANCY ARMSTRONG, the signer of the foregoing Personal Representative's Deed, who duly 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.



Tammy N. Goldrick
Notary Public for Washington

Residing at Rochester

My commission expires: 10-29-03

20118573

NO
RECORDED AT REQUEST OF
Ed Barrett
2001 SEP 25 AM 9 23

BOOK NO. 294
FILED IN IDAHO
RECORDED
3. MI

PERSONAL REPRESENTATIVE'S DEED

-1-

SCANNED

MAY 31 2001

Log for claim A29-00335

Spatial Dynamics LTD

6/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	32	SWSE	4	4.8	
09s36e	32	SESE	30	30	
Totals:			34	34.8	

AJ5809NP
No. A29-00335

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ENOCH ARMSTRONG	07/01/1879	IRRIGATION	04-01 11-01	0.400 CFS	
C	BERNICE ARMSTRONG 1780 W STINGER RD MC CAMMON ID 83250 (208) 254-3517					
				TOTAL DIVERSION:	0.400 CFS	
				CONSUMPTIVE USE:		85.00 AFA

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion:

T09S R36E S29

SENESEW

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE								NW								SW								SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM								
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac										
09S	36E	32	:					:					:					:					:									
																							04	30	:	34.0						
TOTAL ACRES																									:	34.0						

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-04168, 00338

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00338

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00338 A29-04168

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: D

Audit: 04/20/90 VERNER 05/24/94 COX 03/29/95 POST-STD

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 29-335
Date Received: 4/20/1990
Receipt No: E013411
Received By:

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

1. Name of Claimant(s)

NANCY ARMSTRONG Phone: (360) 705-1559

PO BOX 1441
OLYMPIA WA USA 98507

2. Date of Priority: 07/01/1879

3. Source: BIRCH 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	29	SE	NE	SW	BANNOCK	

5. Description of diverting works:

HEADGATE IN STREAM TO CANAL. FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.4	

7. Total Quantity Appropriated is:

0.4 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	32	SW	SE	IRRIGATION	4
			SE	SE	IRRIGATION	30

Section Acres 34
Total Acres 34

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: Decreed

MAY 31 2001

84

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00335
Date Received: 4/20/1990
Receipt No: E013411
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ENOCH ARMSTRONG 208-254-3517
Address: 1780 WEST STINGER RD.
MC CAMMON, ID 83250

OR
Name: BERNICE ARMSTRONG 208-254-3517
Address: 1780 WEST STINGER RD.
MC CAMMON, ID 83250

2. Date of Priority: JUL 01, 1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	29	SE	NE	SW		BANNOCK

5. Description of diverting works:
HEADGATE IN STREAM TO CANAL. FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 85.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00335

Page 1

Date: 04/20/90

A2900335



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	32	SW	SE		IRR	4.0
			SE	SE		IRR	30.0
Section Acres							34.0
Total Acres							34.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-04168, 00338

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

JAMES HENDERSON, ET. AL.
Decree Plaintiff

vs

THOMAS MARLEY, ET. AL.
Decree 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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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) Enoch Armstrong Date: 4/20/90
Bernice Armstrong Date: 4/20/90

State of Idaho }
County of Bonneville } SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994

3000 IN NE
92 (SCOUT MTN.)

93 R 35 E R 36 E

17°30"

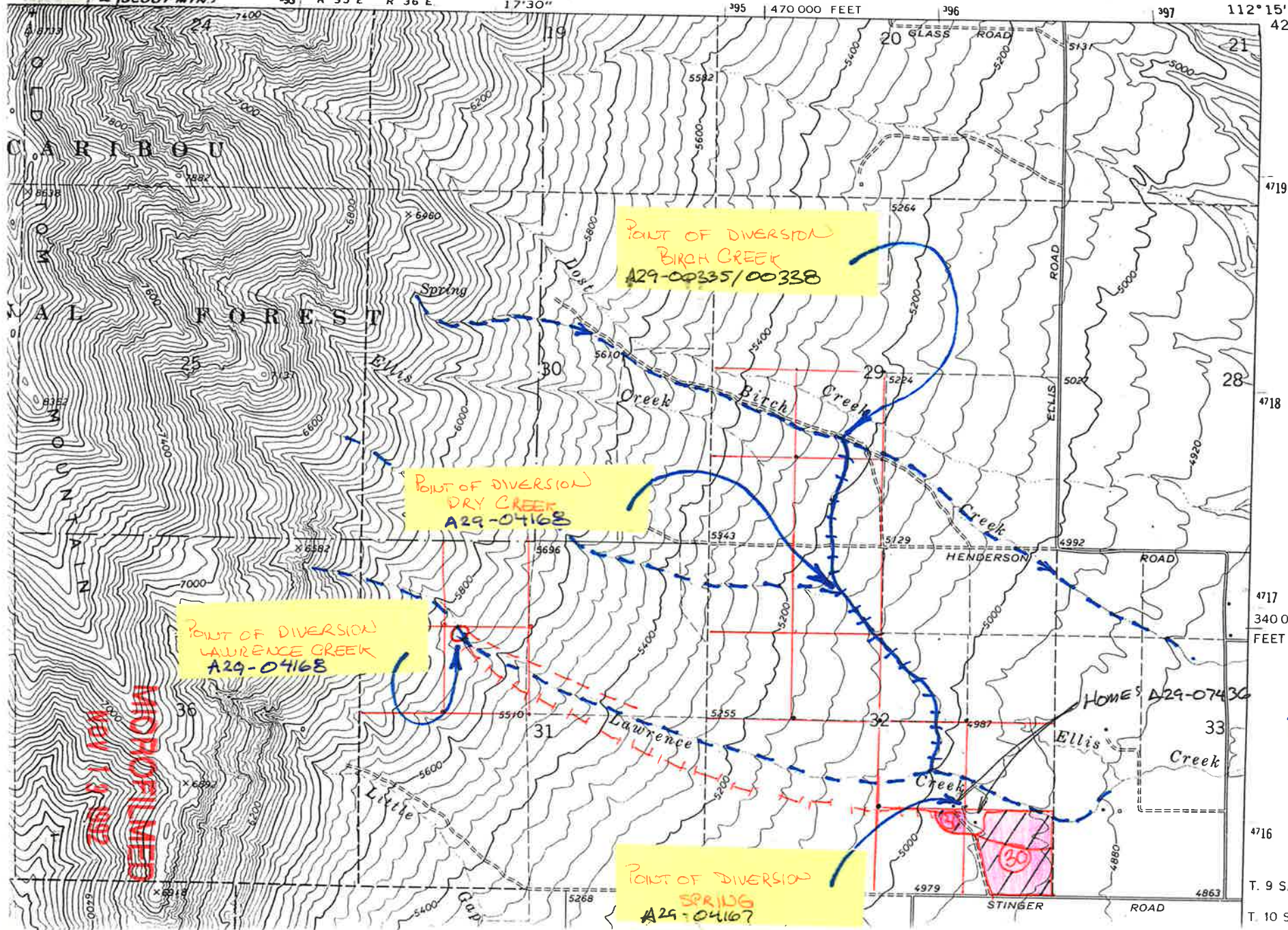
95 470 000 FEET

7.5 MINUTE SERIES (TOPOGRAPHIC)

96

97 112°15'

42°37'30"



POINT OF DIVERSION
BIRCH CREEK
A29-00335/00338

POINT OF DIVERSION
DRY CREEK
A29-04168

POINT OF DIVERSION
LAWRENCE CREEK
A29-04168

POINT OF DIVERSION
SPRING
A29-04167

4717
340 000
FEET

T 9 S
R 36 E

T. 9 S.

T. 10 S.

NOV 13 1992
MICROFILMED

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Nancy Armstrong	PO Box 1441	Olympia	WA	98507	
Name connector: and						
Current Owner						1-360-705-1559
Current Owner		email: Robinidaho@aol.com				

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 9-28-02 Time: _____

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

Gwenion Marley - w/R owner.
-conveyed 10" of Birch creek to Dudley Armstrong.

Reviewer: _____

Date: _____