

Memo

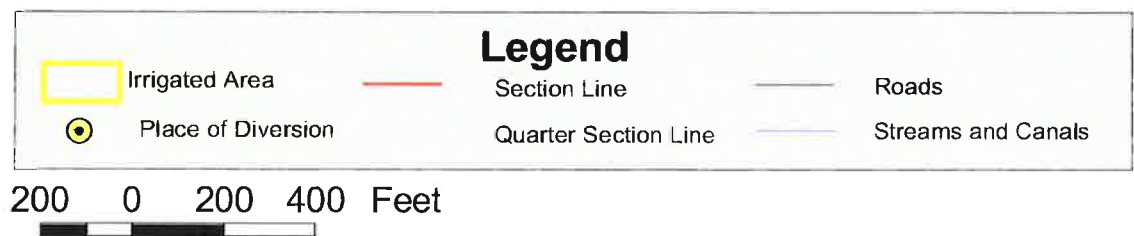
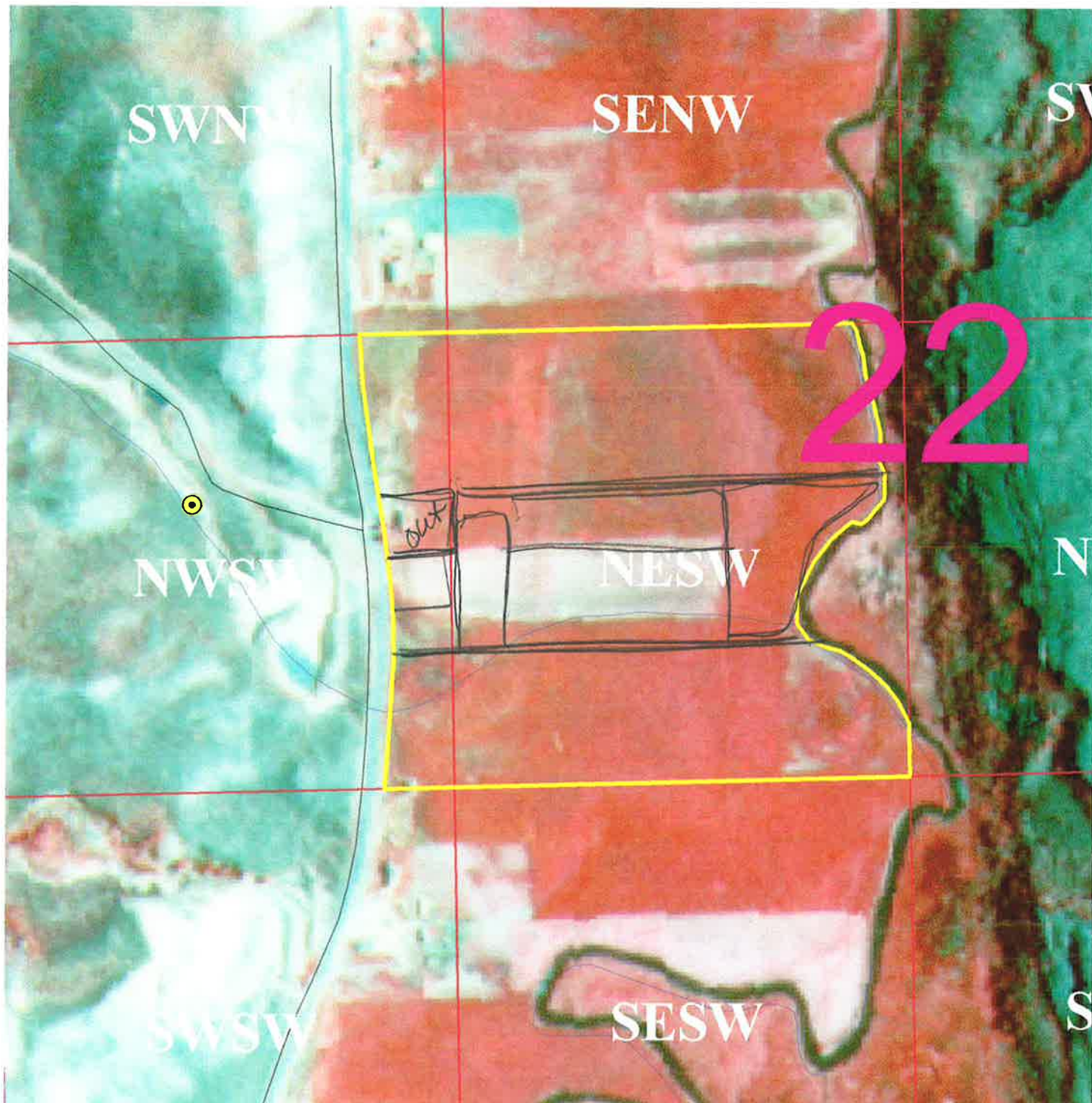
To: Candace McHugh, Deputy Attorney General
From: Roger Warner
CC: File 29-13417
Date: 5/14/2003
Re: Ft Hall Allottee Priority date

Mr. James Allen Hook of 3618 S Marsh Creek Rd, McCammon, Idaho 83250, has amended his claim for this file to reflect the Ft Hall negotiated priority date for Indian Allottees.

Mr. Hook has provided some information that indicates the connectivity between his property and the original allottee number 35, Yah-man-zo-nah.

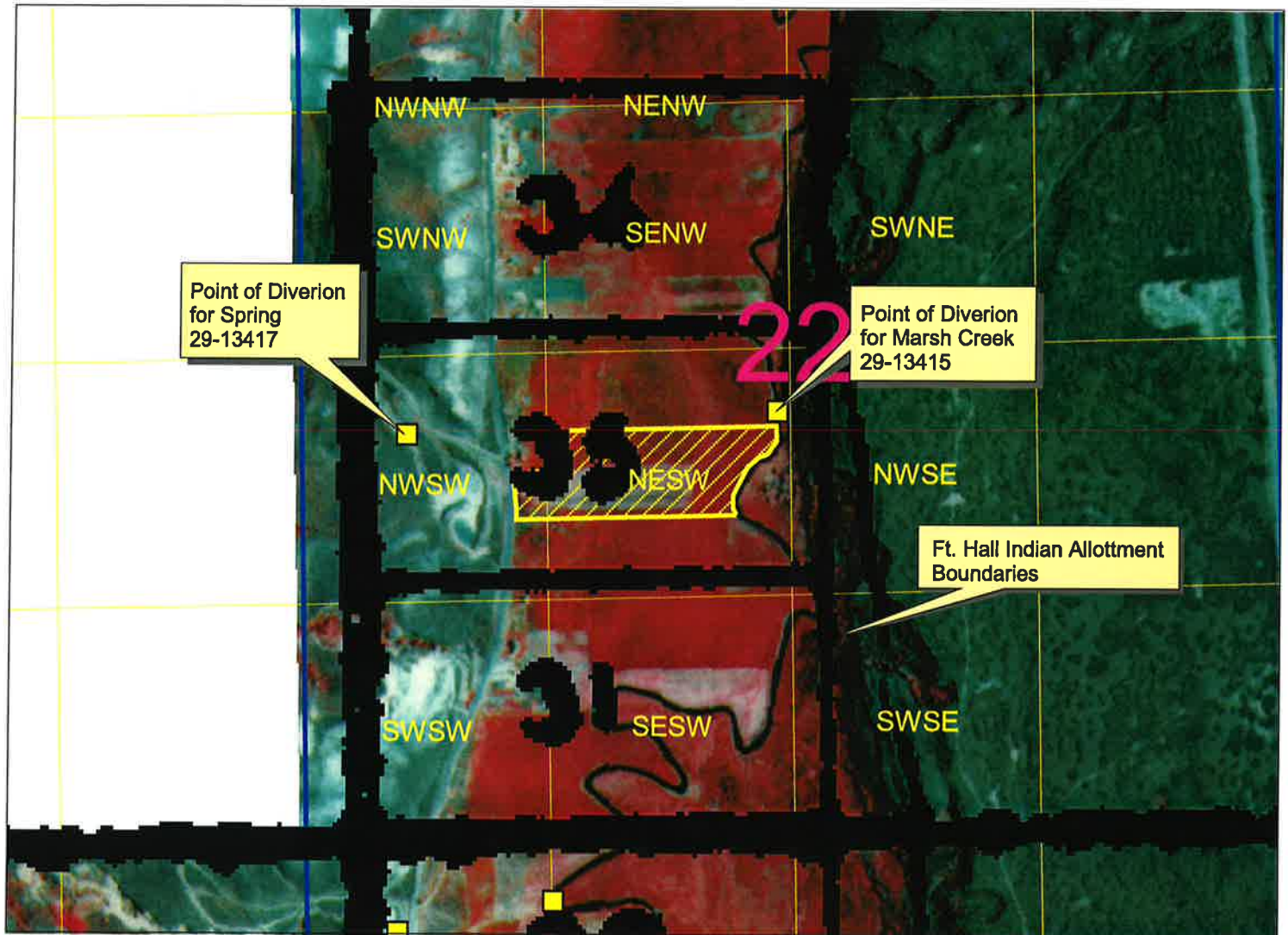
Given that the source claimed for this water right is from a spring, I feel that it is likely that the spring was put to use on or near the claimed priority date. Therefore, I recommend that the right 29-13417 be recommended with the Allottee date accordingly.

Township , 8S36E





State of Idaho Department of Water Resources Eastern Region Claim No.: 29-13417



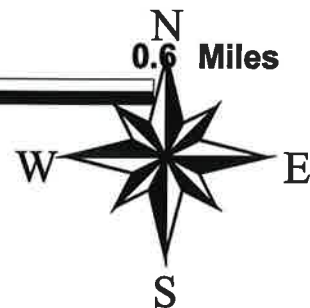
0.3

0

0.3

0.6 Miles

Irrigated Acres = 13



-  Diversion.shp
-  29-13417.shp
-  Sections
-  QQ

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: May, 2003

Ellsworth, Donner Bernard Ellsworth and Evelyn Mae George Ellsworth to me personally known to be the identical persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last hereinabove written.

(SEAL)

UNITED STATES
DEPARTMENT OF THE INTERIOR,

Bureau of Indian Affairs-Portland, Oregon.

The within deed is hereby approved: pursuant to authority delegated by the Commissioner of Indian Affairs to undersigned Sept. 10, 1946 (11 F.R. 10266) or May 10, 1948 (13 F.R. 2677).

Sec. 22, T8S, R36, E4M, Idaho
May 22, 1951

Fred McMullin Notary Public
(Title)

Fort Hall, Idaho

My Commission expires Dec. 20, 1954.

George (Illegible)
Area Director AM

The within deed is recorded in the Office of Indian Affairs in Volume -, Page -
Inherited Indian Land Deed Book. The Portland Area Office Recording Volume 1, Page 49 Line
12, Tract File No. FHX-2.

This instrument was filed for record this 23rd day of June, 1954, at 3:12 o'clock P.M., and
duly recorded in Book No. 118, of Deeds, Page 583, request of B. T. A.Co.

Sarah Devaney, Recorder

Fee \$ 1.50

BITHELL ENGINEERING INC.

TEL (208) 233-3886
P. O. BOX 2226
POCATELLO, IDAHO

Zella Hall
Legal Description

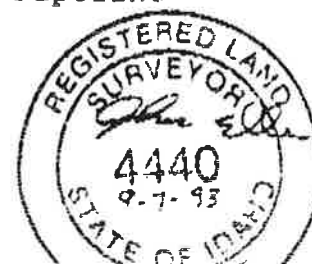
September 7, 1993
Job No. 93-069

83208
PARCEL #2

A parcel of land located in the N 1/2 of the SW 1/4 of Section 22, T 8 S, R 36 E, B.M., Bannock County, Idaho, being more particularly described as follows:

Commencing at the West 1/4 corner of said section 22, said corner being marked by a 7/8-inch dia. rebar with a 3-inch dia. aluminum cap stamped "PE/LS 4440";
thence S 89°57'05" E along the latitudinal centerline of section 22, said latitudinal centerline also being the North line of Indian Allotment #35 as surveyed by the U.S. Bureau of Indian Affairs in 1912, 2596.63 feet to the Northeast corner of said Indian Allotment #35, said corner being marked by a found 1912 Indian Allotment brass cap monument;
thence S 0°17'10" E along the meridional centerline of section 22, said meridional centerline also being the East line of Indian Allotment #35 as surveyed by the U.S. Bureau of Indian Affairs in 1912, 422.64 feet to a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440", said rebar being the true point of beginning;
thence N 89°57'05" W parallel with the latitudinal centerline of said section 22, 1326.25 feet to the Northeast deed corner of inst. #92004768, said corner being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440";
thence S 8°15'51" E along the East line of said inst. #92004768, 208.74 feet to the Southeast deed corner of said inst. #92004768, said corner being marked by a 1/2-inch dia. rebar with yellow plastic cap stamped "PE/LS 4440";
thence S 82°44'09" W along the South line of said inst. #92004768, 208.71 feet to a point of non-tangency with a 1646.89 foot radius curve, said point being on the Easterly right-of-way of Marsh Creek Road and also being the Southwest deed corner of inst. #92004768 and marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440";
thence Southeasterly along said Easterly right-of-way of Marsh Creek Road along a curve to the right, said curve having a central angle of 7°47'53", a radius of 1646.89 feet and a chord bearing of S 1°09'39" E, for an arc length of 224.14 feet to a point on the North deed line of inst. #671836, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440";
thence N 89°44'55" E along the North deed line of said inst. #671836, 1508.72 feet to a point on the meridional centerline of section 22, said point being marked by a 1/2-inch dia. rebar with a yellow plastic cap stamped "PE/LS 4440";
thence N 0°17'10" W along the meridional centerline of section 22, said meridional centerline also being the East line of Indian Allotment #35 as surveyed by the U.S. Bureau of Indian Affairs in 1912, 446.43 feet to the true point of beginning.

Said parcel containing 14.6 acres, more or less, and said parcel being subject to a 75-foot wide easement for Northwest Pipeline Corporation's 22 inch O.D. Ignacio to Sumas pipeline.



found asphalt nail
in lava rock

Inst. #90006358

Marsh Creek

S 89°57'05" E, 2596.63'

S 89°57'05" E

PARCEL 1
15.3 Acres ±

N 89°57'05" W

PARCEL 2
14.6 Acres ±

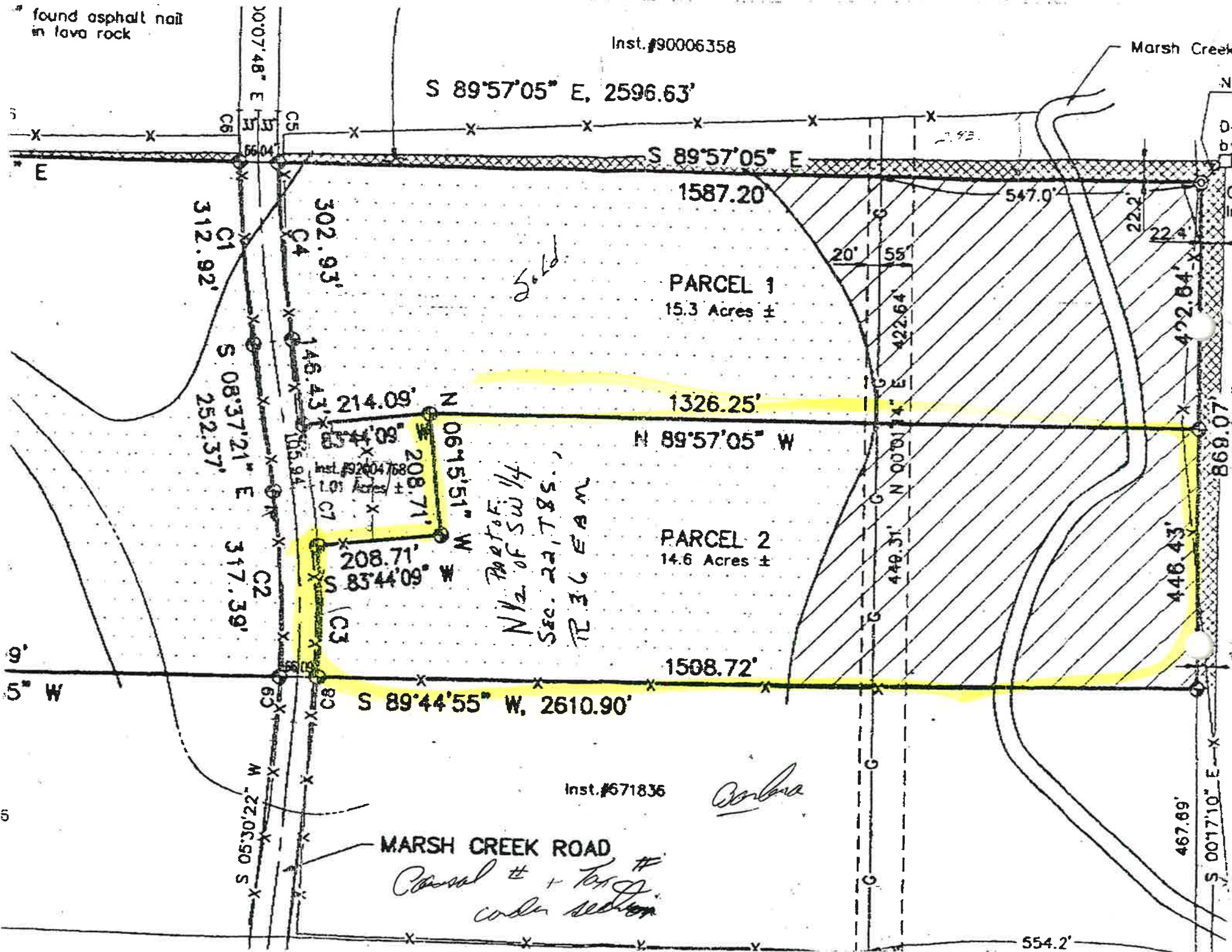
S 89°44'55" W, 2610.90'

Inst. #671836

MARSH CREEK ROAD

*Canal # + Top #
corner section*

*Part of SW 1/4
NW 2 of SW 1/4
Sec. 22, T8S.,
R36E W*





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

April 22, 2003

JAMES ALLEN HOOK
3618 S MARSH CREEK RD
MC CAMMON ID 83250

Re: Water right Nos. 29-13415.

Dear Mr. Hook,

Thank you for returning your notice of error for the above referenced water right. In it you expressed disagreement of the recommendation of "no lawful appropriation" and the number of acres that was being irrigated. You also provided additional evidence dated September 7, 1993 showing evidence of survey markers for Indian Allottee lands and included a plat map.

My comments in response to your concerns are the following:

1. The number of acres shown on the preliminary recommendation reflects what either you or the previous owner claimed. If you own or irrigate substantially less than the claimed amount as you indicated, then the acreage may be adjusted to acres irrigated as of 1987, the year the Snake River Basin Adjudication commenced. For your convenience, I have included a copy of an infrared aerial photo taken in 1987. Tax lot data for Bannock County shows that you own approximately 13 acres west of Marsh Creek.
2. Review of the file shows field notes from IDWR Adjudication Agent Cindy Bird. Ms. Bird noted a conversation in regards to irrigation mainline and that it was removed in or around the year 2000. No other form (s) of irrigation past or present was noted upon the property.
3. The file also contains a copy of a "Deed to Restricted Indian Land," dated February 23, 1951. The purpose of the deed was conveyance of the property from the Ellsworths to Walter Hayden. In the deed, there is a provision that reserves lands granted for a "right-of-way thereon of ditches or canals constructed by authority of the United States." In addition, this and other file data references your property as being a portion of original Indian Allotment lands. Specifically, Allottee Number 35, Yah-man-zo-nah.
4. Based upon the information provided, it appears that your property was irrigated from waters of Marsh Creek prior to 1990 by sprinkler irrigation and perhaps prior to February 23, 1951 by conveyance of water through a ditch or canal constructed under the authority of the United States. Since it appears that waters of Marsh Creek was used prior to May 20, 1971, irrigation from Marsh Creek may be claimed on the basis of beneficial use. The priority date for this

recommendation would be February 23, 1951 based upon evidence provided. I have included a revised recommendation of water right 29-13415 to reflect these changes. However, if evidence is provided that proved the conveyance or diversion of surface waters of Marsh Creek prior to this date, then the priority date may be revised accordingly. Additional evidence to this effect may be provided to IDWR prior to compilation of the Directors Report. The Directors Report is scheduled to be sent to the adjudication court on July 1, 2003. Thereafter, all basin 29 claims will be under review of the adjudication court. New or additional information would require communication directly with the court.

5. The fact that the lands were allottee lands originally owned by an Indian may allow you the opportunity to claim the reserved water right priority date for Indian Allotments specifically for the water right for springs (29-13417). Should you decide to do this, you would need to submit an "amended claim to a water right." For your convenience, I have included an amended claim for this spring fed water right. You must sign it in the presence of a Notary Public and return to our office. Thereafter it will be reviewed by our State Attorney Generals representative prior to recommendation.

If you have any questions in this regard, please feel free to call me at 525-7161.

Sincerely,



W. Roger Warner
Adjudication Agent

Enclosure: Layout for Water right claim 29-13415
 Revised Recommendation for claim No. 29-13415
 Amended claim for water right Nos. 29-13417.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	James Allen Hook	3618 S. Marsh Crk Rd				
Name connector: and _____, or _____, and/or _____						
Current Owner		McLammon, ID	83250			
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Jim Hook Phone Number: 254-9266Relationship to Claimant: new property owner. 251-4238 cellDate of Field Exam: 9-4-02 Time: 5:30pm

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

Need ownership change form (signed)

10/25/02 called Ernie and asked him to
split this right. Gwint Jennifer and
have her make new folders and b.c. to me.
Ask Allen to bring them down next
week.

See right 29-13415 for ownership
change information

- purchased property 12-17-1993
14.6 acres total from Survey map
recently married - wife added?

Reviewer: CBDate: 11/18/02

Priority Date Data Entry Form

Claim Number: A29-04162 29-13417
Water Right Priority Date: 04-01-1909 Water Right Basis: statutory claim
Claimed Priority Date: 1-1-1909 Claimed Basis: Beneficial Use
Recommended Priority Date: _____ Recommended Basis: _____

☐ 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 reg'd - evidence for 7-24-59

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A29-04162

Water Right Point of Diversion: T 8, R 36, Sec. 22, NW, SW. County: Bannock

Source: Spring Tributary: Marsh Creek

Claimed Point of Diversion: T 8S, R 36E, Sec. 22, NW, SW. County: Bannock

Source: Spring Tributary: Marsh Creek

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

_____ Use Claimed POD and Source as Recommended POD and Source

Twps	Rgs	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? _____

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

Matches original statutory claim

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A29-04162☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
8S	36E	22	NESW		Bannock		35	Irrigation
		22	NWSW		"		10	
Total Acres							45	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
8S	36E	22	NESW		Bannock			Irrigation
Total Acres								

Document how the POU was verified:

original statutory claim - 25 acres NESW Sec. 22
 claimed 35 acres NESW.
 10 - NW SW.

When did change occur?

Transfers Changing POU _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: A29-04162 29-13417☐ 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			80	

29-4162

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			45	

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number:

A29-04162☐ 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	1.60	

Overall Diversion Rate

1.60

Overall Diversion Volume

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1	0.90	

Overall Diversion Rate

0.90

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

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

Overall Diversion Rate

Overall Diversion Volume

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

Reviewer:

Date:

Claim No.: _____

Summary Data Entry Form

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

P21 ELP REMARK Former right 29-4162
C18 Gen Cond.

Split or Combined Right Analysis:

Previous 29-4162

Attached Field Notes or Other Documents:

Claim No.:

Reviewer _____

Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Jim Hook
3618 South Marsh Creek Road
McCammon, Idaho 83250

October 1, 2002

REF: Snake River Basin Adjudication (SRBA)
Adjudication No. A29-04161A and A29-04162

Subject: Change in Ownership

Dear Claimant(s),

Please find enclosed the notice of change in water right ownership. In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked and a copy of the warranty deed.

Please fill out the appropriate highlighted areas on the notice of change in water right ownership form and submit with the necessary documents.

Please submit the documentation by **October 15, 2002**, referencing **all documents with the corresponding Notice number.** If you have any questions not covered by this letter please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau



Enclosure: form 42-248/42-1409(6) "Change in Water Right Ownership"



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID 29 4162
POD ID 202651
Quad McCammon
Claim Type L
Easting 644148
Northing 180384
GPSID A0012659

Diversion Description

SETTLING POND TO GRAVITY SPRINKLER LINE TO SPRINKLER SYSTEM. Spring currently diverted away from pipeline. Spring flow dissappears into ground. Old system flows into screened 8" pipe , thence to 3" pipe to sprinklers. Calc. Flow w. 6 ft head on 3" orifice.

Assumptions

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

POD ID 202651 01.JPG

POD ID 202651 03.JPG

Photos

POD ID 202651 02.JPG

EPE (ft)

EPE=17 ft. (ho

Date (M/D/Y)

10/9/01

Time

10.00

Flow Rate (CFS)

0.56901045291228

Invoice #

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 0.25

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

6

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description

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

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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



CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

Telephone No. 259-3368

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1909

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

unnamed spring tributary to Marsh Creek

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day)

(Mo., Day)

Quantity 1.6 cfs Use irrigation Period of Use From 4/1 To 11/1

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(4) 1.6 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SW ¼, Sec. 22 Twp. 8S Rge. 36E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Settling pond to 8" gravity sprinkler line to sprinkler system. This water as formerly taken from a ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 80

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

MICROFILMED

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

RECEIVED

APR 03 1995

Department of Water Resources

My Grandfather homesteaded down on some land close to my property. He has told me about the water being used to irrigate from the springs and also a ditch from the Marsh Creek. He homesteaded in the 1920's.

We have lost all of our records & abstract deed in a house fire.

The information I have sent is all that I can find.

RECEIVED

APR - 6 1995

Department of Water Resources
Eastern District Office

Donald K. Hall

RECEIVED

APR 13 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

November 1, 1990

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

NOV - 9 1990

Zella Hall and Rea Goodenough
4471 S. Marsh Creek Rd.
McCammon, ID 83250

RE: Snake River Basin Adjudication (SRBA)
Bannock County - Claim #A29-04162

Department of Water Resources
Eastern District Office

Dear Claimants:

We are forwarding to you a computer-generated copy of the Notice of Claim #A29-04162 which you filed for your property in Bannock County. During review we discovered an error in the description of the place of use. We determined that your original claim had listed the range as 22 east (which is near Rupert) for the legal description of the place of use (see Item #10) when in fact it should have read range 36 east. This error has been corrected and the enclosed corrected copy is for your files.

Please review the claim carefully (we have highlighted the correction), and contact us within 30 days if there is a question on this or any other item of the claim.

Sincerely,

John D. Carlson

John D. Carlson
Adjudication Supervisor

JDC:ALB:sf:state:east

Enclosures:

Copy of Claim #A29-04162

MICROFILMED
NOV 13 1992

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

CIVIL CASE NUMBER: 39576

Ident. Number 29-13417
 Date Received: 10/25/2002
 Receipt No:
 Received By:

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

1. Name of Claimant(s)

JAMES ALLEN HOOK Phone: (208) 254-9266

3618 S MARSH CREEK RD
 MC CAMMON ID USA 83250

2. Date of Priority: 04/01/1909 June 14, 1867

3. Source: SPRING Trib. to: MARSH CREEK

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
 08S 36E 22 NW NW SW BANNOCK

RECEIVED
 MAY 06 2003
 Department of Water Resources
 Eastern Region

5. Description of diverting works:

SETTLING POND TO GRAVITY SPRINKLER LINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.9	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	36E	22	NE	SW	IRRIGATION	35.12
			NW	SW	IRRIGATION	10.1

Section Acres 45 13
Total Acres 45 13

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4162

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 X 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): Charles Allen Hook Date: 05-01-03

Deborah L Hook Date: 05-01-03

State of Idaho)
County of BANNOCK) SS.

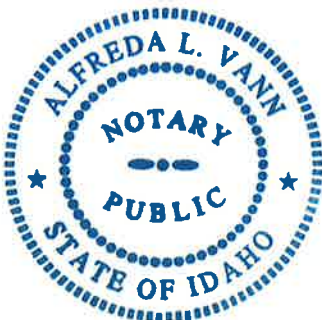
Subscribed and sworn (or affirmed) before me this
of MAY 2003

1st DAY
Alfreda L. Vann

Notary Public

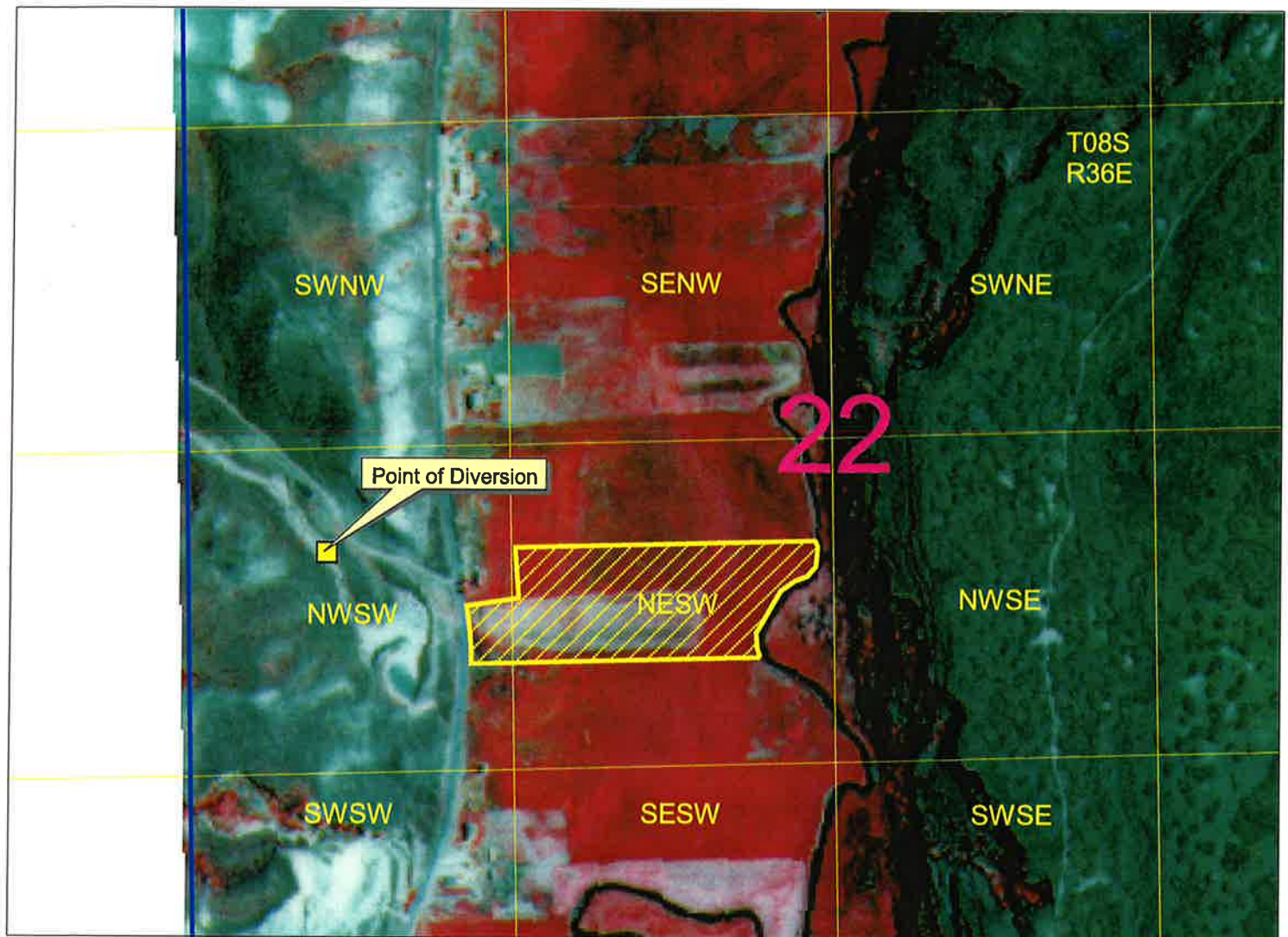
Residing at POCATELLO IDAHO

My commission Expires 06/08/06



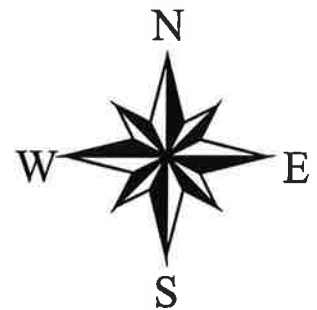


State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-13417



0.1 0 0.1 0.2 Miles

Irrigated Acres = 13



-  **Diversion.shp**
-  **Place of use.shp**
-  **Sections**
-  **QQ**

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: January, 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13417 V1

WATER RIGHT NUMBER: 29-13417 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	REA GOODENOUGH 4471 S MARSH CREEK RD MC CAMMON, ID 83250 (208)254-3145
Original Owner	ZELLA L HALL 4471 S MARSH CREEK RD MC CAMMON, ID 83250 (208)254-3145
Current Owner	JAMES ALLEN HOOK 3618 S MARSH CREEK RD MC CAMMON, ID 83250 (208)254-9266

Priority Date: 04/01/1909

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.260 CFS	
	<u>Total Diversion:</u>	0.260 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NW1/4SW1/4	Sec. 22, Twp 08S, 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	
08S	36E	22									12.0	1.0							13.0

Total Acres: 13

Conditions of Approval:

1. C18 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.

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4162.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13417 V1

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/18/2002 3:00:40 PM	cbird			Active
POD	11/18/2002 4:03:53 PM	cbird			Active
POD	1/17/2003 11:39:03 AM	rwarner			Active
Source	1/17/2003 11:39:45 AM	rwarner			Active
POU	1/17/2003 12:01:31 PM	rwarner			Active
Use	1/17/2003 12:01:52 PM	rwarner			Active
Season	1/17/2003 12:02:41 PM	rwarner			Active
Quantity	1/17/2003 12:03:52 PM	rwarner			Active
Summary			01/17/2003	rwarner	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/17/2003 11:39:03 AM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13417 V1

Source	1/17/2003 11:39:46 AM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field visit by C. Bird.
POU	1/17/2003 12:00:46 PM	rwarner	Edited PLS
Summary	1/17/2003 12:05:20 PM	rwarner	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right?
POU	1/17/2003 12:00:34 PM	rwarner	Edited shape boundary
POU	1/17/2003 12:01:31 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - field visit by C. Bird
Use	1/17/2003 12:01:52 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/17/2003 12:02:41 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13417 V1

Quantity	1/17/2003 12:03:52 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	11/18/2002 3:00:40 PM	cbird	(No) 1. Do you want to schedule an appointment? Comment for 1: FIELD EXAM 9-4-02 ACCOMPANIED BY JIM HOOK.
POD	11/18/2002 4:03:52 PM	cbird	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit?

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 29-13417
Date Received: 10/25/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

REA GOODENOUGH Phone: (208)254-3145
4471 S MARSH CREEK RD
MC CAMMON ID USA 83250

ZELLA L HALL Phone: (208)254-3145
4471 S MARSH CREEK RD
MC CAMMON ID USA 83250

2. Date of Priority: 04/01/1909

3. Source: SPRING Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	22	NW NW SW	BANNOCK	

5. Description of diverting works:

SETTLING POND TO GRAVITY SPRINKLER LINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.9	

7. Total Quantity Appropriated is:
0.9 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
----------	-------	---------	----------------	-----	-------

A2913417



08S	36E	22	NE	SW	IRRIGATION	35
			NW	SW	IRRIGATION	10
					Section Acres	45
					Total Acres	45

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-4162

15. Basis of Claim: Beneficial Use

Bannock County, Idaho

INSTRUMENT No. 322075

WARRANTY DEED

This Indenture, Made this 27th day of April in the year of Our Lord
One Thousand Nine Hundred and fifty-seven, between

WALTER HAYDEN and DELSA HAYDEN, husband and wife,
of Pocatello, County of Bannock, State of Idaho, the parties of the
first part, and
CLARK L. HUBBARD and MARY J. HUBBARD, husband and wife,
of Hamilton, County of Ravalli, State of Montana, the parties of the
second part:

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

TEN AND NO/100 DOLLARS,
lawful money of the United States of America, which other money of the second part, the receipt whereof
is hereby acknowledged, do hereby grant, bargain, sell and convey unto said parties of the second part, and to their heirs and assigns forever: All to one certain
lot or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particu-
larly described as follows, to wit:

The Southeast quarter of the Northeast quarter, Section 28,
Township 8 South, Range 36 East of the Boise Meridian, and
that portion of the Southwest quarter of the Northwest quarter
of Section 27, Township 8 South, Range 36 East of the Boise
Meridian, lying West of the center line of Marsh Creek, ex-
cepting road and ditch rights of way.

The North half of the Southwest quarter of Section 22, the North-
west quarter of the Northwest quarter and that portion of the
Northeast quarter of the Northwest quarter lying West of the
Marsh Creek, in Section 27, all in Township 8 South, Range 36
East of the Boise Meridian, Bannock County, Idaho.

Together with all water, water rights, ditch and canal rights
appurtenant thereto belonging or in anywise appertaining. Together
with all water springs situated on the described lands and to the
waters therefrom.

(U. S. I. N. S. \$27.50 Attached to Deed and cancelled.)

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

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto inci-
dent, unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the
first part and their heirs warrant the said premises in the quiet and peaceable possession of
the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs and
against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these pre-
sents for ever 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

Walter Hayden (SEAL)

Delsa Hayden (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

ss.

County of BANNOCK

On this 27th day of April, in the year 1957, before me, Wesley F. Merrill
a Notary Public in and for said County and State, personally appeared CLARK L. HUBBARD and MARY J. HUBBARD,
husband and wife,

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

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

(Notarial Seal)

Wesley F. Merrill
Notary Public
Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of H.T.A. GO...
in book 120 of records at page 18... o'clock P.M., this 7th day of May A.D. 1957.
Per. \$1.50 Sarah Dagnoney Ex Officio Recorder By Deputy.

42961

34720

Warranty Deed

THIS INDENTURE, Made the

HARRY M. ANDERSSON and VERA S. ANDERSSON

PAUL WERNSTEDT CARL WERNSTEDT PAUL WERNSTEDT

Idaho • State of

of the first part, for and in consideration of the sum of

in hand paid by the bank for 100

of their persons, goods, baggage, soil and contents and

detected as follows, is as:

Section 26, Township 8 South Range 26 East
The Southeast Quarter of the Northeast Quarter of

Quarter of the Northwest and the Southwest

lying west of the center line of Marsh Creek, except in

Also the North of the Southwest Quarter of Section

that portion of the Northeast quarter of the Northwest

Next day, Barnock County, Idaho.

Together with all water, water rights, ditch and canal

together with all water springs situated on the described lands and to the water thereon.

... ..

Figure 1 consists of two panels, (a) and (b), each showing a scatter plot of the number of correct responses (Y-axis) versus the number of trials (X-axis). Panel (a) shows a linear relationship, with data points following a straight line. Panel (b) shows a non-linear relationship, with data points following a curve that increases at an increasing rate.

10 10

01 01

...the

AND TO HOLD, all and singular, the said premises, together with the appurtenances and

the first part, and their help

STROY STROY

WHEREOF, THE said part 108 of the first part 100 is hereunto set forth.

Presented in the Presence of

Handwritten signature: *James M. Smith*

347200

to the year 19 59 I believe me
in and for said County and State, heretofore approved
a Notary Public
HARRY W. ANDERSON and VEDA S. ANDERSON husband and wife

be the person whose name 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, this day and year in this commission

Notary Public
JULIUS M. BROWN
Residence and P. O. Address
Riverside, Wayne County, Michigan
My Commission Expires March 14, 1961

347200

RECORDED & RETURNED
B.T. CO.

AUG 7 3 13 PM '59
JUL 14 1959
SARAH M. BROWN
JUL 14 1959

WARRANTY DEED

347200

TO

Dated _____ 19 59

STATE OF IDAHO

County of _____

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 59

in my office and duly recorded in Book _____ of Deeds at _____

Ex-Officio Reader

By _____ Deputy

For _____

642

RECEIVED

APR 03 1995

Department of Water Resources

INSTRUMENT NO. 301793

THE UNITED STATES OF AMERICA
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Reissue. 5700 R. 132300-15. I.O. 3. 4-1067.

WHEREAS, a schedule of allotments of land by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Yah-man-to-nah, an Indian of the Fort Hall Reservation, has been allotted the following-described land:

The North half of the southwest quarter of Section twenty-two in Township Eight South of Range Thirty-six east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW KNOW YE, That the UNITED STATES OF AMERICA in consideration of the premises, and in accordance with the provisions of the Act of Congress of February 23, 1875 (20 Stat., 688) HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Yah-man-to-nah and to her heirs, the lands above described:

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, then and hereafter existing, unto the said Yah-man-to-nah and to her heirs forever, with the provision that the title hereby acquired shall not be subject to alienation, or incumbrance, either by voluntary conveyance of the grantee or her heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued in liquidation of a debt dated May 3, 1902.

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

GIVEN under my hand, at the City of Washington, the TWENTY-SECOND day of JANUARY in the year of our Lord One Thousand nine hundred and SIXTEEN and of the Independence of the United States the one hundred and FORTIETH.

Jan 22, 1916,

(SEAL)

By the President:

Woodrow Wilson,

By A. K. Gulick, Assistant Secretary

L. Q. C. Lamar Recorder of the General Land Office.

RECORDED: Patent Number 300476

RECORDED AUG 2 1954, 3:00 P.M., In Book 118 of Deeds, Page 442, 1800 FC OF SAN JOSE CO. N.Y.
STATE OF IDAHO, at request of B. T. A. Co.

SARAH DEVANEY, Recorder

Fee \$1.35

(Sarah Devaney, Recorder

Fee \$ 1.50

INSTRUMENT NO. 301057

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRSLt & A
21570-505-183
(January 1947) FHX-2.3Land being conveyed was
allotted to Yah-man-zo-nah
Allottee No. 35

DEED TO RESTRICTED INDIAN LAND

THIS INSTRUMENT, Made and entered into this 23rd day of February, one thousand nine hundred and Fifty One, by and between Elmer Ellsworth, a widower, Donner Bernard Ellsworth and Evelyn Mae George Ellsworth, his wife, of Fort Hall, Idaho Enrolled Indians, parties of the first part, and Walter Hayden of Route #1, South, Pocatello, Idaho, party of the second part:

WITNESSETH, That said parties of the first part, for and in consideration of the sum of THIRTY EIGHT HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$3,825.00) dollars, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto said party of the second part the following-described real estate and premises situated in Bannock County, State of Idaho on the Fort Hall Indian Reservation, to-wit:

Allotment Number 35
N/2 SW/4, Sec. 22, T 8 S, R 36 EBM, Idaho. Containing 80 acres.

Provision: "And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by authority of the United States".

with all the improvements thereon and the appurtenances thereunto belonging. And the parties of the first part, for themselves and their heirs, executors, and administrators do hereby covenant, promise, and agree to and with the said party of the second part his heirs and assigns, that they will forever warrant and defend the said premises against the claim of all persons, claiming or to claim by, through, or under them only.

To have and to hold said described premises unto the said party of the second part, his heirs, executors, administrators, and assigns, forever.

IN WITNESS WHEREOF, That said parties of the first part have hereunto set their hands and seals the day and year first-above written.

WITNESSES:
Helen E. Cutler
Adrian S. McOmber

Elmer Ellsworth
ELMER ELLSWORTH, a widower (SEAL)

Donner Bernard Ellsworth
DONNER BERNARD ELLSWORTH (SEAL)

Evelyn Mae George Ellsworth
EVELYN MAE GEORGE ELLSWORTH (SEAL)
his wife,

Acknowledgments must be in accordance with the forms prescribed by the State in which the land is situated.

STATE OF IDAHO,)
COUNTY OF BANNER) ss.

BE IT REMEMBERED, That on this 26th day of Feb., A.D. 1951, before the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Elmer

INSTRUMENT NO. 85633*

This Indenture, Made the 20 day of July, in the year of our Lord One Thousand Nine Hundred and Twenty-one, between Thomas Lavatta and Therese Lavatta, husband and wife, of Pocatello, County of Bannock, State of Idaho, the part 1st of the first

of Pocatello, 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 Seven Thousand Dollars, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged 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 the 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:

Southeast quarter of Northwest quarter, Northeast quarter of Southwest quarter, Southeast quarter of Southwest quarter of Section Twenty-seven and Northwest quarter of Northwest quarter of Section Thirty-four in Township eight South, of Range Thirty-six East of Boise Meridian, Idaho, according to Official Plat of Survey of said lands returned to General and Office by Surveyor General. Together with all the water rights appurtenant thereto.

NW 34?

\$1.00 I.R.S. attached and duly canceled.

Together with, all and singular, the tenements, hereditaments and appurtenances therunto belonging or otherwise appertaining, and the rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said part - of the first part. TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges therunto 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 their heirs and assigns, in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend. IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

(NAME) Wm. Edens	Thomas Lavatta (SEAL)
(NAME)	Therese Lavatta (SEAL)
(NAME)	(SEAL)
(NAME)	(SEAL)

STATE OF IDAHO,)
County of Bannock) ss.

On this 20th day of July, 1921, in the year 1921, before me, William Edens, Notary Public in and for said County, personally appeared Thomas Lavatta and Therese Lavatta, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Notarial Seal) William Edens, Notary Public
Residing at Pocatello, Idaho.

I hereby certify that this instrument was filed for record at the request of Wm. Edens at 01 minutes past 3 o'clock P. M. this 22 day of July, A.D. 1921 Book 42 of Deeds page 516.

R. C. Earley
Ex-Officio Recorder.

Sarah Devaney, Recorder

Fee \$ 1.50

INSTRUMENT NO. 301057

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRSLt & A
21570-505-183
(January 1947) FHX-2.3Land being conveyed was
allotted to Yah-man-zo-nah
Allottee No. 35

DEED TO RESTRICTED INDIAN LAND

THIS INSTRUMENT, Made and entered into this 23rd day of February, one thousand nine hundred and Fifty One, by and between Elmer Ellsworth, a widower, Donner Bernard Ellsworth and Evelyn Mae George Ellsworth, his wife, of Fort Hall, Idaho Enrolled Indians, parties of the first part, and Walter Hayden of Route #1, South, Pocatello, Idaho, party of the second part:

WITNESSETH, That said parties of the first part, for and in consideration of the sum of THIRTY EIGHT HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$3,825.00) dollars, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto said party of the second part the following-described real estate and premises situated in Bannock County, State of Idaho on the Fort Hall Indian Reservation, to-wit:

Allotment Number 35
N/2 SW/4, Sec. 22, T 8 S, R 36 EBM, Idaho. Containing 80 acres.

Provision: "And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by authority of the United States".

with all the improvements thereon and the appurtenances thereunto belonging. And the parties of the first part, for themselves and their heirs, executors, and administrators do hereby covenant, promise, and agree to and with the said party of the second part his heirs and assigns, that they will forever warrant and defend the said premises against the claim of all persons, claiming or to claim by, through, or under them only.

To have and to hold said described premises unto the said party of the second part, his heirs, executors, administrators, and assigns, forever.

IN WITNESS WHEREOF, That said parties of the first part have hereunto set their hands and seals the day and year first-above written.

WITNESSES:

Helen E. Cutler
Adrian C. McOmber

Elmer Ellsworth
ELMER ELLSWORTH, a widower (SEAL)

Donner Bernard Ellsworth
DONNER BERNARD ELLSWORTH (SEAL)

Evelyn Mae George Ellsworth
EVELYN MAE GEORGE ELLSWORTH (SEAL)
his wife,

Acknowledgments must be in accordance with the forms prescribed by the State in which the land is situated.

STATE OF IDAHO,)
COUNTY OF BINGHAM) ss.

BE IT REMEMBERED, That on this 26th day of Feb., A.D. 1951, before the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Elmer

642

N 1/2 SW

Sec. 22

RECEIVED

APR 03 1995

Department of Water Resources

INSTRUMENT NO. 301793

THE UNITED STATES OF AMERICA
TO ALL TO WHOM THESE PRESENTS SHALL COME, THE TIMES
Reissue. 5740 2. 132300-1A. I.C. 3. 4-1067.

WHEREAS, a schedule of allotments of land by the Secretary of the Interior has been deposited in the General Land Office, whereby it appears that Yah-man-zo-nah, an Indian of the Fort Hall Reservation, has been allotted the following-described land:

The North half of the southwest quarter of Section twenty-two in Township Eight South of Range Thirty-six east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW KNOW YE, that the UNITED STATES OF AMERICA in consideration of the premises, and in accordance with the provisions of the Act of Congress of February 22, 1887 (Stat., 688) HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Yah-man-zo-nah and to her heirs, all the lands above described:

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, then unto belonging, unto the said Yah-man-zo-nah and to her heirs forever, with the provision that the title hereby acquired shall not be subject to alienation, or incumbrance, either by voluntary conveyance of the grantee or her heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President may see fit to remove the restriction. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued in lieu of one dated May 13, 1903.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the TWENTY-SECOND day of JANUARY in the year of our Lord One Thousand nine hundred and SIXTEEN and of the Independence of the United States the one hundred and FORTIETH.

(SEAL)

By the President:

Woodrow Wilson,

By A. K. Gulick, Assistant Secretary

L. E. C. Luntz Recorder of the
General Land Office.

RECORDED: Patent Number 301796

RECORDED AUG 2 1934, 3:09 P.M., In Book 118 of Lands, Page 642, 1900 TO OF LAPOCK COUNTY,
STATE OF IDAHO, at request of B. T. A. Co.

SARAH DEVAHEY, Recorder

See p. 1.25