

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 29 2016

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Earl Roberts and Mary Roberts Phone (435)764-0524

2. **MAILING ADDRESS** 1387 E 1800 S City Preston

State ID Zip 83263 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 13-7940

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.02 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE	SW	12	16S	40E	Franklin	Spring	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Spring box piped to property.

- b. Who owns the property at the point(s) of diversion? James and Kathy Allen Revocable Trust
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
This transfer seeks to fix a licensing error. the Point of diversion has always been in the NESESW.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer_Application/Layouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Earl Roberts
Signature of applicant or authorized agent

Earl Roberts
Print name and title if applicable

6-27-16
Date

Mary Roberts
Signature of applicant or authorized agent

Mary Roberts
Print name and title if applicable

6-27-16
Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov/Water Right Transfers, Step 4](http://www.idwr.idaho.gov/Water_Right_Transfers/Step-4) and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____
Fee paid 200- Date 6/29/16 Received by sc Receipt # E042229
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/27/2016

WATER RIGHT NO. 13-7940

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EARL R ROBERTS
Current Owner	MARY EVA ROBERTS 1387 E 800 S PRESTON, ID 83263 (435)764-0524
Original Owner	MARGARET L GESSEL 515 SOUTH 100 WEST LOGAN, UT 84321 (435)752-5874

Priority Date: 04/20/2015

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

SPRING Beginning of Stream Flow|SENESEW|Sec. 12|Township 16S|Range 40E|FRANKLIN County

81026

Place(s) of use:

Place of Use Legal Description: DOMESTIC FRANKLIN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16S	40E	12		NESW										

Conditions of Approval:

- | | |
|-------|--|
| 1.01P | Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion. |
| 2.071 | The domestic use authorized under this right shall not exceed 13,000 gallons per day. |
| 3.WB5 | Domestic use is for culinary use at a recreation site and does not include lawn, garden, landscape, or other types of irrigation. |

Dates:

Licensed Date: 05/19/2016

Decreed Date:

Permit Proof Due Date: 6/1/2016

Permit Proof Made Date: 5/5/2016

Permit Approved Date: 6/1/2015

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 04/20/2015

Protest Deadline Date: 05/26/2015

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: And

Water District Number: 13A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

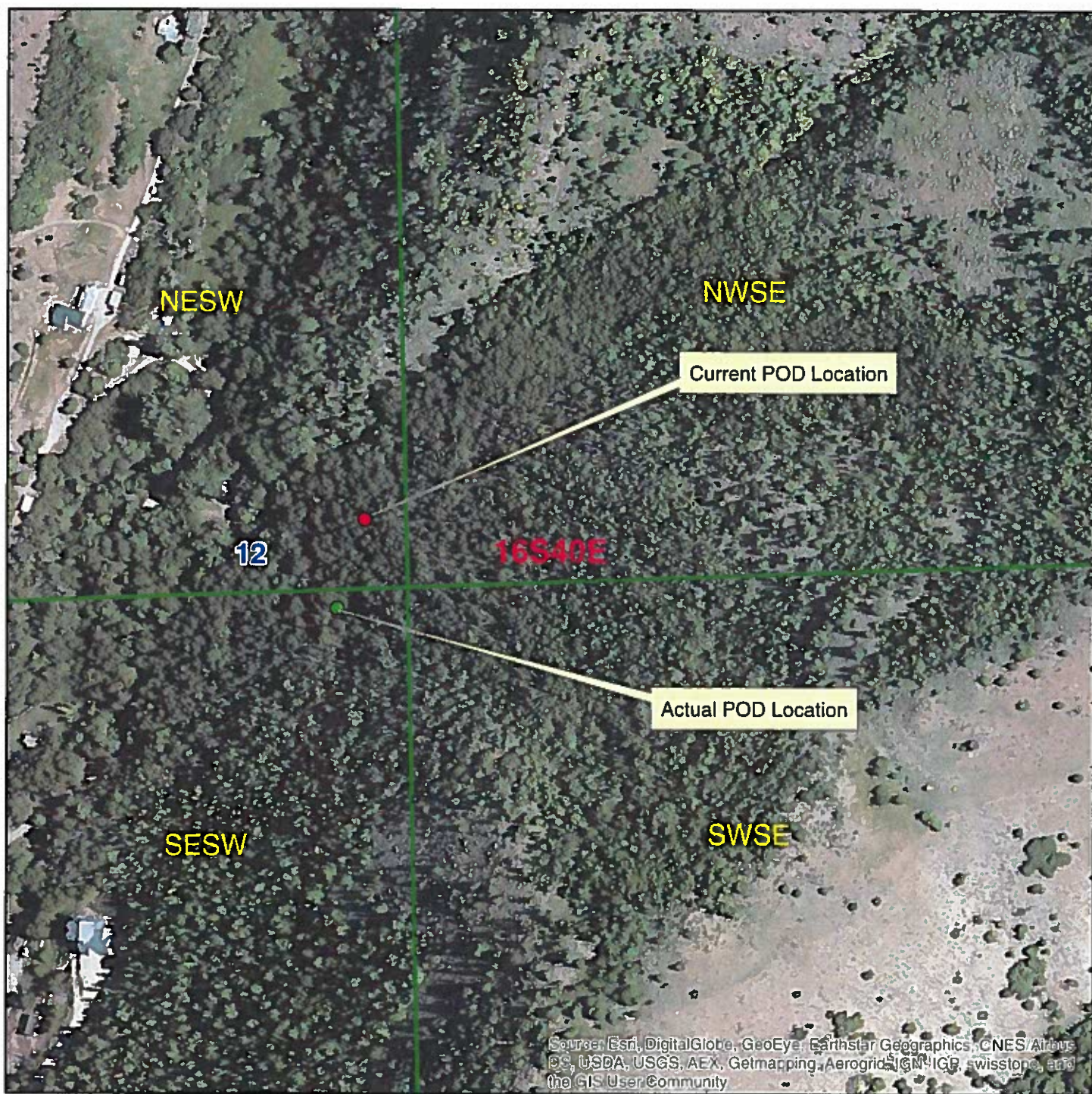
DLE Act Number:

81026

Cary Act Number:
Mitigation Plan: False

Close

81026



0 130 260 520 Feet

1 inch = 266 feet

- Township/Range
- Sections
- QQ

81026



175019

WARRANTY DEED

Recorded at the recorder's
MAR 23 1987
CORRIE L. KELLER, RECORDER
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

LEONARD B. LUND,

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

LEONARD B. LUND as the first Trustee and KNUTE EDWARD LUND, RHEA JOAN L. SCHENK and MARGARET MARIE L. GESSEL as the successor Trustees appointed in the LEONARD B. LUND FAMILY TRUST dated

whose current address is

LEONARD B. LUND FAMILY TRUST
c/o Leonard Lund
1504 East 400 South, Preston, ID 83263

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

See Exhibit "A" attached hereto.

THE SUCCESSOR CO-TRUSTEES SHALL HAVE ALL RIGHTS TO TRANSFER OR ENCUMBER THE PROPERTY HEREIN SET FORTH.

THE SUCCESSION OR CHANGE OF TRUSTEE MAY BE EVIDENCED BY DEED OR AMENDMENT TO TRUST AGREEMENT OR AFFIDAVIT OF DEATH.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED:

3/13/87

Leonard B. Lund
LEONARD B. LUND

STATE OF IDAHO

County of Franklin

On this 13th day of March, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared LEONARD B. LUND, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Notary Public for State of Idaho
Residing at Preston, Idaho
Comm. Expires: 8/6/88

used fence lines
→ 5 acres @ 500.00 an acre from Father Leonard B. Lund.
Tim Christensen from Hudson confirmed fence line and property description discrepancies. Personally visited proper

paid 500.00 per acre. \$2500.00 to Leonard

81026

EXHIBIT "A"

Situate in Franklin County, Idaho

Township 15 South, Range 39 East of the Boise Meridian

Section 25: S1/2SE1/4NE1/4

Beginning at a point 1300 feet West of Southeast corner of SE1/4 of Section 25, thence North 412 feet, thence East 752 feet, more or less to the West bank of Spring Creek, thence in a Southerly direction along the West bank of Spring Creek 412-1/2 feet, more or less, to a point due East of the point of beginning, thence West 752 feet, more or less, to the point of beginning.

Commencing at Northeast corner NE1/4 of Section 25, running thence West 80 rods, thence South 40 rods, thence East 80 rods, thence North 40 rods to place of beginning.

ALSO, commencing at Southwest corner NE1/4SE1/4 Section 25, running thence North 80 rods, thence East 43 rods, thence South 15 rods, thence East 24 rods, thence South 43 rods, thence Southwest crossing Spring Creek and following the said Spring Creek on the West side to a point due East of point of beginning, thence West to point of beginning.

Township 16 South, Range 40 East of the Boise Meridian

Section 1: S1/2SE1/4; Also, commencing at a point 332 feet East of the Northwest corner of SE1/4SW1/4 of Section 1, and running thence East 988 feet, thence South 1320 feet, thence West 1320 feet, thence North 938 feet, thence Northeast 268 feet, more or less, to point 289 feet South and 269 feet East from Northwest corner of SE1/4SW1/4 Section 1, thence North bearing East 289 feet to place of beginning.

Section 12: N1/2SW1/4, NE1/4NE1/4, E1/2NW1/4

LESS THE FOLLOWING: Beginning at the Southeast corner of the NE1/4SW1/4 of Section 12, Township 16 South, Range 40 East, Boise Meridian; thence North 440 feet; thence West 455 feet, more or less, to the center of the Canyon Road; thence in a Southerly direction along the center of the Canyon Road to a point where the Canyon Road intersects with the South boundary of the NE1/4SW1/4; thence East 545 feet, more or less, to the Place of Beginning.

Subject to easements for roads, ditches and transmission lines as the same now exist.

Title:

Date: 03-22-2016

Scale: 1 inch = 330 feet

File: GESSEL #2841.01.des

+Tract 1: 5.051 Acres: 220000 Sq Feet: Closure = s88.5026w 0.00 Feet: Precision >1/999999; Perimeter = 1889 Feet
 Tract 2: 0.494 Acres: 21515 Sq Feet: Closure = n55.1620w 0.00 Feet: Precision =1/138392; Perimeter = 653 Feet
 Tract 3: 4.314 Acres: 187916 Sq Feet: Closure = s48.2824w 0.01 Feet: Precision =1/199632; Perimeter = 1828 Feet
 Net Area= 5.051 Acres: 220000 Sq Feet

001=/SE,NE,SW,12,16S,40E

002=N0E 440

003=N90W 455

004=s11.3336w 449.11 ?

005=N90E 545

006=@0+ 204728

007=/NW,SE,12,16S,40E

008=/S.2307E 1352.71

009=/N.2307E 537.66

010=N89.3653W 203.86

011=S11.3526W 7.35

012 R.L.R. 215.66, Arc 75.89, Delta 20.1121
 Bng S21.4106W, Chd 75.49

013=S31.4647W 23.56

014=S89.3653E 244.99

015=N.2307E 97.66

016=@0+ #2841.01

017=/NW,SE,12,16S,40E

018=/S.2307E 1352.71

019=N.2307E 537.66

020=N89.3653W 203.86

021=S11.3526W 7.35

022 R.L.R. 215.36, Arc 75.89, Delta 20.1121
 Bng S21.4106W, Chd 75.49

023=S31.4647W 166.12

024=S22.1127W 82.14

025=S38.5144W 171.86

026 L.L.R. 84.05, Arc 56.7, Delta 38.3910
 Bng S19.3209W, Chd 55.63

027=S.1233W 48.6

028=S88.0225E 31.65

029=S69.1838E 39.82

030=N89.1229E 405.9

Margaret purchased 5.051 acres from her father Leonard B. Lund
 march 23 1987, walking the fence lines.

Due to the lack of Leonard B. Lunds understanding and of
 land discription and recording practices, he did the best
 he could to deed over property according to fence line
 boundries that had been in place and used as boundry
 lines for years, that now with the survey changed
 said discriptions and shorted Margaret land from
 5.051 acres to 4.31 acres and put the spring on
 the other property owners said land. The fence line
 however did not change and shows the spring on
 margarets property. The fence has grown into the trees
 Margaret is

COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of J. W. Larson at 3:40 P.M. January 19, 1942.

Fee: \$1.40

C. L. Swenson, Ex-Officio Recorder

By James J. Swenson DeputyComptroller
of Public Lands

Inst. No. 64546

WARRANTY DEED

THIS INSTRUMENT, Made this 19 day of January in the year of our Lord one thousand nine hundred and 42 between E. C. Eaker, a widower of Franklin County of Franklin State of Idaho the party of the first part, and Charley Lund of Preston County of Franklin State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of one dollar and other valuable consideration lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

The East half of Lot Six (6) in Block Sixteen (16) as shown on the plat of Franklin City, Franklin County, State of Idaho and particularly described as follows:

Beginning at the Southeast corner of said lot six (6) Block sixteen (16), and running thence North twenty (20) rods; thence East five (5) rods, to the place of beginning, containing one hundred (100) square rods, and further described as being in section twenty (20), Township sixteen (16) South, Range 40 (40) East of the Boise Meridian, in Idaho.

The South half of the Southeast quarter and the Southeast quarter of the Southwest quarter of section one (1) and the Northeast quarter of the Northeast quarter of Section Twelve (12), in Township sixteen (16) South, Range Forty (40) East of Boise Meridian in Idaho, containing one hundred and sixty acres. Also the East half of the North west quarter of Section Twelve (12) in Township sixteen (16) South of Range Forty (40) East of Boise Meridian in Idaho, containing Eighty (80) acres. Also all the North half of the Southwest quarter of Section Twelve (12) Township sixteen (16) South of Range Forty (40) East of Boise Meridian, containing Eighty (80) acres, more or less.

Together with 15 shares of capital stock of the Franklin Maple Creek Pioneer Irrigation Company. Also together with all other water rights appendant or appurtenant thereto or used thereon.

Together with all range rights, particularly range right of 20 head of livestock on the Cache National Forest.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto

belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

SIGNED, SEALED AND DELIVERED

E. C. Baker (SEAL)

IN PRESENCE OF

Ben E. Johnson

U. S. I. R. Stamps attached and duly cancelled \$4.40

STATE OF IDAHO

ss.

County of Franklin

On this 12 day of January in the year 1942, before me Ben E. Johnson a Notary Public in and for said State, personally appeared E. C. Baker, also known as, Benj. C. Baker, and as Charley Baker known to me to 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, the day and year in this certificate first above written.

(SEAL)

Ben E. Johnson
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

ss.

COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of Charley Lund at 4:20 P.M. January 12, 1942.

Fee: \$1.40

C. L. Swenson, Ex-Officio Recorder

Deputy

Comptroller
000000

March 7, 2016

My great grandfather put the cement cap in for the spring. It was either B.W. or Charley Baker. They filed with the state for the spring also.

I purchased land from my father, Leonard B. Lund and was told the spring was on our property. Therefore we laid a pipeline down the hill so we could have good drinking water where we camp.

We check the pipeline at least 3 times a year to make sure the water is clean and running.

Our property line was the marked wire fence that matched the one heading west across the road. It ran up the hill and included the spring I was told.

Margaret Lund Gessel

In the County of Cache, State of Utah, on this 7th day of March 20 16, a notary public, personally appeared Margaret Gessel, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Susan McFonde
Notary Signature and seal



On this 29th day of May 1936, before me H. V. Creason a Notary Public in and for the State of Idaho personally appeared Joseph E. McLean known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and seal this 29th day of May 1936.

(SEAL) H. V. Creason
Notary Public for Idaho
Residing at Rupert, Idaho.

STATE OF IDAHO SS
COUNTY OF TWIN FALLS

On this 1st day of June in the year 1936 before me J. E. Roberts a Notary Public in and for said State, personally appeared Ethel I. Taylor known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(SEAL) J. E. Roberts
Notary Public in and for the State of
Idaho. Residing in Twin Falls County.

My Commission expires on the 1st day of June, 1939.

STATE OF UTAH SS
COUNTY OF WEBER

On this 8th day of June in the year 1936, before me W. L. Wilson, a Notary Public in and for said State, personally appeared L. C. McLean and Clarissa McLean 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.

(SEAL) W. L. Wilson
Notary Public
Residing at Ogden, Utah.

My commission expires Feb. 26, 1940

STATE OF IDAHO SS
COUNTY OF MINIDOKA

On this 4th day of June 1936 before me H. V. Creason a Notary Public, in and for the State of Idaho, personally appeared Jennie D. McLean, wife of Joseph E. McLean, and Wm. Roy Taylor the husband of Ethel I. McLean Taylor, known to me to be the persons who executed the foregoing instrument.

In witness whereof I have hereunto set my hand and seal this 4th day of June 1936.

(SEAL) H. V. Creason
Notary Public for Idaho
Residing at Rupert, Idaho.

My commission expires the 26th day of Feb. 1938.

STATE OF IDAHO SS
COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 4:10 P.M. July 31, 1936.

Fees, \$1.60

Cleo L. Swenson
Ex-Officio Recorder

By Leona M. Gamble
Deputy Recorder

Compared 6.4.

Inst. No. 50189 WARRANTY DEED

This indenture, made the first day of August in the year of our Lord one thousand nine hundred and thirty-six, between Minnie Baker, wife of B. C. Baker, of the County of Franklin, and the State of Idaho, the party of the first part, and B. C. Baker,

husband of the party of the first part, of the County of Franklin, and the State of Idaho, the party of the second part, Witnesseth:

That the said party of the first part for and in consideration of the sum of One and no/100 Dollars, and love and affection, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, sell, bargain, convey and confirm unto the said party of the second part, all those certain lots, pieces or parcels of land situate,, lying and being in the County of Franklin and State of Idaho, and bounded and described as follows, to-wit:

The South half of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 1, and the Northeast quarter of the Northeast quarter of Section 12, Township 16 South, Range 40 East of the Boise Meridian, containing 160 acres.

Also: The East half of the Northwest quarter of Section 12, and the North half of the Southwest quarter of Section 12, in Township 16 South, Range 40 East of the Boise Meridian, containing 160 acres, more or less.

This grant is intended to convey to the party of the second part all interest and estate which the party of the first part received by warranty deed dated April ninth, 1935, and recorded in Book 29 of Deeds at page 535, records of Franklin County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof, together with all ditch and water rights of every nature, however evidenced, used upon said land or belonging thereto.

(\$.50 U.S.I.R. stamp attached and duly cancelled)

To have and to hold, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and her heirs, and against all and every person or persons whomever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

In witness whereof, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

Minnie Baker (SEAL)

P. M. Condie

STATE OF IDAHO, SS
COUNTY OF FRANKLIN,

On this 1st day of August, 1936, before me P. M. Condie, a notary public in and for the State of Idaho, personally appeared Minnie Baker, wife of B. C. Baker, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

My commission expires Oct. 16, 1938.

STATE OF IDAHO SS
COUNTY OF FRANKLIN

P. M. Condie
Notary Public, residing at
Preston, Idaho.

I hereby certify that this instrument was filed for record at the request of B. C. Baker at 11:55 A.M. August 1, 1936.

Fees, \$1.20

81026

Compared *h*

Cleo L. Swenson
Ex-Officio Recorder
By *Carma Hamble* Deputy

to the within instrument and acknowledged to me that he executed the same; and on this 30th day of June in the year 1899, before me the officer above described personally appeared Kathrine Georgeson, known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same and that she does not wish to retract such execution;

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

(Seal) William F Fisher
Notary Public

My commission expires December A D 1900
Recorded this 20th day of November at 9:17 o'clock A.M. 1899

D J Reynolds

Co Recorder

Reference: Book "0" page 266 Deed Record Original Oneida County Records.

George D Alder

COMPARED

To

QUIT CLAIM DEED

Ramuel Clark

George D Alder Grantor of Salt Lake City, Salt Lake County, Utah, hereby quit claims to Samuel Clark grantees of Whitney City, Oneida County, Idaho for the sum of Four Hundred Dollars, the following described tract of land, in Oneida County, State of Idaho The south east quarter of the south east quarter of section thirty six (36) in township fifteen (15) south of range thirty nine (39) east of Boise meridian U S survey in the State of Idaho

Witness the hand of the said grantor this twenty seventh day of August A D 1898

Signed in presence of

Geo. D. Alder

N Tanner Jr.

50¢ int rev stamp
5/27/98 cancelled
G.D.M.

State of Utah } ss
County of Weber }

On the 27th day of August A D 1898 personally appeared before me N Tanner Jr a Notary Public in and for said County Geo D Alder the signor of the above instrument who duly acknowledged to me that he executed the same

N Tanner Jr

(Seal)

My commission expires Jan'y 30th 1901
Recorded this 21st day of November A D 1899 at 9:15 o'clock a.m.

D J Reynolds

Co Recorder

Reference: Book "0" page 268 Deed Record Original Oneida County Records.

COMPARING

William J. Hughes and wife

To

Benjamin C Baker

This indenture, made the 15th day of November in the year of our Lord one thousand eight hundred and ninety nine, between Wm J Hughes and Mary Hughes his wife, of the County of Bannock and State of Idaho, the parties of the first part, and Benjamin C Baker of the County of Oneida and State of Idaho, the party of the second part;

Witnesseth, that the said parties of the first part, for and in consideration of the sum of Four Hundred and Fifty five (\$455) Dollars, lawful money of the United States of America to them in hand paid by the said party of the second part, the parties of the

is hereby acknowledged, do by these presents, grant, sell bargain and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate lying and being in the County of Oneida and State of Idaho, and bounded and described as follows, to wit: All the north half of the south west quarter of section twelve (12) township sixteen (16) south of range forty (40) east of Boise meridian containing eighty (80) acres more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents issues and profits thereof. To have and to hold, all and singular the said premises together with the appurtenances and privileges thereto incident unto the said party of the second part and to his heirs and assigns forever, and the said parties of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered in presence of

H E Heath
Mrs Nellie Heath

William H. Hughes (Seal)
Mary Hughes (Seal)

I R Stamp
50¢
canceled

State of Idaho }
County of Bingham } ss

I do hereby certify that, on this 15th day of November in the year of 1899 before me H E Heath a Notary Public in and for said County and State, personally appeared Wm J. Hughes known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

And I do hereby certify that on this 15th day of November in the year 1899 before me the officer above described, personally appeared Mary Hughes known to me to be the person whose name is subscribed to the within instrument, described as a married woman; the wife of the above named Wm J Hughes, and upon an examination separate and apart from and without the hearing of her husband she acknowledged to me that she executed the same and that she does not wish to retract such execution.

In witness whereof I have hereunto set my hand and affixed my official seal at Grays the day and year first above written.

(Seal) H. E. Heath
Notary Public

My com expires Nov 1st 1902
Recorded at the request of H. E. Hatch Nov 22-1899 at 9:18 a.m.

D J Reynolds
Co Recorder

Reference: Book "O" page 289 Deed Record Original Oneida County Records,

Sven Nelson and wife

To

Peter M Peterson

This indenture made the 22nd day of November in the year of our Lord one thousand eight hundred and ninety eight between Sven Nelson and Anie Sina Nelson his wife the party of the first part, and Peter M Peterson of Clifton Idaho the party of the second part.

Witnesseth, that the said part off the, for and in consideration of the sum of One Hundred & Ten Dollars lawful money of the United States of America, to him in hand paid by the said party

I Margaret L. Gessel purchased property up Maple Creek, Franklin County April 18, 1986 from my father Leonard Baker Lund that had been homesteaded by my great grandfather Benjamin Charles Baker in about ¹⁸⁹⁸ 1895 for and because of the spring, spring box and old home foundation located on this particular piece of property with the understanding that the water right established, developed and used by my great grandfather B.C. Baker and my father on that property would then transfer to me.

Upon purchasing the property with the knowledge of my father I improved the spring box and put new water pipe in it, replacing the old water pipe so that my family could use the spring water, with the excess draining into the nearby gully that leads to the river.

As far as I know of the spring has been in my family and been in use since B.C. Baker homesteaded.

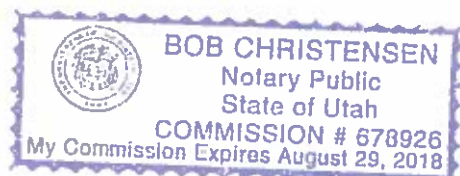
And was recorded 1st day of April 1983
into Leonard B Lunds name claim no. 13-4222.

I purchased property before Jerry D. Lund
and Lorna B. Lund from Leonard B. Lund and was
using the spring water right, and have continued to
use it since purchasing the property.

Margaret L. Gessel

3. February 2016

Bob Christensen February 3, 2016



81026

June 27, 2016

RECEIVED

JUN 29 2016

Department of Water Resources
Eastern Region

State of Idaho

Department of Water Resources

My mother filed an application in 2015 in fear of losing her water rights for a spring developed in the late 1800's by her great grandfather due to a fence line and survey discrepancy.

Prior to the survey, the spring was within the fence line that was marking her property line, the survey changed her property line to exclude her fence and spring.

I am refiling to correct the error in the point of diversion of the spring.

Earl Roberts



Mary Roberts

