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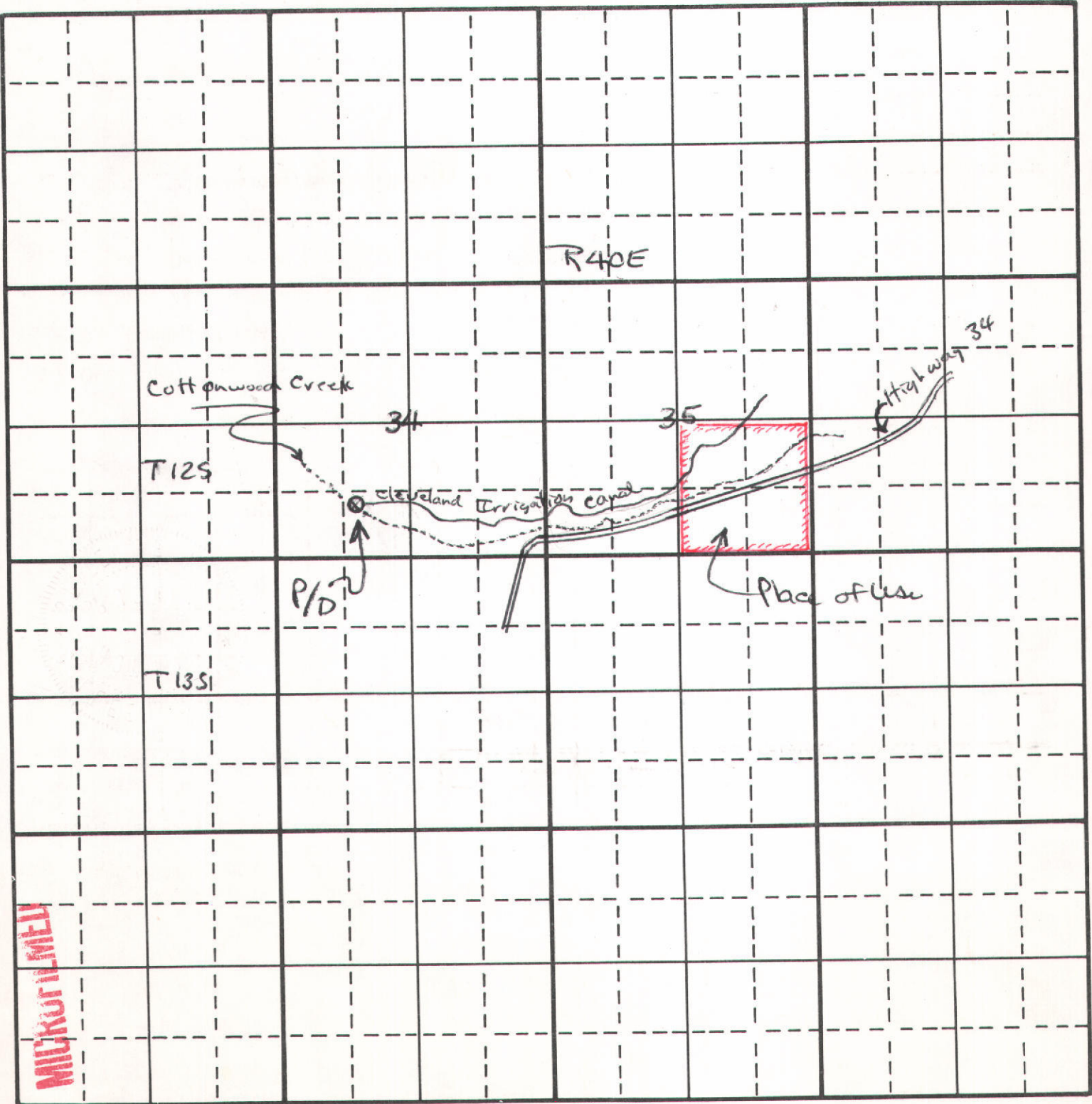
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TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	40E	35													40	40	40	40	160

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. Seven shares (certificate #28) Cleveland Irrigation Company
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



INSTRUMENT NO. 79081.

IN EQUITY NO. 203.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF
IDAHO, EASTERN DIVISION.

UTAH POWER & LIGHT COMPANY, a Corporation,

Plaintiff

--VS--

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; West Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The Bench Canal, and Budge Land & Live Stock Company, Limited, corporations; W. H. Larkins, Jas. Ellimore, Geo. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Geo. M. Smith, as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson Ditch Company, a corporation; A. J. Nielson, B. R. Meek, Henry McCuen, C. S. Burton and Eli Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; The Riverdale Irrigating Company, Nielson-Meek Company and West Cache Irrigation Company, corporations; E. P. Johnson, Albert Johnson, Hyrum Johnson, Geo. D. Anderson, Joseph T. Pond, Frank W. Harris, A. C. Bosen, Hyrum J. Smith, John E. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David P. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, Jam Monroe (or Munro), Nellie Simmons, John Baird, William Monroe (or Munro), Orrin Monroe (or Munro), Charles Monroe (or Munro), Charles Foster, Hyrum Foster, Mary Baird, John Woodall (or J. D. Woodall), George Ellis, Skinner Irrigation Company, a corporation; Heber Crane, Fred Bartschi, Charles Bartschi, David Chugg, Phillip Chugg, Fred Stauffer, William Williams, Sr. (or William Morgan Williams), William Williams, Jr. (or William Mormon Williams), Oliver Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas Freeman.

Idaho Ranch Company, Limited, The Banks Investment Company, and Farmers Land and Irrigation Company of Alexander, Idaho, Limited, corporations; Frank Higgenbotham, as Statutory Trustee of Cache Valley Land & Canal Company, late a corporation; S. E. Marshall and W. W. Booth as Trustees of The Bancroft Land and Irrigation Company, late a corporation; James M. Horsley, Matilda J. Horsley, Hwall J. Horsley, A. L. Cook, as Trustees of Soda Springs Electric Company, late a corporation; D. J. Lau, H. M. Lau, D. E. McLean, and W. M. Davis, as Trustees of Soda Springs Water Company, late a corporation; Soda Springs, a Municipal Corporation; Thomas H. Horsley, Joseph E. Lau, John G. Schmidt, Laura M. Lau, Colin A. Chester, Chris A. Lallathin, Walter S. Gram, Lorenzo S. Marriott (or Marriott), Hiram M. Lau, Daniel J. Lau, Arthur P. Lau, William J. Hopkins, Ellis Kackley, Ida M. Kackley, Mary E. Kelly (now Mary E. C. Anderson), Herbert Horsley, A. C. Anderson (or Abraham C. Anderson), David Anderson, Nels Anderson, Landi C. Eastman, J. T. Torgenson, John Skinner, Clifford M. Reed, E. D. Whitman, C. B. Wilson, David Burnett, David Giles, George Jenkins and Thomas L. Clark.

Hans Nielson, James Strachan, Edmond Beus, Geo. A. L. Williams, Leland S. Williams, Leah Corton, John Lauritsen, Jesse Moore, Arthur Collins, James Moore, C. W. Fryar, Augustina (or Augusta) Rolando, James Rolando, Geo. G. Nelson, August Largilliere, Catherine Largilliere and Harry Horsley; Turner Trust Company, a corporation; Percy S. Turner, Ethel H. Ellimore, John W. Harris, Alexander Wells Harris (or A. W. Harris), Joseph L. Hansen, Louisa (or Louise) Medford, David P. (or David) Sant, Leonard Hansen, W. H.

4 35

35 36

Oliver R. Hansen 7/8 Reuel H. Skinner

Fred Anderson

Mary Anderson

Francisco Cudde

E.I. Stewart Jr.

Fred Anderson

E.I. Stewart Jr.

35 36

2 1

E.I. Stewart
120 acres

E.I. Stewart Jr.
280 acres

Low Valley Exploration, Inc.

U.S.

Vacant

2 1
11 12

3 2

221035

DEM 1100JIM

65171

No

WARRANTY DEED

Chester E. Walton

about

-TO-

E. J. & J. G.

Stewart

Dated April 27 1943

State of Idaho

County of Franklin } ss.

I hereby certify that this instrument was filed for rec-

ord at the request of E. J. & J. G.

Stewart about 2 1/2

at 10 minutes past 5 o'clock p.m., this

27 day of April A. D. 1943

in my office, and duly recorded in Book 34 of

page 403

Ex-Officio Recorder

By Logan Stewart Deputy

Fees \$1.40

Abstract Record Smith & Son, Printers, Logan, Utah

Book 6 Page 123

Recorded Proof Read Indexed

Residing at Logan, Utah

My commission expires March 14th 1943

Notary Public

and year in this certificate first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day

and acknowledged to me that the Y executed the same.

known to me to be the person whose name are subscribed to the within instrument.

Olive Walton

in and for said County, personally appeared

Chester E. Walton and wife

a Notary Public

W.H. Stewart

On this 27th day of April in the year 1942, before me

County of Cache } ss.

STATE OF Utah

STATE COUNTY

of Idaho Page 34

85

By Chester E. Walton

DEPUTY

FEE 1.40

AT REQUEST OF

W.H. Stewart

Logan, Utah

28
This Indenture, Made this 27th day of April

in the year of our Lord one thousand nine hundred and forty two between

Chester E. Walton and wife Olive Walton

Cleveland

of the County of Bannock State of Idaho the parties of the first

part, and E. I. Stewart and I. P. Stewart

of Logan County of Cache

State of Utah the parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Fifty-four hundred and NO/100 - - - - - DOLLARS. 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, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Cleveland County of Bannock State of Idaho, to wit:

Parcel 1; The Southeast quarter of Section 35, Township 12 South, Range 40 East of the Boise Meridian, except part conveyed to the State of Idaho for road by deed recorded in Book 45 at Page 288, Records of Bannock County, Idaho.

→ Together with all water rights and rights in ditches, canals and laterals and rights of way therefor, appurtenant to said premises or used in connection therewith, including (but not limited to) the following:

All right to waters of Cottonwood Creek decreed to above lands by Court decree entered in Book 41 of Deeds at Page 191, Records of Bannock County, Idaho.

Parcel 2: Lot 4, the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 1, and the Northeast quarter of the Southeast quarter of Section 2; all in Township 13 South, Range 40, East of the Boise Meridian.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rent 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 parties of the first part.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, 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 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 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

E. I. Stewart

Fred H. Andersen

Chester E. Walton

Olive Walton

SEAL

SEAL

SEAL

SEAL

MICROFILMED

221035

RECORDED

65171

No.

WARRANTY DEED

Charles E. Walton

at and

-TO-

E. D. & D. Q.

Stewart

Dated April 27 1943

State of Idaho

County of Franklin ss.

I hereby certify that this instrument was filed for rec-

ord at the request of E. D. & D. Q.

Stewart, Logan, Utah

at 10 minutes past 5 o'clock P. M., this

27 day of April A. D. 1943

in my office, and duly recorded in Book 34 of

Deeds at page 403

Ex-Officio Recorder

By Logan Stewart Deputy

Fees \$ 1.40

Abstract Record with A. R. P. 173

Book 6 Page 173

Recorded
Proof Read
Indexed

Residing at Logan, Utah

My commission expires March 14th 1943

Notary Public.

and year in this certificate first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day

and acknowledged to me that he executed the same.

known to me to be the person whose name subscribed to the within instrument.

Olive Walton

in and for said County, personally appeared Chester E. Walton and wife

W. H. Stewart

On this 27th day of April in the year 1942, before me

County of Cache ss.

STATE OF Utah

85
of Deed Part 31
COUNTY,
STATE

By Chester E. Walton
FEE 1.40
DEPUTY

AT REQUEST OF

Charles E. Stewart
Logan, Utah

This Indenture, Made this 27th day of April

in the year of our Lord one thousand nine hundred and forty two between

Chester E. Walton and wife Olive Walton

Cleveland

of the County of Bannock State of Idaho the parties of the first

part, and E.I. Stewart and I.P. Stewart

of Logan County of Cache

State of Utah the parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Fifty-four hundred and NO/100 - - - - - DOLLARS, 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, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Cleveland County of Bannock State of Idaho, to wit:

Parcel 1; The Southeast quarter of Section 35, Township 12 South, Range 40 East of the Boise Meridian, except part conveyed to the State of Idaho for road by deed recorded in Book 45 at page 288, Records of Bannock County, Idaho.

Together with all water rights and rights in ditches, canals and laterals and rights of way therefor, appurtenant to said premises or used in connection with, including the following:

All right to waters of Cottonwood Creek decreed to above lands by Court decree entered in Book 41 of Deeds at Page 191, Records of Bannock County, Idaho.

Parcel 2: Lot 4, the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 1, and the Northeast quarter of the Southeast quarter of Section 2; all in Township 13 South, Range

Parcel 3: Lots One and Two and the South half of the Northeast quarter of Section Two, Township Thirteen South, Range Forty, East of the Boise Meridian;

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining.

This conveyance is given subject to the Federal Land Bank mortgage now covering the above described premises.

Together with seven shares of water stock in the Cleveland Irrigation Company, represented by certificate Number 28, now held in connection with a loan with the Federal Land Bank.

Frederick H. Andersen

SEAL

SEAL

MICROFILMED

Transfer No. 2612Water Right No. 11-0822 (#457)
11-0823STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Ernest I &/or Afton B. Stewart Jr. Phone 602-946-3747
427-6683 (ranch)
Post Office address Star Route, Preston, Idaho 83263**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

#11-0822 (#457)

a. Decree No #11-0823 Decreed to D.M. Walton (Name)
in case of Utah Power & Light Company The Last Chance Canal Company
(Eastern Division)
dated in July 14, 1920 in District Court county of Franklin
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Warranty Deed3. Source of water Cottonwood Creek tributary to Bear River
#11-0822 6/1/18824. Date of priority 11-0823 1/1/1904

5. Water is used for the following purposes:

11-0822 amount 0.6 for Irrigation purposes from 4/20 to 9/3011-0823 amount 6.0 for Irrigation purposes from 4/20 to 9/30amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. 11-0822 0.6cfs
11-0823 6.0cfs cubic feet per second
&/or

b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 6Township 13S Range 40E, B.M., in Franklin County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12S	40E	35					40	40	40	40									160

Total number of acres to be irrigated 1609. Describe any other water rights used for the same purpose as described above Seven shares
Cleveland Irrigation Company (Certificate #28)10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

MICROFILMED

omit part B).

b. _____ acre feet per annum

Range _____, B.M., _____ County _____

Additional points

Total number of acres to be irrigated

1. General Information

11-0823 6.0

b. Description of diverting works	Headgate to gravity sprinkler irrigation

system.

c. ~~Describe the reasons for the proposed changes historically, place of use has been~~

in the SE4, Sec. 35, T. 12S, R. 40E as noted page 3 of Decree of

~~current point of diversion through the Cleveland Canal Co.~~

2. Change in point of diversion

Point of diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34 Township 12S

Range 40E, B.M., Franklin County

Additional points -

3. Change in place of use

a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.

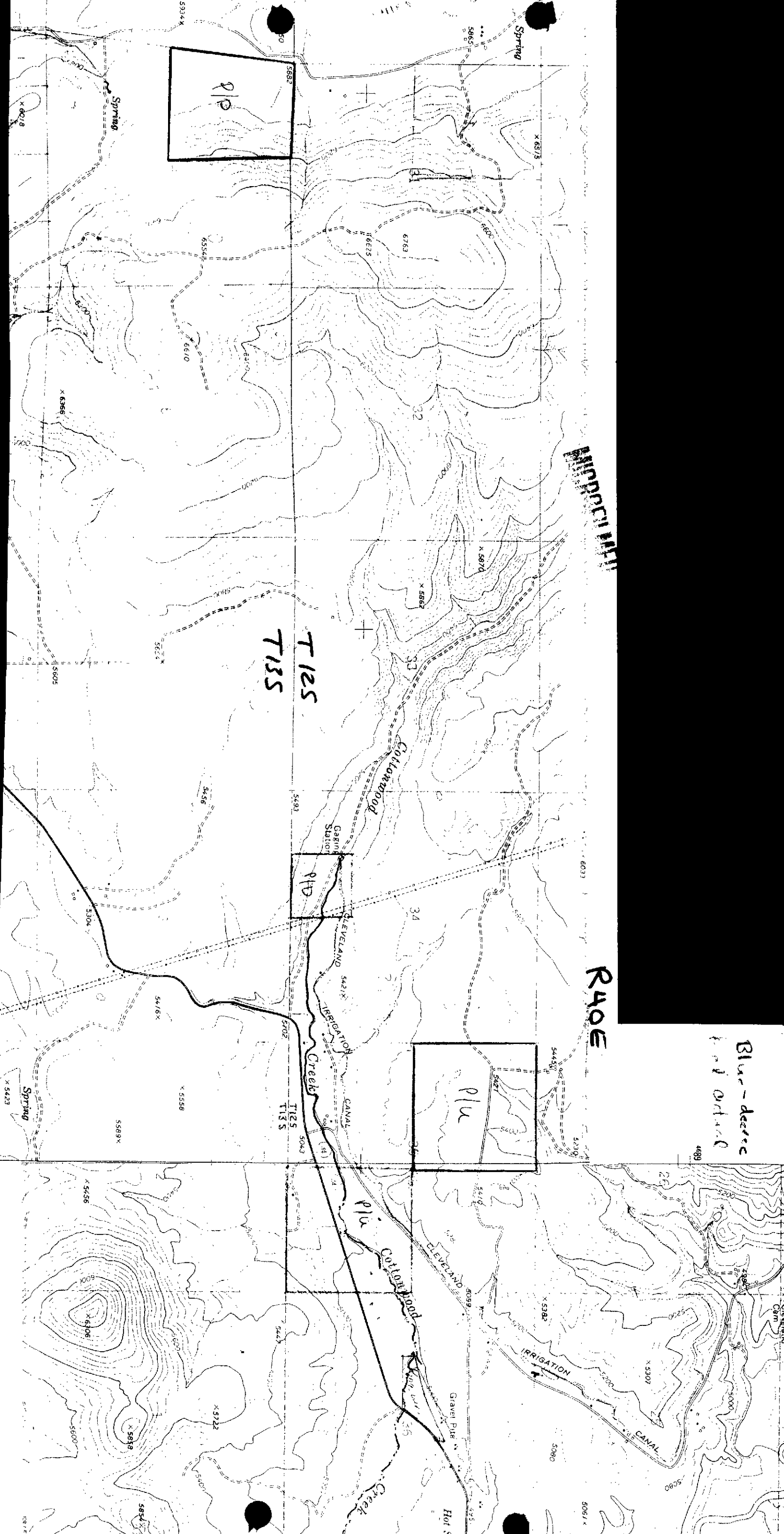
b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

~~No effect. This transfer is submitted to correctly describe the lands historically irrigated by this decree.~~

Blue-deer
and antelope

R40E

R100W

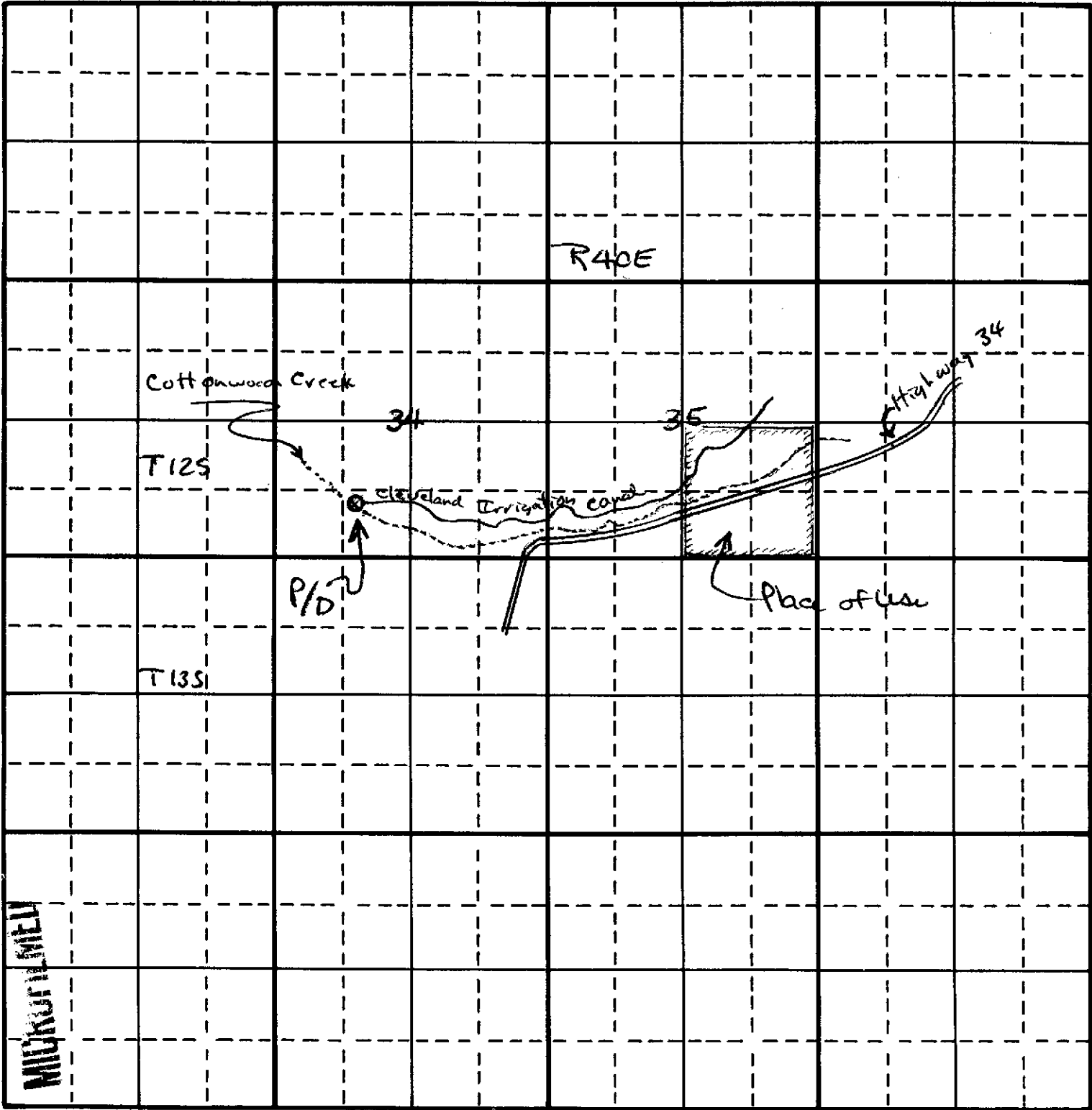


c. Describe the land and place of use to which the right will be referred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	40E	35													40	40	40	40	160

Total number of acres to be irrigated 160

4. Describe any other water rights used for the same purpose as described above. Seven shares (certificate #28) Cleveland Irrigation Company
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 6th day of October, 1981
Ernest A. Stewart
(Signature of Applicant)
Allen Almy
(Notary Public)

My commission expires 6/15/85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 11-0822 and 11-0823

and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

2. Use of water under this right is subject to control by the watermaster of State

Water District No. 11, Bear River.

Witness my hand this 30th day of June, 1982
A. Stewart
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by Kew Date 10-6-81 Fee \$50.00 # 19104
Prelim. check by BES Date 10-6-81
Received by Fluor-Altagem Pub. dates 10-29 and 11-5-81
Watermaster recommendation requested on 11-12-81 rec'd.
Recommended for approval by Jim DRT
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____

See page 12, 13, 14, 15

That the costs of this action shall be borne equally by the plaintiffs and defendants

individually.

Done in open District Court this the 19th day of September, 1900.

Joseph C. Rich
District Judge.

Transcribed from Book 2 of Judgments page 50, Records of Bannock County, Idaho.

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

Adelbert U. Eldredge, B.F. Potter, Samuel D.
Kendall, Elizabeth Clements, A. J. Malmstrom, and
D. M. Walton,

Plaintiffs,

D E C R E E.

Cleveland Irrigating Company, a corporation,
Treasurer Irrigating & Ditch Company, corporation,
Samuel Ames, Henry Larsen, George A. Smith, Ole Hansen,
Julian Kendall, J. W. Walker, Ralph Gordon, Mrs. Ralph
Gordon, and George B. Bolce,

Defendants,

This cause came on regularly for hearing before the court, sitting without a jury, on the
15th day of December, 1903, Messrs. Standard & Terrell, appearing as counsel for the plaintiffs
and Arthur W. Hart, Esq. appearing as counsel for the defendants; and it appearing to the court
that heretofore, on the 19th day of November, 1903, the said parties plaintiffs and defend-
ants, to the above entitled action, duly submitted their several controversies involved in
said action, to arbitration, which said submission to arbitrate was and is in writing, duly
filed herein, to which reference is hereby made; and it further appearing that the persons
selected in said submission of arbitration as the arbitrators of said controversies, duly
qualified according to law, and on the 19th and 20th days of November, 1903, having duly heard

ration, and having on the 4th day of December, 1903, duly made their award in writing and having on this day filed the same in this court and cause; and now on this day, the said attorneys for the respective parties aforesaid, having presented to this court, and filed herein a stipulation in writing, signed by the said attorneys respectively authorizing and requesting this court to adopt the said award as its findings of fact and conclusions of law, and to direct a judgment and decree to be entered in accordance therewith. And the court having duly considered all and singular the premises, now adopts the said award, to which reference is hereby made, as the findings of fact and conclusions of law of this court, and orders that judgment be entered in accordance therewith:

WHEREFORE, it is ordered, adjudged and decreed:

That Adelbert U. Eldredge, is the owner, in the possession and entitled to the possession of the following lands, to-wit:

S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$, S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$, N.2 S.E.4 section 36, Township 12, South of Range 40 East, Boise Meridian; Lots numbered three and four of section 31 Township 12 South of Range 41 East, B.M.; also E. $\frac{1}{2}$ S.W. $\frac{1}{4}$ and lots numbered three and four of section 30, Township 12, South of Range 41 East B.M., containing 482 acres more or less;

That said Adelbert U. Eldredge, for the purpose of irrigating his said land, and for domestic and stock purposes, is entitled to the use of the waters of Cottonwood Creek, a tributary of Bear River, in Gentile Valley and Cottonwood Valley in the State of Idaho, two cubic feet per second of time, through and in what is known as the "King Ditch", such right to date from the 1st day of June, 1870; also, all of the waters flowing or to flow from or in that certain small stream wholly upon the lands above described, known as Spring Creek, amounting to a maximum flow of about one and one-half cubic feet per second of time, such right to date from the first day of June, 1870; also, one and one-fifth cubic feet per second

of time of the waters of said Cottonwood Creek, through what is known as the "Caldwell Ditch", for the irrigation of the lands above described on the South side of said Cottonwood Creek; such right to date from the 1st day of June, 1887; also, one and two-fifths cubic feet per second of time of the waters of said Cottonwood Creek, through what is known as the "Eldredge Bench Ditch" for the irrigation of the lands above described, such right to date from the 1st day of June, 1895.

That D. M. WALTON, is the owner, in the possession and entitled to the possession of the following lands, to-wit:

S.E. $\frac{1}{4}$ of Section 35, Township 12, South of Range 40 East, B.M., containing 160 acres; That said D. M. Walton is entitled to use upon said land for the irrigation thereof and for domestic and stock purposes, of the waters of said Cottonwood Creek, three-fifths of one cubic foot per second of time, such right to date from the 1st day of June, 1882.

That CLEVELAND IRRIGATING COMPANY, for the purposes of furnishing and supplying to its stockholders, water for irrigating and domestic purposes, is entitled to the use of the waters of said Cottonwood Creek, one and three-tenths cubic feet per second of time, such right to date from the 1st day of June, 1885; also, four cubic feet per second of time, such right to time, such right to date from the 1st day of June, 1889;

That B. F. POTTER is the owner, in the possession and entitled to the possession of the following lands, to-wit: The S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ and E. $\frac{1}{2}$ of S.W. $\frac{1}{4}$, and S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of section 5, Township 12, South Range 39 East B.M. containing 160 acres;

That the said B. F. Potter is entitled to the use of the waters of said waters of said Cottonwood Creek of two cubic feet per second of time, for the irrigation of said lands and

for domestic purposes, such right to date from the 1st day of June, 1888.

That GEORGE B. BOICE, is the owner, in the possession and entitled, against all the world except the United States, of the following lands, to-wit:

E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ and N.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, and the N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of section 5, Township 12, South of Range 39 East B.M., containing 160 acres;

That the said George B. Boice, for the purposes of irrigation of said land and for domestic purposes, is entitled to the use of the waters of said Cottonwood Creek, of three-tenths of one cubic foot per second of time, such right to date from June, 1st, 1882; also, three-fifths of one cubic foot per second of time, of the waters of said Cottonwood Creek, such right to date from the 1st day of June, 1893.

That SAMUEL D. KENDALL, is the owner, in the possession and entitled to the possession, against all the world except the United States, of the following described lands, to-wit:

N. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ and S.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of section 32, Township 11, South Range 39 East B.M. containing 160 acres;

That said Samuel D. Kendall is entitled to the use on said lands for the irrigation thereof and for domestic purposes, of the waters of said Cottonwood Creek, four-twenty-fifths of one cubic foot per second of time, such right to date from the 1st day of June, 1887; also, three-fifths of one cubic foot per second of time, of the waters of said Creek, such right to date from the 1st day of June, 1893.

That ELIZABETH CLEMENTS, is the owner, in the possession and entitled to the possession, against all the world except the United States, of the following described lands, to-wit:

E. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ of section 32, Township 11, South Range 39 East, and the N. $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ of Section 5 Township 12 South Range 39 East B.M. containing 160 acres.

That said Elizabeth Clements is entitled to the use upon said land, for the irrigation

thereof and for domestic purposes, of the waters of said Cottonwood Creek, nine-tenths of one cubic foot per second of time, such right to date from the 1st day of June, 1887; also, one-half of one cubic foot per second of time of the waters of said creek, for use upon said land, such right to date from the 1st day of June, 1893.

That MRS. R. R. CORDON (wife of Ralph Cordon) is the owner, in the possession and entitled ^{all} against the world except the United States, of the following lands, to-wit:

The $W. \frac{2}{3}$ of the $S. W. \frac{4}{9}$ of section 5, $S. E. \frac{1}{4}$ of $S. E. \frac{1}{4}$ section 6, $N. \frac{2}{3}$ of $N. W. \frac{4}{9}$, $S. E. \frac{1}{4}$ of $N. E. \frac{1}{4}$, $N. E. \frac{1}{4}$ of $S. W. \frac{4}{9}$ and $N. W. \frac{4}{9}$ of $S. E. \frac{1}{4}$ section 8, Township 12, South Range 39 East B.M., containing 320 acres;

That the said R. R. Cordon, for the purposes of irrigating the lands aforesaid, and for domestic purposes, is entitled to the use of the waters of Divide Creek, a tributary of the said Cottonwood Creek, of one and three-tenths cubic feet per second of time, such right to date from the 1st day of June, 1888.

That A. J. MALMSTROM, is the owner, in the possession and entitled to the possession, as against all the world except the United States, of the following lands, to-wit:

$S. E. \frac{2}{3}$ of the $S. E. \frac{1}{4}$ section 5, $N. \frac{2}{3}$ of the $N. E. \frac{1}{4}$ section 8, $N. W. \frac{4}{9}$ of $N. W. \frac{4}{9}$ of section 9, Township 12 South of Range 39, East B.M. containing 200 acres;

That said A. J. Malmstrom, for the purposes of irrigating said lands and for domestic use, is entitled to the use of the waters of Cow Hollow Creek, a tributary of said Cottonwood Creek, of thirteen-fiftieth of one cubic foot per second of time, such right to date from the 1st day of June, 1893; also, the right to the use of four-fifths of one cubic foot per second of time, of the waters of said Cottonwood Creek, diverted through the Walker Ditch, such right to date from the 1st day of June, 1893.

That MRS. BERTHA MALMSTROM, (wife of A. J. Malmstrom), is the owner, in the possession and entitled to the possession, against all the world except the United States, of the following lands, to-wit: The S. $\frac{1}{2}$ of S. E. $\frac{3}{4}$ and S. $\frac{1}{2}$ of S.W. $\frac{3}{4}$ section 4, Township 12, South Range 39 East, containing 160 acres.

That said Bertha Malmstrom is entitled to use upon said land for the irrigation thereof and for domestic purposes, of the waters of Cow Hollow Creek, aforesaid, one-twenty-fifth of one cubic foot per second of time; also, of the waters of Dip and Basin Creeks, tributaries of said Cottonwood Creek, nine-twenty-fifths of one cubic foot per second of time, such rights to date from the 1st day of June, 1893.

That JULIAN KENDALL is not entitled to any right whatever in or to the use of the waters fo said Cottonwood Creek or any of its tributaties.

That J. W. WALKER, is the owner, in the possession and entitled to the possession, against all the world, except the United States, of the following lands, to-wit:

..... of Section 32, Township 1, South of Range 39 East, B.M. containing 160 acres.

That said J. W. Walker is entitled to use upon said lands for the irrigation thereof and for domestic purposes, one-half of one cubic foot per second of time, of the waters of said Cottonwood Creek, such right to date from the 1st day of June, 1894.

* That OLE HANSEN, is the owner, in the possession and entitled to the possession of the following lands, to-wit:

The E. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ and W. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ section 35, Township 12, South of Range 40 East, B.M., containing 160 acres.

That said Ole Hansen, is entitled to use upon said land, for the irrigation thereof, of the waters of Devils Dive Creek, a tributary of said Cottonwood Creek, one-half of one cubic foot per second of time, such right to date from the 1st day of June, 1894.

That HENRY LARSEN, is the owner, in the possession and entitled to the possession of the

following lands, to-wit:

The E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ of Section 34, the N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ section 35, and the S.W. $\frac{1}{4}$ of

S.W. $\frac{1}{4}$ of section 36, all in Township 12, South, of Range 40 East B.M. containing 160 acres.

That said Henry Larsen is entitled to use upon said land for the irrigation thereof and

for domestic purposes, of the waters of said Devils Dive Creek, one cubic foot per second of

time, such right to date from the 1st day of June, 1894,

That GEORGE A. SMITH, is the owner, in the possession and entitled to the possession of

the following lands, to-wit: The S. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ of section 27, and W. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ of section 34,

all in township 12 South of Range 40 East B.M. containing 160 acres.

That the said George A. Smith is entitled to use upon said lands for the irrigation there-

of and for domestic purposes, of the waters of said Devils Dive Creek, one cubic foot per sec-

ond of time, such right to date from June 1st, 1894.

That the rights of Ole Hansen, Henry Larsen and George A. Smith, above named, to the use

of the waters of said Cottonwood Creek shall be limited to the amount flowing from three springs

at the head of said Devils Dive Creek.

That SAMUEL AMES, is the owner, in the possession and entitled to the possession of the

following lands:

North $\frac{1}{2}$ of S.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ of section 34, Township 12, South of Range 40

East, B.M., containing 120 acres.

That said Samuel Ames is entitled to the use of the waters of said Cottonwood Creek, upon said lands for the irrigation thereof, and for domestic purposes, one-fifth of one cubic foot

of time such right to date from the 1st day of June, 1899.

That TREASURETON IRRIGATING & DITCH COMPANY, for the purpose of furnishing and supplying to its stockholders, water for irrigating and domestic use, is entitled to the flood or surplus waters of said Cottonwood Creek, for the use and benefit of its several stockholders, for the irrigation of their respective lands, of sixty cubic feet per second of time, such right to date from the 18th day of June, 1901.

It is further, ordered, adjudged and decreed, that as among the several parties to this decree to whom rights are herein awarded, the first in time shall be the first in right to the use of the waters of said Cottonwood Creek and its tributaries; that such rights as date from the same time shall be of equal dignity, and in the event of a shortage of said waters, the rights which are of equal dignity shall be prorated along the claimants thereof in proportion that their respective rights bear to the aggregate of such equal rights; and in case of such shortage, the junior rights shall give way to the senior rights in the order of seniority, until said senior rights shall be satisfied according to their preference in time.

It is further ordered, adjudged and decreed that the water herein adjudged to be used by the several parties hereto, shall be measured at the point at which said parties shall respectively divert the same from the stream from which said water is taken; and measured to said parties in the manner provided by law.

It is further ordered, adjudged and decreed that the several parties to this action and decree, their servants, agents, counselors and attorneys, and each and every of them, is, and they and each of them hereby are, forever and perpetually enjoined from molesting or interfering with the rights herein awarded to any of the parties to this decree; and the several and individual rights of the plaintiffs and defendants as herein decreed shall be forever protected from any intrusion or interference whatever made, done or committed by either or any of said parties, against the rights of either or any of said parties to this action or decree.

No 1515

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co-Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Oct 29, 1981, and ending with the issue of Nov. 5, 1981.

J. Walter Ross
Fee \$ 26.88

Subscribed and sworn to before me this 30th day of November, 1981.

Harold Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1982

DEC 7 1981

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 11-0822 (#457)/11-0823

Notice is hereby given that Ernest I. &/or Afton B. Stewart, Jr., have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Cottonwood Creek tributary to Bear River. The right sought to be changed is evidenced by decree to D. M. Walton in case of Utah Power and Light Company vs Last Chance Canal Company dated July 14, 1920 in Eastern Division District Court, County of Franklin and is recorded as follows:

11-0822 AMOUNT: 0.6 cfs
PRIORITY: 6/01/1882

11-0823 AMOUNT: 6.0 cfs
PRIORITY: 1/01/1904

DECREE POINT OF DIVERSION: NW $\frac{1}{4}$, Sec. 6, T. 13S, R. 40E, B.M., Franklin County.

The water is used to irrigate 160 acres within the NW $\frac{1}{4}$, Sec. 35, T. 12S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 12S, R. 40E, B.M., Franklin County and used to irrigate 160 acres within the SE $\frac{1}{4}$, Sec. 35, T. 12S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho 83402, on or before November 16, 1981.

A. KENNETH DUNN
Director

Published in the Preston Citizen, October 29 and November 5, 1981

Legal No. 1515-43L - Pub. Oct. 29, Nov. 5, 1981

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DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
11 (b) 1909—Feb. 1 0816	25 c.f.s.	To be diverted from said Cottonwood Creek through the last above mentioned ditch, for the supplemental irrigation of the lands last above described, provided, however, that the priority and amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriation is based, to-wit: Permit No. 4407, issued by the State Engineer of the State of Idaho, and the same is subject to the provisions of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.
455. Cleveland Irrigation Company: 1885—June 11 0817 1.3 c.f.s. 1887—June 1 0818 4 c.f.s. 1889—June 11 0819 7.3 c.f.s. 1904—Jan. 11 0820 8.0 c.f.s.		To be diverted from said Cottonwood Creek, through a ditch diverting therefrom in the Southeast quarter of Section 33, Township 12 South, Range 40 East, for the irrigation of 700 acres located in the precinct of Cleveland, Bannock County, Idaho.
1 0821		
456. Samuel Ames: 1894—June 1 0.2 c.f.s.		To be diverted from the said Cottonwood Creek through a ditch diverting therefrom in the Southeast quarter of Section 34, Township 12 South, Range 40 East, B.M., for the irrigation of a portion of 120 acres in the North half of the Southeast quarter and the Southeast quarter of the Southeast quarter of said Section 34.
11 0822 ✓		
457. D. M. Walton: 1882—June 1 0.6 c.f.s.		To be diverted from the said Cottonwood Creek in the Northwest quarter of Section 6, Township 13 South, Range 40 East, B. M., for the irrigation of 160 acres in the Northwest quarter of Section 35, Township 12 South, Range 40 East.
11 0823		
1904—Jan. 1 6.0 c.f.s.		
11 0824		
458. Edwin Bennion: <i>trans. 475</i> (a) 1870—June 1 1.5 c.f.s.		To be diverted from springs tributary to said Cottonwood Creek rising on the lands hereinafter described.
11 0825 { <i>trans 475</i> <i>trans 863</i> <i>trans 864</i> (b) 1879—June 1 2.0 c.f.s.		To be diverted from said Cottonwood Creek through the King ditch.
0826		
(c) 1887—June 1 1.5 c.f.s. <i>trans 864</i>		To be diverted from said Cottonwood Creek through the Caldwell ditch.

MICROFILMED

Done in open District Court on this the 15th day of December, A. D. 1903.

(This decree so far as land of Elizabeth
Clements is concerned was amended May 5th, Judge of said District Court.
1904. See Judgment Book 2 Page 187)
Transcribed from Book 2 of Judgements page 166, Records of Bannock County, Idaho.

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or intersect the premises hereby granted, as provided by law.

IN TESTIMONY WHEREOF, I Benjamin Harrison 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 sixth day of November in the year of our Lord one thousand eight hundred and Eighty nine, and of the Independence of the United States the one hundred and fourteenth.

BY THE PRESIDENT: Benjamin Harrison
By M. McKean, Secretary.

Recorded Vol 2 Page 267 J. M. Townsend, Recorder of the General Land Office.

Filed for Record at 3:20 o'clock PM, August 15th A.D. 1907, and recorded at the request of Bannock Abstract Co., by W. A. Hyde, Deputy Fee \$1.25 E.G. Gallet, Recorder.

Transcribed from Book 5 of Patents, Page 289. Records of Bannock County Idaho.

INSTRUMENT NO. 9742

THE UNITED STATES OF AMERICA.

Homestead Certificate No 796

Application 564.

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING: WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho Territory whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the Acts supplemental thereto, the claim of Darwin M. Walton has been established and duly consummated, in conformity to law, for the

South east quarter of section thirty five in township twelve south of Range forty East of the Boise Meridian in Idaho Territory containing one hundred and sixty 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 there is, therefore Granted by the United States unto the said Darwin M. Walton the tract of land above described:

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said Darwin M. Walton and to his heirs and assigns, forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as maybe recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate

MICROFILMED

MEMORANDUM

TO: Water District 13-M
FROM: Gary Spackman *Gary*
DATE: June 1, 1992

On May 28, 1992, Glen Merrill, the current user of right no. 13-0885 and other water rights which have been transferred into Stockton Creek, provided me a copy of a decree titled Eldredge the Cleveland Irrigation Company, dated September 19, 1900. The decree clarifies the source of right no. 13-0884 described in the Dietrich decree. Right no. 13-0884 authorizes diversion from a spring located in Section 36, T12S, R40E, and Section 31, T12S, R41E, B.M. These sections are located downstream in the Cottonwood drainage from where the Cleveland Irrigation Company diverts its water.

I called Dean Burton (427-6384), the president of the Cleveland Irrigation Company, and ask him whether Cleveland Irrigation Company claims ownership of right no. 13-0884. Dean Burton stated that Cleveland Irrigation Company does not claim any ownership of the right.

Glen Merrill and Pete Peterson, the watermaster, have been disputing whether the 1.5 cfs authorized by right no. 13-0884 should be delivered downstream past the Merrill diversion. I told Pete today that right no. 13-0884 should not be delivered from Cottonwood Creek, and that Cleveland Irrigation Company was not entitled to the water. A present owner of the land where the spring is located is Rick Taylor, who lives in Mapleton, Utah.

Originally, Glen Merrill had questioned the validity of right no. 13-0882. Cleveland Irrigation Company claims ownership of the water right, and Glen Merrill agreed that Cleveland Irrigation should be entitled to divert the 0.6 cfs authorized by the right.

July 8, 1982

RE: Water Right Nos. 11-0822 and 11-0823

Ernest I. &/or Afton B. Stewart Jr.
Star Route
Preston, ID 83263

Gentlemen:

Enclosed is a copy of your approved application for transfer of the above referenced water rights (Transfer No. 2612). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

11-0822-2612

OCT 13 1981

Department of Water Resources
Eastern District Office

October 8, 1981

Dear Mr. Wilson:

Here are the duplicated copies of the materials we discussed on the telephone today.

I have taken the liberty to add a copy of the official Plot Map which we obtained from the Franklin County, Idaho Assessor's office several weeks ago. It clearly shows the Oliver (Ole) Hansen land in Sec. 35.

All of the other materials were obtained from the Recorder's office in Bannock County Court House, Pocatello or Franklin County Court House in Preston since our meeting with you on Tuesday, October 6, 1981.

We hope these materials will be useful. Again we want to thank you very, very much for your kind assistance.

Sincerely,

Afton B. Stewart

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IN EQUITY NO. 803.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF
IDAHO, EASTERN DIVISION.

UTAH POWER & LIGHT COMPANY. a Corporation.

— ۱۲ —

The Last Chance Canal Company, Limited; The Tanner Canal Company, Limited; The Central Canal Company, The North Extension Canal Company, Limited; The North Branch Canal Company, Limited; The Turner Canal Company, Limited; The East Branch Canal Company, The North Canal, and Budge Land & Live Stock Company, Limited, corporations; W. M. Lockman, Sec. - Farmers Gco. Hogan, Lewis S. Pond and Alex Harris as Trustees of the Gentile Valley Irrigation Company, Limited, late a corporation; The Thatcher Irrigation Company, Limited, a corporation; Nathan D. Thatcher, J. A. Folkman, Milton Robbins and Sec. M. Smith as Trustees of Thatcher Canal & Power Company, Limited, late a corporation; Nelson High Company, a corporation; A. J. Nielsen, B. E. Meek, Henry Nelson, S. S. Engstrom and J. Fosgreen, as Trustees of Riverdale-Preston Irrigation Company, late a corporation; Riverdale Irrigating Company, Nielsen-Meek Company and West Cache Irrigation Company, corporations; B. P. Johnson, Albert Johnson, Hyman Johnson, Sec. B. Anderson, James T. Pond, Frank W. Harris, A. G. Bosen, Myrum J. Smith, John B. Hill, Melvin Green, Robert L. Smith, Charles Westerburg, Peter Westerburg and David F. Evans.

Horace Howard, Henry Rhinehart, Harvey W. Higley, Jan Monroe (or Munro), Nellie Simon, John Baird, William Monroe (or Munro), Corin Munro (or Munro), Charles Monroe (or Munro), Charles Foster, Myron Foster, Mary Baird, John Goodall (or J. D. Goodall), George Ellis, Skinner Irrigation Company, a corporation, Robert Evans, Fred Wheeler, Charles Bartschi, David Gugg, Phillip Gugg, Fred Stauffer, William Williams, (or William Morgan Williams), William Williams, Jr. (or William Morgan Williams), William Williams, E. M. Lindsay, Georgetown Irrigation Company, a corporation, and Thomas E. Man.

Idaho Ranch Company, Limited, The Banks Investment Company, and Farmers Land and Irrigation
Company of Alexander Idaho, Limited, corporations, and others, as Trustees,
Trustees of Cache Valley Land & Canal Company, late a corporation, S. M. Marshall and
W. W. Booth as Trustees of The Bonanza Land and Improvement Company, late a corporation,
James M. Huxley, Myrtle J. Huxley, Myrtle J. Huxley, and others, late a corporation,
Hoda Springs Electric Company, late a corporation, and N. E. Davis, Trustees of Soda Springs
Springs, a Municipal Corporation, Thomas L. Young, Laura M. Lee, Olin A. Gaudin, Maria A. Callahan, (or Harriett), Elvan M. Lee, Daniel J. Lee, Knolly, Ida M. Knolly, Mary M. Knolly, John M.
C. Anderson (or Abraham C. Anderson), David Anderson, J. T. Ferguson, John Erickson, Clifford K. Reed, Burnett, David Giles, George Jenkins and Thomas

Hans Nielson, James Strachan, Simon Bens, Geo. A. [unclear]
Gorton, John Lauritsen, John Moore, Arthur [unclear]
(or Augusta) Nelson, John [unclear]
Largillier and Harry [unclear]; [unclear]
Wool E. Wilmore, John E. [unclear]
Kansen, Leslie (or Louise) [unclear], David [unclear]

DATE OF
PRIORITY.

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE.

priority and amount of water appropriation is con-
ditioned upon a compliance with the terms of the
permit upon which said appropriation is based
to-wit: Permit No. H-61 and No. 18890, issued
by the State Engineer of the State of Idaho, and
the same is subject to the provisions of the laws
of the State of Idaho, governing the issuance of
water licenses by the Commissioner of Reclamation
the said State of Idaho.

To be diverted from said Cottonwood Creek in the
Southwest quarter of Section 8, Township 12 50,
Range 28 East, B.B.M., for the irrigation of 4000
acres of land in Sections 34 and 35, Township 12
South, Range 28 East, B.B.M., Sections 1 and 26,
23, 24, 25, 26, 27, 28, 29, 30 and 31 Township 12
South, Range 28 East, B.B.M.; Sections 1 and 26,
23, 24, 25, 26, 27, 28, 29, 30 and 31 Township 12
South, Range 28 East, B.B.M., and Section 17 in Town-
ship 14 South, Range 40 East, B.B.M.; Sections
35 East, B.B.M., and Section 7, 18 and 19 in Town-
ship 12 South, Range 10 East, B.B.M.

To be diverted from said Cottonwood Creek through
the last above mentioned ditch, for the supplemental
irrigation of the lands last above described, pro-
vided, however, that the priority and amount of
this appropriation is conditioned upon a compliance
with the terms of the permit upon which said appro-
piation is based to-wit: Permit No. 4407, is-
sued by the State Engineer of the State of Idaho,
and the same is subject to the provisions of the
laws of the State of Idaho governing the issuance
of water licenses by the Commissioner of Reclama-
tion of the said State of Idaho.

To be diverted from said Cottonwood Creek, through
a ditch diverting therefrom in the Southeast quar-
ter of Section 28, Township 12 South, Range 40
East, for the irrigation of 700 acres located in
the precinct of Clewiston, Benewah County, Idaho,
6.0 c.f.s.
7.3 c.f.s.
4 c.f.s.
1.8 c.f.s.

THE TREASURER'S IRRIGATION CO.:

a corporation:
(a) 1901--June 18

28 c.f.s. (b) 1909--Feb. 1

CLEVELAND IRRIGATION COMPANY:

1885--June 1
1887--June 1
1889--June 1
1904--Jan. 1

454.

455.

456.

SAFETY VALVE

- 0.2 c.f.s. through a ditch diver- from in the South-
east quarter of Section 34, Township 12 South,
Range 40 East, B. M. for the irrigation of a
portion of 120 acres in the North half of the
Southeast quarter and the Southeast quarter of the
Southeast quarter of Section 34.
457. D. M. WALTON:
1882--June 1 0.6 c.f.s. To be diverted from the said Cottonwood Creek in
the Northwest quarter of Section
1904--Jan. 1 6.0 c.f.s. 6, Township 13 South, Range 40 East, B. M., for the
irrigation of 160 acres in the Northwest quarter of
Section 35, Township 13 South, Range 40 East.
458. EDWIN BENNYON:
(a) 1870--June 1 1.5 c.f.s. To be diverted from springs tributary to said
Cottonwood Creek rising on the lands hereinafter
described.
(b) 1879--June 1 2.0 c.f.s. To be diverted from said Cottonwood Creek through
the King ditch.
(c) 1887--June 1 1.5 c.f.s. To be diverted from said Cottonwood Creek through
the Caldwell ditch.
(d) 1895--June 1 1.4 c.f.s. To be diverted from said Cottonwood Creek through
the Eldridge ditch.
(e) 1870--June 1 8 c.f.s. To be diverted from said Cottonwood Creek through
(f) 1904--Jan. 1 14 c.f.s. ditches diverting therefrom on the lands hereinafter
described, for the irrigation of 624 acres
in Section 36, Township 13 South, Range 41 East,
and Lots 3 and 4 and the East half of the Southwest
quarter of Section 31, Township 12 South, Range
41 East, B. M.

DEVILS DIVE CREEK, a tributary of Cottonwood Creek.

459. OLE HANSEN, HENRY LARSEN, GEORGE
A. SMITH, WILLIAM SMITH, ANTON
NELSON, CHARLES CHRISTENSEN,
ASSOCIATES KNOWN AS THE UPPER
CLEVELAND IRRIGATION COMPANY, SUB-
STITUTED FOR OLE HANSEN, HENRY
To be diverted from said Devils Dive Creek where
the said stream crosses the lands hereinafter des-
cribed, for the irrigation of 400 acres in the East
half of the Northwest quarter, the North half of the
Northwest quarter, Section 35, in the East half of
the Northeast quarter of Section 34, the Northwest

Farmers Land & Irrigation Company and \$75.00 to T. H. Horsley, J. E. Lee, D. S. Lee and M. M. Lee, for said last mentioned services, and that one-half of the balance, to-wit: \$1,000.00, be taxed to the Last Chance Canal Company, Limited, and the plaintiff may have process to recover all said costs as herein taxed, in accordance with the rules and practice of the court in equity cases. No other costs or disbursements shall be allowed to any of the parties hereto, but each shall pay his or its own costs.

5. It is further ORDERED AND DECREED that the court retain jurisdiction of this cause for the following purposes:

(a) To make corrections for clerical errors, inadvertences and omissions in the rights decreed.

(b) To review and amend the provisions of this decree, fixing the limits of the irrigation season, and further reducing the amounts of water which may be diverted for irrigation purposes during the months of August and September upon proof of decreased requirements by any appropriator.

(c) To take further evidence upon and to increase or decrease, after hearing allotments for winter use.

(d) To amend the provisions of this decree upon transit losses of stored waters released from the plaintiff's reservoir, and to increase or decrease the allowances herein made for that purpose.

(e) To consider the claims of Thorng Johnson and Knock Johnson, who claim to divert water from Soda Creek.

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes when it may be impracticable to fully comply with the terms of this decree, and to direct the parties to keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employees, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK B. DEK ROSE,
Judge.

UNITED STATES OF AMERICA.

DISTRICT OF IDAHO.)ss

I, W. B. McReynolds, Clerk of the United States District Court for the District of Idaho, do hereby certify that the foregoing copy of Decree is a correct transcript of the original as the same appears of record and on file in my office.

WITNESS my hand and the seal of said court this 20th day of August, 1920.

(Sgd) W. B. McReynolds,
Clerk.

(SEAL)

Filed for record at the request of Utah Power & Light Company, Salt Lake, Utah, at 4 minutes past 5 o'clock P. M., this 15 day of September, 1920, and recorded in Book 61 of Records, Page 177, Records of Blaine County, State of Idaho.

R. C. Harley,
Recorder.

By Margaret Blaine,
Deputy.

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Map

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Present Date Oct. 1981

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er

Oliver R. Hansen 7/6 Reuel H. Skinner

Fred Anderson

Mary Anderson

Francisco C. C. C.

Calvin
Covers

Fred Anderson

E. I. Stewart Jr.

35 36
2 1

E. I. Stewart Jr.

280 11 150

Valley Exploration Co., Inc.

U.S.

Vacant

2 1
11 12

Enclosures

1. Instrument No. 9742 - Homestead Certificate 796
2. Eldredge vs Cleveland Irrigation Company
Decree — Sept. 19, 1900
Recorded — December 15, 1903
3. Instrument No 79081 (Described in deeds
In Equity No. 203 (as being recorded in
Book 41 of Deeds page 191
Utah Power and Light Co. (Bannock County Court
House - Pocatello, Id.)
vs
The Last Chance Canal Co.
(enclosed - 1st and last page plus
page referring to 457
where D.M. Watton is listed
4. Franklin County Assessor's Office
Plot Map showing S.E. 1/4, Sec. 25
Township 12 - 40 E & M. - August 1981
date obtained.

RECEIVED

OCT 13 1981

Department of Water Resources
Eastern District Office

INTER-DEPARTMENT MEMO — 1

Keith C. Wilson
FROM

DATE 10-19-81

TO File

SUBJECT Decree Right # 11-0822/11-0823 entry # 457 } UTAH POWER & LIGHT CO.
Decree Right # 11-0830/11-0831 entry # 459 } LAST CHANCE CANAL CO.

There is a conflict between entry # 457 (11-0822/11-0823) and entry # 459 (11-0830/11-0831). The conflict is in ownership of land between D. H. Blatten & Ole Hansen and Henry Lane with the supportive documents supplied by Ernest I. and Arden B. Stewart. Decree Right # 11-0822/11-0823 place of use is the SE 1/4 of Sec 35, T12S, 40E and not well as listed in decree.

MICROFILMED

OK in

Keith C. Wilson
SIGNATURE

NOV 12 1981

Department of Water Resources
Transfer District Office

Identification No. T/11-0822 & 11-0823

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Russell D. Stoker, watermaster of Bear River,
of Water District No. 11, County of Franklin, State of Idaho,
whose address is 279 E 3rd N, Soda Springs, Idaho 83276,
have read the attached copy of the application for transfer of water right for
Ernest I &/or Afton B. Stewart Jr., and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

X None.

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Soda Springs, Idaho, this 10th day of Nov., 1981.

Russell D. Stoker
(Signature)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: STEVE McCORMICK

1. Right number 11-0822 Applicant ERNEST I. ^{AND/OR} AFTON B. STEWART
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- (a) ☒ Source ☒ Priority ☐ Amount ☐ Purpose ☐ Period of use
- (b) ☒ Description of original point of diversion.
- (c) ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- (a) ☒ All of right.
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- (c) ☒ Check description of point(s) of diversion.
- (d) ☒ Check description of place of use.
- (e) ☒ Check map (shows p.d. and p.u. after transfer).
- (f) ☒ Check for correct signature, notarization, and fee.
- (g) ☒ Check proof of ownership of right &/or land from which water is transferred. OK
- (h) ☒ Check for expansion in use of right. Comments N/A See also chain of ownership

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) No other rights found

- (j) ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 11 - Bear River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 11-04-81 Received on 11-12-81
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

- (1) ☒ Approve

2. ☐ Deny

3. Conditions* Measuring device & watermaster control, W.D. #11.

4. By Ernest Carlson Date Dec 7, 1981

RECEIVED
DEC 09 1981

June 6-9-82 01 05(11 Bear River)

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

November 4, 1981

Russell Stoker, Watermaster
WD #11
379E 3rd North
Soda Springs, Idaho 83276

RE: T/11-0822 & 11-0823

Dear Russell:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning them to this office on or before November 16, 1981.

Thank you for your cooperation in this matter.

Very truly yours,

ERNEST M. CARLSEN
Asst. Regional Supervisor

EMC:brs

enclosures

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 11-0822 (#457)/11-0823

Notice is hereby given that Ernest I. &/or Afton B. Stewart, Jr., have applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Cottonwood Creek tributary to Bear River. The right sought to be changed is evidenced by decree to D. M. Walton in case of Utah Power and Light Company vs Last Chance Canal Company dated July 14, 1920 in Eastern Division District Court, County of Franklin and is recorded as follows:

11-0822 AMOUNT: 0.6 cfs PRIORITY: 6/01/1882

11-0823 AMOUNT: 6.0 cfs PRIORITY: 1/01/1904

DECREEED POINT OF DIVERSION: NW $\frac{1}{4}$, Sec. 6, T. 13S, R. 40E, B.M.,
Franklin County.

The water is used to irrigate 160 acres within the NW $\frac{1}{4}$, Sec. 35, T. 12S, R. 40E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 12S, R. 40E, B.M., Franklin County and used to irrigate 160 acres within the SE $\frac{1}{4}$, Sec. 35, T. 12S, R. 40E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before November 16, 1981.

A. KENNETH DUNN

Director

Published in the Preston Citizen, October 29 and November 5, 1981

CERTIFICATE OF REDEMPTION FROM FORECLOSURE

STATE OF IDAHO
COUNTY OF FRANKLIN--ss

I, E. L. Hansen, sheriff of the county of Franklin, state of Idaho, do hereby certify that on the 25 day of May, 1942, Chester E. Walton the judgment debtor in the action hereinafter mentioned, in due form of law, tendered and paid to me the sum of Forty-Two hundred and seventy four dollars (\$4274.61), being in full payment of the purchase price paid by the purchaser at the sale of the real property hereinafter described made by me on the 11th day of July, 1942, under the decree of foreclosure rendered in and by the fifth district court of the county of Franklin, state of Idaho, on the 17th day of June, 1942, in the case of Federal Farm Mortgage Corporation, A Corporation, plaintiff, v. Chester E. Walton and Olive Walton, defendant, entered on the 17th day of June, 1942, and by virtue of an order of sale duly issued thereon and directed to me, whereby I was required to make sale of the said premises as therein directed; that said sum includes 6% per cent per month interest on the purchase price up to the time of redemption, together with the amount of all taxes and assessments paid by the purchaser on said property after said purchase, and interest thereon; that I received said sum of money so tendered and paid; and that I thereupon executed to the said Chester E. Walton and Olive Walton this, my certificate of redemption of said property, in conformity with the statute in such case made and provided. The premises so redeemed are described as follows, to wit:

Parcel 1: The southeast Quarter of Section Thirty-five, Township Twelve South, Range Forty, East of the Boise Meridian, except part conveyed to State of Idaho for road by deed recorded in book 45 at page 288, Records of Bannock County, Idaho;

Together with all water rights, and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises, or used in connection therewith, including (but not limited to) the following:

All right to Waters of Cottonwood Creek decreed to above Lands by Court decree entered in book 41 of Deeds at page 191, Records of Bannock County, Idaho.

Parcel 2: Lot Four, the Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section One; and the Northeast Quarter of the Southeast Quarter of Section Two; All in Township Thirteen South, Range Forty, East of the Boise Meridian;

Parcel 3: Lots One and Two and the South half of the Northeast Quarter of Section Two Township Thirteen South, Range Forty, East of the Boise Meridian;

All water and water rights used upon or Appurtenant to said property and however evidenced, including (but not limited to) a water right evidenced by seven shares of stock in the Cleveland Irrigation Co. Inc., represented by stock certificate No. 28;

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand this 13th day of July, 1942.

E. L. Hansen
Sheriff of Franklin County
By: M. B. Turk
Deputy

MICROFILMED

65849

1822163

Relinquished
Surrendered
Surrendered
Surrendered

1822163

E. J. Pearson
W. H. Smith
Charles E. Patton
Clark

Det'd County 13 10-4-2
State of Kent.
County of Franklin

Shereby Certify that the foregoing was filed
and record at the office of
E. J. Pearson

at 20 Minutes past 10 o'clock
A.M. on 22 day of July
A.D. 19 42 in my office and
fully recorded in book 10

of Miss at page 157
Records of Franklin County, Ohio

By E. J. Pearson Ex-Officio Recorder
W. H. Smith Deputy
Rec'd 100

W. H. Smith
W. H. Smith
W. H. Smith

Records Page 12.
W. H. Smith

OF Franklin COUNTY,
STATE
W. H. Smith
RECORDER

FEE 1.00
DEPUTY

AT REQUEST OF
W. H. Smith
W. H. Smith

Records 50
Fees 1.00
Total 1.50

This Indenture, Made this 27th day of April

in the year of our Lord one thousand nine hundred and forty two between

Chester E. Walton and wife Olive Walton

Cleveland

of the County of Bannock State of Idaho the parties of the first

part, and E. I. Stewart and I. P. Stewart

of Logan County of Cache

State of Utah the parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Fifty-four hundred and NO/100 - - - - - DOLLARS, 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, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Cleveland County of Bannock State of Idaho, to wit:

Parcel 1; The Southeast quarter of Section 35, Township 12 South, Range 40 East of the Boise Meridian, except part conveyed to the State of Idaho for road by deed recorded in Book 45 at Page 288, Records of Bannock County, Idaho.

Together with all water rights and rights in ditches, canals and laterals and rights of way therefor, appurtenant to said premises as used in

All right to waters of Cottonwood Creek decreed to above lands by Court decree entered in Book 41 of Deeds at Page 191, Records of Bannock County, Idaho.

Parcel 2: Lot 4, the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 1, and the Northeast quarter of the Southeast quarter of Section 2; all in Township 13 South, Range

Parcel 3: Lots One and Two and the South half of the Northeast quarter of Section Two, Township Thirteen South, Range Forty, East of the Boise Meridian;

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

This conveyance is given subject to the Federal Land Bank mortgage now covering the above described premises.

Together with seven shares of water stock in the Cleveland Irrigation Company, represented by certificate Number 28, now held in connection with a loan with the Federal Land Bank.

Frank A. Anderson

SEAL

SEAL

MICROFILMED

MICROFILMED

No

WARRANTY DEED

Christian S. Johnson

At end

—To—
J. J. G. G.

Reverend

Dated April 27 1943

State of Indiana
County of Franklin } ss.

85
out.
of David 315

PRINTED BY
STANLEY

ORDER
DEPUTY
By Walter H. Chambers
FEE 1.40

AT REQUEST OF

AT REQUEST OF
 Mr. E. L. Stewart
 Logan, Utah

Fee	Reception
Abstract Record sent a sep. "FREE" card, 7/10/68	
Book Page 123	
6 - 50	
Recorded	
Proof read	

Residing at Logan, Utah

My commission expires March 14th 1943

and year in this certificate first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day

and acknowledged to me that he Y executed the same.

known to me to be the person^s whose name ere subscribed to the within instrument.

011ve Walton

in and for said County, personally appeared _____
Chester E. Walton and wife

7. J. M. S. H. M.

On this 27th day of April in the year 1942, before me

ss. } County of Cache

STATE OF Utah



This Indenture, Made this 27th day of April

in the year of our Lord one thousand nine hundred and forty two between

Chester E. Walton and wife Olive Walton

Cleveland

of the County of Bannock State of Idaho the parties of the first

part, and E. I. Stewart and I. D. Stewart

of Logan County of Cache

State of Utah the parties of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Fifty-four hundred and NO/100 - - - - - DOLLARS. 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, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Cleveland County of Bannock State of Idaho, to wit:

Parcel 1; The Southeast quarter of Section 35, Township 12 South, Range 40 East of the Boise Meridian, except part conveyed to the State of Idaho for road by deed recorded in Book 45 at Page 188, Records of Bannock County, Idaho.

→ Together with all water rights and rights in ditches, canals and laterals and rights of way therefor, appurtenant to said premises, or any part thereof, including (but not limited to) the following:

All right to waters of Cottonwood Creek decreed to above lands by Court decree entered in Book 41 of Deeds at Page 191, Records of Bannock County, Idaho.

Parcel 2: Lot 4, the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 1, and the Northeast quarter of the Southeast quarter of Section 2; all in Township 13 South, Range 40, East of the Boise Meridian.

Together with all and singular the tenements, hereditaments and appurtenances thereunto by long or in anywise appertaining, the reversion and reversions, remainder and remainders, rent 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 parties of the first part.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, 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 and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by the presents forever DEFEND.

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

Signed, Sealed and Delivered in the Presence of

E. I. Stewart

I. D. Stewart

Chester E. Walton

Olive Walton

SEAL

SEAL

SEAL

SEAL

MICROFILMED

221035

UTAH

65171

No.

WARRANTY DEED

Chester E. Walton

Trust

-TO-

E. D. & J. G.

Stewart

Dated April 27 1943

State of Utah

County of Franklin

ss.

I hereby certify that this instrument was filed for record

at the request of E. D. & J. G.

Stewart, J. G. & J. G.

at 10 minutes past 5 o'clock p. m., this

27 day of April A. D. 1943

in my office, and duly recorded in Book 34

Page 403

Ex-Officio Recorder

By Logan Stewart Deputy

Fee \$4.00

Abstract Record

Book 6 Page 173

Recorded

Proof Read

Residing at Logan, Utah

My commission expires March 14th 1943

Notary Public

and year in this certificate first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day

and acknowledged to me that the Y executed the same.

known to me to be the person, whose name are subscribed to the within instrument.

Olive Walton

in and for said County, personally appeared

Chester E. Walton and wife

W. H. Stewart

a Notary Public

On this 27th day of April

in the year 1943, before me

County of Cache ss.

STATE OF Utah

DEPUTY

FEE 1.40

AT REQUEST OF

Logan Stewart

Logan, Utah

of Deed 10 31

STATE COUNTY

THIS INDENTURE, made this 4th day of November
in the year of our Lord one thousand nine hundred and Forty two between
I. P. Stewart and his wife Rebecca Stewart

of Logan County of Cache
State of Utah the part I.S. of the first part, and
E. I. Stewart and his wife Sarah Stewart as Joint Tenants by entirety
with full rights vested in the survivor and not as tenants in common.
of Logan County of Cache
State of Utah the part I.S. of the second part.

WITNESSETH, That the said part I.S. of the first part, for and in consideration of the sum of
\$1.00 and other valuable considerations
lawful money of the United States of America, to them in hand paid by the said part I.S. of the second
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part I.S. of the second part and to their heirs and
assigns forever, all the following described real estate, situated in the County of Franklin State of Idaho, to-wit:

The Southeast quarter of Section 35, Township 12 South, Range 40
East of the Boise Meridian, this land located in Bannock County; and
the Northeast quarter of Section 2, and the Northeast quarter of the
Southeast quarter of Section 2; and the West half of the Northwest
quarter of Section 1, and the Northwest quarter of the Southwest
quarter of Section 1, Township 13 South, Range 40 East of the Boise
Meridian. This land being located in Franklin County, Idaho.

Together with 7 shares of the capital stock of Cleveland Irrigation
Company and 6 c.f.s. with priority of January 1, 1904 of the Waters of
Cottonwood Creek as shown in one Decree recorded in Book 1 of Judgments
page 325, records Franklin County, Idaho, also found recorded in Bannock
county. Together with one Assignment of Ore and Mineral Lease, Recorded
in Book 10 of Miscellaneous, page Filing #66680 Records Franklin
County, Idaho.

Consideration less than \$100.00

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 part I.S.
of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the
appurtenances, unto the part I.S. of the second part, and to their heirs and assigns forever. And the
said part I.S. of the first part, and their heirs, the said premises in the quiet and peaceable possession of
the said part I.S. of the second part, their heirs and assigns, against the said part I.S. of the first
part, and their 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 part I.S. 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

I P Stewart (SEAL)
Rebecca Stewart (SEAL)
(SEAL)
(SEAL)
(SEAL)

MICROFILMED

224430

RECORDED

FEB 4 1933 3 25PM

87 of
147 of
Deeds

Wm. P. ...

FEB 1 1933

12 of ...

MICROFILMED

66886

No.

WARRANTY DEED

E. L. Stewart

TO—
E. L. Stewart

Dated Nov. 4, 1932

STATE OF IDAHO,
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was

filed for record at request of
E. L. Stewart, Agent

at 2.5 minutes past 12
o'clock P. M., this 2 day
of Nov., A. D. 1932

In my office, and duly recorded in Book 34
of 628 at page 628

By E. L. Stewart
Ex-Officio Recorder.
Fees, \$ 20 Deputy.

Mail to

Abstract Recd.	Recorded
Book 34	Page 628
Fee Book	Recorded
Proof Read	Indexed

STATE OF IDAHO,
County of Franklin—ss.
On this 4 day of Nov., in the year 1932, before me
I, P. Stewart and his wife Rebecca Stewart
a Notary Public in and for said State, personally appeared
known to me to be the persons whose names
acknowledged to me that the Y executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this
certificate first above written.
Notary Public, Residing at Preston, Idaho

31/38

THIS INDENTURE, made this 31st day of July
in the year of our Lord one thousand nine hundred and Forty-five between
I. P. Stewart and his wife Rebecca Stewart

of Logan County of Cache
State of Utah the part 1st of the first part, and

E. I. Stewart and his wife Sarah Stewart, joint tenants by entirety
with full rights vested in the survivor and not as tenants in common.

of Logan County of Cache
State of Utah the part 1st of the second part.

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of
\$1.00 and other valuable consideration - - - - -

lawful money of the United States of America, to them in hand paid by the said part 1st of the second
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part 1st of the second part, and to their heirs and
assigns forever, all the following described real estate, situated in the County of Bannock, State of Idaho, to-wit:

Together with 0.6 c.f.s. of the waters of Cottonwood Creek with
priority of June 1, 1882 No. 457 of the Final Decree Utah Power &
Light Company, Plaintiff Vs. the Last Chance Canal Company, Limited,
Defendants. Recorded in Book 1 of Judgments, page 325, Records of
Franklin County, Idaho, also recorded in Bannock County, Idaho.
Consideration less than \$100.00

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 part 1st
of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the
appurtenances, unto the part 1st of the second part, and to their heirs and assigns forever, And the
said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of
the said part 1st of the second part, their heirs and assigns, against the said part 1st of the first
part, and their 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 part 1st 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

I P Stewart (SEAL)
Rebecca Stewart (SEAL)
(SEAL)
(SEAL)
(SEAL)

RECORDED

Supplement

from 100 to 600
338865
feet of water on
mainly

WARRANTY DEED

—TO—

Dated 19

STATE OF IDAHO
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was
filed for record at request of
at minutes past
o'clock M., this day
of , A. D. 1945
in my office, and duly recorded in Book 22
of at page 324

Ex-Officio Recorder.

By Fees, \$ Deputy
Mail to

Preston Adams

RECORDED

My Commission Expires March 14th 1947
Notary Public, Residing at Preston, Idaho

On this 31st day of July, in the year 1945, before me
I, P. Stewart and his wife Rebecca Stewart
known to me to be the person whose names are
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 cer-
tificate first above written.

Witness

THIS INDENTURE, made this First day of July
in the year of our Lord one thousand nine hundred and Fifty between
E. I. Stewart (a Widower)

of Logan County of Cache
State of Utah the part Y of the first part, and
E. I. Stewart, Jr. and his wife Afton B. Stewart joint tenants by en-
tirety with full rights vested in the survivor and not as tenants in
common Cleveland County of Franklin
State of Idaho the part ies of the second part.

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of
One and No/100 (Love and Affection)
lawful money of the United States of America, to him in hand paid by the said part ies 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 part ies of the second part, and to their heirs and
assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Parcel 1: The Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-five (35), Town-
ship Twelve (12) South, Range Forty (40), East of the Boise Meridian,
except part conveyed to State of Idaho for road by deed recorded in Book
45 at Page 288, Records of Bannock County, Idaho;

Together with all water rights, and rights in ditches, canals
and laterals, and rights of way therefor, appurtenant to said premises
or used in connection therewith, including (but not limited to) the
following:

All right to waters of Cottonwood Creek decreed to above lands
by court decree entered in Book 41 of Deeds at Page 191, Records of
Bannock County, Idaho.

Parcel 2: Lot Four (4), the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest
Quarter (NW $\frac{1}{4}$), and the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter
(SW $\frac{1}{4}$) of Section One (1); and the Northeast Quarter (NE $\frac{1}{4}$) of the South-
east Quarter (SE $\frac{1}{4}$) of Section Two (2); all in Township Thirteen (13)
South, Range Forty (40), East of the Boise Meridian.

Parcel 3: Lots One (1) and Two (2) and the South Half (S $\frac{1}{2}$) of the North-
east Quarter (NE $\frac{1}{4}$) of Section Two (2), Township Thirteen (13) South,
Range Forty (40), East of the Boise Meridian.

Parcel 4: Lot Three (3) and the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest
Quarter (NW $\frac{1}{4}$) of Section Two (2), Township Thirteen (13) South, Range
Forty (40), East of the Boise Meridian.

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 part Y
of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the
appurtenances, unto the part ies of the second part, and to their heirs and assigns forever, And the
said part Y of the first part, and his heirs, the said premises in the quiet and peaceable possession of
the said part ies of the second part their heirs and assigns, against the said part Y 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 part Y of the first part has hereunto set his hand and
seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

MICROFILMED

E. I. Stewart

85426

No. _____

WARRANTY DEED

E. I. Stewart (a widower)

TO

E. I. Stewart, Jr.
and
Afton B. Stewart

Dated July 1, 1950

STATE OF IDAHO,
COUNTY OF FRANKLIN--ss.

I hereby certify that this instrument was
filed for record at request of
E. I. Stewart, Jr.

at 9:17 minutes past 12
o'clock P. M., this 17th day
of July, A. D. 1950
in my office, and duly recorded in Book 16
of Deeds at page 529

By _____, L. Swanson
Ex-Officio Recorder

Fees, \$1.75
Mail to _____

Abstracted _____
Book 67 Page 73

Recorded _____
Proof Read _____
Indexed _____

Logan, Utah

Notary Public, Residing at _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this cer-

acknowledged to me that _____ he executed the same.

known to me to be the person _____ whose name _____

E. I. Stewart (a widower)

First day of July in the year 1950

Before me, _____

Notary Public, in and for said State, personally appeared

My Commission Expires:
October 4, 1953

Utah
STATE OF IDAHO
County of FRANKLIN--ss.
Cache

Microfilm

FIRST DIVISION

EDWARD J. TURNER, *Commissioner*.

COVE, IDAHO.

1904.

DECREED WATER RIGHTS,

Cottonwood Creek, Spring Creek, Divide Creek,
Cow Hollow Creek, Devil's Dive Creek,
Bannock County.

Decree.

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

Adelbert U. Eldredge, B. F. Potter, Samuel D.
Kendall, Elizabeth Clements, A. J. Malm-
strom, and D. M. Walton, *Plaintiffs*,

vs.

Cleveland Irrigating Company, a Corporation,
Treasureton Irrigation & Ditch Company, a
Corporation, Samuel Ames, Henry Larsen,
George A. Smith, Ole Hansen, Julian Ken-
dall, J. W. Walker, Ralph Cordon, Mrs.
Ralph Cordon and George B. Boice, *De-
fendants*.

This cause came on regularly for hearing before
the court, sitting without a jury, on the 15th day
of December, 1903, Messrs. Standrod & Terrell, ap-
pearing as counsel for the plaintiffs and Arthur W.
Hart, Esq., appearing as counsel for the defend-
ants; and it appearing to the court that heretofore,
on the 19th day of November, 1903, the said par-
ties plaintiffs and defendants, to the above en-

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titled action, duly submitted their several controversies involved in said action, to arbitration, which said submission to arbitrate was and is in writing, duly filed herein, to which reference is hereby made; and it further appearing that the persons selected in said submission of arbitration as the arbitrators of said controversies, duly qualified according to law, and on the 19th and 20th days of November, 1903, having duly heard the testimony submitted to them by and on behalf of all the parties to said action and arbitration, and having on the 4th day of December, 1903, duly made their award in writing and having on this day filed the same in this court and cause; and now on this day, the said attorneys for the respective parties aforesaid, having presented to this court, and filed herein a stipulation in writing, signed by the said attorneys respectively, authorizing and requesting this court to adopt the said award as its findings of fact and conclusions of law, and to direct a judgment and decree to be entered in accordance therewith. And the court having duly considered all and singular the premises, now adopts the said award, to which reference is hereby made, as the findings of fact and conclusions of law of this court, and orders that judgment be entered in accordance therewith:

Wherefore, it is ordered, adjudged and decreed: That Adelbert U. Eldredge, is the owner, in the possession and entitled to the possession of the following lands, to-wit: S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$, E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$, N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ Section 36, Township 12, South of Range 40 East, Boise Meridian; lots numbered three and four of Section 31, Township 12 South of Range 41 East, R. M.; also E. $\frac{1}{2}$ S. W. $\frac{1}{4}$ and lots numbered three and four of Section 30, Township 12, South of Range 41 East R. M., containing 482 acres more or less;

That said Adelbert U. Eldredge, for the purpose of irrigating his said land, and for domestic and stock purposes, is entitled to the use of the waters of Cottonwood Creek, a tributary of Bear River, in Gentle Valley and Cottonwood Valley in the

State of Idaho, two cubic feet per second of time, through and in what is known as the "King Ditch," such right to date from the 1st day of June, 1870; also, all of the waters flowing or to flow from or in that certain small stream wholly upon the lands above described, known as Spring Creek, amounting to a maximum flow of about one and one-half cubic feet per second of time, such right to date from the first day of June, 1870; also, one and one-fifth cubic feet per second of time of the waters of said Cottonwood Creek, through what is known as the "Caldwell Ditch," for the irrigation of the lands above described on the south side of said Cottonwood Creek; such right to date from the 1st day of June, 1887; also, one and two-fifths cubic feet per second of time of the waters of said Cottonwood Creek, through what is known as the "Eldredge Bench Ditch" for the irrigation of the lands above described, such right to date from the 1st day of June, 1895.

That D. M. Walton, is the owner, in the possession and entitled to the possession of the following lands, to-wit: S. E. $\frac{1}{4}$ of Section 35, Township 12, South of Range 40 East, B. M., containing 160 acres;

That said D. M. Walton is entitled to use upon said land for the irrigation thereof and for domestic and stock purposes, of the waters of said Cottonwood Creek, three-fifths of one cubic foot per second of time, such right to date from the 1st day of June, 1882.)

That Cleveland Irrigating Company, for the purposes of furnishing and supplying to its stockholders, water for irrigating and domestic purposes, is entitled to the use of the waters of said Cottonwood Creek, one and three-tenths cubic feet per second of time, such right to date from the 1st day of June, 1885; also, four cubic feet per second of time, such right to date from the 1st day of June, 1887; also, seven and three-tenths cubic feet per second of time, such right to date from the 1st day of June, 1889;

That B. F. Potter, is the owner, in the possession

and entitled to the possession of the following lands, to-wit: The S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ and E. $\frac{3}{4}$ of S. W. $\frac{1}{4}$, and S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of Section 5, Township 12, South Range 39 East B. M. containing 160 acres;

That the said B. F. Potter is entitled to the use of the waters of said Cottonwood Creek of two cubic feet per second of time, for the irrigation of said lands and for domestic purposes, such right to date from the 1st day of June, 1888.

That George B. Boice, is the owner, in the possession and entitled, against all the world except the United States, of the following lands, to-wit: E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ and N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$, and the N. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of Section 5, Township 12, South of Range 39 East B. M., containing 160 acres;

That the said George B. Boice, for the purposes of irrigation of said land and for domestic purposes, is entitled to the use of the waters of said Cottonwood Creek, of three-tenths of one cubic foot per second of time, such right to date from June 1st, 1882; also, three-fifths of one cubic foot per second of time, of the waters of said Cottonwood Creek, such right to date from the 1st day of June, 1893.

That Samuel D. Kendall, is the owner, in the possession and entitled to the possession, against all the world except the United States, of the following described lands, to-wit: N. $\frac{3}{4}$ of S. E. $\frac{1}{4}$ and S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 32, Township 11, South Range 39 East B. M., containing 160 acres;

That said Samuel D. Kendall is entitled to the use on said lands for the irrigation thereof and for domestic purposes, of the waters of said Cottonwood Creek, four twenty-fifths of one cubic foot per second of time, such right to date from the 1st day of June, 1887; also, three-fifths of one cubic foot per second of time, of the waters of said Creek, such right to date from the 1st day of June, 1893.

That Elizabeth Clements, is the owner, in the possession and entitled to the possession, against all the world except the United States, of the fol-

lowing described lands, to-wit: E. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ of Section 32, Township 11, South Range 39 East, and the N. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 5, Township 12 South Range 39 East B. M., containing 160 acres;

That said Elizabeth Clements is entitled to the use upon said land, for the irrigation thereof and for domestic purposes, of the waters of said Cottonwood Creek, nine-tenths of one cubic foot per second of time, such right to date from the 1st day of June, 1887; also, one-half of one cubic foot per second of time of the waters of said creek, for use upon said land, such right to date from the 1st day of June, 1893.

That Mrs. R. R. Cordon (wife of Ralph Cordon) is the owner, in the possession and entitled to the possession, against all the world except the United States, of the following lands, to-wit: The W. $\frac{1}{2}$ of the S. W. $\frac{1}{4}$ of Section 5, S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, Section 6, N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$, S. E. $\frac{1}{4}$ of N. E. $\frac{1}{4}$, N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, and N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, Section 8, Township 12, South Range 39 East B. M., containing 320 acres;

That the said R. R. Cordon, for the purposes of irrigating the lands aforesaid, and for domestic purposes, is entitled to the use of the waters of Divide Creek, a tributary of the said Cottonwood Creek, of one and three-tenths cubic feet per second of time, such right to date from the 1st day of June, 1888.

That A. J. Malmstrom, is the owner, in the possession and entitled to the possession, as against all the world except the United States, of the following lands, to-wit: S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ Section 5, N. $\frac{3}{4}$ of the N. E. $\frac{1}{4}$ Section 8, N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of Section 9, Township 12, South of Range 39, East, B. M., containing 200 acres;

That said A. J. Malmstrom, for the purposes of irrigating said lands and for domestic use, is entitled to the use of the waters of Cow Hollow Creek, a tributary of said Cottonwood Creek, of thirteen-fiftieth of one cubic foot per second of time, such right to date from the 1st day of June,

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its stockholders, water for irrigating and domestic use, is entitled to the flood or surplus waters of said Cottonwood Creek, for the use and benefit of its several stockholders, for the irrigation of their respective lands, of sixty cubic feet per second of time, such right to date from the 18th day of June, 1901.

It is further ordered, adjudged and decreed, that as among the several parties to this decree to whom rights are herein awarded, the first in time shall be the first in right to the use of the waters of said Cottonwood Creek and its tributaries; that such rights as date from the same time shall be of equal dignity, and in the event of a shortage of said waters, the rights which are of equal dignity shall be prorated along the claimants thereof in proportion that their respective rights bear to the aggregate of such equal rights; and in case of such shortage, the junior rights shall give way to the senior rights in the order of seniority, until said senior rights shall be satisfied according to their preference in time.

It is further ordered, adjudged and decreed that the water herein adjudged to be used by the several parties hereto, shall be measured at the point at which said parties shall respectively divert the same from the stream from which said water is taken; and measured to said parties in the manner provided by law.

It is further ordered, adjudged and decreed that the several parties to this action and decree, their servants, agents, counselors and attorneys, and each and every one of them, is, and they and each of them hereby are, forever and perpetually enjoined from molesting or interfering with the rights herein awarded to any of the parties to this decree; and the several and individual rights of the plaintiffs and defendants as herein decreed shall be forever protected from any intrusion or interference whatever made, done or committed by either or any of said parties, against the rights of either or any of said parties to this action or decree.

Done in open District Court on this the 15th day of December, A. D. 1903.
(Seal.) ALFRED BUDGE,
Judge of said District Court.

State of Idaho, County of Bannock, ss:

I, E. G. Gallet, Clerk of the District Court, Ex-officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Decree as shown by the records of my office.

Witness my hand and official seal this 16th day of December, 1903.

(Seal.) E. G. GALLEY,
Clerk District Court, Ex-Officio Auditor and Recorder.

By D. N. CAMPBELL,
Deputy.

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