

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code
AMENDMENT
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that LEON WALLACE MANNING (name of claimant)
of 424 UNIV. DRIVE POCAHELLO, ID. 83201 (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) PECK CREEK, tributary to, MARSH CREEK
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: AMENDED To CORRESPOND WITH 3.8 ACREAGE
Amount 3.8 cfs Use IRRIGATION Period of Use: From APR 1 To NOV 1
Amount Use Period of Use: From To
Amount Use Period of Use: From To
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)
- (3) Total quantity of water claimed: 3.8 cubic feet per second, or acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1909

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 16 Twp. 11S Rge. 37E B. M. County of BANNOCK
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible.

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

T	R	SEC.	Lot 3				Lot NW 1/4 4				Lot SW 1/4 6				SE 1/4				TOTAL
103	37E	31	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
							5	25	12	40	20	20	38	4	25				189

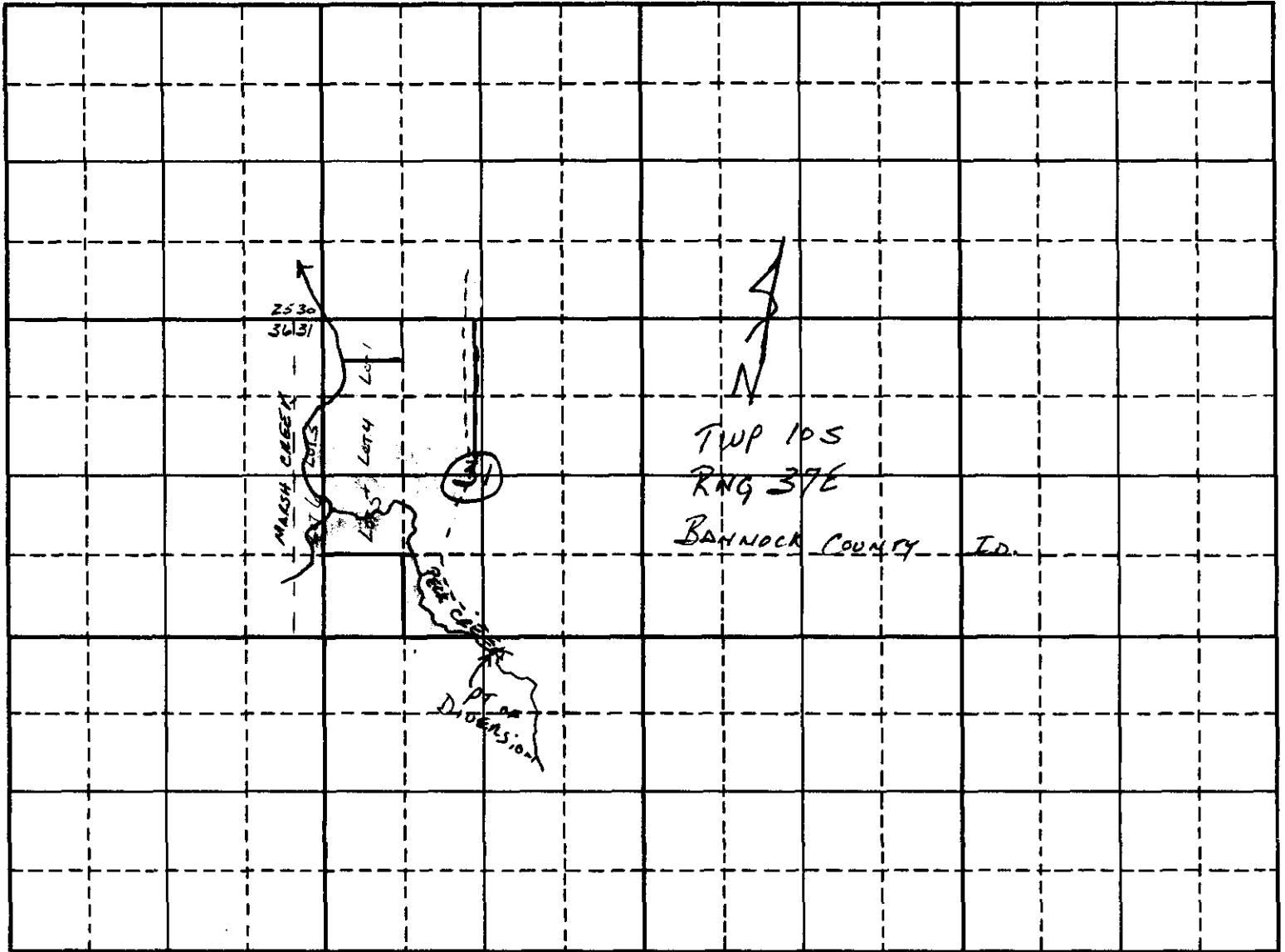
Total No. of acres 189

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

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

RECORDED

(8) Remarks THIS IS TO AMEND CLAIM FILED IN JULY 1975 ON WHICH
PLACE OF USE WAS DESCRIBED INCORRECTLY DUE TO THE
EXTRA WIDE SECTION



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of FRANKLIN) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 14th day of FEBRUARY, 1977.

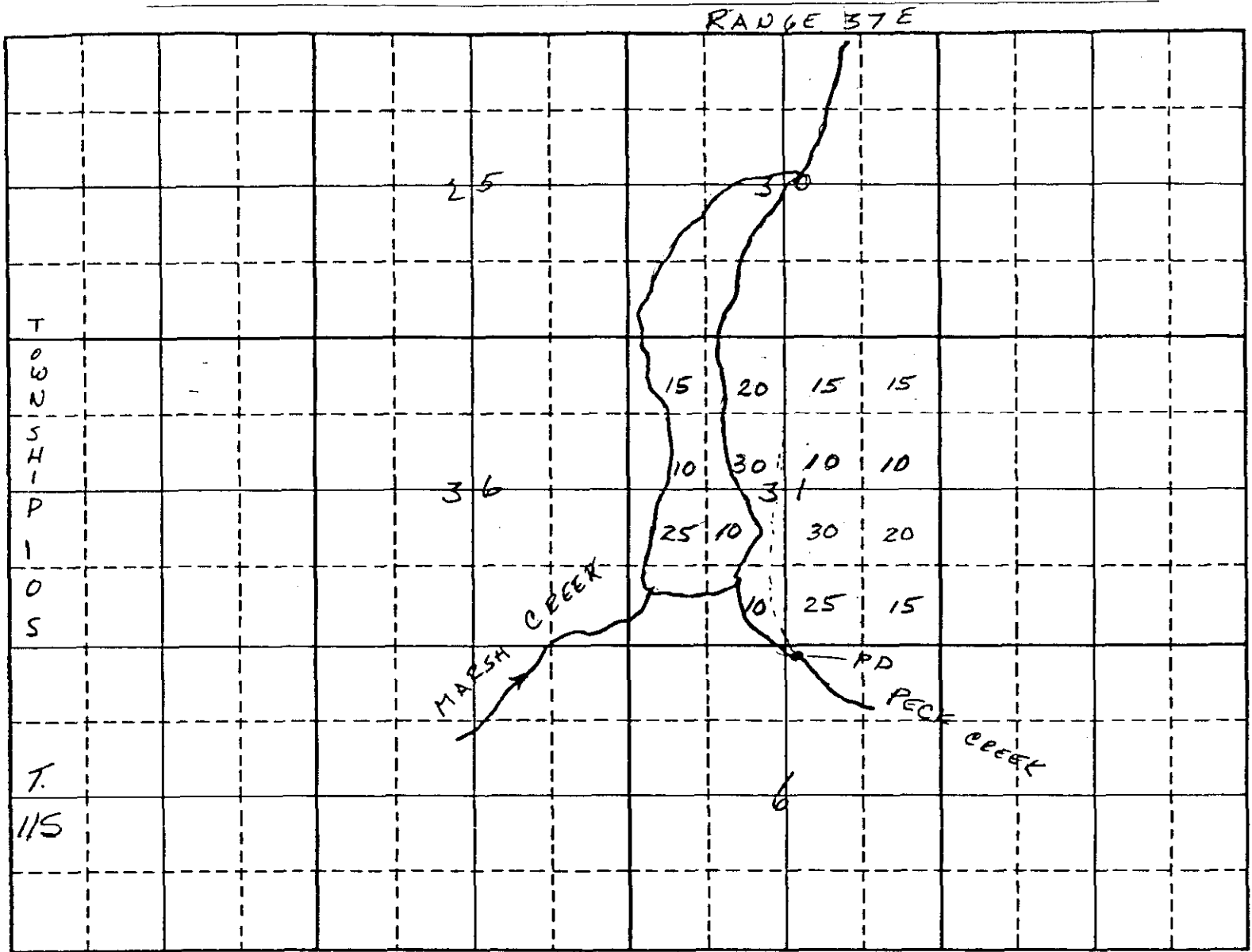
(Claimant)
Joe S. Kennedy
Notary Public
Residing at Preston

My commission expires Lifetime

For Department Use Only

Received by <u>W</u>	Date <u>2-25-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>2-16-77</u>		claimant by:	
\$10.00 fee received by <u>P.H.</u>	Date <u>2-16-77</u>			
Approved for publication by <u>me</u>	Date <u>3-21-77</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>March 10 and 17, 1977</u>				

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of BANNOCK) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 28 day of July

Richard F. Barnmaster
(Claimant)

John B. Brown
Notary Public

Residing at Bozeman, Idaho

My commission expires Oct. 26, 1976

For Department Use Only

Received by <u>CU</u>	Date <u>8-07-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CU</u>	Date <u>8-7-75</u>		claimant by:	
\$10.00 fee received by <u>CU</u>	Date <u>8-07-75</u>			
Approved for publication by <u>CU</u>				
Published in <u>Bozeman, Idaho</u>				
Dates <u>8-14 & 8-21-75</u>				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Richard &/or Gloria Burmester (name of claimant)
of Arimo, Idaho (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Peck Creek
tributary to Marsh Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|------|-----|------------|---------------------|--------|----|--------|
| Amount | 4.40 | Use | Irrigation | Period of Use: From | Apr. 1 | To | Nov. 1 |
| Amount | | Use | | Period of Use: From | | To | |
| Amount | | Use | | Period of Use: From | | To | |
- (cfs, gpm, etc.) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 4.40 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1909

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 6 Twp. 11S Rge. 37E B. M. County of Bannock
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Two Steel Culverts

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

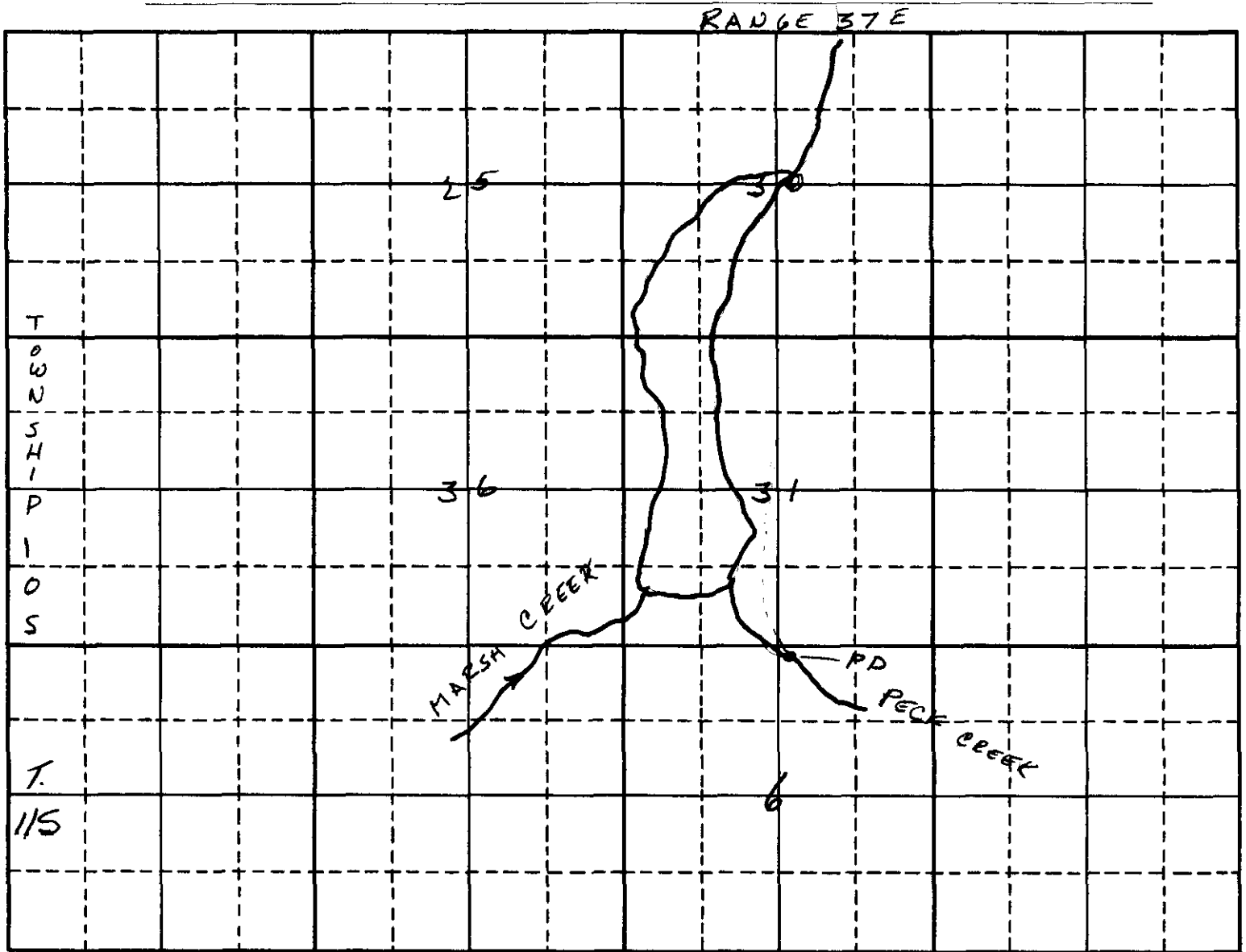
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	37E	31	15	15	10	10	20	15	10	30	10	25		10	20	30	25	15	260

Total No. of acres 260

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

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of BUNNOCK) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 28 day of July

Richard F. Barmester
(Claimant)

John B. Brown 19 75
Notary Public
Residing at Bozeman, Idaho

My commission expires Oct. 26, 1976

For Department Use Only

Received by <u>cu</u>	Date <u>8-07-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Int</u>	Date <u>8-7-75</u>		claimant by:	
\$10.00 fee received by <u>cu</u>	Date <u>8-07-75</u>			
Approved for publication by <u>MB 9-2-75</u>	<u>11/26/9</u>			
Published in <u>Idaho State Journal</u>				
Dates <u>8-14 & 8-21-75</u>				

WARRANTY DEED

RECEIVED

For Value Received

RICHARD F. BURMESTER & GLORIA F. BURMESTER, Husband and Wife

FEB 16 1977

Department of Water Resources
Eastern District Office

the grantor s, do hereby grant, bargain, sell and convey unto

LEON WALLACE MANNING & GWEN B. MANNING, Husband and Wife

whose current address is 424 University Drive, Pocatello, Idaho, 83201

the grantee s, the following described premises, in Bannock County Idaho, to wit:

Township 10 South, Range 37 East of the Boise Meridian, Bannock County, Idaho,

Section 31: Beginning at the West quarter corner of Section 31, thence North 89°56' East 205.96 feet to a true Point of Beginning, thence North 14°30' West 196.03 feet, thence North 37°52' East 235.51 feet, thence North 15°42' East 365.78 feet, thence North 27°20' West 239.54 feet, thence North 43°34' East 311.55 feet, thence South 0°05' West 1165.65 feet, thence South 89°56' West 296.83 feet, more or less, to a true Point of Beginning.

Also, E $\frac{1}{2}$ W $\frac{1}{2}$ except: Beginning at the North quarter corner of said Section 31, thence South 2640 feet to center of said section, thence West 500 feet, thence North 13°23' East 863.5 feet to a point 300 feet West measured at right angles from the North and South center line of said section, thence North 1880 feet, more or less, to a point on the North line of said section, thence East 300 feet to the Point of Beginning. ALSO, Beginning at the West quarter corner of Section 31, thence North 89°56' East 502.79 feet, thence North 0°05' East 1329.14 feet, thence North 89°55' East 238.11 feet to a true Point of Beginning, thence North 39°43'30" East 173.15 feet, thence North 18°22' East 269.31 feet, thence North 6°32' West 273.33 feet, thence North 89°52'30" East 913.54 feet, thence South 0°29' East 661.30 feet, thence South 89°55' West 1087.60 feet, more or less, to a True Point of Beginning.

ALSO, all of Lots 3, 4, 5, 6, lying East of Marsh Creek.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that t h e y a r e the owner s in fee simple of said premises; that they are free from all incumbrances except for matters of public record.

and that t h e y will warrant and defend the same from all lawful claims whatsoever.

Dated: January 14, 1977

Richard F. Burmester
Richard F. Burmester
Gloria F. Burmester
Gloria F. Burmester

STATE OF IDAHO, COUNTY OF BANNOCK

On this 14th day of January, 1977,
before me, a notary public in and for said State, personally
appeared RICHARD F. BURMESTER & GLORIA F.
BURMESTER, Husband and Wife

NOTARY SEAL

Known to me to be the personS whose name S are
subscribed to the within instrument, and acknowledged to
be that they executed the same.

Notary Public

Residing at Pocatello, Idaho
Comm. Expires December 4, 1978

568987

NO. 297
RECORDED AT REQUEST

Amer. Land Title

JAN 17 3 33 PM '77

OFFICIAL RECORD BOOK NO. 297
BANNOCK COUNTY, IDAHO
TIM FRANKLIN, RECORDER
OFF 1.00 DEPUTY cjd

MICROFILMED

PROOF OF PUBLICATION

MAR 21 1977

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

PATRICIA PECK

AMENDED CLAIM
TO A WATER RIGHT
NO. 29-4054
Notice is hereby given that Claim to a Water Right No. 29-4054 in the name of Richard & or Gloria Burmester was filed for the diversion of 4.40 c.f.s. of water from Peck Creek tributary to Marsh Creek with the point of diversion within the NW 1/4 NE 1/4, Sec. 6, T. 11S, R. 37E, B.M., Bannock County, and used to irrigate 260 acres within the N 1/2, NW 1/4 SW 1/4, SE 1/4 SW 1/4, SE 1/4 Sec. 31, T. 10S, R. 37E, B.M. The priority date claimed is 1909.
Claim to a water right No. 29-4054 is now being amended to the name of Leon Wallace Manning, Pocatello, Idaho, and claiming 3.80 c.f.s. of water to irrigate 189 acres within Lots 1, 3, 4, 5, and 6, E 1/2 W 1/4, Sec. 31, T. 10S, R. 37E, B.M.
Any exception to this amended claim to a water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
March 10, 17, 1977
No. 179

being first duly sworn on oath deposes and says: That *SHE* was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

MARCH 10	1977	19
MARCH 17	1977	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Patricia Peck

Subscribed and sworn to before me this *18th*

day of *MARCH*, 19*77*

Dyane Robert

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MICROFILMED

PROOF OF PUBLICATION

MAR 21 1977

STATE OF IDAHO
County of Bannock

ss.

Department of
Eastern District Office

PATRICIA PECK

AMENDED CLAIM TO A WATER RIGHT NO. 29-4054

Notice is hereby given that Claim to a Water Right No. 29-4054 in the name of Richard & or Gloria Burmester was filed for the diversion of 4.40 c.f.s. of water from Peck Creek tributary to Marsh Creek with the point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 11S, R. 37E, B.M., Bannock County, and used to irrigate 260 acres within the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 31, T. 10S, R. 37E, B.M. The priority date claimed is 1909.

Claim to a water right No. 29-4054 is now being amended to the name of Leon Wallace Manning, Pocatello, Idaho, and claiming 3.80 c.f.s. of water to irrigate 189 acres within Lots 1, 3, 4, 5, and 6, E $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 31, T. 10S, R. 37E, B.M.

Any exception to this amended claim to a water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

March 10, 17, 1977
No. 179

being first duly sworn on oath deposes and says: That SHE was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

MARCH 10, 1977, 19.....
MARCH 17, 1977, 19.....
....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Patricia Peck

Subscribed and sworn to before me this 18th

day of MARCH, 1977

Dyane Robert

Notary Public, State of Idaho
Residence: Pocatello, Idaho

MICROFILMED

RECEIVED

AUG 7 1975

Department of Water Resources
Eastern District Office

Arimo, Idaho.
July 28, 1975.

To whom it may concern:

which is now Peck Creek.

To my knowledge to water from Peck Creek Springs has been used for irrigation of the madow ground now owned by Richard Burmester. This water originated from these springs which were directly caused by the seepage from the Downey Canal when it was constructed in 1910. Charlie Fink was the first one to use these waters and to ~~by~~^{my} knowledge there were never any fillings, only users ~~to~~ rights were established by the late Charlie Fink, so I would say this users right has been in effect for the last 65 yrs.

Signed this 28th day of July 1975-

E. Grant Williams

Subscribed and sworn before me
a Notary Public this 28th day of July 1975

John B. Bowen

my Commission expires Oct. 26, 1976.

RECORDED

①

7-14-75

RECEIVED

AUG 7 1975

Department of Water Resources
Eastern District Office

I don't know the exact dates of
filing but I think there
is a filing somewhere of them.
Bishop ^{Vance} Pope might know
because he got all of this from
my dad when ^{George} Aslet tried to
get the water a few years ago
As I remember Dad had the 1st
filing on Peck Creek. John
Evans 2nd. John Evans had
the filing on Yago Creek that
came down by Virginia. Before
there was any water in Peck Creek
Peck was not there before
Downey Canal came in.

RECEIVED

There is as much little water
in Peck Creek when I was a
kid you could step across it
anywhere.

John Evans would not let
Dad in the ditch so he built
~~one~~ one below it if you
look you can still see
it in places.

Evans died and his wife married
Tom Coffin. He let Dad in
the ditch if he would help
enlarge it. & they use it
for years that way. When
Coffin left and Errol Evans
took over I had Dad's place
then. I hired a Dragline

and made the ditch a lot wider for 1 mile through my field. Tom Coffin would never let Cole in the ditch. When Ernon Evans came he let him in. It was in the late 30's I don't know the date, there was lots of water by then, so Cole irrigated about 30 acres when I left there in 1948.

So dad had 1st night

Evans Place 2nd.

Tommy (Woodland) 3rd

Herman Resner 4th

④ Cole me & used any & iter of
Peck Creek in any way before the
late 30s

As of Marsh Creek I don't
know. I know they put
hay dams in creek in early
summer. Woodland - Sorensen
and Cole.

As Ever,

Lorin Fink
(229 Ivy N.E.
Olympia, Washington
98523

RECEIVED 219
AUG 7 1975

Department of Water Resources
Bureau of Reclamation

INSTRUMENT NO. 100569.

IN THE PROBATE COURT OF BANNOCK COUNTY,
STATE OF IDAHO.

IN THE MATTER OF THE ESTATE)
OF THOMAS J. WOODLAND,) ORDER AUTHORIZING MORTGAGE OF REAL ESTATE
Deceased.)

Comes now H. S. Woodland, the administrator of the Estate of Thomas J. Woodland, deceased, by Budge & Merrill, his attorneys, and presents his petition for authority to mortgage certain real estate of said deceased, and proves to the satisfaction of the Court that the order herein made requiring all persons interested to show cause why real estate should not be mortgaged, has been duly served by publication thereof for four successive weeks in the "Pocatello Tribune" a newspaper of general circulation, published in said county of Bannock, and the matter coming on regularly this day to be heard, the court thereupon proceeds to hear the said petition, and after hearing the evidence, the Court being satisfied that the same is for the advantage of said estate, grants said petition.

NOW THEREFORE, it is ordered by the Court that said H. S. Woodland, as administrator of the estate of said deceased, be and he is hereby authorized, empowered and directed to borrow the sum of \$4500.00, and to execute his promissory notes therefor and real estate mortgages in the manner as mentioned in said petition; to secure the payment thereof on the real estate hereinafter described, said notes to be payable not to exceed five years from the date of said notes and mortgages in lawful money of the United States, to bear interest from the date of the notes and mortgages, not to exceed 8% per annum. The interest on said notes or any part thereof may be paid from time to time out of the income of the whole estate, within the discretion of said administrator, and reasonable attorneys' fees, if suit is brought to foreclose said mortgages and the buildings, if any, on said property may be insured for the for the further security of the lender.

The property to be mortgaged is situated in the County of Bannock, State of Idaho, and is described as follows, to-wit:

The South half of the Southwest quarter of Section 27, the southwest quarter of the South East quarter of section 27, the South East Quarter of the South East Quarter of section 28, and the East half of the North East Quarter of Section 33, in Township 10 South of Range 36 East of the Boise Meridian, containing 240 acres.

Also lots 7 and 8 of section 30, and Lots 1, 2, 3, 4, 5, 6 and 7 of section 31, Township 10 South of range 37 East of the Boise Meridian, containing 236.76 acres.

Together with all water rights belonging or in anywise appertaining to the above described land and particularly including that right in Marsh Creek, Peck Creek and Hawkins Creek, together with four shares of the capital stock of the Marsh Center Irrigation Company.

Dated this 29th day of May, 1923.

Wm. A. Hyde,
Probate Judge.

SEAL)

IN THE PROBATE COURT OF BANNOCK COUNTY
State of Idaho

STATE OF IDAHO,)
County of Bannock,) ss

I, Wm. A. Hyde, Probate Judge in and for the County of Bannock, State of Idaho, hereby certify that the foregoing is a full, true and correct copy of the original Order Authorizing mortgage of real estate in the matter of the estate of Thomas J. Woodland, deceased, now on file and a matter of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 31st day of May, 1923.

Wm. A. Hyde,
Probate Judge.

SEAL)

Filed for Record at the Request of Budge & Merrill at 34 minutes past 11 o'clock A.M., this 31st day of May, 1923 and recorded in Book 5 of Misc. page 219. Records of Bannock County, State of Idaho.

C. Bailey,
Recorder.

Fee \$1.20

By L. Spongberg,
Deputy.

Bannock County, Idaho

RECEIVED
AUG 7 1975

INSTRUMENT No. 260364

PRIMBS & SONS, POCA TELLO, IDAHO

Department of Water Resources
Eastern District Office

WARRANTY DEED

This Indenture, Made this 21st day of June in the year of Our Lord
One Thousand Nine Hundred and Forty-eight, between

CHARLES FINK and POLLIE FINK, husband and wife

of Arimo, County of Bannock, State of Idaho, the parties of the
first part, and

LORIN C. FINK and JEAN FINK, husband and wife

of Arimo, County of Bannock, State of Idaho, the parties of the
second part:

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

TEN & 00/100

DOLLARS,

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

East Half of West half of Section 31, Township 10 South of Range 37 East of Boise Meridian, containing 160 acres. Excepting from above described land/an irregular tract of land lying in East half of Northwest quarter of Section 31, Township 10 South of Range 37 East of Boise Meridian, bounded and described as follows: Beginning at North quarter section corner of said Section 31, thence South along North and South center line of said Section 2640 feet to center of said section, thence West along East and West center line of said section 500 feet, thence North 13°23' East 863.5 feet to point 300 feet West measured at right angles from North and South center line of said section, thence North 1800 feet to a point in North line of said section, thence East along said North line 300 feet to point of beginning, containing in all 20.11 acres.

Together with any and all water, water rights, irrigating ditches, aqueducts, canals appropriations, franchises and privileges owned by said first parties or either of them, or belonging to or with, leading to, connected with or usually had and enjoyed in connection with said premises or any part and parcel thereof, and especially including all springs and rights in Pack Creek.

(U.S.I.R. Stamps \$1.10 Attached and Cancelled)

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

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

Charles Fink (SEAL)

Pollie Fink (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of BANNOCK

ss.

On this 28th day of June, in the year 1948, before me, J. B. Blackhurst
a Notary Public in and for said County and State, personally appeared

CHARLES FINK and POLLIE FINK, husband and wife

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

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

(SEAL)

J. B. Blackhurst Notary Public

Residence Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of Lorin Fink, Arimo, Idaho
at 10 minutes past 11 o'clock A.M., this 28 day of June A.D. 1948.

RECEIVED
AUG 7 1975

Blackfoot 01659

4-405a-ty

Department of Water Resources
Eastern District Office

THE UNITED STATES OF AMERICA

Homestead Certificate No. _____
Application _____

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 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 CHARLES FINK has been established and duly consummated, in conformity to law, for the east half of the west half of Section thirty-one in Township ten south of Range thirty-seven east of the Boise Meridian, containing one hundred 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 Charles Fink the tract of land above described:

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said Charles Fink 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 may be 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 or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I William H. Taft 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-seventh day of December in the year of our Lord one thousand nine hundred and Nine, and of the Independence of the United States the one hundred and Thirty-fourth

BY THE PRESIDENT: Wm. H. Taft

[SEAL] By M. W. Young Secretary.

Patent Number 99161
Recorded Vol. Page John O'Connell, Acting Recorder of the General Land Office.

Filed for Record at 10 o'clock A.M., January 28, A. D. 1913, and recorded at the request of Charles Fink E. C. Callet Recorder.

By C. W. Pomeroy Deputy. Fee, \$ 1.00

PROOF OF PUBLICATION RECEIVED

STATE OF IDAHO }
County of Bannock } ss.

AUG 22 1975
Department of Water Resources
Eastern District Office

Katherine Wanner

Idaho Falls, Idaho, 83401
R. KEITH HIGGINSON
Director
Aug. 14-21, 1975
No. 463

on oath deposes and says: That she

hein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

August 14, 1975
August 21, 1975
1975
1975
1975
1975

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 21st day of August, 1975.

Della L. Leadford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

NOTICE OF CLAIM
TO A WATER RIGHT

Notice is hereby given that Richard & or Gloria Sugrue, Arimo, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 4.40 cubic feet

11/6
[REDACTED]

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

Katherine Warner

Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
Aug. 14, 21, 1975
No. 462

on oath deposes and says: That she

herein mentioned a citizen of the United States of

America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

August 11, 1975
August 21, 1975
1975
1975
1975

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Warner

Subscribed and sworn to before me this 21st

day of August, 1975

Paula S. Searcy

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 29-4054

Notice is hereby given that Richard & or Gloria Burmester, Arimo, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 4.40 cubic feet

per second of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW 1/4 NE 1/4, Sec. 6, T. 11S, R. 37E, B.M., Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 260 acres with a priority of 1909; the place of use is within the N 1/2, N 1/2 SW 1/4, SE 1/4 SW 1/4, SE 1/4, Sec. 31, T. 10S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road,

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF CLAIM TO A WATER RIGHT
NO. 22-4037
Notice is hereby given that Richard & or Gloria Burmeister, Arimo, Idaho have filed a claim to a water right established by diversion and application for beneficial use of 4.40 cubic feet per second in the
Idaho State Journal, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.
Residence: Lincoln Road.

Idaho Falls, Idaho, 83407
R. 1, BOX 14, KIDGINS
August 14, 1975
No. 462

Katherine Wanner

on oath deposes and says: That she
has mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

August 14, 1975
August 21, 1975
, 19
, 19
, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 21st
day of August, 1975.

Debra L. Gadsford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

per second of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW1/4NE1/4, Sec. 6, T. 11S, R. 37E, B.M., Bannock County.
The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 260 acres with a priority of 1909; the place of use is within the N1/2, N1/2SW1/4, SE1/4SW1/4, SE1/4, Sec. 31, T. 10S, R. 37E, B.M.
Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road,

Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
Aug. 14, 21, 1975
No. 462

Katherine Warner

on oath deposes and says: That she

is mentioned a citizen of the United States of

America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

August 14, 1975
August 21, 1975
1975
1975
1975

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Warner

Subscribed and sworn to before me this 21st

day of August, 1975.

Deek L. Ladford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 29-4054

Notice is hereby given that Richard & or Gloria Burmester, Arimo, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 4.40 cubic feet

March 28, 1977

RE: Amended Claim to a Water Right No. 29-4054

Mr. Leon W. Manning
424 University Drive
Pocatello, Idaho 83201

Dear Mr. Manning:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your amended claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your amended claim does not, in itself guarantee you a water; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure: Copy of Claim

cc: Preston Federal Land Bank

MICROFILMED

March 4, 1977

RE: Claim to a Water Right No. 29-4077 HILZMAN
No. 29-4054 MANNING (amended)

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (2)

Bill submitted 3-21-77 by Red

MICROFILMED

AMENDED CLAIM TO A WATER RIGHT

NO. 29-4054

Notice is hereby given that Claim to a Water Right No. 29-4054 in the name of Richard &/or Gloria Burmester was filed for the diversion of 4.40 c.f.s. of water from Peck Creek tributary to Marsh Creek with the point of diversion within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 11S, R. 37E, B.M., Bannock County, and used to irrigate 260 acres within the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 31, T. 10S, R. 37E, B.M. The priority date claimed is 1909.

Claim to a water right No. 29-4054 is now being amended to the name of Leon Wallace Manning, Pocatello, Idaho, and claiming 3.80 c.f.s. of water to irrigate 189 acres within Lots 1, 3, 4, 5, and 6, E $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 31, T. 10S, R. 37E, B.M.

Any exception to this amended claim to a water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho, on March 10 and March 17, 1977.

MICROFILMED

He. J.
He. C.

FEDERAL LAND BANK ASSOCIATION OF PRESTON

P.O. BOX 386 102 NORTH STATE PRESTON, IDAHO 83266

TELEPHONE: 852-2145

RECEIVED



FEB 25 1977

J. P. GARNER, MANAGER

Department of Water Resources
Eastern District Office

February 23rd, 1977

Re: 167846-5

Mr. Ronald C. Carlson, Supervisor
Department of Water Resources
Eastern District
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Amended Claim to a water
Right No. 29-4054

Dear Mr. Carlson:

Enclosed is the amended claim to a water right which has been changed showing four acres irrigated under lot 6 both in item 5a and on the plat. This amounted to four acres increasing the total irrigated acres to 189 which is all that is presently irrigated or has been irrigated. Apparently the additional acres filed upon under the original claim included some higher dry pasture ground.

Thank you for bringing this item to our attention. We believe it is now properly completed and ready for publication. It is our understanding that there would be no fee in this case.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Joe S. Kennedy".

Joe S. Kennedy
Assistant Manager

JSK:kla
Encl/

RECEIVED



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

February 18, 1977

RE: Amended Claim to a Water Right No. 29-4054

Mr. Joe S. Kennedy
Federal Land Bank Association
P.O. Box 386
Preston, Idaho 83263

Dear Mr. Kennedy:

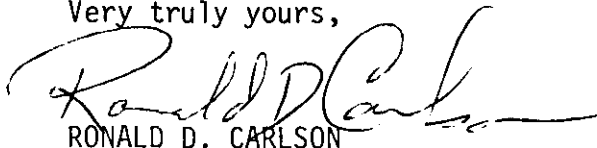
We have received the amendment you submitted on behalf of Leon Wallace Manning and find some questions that should perhaps be answered before we publish notice of this amendment in the Idaho State Journal.

It appears from the amendment that additional information is now available which indicates only 185 acres have been irrigated from Peck Creek under this proposed right. The map colored in red on the back shows Lot 6 has been irrigated, however, the plat in Item 5a, shows no water used in Lot 6.

We are returning this amended claim for your review since we do not wish to readvertise it until we are certain it is correct.

We appreciate your cooperation in this matter.

Very truly yours,


RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED

FEDERAL LAND BANK ASSOCIATION OF PRESTON

P.O. BOX 386 102 NORTH STATE PRESTON, IDAHO 83263

TELEPHONE: 852-2145



RECEIVED

FEB 16 1977

Department of Water Resources
Eastern District Office

J. P. GARNER, MANAGER

February 15th, 1977

Re: Loan No. 167846-5
Leon Wallace Manning

Idaho Department of Water Resources
Eastern Idaho Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Mr. Leon Wallace Manning recently acquired the property to which claim #29-4054 is appurtenant. The original claim was filed by Richard and Gloria Burmester. Enclosed is a copy of the Warranty Deed as evidence that Burmesters have in fact sold this property to Mannings. A copy of the original claim is also enclosed. At Mr. Mannings request we are submitting an amendment to the original claim which is completed and signed by Mr. Manning with the notarization. It is our understanding that this procedure is proper and acceptable by the State Dept. of Water Resources. Please acknowledge receipt of this filing at your earliest convenience. If there are any problems please contact us in order that they may be solved.

Your assistance in this matter is appreciated.

Sincerely yours,

A handwritten signature in cursive script that reads "Joe S. Kennedy".

Joe S. Kennedy
Assistant Manager

JSK:kla

MICROFILMED



SERVING FRANKLIN, CARIBOU, ONEIDA, BEAR LAKE, & BANNOCK COUNTIES

September 2, 1975

RE: Claim to a Water Right No. 29-4054

Mr. Richard Burmester
Armo,
Idaho 83214

Dear Mr. Burmester:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:ME

Enc: Copy of claim

August 8, 1975

RE: Claim to a Water Right No. 29-4054 BURMESTER
Application for Permit No. 29-7281 D & M COUNTRY ESTATES
" " " No. 29-7282 DERBIDGE

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Bill submitted 8-22-75 by MB

Enc: Legal Notice (3)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4054

Notice is hereby given that Richard &/or Gloria Burmester,

Arimo, Idaho

have ~~has~~ filed a claim to a water right established by diversion and application to beneficial use of 4.40 cubic feet per second ~~above Peck Creek per year~~ of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6, T. 11S, R. 37E, B.M.,
Bannock County

The water is claimed to be used from Apr. 1 to Nov. 1
for the irrigation of 260 acres
with a priority of 1909;
the place of use is within the N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 31, T. 10S,
R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on August 14 and August 21, 1975

CW-R.
MB-1

August 7, 1975

RE: Claim to a Water Right No. 29-4054

Mr. Richard Burmester
Arimo,
Idaho 83214

Dear Mr. Burmester:

Attached herewith is departmental receipt No. 4369 in the amount of \$10.00 for the above referenced claim to a water right.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Attachment