

Woodhouse, Jill

From: Whitney Pies <wpies@fullerlawonline.com>
Sent: Thursday, June 15, 2023 12:11 PM
To: IDWR Preston Info
Cc: Ethan Rawlings; Steve Fuller
Subject: Claim 13-7805
Attachments: Claim 13-7805.pdf

RECEIVED

JUN 15 2023

IDWR/Preston

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Attached are the documents for Claim 13-7805

Water Right Report : 13-7805(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	FULLER, GAYLIN	3796 W HWY 36	PRESTON	ID	83263
Current Owner	FULLER, EDNA	3796 W HWY 36	WESTON	ID	83286
Original Owner	MENDENHALL, LOREN			ZZ	
Original Owner	MENDENHALL, WILLIS			ZZ	
Original Owner	PETERSON, JACOB			ZZ	

Water Right Status

Priority Date : 6/1/1882

Basis : Decreed

Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier

SPRINGS

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRINGS	15S	39E	20	0				NW FRANKLIN	

Water Uses

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/20 09/30 0.09 CFS

TOTAL 0.09 CFS

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (FRANKLIN county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	38E	19					
15S	38E	20					

Irrigation Totals

Total Acres Acre Limit

Conditions

Code Conditions

X35 Rights 13-7797, 13-7801 and 13-7805 when combined shall not exceed a total irrigation of 51 acres.

Dates

Licensed Date :

Decreed Date : 7/14/1920

Other Information

State or Federal :

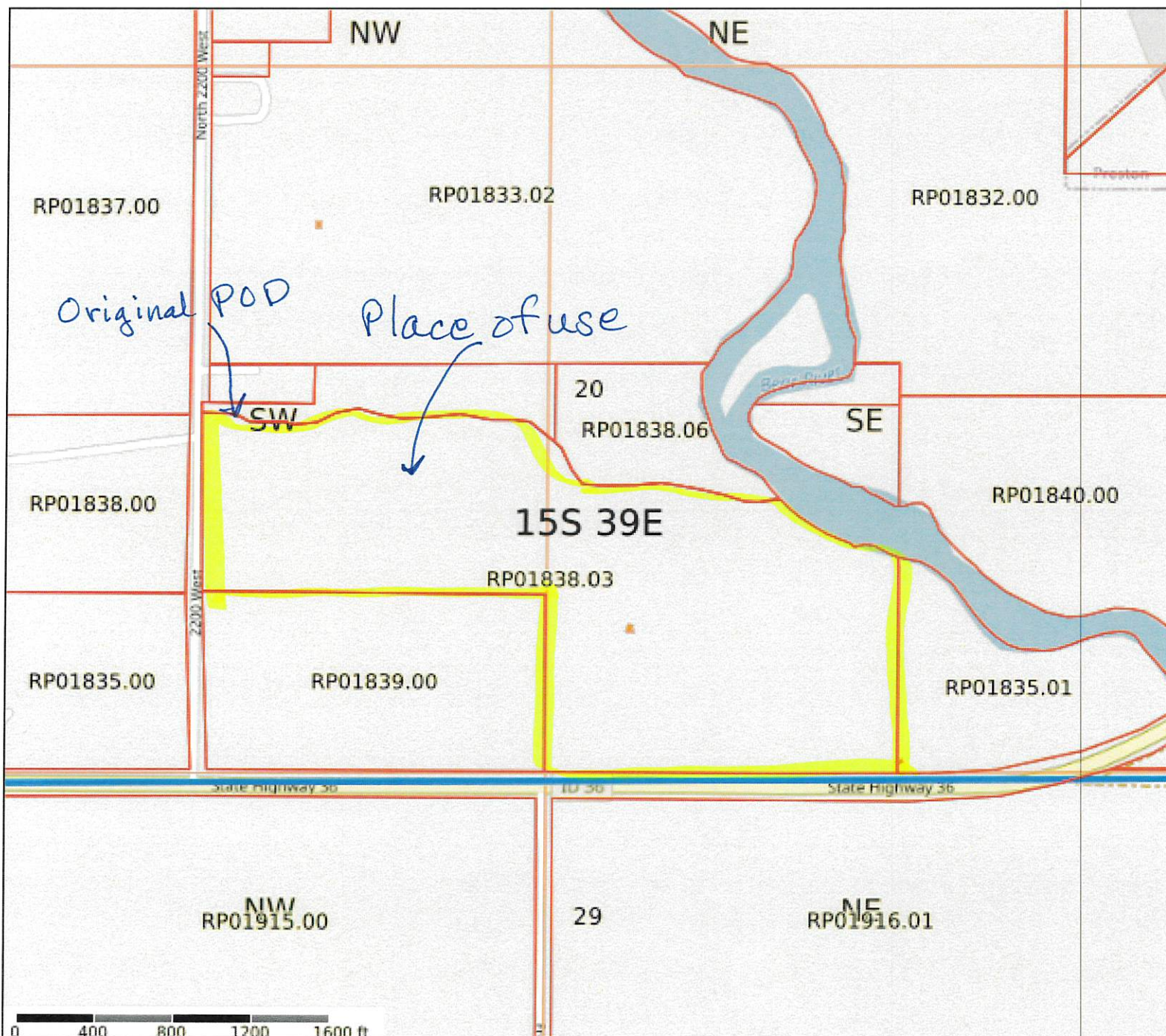
Water District Number : 11

Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

6/14/2023



Saints hereby certify that on the Fifth day of April, 1943,

VERIL DAVID SMART

was ordained a Bishop by Elder George A. Richards and set apart to preside over the Dayton Ward, Oneida Stake of the CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS in the County of Franklin and State of Idaho in conformity with the rites, regulations, and discipline of said CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

IN TESTIMONY WHEREOF, we hereunto subscribe our names at Salt Lake City, Utah, this third day of May, A.D. 1943.

Heber J. Grant J. Reuben Clark Jr. David O. McKay
Presidency of the Church of Jesus Christ
of Latter-day Saints.

THIS IS TO CERTIFY, that the above and foregoing is a full, true, and correct copy of the original certificate, issued by the Presidency of the Church of Jesus Christ of Latter-day Saints, to VERIL DAVID SMART as Bishop of the Dayton Ward, Stake of Oneida in the County of Franklin, State of Idaho.

WITNESS my hand this Third day of May A.D. 1943.

Joseph Anderson
Secretary to the Presidency of the
Church of Jesus Christ of Latter-day Saints

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of Church of Jesus Christ of L. D. S. at 2-30 P.M. May 19th, 1943.

C. L. Swenson, Ex-Officio Recorder

Fees \$0.40

By David Smart Deputy

Compared

o o o o o o o o

INST. NO. 68220

THIS AGREEMENT, made and entered into this the 10th day of June A.D. 1908, by and between the West Cache Irrigation Co. a corporation organized and existing under the laws of the State of Utah, by its President B. F. Bingham, and Secretary T. N. Judah the party of the first part, and Thomas Mendenhall and his wife, Louisa Mendenhall, Lorin Mendenhall and his wife, Elvira Mendenhall, George Mendenhall and his wife Celestia Mendenhall of Oneida County and State of Idaho the parties of the second part.

WITNESSETH:- That the said party of the first part for and in consideration of the covenants hereinafter mentioned, and on account of not being able to repair and maintain the canal belonging to the said parties of the second part, and conveying water from Deep Creek to the farms belonging to said second parties, hereby agree to and with the said parties of the second part to build and maintain all ditches, head gates, flumes and measuring devices necessary for the diversion of all of the waters of Deep Creek into the said first party's canal and to grant unto the said parties of the second part a right-of-way through the said company's canal for the purpose of conveying all of the waters of Deep Creek from place where said waters enter canal of said first party to George Mendenhall's north line and where the present county road crosses the said first party's canal. Said second parties are to take the water out of the said first party's canal at George Mendenhall's north line, also at the northwest corner of Thomas Mendenhall's land. It being understood that the said parties of the second part may take the water out of the canal at either point as above described. And the said parties of the first part agree to furnish all of the water of Deep Creek belonging to said second parties at all times during irrigation season of each and every year hereafter.

Provided however that in event of breakage in said first party's canal or from any other uncontrollable cause that may occur in said canal between the point of diversion to the point where the water is to be taken out of the canal of the first party, then the party of the first part is excused from furnishing said water during the existence of such breakage or uncontrollable emergency but said party of the first part agrees to immediately repair such breakage, or remove any other obstacle with the least possible delay.

Be it further agreed that the parties of the second part shall be privileged to run their Deep Creek water through the said first party's canal at any time during irrigation season, and in event of a breakage in some other part of the first party's canal it shall not deprive the said parties of the second part to full use of that part of the first party's canal used for the diversion of the waters of Deep Creek belonging to said parties of the second part.

Be it further agreed by the said party of the first part that they will build all ditches, flumes head gates and measuring devises and maintain the same at their own expense for the purpose of converting the water belonging to the said second parties into the said first parties canal and for the taking out of the water from the first party's canal for the use and benefit of the said parties of the second part.

And in consideration thereof the said parties of the second part agrees to pay annually unto the said party of the first part the sum of Fifty (\$50.00) Dollars Thirty nine and thirty one hundredths (39.30) dollars to be paid by Thomas Mendenhall and Lorin Mendenhall and Ten and Seventy one hundredths (\$10.70) dollars to be paid by George Mendenhall as expenses for maintaining, cleaning and repairing the canal head gates measuring devises etc. from year to year, it being optional with the parties of the second part whether the assessments be paid in labor or cash.

Nothing in this contract shall be construed as a forfeiture of any right title or priority to the use of the waters of Deep Creek by the said parties of the second part, nor shall it in anywise convey any title or right to said waters unto the said party of the first part.

IN WITNESS WHEREOF, both parties have set their hands and seals this the 15th day of October, A.D. 1908.

Signed in the presence of

George H. Carver
Joseph Davis

WEST CACHE IRRIGATION CO.

B. P. Bingham
President
T. N. Judah
Secretary
Party of first part

Thos. Mendenhall
Louisa Mendenhall
L. M. Mendenhall
Elvira Mendenhall
George Mendenhall

Parties of second part.

STATE OF IDAHO

COUNTY OF ONEIDA--SS

Subscribed and sworn to before me this the 15th day of October, A.D. 1908,
Comm. Expires May, 1912. (SEAL)

Joseph Davis

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of West Cache Irrigation Co. at 9-10 A.M. May 20th, 1943.

C. L. Swanson, Ex-Officio Recorder

Fees \$1.20

By Frank Sant
DeputyCompared
o o o o o o o o

INST. NO. 68241

AFFIDAVIT

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

The undersigned, being duly sworn, deposes and says that he was well and personally acquainted with Baltzer Peterson on September 8th, 1930; and that on the date that he is named as Grantee in one certain Warranty Deed, made by Arthur Walgren and his wife Hattie Walgren and recorded October 4th, 1930, in Book 28 of Deeds page 136, the said Baltzer Petersen was a married man; and that his wife's name was Marinda Peterson; and that Baltzer Peterson has continued to be a married man up to and including the present time; and his wife during all of this time was and now is Marinda Peterson.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, 1943.

J. N. Larsen

SUBSCRIBED and sworn to before me this 22nd day of March, 1943.

(SEAL)

Clifford Warr
Notary Public
Address: Preston, Idaho

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 9-20 A.M. May 24th, 1943.

Fees \$0.40

C. L. Swenson, Ex-Officio Recorder

By Frank Sant DeputyCompared
o o o o o o o o

INST. NO. 68251

AGREEMENT--ARTICLES OF PARTNERSHIP

KNOW ALL MEN BY THESE PRESENTS:-

That, we, the undersigned, Victor Carlson and Ivan Carlson of Franklin County, State of Idaho, do by these presents associate ourselves together, for the purpose of forming a PARTNERSHIP under the laws of the State of Idaho, and we hereby certify and declare:

FIRST

That the name of this partnership shall be CARLSON & CARLSON PLASTERS.

SECOND

The purpose of said Partnership shall be to devote all the time necessary to the plastering trade, each partner doing one half of the labor and each member furnishing his own tools and personal supplies.

THIRD

The Partnership to date from April 1st, 1943 and to continue for one year and until mutually dissolved; Victor Carlson to receive 55% of the net earnings and Ivin Carlson to receive 45% thereof settlement to be made when each job of work is completed and paid for. Victor Carlson to be Senior Partner and he is to keep books and a strict account is to be kept of all work done and money received and of all expenses paid,

FOURTH

All contracts to be signed by both members of this partnership. Each partner to put in full time and as nearly as possible each partner to do his equal amount of work. The car to be used in going to and from work to be the car of Victor Carlson at the present time and arrangements for the future to be made from time to time. Each partner



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

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Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

Dwain Weeks
2951 W Highway 36
Weston, Idaho 83286

June 9, 2020

RE: Water Rights for Cox Family Trust Parcels

Dear Dwain,

I enjoyed our visit when we met on May 28, 2020.

I reviewed the documents you delivered to me. The map from the Franklin County Assessor's Office depicting property parcels was particularly helpful. I also consulted the geographic information system (GIS) maps for Franklin County on the county's website. I discovered during my search that the map you delivered to me elongated the vertical scale and compressed the horizontal scale. The difference in scales created difficulty in plotting the public land survey (PLS) boundaries on the map, such as section lines and subdivisions of sections. Staff at this office recreated the map from the county GIS materials, and I was able to locate the property parcels within the appropriate sections. The map is enclosed.

A search of Idaho Department of Water Resources ("IDWR") electronic files revealed water rights for the Cox Family Trust properties in the name of West Cache Canal Company. These water rights generally describe a very large place of use for the canal company with little specificity. Twin Lakes Canal Company water rights also identified the Cox Family Trust property as a place of use. I doubt, however, Twin Lakes water is delivered to the Cox Family Trust properties.

Finally, by happen-chance, I discovered other water rights held by the Cox Family Trust that do not identify the Cox Family Trust properties as a place of use. The water rights describe a place of use for irrigation of mountain property six miles west of the Cox Family Trust properties even though the water rights name Five Mile Creek, Deep Creek, and springs as the source of water. The water rights are numbered 13-7790, 13-7802, and 13-7806. Enclosed are copies of the water right summaries.

The Cox Family Trust water rights were identified as a result of an ownership change filed with IDWR. Two other entities or individuals also simultaneously filed ownership changes. James Cefalo of IDWR's Idaho Falls offices researched the conveyance of the water rights to the owners at the time the change of ownership documents were filed with IDWR and wrote a detailed memorandum about the research. A copy of a memorandum written by James Cefalo is enclosed.

Dwain Weeks
Page Two
6/9/2020

James Cefalo split the water rights between owners, but could not move the place of use unless the owners of the water rights filed an application for transfer to move the place of use. IDWR would have to approve the transfer.

The Cox Family Trust did not apply for a transfer to move the water rights to the Cox Family Trust property. As a result, the water rights remain appurtenant to the wrong property.

I cannot resolve all of the uncertainties of the Cox Family Trust water rights. I suggest you schedule an appointment with James Cefalo in Idaho Falls, who is much better versed in the background of the water rights. James Cefalo's telephone number is 208 525-7161.

As we discussed when we met on May 28, the water rights held by the Cox Family Trust are not correct and are among a myriad of water rights that need to be corrected in the upcoming Bear River Adjudication. Now is the time to correct the records and prepare for the water rights to be adjudicated by the courts.

Call me when you pass through town again.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Spaekman".

Gary Spaekman

Enclosure
CC: James Cefalo

MEMO

TO: Water Rights Files
FROM: James Cefalo JRC
DATE: August 10, 2012
RE: Water Rights 13-152, 13-945, and 13-947

There have been a number of ownership changes filed on water rights 13-152, 13-945 and 13-947 in the last year. This memo is intended to set forth the history of the water rights based on the information available to the department at this time. It also explains how ownership changes have been and should be handled for these rights.

The following water rights were described in the 1920 Bear River Decree

- Entry 503 (Originally assigned 11-884, renumbered as 13-152)
Loren Mendenhall, Willis Mendenhall and Jacob Peterson
May 1, 1880 0.50 cfs Five Mile Creek
POU: "[F]or the irrigation of their lands hereinafter described near Deep Creek"
One-half to Willis Mendenhall
One-fourth to Jacob Peterson
One-fourth to Loren Mendenhall
- Entry 506 (Originally assigned 11-887, renumbered as 13-945)
Loren Mendenhall, Willis Mendenhall and Jacob Peterson
June 1, 1882 8.00 cfs Deep Creek
POD: West Cache Supplemental Canal (SE ¼ of Sec 7, T15S, R39E)
POU: "537 acres in Sections 19 and 20, Township 15 South, Range 38 East"
18/84ths to Willis Mendenhall
27/84ths to Jacob Peterson
39/84ths to Loren Mendenhall
- Entry 508 (Originally assigned 11-889, renumbered as 13-947)
Loren Mendenhall, Willis Mendenhall and Jacob Peterson
June 1, 1882 0.66 cfs Unnamed Springs in Sec 20, T15S, R39E
POU: "[F]or the irrigation of . . . lands hereinabove described near Deep Creek"
Split in equal proportions.

Error in Place of Use Description

The first item that should be addressed is the apparent error in the 1920 Decree. The 537-acre place of use for water right 13-945 is described as being located in Range 38 East. Because all three water rights rely on the POU description in 13-945, any error in the POU

description for 13-945 is extended by reference to 13-152 and 13-947. Sections 19 and 20 in Township 15 South, Range 38 East are located in the mountains. There is no way water from Five Mile Creek or Deep Creek could have been used in Range 38 East without pumping the water uphill a distance of five miles and hundreds of feet in elevation.

Based on the location of the points of diversion described in the 1920 Decree, it appears that the decreed place of use should have been in Range 39 East. Warranty deeds provided with the recent ownership changes trace ownership of certain property in Range 39 East back to Willis and Loren Mendenhall. The deeds confirm that Loren and Willis Mendenhall owned and farmed acres within Sections 19 and 20 in Range 39 East. **Therefore, for purposes of evaluating ownership changes for rights 13-152, 13-945, and 13-947, IDWR will assume that the place of use should have listed Range 39 East rather than Range 38 East.**

It should be noted, however, that the error in the decreed place of use cannot be fixed through an ownership change. The only way to correct the error from the decree is to file a water right transfer application, moving the water right place of use to the correct location. The water right places of use will remain listed in Range 38 East until transfers are filed to correct the places of use.

Number of Irrigated Acres

The 1920 Decree does not specify how many acres were irrigated by each of the three water users listed (Mendenhall/Mendenhall/Peterson). Each water user received a different mix of Deep Creek, Five Mile Creek, and unnamed spring rights. All of the rights in combination are good for 9.16 cfs and the irrigation of 537 acres. This amounts to about 0.017 cfs per acre. The number of irrigated acres available for each of the three parts of the original rights should be proportionate to the percentage of the total water associated with each original owner.

	W Mendenhall	Jacob Peterson	L Mendenhall	Total
Deep Creek Split	18/84ths	27/84ths	39/84ths	84/84
Deep Creek	1.71 cfs	2.57 cfs	3.72 cfs	8.00 cfs
Five Mile Creek	0.25 cfs	0.125 cfs	0.125 cfs	0.50 cfs
Springs	0.22 cfs	0.22 cfs	0.22 cfs	0.66 cfs
Total CFS	2.18 cfs	2.915 cfs	4.065 cfs	9.16 cfs
Proportionate Acres	128 acres	171 acres	238 acres	537 acres
Actual Acres	124 acres*	171 acres	242 acres	537 acres
CFS/Acre	0.018	0.017	0.017	0.017

*This is the total number of irrigable acres owned by Willis Mendenhall according to the deeds provided to the department.

Location of Irrigated Acres

In addition to the error in the place of use description, there is also some ambiguity about where the 537 irrigated acres are located. The 1920 Decree states the 537 irrigated acres are located somewhere within Sections 19 and 20 (an area of approximately 1280 acres).

The Bear River cuts through the middle of Section 20. 275 acres are located on the east side of the river, and would not have been irrigated with Deep Creek water. Deep Creek is located on the west side of the river. Approximately 225 acres in the southeast corner of Section 19 could not have been irrigated with water from Deep Creek because they are separated from Deep Creek by a deep ravine (the Five Mile Creek wash).

The Deep Creek water right states that water is diverted from Deep Creek through the "West Cache Supplemental Canal diverting therefrom in the Southeast quarter of Section 7." The West Cache Supplemental Canal is actually shown on the USGS quadrangle map. There are approximately 457 acres in Sections 19 and 20 between the West Cache Supplemental Canal and the Bear River. Evidence strongly suggests that these 457 acres were part of the 537 irrigated acres described in the decree.

In order to resolve the remaining ambiguity related to the location of the 537 acres, IDWR needed additional proof of property ownership for Willis Mendenhall, Jacob Peterson, and Loren Mendenhall. Some of this information has been provided with the various ownership changes described below.

Willis Mendenhall Portion

IDWR was provided copies of three critical deeds relating to the Willis Mendenhall portion of the rights. The first deed is a Deed of Administrator from October 1919 for the Estate of George M. and Celestia Mendenhall. (Instrument No. 13052, Attachment 1) George and Celestia Mendenhall were presumably Willis's father and mother. 132 acres in Sections 19 and 20 were conveyed to E. Taft Benson. Approximately 8 acres of the 132 acres described in the deed lie east of the west bank of the Bear River. **Therefore, only 124 irrigable acres are associated with the 1919 Deed of Administrator.**

The second deed is a 1922 Quit-Claim Deed from Willis Mendenhall to E. Taft Benson, wherein Willis Mendenhall conveyed to Benson all of his interest in all of the water rights listed in the 1920 Decree. (Instrument No. 16836, Attachment 2) The deed specifically mentions water rights from Deep Creek and Five Mile Creek, but does not mention the unnamed springs. However, the deed does refer to pages 111 and 112 of the 1920 Decree, on which all three of the water rights are described.

The third deed is a 1922 Warranty Deed from E. Taft Benson to Wilbert Fife. (Instrument No. 16836, Attachment 3) The deed covers the same 132 acres described in the 1919 Deed of Administrator. The deed also specifically refers to the Five Mile Creek water right (entry 503 in the 1920 Decree) and the Deep Creek water right (entry 506 in the 1920 Decree). This third deed is very helpful because it ties together the Willis Mendenhall portion of the rights with the 132 acres (124 irrigable acres) purchased by E. Taft Benson.

It should be noted that there was an additional 80 acres described in all three of the deeds described in this section. The additional 80 acres was located in the NENE and SENE of Section 30, T15S, R39E. These acres fall outside of the water right place of use for the three rights set forth in the 1920 Bear River Decree.

Ownership changes have been completed on multiple portions of the Willis Mendenhall right because the deeds available to the department clearly identify the land that was owned by Willis Mendenhall and establish a chain of title from Willis Mendenhall to the current owners. Parts of these rights are still in the name of Willis Mendenhall because the respective property owners have not filed ownership changes.

Loren (or Lorin) Mendenhall Portion

Deeds have been provided to the department showing that Loren and Elvira Mendenhall purchased two pieces of property in 1911. Neither of the 1911 deeds specifically refer to water rights. The first deed, dated January 9, 1911, conveyed 268 acres within Sections 19 and 20, T15S, R39E from Louisa Mendenhall to Loren Mendenhall. (Instrument No. 18415, Attachment 4) Of the 268 acres described, only 200 appear to have been irrigable. The remaining 68 acres were on a steep hillside to the west of the West Cache Supplemental Canal or were east of the west bank of the Bear River.

The second deed, dated January 9, 1911, conveyed 20 acres in the south half of the SESW of Section 20, T15S, R39E from Junius and Sylvia Jensen to Elvira Mendenhall (Loren's wife). (Instrument 18414, Attachment 5) A subsequent deed from 1943 confirms the joint ownership of the 20-acre parcel by Loren and Elvira Mendenhall. (Instrument 75412, Attachment 6)

A 1946 deed shows that Loren Mendenhall also owned 26 acres in the SENW of Section 20 at some point prior to 1946. (Instrument 75211, Attachment 7) It appears Loren and Elvira Mendenhall likely owned 246 acres that could have been irrigated in Section 20. This is very close to the 238 acres which represent the proportionate share of acres based on the total amount of water associated with the Loren Mendenhall portion of the three water rights.

In 1943, Loren and Elvira Mendenhall conveyed a portion of their property, the south half of the SESW of Section 20 (20 acres), to William and Dorothy Mendenhall. (Instrument No. 75412, Attachment 6) The deed specifically stated that it included "12/84 of a decreed water right coming from Deep Creek." This conveyance represents a "consolidation" of the water rights. The Mendenhall to Mendenhall deed resulted in three inches per acre on the 20-acre parcel. In order to accomplish this type of change to the water rights, a transfer application must be filed by the current owner, Florence Buxton.

The department has additional deeds pertaining to the 20-acre parcel in the south half of the SESW of Section 20. In 1954, the parcel was conveyed by William and Dorothy Mendenhall to CR and LaZelle Anderson. In 1955, the parcel was conveyed by CR and LaZelle Anderson to Clifford Egbert. In 1960, the parcel was conveyed by CG and Mary Egbert to Alfred and Ella Mae Lloyd. In 1967, the parcel was conveyed by Alfred and Ella Mae Lloyd to Ardella Davis. In 1969, the parcel was conveyed by Ardella Davis to Frank Mitchell. Also in 1969, the parcel was conveyed by Frank Mitchell to Marvin and Linda Archibald. In 1977, the parcel was conveyed through quitclaim deed by Linda Archibald to Marvin Archibald. In 1983, the parcel was conveyed by Marvin Archibald to Clair and Florence Buxton. In 1993, Florence Buxton became the sole owner of the parcel as a result of

the settlement of Clair Buxton's estate. All of these conveyance documents (except the 1967 deed from Lloyd to Davis) specifically refer to the 12/84 share of the Deep Creek water right. Ms. Buxton also appears to own an 8.3% share (20 acres/242 acres) of Loren Mendenhall's portion of the Five Mile Creek and unnamed springs water rights.

On March 8, 1946, Loren and Elivra Mendenhall conveyed to Eldon Bingham the south 26 acres in the SENW, the SWNE, and the north 68 acres of the NESW and NWSE of Section 20. (Instrument 75211, Attachment 7) In total the 1946 deed conveyed approximately 134 acres. 52 acres of the 134 acres described were located east of the west bank of the Bear River and could not have been irrigated with Deep Creek or Five Mile Creek water. That leaves 82 irrigable acres covered under the deed.

The 1946 deed specifically identified a 27/84 share of the Deep Creek water right as part of the conveyance (2.57 cfs). This represents the remaining portion of the Loren Mendenhall portion of the Deep Creek right after the 1943 deed to William and Dorothy Mendenhall referenced above. The deed also included "all ditch and water rights of every kind and character, however evidenced, used upon said lands or belonging to the same." The conveyance, therefore, would have included the proportionate share of the other decreed water rights on the property.

Bingham Transfer

In 1961, Mr. Bingham filed a Transfer with the Idaho Reclamation Engineer, seeking to change the place of use for his 27/84ths portion of the Deep Creek water right. (Attachment 8) The transfer approval (T958) did not mention how many acres Mr. Bingham was allowed to irrigate with his portion of 11-887 (13-945). However, based on the Mendenhall to Bingham deed, Mr. Bingham's portion of the right would be limited to 82 acres. Transfer approval T958 described the following new place of use (all within T15S, R39E):

Section 20: 100 acres in the SENW, SWNE, NESW, and NWSE
Section 7: NWNE, S1/2NE, W1/2, N1/2SE, SWSE
Section 18: NWNE, N1/2NW

As a result of Transfer Approval T958, water right 11-887 was split into an A and B portion. The "B" portion of the right represented the portion owned by Mr. Bingham. The "A" portion of the right represented the remaining portion of the right. Mr. Bingham's portion of the right was re-numbered to be 13-945B, to coincide with the revised administrative basin designation for the area.

Mr. Bingham's portion of water rights 13-152 and 13-947 (Five Mile Creek and unnamed springs) were not included in Transfer 958. Those water rights appear to still be associated with the original 82-acre place of use. In order to prevent an enlargement, however, those rights could not have been used. Mr. Bingham could not have diverted and used 13-152 and 13-947 at the original place of use in addition to using 13-945B at the new place of use. It is unclear whether the Bingham portion of water rights 13-152 and 13-947 still represent valid,

deliverable water rights. If water right 13-945B is being used in its entirety, the Bingham portion of 13-152 and 13-947 must remain undiverted.

In 1965, Mr. Bingham applied for an additional water right from Deep Creek. Water right license 13-2264 was issued in 1973. The license described a 390-acre place of use, largely based on a beneficial use field exam. In January 1973, Mr. Bingham filed another application for permit for additional water from Deep Creek. License 13-7033 was issued in 1984 authorizing the irrigation of 378 acres. The irrigated acres under 13-7033 completely overlapped the irrigated acres authorized under 13-2264. The field examination for water right 13-7033 was completed in 1979.

A memo from the field examiner for 13-7033 states that the three water rights (13-945B, 13-2264, and 13-7033) were all diverted with the same pump and distributed to the irrigated acres through a common delivery system. The examiner noted that the map prepared for license 13-2264 represented the total acres being irrigated under all three of the water rights. The maps for 13-2264 and 13-7033 include an area of 67.3 acres that fall outside of the place of use description for 13-945B, as set forth in Transfer approval T958. These acres are located in the SENW, SWNE, SENE of Section 18 and the SWNW and NWSW of Section 17.

To calculate the amount of water available for licensing water right 13-7033, the field examiner assumed that the entire 2.57 cfs of water under 13-945B was being diverted through the common pump on Deep Creek and delivered to the acres in Sections 7 and 18. No mention is made of water being delivered to acres in Section 20. Evidence in the file, including maps and field reports, suggest that, as of 1979, Mr. Bingham was using all of the water under water right 13-945B in Sections 7 and 18.

In January 1989, Eldon and Betty Bingham conveyed to Kenneth and Patty Skousen all of the 82 irrigable acres described above, except for a 1-acre parcel generally located in the SENW of Section 20. The deed stated that the conveyance included all water rights pertaining to the property except Permit No. 13-7291 (used on Section 19).

In April 1993, the Skousen Family Trust conveyed to Darwin and Berna Smith property covering all of the 82 irrigable acres described above, except for the same one-acre parcel generally located in the SENW of Section 20. In December 1999, Darwin and Berna Smith conveyed to Craig and Suzanne Campbell property that covered all of the 82 irrigable acres described above, except for the same one-acre parcel. ~~The deed from Smith to Campbell~~ specifically referred to water rights 13-2175 and 13-2226.

To summarize, the evidence available to the department at this time suggests the Bingham portion of water right 13-945 (13-945B) is no longer associated with any of the parcels in Section 20. Transfer 958 created a permissible place of use, allowing Mr. Bingham to choose which 82 acres to irrigate with right 13-945B. It appears that as of 1979, 13-945B was only used on acres in Sections 7 and 18. Although portions of rights 13-152 and 13-947 are still associated with the old Bingham property in Section 20, to prevent an enlargement, unless other rights are associated with the property, these rights likely cannot be diverted.

Jacob Peterson Portion

The precise location of the Jacob Peterson portion of the water rights is unknown. No deeds have been provided to the department for this portion of the rights.

Additional Documents Required

The Willis Mendenhall portions of the rights are fairly straightforward and are easily traced to the present day. The Loren Mendenhall portions of the rights present a more difficult ownership history. Before the department is able to complete any ownership changes on the Loren Mendenhall portion of rights 13-152, 13-945 and 13-947, the following information must be provided:

1. Evidence (deeds) showing the location of the Jacob Peterson property.
2. A deed showing when Loren Mendenhall acquired the 26 acres in the SENW of Section 20.
3. Deeds tracing ownership from Eldon Bingham to Bosen Land & Livestock for the acres in Sections 7 and 18 (listed in Transfer 985).
4. Evidence showing how Deep Creek water has been historically (and recently) used by any person asserting ownership of Deep Creek rights. This evidence may be in the form of pumping records or affidavits.

Attachment 1

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 Mark F. Porter has been established and duly consummated, in conformity to law, for the Lot numbered three, the Northeast quarter of the South West quarter and the West half of the South West quarter of Section one in Township Sixteen South of Range forty East of Boise Meridian, 1st Idaho, containing one Hundred and fifty two acres and forty-seven Hundredths of an acre, 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 Mark F. Porter, the tract of land above described: TO HAVE AND TO HOLD, the said tract of Land, with the appurtenances thereof, unto the said Mark F. Porter, 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, Grover Cleveland, 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 seventeenth day of February, in the year of our Lord one thousand eight hundred and ninety seven, and of the Independence of the United States the one hundred and Twenty first.

(S E A L)

Recorded, Vol. 6 A Page, 106.

STATE OF IDAHO,
County of Franklin } ss;

By the President; Grover Cleveland,

By, I. A. Pugh, Acting Secretary.
L. Q. C. Lamar, Recorder of the General Land Office.

I hereby certify that this instrument was filed for record at request of Frederick E. Porter, at 1:45 P. M. this 27th day of April, A. D. 1928, in my office.
Fees, \$1.00

Compared

~~THIS DOCUMENT~~

DEED OF ADMINISTRATOR.

This Indenture made the 15th day of October, 1919, at Preston, Franklin County, Idaho, by and between Willard Boden, Sr., administrator of the estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, party of the first part, and E. Taft Benson the party of the second part,

WITNESSETH: That whereas on the first day of August, 1919, the Probate Court of Franklin County, State of Idaho, in the matter of the estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, then pending before said court and of which said court had full and lawful jurisdiction, made an order directing and authorizing the party of the first part herein to sell the real estate hereinafter particularly described, and personal

property mentioned, the same being the property of the said estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, and the same being situate in the said County of Franklin; that said real estate was particularly described and specified in said order of sale; and which said order of sale is duly entered of record in said matter and is on file and of record in the office of the clerk of said court and is hereby referred to and made a part of this indenture;

AND whereas under and by virtue of said order of sale and pursuant to due and legal notice thereof as required by the laws of the State of Idaho, the said party of the first part did offer said real and personal property for sale, at private sale, and did receive bids or offers therefor in accordance with the authority and direction of the order of said court as aforesaid:

And whereas in obedience to said order and notice one bid for the sum of fifteen thousand five hundred Dollars was received and the bidder of said amount declared to be the successful bidder at such sale;

And whereas the said Court upon due and legal return of said proceedings under said order of sale, made by the party of the first part, on the 4th day of October, 1919, did on the 4th day of October, 1919, enter an order requiring all persons interested in said estate to show cause, if any they had why said sale should not be confirmed, and citing and directing all such persons, so disposed, to appear in said Court on the 15th day of October, 1919, and state their objections thereto;

And whereas on the said hearing on October 15th, 1919, one E. Taft Benson filed a written bid for said property, offering to pay the sum of \$17,500.00 for said property, same being more than ten per cent more than the bid declared to be the best bid at the said sale; that thereupon the said Court accepted the bid of said E. Taft Benson and declared the property sold to him for said sum of \$17,500.00;

And whereas on the 15th day of October, 1919, said Court made an order confirming said sale to said E. Taft Benson and directing a conveyance of said property to be executed to the said party of the second part by the party of the first part, which said order of confirmation is now on file and of record in the office of the clerk of said Court and the same is hereby referred to and made a part of this indenture;

Now, therefore, the said party of the first part, pursuant to said order of confirmation, for and in consideration of the sum of \$17,500.00 lawful money of the United States to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, all the right, title, interest and estate of the said George M. Mendenhall and Celestia A. Mendenhall, deceased, at the time of their deaths, and also all the right, title and interest that the said estate by operation of law or otherwise may have acquired or succeeded to since the death of said George M. Mendenhall and Celestia A. Mendenhall, in and to all those certain lots and pieces of land, and the personal property hereinafter mentioned, situate, lying and being in Franklin County, Idaho, and particularly described as follows, to-wit:

The Southeast quarter of the Southeast quarter of Section 19, and the Southwest quarter of the Southeast quarter of Section 20, in Township 18 South, Range 39 East of the Boise Meridian,

Also: Commencing at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 20, Township and Range aforesaid, and running thence North 12 rods; thence West 160 rods; thence South 12 rods; thence East 160 rods; to the place of beginning.

Also: Commencing at the Northwest corner of the South half of the Southwest quarter of Section 20, same Township and Range; running thence East 160 rods; thence South 40 rods; thence West 160 rods; thence North 40 rods, to the place of beginning.

Also: The East Half of the Northeast quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian, excepting therefrom the right of way heretofore decided, and used by the West Cache Irrigation Company for its canal; together with all water rights thereunto belonging, or pertaining however evidenced.

Less the following described tract of land reserved as a cemetery: Beginning at a point 300 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian; and running thence South 150 feet; thence East 175 feet; thence North 150 feet; thence West 175 feet; to the place of beginning.

Two horses, two cows, one two year old heifer, one yearling heifer, one calf, one mow, one rake, one alfalfa cultivator, one pair bob sleds, one cream separator, one hay wagon.

(\$15.50 U. S. I. R. Stamps attached and duly cancelled.)

Together with all the tenements, hereditaments, and appurtenances whatsoever to the same belonging or in anywise appertaining;

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances unto the said party of the second part, his heirs and assigns forever.

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

P. M. Condie,

Witness.

STATE OF IDAHO: } ss;
County of Franklin }

Willard Boden Sr.
Administrator of the Estate of
George M. Mendenhall and Celestia
A. Mendenhall, deceased.

On this 15th day of October, 1919, before me P. M. Condie a Notary Public in and for said County and State personally appeared Willard Boden, Sr. known to me to be the person whose signature is subscribed to the above and foregoing instrument, and who duly acknowledged the same as administrator and in behalf of the estate of George M. Mendenhall and Celestia A. Mendenhall, deceased, that he executed the same.

WITNESS my hand and official seal the day and year first written.

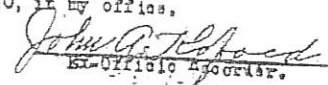
(S R A I)

STATE OF IDAHO: } ss;
County of Franklin }

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

I hereby certify that this instrument is filed for record at request of E. Taft Benson, at 9:20 A. M. this 27 day of April, A. D. 1920, in my office.

FEEL. \$2.20

Compared & 
By Office Recorder.

INST. NO. 13053

Nov. 28 1915

Blackfoot 010111

4-1903.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office, at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Elena S. Hansen, formerly Elena S. Porter, and the acts supplemental thereto, in conformity to law, for the lots one and two

Attachment 2

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ing one hundred sixty acres.

according to the Official Plat of the Survey of 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 David W. McLain, the tract of Land above described; TO HAVE AND TO HOLD, the said tract of Land with the appurtenances thereof, unto the said David W. McLain and to his heirs and assigns forever; subject to any vested and accross 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 rights 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 McKinley, 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 Third day of July, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Independence of the United States the one hundred and twenty-first.

(SEAL)

BY THE PRESIDENT, William McKinley.

21561

By F. M. McKee, Secretary

C. K. Brush, Recorder of the General Land Office.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Washington, D. C. Mar 10 1922

I hereby certify that this photograph is a true copy of the patent record which is in my custody in this office.

(SEAL)

M. P. LeRoy, Recorder.

STATE OF IDAHO

COUNTY OF FRANKLIN-- ss

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:05 P. M. this 15th day of March, A. D. 1922.

Fees. \$1.00

Compared. ymb

INST. NO. 16236.

THIS INSTRUMENT Made this 9th day of March in the year of our Lord one thousand nine hundred and Twenty-two between Willis Henderson and his wife Natalie Henderson of Dayton, County of Franklin, State of Idaho, the party of the first part, and B. T. Benson, of Logan, County of Cache, State of Utah, the party of the second part; WITNESSETH, That the said party of the first part, for and in consideration of the sum of One DOLLARS, and other valuable considerations, Lawful money of the United States of America to him in hand paid by the said part.. of the second part, the receipt whereof is hereby acknowledged he... REMISED, RELEASED, and forever QUIT-CLAIMED, and by these presents do REMISE, RELEASE and FOREVER QUIT-CLAIM unto

following described real estate situate in the County of Franklin and State of Idaho, and bounded and particularly described as follows, to wit:

All my right title and interest in and to the waters decreed to me in that certain suit in equity #203 wherein Utah Power & Light Co was Plff. and East Chance Canal Co et al defendants, recorded in Franklin Co in the Book No one of Judgments, pages 326 and more particularly described on pages 111 and 112, of said decree including all rights in Deep Creek, Five Mile Creek and in West Cache as in said decree set forth.

Together, with all and singular the tenements, hereditaments, and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents and profits thereof;

TO HAVE AND TO HOLD All and singular, the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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

Signed, Sealed and delivered in the presence of
M. Jones,

Willis Mandenhall (SEAL)

Katalie Mandenhall (SEAL)

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

On this 9th day of March 1922, before me Arthur W. Hart, a Notary Public, in and for said County, personally appeared Willis Mandenhall, Katalie Mandenhall, known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same: and on this 9th day of March, 1922, before me the officer above described, personally appeared..... known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such an execution.

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

(SEAL)

Arthur W. Hart, N. P.
Preston, Ida;

STATE OF IDAHO

COUNTY OF FRANKLIN-- SS

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:10 P. M. this 15th day of March, A. D. 1922.
Fees. \$1.25.

John A. R. Reed
Ex-officio Recorder.

Compared, 1922

INSI. EQ. 16836.

THIS INSTRUMENT, made this 31st day of January, in the year of Lord one thousand nine hundred and Twenty-two between E. Taft Benson and Burlotte C. Benson his wife of the County of Cache, State of Utah, the parties of the first part, and Wilbert D. Rife of Preston, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Seventeen thousand five hundred Dollars, of the United States of America,

Attachment 3

following described real estate situate in the County of Franklin and State of Idaho, and bounded and particularly described as follows, to wit:

All my right title and interest in and to the waters decreed to me in that certain suit in equity #203 wherein Utah Power & Light Co was Plff. and East Canyon Canal Co et al defendants recorded in Franklin Co in the Book No one of Judgments, pages 336 and more particularly described on pages 111 and 112, of said decree including all rights in Deep Creek, Five Mile Creek and in West Cache as in said decree set forth.

Together, with all and singular the tenements, hereditaments, and appurtenances therunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents and profits thereof;

TO HAVE AND TO HOLD All and singular, the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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

Signed, Sealed and delivered in the presence of

Willis Wendenhall (SEAL)

Natellie Wendenhall (SEAL)

STATE OF IDAHO

COUNTY OF FRANKLIN-- ss

On this 9th day of March 1922, before me Arthur W. Hart, a Notary Public, in and for said County, personally appeared Willis Wendenhall, Natellie Wendenhall, known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same: and on this 9th day of March, 1922, before me the officer above described, personally appeared... known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such an execution.

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

(SEAL)

Arthur W. Hart, N. P.
Preston, Ida.

STATE OF IDAHO

COUNTY OF FRANKLIN-- ss

I hereby certify that this instrument was filed for record at the request of Crockett-Pick Co., at 2:10 P. M. this 16th day of March, A. D. 1922.
Fees. \$1.23.

John C. R. Fred
Ex-officio Recorder.

Compared, 1922

INST. NO. 16936.

THIS INSTRUMENT, made this 31st day of January, in the year of Lord one thousand nine hundred and Twenty-two between E. East Benson and Eurielle C. Benson his wife of the County of Cache, State of Utah, the parties of the first part, and Wilbert D. Pile of Preston, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Seventeen thousand five hundred Dollars, of the United States of America,

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to them in land paid by the said party 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 party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in County of Franklin State of Idaho, to wit:

The Southeast quarter of the Southeast quarter of Section 19, and the Southwest quarter of the Southeast Quarter of Section 20, in Township 15 South, Range 39 East of the Boise Meridian.

Also: Commencing at the Southeast corner of the Northwest quarter of the Southeast quarter of Section 20, Township and Range aforesaid, and running thence North 12 rods; thence West 160 rods; thence South 12 rods; thence East 160 rods, to the place of beginning.

Also: Commencing at the Northeast corner of the South half of the Southwest quarter of Section 20, same Township and Range; running thence East 160 rods; thence South 40 rods; thence West 160 rods; thence North 40 rods, to the place of beginning.

Also: The East half of the Northwest quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian, excepting therefrom the right of way heretofore deeded, and used by the West Cache Irrigation Company for its canal; together with all water rights thereunto belonging or pertaining however evidenced.

Less the following described tract of land reserved as a cemetery: Beginning at a point 300 feet East of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 30, Township 15 South, Range 39 East of Boise Meridian and running thence North 160 feet; thence East 175 feet; thence North 150 feet; thence West 175 feet to the place of beginning.

Said water rights was decreed in the District Court of the United States for the District of Idaho, Eastern Division as set forth in the final decree before Hon. F. S. Dietrich, District Judge, Case in Equity Number Two hundred three, filed July 14th, 1930, Book Number One of Judgements, page 226, W. D. McWaynolds, Clerk, by Earl Kanger Deputy, more particularly shown on pages 111 and 112 of said final decree, as follows:

§503 (FIVE MILE CREEK) -- Loren Mandenhall, Willis Mandenhall and 6 cubic feet per second to Jacob Peterson.

To be diverted and used by the above named parties for the irrigation of their lands near Deep Creek in the following proportions:

One half to Willis Mandenhall
One fourth to Jacob Peterson
One fourth to Loren Mandenhall.

§506 (DEEP CREEK AND TRIBUTARIES) -- Loren Mandenhall, Willis Mandenhall and Jacob Peterson, 6 cubic feet per second. To be diverted from said Deep Creek through the West Cache Supplemental Canal diverting the water in the Southeast quarter of section 9, Tp 15 South, Range 39 East for the irrigation of 637 acres in sections 19 and 20, Township 15 South, Range 39 East B. M. Said water to be divided among the above named parties as follows:

18/64 to Willis Mandenhall
27/64 to Jacob Peterson
39/64 to Loren Mandenhall.

(17.50 U.S. I. P. Stamps attached and duly cancelled.
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 title, 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

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less, together with the appurtenances, unto the party of the second part, and to his 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 party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming to or claim the same shall and will WARRANT and by these presents forever REPEND.

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. Teft Benson, (SEAL)
Wm. M. Howell, Mrs. Burdette C. Benson, (SEAL)

STATE OF IDAHO
COUNTY OF CASSIA-- SS

On this thirty-first day of January, in the year 1922, before me Leo M. Squires, a Notary Public in and for said County, personally appeared E. Teft Benson and Burdette C. Benson, known to me to be the persons whose names 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) My commission expires, 1-11-24. Leo M. Squires, Notary Public

STATE OF IDAHO
COUNTY OF FRANKLIN-- SS

I hereby certify that this instrument was filed for record at the request of Crockett-Pack Co., at 2:15 P. M. this 15th day of March, A. D. 1922.
Fees, \$3.00

John A. LaFond
Ex-Officio Recorder.

Crockett-Pack Co.

INSTRUMENT NO. 16982,

WARRANTY DEED

THIS INSTRUMENT, made the 14th day of March, in the year of our Lord one thousand nine hundred and 22 between Elizabeth Hawkes and her Husband, T. E. Hawkes of the County of Franklin and the State of Idaho, the parties of the first part, and Ephraim Bonworth of the County of Franklin and the State of Idaho, the party of the second part,

WITNESSETH: That the said parties of the first part for and in consideration of the sum of \$250.00 Two Hundred Fifty and no/100 Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, sell, bargain, convey, and confirm unto the said party of the second part, and to his heirs and assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County Franklin and state of Idaho, and bounded and described as follows, to-wit:

Commencing at a point fifteen hundred sixty-seven and five tenths (1567.5) feet South and Six hundred Twelve and Five tenths (612.5) feet West of the North-east corner of Section Twenty-seven (27) Township Fifteen (15) South Range Fifty-nine (59) East of the Boise Meridian, Idaho, thence running South One Hundred Fifty-eight and Five tenths (158.5) feet; thence West Fifty (50) feet; thence North One Hundred Fifty-

Attachment 4

DEED RECORD

INST. NO. 18415.
RECORDED IN BOOK 10 PAGE 54

THIS INDENTURE, Made this 9th day of January in the year of our Lord one thousand nine hundred and eleven, between Mrs. Louisa Mendenhall, a widow, of Franklin, County of Oneida, State of Idaho, the party of the first part, and Lorin Mendenhall of Praston, County of Oneida, State of Idaho, the party of the second part,

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

All my right, title and interest in and to the West half of the Northwest quarter of Sec. 20, and the NW quarter of the Southwest quarter of Sec. 20; and the Southeast quarter of the NE quarter of Sec. 19; and the SW quarter of the NE quarter of Sec. 20; and commencing at a point 12 rods North of the SE corner of the NW quarter of the SE quarter of Sec. 20, Tp. 15 S. R. 39 E. B. M. Idaho, and running thence West 160 rods; thence North 68 rods; thence East 160 rods; thence South 68 rods to the place of beginning. All in said township 15 South of Range 39 East of Boise Meridian, Idaho, and containing in all two hundred and sixty-eight (268) acres."

"This deed is subject to a mortgage due the Union Life Insurance Co. in the sum of \$1500, which the said Lorin Mendenhall hereby assumes with the interest thereon and agrees to the same off when due."

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

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

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

Signed, sealed and delivered in the presence of

A. W. Hart

Wm. H. Mendenhall

Louisa Mendenhall (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,
 County of Oneida,

On this ninth day of January in the year 1911, before me, Arthur W. Hart, a Notary Public in and for said county, personally appeared Mrs. Louisa Mendenhall, a widow,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Arthur W. Hart,

Notary Public.

(SEAL)
 My Commission Expires Jan. 10, 1912.

Filed for record this 15th day of April A. D. 1911 at 3 o'clock P. M.

John J. Evans,

Ex-Officio Recorder.

By Letitia Jones, Ass't.

Ex-off.

Attachment 5

THIS INDENTURE, Made this 6th day of January in the year of our Lord one thousand nine hundred and eleven, between Junius C. Jansen and Sylvia L. Jansen of Preston, County of Oneida, State of Idaho, the parties of the first part, and A. Elvira Mendenhall (married to Lorin) of Preston, County of Oneida, State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twelve Hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party 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 party of the second part, and to her heirs and assigns forever, all the following described real estate situated in Oneida County, State of Idaho, to-wit:

Commencing at a point 80 rods East of the Southwest corner of the South half of the Southwest quarter of Section 20 in Twp. 15 S. R. 39 East of the Boise Meridian, thence running East 80 rods; thence North 42 rods; thence West 80 rods; thence South 42 rods to place of beginning.

Said deed being subject to a \$500.00 mortgage held by H. A. Peterson and Co. of Logan, Utah.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, 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 said party of the second part, and to her heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in a quiet and peaceable possession of the said party of the second part, her 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

J. H. Larsen

Junius C. Jansen (SEAL).

Sylvia L. Jansen (SEAL).

(SEAL).

(SEAL).

STATE OF IDAHO, }
County of Oneida } ss.

On this 6th day of January in the year 1911, before me, J. H. Larsen, a Notary Public in and for said county, personally appeared Junius C. Jansen and his wife Sylvia L. Jansen

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.

J. H. Larsen,

Notary Public.

(SEAL)
Commission Expires

Filed for record this 15th day of April A. D. 1911, at 2:50 o'clock P. M.

John J. Evans,
Ex-Officio Recorder.

By J. J. Janss, Jr.,
Deputy.

REFERENCE: BOOK 10 PAGE 53 OF DEEDS, ORIGINAL ONEIDA COUNTY RECORDS.

Attachment 6

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. N. Larsen
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

COUNTY OF FRANKLIN--35

I hereby certify that this instrument was filed for record at the request of
Don A. Lundquist at 4-50 P.M. April 1st, 1945.

C. L. Swenson, Ex-Officio Recorder

Fees \$1.20

By James H. Swenson Deputy

Compared
o o o o o o o o o o

INST. NO. 75412

WARRANTY DEED

THIS INDENTURE, made this 23rd day of July, in the year of our Lord one thousand nine hundred and forty-three between Lorin Mendenhall and wife, Elvira Mendenhall of Preston, County of Franklin, State of Idaho, the parties of the first part, and Wm. D. Mendenhall and his wife, Dorthey Mendenhall as Joint Tenants by entirety with full rights vested in the survivor and not as tenants in common, of Preston, County of Franklin, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations 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, 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 the County of Franklin, State of Idaho, to-wit:

The South half of the Southeast quarter of the Southwest quarter of Section 20, Township 15 South, Range 39 East of the Boise Meridian, containing 20 acres.

Also 12/84 of a decreed water right coming from Deep Creek.

(\$0.55 U.S.I.R. Stamps attached and duly cancelled.)

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 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 Presence of

Lorin Mendenhall (SEAL)

Elvira Mendenhall (SEAL)

J. N. Larsen

STATE OF IDAHO

COUNTY OF FRANKLIN--35

On this 23rd day of July, in the year 1943, before me J. N. Larsen, a Notary Public in and for said State, personally appeared Lorin Mendenhall and his wife, Elvira Mendenhall

Attachment 7

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Myron E. Comish (Seal)
STATE OF IDAHO, SS.
COUNTY OF FRANKLIN.

On this 16th day of February in the year 1946, before me J.N. Larsen a Notary Public in and for said State, personally appeared Myron E. Comish, single and unmarried. Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

J.N. Larsen, Notary Public
Residing at Preston, Idaho

(SEAL)

STATE OF IDAHO, SS,
COUNTY OF FRANKLIN.

I hereby certify that this instrument was filed for record at request of Clair Comish at 2:35 P.M., March 8, 1946.

CL L. Swenson, Ex-Officio Recorder
By Benjamin B. Swenson Deputy

Pages: 2120

... COMPARED ...

Inst. No. 75211

WARRANTY DEED

THIS INDENTURE, Made this 8th day of March in the year of our Lord one thousand nine hundred and Forty-six between Lorin M. Mendenhall and wife, Elvira Mendenhall of the County of Franklin, State of Idaho, the parties of the first part, and Eldon B. Bingham of Preston, County of Franklin, State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twelve Thousand Two Hundred and Fifty and NO/100 Dollars, Legal tender of the United States of America, to in hand paid by the said party 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 party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in County of Franklin, State of Idaho, to-wit:

Commencing at the southeast corner of the north west quarter of section twenty (20) Township fifteen (15) south, range thirty nine (39) east of the Boise Meridian, in Idaho, thence running west eighty (80) rods; thence North fifty-two (52) rods; thence east eighty (80) rods; thence south fifty two (52) rods, to the place of beginning, containing twenty six (26) acres.

The Southwest quarter of the Northeastquarter of Section 20, Township 15 South, Range 39 East of the Boise Meridian. Also, Commencing at the Northwest corner of the Northeast quarter of the Southwest quarter of Section 29, Township 15 South, Range 39 East of the

Boise Meridian, thence running East 160 rods; thence South 68 rods; thence West 160 rods; thence North 68 rods to the place of beginning.

TOGETHER with all tenements, hereditaments, and appurtenances belonging to the said lands hereby conveyed, and all ditch and water rights of every kind and character, however evidenced, used upon said lands or belonging to the same.

Also 27/84 of 8 cubic foot per second of the waters of Deep Creek as shown No. 506 of Decree, Utah Power Light Company, Plaintiff Vs. Last Chance Canal Company, limited, at all Defendants, with priority June 1, 1882.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto be longing 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 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 party of the second part, and to his heirs and assigns forever, And the said parties of the first part, and their heirs, and said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person 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

H.B. Johnson

Elvira Mendenhall (seal)

Lorin M. Mendenhall (Seal)

STATE OF IDAHO,
SS.
COUNTY OF FRANKLIN.

On this 8th day of March, in the year 1946, before me J.N. Larsen a Notary Public in and for said County, Personally appeared Lorin M. Mendenhall and wife, Elvira Mendenhall known to me to be the persons whose names 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.N. Larsen, Notary Public

My commission Expires May 1, 1949.

STATE OF IDAHO,
SS.
COUNTY OF FRANKLIN.

I hereby certify that this instrument was filed for record at the request of H.R. Bingham 2:45 P.M. March 8th 1946.

Fees: \$1.20

C.L. Svenson, Ex-Officio Recorder

By Annette B. Drury Deputy

COMPILED

Inst. No. 75212

WARRANTY DEED

~~THIS INSTRUMENT~~ Made this 8th day of March in the year of our Lord one thousand nine hundred and forty-six between Anna R. Wilde, A Widow of Mink Creek, County of Franklin, State of Idaho the party of the first part, and Meldon R. Wilde and Roma W. Wilde, husband and wife, to hold as ~~joint tenants~~ by the entireties and not as tenants in common, of ~~Mink Creek~~ County

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/3/2020

Water Right 13-946A

Owner Type Name
Current Owner WEST CACHE IRRIGATION CO INC
Priority Date: 5/6/1911
Basis: Decreed
Status: Active

Source Tributary
DEEP CREEK BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/20	9/30	15.050 CFS	
	<u>Total Diversion</u>		15.050 CFS	

Source and Point(s) of Diversion
DEEP CREEK NWSE Sec. 7, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use
IRRIGATION within FRANKLIN County

T15S R39E S19
T15S R39E S20
T15S R39E S29
T15S R39E S30
T16S R39E S4
T16S R39E S5
T16S R39E S17
T16S R39E S19
T16S R39E S20
T16S R39E S29
T16S R39E S30

Conditions of Approval:

1. P/U INCOMPLETE AC. IRR. = 8,928.9 acres within 14,832.0 acres.
P/U FOR IDAHO, SEE DECREE 11-0280 FOR P/U IN UTAH.
RT. FOR SUPPLEMENTAL IRRIGATION.

Comments:

1. PSKAGGS 2/19/1998 TRANSFER 5115
Transfer 5115 changes the point of diversion & place of use under a portion of Right 13-00946, splitting the right into Parts A & B. (Part of a trade for shares of water in Bear Lake from Twin Lakes Canal Co.)

Combined Use Limits

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
13-945A	Yes ☒		Yes ☐		Yes ☐
13-947	Yes ☒		Yes ☐		Yes ☐
13-152	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: MENDENHALL, LOREN AND WILLIS, PETERSON, JACOB
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): COX FAMILY TRUST
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

2422 W HWY 36

Mailing address PRESTON IDAHO 83263

City State ZIP

208-852-0702 Telephone Email

Warren Cox
435-757-4269
I'm helping my Dad do the
Ownership Change

SUPPORT DATA

IN FILE # 13-152

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: FEB 27 1965
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document -- warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature] Title, if applicable: Trustee Date: 11-15-11

Signature: [Signature] Title, if applicable: _____ Date: 11-15-11

For IDWR Office Use Only:

Received by: [Signature] Date: 11/17/2011 Receipt No. E037136 Receipt Amt. \$100.

Approved by: _____ Processed by: _____ Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
13-945A	Yes ☒		Yes ☐		Yes ☐
13-947	Yes ☒		Yes ☐		Yes ☐
13-152	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Mendenhall, Loren and Willis, Peterson, Jacob
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Fuller, Gaylin S. & Housley, George
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

Mailing address 3796 W. Hwy 36
Weston

City 3796 W. Hwy 36 Id 83286
State SUPPORT DATA

Telephone 208-747-3282 Email IN FILE # 13-152

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: Oct, 2006 corrected deed 2 July 2011

6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document -- warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - o \$25 per undivided water right.
 - o \$100 per split water right.
 - o No fee is required for pending adjudication claims.

7. Signature: Gaylin S. Fuller Title, if applicable _____ Date 11/14/11
Signature of new owner/claimant

Signature: Edna B. Fuller Title, if applicable _____ Date 11/14/11
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 11/17/2011 Receipt No. E037136 Receipt Amt. \$100
Approved by _____ Processed by _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

August 14, 2012

Gaylin & Edna Fuller
3796 W Hwy 36
Weston ID 83286

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: Change of Ownership for Water Rights 13-152 (Split into 13-7795, 13-7796, 13-7797 & 13-7798), 13-945A (Split into 13-7799, 13-7800, 13-7801 & 13-7802) & 13-947 (Split into 13-7803, 13-7804, 13-7805 & 13-7806)

Dear Water Right Holder:

The department has completed a second review of the ownership changes submitted in November 2011 and complete December 2011. The department has determined that adjustments in the previous splits are required. Please see the attached Memo dated August 10, 2012 from James Cefalo explaining all the details in the adjustments in the water rights. The department has also enclosed computer generated reports showing the changes.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Water District 11
Willis Mendenhall
Jacob Peterson
Loren Mendenhall
Cox Family Trust



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

August 14, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Quentin Casperson
Dianne Casperson
299 W Center St # 1
Logan UT 84321

RE: Change of Ownership for Water Rights 13-152 (Split into 13-7795, 13-7796, 13-7797 & 13-7798), 13-945A (Split into 13-7799, 13-7800, 13-7801 & 13-7802) & 13-947 (Split into 13-7803, 13-7804, 13-7805 & 13-7806)

Dear Water Right Holder:

The department has completed a second review of the ownership changes submitted in November 2011 and complete December 2011. The department has determined that adjustments in the previous splits are required. Please see the attached Memo dated August 10, 2012 from James Cefalo explaining all the details in the adjustments in the water rights. The department has also enclosed computer generated reports showing the changes.

Your portion of the water right has a specified point of diversion, nature of use and place of use. If you plan on changing any of these, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. If you do not plan on changing any items on your water right, then no further action is required at this time.

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Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Water District 11
Willis Mendenhall
Jacob Peterson
Loren Mendenhall
Cox Family Trust



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

August 14, 2012

Cox Family Trust
2422 W Hwy 36
Preston ID 83263

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: Change of Ownership for Water Rights 13-152 (Split into 13-7795, 13-7796, 13-7797 & 13-7798), 13-945A (Split into 13-7799, 13-7800, 13-7801 & 13-7802) & 13-947 (Split into 13-7803, 13-7804, 13-7805 & 13-7806)

Dear Water Right Holder:

The department has completed a second review of the ownership changes submitted in November 2011 and complete December 2011. The department has determined that adjustments in the previous splits are required. Please see the attached Memo dated August 10, 2012 from James Cefalo explaining all the details in the adjustments in the water rights. The department has also enclosed computer generated reports showing the changes.

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Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

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Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosures

cc: Water District 11
Willis Mendenhall
Jacob Peterson
Loren Mendenhall
Quentin Casperson

18 Lot No. 17

19 20

R.C.P. Properties
203362-3 #1837
120 Ac.

T-5

#133714 13320
Donna Curtis
T-9 #1334

Sym

T1

197019
40 Ac
#1835-01

T-2

44102
LYNN HENRY
FAMILY TRUST
#25001
#1833-00
8.46 Ac

T-3

TN H
#183914 #1833-01
1 Ac

Craig Campbell
208436 #1833-02
72.3 Ac.

20

#18362

T-15 #1838-03

George Housley
Rev. Liv. Trst

#1838-00 80 Ac
Cox Family Trust
141602
182548

#1838-03
Gaylin Fuller

235473 19 Ac

Richard

#1847

T-8
152517

T-6

52 Ac

#1835
Carl A. Bowers
Life Estate
187939

#1839-00
Florence
187851

235593
238294

20.75
T-7 #1835-0
141564
197019

19 20

30 29

#1916

Day Frev

Returned

52 Fuller
Cox 20
Husley 20
Buxton 20

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/3/2020

Water Right 13-7798

<u>Owner Type</u>	<u>Name</u>
Current Owner	COX FAMILY TRUST
Original Owner	WILLIS MENDENHALL
Original Owner	JACOB PETERSON
Original Owner	LOREN MENDENHALL

Priority Date: 5/1/1880

Basis: Decreed

Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

Beneficial Use

IRRIGATION

From

04/20

To

09/30

Diversion Rate

0.040 CFS

Volume

Total Diversion

0.040 CFS

Source and Point(s) of Diversion

FIVEMILE CREEK

Place Of Use

IRRIGATION within FRANKLIN County

T15S R38E S19

T15S R38E S20

Conditions of Approval:

1. X35 Rights 13-7798, 13-7802 and 13-7806 when combined shall not exceed a total irrigation of 20 acres.

Comments:

1. j barg 12/2/2011 Change of Ownership
Split from Water Right 15-152

2. j barg 12/2/2011 POU
Updated Shape

3. j barg 2/23/2012 Change of Ownership
The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 East rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of use will still be listed in Range 38 East, as decreed. A water right transfer will be required to correct the error in the decree and adjust the place of use.

Combined Use Limits

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/3/2020

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Water Right 13-7802

<u>Owner Type</u>	<u>Name</u>
Current Owner	COX FAMILY TRUST
Original Owner	LOREN MENDENHALL
Original Owner	WILLIS MENDENHALL
Original Owner	JACOB PETERSON

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source
DEEP CREEK

Tributary
BEAR RIVER

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/20	09/30	0.280 CFS
<u>Total Diversion</u>		0.280 CFS

Volume

Source and Point(s) of Diversion

DEEP CREEK

NWSE

Sec. 7, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN County

T15S R38E S19

T15S R38E S20

Conditions of Approval:

1. X35 Rights 13-7798, 13-7802 and 13-7806 when combined shall not exceed a total irrigation of 20 acres.

Comments:

1. j barg	12/2/2011	Change of Ownership
Split from Water Right 13-945A		

2. j barg	12/2/2011	POD
Updated Shape		

3. j barg	12/2/2011	POU
Updated Shape		

4. j barg	2/23/2012	Change of Ownership
-----------	-----------	---------------------

The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 East rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of use will still be listed in Range 38 east, as decreed. A water right transfer will be required to correct the error in the decree adjust the place of use.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Water Right 13-7806

<u>Owner Type</u>	<u>Name</u>
Current Owner	COX FAMILY TRUST
Original Owner	JACOB PETERSON
Original Owner	WILLIS MENDENHALL
Original Owner	LOREN MENDENHALL

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source
SPRINGS

Tributary

Beneficial Use

IRRIGATION

From

04/20

To

09/30

Diversion Rate

0.040 CFS

Volume

Total Diversion

0.040 CFS

Source and Point(s) of Diversion

SPRINGS

NW

Sec. 20, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN County

T15S R38E S19

T15S R38E S20

Conditions of Approval:

1. X35 Rights 13-7798, 13-7802 and 13-7806 when combined shall not exceed a total irrigation of 20 acres.

Comments:

1. j barg 12/2/2011 Change of Ownership
Split from Water Right 13-947

2. j barg 12/2/2011 POD
Updated Shape

3. j barg 12/2/2011 POU
Updated Shape

4. j barg 2/23/2012 Change of Ownership
The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 East rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of use will still be listed in Range 38 East, as decreed. A water right transfer will be required to correct the error in the decree and adjust the place of use.

5. mholliday 12/31/2014 POD

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Updated Shape

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



First American Title Company
28 West Oneida/PO Box 148, Preston, Idaho 83263
(208)852-2810, (208)852-2811

Sandra Weeks and Dwain Weeks
2422 W. HWY 36
Preston, ID 83263

September 09, 2020
File No.: 924379-PR (hb)

Re: **2422 W. HWY 36, Preston, ID 83263**

Regarding the above referenced file please find the following enclosed:

- Original **Warranty Deed**, recorded as **283097**
-

Please retain the enclosed items for your records.

We appreciate having had the opportunity to be of service to you in this transaction. If you should have questions, or if we can be of assistance in the future, please don't hesitate to contact us.

Sincerely,

Chris Barton

enc.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
28 West Oneida/PO Box 148
Preston, ID 83263

283097

1.3

Recorded at the request of
First American Title
Time: 3:29 Amount \$ 15.00

SEP 08 2020

CAMILLE LARSEN, RECORDER
By [Signature] Deputy
Franklin County, Idaho

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 924379-PR (hb)

Date: September 02, 2020

For Value Received, **Cox Family Trust U/A/D October 25, 1990**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Sandra Weeks and Dwain Weeks, wife and husband**, hereinafter called the Grantee, whose current address is **2951 West HWY 36, Weston ID 83286**, the following described premises, situated in **Franklin County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

283097

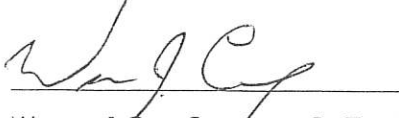
2.3

Date: 09/02/2020

Warranty Deed
- continued

File No.: 924379-PR (hb)

Cox Family Trust U/A/D October 25, 1990



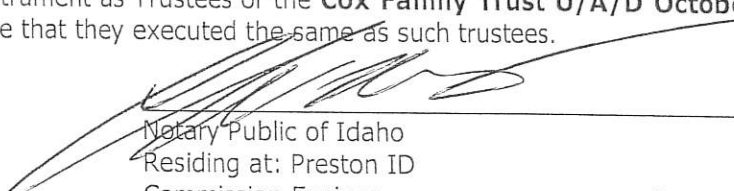
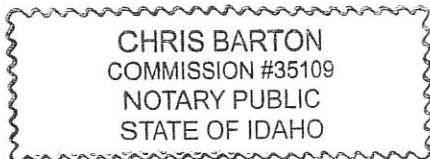
Warren J Cox, Successor Co-Trustee



Glen E. Cox, Successor Co-Trustee

STATE OF Idaho)
COUNTY OF Franklin)
SS.

On this ~~Thirtieth~~ ⁶ ~~day of August~~ ^{SEPTEMBER 4}, 2020, before me, a Notary Public in and for said State, personally appeared **Warren J. Cox and Glen E. Cox**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **Cox Family Trust U/A/D October 25 1990** Trust, and acknowledged to me that they executed the same as such trustees.



Notary Public of Idaho
Residing at: Preston ID

Commission Expires: 11-13-2024

283097

3-2

Date: 09/02/2020

Warranty Deed
- continued

File No.: 924379-PR (hb)

EXHIBIT A

Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho.

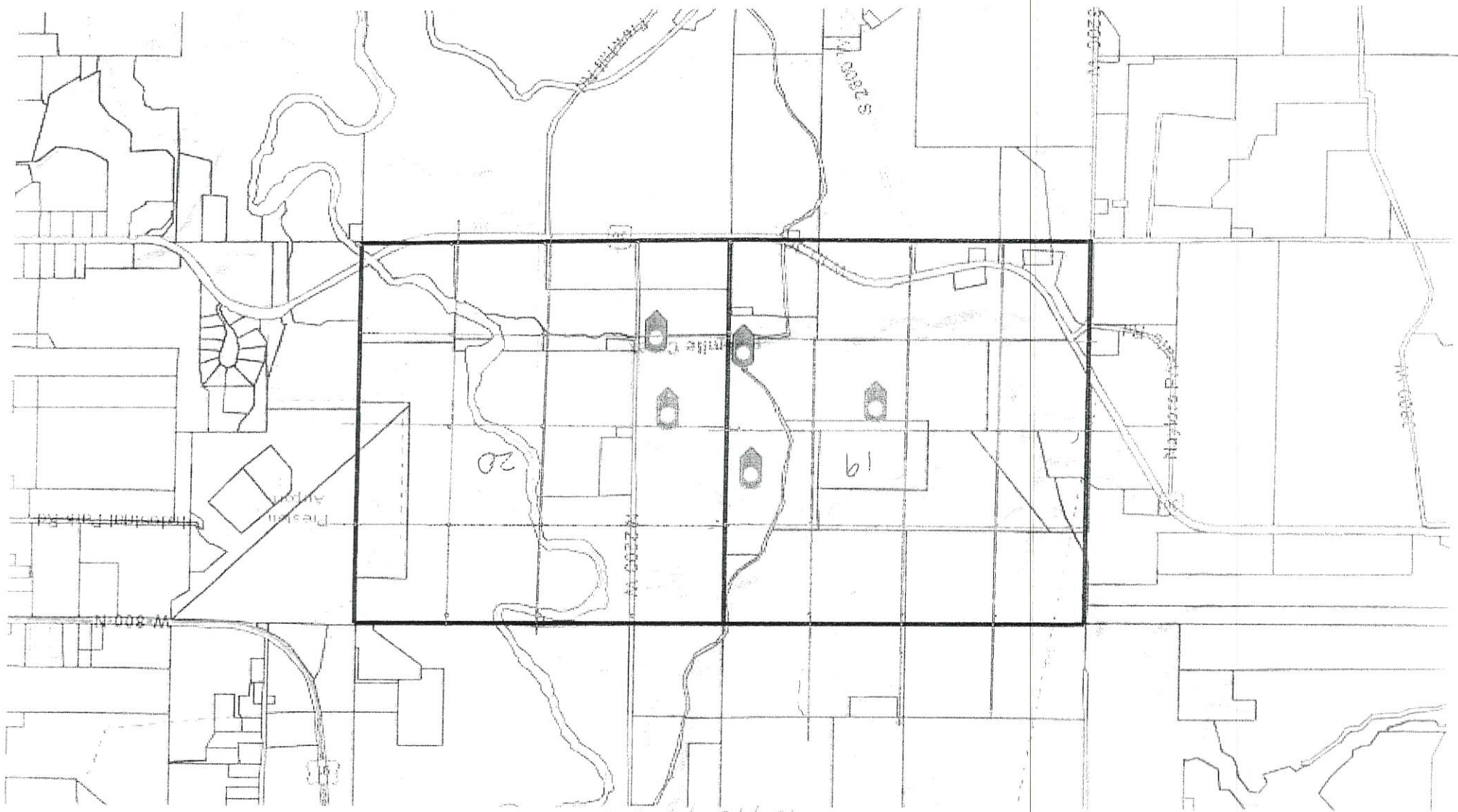
Section 19: Beginning at a point 988 feet North from the Southeast corner of the SE $\frac{1}{4}$ of said Section 19; and running thence West 80 rods; thence North 332 feet; thence East 80 rods; thence South 332 feet to the place of beginning.

ALSO, Commencing at the Southeast corner of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 19; thence running West 230 rods, more or less, to what is known as Five Mile Creek; thence following the said Creek in a Northwesterly direction to a point 12 rods South of the South line of the NW $\frac{1}{4}$ of Section 19; thence East to the West bank of the West Cache Canal; thence following the West bank of said Canal in a Southeasterly direction to where said canal leaves said Section 19; thence South to the place of beginning.

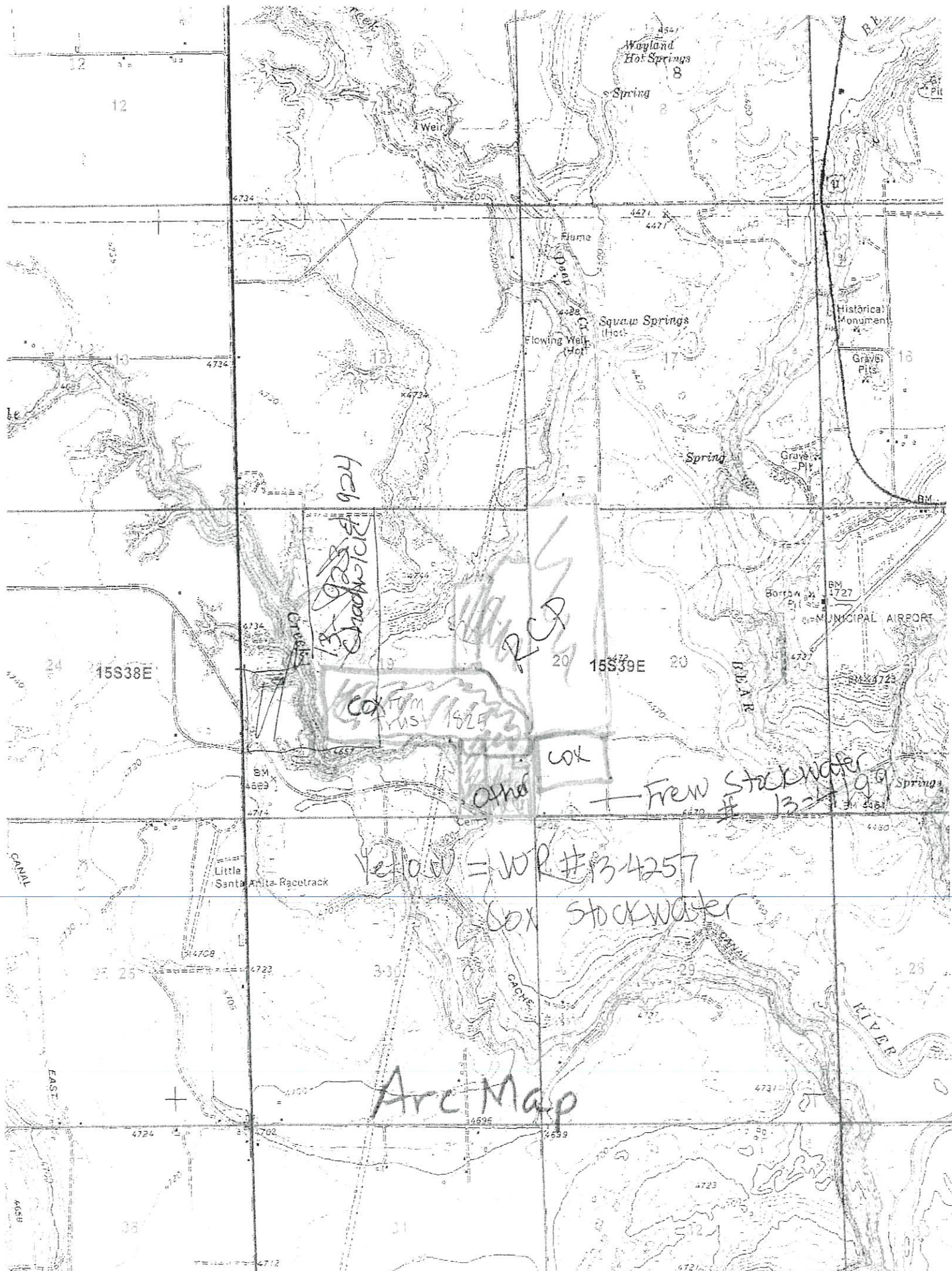
ALSO, Commencing at a point 988 feet North of the Southeast corner of the SE $\frac{1}{4}$ of Section 19; and running thence West 310 feet; thence South 70 feet; thence East 310 feet; thence North 70 feet to point of beginning.
(01825.00)

Section 20: N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
(01838.00)

from Franklin Co. Assessor site



Portion of NE 1/4 SW 1/4 Section 19
 NE 1/4 SW 1/4 Section 19
 NW 1/4 SE 1/4 Section 19
 NE 1/4 SE 1/4 Section 19
 all in T15S, R39E



Wayland
Hot Springs

Spring

Weir

Flume

Flowing Well

Squaw Springs

Historical
Monument

Grave
Pits

Spring

Grave
Pit

Barton
Pit

BM
1727

MUNICIPAL AIRPORT

15S38E

15S39E

Cox Farm
Trus

Cox

Other

Frew Stockwater
13-4199

Yellow = WR # 13-4257

Cox Stockwater

Arc Map

Little
Santa Anita Racetrack

RIVER