

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-04084
Date Received: 8/24/1989
Receipt No: McGill
Received By: BS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BERNARD LINDSTROM
Address: 454 GRAY'S LAKE ROAD
WAYAN, ID

208-574-2795

83285

2. Date of Priority: JUL 26, 1910

3. Source: UNNAMED STREAM
SPRINGS

Trib. to: GRAYS LAKE
UNNAMED STREAM

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
04S	43E	12	SE		SE		SE		BONNEVILLE
		14	NE		NE		NE		BONNEVILLE

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/15	10/15	0.200		
STOCKWATER	01/01	12/31	0.090		

7. Total Quantity Appropriated is:
0.290 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/350 RANGE.

A2504084

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	43E	13	NE		NE		STOCK	
			NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
		14					STOCK	
			NE		NE		IRR	10.0
			NW		NE		STOCK	
			Section Acres					10.0
			Total Acres					10.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
25-04023

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Bernard Lindstrom Date: Aug 24, 1989
Elizabeth Lindstrom Date: Aug 24, 1989

State of Idaho

County of Bonneville SS.

Subscribed and sworn (or affirmed) before me this 24 day

of August 19 89

Bruce A. Schuld
Notary Public

Seal

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
My Commission MY COMMISSION EXPIRES APRIL 11, 1995

Log for claim 25-04084

Spatial Dynamics CAT

11/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04s43e	14	NENE	10	41	Indiscernible
Totals:			10	41	

AJ5809NP
No. A25-04084

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 40

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BERNARD LINDSTROM 454 GRAY'S LAKE ROAD WAYAN ID 83285 (208) 574-2795	07/26/1910	IRRIGATION STOCKWATER	05-15 10-15 01-01 12-31	0.200 CFS 0.090 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.290 CFS	30.00 AFA

Water Source: UNNAMED STREAM
SPRINGS

Tributary to: GRAYS LAKE
UNNAMED STREAM

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04S R43E S12 SESESE
S14 NENENE

BONNEVILLE County
BONNEVILLE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04S	43E 14	:	10	:		:		:		:		:		:		:		10.0
TOTAL ACRES																	10.0	

Place of use Legal Description for: STOCKWATER

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
04S	43E 13	:	S	:	S	:	S	:	S	:		:		:		:		
04S	43E 14	:		:	S	:		:		:		:		:		:		

POU County: BONNEVILLE

Non-Irrigation Uses: S/350 RANGE.

Other Rights: 25-04023

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-12928 A25-04023 A25-12928

Dates: Exam Made Date: Verified Date: 05/20/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/24/89 SCHULD 03/29/95 POST-STD

IN THE MATTER OF:

A25-04084

A25-04023

AFFIDAVIT

State of Idaho

County of Bonneville

BERNARD LINDSTROM

being first duly sworn,

deposes and says: I have observed the water
being used on A25-04084 and A25-04023
claim since 1935, as I was in the immediate
area helping lay this ground. Later in
1954 and 1963 buying this ground and
using the water as stated in the claim
I filed in 1989 with the Idaho Department
of Water resources. The water has been
used in the same location since 1935
as it is now, and I'm sure by visual
observance the water would have been ~~used~~
utilized by the same ground ¹⁰ years
before that

Bernard Lindstrom
(Signature)

Subscribed and sworn to before me this 1 day of July, 1991.

Betty J. Thompson
(Notary Public)

BETTY J. THOMPSON, NOTARY PUBLIC

Residing at RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MISSION EXPIRES: 6-30-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that Bernard Lindstrom (Name of Claimant)

Wayan, ID 53285 (Mailing Address) Telephone No. 574-2193 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 26, 1910

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

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed stream tributary to Grays Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>1.84 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>5/15</u>	To <u>10/15</u>
Quantity	<u>0.09 cfs</u>	Use	<u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.84 TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4, Sec. 11, Twp. 4S, Rge. 43E, B.M., County of Bonneville
Additional points of diversion: SW 1/4, Sec. 12, Twp. 4S, Rge. 43E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion from stream by ditches to flood irrigation.

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	43E	12											10						10
		11													20		27.3	35	82.3

No. of acres 92.3

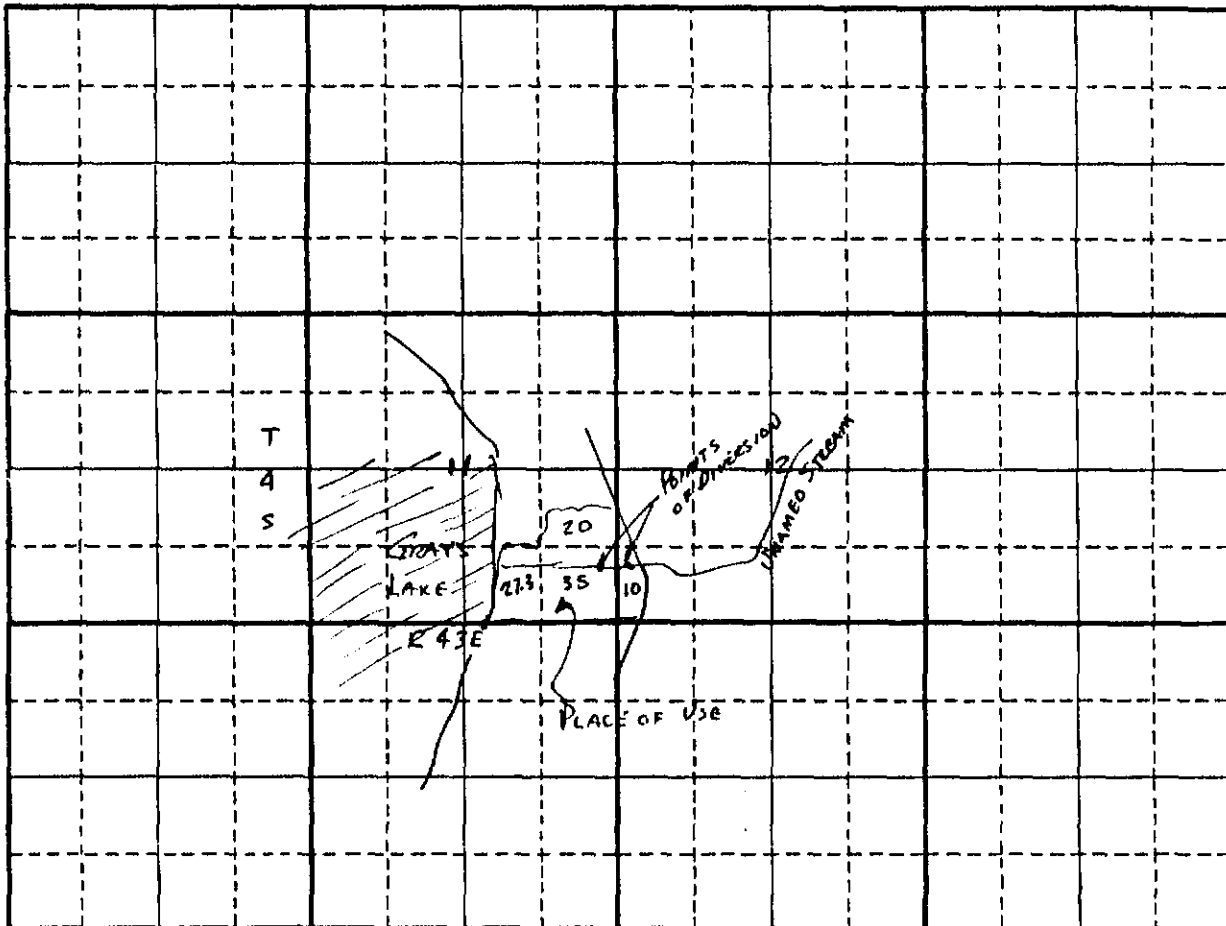
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 350 head range cattle.

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

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JUL 27 1983

(S) Remarks



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 22 day of January, 1981.

Bernard Lindstrom
(Claimant)

Kathryn A. Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/1983

FOR DEPARTMENT USE ONLY

Received by EW Date 1/29/1981 Exception filed by: _____ Forwarded to _____ Date _____
Paid in check by _____ Date _____
\$0.00 fee received by Post Register Date 1/30/81 # 17012
Published in _____
Dates 2/12/81 2/19/81



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JUNE 11, 1991

BERNARD LINDSTROM
454 GRAY'S LAKE ROAD
WAYAN, ID. 83285

RE: Evidence of priority for A25-04023 & A25-04084.

Dear Mr. Lindstrom:

Thank you for your response to our request for evidence supporting your above mentioned adjudication claims. The evidence that you submitted with the claims does support the chain of ownership of the property (the property in sections 11 and 12 to 1915), but none of it supports when the water from the sources indicated were first used. Before we can make any recommendation on your claims we believe additional information is needed.

You need to submit evidence that tends to support the date when the claimed uses began. Along with the Deeds you submitted you may submit affidavits from individuals who have personal knowledge of the water use (you may submit your own affidavit substantiating the uses as far back as you know) or other portions of an abstract that mention the actual use of water from the sources (the generic statement of "and all water rights" on a deed does not substantiate actual use unless it mentions the specific rights). Please refer to the pamphlet we sent with the first letter for other possible types of evidence that you might be able to use.

We appreciate your attention to this important matter and we are available to discuss this matter with you further should you have any questions.

Sincerely,

Eric Verner
Sr. Water Agent

EV

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4081

May 6, 1991

Bernard Lindstrom
454 Gray's Lake Road
Wayan, ID 83285

RE: Evidence of Priority

Dear Mr. Lindstrom:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority dates by **June 6, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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NOV 10 1992

Bernard Lindstrom

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04084
BERNARD LINDSTROM
454 GRAY'S LAKE ROAD

WAYAN ID 83285

A25-04023
BERNARD LINDSTROM
454 GRAY'S LAKE ROAD

WAYAN ID 83285

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STATE OF IDAHO

County of Larimer } ss.

On this 21st day of December, in the year 1971 before me

_____, a Notary Public in and for the State of Idaho, personally appeared Diamond Call and Vera B. Call, husband and wife.

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that they executed the same.

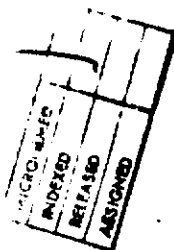
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.



Margaret S. Steton
Notary Public

Residing at Spring Springs, Idaho

My Commission Expires 1-5- 1975



26149
No.

WARRANTY DEED

Jan 5 1 25 PM '72
TO

Dated _____, 19____

STATE OF IDAHO } ss.
County of Bannock

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____
o'clock _____ M., this 5th
day of Jan, 1972
in my office and duly recorded in
Book _____ of Deeds, at
page _____

Keith Long
Ex-Officio Recorder

By Dalem Debusch Deputy
Fees \$ 2.00

IDAHO TITLE AND TRUST CO.

207 CAPITAL AVENUE

IDAHO FALLS, IDAHO

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NOV 10 1992

426149

WARRANTY DEED

THIS INDENTURE, Made this 1st day of December, 19 71
by and between DESMOND CALL and VERA B. CALL, husband and wife,

of the County of Bonneville, State of Idaho, the part 1st of the first
part, and BERNARD LINDSTROM and ELIZABETH LINDSTROM, husband and wife,

of the County of Bonneville, State of Idaho, the parties of the second
part.

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of
TEN and NO/100 DOLLARS
lawful money of the United States of America, and other good and valuable considerations, to them
in hand paid by part 1st of the second part, the receipt whereof is hereby acknowledged, have
granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm
unto the said part 1st of the second part and to their heirs and assigns forever, all the follow-
ing described real estate, situate in the County of Bonneville, State of Idaho, to wit:

That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
lying West of the County Road of Section Thirteen (13), Township Four (4)
South, Range Forty-Three (43) East of the Boise Meridian;
ALSO, Lot One (1) and the Northeast Quarter of the Northeast Quarter
(NE $\frac{1}{4}$ NE $\frac{1}{4}$), less any riparian rights applicable to the S $\frac{1}{4}$ of Lot 1, Section
Fourteen (14), Township Four (4) South, Range Forty-Three (43) East of
the Boise Meridian.

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TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto be-
longing or in anywise appertaining, and the reversion or 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 part 1st of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, to-
gether with the appurtenances, unto the part 1st of the second part, and to their heirs and
assigns forever. And the said part 1st of the first part, and their heirs, the said premises
in the quiet and peaceable possession of the said part 1st of the second part, and their heirs
and assigns against the said part 1st of the first part and their heirs and against all and
every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WAR-
RANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part 1st of the first part has set hereunto set their
hand^s and seal 2 the day and year first above written.

Signed, sealed and delivered in the
presence of

Desmond Call (SEAL)
Vera B. Call (SEAL)
(SEAL)

Harry Field,.....

Grantor.

TO

E. L. Sheets,

Grantee.

Character of Instrument Mortgage
Date September 14th, 1920
Recorded Oct. 4th, 1920 at 4:50 P.M.
Book #22 of Mortgages at Page 168
Records of Bonneville County, Idaho.
Transcribed from Book xx Page
Records of Bingham County, Idaho.
Consideration \$500.00

Acknowledgement.

Date September 18th, 1920
Before Wm. J. Kelley, Notary Public
In and for Caribou County, State of Idaho
Is Official Seal Affixed? yes
Is Acknowledgement regular? yes
Does Acknowledgement show separate examination of wife? xx

Res. and P.O. Address, Soda Springs,
Idaho.

Date of Maturity Sept. 14th, 1920
Where Payable xx
Optional xx

Rate of Interest 8%
When is Interest payable? at maturity.

Conveys the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
12, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ and Lot 4 of
Section 11, Township 4 South of Range 43
E.B.M., containing 147.25 acres, together
with all ditch and water rights.

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