

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: A27-00017
Date Received: 3/29/1989
Receipt No: E006593
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: YOUNIE DITCH CO. 208-785-2328
Address: C/O MELVIN A. ASAY
1115 SOUTH MERIDIAN
BLACKFOOT, ID 83221

2. Date of Priority: JUL 01, 1874

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	35E	9	SW	SE	NE	1	BINGHAM

5. Description of diverting works:

MINERS PUMP FROM BLACKFOOT RIVER TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		

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

A.F.A.

8. Total consumptive use is 450.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	35E	3	SW	SW		IRR	28.0

Section Acres 28.0

A27-00017

Page 1

Date: 04/24/89

MICROFILMED

NOV 12 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	4	SW	SE		IRR	32.0
			SE	SE		IRR	32.0
			Section Acres				64.0
		9	NE	NE		IRR	30.0
			NW	NE		IRR	5.0
			SE	NE		IRR	8.0
			NW	NW		IRR	10.0
			Section Acres				53.0
		10	NW	NW		IRR	5.0
			Section Acres				5.0
			Total Acres				150.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
27-00029A

14. Remarks:
P/D AKA MINERS DITCH PUMP
TRANSFER #58.
P/U SAME AS 27-00029A

15. Basis of Claim: DECREED
Water Right Number: 270017
Case Number:
Court :
Decree date:

FRED S. STEVENS, ET AL.
Decree Plaintiff

vs

EASTERN IDAHO WATER CO., ET AL
Decree Defendant

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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Title and that the statements contained in the
_____,
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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ACQUIRED UNDER STATE LAW

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Section Acres							28.0

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			SE	NE		IRR	8.0
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FRED S. STEVENS, ET AL.
Decree Plaintiff

vs

EASTERN IDAHO WATER CO., ET AL
Decree Defendant

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:

For Organizations:

I do solemnly swear or affirm that I am President of Younie Ditch Co., that I have signed the foregoing Organization document in the space below as President of Younie Ditch Co. and that the statements contained in the Organization foregoing document are true and correct.

Mehin A Asay
Signature of Authorized Agent

Younie Ditch Co.
Title and Organization

Mar 29 - 1989
Date

State of Idaho)
County of Bonneville) SS.

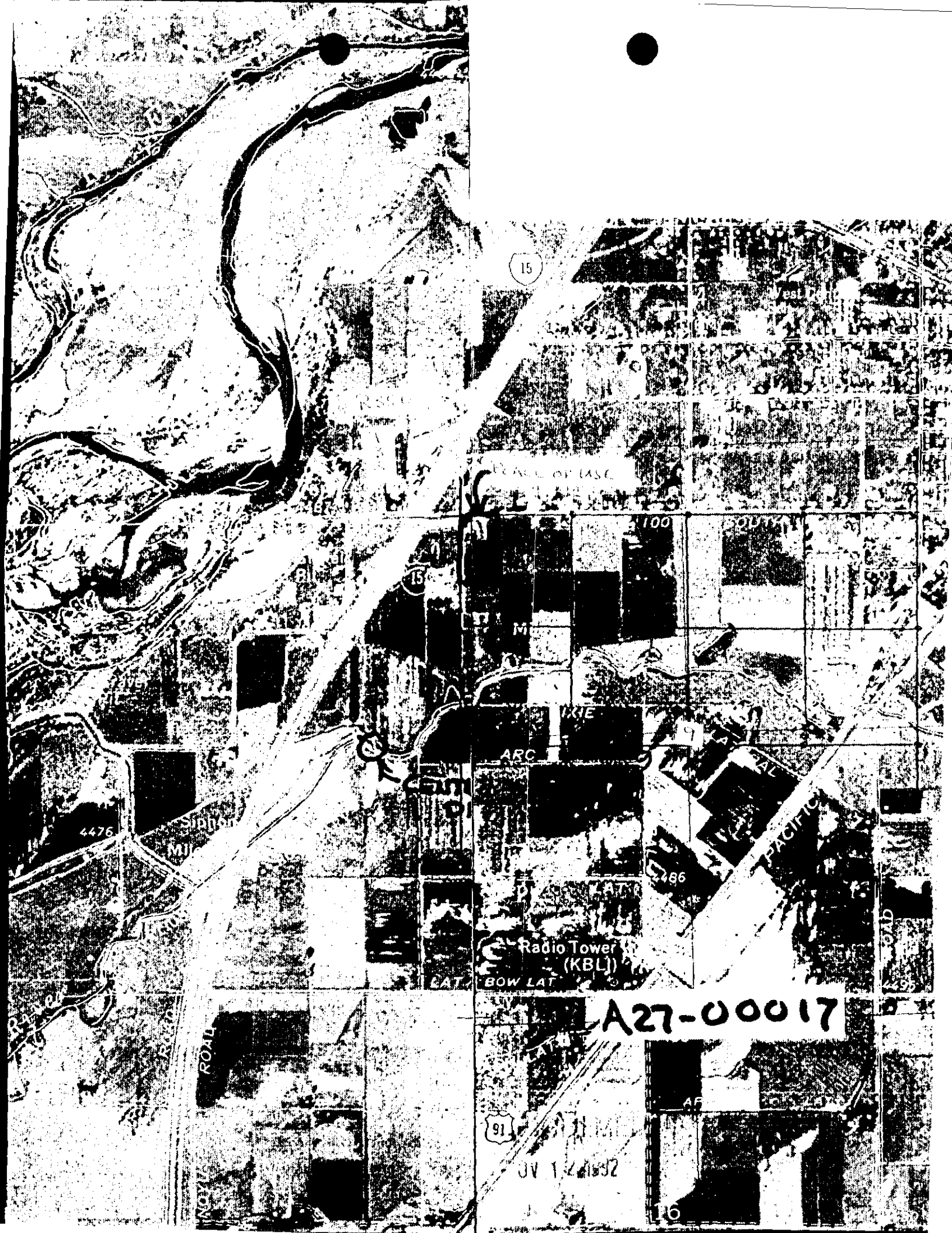
Subscribed and sworn (or affirmed) before me this 29 day
of Mar 19 89

Colleen Wharf
Notary Public

Residing at Idaho Falls

My Commission Expires 5/29/99





Radio Tower
(KBL)
BOW LAT

A27-00017

91

JV 12-1892

16

R35E

T33S

PLACE OF USE

4 3
9 10

A27-00017



POINT OF DIVERSION

NOV 12 1992

Log for claim 27-00017

Spatial Dynamics LTD

12/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	3	SWSW	28	23	
03s35e	4	SWSE	32	30	
03s35e	4	SESE	32	30	
03s35e	9	NENE	30	21	
03s35e	9	NWNE	5	2.8	
03s35e	9	SENE	8	2.6	
03s35e	9	NWNW	10	6	
03s35e	10	NWNW	5	1.8	
Totals:			150	117.2	

AJ5809NP
No. A27-00017

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	YOUNIE DITCH CO C/O MELVIN A ASAY 1115 S MERIDIAN BLACKFOOT ID 83221 (208) 785-2328	07/01/1874	IRRIGATION	03-15 11-15	2.400 CFS	
					TOTAL DIVERSION:	2.400 CFS
					CONSUMPTIVE USE:	450.00 AFA

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03S R35E S09 Lot01(SWSENE)

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
		NENE		NWNE		SWNE		SENE		NENE		NWNE		SWNE		SENE		NENE		NWNE		SWNE		SENE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
03S	35E	3	:																						28.0	
03S	35E	4	:																				32	32	64.0	
03S	35E	9	:	30		05			08				10												53.0	
03S	35E	10	:									05													5.0	
																							TOTAL ACRES	150.0		

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: 27-00029A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A27-00020A A27-00020B A27-00020C A27-00029A

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00001J A01-0029B A27-00022D A27-00029A A27-00035D A27-00038 A27-00039 A27-00040 A27-00041 A27-10495
A27-10561 A27-10878 A27-10999 A27-11117

Remarks: GEN P/D AKA MINERS DITCH PUMP
TRANSFER #58.
P/U SAME AS 27-00029A

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 27 Field Inspection Flag:
Presumption Flag:

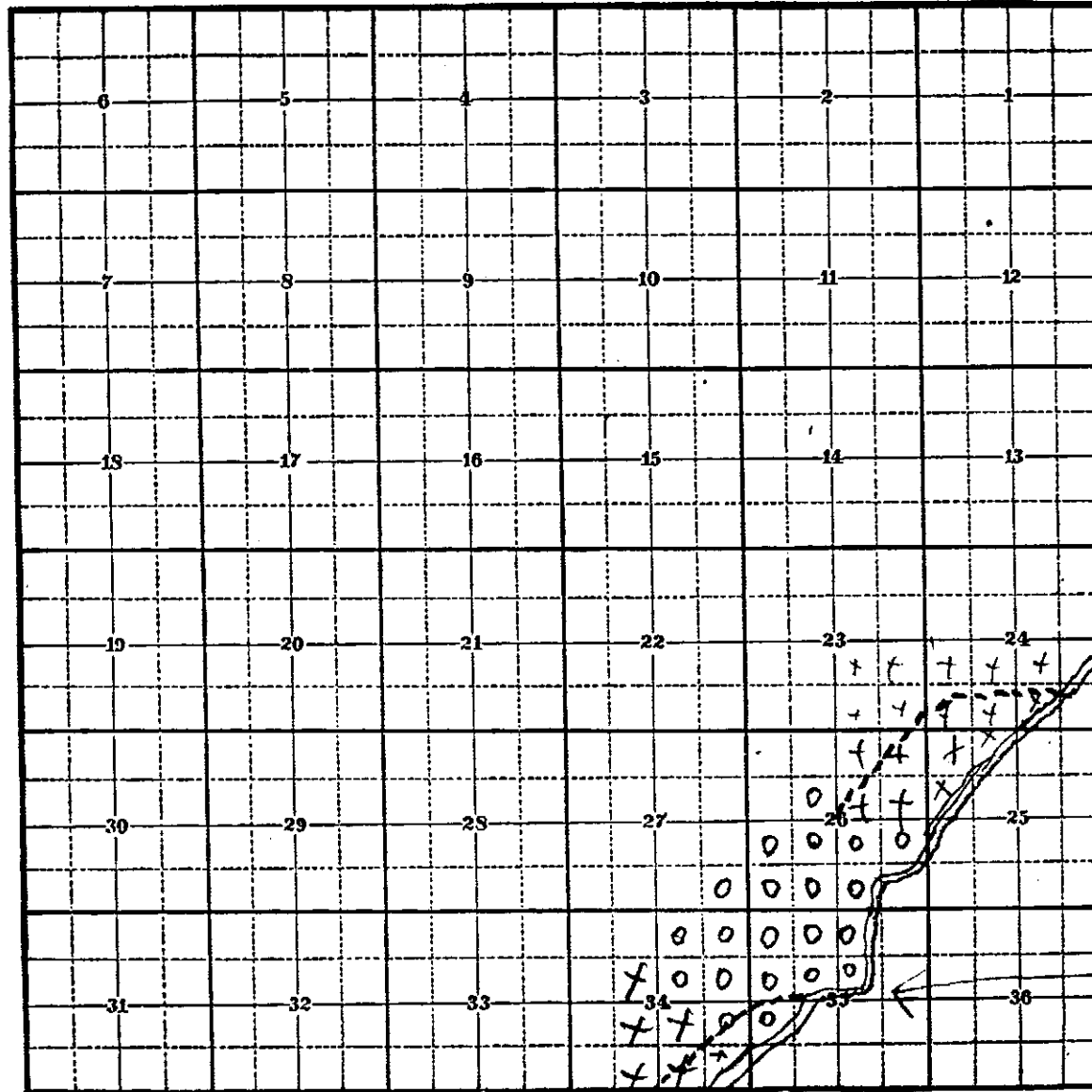
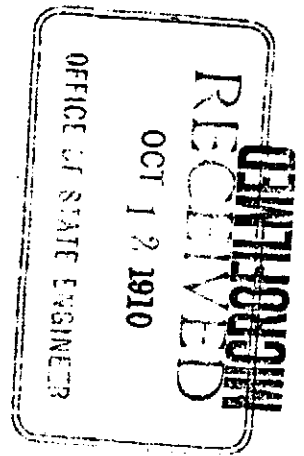
Audit: 03/29/89 WILSON 04/24/89 WILSON 09/27/94 JTHOMPSO 03/29/95 POST-STD

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Misslen, John	2.4		~~27-0017A~~
58	Kennedy, E. M.	2.4	0	27-0017A

T
 R
 A
 N
 S
 F
 E
 R

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Township No. 28 Range No. 36 E B. Mer.



Blackfoot River
 down stream
 point of diversion
 up stream
 point of diversion

True Meridian

#1

RECEIVED

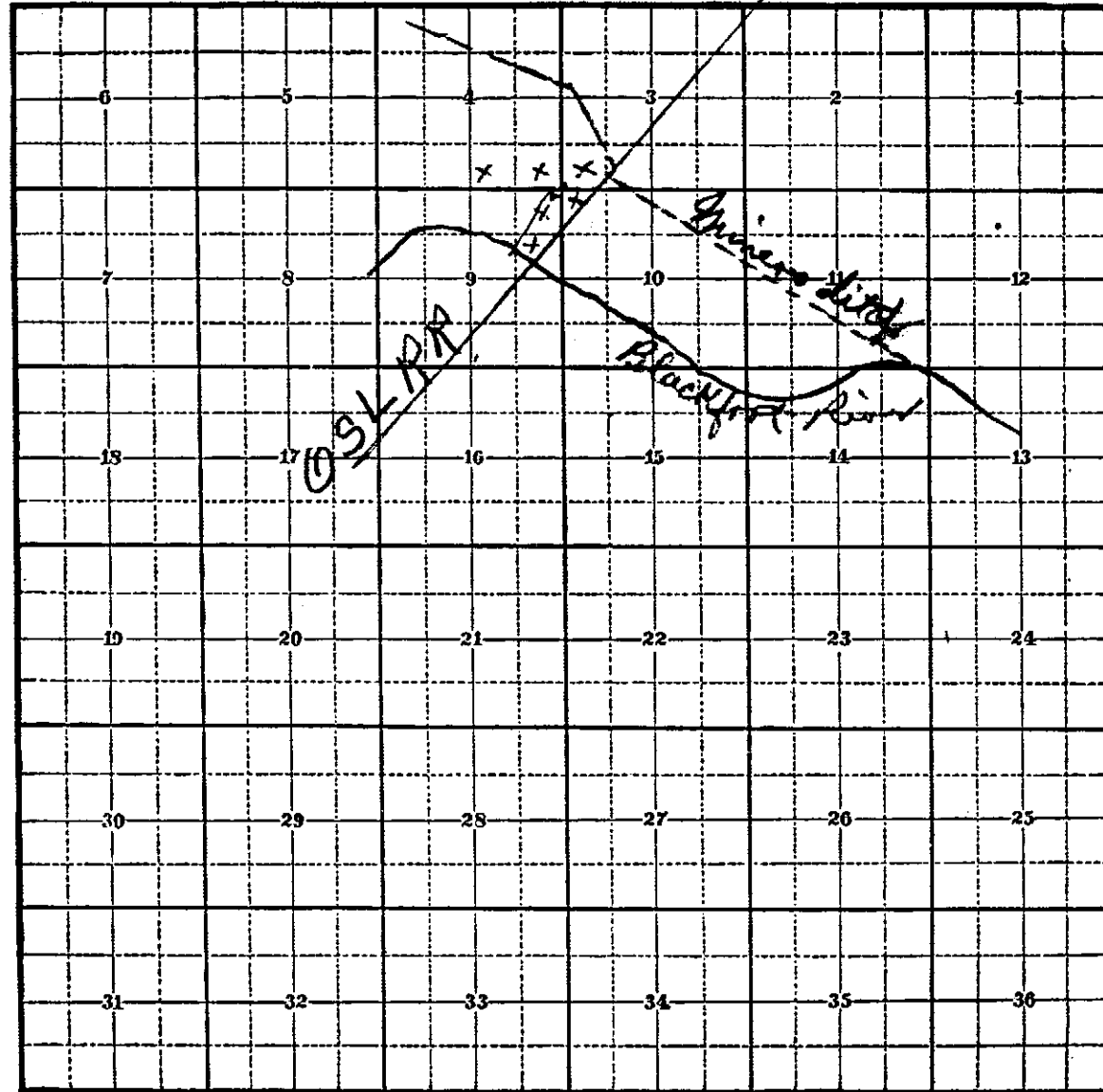
OCT 12 1910

OFFICE OF STATE ENGINEER

[4-590.]

Township No. 38

Range No. 35 E.B. Mc.



6-311

Scale in chains to an inch
20 40 60 80

True North

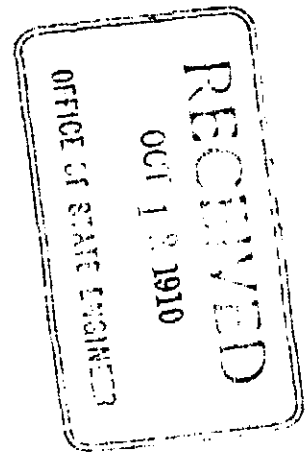
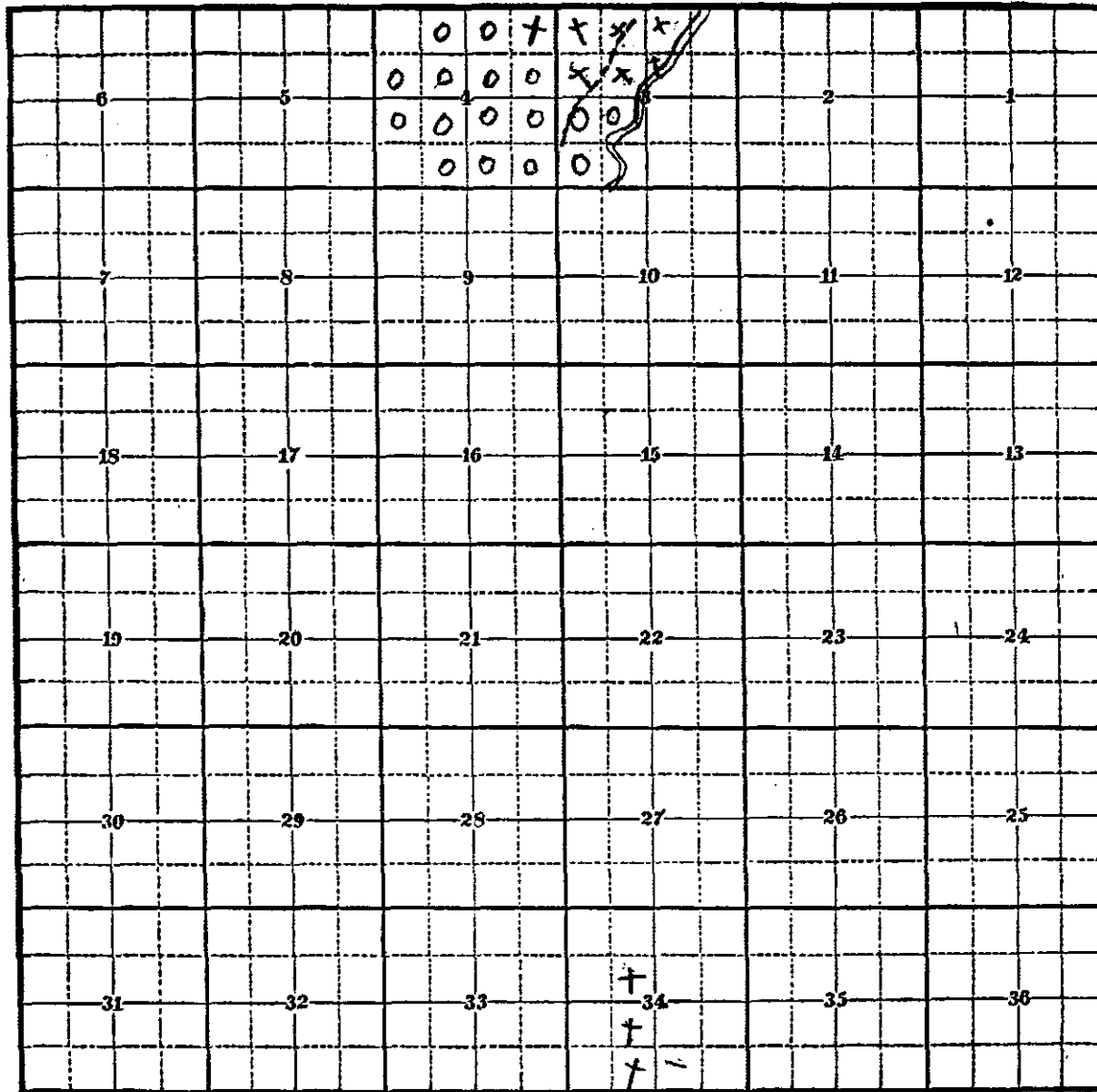
Dotted line shows Inners Ditch
X shows Kennedy Land

MICROFILMED

[4-590.]

Township No. 3 8 Range No. 36 Mer.

#2



MICROFILMED

File 27-C 2.
27-00

S T A T E O F I D A H O

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE No. 58, AUTHORIZING TRANSFER OF WATER RIGHT .

Permission is hereby granted E. M. KENNEDY, of Blackfoot, County of Bingham, State of Idaho, to transfer the use of Two Hundred (200) inches of the waters of BLACKFOOT RIVER, Bingham County, Idaho, from the lands upon which it is now used, i.e., East half of Southwest quarter (E2 SW4), Southeast quarter of Northwest quarter (SE4 NW4) and Northwest quarter of Southeast quarter (NW4 SE4) Section Thirty-four (34), Township Two (2) South, Range Thirty-six (36) East of Boise Meridian, to the following described tract, to-wit: Southwest quarter of Southwest quarter (SW4 SW4) Section 3, South half of Southeast quarter (S2 SE4), Section Four (4), and Eighty (80) acres beginning at the southwest corner of Section Three (3), thence west 8 rods, thence south 1860 feet of Blackfoot river, thence along said river 850 feet to O.S.L. right-of-way, thence along said right-of-way to south line of Section Three (3), Township Two (2) South, Range Thirty-five (35) East of Boise Meridian, thence west along said section line about 60 rods to place of beginning.

The water right appurtenant to the above described lands was adjudged by decree, dated August 1st, 1891, of Charles Cobb, Judge of Fifth Judicial District of the State of Idaho in and for Bingham County, in the matter of E. B. Stephens, plaintiff, vs. Eastern Idaho Company, a corporation, defendant.

in the following words:

"It is now ordered, adjudged and decreed,
that the following parties are entitled to divert
from Blackfoot river, the amount of water herein
indicated.....
John Misslen, July 1st A. D. 1874, 120 inches
Leon Misslen, July 1st A. D. 1885, 300 inches."

"120 inches of above water rights was purchased from John Misslen and 80 inches from Leon Misslen, by E. M. Kennedy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this twenty-first day of October, A. D. 1910.

That he intends to divert and convey said 1000 inches of water to the tract of land last above described in the following manner, to wit: Through the Minner Ditch

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of this Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Edwin M. Kennedy

Subscribed and sworn to before me this 17th day of August

A. D. 1910

J. C. Parkinson
Notary Public

State of Idaho, }
County of Bingham } ss.
Henry Dunn and Aurelius W. Thompson
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Blackfoot
that he is a user of water from Blackfoot River, County of Bingham, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Edwin M. Kennedy, and is familiar with its allegations, and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Henry Dunn
Aurelius W. Thompson

Subscribed and sworn to before me this 20th day of August 1910

A. D. 1910

J. C. Parkinson
Notary Public

RECORDED

State of Idaho,

ss.

County of _____

I, _____, Watermaster of _____,
County of _____, State of Idaho, whose postoffice address is _____
_____, have read or heard read the foregoing affidavit and petition of
_____, and, of my own knowledge, believe the same to be
true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be au-
thorized; and I hereby endorse my approval of said petition, and request that the State Engineer
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of
transfer prayed for) for the following reasons: _____

No Watermaster

Watermaster.

Blackfoot Idaho
Sep. 24 1910.

Notice having been duly published for thirty days of the intention of the above named *Edwin*
M. Kennedy to apply to the State Engineer of the State of Idaho for a certificate
authorizing the transfer of water as set forth in his affidavit and petition herein, and an opportunity
having been given to any and all persons opposing said transfer to present their objections in a public
hearing before me at *Blackfoot*, on *Sep. 24 1910*, according to
the terms of said notice;

And it not appearing at said hearing that any one would be materially injured by such transfer:

I hereby recommend that the said State Engineer of the State of Idaho issue his certificate to said
applicant, authorizing the transfer as prayed for in his petition; or ~~(and it appearing at said hearing~~
~~that the following injuries would be sustained by others if such transfer is permitted)~~

I hereby recommend that the State Engineer do ~~not~~ issue the certificate authorizing the transfer
sought hereinabove.

MICROFILMED

J. M. Foster

Commissioner of Water Division No. *1*

By _____

100-443887-100

1990年12月12日

100-100000

APPLICATION FOR TRANSFER
OF WATER RIGHT.

No. _____

From _____

To _____

Stream _____

County _____

Received _____

Approved _____

Certified _____

Applicant _____