

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: A27-10539
Date Received: 5/10/1989
Receipt No: E007286
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WESLEY R. HAMILTON 208-785-0646
Address: 626 W. 225 S.
BLACKFOOT, ID 83221

OR

Name: ANNETTE F. HAMILTON 208-785-0646
Address: 626 W. 225 S.
BLACKFOOT, ID 83221

2. Date of Priority: JUN 01, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	35E	8	SE	SW	NE		BINGHAM

5. Description of diverting works:
OLD, WELCH DITCH/NOW CENTRAL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 2.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10539

Page 1

Date: 08/01/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	12	SE	SE		IRR	11.0
						Section Acres	11.0
		13	NE	NE		IRR	40.0
			NW	NE		IRR	20.0
						Section Acres	60.0
						Total Acres	71.0

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:
105 INCHES WELCH WATER (27-00037A)

14. Remarks:
FOR 30 INCHES OF FOX AND WHITTEN WATER (27-00004G)

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

Decree Plaintiff

vs

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ 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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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: 39356

Ident. Number A27-10539Date Received 5/10/89Receipt Number E007286

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WESLEY R. OR ANNETTE F. HAMILTON Phone (208) 785-0646Mailing Address 626 W. 225 So. BLACKFOOT, IDAHO Zip 832212. Date of Priority (Only one (1) per claim) 1 JUNE 18853. Source of water supply (a) BLACKFOOT RIVER
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 3 So. Range 35 E. Section 8,S. E. 1/4 of S. W. 1/4 of N. E. 1/4, Govt. Lot, _____ B.M., County of BENHAM

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. OLD WELCH DITCH / NOWCENTRAL DITCH

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Copies: 100-341, 1992 Claimant
NOV 12 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 1 APRIL to 1 NOV. amount 0.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 213 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>350.</u>	<u>34E.</u>	<u>12</u>																<u>11</u>	<u>11</u>
		<u>13</u>	<u>40</u>	<u>20</u>														<u>6</u>	<u>60</u>

Total number of acres irrigated 71

11. In which county (ies) are lands listed above as place of use located? BINHAM

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

105 INCHES WELCH WATER (27-00037A) or None ()

14. Remarks:

FOR 30 INCHES OF FOX & WHITTEN WATER
(27-000046)

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Last Name HAMILTON Ident No. _____

NOV 12 1992
Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 27-000046

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Wesley R. Hamilton Date 10 MAY 89

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day of May 19 89

SEAL

Notary Public Anthony L. Olmsted

Residing at Shoshone Falls

My Commission Expires 9/12/1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

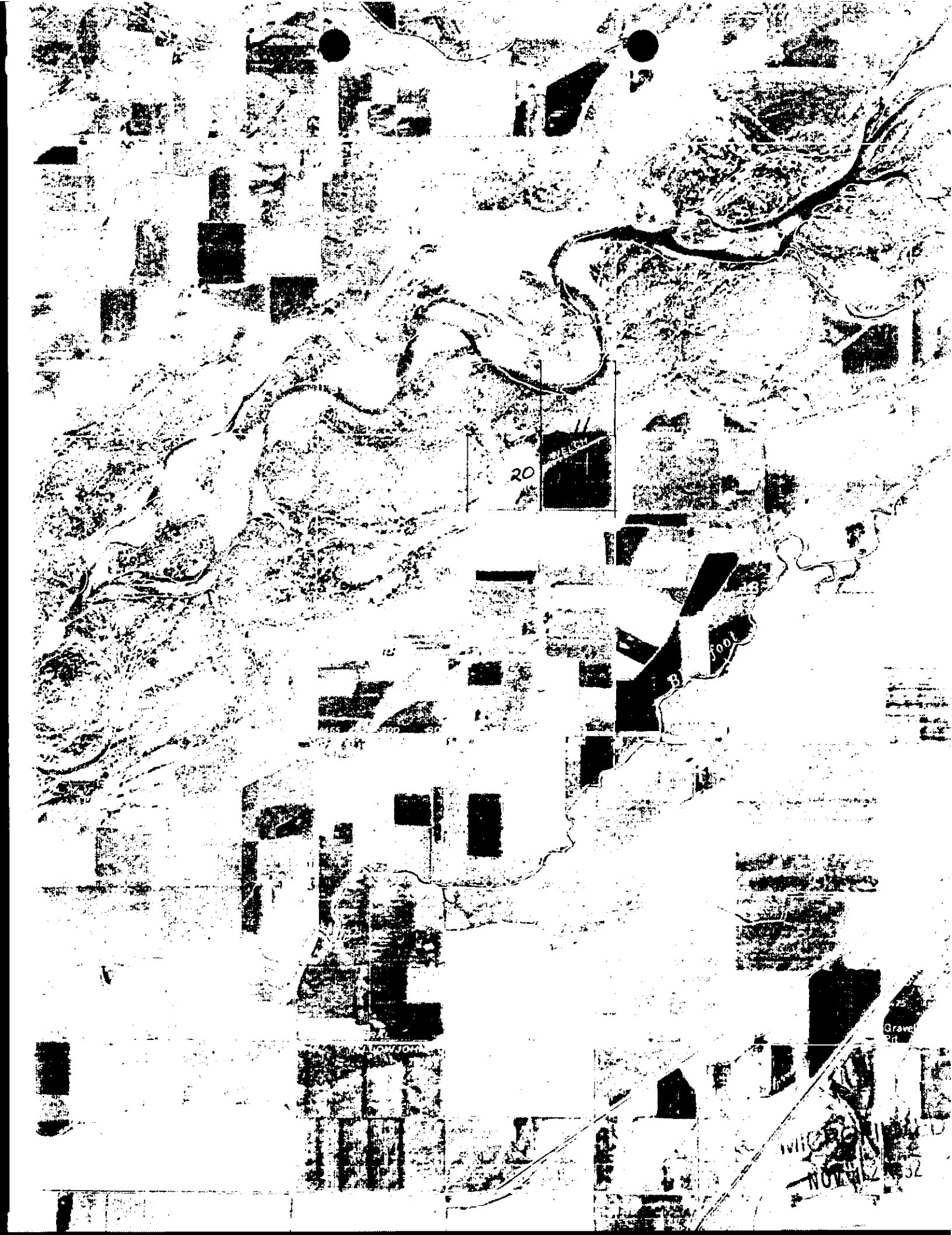
Address _____

Date _____

Last Name _____ Ident. Number _____

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NOV 12 1989
Copies White - Clerk, Yellow - Claimant



Log for claim 27-10539

Spatial Dynamics BTD

1/4/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	12	SESE	11	5.3	
03s34e	13	NENE	60	51	Includes NWNE qq acreage.
Totals:			71	56.3	

AJ5809NP
No. A27-10539

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 174

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WESLEY R HAMILTON	06/01/1885	IRRIGATION	04-01 11-01	0.600 CFS	
C	ANNETTE F HAMILTON					
	626 W 225 S					
	BLACKFOOT ID 83221			TOTAL DIVERSION:	0.600 CFS	
	(208) 785-0646			CONSUMPTIVE USE:		2.30 AFA

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03S R35E S08

SESWNE

BINGHAM County

Place of Use Legal Description for: IRRIGATION

NE				NW				SW				SE													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE			
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	34E	12	:						:																
03S	34E	13	:	40		20			:																
																							TOTAL ACRES	71.0	

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: 105 INCHES WELCH WATER (27-00037A)

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

A27-00037B A27-00037M A27-00037N A27-10452 A27-10847

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

A27-00037M A27-02129B A27-10540

Remarks: GEN FOR 30 INCHES OF FOX AND WHITTEN WATER (27-00004G)

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

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

Audit: 08/01/89 ESRBA 12/02/94 JTHOMPSON 03/29/95 POST-STD 02/21/96 CFRITSCH

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Wesley Milton

CLAIM NO.

A27-10539

DATE RECEIVED

5-10-89

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
- Is the consumptive use correct? ☐ YES ☒ NO N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☐ YES ☒ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: ESDate: 6-26-89

Claim must be returned to claimant:

☐ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

JS-8-1-89

Date:

Date:

Checked by:

Date:

Sent to claimant by:

Comments:

Old Number filed - 27-00004G

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NOV 12 1989

343868

WARRANTY DEED

For Value Received, LONEY B. MICKELSEN, the duly appointed, qualified and acting Personal Representative of the Estate of Elmer Mickelsen, deceased, and the duly appointed, qualified and acting Conservator of the Estate of Burva D. Mickelsen, an incapacitated person, and surviving widow of Elmer Mickelsen, deceased, of 626 West, 225 South, Blackfoot, Idaho 83221 the grantor , does hereby grant, bargain, sell, and convey unto

WESLEY R. HAMILTON and ANNETTE F. HAMILTON, husband and wife,

the grantees , whose current address is 853 West, 400 South, Blackfoot, Idaho 83221

the following described premises, to-wit:

Township 3 South, Range 34, E. B. M., Bingham County, Idaho

Section 12: Lot 5

Section 13: Lot 1 and Tract 38

Subject to reservations contained in Government patents concerning mineral and other rights, taxes for the year 1986, which are assumed by the Grantees, power line easements granted to Idaho Power Company, and to all existing building, zoning and other regulations of use.

(Possession is reserved by the Grantor until February 3, 1986, and Sellers cattle may remain on the property until May 15, 1986, with corrals to be maintained in good condition and no pasture is to be used by Seller.)

TOGETHER WITH 30 inches of the decreed waters of the Blackfoot River as shown by the Decree filed August 1, 1891, in the case of Fred S. Stevens, et al, vs. Eastern Idaho Water Company, et al, which water is appurtenant to the above described land, said Water Decree having a priority date of 1885.

TOGETHER WITH 100 inches of the decreed waters of the Blackfoot River, commonly known as Welch Water.

3/20/1886

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees , that he is the owner in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: January 15th, 1986.

Loney B. Mickelsen

LONEY B. MICKELSEN, Personal Representative of the Estate of Elmer Mickelsen, deceased and Conservator of the Estate of Burva D. Mickelsen, an incapacitated person.

STATE OF IDAHO, COUNTY OF BINGHAM

On this 15th day of January, 1986, before me, a notary public in and for said State, personally appeared LONEY B. MICKELSEN, Personal Representative of the Estate of Elmer Mickelsen, deceased, and Conservator of the Estate of Burva D. Mickelsen, incapacitated,

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

as such Personal Representative and Conservator.

[Signature]
Notary Public

Residing at Blackfoot, Idaho
Comm. Expires is permanent.

343868

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEB 22 1986

1986 JAN 31 AM 11:27

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

INSTRUMENT No.

358720

1907 FEB 26 AM 10:25

WATER DEED

RECORDED AT THE REQUEST OF
10 1 10 10 10 10 10 10 10 10

THIS INDENTURE, made this 29th day of January 1987, by and between LONEY B. MICKELSEN, the duly appointed, qualified and acting Personal Representative of the Estate of Elmer Mickelsen, deceased and Burva D. Mickelsen, deceased, of Blackfoot, Bingham County, Idaho hereinafter referred to as Grantor, and WESLEY R. HAMILTON AND ANNETTE F. HAMILTON, husband and wife, whose current address is 853 West, 400 South, Blackfoot, Idaho 83221, Bingham County, Idaho, hereinafter referred to as Grantee:

WITNESSETH: That the said Grantor, for valuable consideration to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto the Grantees and their heirs and assigns forever, all of the following described water right, situated in the County of Bingham, State of Idaho, to wit:

5 Miner's inches of the waters of the Blackfoot River decreed to James Welch by the District Court of the Fifth Judicial District of the State of Idaho, in and for Bingham County in re: Fred S. Stevens, et al, plaintiff, vs. Eastern Idaho Water Company, et al, defendants, dated August 1, 1891, and recorded in Book 1 of Judgements at pages 107-116, records of Bingham County, Idaho, with a priority of March 20, 1886.

TO HAVE AND TO HOLD ALL and singular the above described water rights, together with their appurtenances unto the Grantees and to their heirs and assigns forever.

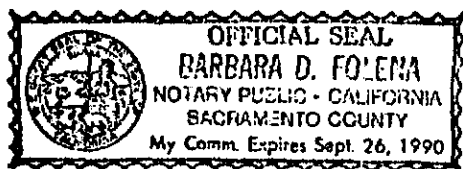
IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Loney B. Mickelsen
LONEY B. MICKELSEN, a Personal Representative for the Estate of Elmer Mickelsen, deceased, and the Estate of Burva D. Mickelsen, deceased.

358720

STATE OF CALIFORNIA)
COUNTY OF Sacramento : ss.

On this 9th day of February, in the year 1987, before me a Notary Public for said State, personally appeared LONEY B. MICKELSEN, as Personal Representative for the Estate of Elmer Mickelsen, and the Estate of Burva D. Mickelsen, known or indentified to me to be the person whose name is subscribed to the within instrument as Personal Representative for the Estate of Elmer Mickelsen and the Estate of Burva D. Mickelsen, and acknowledged to me that he executed the same as such.



Barbara D. Folena
Notary Public for California
Residing at Elk Grove, Ca.
My Commission Expires: Sept 26, 1990