

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: A27-10844
Date Received: 5/25/1989
Receipt No: E008076
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTER A. GAY 208-785-5457
Address: 628 W 300 S
BLACKFOOT, ID 83221

OR

Name: IRMA M. GAY 208-785-5457
Address: 628 W 300 S
BLACKFOOT, ID 83221

2. Date of Priority: MAR 20, 1886

3. Source: BLACKFOOT Trib. to: SNAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	35E	18	SW	SW	NE		BINGHAM

5. Description of diverting works:
DIVERSION DAM AT HEADGATE OF RIVERTON DITCH CO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.433		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10844

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Date: 07/18/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	13	SW	SE		IRR	20.0

Section Acres 20.0

Total Acres 20.0

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:
NONE

14. Remarks:

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 27-00037.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FRED S. STEVENS

Decree Plaintiff

vs

EASTERN IDAHO CANAL CO.

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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NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 25 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

- Name of Claimant (s) Walter A. or Emma M. Gay Phone (208) 285 5457
Mailing Address 628 W 300 S Blackfoot Id. Zip 83221
- Date of Priority (Only one (1) per claim) March 20, 1886
- Source of water supply (a) Blackfoot River
which is tributary to (b) SNAKE RIVER
- a. Location of existing point of diversion is: Township 3 S. Range 35 E Section 18,
SW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bingham
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 _____
- 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. Diversion dam at
head gate of Brexton ditch Co.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.433 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.433 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	
3																			
3 S.	34 E	13																EX	20A

Total number of acres irrigated 20

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
_____ or None ()

14. Remarks:

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Last Name GAY Ident No. _____

Copies: White - State, Yellow - Claimant



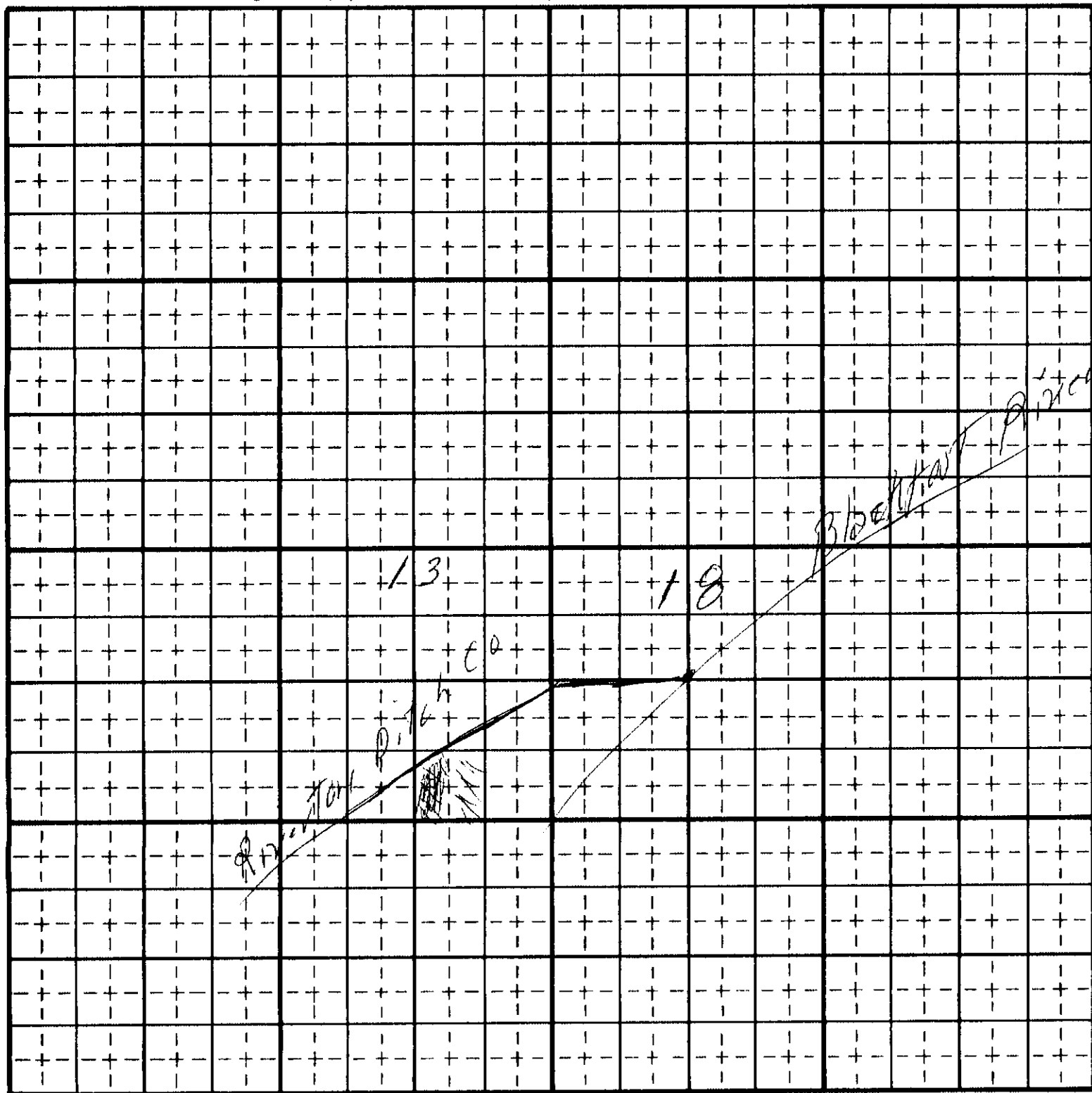
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T3S R34E

1

T3S R35E



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Last Name

Goy

Ident No.

Copies: White-State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number 27-00037 A or B.

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant Fred S. Stevens vs Eastern Idaho Canal Co.

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 2

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

Signature of Claimant (s) Walter A. Gay

Date May 5, 1989

Lorna M. Gay

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 Id)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 5 day of May 19 89

SEAL

Notary Public John Dale Corbin

Residing at Boise Id

My Commission Expires 6/2/94

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 Walter A. Gay

Address 628W. 300S. Blackfoot, Id. 83221

Date May-24-1989

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NOV 12 1992

Last Name Gay Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim 27-10844

Spatial Dynamics LTD

1/8/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	13	SWSE	20	17	
Totals:			20	17	

 SPATIAL
DYNAMICS

DATE: 09/29/00
PAGE: 189

Audit: 07/18/89 THOMPSON 11/29/94 ECARLSEN 03/29/95 POST-STD

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

GAY

CLAIM NO.

A27-10844

DATE RECEIVED

5/25/89

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) N/A ☒ YES ☐ NO *
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? N/A ☒ YES ☐ NO *
- Is the consumptive use correct? N/A ☒ YES ☐ NO *
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. N/A ☒ YES ☐ NO *
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.) N/A ☒ YES ☐ NO *
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.) N/A ☒ YES ☐ NO *
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? Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☒ YES ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by:

TO

Date:

7/3/89

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

MICROFILMED

Comments: (19) CODE "THIS CLAIM IS FOR APURTION OF DEC 1 1989"

27-00037. "

DEED RECORD, BINGHAM COUNTY

THE SOUTHERN PAPER CO., SALT LAKE, UTAH 84110

James V. Burningham et ux

27-10844

TO

Wallace B. Wright

No. 514

THIS INDENTURE, Made the 10th day of April in the year of our Lord one thousand nine hundred and Seventeen between James V. Burningham and Annie M. Burningham, his wife

of the County of Bingham and State of Idaho the parties of the first part, and Wallace B. Wright

of the County of Bingham and State of Idaho the party of the second part,

WITNESSETH, That the said part of the first part, for and in consideration of the sum of Five thousand and no/100 (\$5000.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell, bargain and convey and confirm unto the said part y of the second part, and to his heirs and assigns forever, all th e certain lot s, piece s or parcel s of land situate, lying and being in the County of Bingham, and State of Idaho, and bounded and described as follows, to-wit:

The east half of the southwest quarter of the southeast quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13) and the East half of the East half of the Northwest quarter of the Northeast quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the East half of the East half of lot 2 (E $\frac{1}{2}$ E $\frac{1}{2}$ lot 2), excepting that part of lot Two lying immediately south of lot One (1), of section twenty-four (24), all in township Three south of range thirty-four (34) east of Boise Meridian in Idaho, containing 40 acres, more or less, together with all ditches, ditch rights of way and water rights thereto appertaining and belonging and particularly a 2/3 undivided interest in and to 25 inches of decreed water right belonging to said land and adjoining land; also a 2/3 undivided interest in and to 40 inches of decreed water right of James G. Welch, deceased, which was transferred to the grant herein by the Administrator of the estate of James G. Welch, deceased; said decreed water being of the waters of the Blackfoot River as decreed in the suit of Fred S. Stevens, et., al., vs. Eastern Idaho Canal Company.

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

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part y of the second part, and to his heirs and assigns forever, and the said parties of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said part y 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 hand s and seal s the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W. H. Stufflebeam

James V. Burningham SEAL

Annie M. Burningham SEAL

SEAL

SEAL

STATE OF IDAHO

County of Bingham

ss.

On this 10th day of April in the year of 1917, before me W. H. Stufflebeam, a Notary Public, in and for said county and state, personally appeared James V. Burningham and Annie M. Burningham, his wife known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires Nov. 13th, 1919.
(Seal)

W. H. Stufflebeam, Notary Public.
Residence, Blackfoot, Idaho.

Recorded at request of Wallace B. Wright, April 28, 1917 at 3:45 P. M. F. M. Fisher Recorder

Recorder's fees, \$ 1.25

By F. C. Camody Deputy Recorder.

THIS INDENTURE, made the 29th day of April in the year of our Lord one thousand nine hundred and seventeen between Sarah A. Welch, widow, and James W. Welch, unmarried, sole heirs of James C. Welch, deceased of the County of Bingham and State of Idaho the part 1st of the first part, and Wallace B. Wright, of the County of Bingham and State of Idaho the part 2nd of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Hundred ninety DOLLARS, lawful money of the United States of America, to them in hand paid by the said part 2nd of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said part 1st of the second part, and to his heirs and assigns, all the certain lot, piece, or parcel of land situated in the County of Bingham, and State of Idaho, and bounded and particularly described as follows, to-wit:

Twenty-six (26) inches of the waters of Blackfoot River diverted in Bingham County, Idaho, from the decreed water right of the said James C. Welch, now deceased, said decreed water right being for four hundred inches of the waters of Blackfoot River with date of priority March 20, 1886.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances unto the said part 1st of the second part, and to his heirs and assigns forever.

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

John W. Jones.
Hettie Baker.

James W. Welch. (SEAL)
Sarah A. Welch. (SEAL)
(SEAL)
(SEAL)

State of Idaho,) ss.
County of Bingham.)

On this 28th day of April in the year of 1917, before me John W. Jones a Notary Public in and for said county and state personally appeared James W. Welch, 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.

My commission expires July 15, 1917. (Seal)

John W. Jones, Notary Public for Bingham County, Idaho, residing at Blackfoot, therein.

State of Oregon,) ss.
County of Baker.)

On this 7th day of May, in the year of 1917, before me Henry J. Baker a Notary Public in and for said county and State personally appeared Sarah A. Welch, 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.

My commission expires March 20, 1920. (Seal)

Henry A. Baker, Notary Public for Baker County Oregon, residing at Halfway, Ore.

Recorded at request of W. B. Wright, October 31, 1917, at 2:25 P.M.

Recorder's Fees, \$

By E. L. Fisher. Recorder.
E. L. Fisher