

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.

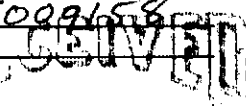
CIVIL CASE NUMBER: 39576

Renumbered: A27-11532 10/26/92

Ident. Number: ~~A35-12152~~ cc.

Date Received: 6/16/1989

Receipt No: E009158

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

JUN 19 1989

Department of Water Resources
307-787-3400 Eastern District Office

1. Name: ELMON LYLE APGOOD
Address: PO BOX 188
LYMAN, WY

82937
00000

OR

Name: ILA MAE A. MINEER
Address: 1048 ROOSEVELT
FAIRFIELD, CA

707-422-4122

94533

2. Date of Priority: JAN 07, 1930

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	36E	19	SE	SE	SE		BINGHAM

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, 1 HOUSEHOLD; STOCKWATER, 6 HORSES.

A35-12152

Page 1

Date: 06/16/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	36E	19	SE	SE		IRR	3.0
			SE	SE		STOCK	
			SE	SE		DOMEST	

Section Acres 3.0

Total Acres 3.0

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:

15. Basis of Claim: BENEFICIAL USE

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): [Signature] Date: 16 June 1989
[Signature] Date: 6/14/89

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of June 19 89

[Signature]
Notary Public

Seal

Residing at Blackfoot, ID.
My Commission Expires 11-22-92

Log for claim 27-11532

Spatial Dynamics BTD

1/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s36e	19	SESE	3	38	POD placement? / Indiscernible
Totals:			3	38	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELMON LYLE APGOOD PO BOX 188 LYMAN WY 82937 (307) 787-3400	01/07/1930	IRRIGATION STOCKWATER DOMESTIC	03-15 11-15 01-01 12-31 01-01 12-31	0.060 CFS 0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					0.120 CFS	

C JLA MAE A NINEER
1048 ROOSEVELT
FAIRFIELD CA 94533
(707) 422-4122

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02S R36E S19 SESE

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE										
T	R	S		NENE	NWNE	SWNE	SENE	: NENW	NWNW	SWNW	SENW	: NESW	NWSW	SWSW	SESW	: NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02S	36E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	03
TOTAL ACRES																				3.0		

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE										
T	R	S		NENE	NWNE	SWNE	SENE	: NENW	NWNW	SWNW	SENW	: NESW	NWSW	SWSW	SESW	: NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
02S	36E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	S

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE										
T	R	S		NENE	NWNE	SWNE	SENE	: NENW	NWNW	SWNW	SENW	: NESW	NWSW	SWSW	SESW	: NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
02S	36E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	D

POU County: BINGHAM

Non-Irrigation Uses: DOMESTIC, 1 HOUSEHOLD; STOCKWATER, 6 HORSES.

Other Rights: NONE

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

A27-10699 R27-10699

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

A01-00001J A01-00298 A35-12152

AJ5809NP
No. A27-11532

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 201

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
Audit:	10/26/92 COX	03/29/95 POST-STD	05/01/95 RMCCARTH

OCTOBER 26, 1992

ELMON LYLE APGOOD
PO BOX 188
LYMAN WY 82937

RE: RENUMBERED NOTICE

Dear Mr. Apgood:

The Department has changed the identification number for Notice of Claim #A35-12152. The new number is #A27-11532. We have also modified receipt #E009158 to reflect the new number.

A copy of the receipt and the Notice of Claim is enclosed for your records.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

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Ila Mc Mineer
1048 Roosevelt
Fairfield Cal.
94533

Mr Carlson,

This is a Notarized Verification of when
water was first used on A-3512152
That was requested.

Please contact me if you need further
information.

Thank you
Ila Mc Mineer

Ernie

Mrs Mineer stopped
after everyone had left, she
is leaving for California tomorrow
and wanted you to get this.
I asked her to call you
to ensure everything is correct
before she leaves
Alan

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1 Aug 1991

I, Francis A. Whitten, lived with my parents on The 40 A. owned by Elmon Earl Appold Trust, in 1919. We had a culinary well at that time. The 40 A. was owned by my Father, Frank Whitten, and before that by my grandfather, Alpheus Whitten,

Francis Whitten

STATE OF IDAHO)
 : ss
County of Bingham)

On this 1st day of August, 1991, before me personally appeared Francis A. Whitten to me known to be the person described in and who executed the within instrument, and acknowledged to me that he executed the same as his free act and deed.

Natalie Goodwin
Notary Public for State of Idaho
Residing at Blackfoot
My Commission expires 2/20/96.

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NOV 13 1992



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

JULY 15, 1991

ILA MAE A. MINEER
1048 ROOSEVELT
FAIRFIELD, CA 94533

RE: Evidence of priority for A35-12152

Dear Ms. Mineer:

Thank you for your response to our request for evidence supporting your above mentioned adjudication claim. The evidence that you submitted does support the chain of ownership of the property since it was patented in 1892 but the deeds do not mention when the claimed water use began.

You need to submit some additional 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 right). 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. Wate Agent

EV

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NOV 13 1992

No.4-

The Bingham
Abstract Co. Ltd.

RECEIVED

JUL 11 1991

U. S. PATENT

Department of Water Resources
Eastern District Office

The United States of America, TO Siscero Goggans.

Dated-October 14th, 1892-
Consideration@Full Payment-
Recorded-April 19th, 1893 at-
1:30 P. M., in Book "H" of Deeds at-
Page 557 of the Records of Bingham County, Idaho-

J. W. Townshend Recorder of
the General Land Office.

By Benkamin Harrison, President
By Ellen Macfarland Asst. Secretary

DESCRIPTION and REMARKS.

The first party does given and grant unto the second party to his heirs and assigns forever, the tract described as:-

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 30 and S $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 19 in township 2 South of range 36 E.B.M., in Idaho Ter'y, containing 160 acres, according to the Official Plat of the Survey of the said land returned to the General Land Office by the Surveyor General.

To Have and To Hold the same subject to any ditches, and reservoirs as may be recognized by the Local Custom Laws; reserving a right of way thereon for ditches or canal constructed by the United States.

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NOV 13 1992

FEB 27 1994

RECEIVED

JUL 11 1991

WARRANTY DEED

Department of Water Resources
Boise, Idaho
BOOK 99 PAGE 310

THIS INDENTURE, Made this 29th day of July
in the year of our Lord one thousand nine hundred and fifty-eight between
EARL PATCHIN and RUTH PATCHIN, husband and wife
of the County of Bingham State of Idaho
the parties of the first part, and E. E. APGOOD
of the County of Bingham State of Idaho
the party of the second part.

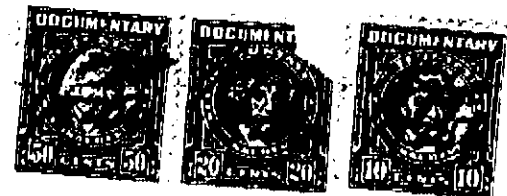
WITNESSETH, that the said parties of the first part, for and in consideration of the
sum of Eighteen Thousand and no/100 - - - - - DOLLARS
lawful money of the United States of America,

to them in hand paid by the said
party of the second part, the receipt whereof is hereby acknowledged, have granted,
bargained and sold, 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 of the
following described real estate, situated in the County of
Bingham State of Idaho, to-wit:

The Southeast quarter of the Southeast quarter of Section
19, Township 2 South, of Range 36 East of the Boise Meridian in
Bingham County Idaho.

Together with the water rights and ditch rights of way of
appurtenant thereto and used for the irrigation thereof.

Subject, however, to unpaid taxes and water assessments if
any, which the second party assumes and agrees to pay.



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 the said property, as well in law as in equity, of the said part 1es of the first part,

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part y 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 part y of the second part, heirs and assigns, against the said part 1es 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 part 1es of the first part ha ve hereunto set their hands and seal s the day and year first above written.

Signed, sealed and delivered in the presence of

Earl Patchin (SEAL)
Ruth Patchin (SEAL)
____ (SEAL)
____ (SEAL)

STATE OF

County of Bingham

ss.

On this 29th day of July in the year 19 58 , before me,

H. William Furchner , a Notary Public in and for said State, personally appeared Earl Patchin and Ruth Patchin, husband and wife

known to me to be the persons whose name s 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:

H. William Furchner
Notary Public for the State of Idaho

January 31st 19 58

residing at Blackfoot, Idaho

Evidence of Priority #35-12152

INDEXED
No. 61330
WARRANTY DEED
TO

Dated _____, 19 ____

STATE OF IDAHO

County of _____ ss.

I hereby certify that this instrument was filed for record at request of _____ at _____ o'clock _____ minutes past _____ day of _____ A. D. 1958 in my office, and duly recorded in Book _____ of _____ at page _____

H. J. Woodcock
Ex-Officio Recorder,

By *Marie A. Handcock* Deputy.

Fees, \$ 1.50

Mail to State #3

City _____

28-Jun-1991

ILA MAE A MINEER
1048 ROOSEVELT
FAIRFIELD, CA 94533

RE: **Evidence of Priority** A35-12152

Dear Claimant:

The Notice of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is 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 Notice 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 Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by JULY 29, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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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,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

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6/20/1989

APGOOD FAMILY TRUST

ADJUDICATION FEE

410162

9337

6490

53.00

\$53.00

CHECK

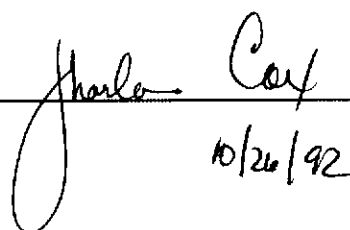
591

A27-11532

Water Right Numbers

Region: EASTERN

Signature:


10/26/92

Remembered from A35-12152

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NOV 13 1992