

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: A29-04184
Date Received: 3/28/1988
Receipt No: 1006422
Received By: JR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUSAN WAYAS 208-232-8061
Address: 2420 N FORT HALL MINE ROAD
POCATELLO, ID 83204
AND/OR
Name: AURELLIO WAYAS, JR. 208-232-8061
Address: 2420 N FORT HALL MINE ROAD
POCATELLO, ID 83204

A2904184

2. Date of Priority: JAN 03, 1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	21	SE	NE	SE		BANNOCK
		22	NW	SE	SW		BANNOCK

5. Description of diverting works:
2 PUMPS AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	21	NE	SE		IRR	3.0
						Section Acres	3.0
		22	NE	SW		IRR	2.0
			NW	SW		IRR	5.0
						Section Acres	7.0
						Total Acres	10.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

NONE

14. Remarks:

THIS CLAIM IS BASED ON CLAIM NO 29-4184 ORIGINALLY SUBMITTED BY
LARRY PORTER.

15. Basis of Claim: STATUTORY CLAIM

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): Russell Wagers Jr. Date: 4-4-90
Susan Wagers Date: 4/4/90

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 4 day

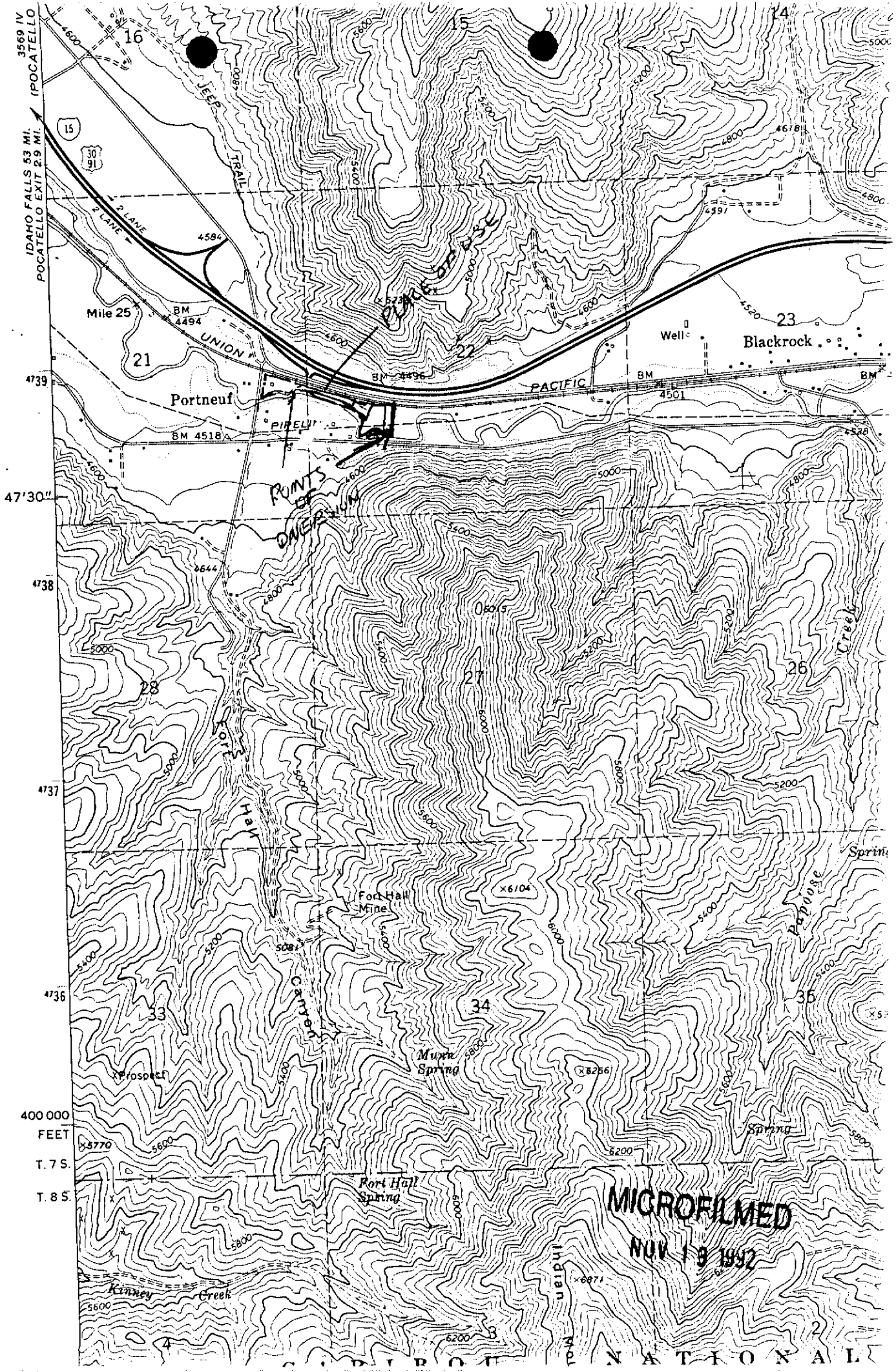
of April 19 90

John Dal Cien
Notary Public

Seal

Residing at Boise Id.

My Commission Expires 4/2/94



3568 IV
IDAHO FALLS 53 MI.
POCATELLO EXIT 29 MI.

Mile 25

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Log for claim A29-04184

Spatial Dynamics LTD

9/5/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	21	NESE	3	3.6	
07s35e	22	NESW	2	4.5	
07s35e	22	NWSW	5	5.6	
Totals:			10	13.7	

4/3/01 Needs Evidence of Priority => 4/10/01 Evidence Found in microfilm
CS

- Domestic 29-10002 PD'ed

9/24/01 Field Exam Accompanied By Larry Porter
Two points of diversion confirmed

IN THE MATTER OF:

First Water Rights

AFFIDAVIT

State of Idaho
County of Bannock

Lena Exeter

being first duly sworn,

deposes and says: on January 3, 1910, the United States of

America gave Clara G. Sherwood water rights for mining, agriculture,
manufacturing, etc.

On August 2, 1913, Clara G. Sherwood deeded H. H. Whittlesey the property
and all ditches, water and water rights belonging or appurtenant to said
land.

On November 22, 1934, H. H. Whittlesey deeded property to George L. and
Lena Exeter with water rights..

On April 8, 1966, property and water rights were deeded to Richard M. and
Donna M. Walton.

On February 17, 1967, Richard M. and Donna M. Walton deeded property and
water rights to William H. and Charlotte L. Kestle.

On October 16, 1969 William H. and Charlotte L. Kestle deeded property and
water and water rights to Larry E. and Hodge J. Porter

Lena Exeter
(Signature)

Subscribed and sworn to before me this 18th day of Dec, 1980

Lena Exeter
(Notary Public)

Residing at Postville, Idaho
My Commission Expires 5/1/82

RECEIVED

DEC 31 1980

Department of Water Resources
Eastern District Office

Entry No. 4

Instrument No. 16179

Sheet No. 4

UNITED STATES OF AMERICA,

P A T E N T

to

Dated January 3, 1910.

Clara E. Sherwood.

FOCCATELLO TITLE AND
COMPANY

Filed Feb. 12, 1910 at 1:40 P.M.

Recorded Book 6 Patents, page 187

FOCCATELLO, IDAHO

Description: East half of the southeast quarter of Section twenty-one and the northwest quarter of the southwest quarter of Section twenty-two in Township seven South of Range Thirty-five East of the Boise Meridian, Idaho, containing one hundred twenty acres.

Granting words: Give and Grant.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

Signed: By the President: William H. Taft,
By M. W. Young, Secretary,
H. F. Sanford, Recorder of the
General Land Office.

(SEAL)

Also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

RECEIVED

DEC 31 1910

Department of Water Resources
Eastern District Office

COPY

Entry No. 22

Instrument No. 29229

Sheet No. 23

Clara E. Sherwood (single)

D E D

to

Dated Aug. 2, 1913.

H. H. Whittlesey

POCCATELLO TITLE & RECORD COMPANY
Filed Aug. 5, 1913 at 3:21 P.M.
Recorded Book 25 Deeds, page 203

Consideration: \$1200.00

POCCATELLO TITLE & RECORD COMPANY
Acknowledged in Bannock County, State of Idaho, on the 2nd day of August, 1913 by Clara E. Sherwood before Maude M. Kelly a Notary Public in and for said State, (Seal)

Granting words: Grant, Bargain, Sell, Convey and Confirm.

Description: All that portion of the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-two (22), and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-one (21) in Township seven (7) South, Range thirty-five (35) E. B. M. lying on the northeasterly side of the Portneuf River, and containing fifty-one and one-half (51 $\frac{1}{2}$) acres, more or less.

Together with all ditches, water and water rights belonging or appurtenant to said land.

Subject to Mortgage recorded in Book "15" of Mortgages, page 519, also subject to mortgage recorded in Book "16" of Mortgages, page 291, records of Bannock County, Idaho.

Each of said parties to pay one-half of the taxes for the year 1913.

Mrs. Clara E. Sherwood

Witness:

Maude M. Kelly.

Abstract No. 11149

COPY

CERTIFICATE.

COPY

The Bannock Title-Abstract Company, a corporation duly authorized by the laws of the State of Idaho to compile and certify Title Abstracts, hereby certifies that the foregoing pages numbered from 39 to 48 inclusive, certified by this page numbered 49 sets forth a true and correct abstract of all conveyances or other instruments of writing, now on file and of record in the office of the County Recorder of Bannock County, Idaho, which in any way affect the title to the real property described in the Caption hereof.

It is further certified that there are no judgments or liens of any kind of record in the office of the Clerk of any Court of Record in said Bannock County, which constitute liens on the said real property, unless shown in the foregoing abstract; and that there are no taxes due and unpaid thereon except as hereinbefore shown.

This Certificate is made to H. H. Whittlesey, at the request of Mistline-Turner Agency, and covers matters entered of record subsequent to August 22, 1925 at 11:30 A. M.

Dated at Pocatello, Idaho, this 20th day of November, 1934 at 5 o'clock P. M.

Bannock Title-Abstract Company,

By H. J. Turner Secretary.

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

AJ5809NP
No. A29-04184

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 183

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SUSAN WAYAS	01/03/1910	IRRIGATION	03-15 11-15	0.500 CFS	
C	AURELLIO WAYAS JR 2420 N FORT HALL MINE RD POCATELLO ID 83204 (208) 232-8061					
TOTAL DIVERSION:					0.500 CFS	
CONSUMPTIVE USE:						25.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R35E S21 SENESE
S22 NWSESW

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																									
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	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	Lt	Ac	Lt	Ac	SUM											
07S	35E	21	:																																						
07S	35E	22	:																																						
																02	05											03													
																																								TOTAL ACRES	10.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

29-11507 29-12253 A29-04199 A29-04487 A29-10598 A29-11507 A29-11659 A29-12253

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

A29-02080 A29-04199 A29-04487 A29-10598 A29-11413

Remarks: GEM THIS CLAIM IS BASED ON CLAIM NO 29-4184 ORIGINALLY SUBMITTED BY
LARRY PORTER.

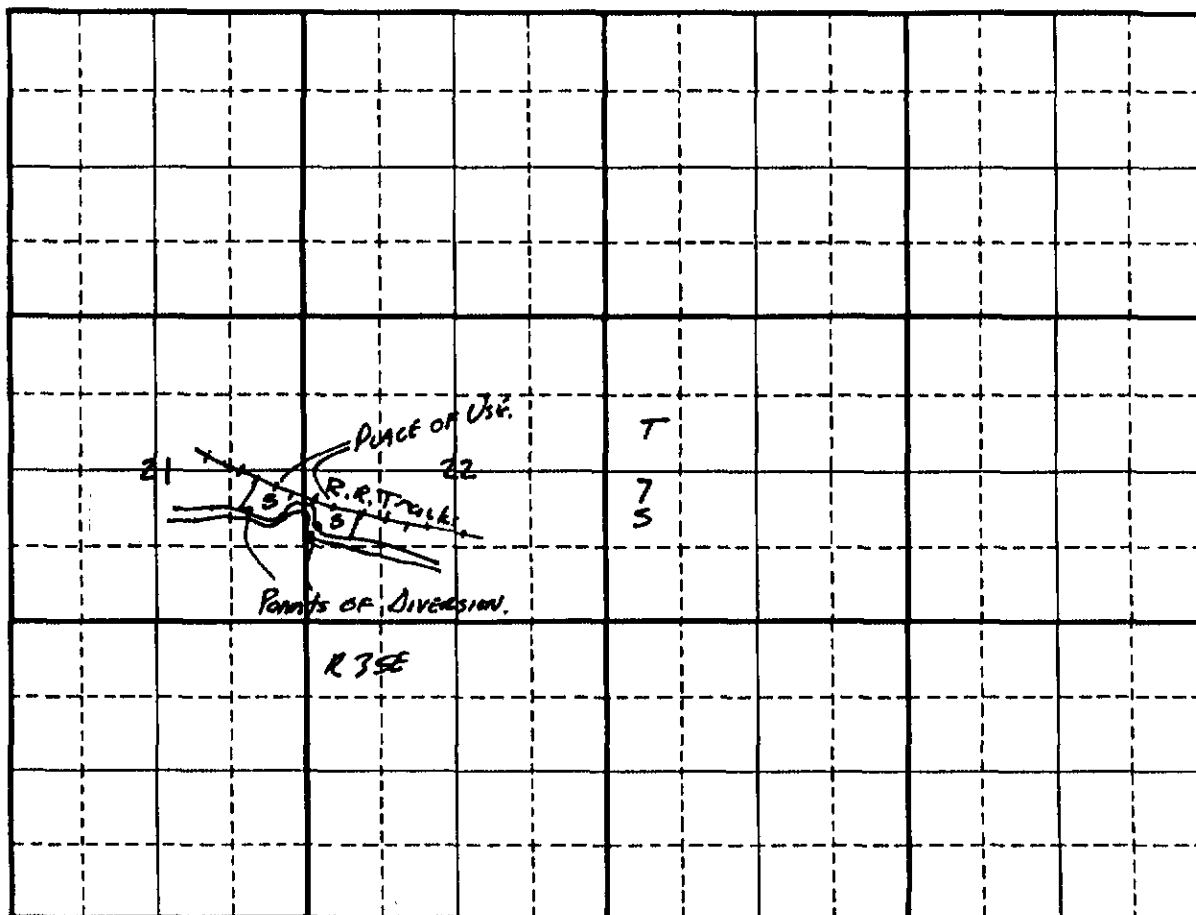
Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 04/04/90 CARLSON 07/20/94 THOMPSON 03/29/95 POST-STD

NOT RECORDED

(8) 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 Bannock) 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 10th day of July, 1980.

Larry C. Porter
(Claimant)

William Wray
Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by KW Date 12/31/80 Exception filed by: _____ Date _____
Prelim. check by ENC Date 1-2-81
\$25.00 fee received by CU Date 7-21-80
Published in Idaho State Journal # 1970
Dates 1/5 & 1/22/81