

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: A29-10598
Date Received: 3/15/1990
Receipt No: EO12384
Received By: SMI

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MORRIS J. DALEY 208-233-0874
Address: 6919 WEST PORTNEUF ROAD
POCATELLO, ID 83204

2. Date of Priority: OCT 05, 1928

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

4. Point of Diversion:

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

5. Description of diverting works:
PUMP IN THE RIVER AND A 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	0.400		

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

8. Total consumptive use is 60.0 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
07S	35E	22	NE	SW		IRR	10.0
			SW	SW		IRR	10.0
						Section Acres	20.0

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Page 1

Date: 03/15/90

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NOV 16 1992

A2910598

10. Place of Use: Continued

Total Acres 20.0

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:

CLAIM IS BASED ON DATE OF SALE

15. Basis of Claim: BENEFICIAL USE

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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.

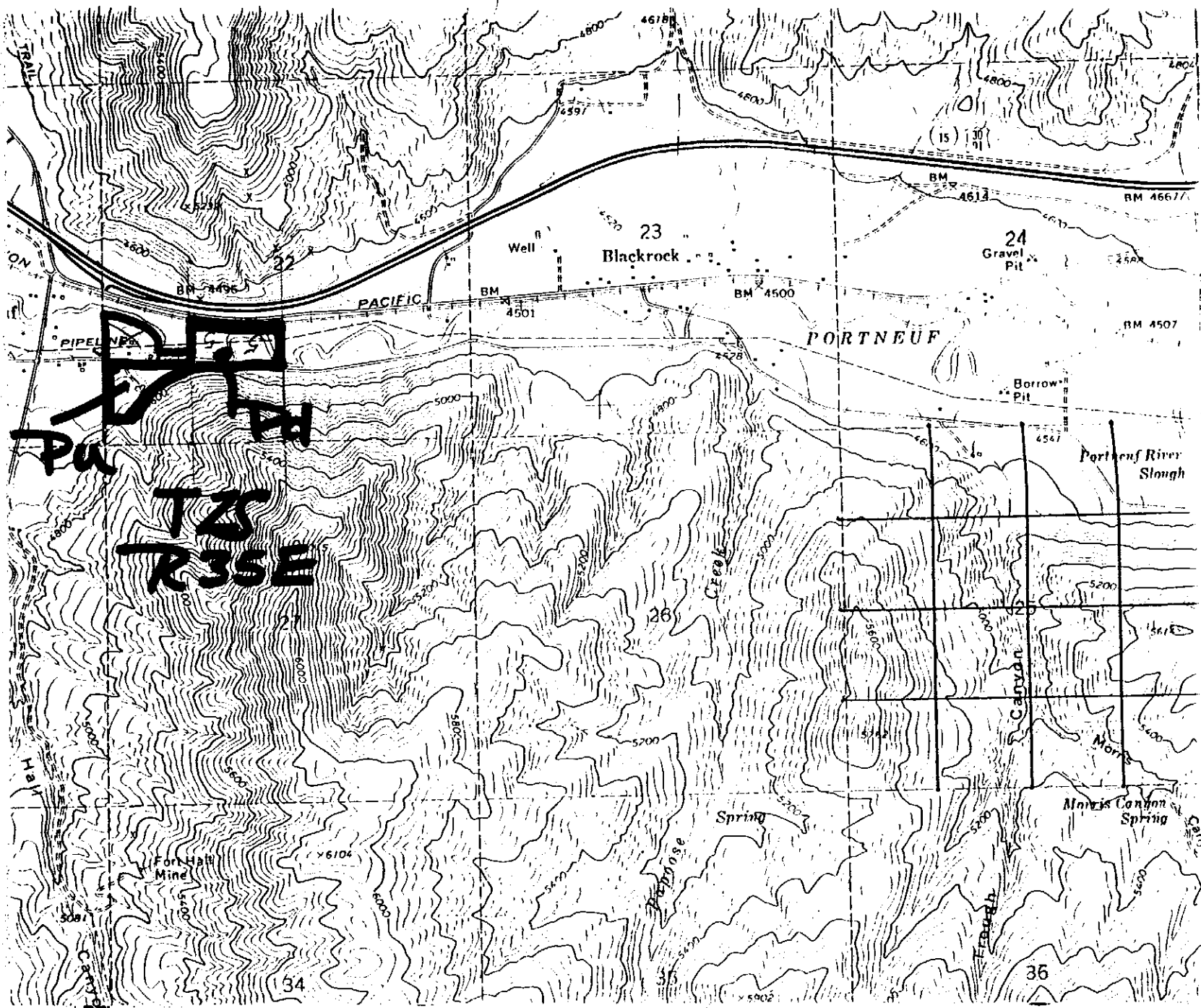
Signature of Claimant(s): Mami J. Layley Date: 3-15-90
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of MARCH 19 90 [Signature]
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9-12-94



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Log for claim A29-10598

Spatial Dynamics BTD

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	22	NESW	10	10	
07s35e	22	SWSW	10	13	
Totals:			20	23	

DATE: 05/18/00
PAGE: 287

Audit: 03/15/90 DUNN 08/03/94 THOMPSON 03/29/95 POST-STD

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101
—
FAX
208-232-6109

March 13, 1995

RECEIVED

MAR 14 1995

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Eastern District Office
900 North Skyline Drive
Idaho Falls, Idaho 83402

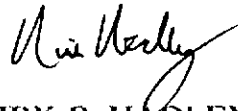
Re: IDWR No. A29-10598
Proof of Beneficial Use

Dear Sirs:

Enclosed for filing are three Affidavits establishing beneficial use of the water right by Morris J. Dayley under the above-referenced water right number. Please contact the undersigned if you require further information in this matter.

Thank you for your assistance.

Very truly yours,



KIRK B. HADLEY

KBH:bh

Enclosures

c: Morris J. Dayley (w/encls.)

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NOV 13 1996

AFFIDAVIT OF RISDON BARREN

RE: IDWR No. A29-10598

OWNER: MORRIS J. DAYLEY

RECEIVED

MAR 14 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
: ss.
County of Bannock)

RISDON BARREN, upon oath, swears as follows:

1. That this Affidavit is based on personal knowledge and is filed as evidence/proof of beneficial use by Morris J. Dayley under the above-referenced water right claim.

2. That I have lived in the vicinity of the Dayley family property since 1922. Since that time, water has been pumped from the Portneuf river to irrigate the Dayley property, for the purpose Morris J. Dayley is claiming under his claim, and on the land he is claiming as the place of use.

FURTHER SAITH AFFIANT NAUGHT.

Dated this 13 day of March, 1995.

R W Barren
RISDON BARREN

Subscribed and sworn to before me this 13 day of March, 1995.

(SEAL)

W. H. Hodge
NOTARY PUBLIC FOR IDAHO
Residing at: Laurel
My Commission Expires: 12/95

MICROFILMED

NOV 13 1990

AFFIDAVIT OF WILMA A. MUNN

RE: IDWR No. A29-10598

OWNER: MORRIS J. DAYLEY

RECEIVED

MAR 14 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
: ss.
County of Bannock)

WILMA A. MUNN, upon oath, swears as follows:

1. That this Affidavit is based on personal knowledge and is filed as evidence/proof of beneficial use by Morris J. Dayley under the above-referenced water right claim.

2. That I have been a neighbor of the Dayley family since 1937 when Morris J. Dayley's father purchased the subject property. The Dayley family has been pumping water from the Portneuf river since that time, for the purpose Morris Dayley is claiming under his claim, and on the land he is claiming as the place of use.

FURTHER SAITH AFFIANT NAUGHT.

Dated this 13 day of March, 1995.

Wilma Munn
WILMA A. MUNN

Subscribed and sworn to before me this 13 day of March, 1995.

(SEAL)

Uir Dayley
NOTARY PUBLIC FOR IDAHO
Residing at: Locustello
My Commission Expires: 12/95

MICROFILMED

NOV 13 1990

AFFIDAVIT OF MORRIS J. DAYLEY

RE: IDWR No. A29-10598

OWNER: MORRIS J. DAYLEY

RECEIVED

MAR 14 1995

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
 : ss.
County of Bannock)

MORRIS J. DAYLEY, upon oath, swears as follows:

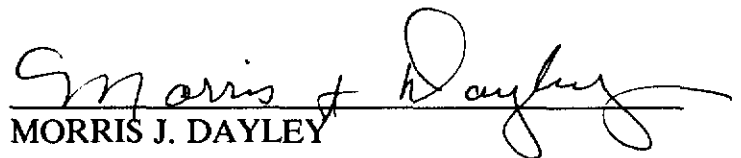
1. That this Affidavit is based on personal knowledge and is filed as evidence/proof of beneficial use by myself, or my predecessor in interest, under the above-referenced water right claim.

2. That my father purchased the subject property in 1937, and I have lived on the property since 1937. The property was being irrigated from the Portneuf river since the time before my father purchased the property in 1937.

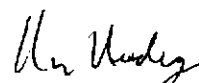
3. From that time, the water has been used for the purpose I am claiming under this claim, and on the land claimed as the place of use.

FURTHER SAITH AFFIANT NAUGHT.

Dated this 13 day of March, 1995.


MORRIS J. DAYLEY

Subscribed and sworn to before me this 13 day of March, 1995.


NOTARY PUBLIC FOR IDAHO
Residing at: *Coatello*
My Commission Expires: *12/15* MICROFILMED

(SEAL)

NOV 13 1996

This Indenture

Made this 16

WARRANTY DEED

1928

day of

May

in the year of our Lord

One Thousand Nine Hundred and Twenty Eight

between

of Pocatello

County of Bannock

Idaho

the part y of the

first part and

T. H. GATHE and M. GATHE

of Pocatello

County of Bannock

State of Idaho

the part y of

the second part:

WITNESSETH: That the said part y of the first part, for and in consideration of the sum of

One Dollar and other valuable consideration

Dollars

lawful money of the United States of America, to

him

in hand p

by the said part y of the second part, the receipt

whereof is hereby acknowledged

by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said part y of the second part, and to his heirs and assigns forever. All those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

THE SOUTH HALF OF THE SOUTHWEST QUARTER and
SOUTH 1270 FEET OF NORTHEAST QUARTER OF
SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP
7 SOUTH, Range 35 East, Boise Meridian, in
Bannock County, Idaho, subject to right of
way of O. E. I. Railroad and public roads,
if any. also including all water rights
and mineral rights to said lands, and other
rights to mineral rights.

Together with all and singular, the tenements, here sitments and appurtenances thereunto belonging or otherwise appertaining, and the
rights, issues and profits thereof,
TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident unto the
said part y of the second part and to his heirs and assigns forever. And the said part y of the first part and
his heirs and assigns forever, the said premises in the quiet and peaceable possession of the said part y of the second part
against his heirs and assigns against the said part y of the first part, and his heirs and assigns against all and every
person or 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 y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

J. C. White

Peter Wirtz

STATE OF IDAHO

County of Bannock

On this 16th day of May

in the year 1928 before me, Earle C. White

Notary Public

In and for said State, personally appeared Peter Wirtz

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 a free, voluntary act and deed, and that he is the owner of the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal, the day and year in the certificate first above written.

Earle C. White

Notary Public

Residing at Pocatello, Idaho

I hereby certify that this instrument was filed for record at the request of Lillian Sporgberg
59 minutes past 1 o'clock P.M., this 19th day of June, 1928, in Book 59 of Deeds, at page 559.
Lillian Sporgberg
Official Recorder

T. H. Gathe
19th day of June, 1928
By Greta Wright