

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: A47-04230
Date Received: 12/15/1988
Receipt No: 5004517
Received By: for

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY BAGGETT 208-543-5740
Address: RT. 4 BOX 198
BUHL, ID 83316
AND/OR
Name: DELORES BAGGETT 208-543-5740
Address: RT. 4 BOX 198
BUHL, ID 83316
2. Date of Priority: JUL 01, 1968
3. Source: UNNAMED STREAM Trib. to: MUD CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	15E	18	NE	SW			TWIN FALLS
5. Description of diverting works:
CHECK DAMS, PIPELINE. 3 FISH PONDS (2 IN STREAM BED).
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	3.000		
7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
H/ RAISING FISH IN 3 PONDS

A47-04230

Page 1

Date: 12/15/88

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MAR 17 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	15E	18	NE	SW		FISH	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
THE STREAM WHICH IS BEING USED GETS ITS WATER FROM SEEPS, DRAIN
TUNNELS AND WASTE WATER.

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

Number of attachments: 1

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): Larry Baggett Date: 12-15-88
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of Dec. 19 88

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

S



Well 3366

BM 4

GOODING CO
TWIN FALLS CO

Rapids

WYOMING
IDAHO

BM 3414

16

45

12° 37' 30"
114° 45'

8.2 MI. TO U.S. 10
BUHL 3.6 MI.

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MAR 17 1993

Produced by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:78 000-scale
aerial photographs taken August 20, 1976

Projection and 10,000 foot grid ticks: Idaho coordinate

6/8/94

COMMUNICATION DOCUMENTATION

Claim No. _____

A47-04230

A47-04238

A47-04448

A47-12296

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 1/13/95

Contact Person(s) Delores & Lany Baggett

Nature of Contact office visit

Substance of Communication They came in with questions on their
'evidence of priority' letters... I went over the pamphlet
with them on what evidence they might submit.
These were all wastewater, unnamed streams, seep
tunnels - claims w/ affidavits may be their
best bet...

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NOV 29 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

A47-04230
A47-04238
A47-04448
A47-12296

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IDWR Employee/Agent Jeanie Robertson Date 3/6/95

Contact Person(s) Larry & Delores Baggett

Nature of Contact office visit (Evidence of Priority)

Substance of Communication they were in again with more questions on Evidence of Priority. I suggested they might try the TFCC to see if there are any old records or contracts that might provide some evidence. I also gave them some blank affidavit forms for neighbors to fill out.

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NOV 29 1996

RECEIVED

IN THE MATTER OF:

A47-4230

Also A47-4230 MAR 15 1995

State of Idaho

Department of Water Resources

AFFIDAVIT

County of Twin Falls

Southern Region

Ted Eastman being first duly sworn, deposes and says:

In regard to the old Fernie Green place
now owned by Larry Baggett

T 9 S - R 15 E Sec. 18

I raised fish with Larry on a contractual
basis starting in 1966. They were raised in the
ponds existing as they are today; with water
coming from seep tunnels, waste water, and
canal shares. This same water was also used
for irrigation and stock water.

Ted Eastman (signature)

On this 15th day of March, in the year of 1995

personally appeared Ted Eastman known or
identified to me to be the person whose name is subscribed to the
within instrument and acknowledged to me that he executed the same.

Barbara Jones (notary public) My commission expires:

Residing at Buhl Id

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6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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IDWR Employee/Agent Kelly K Christensen

DATE	CUSTOMER
March 15, 1995 4:02pm	LARRY BAGGETT

SUBJECT: evidence of priority FOR A47-04238 A47-12296
phone call (.) walk-in (X)

<He left affidavits for A47-04238 and A47-12296 but the one did not have any dates within the affidavit. We discussed the issues and the uses on his property and he indicated that he would get another affidavit. Another affidavit was submitted for A47-04230 and A47-04448.

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6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

A47-04230

A47-04238

A47-04448

A47-12296

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IDWR Employee/Agent _____

Jeanie Robertson

Date _____

3/23/95

Contact Person(s) _____

Larry & Delores Baggett

Nature of Contact _____

office visit

Substance of Communication _____

they brought in some evidence of priority on above claims.

There was an affidavit from Connie Bartlett for A47-04238 and A47-12296, and some contracts with the TFCC.

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NOV 29 1995

Count 4 1
C. J. Am
Bull 2000

47-04230
47-04448

8² Sec⁴ 2¹ 1/2¹ 18-7-18

On the east half sec⁴ 2¹ 1/2¹ were 18 wells drilled and the following tile laid:

$\frac{8"}{1860 \text{ ft}}$	$\frac{10"}{112 \text{ ft.}}$	$\frac{12"}{164 \text{ ft.}}$	$\frac{15"}{320 \text{ ft.}}$
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16¹ Acres drained
On the sec⁴ 2¹ 1/2¹ there are 18 wells and the following tile laid:-

$\frac{6"}{314 \text{ ft}}$	$\frac{8"}{1100 \text{ ft.}}$	$\frac{10"}{1328 \text{ ft.}}$	$\frac{12"}{426 \text{ ft.}}$
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15² Acres drained

This work was done 1916-1917. It was found that the work done during 1916 was not extensive enough to satisfactorily drain the land—during the summer of 1917 we drilled more wells and laid tile to them. This gave immediate relief but whether it will be permanent or no we are not able to determine at present.

Render tile for 3¹ 1/2¹ acres @ 15⁰⁰ \$ 471⁰⁰
May 27-1918

C. Harris

9-5-3
1-5-3
1-3-3
4-2-4

1/2 = 100
16 2/3
1600

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NOV 28 1996

MAR 23 1995

Department of Water Resources
Southern Region

RECEIVED

MAR 23 1995

Department of Water Resources
Southern Region

AGREEMENT

A47-04230

A47-04448

This Agreement, Made this 17th day of December 1915

by and between the TWIN FALLS CANAL COMPANY, an Idaho corporation,

party of the first part, and

E. L. Green

Bull. Ida

party of the second part, witnesseth:

Whereas, the following described land, to-wit: The East 1/2 of the NW 1/4 and
the NW 1/4 Sec. 18 - Tp 9S - R. 15 E 3m

in Twin Falls County, Idaho, is at present being injured by seepage; and, whereas, the first party is about to bore one or more wells on or near said land under the direction of W. L. Sloan, a drainage engineer, for the purpose of determining the effect of such wells in draining said seeped land;

Now therefore, in consideration of the premises, it is hereby agreed:

(1) That the first party may at its option and under the direction of said engineer bore one or more wells on or near said land, the number, size, depth, character, and location to be designated by said engineer, that the first party shall have the right to enter on said lands and do and perform any and all things reasonably necessary in the judgment of said engineer in the furtherance of said work.

(2) The cost of boring said wells shall in the first instance be borne by the first party; but, the second party agrees to reimburse the first party to the extent of fifteen dollars (\$ 15.00) per acre for any and all lands drained, the number of acres, if any, to be determined by the said engineer.

(3) It is understood that the first party does not in any wise admit or acknowledge that the seepage hereinbefore referred to or any part thereof, is the result of any neglect or other act or omission on the part of the first party, or that it is in any wise responsible for same, or that the first party in any wise admits or acknowledges a liability on account of same, or liability or responsibility to install the said or any system of drainage, or the right to second party to damage.

(4) It should be understood that should a flow of water be obtained by reason of said well, the same shall be subject to the use of the first party for irrigation, and second party will grant to the first party a free easement and right of way for ditches or waterways necessary to carry said water to the place or places desired by first party in order to utilize or dispose of same.

In Witness Whereof, the first party has caused the same to be executed by the hand of its secretary; and, the second party has set his hand the day and year first above written.

TWIN FALLS CANAL COMPANY, INC. FILMED

By

E. L. Green

NOV 28 1996



GOVERNOR PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-04230
LARRY BAGGETT
DELORES BAGGETT
RT. 4 BOX 198
BUHL

ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided by the claimant supporting the priority date claimed.**

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

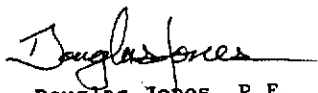
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, 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.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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