

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 A73-00208 *sp/ks*
Ident. Number: ~~A73-10093~~ *sc*
Date Received: 5/03/1990
Receipt No: MO06845
Received By: RLT

RECEIVED
MAY 3 1990
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEN WHITE 208-876-4250
Address: HC 62, BOX 2050
MAY, ID 83253

AND/OR

Name: MARY D. WHITE 208-876-4250
Address: HC 62, BOX 2050
MAY, ID 83253

2. Date of Priority: APR 01, 1902

3. Source: MAHOGANY CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	23E	17	SW	SE	NE		LEMHI

5. Description of diverting works:
HEADGATE, DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 500.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A73-10093

Page 1

Date: 05/03/90

A7300208



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	23E	7	SE	SE		IRR	40.0
						Section Acres	40.0
		8	SW	SW		IRR	40.0
						Section Acres	40.0
		18	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
						Section Acres	80.0
		23	NW	NW		IRR	40.0
						Section Acres	40.0
						Total Acres	200.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

73-00051, 00053, 00055, 02008, 02087, 10094, 00207

14. Remarks:

ACCORDING TO THE INFORMATION RECEIVED WHEN PROPERTY WAS PURCHASED, THERE IS DECREED WATER FROM MAHOGANY CREEK (SEE ATTACHMENT). WE WILL CONTINUE SEARCHING FOR ADDITIONAL DOCUMENTATION TO SUPPORT THIS CLAIM.

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: 3

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): Ken White Date: 5-3-90
Date:

State of Idaho)
County of Lemhi) SS.

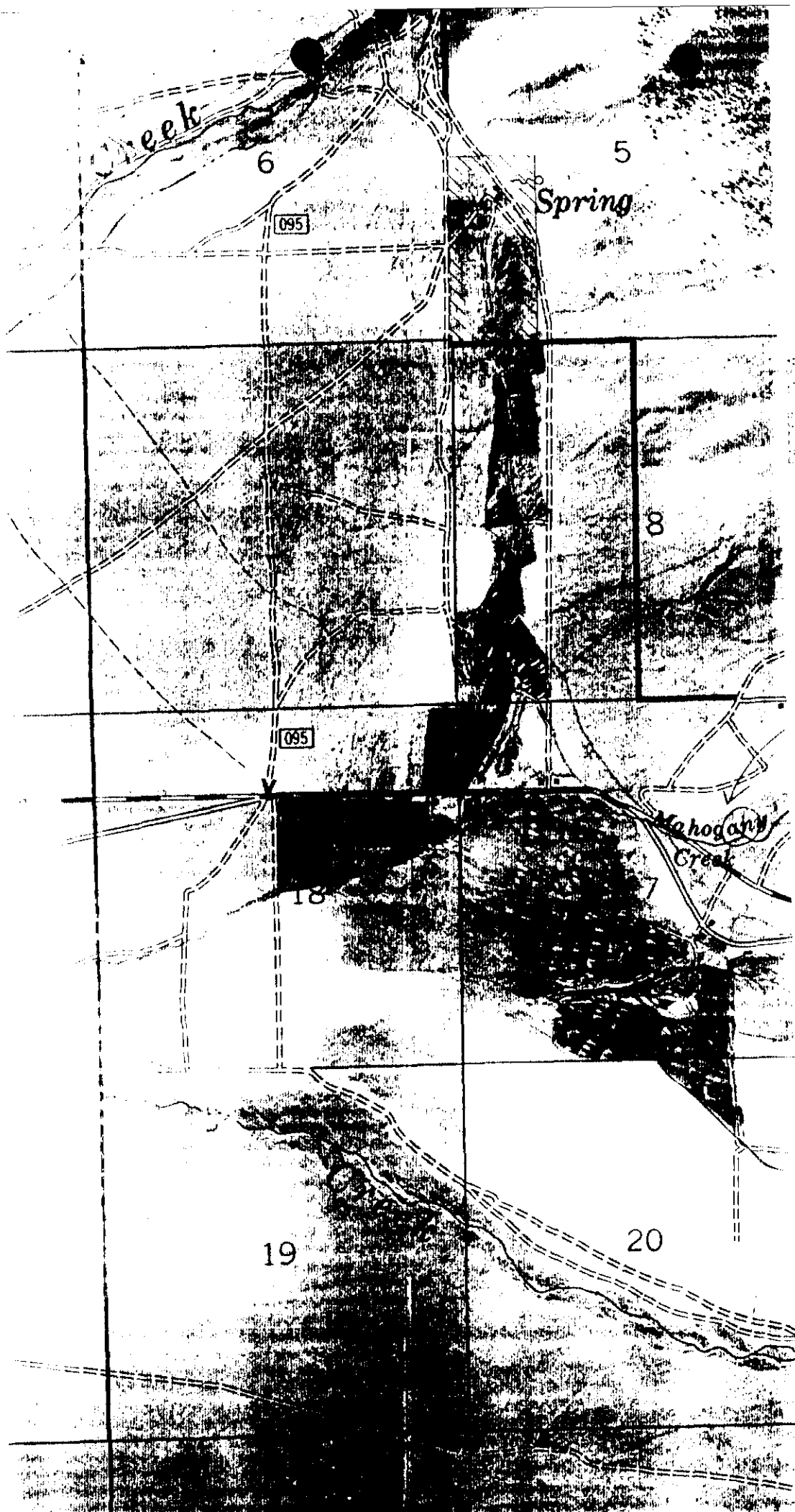
Subscribed and sworn (or affirmed) before me this 3rd day

of May 19 90

Seal

 John Garret
Notary Public

Residing at Helen Merrick, 1111 N. 1st St.
 Boise, Idaho
My Commission Expires December 1, 1994

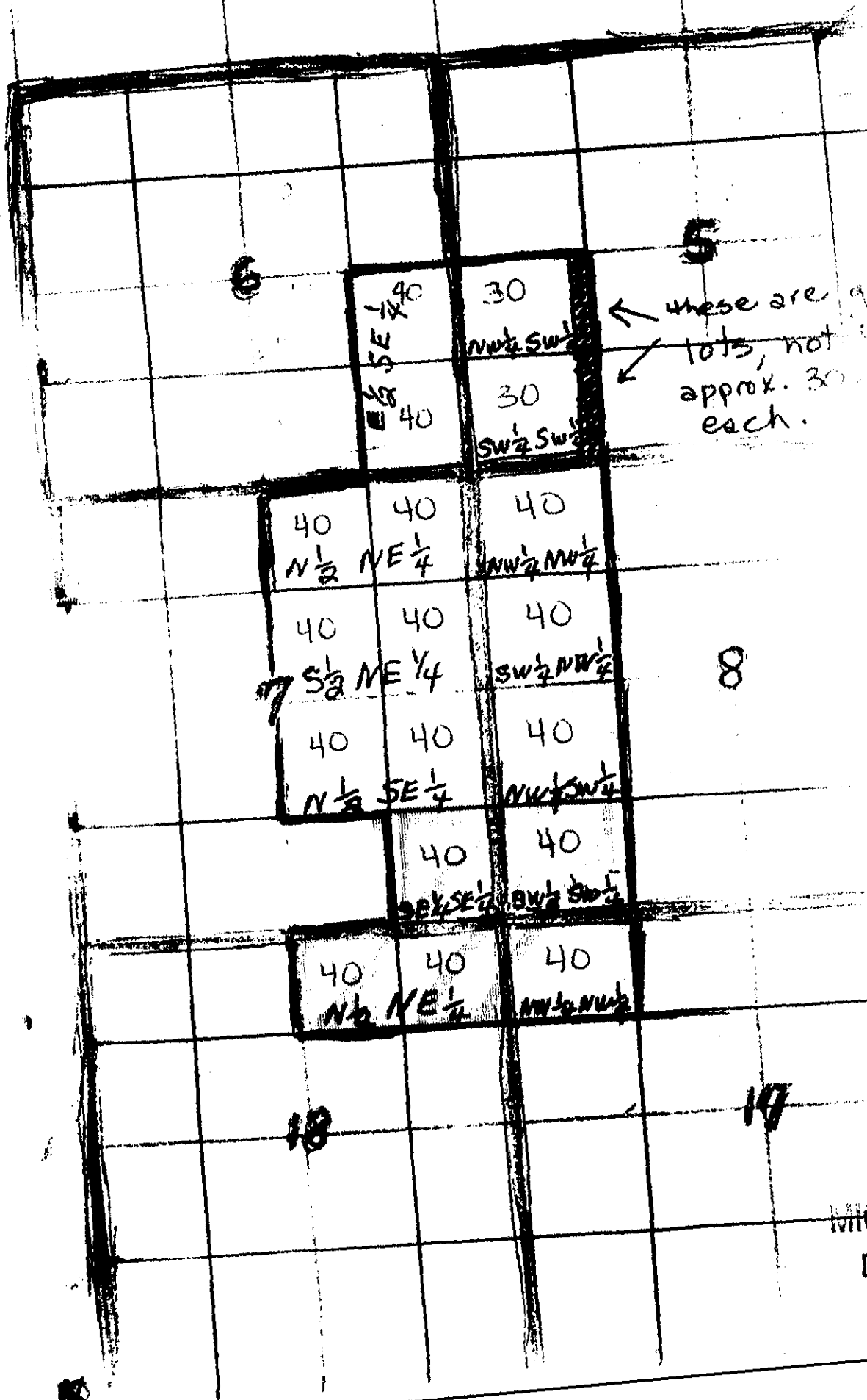


NOT RECORDED

100

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MAY 24, 1993

KEN WHITE
HC 62 BOX 2050
MAY ID 83253

RE: RENUMBERED NOTICE

Dear Mr. White:

The Department has changed the identification number for Notice of Claim #A73-10093. The new number is #A73-00208. We have also modified receipt #M006895 to reflect the new number.

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

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

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APR 18 1994

5/ 3/1990

WHITE, KEN OR MARY

ADJUDICATION FEE

410162

9337

6490

1,275.00

CHECK

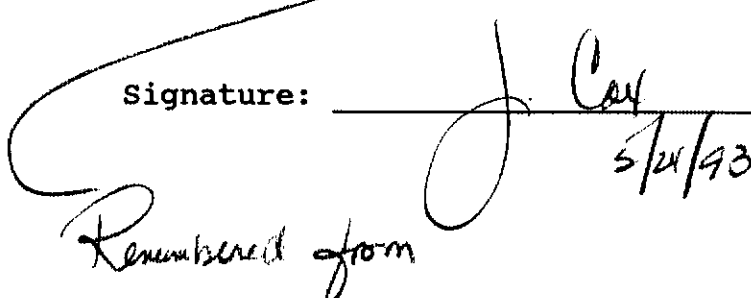
1385

\$1,275.00

Water Right Numbers

A73-00051	A73-00053	A73-00055	A73-02008A	A73-02008B
A73-02008C	A73-02087	A73-00207	A73-00208	A73-10094
A73-10095	A73-07058	-	-	-

Region: MOBILE I

Signature: 

5/24/93

Remembered from
A73-10093

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APR 18 1994

July 27, 1990

Department of Water Resources
Eastern Regional Office
150 Sharp Suite #15
Idaho Falls, Idaho 83402

RECEIVED

JUL 30 1990

Department of Water Resources
Eastern District Office

Please attach the enclosed document,
which supports my water claim, to
Claim # A-73-10093

Thank you,

Mary D. White
H.C. 62 Box 2050
May, Idaho
83253

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DEC 14 1992

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR LEMHI COUNTY.

William J. Hammond, Jan F. Hammond and
George E. Morrison, substituted for Cris
Cocanoughnor,

Plaintiffs

vs

Laura Miller, Lynn D. Finch, Rufus A. Wells,
William P. Kirkpatrick, Samuel G. Bradbury,
Eliza A. Bradbury, John L. Kirkpatrick and
Lillie M. Kirkpatrick,

Defendants.

D E C R E E

This cause coming on to be heard this 7th day of April, 1910, upon the report of George F. Hansbrough, Referee, heretofore appointed for the purpose of taking the testimony and making recommendations as to the Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said George F. Hansbrough having filed his report of the testimony taken and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel and the Court being fully informed and advised in the premises and having ordered that Judgment be entered in accordance with the report and recommendations of the said Referee;

Therefore by reason of the Law and the premises and the report and Findings of Fact and Conclusions of Law aforesaid, it is ordered, adjudged and decreed as follows;

(1)

That each and every of the tracts of land described in the Complaint, answers and cross-complaints in this action as belonging to the said several parties, plaintiff and defendant herein are arid in character and will not successfully raise an agricultural crop with out the application of water thereon for the irrigation thereof

(2)

That one inch of water per acre, or its equivalent in cubic feet per second of time is ample and sufficient for the proper irrigation of said lands.

(3)

That the dams, and diverting works of the said several parties to this action were at the time of the several appropriations and are now of sufficient size and capacity to carry and convey the water so appropriated to and upon the several tracts of land of the said several parties for the irrigation thereof and that each and every of the said several tracts of land are situated in Lemhi County, Idaho.

(4)

That each of the parties to this action, or their predecessors in interest, plaintiff and defendant, hereinafter named were at the time of the several appropriations of water as hereinafter set forth, the owners, respectively of the several tracts of land set forth and described in the complaint, answers and cross-complaints in said action and that for the irrigation of the same, the said parties or their predecessors in interest did respectively appropriate the quantities of water hereinafter stated and on the dates and from the streams respectively as hereinafter stated and set forth, such water being estimated and measured under a four inch pressure, or its equivalent in cubic feet per second of time and ever since said dates of said appropriations, the said water has been so diverted and used upon said lands in the irrigation thereof:

(5)

The following named persons, parties to this suit are entitled to the uninterrupted use of the flow of the waters of Patterson Creek and Mahogany Springs Creek, upon the lands mentioned and described in the complaint, answers and cross-complaints and in the Findings herein as described herein, in the following amounts and from the following dates, to wit:

Jane Hammond, from Patterson Creek, 120 inches or $2 \frac{2}{5}$ cubic feet per second of time, to date from the 8th day of May, 1899, appurtenant to the S. $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ and the N. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$ of Section 18, Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Jane Hammond from Mahogany Springs Creek, 40 inches or $\frac{4}{5}$ cubic feet per second of time, to date from the 8th day of May, 1899, appurtenant to the land above described of Jane Hammond, in Lemhi County, Idaho.

George E. Morrison from Patterson Creek, 140 inches or $2 \frac{4}{5}$ cubic feet per second of time, to date from the 1st day of April, 1902, appurtenant to the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 7, and the N.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Section 23 and the N. $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ of Section 18, in Township 14, North Range 23 East of the Boise Meridian, in Idaho.

George E. Morrison from Mahogany Springs Creek 20 inches or $\frac{2}{5}$ cubic feet per second of time to date from the 1st day of April, 1902, appurtenant to the above described land of George E. Morrison.

Samuel G. Bradbury from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second, of time to date from the 1st day of April, 1887, appurtenant to the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 17, the N. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of Section 21, and the N.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 20, in Township 14, North Range 23 East of the Boise Meridian, in Idaho.

William P. Kirkpatrick from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time, to date from the 1st day of April, 1887, appurtenant to the N.E. $\frac{1}{4}$ of Section 21, in Township 14, North Range 23 East of the Boise Meridian, in Idaho.

John L. Kirkpatrick from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time to date from the 1st day of April, 1887, appurtenant to the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ and the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of section 17, Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Laura Miller from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time to date from the 22nd day of February, 1888, appurtenant to the N.E. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of the S. $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ and the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 35, in Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Lynn D. Finch from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time, to date from the 22nd day of February 1888, appurtenant to the N.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 35; the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$, the N. $\frac{1}{2}$ of the S.E. $\frac{1}{4}$ of Section 34, in Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Lynn D. Finch from Patterson Creek 40 inches or $\frac{4}{5}$ cubic feet per second of time to date from the 1st day of June, 1901, appurtenant to the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 34, Township 14, North Range 23 East of the Boise Meridian, in Idaho.

Rufus A. Wells from Patterson Creek 160 inches or $3 \frac{1}{5}$ cubic feet per second of time, to date from July 2nd, 1902, appurtenant to the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$, the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ and the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 22, Township 14 North Range 23 East of the Boise Meridian, in Idaho.

Lynn D. Finch from Patterson Creek 40 inches or $\frac{4}{5}$ cubic feet per second of time to date from the 1st day of August, 1902, appurtenant to the N. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 34, Township 14 North Range 23 east of the Boise Meridian, in Idaho.

Samuel G. Bradbury from Patterson Creek 80 inches or $1 \frac{3}{5}$ cubic feet per second of time to date from the 3rd day of July, 1906, appurtenant to the S. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Section 16, Township 14, North Range 23 East of the Boise Meridian, in Idaho.

John L. Kirkpatrick from Patterson Creek, 120 inches or $2 \frac{2}{5}$ cubic feet per second of time to date from the 3rd day of July, 1906, appurtenant to the S. $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 17, Township 14, North Range 23 East of the Boise Meridian, in Idaho.

(6)

It is further adjudged and decreed that where the points of diversion of the said several parties from said streams are not fixed by this decree, the point of diversion and measurement of the waters of said streams to the said several parties to this action shall be the point of diversion of the parties on the 24th day of June 1909, the time of trial of this action.

(7)

It is further adjudged and decreed that each of the parties to this action shall pay his or her proportionate share of the costs in this action.

(8)

That each and every of the parties to this suit, plaintiff and defendant, their agents, servants, attorneys and employees, and each, every and all persons acting in aid of and for any of the parties to this action are hereby forever restrained and enjoined from in any way or manner interfering with or diverting or using the waters of said streams or their tributaries, except in accordance with the terms and provisions of this Decree. Dated this 7th day of April, 1910.

J.M. Stevens,
Judge of said District Court.

Filed this 18th day of April, 1910.

W. C. Smith
Clerk.

Position 5

USDA-FmHA

WATER DECREES:

2009 A, B, C

73-00051 Falls Creek

53 Falls Creek

55 Falls Creek

73-2087 Falls Creek

207 Patterson Creek

Deer Spring

Mahogany Creek

Mahogany Creek

All in Township 14 N., Range 23 E.B.M., Lemhi County, State of Idaho.

160 in.	April 1, 1896	W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5; W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8
80 in.	February 29, 1904	S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 7
80 in.	August 30, 1904	W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 8
80 in.	June 11, 1916	E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 7
140 in.	April 1, 1902	SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 18
4 in.	No priority 4/1/1896	
20 in.	April 1, 1902	SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 18
40 in.	May 8, 1899	

761.32 Acres by Tort Notice

SUBJECT TO:

1. The effect of conditions in Agreement for Lien recorded January 1, 1960, Book E, Page No. 302. PARCEL NO. 1
2. Right, Title and interest of the Public in and to those portions of the above described premises falling within the bounds of roads and highways. Parcel No. 1
3. Mortgage from Ken White and Mary D. White, husband and wife, to the Federal Land Bank of Spokane in the amount of \$20,000.00, dated February 13, 1975, Inst. #129 together with all rights, interests, easements, hereditaments and appurtenances thereto belonging to them, issues, and profits thereof and revenues and income therefrom, all improvements and personal property now or hereafter attached thereto or reasonably necessary to the use thereof, including, but not limited to, ranges, refrigerators, clothes washers, clothes dryers, or carpeting purchased or financed in whole or in part with loan funds, all water, water rights, and water stock pertaining thereto, and all payments at any time owing to Borrower by virtue of any sale, lease, transfer, conveyance, or condemnation of any part thereof or interest therein-all of which are herein called "the property".

TO HAVE AND TO HOLD the property unto the Government

BORROWER for Borrower's self, Borrower's heirs, assigns, and assigns

TITLE to the property to the Government and assigns

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