

~~FD~~ TUC 8/10 Exam
~~FD~~ 10/10/10

Part 2

723 35E 9 BESE
DO 09/4074

①

A35-10928
ALMO B. WOMACK
DORIS L. WOMACK
434 NORTH 300 WEST
BLACKFOOT

ID 83221

②



A3510928

785 - 0943

Pod # 343

Pod # 501

8 August 1998

Mr Almo Womack
434 N 300 W
Blackfoot ID 83221

Re: Notice of Error, SRBA claim A35-10928

Dear Mr. Womack;

The Department of Water Resources has received your Notice of Error referenced above indicating your request to irrigate 1.7 acres. In review of the original claim 1.2 acres of irrigation were claimed. Therefore, I have adjusted the acreage relevant to the claim recommendation to reflect 1.2 acres. The 1.2 acres is the maximum that IDWR will allow based on beneficial use of the claim. I have enclosed a copy of the original claim and an amended GIS illustration showing the 1.2 acres for your reference.

Thank you for your timely response to the Notice of Error. Should you have additional questions regarding your water right claim please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: file

enclosures: original claim copy
updated GIS illustration

July 17, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: August 14, 1998

Water right number: 35-10928

ALMO B WOMACK
DORIS L WOMACK
434 N 300 W
BLACKFOOT ID 83221

Daytime Telephone Number: 208-785-0943
Evening Telephone Number: 785-0943

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

There is actually 1.7 acres on our Acreage & we would like to Irrigate it all from our Domestic Well.

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 8-3-98 SIGNATURE: Almo B. Womack
Please print your name: Almo B. Womack

al

NO. OF CLAIMS IN POLYGON _____

TRANSFER NUMBER _____

CLAIM NUMBERS 35-10928

DATE _____

OBJECTION FILED _____

AGENT _____

TOTAL ACRES FROM RECOMMENDATION 1GEOGRAPHIC INFO SYSTEM 1.2

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>25</u>	<u>35</u>	<u>9</u>													<u>1</u>			
GIS																<u>1.2</u>			
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B35-DBPOU.DBF _____

ATTRIBUTES OF B35-POU.SHP () 501

B35-DBPOD.DBF _____

ATTRIBUTES OF B35-POD.SHP () _____

Almo Womack
434 N 300 W
Blackfoot PD 83221

P.O.D./SOURCE 343 # G.W
T2S R35E Sec 9 SUBNBSLS

ORIGINAL CLAIM LISTS 1.2 ACRES - CORRECTED GIS to 1.2 AC.
.025 cfs / 1.2 AC = 0.021 cfs/ac

P/U CONFLICT yes () no ()P/D CONFLICT yes () no ()SENT FOR DECREE yes () no ()

R35E

R35E
T2S

CLAIM NO(S) - A35-10928
DATE: 9/17/92 T 25 R 35E
SOURCE OF DOC: 1987, A35 PHOTO
SIGNATURE: [Signature] Eric Spence

PAUTO
DIVISION
FILE OF
USE

NORMAN ELIJAH BINGHAM AND MAUDE
FOX BINGHAM

Norman — 1st child of Elijah Norman Bingham and Mary Frances Fife, born 28 Jun. 1892 at Ogden, Utah. Married 12 Jun. 1913. Died 18 May 1974.

Maude — daughter of George W. Fox and Clara Jane Mitchell. Born 26 May 1891 at Valparaiso, Nebraska.

Bingham Children: (1). Richard N. (2). Afton L. (Biggs).

Norman was born in Wilson Lane, near Ogden, Utah, on the same place where his father was born. He came to Bingham County when he was four years old.

He spent his youth in Groveland, attending the Groveland and Blackfoot schools.

In 1913 he married Maude Fox, who was a teacher in the Groveland School. Maude was also a piano teacher, and over the years taught many students in the Groveland area.

A son Richard was born in 1915 and a daughter, Afton, was born in 1919.

When Norman and Maude married, they bought 80 acres in North Groveland (McDonaldville) which they cleared of sagebrush and farmed by using six head of horses. Norman raised some beautiful horses and entered them often in the Eastern Idaho State Fair where he took a number of prizes. He was a charter member of the Bingham County Sheriff's posse.

In 1941 they bought his father's 60 acres in the Groveland townsite, and Norman farmed and raised livestock until the age of 68, when he retired, selling the farm to Harold Abend.

Norman and Maude built a new home near by. In June 1963 they celebrated their 50th Wedding anniversary with an open house in the Groveland L.D.S. Church.

Norman died May 18, 1974. Five years later Maude sold their home to Thomas Shelton and moved to Texas to live with their daughter.

NOT RECORDED
DEC 18 1972

Jan 6, 1992

A35-10928

Marvin Harper remembers herding cows out in the sage brush near the Bingham home. The home was built about 1914 or 1915.

Knowing the Bingham as he did, he is sure they had a well there when the house was built.

Marvin R. Harper

MICROFILMED

DEC 10 1992

3-5682

252167/35-10928

WARRANTY DEED

For Value Received DIANNA LYNN PALMER formerly Diane Lynn Glead and whose name also appears of record as Dianna L. Palmer, Diane L. Palmer and Dianna Lynn Palmer, dealing in her sole and separate property

the grantor . does hereby grant, bargain, sell and convey unto

NILS HAPRIS and BECKY HARRIS, husband and wife

whose current address is Route 4 Box 224, Blackfoot, Bingham County, Idaho 83221

the grantees, the following described premises, in Bingham County Idaho, to wit:

Part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, T 2 S, R. 35 East of the Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is N 0°08'34" W 1321.64 feet along the East line of said Section 9 from the SE corner of said Section 9 and running thence S. 89°28'55" W 2603.55 feet along the South line of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 9 to a Northsouth fence; thence along said fence N 0°00'42" E. 441.96 feet to a point on the South bank of the Aberdeen-Springfield Canal; thence in a Northeasterly direction along said canal bank the following 4 courses and distances: N 71°04'56" E. 341.47 feet; thence N 54°19'12" E 684.71 feet; thence N 65°26'40" E 501.76 feet; thence N 57°59'31" E 328.81 feet to the intersection of said canal bank and the North line of said N $\frac{1}{2}$ SE $\frac{1}{4}$; and thence leaving said canal bank and running N 89°27'15" E 888.54 feet along said North line of the N $\frac{1}{2}$ SE $\frac{1}{4}$; thence leaving said line and running S 69°37'41" E 100.71 feet to the East line of said Section 9; thence along said East line S 0°08'34" E 569.96 feet; thence leaving said East line S 89°00'57" W 292.22 feet; thence S 2°25'42" E 268.36 feet; thence S 89°42'38" E 281.48 feet to the East line of said Section 9, thence along the said East line S 0°08'34" E 441.15 feet to the point of beginning. Parcel contains 60.18 acres.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

Subject to Reservations in United States Patents, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments for 1979.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee S, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

4/26/79

Dianna Lynn Palmer
Dianna Lynn Palmer

STATE OF IDAHO, COUNTY OF Bingham
On this 26th day of April, 1979,
before me, a notary public in and for said State, personally
appeared

DIANNA LYNN PALMER

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

252167

MICROFILMED

DEC 10 1982

79 APR 27 1979

RECORDED

RECORDED IN AMERICAN LAND TITLE CO. BOOK 10 PAGE 10

December 18, 1991

A35-10928

ALMO B WOMACK
434 N 300 W
BLACKFOOT ID 83221

RE: Evidence of Priority *****FINAL REQUEST*****
 RESPONSE DEADLINE
 JANUARY 20, 1992

Dear Mr. Womack:

Our records indicate that your claim, listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by July 25, 1991, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim, some evidence of the priority date must be submitted. We are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim for reference. We request that you submit your evidence of priority as soon as possible.

If we do not receive the requested documentation, the Department will recommend the claim be disallowed, due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date by January 20, 1992. Please reference the claim number on your correspondence. If you have questions or need other assistance, please contact this office.

Sincerely,

Eric Verner
Senior Water Rights Agent

EV:jt

Enclosure: Brochure/Proof Report

MICROFILMED

DEC 10 1992

28-Jun-1991

ALMO B WOMACK
434 N 300 W
BLACKFOOT, ID 83221

RE: **Evidence of Priority** A35-10928

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.

MICROFILMED

DEC 10 1991

Page 2

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

MICROFILMED

DEC 10 1991