

Enclosed are copies of deeds and water application etc.

I sold the ~~5~~^{3 1/2} acres to Danny and Minnie Daniels

I hope these will give you the information that you need.

Gordon H. Gurney

MAR 1 2005

A. Moser and
Nora C. Moser, husband and wife

TO

Gordon Durney

Dated- June 23rd, 1942-
Consideration- \$1.00-
Recorded- June 24th, 1942 at-
4:20 p.m., in Book "59" of Deeds at-
Page 520 of the records of Bingham County, Idaho-

Andrew Moser
Nora C. Moser

Acknowledged by A. Moser and Nora C. Moser, husband
and wife, June 23rd, 1942, before O.H. Matthews a Notary
Public for Utah, residing at Salt Lake, Utah: Sealed:

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell, convey and
confirm unto the party of the second part and to his heirs and assigns forever all
that certain real property situated in Bingham County, Idaho, described as follows:
Commencing at a point 126 rods East of the Northwest corner of Lot 1 of
Section 18 in Township 3 South of Range 35 E.B.M. running thence due East 30 rods;
thence South 80 rods; thence West 30 rods; thence North 80 rods to the place of
beginning.
To Have and To Hold said premises in the quiet and peaceable possession
of the party of the second part, his heirs and assigns and the said first parties
will warrant and forever defend.
\$1.10 I.R.S. attached and cancelled.

8.1.2

MAR 2005

WARRANTY DEED

Pauline Ruth Robinson and
F. A. Robinson, her husband

TO

Gordon H. Durney

Dated- April 22d, 1942-

Consideration- \$1009.65

Recorded- April 23rd, 1942 at-

9:45 a.m., in Book "59" of Deeds at-

Page 494 of the records of Bingham County, Idaho-

Pauline Ruth Robinson
F. A. Robinson

Acknowledged by Pauline Ruth Robinson and F.A. Robinson, her
husband, April 22d, 1942, before E.P. Monson, Jr. a Notary
Public for Idaho, residing at Blackfoot, Idaho: Sealed:

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell, convey and confirm unto the party of the second part and to his heirs and assigns forever all that certain real estate situated in Blackfoot, Bingham County, Idaho, to-wit:

Tax #1932 15 acres. Commencing at a point 126 rods East of the (NW) corner of Lot 1, Section 18 Township 3 South of Range 35 E.B.M., and running thence due East 30 rods; thence South 80 rods; thence West 30 rods; thence North 80 rods to place of beginning.

To Have and To Hold said premises in the quiet and peaceable possession of the party of the second part, and to his heirs and assigns and the said first parties will warrant and forever defend.

\$1.65 I.R.S. attached and cancelled.

8.1.1.5

APR 23 2005

No. 37-

WATER APPLICATION

(1) Name of Applicant; James W. Ezell, Post office Address: Blackfoot, County Bingham State of Idaho. (2) The quantity of water claimed is $4\frac{1}{5}$ cubic feet per second. (3) Source of water supply Blackfoot River, County of Bingham. (4) Location of point of diversion "Stevens Dam" on Blackfoot River about $6\frac{1}{2}$ miles up the Blackfoot River from its mouth and in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 8 township 3 south Range 35 E.B.M., (5) to be used for Irrigation and Domestic use. (a) Amount of land to be irrigated; 40 acres. (b) in the following legal subdivisions: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13 township 3 south, Range 34 E.B.M., (6) estimated costs of works \$1200 which said works are complete. (7) Description of works for diversion; Dam of earth and rock cost \$300. I. Kind of works Dam and Ditch. II, Demension of works (a) height of dam 6 feet length of dam at top 50 feet; length of dam at bottom 40 feet. Material used in construction: Earth, wood, and stone. (c) size of headgate; width 5 feet, heighe 3 feet. (d) Conduit ditch with at bottom 3 feet, width at water line 4 feet, depth of water one foot, length of conduit is $1\frac{1}{2}$ miles and it crosses the following quarter sections; SW $\frac{1}{4}$ Sec. 8 SE $\frac{1}{4}$ Sec. 7 NE $\frac{1}{4}$ Sec. 18 and NW $\frac{1}{4}$ Section 18 township 3 south Range 35 E.B.M., to land described in 51 (b) above which is the point of intended use. (8) The time required for the completion of the construction of such work is already completed. (9) Time required for the complete application of the water to the proposed use is... additional years: now applied.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

J. W. Ezell, Applicant.

By R. M. McCracken Agent.

Remarks; The works of said system are now complete and water has al been applied to the land described herein.

Approved December 10, 1910 by D. C. Martin, State Engineer.

Recorded December 3, 1926 at-
9:12 A.M., in book "G" of Miscellaneous at page 520 of the records of Bingham County, Idaho-

543.5

MAR 1 2005

The Bingham
Abstract Co. Ltd.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR BINGHAM COUNTY.

Fred S. Stevens, et al.,
vs. Plaintiffs,

Eastern Idaho Water Co., et al.
Defendants.

This cause having been heretofore tried by the Court without a jury and the Court having made its findings of fact and conclusions of law.

It is now ordered, adjudged and decreed that the following parties are entitled to divert from the Blackfoot River the amount of water herein indicated and the right of each party dates from the time hereinafter stated and set opposite each name, to-wit:-

Among others is that of :-

Fred S. Stevens, July 6th A. D. 1869- 138 inches.

Fred S. Stevens, October 1st, A. D. 1884- 140 inches

It is further ordered, adjudged and decreed, that all parties to this action shall have the right to use the waters of the several streams named in this decree for domestic purposes.

Done in open Court this August 1st, A.D. 1891

Chas. Cabb,

Judge Pro Tem.

Recorded in book Judgment Book "1"
Pages 107- 116 of the records of Bingham County, Idaho.

MAR 10 2005

Quick Look	Contacts	Priority	POD	Source	POU	Water Use	Period of Use	Quar
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Review/Verify Log

Status

Claim Number Version Number

Check List

- ☒ Priority Date
- ☒ Contacts
- ☒ Point of Diversion
- ☒ Source
- ☒ Place of Use
- ☒ Purpose of Use
- ☒ Period of Use
- ☐ Quantity
- ☐ Summary

Comments

Author Text

Subj

Date

Contacts

- Need to still determine Qty to recommend.
- finish Qty, Summary.
and print report.

Notes

3/3/05 Please create POH, POD! layout needed. CB

3/7/05 I called Gordon Burney to talk about his claim. He said he originally purchased 15 acres. He claims he had 15 inches of water. He sold 5" to Troy Otto and another 3 1/2 inches to someone else. He is going to send me a copy of his warranty deed and the warranty deed for the 3 1/2 inches. co

3/8/05. Tweaked the shape to keep it within the Bingham Co. tax lot boundaries. Please redo the layout.

3 March 2004

To: Cindy

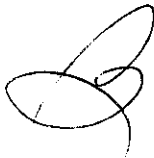
Re: 27-10847

I have prepared a layout for this claim. There are other possible overlaps, all dealing with Welch water. A recap of the potential overlapping files is as follows:

- 27-10357 Thyberg, Samuel Tad. Letter sent from AG's office. Response date 3/26/04
- 27-10358 Leiseth, Jason. Letter sent from AG's office. Response date 3/26/04.
- 27-10370 Durney, Gordon H. I did research of the Watermaster Reports 1975-1088. A recap is in the file. No correspondence from claimant in the file.

I have exported the layout to a .jpg file

Barbara

A handwritten signature in black ink, consisting of a large, stylized loop followed by a smaller loop and a trailing line.

Date: 24 February 2004
Memo to File Gordon Durney
Re: Research Watermaster reports 1975 – 1988

I researched the Watermaster reports looking for Gordon Durney and Riverton Dam Co. I found the following:

Riverton Dam Co.

1975 – 1987 Albert Bell was listed as secretary

1988 LolaDawn Hernandez was listed as secretary

References included 27-3, 4, 22, 23, 26, 37, Blackfoot Irrigation

There was only one user listed for the Riverton Dam.

Gordon Durney

1975 –1988 listed under Stevens Ditch with reference 27-27

The water delivered within 24 hours was listed as follows:

Year 1975	15
Year 1978	15
Year 1980	60
Year 1981	50
Year 1982	50
Year 1983	?
Year 1984	80
Year 1985	85
Year 1986	85
Year 1987	85
Year 1988	85

Barbara

INTER-DEPARTMENT MEMO

TO: Barbara / Pauline
FROM: Cindy

SUBJECT: Watermaster Rpt
DATE: 2/23/04

Check our 1975 - 1988 Watermaster reports for delivery of water to Mr. Durney. also check Riverton Dam Co to see what they deliver water to Mr. Durney is based on.

() For your information

☒ For your information

CB
signature

No R&D

Basin No.	Sequence Number	Split Suffix	Name	yyyy-mm-dd Priority Date	Usage	Other Water Rights Used	Stevens Decree #	Total CFS
27	10370		Durney, Gordon H.	1884-10-01	Irrigation		s 27	0.12
27	27	B	Stecklein, LaVerelle	1884-10-01	Irrigation		s 27	0.90
27	11199		Thompson, Darwin	1884-10-01	Irrigation		s 27	0.10
27	27	C	Wright, Franklin D.	1884-10-01	Irrigation	27-23C, 37K	s 27	0.94

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

02/04/2004

WATER RIGHT NO. 27-27C

Owner Type	Name and Address
Current Owner	FRED S STEVENS

Priority Date: 10/01/1884

Basis: Decreed

Status: Active

Source	Tributary
BLACKFOOT RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/15	0.96 CFS	
DOMESTIC	1/01	12/31		
Total Diversion			0.96 CFS	

Location of Point(s) of Diversion:

BLACKFOOT RIVER	SWNE	Sec. 08	Township 03S	Range 35E	BINGHAM County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	35E	0	3								
		18	1			2	NENW				

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Dates:

Licensed Date:

Decreed Date: 08/01/1891

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 27

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

02/04/2004

WATER RIGHT NO. 27-27D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANKLIN D WRIGHT 607 W 225 S BLACKFOOT, ID 83221 (208)785-0399
Original Owner	PHYLLIS E WRIGHT
Original Owner	FRED S STEVENS 607 W 225 S BLACKFOOT, ID 83221 (208)785-0399

Priority Date: 10/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKFOOT RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.94 CFS	280 AFA
Total Diversion			0.94 CFS	

Location of Point(s) of Diversion:

BLACKFOOT RIVER	SWNE Lt 6	Sec. 18	Township 03S	Range 35E	BINGHAM County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	34E	13		SENE	31						
	35E	18	2	SWNW	39						

Total Acres: 70

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 27 .
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

4. T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09	Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General	Rights 27-00023F, 27-00027D and 27-00037D when combined shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 280.0 af at the field headgate, and the irrigation of 35.0 acres. Approval of Transfer 5027 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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Dates:

Licensed Date:

Decreed Date: 08/01/1891

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 27

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Close

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report

02/04/2004

- No Water Right report
just a claim report

WATER RIGHT NO. 27-10370

Owner Type	Name and Address
Current Owner	GORDON H DURNEY
Current Owner	LEDA D DURNEY
	208 S 550 W
	BLACKFOOT, ID 83221
	(208)785-1264

Priority Date: 10/01/1884

Basis: Decreed

Status: Active

Source	Tributary
BLACKFOOT RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.12 CFS	
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

BLACKFOOT RIVER	SWNE	Sec. 18	Township 03S	Range 35E	BINGHAM County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<http://www.idwr.state.id.us/apps/ExtSearch/RightReportAJ.asp?BasinNumber=27&Sequence...> 2/4/04

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	35E	18		NENW	6.2									

Total Acres: 6.2

Remarks:

1.	General	THIS CLAIM IS BASED ON SEVEN SHARES IN THE RIVERTON DAM COMPANY WHICH WAS PART OF THE STEPHEN'S DECREED RIGHT #27-00027A FOR 140 INCHES IN THE STEPHEN'S CANAL.
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BENCHAM COUNTY.

Fred S. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

27-C
Transfers
Noted

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of Law:

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and
set opposite each name, to-wit:-

Fred S. Stevens	July 6, A. D. 1868	138 Inches
Henry Dunn	July 1, A. D. 1870	300 Inches
H. A. Just and) E. A. Just)	August 1, A. D. 1871	200 Inches
Leon Misslen	July 1st, A. D. 1873	200 Inches
John Misslen	July 1st, A. D. 1874	120 Inches
E. R. Lewis	March 1st, A. D. 1875	100 Inches
Wesley Burrell	March 1st, A. D. 1876	100 Inches
William Kirkpatrick	May 1st, A. D. 1878	100 Inches
E. R. Shoemaker	April 1st, A. D. 1879	90 Inches
Eastern Idaho Water Co.	March 25, A. D. 1890	1200 Inches
E. B. Fox Jr.) William Howard) A. Whitten)		

RECORDED

Susan E. Whitten) & Calvin Mills)	March 25, A. D. 1880	600 Inches	
Levi Warren	April 1, A. D. 1882	50 Inches	
Emily Warren	April 1, A. D. 1883	106 Inches	
Daniel Y. Miller	April 1, A. D. 1883	100 Inches	
27 0027 Fred S. Stevens	October 1, A. D. 1884	140 Inches	Trans #1597
N. A. Just) & Emma Just)	April 1st, A. D. 1885	100 Inches	
Leon Misslen	May 1st, A. D. 1885	300 Inches	Trans #58-59
Robert Millen	May 1st, A. D. 1885	150 Inches	Trans #107
P. B. Fox Jr.) William Howard) A. Whitten) Susan Whitten) Calvin Mills)	June 1st, A. D. 1885	1500 Inches	Trans #237-246-228 #465-431-564-767-70 #822-853-854
W. W. Riter	July 3rd, A. D. 1885	560 Inches	
Thomas G. Weber	July 23, A. D. 1885	480 Inches	
James Drew	Oct. 1st, 1885 A. D.	6 Inches	
Eastern Idaho Water Co.	October 1st, A. D. 1885	1000 Inches	
H. B. Lewis) & Sarah Lewis)	March 1, A. D. 1886	160 Inches	
James Welch	March 20th, A. D. 1886	400 Inches	
William M. Penileon	April 5th A. D. 1886	352 Inches	
David J. Morgan	April 5th, A. D. 1886	132 Inches	
William Morgan	April 5th, A. D. 1886	100 Inches	
William A. Downing	April 5th, A. D. 1886	180 Inches	
F. Little	October 4th A. D. 1886	240 Inches	
Charles G. Burton	October 4th A. D. 1886	240 Inches	
John Sharp Sr.	November 1, A. D. 1886	320 Inches	
F. S. Jennings	November 1, A. D. 1886	400 Inches	
Donald Tolmie	April 1st, A. D. 1887	100 Inches	

MICROFILMED