



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

17 October 2003

COPY

Cordell H. Stewart
Judith Ann Stewart
563 West 200 South
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10847

Subject: EVIDENCE OF PRIORITY

Response Date: 17 November 2003

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA).

The date of priority cited in the claim is March 31, 1973. I understand there could be a typographical error and the date intended was "March 31, 1873 per original claim." However, checking the decrees for that period of time I am unable to find a decree with that priority date.

We desire our recommendation to the Court to be as correct as possible. Please provide this office with evidence supporting the priority date of March 31, 1873.

If we do not hear from you by the above response date, we will recommend to the Court to use March 31, 1973 as the priority date.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report

27-C

In the District Court of the Third Judicial District of Idaho, In and for Bingham County.

Fred S. Stevens, Et.al.

Plaintiffs.

vs

Eastern Idaho Water Co., et. al.

Defendants.

List of Lands Belonging to Plaintiffs.

Fred S. Stevens:

That the plaintiff, Fred S. Stevens, is, and at all times hereinafter mentioned, was a citizen of the United States; That in the year 1869 and continuously thereafter said Stevens was, has been, and now is, the owner, in the actual possession, and entitled to the possession of that certain lot, piece, or parcel of real estate, situate, lying and being in the county of Bingham., territory of Idaho, described as follows, to-wit:

One certain tract of the unsurveyed lands of the United States lying on the north bank of the stream known as Blackfoot River, to the eastward, and up said River from the "Joe Warren Bridge", across said Blackfoot River on the Montana Stage Road, the same being nearly the west half of the south-east quarter and the north-east quarter of south-east quarter of section eighteen (18) of Township three (3) south of range thirty-five (35) East, and the south-west quarter of the south-east quarter of section eight (8) of township three (3) south of range thirty five (35) east of Boise Meridian.

Also lot numbered seven (7) and the north-west quarter of the north-east quarter of section eighteen (18) and lot numbered (1) of section seventeen (17) and lot numbered five (5) of section eight (8) of township three (3) south of range thirty five (35) east of Boise Meridian.

That the plaintiff Stevens, in the month of October in the year 1884. and continuously to

PAID OFF FILE
MAY 15 1996

27-12
27-27

27-12

T3S R35E
W 1/2 SE Sec 18
NE SE

SW SE Sec 8

L-7 Sec 18
NWNE
L-1 Sec 17
L-5 Sec 8

#2.

$$\frac{2.808}{18840} = .0185 - \text{cs/acre.}$$

10-1-1884.

certain lot, piece, or parcel of land situate lying and being in the county of Bingham, Territory of Idaho, described as follows, to-wit:

T3S, R35E

Sec 18

N1E, W1

L-1, L2, L3

2.8 acs.

The North-east quarter of the North-west quarter and lots numbered one (1) two (2) and three (3) of section eighteen (18) in township three (3) south of range thirty five (35) East of Boise Meridian.

27-2 5

Emily Warren:

That the plaintiff Emily Warren and her grantors, in the life time of each, were at all times hereinafter mentioned citizens of the United States.

That in the year 1873 and continuously thereafter the plaintiff Warren and her grantors and predecessors in interest were, and have been, and plaintiff now is the owner, in the actual possession and entitled to the possession of that certain lot, piece or parcel of land situate, lying and being in the county of Bingham Territory of Idaho, described as follows, to-wit:

The south-east quarter of the north-west quarter, and lots numbered four (4) five (5) and six (6) of section eighteen (18) of township three (3) south of range thirty-five (35) east of Boise Meridian, containing one hundred and sixty seven and twenty-five hundredths (167.25) acres.

27-37

James Welch:

That the plaintiff James Welch is, and he and his grantors each in his life time, were at all times hereinafter mentioned citizens of the United States.

That in the month of August of the year 1878, and continuously thereafter, the grantors of said Welch were, and said plaintiff now is the owner, in possession of all those certain lots, pieces, or parcels of real estate situate, lying and being in the County of Bingham, Territory of Idaho, described as follows, to-wit:

One certain placer mining claim known as Lawrence Bar, MAY 15 1900

40
L-1 38
L-2 30
L-3 33
177

RECORDED
MAY 15 1900

CB 2/2/64 Per Bingham Co Tax ext

Basin No.	Sequence Number	Split Suffix	Name	yyyy-mm-dd Priority Date	Useage	Other Water Rights Used	Stevens Decr #	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				
							4	2.06		2.80	0.74	140

2/6/04 CB 27-10847 0.08cfs Cabell Stewart



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

COPY

Cordell Stewart
563 West 200 South
Blackfoot, Idaho 83221

February 6, 2004

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10847

Subject: **CLAIM RECOMMENDATION - DISALLOW**

Dear Claimant(s):

Please be advised that since we have had no response from you, we will recommend to the Court that the above referenced claim be disallowed.

Very truly yours,

Cindy E. Bird

CEB/pb

Chas. S. ...

7-6-1869 Fred Stebbins 27-12 35 358

3-1-1873 Chas. Stebbins 7-1-1873

10-1-1884 Fred Stebbins 27-27 35 358 5, 8, 17

Section 8

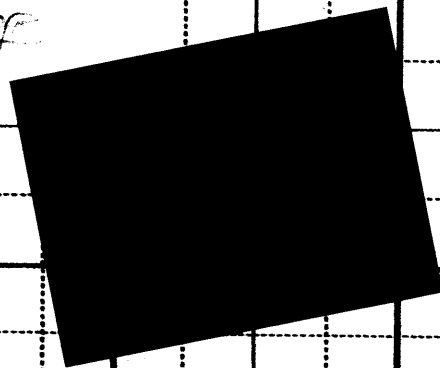
④ ← 27-10-77

⑤

Stevens River

Check the Stevens River
for WR's in the 1973
data submitted by
Mr. Howard. If any
water is in legal
description, put in it.

7/3/78 F



WARRANTY DEED

THIS INDENTURE, Made this 4th day of June,
in the year of our Lord one thousand nine hundred and sixty-three, between
GORDON H. DURNEY and MAXINE H. DURNEY, husband and wife,

of Blackfoot, County of Bingham, State of Idaho,
the parties of the first part, and TROY D. OTTO and GLORIA J. OTTO,
husband and wife,

of Blackfoot, County of Bingham, State of Idaho,
the parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the
sum of THIRTEEN THOUSAND and No/100----- DOLLARS,
lawful money of the United States of America.

to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted,
bargained and sold, by these presents do grant, bargain, sell, convey and confirm unto
the said parties of the second part, and to their heirs and assigns forever, all of the
following described real estate, situated in the County of
Bingham, State of Idaho, to-wit:

Commencing at a point 836 feet South of the
North quarter corner of Section Eighteen, in
Township Three South, of Range Thirty-five, East
of the Boise Meridian, in Idaho, and running thence
South 484 feet to a partition fence; thence West
495 feet; thence North 484 feet; thence East 495 feet
to the point of beginning, containing 5.5 acres,
more or less;

Together with water rights and ditch rights
of way for the irrigation thereof and particularly
five (5) inches of decreed water of Blackfoot River
and all canal ditch right stock for delivery thereof
to the said premises;



MICROFILMED

NOV 12 1992

*Passel Rogers
Ralph G. He
V. G.
Grimm
27-0027A*