

*\$100.00 filing fee
\$50.00 late fee*

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: **A37-00175A**
Date Received: 3/10/1995
Receipt No: S017853
Received By: *[Signature]*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ROBERT DEASY
Address: C/O BILL BUNN GUARDIAN
PO BOX 91
BLISS ID

83314

2. Date of Priority: MAY 1, 1897

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	15	NW	NE			GOODING

5. Description of diverting works:

HEADGATE OUT OF BIG WOOD RIVER INTO POORMAN DITCH (#29 HEADGATE).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.400		

7. Total Quantity Appropriated is:

1.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	28	SW	NE		IRR	40.0
			SW	NW		IRR	5.0
			SE	NW		IRR	30.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	75.0
					Total Acres	75.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
AMERICAN FALLS RESERVOIR #2 SHARES.

14. Remarks:
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
AC. IRRIG. NOT SPECIFIED. FARM = 80 AC.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

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: _____

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): _____ Date: _____

_____ Date: _____

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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

A37-00175A

Date Received

3-10-95

Receipt Number

5017853

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ROBERT DEASY C/O BILL BUNN GUARDIAN Phone () _____
Mailing Address P.O. BOX 91 BLISS, IDAHO Zip 83314

2. Date of Priority (Only one (1) per claim) 5-1-1897

3. Source of water supply (a) Big Wood River.
which is tributary to (b) Maked River.

4. a. Location of existing point of diversion is: Township 5S Range 15E Section 15,
_____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

HEADGATE OUT OF BIG WOOD RIVER INTO POORMAN DITCH; SEVERAL OTHERS
TAKE OUT OF POORMAN
SEE MAP ATTACHED

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 10-31 amount 1.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.40 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 210 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>5S</u>	<u>15E</u>	<u>28</u>			<u>40</u>				~~XXX~~ ~~XXX~~ <u>5</u>	<u>30</u>									

Total number of acres irrigated 75

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
American Falls Res. #2 shares -- supplemental or None ()

14. Remarks:

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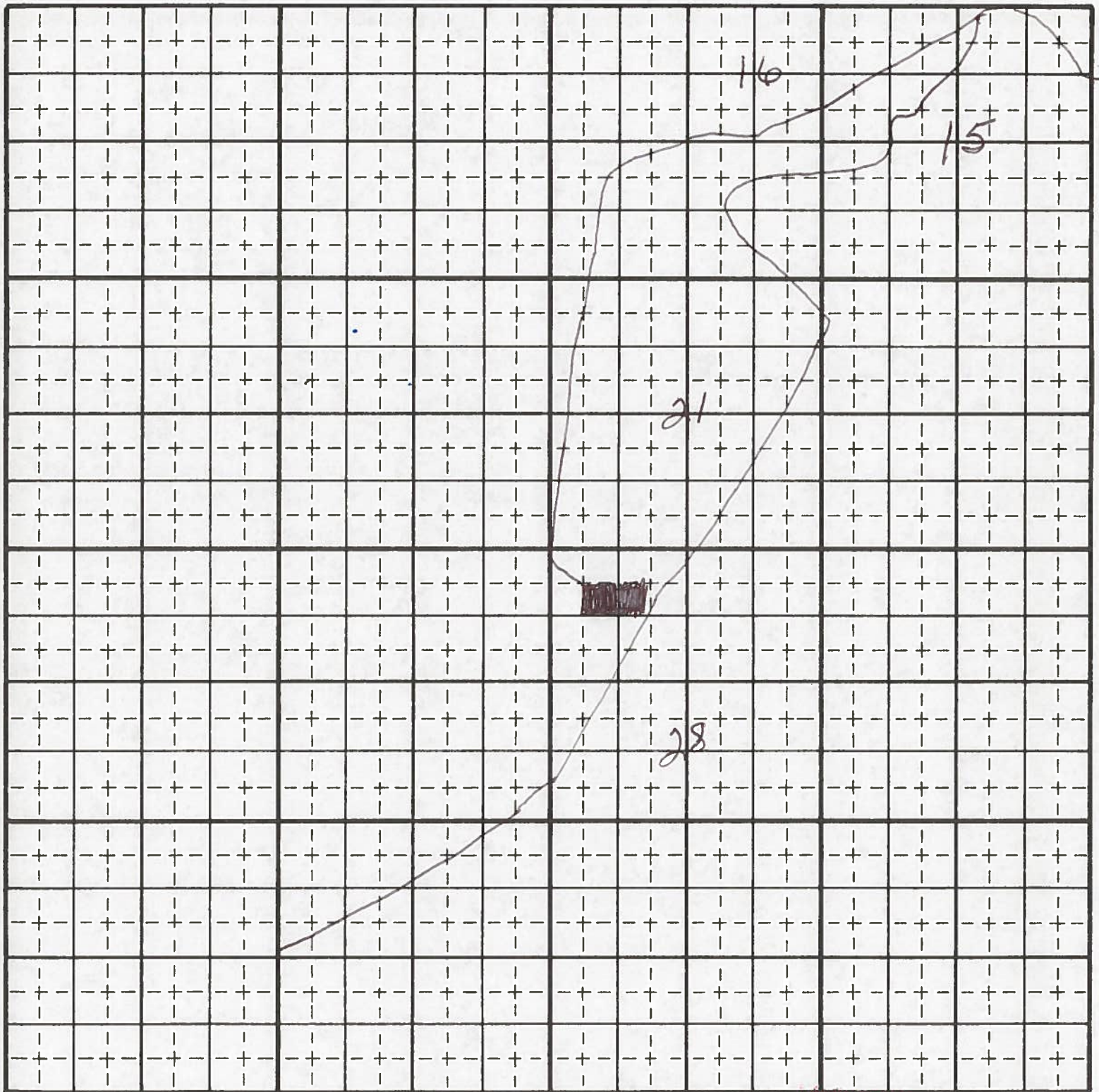
Last Name DEASY Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile ALSO SEE MAP ATTACHED

TWSP 5 S, RANGE 15 E.B.M.
SECTION 15



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Last Name DEASY

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 37-00175
Court _____ Case Number _____ Decree Date 12-13-1909
Plaintiff vs Defendant SC Frost vs Alluces Water Co.

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) ROBERT DEASY

Date _____

BY: Bill Bunn

Bill Bunn Guardian & Conservator

Date 3-7-95

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 7th day of March 19 95

SEAL

Notary Public Dorothy Johansson

Residing at Gooding

My Commission Expires 5-22-98

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

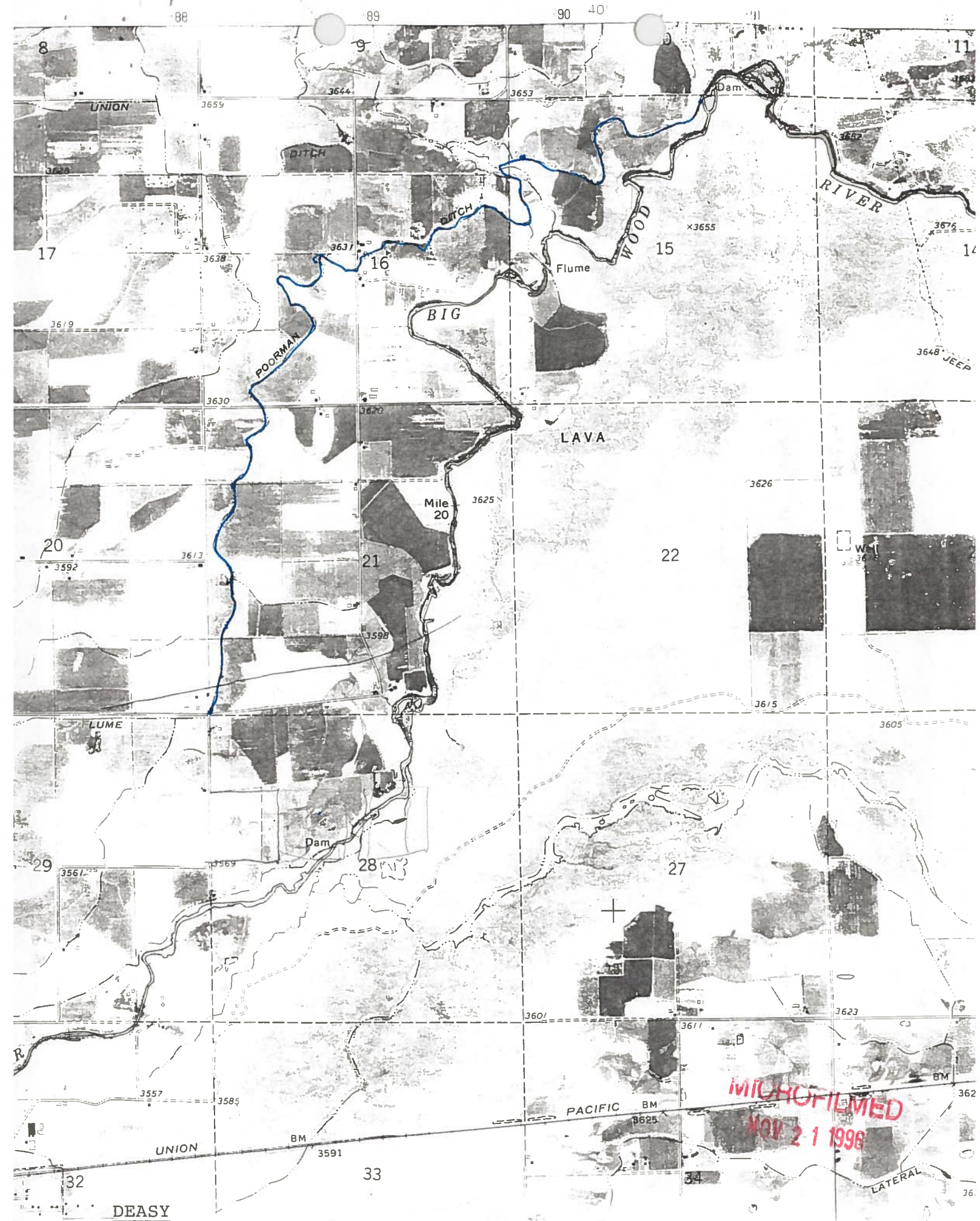
Date _____

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Last Name DEASY Ident. Number _____

Copies White-State, Yellow-Claimant



RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 5017853

Date: 3/10/1995
Time: 12:15:32

Received
From: FELTON, MICHAEL H.

Type of Payment	Program A cct			Amount
ADJUDICATION FEE	41503	337	1155	100.00
LATE FEE	41503	337	1155	50.00

Total \$ 150.00

CHECK 3540

A37-00175 - Water Right Numbers -

Region: SOUTHERN

Signature: Jamie Robertson

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CONVERSATION MEMORANDUM

NAME OF PARTY Robert Deasey
EMPLOYEE: Jeanie Robertson

DATE 3/10/95
FILE A37-00175

RE: Adj. fees

I charged \$150.00 for this claim: \$50.00 filing fee
\$50.00 late fee
\$50.00 acres
\$150.00

T055 R15E Sect. 28
There were 40 acres in SWNE not previously paid for
and 10 acres in the SENW.

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SD-0604-2 Township: 05S Range: 15E Section: 28 Tract: SWNE Lot:

S	L	STATE	O	S	Max # Records	54			
E	O	Water	Name	W	T	Priority Use			
L	Tract T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-
-		A37-04357	MERRICK, ANITA	C		S	01/01/1910	04	STOCK
-			MERRICK, JERRY	C				43	DOMEST
-		A37-10349	WOODLAND, THOMAS A.	C		J	12/31/1910	43	DOMEST
-								04	STOCK
-									
-									
-									
-									
-									
-									
-									
-									
-									
-									
-									
-									

(Enter=Continue) (GOLD7=This Query) (Menu)

owes for 40 ac.

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SD-0604-2 Township: 05S Range: 15E Section: 28 Tract: SWNW Lot: 54

S	L	Water	Name	O	S	Max # Records	54	
E	O			W	T	Priority	Use	
L	Tract	T	Right No.	Last, First	N	AC	Date	Code Desc
---	---	---	---	---	---	---	---	---
---		A37-04357	MERRICK, ANITA	C	S	01/01/1910	04 STOCK	
---			MERRICK, JERRY	C			43 DOMEST	
---		A37-10349	WOODLAND, THOMAS A.	C	J	12/31/1910	43 DOMEST	
---							04 STOCK	
---	SWNW	A37-10641	PIERSON, MARVIN E.	C	35	D	05/20/1897	01 IRR
---			PIERSON, MARGARET A.	C				
---	SWNW	A37-10642	PIERSON, MARVIN E.	C	35	D	08/15/1886	01 IRR
---			PIERSON, MARGARET A.	C				
---	SWNW	A37-10643	PIERSON, MARVIN E.	C	35	D	04/15/1887	01 IRR
---			PIERSON, MARGARET A.	C				
---	SWNW	A37-10644	PIERSON, MARVIN E.	C	35	D	05/01/1897	01 IRR
---			PIERSON, MARGARET A.	C				
---	SWNW	A37-10645	PIERSON, MARVIN E.	C	35	D	05/01/1905	01 IRR
---			PIERSON, MARGARET A.	C				
---	SWNW	A01-00006	AMERICAN FALLS RESERVO	C	50	D	03/30/1921	01 IRR
---			ROSHOLT ROBERTSON & TU	A				

(Enter=Continue)

(GOLD7=This Query)

(Menu)

over for 0 acres.

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SD-0604-2 Township: 05S Range: 15E Section: 28 Tract: SENW Lot: 54

S	L	Water	Name	O	S	Max #	Records	54	
E	O			W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	
								Code Desc	
			A37-04357	MERRICK, ANITA	C		S	01/01/1910	04 STOCK
				MERRICK, JERRY	C				43 DOMEST
			A37-10349	WOODLAND, THOMAS A.	C		J	12/31/1910	43 DOMEST
									04 STOCK
SENW			A01-00006	AMERICAN FALLS RESERVO	C	20	D	03/30/1921	01 IRR
				ROSHOLT ROBERTSON & TU	A				

(Enter=Continue)

(GOLD7=This Query)

(Menu)

owes for 10 acres

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Water Right Number - 37-00175 Prefix Translation: WATER RIGHT Old (D) Number -

*** C - CURRENT OWNER ***
DEASY

JOHN

DEASY

DENNIS

DEASY

TIMOTHY

DEASY

WILLIAM

DEASY

ANNA

Priority Date - 05/01/1997 Region - 17 SOUTHERN Stage - D - DECREED Status -

Source - BIG WOOD RIVER Tributary - MALAD RIVER

Point of Diversion - Diversion Name - Diversion Rate - Diversion No. -

(47) GOODING

Code - Description - Period From - Period To - Water Use - Diversion Rate - Diversion Volume -

01 - IRRIGATION 1.400

Total Div. Rate - 1.400 Total Div. Volume - Total Div. Capacity -

Twn - Rng - Sec - Tract - Lot - Acres - Place of Use - Description - County -

(47) GOODING

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Water right number - 37-00175 Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
05S	15E	28	SE NW			01 IRRIGATION		(47) GOODING

+ - - - - Diversion Means - POORMAN #29 HEADGATE

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.
AC. IRRIG. NOT SPECIFIED. FARM = 80 AC.

+ - - - - No Old Water Right Numbers found.

+ - - - - No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - - +

S. C. FROST, ET. AL. ALTURAS WATER COMPANY, ET. AL. 12/13/1909

+ - - - - -Comments- - - - -
No Comments Found

+ - - - - Audit Fields - 06/18/85 05/28/88

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/13/1909	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

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NOV 21 1996



Professional Center
1020 Main

Michael Hoyt Felton
Michael Harland Felton (Jr.)

Mailing Address:
Post Office Box 589
Buhl, ID 83316-0589
(208) 543-4368 (telephone)
(208) 543-4360 (telecopier)

March 9, 1995

RECEIVED

MAR 10 1995

Mel Schulte, Water Resource Agent
Idaho Department of Water Resources
222 Shoshone St E
Twin Falls ID 83301

Department of Water Resources
Southern Region

Dear Mel:

RE: Robert Deasy Guardianship/Conservatorship
Our File No. 2220

Pursuant to your request of Thursday morning, March 9, I am enclosing herewith my check in the amount of \$150.00 and one certified copy of Letters of Guardianship and Conservatorship.

If you require anything additional, please advise.

Very truly yours,

MICHAEL HOYT FELTON

MHF:pm
Enclosures

MICROFILMED
NOV 21 1996

FELTON & FELTON
1020 Main Street
Post Office Box 589
Buhl, Idaho 83316-0589
Tel. No. (208) 543-4368
FAX No. (208) 543-4360
Attorney for Conservator
(DEF-DOC\2220LTRS.505)pm

RECEIVED

MAR 10 1995

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING
MAGISTRATE DIVISION

* * * * *

IN THE MATTER OF THE GUARDIAN-) Case No. 22878
SHIP AND CONSERVATORSHIP OF)
THE PERSON AND ESTATE OF) LETTERS OF GUARDIANSHIP AND
) CONSERVATORSHIP
ROBERT DEASY,)
)
An Incapacitated Person.)

* * * * *

BILL BUNN was duly appointed and qualified as guardian of the person and conservator of the estate of Robert Deasy, the above-named protected person, on the 27th day of May, 1994, with all authority pertaining thereto to act on the behalf of the incapacitated person.

These letters are issued to evidence the continued appointment, qualification and authority of said guardian and conservator.

STATE OF IDAHO
COUNTY OF GOODING
WITNESS my signature and the seal of this Court this 27th day of May, 1994.
This original instrument on file in my office.

Dated 6-1 1994

JOHN A. MYERS
District Court Clerk

THOMAS R. CUSHMAN

THOMAS R. CUSHMAN, Magistrate

Deasy & Schaner
LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP - 1

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NOV 21 1996



Attorneys at Law

1020 Main • P.O. Box 589 • Buhl, ID 83316-0589
Forwarding address & correction requested



RECEIVED

MAR 10 1995

Department of Water Resources
Southern Region

MEL SCHULTE WATER RESOURCE AGENT
IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST E
TWIN FALLS ID 83301

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NOV 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 10, 1995

MICHAEL H FELTON
FELTON & FELTON
PO BOX 589
BUHL ID 83316-0589

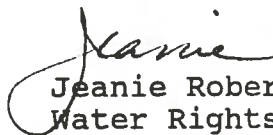
RE: ADJUDICATION CLAIM NO. A37-00175 - ROBERT DEASEY

Mr. Felton:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find enclosed the receipt and a copy of the computer generated claim(s) based on the information from the original claim(s) which has been entered in our computer records.

Please review the record(s) and if you have any corrections or any questions, feel free to contact this office.

Sincerely,


Jeanie Robertson
Water Rights Agent

/jr
Enclosures

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NOV 21 1996

COMMUNICATION DOCUMENTATION

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NOV 21 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

September 19, 1994

Michael Hoyt Felton
PO Box 589
Buhl, ID 83316-0589

RE: Deasy Property
Your file No. 2353/2220

Dear Mr. Felton:

In response to your letter dated September 16, 1994 I have reviewed the claims filed in the Snake River Basin Adjudication (SRBA) and only find one claim that may be associated with the property you describe in your letter. The claim is A01-00006 in the name of the American Falls Reservoir District # 2. They have claimed 20 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 28, T05S, R15E as being included in their water right which diverts water from the Snake River and supplies water to an approximate 27,000 acres service area.

I have also reviewed the old water right records and find that a portion of an old decree 37-00175 is recorded as being associated with the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 28, T05S, R15E. This right does not appear to be been claimed in the SRBA. I also searched the name index for SRBA claims and do not find any claims in the name of "Deasy".

I hope this answers your questions. If our office can be of further assistance please let us know.

Sincerely

Allen D. Merritt, P.E.
Water Right Supervisor

Enc:

place in file

A37-00175

(no claim been filed yet)

MICROFILMED

OCT 24 1994

Michael Hoyt Felton
Michael Harland Felton (Jr.)

Mailing Address:
Post Office Box 589
Buhl, ID 83316-0589
(208) 543-4368 (telephone)
(208) 543-4360 (telecopier)

September 16, 1994

SEP 19 1994

Department of Water Resources
222 Shoshone St E
Twin Falls ID 83301

Department of Water Resources
Southern Region Office

Dear Sir or Madam:

RE: Estates of Timothy F. and Stella Ellen Deasy, Deceased
Robert Deasy Conservatorship
Water Right No. 37-0175
Our File Nos. 2353/2220

We represent Bill F. Bunn, who is the personal representative of the Estates of Timothy and Stella Deasy, and who has also been appointed conservator and guardian for their son and only child, Robert Deasy, who is a resident of the Green Acres Care Center at Gooding.

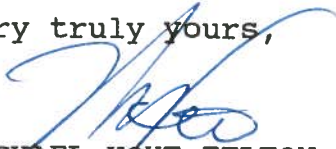
My purpose in writing is to advise you that the Deasy family owns an eighty-five acre parcel on the north bank of the Big Wood River, approximately three miles upstream from Gooding. The legal description of the eighty-five acre parcel is as follows:

Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 28: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, East 5 acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$

Can you advise if any filings have been made in compliance with the Snake River Adjudication regarding this property, whether it be by the canal company, the Deasys, or someone acting on their behalf? I look forward to hearing from you.

Very truly yours,


MICHAEL HOYT FELTON

MHF:pm
pc: Bill F. Bunn

MICROFILMED
OCT 24 1994