

12/15/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-4084

NAME AND ADDRESS: BERNARD LINDSTROM
454 GRAYS LAKE RD
WAYAN ID 83285

ELIZABETH LINDSTROM
454 GRAYS LAKE RD
WAYAN ID 83285

SOURCE: UNNAMED STREAM TRIBUTARY: GRAYS LAKE

QUANTITY: 0.200 CFS

PRIORITY DATE: 05/01/1935

POINT OF DIVERSION:

T04S R43E S14 NENENE Within BONNEVILLE County

T04S R43E S14 NWNENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

0.200 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T04S R43E S14

NENE

7.0

T04S R43E S14

NWNE

3.0

10 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Statutory Claim

FILED

Water Right 25-4084

1

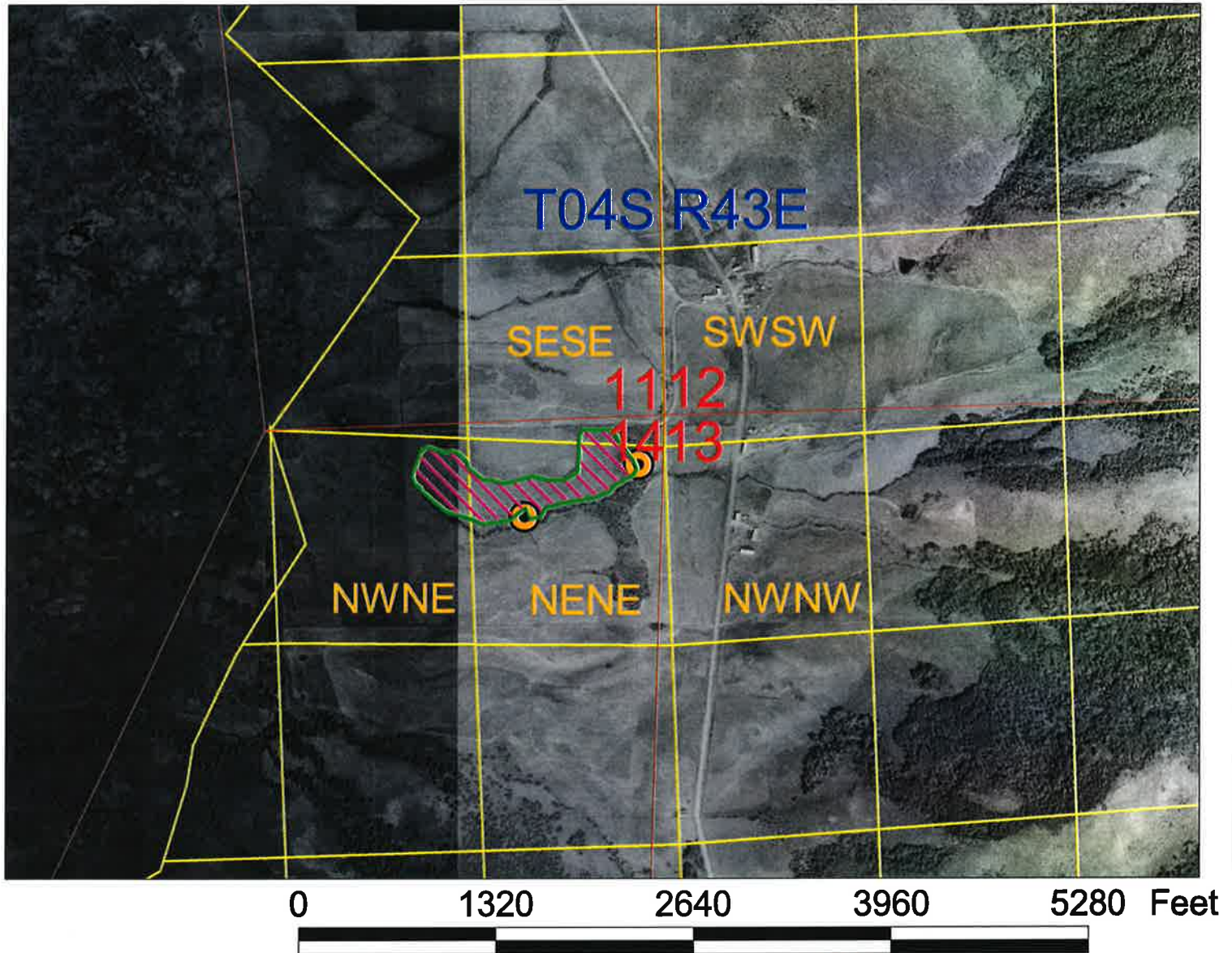
SCANNED

OCT 13 2004



Department of Water Resources

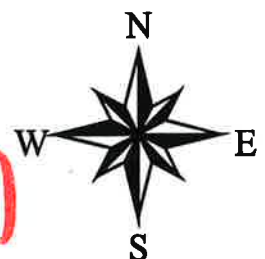
Claim No.: 25-04084



-  Place of Use
-  Points of Diversion
-  Sections
-  QQ

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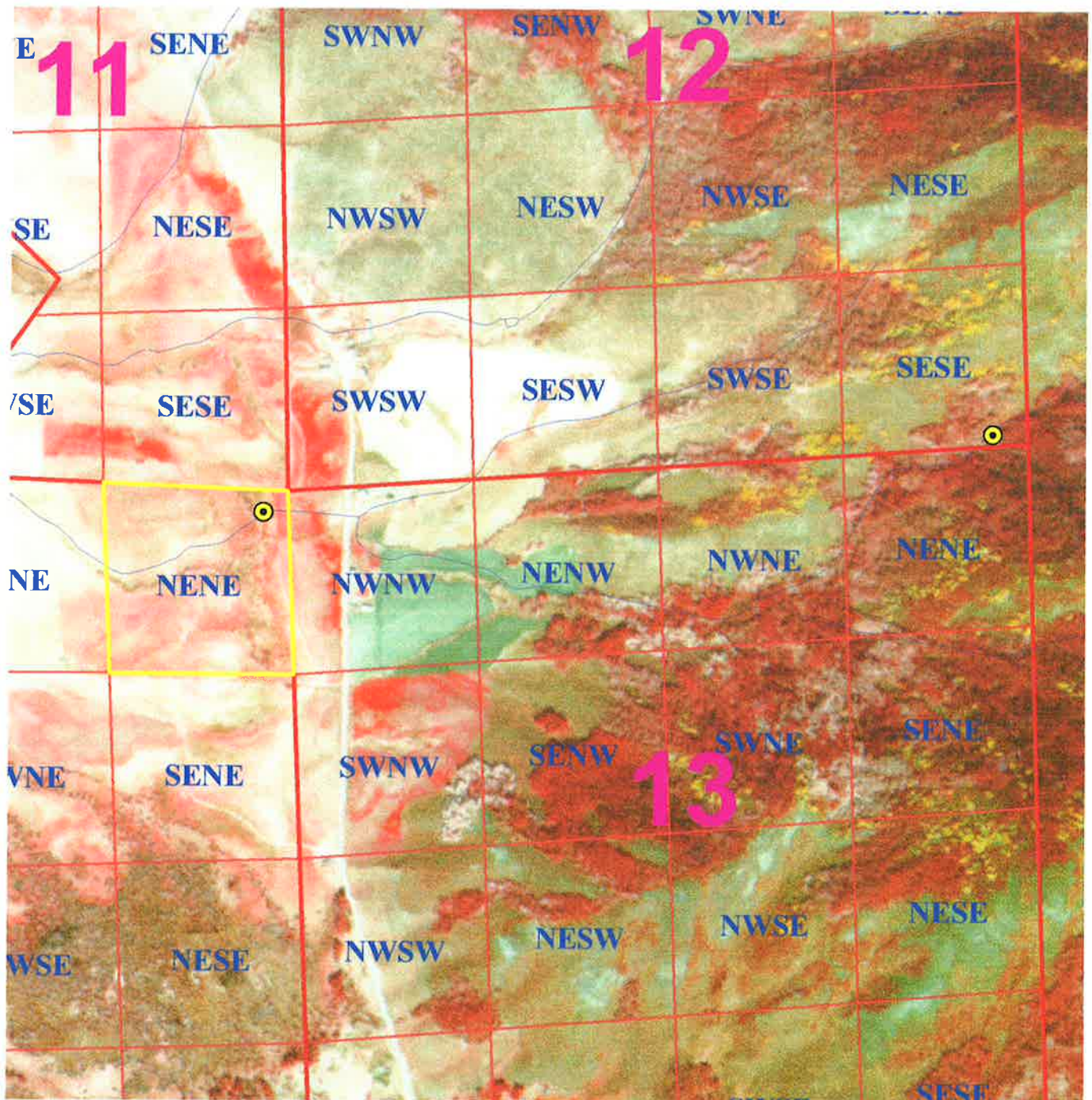
PROFILED



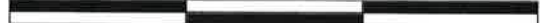
GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: December 2003

Water Right Claim Number 25-04084
Township , 4S43E

11/15/2000



1000 0 1000 2000 Feet

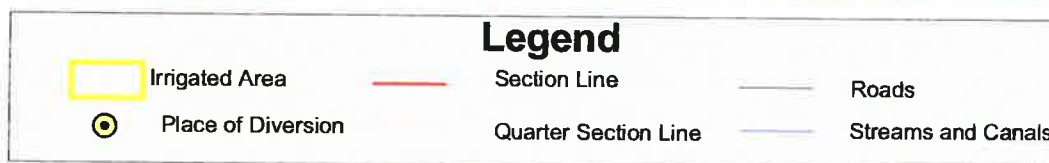
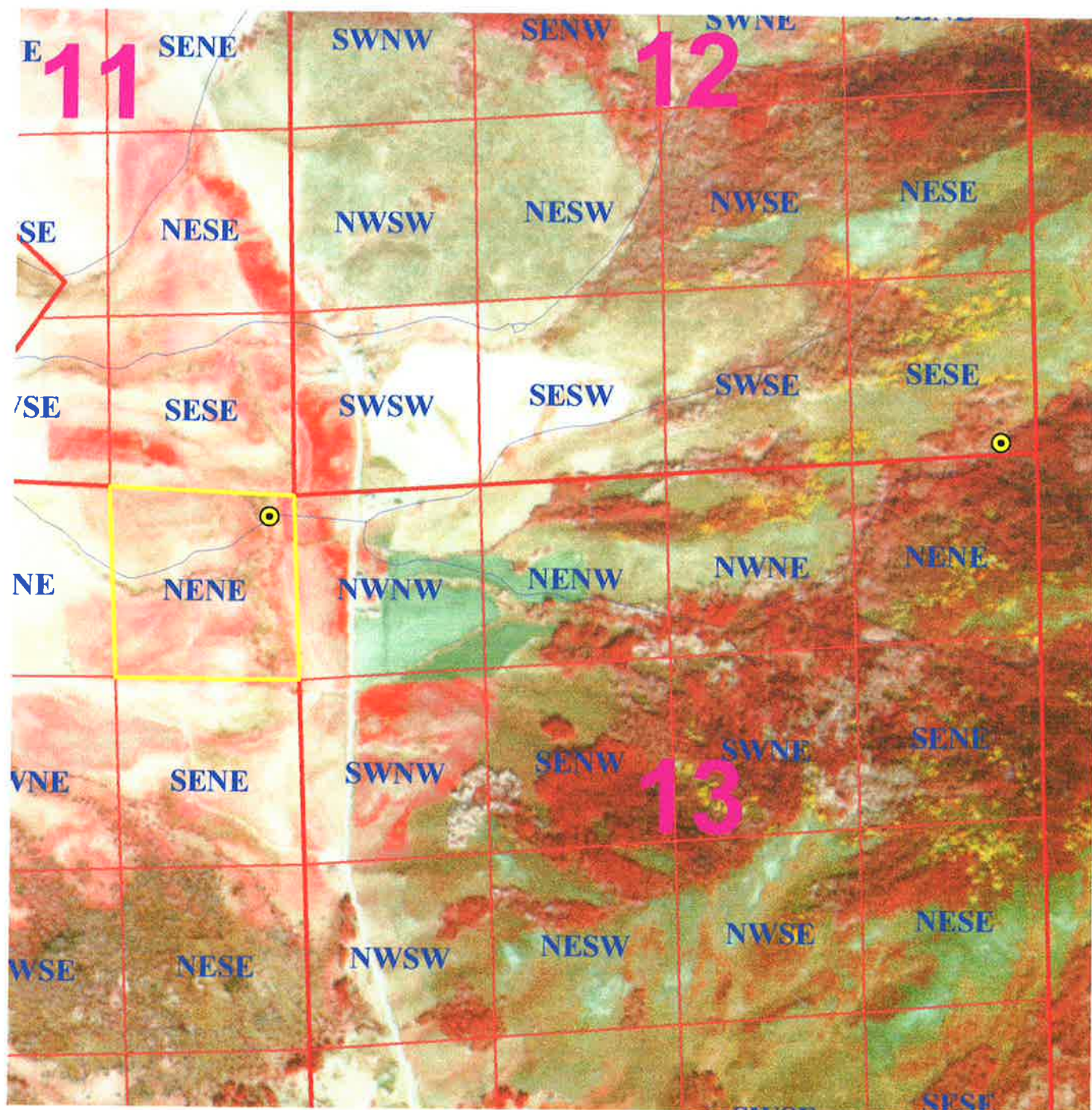


 SPATIAL DYNAMICS



Water Right Claim Number 25-04084
Township , 4S43E

11/15/2000



1000 0 1000 2000 Feet

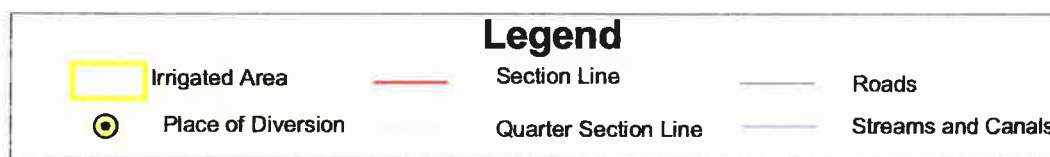
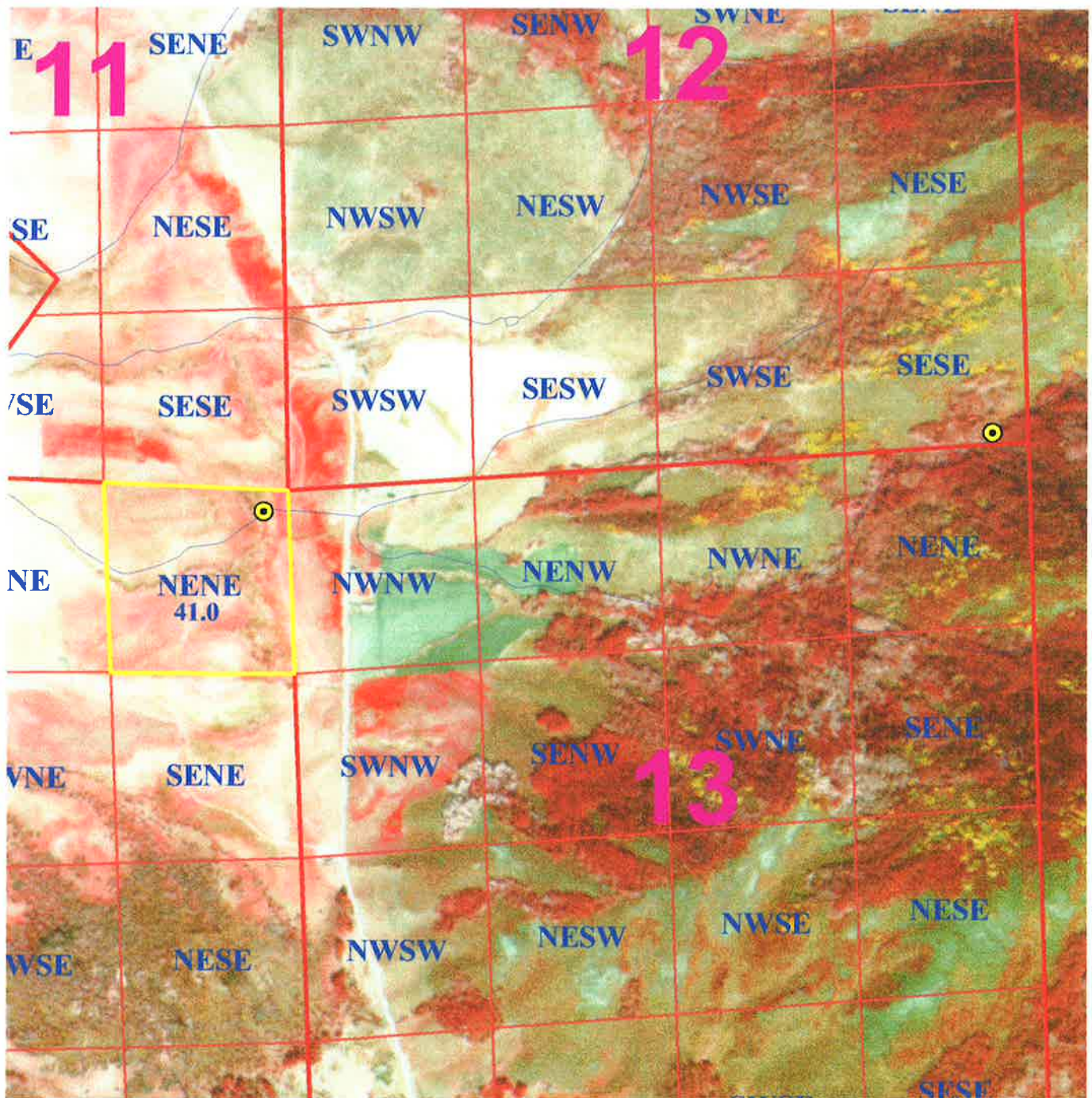


 SPATIAL
DYNAMICS



Water Right Claim Number 25-04084
Township , 4S43E

11/15/2000



 SPATIAL DYNAMICS



12/15/2003

RECEIVED
DEC - 2 2004
DEPARTMENT OF
WATER RESOURCES

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:

Water right number: 25-4084

BERNARD LINDSTROM
454 GRAYS LAKE RD
WAYAN ID 83285
Telephone Number: (208)574-2795

ELIZABETH LINDSTROM
454 GRAYS LAKE RD
WAYAN ID 83285

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:
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: 11-21-04 SIGNATURE: Bernard Lindstrom Elizabeth Lindstrom
Please print your name: BERNARD LINDSTROM Bernard Lindstrom

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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DEC 06 2004

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RECEIVED
DEC 06 2004

Department of Water Resources
Eastern Region

AJ5809NP
No. A25-04084

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 40

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BERNARD LINDSTROM 454 GRAY'S LAKE ROAD WAYAN ID 83285 (208) 574-2795	07/26/1910	IRRIGATION STOCKWATER	05-15 10-15 01-01 12-31	0.200 CFS 0.090 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.290 CFS	30.00 AFA

Water Source: UNNAMED STREAM
SPRINGS

Tributary to: GRAYS LAKE
UNNAMED STREAM

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T04S R43E S12
S14

SESESE
NENENE

BONNEVILLE County
BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04S	43E	14	:	10																10.0
TOTAL ACRES																			10.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
04S	43E	13	:	S		S				S		S								
04S	43E	14	:			S														

POU County: BONNEVILLE

Non-Irrigation Uses: S/350 RANGE.

Other Rights: 25-04023

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-12928 A25-04023 A25-12928

Dates: Exam Made Date: Verified Date: 05/20/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/24/89 SCHULD 03/29/95 POST-STD

50
10
9
\$69.00

PROFILED

OCT 13 2004

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10/30/2003
Met w/ Clement.
Clement corrected POU map in file for 25-4023.
I collected a GPS track log of perimeter
of POU.
Ground is flooded in. moving small
earthen dam + ditches.
There are 2 P/D from the southern
unmarked stream.
P/D #3 E 713903, N 223081
P/D #4 E 713671, N 222975

25-4084

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JUL 30 2001

Log for claim 25-04084

Spatial Dynamics CAT

11/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04s43e	14	NENE	10	41	Indiscernible
Totals:			10	41	



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JUNE 11, 1991

BERNARD LINDSTROM
454 GRAY'S LAKE ROAD
WAYAN, ID. 83285

RE: Evidence of priority for A25-04023 & A25-04084.

Dear Mr. Lindstrom:

Thank you for your response to our request for evidence supporting your above mentioned adjudication claims. The evidence that you submitted with the claims does support the chain of ownership of the property (the property in sections 11 and 12 to 1915), but none of it supports when the water from the sources indicated were first used. Before we can make any recommendation on your claims we believe additional information is needed.

You need to submit evidence that tends to support the date when the claimed uses began. Along with the Deeds you submitted you may submit affidavits from individuals who have personal knowledge of the water use (you may submit your own affidavit substantiating the uses as far back as you know) or other portions of an abstract that mention the actual use of water from the sources (the generic statement of "and all water rights" on a deed does not substantiate actual use unless it mentions the specific rights). Please refer to the pamphlet we sent with the first letter for other possible types of evidence that you might be able to use.

We appreciate your attention to this important matter and we are available to discuss this matter with you further should you have any questions.

Sincerely,

Eric Verner
Sr. Water Agent

EV

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NOV 10 1992

4081

May 6, 1991

Bernard Lindstrom
454 Gray's Lake Road
Wayan, ID 83285

RE: **Evidence of Priority**

Dear Mr. Lindstrom:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are 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 Notices 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 Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority dates by **June 6, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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NOV 10 1992

Bernard Lindstrom

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,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04084
BERNARD LINDSTROM
454 GRAY'S LAKE ROAD

WAYAN ID 83285

A25-04023
BERNARD LINDSTROM
454 GRAY'S LAKE ROAD

WAYAN ID 83285

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NOV 10 1992

STATE OF IDAHO

County of Caribou }

ss.

On this 21st day of December, in the year 1971 before me

_____ a Notary Public in and for the State of Idaho, personally appeared Desmond Call and Vera B. Call, husband and wife.

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that they executed the same.

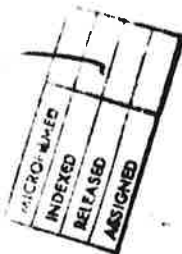
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written.



Margaret S. Eaton
Notary Public

Residing at Ada Springs, Idaho

My Commission Expires 1-5-, 1975



A 26149

WARRANTY DEED

JAN 5 1 25 PM '72
TO

Dated _____, 19____

STATE OF IDAHO }
County of Bonneville } ss.

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____
o'clock _____ M., this 5th
day of Jan, 1972
in my office and duly recorded in
Book _____ of Deeds, at
page _____

Keith Long
Ex-Officio Recorder
By Dalem Deback Deputy
Fees \$ 2.00

IDAHO TITLE AND TRUST CO.

347 CAPITAL AVENUE
IDAHO FALLS, IDAHO

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NOV 10 1992

426149

WARRANTY DEED

THIS INDENTURE, Made this 1st day of December, 1971
by and between DESMOND CALL and VERA B. CALL, husband and wife,

of the County of Bonneville, State of Idaho, the part ies of the first
part, and BERNARD LINDSTROM and ELIZABETH LINDSTROM, husband and wife,

of the County of Bonneville, State of Idaho, the parties of the second
part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
TEN and NO/100 DOLLARS
lawful money of the United States of America, and other good and valuable considerations, to them
in hand paid by part ies of the second part, the receipt whereof is hereby acknowledged, have
granted, bargained and sold, and 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 the follow-
ing described real estate, situate in the County of Bonneville, State of Idaho, to wit:

That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
lying West of the County Road of Section Thirteen (13), Township Four (4)
South, Range Forty-Three (43) East of the Boise Meridian;
ALSO, Lot One (1) and the Northeast Quarter of the Northeast Quarter
(NE $\frac{1}{4}$ NE $\frac{1}{4}$), less any riparian rights applicable to the S $\frac{1}{2}$ of Lot 1, Section
Fourteen (14), Township Four (4) South, Range Forty-Three (43) East of
the Boise Meridian.

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NOV 10 1992

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto be-
longing or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents,
issues and profits thereof, and all estate, right, title and interest in and to the said property as well in
law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, to-
gether with the appurtenances, unto the part ies of the second part, and to their heirs and
assigns forever. And the said parties of the first part, and their heirs, the said premises
in the quiet and peaceable possession of the said part ies of the second part, and their heirs
and assigns against the said part ies of the first part and their heirs and against all and
every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WAR-
RANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their
hand^s and seal the day and year first above written.

Signed, sealed and delivered in the
presence of

Desmond Call (SEAL)
Vera B. Call (SEAL)
(SEAL)

Harry Field,.....

Grantor.

Character of Instrument Mortgage
Date September 14th, 1920
Recorded Oct. 4th, 1920 at 4:50 P.M.
Book #22 of Mortgages at Page 168
Records of Bonneville County, Idaho.
Transcribed from Book xx Page
Records of Bingham County, Idaho.
Consideration \$500.00

TO

E. L. Sheets,

Grantee.

Acknowledgement.

Date September 18th, 1920
Before Wm. J. Kelley, Notary Public
In and for Caribou County, State of Idaho
Is Official Seal Affixed? yes
Is Acknowledgement regular? yes
Does Acknowledgement show separate examination of wife? xx

Res. and P.O. Address, Soda Springs,
Idaho.

Date of Maturity Sept. 14th, 1920
Where Payable xx
Optional xx

Rate of Interest 8%
When is Interest payable? at maturity.

Conveys the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
12, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ and Lot 4 of
Section 11, Township 4 South of Range 43
E.B.M., containing 147.25 acres, together
with all ditch and water rights.

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NOV 10 1992

IN THE MATTER OF:)

A25-04084)

A25-04023)

AFFIDAVIT

State of Idaho)
County of BOONEVILLE)

BERNARD LINDBSTROM being first duly sworn,

deposes and says: I have observed the water
being used on A25-04084 and A25-04023
claim since 1935, as I was in the immediate
area helping lay this ground. Later in
1954 and 1963 buying this ground, and
using the water as stated in the claim
I filed in 1989 with the Idaho Department
of Water resources. The water has been
used in the same location since 1935
as it is now, and I'm sure by visual
observance the water would have been
utilized by the same ground 10 years
before that

Bernard Lindstrom
(Signature)

Subscribed and sworn to before me this 1 day of July, 1991.

Betty J. Thompson
(Notary Public)

Residing at BOONEVILLE, IDAHO
My Commission Expires 6-30-94

SCANNED

JUL 30 2001

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: A25-04084
Date Received: 8/24/1989
Receipt No: MO 9011
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BERNARD LINDSTROM 208-574-2795
Address: 454 GRAY'S LAKE ROAD
WAYAN, ID 83285

2. Date of Priority: JUL 26, 1910

3. Source: UNNAMED STREAM Trib. to: GRAYS LAKE
SPRINGS UNNAMED STREAM

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
04S	43E	12	SE	SE	SE		BONNEVILLE
		14	NE	NE	NE		BONNEVILLE

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/15	10/15	0.200		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/350 RANGE.

A2504084



A25-04084

Page 1

Date: 08/24/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04S	43E	13	NE		NE		STOCK	
			NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
		14					STOCK	
			NE		NE		IRR	10.0
			NW		NE		STOCK	
Section Acres							10.0	
Total Acres							10.0	

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
25-04023

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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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: 0

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):

Bernard Lindstrom

Date:

Aug 24 1989

Elizabeth Lindstrom

Date:

Aug 24, 1989

State of Idaho

County of

Bonneville

SS.

Subscribed and sworn (or affirmed) before me this

24 day

of

August

19

89

Bruce A. Schuld
Notary Public

Seal

Residing at

**BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO**

My Commission

MY COMMISSION EXPIRES APRIL 11, 1995