

11/30/2004

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

RIGHT NUMBER: 25-12644
NAME AND ADDRESS: WENDELL A DAY
283 4TH ST
IDAHO FALLS ID 83401

ELIZEBETH A DAY
283 4TH ST
IDAHO FALLS ID 83401

SOURCE: SPRINGS TRIBUTARY: TWIN CREEK
QUANTITY: 1.040 CFS
PRIORITY DATE: 05/31/1967
POINT OF DIVERSION:

T01S R40E S31 NESE Within BONNEVILLE County
T01S R40E S32 SWNW Within BONNEVILLE County
Rights 25-12644 and 25-12645 are also diverted through the point(s) of
diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/15 10/31	1.040 CFS
IRRIGATION STORAGE	01/01 12/31	10.00 AFY
IRRIGATION	04/15 10/31	1.040 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01S R40E S31	SENE	8.9	T01S R40E S31	NESE	5.9
T01S R40E S32	NENW	9.3	T01S R40E S32	NWNW	23.0
T01S R40E S32	SWNW	40.0	T01S R40E S32	SENW	10.0
T01S R40E S32	NWSW	9.4			

IRRIGATION FROM STORAGE same as IRRIGATION

106.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 106.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 25-12644, 25-12645,
25-12646

This right is limited to the irrigation of 51.2 acres within the place of use
described above in a single irrigation season.

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: Beneficial Use

12/10/2003

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Rights 25-12644 and 25-12645 are also diverted through the point(s) of
diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/15 10/31	1.040 CFS
IRRIGATION STORAGE	01/01 12/31	10.00 AFY
IRRIGATION	04/15 10/31	1.040 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01S R40E S32	NENW	9.3	T01S R40E S32	NWNW	23.0
T01S R40E S32	SEnw	10.0	T01S R40E S32	NWSW	8.9

IRRIGATION FROM STORAGE same as IRRIGATION

51.2 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: Beneficial Use

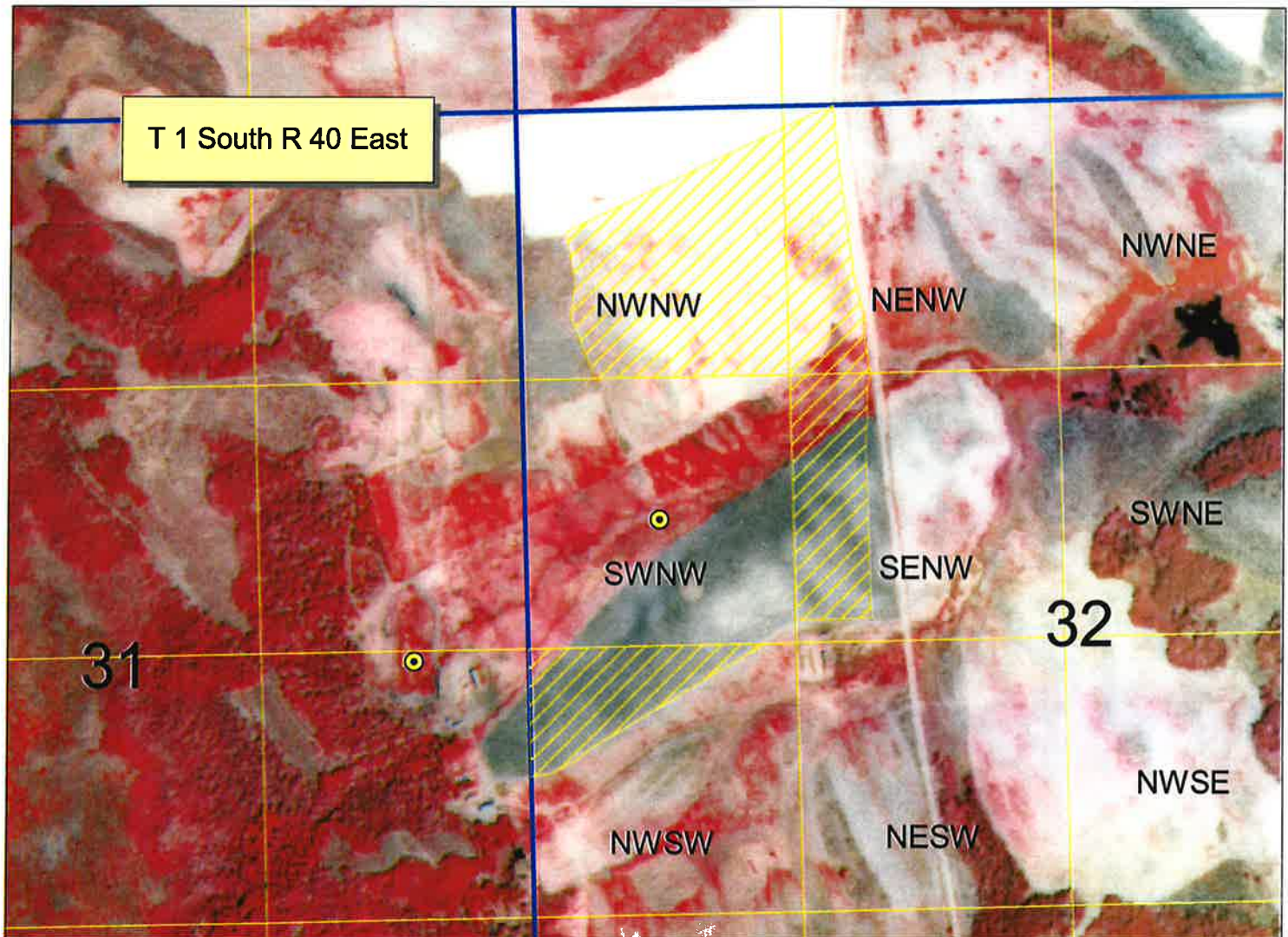


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-12644



1320 0 1320 Feet

- Place of Use
- Point of Diversion
- Section
- Quarter Quarter



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: December 2003

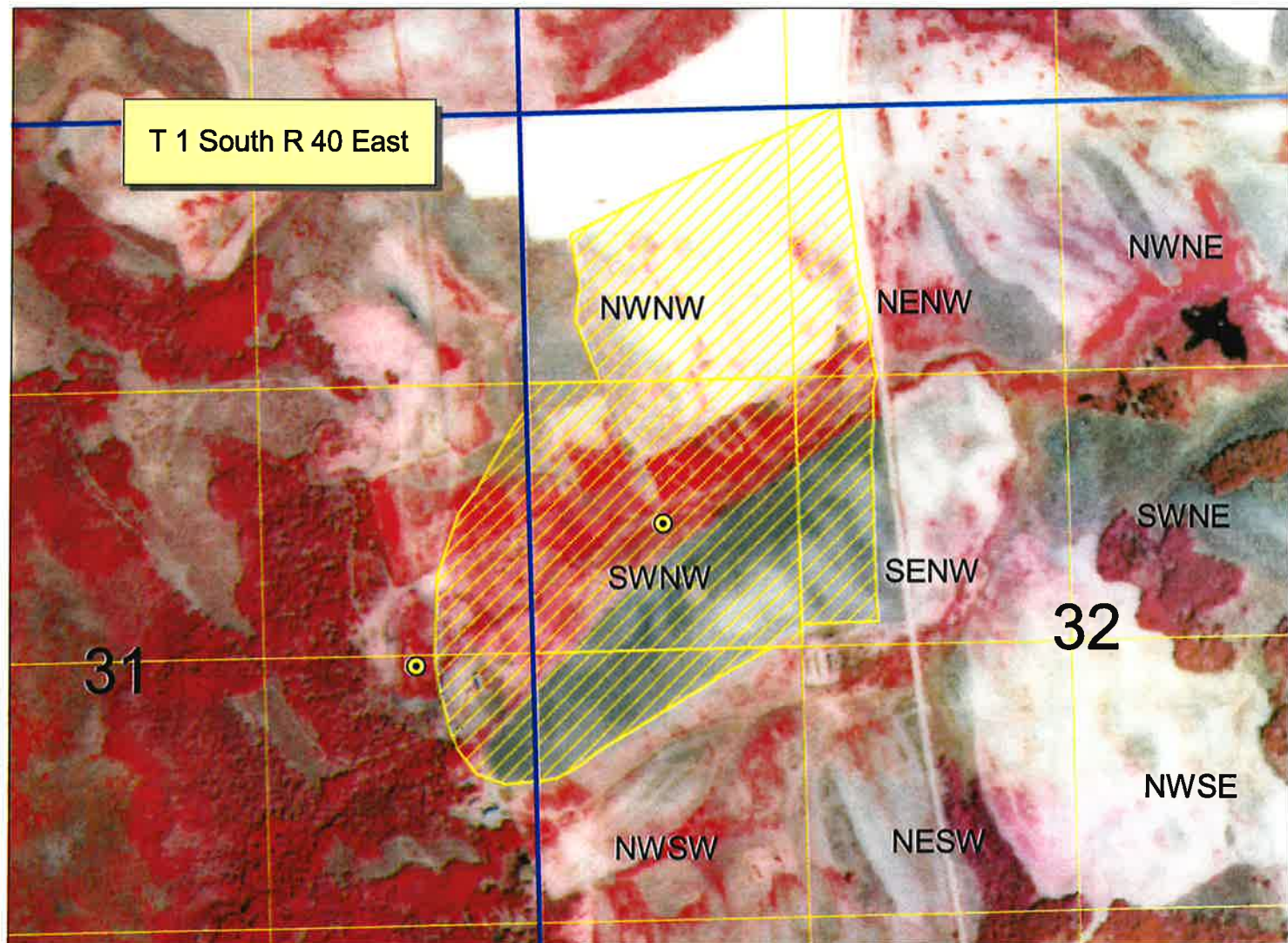


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-12644
25-12645
25-13644



1320 0 1320 Feet

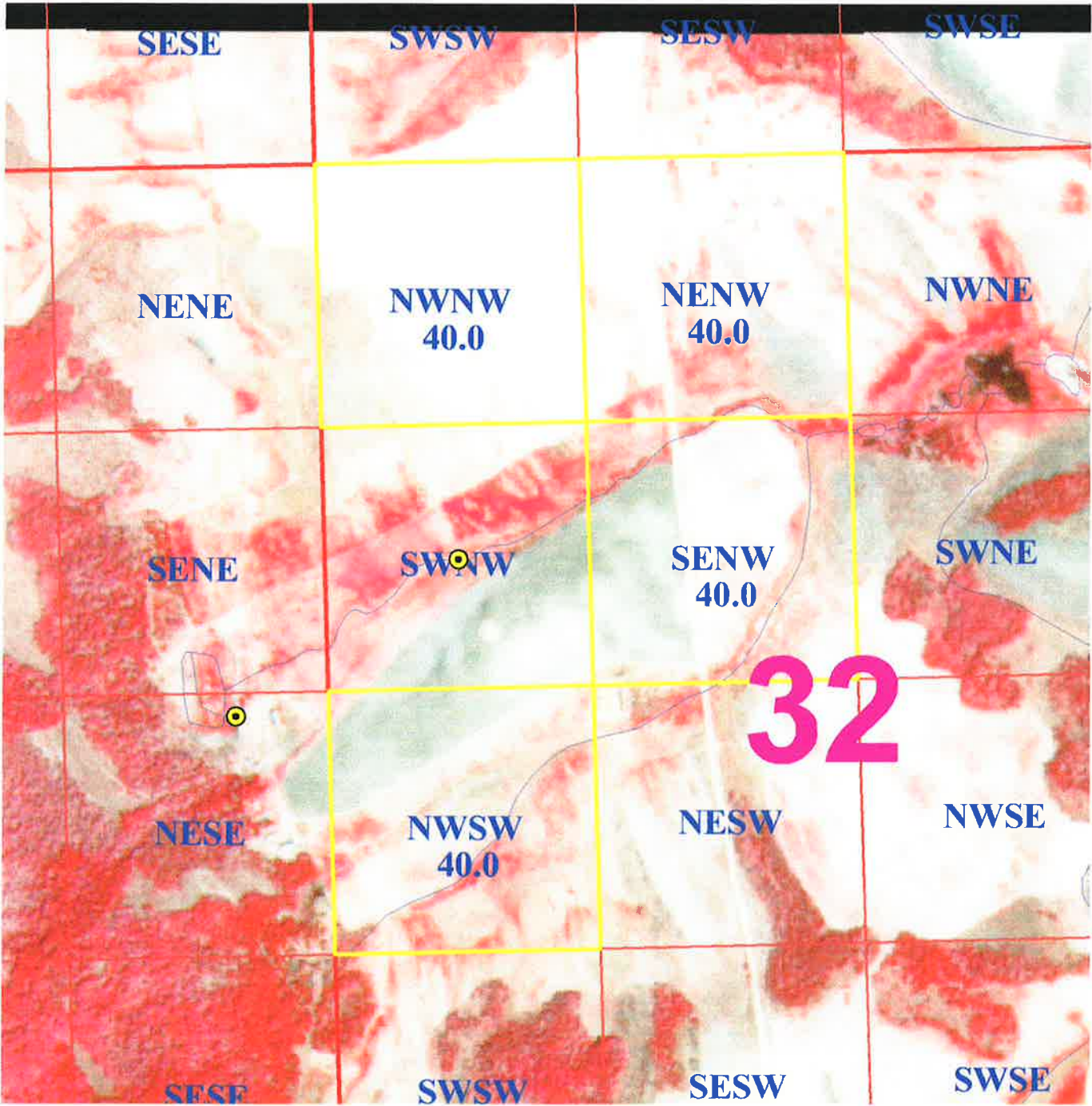


- ⊙ Point of Diversion
- ▬ Section
- ▨ Place of Use
- ▭ Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: December 2003

Water Right Claim Number 25-12644
Township , 1S40E

11/14/2000



Legend

 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals



 SPATIAL
DYNAMICS



RECEIVED

NOV 01 2004

12/10/2003

Department of Water Resources
Eastern Region

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: 25-12644

WENDELL DAY
283 4TH ST
IDAHO FALLS ID 83401
Telephone Number: (208)522-5853

ELIZEBETH A DAY
283 4TH ST
IDAHO FALLS ID 83401
Telephone Number: (208)522-5853

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: Oct 29 - 04 SIGNATURE: Wendell Day
Please print your name: Wendell Day

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

PROFILED

SCANNED

NOV 01 2004

Vona

Permit
11032

11032

No. 14-140

APPLICATION FOR PERMIT
To Appropriates the Public Water of the State of Idaho

I. Name of applicant: **Lucy M. Day**

Postoffice address: **Idaho Falls, R.F.D. #3** County: **Bonneville** State: **Idaho.**

1. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) The amount of capital stock:
(c) The amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:

2. The quantity of water claimed is **1.3** cubic feet per second

3. Source of water supply: **13/20 of 1 cubic foot from what is known as North Twin Creek Springs and 13/20 of 1 cubic foot from North Twin Creek Springs.**

4. Location of point of diversion: **from North Spring near SE corner SW 1/4 Sec. 31, Twp. 1 So. R. 40 East S. 1, County of Bonneville.**

5. To be used for: **Irrigation and domestic purposes.**

I. Irrigation and domestic use: (a) Amount of land to be irrigated: **160** acres
(b) In the following legal subdivisions: **SW 1/4 Sec. 31, W 1/4 Sec. 31, Twp. 1 So. Range 40 E. S. 1.**

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:
(b) Amount of power to be generated: **H. P. under**
(c) Is water to be returned to any stream?
(d) If so, name stream and locate point of return: **R. head**

6. Estimated cost of works: **\$500.00**

7. Description of works for diversion:
I. Kind of works: **Two reservoirs and two main ditches.**

II. Dimensions of works:
(a) Height of dam: **10** feet, length of dam at top: **60** feet
length of dam at bottom: **10** feet, material used in construction: **earth**

(b) Capacity of reservoir: **60** acre feet, (c) Size of headgate, width: **2** feet
Height: **8** feet, (d) Conduit: **ditch** width at bottom: **2** feet
width at water line: **1 1/2** feet, depth of water: **3/4** feet, diameter of pipe: **1 1/2** inches, average grade per mile is: **1/3** miles
and it crosses the following quarter sections: **SW 1/4 Sec. 31, Twp. 1 So. Range 40 East S. 1.**

8. The time required for the completion of the construction of such work is **two** years
the time required for the complete application of the water to the proposed use is **two** years

11032

Date of first receipt at office of State Engineer 9.00 a.m. January 23, 1915.

Returned to applicant for correction January 28, 1915.

Course of application resolved February 15, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11032

Recorded in Book 37 Page 11032 Approved March 6, 1915.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

As it is the sum of
Work to be done on or before May 1, 1915 and to continue diligently and unintermittently to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before March 6, 1916
The whole of said work to be completed on or before March 6, 1917
Beneficial use of water appropriated in accordance herewith, to be made on or before March 6, 1917.

Witness my hand this 6th day of March, 1915.

Herbert W. Hays,
Acting State Engineer

Remarks:

The foregoing application is made for water from Twin Creek Springs heretofore applied for by Abraham J. Day and released by him to the State of Idaho by agreement and released or relinquished heretofore made by the said Abraham J. Day.

Remarks: The reservoir to be constructed will not exceed five acres in surface area at high water mark and will be constructed on the land of applicant.

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Bonneville)

ARTHUR P. EMPEY, being first duly sworn on his oath, says:

That he is a citizen of the United States of America,
over the age of twenty-one (21) years, and resides at Idaho Falls,
in Bonneville County, Idaho:

Affiant further says:

That he was well and personally acquainted with Abraham
J. Day and his wife, Lucy May Day, both formerly of Idaho Falls,
Bonneville County, Idaho, but now deceased, since the year 1908;

That several times each summer and early fall during the
years 1908 to 1911, during the times that affiant was helping
out with his father's bands of sheep South and West of the Day
ranch, and while affiant was twelve (12) to fifteen (15) years
of age, he visited the ranch belonging to the said Abraham J.
Day and wife, in Bonneville County, Idaho, described as follows:

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$)
and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$)
of Section Thirty-one (31); and the West Half of
the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) and the West Half
of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section
Thirty-two (32); all in Township One (1) South,
Range Forty (40), East of the Boise Meridian,
in Bonneville County, Idaho;

That Tom Shurtliff, now of Iona, Idaho, was working for
the Days on the ranch at those times and became foreman of the
ranch;

That upon many of affiant's visits to the ranch during
the summers between 1908 and 1911, affiant observed that Mr.
Shurtliff and other hired men on the ranch had a great deal of
work to do in and around the Twin ^{Creek} Springs, located on the ranch
Northerly from the dwelling house and in the Southeast Quarter
of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast Quarter of
the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Thirty-one (31);
that the northmost or larger of the two springs fed a reservoir
used for irrigation of certain of the Day lands on the ranch;
that the smaller spring closer to the house also fed a small
reservoir and in addition supplied the domestic water for use
of the Day family and employees, watered livestock and garden
and other crops South and East of the dwelling house;

That livestock usually watered from the larger reser-

That affiant continued visiting and sometimes staying overnight at the Day ranch in the subsequent years, up until July of 1918, when he enlisted in the Marine Corps of the United States; that also during his visits in the subsequent years, the water output from the larger of the springs and its reservoir were used to water portions of the Day lands in the East Half of the Northeast Quarter (E1/2NE1/4) and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of said Section Thirty-one (31), and acres in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of said Section Thirty-two (32); that the water from these springs through these reservoirs was taken by gravity ditches to irrigate lettuce, hay, grain and/or potato crops and pasture during all these crop years from 1908 to 1918; that affiant believes that when he first saw the Day ranch there were some twenty (20) acres of crops irrigated each crop season from the waters from both Twin Springs and that the smaller or closer spring continued to be used mostly for domestic purposes, watering of livestock and for a large garden near the home, and that by the year 1918 the irrigated acreage increased to around forty (40) acres; that the Twin Springs are also the source of a creek called Twin Springs Creek, a tributary of Willow Creek, in Bonneville County, Idaho, and that from affiant's observation and knowledge there was little, if any, water during the summer months that found its way to this Twin Springs Creek, for all of it was used in the irrigation of crop lands on the Day ranch and for domestic and livestock watering purposes, and this situation prevailed during my said years of observation of this water condition, up to the year 1918, during the summer and early fall months of those years;

That after I returned to Idaho from the service in World War I, and in the year 1920, I worked for Mr. Day at his ranch commencing in June and continuing through October, of that year;

That I worked at various things in and about the ranch but did not do the irrigating; I lived right at the ranch during this period and, of course, observed the irrigation of the crops; there were still some forty (40) acres being put to crops each year; there was also a potato crop that year, as there had been some of the years previous I was advised; I picked potatoes there during the harvest of 1921; that during the growing season of 1921, all of the water output from both of the Twin Springs was taken for the irrigation of crops; they were still raising hay, lettuce, potatoes and some grain, and, of course, still watering pasture with the water from those springs; the dam and walls of the two reservoirs still had to be damed up quite frequently, and the outlets of both reservoirs had to be closed at the conclusion of each day so that there would be enough water built up in the reservoirs for watering the next day, and that year there was no water going down into Twin Springs Creek from those springs or reservoirs;

... had occasion to visit

That in the year 1949, Wendell A. Day, son of the said Abraham J. Day and wife, purchased the ranch and commenced managing, operating and farming the same and raising livestock thereon; that soon after he was on the place, I observed that he did extensive repairs and remodeling of and to the reservoirs, cleaned out the springs and, in large, developed more available water for irrigation purposes on the ranch; that he probably increased the irrigated acreage thereon from the approximately forty (40) acres to around fifty-five (55) acres;

That in the spring of 1967, the said Wendell A. Day installed a sprinkler system on the ranch, consisting of a small used portable pump and several hundred feet of 4" aluminum lateral pipe with nozzles or sprinkler heads and with this system pumped the spring water from both the reservoirs onto the acres previously put to crops for the last several years and also increased the irrigated acreage to one hundred (100) acres, more or less, and ever since that time has been farming and irrigating an estimated one hundred (100) acres of the above legally described property through the sprinkler system and the previously used gravity ditches;

That in the year 1968, the said Wendell A. Day bought a new portable pump, about 400 additional feet of 4" aluminum lateral pipe, and seems to use all the available water from the springs and reservoirs more effectively in the watering and raising of crops on said lands;

In the year 1969 he installed around 1,100 feet of 5" aluminum mainline pipe with valves and connected the same up with the aluminum lateral sprinkler system; he now has a more effective water sprinkling system in use on the place; through this improved sprinkler system, and with the additional available gravity ditches, he seems to farm and raise good hay and grain crops on the estimated one hundred (100) crop growing acres with the water from the springs and reservoirs, but each year during the irrigation season it takes all of the available water for the irrigating and for domestic use for the home and livestock.

27 Subscribed in my presence and sworn to before me, this
day of July, 1970.

Robert P. Campbell
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11-1-73

AFFIDAVIT

STATE OF IDAHO

County of Bonneville

ss.

THOMAS I. SHURLIFF, being first duly sworn on his oath,
says:

That he is a citizen of the United States of America,
over the age of twenty-one (21) years, and resides at Iona, in
Bonneville County, Idaho;

Affiant further says:

That he was well and personally acquainted with Abraham
J. Day and his wife, Lucy May Day, both formerly of Idaho Falls,
Bonneville County, Idaho, but now deceased, since the year 1901;

That sometime in the year 1901, affiant commenced working
for the said Abraham J. Day and his wife at their ranch in Bonne-
ville County, Idaho, hereinafter described, and living at said
ranch, to-wit:

The East Half of the Northwest Quarter (E $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$)
and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{2}$)
of Section Thirty-one (31); and the West Half of
the Northwest Quarter (W $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$) and the West Half
of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{2}$) of Section
Thirty-two (32); all in Township One (1) South,
Range Forty (40), East of the Boise Meridian,
in Bonneville County, Idaho;

That he continued working and living at the said Day ranch
continuously thereafter until the year 1920, or thereabouts, after
the First World War, until he moved to his home around Ammon and
Iona, Idaho; that for many years prior to his leaving, he was the
foreman of the Day ranch, and at all times during his employment
and residence there, he was fully aware of, and many times managed
and assisted with, the irrigation, cultivation and harvest of
crops, the watering and development of pasture and caring for
the livestock on the Day ranch;

That about a year after he moved to the Day ranch, and
when he was about fourteen (14) years of age, he and Sid Day, a
cousin of the said Abraham J. Day, built a small reservoir on
the Day ranch to collect and preserve the waters from what are
known as the Twin Springs, located near the Southeast portion
of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of
said Section Thirty-one (31) aforementioned, for the purpose of
irrigating crops and pasture on the Day ranch; that these springs
originally constituted the main source of what is known as
Springs Creek, a tributary of the Snake River.

horses were also watered with this same water; that shortly thereafter, and in the years following up until the time affiant left the Day ranch, the number of irrigated acres of pasture, grain and hay lands watered thereon from those springs and reservoir increased from fifteen (15) to twenty (20) acres located in the East Half of the East Half (E½E½) of said Section Thirty-one (31), to about forty (40) acres, when the irrigation system was enlarged and used to irrigate some twenty (20) odd acres additional lands, located in the West Half of the West Half (W½W½) of Section Thirty-two (32), of said Township and Range;

That the water used from those Twin Springs was considerable during; most of the years affiant was on the place, but the springs some years would dry up somewhat and not produce as much water; but, in any event, all of the water output from those springs was used each and every year affiant was on the place for irrigation of crops and some watering of livestock to the extent that during the crop growing and harvest seasons there was very little, if any, water that ever found its way to the said Twin Springs Creek, and that to affiant's best knowledge and belief on recent periodic visits to the Day ranch, that even up to and including the year 1969, when he was last there during the summer months, all of the water was used for irrigation purposes on the ranch during the crop seasons, and there was no water going into the said Twin Springs Creek;

That prior to the death of the said Abraham J. Day and his wife, Lucy May Day, and sometime around the year 1949, they sold the ranch to their son, Wendell Day, who, to the best knowledge and belief of affiant, ever since has operated, managed and farmed the Day ranch and irrigated the crops thereon by means of the water output from the said Twin Springs.

16th Subscribed in my presence and sworn to before me, this
day of July, 1970.

Thomas J. S. Smith

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11-1-75

Sept. 27 - 2003

I remember when I was 6 or 7 years of age 1929 or 30, going to the lettuce patch North of the barn across the bank of the upper pond which had two ditches running west of it. One to the north which watered a lettuce patch and in a field called the timothy patch. Another ditch running out of the East side of the pond, watered a pastureⁱⁿ which we put the milk cows of a night.

I remember going to the lettuce patch in the early evening some times when they were cutting & trimming the lettuce & putting it in wood boxes, and putting the boxes on the truck to haul to some of the stores in Idaho Falls very early in the morning.

In 1941 when I left the ranch the ditches were still there and still in use.

Phyllis E. Day Richter



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 25.

You are invited to attend a **public meeting to be held on March 10 at 7:00 p.m. in the West Coast/Red Lion Hotel, 475 River Parkway, Idaho Falls, Targhee and Bonneville Rooms.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 25. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

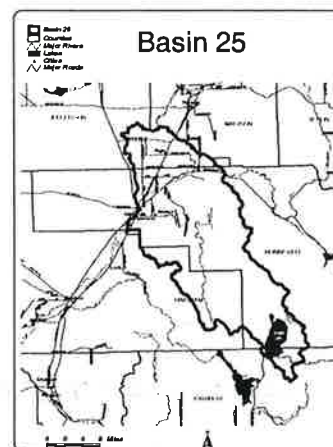
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

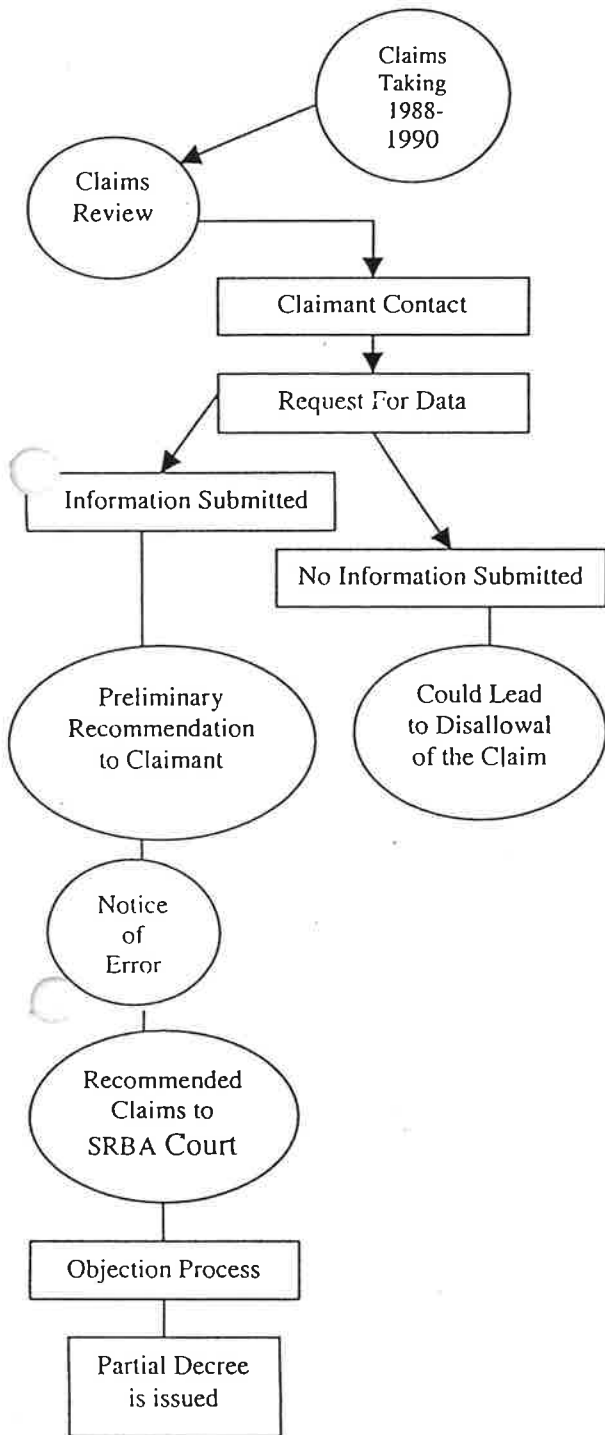
Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosure: Information Brochure





Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

SCANNED

APR 03 2001

Log for claim 25-12644

Spatial Dynamics CAT

11/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01s40e	32	NENW	8	40	Indiscernible
01s40e	32	NWNW	25	40	Indiscernible
01s40e	32	SEnw	10	40	Indiscernible
01s40e	32	NWSW	9	40	Indiscernible
Totals:			52	160	

AJ5809NP
No. A25-12644

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 65

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELIZABETH A DAY	05/31/1967	IRRIGATION	04-01 11-01	1.040 CFS	
C	WENDELL DAY		IRRIGATION STORAGE	11-01 04-01	1.040 CFS	
	283 4TH ST					
	IDAHO FALLS ID 83401					
	(208) 522-5853			TOTAL DIVERSION:	1.040 CFS	
				CONSUMPTIVE USE:		130.00 AFA

Water Source: SPRINGS

Tributary to: TWIN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01S R40E S31
S32

NESE
SWNW

BONNEVILLE County
BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
01S	40E	32	:					:	08	25		10	:			09			:						:	52.0
																							TOTAL ACRES		52.0	

POU County: BONNEVILLE

Non-Irrigation Uses: NA

Other Rights: A25-12645, A25-12646

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-12642 25-12643 A25-12642 A25-12643 A25-12645 A25-12646

Remarks: GEN BEAVER POND RESERVOIR: NESE, SEC 31, T1S, R40E
RESERVOIR: (130' X 320' X 8') NESE, SEC31, T1S, R40E
RESERVOIR: (25' X 75' X 8') SWNW, SEC32, T1S, R40E
WATER FLOWS FROM BEAVER POND RESERVOIR INTO LARGE RESERVOIR,
THENCE INTO TWIN CREEK FOR 1/4 MILE TO SMALLER RESERVOIR,
RESERVOIR IN SEC.31 CONTINUOUSLY REPAIRED AND CLEANED UNTIL 1949.
RESERVOIRS IN SEC. 31 ENLARGED IN 1949. RESERVOIRS IN SEC. 31
ENLARGED AND RESERVOIR IN SEC. 32 CONSTRUCTED IN 1967.
BASED ON CLAIM 25-04004

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 10/16/89 BAUMHOFF 02/11/91 THOMPSON 03/29/95 POST-STD

FEBRUARY 13, 1991

WENDELL DAY
283 4TH STREET
IDAHO FALLS, ID 83401

RE: NOTICES OF CLAIM

Dear Mr. Day:

The three Notices you submitted August 16, 1989, (A25-12644, A25-12645, and A25-12646) are based upon the use of water previously recorded by Claim to a Water Right 25-4004.

It has come to our attention that uses for irrigation storage, irrigation from storage, domestic, domestic storage, and domestic from storage were listed on 25-4004 but were not included on the above Notices. These uses should be correctly indicated.

Please call this office (525-7161) to schedule an appointment so we can review and possibly modify your Notices.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

FILE: TIC

*claims not
ret. as
date 3-20-91
90*

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MEMO TO FILE: A25-12644; A25-12645; A25-12646

EMPLOYEE Anna Baumhoff

DATE: October 16, 1989

The three claims listed have been submitted by Mr. Wendell Day. All three are based upon 25-4004 which is a claim for irrigation of 108 acres. Uses included are irrigation, irrig. storage, irrig. from storage, domestic, domestic storage and domestic from storage.

The three adjudication claims only claim the irrigation uses.

From the descriptions on the claims it appears that there is storage and therefore irrigation storage (02) use with an acre feet volume and an irrigation from storage (03) with an acre feet volume as well as a total volume in acre feet per annum need to be part of this claim.

Dimensions of the ~~receivers~~ ^{reservoirs} as currently established are given on all three claims. As there were 2 dates where the volumes were increased (to what they are presently) it is not possible to determine the correct volumes of storage which correspond to each claim.

Notes on the bottom of the claim check list indicated that as there was no volume for storage on the accepted claim "code in the cfs diversion rate for the storage".

I have entered the claims, although I feel that clarification is required. First storage should be in afa, not cfs, and for this amount to be determined the Claimant needs to establish the volumes. And when there is "storage for" use there needs to be a "from storage" use both giving a volume amount.

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4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME DAY CLAIM NO. A25-12644

DATE RECEIVED 8/16/89 CK # _____ AMOUNT \$ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	<u>X</u>	_____	*
2. Is a priority date entered?	<u>X</u>	_____	*
Is the priority date acceptable in view of mandatory filing dates?	<u>X</u>	_____	*
See Adjudication Memos #1 and #4 to determine if a Permit is required.	<u>X</u>	_____	*
3. (a) Is a source entered?	<u>X</u>	_____	*
(b) Is a tributary to entered? (if required) N/A _____	<u>X</u>	_____	*
4. Is the legal description of the p.d. sufficient?	<u>X</u>	_____	*
5. Is there a description of the diverting works?	<u>X</u>	_____	*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	<u>X</u>	_____	*
Is the period of use included?	<u>X</u>	_____	*
Is a quantity claimed for each use?	<u>X</u>	<u>X</u>	*
7. Is a total quantity claimed entered?	<u>X</u>	_____	*
8. If required is a consumptive use entered? N/A _____	<u>X</u>	_____	*
Is the consumptive use correct? N/A _____	<u>X</u>	_____	*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	<u>X</u>	_____	*
10. Is (are) the place(s) of use and purpose(s) indicated?	<u>X</u>	_____	*
11. Is (are) the county(ies) entered?	<u>X</u>	_____	*
12. Is the ownership of p.u. checked?	<u>X</u>	_____	*
13. Are other water rights listed or "none" indicated?	<u>X</u>	_____	*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A _____	<u>X</u>	_____	*
15. Is the basis of the claim indicated?	<u>X</u>	_____	*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u>	<u>X</u>	_____	*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	<u>X</u>	_____	*
18. Has the claim been signed, sealed, and dated by a notary?	<u>X</u>	_____	*
19. Was this claim filed on time, or was an extension granted?	<u>X</u>	_____	*
20. Is the fee enclosed correct? Exempt _____	<u>X</u>	_____	*
21. If this claim is based on an existing water right, has the identification number been entered? N/A _____	<u>X</u>	_____	*
22. Should this claim be data entered?	<u>X</u>	_____	*

Claim checked by: TO Date: 8/16/89

Claim must be returned to claimant: _____ (Yes) X (No)

Claimant must be notified of modifications: _____ (Yes) X (No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Checked by: _____ Date: _____

Comments: (6) CODE 1.04 CFS FOR STORAGE ALSO. (13) CODE "A 25-12645 AND

A 25-12646 " INSTEAD OF DATES. (14) CODE ~~25-4004~~ "BASED ON CLAIM 25-4004."

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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

November 14, 1988

Wendell Day
c/o Sherry Day
283 4th St.
Idaho Falls, ID 83401

RE: Water Right Claims

Dear Mr. or Mrs. Day:

Enclosed are the water right claims I prepared from the information submitted to me on 11/10/88 and previous filings. The previous filings do not precisely coincide with the acreage currently being irrigated, so I made a few adjustments to the previously documented land descriptions.

There appears to be three separate irrigation rights.

- Jan. 4, 1915: Certificate of Completion of Works for Permit #10956 is for 1.3 cfs to irrigate 40 acres in the SW 1/4 of NW 1/4, Sec. 32, T1S, R40E.
- May 31, 1949: Irrigated acreage expanded 15.5 acres for a total of 55.5 acres. Refer to claim 25-4004 (attached).
- May 31, 1967: Sprinkler system installed - irrigated acreage expanded 51.8 acres for a total of 107.3 acres. Refer to claim 25-4004 (attached).

After plotting the 40 acres of the 1915 water right, I compared the acreage previously documented, to the acreage currently irrigated. Some of the described parcels do not agree with the currently irrigated acreage, so I re-arranged some of the described parcels to match the 107 acres outlined 11/10/88.

Please review the claims. Make any changes necessary to document the historical irrigation, domestic, or stock water use. Note: If you alter the location of the irrigated acreages on any of the claims, you must also change the attached map, or prepare a new map, to agree with the claim.

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A volume (acre feet) must be claimed for the irrigation storage in Item #6 of each irrigation claim. The storage volume should be limited to the reservoir storage capacities that existed at the time of the claimed priority date. For example, if two reservoirs with a capacity of 5 acre-feet existed in 1920 and, in 1940, the capacities were doubled by enlargements plus a third reservoir was added: The storage volume for the 1920 water right would be 5 acre-feet and the storage volume for the 1940 right would be the enlarged 5 acre-feet plus the capacity of the third reservoir.

I couldn't find any reference to water right for fisheries in the previous filings. If the fisheries water right mentioned 11/10/88 has the same priority date as one of the irrigation claims, you must add the purpose, dates, and amounts required, in Item #6 of the appropriate claim. The place of use (location of pond) must also be indicated in Item #10. The filing fee for fisheries purposes is \$100.00 per each claimed cfs for that purpose.

If the fisheries water right has a different priority date than the irrigation claims, and was before 5/20/1971, a separate claim form must be completed. If the fisheries use didn't begin until after 5/20/1971, a permit or license is required.

The claims must be signed, notarized, and returned to the Idaho Department of Water Resources (IDWR) along with the appropriate filing fees before the tentative 9/7/1989 Bonneville County deadline. The domestic/stock claims are \$25.00 each. The irrigation claims are \$50.00 each plus \$1.00 per irrigated. The total fee for the five prepared claims is \$307.00. If fisheries purposes are added to a claim, or an additional claim is submitted, the total fee will increase.

If you wish to discuss the claims further, please call the IDWR to make an appointment at 1-525-7161.

Sincerely,



Tony Olenichak
Water Right Agent, SR

Enclosures

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EXPLANATION OF CLAIM TO WATER RIGHT

Claimant, Wendell A. Day, and his wife, Elizabeth A. Day, started purchasing the following described lands (and other lands) from his father and mother, Abraham J. Day, also known as A. J. Day, and Lucy May Day, under written Sale Agreement, dated December 20, 1949, and now are the exclusive owners of said land, to-wit:

Township 1 South, Range 40, EBM.

Section 31: E $\frac{1}{2}$ NE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$.

Section 32: W $\frac{1}{2}$ NW $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$.

Claimant is advised that the said Abraham J. Day commenced watering about 10 acres of land to pasture in the SE $\frac{1}{2}$ NE $\frac{1}{2}$ and about 5 to 10 acres in the NE $\frac{1}{2}$ SE $\frac{1}{2}$, of said Section 31, and also watered livestock in those quarter sections, all from the waters of what formerly known as North Twin Creek Spring and South Twin Creek Spring, the first of which said Springs is located in the SE $\frac{1}{2}$ NE $\frac{1}{2}$ and the second of said Springs is located in the NE $\frac{1}{2}$ SE $\frac{1}{2}$, of said Section 31; that the works by means of which the water was taken for such irrigating purposes consisted of small dams at the Springs creating two small reservoirs from which the water was taken by ditch onto the lands; that the waters from this North Twin Creek Spring were also used to water some 20 acres of lands to crops in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, of said Section 32;

That his father obtained Water Permit No. 9629 in the year 1913, from the Idaho State Reclamation Department, for 30" of water to be used on the above described quarter sections of land and for domestic purposes, and that subsequent thereto, and in the year 1915, he obtained Water Permit No. 10956 from such Department for 65" of water from those Springs; for watering 160 acres of land in said Sections 31 and 32;

CERTIFICATE OF COMPLETION
FOR PERMIT 10956 SUBMITTED
MAY 24, 1917, FOR 1.3 CFS
ON 40 ACRES IN SW $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 32.

That in the year 1917, his father amended Permit No. 10956 to change the acreage to be irrigated under the permit to the 40 acres of land located in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, of said Section 32;

That subsequently, his father relinquished his rights under said Water Permits No. 9629 and No. 10956 insofar as either of them pertained to using the water from the Twin Creek Springs on the E $\frac{1}{2}$ SE $\frac{1}{2}$, of said Section 31, and the W $\frac{1}{2}$ SW $\frac{1}{2}$, of said Section 32, Township and Range aforesaid;

That notwithstanding cancellation of certain of his father's water permits and his father's relinquishment of certain lands from the permits, his father did received desert entry patent to the E $\frac{1}{2}$ NE $\frac{1}{2}$, of said Section 31, and the W $\frac{1}{2}$ NW $\frac{1}{2}$, of said Section 32, in the year 1921, which patents are recorded in the Records of Bonneville County, Idaho, and his wife, Lucy May Day, received desert entry patent to the E $\frac{1}{2}$ SE $\frac{1}{2}$, of said Section 31, and the W $\frac{1}{2}$ SW $\frac{1}{2}$, of said Section 32, also in the year 1921, and claimant is advised that such patents would not have been granted if water had not been placed on the respective lands covered by those patents; that the only water available for those lands came from the aforementioned Twin Springs through the said reservoirs;

A photostatic copy of each of said Water Permits No. 9629 and No. 9656 are attached hereto and made a part hereof;

That affiant, during his boyhood in the 1930's and 1940's, up until he started purchasing the farm, worked summers on his father's ranch and personally observed the irrigation from these Springs and reservoirs of about 40 acres or more of that farm, same being about 5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, of said Section 31, 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, of said Section 32;

That his father used those waters for raising diversified crops of hay, grain, lettuce and potatoes, and that other of said lands were irrigated for pasture through the various years up until the time claimant purchased the lands, and used all the waters during such times from both the Twin Creek Springs;

INCREASED ACREAGE
IN 1949 FROM
40 ACRES TO APPROX
55.5 ACRES (ADDED
15.5 ACRES).

When claimant took over possession of the lands under his Sale Agreement in 1949, he cleaned out the two Twin Creek Springs and developed the reservoir storage from the waters obtained therefrom and increased the irrigated acres considerably; that he increased to about 15 $\frac{1}{2}$ acres the previous 10 irrigated acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and re-claimed and started irrigating to crops from the North Spring 5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, of said Section 31, and brought 5 more irrigated acres to crops in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, in said Section 32, thereby increasing the irrigated crop acreage on the farm to around 55.5 acres;

INCREASED ACREAGE
IN SPRING 1967 FROM
55.5 ACRES TO
107 ACRES (ADDED
~~51.8~~ 51.8 ACRES)

That in the spring of 1967, claimant purchased a used portable sprinkler system, consisting of a borrowed portable pump, and about 800 feet of 4" aluminum lateral used pipe, which pipe was purchased at a cost of around \$300.00 to \$350.00, and was thus enabled by such portable system to water most of the 55.5 acres;

That also because of such portable system, he was then enabled that year to bring into cultivation for crops around 18.8 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 18 new acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 15 more additional acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, all in said Section 32, bringing into crop and pasture cultivation for that year a total of some 107.3 acres, all watered entirely and exclusively by the waters from the said Twin Creek Springs, and it took all of the water output therefrom during the irrigation season;

That in the year 1968, claimant purchased about 400 odd feet of 4" aluminum portable sprinkler pipe and a portable pump, for about \$1,100.00, and used them during the irrigation season for that year for watering his crops from the waters from the Twin Creek Springs;

That subsequently, in the year 1969, claimant purchased about 1,100 feet of 5" aluminum mainline pipe with valves at a cost of around \$1,500.00, and when installed watered pasture, hay and grain crops on the place with the waters from the Twin Creek Springs;

That there are two main reservoirs used in connection with the irrigating of lands with the waters from the North Twin Springs Creek, one of them being located right near such Spring in the SE¹/₄ of said Section 31, is about 130 feet wide, 320 feet long and about 8 feet high, and the second and smaller of the reservoirs used, as aforesaid, is 25 feet wide, 75 feet long and about 8 feet high, and is located in the SW¹/₄ of said Section 32; and that there are also certain of the unused waters from the South Twin Creek Spring that find their way to this second reservoir for watering certain of the lands;

That because all the waters from the Twin Creek Springs are used each irrigation season, there is no water remaining during any irrigation season to flow into what is known as Twin Creek, and, in fact, there would not be enough water to irrigate the acres irrigated each year season without the two reservoirs used by claimant for storage;

Claimant is advised that during the times his father farmed the place, there was no water from the Springs going into Twin Creek;

That now since claimant owns and farms the property, he, too, uses, as hereinbefore indicated, all the water output from both the Twin Creek Springs for his irrigation and domestic purposes, and consequently, there is no water going into Twin Creek therefrom during the irrigation seasons.

Dated and signed this 27th day of August, 1970.

Harold A Day

SCANNED

AUG 8 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: A25-12644
Date Received: 8/16/1989
Receipt No: E009870
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELIZABETH A. DAY 208-522-5853
Address: 283 4TH ST.
IDAHO FALLS, ID 83401

OR

Name: WENDELL DAY 208-522-5853
Address: 283 4TH ST.
IDAHO FALLS, ID 83401

2. Date of Priority: MAY 31, 1967

3. Source: SPRINGS Trib. to: TWIN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	40E	31	NE	SE			BONNEVILLE
		32	SW	NW			BONNEVILLE

5. Description of diverting works:
RESERVOIRS AND BEAVER PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.040		
IRRIGATION STORAGE	11/01	04/01	1.040		

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

8. Total consumptive use is 130.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	40E	32	NE	NW		IRR	8.0
			NW	NW		IRR	25.0
			SE	NW		IRR	10.0
			NW	SW		IRR	9.0
						Section Acres	52.0
						Total Acres	52.0

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:
A25-12645, A25-12646

14. Remarks:

BEAVER POND RESERVOIR: NESE, SEC 31, T1S, R40E
RESERVOIR: (130' X 320' X 8') NESE, SEC31, T1S, R40E
RESERVOIR: (25' X 75' X 8') SWNW, SEC32, T1S, R40E
WATER FLOWS FROM BEAVER POND RESERVOIR INTO LARGE RESERVOIR,
THENCE INTO TWIN CREEK FOR 1/4 MILE TO SMALLER RESERVOIR,
RESERVOIR IN SEC.31 CONTINUOUSLY REPAIRED AND CLEANED UNTIL 1949.
RESERVOIRS IN SEC. 31 ENLARGED IN 1949. RESERVOIRS IN SEC. 31
ENLARGED AND RESERVOIR IN SEC. 32 CONSTRUCTED IN 1967.
BASED ON CLAIM 25-04004

15. Basis of Claim: BENEFICIAL USE

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A25-12644Date Received 8/16/89Receipt Number E009870

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A2512644



Please type or print clearly

1. Name of Claimant (s) WENDELL OR ELIZABETH A. DAY Phone (208) 522-3800Mailing Address 283 4TH ST., IDAHO FALLS, ID Zip 834012. Date of Priority (Only one (1) per claim) MAY 31, 19673. Source of water supply (a) SPRINGS
which is tributary to (b) TWIN CREEK4. a. Location of existing point of diversion is: Township 1S Range 40E Section 31,
_____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of BONNEVILLEAdditional points of diversion if any: SWNW SEC. 32, T1S R40E

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.

<u>BEAVER-POND RESERVOIR</u>	<u>- NESE SEC 31, T1S R40E</u>
<u>RESERVOIR (130' x 320' x 8')</u>	<u>- NESE SEC 31, T1S R40E</u>
<u>RESERVOIR (25' x 75' x 8')</u>	<u>- SWNW SEC 32, T1S, R40E</u>

WATER FLOWS FROM BEAVER POND RESERVOIR INTO LARGE RESERVOIR, THENCE
INTO TWIN CREEK FROM FOR 1/4-MILE TO SMALLER RESERVOIR, RESERVOIR IN
SECTION 31 CONTINUOUSLY REPAIRED AND CLEANED UNTIL 1949. RESERVOIRS IN
SECTION 31 ENLARGED IN 1949. RESERVOIRS IN SECTION 31 ENLARGED AND
RESERVOIR IN SECTION 32 CONSTRUCTED IN 1967.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from APR 1 to NOV 1 amount 1.04 or _____

For IRR STORAGE purposes from NOV 1 to APR 1 amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 130 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>1S</u>	<u>40E</u>	<u>32</u>					<u>8</u>	<u>25</u>		<u>10</u>		<u>9</u>							<u>52</u>

Total number of acres irrigated 52

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

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

JAN 4, 1915 & MAY 31, 1949 or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White State Yellow-Claimant

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15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 25-4004

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X Hendell Day Date Aug 16-1989
Date _____

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

of _____ Title _____
Organization _____, that I have signed the foregoing

document in the space below as _____ of _____
Title _____ 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 Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day of August 19 89

SEAL

Notary Public Anthony S. O'Connell

Residing at Idaho Falls

My Commission Expires 9/12/1994

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 _____

Last Name _____ Ident. Number _____

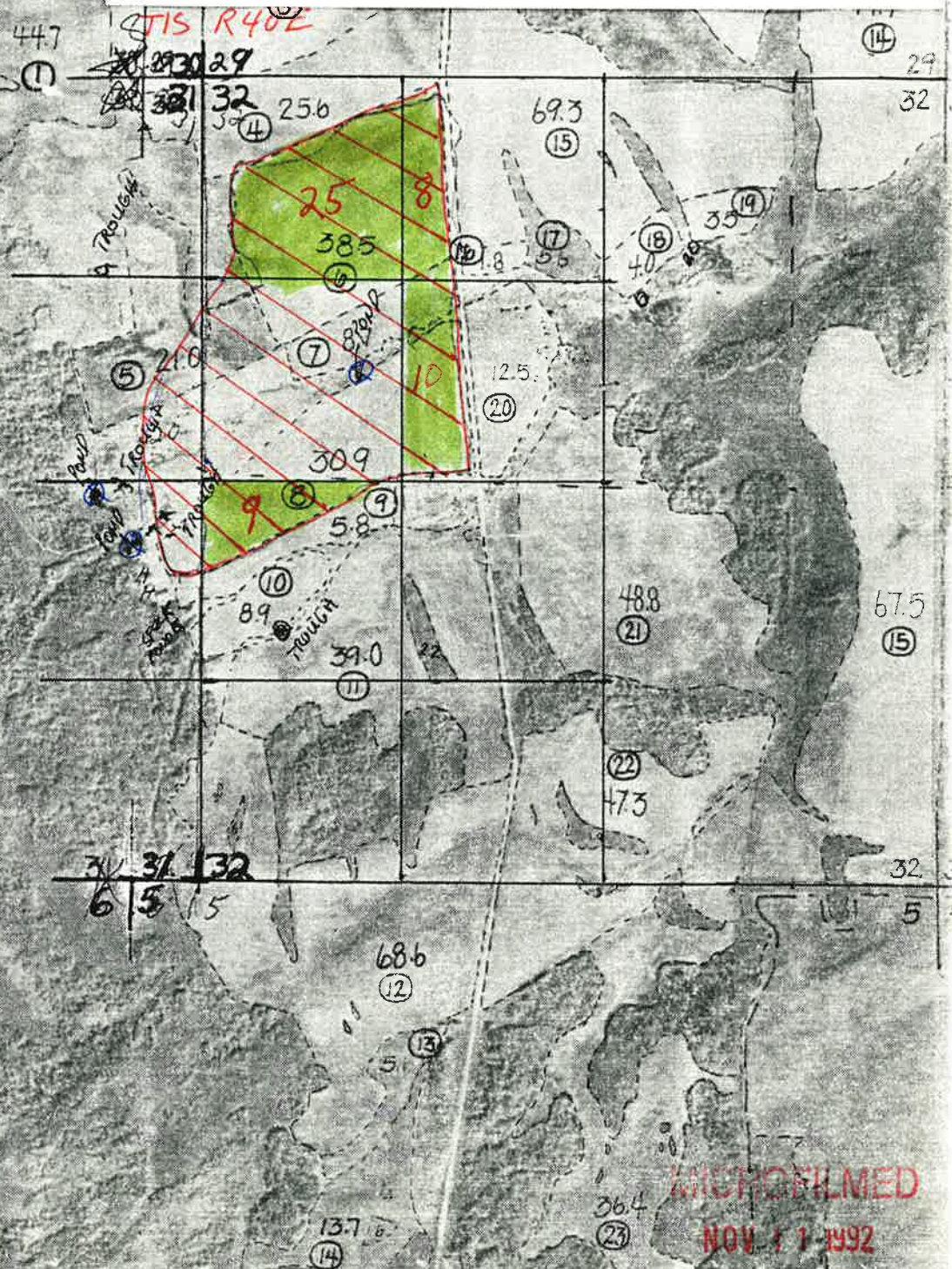
M-9



- TOTAL IRRIGATED ACREAGE



- MAY 31, 1967



NOT TO SCALE

MICROFILMED
NOV 11 1992

M-9

107 acres

112.7
(12)

5.8 (2)

(13)
9.7

1602 G199
T1568

1542 G181
T-1915

82.5
(3)

74.7
(14)

44.7
(1)

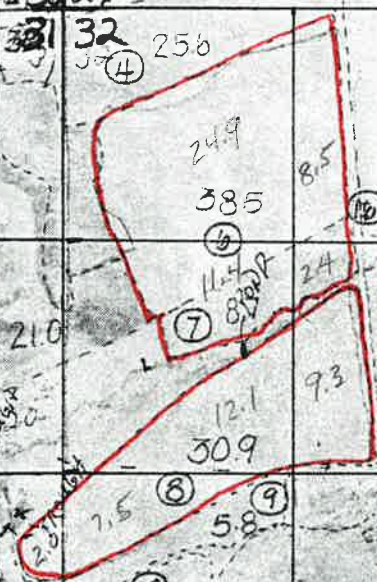
20.29
20.32
20.32

25.6
(4)

69.3
(15)

29
32

Thouls
Road



(5) 21.0

(16)

(17)

(18)

35 (19)

12.5
(20)

48.8
(21)

67.5
(15)

Thouls
Road

(10) 8.9

39.0
(11)

(22)
47.3

31.32
6.5.5

32
5.4

68.6
(12)

(13)

13.7
(14)

36.4
(23)

NOT REFILMED
NOV 11 1992

NOT TO SCALE

M-9

107 acres

NOT TO SCALE

112.7
(12)

53 (2)

1602 G199
T1568

(13)
9.7

1542 G181
T-1915

82.5
(3)

74.7
(14)

44.7
(1)

30.29

32

25.6
(4)

69.3
(15)

29
32



38.5
(5)

(12)

(17)

(18)

(19)

(7)

12.5
(20)

30.9
(8)

4.8

5.8
(9)

8.9
(10)

39.0
(11)

48.8
(21)

67.5
(15)

47.3
(22)

31 32

6 5 15

32 3
5 4

68.6
(12)

(13)

13.7
(14)

36.4
(23)

MICROFILMED
NOV 11 1992

M-9

112.7
(12)

58 (2)

1602 G199
T1568

(13)
9.7

1542 G181
T-1915

74.7
(14)

82.5
(3)

44.7
(1)

29
32

25.6
(4)

69.3
(15)

29 2
32 3

Thouls

38.5
(6)

12.8
(16)

5.5
(17)

4.0
(18)

3.5
(19)

21.0
(5)

8.9
(7)

12.5
(20)

30.9
(8)

5.8
(9)

8.9
(10)

39.0
(11)

48.8
(21)

67.5
(15)

107 scale

31 32
6 5 15

32 3
5 4

68.6
(12)

5.1
(13)

13.7
(14)

36.4
(27)

NOT REFILED
NOV 11 1992

NOT TO SCALE