

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

12/10/2003

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

RIGHT NUMBER: 25-12646
NAME AND ADDRESS: ELIZABETH A DAY
283 4TH ST
IDAHO FALLS ID 83401

WENDELL DAY
283 4TH ST
IDAHO FALLS ID 83401

SOURCE: SPRINGS TRIBUTARY: TWIN CREEK
QUANTITY: 0.800 CFS
PRIORITY DATE: 01/04/1915
POINT OF DIVERSION:

T01S R40E S31 NESE Within BONNEVILLE County
T01S R40E S32 SWNW Within BONNEVILLE County
Rights 25-12644 and 25-645 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	04/01 11/01	0.800 CFS
IRRIGATION STORAGE	01/01 12/31	8.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	0.800 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T01S R40E S32 SWNW 40.0
IRRIGATION FROM STORAGE same as IRRIGATION
40 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

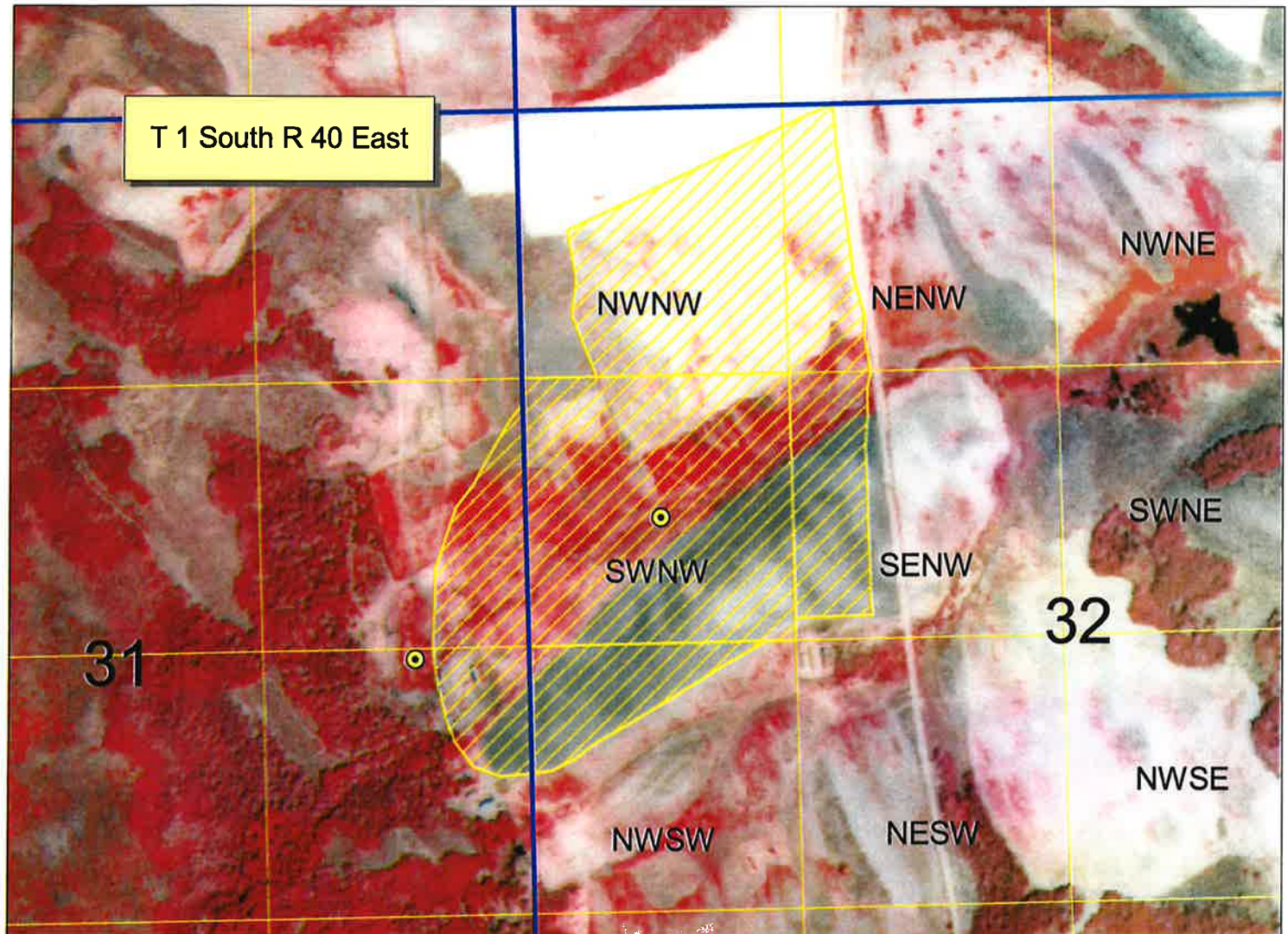


State of Idaho

Division of Water Resources

Eastern Region

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



1320 0 1320 Feet

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

SCANNED
AUG 11 2004



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

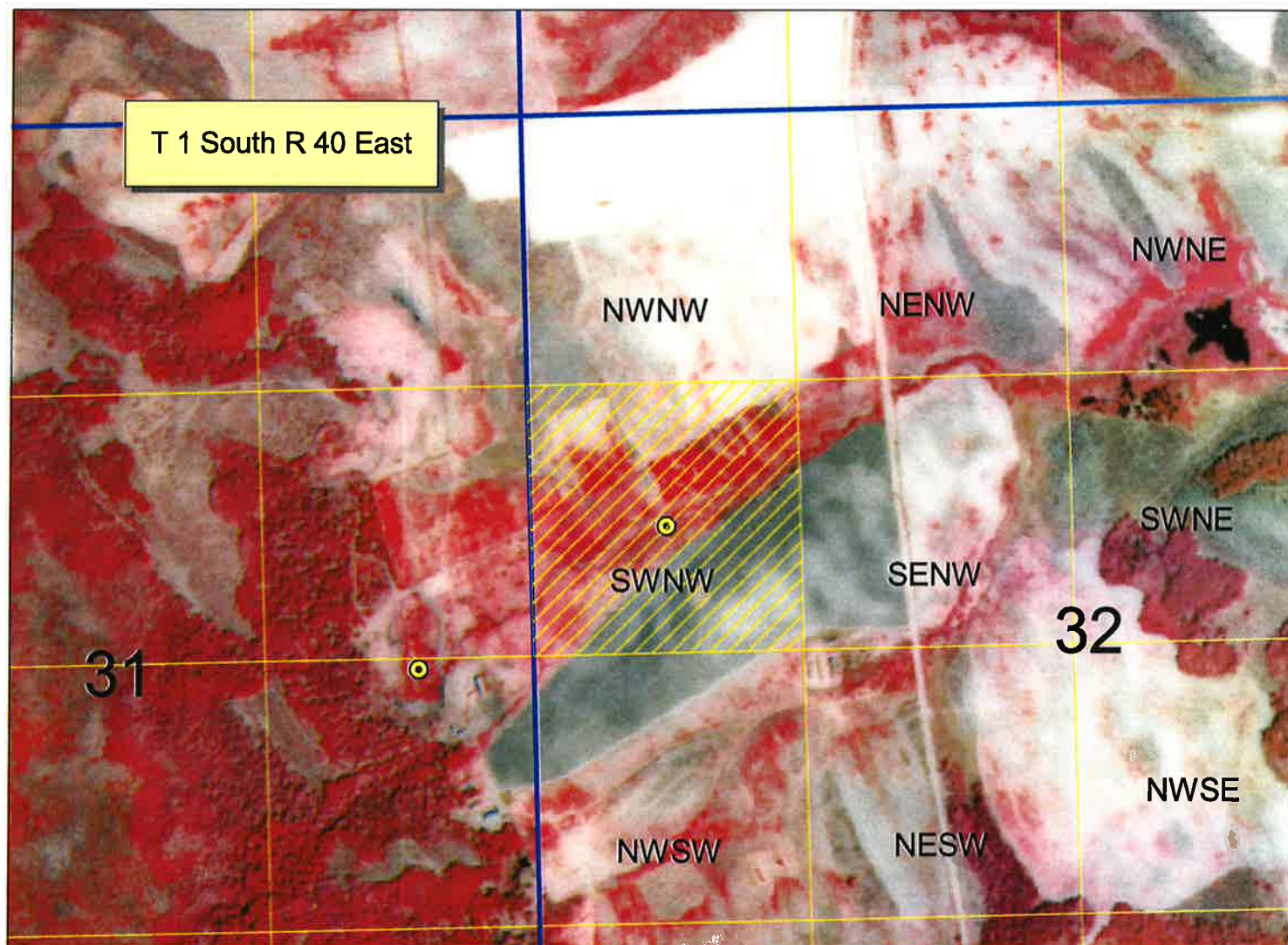


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 25-12646



1320 0 1320 Feet

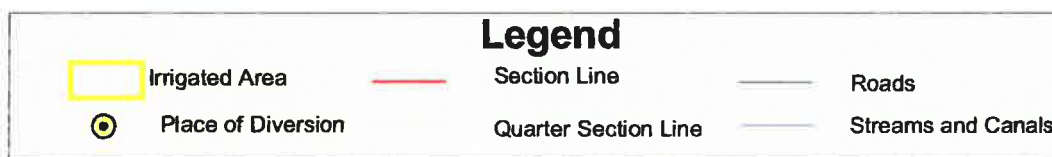
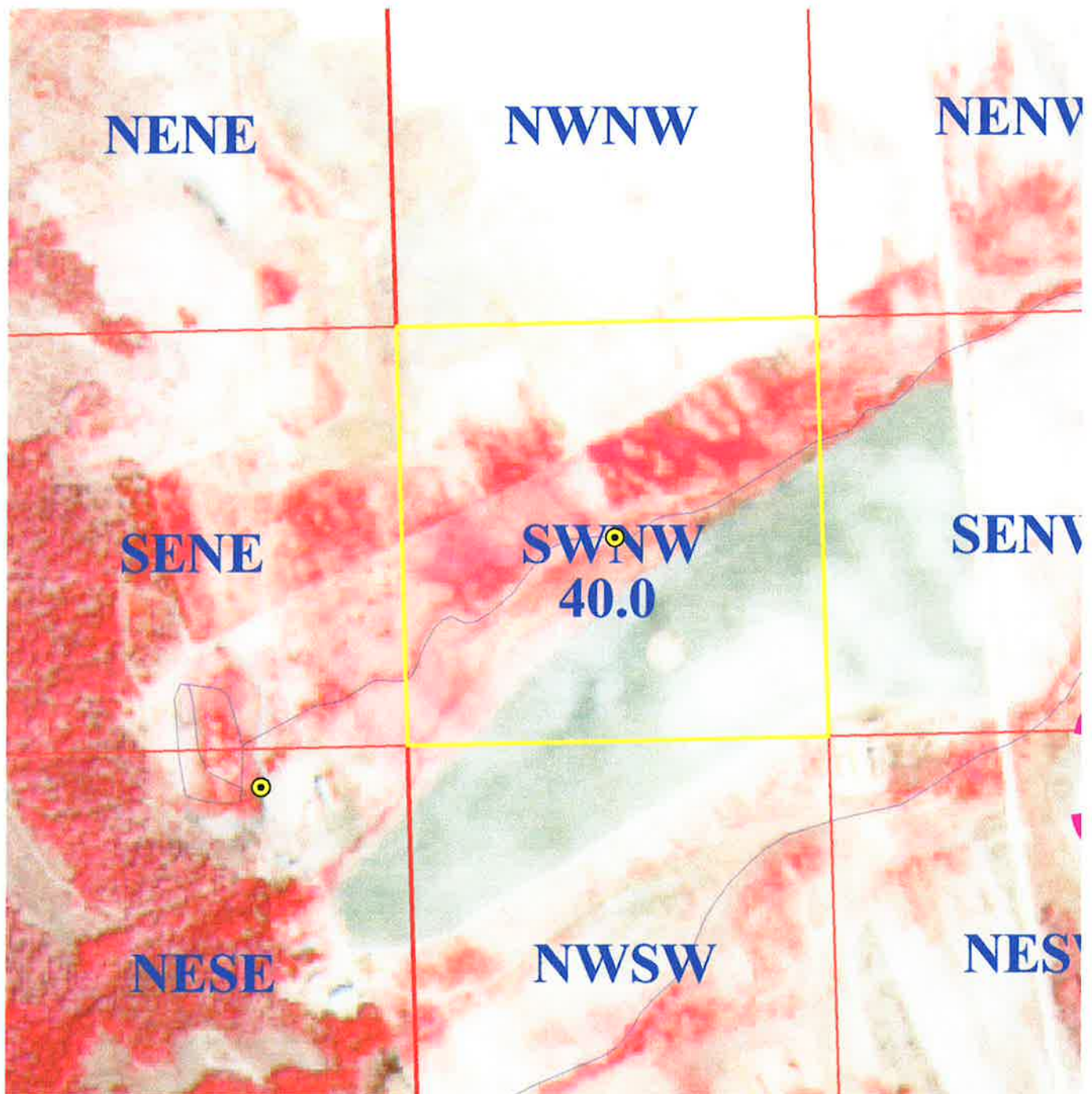


- Place of Use
- Point of Diversion
- Section
- Quarter Quarter

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

Water Right Claim Number 25-12646
Township , 1S40E

11/14/2000



 SPATIAL DYNAMICS



RECEIVED

NOV 01 2004

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

12/10/2003

Rm

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: 25-12646

ELIZEBETH A DAY

283 4TH ST

IDAHO FALLS ID 83401

Telephone Number: (208)522-5853

WENDELL 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

SCANNED

AUG 03 2001

Log for claim 25-12646

Spatial Dynamics CAT

11/9/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01s40e	32	SWNW	40	40	
Totals:			40	40	

AJ5809NP
No. A25-12646

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 67

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WENDELL DAY	01/04/1915	IRRIGATION	04-01 11-01	1.300 CFS	
C	ELIZABETH A DAY		IRRIGATION STORAGE	11-01 04-01	1.300 CFS	
	283 4TH ST					
	IDAHO FALLS ID 83401			TOTAL DIVERSION:	1.300 CFS	
	(208) 522-5853			CONSUMPTIVE USE:		100.00 AFA

Water Source: SPRINGS

Tributary to: TWIN CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01S R40E S31
S32

NESE
SNNW

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		
01S	40E	32	:									:									:	40.0		
																					TOTAL ACRES	40.0		

POU County: BONNEVILLE

Non-Irrigation Uses: NA

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-12642 25-12643 A25-12642 A25-12643 A25-12644 A25-12645

Remarks: GEN CERTIFICATE OF COMPLETION OF DIVERTING WORKS WAS SUBMITTED 5/24/
1917 TO STATE ENGINEER
BEAVER POND RESERVOIR: NESE SEC. 31, T1S, R40E
RESERVOIR: NESE SEC. 31, T1S, R40E (130' X 320' X 8')
RESERVOIR: SNNW SEC. 32, T1S, R40E (25' X 75' X 8')
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: 08/28/89 SCHULD 02/11/91 THOMPSON 03/29/95 POST-STD

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME <u>DAY</u>		CLAIM ENT. NO. <u>A25-12646</u>	
DATE RECEIVED <u>8/16/89</u>	CK # _____	AMOUNT \$ _____	
		YES	NO
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? 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. N/A		<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>	___
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: 8/16/89Claim must be returned to claimant: ___ (Yes) X (No)Claimant must be notified of modifications: ___ (Yes) X (No)

Receipt Prepared by: _____	Date: _____	Checked by: _____	Date: _____
Claim data entered by: _____	Date: _____		
Sent to claimant by: _____	Date: _____		

Comments: (6) CODE 1.3 CFS FOR STORAGE ALSO. (13) CODE "A25-12644 AND A25-12645" INSTEAD OF DATES. (14) CODE "BASED ON CLAIM 25-4004."

MICROFILMED

NOV 11 1992



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 no 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. 10955 from such Department for 65" of water from those Springs; for watering 160 acres of land in said Sections 31 and 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 right under said Water Permits No. 9629 and No. 10955 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;

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.

A photostatic copy of each of said Water Permits No. 9629 and No. 9956 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
~~107~~ 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 SW $\frac{1}{4}$ W $\frac{1}{4}$ 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 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.

Kenneth A Day

APPLICATION FOR PERMIT To appropriate the Public Waters of the State of Idaho

I. Name of applicant: **Abraham J. Day.**

Post office address: **Idaho Falls-RFD #3**

County: **Bonneville** State: **Idaho**

L. 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:

(d) Other resources:

2. The quantity of water claimed is **One and three tenths**

cubic feet per second

3. Source of water supply: **13/20 of 1 cubic foot from what is known as North Twin Creek Spring & 13/20 of 1 cu. ft. from South Twin Creek Springs.**

4. Location of point of diversion: **From North Spring Center of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, From South Spring near the NW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp. 1 South Range 40 E. S. 2. N.**

County of **Bonneville**

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

1. Irrigation and domestic use: (a) Amount of land to be irrigated: **One Hundred and Sixty acres**
(b) In the following legal subdivisions: **The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 31, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 32, Township 1 South, Range 40 E. S. 2. N.**

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

(a) At what point:

(b) Amount of power to be generated:

H. P. under

A. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and route point of return:

6. Estimated cost of works: **\$590.00**

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 **80** acre feet (c) Save all water with

Height **8** feet. (d) Conduit **ditch** width at bottom

width at water line **1 $\frac{1}{2}$** feet, depth of water **3/4** feet, diam

inches; average grade per mile is **7** feet. Length of conduit is **1/3** mile and it crosses the following quarter sections: **Land embraced in entry as above**

8. The time required for the completion of the construction of such work is **two** years

9. Time required for the complete application of the water to the proposed use is **two** additional years.

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

Abraham J. Day,

By: Briggs A. Macmillan,

Received at Office of State Engineer Jan 4, 1915

Returned to applicant for correction January 4, 1915.

Corrected application received January 11, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 10956.

Recorded in Book 37 Page 10956 Approved January 18, 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.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before March 19, 1915 and to continue diligently and uninterruptedly 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 January 18, 1916.

The whole of said work to be completed on or before January 18, 1917.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 18, 1919.

Witness my hand this 18th day of January, 1915.

Herbert Wing,
Acting State Engineer.

Remarks:

The foregoing application is made for the waters of two springs known as North and South Twin Creek Springs both situate on the Desert Land Entry of Applicant. The springs constitute a part of what is known as the head waters of Twin Creek. All works for the diversion and conservation of the water will be situate on the land of Applicant. Applicant is the holder of permit No. 9629, which is for water to cover a former possessory claim of the applicant and is 160 acres of land lying between the two tracts of water for which is hereby applied for.

(See partial relinquishment recorded under Permit No. 9629.)

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 10956.

Comes now Abraham J. Day, and represents to the State Engineer of the State of Idaho

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 10956, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, Tp. 1 S., R. 40 E. B. M., making a total of 40 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Idaho Falls, Idaho, this 14th day of May 1917.

Abraham J. Day.

Date of receipt at Office of State Engineer May 16th, 1917.

APPROVAL OF STATE ENGINEER.

I, J. H. Smith, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 10956. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 17th day of May, 1917.

J. H. Smith,
State Engineer.

DO NOT FILM

Proof of Completion of Works made January 17, 1917.
Certificate of Completion of Works issued May 24th, 1917.

Permit No. 10956.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Abraham J. Day, of Idaho Falls, County of Bonneville, and State of Idaho, the holder of Permit No. 10956, issued upon Application No. 15993, bearing date of priority of January 4th, 1915, authorizing the diversion of 1.5 second feet of the waters of North and South Twin Creek Springs, County of Bonneville, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 15/100 of 1 second foot of the waters of North Twin Creek Springs; that the point of diversion of said waters is at center of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 31, T. 1 N., R. 40 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 32, T. 1 S., R. 40 E., B. M., containing 40 acres.

Witness my hand this 24th day of May, A. D. 1917.

J. H. Smith,

State Engineer of the State of Idaho.

DO NOT FILM

DO NOT FILM

September 2, 1975 CERTIFIED MAIL #32199

Re: Permit No. 10956 (New No. 25-2055)

Abraham J. Day
RFD # 3
Maho Falls, Idaho 83401

Dear Mr. Day:

It appearing to the Department of Water Resources (formerly the Department of Water Administration) that the terms and conditions of Permit 10956/25-2055 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on January 15, 1919, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Resources on or before October 12, 1975 why said permit should not be cancelled.

Permit 10956/25-2055 claims the use of 1.3 cubic feet per second of water from North Twin Creek Spring & South Twin Creek Spring, the point of diversion was to be located within the NE1/4 and SE1/4, Sec. 31, Twp. 1 S, Rge. 40 E, S. M. and the permit was approved Jan. 18, 1919.

s/ R. Keith Higginson

R. KEITH HIGGINSON
Director

AUG 03 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: A25-12646
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: JAN 4, 1915

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	1.300		
IRRIGATION STORAGE	1/1 11/01	04/01 12/1	1.300		
<i>irrigation from storage?</i>	<i>04/01</i>	<i>11/01</i>	<i>1.3</i>		<i>28</i>

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

A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	40E	32	SW	NW		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:
NONE

14. Remarks:

CERTIFICATE OF COMPLETION OF DIVERTING WORKS WAS SUBMITTED 5/24/1917 TO STATE ENGINEER

BEAVER POND RESERVOIR: NESE SEC. 31, T1S, R40E

RESERVOIR: NESE SEC. 31, T1S, R40E (130' X 320' X 8') 7.6 AF

RESERVOIR: SWNW SEC. 32, T1S, R40E (25' X 75' X 8') .34 AF

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 A25-12646Date Received 8/16/89Receipt Number E009870

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A2512646



Please type or print clearly

1. Name of Claimant (s) WENDELL & ELIZABETH A. DAY Phone (208) 522-5853
Mailing Address 283 4TH ST., IDAHO FALLS ID Zip 83401

2. Date of Priority (Only one (1) per claim) JAN. 4, 1915

3. Source of water supply (a) SPRINGS
which is tributary to (b) TWIN CREEK

4. a. Location of existing point of diversion is: Township 15 Range 40E Section 31,
_____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of BONNEVILLE

Additional points of diversion if any: SWNW SEC. 32, T15, 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,

_____ 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.

BEAVER POND
RESERVOIR NESE SEC. 31, T15 R40E
RESERVOIR NESE SEC. 31, T15 R40E (130' x 320' x 8')
RESERVOIR SWNW SEC. 32, T15 R40E (25' x 75' x 8')

MICROFILMED

NOV 11 1992

WATER FLOWS FROM BEAVER POND RESERVOIR INTO LARGE RESERVOIR,
THENCE INTO TWIN CREEK 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.

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 1.3 or _____

For IRRIGATION 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) 1.3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 100 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>40</u>										<u>40</u>

Total number of acres irrigated 40

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 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.
MAY 31, 1949, MAY 31, 1967. or None ()

14. Remarks: IDWR CORRESPONDENCE DATED 9/2/1975 INDICATES
LICENSE CANCELLED BECAUSE OF FAILURE TO SUBMIT
PROOF OF BENEFICIAL USE. HOWEVER CERTIFICATE OF
COMPLETION OF WORKS WAS SUBMITTED TO STATE ENGINEER
ON 5/24/1977.

Last Name _____ Ident No. _____

MICROFILMED
Copies: White -State, Yellow-Claimant
NOV 11 1992

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

If applicable provide IDWR Water Right Number 10956 / 22-2055 (SEE REMARKS) + 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 Wendell Day

Date Aug 16, 1989
Date _____

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 _____ 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 J. Obenhol

Residing at Shosh 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 _____

MICROFILMED

Copies White-State, Yellow-Claimant

NOV 11 1992

UNCLASSIFIED
NOV 1 1997

NOT TO SCALE



— TOTAL IRRIGATED ACRES

— JAN. 4, 1915

M-9