

04/15/2005

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

RIGHT NUMBER: 27-26E

NAME AND ADDRESS: KIM CALVERT GUNDERSEN
646 W 300 S
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.160 CFS
PRIORITY DATE: 10/01/1884

POINT OF DIVERSION:

T03S R35E S18 SWSWNE Lot 6 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.160 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R34E S13 SWSE 7.4

7.4 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: Decreed

WATER IS DELIVERED THROUGH RIVERTON DITCH.



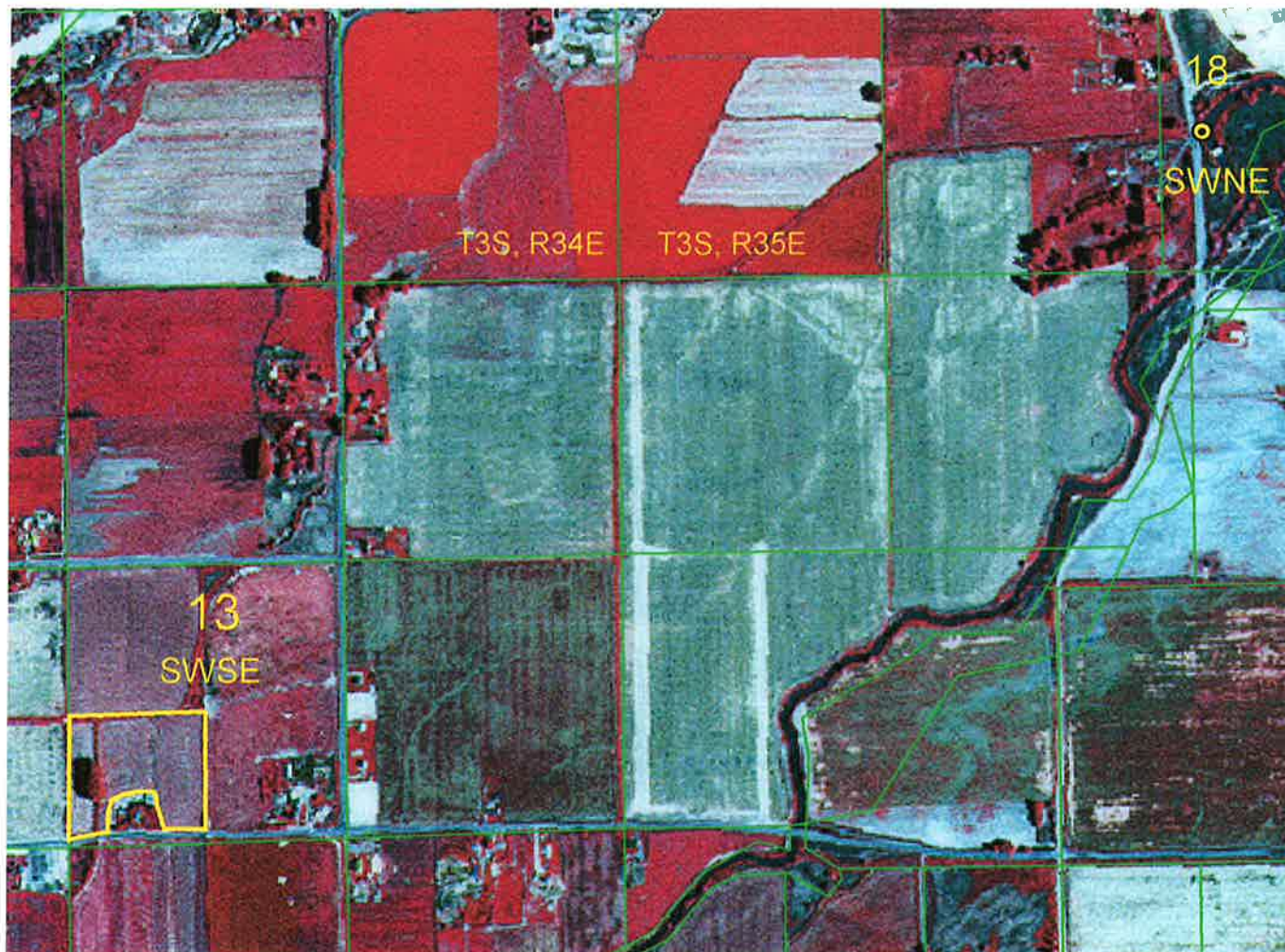
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-26E



400 0 400 800 Feet



IRRIGATED ACRES 7.4

LEGEND

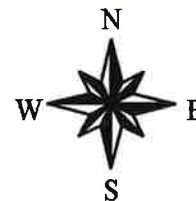
- ⊙ Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

SCANNED
JAN 05 2006

PROFILED

Place of Use: T3S, R34E:
(part of) Sec. 13, SWSE.

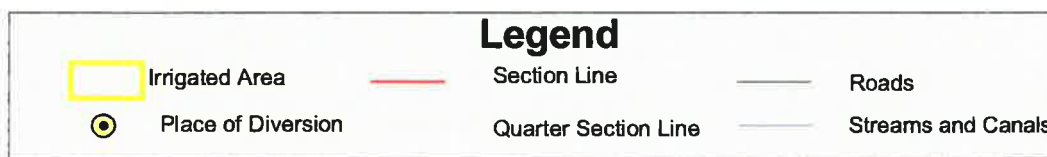
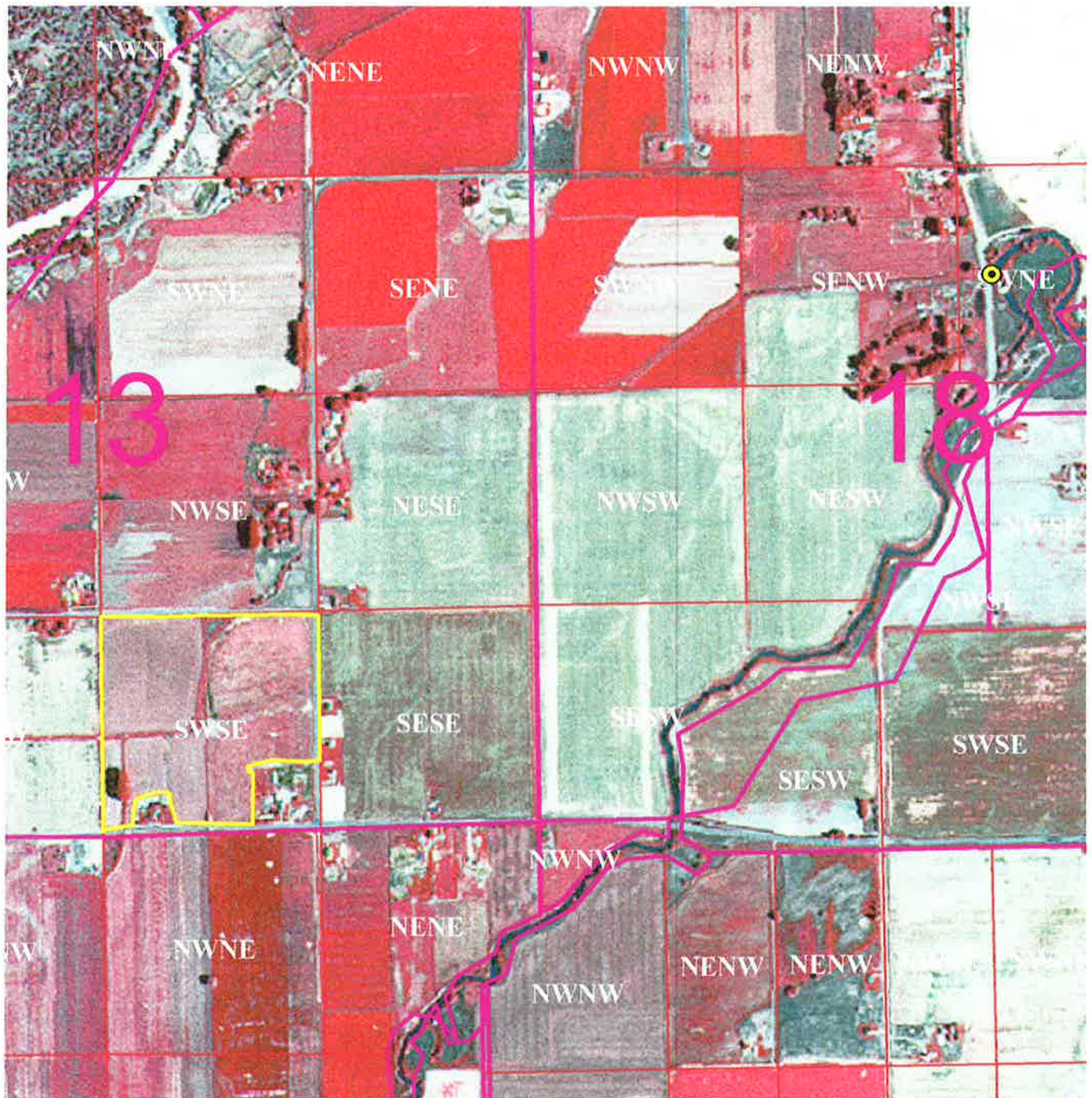
Point(s) of Diversion: T3S, R35E:
Sec. 18, SWNE, Lot 6

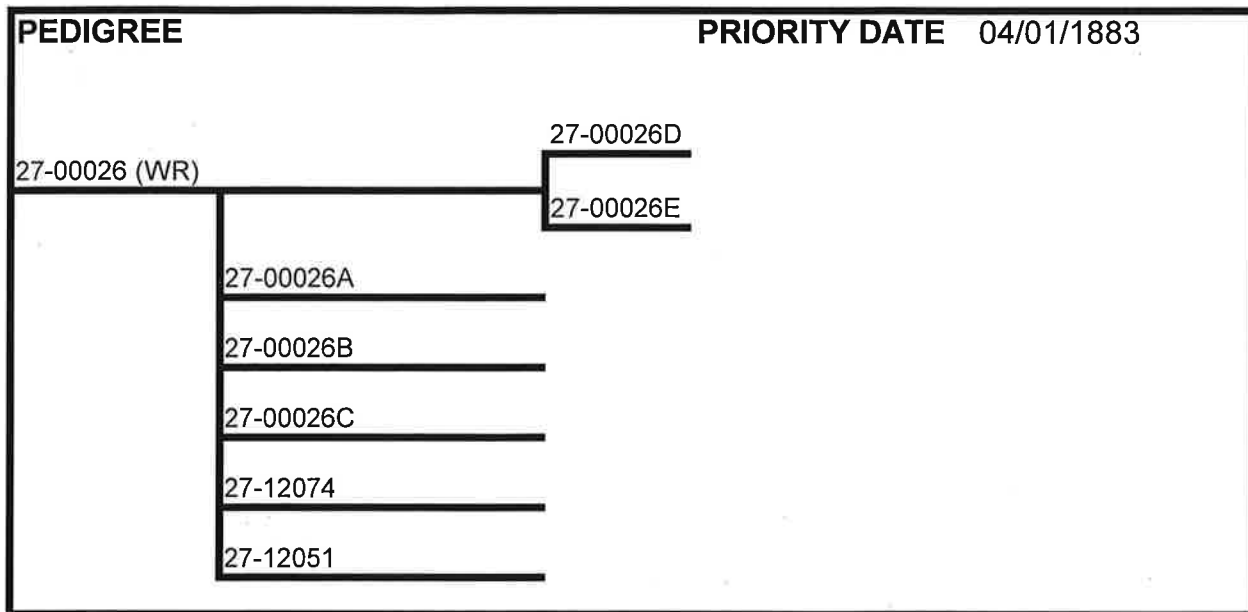


GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: March 2005.

Water Right Claim Number 27-00026E
Township , 3S34E

12/20/2000





Water right # to adjudication claim #

27-26 27-00026A
27-00026B
27-00026C
27-00026D
27-00026E
27-12074
27-12051

Notes

3/16/05 Sent Mr. Gunderson an amended claim correcting the priority date to 4-1-1883, divergence rate, & S.O.U. Dallowing 27-4 AB.

Recommended 8" with 4/1 - 10/31 S.O.U.
3-16-05 Sent Mr. Gunderson an amended claim AB

3/21/05 Waiting for amended claim. CB
March 30, 2005 deadline date.

4-11-05 Called claimant - no answer - no answering machine. BP

4-14-05 Tried to call Kim Gunderson again no answer - no answering machine so we can leave message. Has not returned his amended claim. How do we handle this? AB

4/15/05 No Response to amending claim.
Recommended 10/1/1884 priority date. CB
S.O.U. 4/1 - 10/31 NOT 3/15 - 11/15. CB
Recommend as noted CB

PROFILED

SCANNED

JAN 05 2006

Notes

9/16/04 The priority date on the w/R side is wrong. It should be 4-1-1883. (27-26)
Claims were filed with the incorrect date based on the w/R. CB

12/30/04 10:13pm left a message with Kim's son for Kim to call me at 251-6286

1-13-04 Claimant asked for extension of time.

1-21-05 Received document from Eastern today that explains water in 27-4 & 27-26. PB

27-26E Kim Gunderson

8.0 ac

1999 - Marriott sells to Gunderson

1995 Bell sells to Marriott

1945 - Federal Land Bank sells to Bell

R.A. Thomson Property
1938 - Sheriff's sale to Federal Land Bank

1910 - Kent sells to R.A. Thomson

1900 - Daniel Miller sells to Kent

Contacts Data Entry Form

[illegible]

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: A27-00026E

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 4-1-1883 Recommended Basis: dune10-1-1884☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Claimant didn't return amended
claim. Recommend 10-1-1884 date.

Reviewer: apDate: 4/15/05

Priority Date Data Entry Form

Purpose of Use Data Entry FormClaim Number: A27-00026A☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation				

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: CHDate: 4/15/05**Purpose of Use Data Entry Form**

Place Of Use Data Entry Form

Claim Number: A27-00026E☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
BS	34E	13	S	WSE	Bingham		7.4	Irrigation.

Total Acres 7.4

Document how the POU was verified:

1987/88 Aerial photography

Transfers Changing POU _____

Reviewer: CBDate: 4/15/05

Place Of Use Data Entry Form

Period of Use and Quantity Data Entry Form

Claim Number: A27-00026E☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	0.16	

Overall Diversion Rate 0.16 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Daniel Muller analysis

Reviewer: CBDate: 3/16/05

Period of Use and Quantity Data Entry Form

Claim No.: _____

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

F01 Riverston Ditch

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

27-26E

Reviewer

CB

Date

4/15/05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 27-26E.
27-4AB.

[] Name(s): Kim. C. Gunderson.
OR ~~Kim~~ Tamara J. Gunderson.

[] Old Mailing Address: 1671 Frontage Rd.
Blackfoot.

[] New Mailing Address: 646 W. 300S.
Blackfoot.

Telephone Number: () 785-3004

[] Signature(s) of Owner(s) [Signature]

(Include your title if on behalf of company or organization)

Date: 1-21-05



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Kim C. Gundersen
646 West 300 South
Blackfoot, Idaho 83221

March 16, 2005

Re: Snake River Basin Adjudication (SRBA)

Subject: AMENDED CLAIM No(s): 27-26E

RESPONSE DATE: March 30, 2005

COPY

Dear Claimant(s):

After reviewing your claim listed above, I found the priority date, season of use and cfs incorrect. I've amended your claim to correct these errors. Please sign and notarize the amended claim and return to our office at 15 West Center Street in Soda Springs 83276, by the above response date.

Feel free to contact us at 547-3993 in Soda Springs if you have any questions.

Respectfully,

Pauline Bassett



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2005

Kim Calvert Gundersen
1671 Frontage Rd
Blackfoot, ID 83221

REF: Snake River Basin Adjudication (SRBA)
27-26E

RESPONSE DATE: January 17, 2005

Dear Mr. Gundersen,

IDWR is in the process of reviewing claims in basin 27 for the SRBA court. You filed a claim in the SRBA for 0.80 cfs (40 inches) from the Blackfoot River under an October 1, 1884 priority date. What evidence do you have to support your claim to water in the SRBA? Your deed conveyed no water with the property, why do you feel you have a right to the Daniel Miller decreed water? Also you claimed enough water for 40 acres and you only own 8, why?

Please contact this office by the above response date to clarify some these questions otherwise you claim to water in the SRBA may be disallowed to the court.

Respectfully,

Cindy Bird
Adjudication Bureau

MEMO

DATE: January 26, 2005

TO: Harold Jones

FROM: Cindy Bird

SUBJECT: Steven's Decree

When I was looking at the Daniel Miller rights (27-26) I ran across a document that might be of interest to you when looking at the Fox and Whitten water under 27-23 with an 1880 priority date.

Gary Wright owns property that use to belong to Daniel Miller but conveyed Fox and Whitten water. It is not clear however how much of which water was conveyed. Did John D. Kent have 40 inches of Fox and Whitten 1880 water and 35 inches of Fox and Whitten 1885 water to convey to R. A. Thomson?

Is the 30 inches of water conveyed to George Wright from Susan Whitten in January of 1918 valid? Is this water in addition to the Fox and Whitten water conveyed to John D. Kent?

Gary Wright has not filed a claim for the Daniel Miller water. He may need to come into the office and file a claim for Daniel Miller (27-26) water. Gary has filed on 90 inches of Fox and Whitten 1880 water and 41 inches of Fox and Whitten 1885 water.

James Marriott and Kim Gunderson also own some of the Daniel Miller (John Kent) land and they have filed on both the Daniel Miller water and Fox and Whitten (1885) water.

June 26, 1940

Re: 13428 - R. A. Thomson
Blackfoot, AO-F11

Mr. Ross A. Soward
Secretary-Treasurer, B-D
Blackfoot, Idaho

Dear Mr. Soward:

We have your letter of June 22nd in which you request information as to the waters decreed for this property.

The original application and appraiser's report give very little information concerning water rights but the appraiser's report indicates that there was supposed to be 60 inches of decreed water with this property.

Upon checking into the abstract I find that in the case entitled "Fred S. Stevens, et al, Plaintiffs, vs. Eastern Idaho Water Co., et al Defendants" in the District Court of the 5th Judicial District in and for the County of Bingham, Idaho, by decree entered August 1, 1891, 100 inches of the waters of Blackfoot River, with priority of April 1, 1883 was decreed to Daniel Y. Miller, and 1500 inches of the waters of Blackfoot River with priority of June 1, 1885 was decreed to A. Whitten and Susan E. Whitten, P. D. Fox and William Howard. Our abstract of the decree does not show for which property these rights were decreed.

However, Daniel Y. Miller appears to have been the owner of the property being sold to Mr. Albert L. Bell on contract at this time.

By deed dated January 30, 1900, recorded in Book X, page 533, records of Bingham County, Idaho, Daniel Miller conveyed this property to John D. Kent "together with 25 inches of water out of Blackfoot River in Bingham County, Idaho, at low water mark as per decree of the 5th Judicial District Court of said County, dated August 1st, 1891."

By deed dated September 27, 1910, recorded in Book 19, at page 482, records of Bingham County, Idaho, John D. Kent conveyed this property

to R. A. Thomson "together with 100 inches of appropriated water right out of Blackfoot River and 25 inches of decreed water right in low season". Mr. Thomson was the party who obtained a loan from the Bank in 1919, which loan the Bank later foreclosed.

By deed dated January 19, 1918, recorded in Book 32, at page 340, records of Bingham County, Idaho, A. Whitten and Susan E. Whitten conveyed to R. A. Thomson the following water right: "35 inches of water of the Blackfoot River; being a part of that certain water right of 1000 inches of the date of June 1st, 1885, decreed to A. Whitten and Susan E. Whitten August 1st, 1891, in that certain water decree as recorded in Book 1, at pages 107-118 of the records of Bingham County, Idaho."

Under date of March 14, 1919, Fred A. Wilkie, State Engineer for the State of Idaho, issued to R. A. Thomson a certificate of a transfer of water right, #237, which certificate is recorded in Book D of Miscellaneous Records, page 307, records of Bingham County, Idaho. The abstract of this certificate is a bit confusing. It refers to a 1.2 second feet right, with priority of March 25, 1880.

The mortgage the Federal Land Bank took in 1919 covered all water rights then appurtenant to the land and when the Bank foreclosed it acquired such water rights.

Our abstract does not purport to be a complete abstract of the water rights and it is impossible for that reason to report definitely what they are. The foregoing information indicates that this property has a right to the waters of Blackfoot River for 25 inches with April 1st, 1883 priority, and 35 inches with June 1st, 1885 priority.

I am enclosing an extra copy of this letter which you may deliver to Mr. Bell. I trust that this information will be of some value to him in determining what the water rights are.

Yours very truly,

Albert Olsen
Attorney

ao:h

Kent - Albert Bell Property

The other portion of the Albert L Bell property - W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 3S Range 34E was deeded to James Marriott then deeded to the following persons:

Michael Main (See page 10)
644 W 300 S
Blackfoot, ID 83221,

Paul & Linda De McDaniel (See page 11 & 12)
275 S 625 W
Blackfoot, ID 83221,

Tricia L Gay (See page 13 & 14)
639 W 275 S
Blackfoot, ID 83221

and

Kim Gundersen - WATER RIGHT NO. 27-26E (See page 15)
648 W 300 S
Blackfoot, ID 83221.

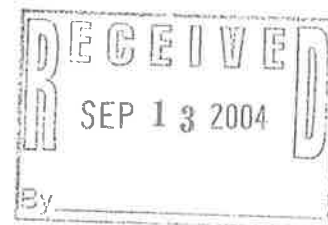
No specific water rights were mentioned in the property deeds (see below), however there were 25 inches of the Daniel Y Miller decree on the Albert Bell property not deeded with the portion of property deeded to Gary Wright. It appears that the owners of this property would have claim on this 25 inches of water.

Note: Water Right 27-26D (James Marriott) claimed 1.2 CFS and Water Right 27-26E (Kim Gundersen) Claimed 0.8 CFS; however, there was only 25 inches (0.5 CFS) of the decreed water deeded to this property.

The deed from Kent to Thomson did also mention 100 inches of appropriated water in addition to the decreed water. (Whatever that means?)

Based on the 25 inches of the Daniel Miller decree remaining of the 20 acres (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13 TS 3S Range 34E) it appears that each acre would be entitled to 1.25 inches of the decree since none of the deeds mentioned a specific water right transfer.

ORIGINAL



Daniel Y Miller Property & Water Rights

April 17, 1889

140

United States To Daniel Y. Miller.

4-17-1889

Final Receiver Receipt, No. 802 Application No. 1372
Brambleback
April 17th 1889.

Received of Daniel Y. Miller the sum of six
dollars cents being the balance of payment
required by law for the entry of Lot one and two
under NW¹ NE¹ of Sec. 24, the SW¹ SE¹ of Sec. 13 in
T¹ S. 3, R. 34 E. B. M. and Lot 1 of Sec. 19 in T¹
S. 3, R. 36 E. B. M. containing one hundred and
fifty eight 7/10 acres, under Sec. 2291 of the Revised
Statutes of the U. S.

John Montgomery
Receiver.

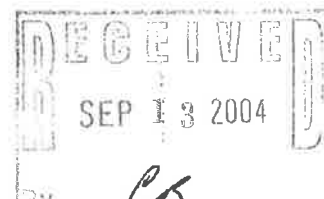
Recorded at the request of
Brambleback Ind. Land. April 20, 1889.
at 4-50 P. M.

Leah Robison, Recorder.
By J. B. Robison, Deputy.

ORIGINAL

2

G:\basin27\stevens2726\danielmiller\danielmillerdecree-originaldistribution



Daniel Y Miller Property & Water Rights

27 January 1894

THE UNITED STATES OF AMERICA.

Acct. Land
Certificate No. 527 } To all to Whom these Presents shall Come—GREETING:

WHEREAS, Daniel Y. Miller
of Bingham County, Idaho
has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho, whereby it appears that full payment has been made by the said Daniel Y. Miller according to the provisions of the Act of Congress of the 24th of April, 1820, entitled, "An Act making further provisions for the Sale of the Public Lands," and the acts supplemental thereto, for the

East half of the Southeast quarter of section thirty
ten in township three south of range thirty
four east of Boise Meridian in Idaho, contain
ing eighty acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Daniel Y. Miller

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have GIVEN and GRANTED, and by these presents do GIVE and GRANT, unto the said Daniel Y. Miller and to his heirs, the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said Daniel Y. Miller and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Grover Cleveland President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty seventh day of January, in the year of our Lord one thousand eight hundred and ninety four, and of the Independence of the United States the one hundred and eighteenth.

BY THE PRESIDENT: Grover Cleveland
By M. McKean Secretary.
Recorded Vol. 9a Page 16 L. L. DeLamar Recorder of the General Land Office.

Filed for Record at Blackfoot Idaho Feb 23 A. D. 1894 and recorded at the request of D. Y. Miller
By D. Y. Miller Deputy. Geo. F. Gagon Recorder

1-27-1894

ORIGINAL

S: // basin 27 / Stevens 27 / 26 Daniel Miller / Daniel Miller
decree - original

RECEIVED
SEP 13 2004

3.2

Daniel Y Miller Property & Water Rights

25 inches of Daniel Y Miller Decree

1-30-1900

Daniel Y. Miller,
Annie M. Miller,
TO

John D. Kent.

THIS INDENTURE, made the 30th day of January in the year of our Lord 1901

between Daniel Y. Miller and Annie M. Miller his brand and wife of the County of Bingham and State of Idaho the part 100 of the first part, and John D. Kent of the County of Bingham and State of Idaho the part 7 of the second part.

WITNESSETH: That the said part 100 of the first part, for and in consideration of the sum of Seven hundred and fifty DOLLARS, lawful money of the United States of America, to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged, do by these presents GRANT, SELL, RELINQUISH and CONFIRM unto the said part 7 of the second part, and to his heirs and assigns forever, all the certain lot or parcel of land situate, lying and being in the County of Bingham and State of Idaho and bounded and described as follows, to-wit:

The West half of the Southwest quarter of the Southwest quarter (W-1/2 NW-1/4 SE-1/4) section thirteen (13) and the West half of the Northwest quarter of the Northwest quarter (W-1/2 of NW-1/4 of NE-1/4) and the West half of lot two (2) of section twenty-four (24) in township three (3) south of range thirty-four (34) east of the Boise Meridian, containing sixty-one and sixty one hundredths acres (61.61/100), together with twenty-five (25) inches of water out of the Blackfoot River, in Bingham County, Idaho, at low water mark on per decree of the Fifth (5th) Judicial District Court of Bingham County, Idaho, dated August first (1st) 1891, together with all ditches and ditch right away thereunto appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part 7 of the second part, and to his heirs and assigns forever, and the said part 100 of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said part 7 of the second part, his heirs and assigns, against the said part 100 of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties, of the first part ha hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Geo. L. Wall.

Daniel Y. Miller. (SEAL)
Annie M. Miller. (SEAL)

STATE OF IDAHO,
County of Bingham. } ss. I DO HEREBY CERTIFY that on this 30th day of January, in the year of 1901, before me, George L. Wall, Notary Public in and for said County and State, personally appeared Daniel Y. Miller, whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

AND I DO HEREBY CERTIFY that: On this 30th day of January, in the year of 1901, before me, George L. Wall, Notary Public, in and for said County and State, personally appeared Annie M. Miller, known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman, the wife of the above named Daniel Y. Miller, and upon an examination separate and apart from and without the hearing of her said husband, she acknowledged to me that she executed the same and that she does not wish to retract such acknowledgment.

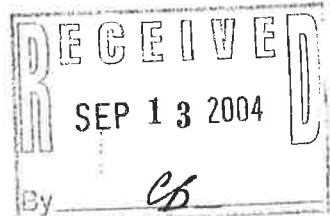
IN WITNESS WHEREOF, I have hereunto set my hand and signed my official seal at Blackfoot, Idaho, the day and year first above written.

(SEAL)
Geo. L. Wall, Notary Public

My commission expires Oct. 2nd 1901

Recorded at the request of John D. Kent, October, 16th 1901, as Attestant
By Geo. F. Ogan, Recorder
J. D. Kent, Deputy.

ORIGINAL



Kent - Albert Bell Property

WARRANTY DEED

N. 37131 BOOK NO. 19

This Indenture, Made the 27th day of September in the year of our Lord one thousand nine hundred and ten between

John D. Kent and Amanda C. Kent his wife

of the County of Bingham and State of Idaho

the part one of the first part, and

R. A. Thompson

of the County of Bingham and State of Idaho

the part two of the second part,

Witnesseth: That the said part one, for and in consideration of the sum of

Sixty six hundred and no/100 (\$6600.00)

DOLLARS,

lawfully money of the United States of America, to them lawfully paid by the said party of the second part, the receipt whereof

is hereby acknowledged do hereby present grant, sell, bargain and convey and confirm unto the said part two of the

second part, and to his heirs and assigns forever, all the certain lot piece or parcel of land situate, lying and

being in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit:

The west half (W¹/₂) of the southwest quarter (SW¹/₄) of the southeast quarter (SE¹/₄) of section

thirteen (13) and the West half (W¹/₂) of the Northwest quarter (NW¹/₄) of the Northeast quarter

(NE¹/₄) and the West half (W¹/₂) of Lot two (2) all of Section twenty four (24) in Township three

(3) South of range thirty four (34) East of Boise Meridian in Idaho containing 61.61 acres;

together with 100 inches of appropriated water right out of Blackfoot River and 25 inches of

decreed water right in low water season; Also all ditches and ditch rights of way.

Together with all and singular the tenements, hereditaments and appurtenances thereto in anywise apper-

taining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto

incident, unto the said part two of the second part, and to his heirs and assigns forever, and the said part one of the

first part and his heirs, and the said premises in a quiet and peaceable possession of the said part two of the second part,

his heirs and assigns, against the said part one of the first part and his heirs, and against all and every person

and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part one of the first part has hereunto set his hand and seal the day and

year first above written.

Signed, sealed and delivered in the presence of

W. H. Sturfflebeem

John D. Kent (REAL)

Amanda C. Kent (REAL)

(REAL)

(REAL)

STATE OF IDAHO,

County of Bingham

I DO HEREBY CERTIFY THAT, on this 20th day of March in the year of 1911

before me,

W. H. Sturfflebeem

Notary Public

in and for said County and State, personally appeared

John D. Kent and Amanda C. Kent his wife

known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me

that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Blackfoot, Bingham County, Idaho

this day and year first above written.

W. H. Sturfflebeem Notary Public

My Commission expires Nov. 12th, 1913

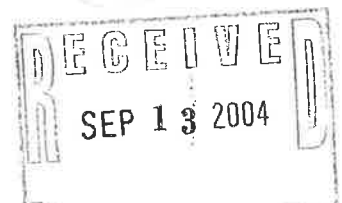
Recorded at the request of W. H. Sturfflebeem March 22, 1911 at 10:00 A.M.

Attest:

Lucas J. [illegible] Deputy Recorder

9-27-1910

ORIGINAL



Kent - Albert Bell Property
John D Kent to R.A. Thomson – 27 September 1910

THIS DEED, made this 20th day of January, 1938, between H. T. Falk, Sheriff of Bingham County, State of Idaho, party of the first part, and THE FEDERAL LAND BANK OF SPOKANE, a corporation, with its principal place of business at Spokane, Washington, party of the second part;

WITNESSETH: WHEREAS the said The Federal Land Bank of Spokane, a corporation, secured a decree of foreclosure on the 23rd day of December, 1936, in that certain action filed in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bingham, and in which the said The Federal Land Bank of Spokane, a corporation, was plaintiff and Sophia M. Thomson, a widow; P. W. Thomson; Ira Espey and Deltha Espey, husband and wife; Albert Bell and Daisy Bell, husband and wife; Blackfoot National Farm Loan Association, a corporation; Unknown heirs of Robert Allen Thomson, same person as Robert Allen Thomson, deceased; et al, were defendants, and whereas among other things it was ordered in said decree that all and singular the premises described therein, should be sold at public auction according to law;

AND, WHEREAS, Ira Corey the then Sheriff of said County, did on the 16th day of January, 1937, after due and public notice, sell the said premises according to law and as in said decree directed, to The Federal Land Bank of Spokane, a corporation, for the sum of Four Thousand and no/100 (\$4000.00) DOLLARS, the said The Federal Land Bank of Spokane, a corporation, being the highest and best bidder therefor;

AND WHEREAS, a Certificate of Sale was duly issued on the 18th day of January, 1937, and more than one year has elapsed since the said sale and no redemption has been made by or on behalf of said defendants, or any of them, and whereas the said The Federal Land Bank of Spokane, a corporation, is now the owner and holder of said Certificate of Sale.

NOW, THEREFORE, H. T. Falk, the said Sheriff of Bingham County, State of Idaho, for and in consideration of the sum of Four Thousand and no/100 (\$4000.00) DOLLARS, paid for said premises to the said The Federal Land Bank of Spokane, a corporation, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey to the said The Federal Land Bank of Spokane, a corporation, and its successors and assigns forever, all of the following described premises located and situated in Bingham County, State of Idaho, to-wit:

The West Half of the Southwest quarter of the Southeast quarter of Section Thirteen, and the West Half of the Northwest quarter of the Northeast quarter, and the West Half of Lot Two in Section Twenty-four, all in Township Three South, of Range Thirty-four, East of the Boise Meridian and

All water and water rights used upon or appurtenant to said property and however evidenced, (but not limited to) a water right evidenced by 60 shares of stock in Riverton Ditch Company, evidenced by stock certificate #41;

Together with all and singular the buildings, improvements and appurtenances thereunto in anywise appertaining.

1-20-1938

Water Identified: 100 inches of appropriated water right out of Blackfoot River and 25 inches of decreed water right in low water season'

ORIGINAL

G:\basin27\stevens27\26daniel miller\kent=bell property

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7.7.4

Kent - Albert Bell Property

596

To HAVE and TO HOLD, all and singular the said premises unto the said The Federal Land Bank of Spokane, a corporation, its successors and assigns forever.

In WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year in this first above written.

H. T. Falk, Sheriff of Bingham County,
State of Idaho

State of Idaho
County of Bingham

On this 14th day of January, in the year 1938 before me, H. William Furchner, Notary Public personally appeared, H. T. Falk Sheriff of Bingham County, State of Idaho, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he, as such Sheriff, executed the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public
My commission expires Oct. 25, 1941

H. William Furchner, Notary Public in and for the State of Idaho, Residing at Blackfoot, Idaho.

Recorded at request of The Federal Land Bank, Spokane Feb. 14, 1938, at 9:02 A. M.

by *G. Adams* Deputy Jno. H. Falk, Recorder
No. 15074

BINGHAM COUNTY TO BLANCHE ROBBINS
DEED OF COUNTY PROPERTY

THIS INSTRUMENT, made and entered into this 18th day of February, A. D. 1938, by and between the County of Bingham, State of Idaho, party of the first part, and Blanche Robbins, a single person of Blackfoot, Idaho, party of the second part,

WITNESSES: That whereas, by order duly given, made and entered by the Board of County Commissioners of said County, in meeting assembled on the 17th day of October 1928, it was found and determined that the certain tract or parcel of land belonging to said County and hereinafter particularly described, was not necessary for the use of said County, and that the same should therefore, pursuant to the provisions of Section 30-706 Idaho Codes Annotated, be sold at public auction on the 18th day of December, 1929; and

WHEREAS, Pursuant to said order and the statute in such case made and provided, the sale was advertised on the 8th day of November, 1929, being thirty days prior thereto, in Bingham County News, a weekly newspaper published in said county (or posted in five public places of the said county), affidavit of the giving of which notice has been duly filed with the Clerk of the Board of County Commissioners of said county; and

WHEREAS, At the time advertised for said sale the said land was, by the clerk of said board, sold at public auction to the party of the second part herein, who was the highest bidder therefor, for the sum of \$225.00, cash, lawful money of the United States of America, which said sum the said party of the second part has paid to the Treasurer of the said Bingham County;

NOW, THEREFORE, for and in consideration of the said sum hereinbefore mentioned the said and pursuant to the law in such case made and provided, the party of the first part hereby does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all that certain tract or parcel of land situated in the County of Bingham, State of Idaho, and more particularly described as follows:

All of Lots 1 and 2 in Block 107 in the First Addition to Benning's Addition to Blackfoot, as appears of Record on the Official Plat in the Recorder's Office, Bingham County, Idaho, together with all and singular the appurtenances, improvements and appurtenances thereto in anywise appertaining, to have and to hold the same unto the party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the Board of County Commissioners of said County has caused this deed of said County to be printed and signed by its Clerk and attested by its Secretary and the Board of County Commissioners.

2-15-1938

ORIGINAL

G:\basin27\stevens27\26daniel miller\kent bell property

RECEIVED
SEP 13 2004
By

7.7.6

Kent - Albert Bell Property

WARRANTY DEED #13428 - R.A. Thomson

THIS INSTRUMENT, made this 26th day of January, 1945, between THE FEDERAL LAND BANK OF SPOKANE, a corporation organized and existing under the Act of Congress known as the Federal Land Bank Act, as amended, with its principal place of business in the City of Spokane, County of Spokane, State of Washington, the party of the first part, and Albert L. Bell and Daisy Bell, his wife, parties of the second part,

1-26-1945

WITNESSETH: That the party of the first part, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and warrant to the parties of the second part, and to their heirs and assigns forever, the following described real estate, situate in the County of Bingham, State of Idaho, to wit:

The West half of the Southwest Quarter of the Southeast Quarter of Section Thirteen, and the West half of the Northwest Quarter of the Northeast Quarter, and the West Half of Lot Two in Section Twenty-four, all in Township Three South of Range Thirty-four East of the Boise Meridian;

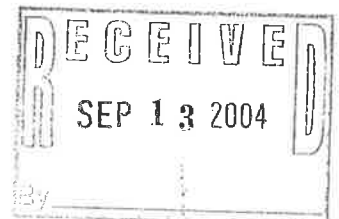
\$4.40 I.R.S. attached and cancelled.

Together with all the tenements, hereditaments, rights, privileges and appurtenances thereto belonging, and all waters and water rights, and all watering and irrigating apparatus and fixtures which are appurtenant to or incident to the ownership of said premises, but nothing herein contained shall be construed as a warranty of any water right.

To have and To hold said premises unto the parties of the second part, their heirs and assigns forever, subject to the following:

1. Unpaid taxes, assessments and water charges, including but not limited to those levied or imposed by the United States Reclamation or Indian Service or by any water or irrigation or drainage district or company, and all other unpaid charges, liens or assessments imposed by or pursuant to law on the above described property, including any and all deferred charges, becoming due subsequent to the year 1936.
2. Any lien imposed by law by reason of the outstanding indebtedness of any drainage, irrigation or other special improvement district; and any lien or encumbrance revived or placed

ORIGINAL



8.6

Kent - Albert Bell Property

Page 2

190

on said property by, through or under the parties of the second part.

3. The exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the state in which said land is situate, or in deeds from Railway companies; and any and all easements, rights of way for railroads, roads or highways or other servitudes.

The party of the first part hereby covenants that, except as hereinabove stated, it will forever warrant and defend the title to said premises and the quiet and peaceable possession thereof unto the said parties of the second part, or their assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed by its proper and duly authorized officers.

Corporate Seal

THE FEDERAL LAND BANK OF SPOKANE
By S. C. Fish, Vice President.

ATTEST: C. C. Upton, Assistant Secretary

Approved ECP Attorney

STATE OF WASHINGTON

COUNTY OF SPOKANE. ss.

On this 26th day of January, 1945, before me (a notary public in and for the above named state) personally appeared S. C. Fish, to me known to be Vice-President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that it executed the same; and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

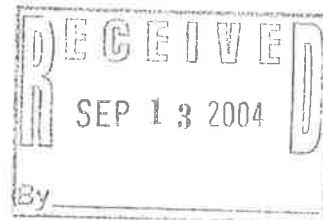
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

SEAL

E. C. Prestbye
Notary Public in and for the State of Washington
Residing at Spokane, Washington.
My commission expires October 7, 1947.

Recorded at the request of Albert Bell on January 30, 1945 at 4:02 p.m. Fee \$ 1.40
By *Joyce W. Smith* Deputy Jno. H. Falk, Recorder

ORIGINAL



Kent - Albert Bell Property

Kim Gundersen

483126

WARRANTY DEED

Order No. 13029900127-L

FOR VALUE RECEIVED

James M. Marriott and Colleen Marriott, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Kim C. Gundersen and Tamara J. Gundersen, Husband and Wife

whose current address is

1671 Frontage Rd, Blackfoot, ID 83221

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Parcel 1:

Part of the West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Township 3 South, Range 34 East of the Boise Meridian, Bingham County, Idaho described as follows:

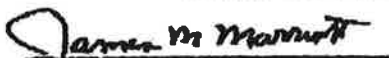
Beginning at the South Quarter corner of said Section 13 and running thence North 89°13'51" East 224.90 feet along the section line to the Southwest corner of the property as described in Instrument No. 427243; thence along the boundary of said property the following three (3) courses: (1) North 00°46'09" West 246.26 feet; thence (2) North 89°13'51" East 180.85 feet; thence (3) South 14°36'41" East 253.63 feet to the South line of said Section 13; thence North 89°13'51" East 193.95 feet along said South line to the East line of said West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13; thence North 00°29'33" East 639.68 feet along said East line to the centerline of an existing irrigation ditch; thence South 86°51'44" West 661.53 feet along said existing irrigation ditch to the West line of said West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13; thence South 00°29'37" West 612.33 feet along said West line to the Point of Beginning.

SUBJECT TO an existing County Road right-of-way along the South side of the above described parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he inure the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 14, 1999


James M. Marriott


Colleen Marriott

State of Idaho
County of Bingham

483126

Kent - Albert Bell Property

Kim Gundersen

RECORDED
BLACK FOOT, IDAHO
SEP 20 1999
RECORDED AT THE REQUEST OF
ADAMS & SON CORP

9-14-1999

483126 WARRANTY DEED

Order No. 3029900127-L

FOR VALUE RECEIVED

James M. Marriott and Colleen Marriott, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Kim C. Gundersen and Tamara J. Gundersen, Husband and Wife

whose current address is

1671 Frontage Rd. Blackfoot, ID 83321

the grantor(s), the following described premises, in Bingham County, Idaho, TO WIT:

Parcel 1:
Part of the West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Township 3 South, Range 34 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at the South Quarter corner of said Section 13 and running thence North 89°13'51" East 224.90 feet along the section line to the Southwest corner of the property as described in Instrument No. 427243; thence along the boundary of said property the following three (3) courses: (1) North 00°46'09" West 246.26 feet; thence (2) North 89°13'51" East 180.85 feet; thence (3) South 14°36'41" East 253.63 feet to the South line of said Section 13; thence North 89°13'51" East 193.95 feet along said South line to the East line of said West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13; thence North 00°29'33" East 639.68 feet along said East line to the centerline of an existing irrigation ditch; thence South 86°51'44" West 661.53 feet along said existing irrigation ditch to the West line of said West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13; thence South 00°29'37" West 612.33 feet along said West line to the Point of Beginning.

SUBJECT TO an existing County Road right-of-way along the South side of the above described parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 14, 1999

James M. Marriott
James M. Marriott

Colleen Marriott
Colleen Marriott

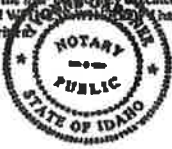
State of Idaho)
County of Bingham)

483126

On this 14 day of September, in the year 1999, before me, a Notary Public in and for said state, personally appeared James M. Marriott and Colleen Marriott

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that (s)he/they executed the same.

(IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.)



James C. Gundersen
Notary Public for the State of Idaho
Residing at Blackfoot
Commission Expires: 08/12/2004

ORIGINAL

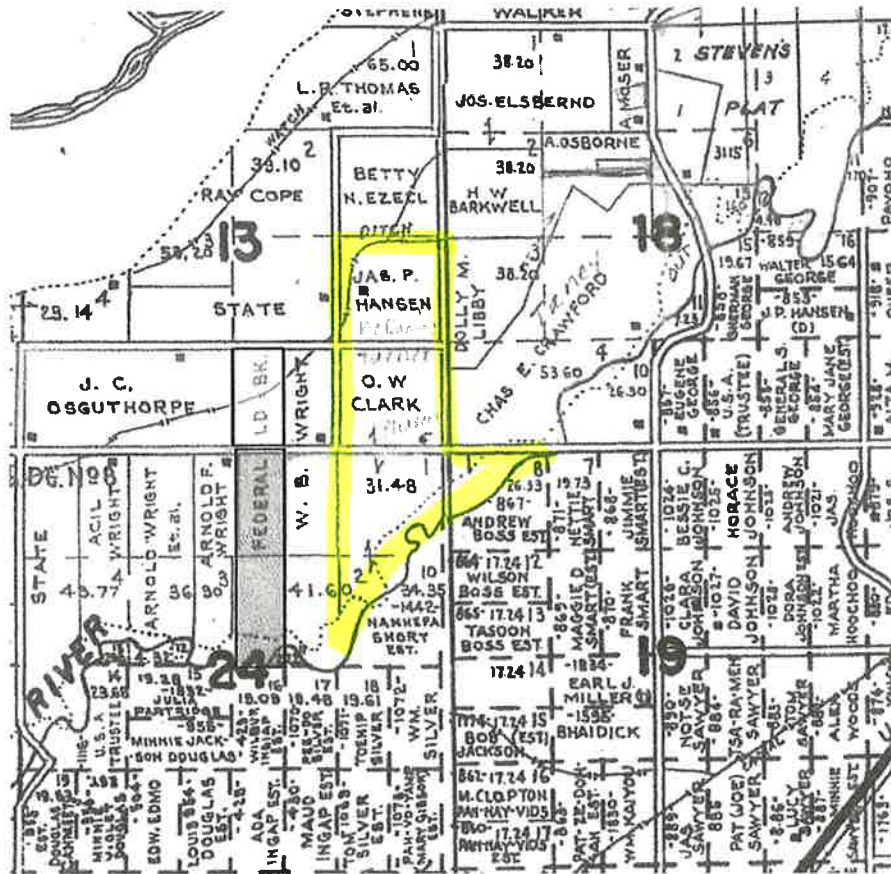
G:\basin27\stevens27\26daniel miller\kent=bell property

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**Kent - Albert Bell Property
Daniel Miller Water on the Albert Bell Property:**

Reference: See the **Daniel Miller** file for initial data on the distribution of the 100 inches of the decreed water.



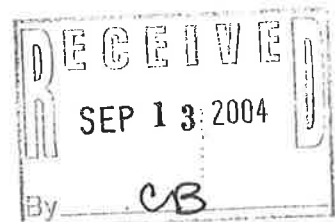
- ☐ Bell to Marriott then to various owners – 25 inches Daniel Y Miller
- ☐ Bell to Gary Wright – deeded with 40 inches March 25 1880

See page 9 of this document for summary of Bell to Marriott 25 inches of Daniel Y Miller Decree.

ORIGINAL

CB

9:11 basin 27 / Stevens 27 / 26 Daniel Miller



<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
27	26	A	Decreed	Active	1885-03-25	0.58	BLACKFOOT RIVER	IRRIGATION	STECKLEIN, LA VERELLE (Current)	wrAdjudicationClaim
27	26	C	Decreed	Active	1884-10-01	0.42	BLACKFOOT RIVER	IRRIGATION	POWERS, CHARLIE M (Current)	wrAdjudicationClaim
27	26	D	Decreed	Active	1884-10-01	1.2	BLACKFOOT RIVER	IRRIGATION	MARRIOTT, COLLEEN R (Current); MARRIOTT, JAMES M (Current)	wrAdjudicationClaim
27	26	E	Decreed	Active	1884-10-01	0.8	BLACKFOOT RIVER	IRRIGATION	GUNDERSEN, KIM CALVERT (Current)	wrAdjudicationClaim
27	26		Decreed	Active	1884-10-01	2	BLACKFOOT RIVER	DOMESTIC, IRRIGATION	MILLER, DANIEL Y (Current)	wrWaterRight

SCANNED

Log for claim 27-00026E

JUL Spatial Dynamics LTD

12/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	13	SWSE	8	34	Indiscernible
Totals:			8	34	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KIM CALVERT GUNDERSEN 1671 FRONTAGE RD BLACKFOOT ID 83221 (208) 785-3004	10/01/1884	IRRIGATION	03-15 11-15	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T03S R35E S18 SWSWNE BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
03S	34E	13	:		:		:		:		:		:		:		:		:		:		:		:		:		:			
																										08	:	8.0				
																										TOTAL ACRES	:	8.0				

POU County: BINGHAM

Non-Irrigation Uses: INCIDENTAL STOCK WATERING

Other Rights: 27-0004AB

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

27-11513 A27-00004AA A27-00004AB A27-00004R A27-00022D A27-00023F A27-00025B A27-00026A A27-00026C A27-00026D
A27-00027B A27-00027C A27-00029D A27-00035D A27-00037G A27-00037K A27-00037N A27-10357 A27-10358 A27-10370
A27-10552 A27-10555 A27-10557 A27-10844 A27-11513

Other Water Rights Listing Overlapping Place(s) of Use:

A27-00004A A27-00004AA A27-00004AB A27-00004W A27-00026 A27-00026D A27-10203 A27-10844

Remarks: GEN P/D & P/U NOT GIVEN IN DECREE.
PLACE OF USE IS DESCRIBED AS THE W1/2 SW1/4 SE1/4 SEC. 13 T3S
R34E, B.M. CLAIMANT MAY BE SELLING PORTION OF THIS RIGHT TO
NEIGHBOR IN THE FUTURE.
ORIGINAL RIGHT IRRIGATED, IN ADDITION TO THIS 20 ACRES, 61.61
ACRES. IN 1986 41.61 ACRES WERE SOLD TO ANOTHER PARTY. THE
PORTION OF A27-00026 HISTORICALLY USED ON THIS SOLD PROPERTY
WAS RETAINED BY MR. BELL.

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

Misc: Water District Number: 27 Field Inspection Flag:
Presumption Flag: D

Audit: 11/08/99 DCARLSON



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

November 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KIM CALVERT GUNDERSEN
1671 FRONTAGE RD
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A27-00004W, A27-00026

Dear Ms. Gundersen:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A27-00004AA, 0.24 CFS ON 12 ACRES, MARRIOTT
A27-00004AB, 0.16 CFS ON 8 ACRES, GUNDERSEN

A27-00026D, 1.20 CFS ON 12 ACRES, MARRIOTT
A27-00026E, 0.80 CFS ON 8 ACRES, GUNDERSEN

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

Enclosure

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 26D 60004 AA
Adjudication Claim No(s): A27-00026 A27-00004W
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant Albert Bell
4. New Owner/Claimant(s) James or Colleen Marriott
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address X 799 W 200 S
City, State and ZIP Code BLACK FOOT ID 83221
New Telephone Number (208) 684 5319
5. Date you acquired the property Jan 1995
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____	Number and type of stock _____
Diversion rate in CFS _____	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) X James Marriott
or Claimant(s) _____

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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 27-26E
Date Received: 4/12/1989
Receipt No: X999999
Received By:

Amended

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KIM CALVERT GUNDERSEN Phone: (208)785-3004

~~648 W 300S~~ 646 West 300 South
BLACKFOOT ID USA 83221

COPY

2. Date of Priority: ~~10/01/1884~~ 04/01/1883

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	35E	18	SW SW NE	BINGHAM	

5. Description of diverting works:

HEAD WORKS OF THE RIVERTON DITCH. CONCRETE DIVER TO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	~~3/15~~	~~11/15~~	~~0.8~~	
	<u>04/01</u>	<u>10/31</u>	<u>0.16</u>	

7. Total Quantity Appropriated is:

~~0.8~~ C.F.S. 0.16 CFS

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	34E	13	SW	SE	IRRIGATION	8
					Section Acres	8
					Total Acres	8

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

P/D & P/U NOT GIVEN IN DECREE.

PLACE OF USE IS DESCRIBED AS THE W1/2 SW1/4 SE1/4 SEC. 13 T3S R34E, B.M. CLAIMANT MAY BE SELLING PORTION OF THIS RIGHT TO NEIGHBOR IN THE FUTURE.

ORIGINAL RIGHT IRRIGATED, IN ADDITION TO THIS 20 ACRES, 61.61 ACRES. IN 1986 41.61 ACRES WERE SOLD TO ANOTHER PARTY. THE PORTION OF A27-00026 HISTORICALLY USED ON THIS SOLD PROPERTY WAS RETAINED BY MR. BELL.

15. Basis of Claim: Decreed

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: _____

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Date: _____

State of Idaho)
) ss.
County of)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 2005

Residing at _____

My commission Expires _____

JUL 13 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: A27-00026E
Date Received: 4/12/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KIM CALVERT GUNDERSEN
Address: 1671 FRONTAGE RD
BLACKFOOT ID

208-785-3004

83221

2. Date of Priority: OCT 1, 1884

3. Source: BLACKFOOT RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	35E	18	SW	SW	NE		BINGHAM

5. Description of diverting works:

HEAD WORKS OF THE RIVERTON DITCH. CONCRETE DIVER TO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCK WATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	13	SW	SE		IRR	8.0

A2700026E



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	8.0
					Total Acres	8.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
27-0004AB

14. Remarks:

P/D & P/U NOT GIVEN IN DECREE.
PLACE OF USE IS DESCRIBED AS THE W1/2 SW1/4 SE1/4 SEC. 13 T3S
R34E, B.M. CLAIMANT MAY BE SELLING PORTION OF THIS RIGHT TO
NEIGHBOR IN THE FUTURE.
ORIGINAL RIGHT IRRIGATED, IN ADDITION TO THIS 20 ACRES, 61.61
ACRES. IN 1986 41.61 ACRES WERE SOLD TO ANOTHER PARTY. THE
PORTION OF A27-00026 HISTORICALLY USED ON THIS SOLD PROPERTY
WAS RETAINED BY MR. BELL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 8/ 1/1891

FRED S. STEVENS, ET AL.
Decree Plaintiff

EASTERN IDAHO WATER CO., ET A
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____