

10/25/2005

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

RIGHT NUMBER: 27-10370

NAME AND ADDRESS: GORDON H DURNEY
208 S 550 W
BLACKFOOT ID 83221

LEDA D DURNEY
208 S 550 W
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 10/01/1884

POINT OF DIVERSION:

T03S R35E S8 SWSENE Lot 8 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.120 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R35E S18 NENW 6.0

6 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: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH STEVENS DITCH.

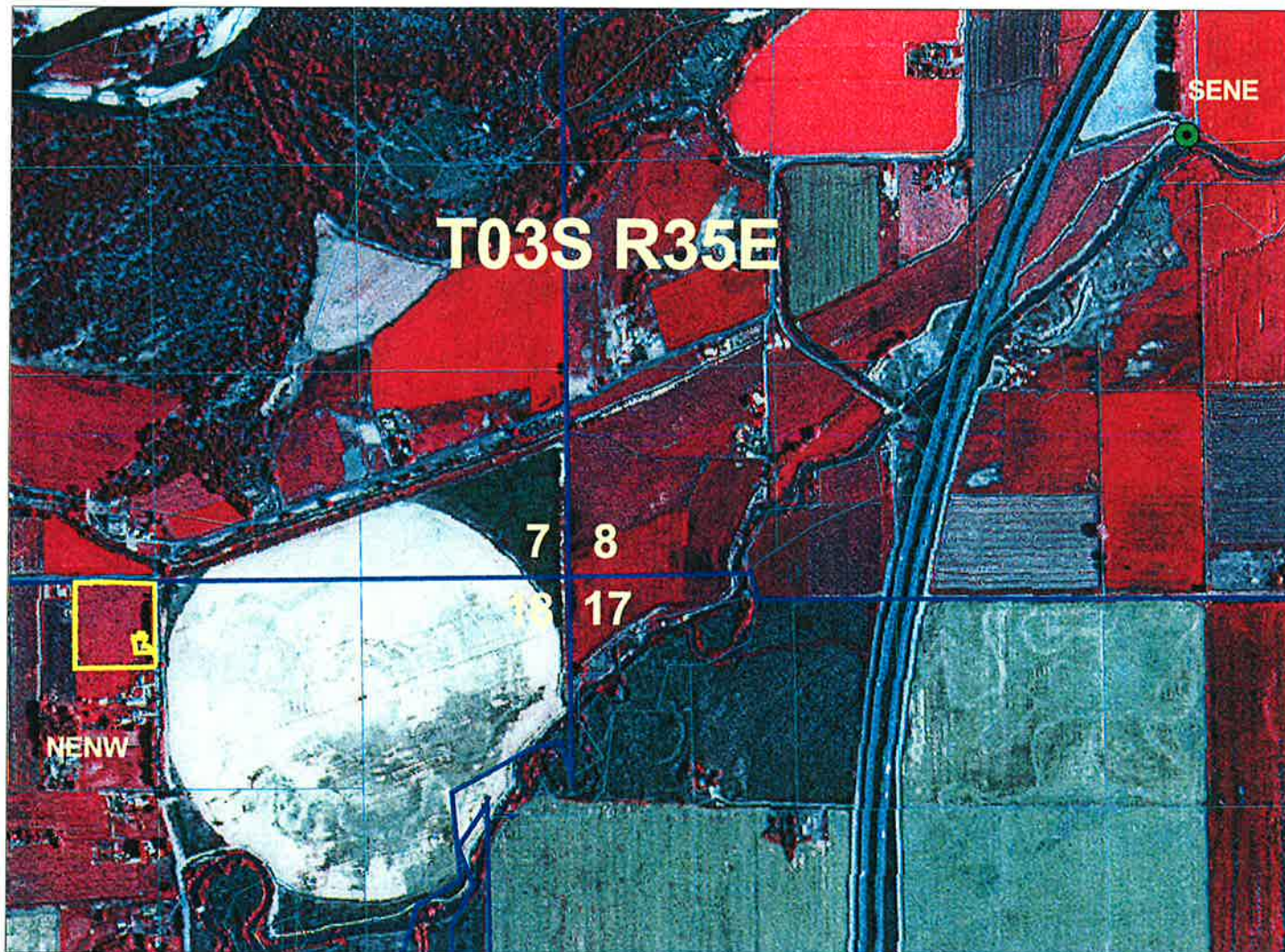
This right is a split from former right 27-27.

Department of Water Resources

Eastern Region



Claim No.: 27-10370



PROFILED

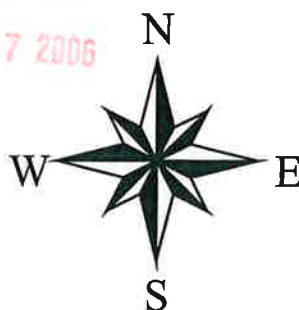
0 660 1320 1980 2640 Feet



SCANNED

MAY 17 2006

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005



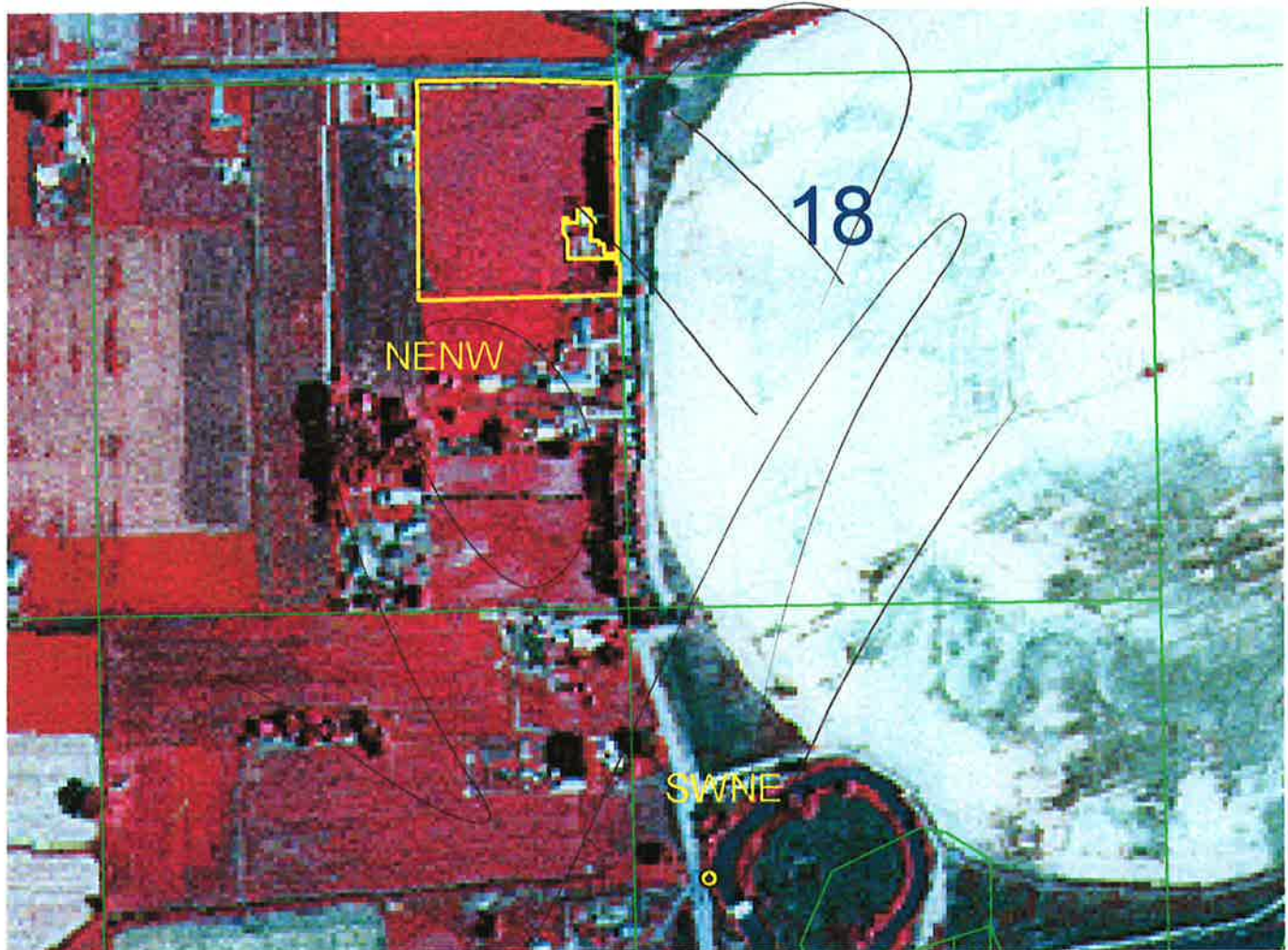
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-10370



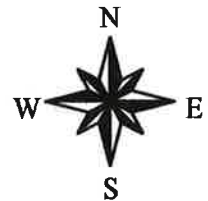
500 0 500 1000 Feet

IRRIGATED ACRES 6.0

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

Place of Use: T3S, R35E:
(part of) Sec. 18, NENW.

Point(s) of Diversion: T3S, R35E:
Sec. 18, SWNE.
Riverton Dam.



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 26, 2005

Gordon H Durney & Leda D Durney
208 S 550 W
Blackfoot ID 83221

RE: Change to Preliminary Director's Report 27-10370

Dear Gordon & Leda:

The purpose of this letter is to notify you the Preliminary Director's Report you previously received for the above referenced claim has been changed. A printout of the new Preliminary Director's Report and a map is included for your records.

The Notices of Error and new claims received by this office subsequent to the May 2005 mailing of Preliminary Director's Reports in Basin 27, Blackfoot River Drainage, caused us to re-examine the recommendations involving decreed water right 27-27. Your claim to portion of this water right was one of those we re-examined. The enclosed report is based on information obtained subsequent to the initial mailing and replaces the previous Preliminary Director's Reports. I urge you to take a few minutes and review the elements of your water right as reflected on this revised Preliminary Director's Report.

The Department expects to submit to the Snake River Basin Adjudication Court all recommendations for the Blackfoot Drainage, Basin 27, in November 2005. At that time you will receive a Director's Report for your water right, which should mirror this revised preliminary recommendation. The Director's Report mailing will not include a map.

Naturally if you have questions please call me at the above phone number.

Respectfully Submitted,

Ernest Carlsen
Water Right Supervisor

Enclosure (1)

PROFILED

SCANNED
MAY 17 2006

27-27 Splits

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Version</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Parent right</u>	<u>Owner(s)</u>
27	27 B			0.9			STRECKLIN, THEODORE (Current)
27	27 C			0.96			STEVENS, FRED S (Current)
27	27 D			0.94	280		WRIGHT, FRANKLIN D (Current)
				2.8			
27	12105			1.66			Stecklein, Deanna (Current); Stecklein, La Verelle (Current)
27	27 D			0.94	280		WRIGHT, FRANKLIN D (Current)
27	10357			0.04			GNEITING, MIKALA (Current); GNEITING, QUINTON (Current)
27	10358			0.06			LEISETH, JASON (Current); LEISETH, MEGAN (Current)
27	10370			0.12			DURNEY, GORDON H (Current); DURNEY, LEDA D (Current)
27	11199			0.1			THOMPSON, DARWIN A (Current); THOMPSON, SHARON (Current)
				2.92			
27	12105		1	1.38		27B + .48 of 27C	Stecklein, Deanna (Current); Stecklein, La Verelle (Current)
27	10357		1	0.03		27C	GNEITING, MIKALA (Current); GNEITING, QUINTON (Current)
27	10358		1	0.06		27C	LEISETH, JASON (Current); LEISETH, MEGAN (Current)
27	10370		1	0.12		27C	DURNEY, GORDON H (Current); DURNEY, LEDA D (Current)
27	10847		1	0.07		27C	STEWART, CORDELL E (Current); STEWART, JUDITH ANN (Current)
27	11199		1	0.08		27C	JORGENSEN, DORAN (Current); JORGENSEN, SHIRA (Current)
27	27 D		1	0.94	280	27D	WRIGHT, FRANKLIN D (Current)
				2.68			

Enclosed are copies of deeds and water application etc.

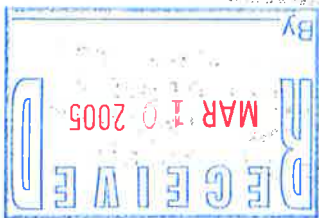
I sold the ^{3/4} acres to Danny and Mennie

Amie

I hope these will give you the information

that you need.

Borden H. Boring



A. Moser and
Nora C. Moser, husband and wife

TO

Gordon Durney

Dated- June 23rd, 1942-

Consideration- \$1.00-

Recorded- June 24th, 1942 at-

4:20 p.m., in Book "59" of Deeds at-

Page 520 of the records of Bingham County, Idaho-

Andrew Moser

Nora C. Moser

Acknowledged by A. Moser and Nora C. Moser, husband
and wife, June 23rd, 1942, before O.H. Matthews a Notary
Public for Utah, residing at Salt Lake, Utah: Sealed:

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell, convey and
confirm unto the party of the second part and to his heirs and assigns forever all
that certain real property situated in Bingham County, Idaho, described as follows:
Commencing at a point 128 rods East of the Northwest corner of Lot 1 of
Section 18 in Township 3 South of Range 35 E.B.M. running thence due East 30 rods;
thence South 80 rods; thence West 30 rods; thence North 80 rods to the place of
beginning.
To Have and To Hold said premises in the quiet and peaceable possession
of the party of the second part, his heirs and assigns and the said first parties
will warrant and forever defend.
\$1.10 I.R.S. attached and cancelled.

8.1.2



WARRANTY DEED

Pauline Ruth Robinson and
F. A. Robinson, her husband

TO

Gordon H. Durney

Dated- April 22d, 1942-

Consideration- \$1009.65

Recorded- April 23rd, 1942 at-

9:45 a.m., in Book "59" of Deeds at-

Page 494 of the records of Bingham County, Idaho-

Pauline Ruth Robinson
F. A. Robinson

Acknowledged by Pauline Ruth Robinson and F.A. Robinson, her
husband, April 22d, 1942, before E.P. Monson, Jr. a Notary
Public for Idaho, residing at Blackfoot, Idaho: Sealed:

DESCRIPTION and REMARKS

The parties of the first part do hereby grant, bargain, sell, convey and confirm unto the party of the second part and to his heirs and assigns forever all that certain real estate situated in Blackfoot, Bingham County, Idaho, to-wit:
Tax #1932 15 acres. Commencing at a point 126 rods East of the (NW) corner of Lot 1, Section 18 Township 3 South of Range 35 E.B.M., and running thence due East 30 rods; thence South 80 rods; thence West 30 rods; thence North 80 rods to place of beginning.

To Have and To Hold said premises in the quiet and peaceable possession of the party of the second part, and to his heirs and assigns and the said first parties will warranty and forever defend.

\$1.65 I.R.S. attached and cancelled.

8.1.1.5



No. 37-

WATER APPLICATION

(1) Name of Applicant; James W. Ezell, Post office Address: Blackfoot, County Bingham State of Idaho. (2) The quantity of water claimed is $4/5$ cubic feet per second. (3) Source of water supply Blackfoot River, County of Bingham. (4) Location of point of diversion "Stevens Dam" on Blackfoot River about $6\frac{1}{2}$ miles up the Blackfoot River from its mouth and in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 8 Township 3 south Range 35 E.B.M., (5) to be used for Irrigation and Domestic use a) Amount of land to be irrigated; 40 acres. b) in the following legal subdivisions SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13 township 3 south, Range 34 E.B.M., (6) estimated costs of works \$1200 which said works are complete. (7) Description of works for diversion; Dam of earth and rock cost \$300. I. Kind of works Dam and Ditch. II, Demension of works (a) height of dam 6 feet length of dam at top 50 feet; length of dam at bottom 40 feet. Material used in construction. Earth, wood, and stone. (c) size of headgate; width 5 $\frac{1}{2}$ feet, heighe 3 feet. (d) Conduit ditch width at bottom 3 feet, width at water line 4 feet, depth of water one foot, length of conduit is $1\frac{1}{2}$ miles and it crosses the following quarter sections; SW $\frac{1}{4}$ Sec. 8 SE $\frac{1}{4}$ Sec. 7 NE $\frac{1}{4}$ Sec. 18 and NW $\frac{1}{4}$ Section 18 township 3 south Range 35 E.B.M., to land described in 51 (b) above which is the point of intended use. (8) The time required for the completion of the construction of such work is already completed. (9) Time required for the complete application of the water to the proposed use is... additional years. now applied. 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.

J. W. Ezell, Applicant.

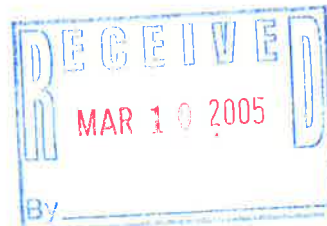
By R. M. McCracken Agent.

Remarks; The works of said system are now complete and water has al been applied to the land described herein.

Approved December 10, 1910 by D .C. Martin, State Engineer.

Recorded December 3, 1926 at 9:12 A.M., in book "G" of Miscellaneous at page 520 of the records of Bingham County, Idaho-

543.5



No. 2-

The Bingham
Abstract Co. Ltd.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR BINGHAM COUNTY.

Fred S. Stevens, et al.,
Plaintiffs, :
vs. :
Eastern Idaho Water Co., et al. :
Defendants. :
----- :

This cause having been heretofore tried by the Court without a jury and the Court having made its findings of fact and conclusions of law.

It is now ordered, adjudged and decreed that the following parties are entitled to divert from the Blackfoot River the amount of water herein indicated and the right of each party dates from the time hereinafter stated and set opposite each name, to-wit:-

Among others is that of :-

Fred S. Stevens, July 6th A. D. 1869- 138 inches.

Fred S. Stevens, October 1st, A. D. 1884- 140 inches

It is further ordered, adjudged and decreed, that all parties to this action shall have the right to use the waters of the several streams named in this decree for domestic purposes.

Done in open Court this August 1st, A.D. 1891

Chas. Cabb,

Judge Pro Tem.

Recorded in book Judgment Book "1"
Pages 107- 116 of the records of Bingham County, Idaho.



Notes

3/2/05 Please create POI, POD! layout needed. CB

3/2/05 I called Gordon Burney to talk about his claim. He said he originally purchased 15 acres. He claims he had 15 inches of water. He sold 5" to Troy Otto and another 3 1/2 inches to someone else. He is going to send me a copy of his warranty deed and the warranty deed for the 3 1/2 inches. co.

3/8/05. Tweaked the shape to keep it within the Brigham Co. tax lot boundaries. Please redo the layout.

3 March 2004

To: Cindy

Re: 27-10847

I have prepared a layout for this claim. There are other possible overlaps, all dealing with Welch water. A recap of the potential overlapping files is as follows:

- 27-10357 Thyberg, Samuel Tad. Letter sent from AG's office. Response date 3/26/04
- 27-10358 Leiseth, Jason. Letter sent from AG's office. Response date 3/26/04.
- 27-10370 Durney, Gordon H. I did research of the Watermaster Reports 1975-1088. A recap is in the file. No correspondence from claimant in the file.

I have exported the layout to a .jpg file

Barbara

A handwritten signature in blue ink, consisting of a large, stylized 'B' followed by a loop and a trailing line.

Date: 24 February 2004
Memo to File Gordon Durney
Re: Research Watermaster reports 1975 – 1988

I researched the Watermaster reports looking for Gordon Durney and Riverton Dam Co. I found the following:

Riverton Dam Co.

1975 – 1987 Albert Bell was listed as secretary

1988 LolaDawn Hernandez was listed as secretary

References included 27-3, 4, 22, 23, 26, 37, Blackfoot Irrigation

There was only one user listed for the Riverton Dam.

Gordon Durney

1975 –1988 listed under Stevens Ditch with reference 27-27

The water delivered within 24 hours was listed as follows:

Year 1975	15
Year 1978	15
Year 1980	60
Year 1981	50
Year 1982	50
Year 1983	?
Year 1984	80
Year 1985	85
Year 1986	85
Year 1987	85
Year 1988	85

Barbara

INTER-DEPARTMENT MEMO

TO: Barbara / Paulini
FROM: Andy

SUBJECT: Watermaster Reports
DATE: 2/23/04

Check our 1975 - 1988 Watermaster reports for delivery of water to Mr. Durney. also check Riverston Dam Co to see what they deliver water to Mr. Durney is based on.

() For your information

X ~~Recessed~~

CB
signature

No R&D

Basin No.	Sequence Number	Split Suffix	Name	yyyy-mm-dd Priority Date	Useage	Other Water Rights Used	S=Stevens	Stevens Decree #	Total CFS			
27	10370		Durney, Gordon H.	1884-10-01	irrigation		s	27	0.12			
27	27	B	Stecklein, LaVerelle	1884-10-01	irrigation		s	27	0.90			
27	11199		Thompson, Darwin	1884-10-01	irrigation		s	27	0.10			
27	27	C	Wright, Franklin D.	1884-10-01	irrigation	27-23C, 37K	s	27	0.94			
							4	27	2.06	2.80	0.74	140

2/6/04 CB 27-10847 0.08cfs Cordell Stewart.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BENCHAM COUNTY.

27-C
Transfers
Noted

Fred S. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of law:

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and
set opposite each name, to-wit:-

Fred S. Stevens	July 6, A. D. 1869	138 Inches
Henry Dunn	July 1, A. D. 1870	300 Inches
N. A. Just and) Emma Just)	August 1, A. D. 1871	200 Inches
Leon Misslen	July 1st, A. D. 1873	200 Inches
Joan Misslen	July 1st, A. D. 1874	120 Inches
H. R. Lewis	March 1st, A. D. 1875	100 Inches
Ernest Burrell	March 1st, A. D. 1876	100 Inches
William Kirkpatrick	May 1st, A. D. 1878	100 Inches
F. R. Shoemaker	April 1st, A. D. 1879	90 Inches
Eastern Idaho Water Co.	March 25, A. D. 1880	1200 Inches
F. B. Fox Jr.) William Howard) A. Whitten)		

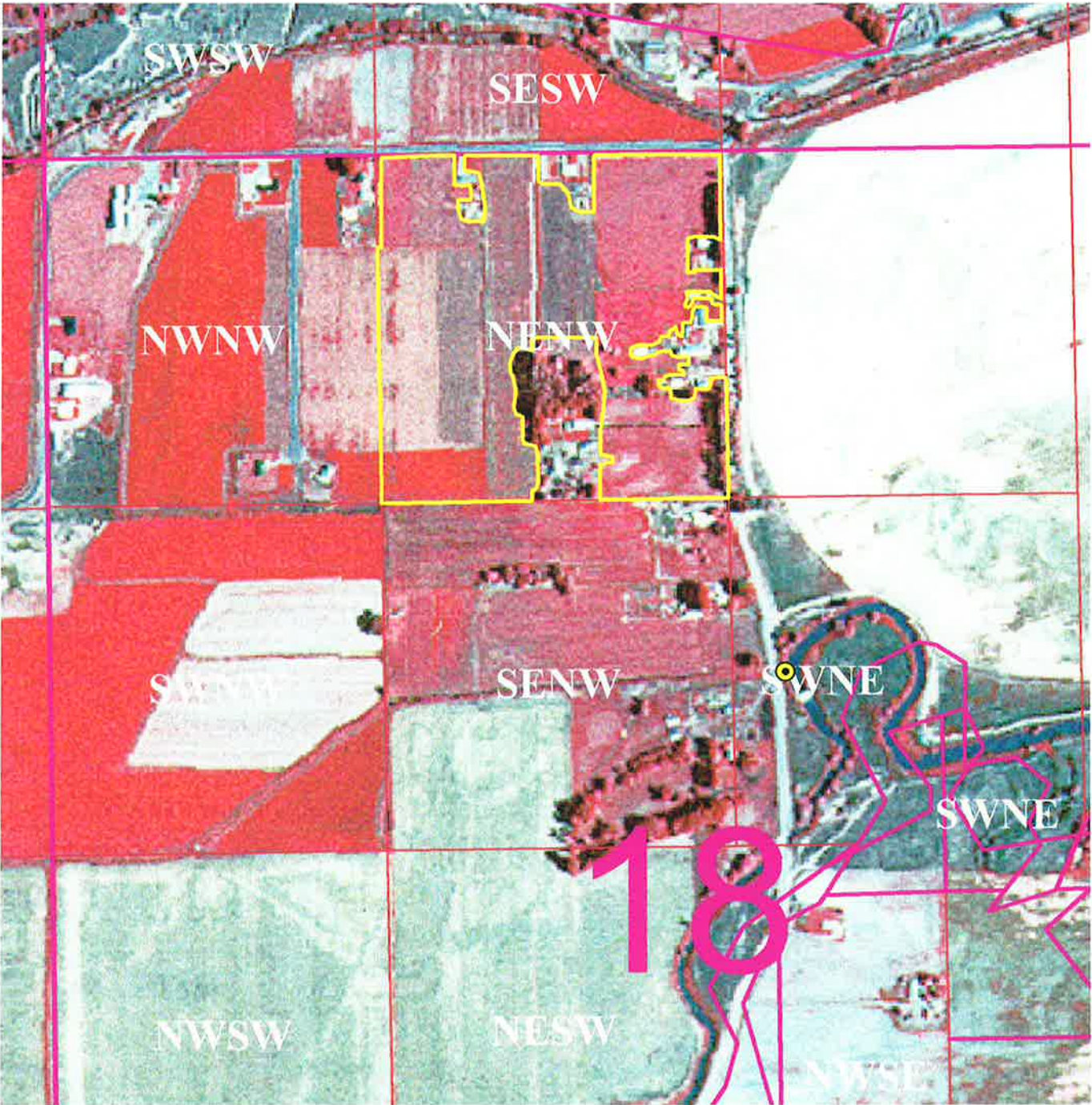
RECORDED

27	Susan E. Whitten) & Calvin Mills)	March 25, A. D. 1880	600 Inches	
	Levi Warren	April 1, A. D. 1882	50 Inches	
	Emily Warren	April 1, A. D. 1883	106 Inches	
	Daniel Y. Miller	April 1, A. D. 1883	100 Inches	
27 0027	Fred S. Stevens	October 1, A. D. 1884	140 Inches	Trans #1597
	N. A. Just) & Emma Just)	April 1st, A. D. 1885	100 Inches	
	Leon Misslen	May 1st, A. D. 1885	300 Inches	Trans #58-84
	Robert Millen	May 1st, A. D. 1885	150 Inches	Trans #107
	P. B. Fox Jr.) William Howard) A. Whitten) Susan Whitten) Calvin Mills)	June 1st, A. D. 1885	1500 Inches	Trans #237-246-228 #465-531-784-787-80 #852-853-854
	W. W. Ritor	July 3rd, A. D. 1885	560 Inches	
	Thomas G. Weber	July 23, A. D. 1885	480 Inches	
	James Drew	Oct. 1st, 1885 A. D.	6 Inches	
	Eastern Idaho Water Co.	October 1st, A. D. 1885	1000 Inches	
	H. B. Lewis) & Sarah Lewis)	March 1, A. D. 1886	160 Inches	
	James Welch	March 20th, A. D. 1886	400 Inches	
	William M. Danileon	April 5th A. D. 1886	352 Inches	
	David J. Morgan	April 5th, A. D. 1886	138 Inches	
	William Morgan	April 5th, A. D. 1886	100 Inches	
	William A. Downing	April 5th, A. D. 1886	120 Inches	
	F. Little	October 4th A. D. 1886	240 Inches	
	Charles E. Burton	October 4th A. D. 1886	240 Inches	
	John Sharp Jr.	November 1, A. D. 1886	320 Inches	
	F. A. Jennings	November 1, A. D. 1886	400 Inches	
	Donald Tolmie	April 1st, A. D. 1887	100 Inches	

MICROFILMED

Water Right Claim Number 27-10370
Township , 3S35E

01/03/2001



 Irrigated Area

 Place of Diversion

Legend

 Section Line

 Quarter Section Line

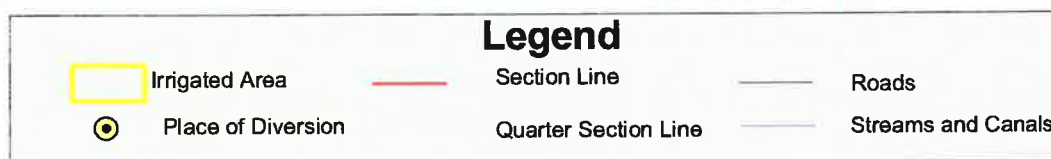
 Roads

 Streams and Canals



Water Right Claim Number 27-10370
Township , 3S35E

01/03/2001



Water Right Claim Number 27-10370
Township , 3S35E

01/03/2001





Irrigated Area



Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals



SCANNED

JUL 20 2001

Log for claim 27-10370

Spatial Dynamics LTD

1/3/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	18	NENW	6	32	Indiscernible
Totals:			6	32	

July 10, 1991

GORDON H DURNEY
208 S 550 W
BLACKFOOT ID 83221

RE: RENUMBERED NOTICES

Dear Mr. Durney:

The Department has changed the identification numbers for Notices of Claim #A35-10745 and #A35-10746. The new numbers are #A27-10370 and #A27-11513. We have also modified receipt M003298 to reflect the new numbers.

A copy of the receipt and the Notices of Claim are enclosed for your records.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

MICROFILMED
MICROFILMED
NOV 12 1992
NOV

JUL 20 2001

Fix River #

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

Renumbered A2710370Ident. Number: A35-10745

Date Received: 5/02/1989

Receipt No: M003298

Received By: BASSC
7/10/91WRONG BASIN
ASSIGNED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GORDON H. DURNEY 208-785-1264
Address: 208 S 550 W
BLACKFOOT, ID 83221
OR
Name: LEDA D. DURNEY 208-785-1264
Address: 208 S 550 W
BLACKFOOT, ID 83221

2. Date of Priority: OCT 01, 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	NE			BINGHAM

5. Description of diverting works:

HEADGATE AND FLASH BOARDS AT RIVER & FLOOD IRR. FROM STEPHENS CAN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A2710370



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	35E	18	NE NW		IRR	6.2
Section Acres						6.2
Total Acres						6.2

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:
NONE

14. Remarks:

THIS CLAIM IS BASED ON SEVEN SHARES IN THE RIVERTON DAM COMPANY WHICH WAS PART OF THE STEPHEN'S DECREEED RIGHT #27-00027A FOR 140 INCHES IN THE STEPHEN'S CANAL.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date:

Decree Plaintiff

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: 0

For Individuals:

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

Signature of Claimant(s): Gordon H. Durney Date: 5-2-89

Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of May 19 89

Bruce A. Hill
Notary Public

Seal

Residing at _____

My Commission Expires _____