

02/17/2005

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

RIGHT NUMBER: 27-10999

NAME AND ADDRESS: GARY L EMPEY
830 RIVERTON RD
BLACKFOOT ID 83221

MARVA I EMPEY
830 RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.050 CFS
PRIORITY DATE: 05/01/1878
POINT OF DIVERSION:

T03S R35E S9 SENE Lot 1 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	0.050 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R35E S09 NWNE 2.7

2.7 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 MINERS DITCH.

This right is a split from former right 27-20.



STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-10999



500 0 500 1000 Feet

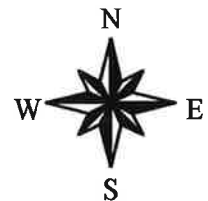
IRRIGATED ACRES 2.7

LEGEND

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

Place of Use: T3S, R35E:
(part of) Sec. 9, NWNE

Point(s) of Diversion: T3S, R35E:
Sec. 9, SENE, Lot 1



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

PROFILE

SCANNED
MAY 25 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 18, 2012

Mark Empey
Kendra Empey
830 Riverton Rd
Blackfoot ID 83221

RE: Notice of Change of Water Right Ownership (NCO) for 27-10999 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jonie Barg
Technical Records Specialist

Enclosure

SCANNED

APR 19 2012

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 27-10999

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

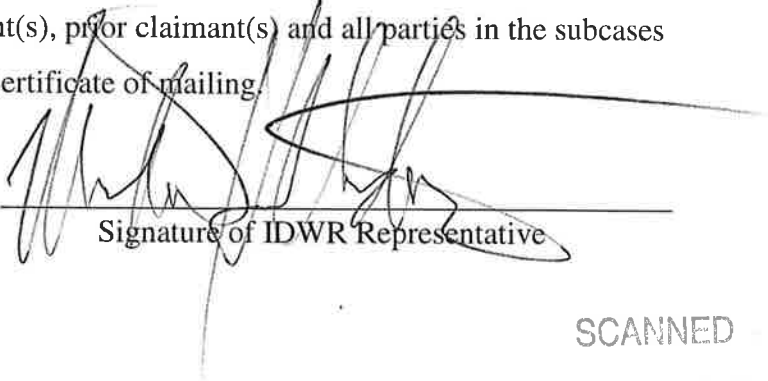
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party GARY & MARVA EMPEY-MARK & KENDRA EMPEY
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/18/2012



Signature of IDWR Representative

SCANNED

APR 19 2012

CERTIFICATE OF MAILING

I certify that on April 19, 2012, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Gary Empey
Marva Empey
830 Riverton Rd
Blackfoot ID 83221

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Mark Empey
Kendra Empey
830 Riverton Rd
Blackfoot ID 83221

4. One copy to:

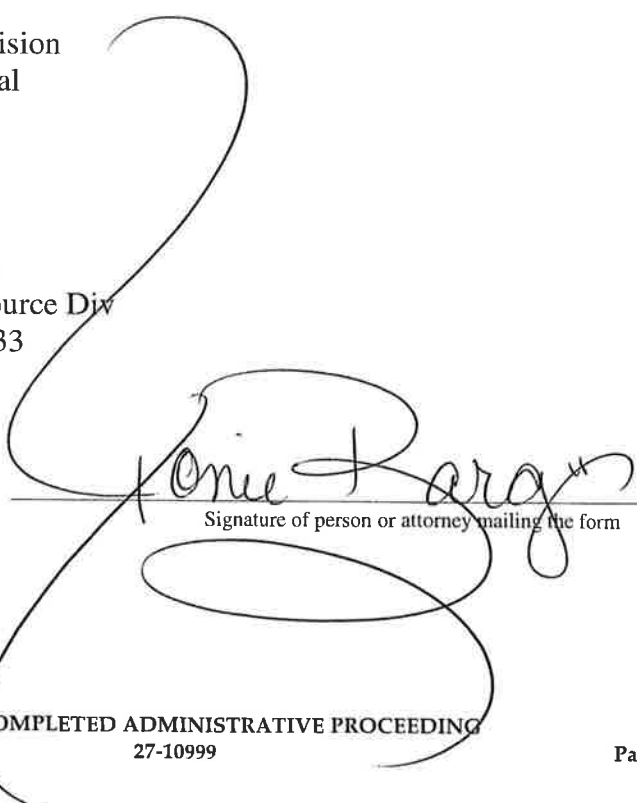
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/18/2012

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-10999

NAME AND ADDRESS: MARK L EMPEY
830 RIVERTON RD
BLACKFOOT ID 83221

KENDRA A EMPEY
830 RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 05/01/1878

POINT OF
DIVERSION:

T03S R35E S9 SENE Lot 1 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.050 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R35E S09 NWNE 2.70

2.7 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 MINERS DITCH.

This right is a split from former right 27-20.

SCANNED
APR 19 2012

RECEIVED

APR 09 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
57-10999 OK	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Gary & Marva Empey
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Mark & Kendra Empey
Name of each new owner as listed on the conveyance document

New owner continued

Name connector ☐ and ☐ or ☐ and/or

830 Riverton Road
Mailing address

Blackfoot
City

ID
State

83221
ZIP

208 680 3171
Telephone

Kendra@blindmicestudio.com
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature:

Signature of new owner/claimant

Title, if applicable

Date

- Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

Receipt No.

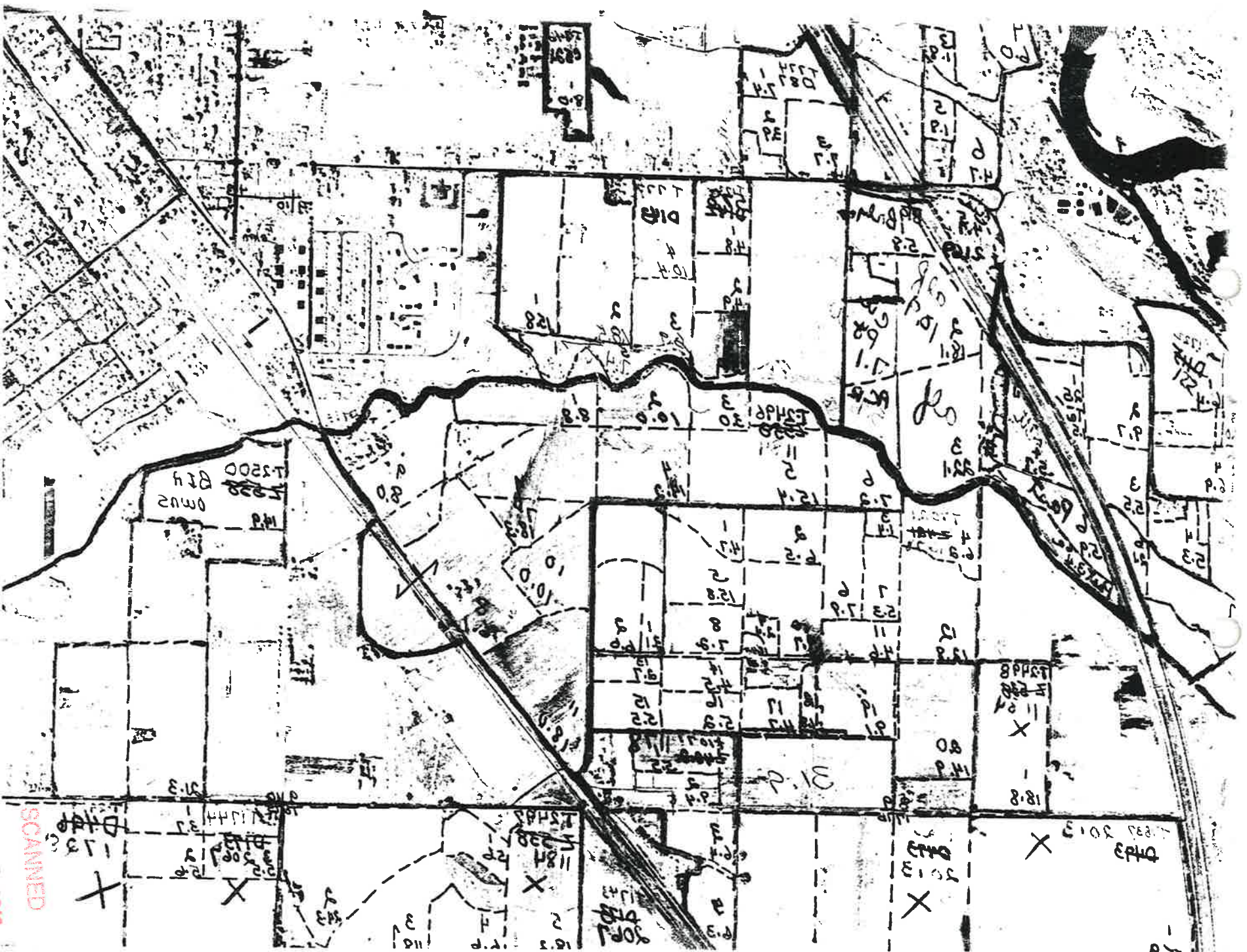
Receipt Amt

Approved by

Processed by

Date

APR 19 2012



APR 19 2012
SCANNED

RE-RECORDED TO CORRECT LEGAL DESCRIPTION

WARRANTY DEED

Order No.: 3020304694-L

FOR VALUE RECEIVED

530880

Gary L. Empey and Marva J. Empey, Husband and Wife

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

Mark L. Empey and Kendra A. Empey, Husband and Wife

whose current address is

530 E. 8th St. Suite 203 Oakland, CA 94606

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

Part of the NE¼ of Section 9, Township 3 South, Range 35 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point on the South line of Riverton Road that is South 89°16' West along the Section line 1311.07 feet and South 0°41'22" East 20.5 feet from the NE corner of said Section 9, and running thence South 0°41'22" East 423.50 feet to the NW corner of the Cook Addition to the City of Blackfoot; thence South 0°41'22" East along the West line of said Cook Addition 99.99 feet; thence South 89°41'30" West 269.93 feet; thence North 0°40'30" West 416.49 feet; thence North 89°41'30" East 95.0 feet; thence North 0°40'30" West 107.0 feet to the South line of said Riverton Road; thence North 89°41'30" East along said South line 174.00 feet to the Point of Beginning.
174.80

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: 8/18/03

Gary L. Empey

Marva J. Empey

State of Idaho

} ss.

County of Bingham

On this 18th day of August, 2003, before me, a Notary Public in and for said state, personally appeared Gary L. Empey and Marva J. Empey

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



Notary Public for the State of Idaho

Residing at:

Commission Expires:

530880

531059

SCANNED

APR 19 2012

PEDIGREE**PRIORITY DATE** 05/01/1878

27-00020A

27-00020B

27-00020 (WR) 27-00020C (D)

27-11117

27-10999

Water right # to adjudication claim #

27-00020

27-00020A

27-00020B

27-00020C

27-10999

27-11117

DISALLOWED
BASED ON 27-20C

kmj 03/09/2006

SCANNED
MAY 23 2006

PROFILED

INTER-DEPARTMENT MEMO

TO: Barbara
FROM: Cindy

SUBJECT: layout
DATE: 1/27/05

Please see Skip's map for POU. POD is the
Miners ditch, NOT Groundwater. Please
show the ditch as the POD.

Skip has indicated some areas that
need to be taken out of the POU.

Then it is ready for the ECVR.

() For your information

(X) Response required

CB
signature

References

[Contact Help Desk](#)

[Document Management Search](#)

[Launch ArcView](#)

[Administrative Rules](#)

[Query Tools](#)

[Data Entry Standards](#)

Show Help

Screen ID
384

Process:
Claim
Verification
Record

Step:
Update
Information

Quick Look Contacts Priority Date POD Source POU Water Use Period

Review/Verify Log

Status

Claim Number

27

10999

Version Number

1

View Documents

View Re

Check List

Print Form

☒ Priority Date

☒ Contacts

No

☒ Point of Diversion

No

☒ Source

☐ Place of Use

☒ Purpose of Use

☒ Period of Use

No

☒ Quantity

☐ Summary

Yes to All

Contacts

Comments

Author CBIRD

Text

Subj

Date 01 - 27 - 2005

Add

Edit

Remove Selected

Link POU, answer POU questions,
Do summary page.
- Print Preliminary report..

4/27/05
CB

I added F01 & P21. Computo should auto-matically add C18.

Hide References

Next Step

Return to Home

Previous Steps:

Select Claim

Screen ID 384

Notes

A27-10999

- 1/ Exam done 11-20-2003 with Gary Empey;
- 2/ This claim should be numbered A27-00020 with a suffix.
- 3/ Source is the Blackfoot River via the Minus Ditch. Original handwritten claim is correct. When the Department did the data entry a mistake was made on "source" and a "well" or "groundwater" was typed in.
- 4/ The P.O.D shown on the Spatial Dynamics map is incorrect. The P.O.D is the Pump station for the Minus Ditch at GPS point 0633411 File-MINER
0231919 GPS Tag A0009078

Notes

10-1-03. Claim is based on duce
(27-C Stevens) with a source
of Blackfoot River. Need a letter
sent to claimants requesting
information on the source charge, -
going to have Skip check this out.

1/27/05 This is our only claim for Empey.
Please recommend as noted. CB

Contacts Data Entry Form

[illegible]

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner claim

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Gary Empey Phone Number: 785-6292

Relationship to Claimant: _____

Date of Field Exam: 11-20-03 Time: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer:

Date: 15/10/9

Contacts Data Entry Form

Priority Date Data Entry FormClaim Number: A27-10999

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 5-1-1878 Recommended Basis: Decree - William Kirkpatrick☐ 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:

decree (27-c)

Reviewer: CBDate: 1/5/04**Priority Date Data Entry Form**

Priority Date

Claim No. 27 - 10999

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☒ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim. *decree*
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Priority Date

Point of Diversion and Source Data Entry Form

Claim Number: A27-10999

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
3S	35E	9	1	SE NE	Bingham	Blackfoot River
GPS Coordinates: <u>0633411</u>				<u>0231919</u>		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		
GPS Coordinates: _____				_____		

Other rights from this POD? Many - This is Miner's Ditch

Document how the POD and Source were verified and/or Pump and Motor data:

On-siteLink GPS for the Miner's ditch.GPSTAG A0009078.Transfers Changing POD None.Reviewer: CSBDate: 1/5/04

Point of Diversion

Claim No. 27 - 10999

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes (☐) No (☐)

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes (☐) No (☒)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

Yes (☐) No (☐)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes (☐) No (☒)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes (☐) No (☐)

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes (☐) No (☐)

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☒) No (☐)

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes (☐) No (☒)

Point of Diversion

Source

Claim No. 27-10999

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5
If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8
If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Yes (☐) No (☒)

Source

Purpose of Use Data Entry Form

Claim Number:

A27-10999☐ 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
<u>Irrigation</u>			*	

Document how the Purpose of Use was verified:

* calculate shape file acres
on-site was done

Transfers Changing Purpose of Use

no

Reviewer:

cb

Date:

1/27/05

Purpose of Use Data Entry Form

Purpose of Use

Claim No. 27 - 10999

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes (☒) No (☐)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes (☐) No (☐)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13
Yes (☐) No (☐)
4. Does the parent right have a Purpose of Use?
If Yes, go to 5
If No, go to 6
Yes (☒) No (☐)
5. Can the claimed Purpose of Use be verified using the water right file?
If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6
Yes (☒) No (☐)
6. Is there evidence that there has been a change in the Purpose of Use?
If Yes, go to 7
If No, go to 11
Yes (☐) No (☐)
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C04, go to 11
If No, go to 8
Yes (☐) No (☐)
8. Does the change include an enlargement of the Purpose of Use?
If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12
Yes (☐) No (☐)
9. Was an enlargement claim filed?
If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10
Yes (☐) No (☐)
10. Did the claimant file an enlargement claim?
If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13
Yes (☐) No (☐)
11. Does the file contain all of the necessary information to verify the Water Use?
If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes (☐) No (☐)
12. Did the claimant file a transfer?
If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes (☐) No (☐)
13. Is a Purpose of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.
Yes (☐) No (☒)

Purpose of Use

Place Of Use Data Entry Form

Claim Number: A27-10999☐ 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
35	3512	9	NW	NE	Bingham	2	*	Imig

Total Acres _____

Document how the POU was verified:

* recalculate shape on map

Transfers Changing POU NOReviewer: CBDate: 1/27/05

Place Of Use Data Entry Form

Place of Use

Claim No. _____

1. Is the basis of claim a Decree or License?

If Yes, go to 2a

If No, go to 2b

Yes (☒) No (☐)

2a. Is a POU required?

If Yes, go to 5

If No, go to 14

Yes (☒) No (☐)

2b. Is a POU required?

If Yes, go to 3

If No, go to 14

Yes (☐) No (☐)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4

If No, go to 7

Yes (☐) No (☐)

4. Has the License been issued?

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

Yes (☐) No (☐)

5. Does the parent right have a POU?

If Yes, go to 6

If No, go to 7

Yes (☒) No (☐)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

Yes (☒) No (☐)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8

If No, go to 13

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13

If No, go to 9

Yes (☐) No (☐)

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes (☐) No (☐)

10. Was an enlargement claim filed?

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes (☐) No (☐)

11. Did the claimant file an enlargement claim?

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (☐) No (☐)

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Yes (☐) No (☒)

Place of Use

Period of Use and Quantity Data Entry Form

Claim Number: A27-10999☐ 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	* 0.06	

Overall Diversion Rate 0.06 0.05 CB Overall Diversion Volume _____

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

* original right 27-20 is over claimed
According to the miners ditch Empsey
has 2 1/2 inches. CB

Reviewer: CBDate: 4/27/05

1. Is the basis of claim a Decree or License? Yes ☒ No ☐
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes ☐ No ☐
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
4. Does the parent right have a Period of Use? Yes ☐ No ☒
If Yes, go to 5
If No, go to 6
5. Can the claimed Period of Use be verified using the water right file? Yes ☐ No ☐
If Yes, go to 14
If No, go to 6
6. Is there evidence that there has been a change in the Period of Use? Yes ☐ No ☒
If Yes, go to 7
If No, go to 12
7. Does the change include an enlargement in the Period of Use? Yes ☐ No ☐
If Yes, go to 9
If No, go to 8
8. Can the change be recommended as an accomplished transfer? Yes ☐ No ☐
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
9. Was an enlargement claim filed? Yes ☐ No ☐
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
10. Did the claimant file an enlargement claim? Yes ☐ No ☐
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
11. Was a transfer filed? Yes ☐ No ☐
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
12. Does the file contain all of the necessary information to verify the Period of Use? Yes ☒ No ☐
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined? Yes ☐ No ☒
If Yes, go to 14
If No, go to 15
14. Is irrigation claimed as a purpose of use? Yes ☐ No ☐
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
15. Is irrigation claimed as a purpose of use? Yes ☒ No ☐
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? Yes ☐ No ☐
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use? Yes ☐ No ☐
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
18. Is a Period of Use remark and/or condition required? Yes ☐ No ☒
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.

Period of Use

Quantity

Claim No. 27-10999

1. Is the basis of claim a Decree or License?

Yes ☒ No ☐

If Yes, go to 4

If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes ☐ No ☐

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes ☐ No ☐

If Yes, go to 5

If No, recommend the Quantity shown on the Permit. Go to 11

4. Does the parent right have a diversion rate and/or volume?

Yes ☐ No ☐

If Yes, go to 5

If No, go to 7

5. Can the claimed diversion rate and/or volume be verified using the water right file?

Yes ☒ No ☐

If Yes, go to 8

If No, go to 7

6. Is the basis of claim a posted notice?

Yes ☐ No ☐

If Yes, consult the attorney assigned to the Basin. Go to 7

If No, go to 7

7. Is a flow measurement required?

Yes ☐ No ☐

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9

If No, describe why a flow measurement is not required. Go to 9

8. Does the parent right have an annual diversion volume limit?

Yes ☐ No ☒

If Yes, go to 10

If No, go to 9

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

Yes ☐ No ☒

If Yes, go to 10

If No, go to 11

10. Is irrigation a purpose of use?

Yes ☐ No ☐

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

Yes ☐ No ☒

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, go to 12

12. Is a Quantity remark and/or condition required?

Yes ☐ No ☒

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.

If No, quantity review is complete.

Quantity

Summary

Claim No. 27-10999

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?
If Yes, go to 2
If No, go to 3
2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5
3. Is the water being used for all of the purposes claimed and to the extent claimed?
If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4
4. Is any portion of the claim being recommended?
If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5
5. Is an additional remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Go to 6
If No, go to 6
6. Would you like to view the recommended right?
If Yes, go to 7
If No, the review is incomplete. The recommendation must be viewed to complete the review.
7. Is this a "split" or "combined" right?
If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8
If No, go to 8
8. Do you have documents you would like to attach or link to the file?
If Yes, go to PowerDOCS and profile the documents. Go to 9
If No, go to 9
9. Would you like to set the verification date?
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (☒) No (☐)

Yes (☐) No (☒)

Yes (☐) No (☐)

Yes (☐) No (☐)

Yes (☒) No (☐)

Yes (☒) No (☐)

Yes (☒) No (☐)

Yes (☐) No (☒)

Yes (☒) No (☐)

Summary

Claim No.: _____

Summary Data Entry Form

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

C18

P21

Exp.

Remark

27-20

F01

Exp

Remark

minus ditch

Split or Combined Right Analysis:

yes

Attached Field Notes or Other Documents:

yes

Claim No.:

27-10999

Reviewer

QIB

Date

1/27/05

Basin 27

Basin No.	Sequence Number	Split Suffix	Description	R	D	Basis of a Claim	yyyy-mm-dd Priority Date	File Movement	Remarks	Y N/A Layout	Useage	Other Water Rights Used	\$=Stevens	Stevens Decree #	Total CFS	Stevens Recommended
27	20	C	Ellsworth Family Trust			Decreed	1878-05-01	To Skip 10/14/03.			irrigation		s	20	0.80	0.80
27	10999		Empey, Gary L.			Decreed	1878-05-01	To Skip 10/14/03. To Cindy 11/24/03			irrigation		s	20	0.09	0.09
27	20	A	Lilya, Claude E. Elmer			Decreed	1878-05-01	To Skip 10/14/03. To Cindy 11/24/03			irrigation		s	20	0.20	0.20
27	20	B	Stecklein, LaVerelle			Decreed	1878-05-01	To Skip 10/14/03. To Cindy 11/24/03			irrigation		s	20	1.00	1.00
27	11117		Warren, John & Lisa			Decreed	1878-05-01		Grover, Deona; previous owner		irrigation		s	20	0.03	0.03
2 Disallowed							2	R2 = Reserved - No further action					5	20	2.12	2.00

Miner's Ditch Water

Name	Water Rights in Inches									
	Eastern Idaho	Corbett Slough	Kirpatrick	Fox Whitten 1880	Fox Whitten 1885	Leon Mislin	John Mislin	Blackfoot Irrigation	Robert Millen	James Welch
Empey			-2.5							
McNutt			1							
Hoge			36.5							
Kirpatrick			5							
Lilya			5							
Collard				20						
Dechant			50							
Hinderager	66.7	9								
Himilton		74			35	12				
Burgeman, Ed	2.5									14
Burgeman, David	2									
Cristensen	1.5									
Petersen	1									
Smith	51				15					
Hinderager	33.3	55						50		
Hill					24				41.7	12
Stokes		21.3								
Cushman		12								
Lindsey		10							43.5	
Mickelson		21								
Colson									5	
Haddon									4	
Bingham									5	
Carson	12									
Elison									5.8	
Younie Ditch						31.5	120			
Geist						4.5				
Total	170	202.3	100	20	74	48	120	50	105	26

Miner's Ditch

Inches	CFS	Sum	Priority Date	
48.0	0.96	0.96	4/1/1873	Leon Misslen
120.0	2.40	3.36	7/1/1874	J Misslen
100.0	2.00	5.36	5/1/1878	Kirkpatrick
20.0	0.40	5.76	3/25/1880	Fox & Whitten
102.0	2.04	7.80	5/25/1880	Eastern Idaho
	0.00	7.80	5/1/1885	Leon Misslen
120.0	2.40	10.20	5/1/1885	Misslen
74.0	1.48	11.68	6/1/1885	Fox & Whitten
68.0	1.36	13.04	10/1/1885	Eastern Idaho
26.0	0.52	13.56	6/20/1886	Welch
202.3	4.05	17.61	4/1/1939	Corbett Slough
50.0	1.00	18.61	4/1/1939	Blackfoot Irrigation

1/27/05
CB

INTER-DEPARTMENT MEMO

TO: Skip
FROM: Cindy

SUBJECT: Source chg.
DATE: 10-1-03

The basis of this claim is the Steven's decree. So, the decreed source is Blackfoot River, but they claimed G.W. (27-20)

Please check out for me,

When did Change occur?

27-20 is completely claimed in SR BA under A, B & C already?

() For your information

☒ Response required

CB
signature

1 卅



Fence on
west edge of
property

A27-10999 P.O.U. looking North

A27-10999 R.O.U looking North



2

A27-10999 POU Looking NE



South boundary
Fence

#3

01/05/2001

No - Minor Ditch Hoofing
19
P.O.D

 Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals



INTER-DEPARTMENT MEMO

TO: Barbara

SUBJECT: Source chg letter

FROM: CB

DATE: 10-1-03

If Skip can't determine the source
change then send them a letter like the
attached sample

() For your information

(✓) Response required

CB
signature

PRIORITY

Letter No. 8

Claim based on posted notice, priority claimed later than date of posting

The Notice of Claim listed above is based on a posted notice, and claims a priority date later than the date of posting shown on the posted notice. To establish the priority date of the water right claimed, you must submit one of two types of evidence.

First, you may submit evidence of a priority date as of the date the notice was posted. Such evidence must show completion of the water right described in the posted notice by actual use within a reasonable time following the date the notice was posted. Completion within five years is generally considered reasonable, but longer periods may be considered reasonable depending on the circumstances. If you choose this option, you may wish to amend your Notice of Claim to claim the date of posting, which is earlier than the priority date claimed.

Second, you may submit evidence of a priority date as of the date of beneficial use. Such evidence must tend to show the earliest date the water was put to actual use. If such evidence is submitted, then your claim will be treated as a claim based on beneficial use. A brochure describing the types of evidence that can be submitted for this purpose is enclosed.

Your response must be received by this office by the response date shown above. If no response is received, then your claim will be recommended for disallowal for lack of proof of priority date.

SOURCE AND PD

Letter No. 9

Claim based on decree or license, date of change;

~~Claim based on beneficial use, no change/date of change~~

IDWR's initial investigation of the Notice of Claim listed above indicates that there has been a change in [source] ~~[point of diversion]~~ as described below:

[Previous source:
New source:]

Blackfoot River.

[Previous point(s) of diversion:
New point(s) of diversion:]

Claimed Source: GSN.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the change not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

[If the claim is based on a decree or license, then include the following paragraph.]

Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987. An information sheet is enclosed that describes the types of evidence that can be submitted for showing the date of the change.

[If the claim is based on beneficial use, then include the following paragraph.]

Before IDWR may recommend your claim, you either must provide IDWR with evidence that there has been no change (that the current [source] [point of diversion] is the original [source] [point of diversion]), or you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987. An information sheet is enclosed that describes the types of evidence that can be submitted for showing the date of the change.

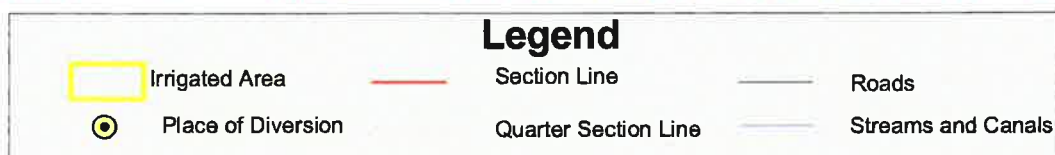
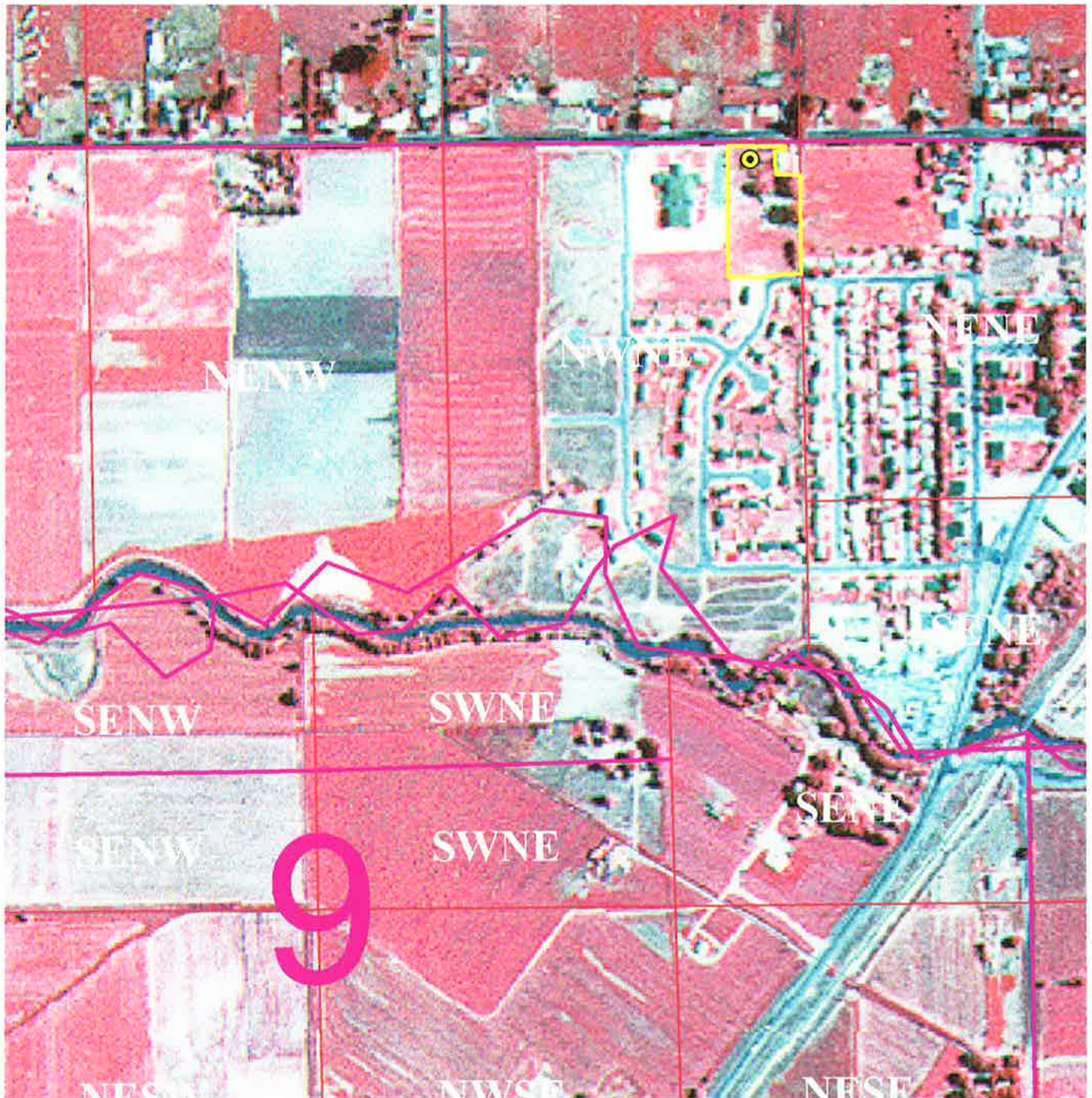
[For all letters, include the following paragraph.]

Your response must be received by this office by the response date shown above. If no response is received, then your claim to water from the new [source] [point of diversion] will not be recommended to be decreed.

Response date: 10-24-03

Water Right Claim Number 27-10999
Township , 3S35E

01/05/2001



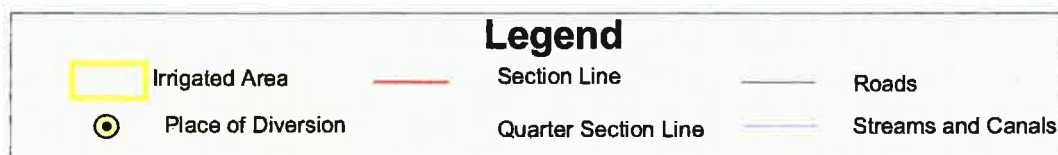
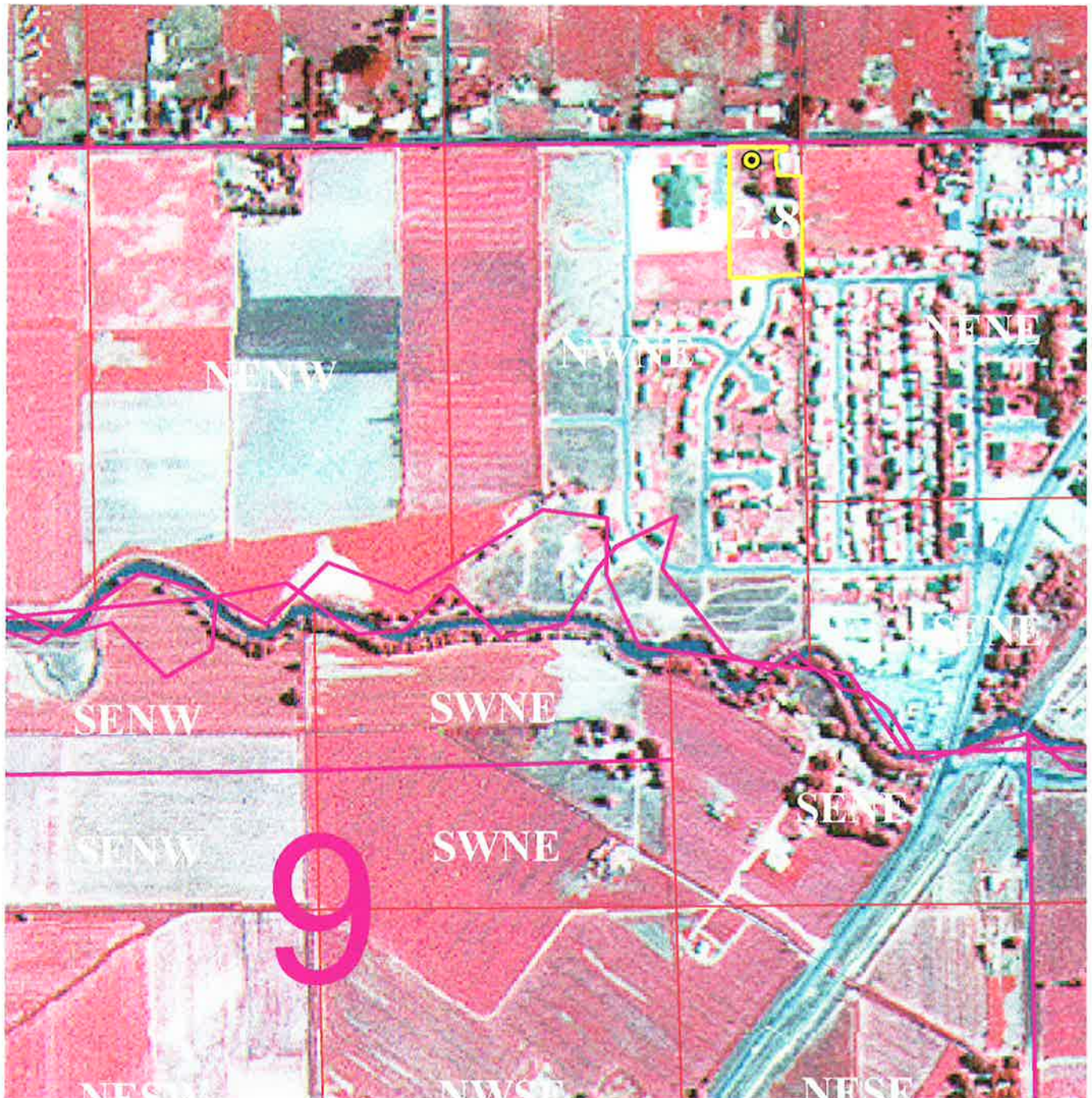
400 0 400 800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 27-10999
Township , 3S35E

01/05/2001



SCANNED

JUL 26 2001

Log for claim 27-10999

Spatial Dynamics LTD

1/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	9	NWNE	2.7	2.8	
Totals:			2.7	2.8	

AJ5809NP
No. A27-10999

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 192

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY L EMPEY	05/01/1878	IRRIGATION	04-01 11-01	0.090 CFS	
C	MARVA I EMPEY					
	830 RIVERTON ROAD			TOTAL DIVERSION:	0.090 CFS	
	BLACKFOOT ID 83221			CONSUMPTIVE USE:		9.00 AFA
	(208) 785-6292					

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T03S R35E S09 Lot02(NENWNE)

BINGHAM 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
03S	35E	9	:			02	:													2.7
																			TOTAL ACRES	2.7

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: DOMESTIC WELL

Other Water Rights Listing Overlapping Place(s) of Use:
A27-00017 A27-00029A A27-11117

Remarks: GEN THIS IS A PORTION OF THE WATER RIGHT THAT WAS DECREED TO WILLIAM
KIRKPATRICK, MAY 1, 1878.

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

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

Audit: 07/24/89 ESRBA 11/29/89 KEISER 08/02/91 THOMPSON 03/29/95 POST-STD

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME EMPEX CLAIM ENT. NO. A 27-10999DATE RECEIVED 5/23/89 CK # _____ AMOUNT \$ _____

- | | YES | NO | Requi... Info? |
|--|----------|-------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | _____ | * |
| 2. Is a priority date entered? | <u>X</u> | _____ | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | _____ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | _____ | * |
| 3. (a) Is a source entered? | <u>X</u> | _____ | * |
| x (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> | _____ | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | _____ | |
| x 8. If required is a consumptive use entered? N/A _____ | <u>X</u> | _____ | |
| x Is the consumptive use correct? N/A _____ | <u>X</u> | _____ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>X</u> | _____ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | _____ | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | _____ | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | _____ | |
| x 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> | _____ | |
| x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u> | <u>X</u> | _____ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | _____ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | _____ | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | _____ | * |
| 20. Is the fee enclosed correct? Exempt _____ | <u>X</u> | _____ | * |
| x 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: 6/29/89Claim must be returned to claimant: (Yes) X (No) _____Claimant must be notified of modifications: (Yes) X (No) _____

Receipt Prepared by: _____

Claim data entered by: 35-7-29-89

Date: _____

Date: _____

Checked by: _____

Date: _____

Sent to claimant by: _____

Comments: P/D APPEARS INCORRECT

MICROFILMED

NOV 12 1992

Legal OK/EC

THIS INDENTURE Made this 25th day of September, 1942, in the year of our Lord one thousand nine hundred and fifty-two, between CYRIL J. WRIGHT and ESTHER A. WRIGHT, husband and wife, of the County of Bingham, State of Idaho, the parties of the first part, and GOLDEN ELISON, of the County of Bingham, State of Idaho, the party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of TWENTY THOUSAND- - - - - DOLLARS lawful money of the United States of America,

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Bingham, State of Idaho, to-wit:

The East forty (40) acres of the Lot Numbered Two in Section Nine, in Township Three South, of Range Thirty-five, East of the Boiser Meridian, in Idaho;

Subject to the right of way of the public road along the north side thereof and the right of ways for ditches across said land as heretofore constructed and maintained.

Together with the ditches and water right for the irrigation thereof and particularly 40 inches of the decreed water right of William Kirkpatrick in Blackfoot River and 40 shares of stock in Miner's Ditch Company.

Also the tract described as: Being 477 feet in width along the entire East side of the Lot Four in said Section Nine and described as follows: Beginning at the Northeast corner of Lot Four of said Section Nine, thence South 1700 feet to the Blackfoot River; thence meandering said river in a Southerly and Westerly direction to a point which is 477 feet distant perpendicular from the East line of said Lot Four; thence North 1741 feet to the North line of said Section Nine; thence East along the North line of said Section Nine 477 feet to the place of beginning, containing 20 acres.

Together with all ditches, ditch rights of way, water and water rights thereto belonging and particularly 20 inches of the water right in Blackfoot River with date of priority March 25th, 1880, as conveyed by deed of date April 6th, 1942, recorded April 15th, 1942, in Book 59 of Deeds, at page 485, of the records of Bingham County, Idaho, to which reference is made for a more particular description of said water right, and also a ditch right of 20 inches capacity in the Miner's Ditch.



MICROFILMED

NOV 12 1992

WARRANTY DEED

William Kirkpatrick and Heneage
Kirkpatrick, his wife-

TO

Cyrill J. Wright-

Dated-February 11th, 1918-

Consideration-\$8000.00-

Recorded-February 12th, 1918 at-

3:25 P.M., in book "32" of Deeds at-

Page 356 of the records of Bingham County, Idaho-

Witness-John W. Jones-

William Kirkpatrick (Seal)
Heneage Kirkpatrick (Seal)

Acknowledged by William Kirkpatrick and Heneage-
Kirkpatrick, his wife, February 11th, 1918-
before John W. Jones, Notary Public of Idaho-
Residing at Blackfoot, Idaho-Sealed-Regular-

DESCRIPTION and REMARKS

The parties of the first part herein do hereby grant, bargain, sell convey and confirm unto the party of the second part herein and to his heirs and assigns forever, all the following described property in Bingham County, Idaho-

The East 40 acres of the lot numbered 2 in section 9 in township 3 south of range 35 E.B.M., in Idaho. Subject to the right of way for the public road along the north side thereof and the right of way of the ditches of the first parties across said land.

Together with the ditches and water rights for the irrigation thereof and particularly 40 inches of the decreed water right of the grantors in Blackfoot River and 40 shares of the capital stock of the Miners Ditch Company, a corporation.

To Have and To Hold in the quiet and peaceable possession of the said second party his heirs and assigns forever, and the said first parties herein will warrant and forever defend.

I.R.S. \$9 attached and cancelled.

MICROFILMED

NOV 12 1992

AGREEMENT

Office Blackfoot, Idaho,
June 19/94

We and each of us hereby agree and acknowledge that we have no right under our lease from Welch, or any other source to interfere with the flow of Wm. Kirkpatrick's 100 inches of water in the Miner's Ditch.

W.H. Danilson Jr.
J. T. Danilson

MEMORANDUM OF AGREEMENT

Memorandum of agreement between James G. Welch, the first party, and William Kirkpatrick, the second party:

Whereas, said parties have had some dispute and disagreement as to their relative rights in and to that certain canal or ditch, known as the Miner's Ditch, situate near the Town of Blackfoot, Bingham County, Idaho, and diverting water from the Blackfoot River;

And whereas both parties are desirous of making amicable adjustment of all matters pertaining thereto, and of avoiding litigation;

Now, this memorandum witnesseth, that in consideration of the premises and as an absolute settlement of all dispute relating to said ditch rights it is mutually recognized and agreed that the said Kirkpatrick, second party, has a right to and ownership in said ditch and the dam at the head of the same sufficient for the diversion and conveyance of 100 inches of water, measured under a four inch pressure at the head of the said Kirkpatrick's private ditch, from the head of said Miner's Ditch through the same to a point there on near the Utah & Northern R.R. Track where said Kirkpatrick's said private ditch now branches off from said Miners Ditch, said right dating from 1881 and that the said Welch, the second party has the right to and is the sole owner of the remainder of said Miners Ditch including said dam and all other appurtenances thereof, and each party hereto forever renounces all claim to that portion of said ditch herein recognized as belonging to the other party.

It is further agreed that the expenses of keeping said Miners Ditch and dam in repair shall be shared by the parties hereto in proportion to their respective interests.

And it is further agreed as a part hereof that in the spring and fall when the second party does not need his said 100 inches of water for agricultural and domestic purposes he will permit the first party to use the same for mining purposes. Dated at Blackfoot, June 19, 1894.

Witness-

F.S. Dietrich

James G. Welch
William Kirkpatrick

Recorded-March 9th, 1920 at-
3:00 P.M. in book "D" of Miscellaneous at page 527 of the records of Bingham County, Idaho.

MICROFILMED

NOV 12 1892

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 here-
in 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-

William Kirkpatrick	May 1st, 1878	100 inches.
James Welch	March 20th, 1886	400 inches.

It is further ordered, adjudged and de-
creed, 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 Judgment Book "1" at
pages 107-116 of the records of -
Bingham County, Idaho-

DO NOT FILM

WARRANTY DEED

269881

For Value Received VER NON ROCHE and CECELIA JOANNE ROCHE, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto GARY L. EMPEY and MARVA J. EMPEY, husband and wife,

whose current address is Route 3 Box 18, Blackfoot, Idaho 83221

the grantees, the following described premises, in Bingham County Idaho, to wit:

Part of the NE1/4 of Section 9, Township 3 South, Range 35 East of the Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point on the South line of Riverton Road that is S 89°16' West along the Section Line 1311.07 feet and S 0°41'22" E. 20.5 feet from the N.E. Corner of said Section 9 and running thence S 0°41'22" East 423.50 feet to the N.W. corner of the Cook Addition to the City of Blackfoot; thence S 0°41'22" East along the West line of said Cook Addition 99.99 feet; thence S 89°41'30" West 269.93 feet; thence N 0°40'30" West 416.49 feet; thence N 89°41'30" East 95.0 feet; thence N 0°40'30" W 107.0 feet to the South line of said Riverton Road; thence N 89°41'30" E along said South line 174.80 feet to the Point of Beginning.

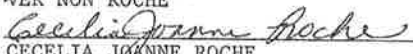
Subject to a Deed of Trust from Grantors to American Land Title Company, Trustee, and First Federal Savings and Loan Association of Idaho Falls, Beneficiary, dated April 29, 1977 and recorded in Bingham County on April 29, 1977 as instrument number 224453.

The above conveyance is made free and clear of all other encumbrances except: rights-of-way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances, except a Deed of Trust from Grantors to American Land Title Co., as Trustee with First Federal Savings and Loan Association of Idaho Falls as Beneficiary recorded in Bingham County as instrument number 224453, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated August 15, 1980

269881


VER NON ROCHE
CECELIA JOANNE ROCHE

STATE OF IDAHO, COUNTY OF Bingham

On this 15th day of August, 1980,
before me, a notary public in and for said State, personally
appeared Ver Non Roche & Cecelia

Joanne Roche

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.


Notary Public

Residing at Blackfoot
Comm. Expires 10-25-82, Idaho

RECORDED
BINGHAM COUNTY RECORDER
BLACKFOOT IDAHO
O.R. NO. 44 FEB 2 1981 AC

269881
AUG 15 PM 1 44

RECORDED AT THE REQUEST OF

American Land Title Co

Furnished by the AMERICAN LAND TITLE CO.

221452

WARRANTY DEED

For Value Received GOLDEN ELISON and WINNONA W. ELISON, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto VERA MON ROCHE and CECILIA JOHANN ROCHE, husband and wife,

whose current address is Route 3 Box 384, Idaho Falls, Idaho 83401

the grantee s, the following described premises, in Blinghan.....County Idaho, to wit:

Part of the NW 1/4 of Section 9, Township 3 South, Range 33 East of the Boise Meridian, Blinghan County, Idaho, described as:

Beginning at a point on the South line of Riverton Road that is S 89°16' West along the Section Line 1311.07 feet and S 0°41'22" E. 20.5 feet from the N.E. Corner of said Section 9 and running thence S 0°41'22" East 423.50 feet to the N.W. corner of the Cook Addition to the City of Blackfoot; thence S 0°41'22" East along the West line of said Cook Addition 99.99 feet; thence S 89°41'30" West 269.93 feet; thence N 0°40'30" West 416.49 feet; thence N 89°41'30" East 95.0 feet; thence N 0°40'30" W 107.0 feet to the South line of said Riverton Road; thence N 89°41'30" E along said South line 174.80 feet to the Point of Beginning.

The above conveyance is made free and clear of all other encumbrances except: rights-of-way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 27, 1977

Golden E. Elison
GOLDEN ELISON
Winnona W. Elison
WINNONA W. ELISON

STATE OF IDAHO, COUNTY OF

On this 27 day of April, 1977, before me, a notary public in and for said State, personally appeared Golden Elison and Winnona W. Elison, husband and wife.

known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

Winnona W. Elison
Winnona W. Elison
Notary Public
Blackfoot, Idaho
Comm. Expires

BLINGHAN COUNTY RECORDER
BLACKFOOT, IDAHO
O.D. 110-200 FFE 17 DEP. 2

77 APR 29 PM 4 25

221452

RECORDED AT THE REQUEST OF

WINDY CITY CO.

Printed by the American Land Title Co., Boise, Idaho

WARRANTY DEED

For Value Received, GOLDEN ELISON and WINNOMA W. ELISON, husband and wife,

do hereby grant, bargain, sell and convey unto VIER NON ROCHE and CECILIA JOANNE ELISON, husband and wife,

whose present address is Route 3 Box 384, Idaho Falls, Idaho 83401

the grantee, the following described premises, in Blingham County Idaho, to wit:

Part of the NE 1/4 of Section 9, Township 3 South, Range 35 East of the Boise Meridian, Blingham County, Idaho, described as:

Beginning at a point on the South line of Riverton Road that is S 89°16' West along the Section Line 1311.07 feet and S 0°41'22" E. 20.5 feet from the N.E. Corner of said Section 9 and running thence S 0°41'22" East 423.50 feet to the N.W. corner of the Cook Addition to the City of Blackfoot; thence S 0°41'22" East along the West line of said Cook Addition 99.99 feet; thence S 89°41'30" West 269.93 feet; thence W 0°40'30" West 416.49 feet; thence N 89°41'30" East 95.0 feet; thence N 0°40'30" W 107.0 feet to the South line of said Riverton Road; thence N 89°41'30" E along said South line 174.80 feet to the Point of Beginning.

The above conveyance is made free and clear of all other encumbrances except: right-of-way and easements, reservations in Federal patents and State deeds, or other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 27, 1977

GOLDEN ELISON
WINNOMA W. ELISON

STATE OF IDAHO, COUNTY OF
On this 27 day of April, 1977,
before me, a Notary Public in and for said State, personally
appeared Golden Elison and Winnoma W. Elison,
husband and wife.

known to me to be the persons whose names
are subscribed to the foregoing instrument, and acknowledged to
me that they executed the same.

Notary Public
Blackfoot, Idaho

RECEIVED
BLACKFOOT, IDAHO
APR 28 1977

77 APR 29 1977

RECORDED AT THE REQUEST OF

NO. 107
80 153600-100-10000
80 153600
80 153600-100-10000
80 153600-100-10000
80 153600-100-10000
80 153600-100-10000

DO NOT FILM

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Ringham 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:—

Fred S. Stevens.	July, 6 th A.D. 1869.	138 inches
Henry Dunn.	July, 1 st A.D. 1870	300 inches
A. A. Just and		
Emma Just.	August, 1 st A.D. 1871	200 inches
Leon Misslew.	July, 1 st A.D. 1873	200 inches
John Misslew.	April, 1 st A.D. 1874	120 inches
H. R. Lewis.	March, 1 st A.D. 1875	100 inches
Presto Burrell	March, 1 st A.D. 1876	100 inches
William Kirkpatrick	May, 1 st A.D. 1878	100 inches
E. M. Shornaker	April 1 st A.D. 1879	90 inches
Eastern Idaho Water Co.	March, 20 th A.D. 1880	1800 inches
P. B. Pop, Jr.		
William Howard		
A. Whitten		
Arsaw E. Whitten		
and Calvin Miles	March, 25 th A.D. 1880	600 inches
Levi Warrens,	April 1 st A.D. 1882,	50 inches.
Emily Warren,	April 1 st A.D. 1883	106 inches.
Daniel G. Miller.	April 1 st A.D. 1883	100 inches.
Fred S. Stevens.	October 1 st A.D. 1884	140 inches
A. A. Just and		
Emma Just	April 1 st A.D. 1885	100 inches.
Leon Misslew.	May 1 st A.D. 1885	300 inches.
Robert Miller.	May 1 st A.D. 1885	150 inches.

*Dr. J. P. S.
William Howard
A. Whitten
David F. Whitten
Calvin Willco*

} June 1st A.D. 1885 - 1900 inches

Wm. H. Miller,
Thomas H. Miller.
July 23^d A.D. 1885- 560 inches
July 23^d A.D. 1885 480 inches

James Dyer,	October 1st A.D. 1885	6 inches
Geological Survey Water Co.,	October 1st A.D. 1885	1000 inches

W. B. Lewis and

March 1st AD 1886. 160 inches

James Welch
March 20th A.D. 1886 400 inches

William Davidson April 3^d A.D. 1886 352. received

David A Morgan
Cyril ^{5th} Rd., 1886
132 Richard

William Monrope Upat 5th (G.D.), 1886 100 inches

William A Downing
April 8th A.M. 1886
120
richard

October 4th AD 1886 240 inches

Charles J. Ruston October 4th A.D. 1886 240 inches

John Shanks, Jr. November 1st A.D. 1886 3320 inches

St. W. Juuings
November 1st A.D. 1886
400 inches

Donald Peattie	April	1st	A.D. 1887	100 inches.
----------------	-------	-----	-----------	-------------

June 1st. 1887. 8⁰⁰ miles.

Jacob Eliahu }
of W
in
to
the

Caroline Edwards May 1st A.D. 1889 145 inches

Mayland Wyer
December 4th A.D. 1889 640 inches

That the following rights be made for, to be

The sister of St. M. leaves dating from the 1st day of March 1875 for 100 miles. The wife of W. H. P. is dating from the 1st day of March 1875 for 100 miles. The wife of W. H. P. is dating from the 1st day of March 1875 for 100 miles.

1878, per no. 2000; also signs of W. W. Keller, dating from

802 day of July 21, 1886 for 360 inches; the height of the water during June 1886 344 inches of water (45.33 ft) 45.33 ft.

at night of the Lewis and Clark Cruise during 1805 for 480, 18 months, starting from the 28th day of July, A.D. 1805 for 480,

of March. Ad 1886 for 160 weeks at 7 D.C.M.

From the 4th day of October A.D. 1836, for 240 inches; the
of mean, viz., 1000, for 100 inches; the signs of 3 miles

from me in way of recognition, 1936, for 250 millinet; and of Charles A. Bunker, dating from the 4th day of October

1886, for 240 inches; the height of John Drake at the

From the 1st day of November A.D. 1886, for 330

the night of 27 February dating from the 1st day

November, Oct 1886, for 400 inches; the night of Nov

Poluie, dating from the 1st day of Ufrice AD 1889

riches; the sign of great Elision and Caroline Eliza

dating from the 1st day of May A.D. 1889 for 145 inches; and the right of Moylaw O Pop, dating from the 4th day of December A.D. 1889, for 640 inches, shall only extend to the 1st day of July in each year for irrigating purposes, and the said H.R. Lewis, W.W. Ritter, Thomas S. Hibber, Sarah Lewis, F. Little, Charles S. Burton, John Sharp, sr., P.W. Jennings, Donald Pollock, Jacob Eliason, Caroline Eliason, Moylaw O Pop and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights aforesaid, after the 1st day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from the Volcanic Creek a tributary of said 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:-

Peter Morris, March 1st. A.D. 1882 — 60 inches.
 Samuel Orr, July 1st. A.D. 1882 — 80 inches.
 Peter Morris, April 1st. A.D. 1887 — 60 inches.
 Saml M. Taylor April 1st A.D. 1888 — 10 inches.

It is further ordered, adjudged and decreed that the following parties are entitled to divert from Cedar Creek a tributary of 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:-

George Monroe }
 John Lyon } April 1st A.D. 1884 — 100 inches.
 Samuel Borup April 1st A.D. 1887 — 50 inches.

It is ordered, adjudged and decreed that George Heaton is entitled to divert from the east forks of Bush Creek, a tributary of Blackfoot River one hundred and twenty-five (125) inches of water, said rights dating from the first day of May A.D. 1888, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Heaton is hereby enjoined from diverting or using in any manner any part of the said water right after the 1st day of July in each and every year hereafter for irrigating, or

any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from Cañon View Creek, a tributary of 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:

Enoch Hansen - May 1st A.D. 1885 - 150 inches.

James Sharp - October 11th A.D. 1886 - 640 inches.

W. H. Rowe, - October 11th A.D. 1886 - 560 inches.

But these said rights of said Enoch Hansen, James Sharp and W. H. Rowe to waters of Cañon View Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Hansen, Sharp and Rowe, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following parties are entitled to divert from Diamond Creek, a tributary of 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:

James Sharp - October 4th A.D. 1886 - 560 inches.

James Little - October 11th A.D. 1886 - 560 inches.

Charles Burton - October 11th A.D. 1886 - 200 inches.

But these rights of said Sharp, Little and Burton to the waters of Diamond Creek herein set forth, shall only extend to the first day of July in each year, for irrigating purposes, and the said Sharp, Little and Burton, and each and all of them are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties are entitled to divert from ^{to divert} Horse Spring Creek a tributary of 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:

W. H. Riley - October 4th A.D. 1886 - 320 inches.

James Sharp - October 17th A.D. 1886 - 320 inches.

NOT FOR RECORD

But these rights of said Sharp and Riter to the waters of House Spring Creek, herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Riter and Sharp and each of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that Elias A. Smith is entitled to divert from the west Spring Creek, a tributary of Blackfoot River, five hundred and sixty-eight (568) inches of water, said right dating from the 17th day of October, A.D. 1886, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Smith is hereby enjoined from diverting or using in any manner any part of the said water right after the first day of July in each and every year hereafter, for irrigating, or any other than domestic purposes.

It is ordered, adjudged and decreed, that the following parties are entitled to divert from House Creek, a tributary of 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:

W. W. Riter, October, 11th, A.D. 1886 - 320 inches.
 Henry Dinwoody, October, 11th, A.D. 1886 - 400 inches.
 Joseph Jennings, October, 11th, A.D. 1886 - 560 inches.
 Heber M. Wells, October, 11th, A.D. 1886 - 640 inches.
 John Sharp, sr., October, 17th, A.D. 1886 - 284 inches.
 Mrs. Kountze, April, 1st, A.D. 1889 - 160 inches.
 John Kountze, May, 1st, A.D. 1889 - 160 inches.

But these rights of said Riter, Dinwoody, Jennings, Wells, Sharp, Mrs. Kountze and John Kountze to the waters of House Creek herein set forth shall only extend to the first day of July in each year, for irrigating purposes, and the said Riter, Dinwoody, Jennings, Wells, Sharp, Mrs. Kountze and John Kountze and each and all of them are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating, or any other than domestic purposes.

DO NOT FILM

and all of them are hereby enjoined from directing or
in any manner any part of the said water rights after
the first day of July in each and every year hereafter
for irrigating, or any other than domestic purposes.
It is ordered, adjudged and decreed, that John Shaw
is entitled to divert from Snake Creek, a tributary of
Blackfoot River, five hundred and eighty acres of water
and right dating from October 11th AD. 1886; that John
Shaw, George Romney, and W. M. Blair are entitled
to divert from Snake Creek, Snake Creek and Gale Creek, all
tributaries of Blackfoot River, six hundred and two (602)
acres of water, and right dating from October 11th AD.
1886; that I little is entitled to divert from Snake Spring
Creek, a tributary of Blackfoot River, six hundred
and forty (640) acres of water, and right dating from
October 11th AD. 1886; that John Shaw, Jr. is entitled
to divert from Highland Creek, a tributary of Blackfoot
River, six hundred and forty (640) acres of water; and
right dating from October 11th. 1886; that R. D. Shiao
is entitled to divert from Snake Creek, a tributary of
Blackfoot River, four hundred (400) acres of water
and right dating from October 11th AD. 1886; that
John Shaw is entitled to divert from North Creek, a tri-
butary of Blackfoot River, four hundred and eighty (480)
acres of water, and right dating from October 11th
AD. 1886; that John Shaw is entitled to divert
from Snake Creek, a tributary of Blackfoot River, five
hundred and eighty (580) acres of water, and right dating
from October 11th AD. 1886; that W. H. Shiao is entitled
to divert one hundred and fifty (150) acres of water
from Spring Creek, a tributary of Blackfoot River,
and right dating from June 1st AD. 1884; that J. Hood-
win is entitled to divert one hundred and seventy (170)
acres of water from Snake Creek, a tributary of
Blackfoot River, and right dating from June 1st AD.
1885; that J. Shiao is entitled to divert one hundred
and eighty (180) acres of water from Snake Creek and

Sheep Creek, tributaries of Blackfoot River, said right dating from May 15th A.D. 1890; that Samuel J. Rick and John A. Bagley are entitled to divert two hundred (200) inches of water from Kaut Creek and from Springs at or near said Kaut Creek, the said Springs and Kaut Creek being tributaries of Blackfoot River, said right dating from October 1st A.D. 1888; that R. J. Rasmussen is entitled to divert fifty (50) inches of water from Deer Creek and one hundred and fifty (150) inches of water from Deep Creek, the said creeks being tributaries of Blackfoot River, said rights dating from July 1st A.D. 1889; the said rights aforesaid to-wit: the right of John Sharp sr. to the waters of Trail Creek, the right of John Sharp sr., George Romney and W. W. Riter, to the waters of Lake Creek, Dale Creek and Pale Creek, the right of J. Little to the waters of Ducks Spring Creek, the right of John Sharp jr. to the waters of Highland Creek, the right of L. J. Hills to the waters of Butte Creek, the right of J. Little to the waters of Rock Creek, the right of Ernie McPherson to the waters of Sheep Creek, the right of Nels Christensen to the waters of Spring Creek, the right of H. Hansen to the waters of Spring Creek, the right of J. Goodwin to the waters of Lower Pine Creek, the right of J. Davis to the waters of Grouse Creek & Sheep Creek, the right of R. J. Rasmussen to the waters of Pine Creek & Deep Creek and the rights of Samuel J. Rick and John A. Bagley aforesaid shall only extend to the first day of July in each year, and the said John Sharp sr., George Romney, W. W. Riter, J. Little, John Sharp jr., L. J. Hills, J. Little, Ernie McPherson, Nels Christensen, H. Hansen, J. Goodwin, J. Davis, R. J. Rasmussen, Samuel J. Rick and John A. Bagley, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

It is ordered, adjudged and decreed that the following parties shall pay none of the cost of this suit, viz: W. R. Jones, C. Woodall, Thomas Horsley, Chas. B. Wilson, Frank A. Breerton, James B. Hansen, Gen. H. Jones, James A. Heath, Charles H. Adcock &c.

Huntz, P. B. Fox sr. and St. S. Woolley.

It is ordered, adjudged and decreed, that the costs of the Judge, Pro Tem, shall be and the same is hereby taxed as costs of suit and the same is fixed at two hundred and ten dollars.

It is ordered, adjudged and decreed that the several quantities of water herein decreed shall be the quantities hereinbefore named measured under a four inch pressure, and that the first appropriator in point of time is first in point of right, and all appropriations of equal or of the same date are of equal rights.

It is further adjudged and decreed, that in case of insufficiency of water to supply all parties the entire volume is to be devoted to, and used by those appropriators who are first in point of time.

It is further adjudged and decreed that all water diverted from any stream mentioned in this decree by any party hereto shall be diverted through a box or flume so arranged and constructed as to permit of the water so diverted, being measured under a four inch pressure and when the waters of the streams mentioned in this decree are not used for irrigation of lands all water shall be returned to the natural channel of the stream, and no diversion thereof allowed.

It is adjudged and decreed, that the plaintiffs to this action shall pay one-sixth of all the costs to this action, and each and all of said plaintiffs shall be jointly and severally liable for the one-sixth part until such part of one-sixth is fully paid.

It is adjudged and decreed that Henry Dunn, N.A. Just, Emma Just, John Mistle, Leon Mistle, Robert Mistle, Peter Morris, and Danire J. Miller shall pay one sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

It is adjudged and decreed that P. B. Fox, Jr., William Howard, A. Whitten, Susan E. Whitten, Calvin Miles, Eastern Idaho Water Company, F. M. Thormaker, Sample Orr, Daniel M. Taylor, Geo. Monroe, John Lyow, George Skelton, Levi Warren and Preso-Burrell shall pay one-fourth of all

NOT FILM

DO NOT FILM

In the District Court of the Fifth Judicial District of
Idaho, in and for Blaine County.

In the matter of judgment by confession.

Carstensen

vs
The Thompsons &c

On this, Carl J. Carstensen having
filed his confession of judgment wherein he author-
izes and consents that judgment be entered in favor
of the Thompsons &c for the sum of five hundred
and fifty dollars; therefore, by reason of the law,
and the statutes aforesaid, it is ordered and adjudg-
ed, that the said the Thompsons &c, do have and
recover of and from the said Carl J. Carstensen the sum
of five hundred and fifty dollars, with interest
thereon at the rate of six per cent per annum
together with the sum of costs, fees & \$5000 dollars
costs herein.

Dated Apr. 10, 1891.

My Atty. Clerk
My Atty. Henry R. Smith

SCANNED

JUL 20 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: A27-10999
Date Received: 5/23/1989
Receipt No: E007851
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY L. EMPEY 208-785-6292
Address: 830 RIVERTON ROAD
BLACKFOOT, ID 83221
OR
Name: MARVA I. EMPEY 208-785-6292
Address: 830 RIVERTON ROAD
BLACKFOOT, ID 83221

2. Date of Priority: MAY 01, 1878

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	35E	9	NE	NW	NE	2	BINGHAM

5. Description of diverting works:
WELL, K MINER'S DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		

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

A.F.A.

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10999

Page 1

Date: 11/29/89

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DE/80/2-291

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	9	NW	NE		IRR	2.7
Section Acres							2.7
Total Acres							2.7

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:
DOMESTIC WELL

14. Remarks:
THIS IS A PORTION OF THE WATER RIGHT THAT WAS DECREED TO WILLIAM
KIRKPATRICK, MAY 1, 1878.

15. Basis of Claim: DECREED
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: _____

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: A27-10999 39576 portia
Ident. Number A27-00020
Date Received 5-23-89
Receipt Number E007851

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 23 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) GARY L. OR MARVA J. EMMER Phone (208) 785-6292

Mailing Address 830 RIVERTON ROAD, BLACKFOOT, IDAHO Zip 83221

2. Date of Priority (Only one (1) per claim) 1 MAY 1878

3. Source of water supply (a) BLACKFOOT RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 3S Range 35E Section 9,
NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BINGHAM

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. MINER'S DITCH

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 1 APRIL to 31 NOV amount .09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .09 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
3S	35E	9		2.77															2.77

Total number of acres irrigated 2.77

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

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

DOMESTIC WELL

or None ()

14. Remarks: THIS IS A PORTION OF THE WATER RIGHT THAT WAS DECREED
TO WILLIAM KIRKPATRICK, 1 MAY 1878

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NOV 12 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP

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~~NOV 12 1992~~

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 27-00020 (PORTION)
Court _____ Case Number _____ Decree Date 10 SEP 1891
Plaintiff vs Defendant FRED S. STEVENS VS EASTERN IDAHO WATER COMPANY

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 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Gary L. Emery Date 23 MAY 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 23rd day of May 19 89

SEAL

Notary Public Helen Harrington
Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 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 _____

MICROFILMED
NOV 12 1992

Last Name _____ Ident. Number _____

