

08/19/2005

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

RIGHT NUMBER: 27-10844
NAME AND ADDRESS: WALTER A GAY
628 W 300 S
BLACKFOOT ID 83221

IRMA M GAY
628 W 300 S
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION:
T03S R35E S18 SWSWNE Lot 6 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.170 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County
T03S R34E S13 SWSE 18.0

18 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 18 acres in a single irrigation season. Combined Right Nos.: 27-10844 and 27-26B.

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

This right is a split from former right 27-37.

WATER IS DELIVERED THROUGH RIVERTON DITCH.

01/28/2005

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

RIGHT NUMBER: 27-10844

NAME AND ADDRESS: WALTER A GAY
628 W 300 S
BLACKFOOT ID 83221

IRMA M GAY
628 W 300 S
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 03/20/1886

POINT OF DIVERSION:

T03S R35E S18 SWSWNE Lot 6 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.170 CFS

PLACE OF USE:

IRRIGATION Within BINGHAM County

T03S R34E S13 SWSE 17.0

17 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: **Decreed**

WATER IS DELIVERED THROUGH RIVERTON DITCH.

This right is a split from former right 27-37.

POU I - E56 - 18AC

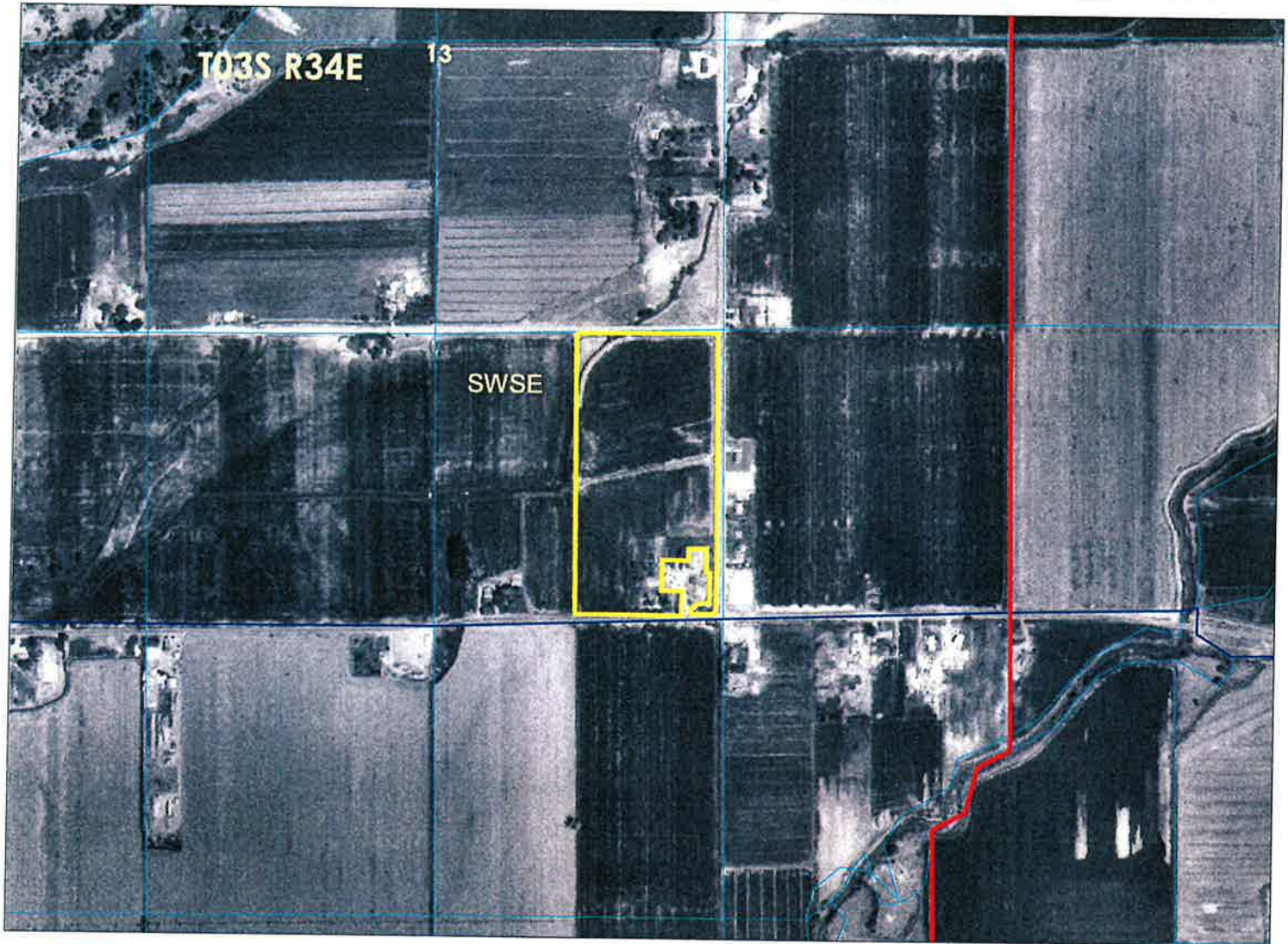
27-10844 & 27-26B.



Department of Water Resources Eastern Region



Claim No.: 22-10844 and 27-26B

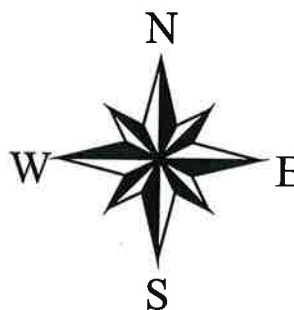


PROFILED
SCANNED

0 660 1320 1980 2640 Feet



- MAY 25 2005
-  Place of Use
 -  Township/Range
 -  Sections
 -  QQ



GIS Place of Use Illustration
1992 Orthophoto
Prepared by: Kristin Moore
Date Prepared: August 2005



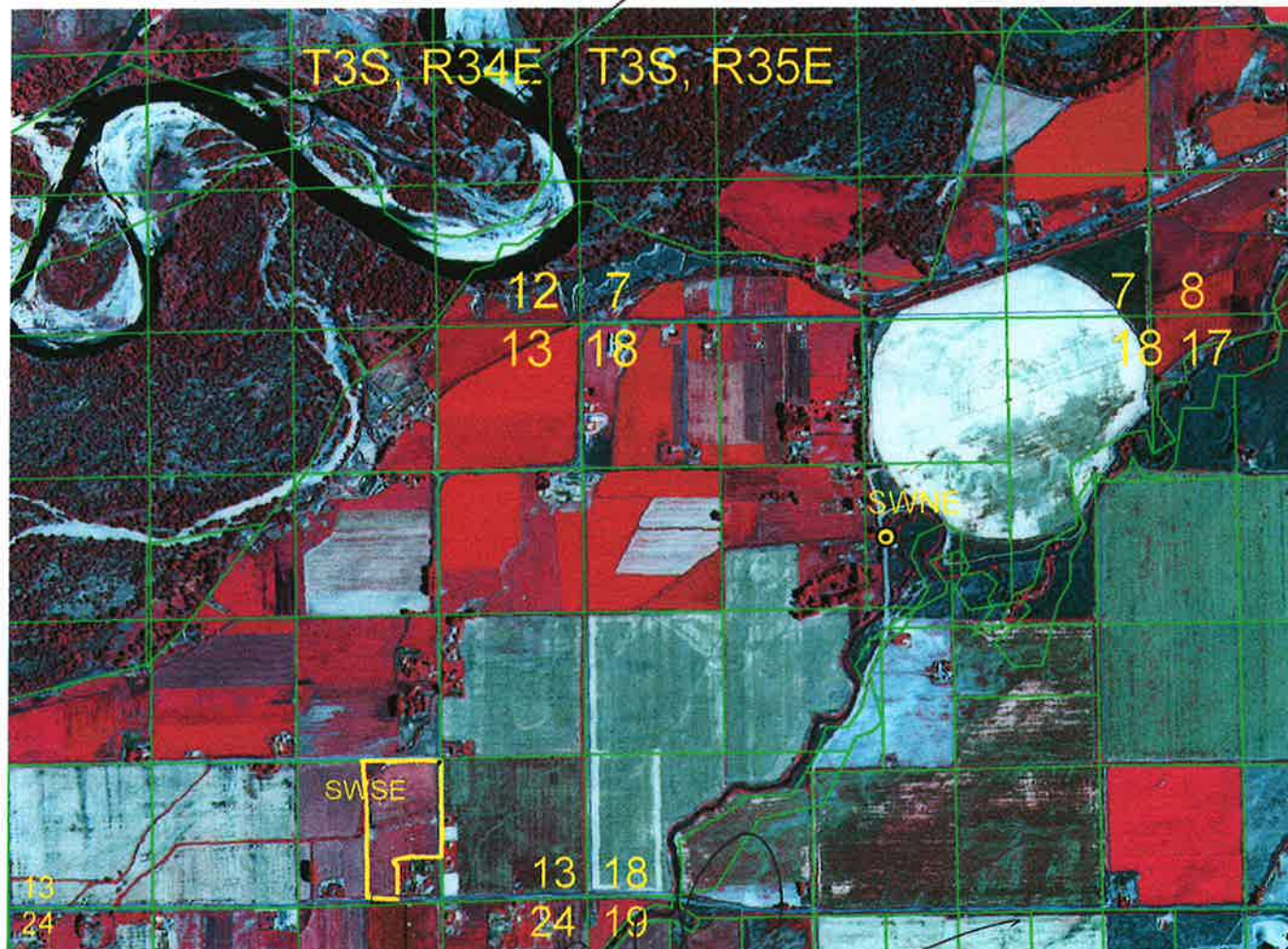
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-10844 & 27-26B



1000 0 1000 2000 Feet

LEGEND

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

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

Point(s) of Diversion: T3S, R35E:
Sec. 18, SWSWNE,

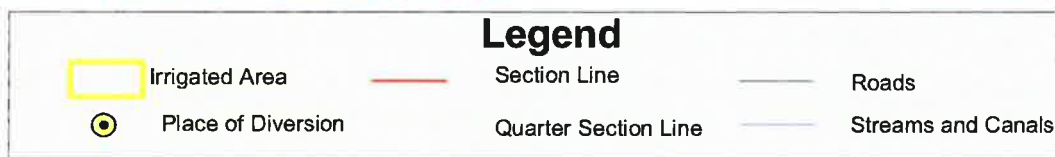
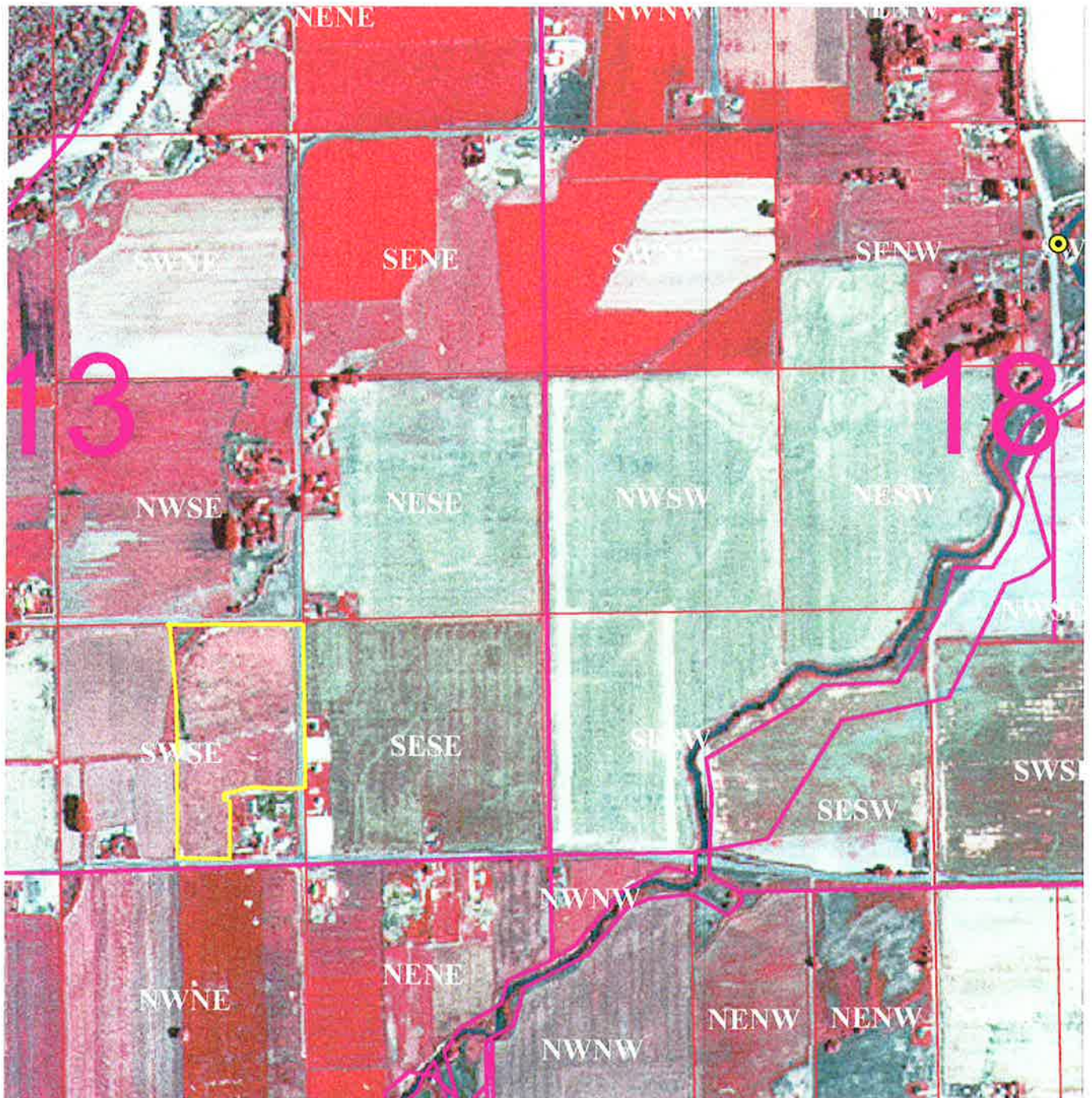


IRRIGATED ACRES 17.0

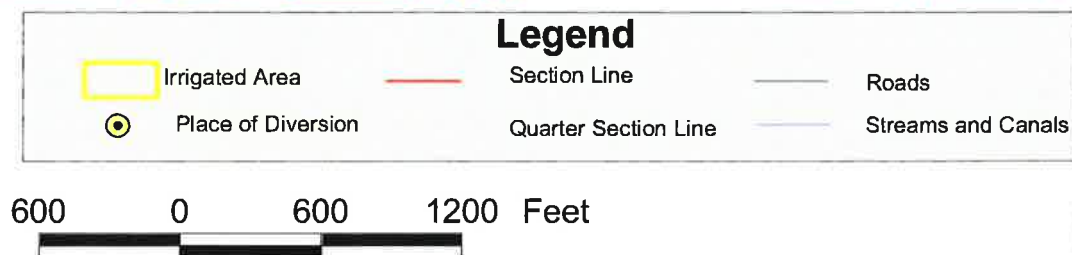
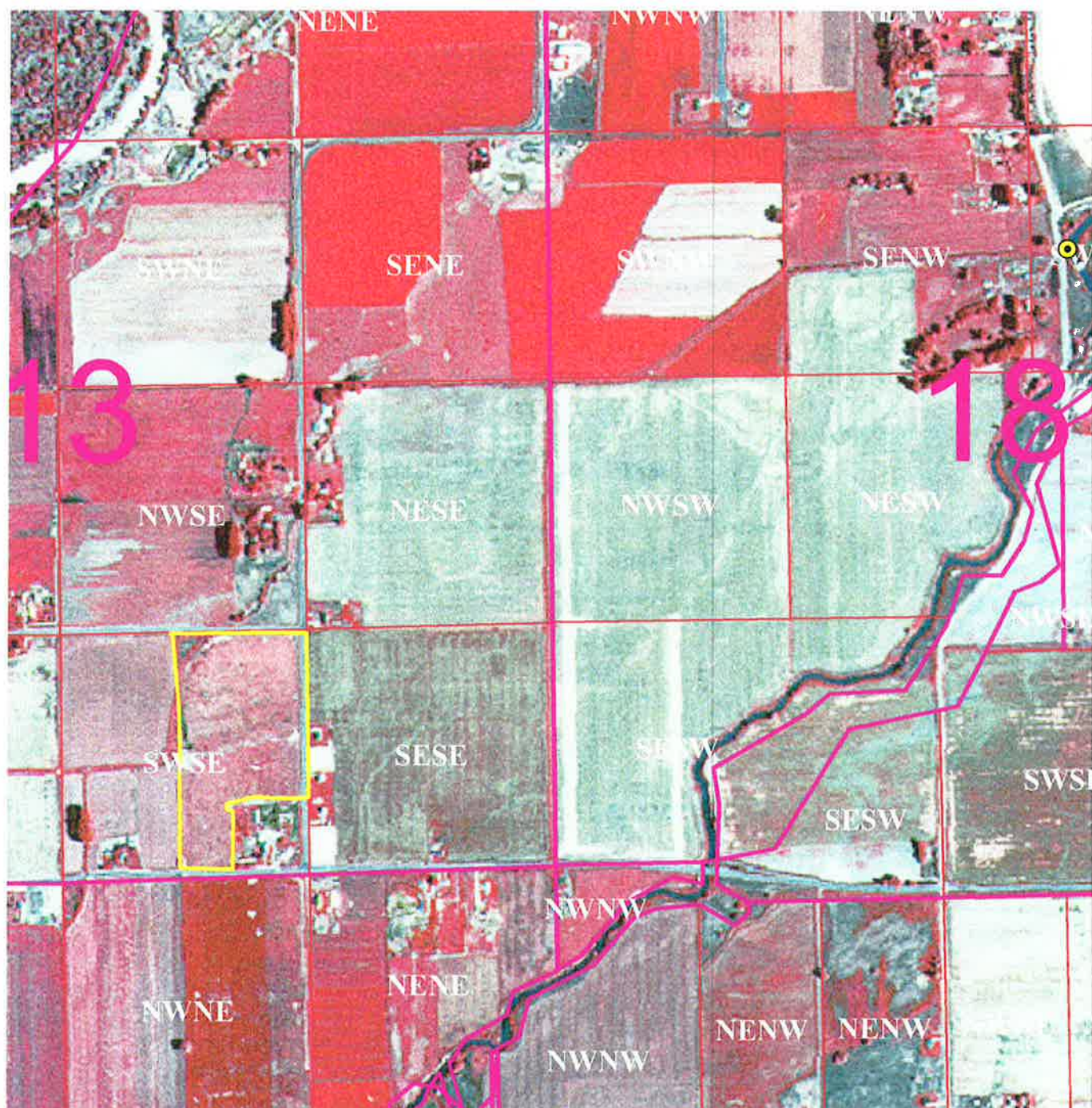
GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: August 2004

Water Right Claim Number 27-10844
Township , 3S34E

01/04/2001

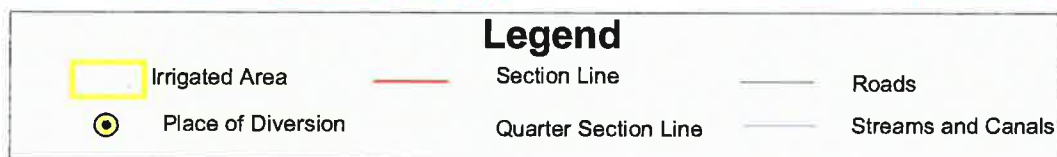
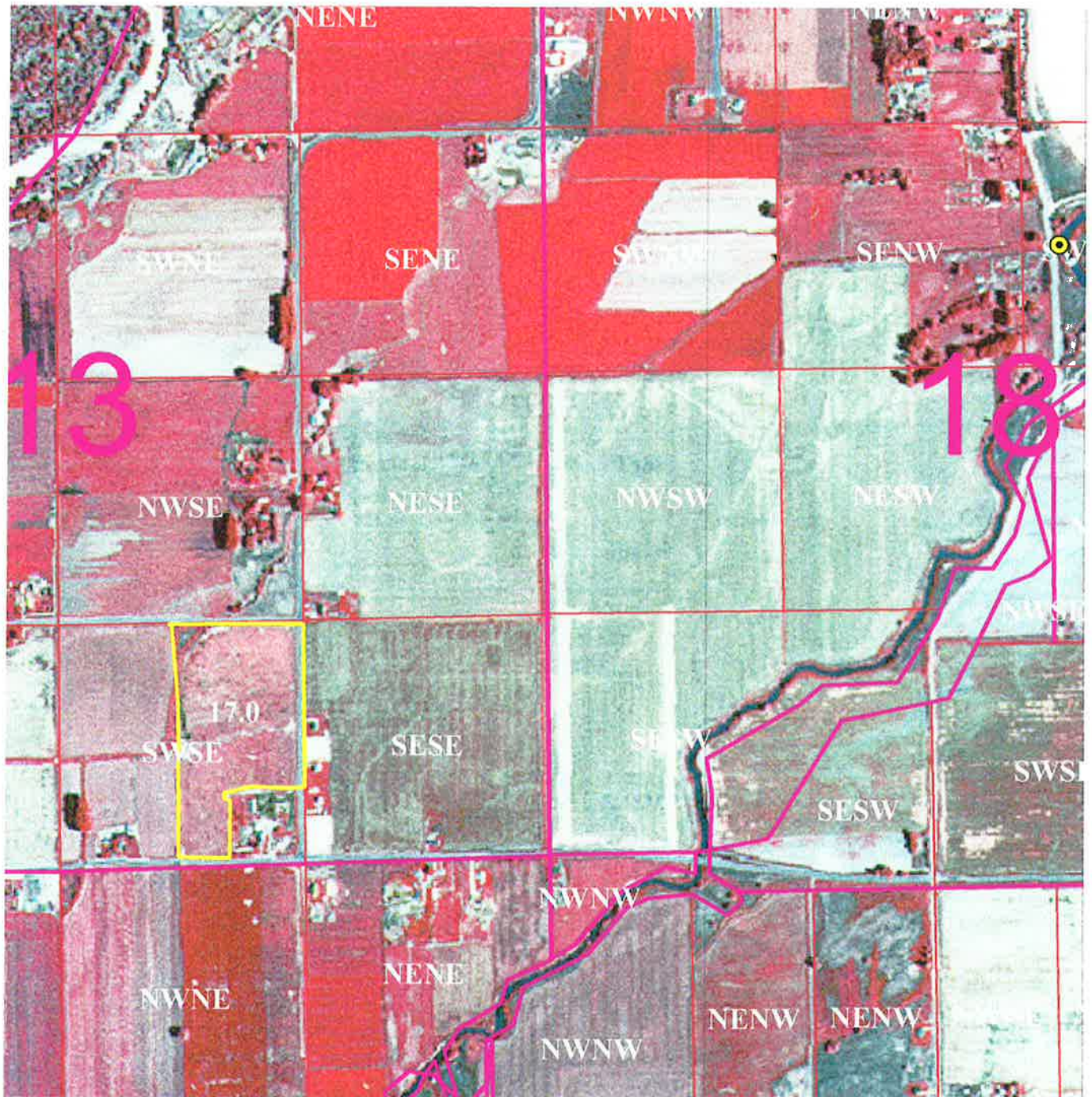


01/04/2001



Water Right Claim Number 27-10844
Township , 3S34E

01/04/2001





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 25, 2005

Walter A Gay and Irma M Gay
628 W 300 S
Blackfoot ID 83221

RE: Notice of Error Reply 27-26B & 27-10844

Dear Walter and Irma:

In response to the Notice of Error you submitted after the initial mailing of the Preliminary Director's Reports in May 2005, enclosed for your records are the revised Preliminary Director's Reports for the above listed water rights and a map of the place of use. These reports are based on information obtained subsequent to the initial mailings and replace the previous Preliminary Director's Reports.

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 each of your water rights, which should mirror each of the revised preliminary recommendations. 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

Enclosures (3)
emc

PROFILED

SEARCHED
MAY 25 2006

08/24/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-10844

WALTER A GAY
628 W 300 S
BLACKFOOT ID 83221
Telephone Number: (208)785-5457

IRMA M GAY
628 W 300 S
BLACKFOOT ID 83221
Telephone Number: (208)785-5457

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

The map indicates none of the Homestead is irrigated from the ditch however the southwest corner and the down can be irrigated

3. Give a brief explanation as to why you disagree with these portions:

I would like to have the down and SW corner of the homestead included on the map

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: June 17 05 SIGNATURE: Walter A. Gay

Please print your name: Walter A. Gay

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

RECEIVED

JUN 24 2005

Department of Water Resources
Eastern Region

*KMJ
6/27*

INTER-DEPARTMENT MEMO

TO: Barbara

SUBJECT: layout.

FROM: Cindy

DATE: 2/4/05

add. 27-26B to the layout 27-1084U.
Same POY & POD.

() For your information

() Response required

CB
signature

Notes

4-1-04 Sent claimants a letter requesting additional information on the ownership of Welch water. Response date 4-29-04 CB

Welch analysis shows water gay having 4.5 inches of Welch water. See attached Welch analysis. CB.

Recommend as noted.

8/2/04 Exclude Riverton Rd, recommend 16 acres. CB

1/26/05 meeting yesterday with Laverelle Specklein we determined that Walter's portion of this right is $8\frac{2}{3}$ inches not $4\frac{1}{2}$ inches. Walter also has $8\frac{1}{3}$ inches of Daniel Miller water from the William Hancock lineage. Walter Gay however doesn't have a claim on Daniel Miller.

Laverelle is going to tell Walter that he needs to go to F.F. and make a claim to the water.

Under the Welch water it was 26" not 25". So, it would be $\frac{1}{3} + \frac{2}{3}$ of 26" for Laverelle & Walter.

Quitclaim
deed.

4-28-1917 Sara A Welch (widow) + James W. Welch (heir of James G. Welch)
→ Wallace B Wright.

26" of waters decreed to James G. Welch, priority.
March 20, 1886.

2-27-04 Received & filed letter from the AG's office. PB

3/16/04 Laverelle Stickler came in & explained to him I need documentation on where Bunningham got 40 inches of Welch water and where did the 25 inches come from? Laverelle is going to check to see what he can find.

4/1/04 Walter called to see if I got the documents and if he needs to have any additional information. I told him I would have to go back and review the documents and let him know.

4/1/04 Need to review documents.

27-10844

Walter Gay

Ref: Evidence of priority documentation.

Deed Record,
Bingham Co.
Quitclaim
deed.

5-5-1911 Celia Robinson → James Burningham.
60 acres; 25 inches in Blackfoot water; Stevens decree.

Deed Record,
Bingham Co.

4-10-1917 James Burningham et ux → Wallace B. Wright.
40 acres; same legal as above for the 20 acres claimed
by Walter Gay. plus:
 $\frac{2}{3}$ undivided interest in 25 inches of decreed water. also.
 $\frac{2}{3}$ undivided interest in and to 40 inches of water decreed to
James Welch. (deceased) which was transferred to the
granter. by the administrator of the James Welch estate.

$$\frac{2}{3} * 25" = 16\frac{2}{3} \text{ inches.}$$

$$\frac{2}{3} * 40" = 26\frac{2}{3} \text{ inches.}$$

$$\underline{43\frac{1}{3} \text{ inches.}}$$

Warranty
deed.

11-15-1917 Cyril Wright → Wallace B. Wright.
 $\left. \begin{array}{l} W\frac{1}{2} E\frac{1}{2} NENE \\ W\frac{1}{2} E\frac{1}{2} L-2 \end{array} \right\} \text{Sec. 24. T3S, R34E 20 Acres.}$

plus:

$$\frac{1}{3} * 25" = 8\frac{1}{3}" \text{ decreed water.}$$

Notes

- 1-28-03 Evidence of priority letter to Claimant. BT
- 1-31-03 Claimant called re type of evidence. He is working on it. He wanted an extension of time. I told him I would recommend 1-16-04. BT
- 1-13-04 Received letter and copy of warranty deeds & quit claim deeds from claimant. PB

Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone

Current Owner _____ *see claimant*

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

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

Reviewer: *R.B.* Date: *e/bz/cf*

Contacts Data Entry Form

Claim Number: A27-10844

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis _____

4 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:

since

Reviewer: CB

Date: 6/23/04

Priority Date

Claim No. _____ - _____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
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 (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) 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 (X) 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 (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

decree
Priority Date

Point of Diversion and Source Data Entry Form

Claim Number: A27-10844

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	18	6	SWNE	Bingham	Blackfoot R.

GPS File Name:
"RIVERT"

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

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

Link Riverston Ditch GPS PointTransfers Changing POD noReviewer: CBDate: 6/23/04

Point of Diversion and Source Data Entry Form

Point of Diversion

Claim No. 27-10844

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. 27-16844

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: A27-10844

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

Document how the Purpose of Use was verified:

dure

dure has not acre limit or wasn't
dured at 1" per acre.

Transfers Changing Purpose of Use _____

Reviewer: RBDate: 6/23/04

Purpose of Use Data Entry Form

Purpose of Use

Claim No. 27 - 10844

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: A27-10844☒ 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
3S	34E	13	SWNE		Bingham		16	Irrigation

Total Acres _____

Document how the POU was verified:

1987/88 Napp photography
wild analysis, warranty deeds.

Transfers Changing POU noReviewer: CBDate: 6/23/04

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: A27-10844☐ 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	0.17 ^{CB} 1/24/05 ~~0.07~~	

Overall Diversion Rate 0.07 0.17 Overall Diversion Volume _____

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

diene
well analysis, warranty deeds.
1/24/05 should be 8 2/3"

Reviewer: LBDate: 4/23/04

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 - 10844

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. 27-10844

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

Summary Data Entry Form

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

C18

FOI

water conveyed thru Riverton Ditch

P21

split 27-37

(Genl
Rem)

Split or Combined Right Analysis:

see well analysis

Attached Field Notes or Other Documents:

Claim No.:

27-10844

Reviewer

LB

Date

6/23/04

Basin No.	Sequence Number	Split Suffix	Name	Basis of a Claim	yyyy-mm-dd Priority Date	Remarks	Useage	Other Water Rights Used	S=Stevens	ven s Decree	Total CFS	Recommended diversion (inches)
27	37	L	Anderson, Donald	Decreed	1886-03-20	Welch Irrigation Co. T.52	irrigation	27-2125	s	37	1.08	54.00
27	37	C	Bean, Audrey H.	Decreed	1886-03-20		irrigation	27.4F	s	37	0.97	48.50
27	37	P	Bergeman, E. V.		1886-03-20		irrigation		s	37	0.28	14.00
27	12017		Clements, Casey A.	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.38	19.00
27	11997		Coffman, Harvey	Decreed	1886-03-20		irrigation		s	37	0.10	5.00
27	10550		Ganske, Robert L.	Decreed	1886-03-20	Claim based on Miner's shares & F&W 27-23B. AMENDED	irrigation		s	37	0.06	3.00
27	10844		Gay, Walter A.	Decreed	1886-03-20		irrigation		s	37	0.17	8.67
27	37	M	Hamilton, Wesley	Decreed	1886-03-20		irrigation	27-4G	s	37	1.30	65.00
27	12015		Hansen, Helen	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.03	1.50
27	37	F	Hill, Stanley	Decreed	1886-03-20		irrigation		s	37	0.12	6.00
27	12016		Hospkins, Robert	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.03	1.50
			LDS Church	Decreed	1886-03-20		irrigation		s	37		0.00
27	10358		Leiseth, Jason	Decreed	1886-03-20	probably 27	irrigation		s	37	0.00	0.00
27	37	A	McDaniel, Brett	Decreed	1886-03-20	T#52. Welch Irrigation	irrigation		s	37	1.76	88.00
27	11994		Nation, Howard S.	Decreed	1886-03-20	Parent right 27-11120	irrigation		s	37	0.015	0.75
27	12014		Novosad, Joyce	Decreed	1886-03-20	Parent is 27-12067	irrigation		s	37	0.16	8.00
27	11995		Romrell, Don	Decreed	1886-03-20	Parent Right 27-11120	irrigation		s	37	0.015	0.75
27	37	E	Rowbury, Rex C.	Decreed	1886-03-20	T#52	irrigation		s	37	0.12	6.00
27	37	B	Stecklein, LaVerelle	Decreed	1886-03-20		irrigation		s	37	0.00	0.00
27	37	G	Stecklein, LaVerelle	Decreed	1886-03-20		irrigation	27-27B, 7065, 2126, 10552, 10555, 26B	s	37	0.69	34.33
27	37	J	Winter, Norman	Decreed	1886-03-20		irrigation		s	37	0.10	5.00
27	37	H	Worthington, Dallen	Decreed	1886-03-20		irrigation		s	37	0.04	2.00
27	37	K	Wright, Franklin D.	Decreed	1886-03-20		irrigation	27-27C, 23F	s	37	0.04	2.00
27	37	N	Yancey, Merlin	Decreed	1886-03-20		irrigation		s	37	0.50	25.00
								TOTALS			7.96	398.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

April 1, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Walter A. Gay
628 W. 300 S.
Blackfoot, ID 83221

REF: Snake River Basin Adjudication (SRBA)
Claim 27-10844.

Subject: Welch Water

COPY

RESPONSE DATE: APRIL 29, 2004

Dear Walter;

After our phone discussion today I was able to review the documents that you submitted as evidence of ownership of the Welch Water. There are too many wholes in the documents to conclusively determine that you have Welch water. Some of the documents don't refer to your land. You'll need to do some additional research as suggested below:

Exhibit 1: When James V. Burningham purchased the 60 acres from Celia Robinson she conveyed 25 inches of Blackfoot water. But it is not apparent which decree it comes from. You will need to research where Robinson got the water from.

Exhibit 2: Where did James Burningham acquire 40 inches of Welch water to convey to Wallace Wright with the 40 acres?

Exhibit 3: Cyril Wright conveyed to Wallace Wright 1/3 interest in 25 inches of decreed water right. What decree? This land does not fit in the legal description for James W. or Sarah Welch.

Exhibit 4: The water deed to Wallace Wright from James W. and Sarah Welch was for 26 inches alone isn't enough evidence that it was on your piece of property alone. Wallace Wright owned more than 26 acres.

I also checked through the documents that La Verelle Stecklein submitted and can't get to the 21.5 inches of water on your property. You might talk with La Verelle and see if he was able to find any additional documents. I spoke with La Verelle on the 16th of March about the discrepancies and he said he would see what he could find.

If you have any additional questions, please feel free to contact me in Soda at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Cc: La Verelle Stecklein

COPY



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 24, 2004

COPY

WALTER A AND IRMA M GAY
628 W 300 S
BLACKFOOT ID 83221

RE: SRBA Claim based on decreed water right No. 27-10844

Dear Claimant(s):

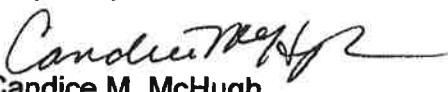
I am the Deputy Attorney General assigned to represent the Idaho Department of Water Resources (IDWR or the "Department") in Basin 27 in the Snake River Basin Adjudication.

The Department of Water Resources is currently investigating water right claims in Basin 27. IDWR information indicates that your water right claim is based on a water right decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp. 106-117 (Bingham County, Idaho August 1, 1891), to James Welch. This water right was decreed for 400 inches (8.0 cfs) with a March 20, 1886, priority date. This water right was numbered sometime after the decree by IDWR as water right no. 27-37.

The Department has received multiple claims to this water right totaling more than 8.0 cfs. In order to make a complete and accurate recommendation of your water right, each element of the water right must be proven. The Department needs information that shows you are a successor to the original James Welch water right. This could be established through deeds or other conveyance documents that show you own a portion of the original water right.

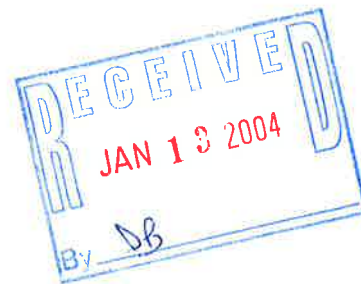
Please provide this information by March 26, 2004, to Cindy Bird at the Soda Springs Office for the Idaho Department of Water Resources. You can contact her at 208-547-3993. If you have any further questions regarding this matter, you can contact Cindy or you can contact me directly at 208-327-5404.

Very Truly Yours,


Candice M. McHugh
Deputy Attorney General
Idaho Dept. of Water Resources

c: electronically Cindy Bird, IDWR

January 12, 2004



Cindy E. Bird
Adjudication Bureau
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10844

Dear Ms. Bird:

In researching the earliest use of Blackfoot river water on my property (E $\frac{1}{2}$, SW $\frac{1}{4}$, of SE $\frac{1}{4}$, Section 13 Ts 3S R34 east Boise Meridian), the first transaction I found was exhibit #1. Earlier transactions are not available in the Bingham County courthouse.

This is the sale of my property and 40 acres south of me and includes 25 inches of decree water which was part of the Daniel Y. Miller decree in the Fred S. Stevens decree in primary use of Blackfoot River water.

The next transaction exhibit #2 splits the sixty acres into a 40 acres plot with $\frac{2}{3}$ of the Miller water and an undivided interest in $\frac{2}{3}$ of 40 in of Welch water.

The next transaction recombines the original sixty acres the 25 in of the Miller water and $\frac{2}{3}$ undivided interest in the 40 in of Welch water exhibit #3.

Exhibit #4 was a purchase of another 26 in of Welch water.

The recombined sixty acres at this time claimed to have 25 in of Daniel Y. Miller water, $\frac{2}{3}$ undivided interest in 40 in of Welch water and 26 in of additional Welch water. I subsequently purchase 20 of the sixty acres. I should have made claim for a $\frac{1}{3}$ undivided interest in 25 in of Miller water, $\frac{1}{3}$ interest in $\frac{2}{3}$ interest in 40 in of Welch water and $\frac{1}{3}$ interest in another 26 in of Welch water.

I hope this will provide evidence of use of Blackfoot River water as early as 4/1/1883 of at least a portion of my irrigation water right. I am sure but haven't been able to prove the Welch water was being used to irrigate the near by farms when the Welch mine failed in 1891..

Please advise of any further actions. I need to take to protect my rights to use Blackfoot River water.

Sincerely,

A handwritten signature in cursive script, appearing to read "Walter A. Gay".

Walter A. Gay
628 West 300 South
Blackfoot, ID 83221



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

9 December 2003

Walter A. Gay
628 West 300 South
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10844

Subject: EVIDENCE OF PRIORITY DATE

COPY

Response Date: 8 January 2004

Dear Claimant(s):

The Idaho Department of Water Resources has begun its SRBA claims review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the SRBA.

The referenced claim is not a decreed right based on Welch Irrigation. In the Stevens' 1891 decree the Welch water was decreed as mining, not irrigation and cannot be converted to irrigation. The mining purpose is non-consumptive while, irrigation is consumptive. Therefore, it can only be recommended to the Court as a beneficial use claim. However, before we can prepare the recommendation, we need evidence to support when the water was put to beneficial use for irrigation.

It is important that each element of the Notice be substantiated. For claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**".

If we do not hear from you by the above referenced response date we will recommend to the Court that this claim be disallowed.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Cindy E. Bird" followed by a stylized flourish.

Cindy E. Bird
Adjudication Bureau

CEB/bjp
Enclosure: Evidence of Priority Brochure

Basin No.	Sequence Number	Split Suffix	Name	R	D	Basis of a Claim	yyyymm-dd Priority Date	Remarks	Y N/A Layout	Other Water Rights Used	S-Stevens	ens Decree #	Total CFS	Claimed Diversion (Inches)	Recommended diversion (inches)	Difference in Inches		
27	37	L	Anderson, Donald			Decreed	1886-03-20	Welch Irrigation Co, T.52		27-2125	s	37	0.64	32.00	30.00	(2.00)		
27	37	C	Bean, Audrey H.			Decreed	1886-03-20			27-4F	s	37	1.17	58.50	58.50	0.00		
27	37	P	Bergeman, E. V.				1886-03-20				s	37	0.28	14.00	14.00	0.00		
			Clements, Casey A. Novasad & Hoskin			Decreed	1885-06-01				s	37	0.60	30.00	30.00	0.00		
27	11997		Coffman, Harvey			Decreed	1886-03-20				s	37	0.10	5.00	5.00	0.00		
								Claim based on Miner's shares & F&W 27-23B AMENDED										
27	10550		Ganske, Robert L.			Decreed	1886-03-20				s	37	0.06	3.00	3.00	0.00		
27	10844		Gay, Walter A.			Decreed	1886-03-20				s	37	0.43	21.65	4.50	(17.15)		
27	37	M	Hamilton, Wesley			Decreed	1886-03-20			27-4G	s	37	2.10	105.00	62.00	(43.00)		
27	37	F	Hill, Stanley			Decreed	1886-03-20				s	37	0.26	13.00	6.00	(7.00)		
			LDS Church			Decreed	1886-03-20				s	37		0.00	2.00	NOT CLAIMED IN SRBA		
27	10358		Leiseth, Jason			Decreed	1886-03-20	probably 27			s	37	0.06	3.00	0.00	(3.00)		
								T#52, Welch Irrigation										
27	37	A	McDaniel, Brett			Decreed	1886-03-20	Parent right 27-11120			s	37	1.76	88.00	88.00	0.00		
27	11994		Nation, Howard S.			Decreed	1886-03-20	Parent Right 27-11120			s	37	0.03	1.50	0.75	(0.75)		
27	11995		Romrell, Don			BU	1886-03-20	Parent Right 27-11120	Y		s	37	0.03	1.50	0.75	(0.75)		
27	37	E	Rowbury, Rex C.			Decreed	1886-03-20	T#52			s	37	0.60	30.00	30.00	0.00		
27	37	B	Stecklein, LaVereille			Decreed	1886-03-20				s	37	0.40	20.00	17.00	(3.00)		
								27-27B, 7065, 2126, 10562, 10555, 26B										
27	37	G	Stecklein, LaVereille			Decreed	1886-03-20				s	37	0.80	40.00	21.50	(18.50)		
27	37	J	Winter, Norman			Decreed	1886-03-20				s	37	0.05	2.50	0.00	(2.50)		
27	37	H	Worthington, Dallen			Decreed	1886-03-20				s	37	0.04	2.00	2.00	0.00		
27	37	K	Wright, Franklin D.			Decreed	1886-03-20			27-27C, 23F	s	37	0.10	5.00	0.00	(5.00)		
27	37	N	Yancey, Merlin			Decreed	1886-03-20				s	37	0.50	25.00	25.00	0.00		
										TOTALS			10.01	500.65	400.00	(102.65)		

DEED RE ORD, BINGHAM COUNTY

QUITCLAIM DEED

BOOK NO. 15

No. 555

Exhibit #1

5-5-1911

This Indenture, made the fifth day of May

in the year of our Lord one thousand nine hundred and eleven between

Celia Robinson (widow)

of the County of Bingham and State of Idaho the part y of the first part, and

James V. Burningham

of the County of Bingham and the State of Idaho the part y of the second part.

Witnesseth, That the said part y of the first part, for and in consideration of the sum of

Sixty two hundred & no/100 (\$6200.00) DOLLARS, lawful money

of the United States of America, to her in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said part y of the second part, and to

his heirs and assigns all th certain lot, piece, or parcel of land situated in the County of Bingham, and State of Idaho, and bounded and particularly described as follows, to-wit:

The east half of the southwest quarter of the southeast quarter of section thirteen,

& the east half of the northwest quarter of the northeast quarter & the east half of lot

two in section twenty four; all in township three south of range thirty four east of

Boise Meridian, containing sixty acres, more or less; together with all ditches, ditch

rights of way and water right thereto belonging or in any way appertaining and particu-

larly twenty five inches of the primary right in the Blackfoot river, according to a

decree of the Court of the fifth judicial district in Idaho, which was rendered August

the first 1891. This indenture is given subject to the second party paying the taxes of the year 1911.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, All and singular, the said premises, together with the appurtenances unto the said part y of the second part, and to his heirs and assigns forever.

In Witness Whereof, The said part y of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Fran k C. Parkinson

Celia Robinson (SEAL)

(SEAL)

(SEAL)

(SEAL)

State of Idaho
County of Bingham

On this fifth day of May in the year of 1911 before me F. C. Parkinson a Notary Public in and for said county and state personally appeared Celia Robinson (widow) known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.
My commission expires Sept 16th, 1911 Seal F. C. Parkinson, Notary Public

Recorded at request of Parkinson Realty & Invest Co June 6, 1911 at 10:00 A.M.

Recorder

By J. S. Carruth

DEED RECORD, BINGHAM COUNTY

James V. Burningham et ux

Exhibit #2

1917
1918
70.70 26.1
W. H. Fisher
4-10-19

TO

Wallace B. Wright

No. 514

THIS INDENTURE, Made the 10th

day of April in the year of our Lord one thousand nine hundred and Seventeen between James V. Burningham and Annie M. Burningham, his wife

of the County of Bingham and State of Idaho the parties of the first part, and Wallace B. Wright

of the County of Bingham and State of Idaho the party of the second part,

WITNESSETH, That the said part of the first part, for and in consideration of the sum of Five thousand and no/100 (\$5000.00) 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, do by these presents grant, sell, bargain and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain lot 3, piece B, or parcel B, of land situate, lying and being in the County of Bingham, and State of Idaho, and bounded and described as follows, to-wit:

The east half of the southwest quarter of the southeast quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13) and the East half of the East half of the Northwest quarter of the Northeast quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the East half of the East half of lot 2 (E $\frac{1}{2}$ E $\frac{1}{2}$ lot 2), excepting that part of lot Two lying immediately south of lot One (1), of section twenty-four (24), all in township Three south of range thirty-four (34) east of Boise Meridian in Idaho, containing 40 acres, more or less, together with all ditches, ditch rights of way and water rights thereto appertaining and belonging and particularly a $\frac{2}{3}$ undivided interest in and to 25 inches of decreed water right belonging to said land and adjoining land; also a $\frac{2}{3}$ undivided interest in and to 40 inches of decreed water right of James G. Welch, deceased, which was transferred to the grant herein by the Administrator of the estate of James G. Welch, deceased; said decreed water being of the waters of the Blackfoot River as decreed in the suit of Fred S. Stevens, et., al., vs. Eastern Idaho Canal Company.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof.

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

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

James V. Burningham SEAL

Annie M. Burningham SEAL

W. H. Stufflebeam

SEAL

SEAL

SEAL

STATE OF IDAHO

ss.

County of Bingham

On this 10th day of April in the year of 1917, before me W. H. Stufflebeam, a Notary Public, in and for said county and state, personally appeared James V. Burningham and Annie M. Burningham, his wife known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires Nov. 13th, 1919.
(Seal)

W. H. Stufflebeam, Notary Public.
Residence, Blackfoot, Idaho.

Recorded at request of Wallace B. Wright, April 28, 1917 at 2:45 P. M. P. M. Fisher Recorder

Recorder's fees, \$ 1.25

By H. C. Camody Deputy Recorder.

EXHIBIT #3

THIS INDENTURE, Made the 15 day of November In the year of our Lord one thousand nine hundred and seventeen, between Cyril J. Wright and Ester A. Wright his wife 11-15-1917
of the County of Bingham and State of Idaho, the part 10 of the first part, and Wallace B. Wright
of the County of Bingham and State of Idaho, the part 7 of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

Twenty Seven hundred - - - - - DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part 7 of the second part, the receipt whereof is hereby acknowledged

do by these presents grant, sell, bargain and convey and confirm unto the said part 7 of the second part, and to his heirs and assigns forever, all the certain lot, piece or parcel of land situate, lying and being in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit:

The West half the East half of the North east quarter of the northeast quarter and the West half of the east half of the Lot Two, all of Section Twenty-four, in Township Three, South of Range Thirty-four East of the Boise Meridian in Idaho. and Containing Twenty-acres more or less.
Together with all Ditch-rights and rights of Way and Water rights thereto appertaining, and be longing, and particularly a 1/3 undivided interest in and to 25 inches of Decoded water right, belonging to said Land, and adjoining land.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part 7 of the second part, and to his heirs and assigns forever, and the said part 10 of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part 7 of the second part, his heirs and assigns, against the said part 10 of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 10 of the first part has hereunto set their hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

J. H. McDonald.

Cyril J. Wright [SEAL.]

Esther A. Wright [SEAL.]

[SEAL.]

[SEAL.]

STATE OF IDAHO,
County of Bingham } ss.

I DO HEREBY CERTIFY, That on this 15 day of November in the year 1917, before me, J. H. McDonald, a Notary Public.

Cyril J. Wright and Ester A. Wright his wife in and for said County and State, personally appeared

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Blackfoot first above written.
[SEAL.] the day and year

My commission expires July 8, 1920. J. H. McDonald, Notary Public.
residing at Blackfoot, therein.

Recorded at the request of Bingham Abstract Co. Ltd. Oct 18, 1919 at 10:36 A. M.

F. H. Fisher,

Recorder.

James V. Burningham et ux

27-10844

TO

No. 514

Wallace B. Wright

THIS INDENTURE, Made the 10th

day of April in the year of our Lord one thousand nine hundred and Seventeen between James V. Burningham and Annie M. Burningham, his wife

of the County of Bingham and State of Idaho the parties of the first part, and Wallace B. Wright

of the County of Bingham and State of Idaho the party of the second part,

WITNESSETH, That the said part of the first part, for and in consideration of the sum of Five thousand and no/100 (\$5000.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell, bargain and convey and confirm unto the said part of the second part, and to his heirs and assigns forever, all that certain lot 3, piece 3 or parcel 3 of land situate, lying and being in the County of Bingham, and State of Idaho, and bounded and described as follows, to-wit:

The east half of the southwest quarter of the southeast quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13) and the East half of the Northwest quarter of the Northeast quarter (E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the East half of the East half of lot 2 (E $\frac{1}{2}$ E $\frac{1}{2}$ lot 2), excepting that part of lot Two lying immediately south of lot One (1), of section twenty-four (24), all in township Three south of range thirty-four (34) east of Boise Meridian in Idaho, containing 40 acres, more or less, together with all ditches, ditch rights of way and water rights thereto appertaining and belonging and particularly a $\frac{2}{3}$ undivided interest in and to 25 inches of decreed water right belonging to said land and adjoining land; also a $\frac{2}{3}$ undivided interest in and to 40 inches of decreed water right of James G. Welch, deceased, which was transferred to the herein by the Administrator of the estate of James G. Welch, deceased; said decreed water being of the waters of the Blackfoot River as decreed in the suit of Fred S. Stevens, et., al., vs. Eastern Idaho Canal Company.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

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

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

James V. Burningham SEAL

Annie M. Burningham SEAL

W. H. Stufflebeam

SEAL

SEAL

STATE OF IDAHO

County of Bingham ss.

On this 10th day of April in the year of 1917, before me W. H. Stufflebeam, a Notary Public, in and for said county and state, personally appeared James V. Burningham and Annie M. Burningham, his wife known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires Nov. 13th, 1919.
(Seal)

W. H. Stufflebeam, Notary Public.
Residence, Blackfoot, Idaho.

Recorded at request of Wallace B. Wright, April 28, 1917 at 3:25 P. M. F. M. Fisher Recorder

Recorder's fees, \$1.25

By H. C. Cammody Deputy Recorder.

THIS INDENTURE, made the 20th day of April in the year of our Lord one thousand nine hundred and SEVENTEEN between Sarah A. Welch, widow, and James C. Welch, married, sole heirs of James C. Welch, deceased of the County of Bingham and State of Idaho the parties of the first part, and Wallace B. Wright of the County of Bingham and 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 One hundred ninety 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, do hereby by these presents demise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece, or parcel of land situated in the County of Bingham and State of Idaho, and bounded and particularly described as follows, to-wit:

Twenty-six (26) inches of the waters of Blackfoot River diverted in Bingham County, Idaho, from the decreed water right of the said James C. Welch, now deceased, said decreed water right being for four hundred inches of the waters of Blackfoot River with date of priority March 20, 1886.

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

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

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

Signed, Sealed and Delivered in the presence of

John W. Jones.

Mattie Baker.

James W. Welch. (SEAL)

Sarah A. Welch. (SEAL)

(SEAL)

(SEAL)

State of Idaho,) ss.
County of Bingham,)

On this 28th day of April in the year of 1917, before me John W. Jones a Notary Public in and for said county and State personally appeared James W. Welch, unmarried, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

My commission expires July 15, 1917. (Seal) John W. Jones, Notary Public for Bingham County, Idaho, residing at Blackfoot, therein.

State of Oregon,) ss.
County of Baker,)

On this 7th day of May, in the year of 1917, before me Henry J. Baker a Notary Public in and for said county and State personally appeared Sarah A. Welch, widow, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

My commission expires March 20, 1920. (Seal) Henry A. Baker, Notary Public for Baker County Oregon, residing at Halfway, Ore.

Recorded at request of W. B. Wright, October 31, 1917, at 2:25 P.M.

Recorder's Fees, \$

D. K. Pichor.

Recorder.

By

Edith S. Baker

EX. 16.1 #4

420-91

THIS INDENTURE, made the 20th day of April in the year of our Lord one thousand nine hundred and seventeen between Sarah A. Welch, widow, and James E. Welch, married, sole heirs of James E. Welch, deceased of the County of Bingham and State of Idaho the parties of the first part, and Wallace B. Wright, the part of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One hundred ninety DOLLARS, lawful money of the United States of America, to them in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said part of the second part, and to his heirs and assigns, all that certain lot, more or less, or parcel of land situated in the County of Bingham, and State of Idaho, and bounded and particularly described as follows, to-wit:

Twenty-six (26) inches of the waters of Blackfoot River diverted in Bingham County, Idaho, from the decreed water right of the said James E. Welch, now deceased, said decreed water right being for four hundred inches of the waters of Blackfoot River with date of priority March 20, 1906.

APR 11 1893

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances unto the said part of the second part, and to his heirs and assigns forever.

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

Signed, Sealed and Delivered in the presence of
John W. Jones
Nettie Baker

James E. Welch. (SEAL)
Sarah A. Welch. (SEAL)
(SEAL)
(SEAL)

State of Idaho,) ss.
County of Bingham,)

On this 20th day of April in the year of 1917, before me John W. Jones a Notary Public in and for said county and state personally appeared James E. Welch, unmarried, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.
My commission expires July 15, 1917. (Seal) John W. Jones, Notary Public for Bingham County, Idaho, residing at Blackfoot, therein.

State of Oregon,) ss.
County of Baker,)

On this 7th day of May, in the year of 1917, before me Henry J. Baker a Notary Public in and for said county and State personally appeared Sarah A. Welch, widow, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.
My commission expires March 20, 1920. (Seal) Henry A. Baker, Notary Public for Baker County Oregon, residing at Halfway, Ore.

Recorded at request of W. B. Wright, October 31, 1917,
at 2:25 P.M.

Recorder's Fees, \$

By E. H. Fisher Recorder.

SCANNED

JUL 20 2001

Log for claim 27-10844

Spatial Dynamics LTD

1/8/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s34e	13	SWSE	20	17	
Totals:			20	17	

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME	<u>GAY</u>	CLAIM	NT. NO.	<u>A27-10844</u>
DATE RECEIVED	<u>5/25/89</u>	CK #	AMOUNT \$	
				YES NO Required Info?
1. Is the name and address complete with zip code?				<u>X</u> <u> </u> *
2. Is a priority date entered?				<u>X</u> <u> </u> *
Is the priority date acceptable in view of mandatory filing dates?				<u>X</u> <u> </u> *
See Adjudication Memos #1 and #4 to determine if a Permit is required.				<u>X</u> <u> </u> *
3. (a) Is a source entered?				<u>X</u> <u> </u> *
(b) Is a tributary to entered? (if required) N/A <u>X</u>				<u> </u> <u> </u> *
4. Is the legal description of the p.d. sufficient?				<u>X</u> <u> </u> *
5. Is there a description of the diverting works?				<u>X</u> <u> </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> <u> </u> *
Is the period of use included?				<u>X</u> <u> </u> *
Is a quantity claimed for each use?				<u>X</u> <u> </u> *
7. Is a total quantity claimed entered?				<u>X</u> <u> </u> *
8. If required is a consumptive use entered? N/A <u>X</u>				<u> </u> <u> </u> *
Is the consumptive use correct? N/A <u>X</u>				<u> </u> <u> </u> *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A <u>X</u>				<u> </u> <u> </u> *
10. Is (are) the place(s) of use and purpose(s) indicated?				<u>X</u> <u> </u> *
11. Is (are) the county(ies) entered?				<u>X</u> <u> </u> *
12. Is the ownership of p.u. checked?				<u>X</u> <u> </u> *
13. Are other water rights listed or "none" indicated?				<u>X</u> <u> </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>				<u> </u> <u> </u> *
15. Is the basis of the claim indicated?				<u>X</u> <u> </u> *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u>				<u> </u> <u> </u> *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.				<u>X</u> <u> </u> *
18. Has the claim been signed, sealed, and dated by a notary?				<u>X</u> <u> </u> *
19. Was this claim filed on time, or was an extension granted?				<u>X</u> <u> </u> *
20. Is the fee enclosed correct? Exempt <u>X</u>				<u> </u> <u> </u> *
21. If this claim is based on an existing water right, has the identification number been entered? N/A <u>X</u>				<u> </u> <u> </u> *
22. Should this claim be data entered?				<u>X</u> <u> </u> *

Claim checked by: TO Date: 7/3/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)

Receipt Prepared by:	Date:	Checked by: <u>MICROFILMED</u>	Date:
Claim data entered by: <u>go</u>	Date:		
Sent to claimant by:	Date:		

Comments: (14) CODE "THIS CLAIM IS FOR A PORTION OF DECREE NO. 12 1987"

27-00037. "

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: A27-10844
Date Received: 5/25/1989
Receipt No: E008076
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTER A. GAY 208-785-5457
Address: 628 W 300 S
BLACKFOOT, ID 83221
OR
Name: IRMA M. GAY 208-785-5457
Address: 628 W 300 S
BLACKFOOT, ID 83221

A2710844



2. Date of Priority: MAR 20, 1886

3. Source: BLACKFOOT Trib. to: SNAKE

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM AT HEADGATE OF RIVERTON DITCH CO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.433		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A27-10844

Page 1

Date: 07/18/89

MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	34E	13	SW	SE		IRR	20.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 27-00037.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

FRED S. STEVENS
Decree Plaintiff

vs

EASTERN IDAHO CANAL CO.
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: 39576
Ident. Number A27-10844
Date Received 5/25/89
Receipt Number 8008076.

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 25 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Walter A. or Irma M. Gay Phone (208) 785 5457
Mailing Address 628 W 300 S Blackfoot Id. Zip 83221

2. Date of Priority (Only one (1) per claim) March 20, 1886

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 35, Range 35E, Section 18,
SW 1/4 of SW 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. Diversion dam at

head gate of Bixenton ditch Co.

MICROFILMED

NOV 12 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.433 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.433 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3	5	34E13																	20A

Total number of acres irrigated 20

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.
_____ or None ()

14. Remarks:

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Last Name GAY Ident No. _____

Copies: White -State, Yellow-Claimant



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

Decree ☒

If applicable provide IDWR Water Right Number 27-00037 A or B.

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant Fred S. Stevens vs Eastern Idaho Canal Co.

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 2

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

Signature of Claimant (s) Walter A. Gay Date May 5, 1989

Lima M. Gay Date _____

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

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ Organization _____

_____ Title _____ of _____ 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 Id)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 5 day of May 19 89

SEAL

Notary Public John Dale Corbin

Residing at Boise Id

My Commission Expires 6/2/94

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 Walter A. Gay

Address 628W. 300S, Blackfoot, Id. 83221

Date May-24-1989

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Last Name Gay Ident. Number _____

Copies White-State, Yellow-Claimant