

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: A37-00405
Date Received: 9/26/1988
Receipt No: S002526
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPENCER M. BINGHAM 208-823-4484
Address: BOX 3
CAREY, ID 83320

OR
Name: MYRTLE C. BINGHAM 208-823-4484
Address: BOX 3
CAREY, ID 83320

2. Date of Priority: AUG 01, 1880

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	21E	30	NW	SW	SE		BLAINE

5. Description of diverting works:
VIA WEST CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 425.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	21E	28	NW	NE		IRR	37.7
			SW	NE		IRR	33.4
			NE	NW		IRR	35.7
			NW	NW		IRR	37.4
			SE	NW		IRR	25.8
						Section Acres	170.0
						Total Acres	170.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-00406

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

MICROFILMED
FEB 22 1993

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Spencer M. Bingham Date: 26 Sept 1988
Date: _____

State of Idaho

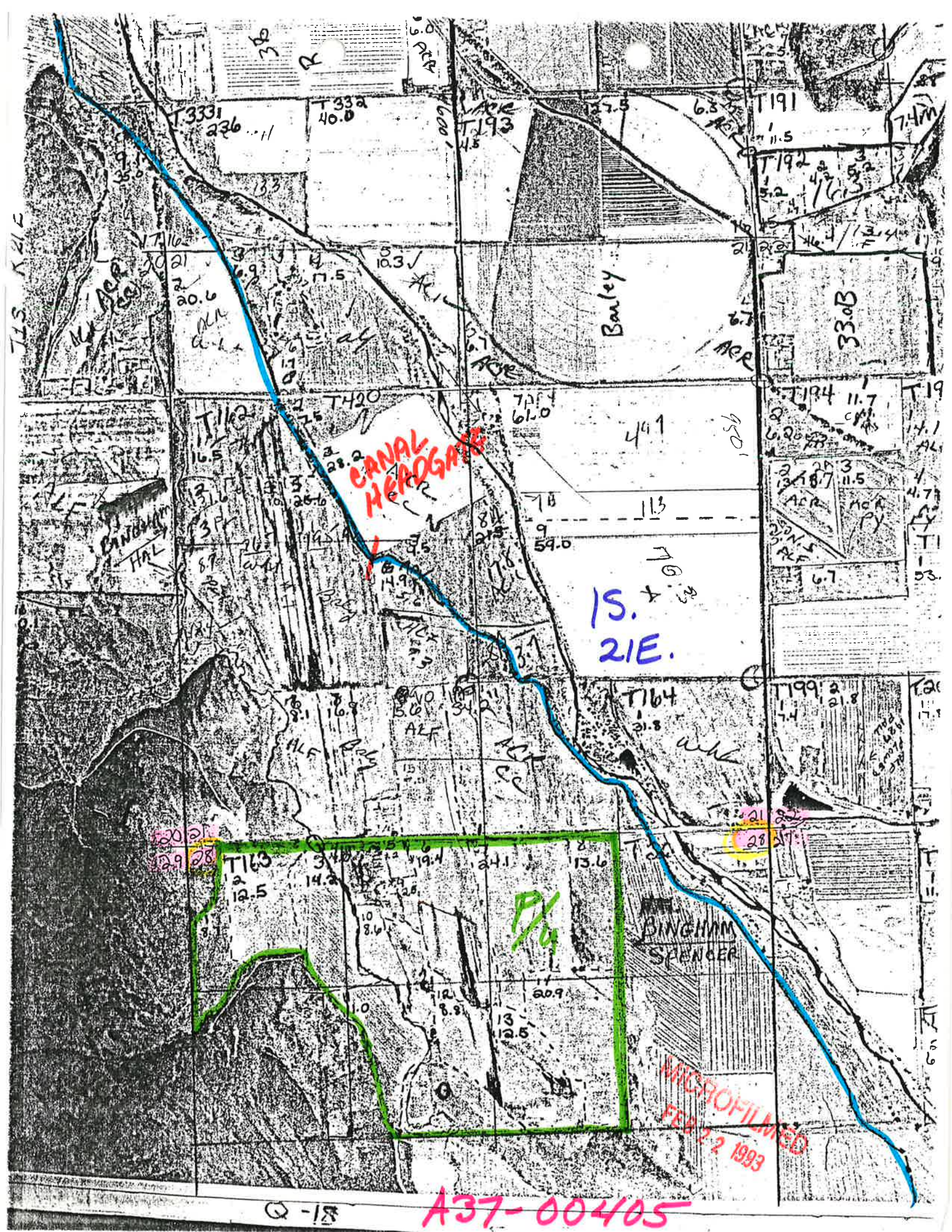
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94



CANAL HEADGATE

15. 21E.

P/4

BINGHAM SPENCER

MICROFILMED
FEB 2 1993

CCOPY

2006 MAY -4 AM 9:57

SRBA
TWIN FALLS CO., IDAHO
FILED

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

Subcase No. **37-405**, 37-406

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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: 5/4/06

T. Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/4, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Hal Bingham
PO Box 33
Carey ID 83320

Spencer Bingham
Myrtle Bingham
Box 3
Carey ID 83320



Signature of person or attorney mailing the form

03/06/2006

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

RIGHT NUMBER: 37-405

NAME AND ADDRESS: HAL S BINGHAM
PO BOX 33
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 08/01/1880

POINT OF

DIVERSION: T01N R21E S30 NWSWE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.300 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S28	NWNE	40.00	T01S R21E S28	SWNE	38.00
T01S R21E S28	NENW	35.00	T01S R21E S28	NWNW	25.00
T01S R21E S28	SENE	22.00			

160 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-406 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.

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

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

WATER IS DELIVERED THROUGH WEST CANAL.

03/06/2006

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

RIGHT NUMBER: 37-406

NAME AND ADDRESS: HAL S BINGHAM
PO BOX 33
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 04/01/1881

POINT OF

DIVERSION: T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.600 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S28	NWNE	40.00	T01S R21E S28	SWNE	38.00
T01S R21E S28	NENW	35.00	T01S R21E S28	NWNW	25.00
T01S R21E S28	SENE	22.00			

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 4, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HAL BINGHAM
PO BOX 33
CAREY ID 83320

RE: SRBA Claim(s) 37-405, 37-406

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Spencer and Myrtle Bingham
Box 3
Carey ID 83320

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
 MAR 03 2006
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-405	☐			☐
	37-406	☐			☐
37-11399		☐			☐
		☐			☐
		☐			☐

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Spencer & Myrtle Bingham
Box 3, Carey, Idaho 83320
4. New Owner/Claimant(s) Hal Bingham
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address Box 33
- City, State and ZIP Code Carey, Id. 83320
- New Telephone Number 208 823-4447
5. Date you acquired the property Feb. 2, '06

SCANNED
 MAR 12 2010

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Hal A. Bingham
(include title if applicable) _____

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

For Office Use Only

Received by G. SKINNER Date 3/3/2006 Fee \$25.⁰⁰
 Receipted by G. SKINNER Date 3/3/2006 Receipt No. 5028441
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
MAR 12 2010

QUITCLAIM DEED

For Value Received

Merrell Max Bingham and Janet S. Bingham, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Hal Spencer Bingham

Address: Foot Hill Rd P.O. Box 33 CAREY, IDAHO 83320

Hereinafter called the grantee, the following described premises, in **Blaine** County, Idaho to-wit:

Township 1 South, Range 21, East of the Boise Meridian, Blaine County, Idaho
Section 28: W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: **February 2, 2006**

Merrell Max Bingham
Merrell Max Bingham

Janet S. Bingham
Janet S. Bingham

STATE OF IDAHO)
)
COUNTY OF MINIDOKA)

On this 2nd day of February, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **Merrell Max Bingham and Janet S. Bingham**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Terril L. Smith

Notary Public
Residing at: Burley, ID
My Commission expires: 08/02/08

TERRI L. SMITH
NOTARY PUBLIC
STATE OF IDAHO

SCANNED

MAR 12 2010

QUITCLAIM DEED

For Value Received

Spencer M. Bingham and Myrtle C. Bingham, husband and wife
does (do) hereby convey, release, remise and forever quit claim
unto Merrell Max Bingham, Hal Spencer Bingham, tenants in common,

whose address is; P.O. Box 33, Carey, Idaho 83320

the following described premises, to-wit:

TOWNSHIP 1 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, BLAINE
COUNTY, IDAHO

SECTION 28: W $\frac{1}{2}$ NE; E $\frac{1}{2}$ NW; NWNW

Instrument # 442150

HAILEY BLAINE, IDAHO

2000-08-16 11:03:00 No. of Pages: 1

Recorded for: HAL BINGHAM

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

Together with any water appurtenant thereto.
Together with any water rights appurtenant thereto.
Grantors hereby reserve a life estate in home for
as long as either shall live.

together with their appurtenances.

Dated

Spencer M. Bingham
Spencer M. Bingham

Myrtle C. Bingham
Myrtle C. Bingham

STATE OF IDAHO COUNTY OF

On this 26 day of June, 20. before
me, a notary public in and for said State, personally
appeared SPENCER M. BINGHAM &
MYRTLE C. BINGHAM

known
to me to the person S who S name S subscribed
to the within instrument, and acknowledged to me that

was executed the same.

Debbie Goble
Notary Public

Residing at: Bellvue FD 83313

My commission Expires: 6/19/01

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed
for record at the request of
at _____ minutes past _____ o'clock a.m.
this _____ day of _____, 2000
in my office, and duly recorded in
Book of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy

Fee \$

Mail Notice to:

Name _____

Address _____

City & State _____

SCANNED

MAR 12 2010

03/29/2005

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

RIGHT NUMBER: 37-405

NAME AND ADDRESS: MYRTLE C BINGHAM
BOX 3
CAREY ID 83320

SPENCER M BINGHAM
BOX 3
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 08/01/1880

POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.300 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T01S R21E S28	NWNE	40.0	T01S R21E S28	SWNE	38.0
T01S R21E S28	NENW	35.0	T01S R21E S28	NWNW	25.0
T01S R21E S28	SENE	22.0			

160 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-406 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.

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.

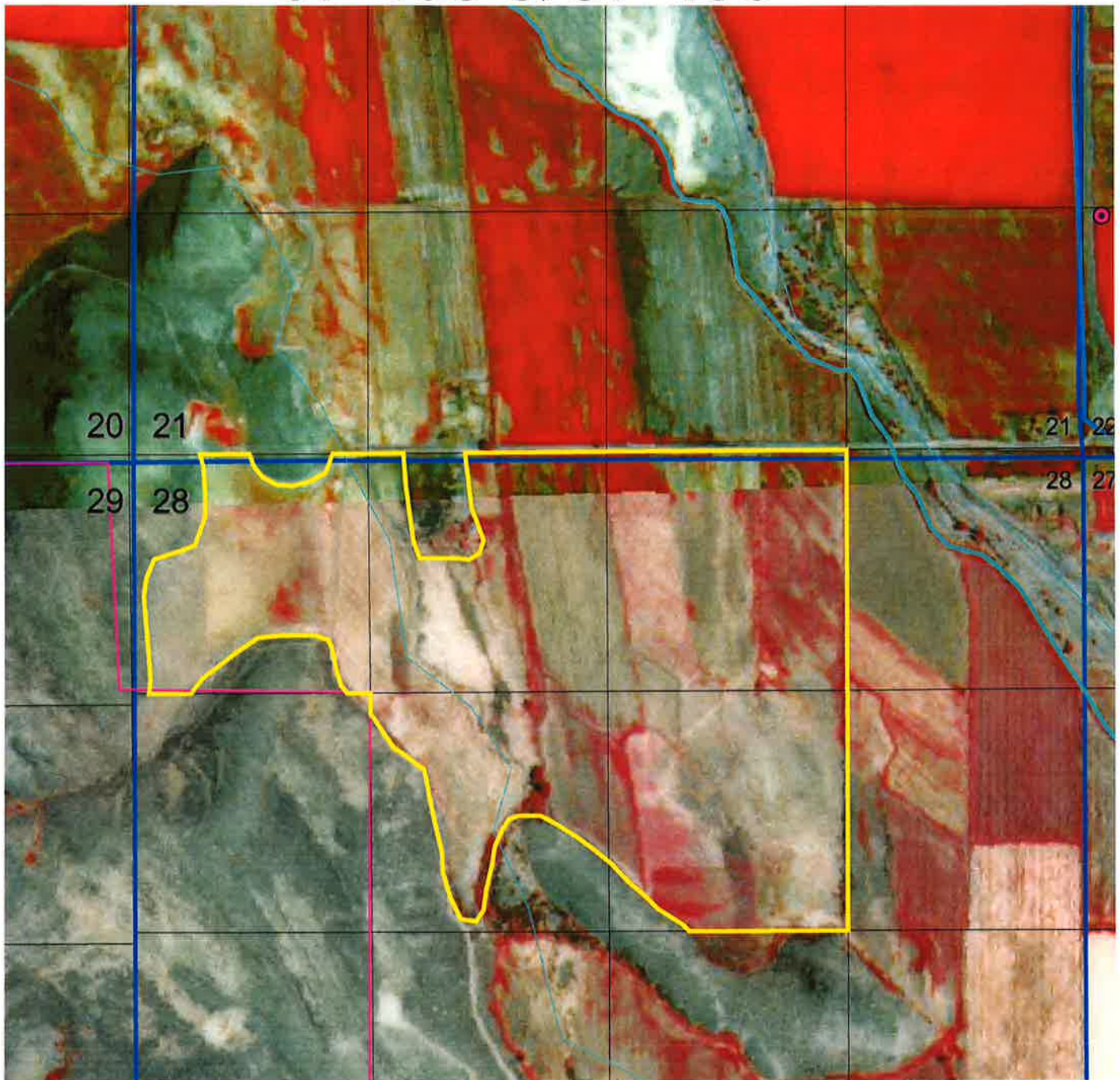
EXPLANATORY MATERIAL: Decreed

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

WATER IS DELIVERED THROUGH WEST CANAL.

IDAHO DEPT OF WATER RESOURCES

37-405 & 37-406



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 21E
SEC: 28



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 29, 2005

37-405

3/29/05
SCC

37-406

Pou is limited to decree of 160 Acres
allow new shape in NW NW but
limit to 160 Acres

20

21

29

28

No Decree

Decree
Pool

164 Ac

T1S
R21E

3/29/04
SC

37-405
- 406

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-405

WATER RIGHT NUMBER: 37-405

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARTIN LAWSON
	, ZZ

Priority Date: 08/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion
LITTLE WOOD RIVER

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	21E	28		X	X		X			X									

Conditions of Approval:Remarks:

- General AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.

Comments: