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: **A37-04063**
Date Received: 5/12/1988
Receipt No: S000191

**NOTICE OF CLAIM TO A WATER RIGHT**
**ACQUIRED UNDER STATE LAW**

1. Name: JEANNE I. DORR 208-788-4188
   Address: P.O. BOX 331
   HAILEY, ID 83333
   OR
   Name: C.JAY . DORR
   Address:
   HAILEY, ID 83333

2. Date of Priority: MAY 01, 1919

3. Source: SPRING CANYON Trib. to: BIG WOOD RIVER, EAST FORK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|---|---|---|---|---|---|
| 04N | 19E | 21 | NE SE | | BLAINE |

5. Description of diverting works:
   DIRT DITCH TO CARRY 100 INCHES

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|---|---|---|---|---|---|
| IRRIGATION | 05/01 | 10/01 | 0.800 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---|---|---|---|---|---|---|
| 04N | 19E | 21 | SE SE | | IRR | 32.0 |
| | | | | Section Acres | | 32.0 |



MICROFILMED
FEB 23 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | | Lot | Use | Acres |
|---|---|---|---|---|---|---|---|
| 04N | 19E | 22 | SW | SW | | IRR | 18.0 |
| | | | | | Section Acres | | 18.0 |
| | | | | | Total Acres | | 50.0 |

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:
NO

14. Remarks:
P/U WITHIN H.E.S. 600, T4N, R19E. RT. CLAIMED FOR ENTIRE FLOW FROM SOURCE. SOURCE KNOWN LOCALLY AS SPRING GULCH STREAM.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:



MICROFILMED FEB 23 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 ____ 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): x Jeanne L Dorr Date: May 12, 1988

_____ Date: _____

State of Idaho )
) SS.
County of Twin Falls )

Subscribed and sworn (or affirmed) before me this 12th day of May 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id

My Commission Expires 10/16/1992



MICROFILMED
FEB 23 1993

2

01/06/2007

RECEIVED
JAN 19 2007
DEPARTMENT OF WATER RESOURCES

**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: 01/19/2007**

Water right number: 37-4063

C JAY DORR
PO BOX ~~331~~ 2590
HAILEY ID 83333
Telephone Number: (208)788-0730

PLEASE CORRECT ADDRESS AND PHONE NUMBER

JEANNE I DORR
PO BOX 331
HAILEY ID 83333
Telephone Number: (208)788-~~0730~~ 4118

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:

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

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

**DATE:** JAN. 16, 2007 **SIGNATURE:** C. Jay Dorr

Please print your name: C. JAY DORR

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
JAN 22 2007

01/06/2007

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

---

RIGHT NUMBER: 37-4063

NAME AND ADDRESS: C JAY DORR
PO BOX ~~331~~ 2590
HAILEY ID 83333

JEANNE I DORR
PO BOX 331
HAILEY ID 83333

SOURCE: SPRING CANYON CREEK TRIBUTARY: EAST FORK WOOD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/01/1919

POINT OF DIVERSION:
T04N R19E S21 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 04/15 10/31 | 0.400 CFS |

PLACE OF USE: IRRIGATION in BLAINE County

| | | | | | |
|---|---|---|---|---|---|
| T04N R19E S21 | SESE | 16.00 | T04N R19E S22 | SWSW | 4.00 |

20 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.

Property is also known as Homestead Entry Survey No. 600.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: 37-4063

NAME AND ADDRESS: C JAY DORR
PO BOX 331
HAILEY ID 83333

JEANNE I DORR
PO BOX 331
HAILEY ID 83333

SOURCE: SPRING CANYON CREEK TRIBUTARY: EAST FORK WOOD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/01/1919

POINT OF DIVERSION:

T04N R19E S21 NESE Within BLAINE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 04/15 10/31 | 0.400 CFS |

PLACE OF USE: IRRIGATION in BLAINE County

| | | | | | |
|---|---|---|---|---|---|
| T04N R19E S21 | SESE | 16.00 | T04N R19E S22 | SWSW | 4.00 |

20 ACRES TOTAL

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

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Property is also known as Homestead Entry Survey No. 600.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources

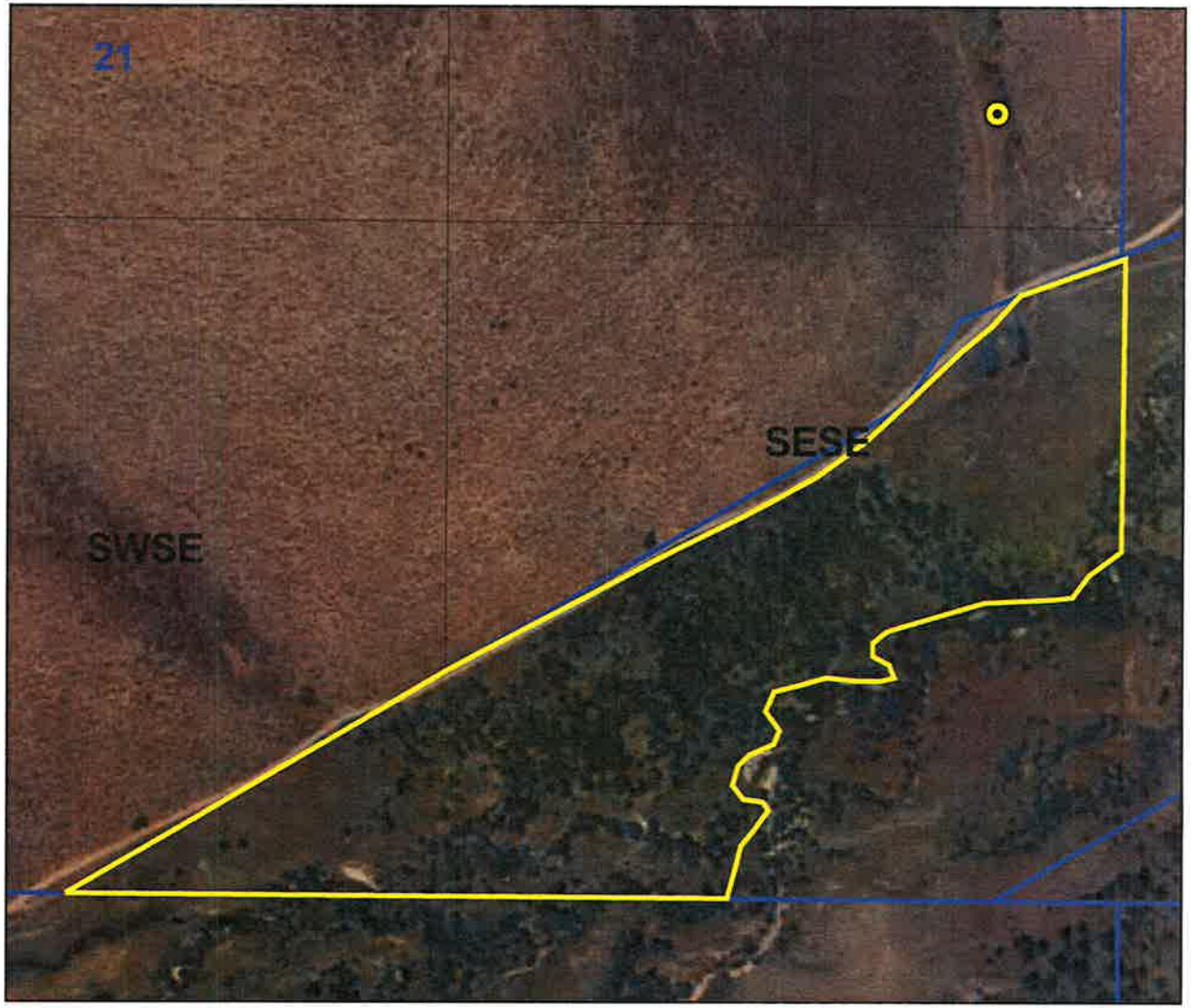
**SRBA Recommendation:**

***37-4063***

**(Irrigation)**

R19E

T04N




**Legend**

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

**Blaine County**
**IDWR Basin 37**

N

0 0.1 0.2 Miles

**Prepared by M. Ciscell**
**On Saturday, December 30, 2006**
**2004 Aerial Photography**

11/21/2006

**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: 12/13/2006**

Water right number: 37-4063

C JAY DORR
PO BOX 331
HAILEY ID 83333
Telephone Number: (208)788-~~4118~~ 0730

JEANNE I DORR
PO BOX 331
HAILEY ID 83333
Telephone Number: (208)788-4118

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

we disagree with the priority date.

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

we believe the priority date should be changed To June, 1919

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

The property was homesteaded in 1919 and patented in 1928 by Frank Langell. The waters of Spring Canyon Creek have been used for irrigation on this property every season since 1919. This use is documented in the attached affidavits and documents.

___ ~~I AGREE~~ **with this proposed recommendation: no changes need to be made.**

**DATE:** 12-11-2006 **SIGNATURE:** C. Jay Dorr

Please print your name: C. Jay Dorr

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 15 2006

Blaine County, Idaho

Sec. 34: $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$

Sec 35: $NW\frac{1}{4}NW\frac{1}{4}$

Sec. 3: $SW\frac{1}{4}NE\frac{1}{4}$

Sec. 10: $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$

Sec. 21: $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$

Sec. 28: $SE\frac{1}{4}NE\frac{1}{4}$

The terms of the right-of-way have been complied with and the relinquishment is accepted.

Orval G. Hadley
Orval G. Hadley
Land Office Manager

STATE OF IDAHO

COUNTY OF ADA

I, Rose A. Gastell, a Notary Public in and for the said County and State, do hereby certify that on this, the 28th day of July, 1964, before me personally appeared Orval G. Hadley, being to me personally well known and known by me to be the Manager, Land Office, Bureau of Land Management, and acknowledged that the foregoing instrument bearing date of July 28, 1964, was executed by him in his official capacity and by authority in him vested by law, for the purpose and intent in said instrument described and set forth, and acknowledged the same to be his free act and deed as Manager, Land Office, Bureau of Land Management.

Witness by hand and seal this 28th day of July, 1964.

(SEAL)
My Commission Expires: January 1, 1965

Rose A. Gastell
Rose A. Gastell
Notary Public

Filed for record at the request of Dept. of Highways at 9:30 o'clock A. M. July 31, 1964.

George F. McCoy, Ex-Officio Recorder

By Goldie Ellinger, Deputy.

No. 120765

AFFIDAVIT

OF

CLEON DAVIS

CLEON DAVIS, after being first duly sworn upon oath, deposes and says, that he now is, and for many years last past, has been a resident of Blaine County, State of Idaho, and is well acquainted with the property known as H. E. Survey No. 600 in or about Section 21 and Section 22, Township 4 North, Range 19 East of the Boise Meridian, formerly owned by FRANK LANGELL; that since the year 1919 affiant has observed that all of the waters of Spring Gulch, during the irrigating season of each year, have been used for the purpose of irrigating a portion of the above described lands.

Cleon Davis
Cleon Davis

Subscribed and sworn to before me this 7 day of August, 1964.

SCANNED
DEC 15 2006

No. 120659

AFFIDAVIT

FRANK H. KNIGHT

A F F A D A V I T

STATE OF IDAHO, )
) ss.
County of Blaine. )

FRANK H. KNIGHT, after being first duly sworn upon oath, deposes and says; that he is now the owner of that property described as H. E. Survey No. 600 in or about Section 21 and Section 22 in Township 4 North Range 19, E. B. M., the patent for which was recorded in the office of the County Recorder of Blaine County, Idaho, on April 14, 1928 in Book 129 of Patent Deeds at page 69; that prior to the time affiant acquired said real property, and since the year 1919, affiant has been familiar with the occupation and use of said lands and the waters used thereon; that affiant knows that since 1919 the waters of Spring Gulch have been conveyed to said lands by the former owner thereof FRANK LANGELL and his successors in interest including this affiant; that said waters have been used for irrigation purposes upon said lands each year since 1919; and that the amount of water so used upon said premises from said source is approximately 40 miners inches during the period of highest water and at times said supply diminishes in the dryest seasons to the point where it reaches said lands only at night time; that affiant claims the right to the use of all of said water by reason of the aforesaid appropriation of same to a beneficial use.

Frank H. Knight
FRANK H. KNIGHT

Subscribed and sworn to before me this 23 day of July, 1964.

(SEAL)

V. K. Jeppesen
Notary Public for Idaho
Residing at Hailey, Idaho

Filed for record at the request of Frank H. Knight at 1:45 o'clock P. M. July 23, 1964.

George F. McCoy, Ex-Officio Recorder

By Hazel Barber, Deputy.

No. 120669 DECREE OF SETTLEMENT OF FINAL ACCOUNT AND FINAL DISTRIBUTION

IN THE MATTER OF THE ESTATE OF JESS E. ZIMMERMAN, DECEASED.

IN THE PROBATE COURT
OF BLAINE COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF )
JESS E. ZIMMERMAN, also known as ) DECREE OF SETTLEMENT OF FINAL
JESSE E. ZIMMERMAN, ) ACCOUNT AND FINAL DISTRIBUTION
Deceased. )

Effie E. Zimmerman, the Executrix of the estate of Jess E. Zimmerman, also known as Jesse E. Zimmerman deceased, having on the 13th day of July, 1964, rendered and presented for settlement and filed in this Court her final account and report of her administration of said estate, which account was for a final settlement, and having with said account filed a petition for the final distribution of the estate;

And the said account and petition this day coming on regularly to be heard, and proof having been made to the Satisfaction of the Court that notice of the day appointed for the settlement of said account and hearing of said petition had been duly given as required by law and the order of this Court, and no exception or objection in writing to said account or petition having been filed or made; the said Effie E. Zimmerman appearing by Everett B. Taylor attorney.

And it appearing to the Court after having fully examined the said account and the vouchers filed herein and heard the testimony in support thereof, that said account is in all respects true and correct; that the residu of money in the hands of the Executrix at the time of filing said account was none; that the sum of $453.26 has been expended by her as necessary charges, debts, claims and expenses of administration, the vouchers whereof have been presented and filed; and that said account is in all respects true and correct and entitled to be settled, allowed and approved, and the Court having duly considered all the matters aforesaid;

Decree of Settlement recorded Book 169, Page 507 Sept 4. 1964. George F. McCoy Ex-officio Recorder By Hazel Barber, Deputy

SCANNED
DEC 15 2006

Patent Deed Record - Blaine County, Idaho

Book 129



page 69

United States the one hundred and forty-eighth.

(Seal of Gen'l Land Office)

By the President: Calvin Coolidge

By Viola B. Pugh, Secretary.

M. P. LeRoy, Recorder of the

General Land Office

RECORDED: Patent Number 935697

Filed for record at the request of Charles W. Crone at 1:16 o'clock P. M. March 21, A. D. 1928.

B. P. Thamm, Ex-Officio Recorder.

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No. 62667

PATENT

UNITED STATES TO FRANK LANGELL

Hailey 020645

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Frank Langell has been established and duly consummated, in conformity to law, for the H. E. Survey No. 600, embracing a portion of Section twenty-one and approximately, Section twenty-two in Township four north of Range nineteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the southeast corner of said Section twenty-one, bears south twenty minutes west two and twenty-four-hundredths chains distant; thence, south sixty degrees eighteen minutes west four and forty-one-hundredths chains to corner No. 2; thence, north eighty-nine degrees ten minutes west twenty-seven and seven-hundredths chains to corner No. 3; thence, north fifty-nine degrees forty-three minutes east twenty-eight and eighty-eight-hundredths chains to corner No. 4; thence, north thirty-two degrees thirty-six minutes east two and ninety-six-hundredths chains to corner No. 5; thence, north sixty-eight degrees thirteen minutest east four and eighty-two-hundredths chains to corner No. 6; thence, north sixty-eight degrees thirteen minutes east forty-four and fifty-nine-hundredths chains to corner No. 7; thence, south twenty-three degrees thirty minutes east eight and seventy-one-hundredths chains to corner No. 8; thence, south sixty degrees eighteen minutes west fifty-one and sixty-four-hundredths chains to corner No. 1, the place of beginning, containing eighty-six and thirty-five hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the

SCANNED DEC 15 2006

Patent Deed Record - Blaine County Idaho
70 Page Book 129

authority of the United States.

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

GIVEN under my hand, in the District of Columbia, the twenty-third day of May in the year of our Lord one thousand nine hundred and twenty-two and of the Independence of the United States the one hundred and forty-sixth.

By the President: Warren G. Harding

By Viola B. Pugh, Secretary,

M. P. LeRoy, Recorder of the General Land Office.

(Seal of Gen'l Land Office.)

RECORDED: Patent Number 863178

Filed for record at the request of Frank Langell at 1:50 o'clock P. M. April 14, A. D. 1928.

B. P. Thamm, Ex-Officio Recorder.

---

No. 863178

Hailey 024036

PATENT

UNITED STATES TO RAY IVIE

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Ray Ivie has been established and duly consummated, in conformity to law, for the Lot four of Section two and the Lots one and two and the southeast quarter of the northeast quarter of Section three in Township three north of Range eighteen east of the Boise Meridian, Idaho, containing one hundred fifty-eight acres and forty-four hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE, by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

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

GIVEN under my hand, at the City of Washington, the twelfth day of November in the year of our Lord one thousand nine hundred and twenty-three and of the Independence

SCANNED DEC 15 2006

05/27/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: 37-4063

NAME AND ADDRESS: C JAY DORR
PO BOX 331
HAILEY ID 83333

JEANNE I DORR
PO BOX 331
HAILEY ID 83333

VERIFIED BY ..... NT .....

SOURCE: SPRING CANYON CREEK TRIBUTARY: EAST FORK WOOD RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/01/1925

POINT OF DIVERSION:

T04N R19E S21 NESE Within BLAINE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 05/01 10/31 | 0.400 CFS |

PLACE OF USE:

20 ACRES TOTAL

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

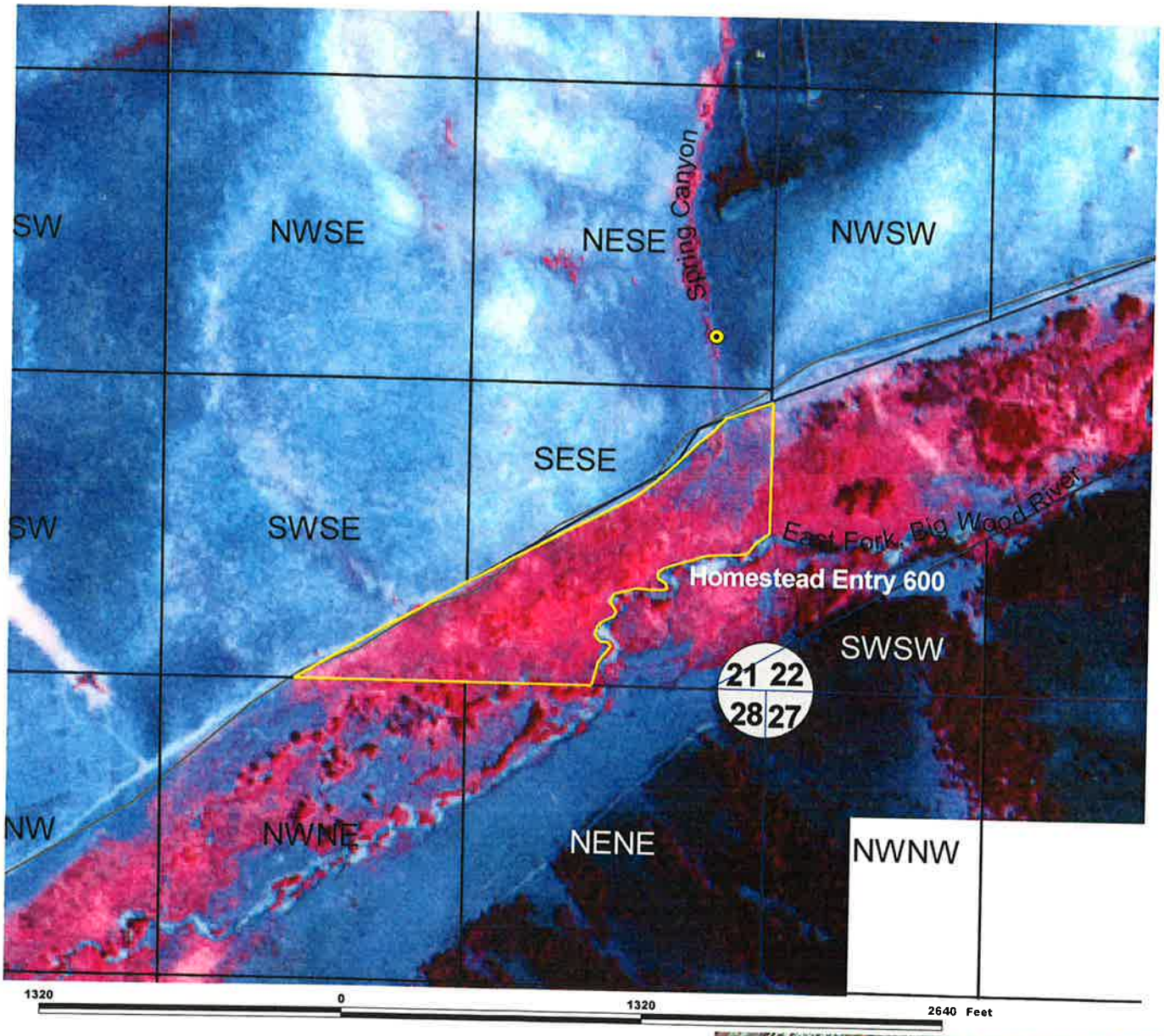
P/U WITHIN H.E.S. 600, T4N, R19E. RT. CLAIMED FOR ENTIRE FLOW FROM SOURCE. SOURCE KNOWN LOCALLY AS SPRING GULCH STREAM.

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: Statutory Claim

## Idaho Department of Water Resources

# RECOMMENDED PLACE OF USE FOR 37-4063



**PLACE OF USE**
**TWP 04N, RNG 19E, SEC 21**
**Data entry on May 27, 2006**

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES
- LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE

File No.
37-4063

Owner
Jeanne I Dorr
C. Jay Dorr
P. O. Box 331
Hailey

Date
5/6/05

I called Jeanne Dorr and made an appointment with her and her brother Jim to review this file And go up to East Fork and observe the property and POD . I went up to Hailey Friday morning at 9;30 And met with Jeanne and Jim , I showed them this file and they marked the area where this 32acres` are on the color photo and Jim also drew out approx. the total land Jeanne owned all in the meadow area. The lands inside yellow area marked blue of 32 acres are U.S. Forrest Svc land and the south area black and dark blue 18 acre is also US Forrest Svc as Jim marked on the photo. There are US Forrest Svc markers designating this land is US Gov Land. Jeanne and Jim said they would have copies of the Deed and original water right forms .
So when I go up again Tuesday I could stop by and get them for the file. Jim and I went up Spring Canyon to the location of their POD.

* See letter for Priority attached : Deeds

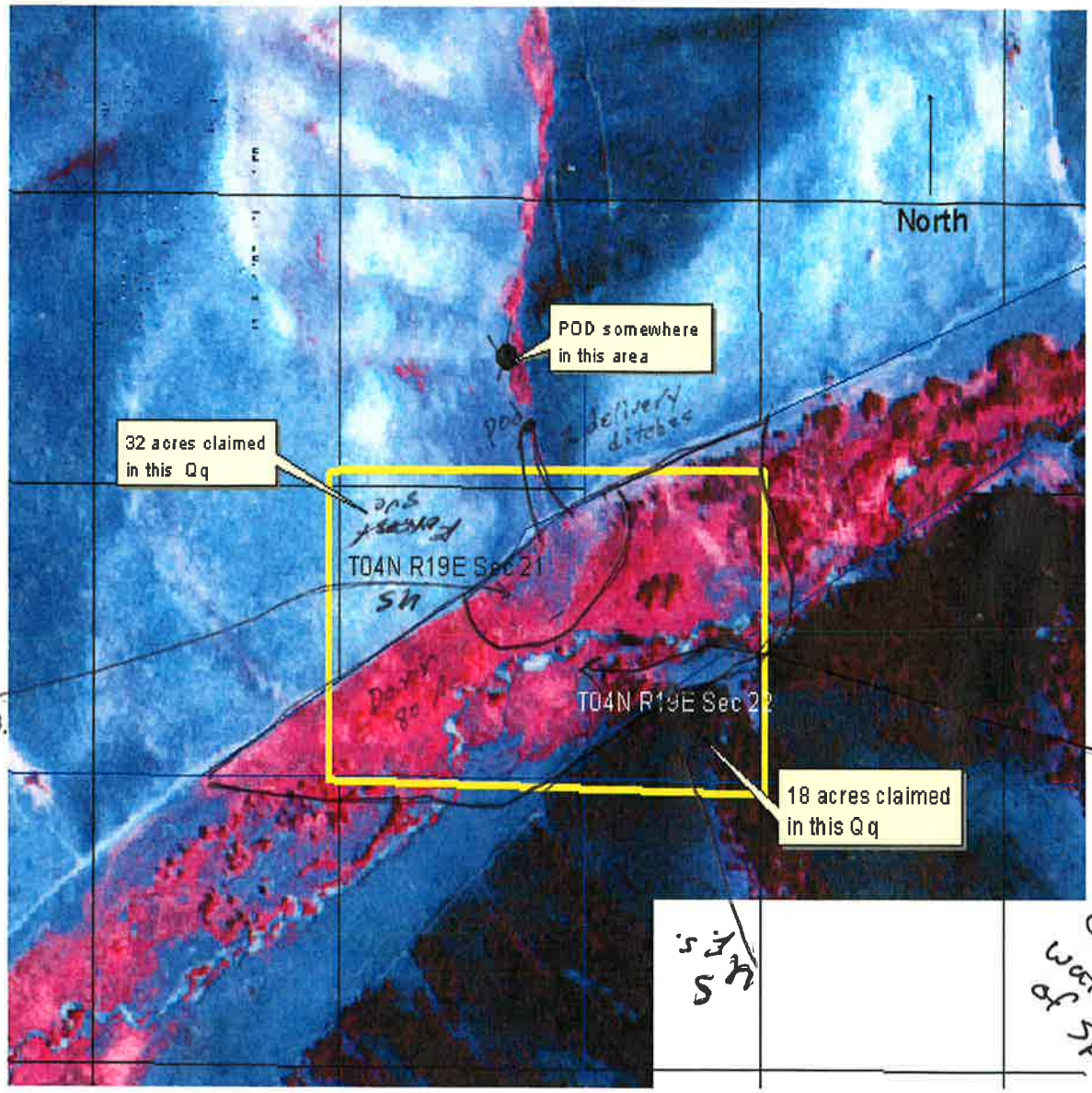
5/27/05 - Evidence of Priority indicates 1925 as when water was being used per Affidavit. Will use 1925 in Recommend vs. May 01, 1919

| Description | GPS Name & No. | Position No. | USR No. | Plate No. | Photo No. |
|---|---|---|---|---|---|
| Photo looking S | Dorr 1 | 2484792 | 1384486 | None | 105058 |

Lee R. Peterson

5/6/05

RECEIVED
MAY 09 2005
Department of Water Resources
Southern Region




POU - approx. 32 AC that was & is irrig.

1

South side of East fork can not be watered by POD of Spring Canyon.

* Notice Qq and section lines.

Is he watering in the canyon (There is no legal description in the canyon). If He is watering, he will need a Deed That has a good legal.

GPS POD

5-20-05

Jeanne L Doss
P.O. Box 331
Hailey, Id 83333

I Jeanne Doss am 80 years old I lived up East Fork most of my life. I remember my Dad growing a garden at the mouth of Saddang creek when I was a young girl. The old man that Dad bought the place from raised a garden there when I was little in 1925.

Jeanne L Doss

Spring Canyon

Lee R Peterson 5-20-05

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578


August 1, 1975

RE: Claim to a Water Right No. 37-4063 - Jeanne I. Dorr & Mary B. Davidson

Jeanne I. Dorr & Mary B. Davidson
P. O. Box 331
Hailey, Idaho 83333

Dear Mrs. Dorr & Mrs. Davidson:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact us.

Sincerely,

Mike Steele

MIKE STEELE
Senior Water Resource Analyst
Southern District

MS:cc

enc.

Claim No. 37-4063

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

RECEIVED

JUL 10 1975

Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Jeanne I. Dorr and Mary B. Davidson (name of claimant)

of P. O. Box 331, Hailey, Idaho (mailing address), claims a right to the diversion and beneficial use of the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring in Spring Gulch known as Spring Gulch stream, tributary to East Fork of Big Wood River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount All of stream approximately 40 miners inches Use _____ Period of Use: From May 1 To Oct. 1

Amount _____ Use _____ Period of Use: From _____ To _____

Amount _____ Use _____ Period of Use: From _____ To _____

(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

(3) Total quantity of water claimed: All of stream, approximately 40 miners inches. cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) May 1, 1919.

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

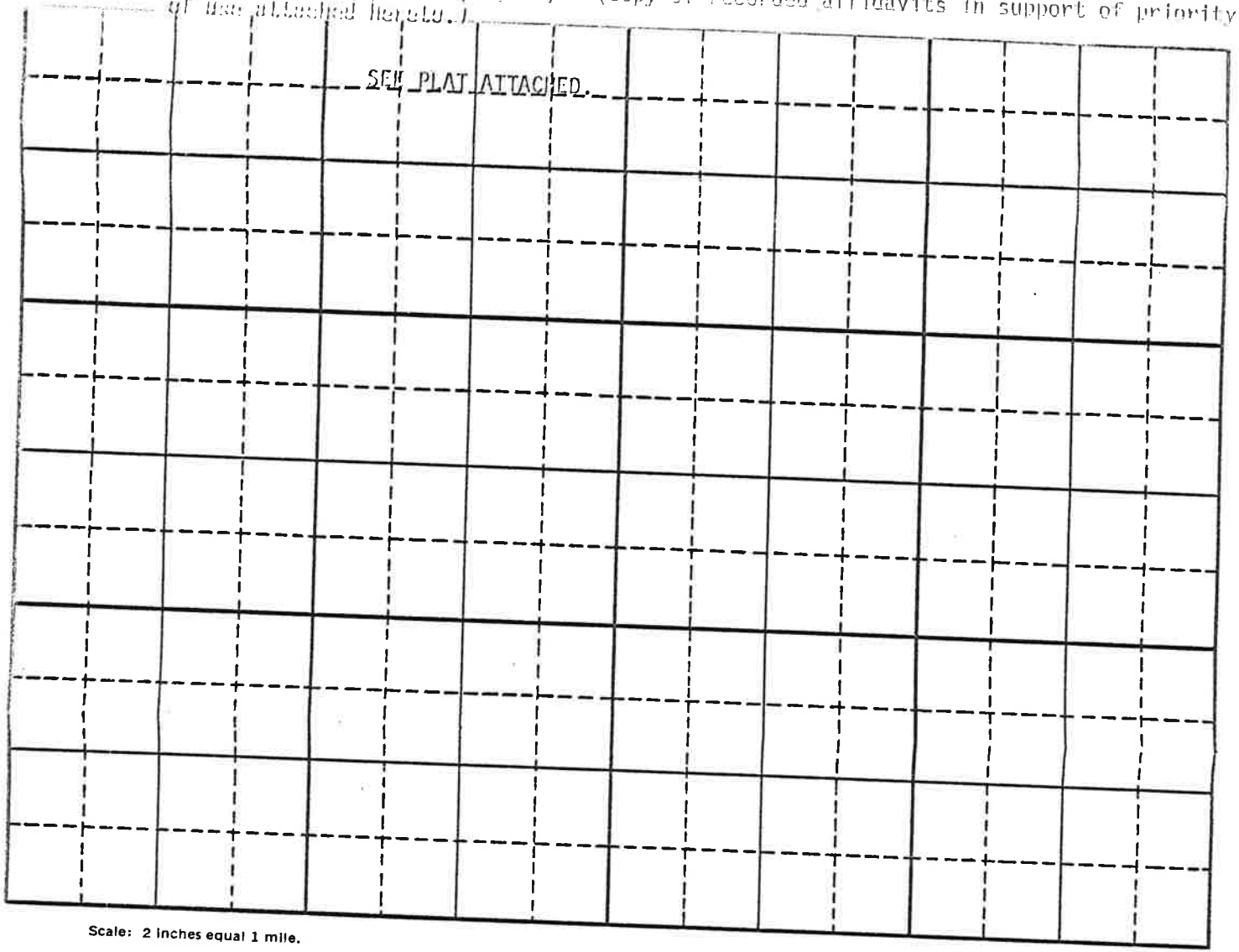
(5) A) Point of diversion: (give location of point where water is diverted from its source)

NE ¼ SE ¼, Sec. 21 Twp. 4N Rge. 19E B. M. County of Blaine

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities: be as specific as possible. Ditch

The water of this springs was first used on the subject property in 1919 by the original patentee, Frank Langell (copy of Patent attached) and in more recent years by Frank H. Knight and his daughters, the claimants herein (successors in interest of said Frank Langell). (Copy of recorded affidavits in support of priority of use attached hereto.)




Scale: 2 inches equal 1 mile.

Map should show the location of the point of

No. 94579

WARRANTY DEED

FRANK LANGELL ET UX. TO FRANK H. KNIGHT ET UX.

THIS INDENTURE, Made this 4th day of November in the year of our Lord one thousand nine hundred and forty-eight, between Frank Langell and Hulda Langell, husband and wife, the parties of the first part, and Frank H. Knight and Irma M. Knight, husband and wife, the parties of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten and no/100 Dollars and other valuable consideration, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Blaine, State of Idaho, to-wit:

H. E. Survey No. 600, embracing a portion of Section twenty-one and approximately, Section twenty-two in Township Four North of Range Nineteen East of Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the southeast corner of said Section twenty-one, bears south twenty minutes west two and twenty-four-hundredths chains distant; thence, south sixty degrees eighteen minutes west four and forty-one-hundredths chains to corner No. 2; thence, north eighty-nine degrees ten minutes west twenty-seven and seven-hundredths chains to corner No. 3; thence, north fifty-nine degrees forty-three minutes east twenty-eight and eighty-eight-hundredths chains to corner No. 4; thence, north thirty-two degrees thirty-six minutes east two and ninety-six-hundredths chains to corner No. 5; thence, north sixty-eight degrees thirteen minutes east four and eighty-two-hundredths chains to corner No. 6; thence, north sixty-eight degrees thirteen minutes east forty-four and fifty-nine-hundredths chains to corner No. 7; thence, south twenty-three degrees thirty minutes east eight and seventy-one-hundredths chains to corner No. 8; thence, south sixty degrees eighteen minutes west fifty-one and sixty-four-hundredths chains to corner No. 1, the place of beginning, containing eighty-six and thirty-five-hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General.

(T.R.S. $3.30)
(AFFIXED AND )
( CANCELLED )

in and for said State, personally appeared Frank Langell and Hulda Langell, husband and wife, known to me to be the persons whose name_ 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.

(SEAL)

Everett B. Taylor
Notary Public, Residing at Sun Valley, Idaho

Filed for Record at the request of R. H. McCoy at 1:35 o'clock P. M., November 10, 1948

B. P. Thamm, Ex-Officio Recorder.

By June Dixon, Deputy.

No. 94589

IDAHO DEED

THE UNION CENTRAL LIFE INSURANCE COMPANY, TO W. O. WATTS, ET UX.

Know All Men By These Presents: That THE UNION CENTRAL LIFE INSURANCE COMPANY, of Cincinnati, Ohio, a corporation organized under the laws of Ohio, in consideration of Four Thousand Five Hundred and no/100 ($4,500.00) DOLLARS, to it paid by W. O. Watts and Margaret L. Watts the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm to the said W. O. Watts and Margaret L. Watts, husband and wife, the following described real estate, situated in the County of Blaine and State of Idaho, to-wit:

The Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Twenty Two (22), and the Northwest Quarter (NW¼) of Section Twenty Two (22), Township Two (2) North, Range Eighteen (18) East of the Boise Meridian.

Excepting from the above described land the following described tract: Beginning at the Northwest corner of the Northwest Quarter (NW¼) of Section Twenty Two (22), township and range aforesaid, and running thence East Thirteen Hundred Seventy Five (1375) feet ; thence South 29°30' East Six Hundred Twenty Seven (627) feet; thence South 25° East Three Hundred Ninety Four (394) feet; thence West Eighteen Hundred Fifty and 3/10 (1850.3) feet; to the Section line; thence North along Section line Nine Hundred Two and 8/10 (902.8) feet to the place of beginning.

Also excepting the following described tract of land: Beginning at the Southeast corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section Twenty Two, township and range aforesaid, and running thence North Fifty Four and 9/10 (54.9) feet; thence South 85°14' West Ninety One and 4/10 (91.4) feet; thence South 79°17' West One Hundred and 9/10 (100.9) feet; thence South 67°05' West Thirty Six and 2/10 (36.2) feet; thence South 87°09' West Two Hundred Six and 8/10 (206.8) feet; thence North 62°04' West Eighty Two and 2/10 (82.2) feet; thence North 86°40' West Two Hundred Twenty Two (222) feet; thence North 71°05' West Five Hundred and 8/10 (500.8) feet; thence North 45°18' West One Hundred Seventy (170) feet; to the intersection of the West line of said South east Quarter (SE¼) of the Northwest Quarter (NW¼); thence South Three Hundred Thirty Four (334) feet to the Southwest corner of said tract; thence East Thirteen Hundred Twenty (1320) feet to the point of beginning. Together with all reservoir rights, ditch and water rights of every nature however evidenced, and being the same real estate conveyed to The Union Central Life Insurance Company by deed dated August 16, 1937 and recorded in Book 139, Page 449 of the Records of Blaine County, Idaho. Subject to all existing tenancies or rights of parties in possession, all leases, rent contracts, rights of way and easements of every character now existing on, over, under or across said land.

(I.R.S. $4.95)
(Affixed and )
( Cancelled )

Saving, excepting and reserving, however, unto The Union Central Life Insurance Company, its successors and assigns, from all the above described lands, and undivided one-half of the oil, gas and other

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

**RESPONSE DEADLINE**
**JUNE 17, 2005**

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**PLEASE NOTE:** The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

# Contacts Data Entry Form

## Claim(s): 37-4063

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

Reviewer: _____ Date: _____

## Priority Date Data

## Point of Diversion and Source

| GPS file name | Easting | Northing | Plate No. | Photo Id. |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Reviewer: _____ Date: _____

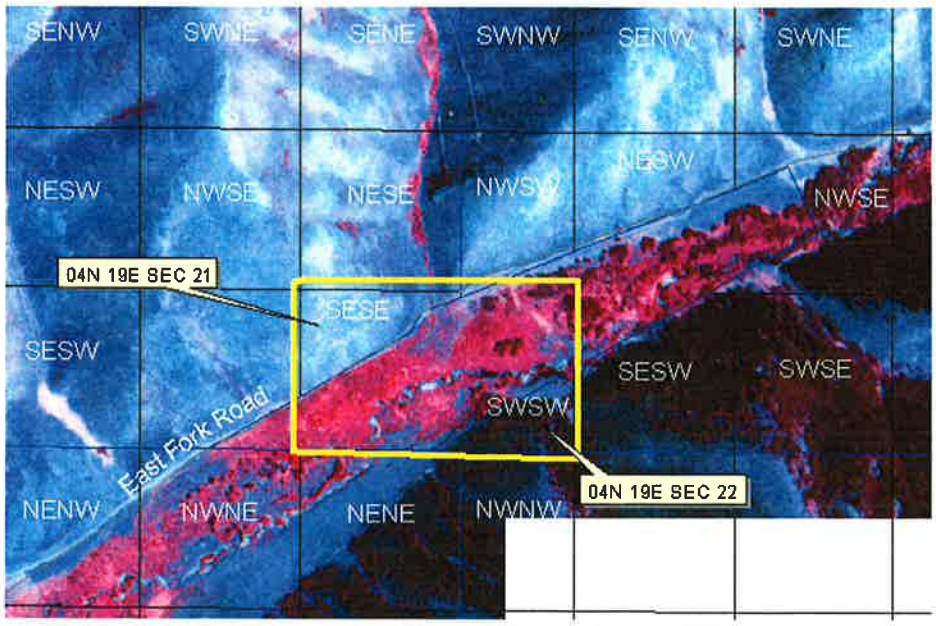
## Place Of Use Data

This is a Statutory Claim with a priority date of May 1, 1919. So we will need some ***Evidence of Priority*** for this claim.

*If they think they can come up with sufficient Evidence of priority then*:

Need to verify the exact ***Place of Use*** in section 21, SESE and also section 22, SWSW.

Need a GPS point for the ***Point of Diversion***.



**Mandatory permit statute dates;**

**Groundwater: March 25, 1963**
**Surface water May 20,1971**

**A commercial use requires:**

1. Evidence of priority
2. Need to confirm the claimed diversion rate. (A measurement may be necessary.)
3. Annual volume used needs to be determined. (May be determined by daily use * days of use/year) or maybe by business standard volumetric use.

**Small Commercial uses where the use falls within the Domestic part B definition.**

1. Evidence of priority is not necessary.
2. Diversion rate is limited to 0.04 cfs (18 gpm)
3. Use is limited to 2,500 gal per day. (The use can include some lawn irrigation but will be included within the 2,500-gal/day limitation).

**Volume comparison:**

$$\frac{2{,}500 \text{ gal} * 365 \text{ days}}{325{,}850 \text{ gal/af}} = 2.8 \text{ af} \qquad \frac{2{,}500 \text{ gal} * 156 \text{ days}}{325{,}850 \text{ gal/af}} = 1.2 \text{ af}$$

(5 days for 52 weeks)

$$\frac{2{,}500 \text{ gal} * 260 \text{ days}}{325{,}850 \text{ gal/af}} = 1.99 \text{ af} \approx 2.0 \text{ af}$$

0.04 cfs * 1.98 * 365 days = 28.9 af

**42-111. DOMESTIC PURPOSES DEFINED. (in part)**

(1) For purposes of sections 42-221,42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

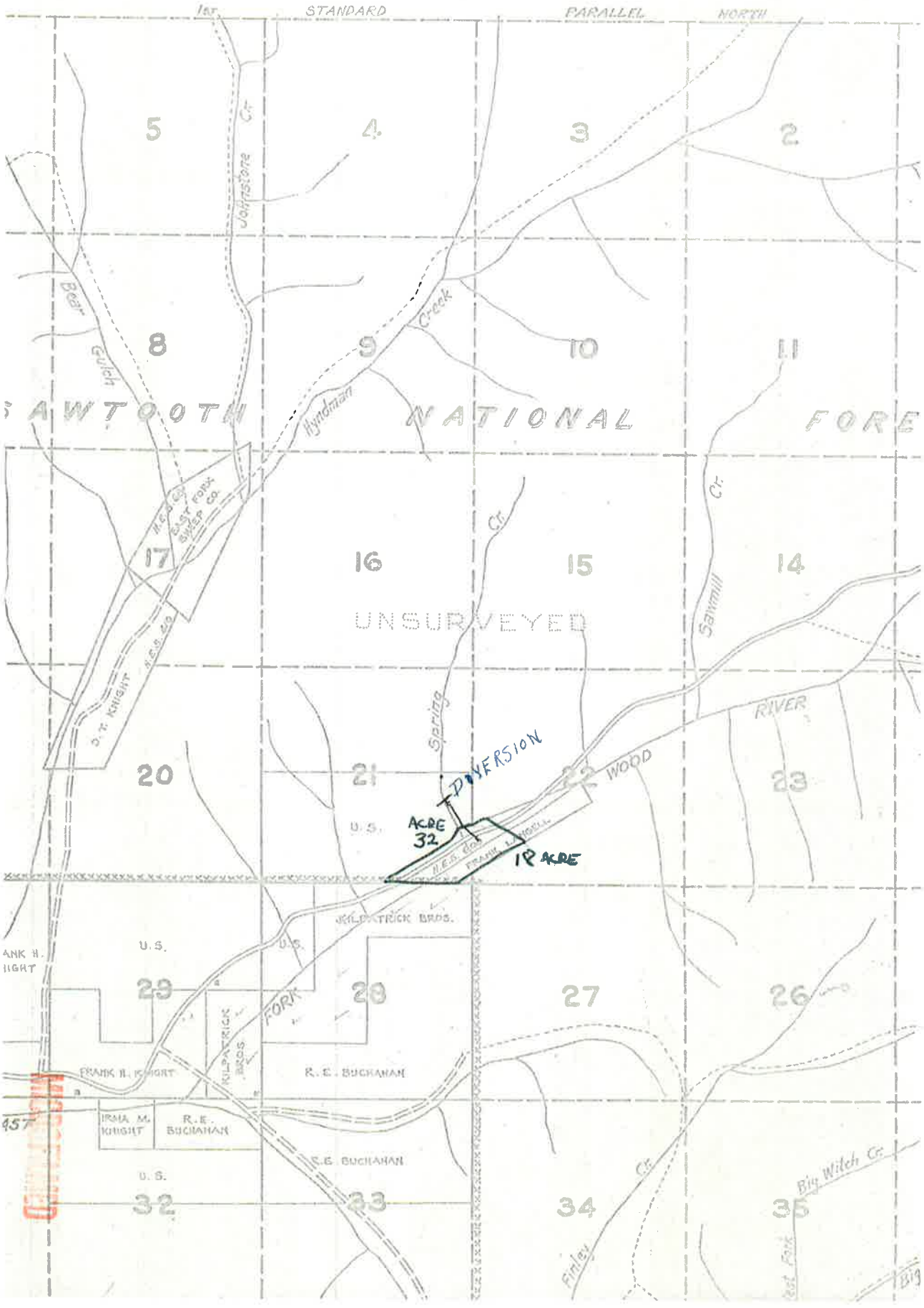
(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

BY
'SKER
RTLAND, OREGON
IA, WASHINGTON
LE, WASHINGTON

# TOWNSHIP 4 N., RANGE 19 E.
## BLAINE COUNTY, IDAHO



169/499

No. 120659

AFFIDAVIT

FRANK H. KNIGHT

A F F A D A V I T

STATE OF IDAHO, } ss.
County of Blaine. }

FRANK H. KNIGHT, after being first duly sworn upon oath, deposes and says; that he is now the owner of that property described as U. S. Survey No. 600 in or about Section 21 and Section 22 in Township 4 North, Range 19, E. B. M., the patent for which was recorded in the office of the County Recorder of Blaine County, Idaho, on April 14, 1928 in Book 129 of Patent Deeds at page 59; that prior to the time affiant acquired said real property, and since the year 1919, affiant has been familiar with the occupation and use of said lands and the waters used thereon; that affiant knows that since 1919 the waters of Spring Gulch have been conveyed to said lands by the former owner thereof FRANK LANDELL and his successors in interest including this affiant; that said waters have been used for irrigation purposes upon said lands each year since 1919; and that the amount of water so used upon said premises from said source is approximately 40 miners inches during the period of highest water and at times said supply diminishes in the dryest seasons to the point where it reaches said lands only at night time; that affiant claims the right to the use of all of said water by reason of the aforesaid appropriation of same to a beneficial use.

Frank H. Knight
FRANK H. KNIGHT

Subscribed and sworn to before me this 22 day of July, 1964.

(SEAL)

V. K. Jeppesen
Notary Public for Idaho
Residing at Hailey, Idaho

Filed for record at the request of Frank H. Knight at 1:45 o'clock P. M. July 23, 1964.

George F. McCoy, Ex-Officio Recorder

By Hazel Barber, Deputy.

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No. 120660 DECREE OF SETTLEMENT OF FINAL ACCOUNT AND FINAL DISTRIBUTION

IN THE MATTER OF THE ESTATE OF JESS H. ZIMMERMAN, DECEASED.

IN THE PROBATE COURT
OF BLAINE COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF
JESS H. ZIMMERMAN, also known as
JESSE S. ZIMMERMAN,
Deceased.

DECREE OF SETTLEMENT OF FINAL ACCOUNT AND FINAL DISTRIBUTION

Effie E. Zimmerman, the Executrix of the estate of Jess H. Zimmerman, also known as Jesse S. Zimmerman, deceased, having on the 15th day of July, 1964, rendered and presented for settlement and filed in this Court her final account and report of her administration of said estate, which account was for a final settlement, and having with said account filed a petition for the final distribution of the estate;

And the said account and petition this day coming on regularly to be heard, and proof having been made to the satisfaction of the Court that notice of the day appointed for the settlement of said account and hearing of said petition had been duly given as required by law and the order of this Court, and no exception or objection in writing to said account or petition having been filed or made; the said Effie E. Zimmerman appearing by Everett E. Taylor Attorney.

And it appearing to the Court after having fully examined the said account and the vouchers filed herein and heard the testimony in support thereof, that said account is in all respects true and correct, and the residue of money in the hands of the Executrix at the time of filing said account was none; that the sum of $493.75 has been expended by her as necessary charges, debts, claims and expenses of administration, the vouchers

MICROFILMED