

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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 11-7639
Date Received: 10/6/2023
Receipt No: PO00478
Claim Fee: \$52.00
Received By: JW

RECEIVED

OCT 06 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHAD MILT HAYES
796 E HIGHWAY 26
RICHFIELD ID 83349-5440

Phone: (530) 957-6667

OR

TYSON HAYES
3844 EAST 137 NORTH
RIGBY ID 83442

Phone: (208) 317-8949

OR

DESTRY HAYES
3595 E 893 N
MENAN ID 83434-1202

Phone: (208) 251-6504

OR

TRAVIS HAYES
127 ANTELOPE DR
EVANSTON WY 82930

Phone: (208) 317-7887

2. Date of Priority: 5/1/1885

3. Source:

UNNAMED SPRING
UNNAMED SPRING
UNNAMED SPRING
UNNAMED SPRING
UNNAMED SPRING

Trib. to:

STAUFFER CREEK
STAUFFER CREEK
STAUFFER CREEK
STAUFFER CREEK
STAUFFER CREEK

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
11S	43E	27	NW NE		BEAR LAKE	
11S	43E	27	NW NE		BEAR LAKE	
11S	43E	27	NW NE		BEAR LAKE	
11S	43E	27	NW NE		BEAR LAKE	
11S	43E	27	NW NE		BEAR LAKE	

5. Description of diverting works:

UNNAMED SPRING IS NATURAL AND FLOWS INTO A CREEK. CREEK FLOWS TO A DIVERSION DAM WHICH BACKS UP THE WATER TO FLOW INTO OUR DITCH AND/OR PIPE. THE OVERFLOW FROM THE DIVERSION DAM CONTINUES TO FLOW INTO AN UNNAMED CREEK. WE HAVE 4 DITCHES OFF OF THE CREEK TO FLOOD IRRIGATE. STOCK DRINK DIRECTLY FROM THE DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	04/15	10/31	0.3		
STOCKWATER	01/01	12/31	0.02		

7. Total Quantity Appropriated is:

0.3 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

50 COWS. DRINK FROM SPRING AND EARTHEN CHANNEL YEAR-ROUND

9. Place of use:

IRRIGATION within BEAR LAKE County

Township	Range	Section	¼ of ¼	Lot	Acres
11S	43E	27	NW NE		6.5
11S	43E	27	NE NW		25

Total Acres = 31.5

STOCKWATER same as IRRIGATION

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

SAME IRRIGATED ACRES AS CLAIM 11-7637 FROM NOUNAN/STAUFFER CREEK

12. Remarks:

Priority Date Explanation: SEE DIETRICH DECREE. SEE ATTACHMENTS FOR AFFIDAVITS FROM CAROL AND MILTON HAYES.

13. Basis of Claim: Decreed

14. 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 BEAR 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: _____

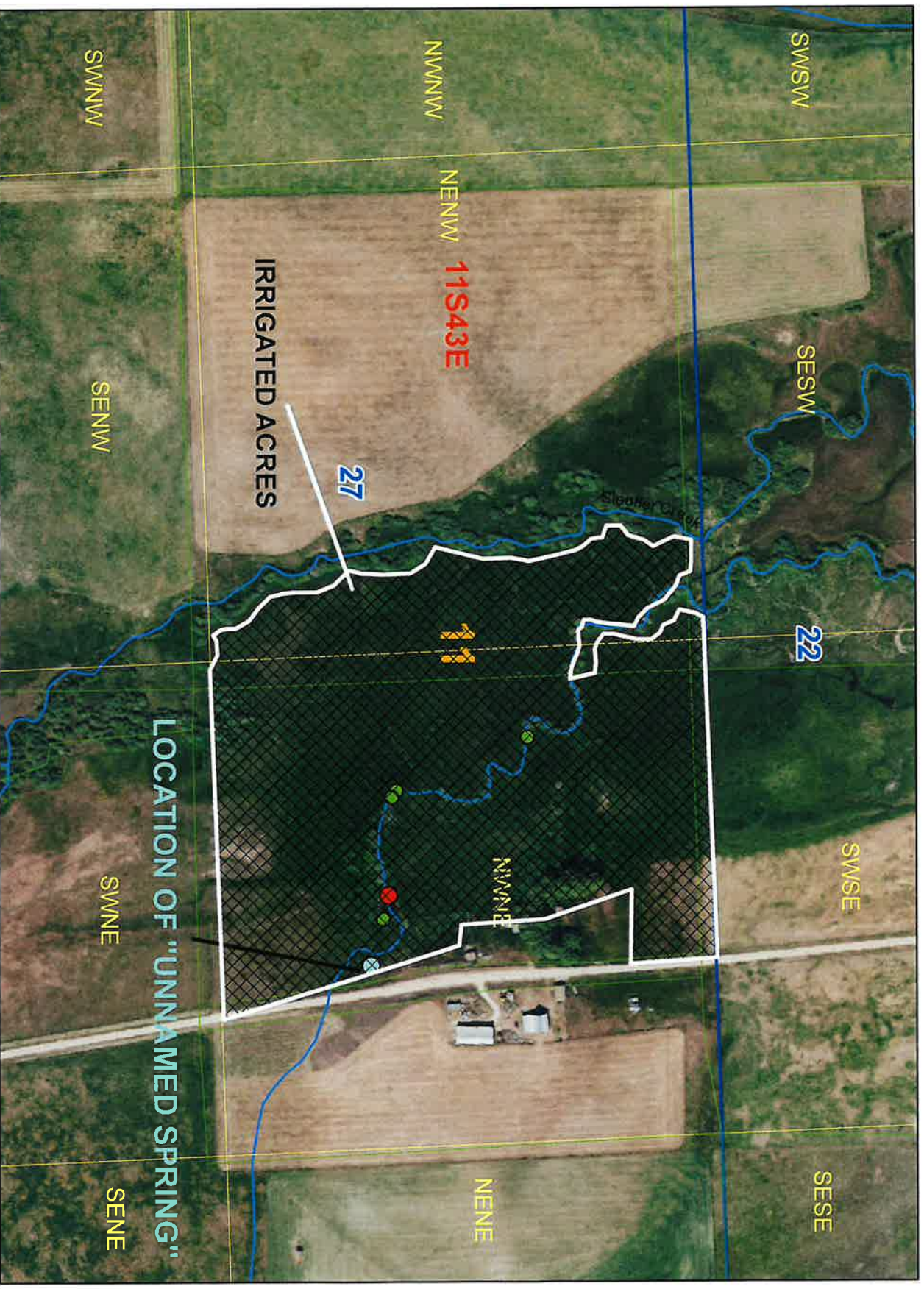
For Individuals:

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

Signature of Claimant(s): Dusty Hayes Date: 10-6-23

Date: _____

**POINTS OF DIVERSION:
LIGHT GREEN ARE DITCHES AND RED IS A DIVERSION DAM.**



The unnamed Spring 11-312

I have been the primary user of this water for irrigation, stockwater, etc. for the last 38 years. During the irrigation season I use all the water the Spring is capable of producing for irrigation. To my knowledge, no one has used that water for irrigation other than myself.

In all the 38 years I have used this water, there has never been any neighbor that has used this water for irrigation. There is enough excess water for stockwater where it leaves my property.

The unnamed Spring irrigates 31.5 acres on Farm 806 Tract 4880

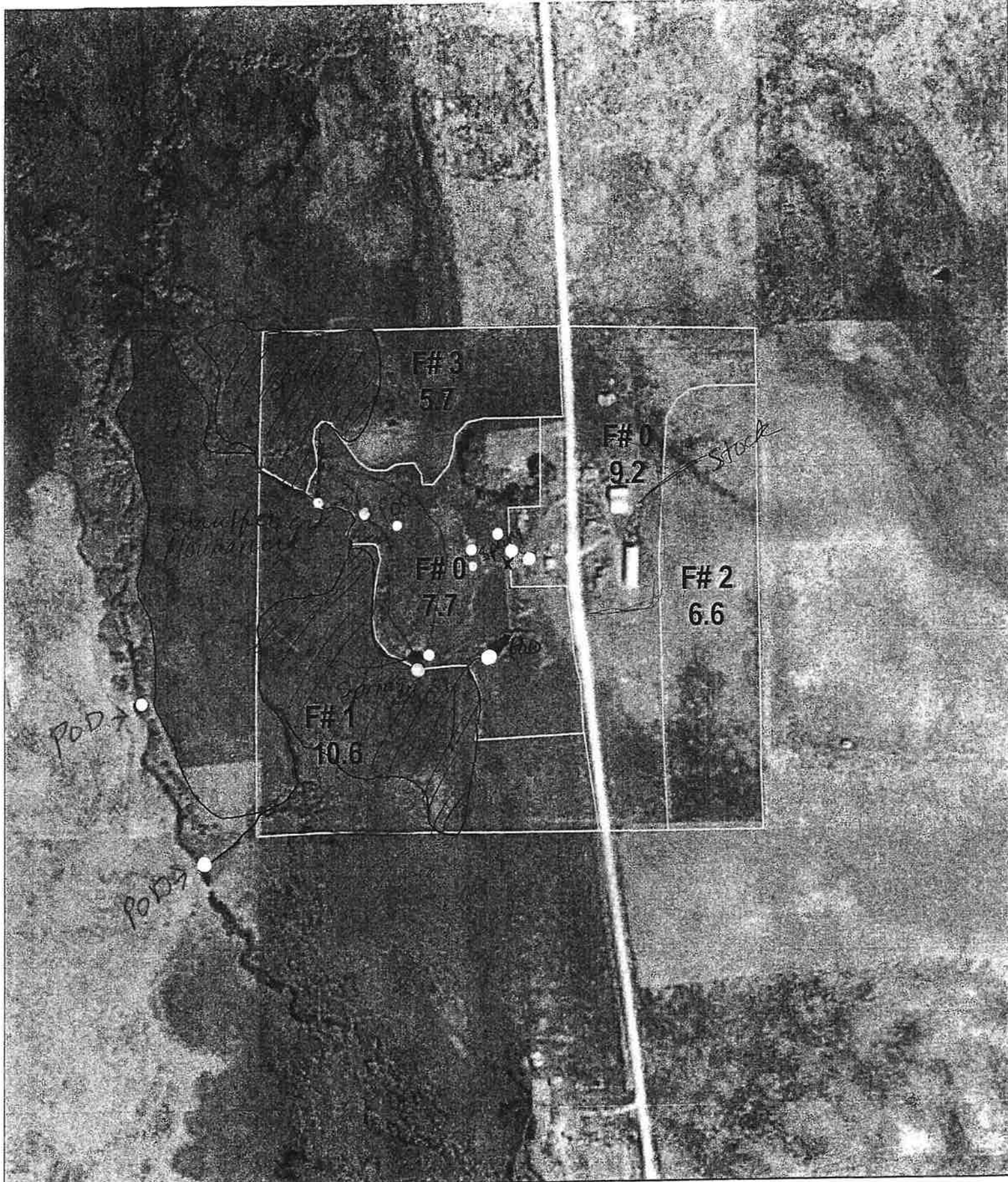
The Little Concrete Spring
Claim no. 7575, Farm 806, Tract 4880

Irrigates 5 acres, plus 1-1 $\frac{1}{4}$ inch pipe to the pump house, which pumps across the road to the barn for stock watering.

1-1 $\frac{1}{4}$ inch pipe goes to Jody Smith (the property that joins ours) for domestic use. He has no irrigation rights on this spring.

The Stauffer/Nouran Creek 11-311
Irrigates 38.4 acres on
Farm 1307, Tract 5124

Oct. 6, 202
Milton J. Hayes
Carol A. Hayes



Tract 4880
Farm 806

T11S R43E.

X1W NE. Sec. 27.

Clu16007.shp

5 diversions

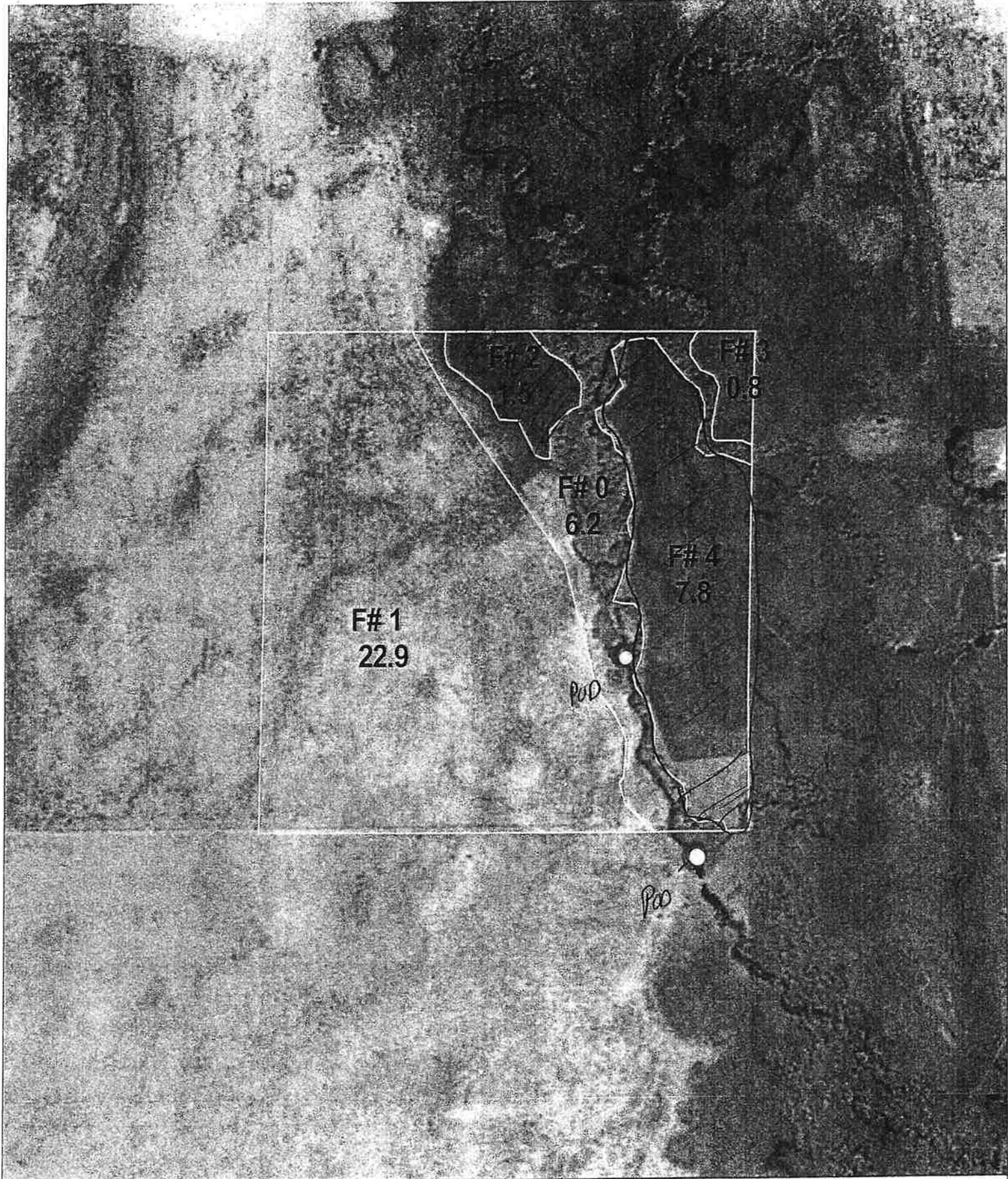
0.03 0 0.03 0.06 0.09 0.12 Miles



Map Printed: Jul 20, 2004

with

30 acres



Tract 5124
Farm 1307

TIUSE. N1E NW Sec. 27
2 diversions
0.03 0 0.03 0.06 0.09 0.12 Miles

Clu16007.shp



Map Printed: Jul 20, 2004

38.4 acres

Bucket + stop method

3.1075 sec

$$\frac{5 \text{ gal}}{3.1075 \text{ sec}} \times \frac{60 \text{ sec}}{1 \text{ min}} = 96.54 \frac{\text{gal}}{\text{min}}$$

96.54

This is a measurement
of an named Spring, measured with a weir
on August 30, 2023.

This measurement shows
all the water that the
Spring produces.

Aug 30
Weir / Robert Briggs
130 gal. a min.

Milton L Hayes Oct. 6, 2023

(b) 1907—May 1

.8 c.f.s.

To be diverted from Nounan Creek in the Northwest quarter of Section 15, to be used for the irrigation of 40 acres of land in the South half of the Southeast quarter and the Southeast quarter of the Southwest quarter, Section 10, the Northeast quarter of the Northwest quarter, Section 15, Township 11 South, Range 43 East, B.B.M.

* 33. Charles Bartschi:
(a) 1885—May 1

2 c.f.s.

To be diverted from Nounan Creek by means of five ditches diverting therefrom in Sections 27 and 22, Township 11 South, Range 43 East.

* (b) 1885—May 1

.8 c.f.s.

360 gal/min

To be diverted from Unnamed Spring in the Northwest quarter of the Northeast quarter of Section 27, said Township and Range, a tributary of said Nounan Creek. Said water decreed in paragraphs (a) and (b) immediately above, to be used for the irrigation of 140 acres of land in the East half of the Northwest quarter, the Northwest quarter of the Northeast quarter, Section 27, the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 22, said Township and Range, B.B.M.

Note: The 0.8 c.f.s. doesn't

match what the unnamed spring produces. The amount of what this spring produces is closer to the amount of 130 gallons per minute.

Milton L Hager

October 6, 2023

Carol A. Hager

An Affidavit referring to:

State of Idaho

Department of Water Resources

Notice of change in Water Right Ownership

June 21, 2007

Since we, Milton and Carol Hayes, purchased this property with it's water rights almost 40 years ago, we have been the only owners. To our knowledge there was never a change of ownership of the property or splits of any water rights. The two sheets of paper in question are incorrect. The numbers are not attached to the right properties. The acreage is an incorrect discription. It just doesn't make sense and we never would knowingly sign a change in water right ownership. Therefore we believe these documents incorrect and in error.

Milton L Hayes

Carol A. Hayes Oct. 6, 2023

RECEIVED

JUN 21 2007

DEPARTMENT OF
WATER RESOURCESSTATE 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.

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 IDWR will produce new water right number(s) for the split(s).

April 15 → Oct 31
Seasonal use

Water Right No(s)	Adjudication Claim No(s)	Split(s)
11-312	11-7636	11-7637
11-311	11-7638	11-7639
11-312	7638	7714
	7639	7715
	52.5 ac/45	0.3 CFS

Water Right No(s)	Adjudication Claim No(s)	Split(s)
	7636	7713 .42 CFS
11-311	7637	7712 .78 CFS
	52.5 ac/45	360 gal/min

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$200-
- 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 on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. 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 or equivalent **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)

Charles Bartschi

4. New Owner/Claimant(s)

Milton and/or Carol Hayes

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

983 Hayes Lane Nounan

City, State and ZIP Code

Montpelier Idaho, 83254

New Telephone Number

(208) 847-0887

SUPPORT DATA

5. Date you acquired the property

6-14-1985
6-5-1997

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>11-311</u>		
Irrigation	<u>26</u>	<u>13.3 acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>11-312</u>		
Irrigation	<u>17 cfs</u>	<u>9 acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

Milton L Hayes
Carel A. Hayes

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by CBReceived by AMBProcessed by AJDate 6/19/07Date 6-21-07

Date

Receipt Amt. 200.00Receipt No. 0084391

WR _____ Date _____