

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

Claim ID: 11-7589

Date Received: 3/28/2023

Receipt No: 1000080

Claim Fee: 73.00 By: CA

RECEIVED

MAR 28 2023

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Gary J Payne Revocable Trust Phone (208) 921-0000
Mailing address 4354 Sherwood Dr St George UT Zip 84790
Street or Box City State
Email address (optional) gampas1@yahoo.com
2. Date of priority: (Only one per claim) 5/01/1883 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Worm Creek
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 14S, Range 43E, Section 34,
NE 1/4 of SW 1/4, Govt. Lot _____, BM, County of BEAR LAKE
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, 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.
~~See statutory claim. Ditch diverts from Worm Creek and then at our property is used for flood irrigation~~
historically. Now it will most likely be applied with a sprinkler system.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 4/15 to 10/31 amount 2.57 or _____

For Stockwater purposes from 4/15 to 10/31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.57 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. 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	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	43E	34	12.3	8.7															
			S	S															

Parcel no(s) 14S43E340000 Total number of acres irrigated 21

10. In which county(ies) are lands listed above as place of use located? BEAR LAKE

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

~~See statutory claim. The backfile for the claim has documentation to be used as review. Attached is a copy of the Homestead Entry by James Nelson dated April 2, 1897. Filing the claim based on original water right(s) from the Haddock v Thornock decree. See statutory claim backfile. The exact water right relevant to this property is not exactly known, but with the available information this is the best guess. Either water right numbers 11-1067 or 11-1080 are the original water right from the decree. Filed claim based on how use is occurring today, diversion quantity is best estimate based on statutory claim. It is known for sure that when my father bought the property in 1933 the irrigation use and ditch was already in existence.~~

Name of claimant(s) _____ Claim ID _____

Scale: 2 inches equals 1 mile

[illegible]

Name of claimant(s) _____ Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-7589

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Trustee _____ of Gary J Payne Revocable Trust
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Gary J Payne Date 3/28/2023

Printed Name of Authorized Agent Gary J Payne

16. **Notice of Appearance:**

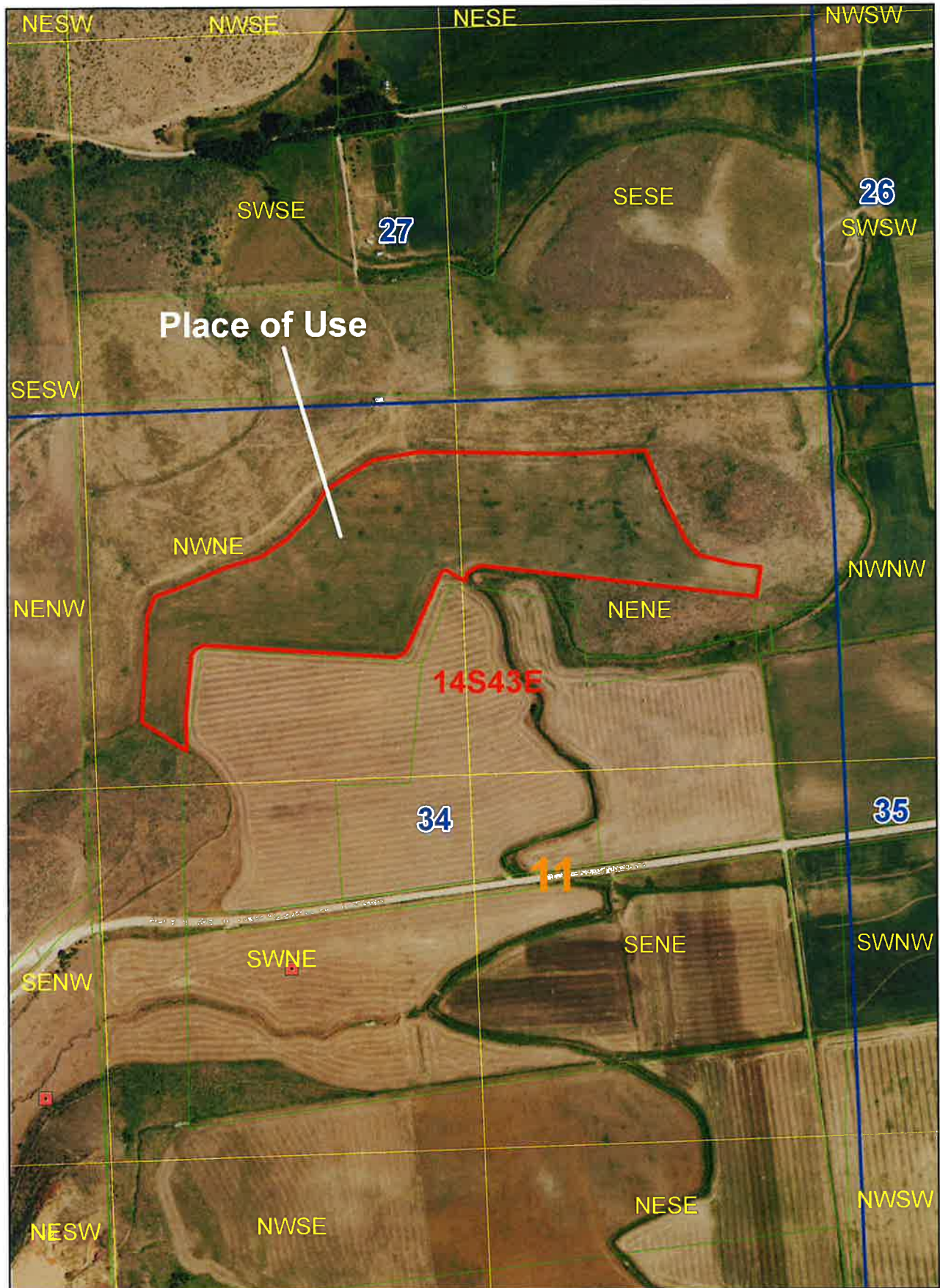
Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

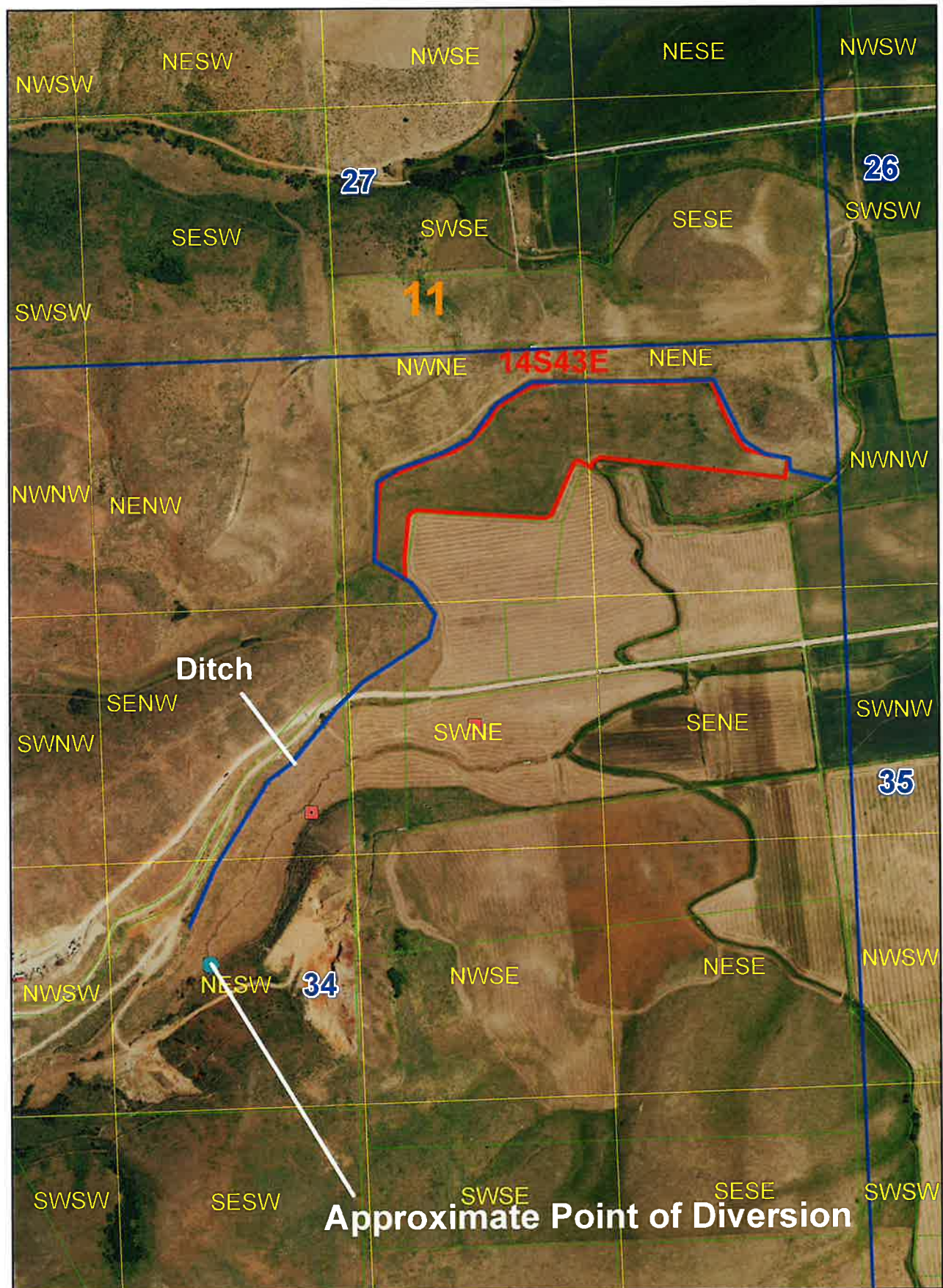
Address _____

Name of claimant(s) _____ Claim ID _____

BRBA CLAIM 11-7589



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Land Patent Details

Accession Nr: ID0160__125 Document Type: State Volume Patent State: Idaho Issue Date: 4/2/1897 Cancelled: No

Names On Document**Miscellaneous Information**

NELSON, JAMES A		Land Office:	Blackfoot
		US Reservations:	Yes
		Mineral Reservations:	No
		Tribe:	---
		Militia:	---
		State In Favor Of:	---
Military Rank:	---	Authority:	May 20, 1862: Homestead EntryOriginal (12 Stat. 392)

Document Numbers**Survey Information**

Document Nr:	2139	Total Acres:	160.00
Misc. Doc. Nr:	3456	Survey Date:	---
BLM Serial Nr:	IDIDAA 012130	Geographic Name:	---
Indian Allot. Nr:	---	Metes/Bounds:	No

Land Descriptions

State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	014S - 043E	W½SE¼	27		Bear Lake
ID	Boise	014S - 043E	N½NE¼	34		Bear Lake