

**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: 13-4056  
Date Received: 4/15/2024  
Receipt No: P000813  
Claim Fee: \$138 140  
Received By: MB

**RECEIVED**

APR 15 2024

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

**IDWR/Preston**

**1. Name of Claimant(s)**

BRETT PAGE  
1825 N 4000 W  
DAYTON ID 83232

Phone: (208) 220-1942

**2. Date of Priority:** 6/1/1944

**3. Source:**  
SPRINGS SINKS

**Trib. to:**

**4. Point of Diversion:**

| Township | Range | Section | ¼ of ¼ of ¼ | Lot | County   | Type |
|----------|-------|---------|-------------|-----|----------|------|
| 15S      | 38E   | 11      | SE SE       |     | FRANKLIN |      |

**5. Description of diverting works:**

There is a pressure pump in the pond that pumps the water to my sprinkler lines that I use to irrigate the fields.

**6. Water is used for the following purposes:**

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 4/01  | 11/01 | 2      |      |        |
| STOCKWATER | 04/01 | 11/01 | 0.02   |      |        |

**7. Total Quantity Appropriated is:**

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

**8. Non-irrigation uses:**

20 cow-calf pairs

9. Place of use:

IRRIGATION within FRANKLIN County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 15S      | 38E   | 11      | SE |    | SE |     | 31    |
| 15S      | 38E   | 14      | NE |    | NE |     | 32    |
| 15S      | 38E   | 14      | SE |    | NE |     | 25    |

Total Acres = 88

STOCKWATER within FRANKLIN County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 15S      | 38E   | 11      | SE |    | SE |     |       |
| 15S      | 38E   | 14      | NE |    | NE |     |       |

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.

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11. Other Water Rights Used:

Share water with Twin Lakes Water

12. Remarks:

Priority Date Explanation:

This farm has been in my family for three generations. We proved up on the homestead in 1905. The ground was originally swampland. In the 1940's my grandfather and my father drained the land into a pond. We started out flood irrigating from the pond, then later I added sprinkler lines to the system.

Originally my grandfather and dad were using around 3 cfs. Over time the amount lessened. I had two lines and two pumps when I first began sprinkling. But we had a dry year were I could only use one pump. I haven't been able to use two pumps because of drought, but may potentially use two again when the water comes back.

13. Basis of Claim: Statutory Claim

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

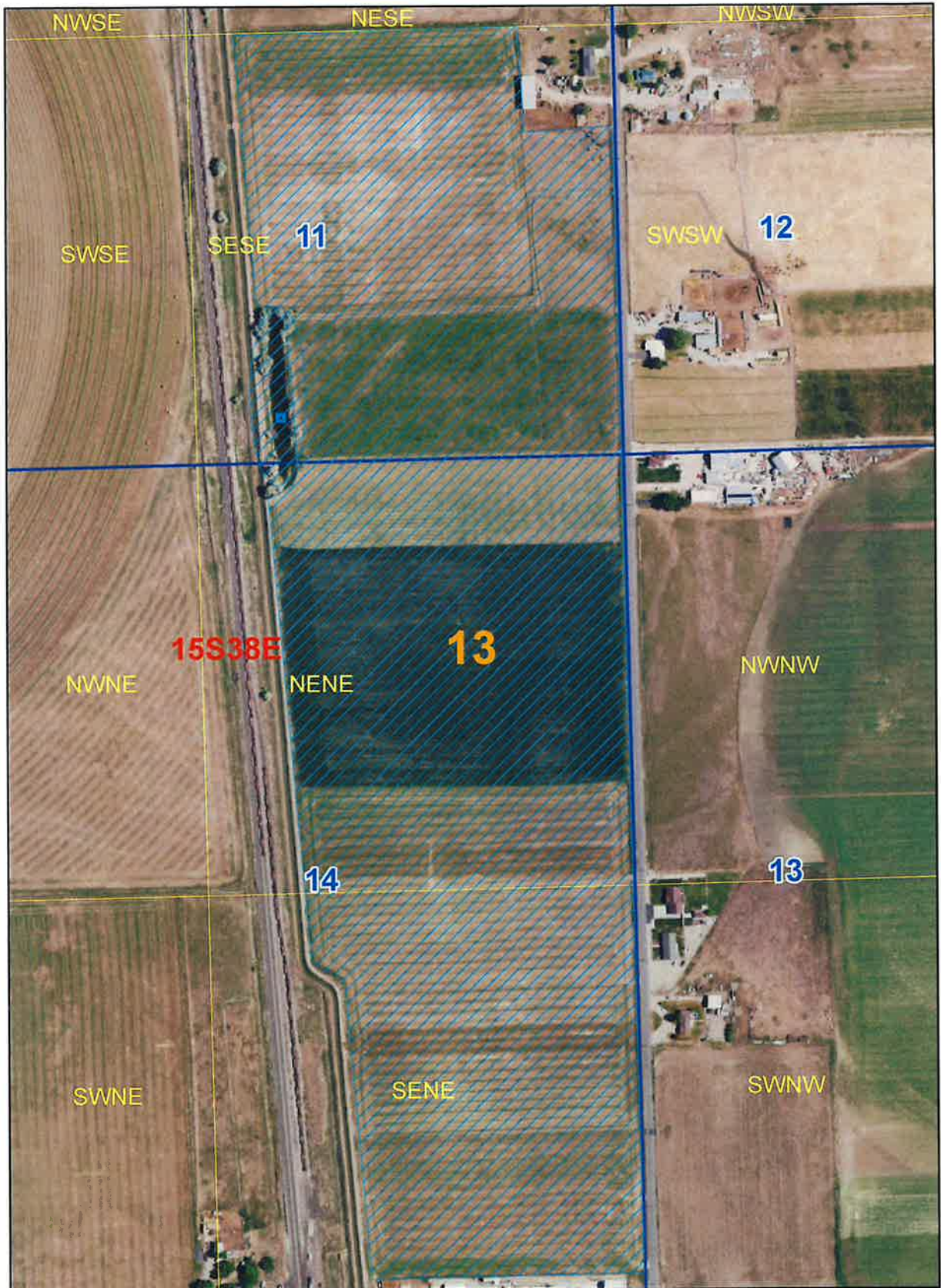
Number of attachments: \_\_\_\_\_

**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): Brett M Page Date: 4-15-2024  
\_\_\_\_\_  
Date: \_\_\_\_\_

# Claim 13-4056



## Legend

■ Claim POD

▨ Claim POU

April 15, 2024

My grandfather and dad drained the ground for farming back in the 40's. The ground was so boggy that they had to lay rail ties out for the tractor to drive on the ground to dig the pond and ditches. At the time they believed that they could divert 3 cfs from the pond to flood irrigate the ground. Around the time that they built the system, Dad submitted an application for permit with the Department and it was granted. Later I inherited the farm and began working it. In the 1980's I changed from flood to sprinklers. At that time, I was pumping two sprinkler lines a quarter mile each. I believe that each line diverted 1 cfs, for a total of 2 cfs.

Brett M. Page

Dept. of Water Resources  
1515 Lincoln Rd.  
Idaho Falls Idaho  
523-7186 83401

Permit #

Address all communications to

J. I. Page

(Form No. 1)

P. O. Dayton, Idaho.

# APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

Application No. 27017

Permit No. 19510

District No.

1. Name of Applicant: J. I. Page and Verla Irvin Page  
Postoffice address Dayton County Franklin State Idaho.

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: not incorporated
- (b) Amount of capital stock: \$ (c) Amount paid in: \$
- (d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand: \$  
(b) Treasury stock: \$ (c) Bonds to be issued: \$  
(d) Other resources:

2. Quantity of water claimed: one cubic feet per second.  
3. Source of water supply: drain used to drain adjoining land.

which is a tributary of.  
4. Location of point of diversion: 70 rods West and 10 North feet distant from the Southeast corner of Section 11, T. 15 S, R. 38, B. M., and is in the SE4 SE4 of Section 11, T. 15 S, R. 38 E, B. M., County of Franklin.

5. Water is to be used for: irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section T, R, B. M., in the of Section, T, R, B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet distant from the corner of Section, T, R, B. M., in the of Section, T, R, B. M.

7. Estimated cost of works: \$ 200.00. With additional cost if necessary to install a pump.

8. Kinds of works: Dam of earth with concrete headgate, with ditch  
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam 3 feet; length of dam at top 10 feet; length of dam at bottom 6 feet;  
(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)  
feet; material used in dam earth

10. Size of headgate: Width 3 feet; height 2 feet.

11. Ditch: Width at bottom 3 feet; Width at water line 3 feet; Depth of water 2 feet;  
Dimensions of flume none Diameter of pipe none inches;  
Length of conduit 20 rods ~~miles~~ Average grade per mile almost level feet.

1918

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15. (a) Is reservoir to be used? none at present (If so, fill in (b) and (c) below.)  
May decide to make reservoir if pumping becomes feasible.  
(b) Name of reservoir and number of Storage Permit: \_\_\_\_\_

(c) Date of filing of Application for Storage Permit and Name of Applicant: \_\_\_\_\_

Remarks: This water will be taken out of a natural swale which will be fed  
by a drain being now dug by the owner of adjoining land. Water will  
be diverted at point where it flows onto applicants' lands.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the  
State of Idaho as herein set forth.

*Joseph Van Hook*  
Applicant.

16. By \_\_\_\_\_ Agent.

# Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_

# Approval of Commissioner of Reclamation

The number of this permit is 19510

Recorded in Book 70 Page 19510 Approved JUN 6 1944

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed on or before.....

Work to begin on or before August 6, 1944, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 6, 1944

The whole of said work to be completed on or before December 6, 1944

Beneficial use of water appropriated in accordance herewith, to be made on or before January 6, 1945

Witness my hand this 6th day of June, 1944

Mark R. Kulp

Commissioner of Reclamation.  
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. BOTTOLESEN, Governor of the State of Idaho, and GEO. H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th day of June, 1944.

Countersigned:  
By

Geo. H. Curtis  
Secretary of State

STATE OF IDAHO  
By

C. A. Bottollesen  
Governor

No. 19510

PERMIT

Date of first receipt at office of Commissioner of Reclamation

4:00 P.M. June 2 - 1944

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. .... \$1.00

For each additional Sec. Ft. or fraction thereof ..... .10

# ANNUAL GUARANTEE ACCOUNT

10/14/95  
2419

CONTRACT NO.

DAYTON, IDAHO.

ADDRESS

ACCOUNT NO.

5-25-48

DATE CONNECTED

June, 1953

CONTRACT EXPIRES

E. R. OR J. A. NO.

\$54.00

ANNUAL GUARANTEE

\$ 4.50

MONTHLY MINIMUM

156

K.M.H. INCLUDED K.M.

RATE SCHEDULE

\$ 32.50

ADVANCE PAYMENT

21

RULE 12

1/3 Monthly

METHOD OF REFUND

J. I. Page

ASSIGNED TO COPY ATTACHED

DATE

REMARKS:

| MONTH<br>1948                     | FIRST YEAR 1949     |                |                  | SECOND YEAR 1950    |                |                  | THIRD YEAR 1951     |                |                  | FOURTH YEAR 1952    |                |                  | FIFTH YEAR 1953     |                |                  |
|-----------------------------------|---------------------|----------------|------------------|---------------------|----------------|------------------|---------------------|----------------|------------------|---------------------|----------------|------------------|---------------------|----------------|------------------|
|                                   | SCHEDULE<br>BILLING | A G A<br>ADDED | TOTAL<br>BILLING | SCHEDULE<br>BILLING | A G A<br>ADDED | TOTAL<br>BILLING | SCHEDULE<br>BILLING | A G A<br>ADDED | TOTAL<br>BILLING | SCHEDULE<br>BILLING | A G A<br>ADDED | TOTAL<br>BILLING | SCHEDULE<br>BILLING | A G A<br>ADDED | TOTAL<br>BILLING |
| JULY                              | 14.65               |                | 14.65            | 10.36               |                | 10.36            | 14.21               |                | 14.21            | 19.87               |                | 19.87            | 13.35               |                | 13.35            |
| AUG                               | 8.80                |                | 8.80             | 10.90               |                | 10.90            | 12.21               |                | 12.21            | 10.59               |                | 10.59            | 13.69               |                | 13.69            |
| SEPT.                             | 9.45                |                | 9.45             | 11.47               |                | 11.47            | 7.89                |                | 7.89             | 10.45               |                | 10.45            | 13.36               |                | 13.36            |
| OCT.                              | 7.85                |                | 7.85             | 7.19                |                | 7.19             | 1.71                |                | 1.71             | 9.31                |                | 9.31             | 9.05                |                | 9.05             |
| NOV.                              | 7.19                |                | 7.19             | 6.49                |                | 6.49             |                     |                |                  |                     |                |                  | 5.92                |                | 5.92             |
| DEC.                              |                     | 6.06           | 6.06             | 4.35                |                | 4.35             | 2.85                |                | 2.85             |                     |                |                  |                     |                |                  |
| JAN.                              |                     |                |                  |                     |                |                  | 9.93                |                | 9.93             |                     |                |                  |                     |                |                  |
| FEB.                              |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |
| MAR.                              |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |
| APR.                              |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |
| MAY                               |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |
| JUNE                              | 8.35                |                | 8.35             | 6.28                |                | 6.28             | 12.79               |                | 12.79            | 12.78               |                | 12.78            | 6.42                |                | 6.42             |
| TOTALS                            | 56.29               |                | 56.29            | 50.94               |                | 50.94            | 61.59               |                | 61.59            | 92.17               |                | 92.17            | 58.80               |                | 58.80            |
| 11 MONTHS<br>E.D.R. ALLOWED       |                     | 1              | 15.92            |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |
| OVER ALLOWANCE<br>CHARGED BACK    |                     |                | 2.53             |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |
| NET E.D.R. ALLOWED<br>DURING YEAR |                     |                | 13.39            |                     |                |                  |                     |                |                  |                     |                |                  |                     |                |                  |

NOTE: THIS ACCOUNT TO BE ADJUSTED ON THE 12TH MONTH OF EACH CONTRACT YEAR. FOR THAT MONTH YOUR UNIT BILLING TICKET SHALL BE NETTED BY COMBINING THE AMOUNTS OF A G A AND E D R APPLICABLE TO THE 12TH MONTH WITH THE AMOUNTS OF THE ANNUAL ADJUSTMENT. USE REVERSE SIDE FOR ANY OTHER PERTINENT INFORMATION.

Form 31  
U. P. & L. Co.

Memorandum made this 12th day of May, 1949,  
between Albert E. Moser of Dayton, Idaho, of the  
first part, herein called "Assignor," J. I. Page of Dayton, Idaho  
of the second part, herein referred to as "Assignee,"  
and Utah Power & Light Company, a corporation of the third part, herein called the  
"Company," WITNESSETH THAT:

On the 25th day of May, 1949, assignor and the company entered  
into a contract for the company's electrical service delivered at Dayton, Idaho,  
which contract the assignor desires to assign to assignee and to substitute the latter  
as consumer therein.

NOW, THEREFORE, IT IS MUTUALLY AGREED:

(1) Assignor may, and he does hereby transfer and assign to assignee that cer-  
tain contract hereinabove mentioned, together with all deposits, advance payments,  
and other rights and privileges incidental thereto.

(2) Assignee hereby accepts said contract so assigned and agrees fully and  
faithfully to perform each and all the obligations thereby imposed or incidental  
thereto, substituting himself for assignor therein, both as to privilege and benefit as  
well as obligation and liability thereunder.

(3) The company hereby consents to said assignment, accepts assignee as the  
consumer therein in the place and stead of assignor, discharges assignor from a fur-  
ther performance of said contract and agrees hereafter to render to assignee the ser-  
vice contemplated thereby and to look to assignee for the faithful performance by him  
of customer's obligations thereunder.

Signed in triplicate the day and year first hereabove written.

In the presence of

Albert E. Moser (SEAL)  
Assignor.

J. I. Page (SEAL)  
Assignee.

UTAH POWER & LIGHT COMPANY

By [Signature]