

**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: 13-7875A
Date Received: 6/28/2024
Receipt No: 1000965
Claim Fee: \$51.00
Received By: CA

RECEIVED

JUN 28 2024

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

IDWR/Preston

1. Name of Claimant(s)

ANDREW GRIFFITHS
2712 WEST 1500 NORTH
PRESTON ID 83263

Phone: (208) 339-1093

OR

GINA GRIFFITHS
2712 WEST 1500 NORTH
PRESTON ID 83263

Phone: (208) 339-5500

2. Date of Priority: 2/23/1965

3. Source:
DEEP CREEK

Trib. to:
BEAR RIVER

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	39E	7	NW SE		FRANKLIN	

5. Description of diverting works:

A small dam stops water that creates a pool and pressure that goes through a underground pipe system. This system supplies the Bosen's uses, and there is a line that goes to the property that we use to sprinkle and hose irrigate.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
IRRIGATION	04/01	11/01	0.02		3.5

7. Total Quantity Appropriated is:

0.02 C.F.S. and/or 3.5 A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	39E	7	SW		SE		1

Total Acres = 1

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:

12. Remarks:

Priority Date Explanation:

On the warranty deed of the original owners of the home, it shows that the property has .6 miner's inches. Somewhere down the changes of property ownership this acknowledgement got lost. In the recent past, Bosen Livestock filed ownership changes and our property's .6 miner's inches was incorrectly included in the ownership change. This resulted in water right 13-7875. Bosen Livestock has acknowledged that they know we've been using the .6 miner's inches going back over 30 years. The .6 miner's inches is still being used today.

13. Basis of Claim: License

14. Signature(s)

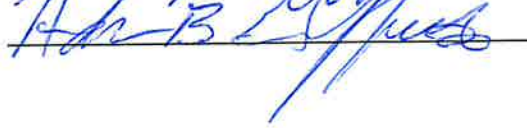
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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: 6/28/2024

Date: 6-28-2024

BRBA Claim



Point of Diversion: ● Delivery System: —
Place of Use: —

0 145 290 580 Feet



Hello Gina,

Sorry it took me so long to respond to you. Somehow your original question fell off my radar, and I was out on vacation last week when you called back.

In any case, I have done some research into your situation and asked a few coworkers and here is what I've come up with. From my notes, you said you bought your property from a Mr. Allen in 1993, who had purchased it from Mr. Elc Bingham in 1976 and Mr. Allen told you that Mr. Bingham had included 1 acre of water right 13-2264 in the 1976 sale that 1 acre worth of water was then to go to you when Mr. Allen sold to you, is that correct?

In reviewing the history of water right 13-2264, I did not see any ownership change and split documentation ever have been submitted by Mr. Allen to officially record the original exchange of the 1 acre. This does not mean it cannot be updated, but the Department may require a little extra information in order to substantiate the process. Also, in addition to there never having been an ownership change, there was another exchange of land in 2009 where Mr. Bingham sold a large portion of the land where 13-2264 is appurtenant to, to Bosen Land and Livestock. This ownership change included a split of the right, and the portion that contains your 1 acre is now owned by Bosen Land and Livestock and has been renumbered to 13-7875. So in essence, if we can gather the information needed to prove you own that 1 acre of water right, you will be filing for an ownership change and split of water right 13-7875.

In order to process this ownership change in the timeliest fashion, here is what I suggest you submit. First, the minimum required documents are the Notice in Change of Water Right Ownership form (attached) as well as a copy of your warranty deed, which will specifically outline your property and show proof of what you own. When completing the Ownership Change form, this will be a split, so you will enter water right No. 13-7875 at the top of the form and check the Split Yes box. Because it is a split, it will also require a \$100 filing fee.

In addition to a copy of your warranty deed, I would suggest tracking down a copy of the deed transferring the land from Bingham to Allen as well. You should be able to track this down through the title company or the county. This is to show proof that no portion of the water right was withheld in the original land exchange. This should provide sufficient evidence for the Department to fully process the change of ownership.

The next issue you may need to deal with is the matter of the point of diversion (POD). Water right 13-7875 still reflects the original POD, which is explained as a pump in Deep Creek connected to a sprinkler system. The POD is also described in the 40 acre tract immediately north of where your property is located. If you do not have access to this POD and the system connected to it, you will need to submit an Application for Transfer of Water Right – Point of Diversion (attached) in order to change the point of diversion to another location. If you need to do this, then the ownership change and split can all be accomplished through this form. At the top of the form you will check Change point of diversion, Ownership Change, and Ownership Split. If you already have a diversion system in place from the creek, you can just explain this system in your Transfer application.

Lastly, I am pasting a couple links here that will lead you to the background file information for water right 13-2264 and right 13-7875. These links will send you to a Department website with another series of links, and each link will bring scanned documents that are part of the file for each right. One thing to take note of is, when you go to the link for Water right 13-2264, open the file "Water Right Backfile 13-2264" and look at the map on page 4. This is a map drawn by the field examiner when the Department conducted the on-site field exam for licensing the right. This map clearly shows the location of your property used to be a part of, labeled as 15.3 acres, and should further help the agent who processes your ownership change or transfer to identify the validity of your application.

File Info 13-2264: <https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=13&Sequence=2264&SplitSuffix=>

File Info 13-7875: <https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=13&Sequence=7875&SplitSuffix=>

I know this is a lot of information and I figured it best for you to have in writing in an email, especially given the attachments included. Questions call me @ 208-287-4915 each day until 3 PM

139807

Recorded at the request of

Eldon B. Bingham

MAY 14 1976

3:10 p.m.

Reception
Indexed

MICHAEL D. KUNZ, RECORDER

By *Eldon B. Bingham*
FRANKLIN COUNTY, IDAHO

WARRANTY DEED

For Value Received ELDON B. BINGHAM, conveying his sole and separate property, and ELDON B. BINGHAM, as Personal Representative for the Estate of JUNE ZOLLINGER BINGHAM, the grantor, do hereby grant, bargain, sell and convey unto KEVIN D. ALLEN and SUSAN BINGHAM ALLEN, Husband and Wife, of Preston, Idaho the grantees, the following described premises, in Franklin County, Idaho, to wit:

Beginning at a point 20 rods West SE Corner SW1/4SE1/4 Section 7, Township 15 South, Range 39 East of the Boise Meridian, and running thence North 26 2/3 rods, thence West 6 rods, thence South 26 2/3 rods, thence East 6 rods to the point of beginning. Containing approximately one acre.

Including the following water rights:

Irrigation water to 0.6 minors inch from Deep Creek waters under State of Idaho Water License #13-2264; Grantees to pay proportionate share of maintenance and power cost for water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

April 29, 1976

Eldon B. Bingham
Eldon B. Bingham

(NOTARY SEAL)



State of Idaho

County of Franklin

ss. On the

23rd

day of

April

A.D. 19 76

personally appeared before me

ELDON B. BINGHAM

the signor(s) of the within instrument, who duly acknowledged to me that he executed the same.

Lawrence D. Castleton
(NOTARY PUBLIC)

Residing at: Preston, Idaho

My Commission expires: Lifetime

Mail Good for

Mail tax notice for