

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

RECEIVED

MAY 30 2025

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 79576

Claim ID: 13-4107

Date Received: 6/2/25

Receipt No: P002021

Claim Fee: 50.00 By: MB

Please type or print clearly

1. Name of claimant(s) Matt Wayne Curry and/or Leanne S. Curry Phone (435) 512-2609
Mailing address 4143 S. 1600 W., Preston, Idaho Zip 83263
Street or Box City State
Email address (optional) mwcurry98@icloud.com
2. Date of priority: (Only one per claim) June 1, 1926 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Bear River
which is tributary to (b) Great Salt Lake
4. a. Location of point of diversion is: Township 16S, Range 39E, Section 20,
NW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Franklin
Parcel no. RP02714.00
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.
70 HP pump with frequency drive diverts water from the Bear River into buried pipeline. Water
can be delivered directly to Claimant's irrigated farmland or to a holding pond on Claimant's
property, from which a 40 HP pump can be used to deliver water to Claimant's irrigated farmland.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/01 to 11/01 amount 2.39 or _____

For Diversion to Storage purposes from 04/01 to 11/01 amount 1.0 or _____

For Irrigation Storage purposes from 01/01 to 12/31 amount _____ or 25

For Irrigation from Storage purposes from 04/01 to 11/01 amount 1.0 or _____

7. Total quantity claimed (a) 2.39 (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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.

ST = Storage

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	39E	17														19.4		4.5	23.9
16S	39E	20	20.7	0.2		25/ST													45.9
16S	39E	21						36.9	17.9										54.8

Parcel no(s) RP02725.00, RP02712.02, RP02726.00, RP02694.00 Total number of acres irrigated 83.7 AC within the 124.6 AC POU

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

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.
13-4244, 13-4278, Bear Lake Storage Water or None (☐)

13. Remarks (Include an explanation of the priority date selected):
This claim is based on statutory claim no. 13-4107. A 0.11 cfs portion of water right 13-4107 has been split off and is being separately claimed by Justin Curry.

Attachments:

- Map of Service Area and POD
- Statutory Claim no. 13-4107

Name of claimant(s) Matt Wayne Curry and/or Leanne S. Curry 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 13-4107

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: 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) Matt W. Curry Date: 30 MAY 2025

Leanne S. Curry Date: 5-30-2025

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

_____ of _____
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 _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, 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 Thomas J. Budge Date 5/30/2025

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Matt Wayne Curry and/or Leanne S. Curry Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

[illegible]

Source: Esri, Maxar/GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community; BLM, DL, DWR

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(Name of Claimant)

Telephone No. 852-2787

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1926

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Bear River tributary to Great Salt Lake

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

Claimed:		(Both dates inclusive)	
(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity <u>2.50 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 2.50 cfs TOTAL QUANTITY USED.

(cfr. gpd, AFA)

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

NW ¼ NE ¼ Sec. 20 Twp. 16S Rge. 39E B.M., County of Franklin

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. Describe any changes in the system and give the date of the change. 30 Hp. electric motor, 10" intake from the river into an 8" steel main. Rain-birds with 5/16" and 7/32" nozzles. (Originally diverted by gas motor)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 83.7

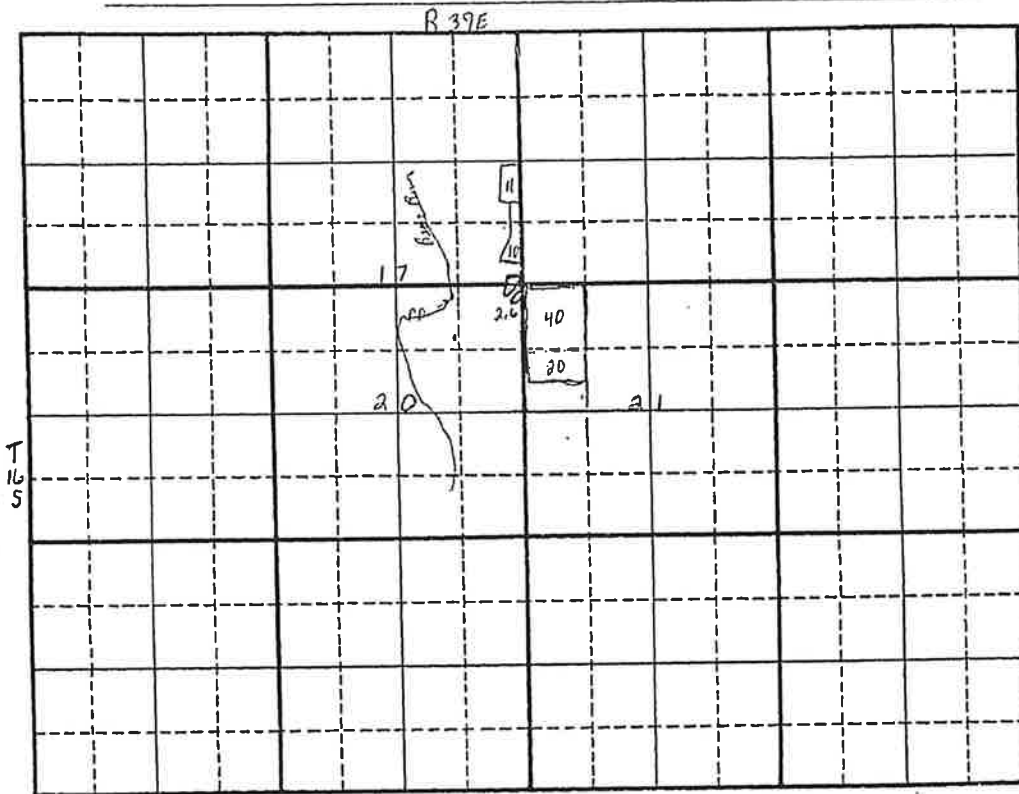
B) If water is used for other than Irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

Matt Wayne Curry and/or Leanne S. Curry

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Franklin) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 31st day of March, 1979.

[Signature]
(Claimant)

Gennie Weston
Notary Public
Residing at Preston, Idaho

Bond
My commission expires 7/25/82

83263

FOR DEPARTMENT USE ONLY

Received by _____ dh	Date <u>4-2-79</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>gc</u>	Date <u>4/2/79</u>			
\$20.00 fee received by _____ dh	Date <u>4-2-79</u> #12989			
Published in <u>Preston Citizen</u>				
Dates <u>April 12 & 19, 1979</u>				
Notice of Correction - May 24 & 31, 1979				

Matt Wayne Curry and/or Leanne S. Curry



RECEIVED

MAY 30 2025

IDWR/Preston

May 30, 2025

Idaho Department of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Re: Matt and Leanne Curry
Bear River Basin Adjudication Notices of Claims to Water Rights

To whom it may concern:

Enclosed please find for filing the originals of eighteen Notices of Claims to Water Rights filed on behalf of Matt and Leanne Curry, together with a check in the amount of \$403.00 for the filing fees, broken down as follows:

Claim 1 (Domestic): \$25 flat fee
Claim 2 (Stockwater): \$25 flat fee
Claim 3 (Stockwater): \$25 flat fee
Claim 4 (13-4244): \$50 flat fee + \$85 (\$1.00 per acre x 85 acres) + \$50 for stockwater (\$100 per cfs x 0.5 cfs) = \$185.00
Claim 5 (13-4107): \$50 flat fee + (no variable fee, claiming same POU acres) = \$50.00
Claim 6 (13-4278): \$50 flat fee + \$3 for stockwater (\$100 per cfs x 0.03 cfs) + \$40 (\$1.00 per acre x 40 acres) = \$93

Total: \$403.00

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Tessa Sparrow'.

TESSA SPARROW
Paralegal

Enclosures

c: Matt and Leanne Curry