

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04148  
Date Received: 4/04/1990  
Receipt No: EG12-77C  
Received By: EPH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CITY OF ARIMO 208-254-3119  
Address: P.O. BOX 61  
ARIMO, ID 83214

2. Date of Priority: OCT 01, 1924

3. Source: CHATTERTON SPRINGS Trib. to: SINKS

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 10S      | 37E   | 11      | SW     | NW     | SW     |     | BANNOCK |

5. Description of diverting works:  
COLLECTION BOX AND PIPELINE

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S | (or) | A.F.A. |
|-----------|-------|-------|-------|------|--------|
| MUNICIPAL | 01/01 | 12/31 | 0.330 |      |        |

7. Total Quantity Appropriated is:  
0.330 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
M/ WATER FOR CITY OF ARIMO.

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use  | Acres |
|----------|-------|---------|--------|--------|-----|------|-------|
| 10S      | 37E   | 7       | NE     | SE     |     | MUNI |       |
|          |       |         | NW     | SE     |     | MUNI |       |
|          |       |         | SW     | SE     |     | MUNI |       |

A29-04148

Page 1

Date: 04/04/90

MICROFILMED

NOV 13 1992

A2904148



10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use  | Acres |
|----------|-------|---------|-----|----|-----|-----|------|-------|
| 10S      | 37E   | 7       | SE  |    | SE  |     | MUNI |       |
|          |       | 17      | NW  |    | NW  |     | MUNI |       |
|          |       |         | SW  |    | NW  |     | MUNI |       |
|          |       |         | NW  |    | SW  |     | MUNI |       |
|          |       | 18      | NE  |    | NE  |     | MUNI |       |
|          |       |         | NW  |    | NE  |     | MUNI |       |
|          |       |         | SW  |    | NE  |     | MUNI |       |
|          |       |         | SE  |    | NE  |     | MUNI |       |
|          |       |         | NE  |    | SE  |     | MUNI |       |

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
A29-07334

14. Remarks:  
MUNICIPAL PURPOSES FOR CITY OF ARIMO

15. Basis of Claim: STATUTORY CLAIM

16. 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 Snake 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 Organizations:**

I do solemnly swear or affirm that I am MAYOR of  
Title  
CITY OF ARIMO, that I have signed the foregoing  
Organization  
document in the space below as MAYOR of  
Title  
CITY OF ARIMO and that the statements contained in the  
Organization  
foregoing document are true and correct.

Kurt G. Anderson  
Signature of Authorized Agent

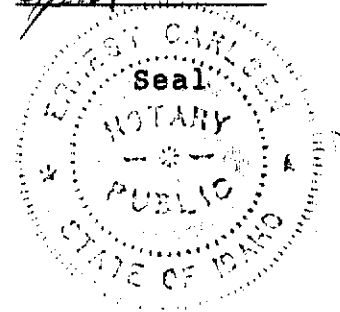
Mayor of City of Arimo  
Title and Organization

4-4-90  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 4 day  
of April 19 90

Ernest Carlson  
Notary Public



Residing at Blake Falls, ID

My Commission Expires 6-14-1994



8

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NOV 13 1992

S

Twp. 10 S.  
R6E 37E.



10 11  
15 14

MICROFILMED  
NOV 13 1992

Under the provisions of Section 42-243, Idaho Code, any person living or claiming right in the public waters of Idaho established by divorce and application to a beneficial use must file a bill with the Department of Water Reclamation on or before June 30, 1918. Extended from this filing are single family domestic uses as defined in Section 42-234d, Idaho Code. Also established are rights represented by a parent, trustee, decedent, adjudicated right, or a legally filed claim.

When being in the station alone that afternoon, the station agent admitted that he knew the Fish and Wildlife Service had a contract with the station.

Noted to have been paid \_\_\_\_\_ CITY OF ARIZONA  
(Name of Claimant)  
Box 61 Arizona Idaho 83214 \_\_\_\_\_  
(Mailing Address) (Zip Code) Telephone No. 254-8807

Distinct right to the steam heat and beneficial use of the surface or ground water, the extent and nature of said claim is as follows: *October* *1924* month and day not available

- During a report to the Department of the Interior, the following information was obtained:
- (1) Date of priority claim was the water first applied to a beneficial use: 1924 Month and day not available  
A claim in the Department of the Interior was filed with a priority date March 28, 1924 for an artesian water source within a priority date May 20, 1921. An exception to that claim may be filed on a single family domestic use from a ground water source.
- (2) Describe the nature of waters (rivers or streams, lake, spring, etc., or ground water):  
Chattahoochee Springs  
Artesian
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:  
Irrigation  
1924 Water Industrial

| Quantity             | Unit | Period of Use From | to |
|----------------------|------|--------------------|----|
| Quantity             | Unit | Period of Use From | to |
| Quantity             | Unit | Period of Use From | to |
| Quantity             | Unit | Period of Use From | to |
| Quantity             | Unit | Period of Use From | to |
| Quantity             | Unit | Period of Use From | to |
| TOTAL QUANTITY USED. |      |                    |    |

- 1) At Point of Diversion (Location of point where water is diverted from its source)  
 NW 1/4 Sec 11 Twp 100 N. 37E R. 1M, County of Sedro Blaine  
 Additional points of diversion:
- 2) Describe means of diversion of water (pump and pipeline, wall, diversion dam, reservoir, length of ditch and field, etc.), size pipe and collection to be as small as possible. Describe any changes in the system and give the date of the change. State if lined or not. Slotted pipe are used to gather water and are buried to main collection box and then lined to City
- 3) Describe location of use by listing number of irrigated acres within each ADAS's tract in appropriate box. If not used for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. 31 6444

It is not to used for other than irrigation, fully discharge that use, being a device as possible.

NOTE: Working with the type and number of back washes

- NOTE: Marking this box will not authorize release of the document.  
 If you are obtaining water on a subscriber to an organization, we have a obligation.

1. Name of the map



Scale: 1 inch = 1 mile

This should show the location of the point of division 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 Blaine

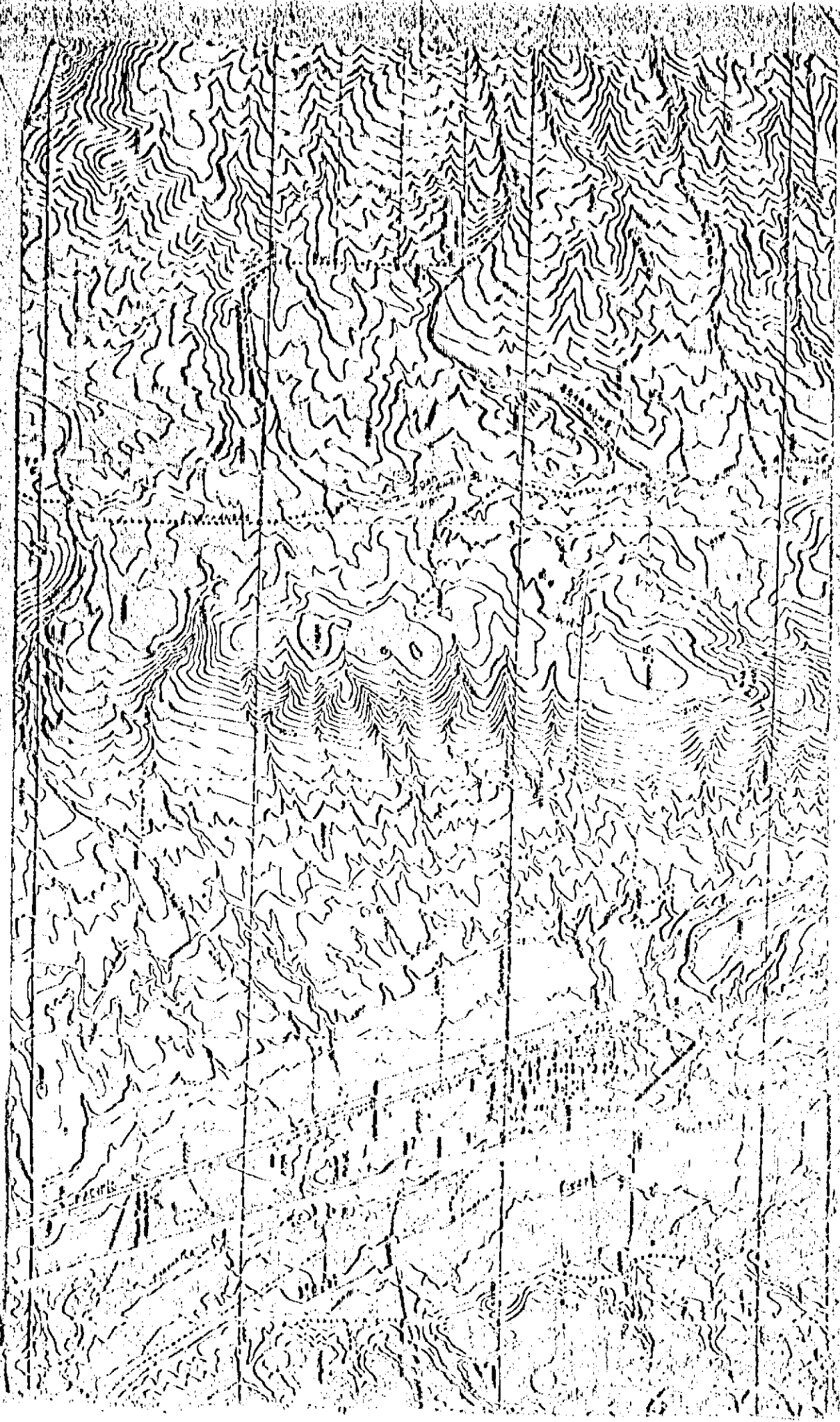
Be it known that the undersigned, being duly sworn, depose and say that he, she, they subscribed the foregoing plat as a water right, and that all the facts therein stated, and that the water and said minerals are used to the best of the applicant's knowledge.

Subscribed and sworn to before me this 25 day of August

William F. [Signature]  
Notary Public  
Blaine, Idaho

My commission expires 4/4/81

On 8-18-76 FOR DEPARTMENTAL USE ONLY  
Received by [Signature] Date 8-18-76  
Examined by [Signature] Date 8-18-76  
Approved by [Signature] Date 8-18-76  
Forwarded to [Signature] Date 8-18-76



THE UNIVERSITY OF CHICAGO  
LIBRARY  
1100 EAST 58TH STREET  
CHICAGO, ILL. 60637

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LIBRARY  
1100 EAST 58TH STREET  
CHICAGO, ILL. 60637  
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CHICAGO, ILL. 60637

## **MEMORANDUM**

**21 May 2001**

**To: The File**

**From: A Ruberry**

**Subject: Telephone conversation**

**RE: A29-04148**

Returned a voice mail message today to Jean Anderson, Mayor of the City of Arimo. She has concerns regarding the second letter sent to her, requesting flow measurement data for the spring claimed by the city. She has sent information regarding the Priority Date but has not sent flow data. Accordingly, she says they haven't used the spring in recent years but they want to keep the water right (claim).

During the discussion she told me that the City has hired an engineering firm to evaluate the city water system. They will be measuring the system and sources. I told her that I would hold off on the recommendation, waiting on the flow measurement data from the engineering firm as long as I had it within the next 6 months or so.

I explained the adjudication process and it's purpose. Further, that I would come down to meet her and she or her husband (ex-mayor) could show me the system. She said they would do just that.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 8, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CITY OF ARIMO  
OFFICE OF THE MAYOR  
PO BOX 61  
ARIMO ID 83214

RE: NOTICE OF CLAIM NUMBER A29-04148

Dear Sir:

This letter is the second and final request for flow measurement data. Please see the attached letter dated March 1, 2001.

If we do not receive this information within the next 30 days your claim will be disallowed.

Sincerely,

Allen Ruberry  
Senior Water Right Agent

Enclosure: 1

29-04148

42-243 IC

Original claim filed 25 August 1979. Priority date to month and day established by default (IDWR policy) when month and day are not declared. Thus, October 1, 1924.

Q1 Is claimed as 150 gpm on Original claim  $\Rightarrow$  0.40 cfs

Q2 SRBA claims 148 gpm  $\Rightarrow$  0.33 cfs

Q3 Published Nov. 1979 as 0.33 cfs

RECEIVED  
FEB 28 2001  
Department of Water Resources  
Earth Sciences

April , 2001

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
900 N. Skyline Dr. Suite A  
Idaho Falls , Idaho 83402-1718

RE: Snake River Basin Adjudication (SBRA) [REDACTED]

To whom it may concern:

I, the under signed , having resided in the City of Arimo in excess of 50 years, and having been actively involved in the implementation and operation of the water system do hereby attest that the Chatterton Spring has been an important part of the City water system since its acquisition in 1925. The waters from the spring have been connected through pipes into the water collection and storage tank. These waters have combined with those taken from the well and pumped through the city system.

*Nelson D. Tippet* 5-30-2001

100-111-10  
10011  
100-111-10  
10011

April , 2001

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
900 N. Skyline Dr. Suite A  
Idaho Falls , Idaho 83402-1718

RE: Snake River Basin Adjudication (SBRA) Claim to Water Right A29-o4148

To whom it may concern:

I, the under signed , having resided in the City of Arimo in excess of 50 years, and having been actively involved in the implementation and operation of the water system do hereby attest that the Chatterton Spring has been an important part of the City water system since its acquisition in 1925. The waters from the spring have been connected through pipes into the water collection and storage tank. These waters have combined with those taken from the well and pumped through the city system.

*Kenneth Capell 5/30/01*

April , 2001

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
900 N. Skyline Dr. Suite A  
Idaho Falls , Idaho 83402-1718

RE: Snake River Basin Adjudication (SBRA) Claim to Water Right A29-o4148

To whom it may concern:

I, the under signed , having resided in the City of Arimo in excess of 50 years, and having been actively involved in the implementation and operation of the water system do hereby attest that the Chatterton Spring has been an important part of the City water system since its acquisition in 1925. The waters from the spring have been connected through pipes into the water collection and storage tank. These waters have combined with those taken from the well and pumped through the city system.

*James H. Gunter Jr.*

RECEIVED

APR 09 2001

Department of Water Resources  
Eastern Region

## CITY OF ARIMO

Office of the Mayor  
P.O. Box 61  
Arimo, Idaho 83214115 Henderson  
208-254-3507  
Fax #208-254-3507 \*51State of Idaho  
DEPARTMENT OF WATER RESOURCES  
900 N. Skyline Dr. Suite A.  
Idaho Falls, Idaho 83402-1718

RE: A29-04148

## To Whom it May Concern:

I, the undersigned was part the crew who, in August of 1994 along with Ashley Payne (dec.) and Johnathan McDaniels further developed the water source known as Chatterton Spring, East of Arimo. At that time I was Mayor of Arimo. We had Camble Construction of Lava Hot Springs do the backhoe work. We measured the amount of water flowing from that spring at that time. Our estimation of the amount of water flow was 35 gallons per minute.

*Keith G. Anderson*  
Keith G. Anderson 4-06-01

SUPPORTING BY,  
EVIDENCE:  $\frac{35 \text{ gpm}}{448^{\text{B}} \text{ gpm}} = 0.078 \text{ cfs}$

CLAIMED:  $(0.33 \text{ cfs})(448^{\text{B}}) = 148^{\text{I}} \text{ gpm}$

APR

# CITY OF ARIMO

Office of the Mayor  
P.O.Box 61  
Arimo, Idaho 83214

RECEIVED

APR 09 2001

Department of Water Resources  
Eastern Region  
115 Henderson

208- 254-3507

Fax #208- 254-3507\*51

April 2, 2001

State of Idaho  
DEPARTMENT OF WATER RESOURCES  
900 N. Skyline Dr. Suite A  
Idaho Falls , Idaho 83402-1718

RE: Snake River Basin Adjudication (SBRA) Claim to Water Right A29-o4148

Dear Allen Rueberry,

In response to your inquiry and as a follow up to our phone call, I have acquired the inclosed statement from a person who can give us a verbal testimony as to the flow of water coming from the Chatterton spring as of August 1994.

I am in the process of acquiring a statement by a person or persons who were involved in the original implementing of waters from the spring into the city system. These gentlemen will not be in the city for two weeks.

Regards,

  
Jean Anderson  
Mayor

1 March 2001

City of Arimo  
Office of the Mayor  
PO Box 61  
Arimo ID 83214

Office of the Mayor  
Joan Anderson  
254-3119

Water Commissioner  
Chair Monson  
254-3178

RE: Snake River Basin Adjudication (SRBA), Claim to Water Right A29-04148

Dear Mayor Anderson:

I have started review of the SRBA water right claims in the Portneuf River area. The above referenced claim is for part of the water system for the City of Arimo

This claim is based on beneficial use dating to 1924. This type of claim requires flow measurements to confirm quantity claimed for beneficial use. In this case, pumping or flow records, which date from 1980 to 1987, will satisfy this requirement. Therefore, by this letter, I am requesting copies of the flow records for this source. I have enclosed a copy of the claim referenced for your perusal.

**Please provide the documentation requested showing the basis for the SRBA claim referenced above within the next 30 days. Without the requested data the claim will be recommended as disallowed.**

**Address correction is requested.**

I look forward to your timely response, should you have questions regarding this matter please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc; file

Enclosures; Claim 29-04148 (copy)

Statement supporting  
the Priority date  
will be forthcoming  
from Joan Anderson,  
Mayor of Arimo.

AJ5809NP  
No. A29-04148

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/94  
PAGE: 9

| OWNER<br>CODE    | NAME & ADDRESS                                                 | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | CITY OF ARIMO<br>PO BOX 61<br>ARIMO ID 83214<br>(208) 254-3119 | 10/01/1924       | MUNICIPAL | 01-01 12-31           | 0.33 CFS          |                     |
| TOTAL DIVERSION: |                                                                |                  |           |                       | 0.33 CFS          |                     |

Water Source: CHATTERTON SPRINGS

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R37E S11 SWNWSW

BANNOCK County

Place of use Legal Description for: MUNICIPAL

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |   |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |
| 10S | 37E | 7  | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : | M    | M    | M    | M    | : |
| 10S | 37E | 17 | : |      |      |      |      | :  |      | M    | M    |      | : |      | M    |      |      | : |      |      |      |      | : |
| 10S | 37E | 18 | : | M    |      | M    |      | :  |      |      |      |      | : |      |      |      |      | : | M    |      |      |      | : |

POU County: BANNOCK

Non-Irrigation Uses: M/ WATER FOR CITY OF ARIMO.

Other Rights: A29-07334

Remarks: MUNICIPAL PURPOSES FOR CITY OF ARIMO

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

## A G R E E M E N T .

THIS AGREEMENT, Made and entered into this 19th day of January 1925, by and between Heber J. Chatterton and Effie Pearl Chatterton, husband and wife, of Arimo, Bannock County, Idaho, parties of the first part, and the Village of Arimo, a municipal corporation of Bannock County, Idaho, party of the second part; WITNESSETH:

THAT, WHEREAS, the party of the second part has constructed a municipal water distributing system, which system has its head works in what are commonly known as Arkansas Springs, which have heretofore been purchased by the party of the second part from William R. Tripp and Annie Tripp, which said springs are located upon the land hereinafter described, which said lands were conveyed by the parties of the first part to the party of the second part; and,

WHEREAS, The parties of the first part have executed and delivered to the party of the second part warranty deeds, whereby and by the terms whereof they have conveyed to the party of the second part the following described real estate, to-wit:

An easement for a right of way for a pipe line for conveying water for municipal purposes, which right of way is described as being a strip of land 25 feet wide, having its general route and termini as follows:

Beginning at a point lying North 1,693 feet from the Southeast Corner of Section 10, Township 10 South, Range 37, East of the Boise Meridian, thence running North 80° 01' East 829.5 feet to a point lying North 23° 34' East 2,040 feet from the Southeast Corner of Section 10, Township 10 South, Range 37, East of the Boise Meridian;

Also, beginning at a point which lies North 28° 4' East 1,750.5 feet from the Southeast Corner of Section 10, Township 10 South, Range 37, East of the Boise Meridian, and thence running North 1° 21' West 400 feet, thence North 88° 39' East 600 feet; thence South 1° 21' East 400 feet; thence South 88° 39' West 600 feet to the place of beginning, containing 5.50 feet, more or less;

AND, WHEREAS, the parties to this agreement have jointly laid a pipe-line from a cement box located in the head works of the water system of the party of the second part to the house of the parties of the first part for the purpose of conveying to the parties of the first part the water hereinafter specified; NOW, THEREFORE,

For and in consideration of the premises and of the covenants herein expressed, it is agreed as follows, to-wit:

1. That the said pipe-line laid from the said cement box in the head works of the water distributing system of the party of the second part to the house of the parties of the first part shall hereafter be the property of the parties of the first part, the obligation resting upon them wholly and completely to keep said pipe-line in repair;

2. That the parties of the first part are to receive from the party of the second part, through the pipe-line aforesaid, water for domestic and culinary purposes in a quantity not exceeding one (1) gallon per minute, continuous flow; 1440 gpd

3. That the parties of the first part relinquish and release all right or claim of every kind or nature in and to the said Arkansas Springs, either as against the party of the second part to this agreement or against William R. Tripp or any successor in interest and recognize that in settlement of the matters referred to in this agreement they are to receive the one gallon of water per minute, continuous flow, through said pipe-line in lieu of any other claim to any

POOR ORIGINAL

water whatsoever from said Springs or their tributaries.

This agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties hereto and shall be considered a covenant running with the land of the parties of the first part.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Heber J. Chatterton  
Effie Pearl Chatterton  
Parties of the First Part.

Attest:

Secretary.

VILLAGE OF ARIMO, a municipal corporation,

Chairman.

STATE OF IDAHO, )  
COUNTY OF BANNOCK ) ss.

On this 19th day of January, 1925, before me Wilford Olsen, Justice of the Peace, Arimo Precinct, in and for said County and State, personally appeared Heber J. Chatterton and Effie Pearl Chatterton, husband and wife, known to me to be two of the parties who subscribed the above and foregoing instrument, and they duly acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Wilford Olsen  
Justice of Peace, Residing at  
Arimo Precinct, Idaho,  
Arimo, Idaho

NOV 13 1925