

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: A29-04398
Date Received: 5/01/1990
Receipt No: E013991
Received By: ACJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELIASON LAND & CATTLE CO. 801-257-3756
Address: 350 E. 780 N.
TREMONTON, UT 84337

2. Date of Priority: JAN 01, 1951

3. Source: UNNAMED STREAM Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	5	NW	SE			BANNOCK

5. Description of diverting works:
DITCHES TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is ~~300.0~~ 115.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	5	NW	NW		IRR	15.0
			SW	NW		IRR	7.0
			SE	NW		IRR	24.0

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Date: 05/01/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.0
					Total Acres	46.0

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:
NONE

14. Remarks:

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 ☒ 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 Director of
Title
Eliaison Land & Cattle Co., that I have signed the foregoing
Organization
document in the space below as Director of
Title
Eliaison Land & Cattle Co. and that the statements contained in the
Organization
foregoing document are true and correct.

David Eliaison
Signature of Authorized Agent
Director Eliaison Land & Cattle
Title and Organization
5-1-90
Date

State of Idaho)
County of Donnerville) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of may 19 90

Seal

Charles Gray
Notary Public

Residing at Wash Falls

My Commission Expires 5/29/1991

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04398	12S 37E	5		NW	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD						WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX NONE						R PREFIX NONE 29-02356				

SOURCE: UNNAMED STREAM

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04398	12S 37E	5		SW	SE			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD						AJ CLAIMS IN SAME 40 ACRE TRACT				
						A PREFIX R PREFIX				
29-02325						A29-02187 A29-02325A A29-02325B A29-02325C				
29-02356						NONE				

SOURCE: SPRING

TRIB: MARSH CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	37E	5		NW	SE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-04398

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	5	NW	NW		ELIASON LAND & CATTLE CO MC NEE, GERALDINE B	A29-04398 / 15.0 A29-02356 / 8.0	29-04398 / 40.0 29-02356 / 15.0			
12S	37E	5	SW	NW		ELIASON LAND & CATTLE CO MC NEE, GERALDINE B	A29-04398 / 7.0 A29-02356 / 9.0	29-04398 / 40.0 29-02356 / 15.0	42.0		
12S	37E	5	SE	NW		ELIASON LAND & CATTLE CO MC NEE, GERALDINE B	A29-04398 / 24.0 A29-02356 / 17.7	29-04398 / 40.0 29-02356 / 5.0	36.0		
ADDITIONAL POU FOUND											

TOTAL ACRES	A29-04398	46.00	120.00	78.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04398	UNNAMED STREAM	ELIASON LAND & CATTLE CO	2.070	0.045		
A29-02356	MARSH CREEK	MC NEE, GERALDINE B	0.700	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

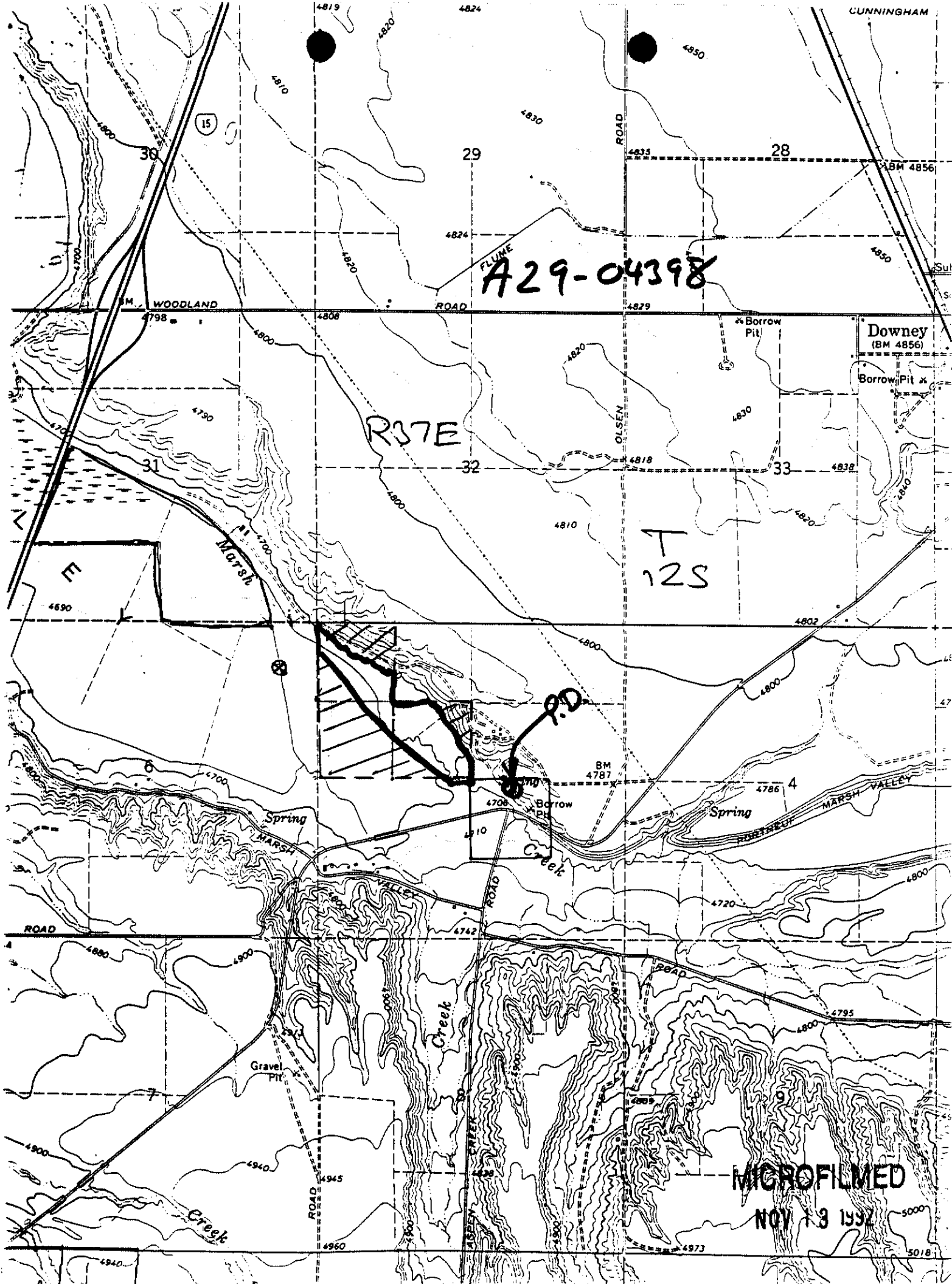
N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()



A29-04398

R37E

T 12S

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Log for claim A29-04398

Spatial Dynamics TWB

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	5	NWNW	15	16	
12s37e	5	SWNW	7	4.3	
12s37e	5	SEnw	24	21	
Totals:			46	41.3	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that Eliason Land & Cattle Co., an Idaho Corporation,
(Name of Claimant)

307 E. 200 So., Downey, ID, 83234

(Mailing Address)

Telephone No. 897-5946

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) January 1, 1951

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

unnamed spring tributary to Marsh Creek, Portneuf River

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

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>2 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity <u>.3 cfs</u>	Use <u>Stock water</u>	Period of Use From <u>Jan 1</u>	To <u>Dec. 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 2.3 cfs TOTAL QUANTITY USED.

(cfs, af)

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

SW ¼ SE ¼, Sec. 5 Twp. 12S. Rge. 37E B.M., County of Bannock

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. Ditches leading from spring downhill to places of use.

- (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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	37E	5						40	40	40									120

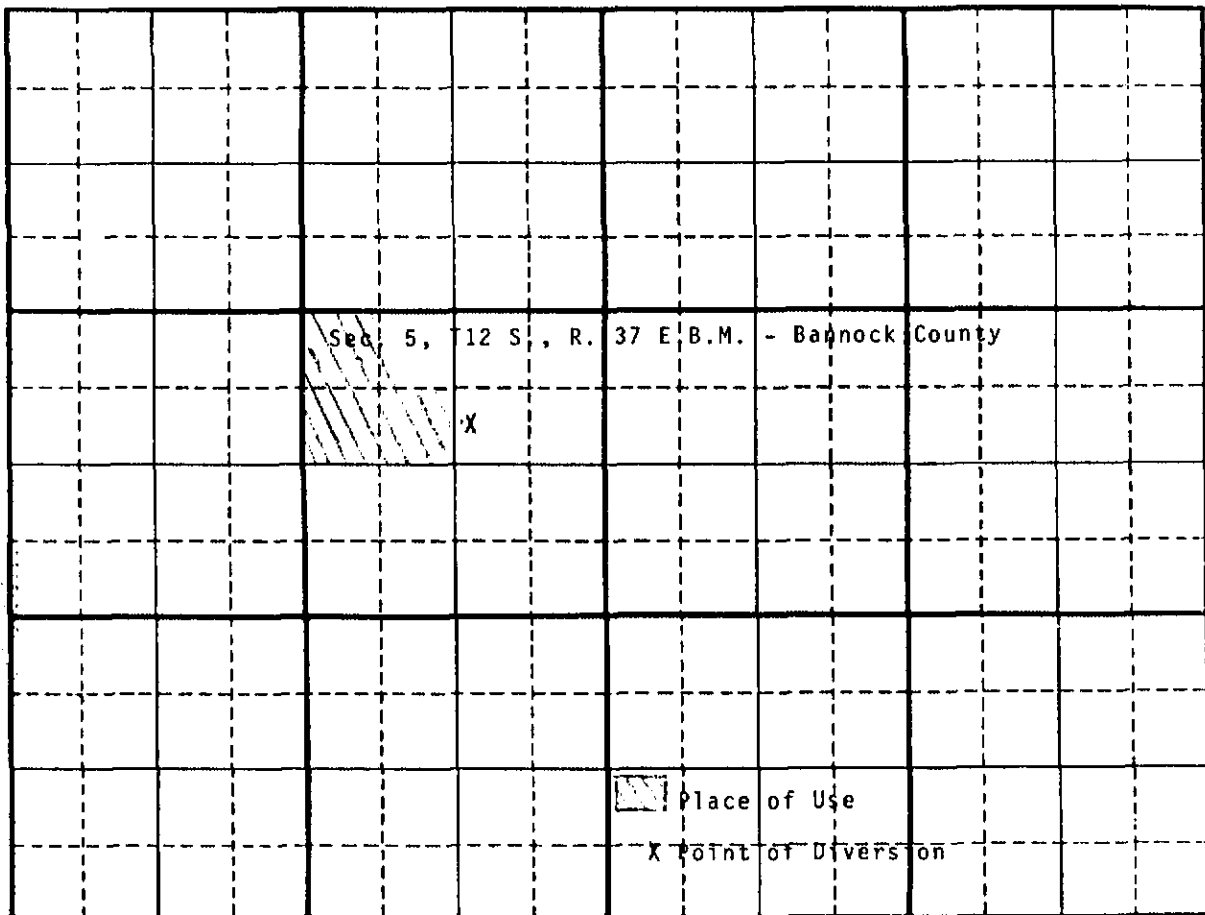
No. of acres 120

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock watering year around for varying number of cattle

NOTE: Include here the type and number of stock watered: approx. 150 cattle

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

(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.

Eliason Land & Cattle Co.,
By Butcherman, Jr.
(Claimant)

Sworn to before me this 21st day of June, 19 83.

Lowell D. Castleton
Notary Public LOWELL D. CASTLETON
Residing at Preston, ID

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by CW Date 6-24-83 Exception filed by: _____ Forwarded to: _____ Date: _____
Prelim. check by JEM Date 6-27-83 claimant by: _____
\$30.00 fee received by CW Date 6-24-83
Published in Idaho State Journal # 30217
Dates 8/11 - 8/16/83

DATE: 04/24/00
PAGE: 126

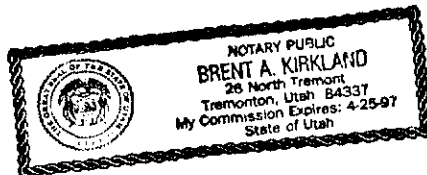
Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	05/01/90 JONES	07/22/94 THOMPSON	03/29/95 POST-STD

I, David Eliason have witness the irrigation and use of the water in Bannock county since the time my father purchased the ranch in the mid 1950's. The two water adjudication numbers are #A29-11925 and #A29- 04398. We have used and irrigated these two water claims for as long as we have owned it. I know that they irrigated this land before we bought it.

David Eliason

State of Utah, County of Box Elder) ss

On the 24th day of March, 1995 personally appeared before me DAVID ELIASON, the signer of the within document, who duly acknowledged to me that he executed the same.



Brent A. Kirkland
Notary Public in and for said
County and State

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MAR 28 1995
Department of Water Resources
Eastern District Office

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3-24-95

to whom it may concern

Here are two notarized affidavits
that support claims number A24-04398
and number A24-11925. If you are in need
of additional ~~information~~ documents, please
contact me at - 801 257-3756 or 780 N
350 E Tremonton, Utah, 84337.

Thank you
David Elson

RECEIVED

MAR 28 1995

Department of Water Resources
Eastern District Office

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NOV 13 1990

I, Von Bloxham have been a resident of Bannock county, living west of Downey for almost fifty years. During this time I have lived nexted to the Eliason Ranch and have witnessed the irrigation of their upper meadow which is number A29-04398. This meadow has been irrigated from a stream that flows into Marsh creek. Also during this time I have watched and helped irrigate the lower meadow which is #A29-11925. This meadow is irrigated from a stream that springs up on my property and also flows into marsh creek. I am very acquainted with this Ranch and know that it has been continually irrigated for at least fifty years.

Von G. Bloxham

On this 22nd day of March 1995 before me, a notary public residing in Bannock County, Idaho, appeared Von G. Bloxham known to me personally. My commission expires 3-11-97.

Carleen C. Deber

RECEIVED

MAR 28 1995

Department of Water Resources
Eastern District Office

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NOV 13 1990