

WATER APPROPRIATION.

Claimants, --

Edwin A. Lish, Walter Romriell, Eathen F. Cutler Jr. and Eathen F. Cutler Sr.

Date, --

June 18, 1902.

Recorded, --

June 18, 1902, 4:55 P. M. in Book "2" of of Water Appropriations, at page 137 of the Records of Bannock County, State of Idaho.

Subscribed and Sworn to, --

By Edwin A. Lish.
Before J. S. Campbell, Clerk of District Court in and for Bannock County, State of Idaho, June 18, 1902. (Seal)

Hereby claim the use of the waters of Rock Creek to the extent of ten cubic feet per second. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows. Near the Southeast corner of Section 1, Township 8 South of Range 36 East of the Boise Meridian. The purpose for which said water is intended to be used is for agricultural and domestic purposes. The place of intended use is on the land hereinafter described. It is intended to divert said water by means of a ditch or canal. The general course of the proposed canal is Westerly. The length of the proposed canal is one mile and one half. It is intended to use said water for irrigating the following described land.

SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 2, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 11, Town. 8 S. N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 11 and N $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 12, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 2, S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 1, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 2, all in Township 8 South of Range 36 East B. M.

It is intended to have the work for diversion and use of said water as aforesaid completed within one year.

Affidavit of Edwin A. Lish one of the Claimants: That the statements in said notice are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the place of intended diversion as provided by law on the 18th day of June 1902, at 54 minutes past 2 o'clock P. M.

*This Postoffice Notice does
NOT work for 29-4042
when claims 1955 Priority.*

3 B

WATER APPROPRIATION.

Claimant, -- Edward Murphy.
Date, -- June 17, 1902.
Recorded, -- June 19, 1902, 9:45 A. M. in Book "2" of
Water Appropriations, at page 140 of the
Records of Bannock County, State of Idaho.
Subscribed and
Sworn to, -- Before J. S. Campbell, Clerk of the District
Court in and for Bannock County, State of
Idaho, June 19, 1902. (Seal)

Hereby claims the use of the waters of Rock Creek to the extent of five cubic feet per second. It is intended to divert said water at or near the point where a copy of this notice is posted and more definitely described as follows: S.W. corner of Section 6, Tp. 8 South of Range 37 E.B.M. The purpose for which said water is intended to be used is for irrigation and domestic purposes.

The place of intended use is $SE\frac{1}{4}$ of $SW\frac{1}{4}$ and $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 1, $NE\frac{1}{4}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 12, Township 8 South of Range 36 E.B.M. It is intended to divert said water by means of canal or ditch. The general course of the proposed canal is Westerly. The length of the proposed canal is one mile. It is intended to use said water for irrigating the following described land: $SE\frac{1}{4}$ of $SW\frac{1}{4}$ and $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 1 and the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 12 in Township 8 South of Range 36 E.B.M. It is intended to have the works for diversion and use of said water aforesaid completed within two years.

Affidavit of Claimant: That the statements in said notice are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 18th day of June 1902, at 55 minutes past 4:00 o'clock P. M.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 20, 2001

Joyce Orders
1744 S Old Hwy 91
Inkom ID 83245

Response Attached

RECEIVED

DEC 13 2001

Department of Water Resources
Eastern Region

RE: EVIDENCE OF PRIORITY FOR A29-04042

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary evidence to support the priority date.

The above referenced Claim to a water right shows a priority date of June 1, 1955, claiming a source of Upper Rock Creek

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

In addition to this request, I am enclosing copies of two other letters requesting action with respect to this water right claim, which had no response from your office.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Cheri Undermaulen

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice(s) of Claim A29-04042

*Dear Mr. Ruberry,
If this isn't what you need
from me please let me know, and
I'll seek further*

*Thank you
Joyce Orders*