

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

05/14/2001

RIGHT NUMBER: 29-4352

NAME AND ADDRESS: ELMER JAY HARTVIGSEN FAMILY TRUST
ELMER JAY HARTVIGSEN TRUSTEE
PO BOX 267
DOWNEY, ID 83234

SOURCE: UNNAMED STREAM TRIBUTARY: ASPEN CREEK

QUANTITY: 0.15 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T12S R37E S34 ^{LT} SESE Within BANNOCK County
1

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.12 CFS
STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T12S R37E S34 NESE 4 T12S R37E S34 NWSE 2
STOCKWATER Use same as IRRIGATION
6 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

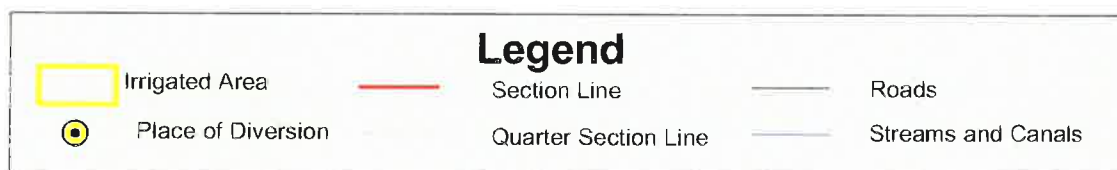
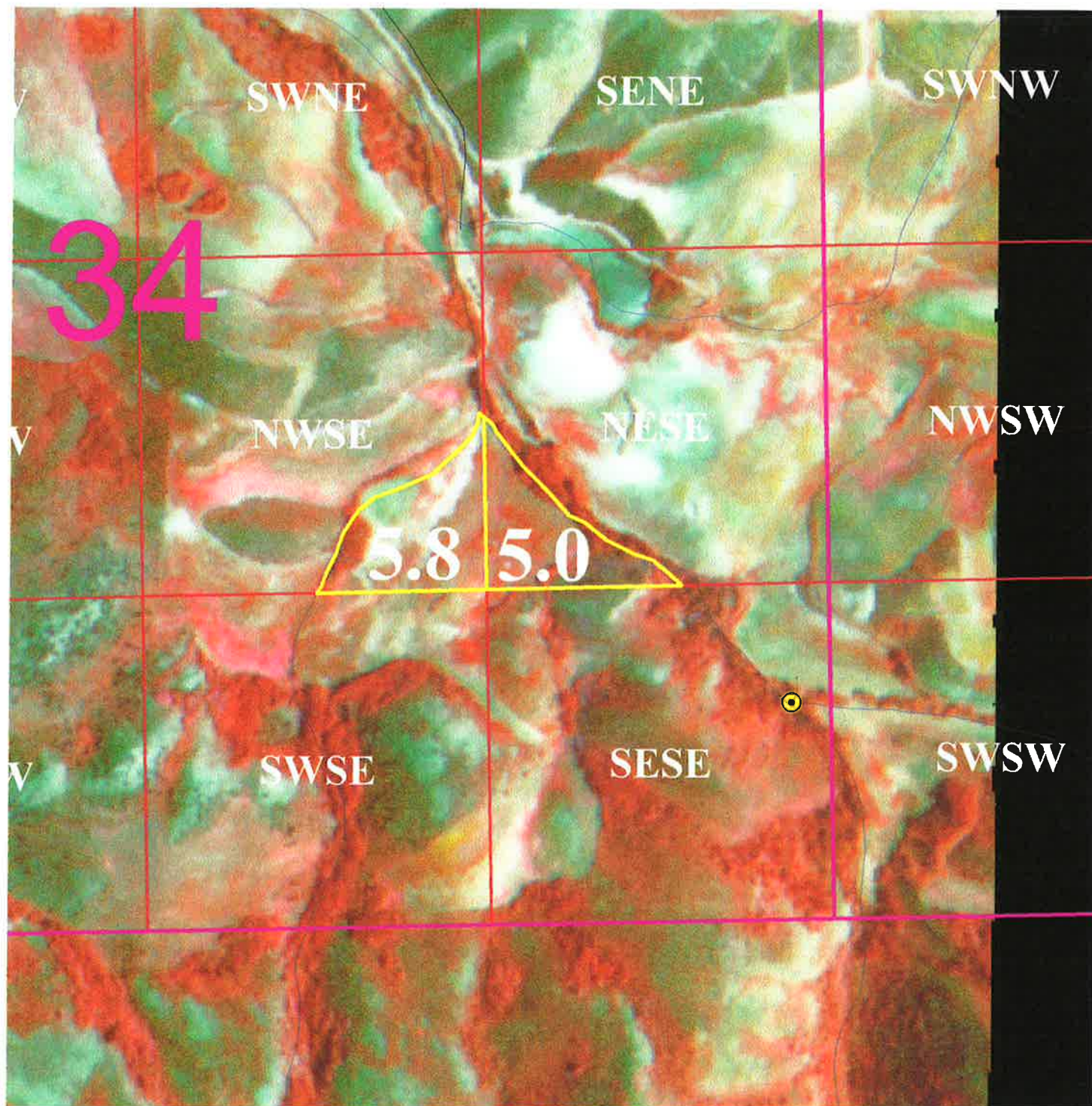
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

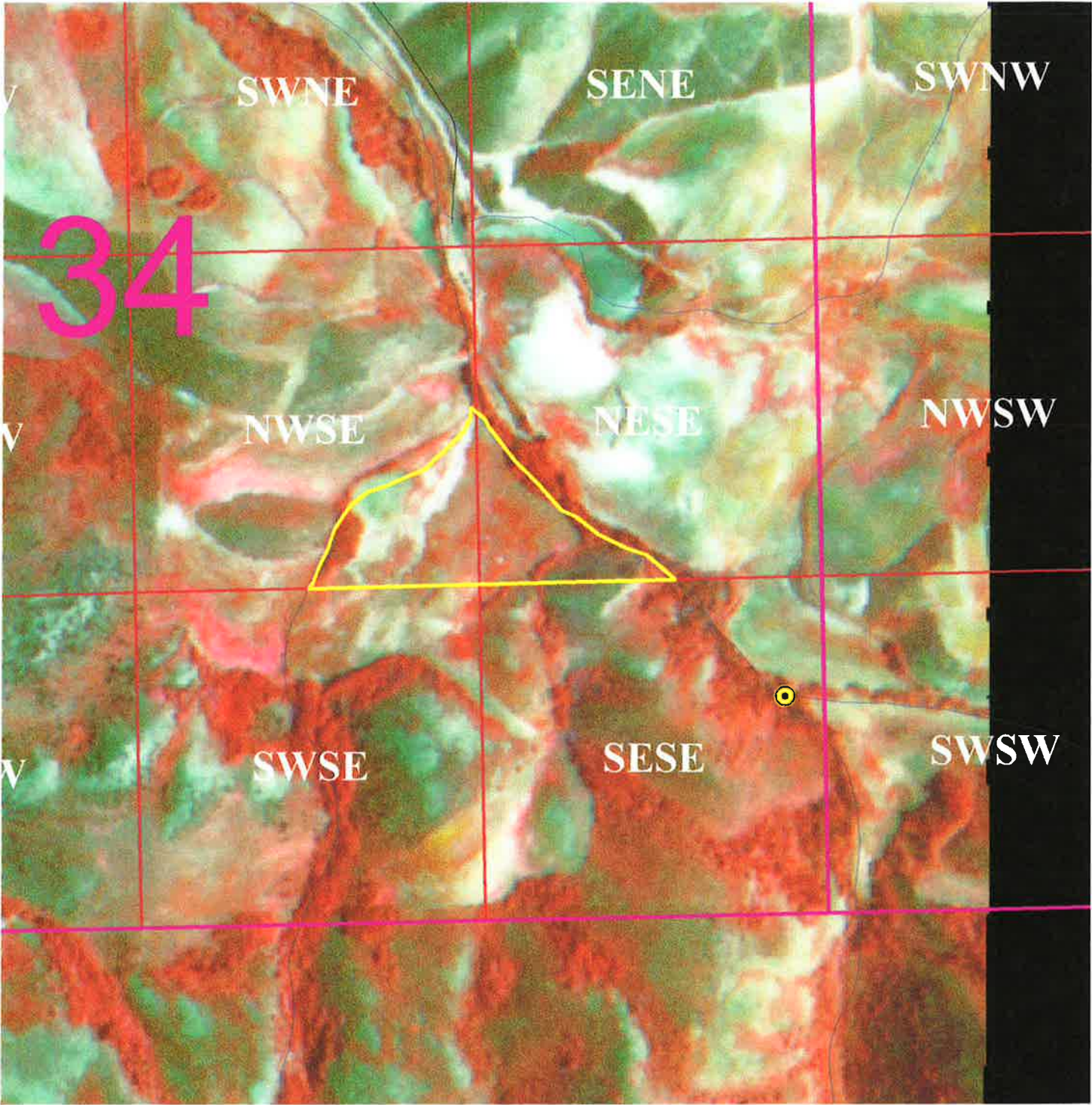
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 8 HORSES, 10 CATTLE, 10 PIGS, 200 CHICKENS

Township , 12S37E



Township , 12S37E



 Irrigated Area

 Place of Diversion

Legend

 Section Line

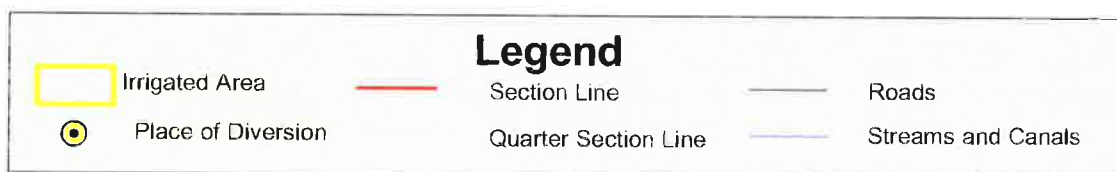
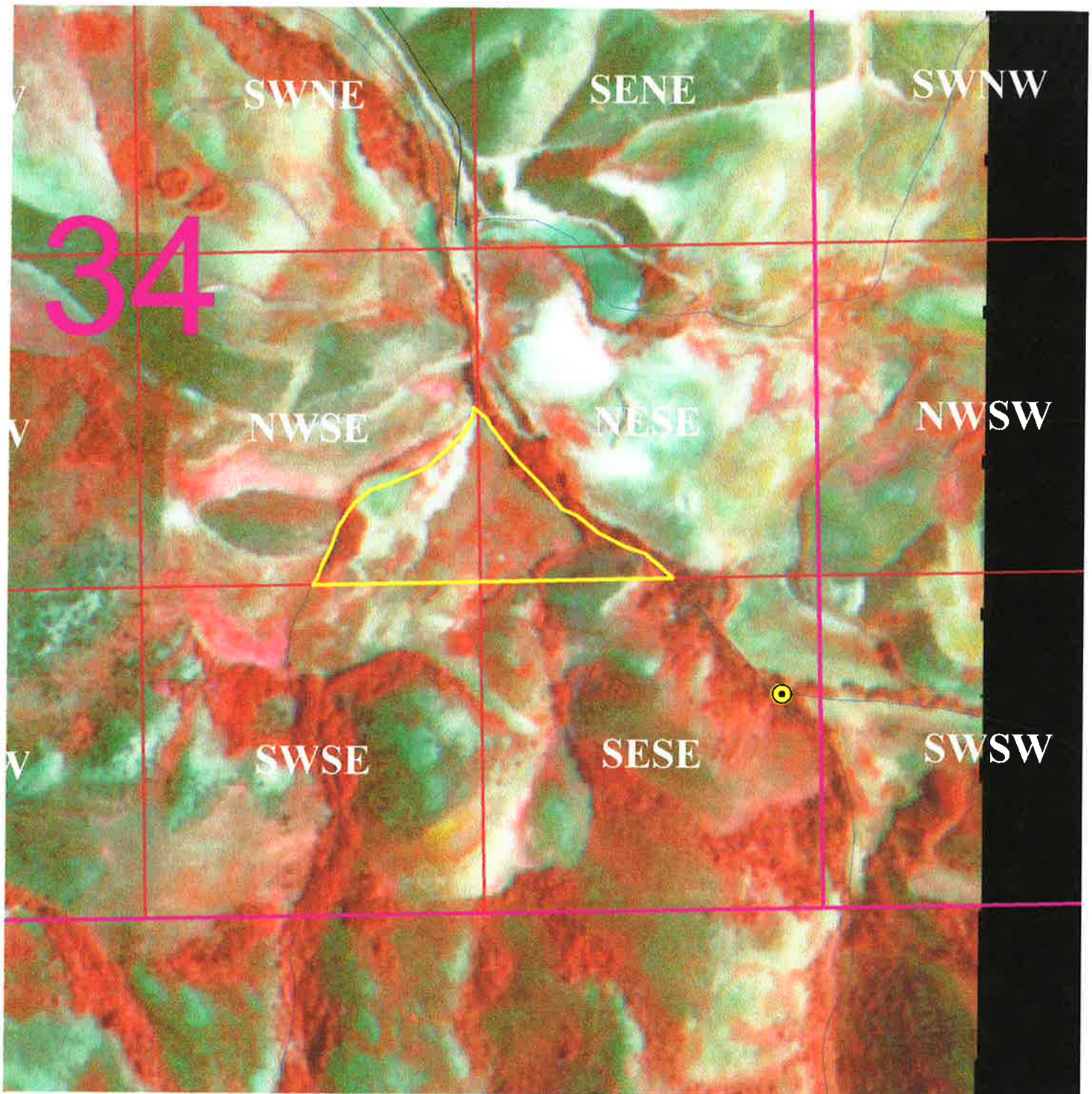
 Quarter Section Line

 Roads

 Streams and Canals



Township , 12S37E

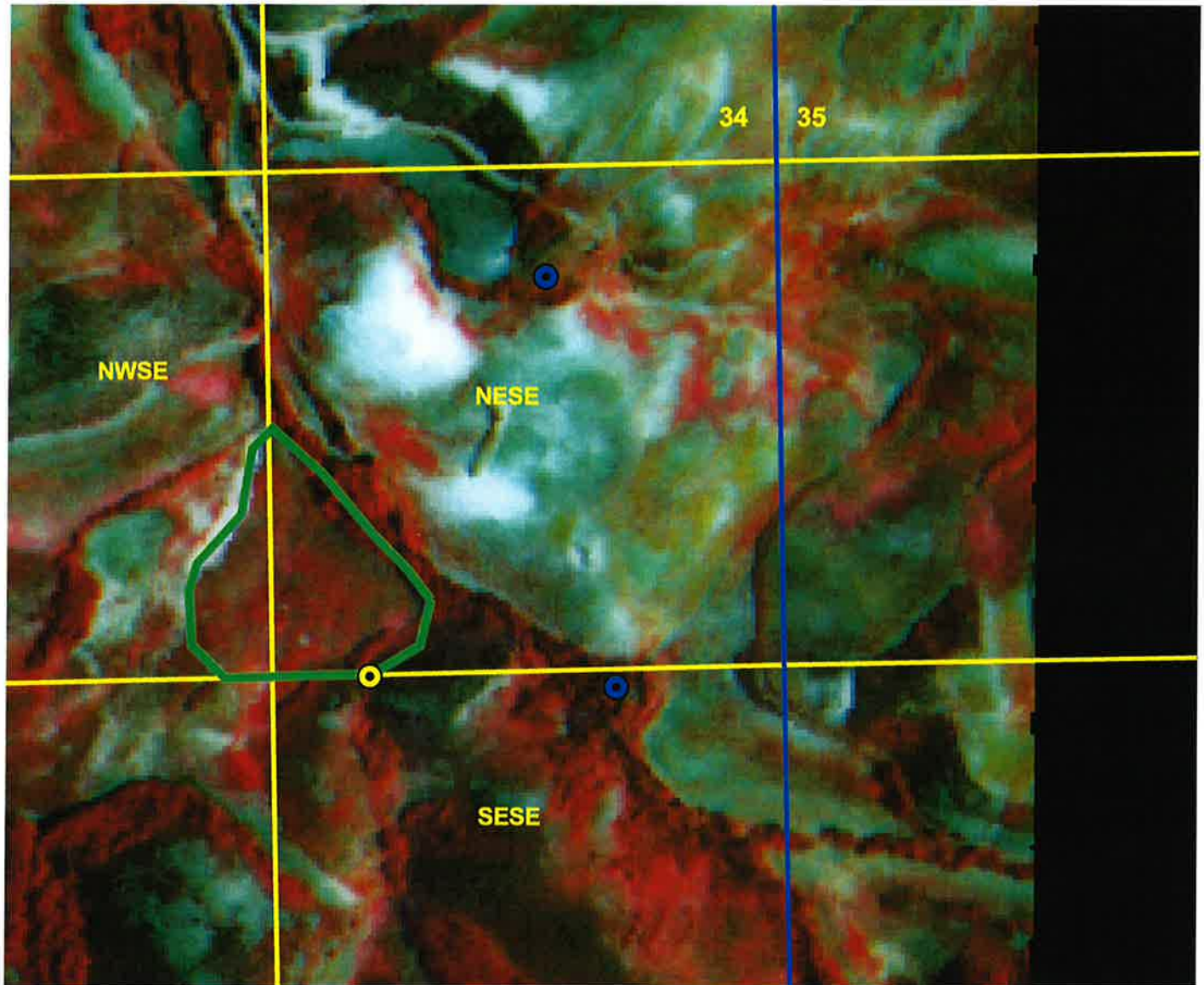


SCANNED

IDAHO DEPARTMENT OF WATER RESOURCES

29-04352

T12S, R37E SEC 34



ACRES IRRIGATED- 6



POINT OF DIVERSION



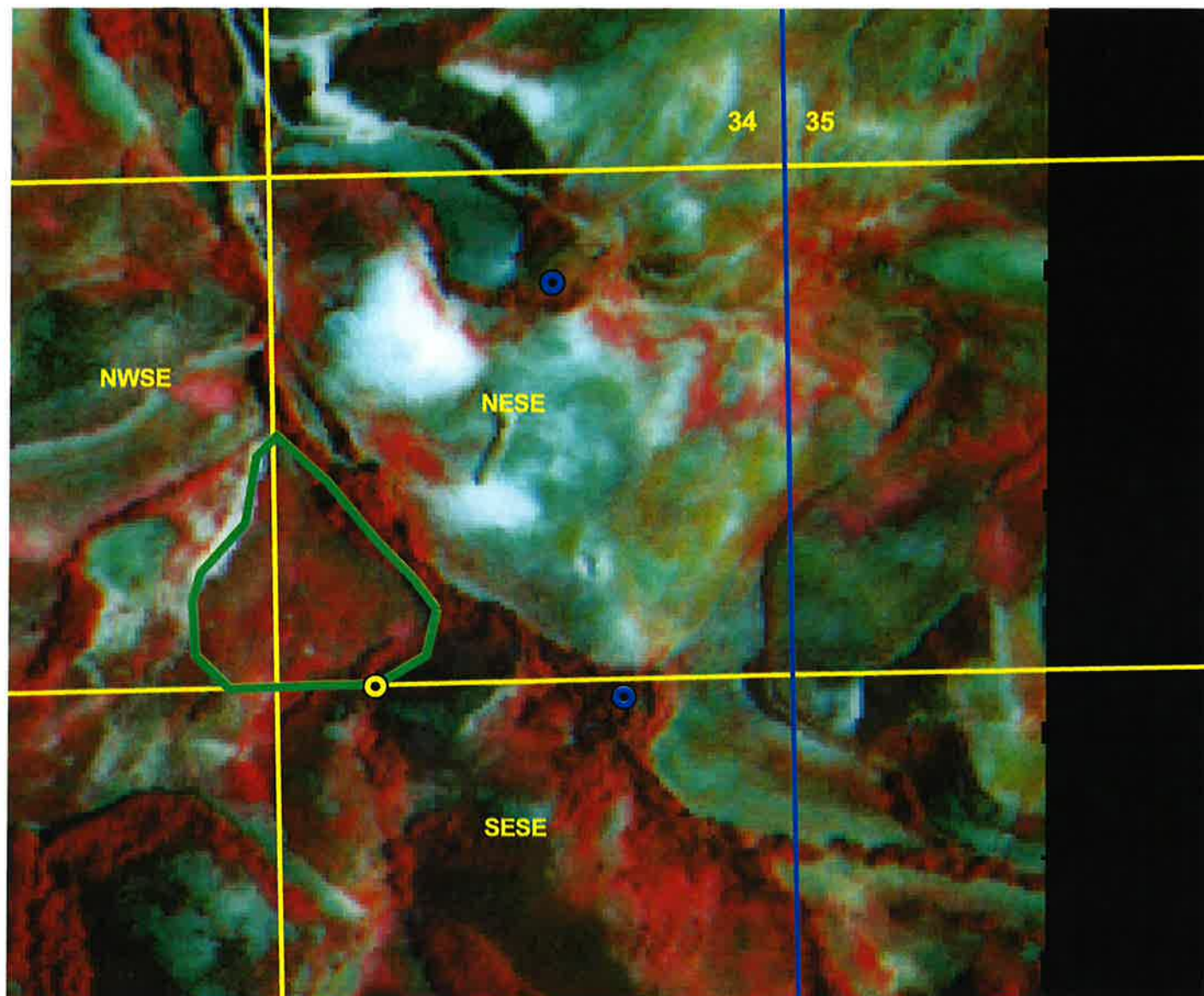
PLACE OF USE

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

IDAHO DEPARTMENT OF WATER RESOURCES

29-04352

T12S, R37E SEC 34



ACRES IRRIGATED- 6



POINT OF DIVERSION



PLACE OF USE

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

E. Jay Hartvigsen Family Trust

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

David B. Hartvigsen & D. Scott Crook
~~Nielsen & Senior~~ & ~~Harold A. Ranguist~~ Smith Hartvigsen, PLLC
60 E. South Temple, Suite 400 1150
Salt Lake City, Utah 84111
 Attorney's Phone (801) 532-1900 413-1600

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

29-4352

29-4353

29-4354

For Individuals:

Authorized signature(s) Date

29 June 1994

3 MARCH 2003

E. Jay Hartvigsen

E. Jay Hartvigsen

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____

PROFILED

SCANNED

Revised Date 4-03-92

SCA MAR 30 2006

M/ 3 26

SCANNED

MAY 24 2001

Log for claim A29-04352

Spatial Dynamics TWB

5/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	34	NESE	4	5	
12s37e	34	NWSE	2	5.8	
Totals:			6	10.8	CRP

pad
N42 19 57.1
W112 06 51.1

5869

DATE: 04/24/00
PAGE: 121

Audit: 04/30/90 DCARLSON 05/17/90 DCARLSON 07/06/94 THOMPSON 07/20/94 THOMPSON
03/29/95 POST-STD 04/02/96 JTHOMPSO

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 E. Jay Hartvigsen

(Name of Claimant)

984 Millbrook Way, Bountiful, Utah 84010

Telephone No. (801) 295 2456

(Mailing Address)

(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) April 1, 1915

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 Stream tributary to Quaking Aspen Creek

- (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>.12 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Oct 31</u>
Quantity	<u>.03 cfs</u>	Use <u>Stockwatering</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) .15 cfs TOTAL QUANTITY USED.

(cfs, af)

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

SE 1/4 SE 1/4, Sec. 34 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. Water is diverted by earthen ditch to the lands irrigated and for the watering of livestock

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	37E	34													3.5	2.5			6.0

No. of acres 6.0

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

As a supplemental supply together with water from Mud Spring and Quaking Aspen Creek to water 8 horses, 10 milk cows, 10 pigs, and 200 chickens.

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:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

APRIL 2, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HARTVIGSEN FAMILY TRUST
ELMER JAY HARTVIGSEN TRUSTEE
PO BOX 267
DOWNEY ID 83234

RE: CHANGE IN OWNERSHIP FOR A29-04352, A29-04353, AND
A29-04354

Dear Mr. Hartvigsen:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 13 1996



RECEIVED

MAR 27 1996

Department of Water Resources
Eastern District Office

Arthur H. Nielsen
Gary A. Weston
Earl Jay Peck
Neil R. Sabin
R. Dennis Ickes*†
Harold C. Verhaaren
Mark H. Anderson*
B. Kent Ludlow
Richard M. Hymas
John K. Mangum
Richard K. Hincks
Noel S. Hyde
Robert P. Faust
J. Craig Smith*
Jay R. Mohlman
David B. Hartvigsen*‡
Marilynn P. Fineshriber
Steven F. Allred*

Suite 1100, Eagle Gate Plaza & Office Tower
60 East South Temple, Salt Lake City, Utah 84111
Post Office Box 11808, Salt Lake City, Utah 84147
Telephone (801) 532-1900 — Fax (801) 532-1913

A Professional Corporation

Edwin W. Senior (1862-1925)
Clair M. Senior (1901-1965)

Also Licensed to Practice in

★ Arizona
★ California
‡ Colorado
× Idaho
† Navajo Bar
° New Mexico
• Washington, D.C.

Of Counsel
Harold A. Ranquist*

March 25, 1996

Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Notice of Change of Water Right Ownership

Dear Sirs:

Enclosed is a Notice of Change of Water Right Ownership form for Water Right Nos. A29-04352, A29-04353, and A29-04354. Please contact me if you have any questions or if anything else needs to be done. Thank you for your assistance in this matter.

Sincerely,

David B. Hartvigsen

DBH:st

Enclosure

MICROFILMED

NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAR 27 1996

Department of Water Resource:
Eastern District Office

DATE OF CLOSING: 3/25/96

LEGAL DESCRIPTION OF PROPERTY: Township 12 South Range 37 East
Sections 34 & 35, 1/4 of 1/4 of 1/4 of Govt. Lot , BM.

Lot , Block , Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet. (See attached deed.)

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) OKAR
Assigned by IDWR: A29-04352, A29-04353, and A29-04354
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Elmer Jay Hartvigsen
P.O. Box 267
Downey, Idaho 83234
- ☐ New Owner/Claimant (Purchaser): Elmer Jay Hartvigsen, Trustee of Elmer Jay Hartvigsen Family Trust
- ☐ New Mailing Address: P.O. Box 267
Downey, Idaho 83234
- ☐ New Telephone Number: (208) 251 - 3054
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Quit Claim Deed dated March 25, 1996
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Elmer Jay Hartvigsen, Trustee Date 25 MARCH 1996
Date
- ☐ Signature of Former Owner/Claimant(s) Elmer Jay Hartvigsen Date 25 MARCH 1996
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry

Date: 3-27-96 By: AR

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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NOV 13 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Return after recording to:
E. Jay Hartvigsen
P.O. Box 267
Downey, Idaho 83234

QUIT CLAIM DEED

ASPEN HOLLOW FARM

ELMER JAY HARTVIGSEN, Grantor, hereby quit claims to ELMER JAY HARTVIGSEN, Trustee of the ELMER JAY HARTVIGSEN FAMILY TRUST, dated March 23, 1996, Grantee, for valuable consideration, all of Grantor's interest in following described real property in Bannock County, State of Idaho:

The $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, the $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, the $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, the $S\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, and the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 35, Township 12 South, Range 37 East, B.M., Bannock County, Idaho, containing approximately 95 acres, more or less; and

The $NE\frac{1}{4}$, the $N\frac{1}{2}SE\frac{1}{4}$, and Lots 1 and 2 of Section 34, Township 12 South, Range 37 East, B.M., Bannock County, Idaho, containing approximately 320 acres, more or less;

Together with all improvements, water rights (specifically including Water Right Nos. A29-04352, A29-04353, and A29-04354), and other appurtenances thereto.

WITNESS the hand of said Grantor this 25th day of March, 1996.


Elmer Jay Hartvigsen

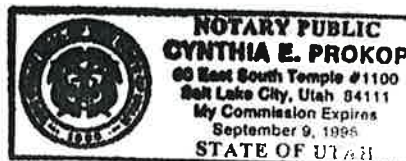
STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 25th day of March, 1996, Elmer Jay Hartvigsen personally appeared before me and duly acknowledged that he executed the foregoing instrument for the purposes indicated thereon.


Notary Public

MICROFILMED

NOV 13 1996



CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[X] Water Right Number (s): 29-4352
29-4353
29-4354

RECEIVED
JUL - 5 1994

Department of Water Resources
Eastern District Office

[X] Old Mailing Address: 1045 E. Claremont Dr.
Bountiful, Utah 84010

[X] New Mailing Address: P.O. Box 267
29487 S. Lundgren Road
Downey, Idaho 83234

New Telephone Number: (208) 251-3054

[X] Signature of Claimant: E. Jay Hartwigson
Date: 29 June 1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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NOV 13 1990

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED
JUN 5 1994
Department of Water Resources
Eastern District Office

Name(s) of Claimant (please print):

E. Jay Hartvigsen

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

David B. Hartvigsen & Harold A. Raugust

Nielsen & Senior

60 E. South Temple, Suite 1100

Salt Lake City, Utah 84111

Attorney's Phone (801) 532-1900

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

29-4352 ✓

29-4353 ✓

29-4354 ✓

For Individuals:

Authorized signature(s) Date

29 June 1994

E. Jay Hartvigsen

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____

MICROFILMED

NOV 13 1994

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: **A29-04352**
Date Received: 4/30/1990
Receipt No: E013817
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ELMER JAY HARTVIGSEN FAMILY TRUST 208-251-3054
Address: ELMER JAY HARTVIGSEN TRUSTEE
PO BOX 267
DOWNEY ID 83234

2. Date of Priority: APR 1, 1915

3. Source: UNNAMED STREAM Trib. to: QUAKING ASPEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	34	SE	SE			BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.120		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/8 HORSES, 10 MILK COWS, 10 PIGS, 200 CHICKENS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34	NE	SE		IRR	4.0
			NW	SE		IRR	2.0

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NOV 13 1990

10. Place of Use: Continued

Section Acres 6.0

Total Acres 6.0

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:
 CHANGED OWNERSHIP 4/2/96/JT/AR

15. Basis of Claim: STATUTORY CLAIM

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NOV 13 1996

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: A29-04352
Date Received: 4/30/1990
Receipt No: E013817
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. JAY HARTVIGSEN 208-251-3054
Address: PO BOX 267
29487 S LUNDGREN RD
DOWNEY ID 83234

2. Date of Priority: APR 1, 1915

3. Source: UNNAMED STREAM Trib. to: QUAKING ASPEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	34	SE	SE			BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.120		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/8 HORSES, 10 MILK COWS, 10 PIGS, 200 CHICKENS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34	NE	SE		IRR	2.0
			NW	SE		IRR	

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NOV 01 3 1990

10. Place of Use: Continued

Section Acres 6.0

Total Acres 6.0

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

NOV 13 1990

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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 _____

Address _____

Date _____

MICROFILMED
NOV 13 1994

1
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: A29-04352
Date Received: 4/30/1990
Receipt No: E013817
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. JAY HARTVIGSEN
Address: 1045 E. CLAREMONT DRIVE
BOUNTIFUL, UT 84010 801-295-7207

2. Date of Priority: APR 01, 1915

3. Source: UNNAMED STREAM Trib. to: QUAKING ASPEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	34	SE	SE			BANNOCK

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.120		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/8 HORSES, 10 MILK COWS, 10 PIGS, 200 CHICKENS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34	NE	SE		IRR	4.0
			NW	SE		IRR	2.0

A29-04352

Page 1

Date: 05/17/90

MICROFILMED
NOV 13 1992

A2904352



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

IN THE MATTER OF:)

Claims to Water Rights)
Filed by E. Jay Hartvigsen)

AFFIDAVIT

State of Idaho
County of Ada

Rudolph Lundgren, being first duly sworn, deposes and says:

That I am familiar with the use of water on the property now owned by E. Jay Hartvigsen on Quaking Aspen Creek in Bannock County, Idaho. My father, Nels Lundgren and my uncle, Emanuel Martin homesteaded adjoining pieces of land along the creek in 1915. These lands lie in Secs 34 and 35 T12S R37E BM. I was 17 years old at the time these homesteads were taken up and I worked on the property. The water from several springs and seeps was used for domestic, stockwatering and irrigation purposes. One of these springs, Mud Spring, was filed on by my father but Proof of Beneficial Use was apparently never submitted. I personally was on the property part of each year from 1915 to 1917 and then again from 1924 to 1930. In 1930 I took over my father's property and operated this farm from 1930 to 1971 when I sold it to the present owner.

In 1926 I personally piped the water from Mud Spring to the house where it continued to be used for domestic, stockwatering and irrigation. In all, about 4 acres were irrigated from the Mud Spring, about 7 acres along the east side of Quaking Aspen Creek and a small area from an unnamed stream to the west of Quaking Aspen Creek. We watered a total of 8 horses, 10 milk cows, 10 pigs and 200 chickens from the various water sources. The water also supplied the needs for one family. To my knowledge, the use of water has been continuous from 1915. It has also been with the full knowledge of other users of water from Quaking Aspen Creek and streams to which it is tributary.

R. Lundgren

(Signature)

Subscribed and sworn to before me this 29 day of April, 1983.

Francis M. M...
(Notary Public)

Residing at Banier, Idaho

My Commission Expires 2/21/84

MAY 4 1983

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
A29-04352	12S 37E	34		SE	SE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
NONE			NONE							

SOURCE: UNNAMED STREAM

TRIB: QUAKING ASPEN 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
29-04352	12S 37E	34		SE	SE			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD			AJ CLAIMS IN SAME 40 ACRE TRACT							
			A PREFIX R PREFIX							
NONE			NONE							

SOURCE: UNNAMED STREAM

TRIB: QUAKING ASPEN 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: SMALL DITCH FROM STREAM

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

TWP. 12S	RGE. 37E	SEC. 34	1/4	1/4 SE	1/4 SE	LOT	POD FLAG	COUNTY BANNOCK	DIVERSION NAME	DIVERSION NBR
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___

SOURCE: UNNAMED STREAM

TRIB: QUAKING ASPEN CREEK

REVIEWED BY: _____ DATE: _____

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

A. ROOT WATER RIGHT NUMBERS: A29-04352

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	34	NE	SE		HARTVIGSEN FAMILY TRUST, ELMER	A29-04352 / 4.0	29-04352 / 4.0			
			NE	SE		RANQUIST, HAROLD A	A29-04354 / 7.0	29-04354 / 7.0			
12S	37E	34	NW	SE		HARTVIGSEN FAMILY TRUST, ELMER	A29-04352 / 2.0	29-04352 / 2.0			
			NW	SE		LUNDGREN, NELS		29-02200 / 1.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-04352 6.00 6.00

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
A29-04352	UNNAMED STREAM	HARTVIGSEN FAMILY TRUST, ELMER	0.150	0.025		
A29-04354	ASPEN CREEK	RANQUIST, HAROLD A	0.140	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

**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 A29-04352Date Received 4/30/90Receipt Number E013817

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

RECEIVED

APR 30 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) E. Jay Hartvigsen Phone (801) 295-7207Mailing Address 1045 E. Claremont Drive, Bountiful, UT Zip 840102. Date of Priority (Only one (1) per claim) April 1, 19153. Source of water supply (a) Unnamed streamwhich is tributary to (b) Aspen Creek

4. a. Location of existing point of diversion is: Township 12 S. Range 37 E. Section 34,
_____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., 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.

Water is diverted by earthen ditch to irrigated lands.

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NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12S	37E	34													3.5	2.5			6.0

Total number of acres irrigated 6.0

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

These lands were homesteaded in 1915 and the use of water has been continuous since that date. It has been open and notorious as against all other users of water from Aspen Creek and the streams tributary thereto.

Aspen Creek is known locally also as Quaking Aspen Creek.

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NOV 13 1992

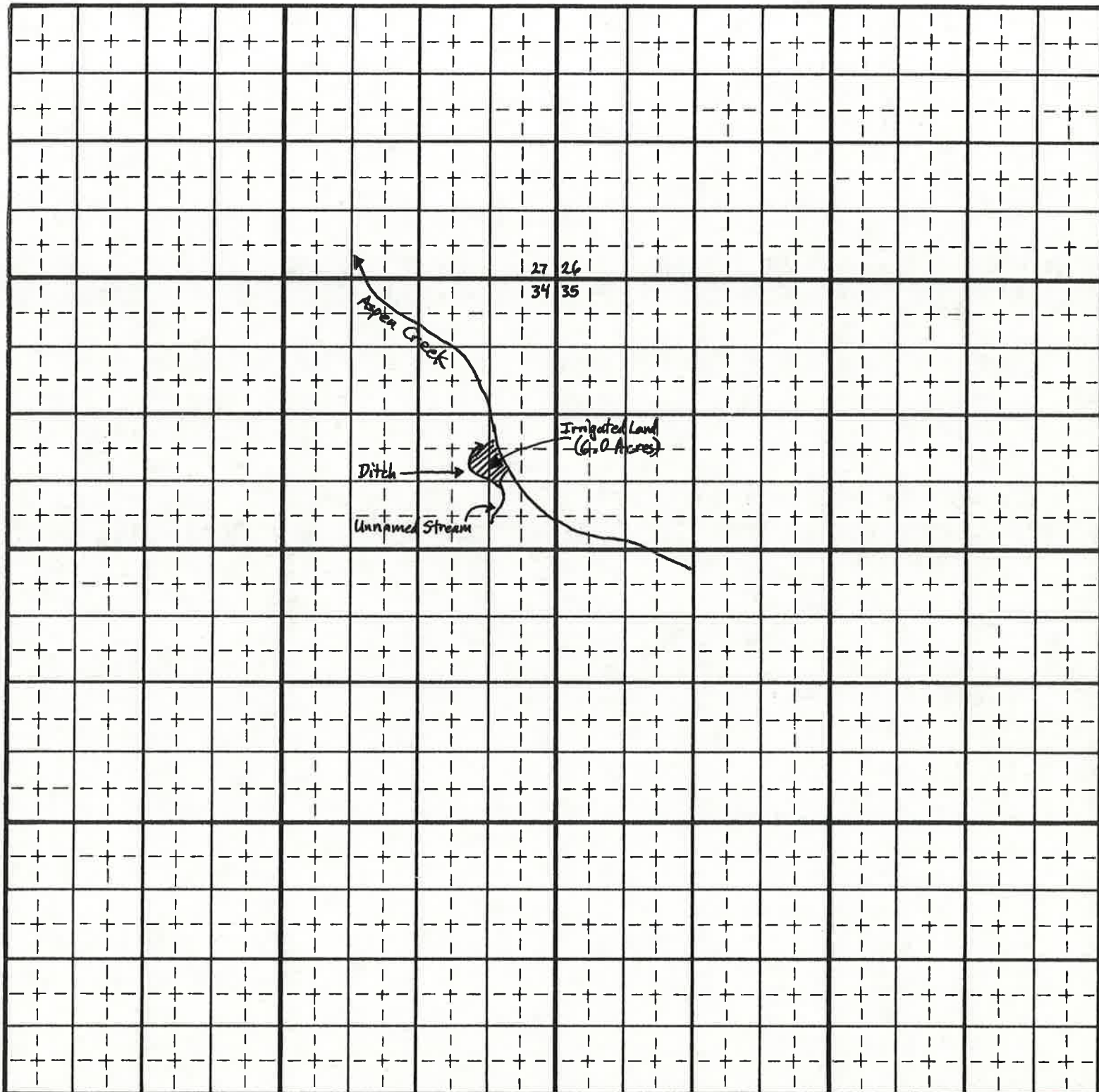
Last Name Hartvigsen Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T. 12S R. 37E



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NOV 13 1992

Last Name Hartvigsen Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 29-4352
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 None

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) E. Jay Hartvigsen Date April 27, 1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization _____

document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 27th day of April 19 90

SEAL

Notary Public Alma Berita

Residing at Bountiful, Utah

My Commission Expires 3-5-91

Please Print Name

17. Notice of Appearance: Wheatley & Ranquist, Harold A. Ranquist
Notice is hereby given that and David B. Hartvigsen 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 By: David B. Hartvigsen

Address 60 East South Temple, Suite 1225, Salt Lake City, UT 84111

Date April 27, 1990

MICROFILMED
NOV 13 1992

Last Name Hartvigsen Ident. Number _____

Copies White-State, Yellow-Claimant