

03/05/2003

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

RIGHT NUMBER: 29-4353

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

SOURCE: SPRINGS

TRIBUTARY: ASPEN CREEK

QUANTITY: 0.080 CFS

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

PRIORITY DATE: 04/01/1921

POINT OF DIVERSION:

T12S R37E S34 NESE Within BANNOCK County Source: SPRINGS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.040 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S34	SWNE	1.0	T12S R37E S34	SENE	1.0
---------------	------	-----	---------------	------	-----

DOMESTIC Within BANNOCK County

T12S R37E S34	SWNE	T12S R37E S34	SENE
---------------	------	---------------	------

2 ACRES TOTAL

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

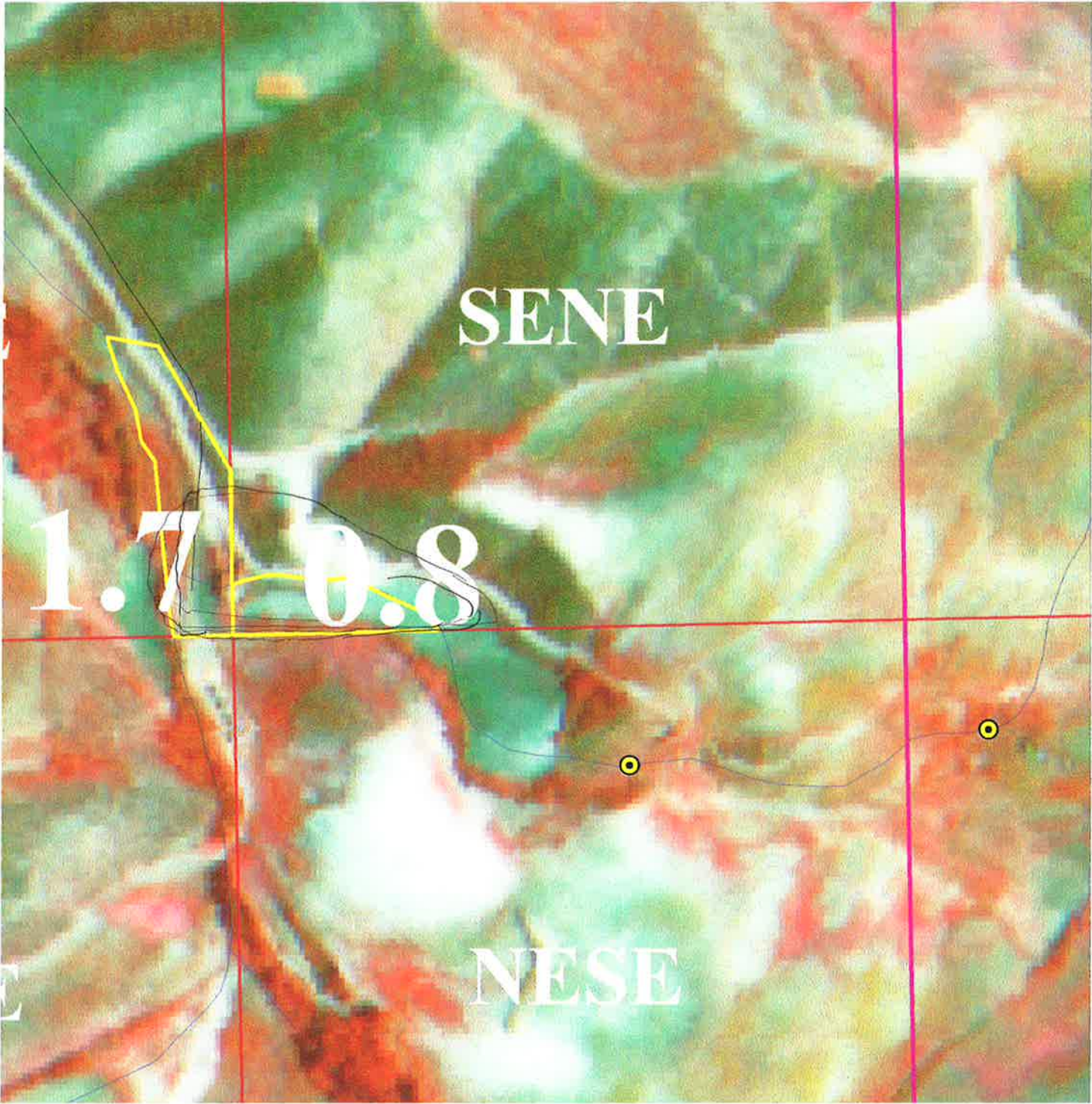
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

EXPLANATORY MATERIAL: Beneficial Use

SOURCE IS ALSO KNOWN AS MUD SPRINGS.

Township , 12S37E



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

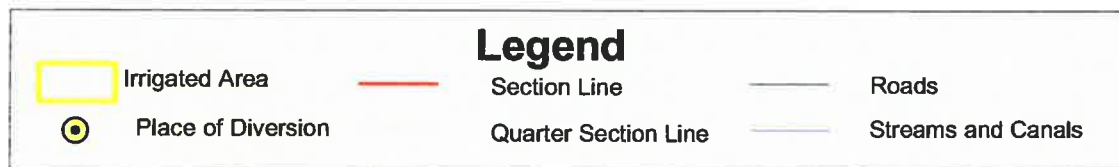
Roads

Streams and Canals

Legend



Township , 12S37E

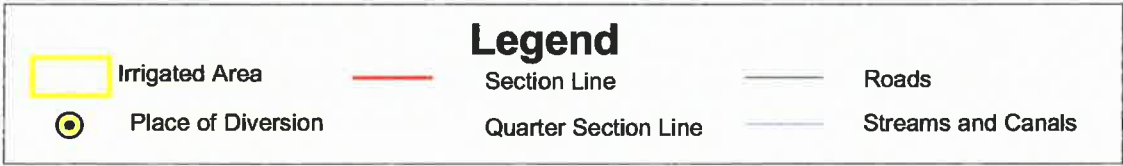
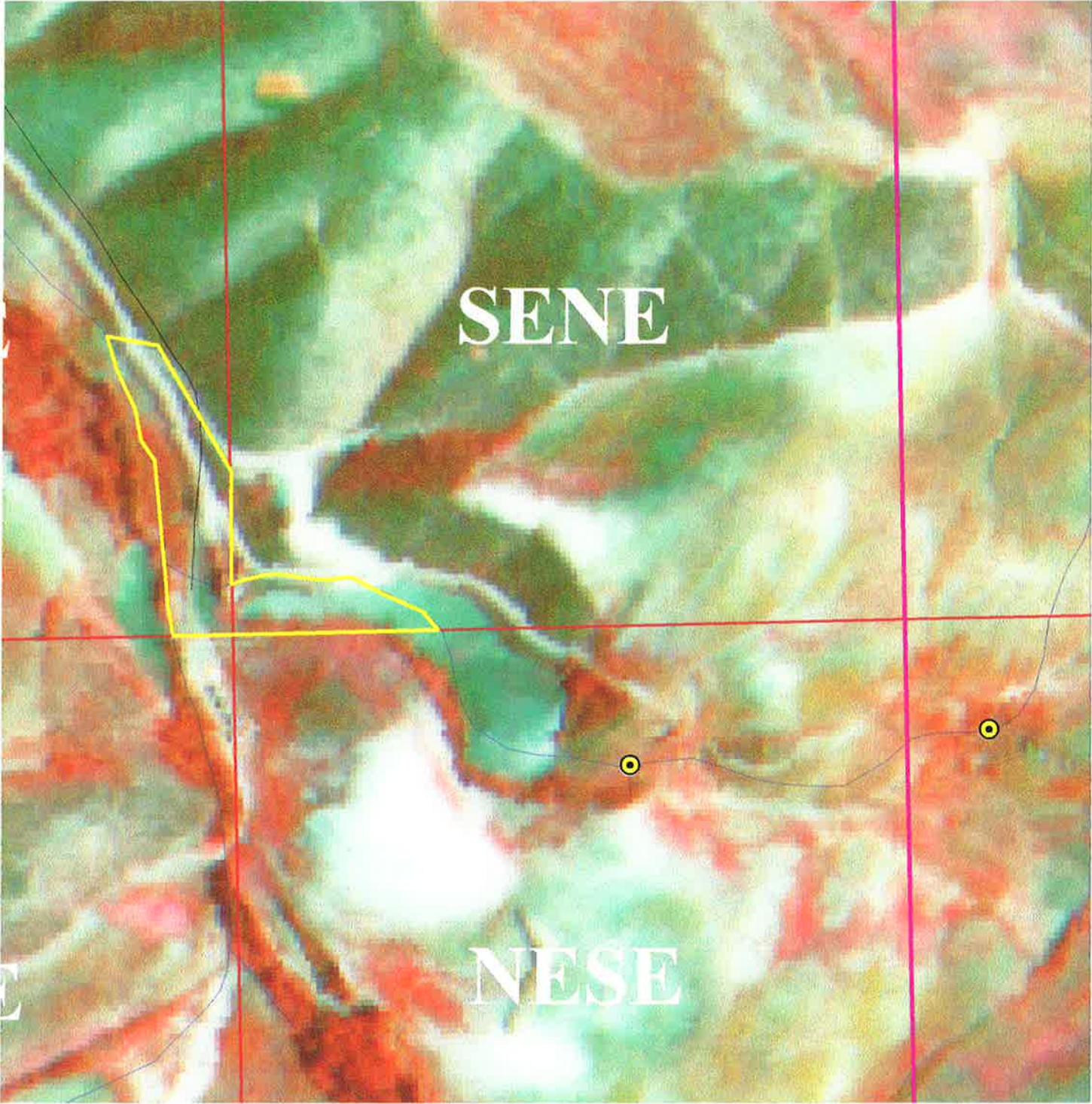


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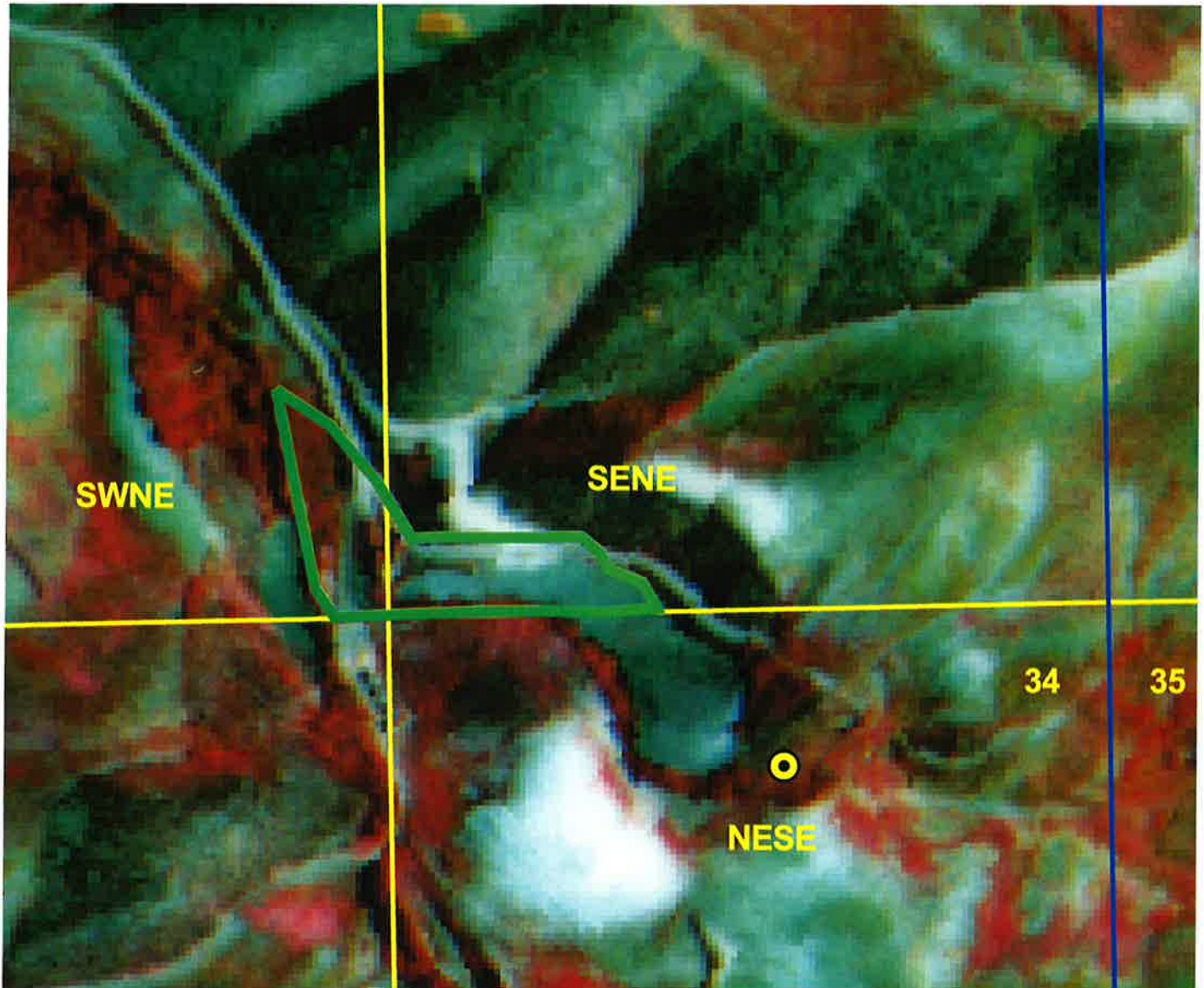
Township , 12S37E



IDAHO DEPARTMENT OF WATER RESOURCES

29-04353

T12S, R37E SEC. 34



ACRES IRRIGATED- 2



POINT OF DIVERSION



PLACE OF USE

PROFILED

SCANNED

MAR 30 2006

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

done 3/5/03 JC

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~~ Smith Hartvigsen, PLLC
60 E. South Temple, Suite #100 1150
Salt Lake City, Utah 84111
 Attorney's Phone (801) 532-1400 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 _____

Revised Date 4-03-92

PROFILE

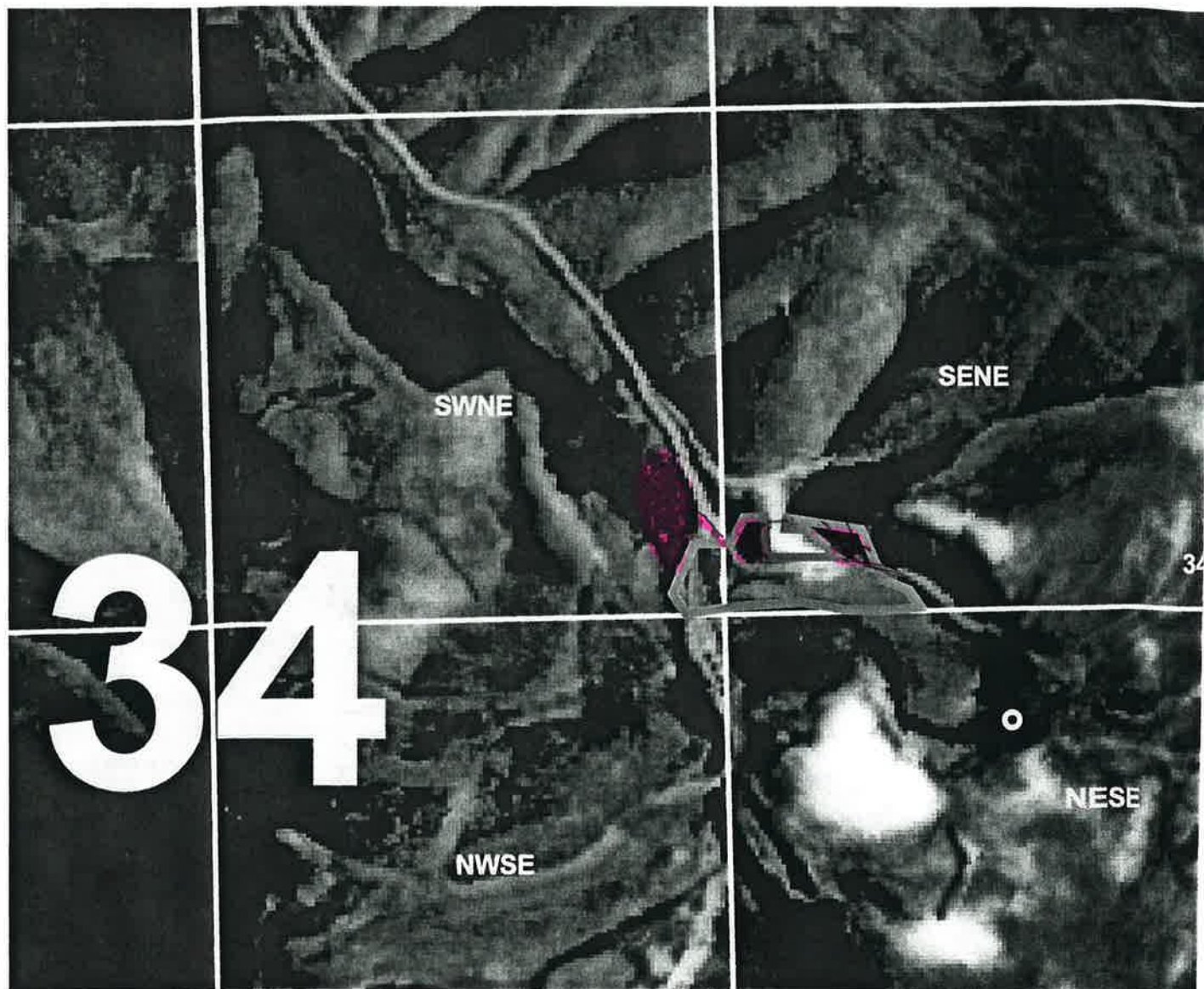
SCANNED

MAR 3 2006

IDAHO DEPARTMENT OF WATER RESOURCES

29-04353

T12S, R37E SEC 34



ACRES IRRIGATED- 2

⊙ POINT OF DIVERSION



PLACE OF USE

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

Log for claim A29-04353

Spatial Dynamics TWB

5/26/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	34	SWNE	1	1.7	
12s37e	34	SENE	1	0.8	
12s37e	34	NESE	0	0	POD placement?
12s37e	35	NWSW	0	0	POD placement?
Totals:			2	2.5	

collection
point

pod
N 42 20 7.3 5855
W 112 6 44.8

AJ5809NP
No. A29-04353

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 122

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELMER JAY HARTVIGSEN FAMILY TRUST ELMER JAY HARTVIGSEN TRUSTEE PO BOX 267 DOWNEY ID 83234 (208) 251-3054	04/01/1915	IRRIGATION DOMESTIC	04-01 10-31 01-01 12-31	0.040 CFS 0.040 CFS	
TOTAL DIVERSION:					0.080 CFS	
CONSUMPTIVE USE:						5.00 AFA

Water Source: MUD SPRING

Tributary to: QUAKING ASPEN CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T12S R37E S34
S35 NESE
NWSW

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
12S	37E	34	:					01		01	:									2.0
TOTAL ACRES																			2.0	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
12S	37E	34	:																	

POU County: BANNOCK

Non-Irrigation Uses: D/ ONE HOME

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04354

Remarks: GEN **CHANGED OWNERSHIP 4/2/96/JT/AR**

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

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

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

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:

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.

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

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 35 Twp. 12S Rge. 37E B.M., County of Bannock
Additional points of diversion: NE¼SE¼ Sec 34 T12S R37E

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 means of tile placed in spring and seep areas which is collected into a 1000 gallon tank and is conveyed by pipeline to the house and irrigated area

(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]

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use for one family and for watering of 8 horses, 10 milk cows, 10 pigs and 200 chickens
Stockwatering is supplemental to water from Quaking Aspen Creek and an unnamed stream.

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

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

MAR 27 1996

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

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, 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.)

MICROFILMED
NOV 13 1996

FOR IDWR USE ONLY: 3-27-96
Initial Review and Data-Entry AR
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

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



REPORT OF ENGINEER

This proof is for Beneficial Use

In Water District No. 17-H

1. State name of applicant and number of permit: Hels Lundgren- Permit 11836
2. State source of water supply: Mud Spring
3. Location of point of diversion: NW 1/4 Sec. 35, T. 12 S., R. 37 E., B.M.
4. Describe works as they exist, giving dimensions and capacities of same:

Earth dam, - 10' long, No H.G.
Ditch, 1' B. 0.5' Cap. 0.5 S.F.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NW 1/4 Sec. 34, T. 12 S., R. 37 E., B.M.
1 A. garden.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? One.
9. Give names and amount of each right:
10. What large stream would the water here appropriated finally reach? Snake River.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: From land to Marsh Creek, to P rineuf River, to Snake River.

Remarks:

This examination was made on the 24 nd day of September

19 20.

(Signed)

L.R. Annett.

11836 Examiner.

NAME OF APPLICANT

SEC

SEC

SEC

SEC

SEC

SEC

T 120 17 37 E

31
0 Apr 25

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

11836

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

State of Idaho
License and Certificate of Water Right

Water License No. 11836
Water District No. 17-B

Amount 1/50 cfs.
Priority 1-2-1916

THIS IS TO CERTIFY that NELS LUNDGREN,
of Downey, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 6, 1916, that Permit No. 11836
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2/50
second feet, was issued thereunder on December 28, 1920, showing that said works
were completed on the 11th day of December, 1916; and that on the 11th
day of January, 1919.

NELS LUNDGREN,
of Downey, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of a right to the use of the waters of Mud Spring
a tributary of Marsh Creek, for the purpose of Irrigation and domestic use,
under Use Permit No. 11836 of the State Engineer, and that said right to the use of said
waters has been put in accordance with the laws of Idaho, and is hereby confirmed by the State
Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2757, on the 28th
day of December, 1920.

The right hereby confirmed dates from January 3, 1916;

The Point of Diversion is located
in the NW 1/4 SW 1/4, Sec. 35, Tp. 12 S., R. 37 E., D. M.

That the amount of water to which said right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 1/50 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>12 S.</u>	<u>37 E.</u>	<u>34</u>	<u>NW 1/4</u>	<u>1</u>	<u>1</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation,
day of December, 1920, affixed at Boise, Idaho, this 28th

W. G. Swendsen.
Commissioner of Reclamation
By: S. T. Baer.
Deputy

(SEAL)

November 10, 1920.

Re: Permit 11836 - In the matter of protest
filed by Chas. W. Evans, et al.

Mr. Chas. W. Evans,
Downey, Idaho.

Dear Sir:

This is to inform you that the protest offered by yourself and others in the matter of the issuance of license to Nels Lundgren under Permit No. 11836 is denied. The report of our examining engineer under date of September 27, 1920, shows that one acre has been cultivated and irrigated. Therefore, an amount of $1/50$ of a cubic foot per second will be granted the applicant under the permit, which amount is the equivalent of one miners inch.

The granting of the license to Mr. Lundgren will not detract whatsoever from any rights that have been attained by any of the protestants, which rights are in all probability prior to that claimed by Mr. Lundgren, which dates from January 3, 1916. All prior rights must of necessity be satisfied before Mr. Lundgren can claim any water under the license which will be issued to him. We respectfully ask that you notify the other protestants with respect to the decision of this office in this matter.

If you care to appeal from our decision, instructions for such procedure may be found under Section 5503 of the Compiled Statutes.

Very truly yours,

W. G. SWENSON,
Commissioner of Reclamation.

By

Assistant.

STB:MB

11836

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 Thom
(Notary Public)

Residing at PAINE, Idaho

My Commission Expires 2/21/84

MAY 4 1983

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: **A29-04353**
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: MUD SPRING 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		NE	SE		BANNOCK
		35		NW	SW		BANNOCK

5. Description of diverting works:
TILE, TANK & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34				DOMEST	

A29-04353

Page 1

Date: 04/02/96

PROFILED

SCANNED
MAR 30 2006

MICROFILMED
NOV 13 1999

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34	SW	NE		IRR	1.0
			SE	NE		IRR	1.0
						Section Acres	2.0
						Total Acres	2.0

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

MICROFILMED

NOV 13 1999

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: **A29-04353**

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: MUD SPRING Trib. to: QUAKING ASPEN CREEK

4. Point of Diversion:

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

5. Description of diverting works:
TILE, TANK & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use
12S	37E	34				DOMEST

MICROFILMED

NOV 13 1990
Acres

A29-04353

Page

1

Date: 07/06/94

PROTECTED

SCANNED
MAR 30 2006

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34	SW	NE		IRR	1.0
			SE	NE		IRR	1.0
Section Acres							2.0
Total Acres							2.0

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: _____

MICROFILMED
NOV 13 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 _____

SCANNED
MAR 30 2006

MICROFILMED
NOV 13 1999

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
A29-04353	12S 37E	34		NE	SE			BANNOCK		
A29-04353	12S 37E	35		NW	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-04354 NONE

WR RECORDS IN SAME 40 ACRE TRACT

29-02200
29-04354

SOURCE: MUD SPRING

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
29-04353	12S 37E	35		NW	SW			BANNOCK		
29-04353	12S 37E	34		NE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-02200
29-04354

A29-04354 NONE

SOURCE: MUD SPRING

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: _____

=====

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	34		NE	SE			BANNOCK		
12S	37E	35		NW	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: MUD SPRING

TRIB: QUAKING ASPEN CREEK

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-04353

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				HARTVIGSEN FAMILY TRUST, ELMER	A29-04353 /	- /			
			NE	SE		RANQUIST, HAROLD A	A29-04354 /	7.0 - /			
			NE	SE		RANQUIST, HAROLD A	A29-04352 /	4.0 - /			
			SW	NE		HARTVIGSEN, E. JAY		29-04353 /	1.0		
			NE	SE		HARTVIGSEN, E. JAY		29-04352 /	4.0		
			NE	SE		HARTVIGSEN, E. JAY		29-04354 /	7.0		
			NW	SE		LUNDGREN, NELS		29-02200 /	1.0		
12S	37E	34	SW	NE		HARTVIGSEN FAMILY TRUST, ELMER	A29-04353 /	1.0 29-04353 /	1.0		
12S	37E	34	SE	NE		HARTVIGSEN FAMILY TRUST, ELMER	A29-04353 /	1.0 29-04353 /	1.0		

ADDITIONAL POU FOUND

TOTAL ACRES A29-04353 2.00 2.00

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
A29-04353	MUD SPRING	HARTVIGSEN FAMILY TRUST, ELMER	0.080	0.040		
A29-04352	UNNAMED STREAM	RANQUIST, HAROLD A	0.150	0.025		
A29-04354	ASPEN CREEK	RANQUIST, HAROLD A	0.140	0.020		

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: A29-04353
Date Received: 5/17/1990
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: MUD SPRING Trib. to: QUAKING ASPEN CREEK

4. Point of Diversion:

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

5. Description of diverting works:
TILE, TANK & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	37E	34	SW	NE		DOMEST IRR	1.0

A29-04353

Page 1

Date: 05/17/90

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SCANNED
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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	34	SE	NE		IRR	1.0
Section Acres							2.0
Total Acres							2.0

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 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 A29-4353Date 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) 295-7207
Mailing Address 1045 E. Claremont Dr., Bountiful, UT Zip 84010

2. Date of Priority (Only one (1) per claim) April 1, 1915

3. Source of water supply (a) Mud Spring
which is tributary to (b) Aspen Creek

4. a. Location of existing point of diversion is: Township 12S Range 37E Section 35 ,
1/4 of NW 1/4 of SW 1/4 , Govt. Lot, B.M., County of

Additional points of diversion if any: NE 1/4 of SE 1/4 of Section 34, T. 12S, R. 37E.

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.

Drain tile in spring and seep areas collects water to a 1000 gallon tank. The
water is then piped to the domestic and irrigation uses.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount .04 or _____

For Irrigation purposes from 4/1 to 10/31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 household served

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			1	1													2
12S	37E	34				D													

Total number of acres irrigated 2

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 (x)

14. Remarks:

This source was filed on by Nels Lundgren, predecessor-in-interest, in 1915 pursuant to Permit #11836. Although the water was used, "Proof of beneficial use" was not submitted and this permit lapsed. However, use has been continuous, open, and notorious since 1915 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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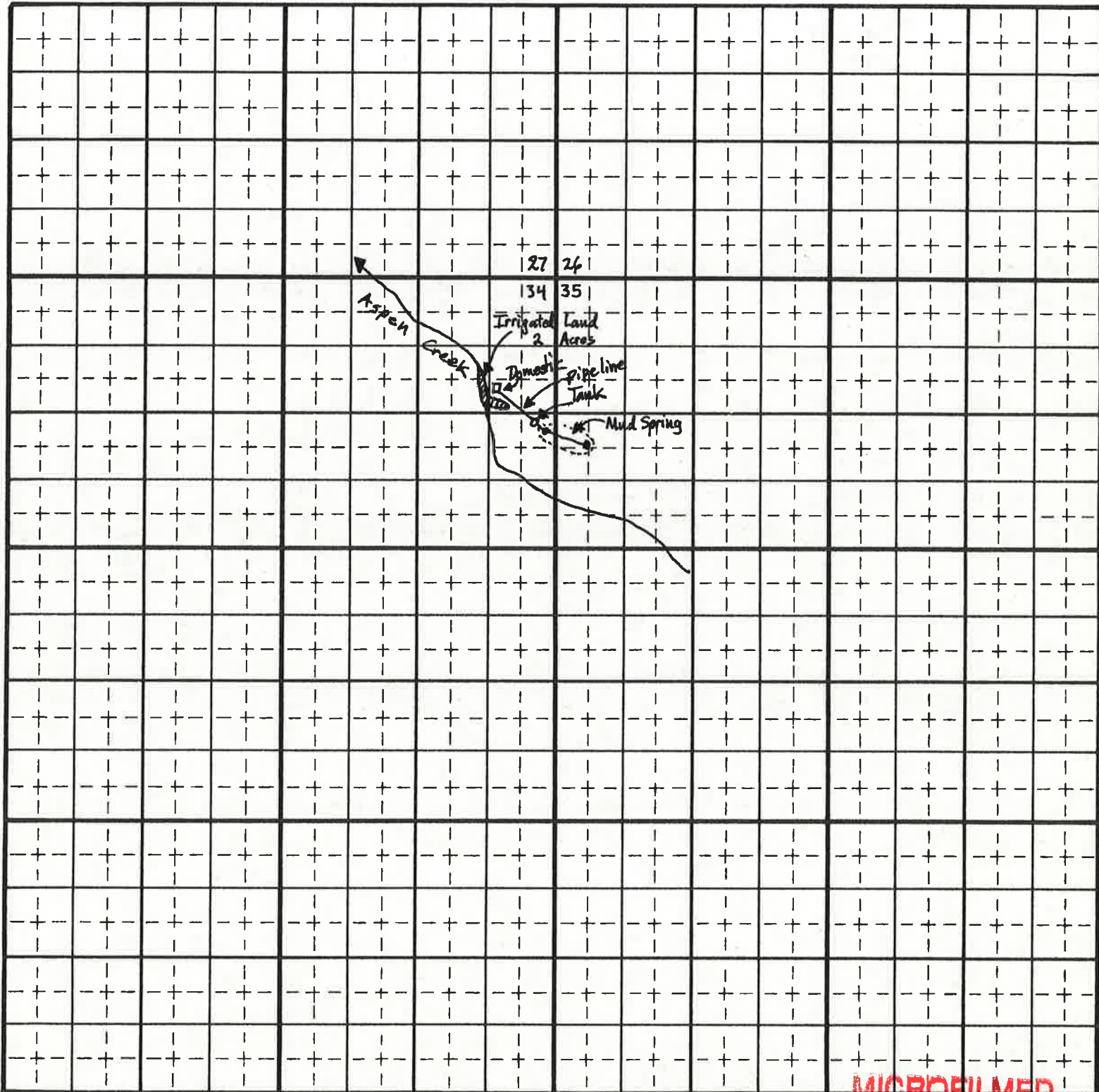
Last Name Hartvigsen Ident No. _____

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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Last Name Hartvigsen

Ident No. MAR 3 2006

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 29-4353

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)

) SS.

County of Salt Lake)

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

SEAL

Notary Public Alma Derata

Residing at Bountiful, Utah

My Commission Expires 3-5-91

Please Print Name

17. Notice of Appearance: Wheatley & Ranquist, Harold A. Ranquist and
Notice is hereby given that by 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 _____

SCANNED

MAR 3 2006

Copies White-State, Yellow-Claimant