

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended
3/22/82

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 MELVIN OSBORN &/or ESTHER OSBORN

(Name of Claimant)

Hegler Route, American Falls, ID 83211

(Mailing Address)

Telephone No. 548-2606

(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) 2/26/1892 Gennie Osborn 1892

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)

Fall Creek tributary to Snake 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates Inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3.61 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity	<u>0.05 cfs</u>	Use	<u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 3.61 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

NW 1/4 SE 1/4, Sec. 20 Twp. 9S Rge. 29E B.M., County of Power

Additional points of diversion: NENE, Sec. 29, T. 9S, R. 29E

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. Concrete headgate, gravity flow ditches

- (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	
9S	28E	24															17.1	7.4	24.5
9S	29E	19								6		8	16		7		12.2		49.2

No. of acres 73.7

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

NOTE: Include here the type and number of stock watered: 200 range cattle

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

Scale: 2 inches equal 1 mile.

section, township and range of the public land survey system.

SS.

6000

attendant's knowledge.

February

[Signature]

Ermine #

243/1

3/26/82
FOR DEPAR

Date _____

539

Prelim. check by

\$20.00 fee received by

ate

2/24/82

65612 #

Dates

Published in

3/17/87
3/17/87
3/17/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED

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 Melvin Osborn &/or Esther Osborn
(Name of Claimant)
Hegler Route American Falls, Idaho 83211 Telephone No. 548-2606
(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) February 26, 1896

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)
Fall Creek tributary to Snake 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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>3.61 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity <u>0.05 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 3.61 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 20 Twp. 9S Rge. 29E B.M., County of Power
Additional points of diversion: NENE, Sec. 29, T9S, R29E

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. concrete headgate, gravity flow ditches

(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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
9S	28E	24															17.1	7.4	24.5
9S	29E	19									6		8	16		7	12.2		49.2

No. of acres 73.7

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

NOTE: Include here the type and number of stock watered: 200 range cattle

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

Scale: 2 inches equal 1 mile.

section, township and range of the public land survey system.

State of Idaho)
County of)
ss.)
(*Jawer*

affiant's knowledge.

1187

He. J. Hall
1961

Notary Public
Residing at
Ann. Hill, Ill.

98-8-4

Date	4-16-52	Exception filed by:	Forwarded to	Date
			claimant by:	

2/24/52
2/19/59

id 5/5 A 5/12/02

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } s.s.

.....Brett Crompton..... being first duly sworn
on oath, states:

That he..... is the Editor.....
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2.....
successive weekly issues thereof, the date of the first publica-
tion being the 10..... day of March....., 19...82
the date of last publication being the
.....17..... day of March....., 19...82

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....17..... day of March....., 19...82..

Louis Foster
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

life day of, 19

41-4014

OSBORN, MELVIN &/or ESTHER
HEGLER ROUTE, AMERICAN
FALLS, ID 83211

Source: FALL CREEK tributary to
SNAKE RIVER

Priority Date: 01/01/1892

Amount: 3.61 CFS

Diversion Point: NWSE Sec 20 T
09S R 29E NENE Sec 29 T 09S R
29E, POWER Co.

Use: IRRIGATION (3.61 CFS)
from 03/15 to 11/15

STOCKWATER (0.05 CFS) from
01/01 to 12/31

Place of Use: SWSE SESE Sec 24 T
09S R 28E NESW SWSW SESW
NWSE SWSE Sec 19 T 09S R 29E
FOR 73 ACRES

Diversion Means: CONCRETE
HEADGATE, GRAVITY FLOW
DITCHES

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho
83301.

A. KENNETH DUNN
Director

ok
marrye
3/24/82

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } S.S.

.....Brett Crompton..... being first duly sworn
on oath, states:

That he..... is the Editor.....
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said
newspaper and not in any supplement thereof for 2.....
successive weekly issues thereof, the date of the first publica-
tion being the 5..... day of May....., 1982

the date of last publication being the
.....12..... day of May....., 19.....82

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....12..... day of May....., 19.....82

L. Foster
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) *Life* day of, 19

No. 41-4014

Notice is hereby given that Claim
to Water Right No. 41-4014 in the
name of Melvin &/or Esther Osborn
was filed as follows:

Source: Fall Creek tributary to
Snake River

Priority Date: February 26, 1892

Amount: 3.61 cfs

Diversion Point: NWSE, Sec. 20;

NENE, Sec. 29, T9S, R29E, B.M.,
Power County

Use: Irrigation (3.61 cfs) from
March 15 to November 15

Stockwater (0.05 cfs) from Jan. 1 to
Dec. 31

Place of Use: SWSE, SESE, Sec. 24,
T9S, R28E, NESW, SWSW, SESW,

NWSE, SWSE, Sec. 19, T9S, R29E
for 73 acres

Diversion Means: Concrete

Headgate, Gravity Flow Ditches

Claim No. 41-4014 is hereby amend-
ed by Melvin &/or Esther Osborn as
follows:

Source: Same

Priority Date: February 26, 1896

Amount: Same

Diversion Point: Same

Use: Same

Place of Use: Same

Any exception to the Amended
Claim to a Water Right must be filed
with the Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301.

A. KENNETH DUNN
Director

RECEIVED

MAY 13 1982

Department of Water Resources
Southwest District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 31, 1982

MELVIN OSBORN
ESTHER OSBORN
HEGLER ROUTE
AMERICAN FALLS

ID 83211

RE: Claim No. 41-4014

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

Loren O. Holmes
LOREN O. HOLMES
South Region Supervisor

Enclosure

RECEIVED

MAY 27 1982

Department of Water Resources

41-4014

03/09/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

PAGE 6

INDICATION TOTALS

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
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41-4012

USPOON, JENNIE
R.D. BOX 173
AMERICAN FALLS
SOUTH: FALL CREEK
REAR: S/200 RANGE
P/O: 1095 R29E S20 N15E (30)
SWS (08)
SESE (14)
NSE (04)
SESE (27)
NSE (02)
NSE (11)
T09S R29E
NENE S29
T09S R29E
171 ACRES*

STOCKWATER 01-01 12-31

.05 CFS

SAME AS OTHER USE

41-4013

USPOON, JENNIE
R.D. BOX 173
AMERICAN FALLS
SOUTH: FALL CREEK
REAR: S/200 RANGE
P/O: 1095 R29E S14 N15E (10)
SWS (04)
SESE (12)
NSE (02)
NSE (34)
SESE (20)
NSE (03)
T09S R29E
NENE S29
T09S R29E
370 ACRES*

STOCKWATER 01-01 12-31

.05 CFS

SAME AS OTHER USE

41-4014

USPOON, MELVIN
R.D. BOX 173
AMERICAN FALLS
SOUTH: FALL CREEK
REAR: S/200 RANGE
P/O: 1095 R29E S14 N15E (10)
SWS (04)
SESE (12)
NSE (02)
NSE (34)
SESE (20)
NSE (03)
T09S R29E
NENE S29
T09S R29E
73 ACRES*

STOCKWATER 01-01 12-31

.05 CFS

SAME AS OTHER USE

41-4014

STATE OF IDAHO

01 Watermaster control on all of these

STAIRY CLM

STAIRY CLM

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 41-4014

Notice is hereby given that Claim to a Water Right No. 41-4014 in the
name of Melvin &/or Esther Osborn

was filed as follows:

Source: Fall Creek tributary to Snake River

Priority Date: February 26, 1892

Amount: 3.61 cfs

Diversion Point: NWSE, Sec. 20; NENE, Sec. 29, T9S, R29E, B.M., Power County

Use: Irrigation (3.61 cfs) from March 15 to November 15
Stockwater (0.05 cfs) from Jan. 1 to Dec. 31

Place of Use: SWSE, SESE, Sec. 24, T9S, R28E, NESW, SWSW, SESW, NWSE, SWSE, Sec. 19,
T9S, R29E for 73 acres

Diversion Means: Concrete Headgate, Gravity Flow Ditches

Claim No. 41-4014 is hereby amended by Melvin &/or Esther Osborn

as follows:

Source: Same

Priority Date: February 26, 1896

Amount: Same

Diversion Point: Same

Use: Same

Place of Use: Same

Any exception to the Amended Claim to a Water Right must be filed with the Department
of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301

A. KENNETH DUNN
Director

Published in Power County Press May 5, and May 12, 1982

April 20, 1982

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Re: A Notice of Amended Claim to a Water Right No. 41-4014, 41-4012, 81-4013

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Sr. Secretary

for

Loren G. Holmes
Southern Region Supervisor

Encl:

Bill submitted: _____

RECEIVED
MAY 1 1982



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

C. Stephen Allred
Director

April 8, 1982

Melvin Osborn &/or
Esther Osborn
Hegler Route
American Falls, Idaho 83211

Re: Claim to a Water Right No. 41-4014

Dear Mr. & Mrs. Osborn:

This office was recently visited by Mrs. Jennie Osborn who indicated that the priority dates of water rights claimed on three tracts of land owned by your family had somehow been mixed up. She indicated that the most easterly property (claim 41-4013) should have a date of 1892, the center tract (claim 41-4012) should have a date of 1896, and the westerly tract should also have a priority of 1896 (claim 41-4014).

Mrs. Osborn amended the priority dates on the claims, and it was not until after she left that I realized that her amendment of claim 41-4014 was not valid because it was filed in your name and can only be amended by the claimant.

We have taken the liberty of preparing an amended claim 41-4014 giving a priority date of February 26, 1896. Please review the amended claim and if it meets with your approval, sign it before a notary and return it to this office. There is no filing fee required for filing an amended claim.

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

41-4014-

OSBORN, MELVIN &/or ESTHER

HEGLER ROUTE, AMERICAN FALLS, ID 83211

Source: FALL CREEK tributary to SNAKE RIVER

Priority Date: 01/01/1892

Amount: 3.61 CFS

Diversion Point: NWSE Sec 20 T 09S R 29E NENE Sec 29 T 09S R 29E,
POWER Co.

Use: IRRIGATION (3.61 CFS) from 03/15 to 11/15
STOCKWATER (0.05 CFS) from 01/01 to 12/31

Place of Use: SWSE SESE Sec 24 T 09S R 28E NESW SWSW SESW NWSE SWSE
Sec 19 T 09S R 29E FOR 73 ACRES

Diversion Means: CONCRETE HEADGATE, GRAVITY FLOW DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 3/10 & 3/17/82.

MICROFILMED
1982

MICROFILMED

OSBORN, MELVIN &/or ESTHER
HEGLER, ROUTE, AMERICAN
FALLS, ID 83211
Source: FALL CREEK tributary to
SNAKE RIVER
Priority Date: 01/01/1892
Amount: 3.61 CFS
Diversion Point: NWSE Sec 20 T
09S R 29E NENE Sec 29 T 09S R
29E, POWER Co.
Use: IRRIGATION (3.61 CFS)
from 03/15 to 11/15
STOCKWATER (0.05 CFS) from
01/01 to 12/31
Place of Use: SWSE SESE Sec 24 T
09S R 28E NESW SWSW SESW
NWSE SWSE Sec 19 T 09S R 29E
FOR 73 ACRES
Diversion Means: CONCRETE
HEADGATE, GRAVITY FLOW
DITCHES
Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 1041 Blue Lakes
Bvd., North, Twin Falls, Idaho
83301.

A. KENNETH DUNN
Director

*ad mwp
3/15/02*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 3, 1982

Power County Press
174 Idaho Street
American Falls, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MARCH 29, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. Stanton

Right Number 41-4014 - Amended Applicant ^{Melvin} ~~OSBORN~~ ^{GEORGE} ~~&/OR JENITE~~ Esther

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. - None

By ADM Date 5/24/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 5/27/82

MICROFILMED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
NWSE	20	09S	22E	--	--	000.9

IDAHO STREAM CODE INDEX

2720.4380.-----

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
NENE	29	09S	22E	--	--	001.0

IDAHO STREAM CODE INDEX

2720.4380.-----

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

MICHAEL