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Documents
In File

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 J. E. Tracy Inc.

(Name of Claimant)

Almo. ID 83312

(Mailing Address)

Telephone No. 824-5571

(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) 1885

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)

Circle Creek tributary to Raft River

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

(cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

(Mo., Day)

Quantity 5.6 cfs Use Irrigation Period of Use From Apr 1 To Sep 1

Quantity 0.05 cfs Use Livestock Period of Use From Jan 1 To Dec 31

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

(4) 5.65 TOTAL QUANTITY USED.
(cfs. af)

(cfs, af)

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

NE ¼ NE ¼, Sec. 32 Twp. 15S Rge. 24E, B.M., County of Cassia

Additional points of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34 T. 15S R. 24E; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 33 T. 15S R. 24E

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. Earth dam & pond; pipeline to gravity sprinkler. Check dams & 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.

[illegible]

No. of acres 280

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 beef cattle

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

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Mary Summers, being first

duly sworn, deposes and says that she is the

Clerk

of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for Two consecutive weeks, commencing with the issue dated June 30th 1983, and ending with the issue dated July 7th 1983

Subscribed and sworn to before me this 27th day of July 1983.

Kenneth Dunn Notary Public

Cost of Publication \$ 88.40

Notary Fee

Total Cost \$88.40

83-164

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:

43-4184

ERICKSON, JACK E.

ALMO, ID 83312

Source: WATERFALL CREEK trib. to CENTER CREEK, CENTER CREEK & ALL OTHER trib. to TATERS CREEK

Priority Date: 04/01/1880

Diversion Pt: NENE NENEW Sec 03 T 15S R 24E SENE Sec 02 T 15S R 24E SWSE Sec 34 T 14S R 24E

Use: IRRIGATION (11.20 CFS)

In: SWNE SENE NENEW NWNW SWNW SENW NESW NWSW NESE NWSE Sec 02 T 15S R 24E NENE NWNE SWNE SENE Sec 03 T 15S R 24E FOR 560 ACRES

43-4185

MCGHIE, GLENN H.

BOX 3, MALTA, ID 83342

Source: GROUNDWATER

Priority Date: 01/01/1940

Diversion Pt: NWSW Sec 12 T 13S R 26E

Use: IRRIGATION (0.06 CFS), DOMESTIC (0.06 CFS)

In: NWSW Sec 12 T 13S R 26E FOR 2 ACRES

43-4186

J.E. TRACY INC.

ALMO, ID. 83312

Source: CIRCLE CREEK trib. to RAFT RIVER

Priority Date: 04/01/1885

Diversion Pt: NENE Sec 32 T 15S R 24E SWNW Sec 34 T 15S R 24E NWNE, Sec 33 T 15S R 24E

Use: IRRIGATION (5.60 CFS) STOCKWATER (0.05 CFS)

In: NENE NWNE Sec 32 T 15S R 24E NENE NWNE NENEW Sec 33 T 15S R 24E NENEW NWNW SWNW SENW Sec 34 T 15S R 24E FOR 280 ACRES

43-4187

BENNETT, JAMES L. &/or JEANETTE B.

BOX 65, MALTA, ID 83342

Source: GROUNDWATER

Priority Date: 01/01/1933

Diversion Pt: SWNW Sec 12 T 13S R 26E

Use: IRRIGATION (0.01 CFS) COMMERCIAL (0.04 CFS)

In: SWNW Sec 12 T 13S R 26E FOR 0.5 ACRES

43-4188

GARDINER, HOPE H.

HC 72, BOX 2018, MALTA, ID 83342

Source: GROUNDWATER

Priority Date: 03/15/1962

Diversion Pt: SENE Sec 23 T 13S R 26E

Use: IRRIGATION (2.40 CFS)

In: NENE SENE Sec 23 T 13S R 26E NWNW Sec 24 T 13S R 26E FOR 118 ACRES

43-4189

GLOVER, PHILIP C.

P.O. BOX 993, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 06/01/1977

Diversion Pt: NENEW Sec 25 T 13S R 26E

Use: DOMESTIC (0.04 CFS)

In: NENEW Sec 25 T 13S R 26E

43-4190

LDS - (ELBA WARD)

ELBA, ID 83326

Source: GROUNDWATER

Priority Date: 03/01/1951

Diversion Pt: SESW Sec 32 T 13S R 25E

Use: IRRIGATION (0.02 CFS) DOMESTIC (0.07 CFS)

In: SESW Sec 32 T 13S R 25E FOR 1/2 ACRES

43-4191

PLEASANTVIEW WATERUSER'S ASSN., INC.
C/O FRANK MESENBRINK, 1806 PLEASANTVIEW
LANE, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 12/31/1932

Diversion Pt: NENEW Sec 28 T 10S R 23E

Use: IRRIGATION (0.03 CFS) DOMESTIC (0.10 CFS)

In: NENEW Sec 28 T 10S R 23E FOR 1 ACRES

43-4184

CITY OF OAKLEY

CITY HALL, OAKLEY, ID 83346

Source: SPRING trib to SINKS, GROUNDWATER

Priority Date: 01/01/1930

Diversion Pt: SWSE Sec 09 T 14S R 22E SESE

SENE Sec 33 T 14S R 22E NENE SESE Sec 04 T 15S R 22E SWNE NESW SWSW NWSE SWSE Sec 03 T 15S R 22E SWNE SENW NESE Sec 10 T 15S R 22E NENE Sec 15 T 15S R 22E NWNW Sec 14 T 15S R 22E

Use: MUNICIPAL (2.00 CFS)

In: NENE NWNE SWNE SENE NENEW NWNW SWNW SENW Sec 04 T 14S R 22E NESW NWSW SWSW SESW NESE SWSE Sec 33 T 14S R 22E NESW NWSW SWSW SESW Sec 34 T 14S R 22E

43-4185

BAKER, WADE &/or AFTON

RT. 2 BOX 2400, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 03/15/1963

Diversion Pt: SESE Sec 30 T 11S R 23E

Use: IRRIGATION (6.00 CFS)

In: NESW NWSW SWSW SESW Sec 29 T 11S R 23E NENE NWNE SWNE SENE NESE NWSE Sec 31 T 11S R 23E NENE NWNE SWNE SENE NESE NWSE Sec 36 T 11S R 22E FOR 832 ACRES

43-4186

FINCHER, JOHN U.

214 E. 600 So., FARMINGTON, UT 84025

Source: GROUNDWATER

Priority Date: 01/01/1926

Diversion Pt: SESE Sec 23 T 11S R 23E

Use: STOCKWATER (0.03 CFS) DOMESTIC (0.04 CFS)

In: SESE Sec 23 T 11S R 23E

43-4187

FINCHER, JOHN U.

214 E. 600 So., FARMINGTON, UT 84025

Source: GROUNDWATER

Priority Date: 01/01/1945

Diversion Pt: NENE Sec 23 T 11S R 23E

Use: STOCKWATER (0.03 CFS) DOMESTIC (0.04 CFS)

In: SENE Sec 23 T 11S R 23E

43-4188

GERRATT, REX

RT. 3 BOX 353A, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 06/01/1960

Diversion Pt: NENEW Sec 10 T 11S R 23E

Use: IRRIGATION (0.02 CFS), STOCKWATER (0.07 CFS), COMMERCIAL (0.09 CFS), DOMESTIC (0.04 CFS)

In: NENEW Sec 10 T 11S R 23E FOR One-eighth ACRE

43-4189

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 in the South Idaho Press on June 30 and July 7, 1983.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578
Aug 2
~~JULY 15~~ 1983

J.E. TRACY INC.
ALMO

ID 83312

RE: Claim No. 43-4156

Dear Claimant:

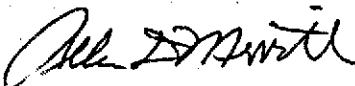
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

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,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

RECEIVED
AUG 24 1983
Department of Water Resources

ENCLOSURE

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:

43-4156-

J.E. TRACY INC.

ALMO. ID 83312

Source: CIRCLE CREEK trib. to RAFT RIVER

Priority Date: 04/01/1885

Diversion Pt: NENE Sec 32 T 15S R 24E SWNW Sec 34 T 15S R 24E NWNE
Sec 33 T 15S R 24E

Use: IRRIGATION (5.60 CFS)
STOCKWATER (0.05 CFS)

In: NENE NWNE Sec 32 T 15S R 24E NENE NWNE NENW Sec 33 T 15S R 24E NENW NNW
SWNW SENW Sec 34 T 15S R 24E FOR 280 ACRES

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 6/30 & 7/7/83.

MINUTES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 22, 1983

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

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 billing to this office before .

Yours truly,

Mary A. Newby
Secretary

Encl.

RECEIVED

INTER-DEPARTMENT MEMO — 1

DATE 5-16-83

FROM Jim Stanton

TO File

SUBJECT Claim To A Water Right, J. E. Tracy Inc.

By the claimant's own admission, this is a false claim. Mr. Tracy stated that while more acres had been irrigated in the past, not over 80 acres have been irrigated since he bought the place some 18-20 years ago. I originally prepared a claim showing 80 irrigated acres, but made a new claim showing that the entire 280 acres is being irrigated at the claimant's request. He stated that more of the land had not been irrigated due to the steepness of the ground, although there were additional old ditches present that he had not used. His original claim showed only the NENW Sec. 33 & NENW Sec. 34 as being irrigated. I explained the minimal value of false claims to Mr. Tracy, but he still wanted to submit the claim as herewith filed.

J. F. Stanton

SIGNATURE

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: A. S. S. S. S.

Right Number A3-4156 Applicant J. E. TRACY, INC.

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.

By ADM Date 8/2/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 8/30/83