

B-609
Ford Meadows
& Sons Inc.

A
320.3

20	21
29	28

B
74.5

Twp. 9S
Rge. 31E

C-107
Harold Tyler

C
378.1

B-514
H. Nelson

30	29
31	2

A
88.8

C
43.2

D
56.0

A
10.4

B
11.4

F
25.5

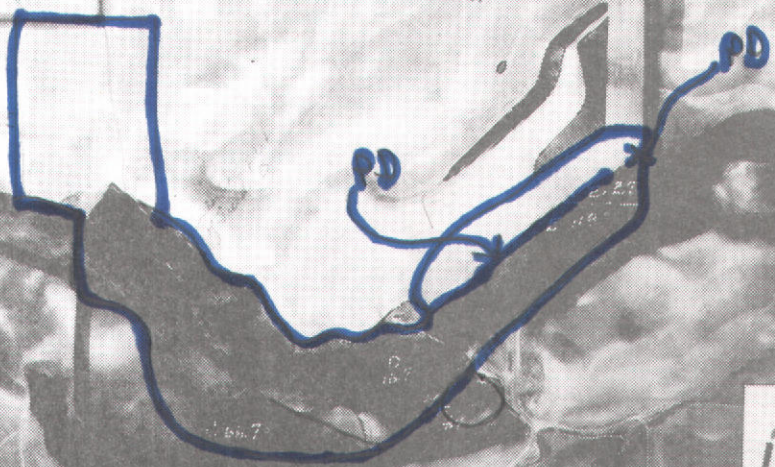
29	28
27	33

G
5.4

C-159
Herrill Walker

B
36.1

B
107.6



M
14A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim No.

41-4031

RECEIVED

APR 28

Department of Water Resources

Boise, Idaho

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

ONAN^{AND} for Glenna WALKER

(Name of Claimant)

Rockland, Idaho

(Mailing Address)

83271

(Zip Code)

Telephone No. 548-2361

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)

May 1, 1880 AS per Phone Conv with Merrill Walker 5-6-83
~~Oct 12, 1900 TGR~~

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)

Spring Creek tributary to Rock 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	3.0 cfs	Use	Irrigation	Period of Use From	Mar. 1
Quantity	.05 cfs	Use	Stockwater	Period of Use From	Jan. 1
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	

(4) 3.05 cfs TOTAL QUANTITY USED.

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

SE 1/4 NW 1/4, Sec. 33 Twp. 9S. Rge. 31E B.M., County of Power

Additional points of diversion: NE 1/4 SW 1/4 Sec 33 Twp 9S Rge 31E

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. Culverts with headgates Earth 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	31E	32			12	16									29			4	61
9S	31E	33								11	13	19	6						49

Stockwater used in all of above Tracts

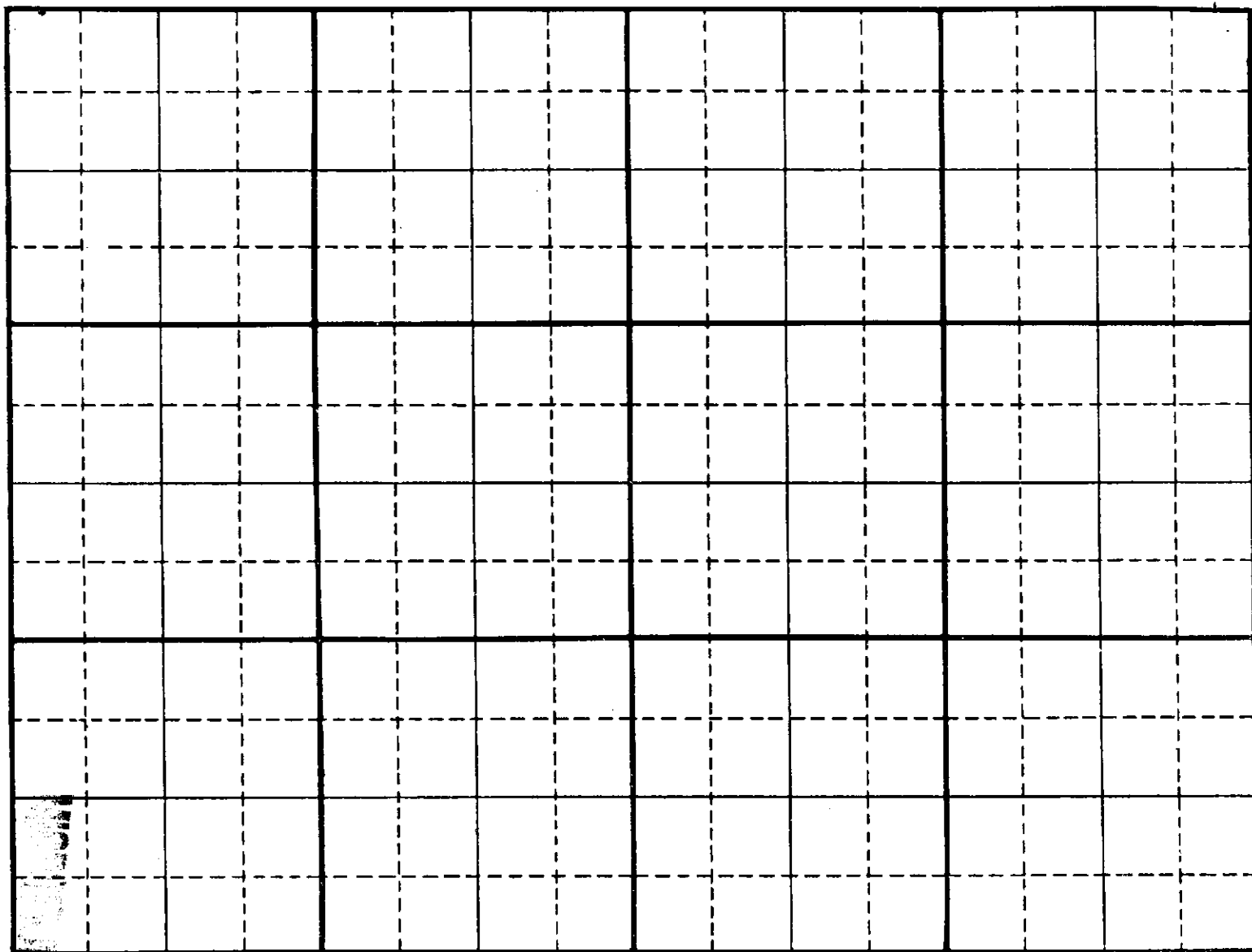
No. of acres 110

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: 150-200 hd Rge Cattle.

If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Power) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Orin J. Walker
(Claimant)

Sworn to before me this 20 day of April, 19 83.

Samuel Cammach
Notary Public
Residing at Rockland, Id.

My commission expires 4-20-84

FOR DEPARTMENT USE ONLY

Received by mup Date 4/26/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JD Date 5-2-83
\$30.00 fee received by mup Date 4/29/83 # 27277
Published in Power County Press
Dates 6/29 & 7/6/83

B-609
Ford Meadows
& Sons Inc.

A
320.3

B
74.5

Twp. 9S
Rge. 31E

C
278.1

C-101
David Tyler

B
114

B-514
J. Walker

30/29
31/2

A
82.8

C
43.2

D
56.0

25.5

29 28
30 39

C-154
Herrell Walker

B
32.1

B
107.6

M
14A

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 29..... day of June....., 19.....83

the date of last publication being the

.....6..... day of July....., 19.....83

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....8..... day of July....., 19.....83

.....*Paula H. H. H.*.....
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

.....11..... day of March....., 19.....86

Legal Notice

Published in the Power County
Press June 29 and July 6, 1983.

NOTICE OF CALIMS 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:

41-4028

WALKER, MERRILL E. &/or
DONNA D.
BOX 336, ROCKLAND, ID 83271
Source: GROUNDWATER
Priority Date: 05/01/1953
Diversion Pt: SENW Sec 05 T 10S R
31E
Use: IRRIGATION (0.67 CFS)
In: SWNW SENW Sec 05 T 10S R
31E FOR 80 ACRES

41-4029

ZARING, DON
RT. 1 BOX 228, AMERICAN
FALLS, ID 83211
Source: LITTLE WARM CREEK
trib. to SNAKE RIVER
Priority Date: 05/01/1937
Diversion Pt: NWSW Sec 25 T 09S
R 29E SENE Sec 26 T 09S R 29E
Use: STOCKWATER (0.02 CFS)
In: NWSW Sec 25 T 09S R 29E
SENE Sec 26 T 09S R 29E

41-4030

BENSON, DON &/or STAN
216 POLK, AMERICAN FALLS,
ID 83271
Source: FALL CREEK trib. to
SNAKE RIVER
Priority Date: 05/01/1930
Diversion Pt: NENE Sec 29 T 09S R
29E
Use: IRRIGATION (2.00 CFS)
In: NENE NWNE SENE NESE Sec.
29 T 09S R 29E NWSW Sec 28 T 09S
R 29E FOR 118 ACRES

41-4031

WALKER, ONA V. &/or GLEN-
NA
ROCKLAND, ID 83271
Source: SPRING CREEK trib. to
ROCK CREEK
Priority Date: 05/01/1880
Diversion Pt: SENW NESW Sec 33
T 09S R 31E
Use: IRRIGATION (3.00 CFS)
STOCKWATER (0.05 CFS)
In: SWNE SENE NESE SESE Sec
32 T 09S R 31E SENW NESW
NWSW SWSW Sec 33 T 09S R 31E
FOR 110 ACRES

41-4032

ROCKLAND SCHOOL DIST. 382
BOX 119, ROCKLAND, ID 83271
Source: GROUNDWATER
Priority Date: 03/15/1936
Diversion Pt: SESE Sec 06 T 10S R
31E
Use: IRRIGATION (0.08 CFS)
In: SESE Sec 06 T 10S R 31E FOR 4
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

October 26, 1983

TO: Bob Fleenor

FROM: Loren O. Holmes
Southern Region



SUBJECT: Files - 41-4024, 41-4031, 41-4039, Water District 41 File

The attached letter from Glen Cox is being responded to as an exception to Claim 41-4031, Claims 41-4024 (Cox) and 41-4039 (Nielson) are affected by Power Company Case #6674.

A copy of the Judgment is included in the file on Claim 41-4039 and I believe the State Office has a certified copy.

Nielson filed his claim on our recommendation because the court made no mention of priority or amount of water.

We need an opinion on how the watermaster should deliver the Nielson right under the decree.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: Loren Holmes
THRU: Bob Fleenor
FROM: Dave Tuthill
DATE: December 6, 1983
RE: Delivery of Water on Spring Creek tributary to Rock Creek

In response to your memorandum dated October 26, 1983, this office has investigated the water right situation on Spring Creek tributary to Rock Creek.

We find that the Cox v. Nielson et. al. decree identified two distinct water rights. Water right No. 41-0056 in the name of Rachel Hunter Cox has a priority date of May 1880, a rate of flow equal to the entire flow of the creek, and a place of use including three forty acre tracts. Water right No. 41-0057 in the name of Arthur H. Nielson Jr. and Bonnie F. Nielson has a priority date of just prior to water right No. 41-0056 (use April 31, 1880 for practical purposes), an undefined rate of flow and a place of use of 15 acres.

Claims Nos. 41-4024 and 41-4039 serve to clarify decreed rights Nos. 41-0056 and 41-0057 respectively, but they are not identical and thus have been recommended to retain their original numbers, recognizing that each claim seeks to further describe rather than be in addition to the associated decreed right.

Regarding water delivery, the watermaster should be instructed to deliver the two decreed rights prior to any other diversions from the stream. Based on the decree, water will be available to satisfy the beneficial use right defined by claim No. 41-4031 only after the two decreed rights are completely satisfied.

UNRECORDED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

October 26, 1983

Ona V. &/or Glenna Walker
Rockland,
Idaho 83271

Re: Claim to a Water Right No. 41-4031

Dear Ona V. & Glenna Walker:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by Glen R. Cox.

The following is a quote from the provisions under which this claim has been filed (section 42-243b, of the Idaho Code):

42-243b. Recording of claims by Department, Corrections

"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

RECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3573

October 26, 1983

Glen R. Cox
531 Teton Drive
Burley, Idaho 83318

POOR QUALITY ORIGINAL

Re: Claim to a Water Right No. 41-4031

Dear Mr. Cox:

We are in receipt of your exception to a Claim to a Water Right.

The following excerpt from section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Comptroller.
"At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of our file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN C. HOLMES
Southern Region Supervisor

LCH:marya
Encl:

UNRECORDED

Burley, Idaho
September 19, 1983

RECEIVED

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

SEP 21 1983

Department of Water Resources
Southern District Office

Dear Mr. Holmes:

Glen R. Cox and Ida F. Cox Protest any claim filed on Spring Creek Water. The Spring Creek water was filed on May 1880 by Edward Hunter. Ordered, Adjudged, and Decreed, is recorded in Book A and Book B of waters locations on pages 5 and 108 respectively of the original Oneida County records, as indicated in book 36, page 55 and page 7 of the county Recorder, in and for the County of Power, State of Idaho.

The total flow of Spring Creek was given to Rachel Hunter Cox, June 4, 1980 with the exception of 15 acres, Case #6674. The Claim filed by Ona and Glenna Walker is not valid. There is no record in Power or Oneida County of any Claim filed on Spring Creek Water, other than Edward Hunter. Ona Walker was at the Court Hearing when Judge Hargraves gave the total flow to Rachel Hunter Cox, with the exception of 15 acres.

I have mailed copies of the filing of May 1880 and the Court Decree of June 4, 1980 to The Department of Water Resources and to James Robinson, President of the Bench Ditch Irrigation Co.

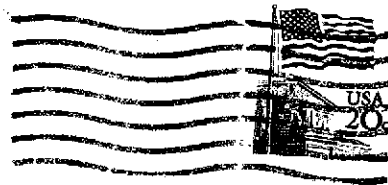
James Robinson, the Water Master, was supposed to regulate the Spring Creek water, but nothing was done. Please make sure he regulates this water for the season of 1984..

If there is any more information needed, please let me know..

Sincerely,

Glen R. Cox

531 Letter to
Burling Idaho
83318



Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho
83301

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

JULY ¹⁹~~15~~ 1983

DNA V. WALKER
GLENN WALKER
ROCKLAND

ID 83271

RE: Claim No. 41-4031

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

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:

41-4031

WALKER, DONA V. &/or GLENNA

ROCKLAND, ID 83271

Source: SPRING CREEK trib. to ROCK CREEK

Priority Date: 05/01/1880

Diversion Pt: SENW NESW Sec 33 T 09S R 31E

Use: IRRIGATION (3.00 CFS)
STOCKWATER (0.05 CFS)

In: SWNE SENE NESE SESE Sec 32 T 09S R 31E SENW NESW NWSW SWSW
Sec 33 T 09S R 31E FOR 110 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 6/29 & 7/6/83.

41-4031

WALKER, ONA V. &/or GLEN-
NA

ROCKLAND, ID 83271

Source: SPRING CREEK trib. to

ROCK CREEK

Priority Date: 05/01/1880

Diversion Pt: SENW NESW Sec 33

T 09S R 31E

Use: IRRIGATION (3.00 CFS)

STOCKWATER (0.05 CFS)

In: SWNE SENE NESE SESE Sec

32 T 09S R 31E SENW NESW

NWSW SWSW Sec 33 T 09S R 31E

FOR 110 ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 22, 1983

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 billing to this office before .

Yours truly,

Mary A. Newby
Secretary

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JF Stanton

Right Number 41-4031 Applicant WALKER, Ona V. &/or Glenna

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 7/19/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J.V.V. Date 7-25-83

RECEIVED
JUL 25 1983
Department of Water Resources