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34

Well P.D.  
and Place of Use

|                                       |                      |                     |                           |      |
|---------------------------------------|----------------------|---------------------|---------------------------|------|
| Received by <u>OW</u>                 | Date <u>10-23-97</u> | Exception filed by: | Forwarded to claimant by: | Date |
| Prelim. check by <u>[Signature]</u>   | Date <u>10/3/77</u>  |                     |                           |      |
| \$10.00 fee received by <u>OW</u>     | Date <u>10-23-97</u> |                     |                           |      |
| Approved for publication by <u>me</u> | <u>11-1-77 #926</u>  |                     |                           |      |
| Published in <u>Blackfoot News</u>    |                      |                     |                           |      |
| Dates <u>Oct. 20 &amp; 27 - 1977</u>  |                      |                     |                           |      |

RECEIVED

OCT 31 1977

Department of Agriculture  
Eastern District Office

## AFFIDAVIT of PUBLICATION

County of Bingham )

State of Idaho David Mark Brown ) ss.

I, \_\_\_\_\_ do

solemnly swear that I am the Publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Thursday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of

of publication was published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the

20th day of October, 19 77

and the last publication having been made on the

27th day of October, 19 77;

that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

*David Mark Brown*

Subscribed and sworn to before me this 28th

day of October, 19 77.

*Patricia A. Johnson*

Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho

My commission expires  
Oct. 20, 1980

### NOTICE OF CLAIM TO A WATER RIGHT NO. 27-4014

Notice is hereby given that

Lyle L. Walker, Blackfoot, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from a ground-water source with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34, T. 4S, R. 39E, B.M., Bingham County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for one family and stockwater for 100 range cows with a priority of October, 1948; the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34, T. 4S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED  
Director

(5322)  
Pub.: 10-20, 27

31

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NO. 27-4014**

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C. STEPHEN ALLRED  
Director

(5322)

Pub.: 10-20, 27

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Lyle L. Walker  
(name of claimant)  
of P.O. Box 492, Blackfoot, Idaho 83221, claims a right to the diversion and beneficial use of  
(mailing address)  
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water  
\_\_\_\_\_, tributary to, \_\_\_\_\_
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- |        |                      |     |                               |                |      |               |    |                        |
|--------|----------------------|-----|-------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>0.02</u>          | Use | <u>Domestic</u>               | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u>         |
| Amount | <u>0.02</u>          | Use | <u>Stockwater</u>             | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u>         |
| Amount | _____                | Use | _____                         | Period of Use: | From | _____         | To | _____                  |
|        | (cfs, gpm<br>or a/f) |     | (dom., irri.,<br>stock, etc.) |                |      |               |    | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.04 cubic feet per second, or \_\_\_\_\_ acre feet  
per annum, and/or \_\_\_\_\_ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) October, 1948

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)  
NW ¼ NE ¼, Sec. 34 Twp. 4S Rge. 39E B. M. County of Bingham  
 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. 6" x 100' well, pump and 300 gallon storage tank for stockwater

- (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]

Total No. of acres \_\_\_\_\_

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_  
Domestic water for one house and stockwater for 100 range cows.

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

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|             |  |                                                                                                                 |  |
|-------------|--|-----------------------------------------------------------------------------------------------------------------|--|
|             |  | R 39 E                                                                                                          |  |
| T<br>4<br>S |  |  Well P.D.<br>and Place of Use |  |
|             |  | 34                                                                                                              |  |

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.

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 affiants knowledge.

Lyle L Walker  
(Claimant)

My commission expires 6/15/81

|                                                     |                      |                     |              |      |
|-----------------------------------------------------|----------------------|---------------------|--------------|------|
| Received by <u>CW</u>                               | Date <u>10-23-77</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>JW</u>                          | Date <u>10/3/77</u>  |                     | claimant by: |      |
| \$10.00 fee received by <u>CW</u>                   | Date <u>10-23-77</u> |                     |              |      |
| Approved for publication by <u>me 11-1-77 #9236</u> |                      |                     |              |      |
| Published in <u>Blackfoot News</u>                  |                      |                     |              |      |
| Dates <u>Oct. 20 + 27 - 1977</u>                    |                      |                     |              |      |

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OCT 31 1977

Department of State & Justice  
Eastern District Office

## AFFIDAVIT of PUBLICATION

County of Bingham )

State of Idaho David Mark Brown ) ss.

I, do  
solemnly

swear that I am the Publisher of  
The Blackfoot News which is a daily newspaper of  
general circulation published each day except Sunday  
at Blackfoot, Bingham County, Idaho, said newspaper  
having been so published at Blackfoot, aforesaid for  
more than one year past; that said newspaper  
heretofore complied with all the provisions of Chapter  
134 of the Sessions Laws of Idaho of 1933, approved  
March 11, 1933, and duly designated, pursuant to law,  
a particular day of the week as the day on which legal  
notices required by law or by the order of any Court  
of competent jurisdiction within the State of Idaho  
shall be published to-wit: Thursday of  
each week; that the notice attached hereto and which  
is a part of this affidavit and part of the proof of

of publication was published in said issue or said  
newspaper two consecutive weeks

the first publication having been made on the  
20th day of October, 19 77

and the last publication having been made on the  
27th day of October, 19 77

; that said notice was published in the regular and en-  
tire issue of every number of the paper as aforesaid  
during the period and time of publication, and that  
notice was published in the newspaper and not in a  
supplement.

David Mark Brown

Subscribed and sworn to before me this 28th

day of October, 19 77

Patricia A. Johnson

Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho  
My commission expires  
Oct. 29, 1980

# WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 127-4014  
 OTd No. \_\_\_\_\_ New No. \_\_\_\_\_

## Record

1. Original Owner: Lyle L. Walker

Present Owner: \_\_\_\_\_

2. Address: P.O. Box

3. City: Blackfoot State: ID Zip: 83221

4. A. Source of Water: GW

B. Tributary of: \_\_\_\_\_

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): \_\_\_\_\_

C. Priority Date: 10-1-1948

D. County: 11

E. Total Diversion Rate: .04

F. Total Diversion Volume: \_\_\_\_\_

G. Transfer/Amendment (P,T of A or blank): \_\_\_\_\_

H. Water District: \_\_\_\_\_

I. DLE/Carey Act (D,C or blank): \_\_\_\_\_

J. Right Basis (for adjudication claims A,B,C only): \_\_\_\_\_

|                          | Tract       | Sec.      | Twp.      | Rge.       | Gov't Lot | Rediv. |
|--------------------------|-------------|-----------|-----------|------------|-----------|--------|
| 6. A. Point of Diversion | <u>NWNE</u> | <u>34</u> | <u>42</u> | <u>39E</u> | _____     | _____  |
|                          | _____       | _____     | _____     | _____      | _____     | _____  |
|                          | _____       | _____     | _____     | _____      | _____     | _____  |
|                          | _____       | _____     | _____     | _____      | _____     | _____  |

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for S purposes. Amount .02  
 (cfs or AC-FT/yr)

from 1-1 to 12-31 for D purposes. Amount .02

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

CSA 7-26-79

8. Use Code: 8

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

S/100 head D/1 home.

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

November 10, 1977

RE: Claim to a Water Right No. 27-4014 and 27-4015

Mr. Lyle L. Walker  
P.O. Box 492  
Blackfoot, Idaho 83221

Dear Mr. Walker:

The Department of Water Resources has completed the processing of your claims to water rights and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims do not, in themselves, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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

We are enclosing, for your records, a copy of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

RDC:CW

Enc: Copy of Claims (2)

October 14, 1977

RE: Claim to a Water Right No. 27-4014 WALKER

Blackfoot News  
P.O. Box 72  
Blackfoot, Idaho 83221

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 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.

An affidavit of publication must be submitted to the Department along with the publication bill.

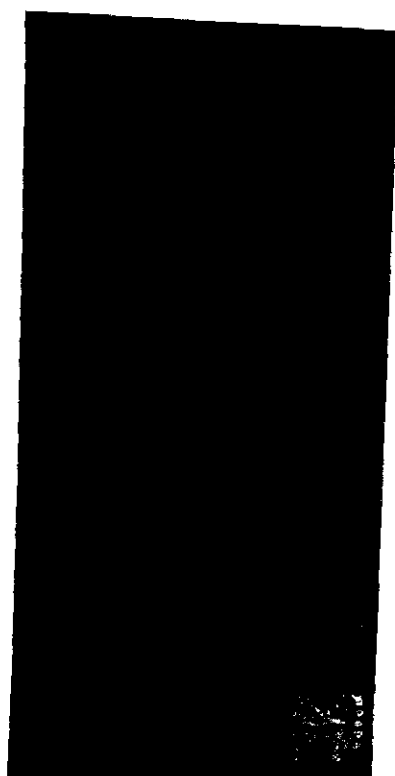
Very truly yours,

RONALD D. CARLSON  
Supervisor,  
Eastern Region

Bill submitted 11/01/77 by Ced

RDC:CW

Enc: Legal Notice (1)



**INTER-DEPARTMENT MEMO — 1**

**FROM** Loy Johnson *LJ*

**TO** Claim to a Water Right File 27-4014

**SUBJECT** Map Correction

**DATE** October 14, 1977

Mr. Walker was in this date pursuant to my letter of October 7, 1977.

He indicated the written description in Item 5A and 6A was the correct legal description and the map was in error. The map has been corrected to match the legal description.

---

**SIGNATURE**

NOTICE OF CLAIM TO A WATER RIGHT

NO. 27-4014

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Blackfoot, Idaho

has filed a claim to a water right established by diversion and application  
to beneficial use of 0.04 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~  
of water from a ground-water source  
with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34, T. 4S, R. 39E, B.M.,  
Bingham County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic  
purposes for one family and stockwater for 100 range cows  
with a priority of October, 1948;  
the place of use is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34, T. 4S, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho  
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED  
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Blackfoot News, Blackfoot, Idaho  
on October 20 and October 27, 1977

*m-l.  
m. H.  
m-A.*

October 7, 1977

RE: Claim to a Water Right No. 27-4014

Mr. Lyle L. Walker  
P.O. Box 492  
Blackfoot, Idaho 83221

Dear Mr. Walker:

In reviewing your claim filed October 3, 1977, I find I have made an error either in the written description or in the drawing of the map on the above referenced claim submitted for ground water. I wrote the description as shown in the red circled areas on the front page of the claim. The map on the back page of the claim is outlined in red to match the written description on the front page. The black square is where I drew the land on the map. Which one is correct? I have shown the place of use on the Sunday Creek Claim you filed in pencil to show the land under this claim in reference to the ground water claim.

Please let me know the correct location as soon as possible to avoid further delay in processing. I am sorry for any inconvenience this may have caused you.

Very truly yours,

LOY H. JOHNSON  
Water Resource Agent

LHJ:CW

Enclosure