

RECEIVED

OCT 9 1973

Department of Water Administration
Eastern District Office

Proof of Publication The Post-Register

State of Idaho, }
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 27th day of September, 1973, last publication having been made on the 4th day of October, 1973, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 5th day of October, 1973

Karl S. Hae
Notary Public

My commission expires April 5, 1975

B10, 1M

mb
**NOTICE OF CLAIM
TO A WATER RIGHT**
NO. 25-4015
Notice is hereby given that Forrest Mann Star Route, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from natural springs tributary to Willow Creek-Grays Lake with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 3S, R. 43E, B.M. Bonneville County.
The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 2-3 families with a priority of Summer, 1919; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 3S, R. 43E, B.M.
Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
Published in the Idaho Falls Post-Register, Idaho Falls, Idaho on September 27 and October 4, 1973.

25 4015

Identification No. 25 4015
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Forrest Mann
post office address Star Route, Idaho Falls, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 35 Township 3 South
Range 43 East B.M. located on natural springs
NCY 919173 (name of source)
tributary to Willow Creek - ~~Snake River~~ GRAYS LAKE in Bonneville County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>Summer, 1919</u>	amount: <u>.03</u>	c.f.s. or	acre feet
_____	amount: _____	c.f.s. or	acre feet
_____	amount: _____	c.f.s. or	acre feet
Total claimed <u>.03</u> c.f.s. or _____ acre feet.			
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>domestic</u>	period of use from <u>January 1</u>	to <u>December 31</u>	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
use _____	period of use from _____	to _____	(both dates inclusive)
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of Head box placed at spring and water diverted into pipe; length is _____ feet; height is _____ feet; width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____ capacity of pump is _____ g.p.m.; name and address of well driller is _____

[illegible]

attach well logs if available, has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____

d. If water is stored: name of reservoir _____

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____; period of storage is from _____ to _____; is reservoir drained each year _____; is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres: _____

- b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered _____
7. Where water is used for domestic or municipal purposes give number of families served 2-3 name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Water is diverted from natural spring by means of concrete well head which diverts the water into a pipe and then the same is conveyed a relatively short distance for domestic uses. The domestic uses include culinary and other household uses and also watering of lawn and garden near home. Home was built before 1940 by Fred Brenzinger and the water was diverted for the domestic uses for which it is now being used before summer of 1940, and was used at that time for one family. Said one family however used the full flow of water from the spring for culinary and other household uses and for the watering of the surrounding lawn and garden and the subsequent addition of one and sometimes two additional families has merely increased the use of the water for household uses rather than for watering or gardening purposes. The water being appropriated constitutes the entire flow of one natural spring. Additional information is furnished in attached affidavit.

State of Idaho

County of Bonneville

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 affiants knowledge.

Sworn to before me this

6th

day of

January

1973

Forrest Mann

Claimant

Winston V. Beard
Notary Public

Residing at WINSTON V. BEARD - NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 6-4-76

My commission expires _____

For Department Use Only

Received by mb

Date

9/19/73

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by NCY

Date

9/19/73

Fee received by mb

Date

9/19/73 Fee \$10.00

Approved for publication by CW

Date

9/20/73 #10345

Published in J.F. Post Register

Dates

9/22 + 10/4/73

Public. App'd NCY

Date

10/15/73

25 AC15

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:
Date of priority claimed: May 18, 1871 amount: 0.8 c.f.s. or _____ acre feet
June 1, 1901 amount: 0.4 c.f.s. or _____ acre feet
Total claimed: 1.2 c.f.s. or _____ acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.

9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

IN THE MATTER OF:)

FOREST MANN)

State of Idaho)

County of Bonneville)

AFFIDAVIT

BASIL POULSON

being first duly sworn,

deposes and says: I have resided near the Greys Lake area since the spring

of 1919 during at least a portion of every year since then. In the spring

of 1919 Fred Brenzinger was residing with his brother on Section 35 Township

3 South Range 43 East and was using for domestic purposes all of the natural

flow from the springs located on the SW 1/4 of the NE 1/4 of said section

and that the same water has been ~~used~~ used since then for domestic

purposes by the possessors of such land and are now being used by

Forest Mann as the owner of said land for his domestic purposes.

RECEIVED

SEP 19 1973

Department of Water Administration
Eastern District Office

Basil Poulson
(signature)

Subscribed and sworn to before me this 16 day of September 19 73.

Winston V. Beard
(notary public)

WINSTON V. BEARD - NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 6-4-76

Residing at _____

My commission expires _____

25 4015

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Department of Water Administration
Eastern District Office

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The Post-Register

State of Idaho,
County of Bonneville } ss.

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Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

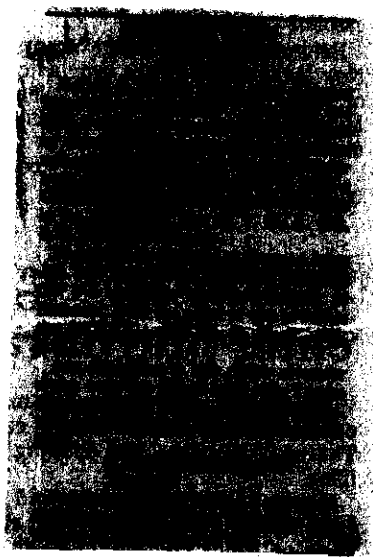
That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 27th day of September, 1973, last publication
having been made on the 4th day of October, 1973, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 5th day of October, 1973.

Karl S. Hall
Notary Public

My commission expires April 5, 1975.

B10, 1M



25 4015

ACT
ION

N	OWNER LAST NAME - MANN	FIRST NAME - FORREST	
N	ADDRESS LINE 1 - STAR RT.		
N		CITY - IDAHO FALLS	STATE - ID ZIP CODE - 83401
N	SOURCE - SPRING	TRIBUTARY OF - WILLOW CREEK	
N	STAGE - STATUTORY CLAIM	PRIORITY - 06-01-1919	COUNTY - BONNEVILLE TOTAL DIV. RATE - .0300CFS
N	DIVERSION POINT - SWNE 35 03S 43E		
N	FROM - 01-01 TO - 12-31 USE - DOMESTIC	USE DIV. RATE - .0300CFS	
N	USE - DOMESTIC	PLACE OF USE - TWN 03S RNG 43E SEC 35 TRACT SWNE	
N	NON IRRIG USE - D/2-3 HOMES.		

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

1. Original Owner: Forrest Mann
-
- Present Owner: _____
-
2. Address: Star Rt.
3. City: Idaho Falls State: Id Zip: 83401
4. A. Source of Water: Spring
B. Tributary of: Willow Creek
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: 6-1-1919
D. County: 19
E. Total Diversion Rate: .03
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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SWNE</u>	<u>35</u>	<u>3S</u>	<u>43E</u>		

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

[illegible]

Ch 7-24-79

8. Use Code: 0

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

0/2-3 homes

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):

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

October 16, 1973

Re: Claim to a Water Right No. 25-4015

Mr. Forrest Mann
Star Route
Idaho Falls, ID 83401

Dear Mr. Mann:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb
Enc: Copy of Claim

25 4015

1515 Lincoln Road

September 20, 1973

Re: Applications for Permit No. 25-7040 Richard Skidmore
25-7041 Security Const. Co.
Claim to a Water Right No. 25-4015 Forrest Mann

Idaho Falls Post Register
P. O. Box 1800
Idaho Falls, ID 83401

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.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb
Enc: Legal Notices (3)

Bill submitted 10/9/73 by Cal

25 4015

LEGAL NOTICE

**NOTICE OF CLAIM
TO A WATER RIGHT**
NO. 25-4015

Notice is hereby given that Forrest Mann Star Route, Idaho Falls, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.03 cubic feet per second of water from natural springs tributary to Willow Creek-Grays Lake with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 3S, R. 43E, B.M. Bonneville County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for 2-3 families with a priority of Summer, 1919; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 3S, R. 43E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Idaho Falls Post-Register, Idaho Falls, Idaho on September 27 and October 4, 1973.

25 4015

NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4015

Notice is hereby given that Forrest Mann

Star Route, Idaho Falls, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.03 cubic feet per second ~~XXXXXX~~

of water from natural springs tributary to Willow Creek-Grays Lake

with point of diversion in the SW¹/₄NE¹/₄, Sec. 35, T. 3S, R. 43E, B.M.

Bonneville County.

The water is claimed to be used from Jan. 1 to Dec. 31

for domestic purposes for 2-3 families

with a priority of Summer, 1919;

the place of use is within the SW¹/₄NE¹/₄, Sec. 35, T. 3S, R. 43E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Idaho Falls Post Register, Idaho Falls, Idaho

on September 27 and October 4, 1973.

25 4015

aw-f.
aw-a.

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

September 19, 1973

Mr. Winston V. Beard
Attorney at Law
485 "E" St.
Idaho Falls, ID 83401

Dear Mr. Beard

Attached herewith is departmental receipt No. 10348 in the amount of \$10.00 for Mr. Forrest Manns' claim to a water right which was received in this office under the above date.

If we can be of further assistance, please contact us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enc: Receipt No. 10348

25 4015

PETERSEN, MOSS, OLSEN & BEARD
ATTORNEYS AT LAW
485 "E" STREET
IDAHO FALLS, IDAHO 83401

GEORGE C. PETERSEN, JR.
REED L. MOSS
DENNIS M. OLSEN
WINSTON V. BEARD

TELEPHONE
AREA CODE 208
523-4650

September 17, 1973

SEP 19 1973

SEP 19 1973

RECEIVED
SEP 19 1973

Idaho Department of Water Administration
240 S. Holmes
Idaho Falls, Idaho 83401

Re: Forrest Mann

ATTN: Norman Young

Dear Norman:

Enclosed herewith please find a claim of water right which we are filing on behalf of Forrest Mann, to which is attached an affidavit of Basil Poulson. We would appreciate you processing this claim to a water right in the customary fashion.

Sincerely,

PETERSEN, MOSS, OLSEN & BEARD

Winston V. Beard

Winston V. Beard

WVB:dk

Enclosure

P.S. We are enclosing herewith a check for \$10.00 to cover the cost of filing the claim of water right.

W.V.B.

25 4015