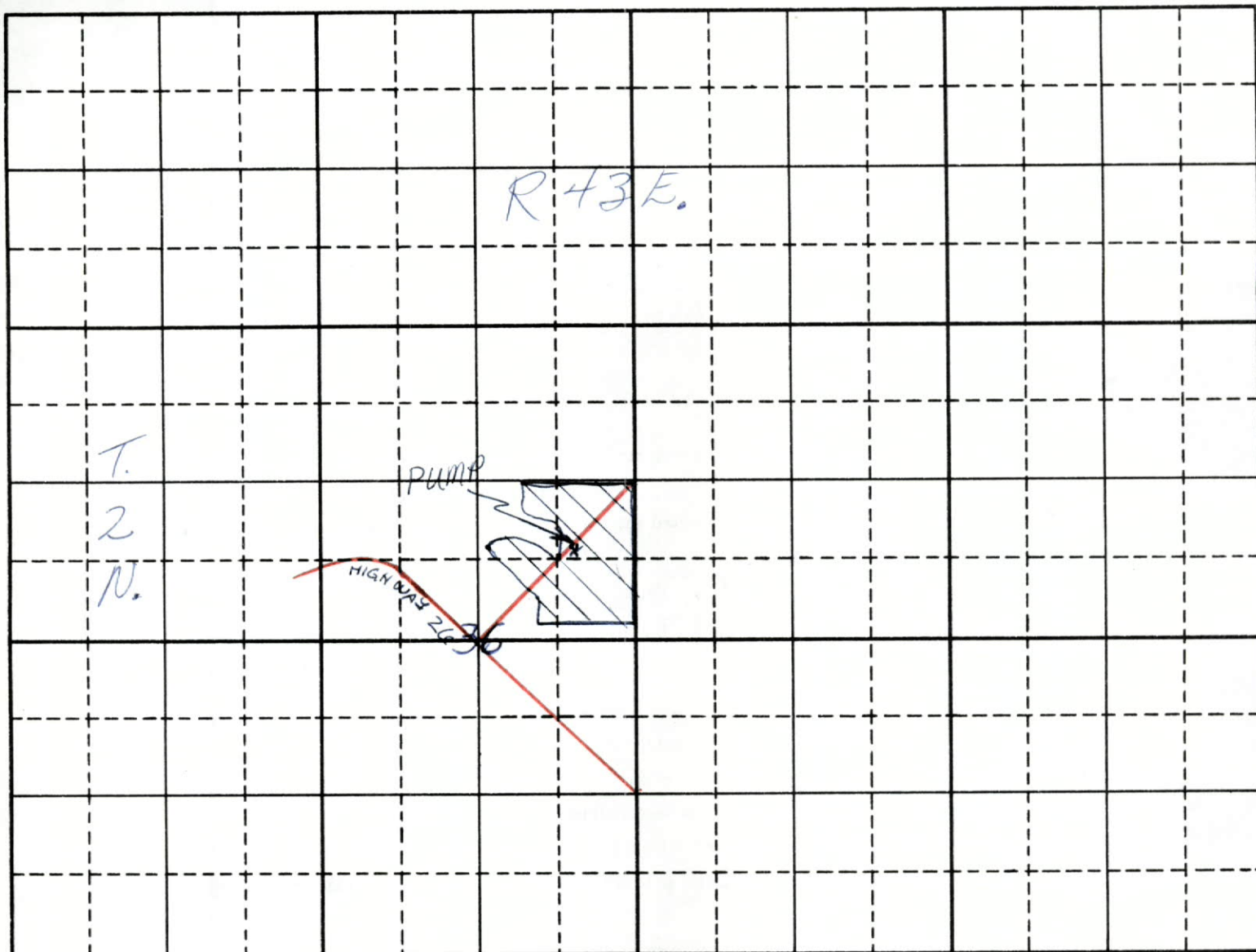


(8) Remarks _____



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 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 14th day of July

Margaret Jacobson
(Claimant)

19 77

Allen Wray
Notary Public

Residing at Idaho Falls, Idaho

My commission expires 6/15/81

For Department Use Only

Received by	CW	Date	7-14-77	Exception filed by:	Forwarded to	Date
Prelim. check by	LHJ	Date	7-14-77		claimant by:	
\$10.00 fee received by	CW	Date	7-14-77			
Approved for publication by	per 8-03-77 #1263					
Published in	Post Register					
Dates	July 21 & 28 1977					

● Proof of Publication ●
The Post-Register

RECEIVED

AUG 3 1977

Department of Water Resources
Eastern District Office

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 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 21st day of July, 19 77, last publication
having been made on the 28th day of July, 19 77, 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 1st day of August, 19 77.

Karey H. H.
Notary Public

My commission expires April 5, 19 79.

B10, 1M

NOTICE OF CLAIM TO A WATER
RIGHT
No. 23-4011

Notice is hereby given that Lloyd A. Augustus &/or Margaret "J" Jacobson, Swan Valley, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 1.40 cubic feet per second of water from unnamed springs tributary to Rainey Creek with point of diversion in the NE 1/4 SE 1/4, Sec. 36, T. 2N., R. 43E, B.M., Bonneville County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 100 acres with a priority of June 22, 1895; the place of use is within the SE 1/4, Sec. 36, T. 2N, R. 43E, 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

Published: July 21, 28, 1977

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

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 Lloyd A. Augustus, And/or Margaret J. Jacobson
(name of claimant)
of Box 68 Swan Valley, Idaho, 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) unnamed springs.
tributary to, Rainey Creek.

- (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>1.4 cfs.</u>	Use <u>Irrigation</u>	Period of Use: From <u>April 1</u> To <u>Nov. 1</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

- (3) Total quantity of water claimed: 1.4 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) JUNE 22, 1895

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)
NE ¼ SE ¼, Sec. 36 Twp. 2N Rge. 43 E B. M. County of BONNEVILLE
 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. 25 HP Electric pump, portable

- main line & 42 sections of sprinkler pipe w/ one nozzle/ section.
ORIGINAL DIVERSION AND IRRIGATION WAS THROUGH POND & SUB-IRRIGATION
- (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.

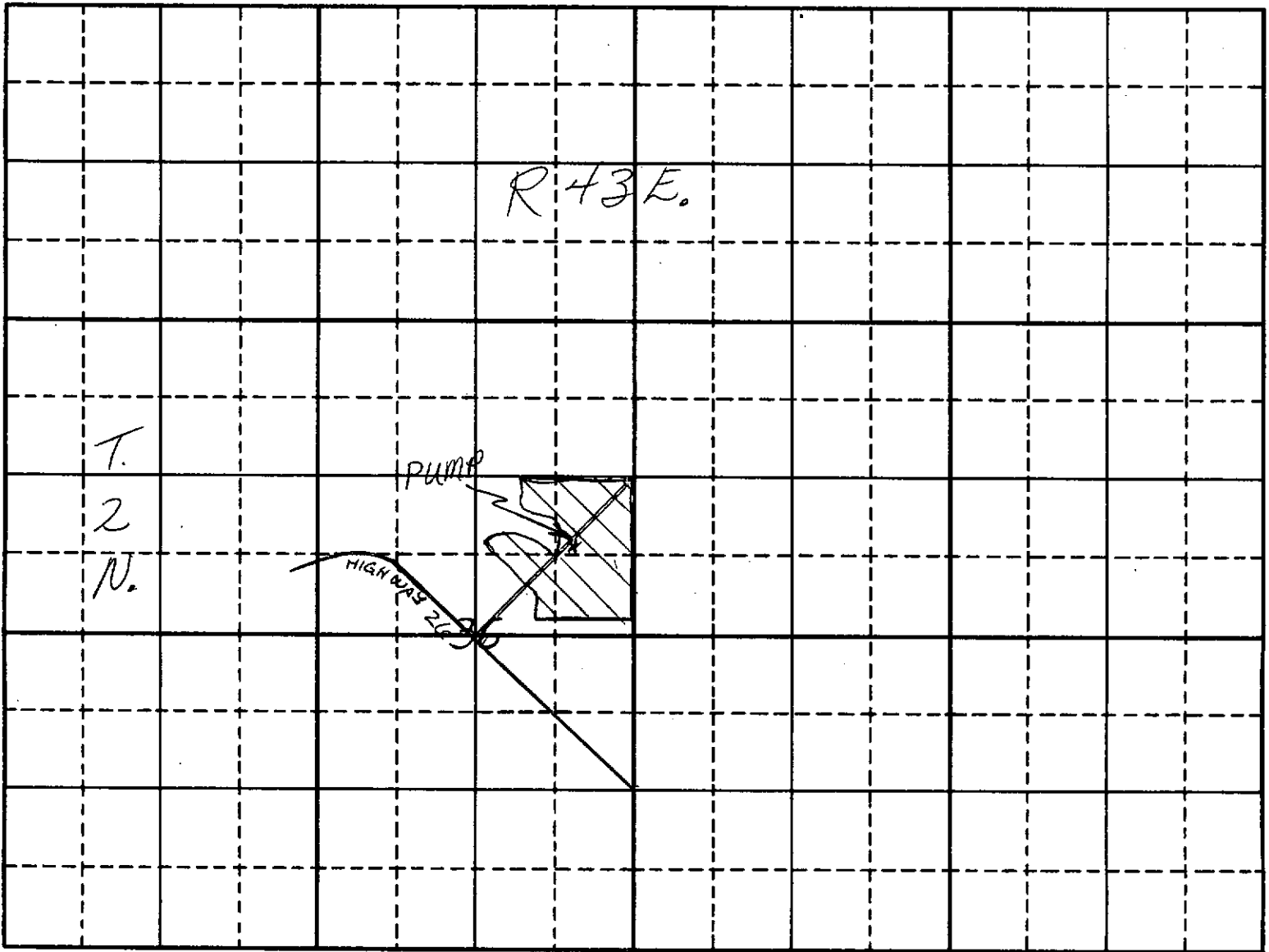
[illegible]

Total No. of acres 100

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

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

(8) Remarks _____

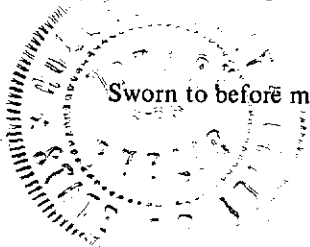


Scale: 2 inches equal 1 mile.

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 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 14th day of July

Margaret Jacobson
(Claimant), 19 77

Notary Public

Residing at Idaho Falls, Idaho

My commission expires 6/15/81

For Department Use Only

Received by <u>CW</u>	Date <u>7-14-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LHJ</u>	Date <u>7-14-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>7-14-77</u>			
Approved for publication by <u>pw 8-03-77 #8263</u>				
Published in <u>Post Register</u>				
Dates <u>July 21 & 28 1977</u>				

We understand that A. J. Bernard had Patent on 80 acres June 22, 1895, later having a deed January 9, 1903. He was the first owner leaving it to his heirs. Leslia Jacobson purchased the land November 21, 1922 saling it to Gustus Jacobson August 9, 1927. Each of the Jacobsons used the water for irrigating the ground and probably Mr. Bernard did too.

There is no inlet, water in the four ponds rises from springs located on this land and the water is on the place for one half mile before it runs into Rainey Creek.

The four ponds were man made for the purpose of backing water up for subbing and for irrigation. We have used sprinlers since 1952.

We have let Bonneville and Jefferson Sportsman use the ponds as a rearing place for their fish.

Lloyd A. Jacobson
Lloyd A. JACOBSON
Margaret J. Jacobson
Margaret "J" JACOBSON

THE STATE OF IDAHO

County of Bonneville

Before me, Zora Miller, a Notary Public

in and for said County and State, on this day personnaly appeared Lloyd A. Jacobson and Margaret J Jacobson, known to me to be ther persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 13th day of July 1977.

Zora Miller

Notary Public



RECEIVED

JUL 14 1977

Department of Water Resources
Eastern District Office

RECEIVED

TO WHOM IT MAY CONCERN:

I, VERNAL W. SHURTLEFF, was born in 1905, have lived in Swan Valley all my life. My father came to Swan Valley prior to 1889 and was among the first settlers of this area.

Joe Bernard homesteaded the ranch now known as the "Gust Jacobsen Ranch". It was later sold to Lester Jacobsen and then sold to Gust Jacobsen, his brother.

In the early days the water table in the Ponds (in question) rose to the top of the banks and subbed back into the upper sloughs---sub-irrigating the ground. Later in the fall temporary dams were placed in the Springs and Ponds to hold the water at a usable level. This has been the practice from the time the ranch was first homesteaded.

In the last few years the water table has subsided and with the development of Electricity and sprinkler systems it has been necessary to change the system of irrigation on the ranch. This early day system of Irrigation was the practice in all of the lower end of Swan Valley.

Vernal W. Shurtleff

THE STATE OF Idaho

County of Bonneville

Before me, Zora Miller, a notary public in and for said County and State, on this day personally appeared Vernal W. Shurtleff known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 13 day of July 1977

Zora Miller

Notary Public

My commission expires March 1, 1979

RECEIVED

JUL 14 1977

Department of Water Resources
Eastern District Office

RECEIVED

● Proof of Publication ●
The Post-Register

RECEIVED

AUG 3 1977

Department of Water Resources
Eastern District Office

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 21st day of July, 1977, last publication having been made on the 28th day of July, 1977, 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.

E. F. McDermott
Subscribed and sworn to before me, this 1st day of August, 1977.

K. G. S. S. S.
Notary Public

My commission expires April 5, 1979.

B10, 1M

NOTICE OF CLAIM TO A WATER RIGHT
No. 23-4011

Notice is hereby given that Lloyd A. Agustus &/or Margaret "J" Jacobson, Swan Valley, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 1.40 cubic feet per second of water from unnamed springs tributary to Rainey Creek with point of diversion in the NE 1/4 SE 1/4, Sec. 36, T. 2N., R. 43E, B.M., Bonneville County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 100 acres with a priority of June 22, 1896; the place of use is within the SE 1/4, Sec. 36, T. 2N, R. 43E, 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
Published: July 21, 28, 1977

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ACT
ION

N OWNER LAST NAME - AUGUSTUS
N OWNER LAST NAME - JACOBSON

FIRST NAME - LLOYD A.
FIRST NAME - MARGARET J.

N ADDRESS LINE 1 - P.O. BOX 68

CITY - SWAN VALLEY

STATE - ID ZIP CODE - 83449

N SOURCE - SPRINGS

TRIBUTARY OF - RAINEY CREEK

N STAGE - STATUTORY CLAIM

PRIORITY - 06-22-1895 COUNTY - BONNEVILLE TOTAL DIV. RATE - 1.4000CFS

WATER DIST. - 01

N DIVERSION POINT - NESE 36 02N 43E

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - 1.4000CFS

N USE - IRRIGATION

PLACE OF USE - TWN 02N RNG 43E SEC 36 TRACT NESE
TRACT SWSE

AC 40 TRACT NWSE
AC 10 TRACT SESE

AC 20
AC 30

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

Present Owner: _____

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

from _____ to _____ for _____ purposes. Amount _____

72379

[illegible]

9. A. Decree Name:

B. Decree Date:

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

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

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):

August 3, 1977

RE: Claim to a Water Right No. 23-4011

Lloyd A. Agustus
and/or Margaret J. Jacobson
Box 68
Swan Valley, Idaho 83449

Dear Mr. Agustus and/or Ms. Jacobson:

The Department of Water Resources 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,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enc: Copy of claim

July 15, 1977

RE: Claim to a Water Right No. 23-4011 JACOBSON
Application for Permit No. 25-7125 BUTIKOFER

Post Register
P.O. Box 1800
Idaho Falls, Idaho 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 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 8-03-77 by cd

RDC:CW

Enc: Legal Notice (2)

RECEIVED
AUG 16 1977

NOTICE OF CLAIM TO A WATER RIGHT

NO. 23-4011

Notice is hereby given that Lloyd A. Agustus &/or Margaret "J"
Jacobson, Swan Valley, Idaho

have ~~JAS~~ filed a claim to a water right established by diversion and application
to beneficial use of 1.40 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from unnamed springs tributary to Rainey Creek
with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 2N, R. 43E, B.M.,
Bonneville County

The water is claimed to be used from Apr. 1 to Nov. 1
for the irrigation of 100 acres
with a priority of June 22, 1895;
the place of use is within the SE $\frac{1}{4}$, Sec. 36, T. 2N, R. 43E, 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 Post Register, Idaho Falls, Idaho
on July 21 and July 28, 1977

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C. A.

Mr. J.