

45-04044

Identification No. _____
Claim No. 45-4044
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 H. Lee Jolley
post office address Box 21, Albion, ID 83311 Ph. 673-2363
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 32 Township 11S
Range 25E B.M. located on ~~Howell Creek~~ LI WASTE WATER
(name of source)
tributary to Marsh Creek in Cassia 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: Nov 9 - 1938
amount: .2 c.f.s. or _____ acre feet
amount: .02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .2 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 Irrigation period of use from April 1 to Oct. 31 (both dates inclusive)
use Stockwater period of use from Jan. 1 to Dec. 31 (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 _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known. This water will be diverted through a small ditch. There isn't any check or pump in the creek.
 - 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 _____

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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 _____

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:

[illegible]

Total number of acres to be irrigated 20

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
Permit # G-33229 issued Sept. 27, 1968 15 gallons per minute, well, pump, &
stock tank, 29 acre feet per season & rate of diversion 0.04

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch
tributary to Howell Creek 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 10 beef cattle,
10 horses

7. Where water is used for domestic or municipal purposes give number of families served _____
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
Reason for filing is that the owner in Sec. 5 to the south of my place indicates
that he is going to build a reservoir and this would stop the water coming on to my
place and dry it up. NOTE: Under 8b you have the 20 acres in the SE 1/4 SW 1/4

The reason that we are making this filing is that if the owner in Sec. 5 should
build a reservoir this reservoir is located at a position that he could shut
off the water completely that has flown in the creek for many years and this
creek comes onto my property and I depend upon this flow from this creek to
irrigate and water my stock. I do not intend to make any construction on the
creek that is already established. To summarize the purpose of this filing
is to be guaranteed enough water to irrigate and water my livestock that is
why we took the least amount of 0.20 cubic feet per second.

State of Idaho

County of Twin Falls } 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 21st day of February, 1973.

H. Lee Polley
Claimant

Anita L. Warriner
Notary Public

Residing at Twin Falls

My commission expires Aug. 2, 1974

For Department Use Only

Received by <u>alw</u> Date <u>2-21-73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>DA</u> Date <u>3-27-73</u> # <u>9581</u>	_____	_____	_____
Fee received by <u>alw</u> Date <u>3-2-73</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>DA</u>	_____	_____	_____
Published in <u>South Idaho Press</u> Dates <u>3-13 &</u> <u>alw 3-20-73</u>	_____	_____	_____

45-4044

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 if 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

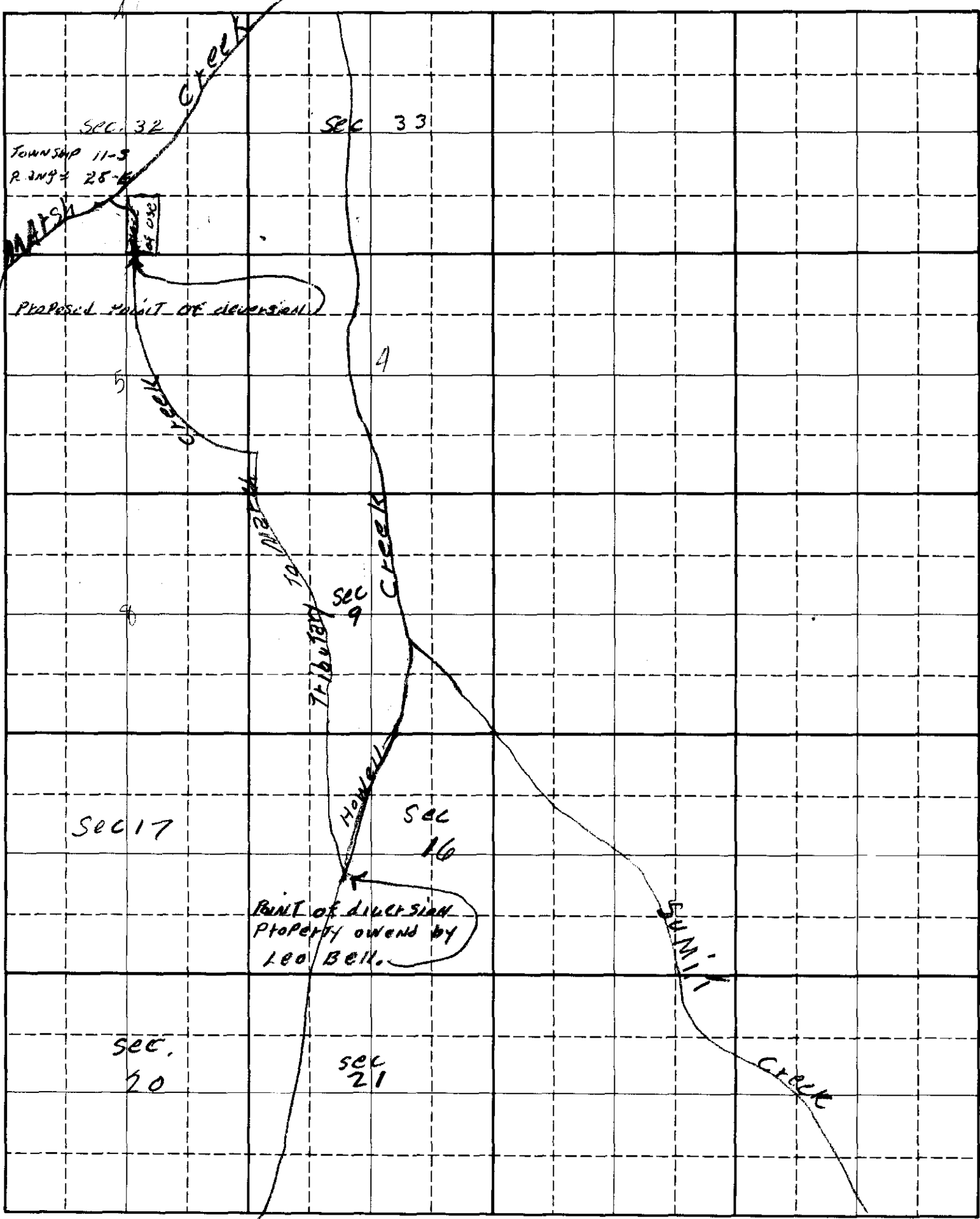
Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

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



11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

H. Lee Jolley
(Applicant)

45-4044

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Received by ef Date 1/30/73 Time 8:00 A
Preliminary check by _____ Fee \$ _____
Receipted by _____ Date _____
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
 - c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____ 19____.

Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>D</u>	<u>1-30-1973</u>	Application No. _____ Name <u>H. Lee Jolley</u>
(2)	<u>D</u>	<u>1-30-1973</u>	Check: ☒ Signature ☒ Point of Diversion ☐ Quantity of Water and Period of Use <u>OK for Irr. (Excessive) for stock</u> ☐ Description of Diverting Works ☐ Time required for C/W and application of water to B/U ☐ Place of Use <u>need 8 A 1 ALSO wrong on 8 b</u> ☐ Map <u>?</u> ☒ Fee
(3)			Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)			In form for advertising _____
(6)			Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____ _____ _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

RECEIVED

APR 2 1973

Department of Water Administration

45-4044

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MAR 21 1973

Department of Water Administration
Southern District Office

**SOUTH IDAHO PRESS
BURLEY, IDAHO**

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that she is the

bookkeeper 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 2

consecutive weeks, commencing with the issue

dated March 13, 1973, and ending

with the issue dated March 20, 1973

Ruth Chambers

Subscribed and sworn to before me

this 20th day of March

1973.

Edith Rautall Notary Public

Cost of Publication 12.60

Notary Fee

Total Cost

My commission expires October 23, 1975

3-75

NOTICE OF
TO WATER
NO. 45-4044

Notice is hereby given that H. Lee Jolley, Box 21, Albion, ID has filed a claim to a water right established by diversion and application to beneficial use of 2 cubic feet per second of water from waste water, tributary to Marsh Creek with point of diversion in the SW 1/4 SE 1/4, Sec. 32, T. 11S, R. 25E, E.M., Cassia County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater purposes and from April 1 to Oct. 31 for the irrigation of 20 acres with a priority of Nov. 9, 1938; the place of use is within the SW 1/4 SE 1/4, Sec. 32, T. 11S, R. 25E, E.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301.

R. KEITH HIGGINS

Director
Published in the South Idaho Press, Burley, ID, March 13 and March 20, 1973.

45-4044

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,

ss.

STATE OF IDAHO

Bookkeeper being first

duly sworn, deposes and says that she is the

Bookkeeper 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 2

consecutive weeks, commencing with the issue

dated March 13, 1973, and ending

with the issue dated March 20, 1973

Subscribed and sworn to before me

this 20th day of March

1973

Keith Higinson Notary Public

Cost of Publication 12.60

Notary Fee

Total Cost

My commission expires October 23, 1975

375

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 45-4044

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R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, ID, on March 13 and March 20, 1973.

45-4044

Bob Haynes:

Mr. Haynes, attached is a copy of a Warranty Deed. If you need anything else to finish up my filing on the water that I have made application on, please advise me.

Lee Jolley
Pibion, Idaho

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MAY 18 1973

RECEIVED
MAY 18 1973
MAY 18 1973

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RECEIVED

MAR 12 1973

Department of Water Administration
Southern District Office

Mary J. Rea, a widow,

To

Charles M. Clay.

WARRANTY DEED #129309.

Dated, May __, 1938.

Filed, November 9, 1938, 2:43 p.m.

Recorded, Book 41 Deeds, page 573.

Consideration: \$1600.00.

by these presents does grant, bargain, sell, convey and confirm,
all the following described real estate, situated in the County of Cassia,
State of Idaho, to-wit:

The W $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32, Twp 11 So., R. 25 E.B.M.,
Together with all the rights to the use of water for irrigating
said premises and for domestic use thereon to which the said party
of the first part or the said premises are entitled, or which
are now being used on the said premises, however the same may
be evidenced;

And the said grantor herein, Mary J. Rea, does hereby state that
she is now a widow, and has been a widow ever since before December 4,
1909.

Mary J. Rea

Acknowledged May 26, 1938 by Mary J. Rea, a widow, before Neva
A. Kemper, a Notary Public in and for the State of California, residing
at San Francisco, California.

(SEAL) My Commission Expires: Oct. 4, 1939.

(22.00 revenue stamp attached.)

45-4044

March 30, 1973

RE: Claim to a Water Right No. 45-4044 - H. Lee Jolley

Mr. H. Lee Jolley
Box 21
Albion, ID 83311

Dear Mr. Jolley:

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 of the 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 the claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

45-4044

March 2, 1973

RE: Claim No. 45-4044 - H. Lee Jolley

South Idaho Press
Box 190
Burley, ID 83318

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,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc: Legal Notice

Bill submitted 3-21-73 by alw

45-4044

NOTICE OF CLAIM TO A WATER RIGHT

NO. 45-4044

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Box 21, Albion, ID

has filed a claim to a water right established by diversion and application
to beneficial use of .2 cubic feet per second XXXX XXXX XXX XXXXX
of water from waste water, tributary to Marsh Creek
acre feet per annum

with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 11S, R. 25E, B.M.,
Cassia County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater
purposes and from April 1 to Oct. 31 for the irrigation of 20 acres

with a priority of Nov. 9, 1938;
the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 11S, R. 25E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, ID
on March 13 and March 20, 1973

45-4044

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73-75

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 45-4044

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R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, ID, on March 13 and March 20, 1973.

45-4044

February 23, 1973

H. Lee Jolley
Box 21
Albion, ID 83311

Dear Mr. Jolley:

I am returning your Claim to a Water Right and check No. 92-264 for \$10.00. I attempted to contact you by phone but I have not been successful. I apologize for any inconvenience to you.

The priority date that should be listed under Item 3a is the first date water from Howell Creek was applied to the twenty (20) acres listed by you or your predecessors in interest. From the map which you made out on the application, it would appear that the legal description of the point of diversion from Howell Creek would be the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 12 South, Range 25 East. If this is the case, please change Item 2 of your Claim to a Water Right.

If you will provide us with the information needed on the claim and return it with your check for \$10.00, we will process your claim. Again, I apologize any inconvenience caused and if we can be of any further assistance, please call on us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

45-4044

February 2, 1973

Mr. H. Lee Jolley
Box 21
Albion, ID 83311

Dear Mr. Jolley:

I am returning your Application for Permit together with your check No. 92-264 for \$10.00. We are in need of some additional information before we can accept your permit.

Under Item No. 6a, how will you divert the water? Is there a check in the creek or a pump? Under Item No. 7a, we need to have the amount of time it will be necessary to complete the works and apply the water to beneficial use. Under Idaho law you are allowed up to five (5) years. We are also in need of an estimate of the construction cost for this project. Under Item No. 8b, you listed acreage to be irrigated in the SE1/4, Sec. 32, T. 11S, R. 25E. However, your map shows the location of the place of use to be in the SW1/4, Sec. 32, T. 11S, R. 25E. Would you check the legal description of your property and determine which is correct. Please indicate on your map how Howell Creek comes through your property and where you intend to divert the water from the creek.

Sign the application and return it to us with your check for \$10.00 and we will promptly process it.

If we can be of any further assistance, don't hesitate to contact us.

Very truly yours,

Bob Haynes
District Engineer
Southern District

BH:alw

Enc.

49-4044

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM E. J.

FEB 1 1973

DATE 1/30/73

TO Southern District

Department of Water Administration
Southern District Office

SUBJECT H. Lee Jolley Application

Enclosed herewith is Lee Jolley's application along with his check (#92-264) in the amount of \$10.00. Don has written several items on the Staff Analysis sheet for you to check.

45-4044

EJ

SIGNATURE