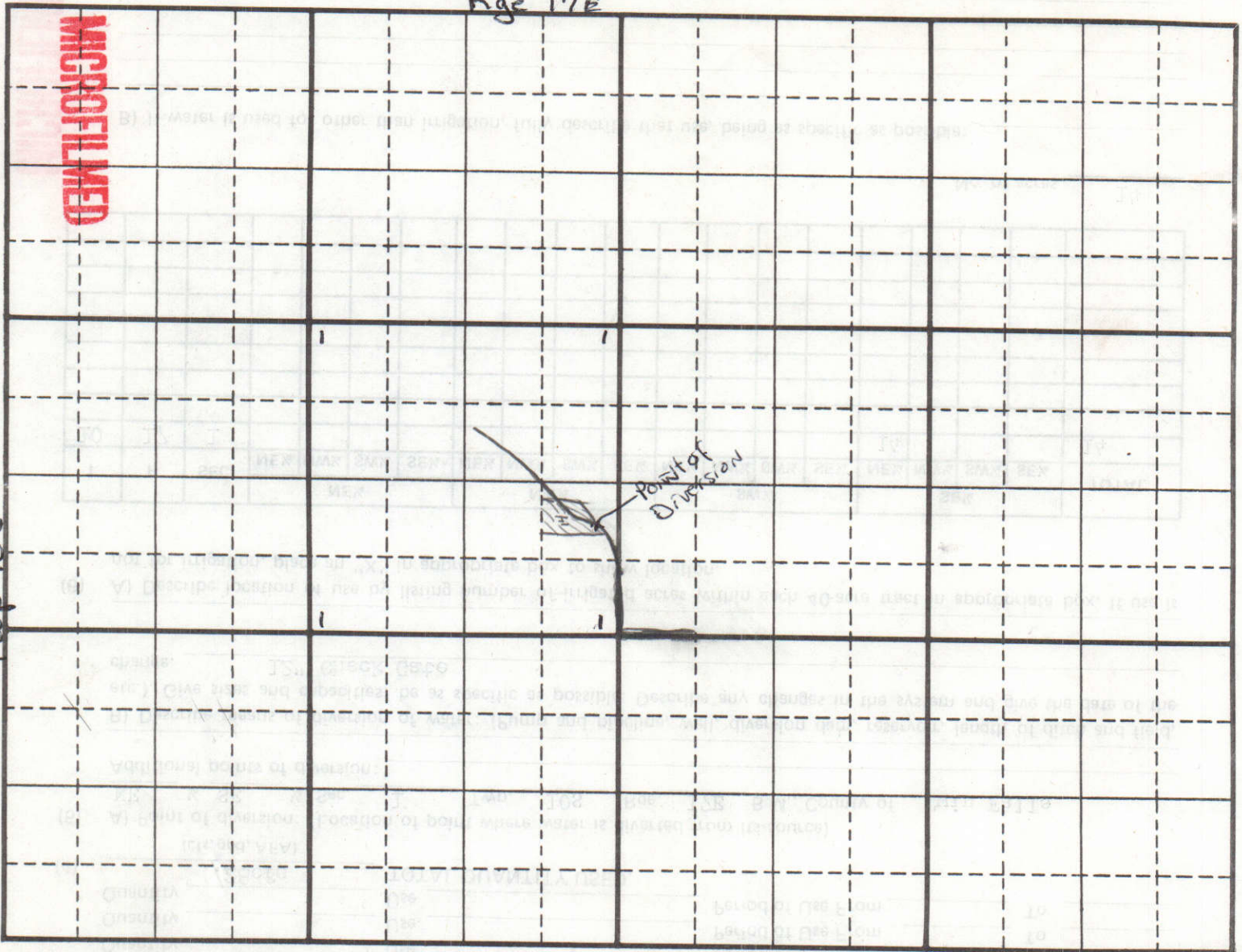


(8) Remarks _____

Rge 17E

MICROFILMED

Twp 10S



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 _____) 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.

Lowell R Lytle
(Claimant)

Sworn to before me this 18 day of August, 19 81.

Mary C. Hill
Notary Public
Residing at Twin Falls, ID 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by TG. Blau Date 8-18-81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JP Date 8-19-81 claimant by: _____
\$30.00 fee received by TG. Blau Date 8-18-81 Rept# 18727
Published in Times News
Dates 8/27 + 9/3/81

MICROFILMED

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:

47-4252

KAES, ROBERT

RT. 2, BUHL, ID 83316

Source: WASTE WATER

tributary to LATERAL 9A

Priority Date: 04/15/1964

Amount: 1.00 CFS

Diversion Point: SENW

NWNW Sec 08 T 10S R

14E, TWIN FALLS Co.

Use: IRRIGATION (1.00

CFS) from 04/15 to 10/15

Place of Use: NENW

NWNW SWNW SENW

Sec 08 T 10S R 14E FOR

58 ACRES

Diversion

Means:

CHECK DAMS & DIT-
CHES

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

PUBLISH: Thursday,
August 13, and 20, 1981.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

N^o 10585

I, Linda Capps McSwine being first duly sworn upon

oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two

consecutive Weeks, commencing with the issue dated

August 13, 1981, and ending with the issue dated

August 20, 1981.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue the-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 20 day of

August, 1981

Melba Rowlett-Smith

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

SEPTEMBER 15, 1981

LOWELL RAY LYTTLE
P. O. BOX 332
TWIN FALLS

ID 83301

RE: Claim No. 47-4254

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,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

ENCLOSURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



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 Lowell Ray Lytle

(Name of Claimant)

P.O. Box 332, Twin Falls, Idaho

83301

Telephone No. 733-0997

(Mailing Address)

(Zip Code)

733-1739

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) 1910

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)

wastewater tributary to Snake River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.28 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>3-15</u>	To <u>11-15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .28cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

NE 1/4 SE 1/4, Sec. 1 Twp. 10S Rge. 17E B.M., County of Twin Falls

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. Describe any changes in the system and give the date of the change. 12" Check Gate

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10	17	1													14				14

No. of acres 14

- 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:

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

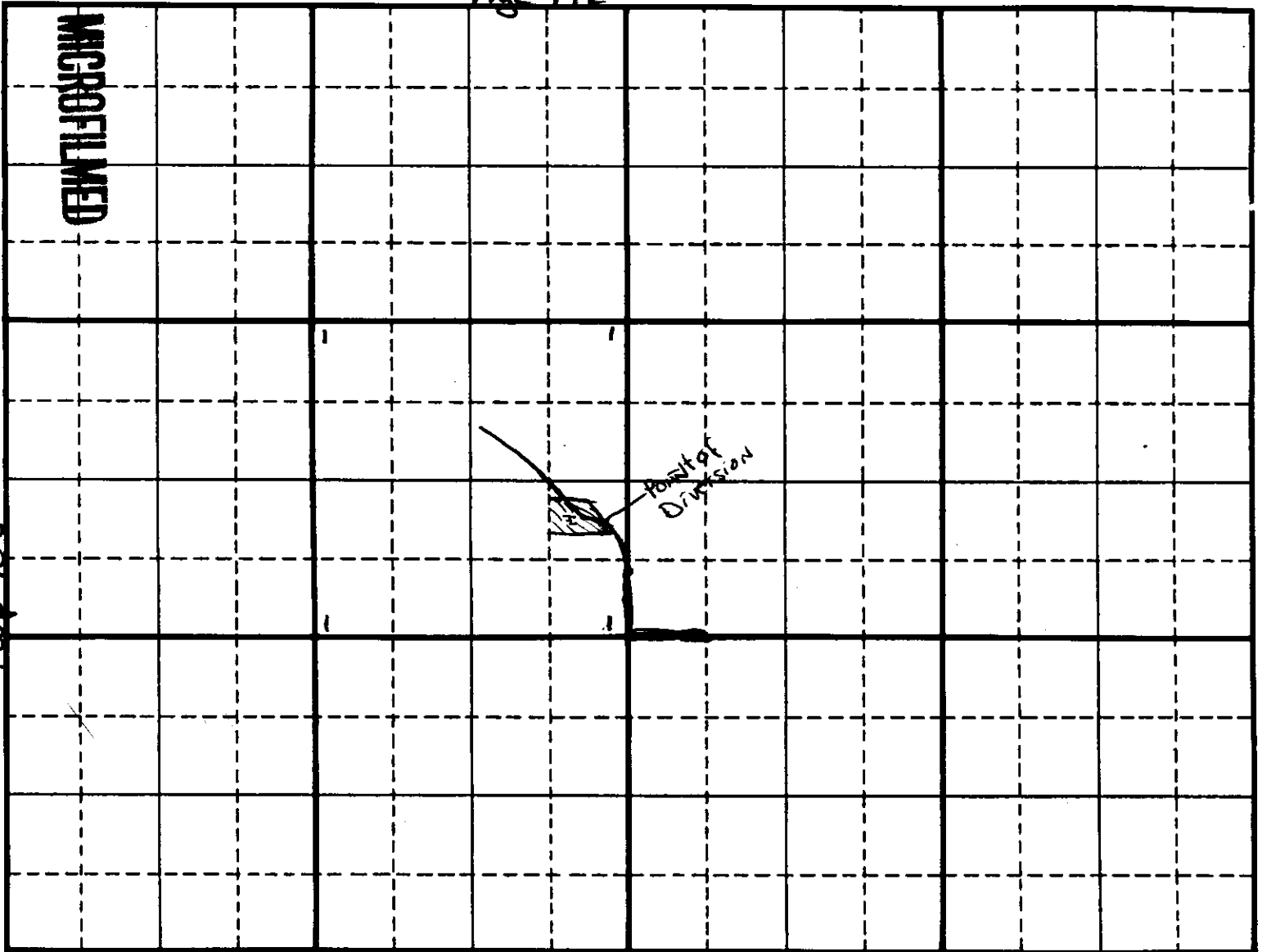
MICROFILMED

(8) Remarks _____

Rge 17E

MICROFILMED

Top 10s



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)
) ss.
County of _____)

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.

x Lowell R Lytle
(Claimant)

Sworn to before me this 18 day of August, 19 81.

Mary A. Hill
Notary Public
Residing at Twin Falls, ID
83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by TG. Blau Date 8-18-81 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by JP Date 8-19-81 claimant by: _____
\$30.00 fee received by TG. Blau Date 8-18-81 Rept # 18727
Published in Times News _____
Dates 8/22 + 9/3/81 _____

**NOTICE OF
CLAIMS TO
WATER RIGHTS**
Notice is hereby given
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have been established
by diversion and
application to beneficial
use:

47-4252
KAES, ROBERT
RT. 2, BUHL, ID 83318
Source: WASTE WATER
tributary to LATERAL 9A
Priority Date: 04/15/1964
Amount: 1.00 CFS
Diversion Point: SENW
NWNW Sec 08 T 10S R
14E, TWIN FALLS Co.
Use: IRRIGATION (1.00
CFS) from 04/15 to 10/15
Place of Use: NENW
NWNW SWNW SENW
Sec 08 T 10S R 14E FOR
58 ACRES
Diversion Means:
**CHECK DAMS & DIT-
CHES**

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
PUBLISH: Thursday,
August 13, and 20, 1981.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

N^o 10585

I, Linda Capps McBride being first duly sworn up-
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated

August 13, 1981, and ending with the issue dated
August 20, 1981.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; a
that at the head of the editorial column of said combined newspapers, and in each issue the
of, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McBride
Subscribed and sworn to before me on this 20 day of

August, 1981
Nelson Lowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho



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

September 9, 1981

Lowell Ray Lytle
P. O. Box 332
Twin Falls, Idaho 83301

Re: Claim to a Water Right No. 47-4254

Dear Mr. Lytle:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by John A. Rosholt, attorney in behalf of Twin Falls Canal Company. 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.

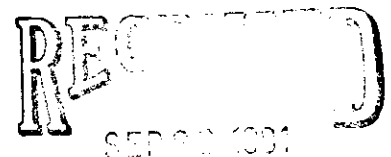
Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

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

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya



Department of Water Resources

NOT FILMED



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

September 9, 1981

John A. Rosholt
Attorney at Law
P. O. Box 1906
Twin Falls, Idaho 83301

Re: Claim to a Water Right No. 47-4254

Dear Mr. Rosholt:

We are in receipt of your exception to a Claim to a Water Right filed by
Twin Falls Canal Company

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, 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.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya
Encl:

MICROFILMED

1 John A. Rosholt
2 NELSON, ROSHOLT, ROBERTSON,
3 TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83301
6 Telephone: 734-0700

RECEIVED

SEP 17 1951

Department of Water Resources
Southern District Office

10 BEFORE THE DEPARTMENT OF WATER RESOURCES
11 OF THE STATE OF IDAHO

12 * * * * *

13 IN THE MATTER OF APPLICATION)
14) PROTEST OF TWIN FALLS CANAL
15) COMPANY TO APPLICATION FOR
16) WATER PERMIT
LOWELL RAY LYTLE.)

17 * * * * *

18 COMES NOW The Twin Falls Canal Company, by and
19 through their attorneys, Nelson, Rosholt, Robertson, Tolman &
20 Tucker, and respectfully allege:

21 1. That protestant Twin Falls Canal Company is a
22 nonprofit, public irrigation corporation, which owns and
23 operates a complex system of canals and ditches so as to
24 deliver water to member shareholders who farm 202,000 acres
25 in Twin Falls County, Idaho, and to whom the Canal Company
26 has the legal duty of delivering the irrigation water repre-
27 sented by such shares.

28 2. While the Twin Falls Canal Company recognizes
29 the right of the owner of water to cease wasting, it is
30 unclear whether pursuant to Application No. 47-4254, if
31 granted, the applicant would be authorized to divert waste
32 water, which is other than his own waste water, and which
would otherwise be recovered by the Canal Company in its

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1 system and used to help supplement Company water supplies for
2 delivery to stockholders who reside below the intended place
3 of use.

4 NOW, THEREFORE, The Twin Falls Canal Company hereby
5 protests the above-numbered application for the following
6 reasons, to-wit:

7 (1) The waste water is subject to the prior appro-
8 priation of the Twin Falls Canal Company.

9 (2) The applicants have no permission to utilize
10 the system of the protestant.

11 (3) There is insufficient water available for the
12 purpose.

13 (4) The granting of said application would be con-
14 trary to the local public interest.

15 WHEREFORE, the Twin Falls Canal Company by and
16 through their attorneys, Nelson, Rosholt, Robertson, Tolman &
17 Tucker, respectfully request that the above-numbered applica-
18 tion be denied by the Department of Water Resources and that
19 no permit be issued thereto.

20 DATED this 5 day of Sept, 1981.

21 NELSON, ROSHOLT, ROBERTSON,
22 TOLMAN & TUCKER

23 By: John A. Rosholt
24 John A. Rosholt
25 Attorneys for Protestant
26 Twin Falls Canal Company
27
28
29
30
31
32

MICROFILMED

TICE 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:

42-4254

LYTLE, LOWELL RAY

P. O. BOX 332, TWIN FALLS, ID 83301

Source: WASTEWATER tributary to SNAKE RIVER

Priority Date: 03/15/1910

Amount: 0.28 CFS

Diversion Point: NESE Sec 01 T 10S R 17E, TWIN FALLS Co.

Use: IRRIGATION (0.28 CFS) from 03/15 to 11/15

Place of Use: NESE Sec 01 T 10S R 17E FOR 14 ACRES

Diversion Means: 12" CHECK GATE

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 8/27 & 9/3/1981.

RECEIVED

47-4254
LYTLE, LOWELL RAY
P.O. BOX 332, TWIN
FALLS, ID 83301

Source:
WASTEWATER tributary
to SNAKE RIVER
Priority Date: 03/15/1910
Amount: 0.28 CFS
Diversion Point: NESE
Sec 01 T 10S R 17E, TWIN
FALLS Co.
Use: IRRIGATION (0.28
CFS) from 03/15 to 11/15
Place of Use: NESE Sec
01 T 10S R 17E FOR 14
ACRES
Diversion Means: 12"
CHECK GATE

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

PUBLISH: Thursday,
August 27, and Sep-
tember 3, 1981.

*ok
macy
8/24/81*

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

AUGUST 19, 1981

Times News
P. O. Box 548
Twin Falls, Idaho 83301

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 billings to this office before SEPTEMBER 14, 1981.

Yours truly,

Mary A. Hill
Mary A. Hill
Secretary

Encl.

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