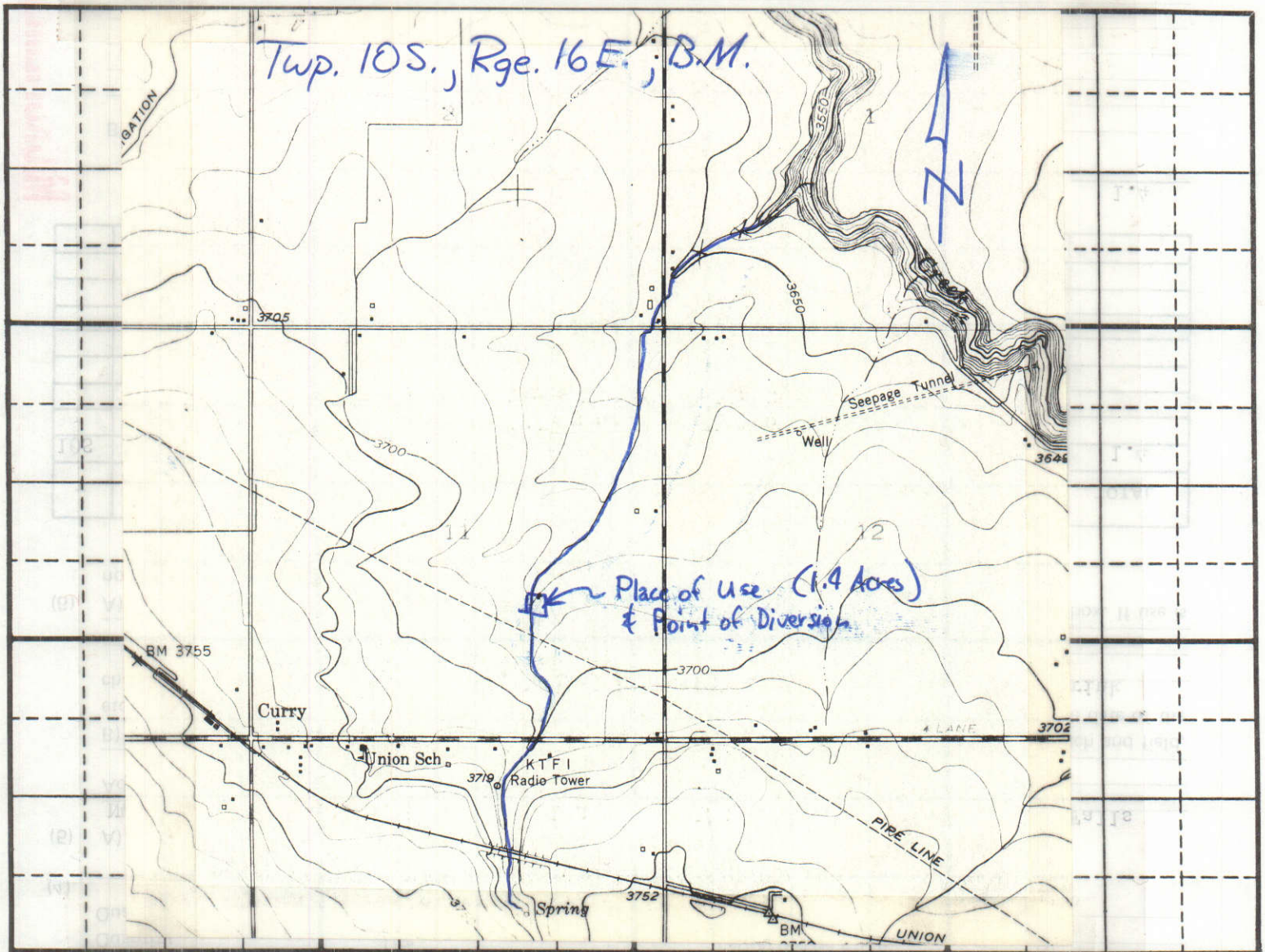


(8) Remarks _____



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)
() ss.
County of Twin Falls)

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.

Jack J. Dox
(Claimant)

Sworn to before me this 11 day of June, 1979.

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

My commission expires life

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6-11-79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by [Signature] Date 6-14-79 claimant by: _____
\$20.00 fee received by [Signature] Date 6-11-79 # 13725
Published in Times News
Dates 7/5 & 7/12/79

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:

47-4115

Bates, Gary C.
BOX 1124, TWIN FALLS, ID 83301

Source: UNNAMED SEEPAGE STREAM & SPG tributary to ROCK CREEK
Priority Date: 01/01/1969
Amount: 0.05 CFS
Diversion Point: NWSE Sec 11 T 10S R 16E, TWIN FALLS CO.

Use: IRRIGATION (0.03 CFS) from 03/15 to 11/15
STOCKWATER (0.02 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 11 T 10S R 16E FOR 2 ACRES
Diversion Means: PUMP AND SPRINKLERS

47-4114

CARLSEN, NEPHIC.
ROUTE 4 CLEAR SPRING DRIVE, TWIN FALLS, ID 83301

Source: UNNAMED STREAM tributary to ROCK CREEK

Priority Date: 05/15/1968
Amount: 0.03 CFS
Diversion Point: SESE Sec 11 T 10S R 16E, TWIN FALLS CO.

Use: IRRIGATION (0.03 CFS) from 03/15 to 11/01
Place of Use: SESE Sec 11 T 10S R 16E FOR 1 ACRES
Diversion Means: PUMP AND SPRINKLERS

47-4113

BOX, JACK J.
ROUTE 4, TWIN FALLS, ID 83301

Source: UNNAMED STREAM (CLEAR CREEK) tributary to ROCK CREEK

Priority Date: 07/01/1963
Amount: 0.20 CFS
Diversion Point: NWSE Sec 11 T 10S R 16E, TWIN FALLS CO.

Use: IRRIGATION (0.18 CFS) from 04/01 to 11/01
STOCKWATER: (0.02 CFS) from 01/01 to 12/31

Place of Use: NWSE Sec 11 T 10S R 16E FOR 1 ACRES
Diversion Means: PUMP AND SPRINKLER HEADS.
STOCK DRINK DIRECTLY FROM STREAM

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.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, July 5, and 12, 1979.

Affidavit of Publication

Nº 8440

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Nola L. Laughlin 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 Thursdays, commencing with the issue dated July 5, 19 79, and ending with the issue dated July 12, 19 79.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this July 12, 19 79 day of July

Nola L. Laughlin
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

ok
may
7/12/79

MICROFILMED

RECEIVED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JULY 24, 1979

JACK J. BOX
ROUTE 4
TWIN FALLS,

ID 83301

RE: Claim No. 47-4113

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

5044461

JAN 28 2002

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 Jack J. Box

(Name of Claimant)

Route 4, Twin Falls, Idaho

(Mailing Address)

Telephone No. 734-5363

(Zip Code)

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) July 1, 1963

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)

Unnamed Stream (Clear Creek) tributary to Rock Creek

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.18 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</u>
Quantity	<u>0.02 cfs</u>	Use	<u>livestock</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) 0.20 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 Twp. 10S Rge. 16E 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. 1.5 hp Jacuzzi Jet pump, buried line with sprinkler heads. Stock drink directly from stream.

(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]

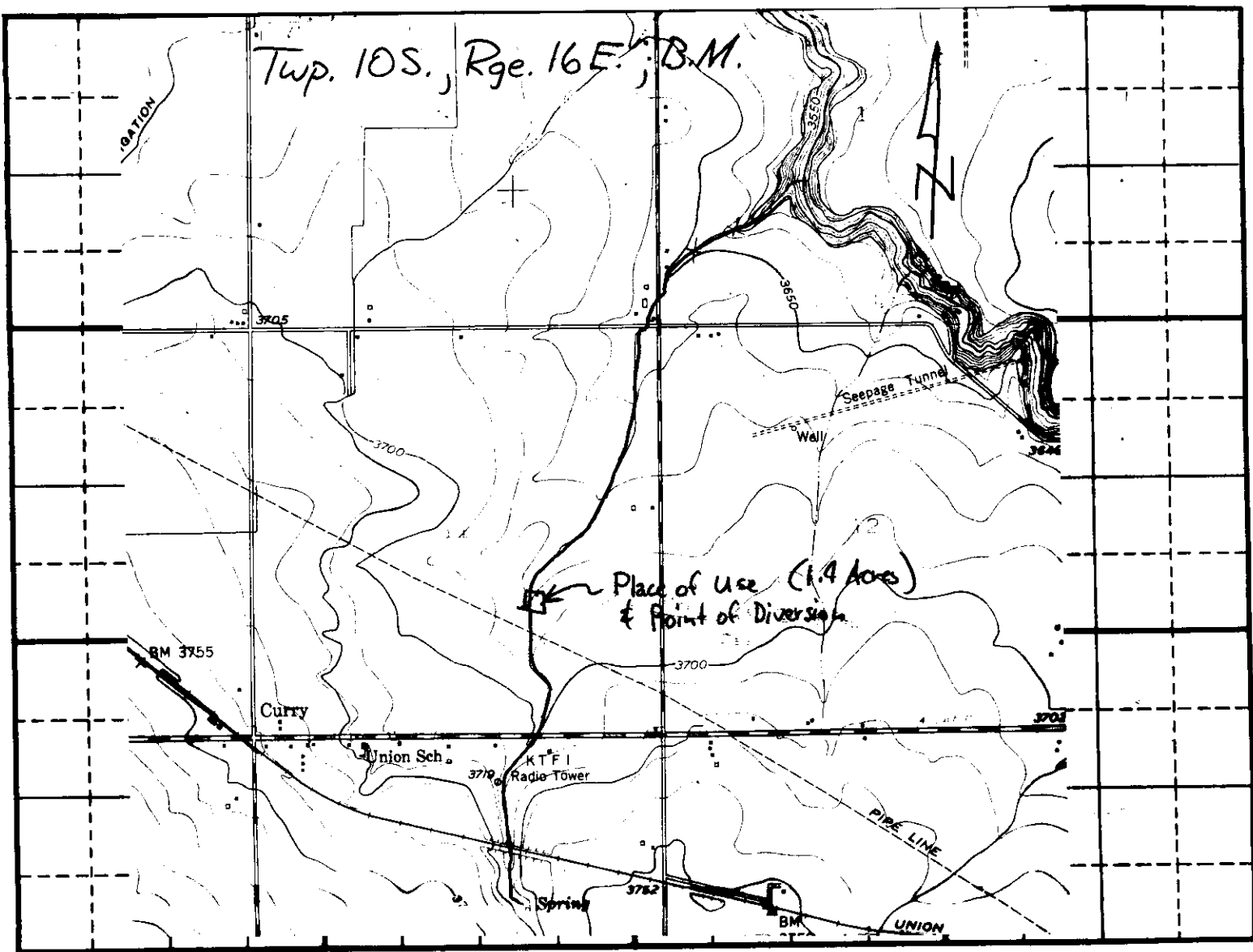
No. of acres 1.4

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: 6 head of assorted livestock

(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 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 affiant's knowledge.

Jack J. Day
(Claimant)

Sworn to before me this 11 day of June, 1979.

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

My commission expires life

FOR DEPARTMENT USE ONLY			
Received by <u>[Signature]</u>	Date <u>6-11-79</u>	Exception filed by:	Forwarded to
Prelim. check by <u>[Signature]</u>	Date <u>6-14-79</u>		claimant by:
\$20.00 fee received by <u>[Signature]</u>	Date <u>6-11-79 #1325</u>		
Published in <u>Twin Falls</u>			
Dates <u>7/5 & 7/12/79</u>			

IN THE MATTER OF JACK J. BOX, RFD 4, TWIN FALLS,
IDAHO:

TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION,
IRRIGATION WATER WAS FIRST USED OUT OF CLEAR
SPRING CREEK TO IRRIGATE PROPERTY NOW OWNED
BY JACK J. BOX, ON OR BEFORE JULY 1963.

LEGAL DESCRIPTION:

N 1/2 LOT 11 AND THAT PORTION OF LOT 12 BLOCK 6
CLEAR BROOK SUBDIVISION, TWIN FALLS COUNTY, IDAHO

Charles Perry

Charles Perry 11 June 1979
733 Greenwood Dr
Twin Falls Idaho

NOTARIZED

Sworn before me this 11th day of June, 1979.

Mary A. Hill
NOTARY PUBLIC

Residing at *Twin Falls, Idaho*

My Commission expire *life*

May 31, 1979

Dear Sir:

Reference our phone conversation Wed, May 30,

If you would feel alright about signing the enclosed statement regarding my application for a water permit from the Idaho Water Resources Dept, 1041 Blue Lakes Blvd N, it would be greatly appreciated. Their office will notarize your signature free of charge, and file the statement with my application.

Sincerely,
Jack J. Dox

PH-734-5363

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:

47-4113
BATES, GARY C.
BOX 1124, TWIN FALLS, ID
83301

Source: UNNAMED
SEEPAGE STREAM & SPG
tributary to ROCK CREEK

Priority Date: 01/01/1988

Amount: 0.05 CFS

Diversion Point: NWSE
Sec 11 T 106 R 10E, TWIN
FALLS CO.

Use: IRRIGATION (0.03
CFS) from 03/15 to 11/15

STOCKWATER (0.02 CFS)
from 01/01 to 12/31

Place of Use: NWSE Sec
11 T 106 R 10E FOR 2 ACRES

Diversion Means: PUMP
AND SPRINKLERS

47-4114
CARLSEN, NEMIC.
ROUTE 4 CLEAR SPRING
DRIVE, TWIN FALLS, ID
83301

Source: UNNAMED
STREAM tributary to ROCK
CREEK

Priority Date: 05/15/1988

Amount: 0.03 CFS

Diversion Point: SESE
Sec 11 T 106 R 10E, TWIN
FALLS Co.

Use: IRRIGATION (0.03
CFS) from 03/15 to 11/01

Place of Use: SESE Sec 11
T 106 R 10E FOR 7 ACRES

Diversion Means: PUMP
AND SPRINKLERS

47-4115
BOX 1124
ROUTE 4, TWIN FALLS, ID
83301

Source: UNNAMED
STREAM (CLEAR CREEK)
tributary to ROCK CREEK

Priority Date: 07/01/1988

Amount: 0.03 CFS

Diversion Point: NWSE
Sec 11 T 106 R 10E, TWIN
FALLS Co.

Use: IRRIGATION (0.18
CFS) from 04/01 to 11/01

STOCKWATER (0.02 CFS)
from 01/01 to 12/31

Place of Use: NWSE Sec
11 T 106 R 10E FOR 1 ACRES

Diversion Means: PUMP
AND SPRINKLER HEADS.
STOCK DRINK DIRECTLY
FROM STREAM

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Bldg. North, Twin Falls,
Idaho 83301.

G. STEPHEN ALLRED
Director

PUBLISHED: Thursday, July 5,
and 12, 1979.

Affidavit of Publication

N^o 8440

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Nola A. Laughlin, 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 Thursdays, commencing with the issue dated
July 5, 1979, and ending with the issue dated
July 12, 1979.

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 there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 12th day of

Nola A. Laughlin
July, 1979
Katherine J. George
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES, STATE OF IDAHO.

* * * * *

In the Matter of the Application) PROTEST TO CLAIM OF WATER RIGHT.
of JACK J. BOX)
No. 47-4113.)

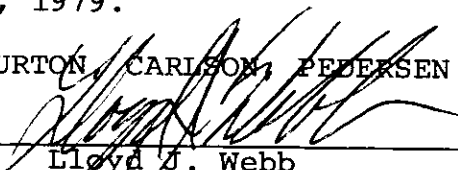
* * * * *

Protest is hereby made to the foregoing Claim to Water Right by Bert M. Tolbert, of Boulder, Colorado, by Nathan E. Tolbert, of the State of Michigan, by Marian E. Childs, of Seattle, Washington, and by Esther Ewing, of El Centro, California. The protest is made for the reason that the protestants are the owners of 150 miner's inches of water in the stream specified in the Claim, by reason of appropriation and application to beneficial use of that amount of water from the stream, and also by Permit No. 29627, approved by the Department on April 21, 1961, which Permit was subsequently recorded in the Office of the County Recorder for Twin Falls County, Idaho, on May 9, 1961, as Instrument No. 503193, recorded in Book 26 of Miscellaneous, at page 381.

The full use of the stream in question has been appropriated by these protestants, and no water remained available for appropriation and application as of the claimed priority date of the claimant.

Dated this 24th day of July, 1979.

SCANNED
JAN 28 2002

WEBB, BURTON, CARLSON, PEDERSEN & PAINE
By 
Lloyd J. Webb
Attorneys for the Protestants.

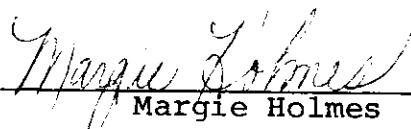
AFFIDAVIT OF SERVICE.

STATE OF IDAHO,)
 (ss.
County of Twin Falls,)

Margie Holmes, being first duly sworn, state that I served the foregoing Protest to Claim of Water Right upon:

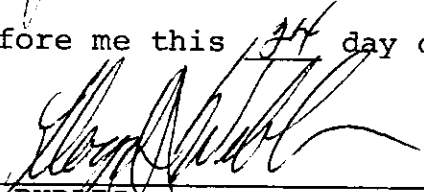
Jack J. Box
Route 4
Twin Falls, Idaho 83301,

by depositing a copy thereof in the United States mail at Twin Falls, Idaho, on July 24, 1979, enclosed in an envelope addressed to the above-named person at the address set out above, with postage prepaid, by first class mail.



Margie Holmes

SUBSCRIBED and SWORN to before me this 24 day of July, 1979.



NOTARY PUBLIC
Residence: 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

August 8, 1979

Lloyd J. Webb
Webb Burton Carlson Pedersen & Paine
Attorneys at Law
P. O. Box 1768
Twin Falls, Idaho 83301

Re: Claim to a Water Right No. 47-4113 - Jack J. Box

Dear Mr. Webb:

We are in receipt of your exception to a Claim to a Water Right filed by Jack J. Box, Rt. 4, Twin Falls, ID. The following excerpt from Section 42-225b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed.

Section. 42-225b. Recording of Claims by Department ---Corrections---

At any time after the filing of a claim under the previous 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 authority to take the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearings 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



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

August 8, 1979

Re: Claim to a Water Right No. 47-4113 - Jack J. Box

Jack J. Box
Route 4
Twin Falls, Idaho 83301

Dear Mr. Box:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by Lloyd J. Webb, attorney at law, in behalf of Bert M. Tolbert, of Boulder, Colorado, by Nathan E. Tolbert, of State of Michigan, by Marian E. Childs, of Seattle, Washington, and by Esther Ewing of El Centro, California. The following is a quote from the provisions under which this claim has been filed (section 42-225b, of the Idaho Code):

42-225b. 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
LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

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:

42-4113-

BOX, JACK J.

ROUTE 4, TWIN FALLS,, ID 83301

Source: UNNAMED STREAM (CLEAR CREEK) tributary to ROCK CREEK

Priority Date: 07/01/1963

Amount: 0.20 CFS

Diversion Point: NWSE Sec 11 T 10S R 16E, TWIN FALLS Co.

Use: IRRIGATION	(0.18 CFS)	from 04/01 to 11/01
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: NWSE Sec 11 T 10S R 16E FOR 1 ACRES

Diversion Means: PUMP AND SPRINKLER HEADS. STOCK DRINK DIRECTLY FROM STREAM

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.

C. STEPHEN ALLRED

Director

Published 7/5 & 7/12/79.

RECEIVED
JUL 12 1979
TWIN FALLS, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 19, 1979

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 billing to this office before JULY 23, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

FILED