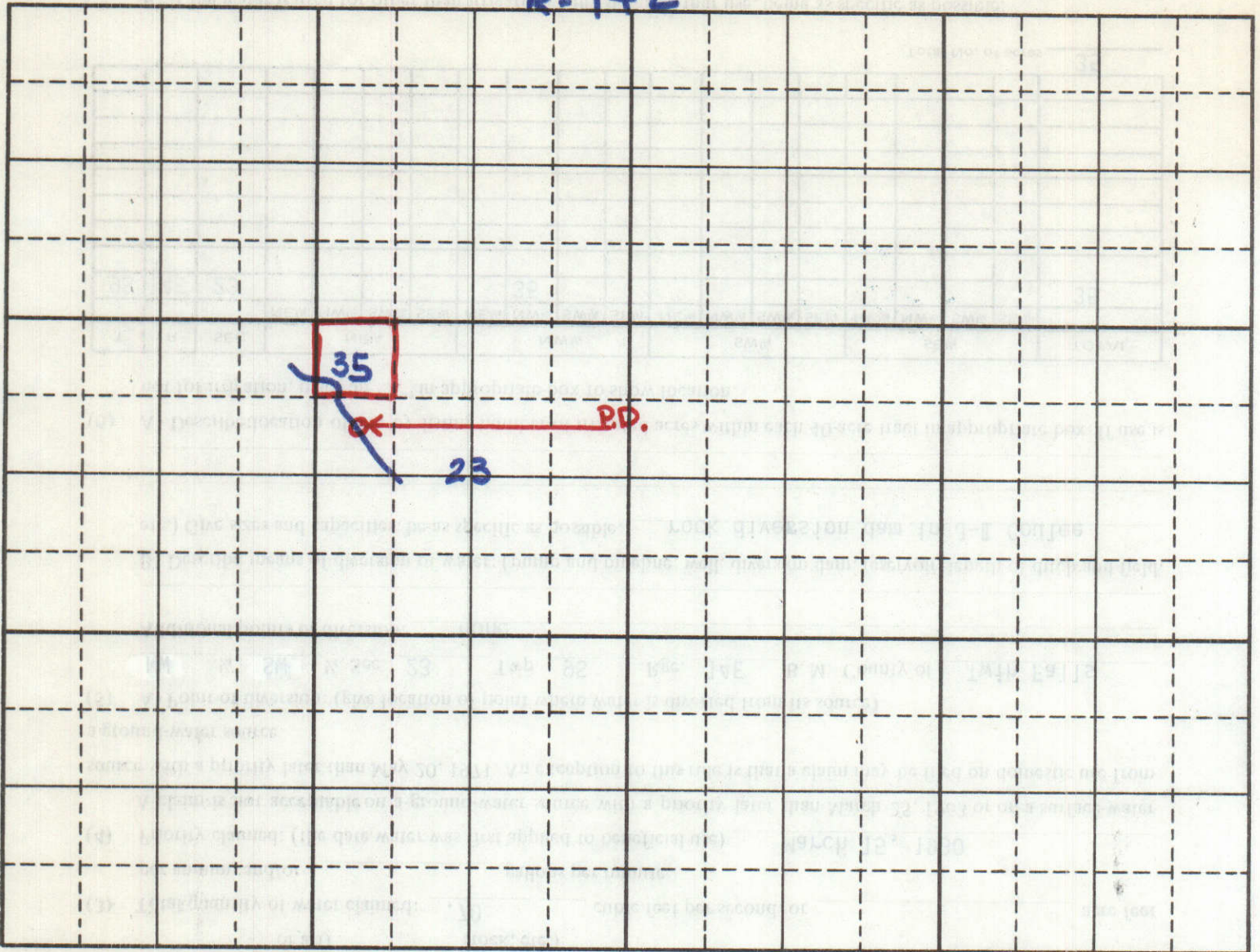


(8) Remarks

R-14E



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 affiants knowledge.

X Maurin R. Lively
(Claimant)

Sworn to before me this 6th day of March, 19 74.

Lepida L. Trippett
Notary Public

Residing at Twin Falls, Idaho

My commission expires 2-78

For Department Use Only

Received by mls Date 3-6-74 Exception filed by: Forwarded to Date
 Prelim. check by CEL F Date 3-6-74 claimant by:
 \$10.00 fee received by mls Date 3-6-74 (13829)
 Approved for publication by 3-26-74 LT
 Published in Buhl Herald
 Dates 3-14 & 3-21-74

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 26 1974

Department of Water Administration
Southern District Office

Legal Department

NOTICE OF CLAIM TO A WATER RIGHT NO. 47-4037

Notice is hereby given that Marvin R. Lively, Route 4, Buhl, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .70 cubic feet per second of water from Snake River with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T 9S, R 14E, B.M., Twin Falls County.

The water is claimed to be used from Mar. 15 to Nov. 15 with a priority of March 15, 1930; the place of use is within the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 23, T 9S, R 14E, 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 Buhl Herald on
Mar. 14 and Mar. 21, 1974.
(10t2)

STATE OF IDAHO
County of Twin Falls

ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two.....consecutive weeks, the first publication having been made on the 14th.....day of March....., 19 74., and the last publication having been made on the 21st.....day of March....., 19 74.; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this

.....21st.....day of March....., 19 74

Notary Public.

Buhl, Idaho
Residing at

April 17, 1977

My Commission Expires

7 4037

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

MAR 6 1974

Section 42-225a, Idaho Code

Department of Water Administration
Southern District Office

CLAIM TO A WATER RIGHT

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 Marvin R. Lively
(name of claimant)
of Route 4, Buhl, Idaho
(mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to Snake River;

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) surface water
J-1 Coulee

(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>.70 cfs</u>	Use	<u>irrigation</u>	Period of Use: From	<u>Mar. 15</u>	To	<u>Nov. 15</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: .70 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) March 15, 1930

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)

SW ¼ NW ¼, Sec. 23 Twp. 9S Rge. 14E B.M. County of Twin Falls

Additional points of diversion: none

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. rock diversion dam in J-1 Coulee

(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.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9S	14E	23							35										35

Total No. of acres 35

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

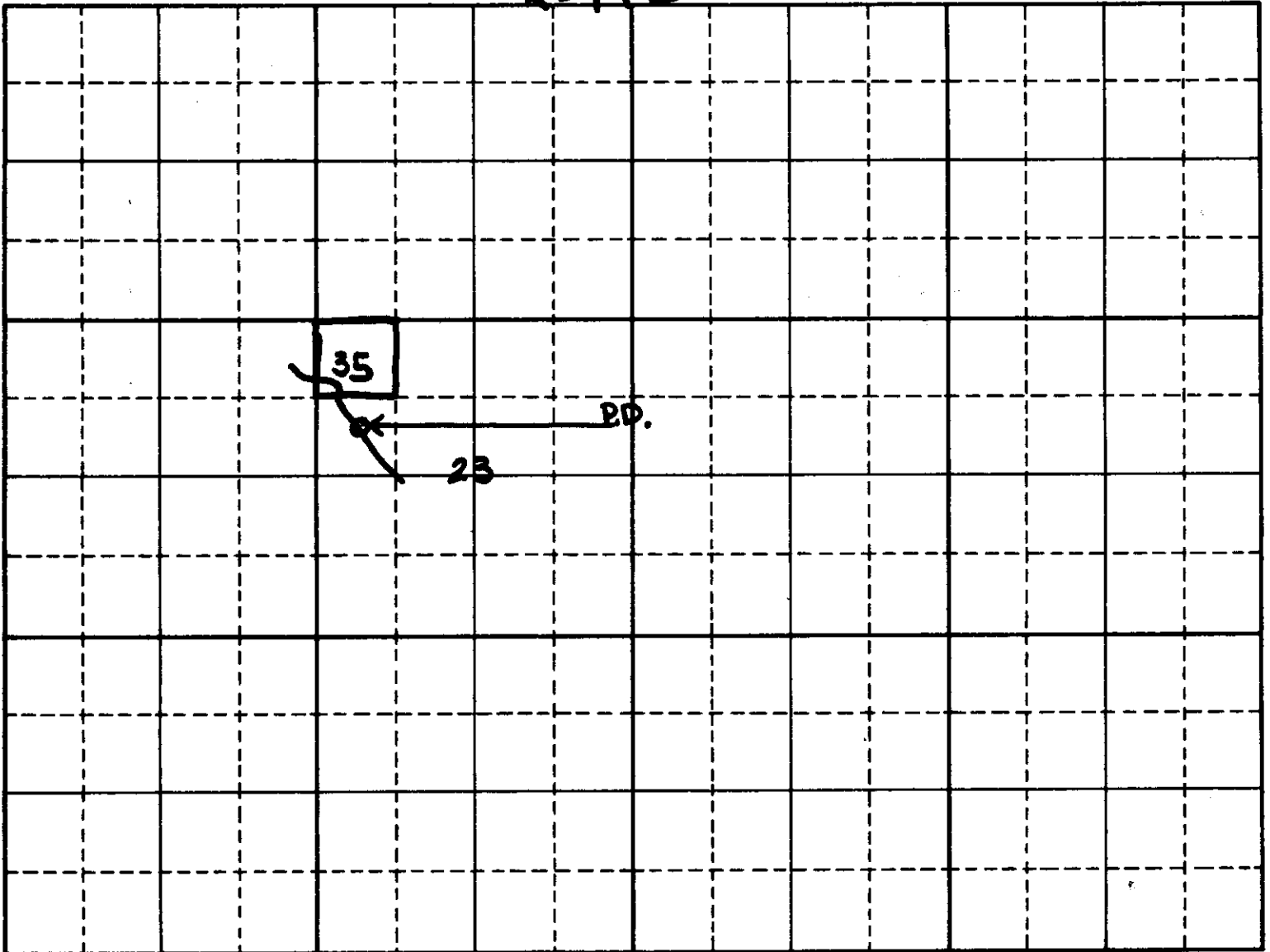
SCANNED

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

JAN 28 2007

(8) Remarks _____

R-14E



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 affiants knowledge.

Sworn to before me this 6th day of March, 19 74.

X Mervin R. Lively
 (Claimant)

Lynnia L. Tippet
 Notary Public

Residing at Twin Falls, Idaho

My commission expires 2-78

For Department Use Only

Received by mls Date 3-6-74 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by col F Date 3-6-74 claimant by: _____
 \$10.00 fee received by mls Date 3-6-74 (13829)
 Approved for publication by 3-26-74 LT
 Published in Buhl Herald
 Dates 3-14 & 3-21-74

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AFFIDAVIT

STATE OF IDAHO :
: ss.
County of Twin Falls :

Robert Turner, being first duly sworn on oath, deposes
and says:

The following affidavit is given of my own personal
knowledge.

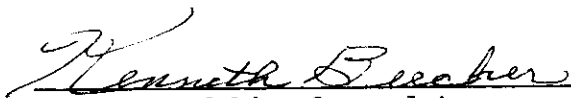
That the following-described real estate, situated in
Twin Falls County, Idaho, to wit:

Southwest Quarter of the Northeast Quarter of the
Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), and the Northwest
Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section
23, Township 9 South, Range 14 E., B.M., Twin Falls
County, Idaho,

has been irrigated from water from J-1 Coulee since at least 1930
and possibly a short time before that date. I do not know the
amount of water used to irrigate said land.


Robert Turner

Subscribed and sworn to before me this 4 day of
March, 1974.


Notary Public for Idaho
Residing at Buhl, Idaho

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 20 1974

NOTARY PUBLIC
TWIN FALLS, IDAHO



STATE OF IDAHO
County of Twin Falls

ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 14th day of March, 1974, and the last publication having been made on the 21st day of March, 1974; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this

21st day of March, 1974

Robert E. Bailey

Notary Public.

Buhl, Idaho

Residing at

April 17, 1977

My Commission Expires

7 1037

April 1, 1974

RE: Claim to a Water Right No. 47-4037

Mr. Marvin R. Lively
Route 4
Buhl, Idaho 83316

Dear Mr. Lively:

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

Very truly yours,

Bob Haynes
Southern District Engineer

BH:lt

enc.

IAH

SCANNED
JAN 28 2002

47 4037

March 6, 1974

RE: Application No. 47-4037 - Marvin R. Lively

Buhl Herald
P.O. Box 312
Buhl, Idaho 83315

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

Bill submitted 3-26-74 LT

47-4037
PROTEST UP 4-1-74

LEGAL LEGAL

**NOTICE OF CLAIM TO A
WATER RIGHT NO. 47-4037**

Notice is hereby given that Marvin R. Lively, Route 4, Buhl, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .70 cubic feet per second of water from Snake River with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T 9S, R 14E, B.M., Twin Falls County.

The water is claimed to be used from Mar. 15 to Nov. 15 with a priority of March 15, 1930; the place of use is within the NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 23, T 9S, R 14E, 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 Buhl Herald on
Mar. 14 and Mar. 21, 1974.
(1012)

ok
3-12-74

NOTICE OF CLAIM TO A WATER RIGHT

NO. 47-4037

Notice is hereby given that Marvin R. Lively

Route 4, Buhl, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of .70 cubic feet per second ~~acre feet per annum~~
of water from Snake River

with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T 9S, R 14E, B.M.,
Twin Falls County

The water is claimed to be used from Mar. 15 to Nov. 15

with a priority of March 15, 1930;
the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T 9S, R 14E, 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 Buhl Herald
on Mar. 14 and Mar. 21, 1974

47 4037