

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 Harold Rupp and Veda Rupp

12789 Hiline Road Pocatello, Idaho 83202 (Name of Claimant) Telephone No. (208) 237-3144
(Mailing Address) (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) 15 May 1933

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)

Spring tributary to Buffalo 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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.09 c/s.</u>	Use <u>Stockwater</u>	Period of Use From <u>15 May</u>	To <u>30 Oct.</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) 0.09 c/s. TOTAL QUANTITY USED.
(cfs, af)

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

NE1/4 NE 1/4, Sec. 1 Twp. 6 South Rge. 34 E B.M., County of Bannock
Additional points of diversion: NW1/4 NE1/4 NE1/4 Section 1 Township 6 South, Range 34 EBM.

Site of spring is on centerline dividing the N1/2 of NE1/4 NE1/4, Section 1, Township (cont)

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. Stock drink directly from stream and stock troughs used to provide limited storage when there are low flows from spring and in Buffalo Creek.

(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%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6S.	34E.	1	S																

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Historically up to 400 head of range cattle used spring as a source of drinking water.

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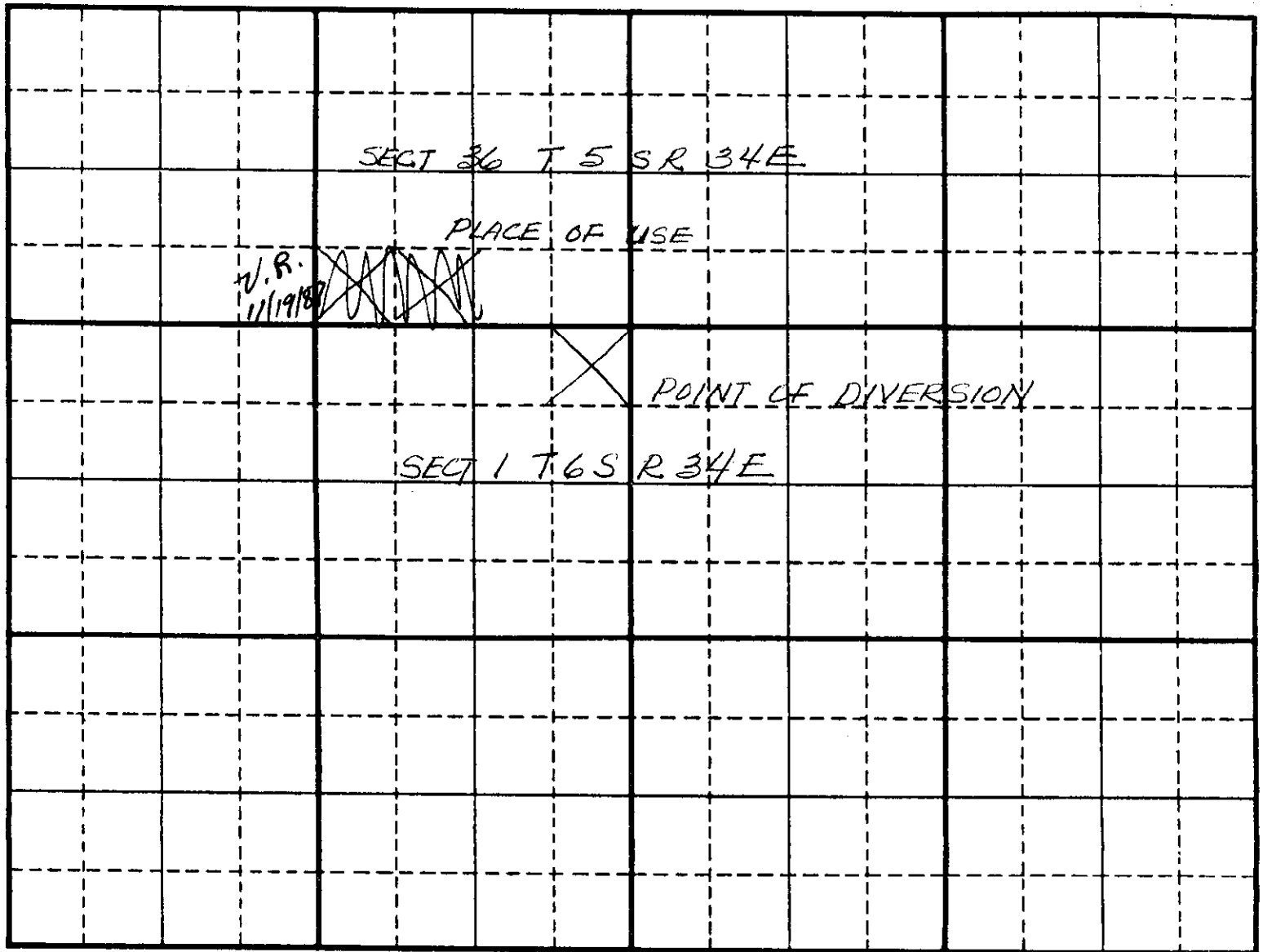
NOTE: Include here the type and number of stock watered: 400 head

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

FEB 25 1988

(5) - 6 South, Range 34 EBM.

- (8) Remarks In 1932, Henry Jensen started excavating spring to develop sufficient water for stock. Following the earthquake in 1983, the capacity of this spring and other springs higher in the same drainage, increased significantly. The combined flows of these springs along Buffalo Creek now flows into the Hilina Canal almost year round.

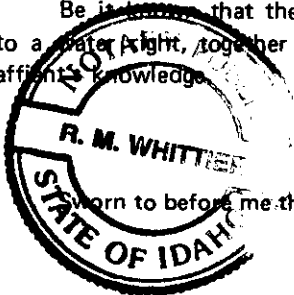


Scale: 2 inches equal 1 mile.

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 Bannock) 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.



Sworn to before me this 19 day of November, 1987.

Harold L. Russell
Victor R. Russell
(Claimant)

[Signature]
Notary Public
Residing at Pocatello, Idaho

My commission expires 1-29-91

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FOR DEPARTMENT USE ONLY

Received by ENC Date 19 Nov. 87 Exception filed by:
Prelim. check by KCW Date 19 Nov 87
\$30.00 fee received by ENC Date 19 Nov 87 #42137
Published in ID State Journal
Dates 12-3 + 12-10-87 dy

Forwarded to _____ Date _____
claimant by: _____

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Sandra K. Herald

**NOTICE OF CLAIMS
TO WATER RIGHTS**
The following claim(s) have been filed
of water right(s) created by diversion
and beneficial use.

RUP, HAROLD S/or VEDA
12707 HILTON ROAD, POCATELLO, ID
83202
Source: SPRING 1116 to BUFFALO
CREEK
Diversion Pt: NENENE NWNE Sec 01
T 96S R 34E
Use: STOCKWATER (0000 CFS)
Priority Date: 03-13-1933
In: NENENE Sec. 01 T 96S R 34E

HARTMAN, JAMES
HART, JAMES
TAYLOR, LAUREL
HART, JAMES
BOX 500, CROSBLOCK, ID 83202
Source: BUFFALO CREEK 1116 to HI-
LINE CANAL
Diversion Pt: SENE Sec 21 T 95S R 35 E
SESW SWSE Sec 22 T 95S R 35E
Use: STOCKWATER (0.070 CFS)
Priority Date: 04-01-1933
In: SENE Sec 21 T 95S R 35E SWSW
SESW SWSE Sec 22 T 95S R 35E

Exceptions to a claim may be filed with
the Director, Dept. of Water Resources,
Eastern Region, 300 Chapin Suite 15,
Idaho Falls, Idaho 83402
S/R. KEITH INGOLSON, Dir.
December 3, 1987
No. 167

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

<u>December 3</u>	<u>19 87</u>	<u>19</u>
<u>December 10</u>	<u>19 87</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>
<u> </u>	<u>19</u>	<u>19</u>

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Sandra K. Herald

Subscribed and sworn to before me this 11th

day of December, 1987

Jeri L. Larsen

Notary Public, State of Idaho

Residence: Pocatello, Idaho

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FEB 25 1988

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DEC 14 1987
Department of
Ecology

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Sandra K. Herald

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims(s) have been filed
on water right(s) created by diversion
and beneficial use:

29-4494
RUP, HAROLD &/or VEDA
12789 HILINE ROAD, POCA TELLO, ID
83202
Source: SPRING trib. to BUFFALO
CREEK
Diversion Pt: NENENE NWNENE Sec 01
T 06S R 34E
Use: STOCKWATER (0.090 CFS)
Priority Date: 05-15-1933
In: NENE Sec. 01 T 06S R 34E

29-4495
HARTWIGSEN, HARRY
HART, ROBERT &/or JAMES
TAYLOR, LAUREL
HART, DAVID
BOX 5321, CHUBBUCK, ID 83202
Source: BUFFALO CREEK trib. to HI-
LINE CANAL
Diversion Pt: SESE Sec 31 T 05S R 35 E
SESW SWSW SWSE Sec 32 T 05S R 35E
Use: STOCKWATER(0.070 CFS)
Priority Date: 04-01-1920
In: SESE Sec 31 T 05S R 35E SWSW
SESW SWSE Sec 32 T 05S R 35E

Exceptions to a claim may be filed with
the Director, Dept. of Water Resources,
Eastern Region, 150 Shoup, Suite 15,
Idaho Falls, Idaho 83402
S/R. KEITH HIGGINSON, Dir.
December 3, 10, 1987
No. 167

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

December 3, 19 87

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December 10, 19 87

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That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Subscribed and sworn to before me this 11th

day of December, 19 87

Notary Public, State of Idaho

Residence: Pocatello, Idaho

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FEB 25 1988

State of Idaho
Department of Water Resources

Distributed for Staffing da INITIAL da DATE 11-19-87
Submitted for Advertising EMC 19 Nov '87

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 29-4494 Applicant Harold & Veda Lupp

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
- ☒ W.D. 29 da 12-2-87

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

protest date
12-21-87

By EMC Date 21 Dec 87.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 1-4-88

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JAN 04 1988

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 22, 1987

HAROLD RUPP
VEDA RUPP
12789 HILINE ROAD
POCATELLO

ID 83202

RE: Claim No. 29-4494

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,

RONALD D. CARLSON
Eastern Region Manager

Enclosure

11

RECORDED

FEB 25 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

December 2, 1987

Thomas Bloxham, Watermaster
Water District #29
Route 1
Downey, Idaho 83234

RE: Claim to a Water Right No. 29-4234 (Amended)
and 29-4494

Dear Watermaster:

Enclosed, for your information only, is a copy of the above referenced claims to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

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FEB 23 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 25, 1987

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

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 DECEMBER 21, 1987.

Yours truly,

Deena Green
Office Secretary

Encl.

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FEB 25 1988

29-4494

RUPP, HAROLD &/or WEDA

12789 HILINE ROAD, POCA TELLO, ID 83202

Source: SPRING trib. to BUFFALO CREEK

Diversion Pt: NENENE NWNENE Sec 01 T 06S R 34E

Use: STOCKWATER (0.090 CFS)

Priority Date: 05/15/1933

In: NENE Sec 01 T 06S R 34E

*proofed over phone by Steve M. with
Kathy 12-1-87*

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FEB 25 1988

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402

R. KEITH HIGGINSON, Dir.

Published 12/3 & 12/10/87.

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FEB 25 1988

Nov. 18, 1987

Dept. of Water Resources
Eastern Region
S.R. Keith Higginson, Dir.

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NOV 19 1987

Department of Water Resources
Eastern District Office

Dear Sir:

We want to protest the application for a Water Right, # 29-17835, made by Kenneth Saterfield, 12256 No. Hillis Rd.,ocatillo, Idaho, 83202.

We do so on the grounds that the water filed on originates from springs located as far as 3 1/2 miles East in the Canyon known as "Little Buffalo Creek".

There are three or four springs, one of which is located on our property, in the NE 1/4 NE 1/4 NE 1/4 Sect 1 T6S R34E.

This spring was excavated and developed by my (Veda Rupp's) father, Henry Jensen, in 1932 at great expense and a lot of work.

Henry Jensen hired two men and their teams and slip scrapers, as well as several other men to dig out and locate where there was water. He then hired a dragline to dig a trench approximately 1/8 mile long in order to open up the canyon to release the water for stock use. He had the water piped down stream to watering troughs for stock use.

There were as many as 400 head of cattle that watered from this spring.

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Previous to the time of developing this spring, there had been no water, except the run off in the Spring of the year, coming down that Canyon, known as Little Buffalo, from the springs up the Canyon. In all my lifetime (Veda Rupp) on the farm, I cannot remember ever seeing any water flowing down that Canyon, during the summer months, until after the earthquake of 1983, which opened up the springs above our land, making more water to flow down our Canyon and through our farm.

I know the springs above our land were used for stock water for over 60 years. First by G. C. Martin and Henry "Bo Bo" Hartwickson, then by Albert Johnson who bought the Martin property and by Gary Hart, who inherited and bought his land from his father. The Johnson sons and the Hart sons are now watering their stock from these springs.

We feel we have prior rights to the water that flows from the spring developed by Henry Jensen, and are filing a claim for it.

SIGNED BEFORE ME THIS 19th day of 1987

RECORDED

FEB 25 1988

Marilyn Halford
Pocatello, Idaho

Signed
Harold I. Rupp
Veda J. Rupp

Harold & Veda Rupp
12789 Hillside Road
Pocatello, ID 83201