

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 William Papanikolas DBA Riverside Hotel
341 S. Main St. # 407 Salt Lake City, Ut 84111 (Name of Claimant) 801 363 3030
Lava Hot Springs, ID 83246 (Mailing Address) 776 9906 Telephone No.
(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) April 10, 1918

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)
groundwater (Hot Water) tributary to Portneuf 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:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>1 cfs</u>	Use <u>commercial</u>	Period of Use From <u>1/1</u>	To <u>12/31</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) 1 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4, SE 1/4, Sec. 21 Twp. 9S Rge. 38E B.M., County of Bannock
Additional points of diversion: Block 1, Hall's 1st addition to City, Lava Hot Springs

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. pump & pipeline, well & spring, 3hp pump (jet) with 2" line about 25' to bldg.

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	38E	21																	C

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water use to supply mineral baths and heating to the Riverside Hotel and for all culinary uses and recreational use.

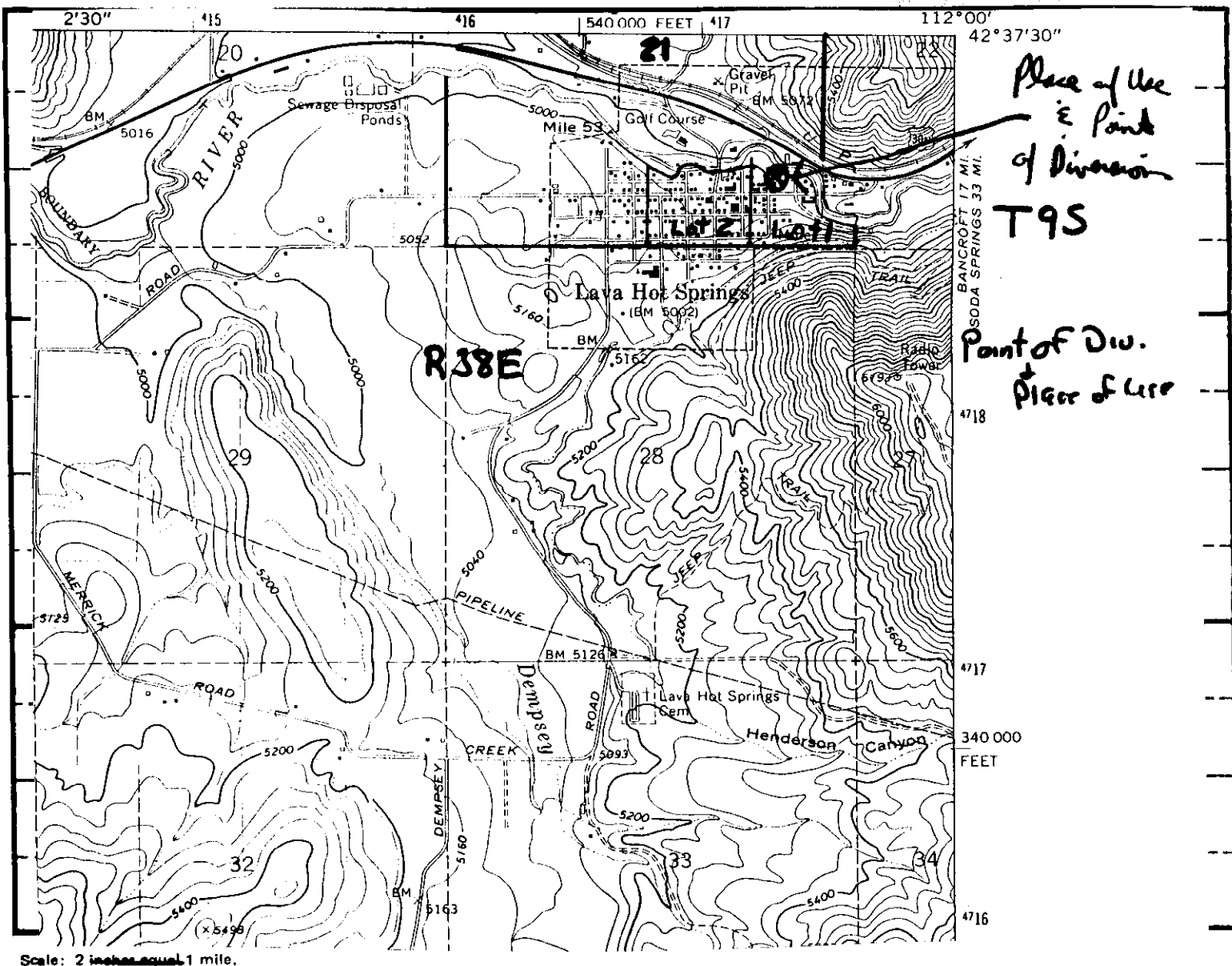
MICROFILMED

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

FEB 25 1988

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

(8) Remarks _____



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~~ Utah)
 County of Salt Lake) 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 1 day of Oct.

William M. Parn
 (Claimant)

Dave Wagstaff
 Notary Public
 Residing at Salt Lake City, Utah

My commission expires May 15, 1991

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FEB 25 1988

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>12-25-87</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCW</u>	Date <u>9 Oct 87</u>		claimant by:	
\$300.00 fee received by <u>dg</u>	Date <u>10-9-87</u>	<u># 42054</u>		
Published in <u>ID State Journal</u>		John P. & Grace A. Terrell	cw	11/25/87
Dates <u>11-5-11-12-87</u>	<u>dg</u>			

FROM: JOHN R. & GRACE A. TERRELL
BOX 1774, POCA TELLO, IDAHO 83204

TO: KEITH HIGGINSON, DIRECTOR
Department of Water Resources
Eastern Division
150 Shoup, Suite 15
IDAHO FALLS, IDAHO 83402

RECEIVED
NOV 23 1987
Department of Water Resources
Eastern District Office

Dear Mr. Higginson:

In late 1986 or early 1987 Miss Helms and Mr. Gallegos employed Mr. Mark Campbell to excavate in search of hot water. In this excavation they disrupted my collection pipe which had been laid in about 1961 and was covered by my WATER RIGHT 29 4234. We made repeated efforts to Miss Helms, Mr. Gallegos, and their attorney to have them repair the collection pipe which they had disrupted, to no avail. In October 1987 we asked Mr. Mark Campbell to repair the pipe which he did. At the time of the repair there was nothing coming through the pipe. To-day November 18, 1987, there is a small trickle of HOT WATER coming into our holding tank from this collection pipe.

We were denied the HOT WATER for use in our swimming pool for this past summer due to this mishap.

Miss Helms and Mr. Gallegos were associated in some manner with Mr. William M. Papanikolas in the operation of the Riverside Hotel Located on the property stipulated in this Water Right.

Mr. Papanikolas did not use the water they found from 1961 to 1986.

Quoteing from "Order Confirming Sale of Real Estate" filed in Bannock County on the 3rd day of September 1954:

"Also together with an undivided one-half interest in the waters of and flowing from a certain hot spring or springs on the south side or bank of the Portneuf River at a point approximately where the south line of the lands herein described intersect the south bank of said Portneuf River at the easterly end of said land for culinary, domestic, heating, bathing, and household use, together with means of conveying same to and upon lands herin described."

According to my Amended Claim to a Water Right 29 4234 dated November 17, 1987, one half of these waters are due to us.

Grace A. Terrell
GRACE A. TERRELL

John R. Terrell
JOHN R. TERRELL

Sworn before me this 20th day of November 1987

My commission expires 9-1-1991

NOTARY PUBLIC *Ruth Handley*

Residing at 1411 Marguerite

RECEIVED

FEB 25 1988

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE

of

GRACE J. TERRELL,

Deceased.

ORDER CONFIRMING SALE OF
REAL ESTATE

RECORDED
302440
1954 Sep-3 PM 3:33

in Book 15
Misc PAGE 433
BANNOCK COUNTY

The return of Robert M. Terrell, Executor-Trustee of the Community Estate of Grace J. Terrell, deceased, and Trustee of the Community Estate of Thomas F. Terrell, deceased, setting forth his proceedings upon the sale of certain real property of said estate ^{and Trust} in said return and hereinafter particularly described, came on regularly to be heard on this date.

It is proved to the satisfaction of the court and the court finds:

That the time for hearing said return was regularly set for hearing by this court for this date;

That Notice of the time and place of said hearing has been duly and regularly given as ordered by the court and required by law;

That said Executor-Trustee and said Trustee gave notice of said sale as provided by the laws of the State of Idaho;

That at said sale the real estate herein described was sold to F. C. Terrell pursuant to a written bid filed with said Executor-Trustee and said Trustee, for the sum of \$17,500.00 Cash, lawful money of the United States, 10% of which amount accompanied said bid and the balance to be paid upon confirmation of said sale.

That the said F. C. Terrell was the highest and best bidder for said real property and said sum bid by him was the highest and best bid made; that said sum is more than 90% of the appraised value of said property; that there is good reason for said sale for the reason set forth in said return of sale which reason as in said return set forth, the court finds to be proven and sustained; that the said sale was regularly and fairly conducted; that said property has been appraised within one year

of the time of said sale; that said sum bid is not disproportionate to the value of the property sold and that a sum exceeding said bid by at least 10% exclusive of the expense of a new sale, can not be obtained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED That said above described sale hereby is confirmed and that said Robert M. Terrell, Executor-Trustee of the Community Estate of Grace J. Terrell, deceased, and Trustee of the Community Estate of Thomas F. Terrell, deceased, be and he is hereby authorized, empowered and directed to execute a deed of conveyance to said F. C. Terrell, upon the payment of the balance of the purchase price aforesaid; said property so sold to F. C. Terrell is described as follows:

Commencing at the Northwest Corner of Block 1 of Hall City Townsite, Bannock County, Idaho; thence Easterly conforming to the direction of government surveys, along the north line of Block 1 of said townsite of Hall City and Block 1 of the townsite of Hall's First Addition to said Hall City townsite, to a point intersecting the middle or thread of said Portneuf River; thence down said Portneuf River, following the thread of said stream in a Northwesterly direction and then in a generally westerly direction to where the thread of said stream intersects the easterly line of First Avenue east of said Hall City townsite projected; thence in a southerly direction along the easterly line of said First Avenue east of said Hall City townsite to the point of beginning; all being situated within and part of Lots 1 and 2 in Section 21, Township 9 South of Range 38 E. B. M., according to the government survey; the same being described in the Office of the Assessor of Bannock County, Idaho, as Tax #5 in Section 21, Township 9 South, Range 38 E.B.M., Bannock County, Idaho, together with a 4-inch cold water right, 4 miners inches or .08 of 1 cubic foot per second of time of the waters of Fish Creek near Lava Hot Springs, Idaho, diverted through the Fish Creek Irrigating Company's Canal at a point approximately where 2nd Ave. East of the Village of Lava Hot Springs projected in a southerly direction, intersects said canal and thence by virtue of an easement for and a pipe line along said 2nd Ave. East in a northerly direction to the lands herein described; being a portion of the waters of said Fish Creek decreed March 10, 1902, to John Hall, in that certain action in the District Court of the Fifth Judicial District of Idaho, in and for Bannock County, entitled William W. Cooper, et al, plaintiffs, vs. Patrick Harkins, Defendant, and confirmed and redecreed to Thomas F. Terrell in that certain decree in said above mentioned court, dated June 29, 1921, in the case of Union Grain & Elevator Co., a corporation, plaintiff, vs. McCammon Ditch Co. et al; Register No. 2203, together with ditch rights and other means of carrying said water to and applying same on said land;

FEB 25 1988

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Also toget : with a 5 inch cold water right, 5 miners inches or .1 of 1 cubic foot per second of time of the waters of said Fish Creek, established in the aforesaid decree dated March 10, 1902, reestablished and ~~redeemed~~ ~~to the successors~~ in interest of said John Hall in said above mentioned decree, dated June 29, 1921, and subsequently conveyed to said Thomas F. Terrell, now diverted at the same point and as above described, to the lands herein described, together with all ditch rights and other means of carrying said water and applying same on said land.

Also together with an undivided one-half interest in the waters of and flowing from a certain hot spring or springs on south side or bank of the Portneuf River at a point approximately where the south line of the lands herein described intersect the south bank of said Portneuf River at the easterly end of said land for culinary, domestic, heating, bathing and household use, together with means of conveying same to and upon lands herein described.

Also together with a 4-inch hot water right 4 miners inches of the waters of and flowing from a certain spring or springs, commonly known as "Chicken Soup" Hot Springs on or near the south side or bank of said Portneuf River, near the dividing line between Lot 1 of Section 21 and Lot 6 of Section 22, Township 9 South, Range 38 E.B.M. for culinary, domestic, heating, bathing and household use, together with all rights pertaining to the conveyance through pipe lines and otherwise to the lands herein described, and particularly the pipe line from said hot spring or springs to Main Street in said Village of Lava Hot Springs, Idaho; and thence in a westerly direction along said Main Street and other streets to the bathing facilities of the Lava Hot Spring Natatorium, commonly known as the Spa.

To have and to hold all and singular, the above described premises, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

DONE IN OPEN COURT this the 3rd day of September, 1954.

(SEAL)

DARWIN D. BROWN

Judge of said above entitled Court.

IN THE PROBATE COURT OF BANNOCK COUNTY, IDAHO
STATE OF IDAHO } ss.
County of Bannock }

I, the undersigned, hereby certify that the foregoing is a full true and correct copy of Order Confirming Sale of Real Estate on file in said estate

WITNESS my hand and the seal of the Probate Court aforesaid, this 3rd day of September, 1954

RECORDED

FEB 25 1988

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

Sandra K. Herald

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, 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>November 5</u>	<u>1987</u>	<u>19</u>
<u>November 12</u>	<u>1987</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</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 13th
day of November, 19 87

Jeri L. Larsen
Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED
NOV 16 1987
Department of Water Resources
Eastern District Office

MICROFILMED
FEB 25 1988

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF CLAIMS TO WATER RIGHTS

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

29-4492

PAPANIKOLAS, WILLIAM M.
341 SOUTH MAIN STREET #407, SALT
LAKE CITY, UT 84111
Source: GROUNDWATER trib. to
PORTNEUF RIVER
Diversion Pt: LOT 01 (SESE) Sec 21 T
09S R 38E
Use: COMMERCIAL (1.0 CFS)
Priority Date: 04 10 1918
In: LOT 01 (SESE) Sec 21 T 09S R 38E

29-4493

PAPANIKOLAS, WILLIAM M.
341 SOUTH MAIN STREET #407, SALT
LAKE CITY, UT 84111
Source: SPRING trib. to PORTNEUF
RIVER
Diversion Pt: LOT 01 (SESE) Sec 21 T
09S R 38E
Use: COMMERCIAL (0.440 CFS)
Priority Date: 04 10 1918
In: LOT 01 (SESE) Sec 21 T 09S R 38E

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.
November 5, 12, 1987
No. 57

Sandra K. Herald

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:

November 5, 1987, 19
November 12, 1987, 19
, 19, 19
, 19, 19
, 19, 19

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 13th
day of November, 1987

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECORDED

FEB 25 1988

RECEIVED
JAN 19 1988

Department of Water Resources

January 14, 1988

RE: Claim to Water Right No. 29-4492

William M. Papanikolas
Riverside Inn
341 South Main Street No. 407
Salt Lake City, UT 84111

Dear Mr. Papanikolas:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CM
Enclosure
cc: IDWR - State Office

RECEIVED

APR 01 1988

January 14, 1988

RE: Claim to Water Right No. 29-4492 PAPANIKOLAS

Archie W. Service
Attorney at Law
P.O. Box 4883
Pocatello, ID 83205

Dear Mr. Service:

We have received the exception dated December 31, 1987, in behalf of Lava Hot Springs Foundation, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW
cc: IDWR - State Office

RECEIVED

APR 01 1988

RECEIVED

JAN 5 1988

Department of Water Resources
Eastern District Office

STATE OF IDAHO

Department of Water Resources

RECEIVED

DEC 16 1987

Department of Water Resources
Eastern District Office

GREEN, SERVICE,
GASSER & KERL
ATTORNEYS AT LAW
P.O. BOX 4883
POCATELLO, IDAHO
83205-4883
(208) 232-4471

WILLIAM M. PAPANIKOLAS, d/b/a)
Riverside Inn,)
Claimant,)
LAVA HOT SPRINGS FOUNDATION,)
Exceptor.)

CLAIM NO. 29-4492

RECEIVED

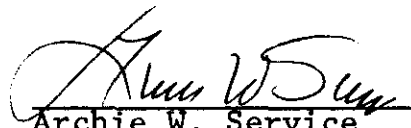
JAN 19 1988

Department of Water Resources

COMES NOW Lava Hot Springs Foundation, an agency of Idaho State Parks Department, State of Idaho, whose address is Lava Hot Springs and whose attorney in this matter is Archie W. Service, Esq., P.O. Box 4883, Pocatello, Idaho 83205-4883, and files exception to Notice of Claim in that the ground water claimed is that of the sources and springs of the Lava Hot Springs Foundation, and therefore are not the right of Claimant.

DATED this 15th day of December, 1987.

GREEN, SERVICE, GASSER & KERL
Attorneys for Exceptor


Archie W. Service

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing document was mailed to the following person by first class ordinary mail, postage prepaid, on the 15 day of December, 1987

RECEIVED

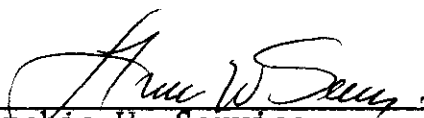
APR 01 1988

GREEN, SERVICE,
GASSER & KERL
ATTORNEYS AT LAW
P.O. BOX 4883
POCATELLO, IDAHO
83205-4883
(208) 232-4471

William M. Papanikolas
341 S. Main St., #407
Salt Lake City, UT 84111

Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, ID 83402

Karen Keller, Exec. Director
Lava Hot Springs Foundation
Lava Hot Springs, ID 83246


Archie W. Service

STATE OF IDAHO)
County of Bannock) SS

On this 31st day of December, 1987, before me, the undersigned Notary Public in and for said county and state, personally appeared Archie W. Service, attorney for Lava Hot Springs Foundation, and as such authorized to sign the foregoing document, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)


NOTARY PUBLIC for Idaho
Residing at Pocatello, ID

RECORDED

APR 01 1988

RECEIVED

JAN 19 1988

Department of Water Resources

EXCEPTION
PAGE 2
5/2/348/11

EMC 9/10/87

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 29 4492

Applicant William M. Papanikolas

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.

Route to WD 29 dg 10-29-87

FINAL REGIONAL PROCESSING REVIEW:

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

By

EMC
QW

Date

25 Nov 87
11-25-87

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

12-2-87

RECEIVED

FEB 25 1988

protest date
11-23-87

RECEIVED

FEB 25 1987

Department of Water Resources

November 25, 1987

RE: Claims to Water Rights Nos. 29-4492 & 29-4493

William M. Papanikolas
Riverside Inn
341 South Main Street No. 407
Salt Lake City, UT 84111

Dear Mr. Papanikolas:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources July 1, 1974) 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 hearings or evaluate for conformation or final censorship of the described rights.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

NOT FILMED

FEB 25 1988

November 25, 1987

RE: Claims to Water Rights Nos. 29-4493 & 29-4492 PAPANIKOLAS

John R. & Grace A. Terrell
Box 1774
Pocatello, ID 83204

Dear Mr. & Mrs. Terrell:

We have received the exception dated November 20, 1987, filed against the above referenced claims to a water rights. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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 Administration (renamed Department of Water Resources July 1, 1974) 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.

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

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

FILED

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

WILLIAM M. PAPANIKOLAS
341 SOUTH MAIN STREET #407
SALT LAKE CITY UT 84111

RE: Claim No. 29-4492

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

MICROFILMED

FEB 25 1988

October 29, 1987

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

RE: Claim to a Water Right No. 29-4492 & 29-4493, Papanikolas

Dear Mr. Bloxham:

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

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

Enclosure

MICROFILMED
FEB 25 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 28, 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 sales 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 NOVEMBER 23, 1987.

Yours truly,

Deena Green
Office Secretary

Encl.

MICROFILMED

FEB 25 1988

29-4492

PAPANIKOLAS, WILLIAM M.

341 SOUTH MAIN STREET #407, SALT LAKE CITY, UT 84111

Source: GROUNDWATER trib. to PORTNEUF RIVER

Diversion Pt: LOT 01 (SESE) Sec 21 T 09S R 38E

Use: COMMERCIAL (1.0 CFS)

Priority Date: 04/10/1918

In: LOT 01 (SESE) Sec 21 T 09S R 38E

proofed over phone with
Cathy 11-3-87; OK
HWS

REPROFILMED

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 11/5 & 11/12/87.

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FEB 25 1988