

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



JUN 20 1983

CLAIM TO A WATER RIGHT

Department of Water Resources

Under 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 James E. Capell

(Name of Claimant)

Box 146, Arimo, ID

83214

Telephone No. 254-3596

(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) December 27, 1944

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 Marsh 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>0.80cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</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) 0.80cfs TOTAL QUANTITY USED.

(cfs, af)

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

SE ¼ SE ¼, Sec. 18 Twp. 10S Rge. 37E B.M., County of Bannock

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. Holding pond and ditches. A pump and sprinkler are occasionally used.

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	37E	17									10								10
		18												20			10		30

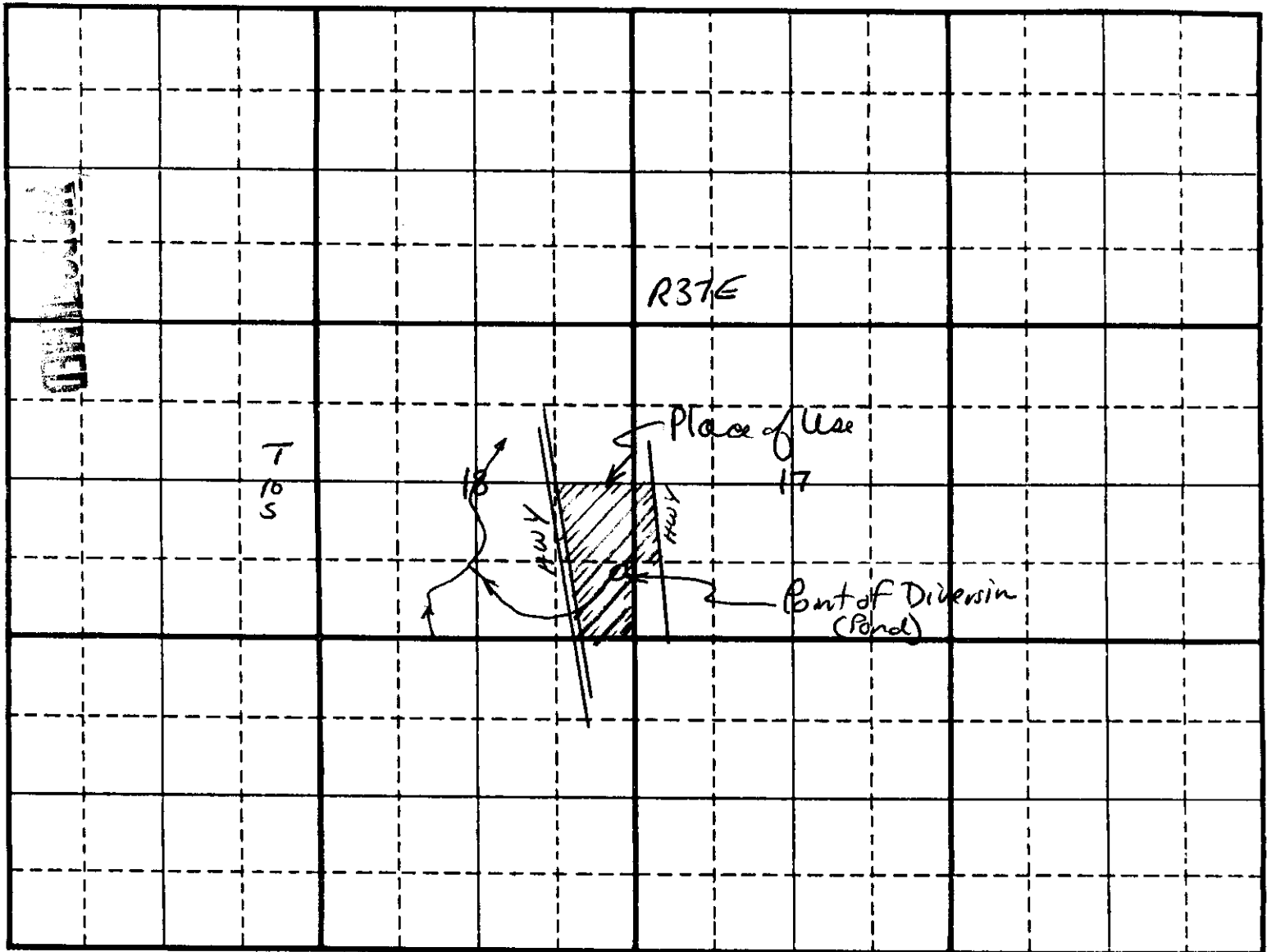
No. of acres 40

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: _____

(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 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 12th day of June, 1983.
James C. Capell (Claimant)

Harvey H. Cole
Notary Public
Residing at Arvine Idaho

My commission expires N/A

Received by CW Date 6-20-83 FOR DEPARTMENT USE ONLY
Prelim. check by KCW Date 5-31-83 Exception filed by: _____ Date _____
\$30.00 fee received by CW BP Date 8-29-83 829643
Published in Idaho State Journal
Dates 9/8 - 9/15/83

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Shirley J. Arlotta

SEP 19 1983
Department of Water Resources
Eastern District Office

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.

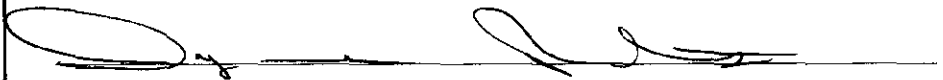
That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

September 8, 19 83, 19____
September 15, 19 83, 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 16th

day of September, 19 83



Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Shirley J. Arlotta

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.

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September 8, 19 83, 19

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Subscribed and sworn to before me this 16th

day of September, 19 83

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF CLAIMS TO WATER RIGHTS

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

29-4423

POCATELLO GOLF & COUNTRY CLUB, INC.

P.O. BOX 883, POCATELLO, ID 83204

Source: GROUNDWATER

Priority Date: 09-15-1952

Diversion Pt: NESW Sec 17 T 07S R 35E

Use: IRRIGATION (7.35 CFS)

In: NENW NWNW SWNW SENW NESW

NWSW Sec 17 T 07S R 35E FOR 240

ACRES

29-4434

CAPELL, JAMES E.

BOX 146, ARIMO, ID 83214

Source: SPRING trib. to MARSH CREEK

Priority Date: 12-27-1944

Diversion Pt: SESE Sec 18 T 10S R 37E

Use: IRRIGATION (0.80 CFS)

In: NWSW Sec 17 T 10S R 37E NESE

SESE Sec 18 T 10S R 37E FOR 40

ACRES

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

S/KEN DUNN, Dir.

September 8, 15, 1983

No. 281

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 26, 1983

RECEIVED

JAMES E. CAPELL
BOX 146
ARIMO

ID 83214

RE: Claim No. 29-4434

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 Supervisor

Enclosure

RECEIVED
OCT 05 1983

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

September 1, 1983

RE: Claim to a Water Right No. 29-4434 CAPELL

Thomas Bloxham, Watermaster
Water District No. 29
Downey, ID 83234

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.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Keith Carlson

Right Number

29 4134

Applicant

James E. Capell

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.

Sept 26, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

Sept. 26, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

N. W.

Date

11/1/83

JAMES E. OR KATHRYN J. CAPPELL
BOX 146 254-3596
ARIMO, IDAHO 83214

Pay to the
order of

IBT IDAHO BANK & TRUST CO.
WEST CENTER OFFICE BOX 1788 POCAHELLO, IDAHO 83201

For

124102842100 200324 20 0164

Money Market Bank Note

PROFIT

92-284/1241

Dollars

RESOURCES

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

James E. Capell
Box 146
Arimo, ID 83214

Dear Mr. Capell:

Enclosed is a claim to a water right and check # 92-284
for \$30 that was received by this office and a retyped
claim.

To complete the claim item #1 the date of priority of when
the water was first applied to beneficial use must include
the day, month and year.

Please review the claim sign in front of a notary and return
to this office, along with the \$30, prior to June 30, 1983.

Upon receipt of the completed claim processing will begin.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:jk

Enclosures



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

Kenneth Dunn
Director

150 Shoup - Suite 15
Idaho Falls, Idaho 83401
(208) 525-7161

June 23, 1983

James E. Capell
Box 146
Arimo, ID 83214

Dear Claimant:

This office is in receipt of a Claim to a Water Right filed in your name. Please be advised that the claim cannot be formally receipted until the following information is provided:

____ Complete name.
____ Complete mailing address.
✓ Date of priority month, day, and year Dec. 27, 1944
____ Source of water.
____ Quantity claimed to have been used.
____ Nature of use and period of use.
____ Location of point(s) of diversion.
____ Location of place of use (acres irrigated if water is claimed for irrigation).
____ Filing Fee (Amount \$ _____).
____ Signature.
____ Notarization of signature.
____ Other: _____

Please note that your claim has been stamped and initialed as received. If you amend this claim by adding the needed information and return the claim to this office no later than 60 days from the date of this letter, the original date submitted will be utilized for purposes of determining the appropriate filing fee.

Instructions for completing a Claim to a Water Right are included for your information. However, if you desire assistance, please feel free to contact this office.

Enc: Check #92-284 for \$30.00.

Sincerely,

Keith C Wilson

29-4434

CAPELL, JAMES E.

BOX 146, ARIMO, ID 83214

Source: SPRING trib. to MARSH CREEK

Priority Date: 12/27/1944

Diversion Pt: SESE Sec 18 T 10S R 37E

Use: IRRIGATION (0.80 CFS)

In: NWSW Sec 17 T 10S R 37E NESE SESE Sec 18 T 10S R 37E FOR 40 ACRES

18 29-4434
19 CAPELL, JAMES E.
20 BOX 146, ARIMO, ID 83214
21 Source: SPRING trib. to MARSH
22 CREEK
23 Priority Date: 12-27-1944
24 Diversion Pt: SESE Sec 18 T 10S R 37E
25 Use: IRRIGATION (0.80 CFS)
26 In: NWSW Sec 17 T 10S R 37E NESE
27 SESE Sec 18 T 10S R 37E FOR 40
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29 Exceptions to a claim may be filed with
30 the Director, Dept. of Water Resources,
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32 Idaho 83402.
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34 September 8, 15, 1983
35 No. 281
36 <a<a<a<a