

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 29-04417A

RECEIVED

JUN 26 1998

Department of Water Resources
Adjudication Bureau

NAME AND ADDRESS: KARL LOVELAND
RT 6 BOX 680
POCATELLO, ID 83202

SOURCE: SPRINGS TRIBUTARY: TWENTY FOUR MILE CREEK
QUANTITY: 0.007 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/01/1964

POINT OF DIVERSION: T05S R39E S19 NESWSE Within Caribou County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 12-01	0.007 CFS

PLACE OF USE:	Stockwater	Within Caribou County
	T05S R39E S29	NENW ✓ NESE ✓

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

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 Chesterfield Land & Livestock c/o Delmo Smith
Bancroft, ID 83217 (Name of Claimant) Telephone No. 648-7774
(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) August 1, 1964

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)
springs tributary to Twenty-Four Mile 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:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.02</u> cfs		Use <u>stockwater</u>		Period of Use From <u>4/1</u>	To <u>12/1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>0.02</u> cfs		Use _____		Period of Use From _____	To _____

(4) 0.02 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 19 Twp. 5S Rge. 39E B.M., County of Caribou
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. Pipeline at springs to series of 4 water troughs

(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	
5S	39E	29								X									
		28											X						
		33									X								
6S	39E	3							X										

No. of acres _____

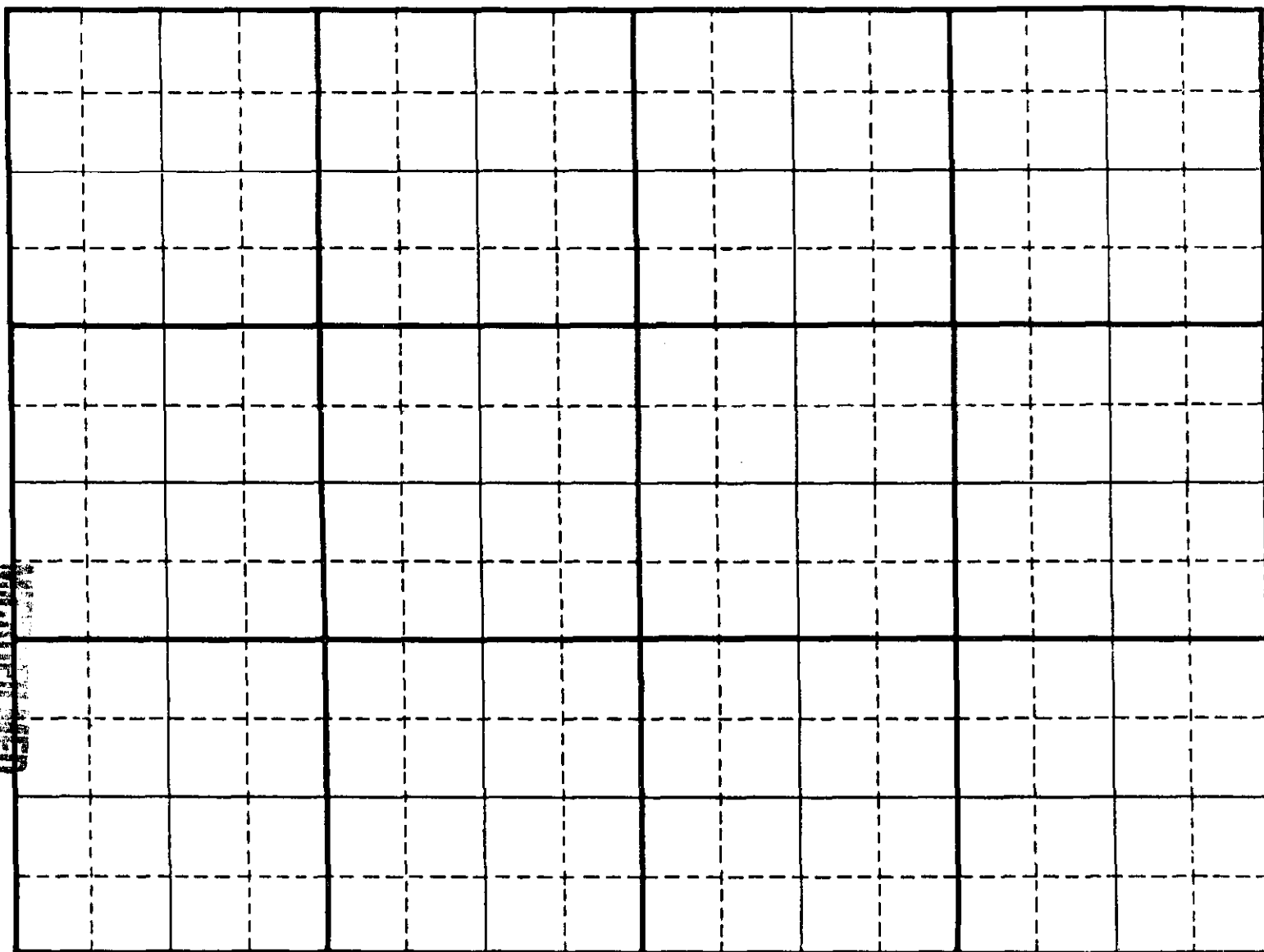
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Stockwater

NOTE: Include here the type and number of stock watered: 500 head cattle

(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 Bonneville) 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.

Chesterfield Land & Livestock
By Delmo Smith
(Claimant)

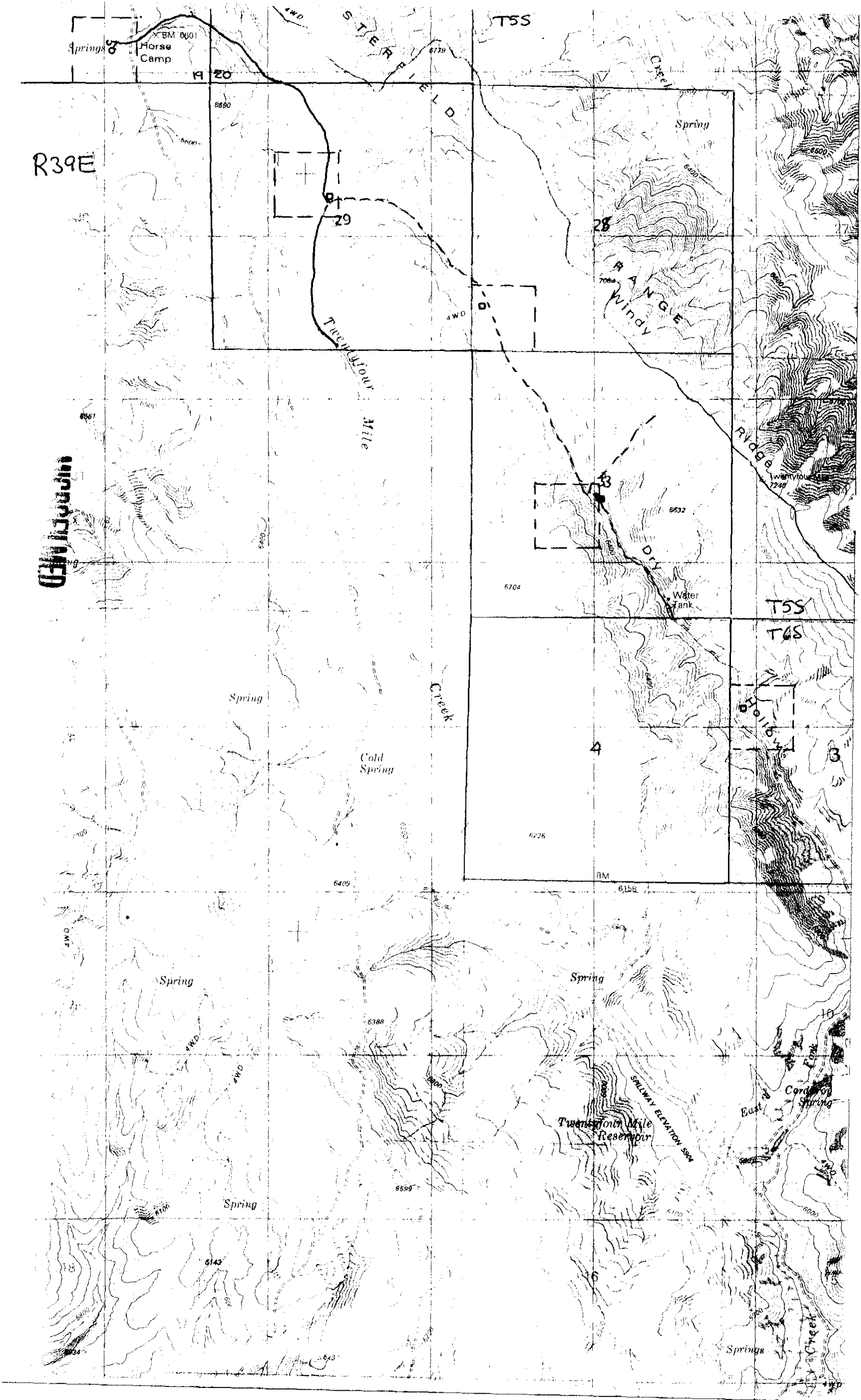
Sworn to before me this 22nd day of June, 1983

Calleen Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-83

FOR DEPARTMENT USE ONLY

Received by <u>HAG</u>	Date <u>6-22-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JRM</u>	Date <u>6-23-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>6-22-83</u>			
Published in <u>Oakman City Sun</u>	<u>450653</u>			
Dates <u>8/18 & 8/25/83</u>				



Affidavit of Publication

PUBLIC NOTICE

First Time Published

WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:
29-4414

HATCH, JR., A. PAUL
RT. 1, BOX 1090, BANCROFT, ID 83217

Source: EIGHTEENMILE CREEK trib. to SINKS

Priority Date: 04-01-1881

Diversion Point: NWSW Sec 13 T 07S R 39E NESW Sec 14 T 07S R 39E SESE Sec 15 T 07S R 39E

Use: IRRIGATION (1.50 CFS)

In: SWNW SENW NESW NWSW SWSW SESE Sec 14 T 07S R 39E NESE SESE Sec 15 T 07S R 39E FOR 227 ACRES

29-4415

HATCH, JR., A. PAUL
RT. 1, BOX 1090, BANCROFT, ID 83217

Source: TOLMAN CANYON trib. to SINKS

Priority Date: 04-01-1896

Diversion Point: NESW SWSW Sec 02 T 07S R 39E

Use: IRRIGATION (1.70 CFS)

In: NESW NWSW SWSW Sec 02 T 07S R 39E SESE Sec 03 T 07S R 39E FOR 85 ACRES

29-4417

CHESTERFIELD LAND & LIVESTOCK

BANCROFT, ID 83217

Source: SPRINGS trib. to TWENTY-FOUR MILE CREEK

Priority Date: 08-01-1984

Diversion Point: SWSE Sec 19 T 05S R 39E

Use: STOCKWATER (0.02 CFS)

In: SENW Sec 29 T 05S R 39E SWSW Sec 28 T 05S R 39E NESW Sec 33 T 05S R 39E SWNW Sec 03 T 06S R 39E

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

KEN DUNN,
Director

Published Aug. 18 and 25, 1983
in the Caribou County Sun.

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

18th day of August, 1983

The date of the last publication being the 25th day of August, 1983

Subscribed and sworn to before me this 29th day

of August, 1983

Wendy H. Harte
Notary Public, residing at Soda Springs, Idaho
(SEAL)

My Commission expires the 1st day of March

1984

SRBA

PARTIAL DECREE 29-04417A

Issued on 06-22-1998.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	KARL LOVELAND RT 6 BOX 680 POCATELLO, ID 83202		
SOURCE:	SPRINGS	TRIBUTARY: TWENTY FOUR MILE	
QUANTITY:	0.007 CFS		
	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED GALLONS PER DAY.		
PRIORITY DATE:	08/01/1964		
POINT OF DIVERSION:	T05S R39E S19	NESWSE	Within Caribou County
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THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS N
DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIO
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFI
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN T
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 6, 1983

MICROFILMED

CHESTERFIELD LAND & LIVESTOCK
BANCROFT ID 83217

RE: Claim No. 29-4417

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
SEP 14 1983
Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JCM

Right Number 29 4417

Applicant Edinburgh Land and Timber

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.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson

Date Sept. 9, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By tw

Date 9/16/83

29-4417

CHESTERFIELD LAND & LIVESTOCK

BANCROFT, ID 83217

Source: SPRINGS trib. to TWENTY-FOUR MILE CREEK

Priority Date: 08/01/1964

Diversion Pt: SWSE Sec 19 T 055 R 39E

Use: STOCKWATER (0.02 CFS)

In: SENW Sec 29 T 055 R 39E SWSW Sec 28 T 055 R 39E NESW Sec 33 T 055 R 39E
SWNW Sec 03 T 065 R 39E

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BANCROFT, ID 83217
Source: SPRINGS trib. to TWENTY-FOUR MILE CREEK
Priority Date: 08/01/1964
Diversion Point: T 055 R 39E
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SWNW Sec 03 T 065 R 39E
Exception to a
claim with the
Water Resources
Act, June 15, 1964
KEN DUNN
Manager
FARMERS AND
in the Chesterfield

29-4417

CHESTERFIELD LAND & LIVESTOCK

BANCROFT, ID 83217

Source: SPRINGS trib. to TWENTY-FOUR MILE CREEK

Priority Date: 08/01/1964

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SNNW Sec 03 T 06S R 39E

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LIVESTOCK
BANCROFT, ID 83217
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Water Resources, 150 Shoup
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83402.
KEN DUNN,
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