

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 Eliason Land & Cattle Co., an Idaho Corporation,
(Name of Claimant)
307 E. 200 So., Downey, ID, 83234 Telephone No. 897-5946
(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) January 1, 1951

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)
unnamed spring tributary to Marsh Creek, 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>2 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>April 1</u> To <u>Nov. 1</u>
Quantity	<u>.3 cfs</u>	Use	<u>Stock water</u>	Period of Use From	<u>Jan 1</u> To <u>Dec. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 2.3 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. 5 Twp. 12S. 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.
Ditches leading from spring downhill to places of use.

(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	
12S	37E	5						40	40	40									120

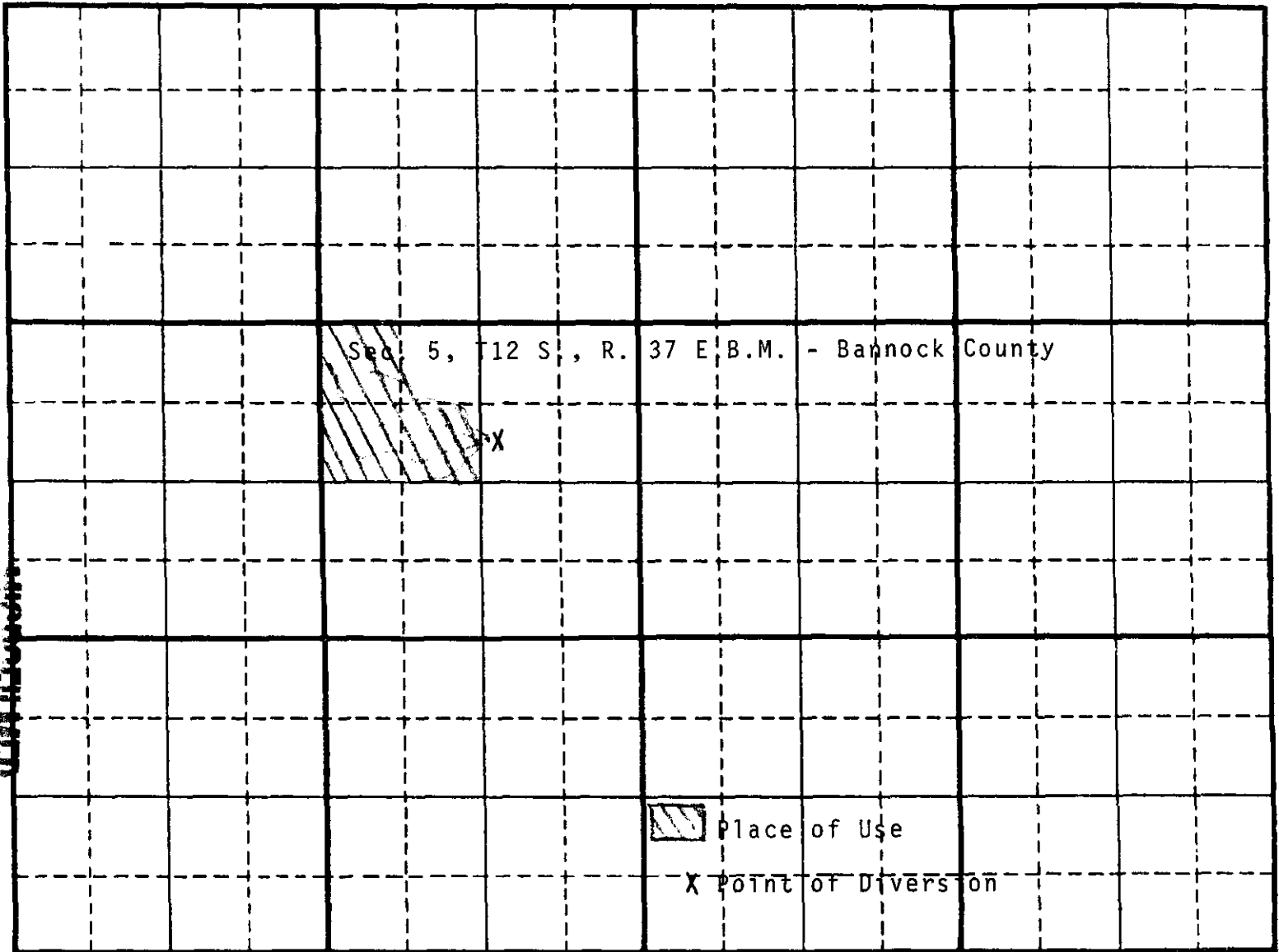
No. of acres 120

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock watering year around for varying number of cattle

NOTE: Include here the type and number of stock watered: approx. 150 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 Franklin) 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.

Eliason Land & Cattle Co.,
By Butcherman Per
(Claimant)

Sworn to before me this 21st day of June, 19 83.

Lowell D. Castleton
Notary Public LOWELL D. CASTLETON
Residing at Preston, ID

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>6-24-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JEM</u>	Date <u>6-27-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>6-24-83</u>			
Published in <u>Idaho State Journal</u>	<u>#30217</u>			
Dates <u>8/11 - 8/18/83</u>				

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

29-4389

LDS CHURCH
POCATELLO WEST STAKE, 2126
POLELINE RD., POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 04-01-1930
Diversion Pt: SENE Sec 29 T 05S R 34E
Use: STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: SENE Sec 29 T 05S R 34E
29-4390

LDS CHURCH
POCATELLO WEST STAKE, 2126
POLELINE RD., POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 01-01-1924
Diversion Pt: SESE Sec 30 T 05S R 34E
Use: STOCKWATER (0.04 CFS)
DOMESTIC (0.04 CFS)
In: SESE Sec 30 T 05S R 34E
29-4391

BROWN, DONALD D. &/or PHYLLIS J.
4285 BANNOCK HWY., POCATELLO,
ID 83204
Source: SPRING trib. to SINKS
Priority Date: 04-01-1930
Diversion Pt: SENE Sec 12 T 07S R 34E
Use: IRRIGATION (0.12 CFS)
DOMESTIC (0.04 CFS)
In: SENE NESE Sec 12 T 07S R 34E
FOR 6 ACRES
29-4392

JENSEN, VERNON D.
629 S. 19TH, POCATELLO, ID 83201
Source: PORTNEUF RIVER trib. to
SNAKE RIVER
Priority Date: 09-08-1906
Diversion Pt: SESE Sec 24 T 07S R 35E
Use: IRRIGATION (0.30 CFS)
STOCKWATER (0.02 CFS)
In: SESE Sec 24 T 07S R 35E FOR 10
ACRES
29-4393

ROBINSON, LOGAN &/or RICKY
4530 S. 5TH, POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 03-01-1963
Diversion Pt: SWNE Sec 01 T 07S R 34E
Use: IRRIGATION (0.10 CFS)
DOMESTIC (0.06 CFS)
In: SWNE Sec 01 T 07S R 34E FOR 5
ACRES
29-4394

ROBINSON, LOGAN &/or RICKY
4530 S. 5TH, POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 04-04-1943
Diversion Pt: SESE Sec 06 T 07S R 35E
Use: IRRIGATION (0.06 CFS)
In: SESE Sec 06 T 07S R 35E FOR 3
ACRES
29-4395

ROBINSON, LOGAN &/or RICKY
4530 S. 5TH, POCATELLO, ID 83201
Source: GROUNDWATER
Priority Date: 04-04-1943
Diversion Pt: SESE Sec 06 T 07S R 35E
Use: IRRIGATION (0.10 CFS)
In: SESE Sec 06 T 07S R 35E FOR 5
ACRES
29-4396

WILLIE, DALE &/or DONNA
BUCKSKIN RD., POCATELLO, ID 83201
Source: POCATELLO CREEK, SOUTH
FORK trib. to POCATELLO CREEK
Priority Date: 05-01-1965
Diversion Pt: SESW Sec 20 T 06S R 35E
Use: IRRIGATION (0.04 CFS)
In: SESW Sec 20 T 06S R 35E FOR 2
ACRES
29-4397

ROBINSON, LOGAN
4530 S. 5TH, POCATELLO, ID 83201
Source: SPRING trib. to SINKS
Priority Date: 04-01-1968
Diversion Pt: SWSW Sec 05 T 07S R 35E
Use: IRRIGATION (0.02 CFS)
FISH PROP. STORAGE (1.0 AF)
In: SWSW Sec 05 T 07S R 35E
29-4398

ELIASON LAND & CATTLE CO.
307 E. 200 S., DOWNEY, ID 83234
Source: SPRING trib. to MARSH
CREEK
Priority Date: 01-01-1951
Diversion Pt: SWSE Sec 05 T 12S R 37E
Use: IRRIGATION (2.00 CFS)
STOCKWATER (0.30 CFS)
In: NWNW SWNW SENW Sec 05 T 12S R
37E FOR 120 ACRES
29-4399

LOWRY, DOYLE W.
315 11TH ST., MCCAMMON, ID 83250
Source: DRY CANYON STREAM trib.
to MARSH CREEK
Priority Date: 04-01-1952
Diversion Pt: SWNW Sec 03 T 09S R 36E
Use: IRRIGATION (0.28 CFS)
In: NWNW SWNW Sec 03 T 09S R 36E
FOR 20 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.
August 11, 18, 1983
No. 202

OF OF PUBLICATION

RECEIVED

AUG 22 1983

Department of Water Resources
Eastern District Office

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 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:

August 11	, 19 83	, 19
August 18	, 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 12th

day of August, 19 83

Notary Public, State of Idaho

Residence: Pocatello, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 29, 1983

RECEIVED

ELIASON LAND & CATTLE CO.
307 E. 200 S.
DOWNEY ID 83234

RE: Claim No. 29-4398

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 06 1983
Department of Water Resources

August 5, 1983

RE: Claim to a Water Right No. 29-4392 JENSEN
29-4398 ELIASON
29-4399 LOWRY

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 (3)

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JEM

Right Number

29 4338

Applicant

Eliason Land & Cattle Co.

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.

Aug. 29, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By

Ernest Carlson

Date

Aug 30, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

KW

Date

9/7/83

Ch

29-4398

ELIASON LAND & CATTLE CO.

307 E. 200 S., DOWNEY, ID 83234

Source: SPRING trib. to MARSH CREEK

Priority Date: 01/01/1951

Diversion Pt: SWSE Sec 05 T 12S R 37E

Use: IRRIGATION	(2.00 CFS)
STOCKWATER	(0.30 CFS)

In: NNW SWNW SENW Sec 05 T 12S R 37E FOR 120 ACRES

RECEIVED
JAN 10 1951