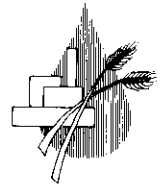


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



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 E. Jay Hartvigsen
(Name of Claimant)
984 Millbrook Way, Bountiful, Utah 84010 Telephone No. (801) 295 2456
(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) April 1, 1915

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)
Mud Spring tributary to Quaking Aspen 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>.04 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u>.03 cfs</u>	Use <u>Stockwatering</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	<u>.04 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Oct 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .11 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 35 Twp. 12S Rge. 37E B.M., County of Bannock
Additional points of diversion: NE ¼ SE ¼ Sec 34 T12S R37E

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. Water is diverted by means of tile placed in spring and seep areas which is collected into a 1000 gallon tank and is conveyed by pipeline to the house and irrigated area

(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	34			1	1													2

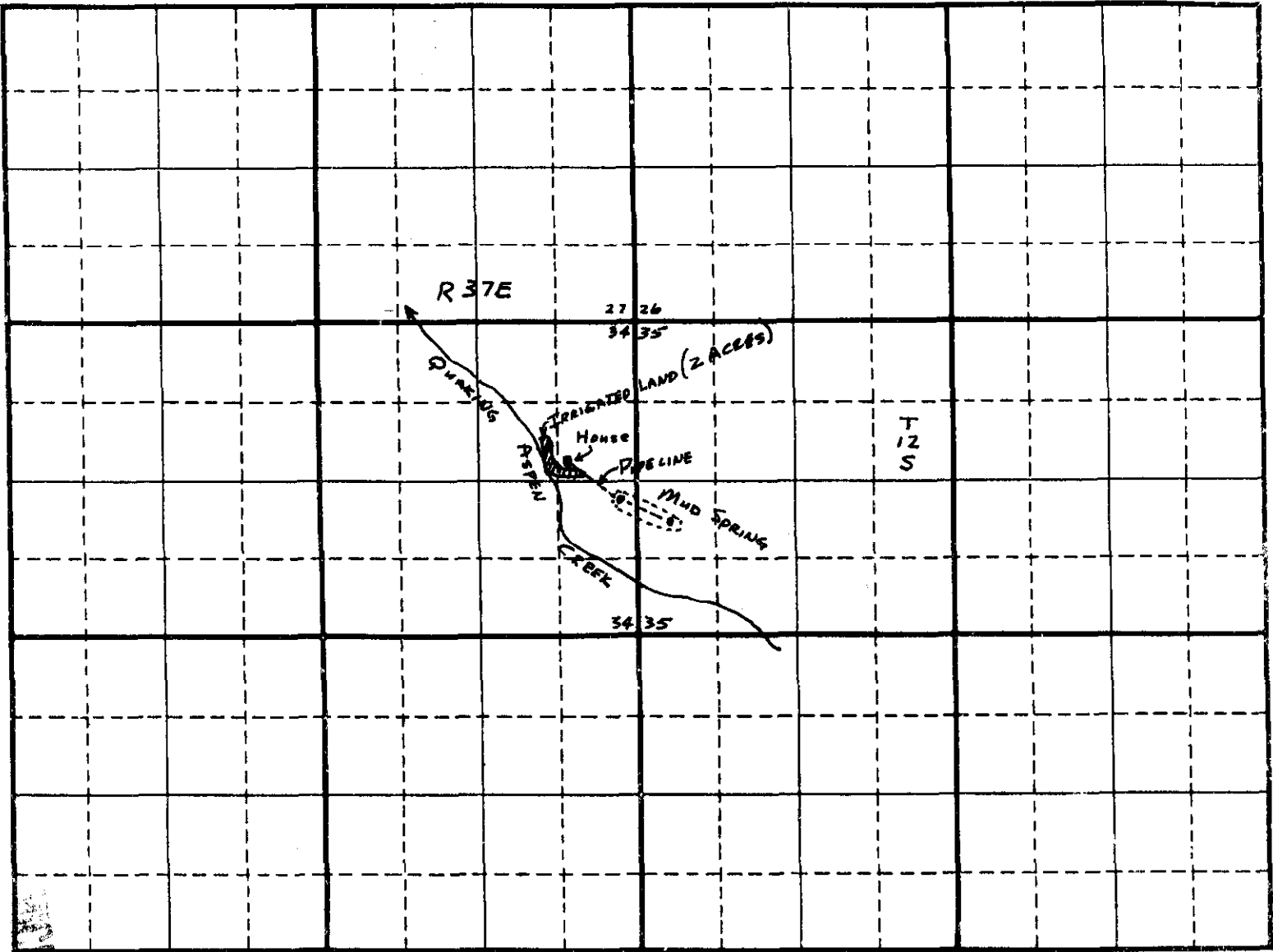
No. of acres 2

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use for one family and for watering of 8 horses, 10 milk cows, 10 pigs and 200 chickens
Stockwatering is supplemental to water from Quaking Aspen Creek and an unnamed stream.

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 This source was filed on by Nels Lundgren in 1915 and Permit 11836 was issued, however, proof of beneficial use was not submitted and the application and permit lapsed. Use has been continuous since 1915. It has also been open and notorious as against all other users of water from Quaking Aspen Creek and streams to which it is tributary.



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 UTAH)
County of DAVIS) 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 12 day of May, 19 83

E. Jay Hartwigson
(Claimant)
John M. Robinson
Notary Public
Residing at Bennington Utah

My commission expires April 5, 1987

FOR DEPARTMENT USE ONLY

Received by <u>CW</u>	Date <u>5-18-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Kaw</u>	Date <u>5-20-83</u>		claimant by:	
\$30.00 fee received by <u>CW</u>	Date <u>5-23-83</u>	#26282		
Published in <u>Idaho State Journal</u>				
Dates <u>6/2 & 6/9/83</u>				

IN THE MATTER OF:)
)
Claims to Water Rights)
Filed by E. Jay Hartvigsen)

AFFIDAVIT

State of Idaho
County of Ada

Rudolph Lundgren, being first duly sworn, deposes and says:

That I am familiar with the use of water on the property now owned by E. Jay Hartvigsen on Quaking Aspen Creek in Bannock County, Idaho. My father, Nels Lundgren and my uncle, Emanuel Martin homesteaded adjoining pieces of land along the creek in 1915. These lands lie in Secs 34 and 35 T12S R37E BM. I was 17 years old at the time these homesteads were taken up and I worked on the property. The water from several springs and seeps was used for domestic, stockwatering and irrigation purposes. One of these springs, Mud Spring, was filed on by my father but Proof of Beneficial Use was apparently never submitted. I personally was on the property part of each year from 1915 to 1917 and then again from 1924 to 1930. In 1930 I took over my father's property and operated this farm from 1930 to 1971 when I sold it to the present owner.

In 1926 I personally piped the water from Mud Spring to the house where it continued to be used for domestic, stockwatering and irrigation. In all, about 4 acres were irrigated from the Mud Spring, about 7 acres along the east side of Quaking Aspen Creek and a small area from an unnamed stream to the west of Quaking Aspen Creek. We watered a total of 8 horses, 10 milk cows, 10 pigs and 200 chickens from the various water sources. The water also supplied the needs for one family. To my knowledge, the use of water has been continuous from 1915. It has also been with the full knowledge of other users of water from Quaking Aspen Creek and streams to which it is tributary.

R. Lundgren

(Signature)

Subscribed and sworn to before me this 29 day of April, 1983.

Francis Adom
(Notary Public)

Residing at Basin Idaho

My Commission Expires 2/21/84

MAY 4 1983

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.

29-4363
WEAVER, REBECCA L.
RT. 1, BOX 76, DOWNEY, ID 83234
Source: SPRING trib. to PECK CREEK
UNNAMED STREAM trib. to PECK
CREEK
Priority Date: 04-14-1913
Diversion Pt: SWNE Sec 05 T 11S R 37E
Use: IRRIGATION (0.14 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SWNE Sec 05 T 11S R 37E FOR 7
ACRES

29-4362
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to COTTON-
WOOD CREEK
UNNAMED STREAM trib. to COTTON-
WOOD CREEK
Priority Date: 03-01-1929
Diversion Pt: NENE Sec 12 T 11S R 38E
Use: STOCKWATER (0.31 CFS)
DOMESTIC (0.04 CFS)
In: NENE Sec 12 T 11S R 38E

29-4361
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: COTTONWOOD CREEK
Priority Date: 03-01-1929
Diversion Pt: NENE Sec 01 T 11S R 38E
Use: STOCKWATER (0.31 CFS)
In: NENE Sec 01 T 11S R 38E

29-4360
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to DEMPSEY
CREEK
Priority Date: 03-01-1929
Diversion Pt: NWSE NESW Sec 01 T 11S
R 38E
Use: STOCKWATER (0.31 CFS)
In: NESW NWSE Sec 01 T 11S R 38E

29-4359
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to PORTNEUF
RIVER
DEMPSEY CREEK trib. to PORT-
NEUF RIVER
Priority Date: 03-01-1929
Diversion Pt: NENW NWNW Sec 12 T
11S R 38E SESW NESW Sec 01 T 11S R
38E
Use: STOCKWATER (0.31 CFS)
In: NENW NWNW Sec 12 T 11S R 38E
NENW NWNW SENW NESW SESW Sec
01 T 11S R 38E

29-4358
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to COTTON-
WOOD CREEK
Priority Date: 03-01-1929
Diversion Pt: SWNE NWSW SWNW
SENE Sec 12 T 11S R 38E
Use: STOCKWATER (0.31 CFS)
In: SWNE SENE SWNW SENW NWSW
Sec 12 T 11S R 38E

29-4357
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to COTTON-
WOOD CREEK
WALKER CREEK trib. to COTTON-
WOOD CREEK
Priority Date: 03-01-1929
Diversion Pt: SWSW Sec 12 T 11S R 38E
Use: STOCKWATER (0.31 CFS)
In: SWSW Sec 12 T 11S R 38E

29-4356
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to DEMPSEY
CREEK
Priority Date: 03-01-1929
Diversion Pt: SWNW SENW Sec 01 T
11S R 38E
Use: STOCKWATER (0.31 CFS)
In: SWNW SENW Sec 01 T 11S R 38E

29-4355
RENCHER, JOHN U.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to DEMPSEY
CREEK
Priority Date: 03-01-1929
Diversion Pt: NWSW NESW SWNW
SENE Sec 01 T 11S R 38E
Use: STOCKWATER (0.31 CFS)
In: SWNW SENW NESW NWSW Sec 01
T 11S R 38E

being first duly sworn on oath deposes and says: That
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:

June 2	, 19	, 19
June 9	, 19	, 19
	, 19	, 19
	, 19	, 19
	, 19	, 19

That said paper has been continuously and un-
in said County for a period of seventy-eight weeks
of said notice or advertisement and is a newspaper
of the laws of Idaho.

Subscribed and sworn to before me this

day of June, 19

POOR QUALITY

29-4354
HARTVIGSEN, E. JAY
84, MILLBROOK WAY, BOUNTIFUL,
UT 84010
Source: QUAKING ASPEN CREEK
trib. to MARSH CREEK
Priority Date: 04-01-1915
Diversion Pt: NESE Sec 34 T 12S R 37E
Use: IRRIGATION (0.14 CFS)
STOCKWATER (0.03 CFS)
In: NESE Sec 34 T 12S R 37E FOR 7
ACRES

29-4352
HARTVIGSEN, E. JAY
984 MILLBROOK WAY, BOUNTIFUL,
UT 84010
Source: UNNAMED STREAM trib. to
QUAKING ASPEN CREEK
Priority Date: 04-01-1915
Diversion Pt: SESE Sec 34 T 12S R 37E
Use: IRRIGATION (0.12 CFS)
STOCKWATER (0.03 CFS)
In: NESE NWSE Sec 34 T 12S R 37E
FOR 6 ACRES

29-4353
HARTVIGSEN, E. JAY
984 MILLBROOK WAY, BOUNTIFUL,
UT 84010
Source: MUD SPRING trib. to QUAK-
ING ASPEN CREEK
Priority Date: 04-01-1915
Diversion Pt: NWSW Sec 35 T 12S R 37E
NESE Sec 34 T 12S R 37E
Use: IRRIGATION (0.04 CFS)
STOCKWATER (0.03 CFS)
DOMESTIC (0.04 CFS)
In: SWNE SENE Sec 34 T 12S R 37E
FOR 2 ACRES

13-4226
RENCHER JOHN L.
214 E. 600 S., FARMINGTON, UT 84025
Source: SPRING trib. to COTTON-
WOOD CREEK
FOX CANYON, RIGHT FORK trib. to
COTTONWOOD CREEK
Priority Date: 03-01-1929
Diversion Pt: NWSE NWNE SWNE
SWSE Sec 05 T 11S R 39E
Use: STOCKWATER (0.31 CFS)
DOMESTIC (0.04 CFS)
In: NWNE SWNE NWSE SWSE Sec 05 T
11S R 39E NWNE SWNE SENE NESE
SESE Sec 08 T 11S R 39E

29-4350
BLANCHARD, HOWARD W. &/or
MARY D.
HCR-1, BOX 50, ARIMO, ID 83214
Source: GROUNDWATER
Priority Date: 10-10-1944
Diversion Pt: NENW Sec 10 T 10S R 36E
Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NENW Sec 10 T 10S R 36E

29-4351
OLSON, SPENCER
ARIMO, ID 83214
Source: SPRINGS trib. to MARSH
CREEK
Priority Date: 04-01-1884
Diversion Pt: NWNE Sec 18 T 10S R 37E
Use: IRRIGATION (0.30 CFS)
STOCKWATER (0.10 CFS)
In: SWSE Sec 07 T 10S R 37E NWNE Sec
18 T 10S R 37E FOR 29 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.
June 2, 9, 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 20, 1983

RECEIVED

E. JAY HARTVIGSEN
984 MILLBROOK WAY
BOUNTIFUL

UT 84010

RE: Claim No. 29-4353

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

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

KC Wilson

Right Number

29 4353

Applicant

E. Jay Hartvigsen

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

June 24, 1983

STATE OFFICE PROCESSING:

☒ Claim review complete.

By

RC

Date

7/12/83

RECEIVED
JUL 12 1983

Department of Water Resources

MICROFILMED

29-4353

HARTVIGSEN, E. JAY

984 MILLBROOK WAY, BOUNTIFUL, UT 84010

Source: MUD SPRING trib. to QUARKING ASPEN CREEK

Priority Date: 04/01/1915

Diversion Pt: NWSW Sec 35 T 12S R 37E NESE Sec 34 T 12S R 37E

Use: IRRIGATION
STOCKWATER
DOMESTIC

(0.04 CFS)

(0.03 CFS)

(0.04 CFS)

In: SWNE SENE Sec 34 T 12S R 37E FOR 2 ACRES

132 29-4353
133 HARTVIGSEN, E. JAY
134 984 MILLBROOK WAY, BOUNTIFUL,
135 UT 84010
136 Source: MUD SPRING trib. to QUARK-
137 ING ASPEN CREEK
138 Priority Date: 04-01-1915
139 Diversion Pt: NWSW Sec 35 T 12S R 37E
140 NESE Sec 34 T 12S R 37E
141 Use: IRRIGATION (0.04 CFS)
142 STOCKWATER (0.03 CFS)
143 DOMESTIC (0.04 CFS)
144 In: SWNE SENE Sec 34 T 12S R 37E
145 FOR 2 ACRES