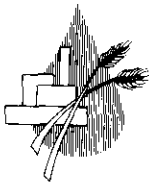


STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
CLAIM TO A WATER RIGHT



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)  
Unnamed Stream 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>.12 cfs</u> | Use                                 | <u>Irrigation</u>    | Period of Use From     | <u>Apr 1</u> To <u>Oct 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  |                | Use                                 |                      | Period of Use From     | To                            |
| Quantity  |                | Use                                 |                      | Period of Use From     | To                            |
| Quantity  |                | Use                                 |                      | Period of Use From     | To                            |

(4) .15 cfs 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. 34 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. Water is diverted by earthen ditch to the lands irrigated and for the watering of livestock

(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   |     |     |     |     |     |     |     |     |     |     |     |     | 3.5 | 2.5 |     |     | 6.0   |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

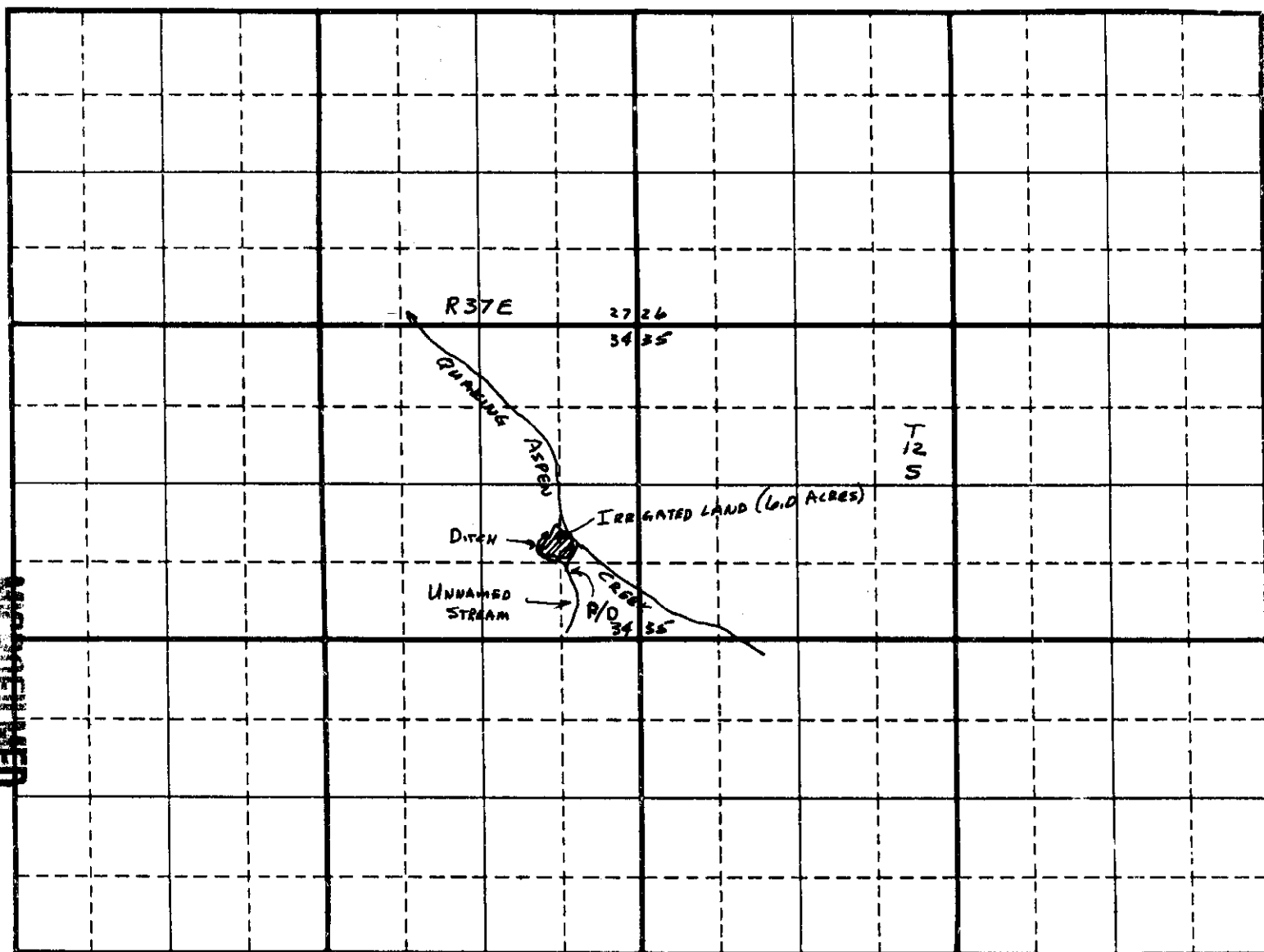
No. of acres 6.0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
As a supplemental supply together with water from Mud Spring and Quaking Aspen Creek to water 8 horses, 10 milk cows, 10 pigs, and 200 chickens.

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 These lands were homesteaded in 1915 and the use of water has been continuous since that date. 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.

E. Jay Hartwigsen  
(Claimant)

Sworn to before me this 12 day of May, 19 83.

John A. Sullivan  
Notary Public  
Residing at Bountiful Utah

My commission expires April 5, 1987

FOR DEPARTMENT USE ONLY

Received by CW Date 5-18-83 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by KW Date 5-23-83 Forwarded to claimant by: \_\_\_\_\_  
\$30.00 fee received by CW Date 5-28-83 #26281  
Published in Idaho St. Journal  
Dates 6/2 - 6/9/83

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 Edom*  
(Notary Public)

Residing at Bainbridge Idaho

My Commission Expires 2/21/84

MAY 4 1983

# PROOF OF PUBLICATION

JUL 1 1933

STATE OF IDAHO  
County of Bannock

ss.

Water Resources  
Eastern District Office

## 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 COTTONWOOD CREEK  
UNNAMED STREAM trib. to COTTONWOOD 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 PORTNEUF RIVER  
Priority Date: 03-01-1929  
Diversion Pt: NENW NWNW Sec 12 T 11S R 38E  
Use: STOCKWATER (0.31 CFS)  
In: NENW NWNW Sec 12 T 11S R 38E  
NENW NWNW SENW NESW Sec 01 T 11S R 38E

29-4358

RENCHER, JOHN U.  
214 E. 600 S., FARMINGTON, UT 84025  
Source: SPRING trib. to COTTONWOOD CREEK  
Priority Date: 03-01-1929  
Diversion Pt: SWNE NWSW SWNW SENW 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 COTTONWOOD CREEK  
WALKER CREEK trib. to COTTONWOOD 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 SENW 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 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:

|       |      |      |
|-------|------|------|
| _____ | 19__ | 19__ |
| _____ | 19__ | 19__ |
| _____ | 19__ | 19__ |
| _____ | 19__ | 19__ |
| _____ | 19__ | 19__ |
| _____ | 19__ | 19__ |

That said paper has been continuously and uniformly published 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 \_\_\_\_\_, 19\_\_

29-4354  
HARTVIGSEN, E. JAY  
984 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  
Res: HARTVIGSEN, E. JAY  
984 MILLBROOK WAY, BOUNTIFUL, UT 84010  
Source: MUD SPRING trib. to QUAKING 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 COTTONWOOD 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 SWNE Sec 05 T 11S R 39E  
NWSE NWNE SWNE SWNE 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: 06-01-1884  
Diversion Pt: NWNE Sec 18 T 10S R 37E  
Use: IRRIGATION (0.50 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, 1983

Microfilm

POOR QUALITY ORIGINAL

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. 29-4352

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: *Keith C. Wilson*

Right Number *29 4352*

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.

*June 20, 1983*

FINAL REGIONAL PROCESSING REVIEW:

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

By *Ernest Callan* Date *June 24, 1983.*

STATE OFFICE PROCESSING

☒ Claim review complete.

By *RC* Date *7/12/83*

**RECEIVED**  
JUL 12 1983  
Department of Water Resources

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  
STOCKWATER

(0.12 CFS)  
(0.03 CFS)

In: NESE NWSE Sec 34 T 12S R 37E FOR 6 ACRES

RECORDED

120 29-4352  
121 HARTVIGSEN, E. JAY  
122 984 MILLBROOK WAY, BOUNTIFUL,  
123 UT 84010  
124 Source: UNNAMED STREAM trib. to  
125 QUAKING ASPEN CREEK  
126 Priority Date: 04-01-1915  
127 Diversion Pt. SESE Sec 34 T 12S R 37E  
128 Use: IRRIGATION (0.12 CFS)  
129 STOCKWATER (0.03 CFS)  
130 In: NESE NWSE Sec 34 T 12S R 37E  
131 FOR 6 ACRES