

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 Warm Creek Irrigation Co. c/o Carol Henesh
(Name of Claimant) work 226-2077
Rt. 1, Box 237, American Falls, ID 83211 Telephone No. home 226-2014
(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, 1889

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)
Warm Creek tributary to Snake 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>5.65 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	<u>.30 cfs</u>	Use	<u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.05 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 6.00 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 18 Twp. 8S Rge. 31E B.M., County of Power
Additional points of diversion: NWNW, Sec. 13, NWSE, Sec. 11, T. 8S, R. 30E.

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. Headgates & ditches from Warm Creek. District 1 - Dille Ditch; District 2 - Morgan Ditch; District 3 - Sorenson Ditch; District 4 - Morgan Ditch

(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	
8S	30E	10																7.5	7.5
		11									13	8	12	27		12	22.5	1	95.5
		12									32	32.6						14.1	78.7
		13	32.4	18.3	24.9		19.8	12		14.8									127.2
		14	21.2	39.1	27	22	38	5											160.3
8S	31E	18						24.5	18.9										43.4

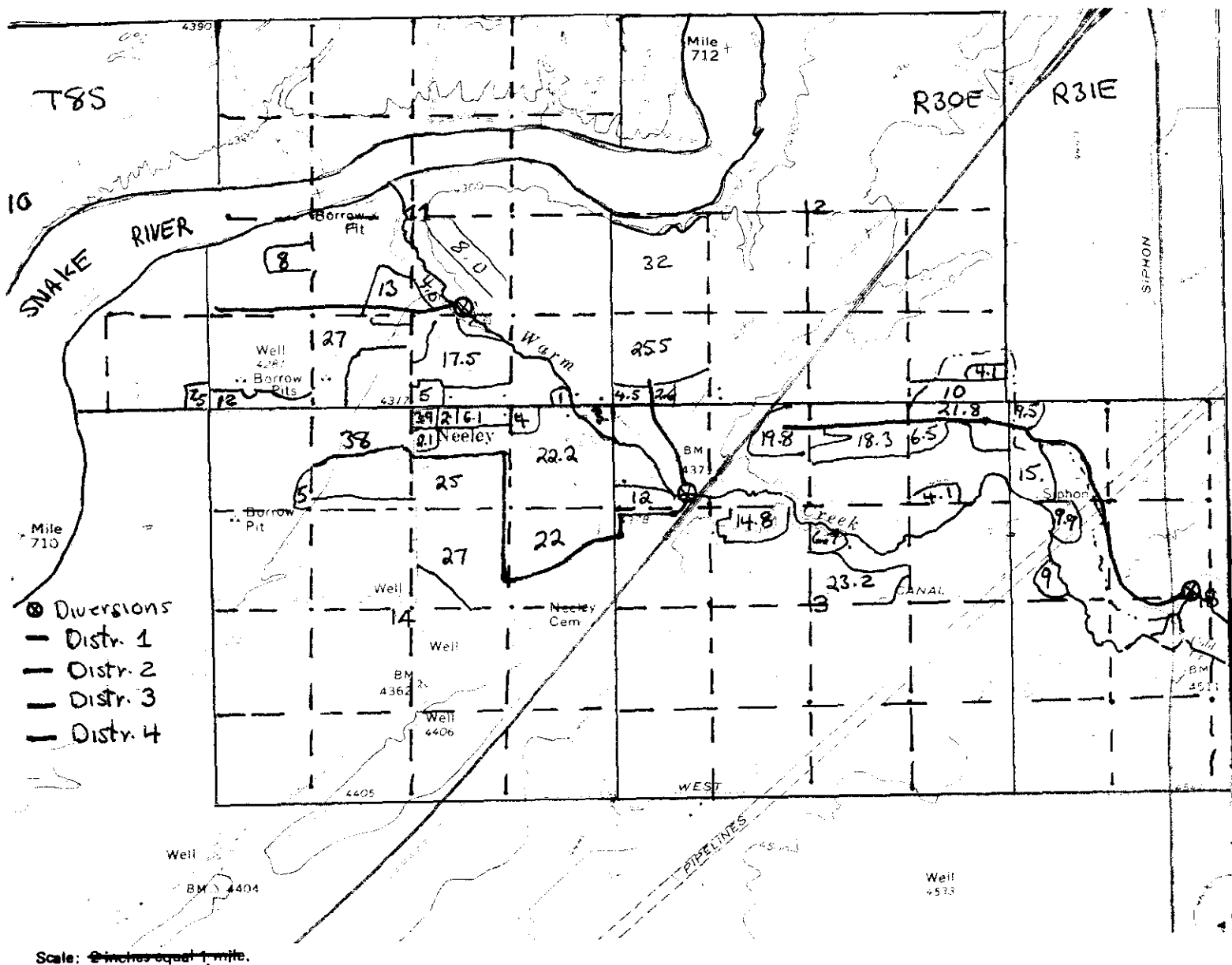
No. of acres 512.6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for 3-4 homes and stockwater.

NOTE: Include here the type and number of stock watered: 664 cows & calves, 49 sheep, 22 hogs
(7) If you are claiming water as a member of an organization, list name of organization: 25 horses 4 goats
Warm Creek Irrigation Company

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(8) Remarks This claim represents a total of 292 shares of water in Warm Creek Irrigation Company.



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 Power) 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 18th day of April

Don Loring Chairman
Leo L. Loring See
1983
Quire Bagley
Notary Public
Residing at Amherst

NOTARY PUBLIC
RESIDING IN AM. FALLS, IDAHO
FOR LIFE

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by <u>CU</u>	Date <u>4-20-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWT</u>	Date <u>4-21-83</u>		claimant by:	
\$30.00 fee received by <u>CU</u>	Date <u>4-21-83 #26075</u>			
Published in <u>Power County Press</u>				
Dates <u>5/5</u> <u>5/12/83</u>				

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LAND LIST ATTACHMENT

Description and location of place of use:

5 shares in Warm Creek Irr. Co.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
*	8	30	10															7.5	Paul Kendall 7.5
*	8	30	11								13.0	8.0	12.0	27.0		12.0	17.5		Paul Kendall 89.5
2	8	30	11											5.0					Frank Baguley 5.0
2	8	30	11											1.0					Ralph Kendall 1.0
52	8	30	12								32.0	32.0							Ralph Kendall 62.0
1	8	30	12										2.6						Charles Strom 2.6
4	8	30	12														10.0		Lois Dille 10.0
**	8	30	12														4.1		T. Kelley Crowder 4.1
2	8	30	13					12.0											William Schultz 12.0
9	8	30	13							14.8									Esther Isaak 14.8
11	8	30	13					19.8											M.K. Thornhill 19.8
20	8	30	13	18.3		29.9													Pearl Dille 48.2
3 1/2	8	30	13	4.1															Vernon Mayer 4.1
3 1/2	8	30	13	6.5															David Randall 6.5
**	8	30	13	21.8															T. Kelley Crowder 21.8
7	8	30	14					5.0											Paul Kendall 5.0
30	8	30	14					38.0											Leo Henesh 38.0
2	8	30	14		3.9														Cleo Shipp 3.9
1	8	30	14		2.1														Leo Henesh 2.1
2	8	30	14		2.0														James Phythian 2.0
5	8	30	14		6.1														Paul Kendall 6.1
30	8	30	14	22.2	27.50	27.0	22.0												Don Zaring 96.2
1	8	30	14	4.0															Joe Jones 4.0
3	8	30	14	3.0															Lyle Anderson 3.0
20	8	31	18					24.5	12.9										Ruth A. Nielsen 43.4

*-72 shares

**- 9 shares

292 Total Shares

Total number of acres irrigated 512.6

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DATE: 10/10/2004
TIME: 10:00
NAME: GARY B. [REDACTED]
ADDRESS: 1000 [REDACTED]
CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]
PHONE: [REDACTED]

WGS 158 EDM

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MAP OF WARM CREEK IRRIGATION DISTRICT

ARTICLE 12; The main division headgates will not be altered at any time, other than to correct any deviation from the required ratio of division. Any unauthorized tampering of these headgates will not be tolerated and violators will be subject to prosecution.

No water, or shares representing water, shall be transferred from one sub-district ditch to another; provided, however, a person owning water in two or more sub-districts may transfer water from one ditch to another at a point below the division headgate to increase the flow during his own water turn, provided further, that the water so diverted, will not conflict or mingle with water belonging to another.

ARTICLE 13; Upon the completion of the adoption of this constitution, the board of directors will cause to have printed suitable certificates of stock. The new certificates will be issued to all present stockholders in the amount of their present holdings and will void all previous stock. Any future transactions that involve the transfer of water must be made a matter of record and new stock issued to cancel the stock, pertinent to the transaction, previously held by the seller.

ARTICLE 14; The owners of the Natatorium Company are bound by agreement, to so regulate their flow of water, when filling or emptying their pool, that it will not increase or decrease the flow in the stream below their outlet. The Natatorium Company being defined as the present Indian Springs Natatorium Co. or its successors or any company or organization using the waters of the thermal springs for recreational purposes. They may, at no time, utilize any of the water for irrigation purposes.

ARTICLE 15; The Warm Creek Irrigation Company claims title to an independent water district under section #5608 of the Idaho Civil Code, which reads; "The Department of Reclamation shall divide the state into water districts in such manner that each public stream or tributaries, or independent source of water supply, shall constitute a water district." Under the rights of prior appropriators, and further rights guarantee us by the legislative acts of 1881, 1895 and 1899, and consummated by the Reclamation act of 1902, we refuse to become subordinate to any other water district. We refuse to acknowledge the right of any other irrigation district or organization to enter our irrigation system, levy assessments against our distributing system, or the land so covered, or to, in any manner, interfere with or substitute for, the flow of our water.

ARTICLE 16; The above Constitution and By-laws must be ratified by a 2/3 vote of all water users and/or stockholders. Any subsequent amendment will require a 2/3 vote of the stockholders of the entire company.

(First reading approved
by unanimous vote subject
to correction by legal
adviser Feb. 22, 1956)

GEO. E. NASH
Chairman

NEAL MAAG
Secretary

DON ZARING

THOMAS A. DILLE

I hereby do certify that the above named persons personally appeared before me and signed said instrument.

Given under my official hand and seal this 26th day of March 1956

My commission expires August 18, 1960.

E. C. ENGLAND
(Notary Public)

(SEAL)

Recorded at the request of Neal Maag at 4:45 o'clock P.M. this 3rd day of April, 1956
in Book 94 of Misc. at page 650. Fee \$3.00

C. W. Adams, Recorder

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BOUNDARY OF THE WARM CREEK IRRIGATION DISTRICT

Beginning at a point 25 rods south of the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7 Twp 8 South Range 31 E.B.M. thence southwesterly to a point on the township line 40 rods south of the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, TWP 8 S. Range 30 E.B.M., thence due west to the exact center of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, thence southwest to the SW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 12, thence due west 160 rods to the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of sec. 12, thence due north 160 rods to the south bank of Snake River, thence following the bank of the Snake River west and south approximately 2 $\frac{1}{2}$ miles to the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 22, thence due east to the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec 22, thence in a north easterly direction following the right of way of U. S. Highway 30 240 rods to a point approximately 12 rods east of the SW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 13, thence following an irregular course SE by East app. 70 rods thence east app. 70 rods to an intersection with the main channel of Warm Creek, thence following an irregular course along the main channel of warm Creek to the m diversion headgate of the Dille ditch, located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 19, twp. 8 so. range 31 E.B.M. thence following the Dille ditch in a northwesterly direction to a point app 16 rods east of the SW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec 13, twp 8 S. R. 31. thence due north 80 rods, thence north west to the point of beginning. Save and except certain fractions of land adjacent to Snake River belonging to the United States, also segments belonging to Highway District # 1 and also the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 15 and the North half of the SW $\frac{1}{4}$ of sec. 14, twp. 8 S. Range 30, East of the Boise Meridian.

Stockholders of the Warm Creek Irrigation Company

X Name	No. Shares	X Name	No. Shares
~~Irene Jones~~	20	~~Don Zaring~~	3
X Emma Sinclair	4	~~Myrtle Thompson~~	1
Thomas Dille	2	Wm. Schultz	2
X Charles Crowder	2	~~G. D. Thornton~~	54
X F. D. Sinclair	5	~~A. T. Sorenson~~	30
X Dave Jones	31	Roy Zaring	30
Emil Mayer	31	~~Robert Foster~~	2
Pearl Dille	20	~~D. N. Thompson~~	1
M. K. Thornhill	11	~~Leonard Rings~~	2
Raymond Isaak	9	~~Neal Maag~~	3
		~~George Nash~~	64

Lyle Anderson 51X NE $\frac{1}{4}$ NE $\frac{1}{4}$
Dave Kardoc 513 NE $\frac{1}{4}$ NE $\frac{1}{4}$

Total-----292

CONSTITUTION AND BY LAWS OF THE WARM CREEK IRRIGATION CO.

Any organization, composed of various members, bonded together in a common cause, must adopt certain rules of conduct, conforming with established laws, which they, for their mutual and individual benefit, pledge themselves to honor and abide by.

Users in an irrigation company, having and holding by right of prior use and by right of continuous usage all the waters in warm creek, which is composed of cold creek and its tributaries and including the waters of the thermal springs, currently known as Indian springs; These streams located in Township Eight South and ranges Thirty and Thirty one East of the Boise Meridian, In Power County, Idaho; and having established a permanent and perpetual right thereto, as provided under Section 5556 of the Civil Code of the statutes of Idaho; do hereby adopt and establish the following Constitution and By-laws; which are revised from the original by-laws established in the year 1889 and which supercede all prior laws and amendments.

Article 1; The name of this company shall be The Warm Creek Irrigation Company.

Article 2; There are 292 (two hundred and ninety two) shares of common stock distributed among the stockholders of this company. The shares of water is distributed in the sub-district ditches to the water user by a rotation system.

Article 3: There are four sub-districts within the company, each representing a main lateral ditch. The distribution and rotation as follows:

Sub-district # 1; The Dille ditch, This ditch contains 80 shares of water stock, each share represents two hours and twenty four minutes of the entire stream and is rotated every eight days;

Sub-district # 2; The Morgan ditch, this ditch contains fifty six shares of water stock, each share represents three hours of flow of the entire stream, rotated every seven days;

Sub-district # 3; The Sorenson ditch, this ditch contains 84 shares of water stock, each share represents approximately two hours and seventeen minutes of flow of the entire stream rotated every 8 days.

Sub-district # 4; The Neeley ditch, containing seventy two shares of water stock, each share represents two hours and twenty minutes of flow of the entire ditch, rotated every seven days.

ARTICLE 4; The annual meeting shall be held on the first monday of March of all the water users. This meeting will be held at the place specified by the board. The meeting will be held for the purpose of electing a board of directors, appointing a chairman and secretary and watermaster and discussing all problems appertaining to the welfare of the company.

ARTICLE 5; The governing body of the company shall consist of five directors. A representative will be elected from each of the four sub-districts. A chairman and secretary shall be selected from the board members. A quorum of three members must be present at any board meeting to validate any action taken by the board. Any qualified water user may serve on the board.

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ARTICLE 6; The qualification of voters is as follows: Any stockholder in the company shall vote his stock, in the number of shares, in all cases where appropriation of moneys, not otherwise provided for, is involved or in any case when a major improvement is proposed, or in any case when a lien may be imposed against his property. Any user of water may vote at an election of officers, provided that a lessee must have a written proxy, signed by his landlord, filed with the secretary. An owner may vote by proxy when proof of the proxy is filed with the secretary; however, in any case in which the owner votes in the amount of his stock an absentee ballot must be duly signed and notarized.
A husband and wife may cast separate ballots only when they own stock independent of each other, however either may represent the common stock in an election.
Partners may cast separate ballots only in cases where each owns stock in his own right. Either may represent the partnership.

ARTICLE 7; The chairman will preside over all meetings. He will cause to be brought before the meetings all matters for discussion. He will at all times, take such steps that are necessary to maintain order and decorum. He will instruct the watermaster in all matters, brought to his attention, pertaining to the regulation of water, trash removal etc. He will instruct the secretary as to the time and place for all board meetings and all stockholder meetings.

ARTICLE 8; The secretary will be responsible for all records and money of the company. He will keep a carefull record of the proceedings of the meetings and foreward a copy of the minutes of
(Article 8 Cont.)
the annual meeting to the state dep't of reclamation. He will notify all persons concerned of all board meetings or stockholders meetings, specifying the time and place of such meetings. He will safeguard all records and hold them available for inspection at any time. He will at NO time relinquish the records from his custody to any person or persons other than his authorized successor in office. He will make an annual accounting, publicly, of all company funds and list the expenditures thereof. All expenditures other than administrative, shall have the sanction of the board.

ARTICLE 9; The watermaster will be selected by the board. He will serve until a qualified successor is appointed. It shall be his duty to inspect the main channel of the creek and all main division headgates annually, and provide for an equitable division of water. He shall remove, or cause to be removed, any trash, obstacle or dam that may impede the normal flow of water in the main channel from the origin down to the last main division headgate. He will supervise a program for noxious weed eradication. He may, with the consent and direction of the board, employ men or equipment to assist in the fulfilment of his duties. He will, at all times, safeguard the rights of the company from invasion from other persons or organizations.

ARTICLE 10; It shall be the duty of the board of directors to have constructed headgates or weirs, that will meet with all legal requirements, and will insure a proper and equitable division of water at all points of diversion. They shall cooperate with the county weed supervisor and the property owners and insure an adequate noxious weed eradication program along the main channel of the creek from it's origin down to the last main division headgate to a distance of one rod on either side of the stream, measured at it's normal flow. They shall supervise the construction of storage dams, the drilling of wells, or the construction of causeways where excessive erosion is evident or any other project that may be for the benefit of the entire company.

ARTICLE 11; It shall be the duty of the members of the sub-districts to clean or enlarge their ditches down, to the last division headgate, sufficiently to insure, without obstruction, the passage of their allotted water. This must be accomplished early enough in the spring th give the users the full benefit of their water.

(article 9, this amendment has not been voted upon 2/24/56)
The watermaster shall, at some time after the irrigation season, inspect the creek and main division headgates and determine any improvements or alterations that may be necessary. He shall make a report to the board of directors, in writing, before the 1st day of January, in which he will recommend any improvements that he deems necessary. The watermaster may recieve compensation for the time actually spent, in the performance of his duties, in the sum, not to exceed \$10.00 per diem.

(article 10) This amendment has not been voted upon 2/24/56)
The board of directors shall have the power to levy assessments to cover operational and administrative costs.
They shall hold an annual meeting between the first day of January and the first day of March, to study the recommendations of the watermaster and fix a tentative budget. This budget, together with all pertinent information, will be placed before the stockholders annual meeting.
In the failure of any water user to pay, to the secretary, any assessments levied against his stock the secretary will notify him in writing of his delinquency. In the continued failure to pay the board may instruct the watermaster to withhold water from the delinquent member until such dues are paid, at such time a fine of 10% of the dues may be added to the regular dues.

(article 11 cont.)
It shall be the duty of the water users in the sub-districts to maintain a noxious weed eradication program along the lateral ditches, from the main division headgate down to the last division headgate to the extent of 10 feet on either side of the lateral ditch, measured at it's normal flow. The work on the lateral ditches will be assessed against the water users in that sub-district, either in labor or money, and prorated according to the individual holdings. It shall be the duty of the water user in the lateral ditches, to insure the release of the water to the next successive user at the proper specified time.

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Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER }

s.s.

MAY 13 1983

Department of Water Resources
Eastern District Office

.....Brett Crompton..... being first duly sworn

on oath, states:

That he is the editor of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls 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 or advertisement 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 publica-

tion being the 5 day of May, 1983

the date of last publication being the

11 day of May, 1983

(Signed)

Brett Crompton

Subscribed and sworn to before me this

12 day of May, 1983

Paula Hoss
Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

12 day of March, 1983

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Legal Notice

Published in the Power County Press May 5 and May 12, 1983.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been filed on water rights created by diversion and beneficial use:

29-4338

WARM CREEK IRRIGATION CO.

RT. 1, BOX 237, AMERICAN FALLS, ID 83211

Source: WARM CREEK trib. to SNAKE RIVER

Priority Date: 04/01/1889

Diversion Pt: NESW Sec 18 T 08S R 31E NWNW Sec 13 T 08S R 31E

NWSE Sec 11 T 08S R 30E

Use: IRRIGATION (5.65 CFS)

STOCKWATER (0.30 CFS)

DOMESTIC (0.05 CFS)

In: SESE Sec 10 T 08S R 30E NESW

NWSW SWSW SESW NWSE

SWSE SESE Sec 11 T 08S R 30E

NENE NWNW SWNE NENW

NWNW SENW Sec 13 T 08S R 30E

NENE NWNW SWNE SENE

NENW NWNW Sec 14 T 08S R 30E

NWNW SWNW Sec 18 T 08S R 31E

NWSW, SWNW, SESE Sec. 12, 8S

40E for 512 ACRES.

35-4163

BURGERMEISTER FARMS, LTD
730 TYHEE, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Priority Date: 03/01/1951

Diversion Pt: NENW Sec 25 T 07S R 29E

Use: IRRIGATION (0.11 CFS)

STOCKWATER (0.03 CFS)

DOMESTIC (0.04 CFS)

In: NENW Sec 25 T 07S R 29E FOR

5 ACRES

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

Don Burton, Dir.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF POWER

} s.s.

..Brett..Crompton..... being first duly sworn

on oath, states:

That he..... is the editor.....
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
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 or advertisement 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 publica-
tion being the 18..... day of May....., 19.....83

the date of last publication being the

.....25 day of May....., 19.....83

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....26..... day of ..May....., 19.....83.

Paula Hogg
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

.....10..... day of ..March....., 19.....86

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MAY 27 1983

Department of Water Resources
Eastern District Office

Legal Notice

Published in the Power County
Press May 18 and 25, 1983.

NOTICE OF CORRECTION

Notice is hereby given that Claim
No. 29-4338 in the name of Warm
Creek Irrigation Co., was advertised
incorrectly on 5/5 & 5/12/83. The
place of use was advertised as being
within the SESE Sec. 10, T. 8S, R.

30E, NESW, NWSW, SWSW,
SESW, NWSE, SWSE, SESE Sec.
11, T. 8S, R. 30E, NENE, NWNE,
SWNE, NENW, NWNW, SENW,
Sec. 13, T. 8S, R. 30E, NENE,
NWNE, SWNE, SENE, NENW,
NWNW, Sec. 14, T. 8S, R. 30E,
NWNW, SWNW, Sec. 18, T. 8S, R.
31E, NWSW, SWNW, SESE, Sec.
12, 8S, R. 40E, B.M.

WHEREAS, the actual place of
use is within the SESE Sec. 10, T.
8S, R. 30E, NESW, NWSW,
SWSW, SESW, NWSE, SWSE,
SESE Sec. 11, T. 8S, R. 30E,
NENE, NWNE, SWNE, NENW,
NWNW, SENW, Sec. 13, T. 8S, R.
30E, NENE, NWNE, SWNE,
SENE, NENW, NWNW, Sec. 14, T.
8S, R. 30E, NWNW, SWNW Sec.
18, T. 8S, R. 31E, NWSW, SWSW,
SESE Sec. 12, T. 8S, R. 30E, B.M.

Any exception to any claim must
be filed with the Dept. of Water
Resources, 150 Shoup Ave., Suite
15, Idaho Falls, Idaho 83401.
A. KENNETH DUNN
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 23, 1983

WARM CREEK IRRIGATION CO.
RT. 1, BOX 237
AMERICAN FALLS ID 83211

RE: Claim No. 29-4338

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

MICROFILMED

29-4338



From the desk of

LYLE SWANK

W.R.

#516

Joseph Wood, Pres.

Wann CK Irrig Co.

30 shares

#

02-1761 or 021761

or #

197926

Don Zehning Am. Falls

226-2013

sec. 16, 17, 18 T8S. R. 31E.

sec. 11, 12, 13, 14 T.8S. R. 30E.

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29-2412 } sec. 17

29-7175

29-4075 } sec. 18

29-7599

29-4338

~~29~~ 2373 → 29 } sec. 11

29-4338

29-7020 } sec. 12

29-4195

29-4338

29-2398 } sec. 13

29-4195

29-7619

29-4299

29-4388

29-7648

35-2373

35-2487

29-2310

29-2296

29-4338 } sec. 14

2.5 R. 31 E.

8.5 R. 30 E.

May 5, 1983

RE: Claim to A Water Right No. 29-4338

Warm Creek Irrigation Company
c/o Carol Henesh
Rt. #1, Box 237
American Falls, ID 83211

Dear Claimant:

I recently received a copy of a claim to a water right you filed claiming a right on Warm Creek. This source has been determined to be tributary to the Snake River and, therefore, comes under the jurisdiction of the Snake River watermaster. You should be aware that any right not evidenced by a decree from the court or a license or permit from the Department of Water Resources is subject to regulation first during times of water shortage.

Even though your diversion may not have been regulated in the past, it may be in the future. We will be contacting you to inspect your system and determine the extent of your water use. You are subject to assessment on the basis of your water use. Based upon the information presented in your claim I would estimate these charges to be about \$15.00 per year.

If you have questions concerning your water right or watermaster regulation, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Snake River Watermaster

RDC:cw

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NOTICE OF CORRECTION

Notice is hereby given that Claim No. 29-4338 in the name of Warm Creek Irrigation Co., was advertised incorrectly on 5/5 & 5/12/83. The place of use was advertised as being within the SESE Sec. 10, T. 8S, R. 30E, NESW, NWSW, SWSW, SESW, NWSE, SWSE, SESE Sec. 11, T. 8S, R. 30E, NENE, NWNE, SWNE, NENW, NWNW, SENW, Sec. 13, T. 8S, R. 30E, NENE, NWNE, SWNE, SENE, NENW, NWNW, Sec. 14, T. 8S, R. 30E, NWNW, SWNW, Sec. 18, T. 8S, R. 31E, NWSW, SWNW, SESE, Sec. 12, 8S, R. 40E, B.M.

WHEREAS, the actual place of use is within the SESE Sec. 10, T. 8S, R. 30E, NESW, NWSW, SWSW, SESW, NWSE, SWSE, SESE Sec. 11, T. 8S, R. 30E, NENE, NWNE, SWNE, NENW, NWNW, SENW, Sec. 13, T. 8S, R. 30E, NENE, NWNE, SWNE, SENE, NENW, NWNW, Sec. 14, T. 8S, R. 30E, NWNW, SWNW Sec. 18, T. 8S, R. 31E, NWSW, SWSW, SESE Sec. 12, T. 8S, R. 30E, B.M.

Any exception to any claim must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

Published in the Power County Press on 5/19 & 5/26/83.

Published in the Power County Press May 18 and 25, 1983.

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 29-4338 in the name of Warm Creek Irrigation Co., was advertised incorrectly on 5/5 & 5/12/83. The place of use was advertised as being within the SESE Sec. 10, T. 8S, R. 30E, NESW, NWSW, SWSW, SESW, NWSE, SWSE, SESE Sec. 11, T. 8S, R. 30E, NENE, NWNE, SWNE, NENW, NWNW, SENW, Sec. 13, T. 8S, R. 30E, NENE, NWNE, SWNE, SENE, NENW, NWNW, Sec. 14, T. 8S, R. 30E, NWNW, SWNW, Sec. 18, T. 8S, R. 31E, NWSW, SWNW, SESE, Sec. 12, 8S, R. 40E, B.M.

WHEREAS, the actual place of use is within the SESE Sec. 10, T. 8S, R. 30E, NESW, NWSW, SWSW, SESW, NWSE, SWSE, SESE Sec. 11, T. 8S, R. 30E, NENE, NWNE, SWNE, NENW, NWNW, SENW, Sec. 13, T. 8S, R. 30E, NENE, NWNE, SWNE, SENE, NENW, NWNW, Sec. 14, T. 8S, R. 30E, NWNW, SWNW Sec. 18, T. 8S, R. 31E, NWSW, SWSW, SESE Sec. 12, T. 8S, R. 30E, B.M.

Any exception to any claim must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN
Director

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

HWS

Right Number

29 4338

Applicant

Warm Creek Irrig.

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 10, 1983.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

RC

Date

6/16/83

May 23, 1983
June 6, 1983

WATER DEFECT
Handled

RECEIVED
JUN 16 1983

Department of Water Resources

We are
interested
Prepare Lett/a
CR

MICROFILMED

April 1, 1983

Carol Henesh
Rt. 1, Box 237
American Falls, ID 83211

Dear Mrs. Henesh:

Enclosed is the Warm Creek Irrigation Co. claim to a water right and check #92-141 for \$30.00.

I've included a new claim with some corrections in points of diversion as we discussed. I also found that the 12 acres in the NWSE of Sec. 11 on the land list were not drawn on the map. Please do so on the new map.

You will need to have Don sign the new claim as before and have it notarized. You can then resubmit all the paperwork with the fee of \$30.00.

If you have any questions call me.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:bp

Enclosures

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 27, 1983

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 23, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

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

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, Dir.

Published 5/5 & 5/12/83.

MICROFILMED

29-4338

WARM CREEK IRRIGATION CO.

RT. 1, BOX 237, AMERICAN FALLS, ID 83211

Source: WARM CREEK trib. to SNAKE RIVER

Priority Date: 04/01/1889

Diversion Pt: NESW Sec 18 T 08S R 31E NWNW Sec 13 T 08S R 31E NWSE
Sec 11 T 08S R 30E

Use: IRRIGATION (5.65 CFS)
STOCKWATER (0.30 CFS)
DOMESTIC (0.05 CFS)

In: SESE Sec 10 T 08S R 30E NESW NWSW SWSW SESW NWSE SWSE SESE
Sec 11 T 08S R 30E NENE NWNE SWNE NENW NWNW SENW Sec 13 T 08S R 30E NENE
NWNE SWNE SENE NENW NWNW Sec 14 T 08S R 30E NWNW SWNW Sec 18 T 08S R 31E
FOR 435 ACRES

Published in the Power County
Press May 5 and May 12, 1983.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claims have been
filed on water rights created by
diversion and beneficial use:

29-4338
WARM CREEK IRRIGATION
CO.
RT. 1, BOX 237, AMERICAN
FALLS, ID 83211
Source: WARM CREEK trib. to
SNAKE RIVER
Priority Date: 04/01/1889
Diversion Pt: NESW Sec 18 T 08S R
31E NWNW Sec 13 T 08S R 31E
NWSE Sec 11 T 08S R 30E
Use: IRRIGATION (5.65 CFS)
STOCKWATER (0.30 CFS)
DOMESTIC (0.05 CFS)

In: SESE Sec 10 T 08S R 30E NESW
NWSW SWSW SESW NWSE
SWSE SESE Sec 11 T 08S R 30E
NENE NWNE SWNE NENW
NWNW SENW Sec 13 T 08S R 30E
NENE NWNE SWNE SENE
NENW NWNW Sec 14 T 08S R 30E
NWNW SWNW Sec 18 T 08S R 31E
NWSW, SWNW, SESE Sec. 12, 8S
for 512 ACRES.

MICROFILMED