

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 Deryl G. &/or Zola J. Parris
(Name of Claimant)
Virginia Rt. Downey, Idaho 83234 Telephone No. 897-5928
(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, 1942

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)
Stream tributary to Peck 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.02cfs</u>	Use	<u>Stock</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>0.10cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>5/1</u>	To <u>10/15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.12cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SW ¼, Sec. 5 Twp. 11S Rge. 37E B.M., County of B annock
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.
Headgate and pump

(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	
11S	37E	5											X 5						5

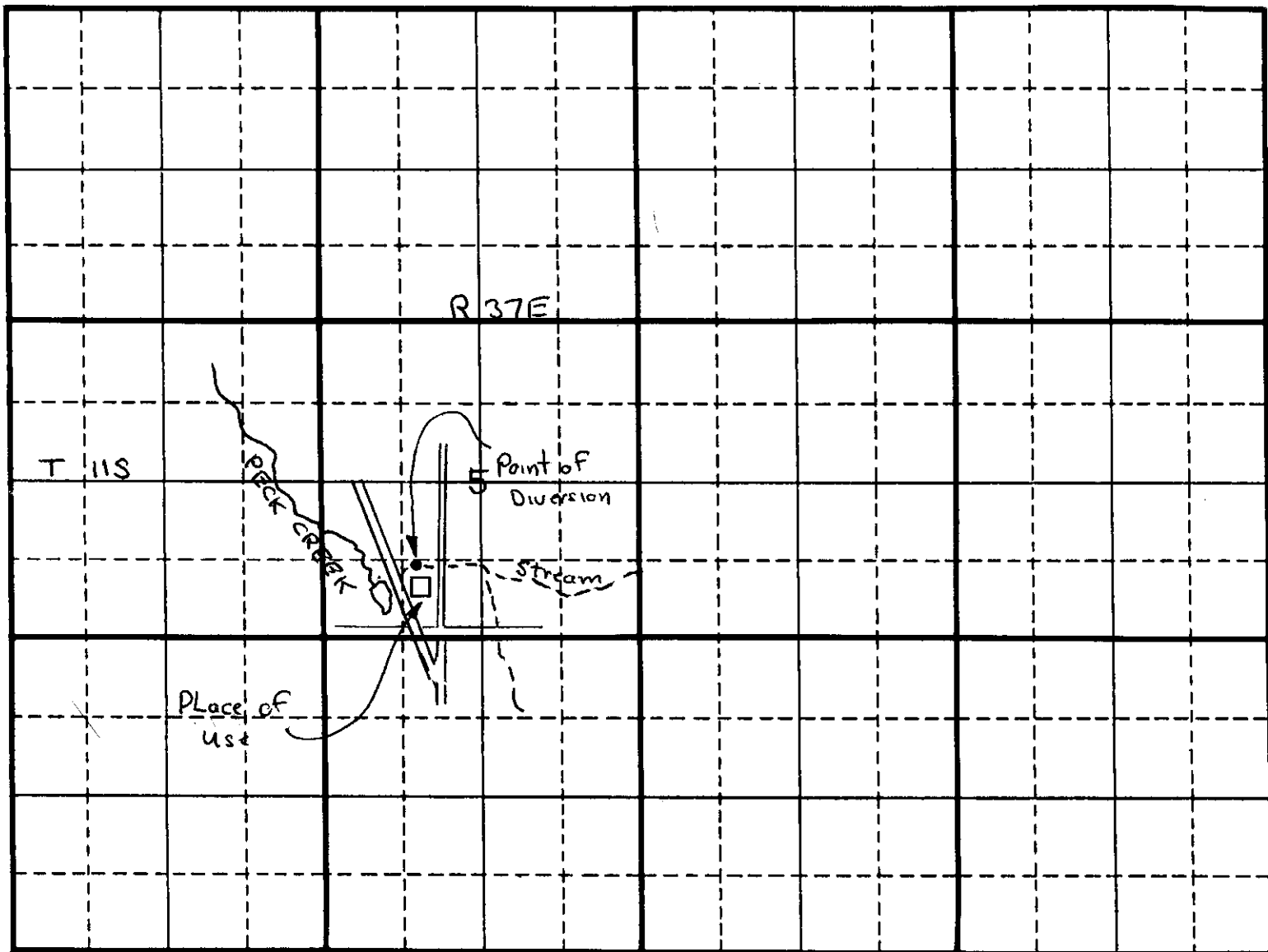
No. of acres 5

If water is used for other than irrigation, fully describe that use, being as specific as possible:
Stockwater use for 5-10 head of horses

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 _____



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)
) ss.
County of _____)

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.

Wm. J. Harris
(Claimant)

Sworn to before me this 30 day of December, 19 82

John J. Johnson
Notary Public
Residing at Pocatello

My commission expires Life time

Accepted by HWJ

FOR DEPARTMENT USE ONLY

Received by _____ Date 12-30-82 Exception filed by: _____ Forwarded to _____ Date _____
Preliminary check by Kaw Date 1-3-83
\$30.00 fee received by BP Date 12-30-82 # 23268
Published in Idaho State Journal
Dates 1/13 - 1/20/83

IN THE MATTER OF:)

AFFIDAVIT

State of Idaho
County of _____

DERYL G. PARRIS

being first duly sworn,

deposes and says:

The creek that to my knowledge
has no name, that is a tributary to Peck
creek and runs from east to south west
through the Deryl Parris Property, was used
for stock watering only by other land owners.
However since my recollection on or about April
1, 1942 when my father Oliver E. Parris acquired
ownership of this farm we used the creek
to water about 4 to 5 ~~more~~ acres of pasture
and garden lying along the stream. We also
pumped water by means of a hydraulic ram
type pump to the area around the house to water
trees shrubs + lawn and small garden. The
pump is still in place now and was in place
on April 1, 1942. I would guess it was in use
20 to 30 years prior to that date. The stream
diversion gate was in place and the ditches were
being utilized prior to April 1, 1942. I claim
this water right now and in the future.
Approximately 100 yds to the west ^{my property} Keith
Bennett built a pond in the late 1960's and
is still pumping from this creek on sagebrush land
he broke up at that time. This is the only other irrigation
use I know of before the stream enters Peck creek.

Deryl G. Parris
(Signature)

Subscribed and sworn to before me this 30 day of December, 1982

[Signature]
(Notary Public)

Residing at Pocetello
My Commission Expires Life Time

3. The estate or interest in the land described in this Schedule and which is encumbered by the insured mortgage is:

FEE SIMPLE

4. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:

DEED OF TRUST FROM DERYL G. PARRIS AND ZOLA J. PARRIS, HUSBAND AND WIFE TO AMERICAN LAND TITLE COMPANY, AS TRUSTEE AND SECURITY SAVINGS AND LOAN ASSOCIATION, AS BENEFICIARY, DATED NOVEMBER 3, 1980, RECORDED NOVEMBER 10, 1980, AS INSTRUMENT NO. 657708, IN OFFICIAL RECORD BOOK 360, RECORDS OF BANNOCK COUNTY, IDAHO. TO SECURE: \$9,000.00.

5. The land referred to in this policy is described as follows:

THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 5, TOWNSHIP 11 SOUTH, RANGE 37 E. B. M., BANNOCK COUNTY, IDAHO, EXCEPT THE FOLLOWING DESCRIBED PARCELS:

EXCEPT THAT PORTION SE $\frac{1}{4}$ SW $\frac{1}{4}$ LYING EAST OF THE RAILROAD.

AND EXCEPT A PARCEL OF LAND BEING ON BOTH SIDES OF THE CENTER LINE OF X-ROAD D-B SURVEY OF THE VIRGINIA INTERCHANGE AS SHOWN ON THE PLANS OF INTERSTATE 15 PROJECT NO. I-15-1(15)32 HIGHWAY SURVEY NOW ON FILE IN THE OFFICE OF THE DEPARTMENT OF HIGHWAY OF THE STATE OF IDAHO, AND BEING A PORTION OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 37 EAST

CONTINUED

AMERICAN LAND TITLE COMPANY, INC.

POCATELLO, IDAHO

Stephen R. Neal
Countersignature Authorized Officer of Agent

Issued at (Location)

Policy 2-7th Edition U.S.A.
1-2-1967-1

This policy is invalid unless the cover
is noted and the Schedule B, attached hereto.

Form A - ALTA Loan Policy 1979 (Rev. 10-17-70) Copyright 1969

MICROFILMED

Lawyers Title Insurance Corporation

A Stock Company

Home Office - Richmond, Virginia

SCHEDULE A cont'd

BOISE MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTH-EAST CORNER OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, THENCE NORTH 89°41'45" EAST ALONG THE NORTH LINE OF SAID SE $\frac{1}{4}$ SW $\frac{1}{4}$ A DISTANCE OF 425.0 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 80.0 FEET WESTERLY FROM THE CENTERLINE AND BEARS SOUTH 89°14'37" EAST FROM STATION 61+71.83 OF X-ROAD D-B SURVEY OF THE VIRGINIA INTERCHANGE AS SHOWN ON THE PLANS OF INTERSTATE 15, PROJECT 1-15-1(15)32 HIGHWAY SURVEY; AND BEING THE REAL POINT OF BEGINNING; THENCE SOUTH 0°45'23" EAST ALONG SAID PARALLEL LINE 128.17 FEET TO A POINT OPPOSITE STATION 63+00 OF SAID X-ROAD D-B SURVEY; THENCE SOUTH 12°03'58" EAST - 101.98 FEET TO A POINT IN A LINE PARALLEL WITH AND 60.0 FEET WESTERLY FROM THE CENTERLINE AND OPPOSITE STATION 64+00 OF SAID X-ROAD D-B SURVEY; THENCE SOUTH 0°45'23" EAST ALONG SAID LAST PARALLEL LINE 1085.0 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF SAID SE $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE EASTERLY ALONG SAID SOUTH LINE 120.0 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 60.0 FEET EASTERLY FROM THE CENTERLINE OF SAID X-ROAD D-B SURVEY; THENCE NORTH 0°45'23" WEST ALONG SAID LAST PARALLEL LINE 985.0 FEET, MORE OR LESS, TO A POINT OPPOSITE STATION 65+00 OF SAID X-ROAD D-B SURVEY; THENCE NORTH 1°57'15" EAST - 201.0 FEET TO A POINT IN A LINE PARALLEL WITH AND 60.0 FEET EASTERLY FROM THE CENTERLINE AND OPPOSITE STATION 63+00 OF SAID X-ROAD D-B SURVEY; THENCE NORTH 0°45'23" WEST ALONG SAID LAST PARALLEL LINE 128.0 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF SAID SE $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE SOUTH 89°41'45" EAST ALONG SAID NORTH LINE 160.0 FEET, MORE OR LESS, TO THE REAL POINT OF BEGINNING.

HIGHWAY X-ROAD D-B SURVEY STATION REFERENCE: 61+71.20 TO 74+85.

ALL BEARINGS IS SHOWN IN THE ABOVE LAND DESCRIPTION, UNLESS OTHERWISE NOTED, ARE FROM THE IDAHO PLANE COORDINATE SYSTEM, BASED ON THE TRANSVERSE MERCATOR PROJECTION FOR THE EAST ZONE OF IDAHO. TO CONVERT TO GEODETIC BEARINGS, A CORRECTION OF 0°00'05" MUST BE SUBTRACTED FROM ALL NORTHEAST AND SOUTHWEST BEARINGS AND ADDED TO ALL NORTHWEST AND SOUTHEAST BEARINGS.

AND EXCEPT A TRIANGULAR PARCEL OF LAND BEING ALL OF THAT PORTION OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, LYING SITUATE NORTHWEST OF A LINE 100.0 FEET DISTANT NORTHEASTERLY FROM AND PARALLEL TO THE FOLLOWING DESCRIBED CENTER LINE OF HIGHWAY AS SURVEYED AND SHOWN ON THE OFFICIAL MAP OF THE YELLOWSTONE PARK F. I. 113(4) HIGHWAY SURVEY ON FILE IN THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS OF THE STATE OF IDAHO.

BEGINNING AT STATION 1824+23 OF THE SAID HIGHWAY SURVEY, WHICH STATION IS A POINT ON TANGENT APPROXIMATELY 1320 FEET EAST AND 655 FEET NORTH FROM THE SOUTHWEST CORNER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN; THENCE RUNNING SOUTH 23°27' EAST, 735.0 FEET TO STATION 1831+58 OF SAID SURVEY, WHICH STATION IS A POINT ON TANGENT APPROXIMATELY 1030 FEET WEST FROM THE SOUTHWEST CORNER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO...

MICROFILMED

RECEIVED

SS.

Department of Water Resources
Eastern District Office

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

<u>January 13</u>	<u>19 83</u>	<u> </u>	<u>19</u>
<u>January 20</u>	<u>19 83</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>
<u> </u>	<u>19</u>	<u> </u>	<u>19</u>

Sheryl Gardner

day of January, 1983

RESTRICTED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

JAN 24 1983

Department of Water Resources
Bureau of Water Rights

Sheryl Gaudiol

NOTICE OF CLAIMS TO WATER RIGHTS

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

29-4280

PARRIS, DERYL G. &/or ZOLA J.
VIRGINIA RT., DOWNEY, ID 83234
Source: STREAM trib. to PECK
CREEK
Priority Date: 04-01-1942
Diversion Pt. SESW Sec 05 T 11S R 37E
Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)
In: SESW Sec 05 T 11S R 37E FOR 5
ACRES

29-4281

FRITCH, WILLIAM &/or BARBARA
POCATELLO CREEK RD., POCATEL-
LO, ID 83201
Source: GROUNDWATER
Priority Date: 05-05-1962
Diversion Pt. SWNE Sec 20 T 06S R 35E
Use: DOMESTIC (0.04 CFS)
In: SWNE Sec 20 T 06S R 35E
Exceptions to a claim may be filed with
the Director, Dept. of Water Resources,
150 Shoup Ave., Suite 15, Idaho Falls,
Idaho 83402.
S/KENN DUNN, Dir.
January 13, 20, 1983
No. 553

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:

January 13, 1983, 19____
January 20, 1983, 19____
_____, 19____, 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.

Sheryl Gaudiol
Subscribed and sworn to before me this _____

day of January, 1983

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

JANUARY 31, 1983

DERYL G. PARRIS
ZOLA J. PARRIS
VIRGINIA RT.
DOWNEY

ID 83234

RE: Claim No. 29-4280

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,

DONALD D. CARLSON
Eastern Region Supervisor

RECEIVED
FEB 02 1983

Department of Water Resources

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: *E. Wilson*
Right Number 29 4280 Applicant *Deryl & Zola Parris*

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.

Jan. 31, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By *Ernest Carlson* Date *Feb 1, 1983*

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *KW* Date *2/3/83*

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 5, 1983

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

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 billings to this office before JANUARY 31, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

RECEIVED
JAN 11 1983
IDaho STATE JOURNAL

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 1/13 & 1/20/83.

RECEIVED
JAN 14 1983

29-4280

PARRIS, DERYL G. &/or ZOLA J.

VIRGINIA RT., DOWNEY, ID 83234

Source: STREAM trib. to PECK CREEK

Priority Date: 04/01/1942

Diversion Pt: SESW Sec 05 T 11S R 37E

Use: IRRIGATION (0.10 CFS)
STOCKWATER (0.02 CFS)

In: SESW Sec 05 T 11S R 37E FOR 5 ACRES

1 <o<o<o<o
2 NOTICE OF CLAIMS
3 TO WATER RIGHTS
4
5 The following claim(s) have been filed
6 on water right(s) created by diversion
7 and beneficial use:
8 29-4280
9 PARRIS, DERYL G. &/or ZOLA J.
10 VIRGINIA RT., DOWNEY, ID 83234
11 Source: STREAM trib. to PECK
12 CREEK
13 Priority Date: 04-01-1942
14 Diversion Pt. SESW Sec 05 T 11S R 37E
15 Use: IRRIGATION (0.10 CFS)
16 STOCKWATER (0.02 CFS)
17 In: SESW Sec 05 T 11S R 37E FOR 5
18 ACRES

MICROFILMED
1967