

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 Christian C. Yost
(Name of Claimant)
Parks Road, Pocatello, Idaho 83201 Telephone No. 234-2305
(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) July 1, 1970

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)
Pocatello Creek, South Fork tributary to 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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	0.02 cfs	Use irrigation	Period of Use From 4/1	To 10/31
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.02 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 20 Twp. 6S Rge. 35E 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.
Pump and pipes

(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	
6S	35E	20										1							1

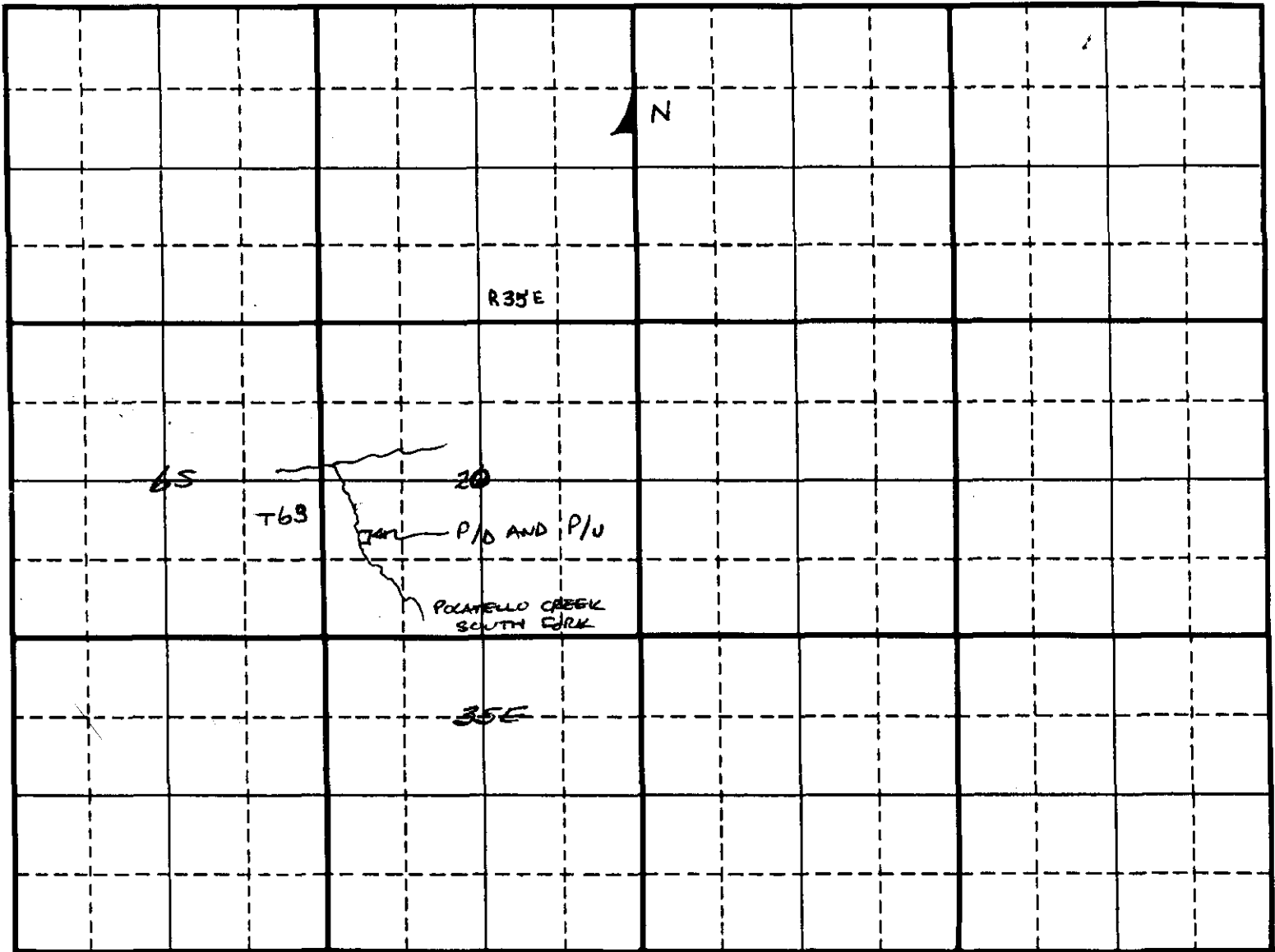
No. of acres 1

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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)
County of Bonneville) 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 16th day of September, 1982.
(Claimant) [Signature]

[Signature]
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY
Received by KW Date 9/16/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KCW Date 9/17/82 claimant by: _____
\$20.00 fee received by CW Date 9-16-82
Published in Idaho St. Journal #22504
Dates 9/30 & 10/7/82

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

OCT 12 1982

Department of Water Resources
Eastern District Office

Sheryl Gardiol

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.

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:

September 30, 19 82

_____, 19____

October 7, 19 82

_____, 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 Gardiol

Subscribed and sworn to before me this 8th

day of October, 19 82

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho



PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

29-4260

YOST, CHRISTIAN C.
PARKS RD., POCATELLO, ID 83201
Source: POCATELLO CREEK SOUTH
FORK tributary to PORTNEUF RIVER
Priority Date: 07-01-1970
Amount: 0.02 CFS
Diversion Point: NWSW Sec 20 T 06S R
35E, BANNOCK Co.
Use: IRRIGATION (0.02 CFS) from 04-
01 to 10-31
Place of Use: NWSW Sec 20 T 06S R 35E
FOR 1 ACRES
Diversion Means: PUMP AND PIPES
Any exception to any claim of water
right may be filed with the Director of
the Idaho Department of Water Re-
sources, 150 Shoup Ave., Idaho Falls,
Idaho 83402.
S/A. KENNETH DUNN
Director
Sept. 30, October 7, 1982
No. 280

Sheryl Gardiol

Eastern District of Idaho

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:

September 30, 19 82 , 19

October 7 , 19 82 , 19

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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 Gardiol

Subscribed and sworn to before me this 8th

day of October , 19 82

[Signature]

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

9 23-4200
10 YOST, CHRISTIAN C.
11 PARKS RD., POCA TELLO, ID 83201
12 Source: POCA TELLO CREEK SOUTH
13 FORK tributary to PORTNEUF RIVER
14 Priority Date: 07-01-1970
15 Amount: 0.02 CFS
16 Diversion Point: NWSW Sec 20 T 06S R
17 35E, BANNOCK Co.
18 Use: IRRIGATION (0.02 CFS) from 04-01
19 to 10-31
20 Place of Use: NWSW Sec 20 T 06S R 35E
21 FOR 1 ACRES
22 Diversion Means: PUMP AND PIPES
23 Any exception to any claim of water right
24 may be filed with the Director of the
25 Idaho Department of Water Resources,
26 150 Shoup Ave., Idaho Falls, Idaho 83402.
27 S/A. KENNETH DUNN
28 Director
29 Sept. 30, October 7, 1982
30 No. 200
31 <o<o<o<o

June 7, 1983

REP Claim to a Water Right No. 29-4260 Yost

Dwaine W. Anderson
Pocatello Creek Road
Pocatello, Idaho 83201

Dear Mr. Anderson:

We have received the exception dated May 18, 1983, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

PROFILMED

DWR - State Office

June 7, 1983

RE: Claim to a Water Right No. 29-4260

Christian C. Yost
Parks Road
Pocatello, Idaho 83201

Dear Mr. Yost:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

Dwaine W. Anderson
Pocatello Creek Road
Pocatello Idaho 83201

IN THE MATTER OF:

Christian C. Yost
Parks Road
Pocatello Idaho 83201
Claim to Water Right 29-4260

AFFIDAVIT

RECEIVED

MAY 19 1983

Department of Water Resources
Eastern District Office

State of Idaho
County of BENNECK

Dwaine W. Anderson being first duly sworn,
deposes and says: I object to Christian C. Yost
claiming of water rights from Pocatello
Creek. Being a Farmer on Pocatello Creek
for forty five years I find that too many
pumps are being installed to divert water.
Being on the West part of the creek and
holding old Court Recorded Rights I find
the waters getting shorter for my crops.

Dwaine W. Anderson
(Signature)

Subscribed and sworn to before me this 18 day of May, 1983

Donna Green
(Notary Public)

Residing at Pocatello:
My Commission Expires life:

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

OCTOBER 18, 1982

CHRISTIAN C. YOST
PARKS RD.
POCATELLO

ID 83201

RE: Claim No. 29-4260

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
NOV 09 1982

Department of Water Resources

October 12, 1982

RE: Claim to a Water Right No. 29-4260 YOST

Dwaine W. Anderson
Pocatello, Creek Road
Pocatello, ID 83201

Dear Mr. Anderson:

We are returning your letter which expresses opposition to claim to a water right No. 29-4260 in the name of Christian C. Yost.

If you disagree with the information as set forth on the claim, then you need to file an exception which must be notarized. The exception can be submitted at any time and should clearly state the reason(s) why you feel the claim is incorrect. For your convenience, the enclosed affidavit form can be used for this purpose.

If you have any questions concerning the above matter, please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

KC Wilson

Right Number

29 4260

Applicant

Christian C Yost

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.

Oct 18, 1982

FINAL REGIONAL PROCESSING REVIEW:

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

By *Ernest Carlson*

Date *Nov 5, 1982*

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *KW*

Date *11/9/82*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 22, 1982

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 billing to this office before OCTOBER 18, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
SEP 23 1982
IDaho State Journal

NOTICE OF CLAIMS TO WATER RIGHTS

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Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN

Director

Published 9/30 & 10/7/82.

29-4260-

YOST, CHRISTIAN C.

PARKS RD., POCA TELLO, ID 83201

Source: POCA TELLO CREEK SOUTH FORK tributary to PORTNEUF RIVER

Priority Date: 07/01/1970

Amount: 0.02 CFS

Diversion Point: NWSW Sec 20 T 06S R 35E, BANNOCK Co.

Use: IRRIGATION (0.02 CFS) from 04/01 to 10/31

Place of Use: NWSW Sec 20 T 06S R 35E FOR 1 ACRES

Diversion Means: PUMP AND PIPES