

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 JOHN R. & GRACE A. TERRELL
(Name of Claimant)
44 VALLEYVIEW DR. (P.O. BOX 1774) POCA TELLO, IDAHO Telephone No. 232 4581
(Mailing Address) 83204 (Zip Code) 776 5213

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) JUNE 15, 1910

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)
HOT SPRING 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	<u>0.04cfs</u>	Use	<u>DOMESTIC</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>0.08cfs</u>	Use	<u>HEATING</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>0.08cfs</u>	Use	<u>RECREATION</u>	Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.20cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
LOT 1 ¼ (SESE) ¼, Sec. 21 Twp. 9S Rge. 38E B.M., County of BANNOCK
Additional points of diversion: LOT 6 (SWSW) SEC 22, T9S, R38E

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 TO HOLDING TANK WITH OVERFLOW INTO PORTNEUF River
AND MAINLINE

(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	
<u>9S</u>	<u>38E</u>	<u>21</u>															<u>LOT 1</u>	<u>LOT 6</u>	
																	<u>X</u>	<u>X</u>	

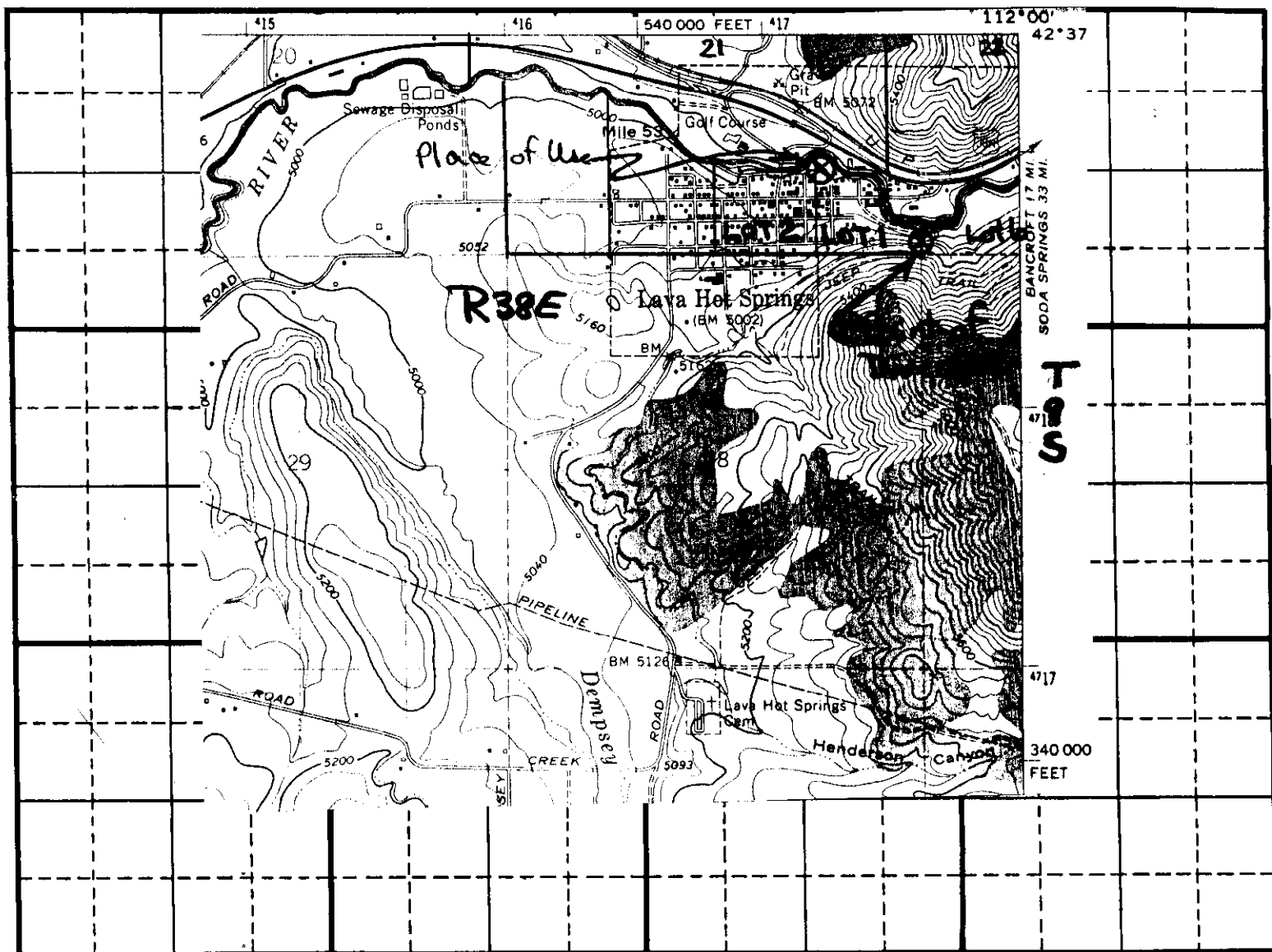
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: CULINARY, DOMESTIC, HEATING, AND RECREATIONAL USE IN A POOL

NOTE: Include here the type and number of stock watered: _____
If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks SPRING KNOWN AS "CHICKEN SOUP" HOT SPRINGS



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 Bannock) 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.

John A. Senell (Claimant)
Sworn to before me this 19th day of May, 1982.

Grace Murray
Notary Public
Residing at Pocatello, Id.

My commission expires Life Commission

FOR DEPARTMENT USE ONLY

Received by OW Date 5-20-82 Exception filed by: _____ Date _____
Prelim. by HWS & OW Date 5-20-82 5-24-82
\$10.00 received by CW Date 5-24-82 #22264
Published Idaho State Journal
Date 6-3 & 6-10-1982

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phone:
208 232 4581
208 776 5213

JOHN R. & GRACE A. TERRELL
44 VALLEYVIEW DRIVE
P. O. BOX 1774
POCATELLO, IDAHO
83204

May 10, 1982

Department of Water Resources
Eastern District Office

TO: State of Idaho, Department of Water Resources
Eastern Region, Water District 01
150 Shoup, Idaho Falls, Idaho 83401

RE: Title (Tax 5, 2 acres, county property, inside Lava, S21-T9S-\$38E)

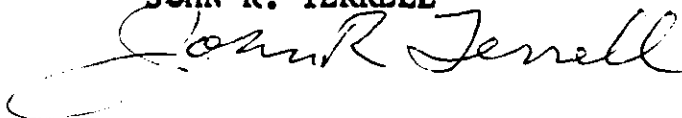
Deed from Estate of Grace J. Terrell, deceased, TO: F. C. Terrell
recorded # 302440, 1954, Sept. 3, @ 3:33 P.M., Clerk Auditor &
recorder, Bannock County, Idaho, BOOK 15, Misc1. Page 433, Records
of Bannock County, State of Idaho

Deed of Gift from F. C. & Ada Terrell TO: John R. Terrell and
Martha Terrell Sheehy, #379232 recorded at request of F. C. Terrell,
232 South Hayes, P. O. Box 468, Pocatello, Idaho, April 21, 10:34 A.M.
1962

Deed from Martha Terrell Sheehy TO: John R. Terrell, #457166,
request of John R. Terrell, Jan 8, 2:08 P. M., 1969, officical
record Book #225, Bannock County

Grace J. Terrell was the widow of Thomas F. Terrell, the original
owner of this property and the COLD and HOT Water Rights. The
Will of Thomas F. Terrell stipulated that this property be maintained
for the use of Grace J. Terrell throughout her lifetime. The estates
of Thomas F. Terrell and Grace J. Terrell were administered by Mr.
Robert M. Terrell, an attorney practicing in Pocatello, Idaho, and
a brother of both Thomas F. Terrell and F. C. Terrell.

JOHN R. TERRELL



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COPY

DEED OF GIFT

THIS INDENTURE made this, the 12th day of April, 1962, by and between F. C. TERRELL, also known as FRANCIS C. TERRELL, and his wife, ADA C. TERRELL, both of Pocatello, Idaho, parties of the first part, and JOHN R. TERRELL, of Pocatello, Idaho, and MARTHA TERRELL SHEEHY, of Riverside, California, parties of the second part, Witnesseth:

That the said parties of the first part, who are the parents of the parties of the second part, for and in consideration of the love and affection which the said parties of the first part have and bear unto the parties of the second part, and also for the better maintenance, support, protection and livelihood of the said parties of the second part, do by these presents, give, grant, alien, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, subject, however, to an estate for life therein in the parties of the first part and each of them and the survivor of them, the following described lot, piece or parcel of land lying and being in Bannock County, Idaho, and bounded and particularly described as follows, to-wit:

Commencing at the Northwest Corner of Block 1 of Hall City Townsite, Bannock County, Idaho; thence Easterly conforming to the direction of government surveys, along the north line of Block 1 of said townsite of Hall City and Block 1 of the townsite of Hall's First Addition to said Hall City townsite, to a point intersecting the middle or thread of said Portneuf River; thence down said Portneuf River, following the thread of said stream in a Northwesterly direction and then in a generally westerly direction to where the thread of said stream intersects the easterly line of First Avenue east of said Hall City townsite projected; thence in a southerly direction along the easterly line of said First Avenue east

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of said Hall City townsite to the point of beginning; all being situated within and part of Lots 1 and 2 in Section 21, Township 9 South of Range 38 E.B.M., according to the government survey; the same being described in the Office of the Assessor of Bannock County, Idaho, as Tax #5 in Section 21, Township 9 South, Range 38 E.B.M., Bannock County, Idaho, together with a 4-inch cold water right, 4 miners inches or .08 of 1 cubic foot per second of time of the waters of Fish Creek near Lava Hot Springs, Idaho, diverted through the Fish Creek Irrigating Company's Canal at a point approximately where 2nd Ave. East of the Village of Lava Hot Springs projected in a southerly direction, intersects said canal and thence by virtue of an easement for and a pipe line along said 2nd Ave. East in a northerly direction to the lands herein described; being a portion of the waters of said Fish Creek decreed March 10, 1902, to John Hall, in that certain action in the District Court of the Fifth Judicial District of Idaho, in and for Bannock County, entitled William W. Cooper, et al, plaintiffs, vs. Patrick Harkins, Defendant, and confirmed and redecreed to Thomas F. Terrell in that certain decree in said above mentioned Court, dated June 29, 1921, in the case of Union Grain & Elevator Co., a corporation, plaintiff, vs. McCammon Ditch Co. et al; Register No. 2203, together with ditch rights and other means of carrying said water to and applying same on said land;

Also together with a 5 inch cold water right, 5 miners inches or .1 of 1 cubic foot per second of time of the waters of said Fish Creek, established in the aforesaid decree dated March 10, 1902, reestablished and redecreed to the successors in interest of said John Hall in said above mentioned decree, dated June 29, 1921, and subsequently conveyed to said Thomas F. Terrell, now diverted at the same point and as above described, to the lands herein described, together with all ditch rights and other means of carrying said water and applying same on said land.

Also together with an undivided one-half interest in the waters of and flowing from a certain hot spring or springs on south side or bank of the Portneuf River at a point, approximately where the south line of the lands herein described intersect the south bank of said Portneuf River at the easterly end of said land for culinary, domestic, heating, bathing, and household use, together with means of conveying same to and upon lands herein described.

Also together with a 4-inch hot water right 4 miners inches of the waters of and flowing from a certain spring or springs, commonly known as "Chicken Soup" Hot Springs on or near the south side or bank of said Portneuf River, near the dividing line between Lot 1 of Section 21 and Lot 6 of Section 22, Township 9 South, Range 38 E.B.M. for culinary, domestic, heating, bathing and household use, together with all rights

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pertaining to the conveyance through pipe lines and otherwise to the lands herein described, and particularly the pipe line from said hot spring or springs to Main Street in said Village of Lava Hot Springs, Idaho; and thence in a westerly direction along said Main Street and other streets to the bathing facilities of the Lava Hot Spring Natatorium, commonly known as the Spa, and the property herein described.

TO HAVE AND TO HOLD all and singular, the above described premises, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF the said parties of the first part have executed these presents the day and year first above written.

279232
Recorded at request of
F. C. Terrell
272 So. Hayes, Box 465 City
April 21 - 10:34 AM - 62
Office Records BK 168
Bannock County Idaho
Sarah Devaney Recorder
360 Deputy L.C.

F. C. TERRELL
F. C. Terrell, also known as Francis C. Terrell

ADA C. TERRELL
Ada C. Terrell

Parties of the First Part

STATE OF IDAHO)
ss
County of Bannock)

On this, the 15th day of April, 1962, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared F. C. Terrell, also known as Francis C. Terrell, and Ada C. Terrell, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

ROBERT M. TERRELL
Notary Public for Idaho
Residing at: Pocatello, Idaho

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PROOF OF PUBLICATION

RECEIVED

JUN 14 1982

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Bannock

ss.

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:

<u>June 3</u>	<u>19 82</u>	<u> </u>	<u>19</u>
<u>June 10</u>	<u>19 82</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>

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 11th

day of June, 19 82

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

JUN 14 1982

Doc. No. 919

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:

29-4233

TERRELL, JOHN R. &/or GRACE A.
44 VALLEYVIEW DR., P.O. BOX 1774,
POCATELLO, ID 83204

Source: HOT SPRING tributary to PORT-
NEUF RIVER

Priority Date: 06-15-1910

Amount: 0.20 CFS

Diversion Point: LOT 01 (SESE) Sec 21 T
09S R 38E LOT 06 (SWSW)

Sec 22 T 09S R 38E, BANNOCK Co.

Use: HEATING (0.08 CFS) from 01-01 to
12-31

DOMESTIC (0.04 CFS) from 01-01 to 12-31
RECREATION (0.08 CFS) from 03-15 to
11-15

Place of Use: LOT 02 (SWSE) LOT 01
(SESE) Sec 21 T 09S R 38E

Diversion Means: HEADGATE & MAIN-
LINE

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.

S/A. KENNETH DUNN

Director

June 3, 10, 1982

No. 919

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:

_____	, 19	_____	, 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.

Shirley A. Ladd
Subscribed and sworn to before me this

day of _____, 19 ____

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTARY
PUBLIC
IDAHO

29-4233

TERRELL, JOHN R. &/or GRACE A.
44 VALLEYVIEW DR., P.O. BOX 1774,
POCATELLO, ID 83204

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11-15

Place of Use: LOT 02 (SWSE) LOT 01
(SESE) Sec 21 T 09S R 38E

Diversion Means: HEADGATE & MAIN-

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

Right Number 29 4233

Applicant John R + Grace A Terrell

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 21, 1982

June 21, 1982

WL #21

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC

Date 6/29/82

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

May 28, 1982

RE: Claim to a Water Right No. 29-4233 & 29-4234 TERRELL

Thomas Bloxham, Watermaster
Water District 29
Downey, Idaho 83234

Dear Mr. Bloxham:

Enclosed please find copies of the above referenced claims for your information only.

Should you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

STEVE McCORMICK
Sr. Resource Analyst

SM:cw

Enclosures

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RECEIVED
JUN 22 1982

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 21, 1982

JOHN R. TERRELL
GRACE A. TERRELL
44 VALLEYVIEW DR.
P.O. BOX 1774
POCATELLO

ID 83204

RE: Claim No. 29-4233

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
JUN 22 1982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

May 26
JUNE 21, 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 billings to this office before JUNE 21, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
JUN 21 1982

NOTICE OF CLAIMS TO WATER RIGHTS

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A. KENNETH DUNN
Director

ublished 6/3 & 6/10/82.

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29-4233-

TERRELL, JOHN R. &/or GRACE A.

44 VALLEYVIEW DR., P.O. BOX 1774, POCAHELLO, ID 83204

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Priority Date: 06/15/1910

Amount: 0.20 CFS

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DOMESTIC	(0.04 CFS)	from 01/01 to 12/31
RECREATION	(0.08 CFS)	from 03/15 to 11/15

Place of Use: LOT 02 (SWSE) LOT 01 (SESE) Sec 21 T 09S R 38E

Diversion Means: HEADGATE & MAINLINE

UNRECEIVED