

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 Golden K. Avery or Wells Nelson or J.B. Frick or James Brown
(Name of Claimant)
Lava Hot Springs, Idaho 83246 Telephone No. 776-5321
(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) June 1, 1912

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)
Stephens Springs tributary to Sinks

(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>0.10 cfs</u>	Use	<u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>0.07 cfs</u>	Use	<u>Stock</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
Quantity		Use		Period of Use From	To

(4) 0.10 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 17 Twp. 9S Rge. 38E 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.
Cement collection box with gravity flow lines to four homes and stock troughs

(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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
9S	38E	17															X		
		20		X			X		X										

No. of acres

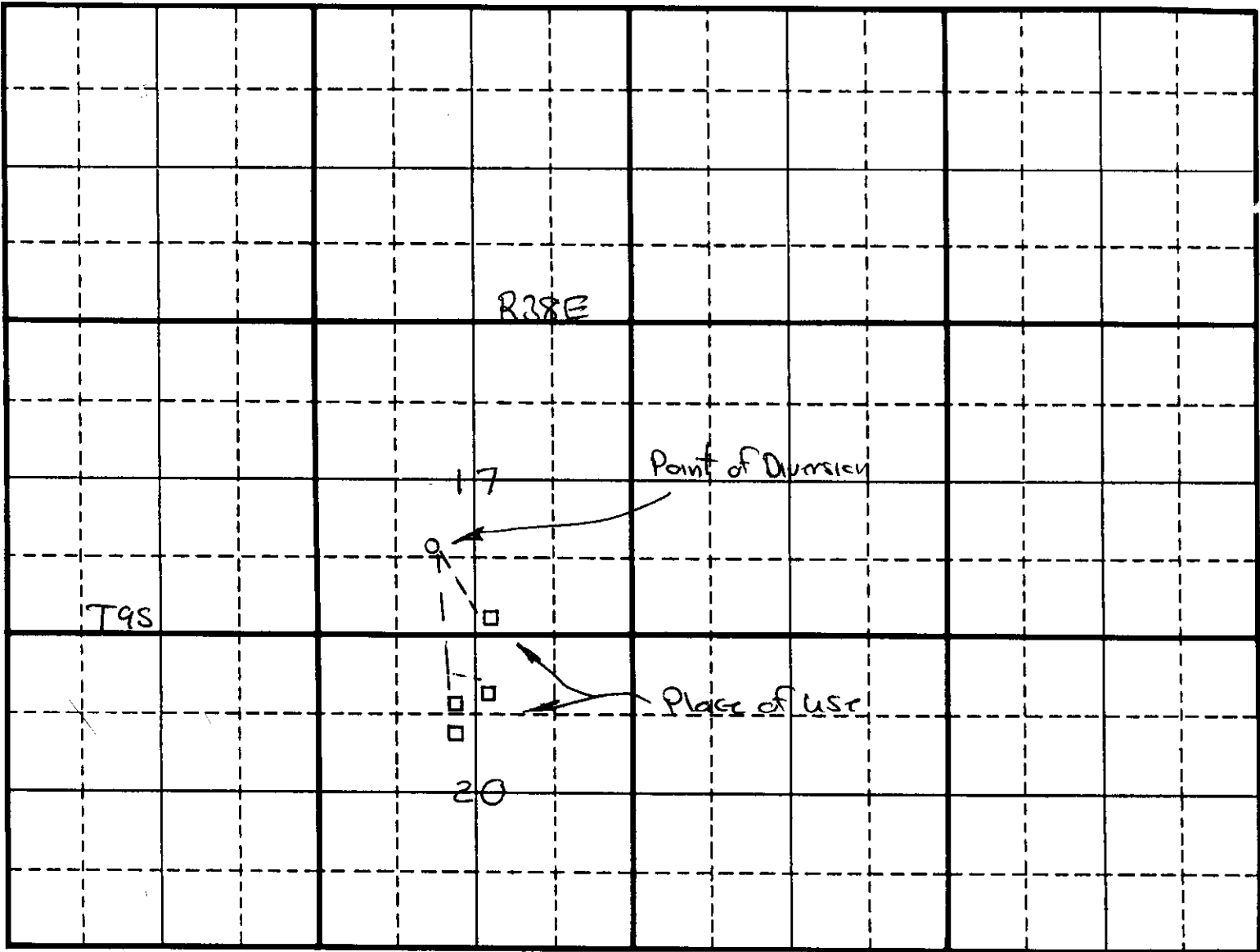
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
water used to supply four households.

NOTE: Include here the type and number of stock watered: 300 head beef cattle

(7) If you are claiming water as a member of an organization, list name of organization:

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(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 Sonneville) 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 23rd day of March, 1982.

J. B. Irick
(Claimant)
William A. Way
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY
Received by HWS Date 3-23-82 Exception filed by: _____ Forwarded to _____ Date _____
Produced by KCW Date 3-23-82 claimant by: _____
Fee received by AW Date 3-23-82
Published in Idaho State Journal # 2073
ates 4-1 4-12-82

AFFIDAVIT

STATE OF IDAHO

County of Bannock

ss.

TO WHOM IT MAY CONCERN: I, William Stephens, being duly sworn, depose and says: That he has been a resident of Bannock County, Idaho, continuously for the past fifty years; that during that time he owned the 160 Acre Farm located in Section 17, Township 9 South, Range 38 E.D.M.; that in 1912 he sold five-sixths of his right, title and interest in and to that certain spring of water located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 38 EBN, rising below what is known as Beech Hollow; that said purchasers, each paying \$50.00, were Charles H. Walker, Frank Zamboni, Edwin Kelly, Stephen B. Kelly and Truxton Ramsey, reserving one sixth for himself; that each of the above mentioned purchasers, his heirs and successors, were to share equally in the flow of said spring; that the water from said spring was to be used for domestic and culinary purposes only.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24th day of February, 1953.

William M Stephens

On this 24th day of February, 1953, before me Wm. Kasirka a Notary Public in and for said county and State, personally appeared William Stephens, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Witness my hand and official seal the day and year first above written.

Wm. Kasirka
Notary Public

Residing at Lava Hot Springs, Ida.

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PROOF OF PUBLICATION

APR 15 1982

Department of Natural 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:

April 1, 1982

19

April 8, 1982

19

19

19

19

19

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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

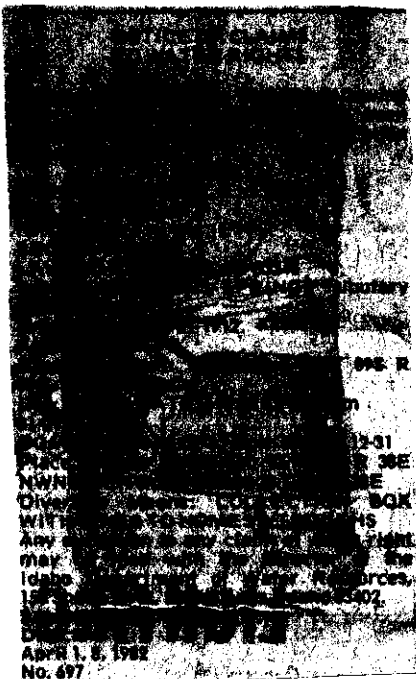
Subscribed and sworn to before me this 13th

day of April, 1982

[Signature]

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho



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PROOF OF PUBLICATION

APR 16 1982

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:

29-4228

AVERY, GOLDEN K.
NELSON, WELLS
IRICK, J. B.
BROWN, JAMES
LAVA HOT SPRINGS, ID 83246
Source: STEPHENS SPRINGS tributary
to StNKS
Priority Date: 06-01-1912
Amount: 0.10 CFS
Diversion Point: NESW Sec 17 T 09S R 38E, BANNOCK Co.
Use: STOCKWATER (0.07 CFS) from
01-01 to 12-31
DOMESTIC (0.10 CFS) from 01-01 to 12-31
Place of Use: SWSE Sec 17 T 09S R 38E
NWNE NENW SENW Sec 20 T 09S R 38E
Diversion Means: COLLECTION BOX
WITH LINES TO HOMES & TROUGHS
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
April 1, 8, 1982
No. 697

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:

April	, 19	, 19
	, 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.

Sheryl St. Louis

Subscribed and sworn to before me this

day of _____, 19

[Signature]

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

dt27041 VDT #18 ENTERED EXPIRES
3/26/82 10.26 3/26/82 9.44 * 4/09/82 0.0

SLUG: DT697 GUIDE: WATER AUTHOR: LEGAL

FILE: LEGAL PAGE: 4/08 LAST USER: LEGAL n "

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1 7 1 <o<o<o<o
2 NOTICE OF CLAIMS
3 TO WATER RIGHTS
4
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8 to beneficial use:
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11 NELSON, WELLS
12 IRICK, J. B.
13 BROWN, JAMES
14 LAVA HOT SPRINGS, ID 83246
15 Source: STEPHENS SPRINGS tributary
16 to SINKS
17 Priority Date: 06-01-1912
18 Amount: 0.10 CFS
19 Diversion Point: NESW Sec 17 T 09S R
20 38E, BANNOCK Co.
21 Use: STOCKWATER (0.07 CFS) from
22 01-01 to 12-31
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32 S/A. KENNETH DUNN
33 Director
34 April 1, 8, 1982
35 No. 697
36 <o<o<o<o

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

Right Number 29 4228

Applicant Querry/Nelson/Irick/Brown

NOTE: 29-4228
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 April 19, 1982

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw Date 4/20/82

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RECEIVED
APR 20 1982

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 19, 1982

GOLDEN K. AVERY
WELLS NELSON
J.B. IRICK
JAMES BROWN
LAVA HOT SPRINGS ID 83246

RE: Claim No. 29-4228

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

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:

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A. KENNETH DUNN

Director

Published 4/1 & 4/8/82.

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29-4228

AVERY, GOLDEN K.
NELSON, WELLS
IRICK, J.B.
BROWN, JAMES

LAVA HOT SPRINGS. ID 83246

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Amount: 0.10 CFS

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Spec AD 124 - Fm Rm

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