

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 ROBERT F. ZAUSCH
(Name of Claimant)
Pocatello Creek Rd., Pocatello Id. 83201 Telephone No. 233-2358
(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, 1904

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 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>.02cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.01cfs</u>	Use	<u>Stockwater</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)	<u>.03cfs</u>	TOTAL QUANTITY USED.			
(cfs, af)					

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NE ¼, Sec. 20 Twp. 6S Rge. 35E B.M., County of Bannock

Additional points of diversion:
272.0 - 452.0 - 009.0 - 001.0 Road 0.6

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 pipeline. Also ditch 288' long. Pump is 3/4HP and pipe is 1½" dia. approx. 400' long.

(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			2														2

No. of acres 2

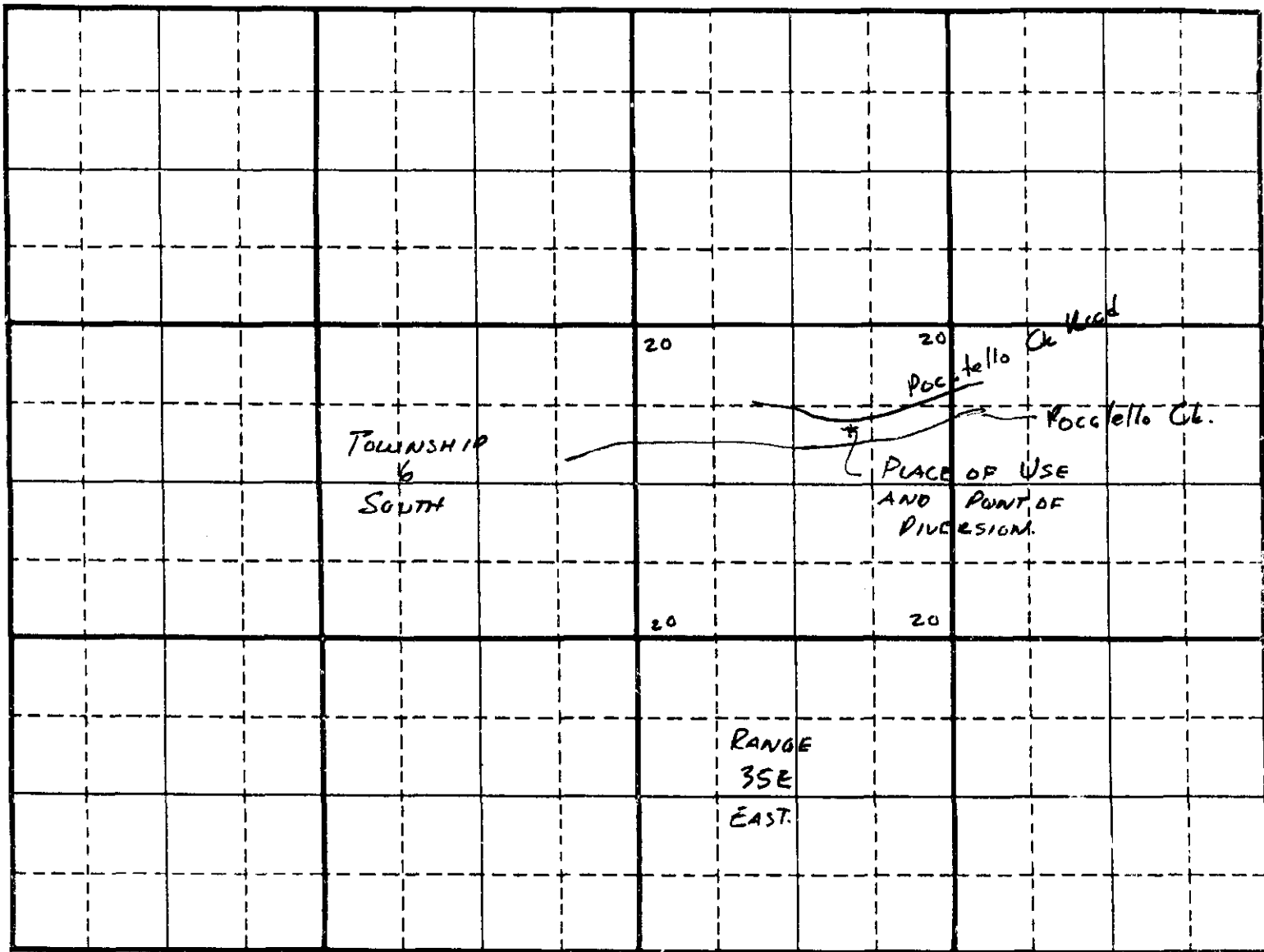
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 3 head horses and 5 head cattle

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

MICROFILMED

(8) Remarks Water has been previously used at an old cabin site on the
property.



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 Bingham) 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 3rd day of February, 1982

[Signature]
(Claimant)
[Signature]
Notary Public
Residing at Firth, Idaho

My commission expires 2/14/82

FOR DEPARTMENT USE ONLY

Received by SM Date 2-03-82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Kaw Date 2-4-82 claimant by: _____
\$30.00 fee received by Qu Date 2-03-82
Published in Idaho State Journal #30076 Dwaine W. Anderson cw 3-08-82
Dates 2-18 & 2-25-82

RECORDED

RECEIVED

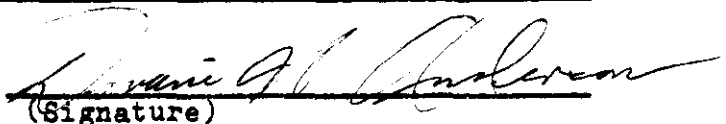
IN THE MATTER OF:)
)
Claim to a Water)
Right No. 29-4220)
Robert F. Zausch)
)

AFFIDAVIT FEB 24 1982
Department of Water Resources
Eastern District Office

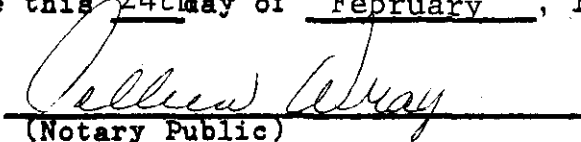
State of Idaho)
County of Bonneville)

I, Dwaine W. Anderson being first duly sworn,
deposes and says: I object to the above mentioned claim to
a water right on Pocatello Creek made by Robert F. Zausch. All
available water in the streams of Pocatello Creek are now being
used under decreed rights, so there is no water available to
supply Mr. Zausch with water from the Creek. He has a well
for his stock and garden water.

I am one of the original owners of this ground and the
water was never used on it. We sold this piece of ground
in 1965.


(Signature)

Subscribed and sworn to before me this 24th day of February, 1982
Pocatello Creek Road, Pocatello, ID 83201


(Notary Public)

Residing at Idaho Falls, ID
My Commission Expires 6/15/85

RECORDED

SECRET

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:

29-4220

ZAUSCH, ROBERT F.
POCATELLO CREEK RD., POCATELLO, ID 83201

Source: POCATELLO CREEK tributary to SNAKE RIVER

Date Filed: 04-01-1904

Amount: 0.03 CFS

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

Use: IRRIGATION (0.02 CFS) from 04-01 to 11-01

STOCKWATER (0.01 CFS) from 01-01 to 12-31

Place of Use: SWNE Sec 20 T 06S R 35E for 2 acres.

Diversion Means: PUMP & PIPELINE

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

February 18, 25, 1982

No. 553

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:

_____, 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.

Subscribed and sworn to before me this _____

day of _____, 19____

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED
MAR 1 1982

Department of Water Resources
Eastern District Office

dt21758

VDT #18

ENTERED 2/12/82 11.39 * 2/26/82

EXPIRES

2/12/82 11.45

SLUG: DT553

GUIDE: WATER

AUTHOR: LEGAL

FILE: LEGAL

PAGE: 2/25

LAST USER: LEGAL

FT PT ERR LN* -----OUTPUT TEXT-----

1 7

1 <o<o<o<o

2 NOTICE OF CLAIMS

3 TO WATER RIGHTS

4

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6 claim(s) to water right(s) have been
7 established by diversion and application
8 to beneficial use:

9 29-4220

10 ZAUSCH, ROBERT F.

11 POCA TELLO CREEK RD., POCA TEL-

12 LO, ID 83201

13 Source: POCA TELLO CREEK tributary

14 to SNAKE RIVER

15 Date Filed: 04-01-1904

16 Amount: 0.03 CFS

17 Diversion Point: SUNE Sec 20 T 06S R

18 35E, BANNOCK Co.

19 Use: IRRIGATION (0.02 CFS) from 04-01

20 to 11-01

21 STOCKWATER (0.01 CFS) from 01-01 to

22 12-31

23 Place of Use: SUNE Sec 20 T 06S R 35E

24 Diversion Means: PUMP & PIPELINE

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26 may be filed with the Director of the

27 Idaho Department of Water Resources,

28 150 Shoup Ave., Idaho Falls, Idaho 83402.

29 S/A. KENNETH DUNN

30 Director

31 February 18, 25, 1982

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33 <o<o<o<o

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 8, 1982

ROBERT F. ZAUSCH
POCATELLO CREEK RD.
POCATELLO ID 83201

RE: Claim No. 29-4220

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
MAR 9 1982

Department of Water Resources

March 8, 1982

RE: Claim to a Water Right No. 29-4220

Robert F. Zausch
Pocatello Creek Road
Pocatello, Idaho 83201

Dear Mr. Zausch:

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.

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

Enclosure

March 8, 1982

RE: Claim to a Water Right No. 29-4220 ZAUSCH

Dwaine W. Anderson
Pocatello Creek Road
Pocatello, Idaho 83201

Dear Mr. Anderson:

We have received the exception dated February 24, 1982, 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.

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Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RC Wilson

Right Number 29 4220

Applicant Robert F. Zausch

NOTE: 29-4220 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 ew EMC

Date 3-08-82 / 3-08-82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By kw

Date 3/9/82

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
<u>SWE</u>	<u>20</u>	<u>06S</u>	<u>35E</u>	<u>--</u>	<u>--</u>	<u>0.6</u>

IDAHO STREAM CODE INDEX

272.0.452.0.009.0.001.0.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 11, 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 MARCH 8, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECORDED

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A. KENNETH DUNN

Director

Published 2/18 & 2/25/82.

RECEIVED
FEB 25 1982

29-4220-

ZAUSCH, ROBERT F.

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STOCKWATER	(0.01 CFS)	from 01/01 to 12/31

Place of Use: SWNE Sec 20 T 06S R 35E For 2 ACRES.

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