

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 Larry E. Porter
(Name of Claimant)
Rt. #3, Box 221 Pocatello, Idaho 83201 Telephone No. 233-5116
(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) January 3, 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)
Portneuf River 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, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.5 cfs.</u>	Use <u>irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
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) .5 cfs. TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 21 Twp. 7S Rge. 35E B.M., County of Bannock
Additional points of diversion: NWSW Sec. 22, T. 7S, R. 35E

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. two pumps to sprinkler system and part to flood irrigation.

(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	
7S	35E	21													5				5
7S	35E	22									5								5

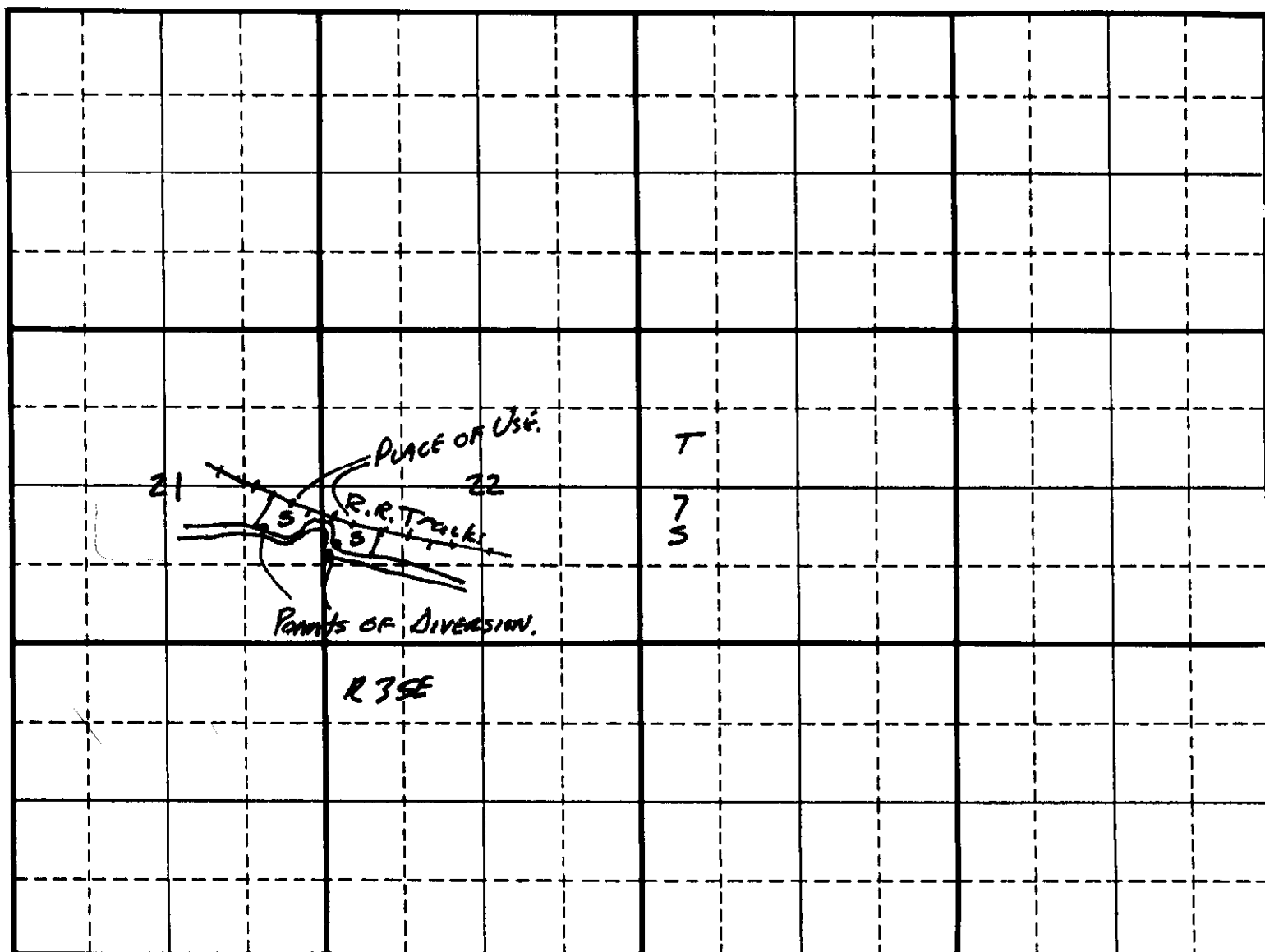
No. of acres 10

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: _____
If you are claiming water as a member of an organization, list name of organization: _____

MICROFILMED

(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 10th day of July

Larry C. Porter
(Claimant)

Calvin Wray

Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by KW Date 12/31/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ENC Date 1-2-81 claimant by: _____
~~20.00~~ fee received by CW Date 7-01-80
Published in Idaho State Journal # 11910
Dates 1/15 & 1/22/81

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Rosalee Olmstead

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>Jan. 15</u>	<u>19 81</u>	<u> </u>	<u>19</u>
<u>Jan. 22</u>	<u>19 81</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.

Rosalee Olmstead

Subscribed and sworn to before me this 27th

day of January, 1981

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

*ok
kw
2/2/81*

THE IDAHO STATE JOURNAL
Pocatello, Idaho
Published daily except on Sundays and
holidays.
Subscription price, \$5.00 per year in
advance.
Single copies, 10 cents.
Advertising rates on application.
Entered as second-class matter, June 11, 1898,
under post office No. 100, at Pocatello, Idaho,
under special rate of postage provided for in
Section 1103, Act of October 3, 1917, authorized
on July 1, 1924.
Postage paid at Pocatello, Idaho.
Acceptance for mailing at special rate of postage
provided for in Section 1103, Act of October 3,
1917, authorized on July 1, 1924.
Postmaster: Please send address changes to
The Idaho State Journal, Pocatello, Idaho.
Printed and Published by
The Idaho State Journal, Pocatello, Idaho.
Copyright, 1981, by The Idaho State Journal.
All rights reserved.

RECEIVED

JAN 29 1981

Department of Water Resources
Eastern District Office

RECEIVED

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.

29-4184

PORTER, LARRY E.
RT. 3 BOX 221, POCATELLO, ID
83201

Source: PORTNEUF RIVER
tributary to SNAKE RIVER

Priority Date: 01-03-1910

Amount: 0.50 CFS

Diversion Point: NESE Sec 21 T
07S R 35E NWSW Sec 22 T 07S R
35E, BANNOCK Co.

Use: IRRIGATION (0.50 CFS)
from 04-01 to 11-01

Place of Use: NESE Sec 21 T 07S
R 35E NWSW Sec 22 T 07S R 35E
FOR 10 ACRES

Diversion Means: PUMPS &
SPRINKLER SYSTEM.

29-4185

MCINTOSH, HUBERT L.
TECH FARM ROAD, POCATEL-
LO, ID 83201

Source: PORTNEUF RIVER
tributary to SNAKE RIVER

Priority Date: 04-01-1902

Amount: 0.24 CFS

Diversion Point: NWNW Sec 07 T
07S R 35E, BANNOCK Co.

Use: IRRIGATION (0.24 CFS)
from 04-01 to 11-01

Place of Use: NWNW Sec 07 T
07S R 35E FOR 12 ACRES

Diversion Means: PUMP &
SPRINKLER SYSTEM.

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 83401.

S/C. Stephen Allred, Director
Jan. 15, 22, 1981

No. 357

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.

Rosalee Olmstead

Subscribed and sworn to before me this _____

day of _____, 19 _____

[Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

[Stamp]

JAN 20

Notary Public, State of Idaho
Residence: _____

Entry No. 4

Instrument No. 16179

Sheet No. 4

UNITED STATES OF AMERICA,

P A T E N T

to

Dated January 3, 1910.

Clara E. Sherwood.

Filed Feb. 12, 1910 at 1:40 P.M.

COMPANY

Recorded Book 6 Patents, page 187

POCATELLO, IDAHO

Description: East half of the southeast quarter of Section twenty-one and the northwest quarter of the southwest quarter of Section twenty-two in Township seven South of Range Thirty-five East of the Boise Meridian, Idaho, containing one hundred twenty acres.

Granting words: Give and Grant.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

Signed: By the President: William H. Taft,
By M. W. Young, Secretary,
H. W. Sanford, Recorder of the
General Land Office.

(SEAL)

Also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

RECEIVED

DEC 31 1909

Department of Water Resources
Eastern District Office

COPY

COPY

Entry No. 22

Instrument No. 29229

Sheet No. 23

Clara E. Sherwood (single)

D E E D

to

Dated Aug. 2, 1913.

H. H. Whittlesey

Filed Aug. 5, 1913 at 3:21 P.M.

POCATELLO TITLE AND TRUST
COMPANY

Recorded Book 25 Deeds, page 203

Consideration: \$1200.00

Acknowledged in Bannock County, State of Idaho, on the 2nd day of August, 1913 by Clara E. Sherwood before Maude M. Kelly a Notary Public in and for said State. (Seal)

Granting words: Grant, Bargain, Sell, Convey and Confirm.

Description: All that portion of the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) Of Section twenty-two (22), and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-one (21) in Township seven (7) South, Range thirty-five (35) E. B. M. lying on the northeasterly side of the Portneuf River, and containing fifty-one and one-half (51 $\frac{1}{2}$) acres, more or less.

Together with all ditches, water and water rights belonging or appurtenant to said land.

Subject to Mortgage recorded in Book "15" of Mortgages, page 519, also subject to mortgage recorded in Book "16" of Mortgages, page 291, records of Bannock County, Idaho.

Each of said parties to pay one-half of the taxes for the year 1913.

Mrs. Clara E. Sherwood

Witness:

Maude M. Kelly.

MICROFILMED

COPY

213466

WARRANTY DEED

COPY

E. H. Whittlesey, etux

TO

George L. Exeter, etux

Dated 19.....

STATE OF IDAHO,

County of Bannock } ss.

I hereby certify that this instrument was filed for record at the request of

George L. Exeter

at 55 minutes past 1

o'clock P M., this 13 day of

Nov A. D. 1941

at my office and duly recorded in Book 81

of Deeds at page 631

Ex-Officio Recorder.

By Grover W. Chambers Deputy.

Fee, \$ 1.75

PRIMBS & SONS, POCAHELLO, IDAHO

Route #1, South

RECORDED

COPY

C E R T I F I C A T E.

COPY

The Bannock Title-Abstract Company, a corporation duly authorized by the laws of the State of Idaho to compile and certify Title Abstracts, hereby certifies that the foregoing pages numbered from 39 to 48 inclusive, certified by this page numbered 49 sets forth a true and correct abstract of all conveyances or other instruments of writing, now on file and of record in the office of the County Recorder of Bannock County, Idaho, which in any way affect the title to the real property described in the Caption hereof.

It is further certified that there are no judgments or liens of any kind of record in the office of the Clerk of any Court of Record in said Bannock County, which constitute liens on the said real property, unless shown in the foregoing abstract; and that there are no taxes due and unpaid thereon except as hereinbefore shown.

This Certificate is made to H. H. Whittlesey, at the request of Bistline-Turner Agency, and covers matters entered of record subsequent to August 22, 1925 at 11:30 A. M.

Dated at Pocatello, Idaho, this 20th day of November, 1934 at 5 o'clock P. M.

Bannock Title-Abstract Company,

By Thos J. Turner Secretary.

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

RECORDED

IN THE MATTER OF:)

First Water Rights)

AFFIDAVIT

State of Idaho)
County of Bannock)

Lena Exeter

being first duly sworn,

deposes and says: on January 3, 1910, the United States of
America gave Clara G. Sherwood water rights for mining, agriculture,
manufacturing, etc.

On August 2, 1913, Clara G. Sherwood deeded H. H. Whittlesey the property
and all ditches, water and water rights belonging or appurtenant to said
land.

On November 22, 1934, H. H. Whittlesey deeded property to George L. and
Lena Exeter with water rights..

On April 8, 1966, property and water rights were deeded to Richard M. and
Donna M. Walton.

On February 17, 1967, Richard M. and Donna M. Walton deeded property and
water rights to William H. and Charlotte L. Kestle.

On October 16, 1969 William H. and Charlotte L. Kestle deeded property and
water and water rights to Larry E. and Madge J. Porter

Lena Exeter
(Signature)

Subscribed and sworn to before me this 18th day of Dec., 1982

Loren J. Dwyer
(Notary Public)

Residing at Pocatello, Idaho
My Commission Expires 5/1/83

RECORDED

RECEIVED

DEC 31 1980

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 4, 1981

LARRY E. PORTER
RT. 3 BOX 221
POCATELLO

ID 83201

RE: Claim No. 29-4184

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

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 29 4184 Applicant Porter.

NOTE: 29-4184 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.
- 2/2

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson. Date 2-4-1981.

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By W. Lawrence Date 2/13/81

MICROFILMED

3/79

IDENT. NO. 29 4184

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

Initials

Date _____

Item

kw

1/8/81

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied

(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Signed

Transfer Approved

Keypunched by State Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 8, 1981

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 FEBRUARY 2, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

29-4184

PORTER, LARRY E.

RT. 3 BOX 221, POCAHELLO, ID 83201

Source: PORTNEUF RIVER tributary to SNAKE RIVER

Priority Date: 01/03/1910

Amount: 0.50 CFS

Diversion Point: NESE Sec 21 T 07S R 35E NWSW Sec 22 T 07S R 35E.
BANNOCK Co.

Use: IRRIGATION (0.50 CFS) from 04/01 to 11/01

Place of Use: NESE Sec 21 T 07S R 35E NWSW Sec 22 T 07S R 35E
FOR 10 ACRES

Diversion Means: PUMPS & SPRINKLER SYSTEM.

RECEIVED
FEB 11 1910
FBI - IDAHO

ROUTING SLIP

DATE _____	TIME _____
TO: <i>Kay</i>	REF. No. (if any) _____
FROM: (show title) <i>Bellevue</i>	_____

FOR YOUR:

- ☐ Information
☐ Approval
☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
☐ Comment & Return
☐ Take Proper Action
☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
☐ Your Request
☐ Boss's Request

Will have to hold
advertising on this.
No priority. Will
mail original in.

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 Larry E. Porter
(Name of Claimant)
Rt. #3, Box 221 Pocatello, Idaho 83201 Telephone No. 233-5116
(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) _____

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)
Portneuf River 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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.5 cfs.</u>	Use	<u>irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
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) .5 cfs. TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ SW ¼, Sec. 21 Twp. 7S Rge. 35E B.M., County of Bannock
Additional points of diversion: NWSW Sec. 22, T. 7S, R. 35E

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. two pumps to sprinkler system and part to flood irrigation.

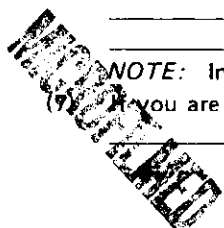
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	35E	21													5				5
7S	35E	22									5								5

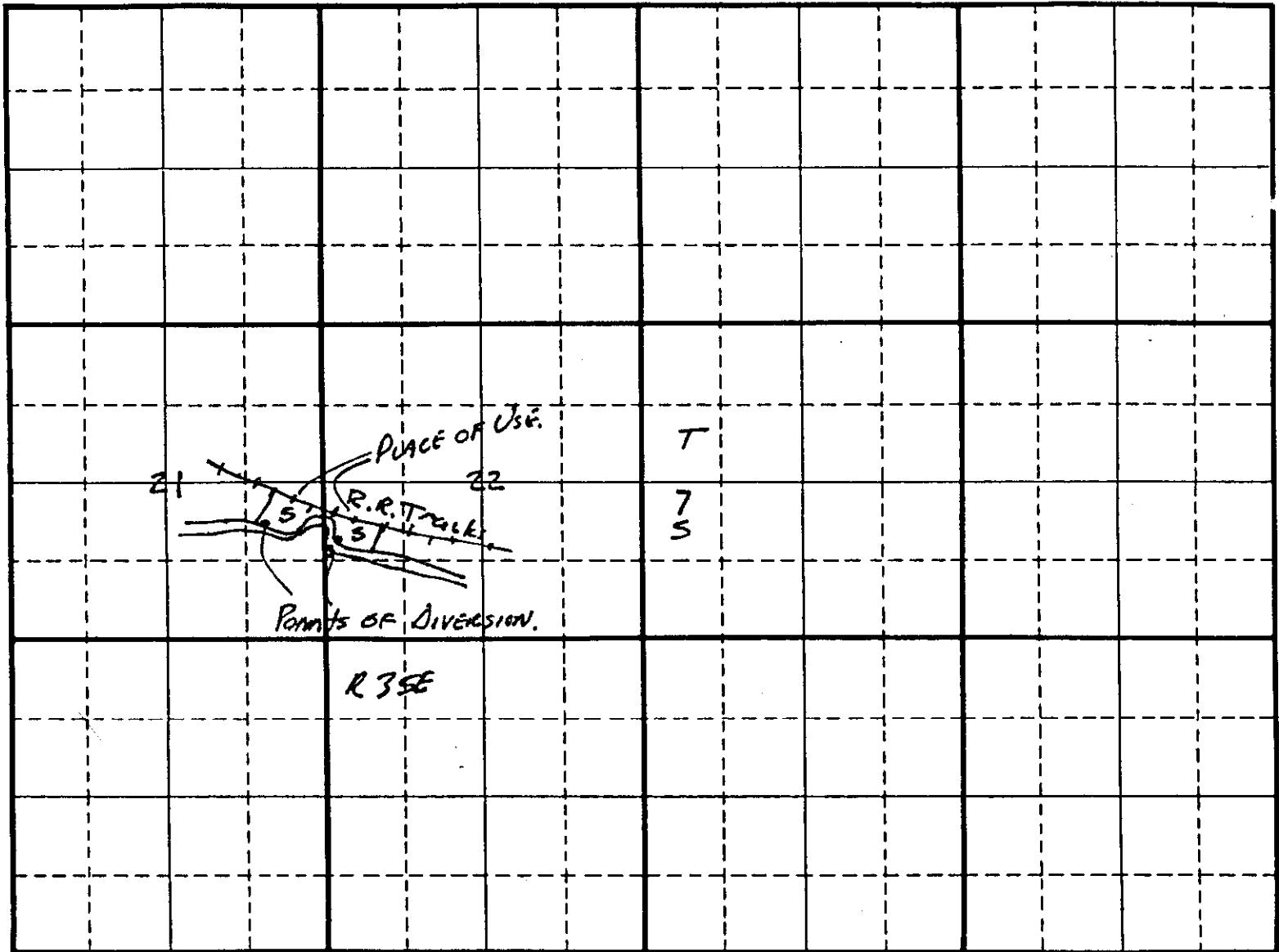
No. of acres 10

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: _____
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 10th day of July

Larry C. Porter
(Claimant)

Allen Wray
Notary Public
Residing at 214 N. 1st St.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by _____	Date _____		claimant by: _____	
\$20.00 fee received by <u>PL</u>	Date <u>7-21-80</u>			
Published in _____	Date <u>7/18/80</u>			
Notes _____				

MICROFILMED