

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 Dale or Afton Davis

(Name of Claimant)

Route #1, Box 168, Malad, ID 83252

(Mailing Address)

Telephone No. 766-2625

(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) February 21, 1961

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)

groundwater tributary to

- (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>3.00 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Mar. 15</u>	To <u>Nov. 15</u>
Quantity	<u>0.07 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 3.07 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

(4 points) NE ¼ NW ¼, Sec. 36 Twp. 11S Rge. 36E 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. 4 WELLS, pumps and sprinkler system and flood irrigation, stock water directly from field ditches.

- (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>11S</u>	<u>36E</u>	<u>25</u>											<u>7</u>	<u>11</u>		<u>3</u>			<u>21</u>
		<u>26</u>																<u>1</u>	<u>1</u>
		<u>36</u>	<u>6</u>	<u>28</u>	<u>3.5</u>		<u>20</u>	<u>1.5</u>											<u>59</u>

No. of acres 81

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: 300 head of range cattle.

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

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PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Lyle Judd

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>April 10</u>	, 1980	_____	, 19____
<u>April 17</u>	, 1980	_____	, 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.

Lyle Judd

Subscribed and sworn to before me this 17th

day of April, 1980

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

APR 18 1980

Department of Water Resources
Eastern District Office

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PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Lyle Judd

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:

29-4165

TAYSOM, WAYNE &/or PAT
P.O. BOX 4819, POCATELLO, ID
83201

Source: SPRINGS tributary to
PORTNEUF RIVER

Priority Date: 04/01/1948

Amount: 0.41 CFS 1.25 AC-FT

Diversion Point: SWSE Sec 23 T

08S R 36E, BANNOCK Co.

Use: IRRIGATION (0.20 CFS)

from 04/01 to 11/01

STOCKWATER (0.01 CFS) from

01/01 to 12/31

RECREATION (0.20 CFS) from

01/01 to 12/31

RECREATION STORAGE (1.25

AC-FT) from 01/01 to 12/31

Place of Use: SWSE SESE Sec 23

T 08S R 36E FOR 30 ACRES

Diversion Means: PIPELINE &

POND.

29-4166

DAVIS, AFTON &/or DALE
RT. 1, BOX 168, MALAD, ID
83252

Source: GROUNDWATER

Priority Date: 02/21/1961

Amount: 3.07 CFS

Diversion Point: NENW Sec 36 T

11S R 36E, BANNOCK Co.

Use: IRRIGATION (3.00 CFS)

from 03/15 to 11/15

STOCKWATER (0.07 CFS) from

01/01 to 12/31

Place of Use: SWSW SESW

NWSE Sec 25 T 11S R 36E SESE

Sec 26 T 11S R 36E NENE NWNE

SWNE NENW NWNW Sec 36 T

11S R 36E FOR 82 ACRES

Diversion Means: 4 WELLS,

PUMPS, SPRINKLER SYSTEM

& DITCHES.

Any exception to any claim of

water right may be filed with the

Director of the Idaho Department

of Water Resources, 1515 Lincoln

Road, Idaho Falls, Idaho 83401.

S/C. STEPHEN ALLRED

Director

April 10, 17, 1980

No. 470

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 10, 1980, 19

April 17, 1980, 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 17th

day of April, 1980

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED

APR 18 1980

Department of Water Resources
Eastern District Office

RECEIVED

APR 23 1980

Department of Water Resources
Eastern District Office

IN THE MATTER OF:)

AFFIDAVIT

Claim to a Water Right)
No. 29-4166 in the name of)
Afton or Dale Davis)

State of Idaho)
County of Bonneville)

William Ward, RFD, Downey, ID being first duly sworn,

deposes and says: I wish to make exception to Claim No. 29-4166 on the basis
of the following facts:

1. Three of the 4 wells mentioned in the claim are not groundwater sources.
Only 1 of the sources was developed as a well or ground water source. The
other 3 are not wells but are an attempt to tap into sub-water caused by
a high water table which results from irrigation.
2. The amount of water available from these sources is not adequate to
supply 3.07 cfs.
3. There is no pump on any of the sources mentioned in the claim.
4. The claimants land is already irrigated by decreed water from Birch
Creek.

William O. Ward
(Signature)

Subscribed and sworn to before me this 23 day of April, 1980

Kathleen A. Wheeler
(Notary Public)

Residing at Idaho Falls:
My Commission Expires 2/15/83:

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APR 23 1980

Department of Water Resources
Eastern District Office

IN THE MATTER OF:)
)
Claim to a Water Right)
No. 29-4166 in the name)
of Afton or Dale Davis)
)
)

AFFIDAVIT

State of Idaho)
County of Bonneville)

Dave Treasure

being first duly sworn,

deposes and says: I wish to make exception to Claim No. 29-4166
on the basis of the following facts:

1. Three of the 4 wells mentioned in the claim are not groundwater
sources. Only 1 of the sources was developed as a well or groundwater
source. The other 3 are not wells but are an attempt to tap into sub-water
caused by a high water table, which results from irrigation.
2. The amount of water available from these sources is not adequate to
supply 3.07 cfs.
3. There is no pump on any of the sources mentioned in the claim.
4. The claimants land is already irrigated by decreed water from Birch
Creek.

David Treasure
(Signature)

Subscribed and sworn to before me this 23 day of April, 1980

Kathleen A. Walker
(Notary Public)

Residing at Idaho Falls:
My Commission Expires 2/15/83:

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MAY 2, 1980

AFTON DAVIS
DALE DAVIS
RT. 1, BOX 168
MALAD

ID 83252

RE: Claim No. 29-4166

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

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jc

Right Number 29-4166 Applicant Davis

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. 4/28
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date May 1, 1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By mi Date 5/13/80

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April 8, 1980

RE: Claim to a Water Right No. 29-4166

Dale or Afton Davis
Rt. 1, Box 168
Malad, ID 83252

Dear Sirs:

Attached herewith is Departmental Receipt No. 13911 in the amount of \$20.00 for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

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April 25, 1980

RE: Claim to A Water Right No. 29-4166

Dale or Afton Davis
Rt. #1, Box 168
Malad, Idaho 83252

Dear Mr. Davis:

Enclosed please find a copy of the exceptions 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 Region Supervisor

RDC:cw:kw

Enclosure



April 25, 1980

RE: Claim to a Water Right No. 29-4166 DAVIS

Mr. William Ward
RFD
Downey, Idaho 83234

Dear Mr. Ward:

We have received the exception dated April 23, 1980, 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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If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:cw:kw

MAILED
APR 26 1980

April 25, 1980

RE: Claim to a Water Right No. 29-4166 DAVIS

Dave Treasure
RFD
Downey, Idaho 83234

Dear Mr. Treasure:

We have received the exception dated April 23, 1980, 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 Region Supervisor

RDC:cw:kw

RECORDED

29-4166-

DAVIS, AFTON &/or DALE

RT. 1, BOX 168, MALAD, ID 83252

Source: GROUNDWATER

Priority Date: 02/21/1961

Amount: 3.07 CFS

Diversion Point: NENW Sec 36 T 11S R 36E, BANNOCK Co.

Use: IRRIGATION	(3.00 CFS)	from 03/15 to 11/15
STOCKWATER	(0.07 CFS)	from 01/01 to 12/31

Place of Use: SWSW SE5W NW5E Sec 25 T 11S R 36E SE5E Sec 26 T 11S R 36E NENE
NW5E SW5E NENW NWNW Sec 36 T 11S R 36E FOR 82 ACRES

Diversion Means: 4 WELLS, PUMPS, SPRINKLER SYSTEM & DITCHES.

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