

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 The Cottonwoods, Inc.
(Name of Claimant)
P. O. Box 8 (808 N. 8th Ave.), Pocatello, ID 83201 Telephone No. 232-0791
(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) 1 October 1929

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)
unnamed spring tributary to Rapid Creek

(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>0.2 cfs</u>	Use	<u>Domestic</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
Quantity		Use		Period of Use From	To

(4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 11 Twp. 7S Rge. 36 E B.M., County of Bannock
Additional points of diversion: Catch diversions and pipes 1-1/2 by 400' long

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.

(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	36E	11											X						

No. of acres

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

NOTE: Include here the type and number of stock watered:

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

RECEIVED

Rge 36E

8

Twp 7S

11

* Partial
division of p/u

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.

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.

Roger Thompson
(Claimant) Secretary

Sworn to before me this 31ST day of January, 19 80.



My commission expires 11-10-88

Received by KW Date 2/4/80 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by _____ Date _____ claimant by: _____
 \$20.00 fee received by KW Date 2/5/80 #15566
 Published in Idaho State Journal
 Dates 2/14 & 2/21/80

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:

*ok
KW
2/27/80*

February 14, 1980		19.....
February 21, 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
22nd

Subscribed and sworn to before me this 22nd day of February, 1980

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

FEB 25 1980

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:

29-4155

THE COTTONWOODS, INC.
BOX 8, 808 N. 8TH AVE., POCA-
TELLO, ID 83201

Source: UNNAMED SPRING

tributary to RAPID CK.

Priority Date: 10/01/1929

Amount: 0.20 CFS

Diversion Point: SWSW Sec 11 T
07S R 36E, BANNOCK Co.

Use: DOMESTIC (0.20 CFS) from
01/01 to 12/31

Place of Use: SWSW Sec 11 T 07S
R 36E

Diversion Means: CATCH DIV-
ERSIONS AND PIPE

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

Feb. 14, 21, 1980

No. 288

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:

February 14, 1980, 19____
February 21, 1980, 19____
_____, 19____, 19____
_____, 19____, 19____
_____, 19____, 19____

That said paper has been continuously and uninterruptedly pub-
lished 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
22nd

Subscribed and sworn to before me this

day of February, 1980

[Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED

FEB 25 1980

Department of Water Resources
Eastern District Office

RECEIVED

OCT 17 1979

Department of Water Resources
Eastern District Office

AFFIDAVIT OF GRACE BISTLINE

STATE OF IDAHO)
) SS
COUNTY OF BANNOCK)

Grace Bistline, being first duly sworn, deposes
and says:

1. That for approximately 43 years she has been
secretary of The Cottonwoods, Inc., an Idaho corporation;

2. That an Application for Permit to appropriate
the Public Waters of the State of Idaho, Permit #17178,
was approved by the Commissioner of Reclamation on 1
October 1929. The use of the water for which said permit
was sought was for domestic purposes for summer cabins
at The Cottonwoods. The source of the water is a spring
in the Rapid Creek watershed, Bannock County, Idaho, more
particularly in the SW-1/4 of the SW-1/4 of Section 11,
Township 7 South, Range 36 EBM;

3. That since the date of said Application for
Permit, namely, 1 October 1929, the water from said spring
has been used for domestic purposes continuously to the
present time, and will continue to be so used in the future.

DATED: 16 October 1979.

Grace Bistline
Grace Bistline

Subscribed and sworn to before me this 16th day of
October 1979.

Beverly B. Bistline
Notary Public
Residing at Pocatello, Idaho

(SEAL)

RECEIVED

I HEREBY CERTIFY that this instrument is a full and correct copy of the original Application for Permit in the possession of The Cottonwoods, Inc.,
Dated: 16 October 1979

Address all communications to

(Form No. 1)

Beverly B. Bistline
Beverly B. Bistline, Notary Public
and Member, Idaho State Bar, Pocatello, Idaho.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

Application No. 24200

Permit No. 17178

District No. _____

1. Name of applicant: P. B. Reed and Paul Bistline

Postoffice address Pocatello County Bannock State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ 2500

(b) Treasury stock: \$ _____ (c) Bonds to be issued: \$ _____

(d) Other resources: _____

2. Quantity of water claimed: what will be developed cubic feet per second.

3. Source of water supply: Spring indications
which is a tributary of on Rapid Creek watershed

4. Location of point of diversion: 600 feet distant from the N.W. corner
of Section 14, T. 7, R. 36E, B. M., and is in the SW 1/4 of SW 1/4
of Section 11, T. 7, R. 36E, B. M., County of Bannock

5. Water is to be used for: Domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head.

(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the
_____ of Section _____, T. _____, R. _____, B. M.

7. Estimated cost of works: \$ 300.00

8. Kinds of works: Elevation, catch basin & pipe
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____

(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)

feet; material used in dam _____

10. Size of headgate: Width _____ feet; height _____ feet.

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;
Dimensions of flume _____ Diameter of pipe 1 1/2 inches

Length of conduit 400' miles. Average grade per mile 4% feet.

12. The time required for the completion of such work is one

✓ 13. The time required for the complete application of the water to the proposed use is.....

14. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

[illegible]

Total Number of Acres to be Irrigated.....

15. (a) Is reservoir to be used?.....(If so, fill in (b) and (c) below.)
- (b) Name of reservoir and number of Storage Permit:.....
- (c) Date of filing of Application for Storage Permit and Name of Applicant:.....

Remarks: There is evidence of flowing water in the marshy place, and it is proposed to develop a flow and use the water for domestic purposes for use in the summer cabins. Catch basin to gather and settle will be constructed if water of sufficient flow is found, and pipes laid to carry it about 300 feet and distribute same to cabins. At the present time no water reaches the creek, although it is in the Rapid Creek watershed.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

P. B. Rees
Paul B. Rees Applicant,
 By _____ Agent.

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, P. B. Rees, of _____, County of
Bannock, state of Idaho, do hereby certify that I am the owner or
 lessee of the land on which the spring mentioned in the application of P. B. Rees and Paul B. Rees is
 located, to-wit: The Southwest Quarter of the Southwest Quarter of Sect 11-7-36
 and that I do hereby grant unto the said Paul B. Rees and P. B. Rees permission to file on the said spring
 as set forth in the foregoing application.

STATE OF IDAHO,

County of Bannock } ss.

On this 23 day of Sept, 1929, before me a Notary Public for the State of Idaho, residing at
Pocatello, Idaho, personally appeared P. B. Rees
 known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to
 me that he executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public, Pocatello, Idaho
 My commission expires _____ My commission expires Nov. 17, 1932

W. J. Healy
 Notary Public.

Approval of Commissioner of Reclamation

The number of this permit is 17178.

Recorded in Book 62 Page 17178 Approved October 1, 1929.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$..... to be filed on or before.....

Work to begin on or before November 30, 1929, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 1, 1929.

The whole of said work to be completed on or before October 1, 1930.

Beneficial use of water appropriated in accordance herewith, to be made on or before October 1, 1930.

Witness my hand this 1st day of October, 1929.

Geo. H. Carter
Commissioner of Reclamation.

No. 17178

PERMIT

Date of first receipt at office of Commissioner of Reclamation

7-11-29 Sept. 30, 1929

Returned to applicant for correction

Corrected application received

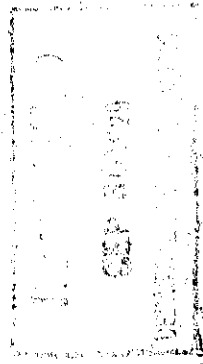
Fees, \$ 5.00 Paid

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or fraction

thereof25



S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MARCH 5, 1980

THE COTTONWOODS, INC.
BOX 8
808 N. 8TH AVE.
POCATELLO

ID 83201

RE: Claim No. 29-4155

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: DR. Kozlowski The Cottonwoods
Right Number 29-4155 Applicant Inc

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 3/7/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Joni Date 3/11/80

MICROFILMED

February 25, 1980

RE: Claim to a Water Right No. 29-4155 - The Cottonwoods, Inc.

Elna Hinote
RFD Box 83
Inkom, ID 83245

Dear Ms. Hinote:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim; however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

If you have any questions concerning this matter, please feel free to contact me.

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosure

MICROFILMED

February 11, 1980

RE: Claim to a Water Right No. 29-4155

Beverly B. Bistline
Attorney at Law
808 North 8th Ave.
Pocatello, ID 83201

Dear Ms. Bistline:

Attached herewith is Departmental Receipt No. 15566 in the amount of \$20.00 for the above referenced claim in the name of The Cottonwoods, Inc.

Sincerely,

KAY WALKER
Secretary

cc: The Cottonwoods, Inc.
P. O. Box 8
Pocatello, ID 83201

MICROFILMED

S T A T E O F 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
E a s t e r n R e g i o n

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

FEBRUARY 7, 1980

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 3, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

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:

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 .

C. STEPHEN ALLRED

Director

Published 2/14 & 2/21/80.

MICROFILMED

THE COTTONWOODS, INC.

BOX 8, 808 N. 8TH AVE., POCA TELLO, ID 83201

Source: UNNAMED SPRING tributary to RAPID CK.

Priority Date: 10/01/1929

Amount: 0.20 CFS

Diversion Point: SMSW Sec 11 T 07S R 36E, BANNOCK Co.

Use: DOMESTIC (0.20 CFS) from 01/01 to 12/31

Place of Use: SMSW Sec 11 T 07S R 36E

Diversion Means: CATCH DIVERSIONS AND PIPE.

BISTLINE & BISTLINE
ATTORNEYS AND COUNSELLORS AT LAW
808 North 8th Avenue
POCATELLO, IDAHO 83201

FRANCIS M. BISTLINE (1896-1969)

Telephone (208) 232-0791

BEVERLY B. BISTLINE

P.O. Box 8

1 February 1980

Re: The Cottonwoods, Inc.
Pocatello, Idaho
Water right

Idaho Department of Water Resources
1515 Lincoln Rd.
Idaho Falls, ID 83401

Attn: John Carlson:

Dear Mr. Carlson:

Reference is to your letter dated 10/19/79 concerning the above-referred to matter.

Enclosed is Claim to a Water Right form duly executed by the president and secretary of The Cottonwoods, Inc., along with Affidavit of Grace Bistline and certified copy of Application for Permit, #17178, dated 10/1/79. Check for \$20.00 filing fee is also enclosed.

We shall appreciate your processing this claim. If you are in need of further information, kindly advise.

Sincerely,

Beverly B. Bistline
Beverly B. Bistline

BBB:ips
Enclosures

UNRECORDED