

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 O. Thayne Thompson
(Name of Claimant)

Downey Id 83234 Telephone No. 897-5798
(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) 19 MAY, 1876

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)
YAGO CK tributary to MARSH CK

(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>2.90 cfs</u>	Use <u>Irr</u>	Period of Use From <u>MAR 15</u>	To <u>NOV 15</u>
Quantity	<u>4.00</u>	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.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 4 Twp. 11S Rge. 37E 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.
2' x 3' private Ditch also with 12" diameter pipe
Across Portneuf MARSH Valley Canal.

(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	
11S	37E	4							8		40	8	4	30	5	30	20		145

No. of acres 145

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

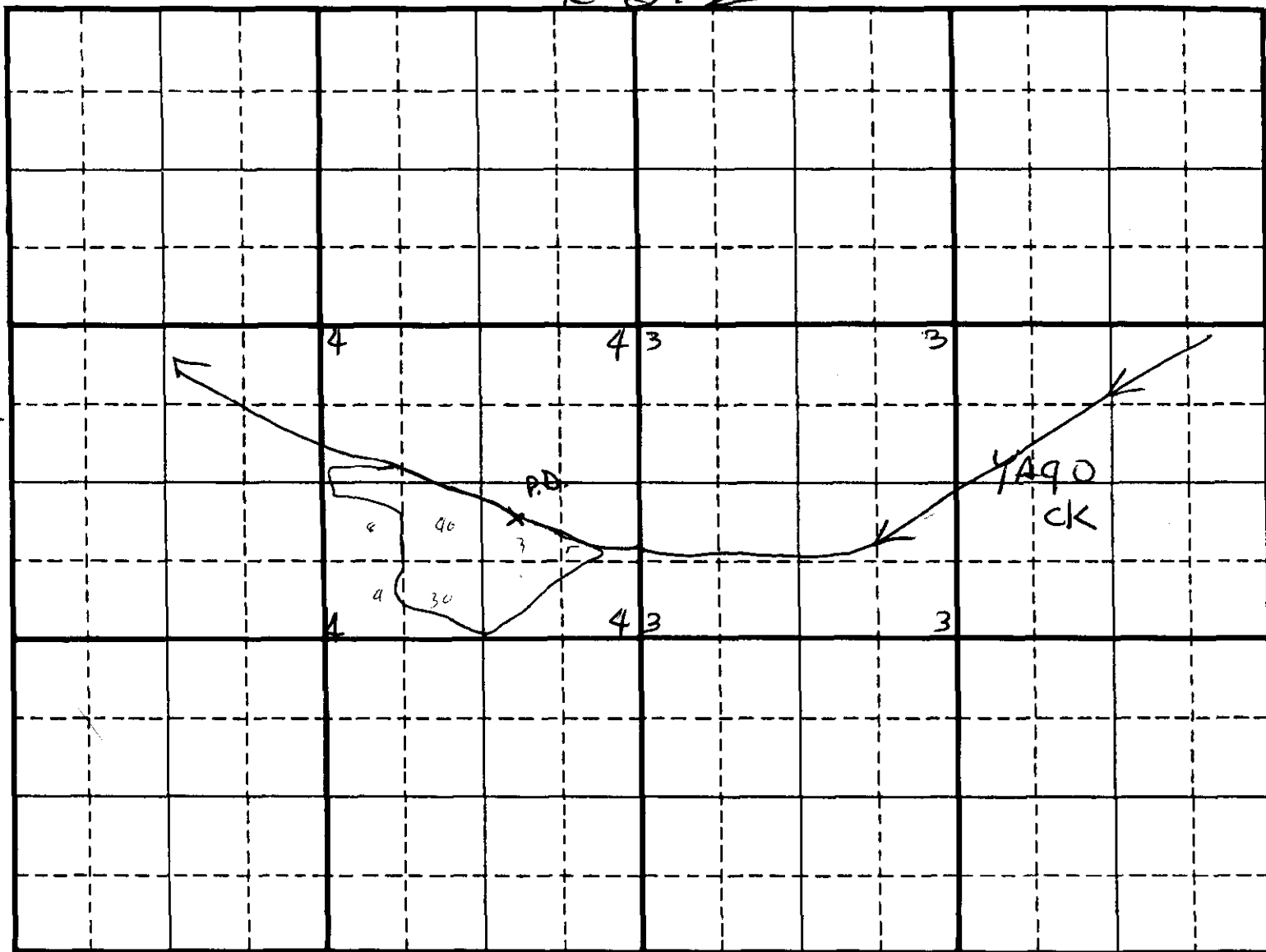
NOTE: Include here the type and number of stock watered:

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

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(8) Remarks _____

R 37 ~~E~~



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 Bonner) 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 24th day of October, 1979.

O. Wayne Thompson
(Claimant)
William Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6-15-81

FOR DEPARTMENT USE ONLY

Received by <u>OW</u>	Date <u>10-24-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>BR</u>	Date <u>10-24-79</u>		claimant by:	
\$20.00 fee received by <u>OW</u>	Date <u>10-24-79</u>			
Published in <u>Idaho St. Journal</u>	<u>#13775</u>			
Dates <u>Nov. 1 & 8-1979</u>				

H. Wayne Thompson

AGREEMENT

This Agreement the 23rd day of November, 1928 Between Edwin Tilletson of Virginia County of Bannock State of Idaho, The party of the first part, and Orville Thompson of Virginia County of Bannock State of Idaho, The party of the second part, Witnesseth: That the said party of the ~~second~~ ^{first} part in consideration of the covenants on the part of the said party of the second part hereinafter contained, Hereby covenants with the said party of the second part that the said party of the first part will accept the following terms in the usage of the waters of the Yego Creek which is appropriated to the W. A. Tilletson homestead, in the year 1876, and is recorded in Book / Re 168 of water locations Bannock County records. 9-16-1899

Party of the first part to use all of such water until April 15 each and every year. Party of the second part to use all of such water for a term of seven and one half days. (7½) Then party of the first part to have a term until May 1st. Party of the second part to have all of such water until May tenth. Party of the first part to have one 24hour day out of every ten days thereafter until October 1. Then the water of such creek to be divided equally for the remainder of the season.

In witness whereof the said parties have hereunto set their hands the day and year above written.

Signed *Edwin Tilletson*
Orville Thompson

Executed in presence of *[Signature]*

RECORDED

NOV 13 1979

STATE OF IDAHO
County of Bannock

ss.

Depot of the State of Idaho
Eastern District Office

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:

29-4142
WILDING, ROBERT
DOWNEY, ID 83234
Source: YAGO CREEK tributary to MARSH CREEK
Priority Date: 05/19/1876
Amount: 2.06 CFS
Diversion Point: NENE Sec 02 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (2.06 CFS) from 03/15 to 11/15
Place of Use: NWSW SWSW Sec 14 T 11S R 37E NENE NWNE Sec 22 T 11S R 37E FOR 103 ACRES
Diversion Means: CEMENT DIVERSION INTO PRIVATE DITCH
29-4143

BRIM, WILLIS L.
DOWNEY, ID 83234
Source: YAGO CREEK tributary to MARSH CREEK
Priority Date: 05/19/1876
Amount: 0.28 CFS
Diversion Point: NENE Sec 02 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (0.28 CFS) from 03/15 to 11/15
Place of Use: SWSE Sec 15 T 11S R 37E NWNE Sec 22 T 11S R 37E FOR 14 ACRES
Diversion Means: CEMENT DIVERSION INTO PRIVATE DITCH
29-4144

THOMPSON, O. THAYNE
DOWNEY, ID 83234
Source: YAGO CREEK tributary to MARSH CREEK
Priority Date: 05/19/1876
Amount: 4.00 CFS
Diversion Point: NWSE Sec 04 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (4.00 CFS) from 03/15 to 11/15
Place of Use: SWNW NESW NWSW SWSW SESW NESE NWSE SWSE Sec 04 T 11S R 37E FOR 145 ACRES
Diversion Means: PRIVATE DITCH, PIPELINE
29-4145

THOMPSON, O. THAYNE
DOWNEY, ID 83234
Source: YAGO CREEK tributary to MARSH CREEK
Priority Date: 05/19/1876
Amount: 4.05 CFS
Diversion Point: NENE Sec 02 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (4.00 CFS) from 03/15 to 11/15
STOCKWATER (0.05 CFS) from 05/01 to 11/01
Place of Use: NENE SENE Sec 10 T 11S R 37E NWNW SWNW Sec 11 T 11S R 37E FOR 160 ACRES
Diversion Means: CEMENT DIVERSION INTO PRIVATE DITCH
29-4146

OLSON, DON H.
DOWNEY, ID 83234
Source: YAGO CREEK tributary to MARSH CREEK
Priority Date: 05/19/1876
Amount: 2.02 CFS
Diversion Point: NESE NWSW Sec 03 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (2.00 CFS) from 03/15 to 11/15
STOCKWATER (0.02 CFS) from 05/01 to 11/01
Place of Use: NESW NWSW SWSW SESW Sec 03 T 11S R 37E FOR 50 ACRES
Diversion Means: PRIVATE DITCHES
29-4147

BLOXHAM, VERN C.
414 NORTH MAIN, DOWNEY, ID

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:

November 1, 1979, 19____
November 8, 1979, 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 9th day of November, 1979

[Signature] [Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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MERRILL & MERRILL
CHARTERED
COUNSELORS AND ATTORNEYS AT LAW
SPAULDING BUILDING
POCATELLO, IDAHO 83201

A. L. MERRILL (1886-1961)
R. D. MERRILL (1893-1972)
W. F. MERRILL
E. J. BERRETT
G. T. DANCE
D. R. GALLAFENT
S. S. DUNN

P. O. BOX 991
TELEPHONE
208-232-2286

November 28, 1979

Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Attached hereto please find original and one copy of an Affidavit filed by Mr. Don Olson directed to claim 29-4144 - O. Thayne Thompson. We understand that these will be filed with you and that you will forward a copy to Mr. Thompson.

Sincerely yours,

MERRILL & MERRILL, CHARTERED

By


W. F. Merrill

WFM:em

Enclosure

RECEIVED

NOV 29 1979

Department of Water Resources
Eastern District Office

MICROFILMED

December 18, 1979

RE: Claim to a Water Right No. 29-4144

Mr. O. Thayne Thompson
Downey,
Idaho 83234

Dear Mr. Thompson:

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 Region Supervisor

RDC:kw

Enclosure

ML

December 18, 1979

RE: Claim to a Water Right No. 29-4144 THOMPSON

Mr. W. F. Merrill
Attorney at Law
P.O. Box 991
Pocatello, Idaho 83201

Dear Mr. Merrill:

We have received the exception dated November 28, 1979, 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 sections, 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:kw

cc: IDWR - State Office

NOTED
DEC 19 1979

IN THE MATTER OF:

RECEIVED

AFFIDAVIT

Claim No. 29-4144,

O. Thayne Thompson
State of Idaho

County of _____

NOV 29 1979

Department of Water Resources
Eastern District Office

Bannock

being first duly sworn,

deposes and says: Don H. Olson

That he makes this affidavit pursuant to I.C. § 42-244, and ~~files this affidavit setting forth his disagreement that a right has been established~~ as set forth in the claim of O. Thayne Thompson, # 29-4144 as advertized in the Idaho State Journal, Pocatello, Idaho on November 1 and 8, 1979. Said claim sets out the amount of 4.00 cfs of water right from Yago Creek, a tributary to Marsh Creek. However, said cfs is founded upon that certain right of A. W. Tilletson, appropriated on the 19th day of May, 1876 and recorded at page 270 of records of Bingham County, Idaho on January 16, 1889, which claimed 200 inches -- being one-half of the water of Yago Creek. This claim was thereupon divided one-half (or 100 inches or 2 cfs) to predecessors of O. Thayne Thompson and one-half (or 100 inches or 2 cfs) to predecessors of Don H. Olson. Thereupon, by Agreement November 23, 1928 the use of said water was set up on a rotation basis, to the end that when the predecessor of Thayne O. Thompson used the water it was the entire one half of Yago Creek, or 200 inches (4 cfs) and when predecessors of Don H. Olson used the water it was the entire one half of Yago Creek or 200 inches (4 cfs). That the above can be the only basis for a claim of 4 cfs by O. Thayne Thompson.

That in said claim #29-4144, Thayne O. Thompson recites the means of diversion as private ditch, pipeline. That as of this date no pipeline exists, and it would require granting of an easement by Don H. Olson across the lands of Don H. Olson. That if said pipeline were utilized the result would be to dry up Yago Creek during the time of use of Mr. Thompson, thereby cutting off the stock water right of Don H. Olson, and destroying the benefit of rotation rights (see Agreement attached) since the transmission loss and need to re-wet

(over)

Don H. Olson
(signature)

Subscribed and sworn to before me this 28 day of Nov 19 79.

Michael J. Henney
(notary)

Residing at Pocatello, Idaho
My commission expires 12/24/80

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the ditch would essentially cut off the water for the one day out of 10 now available.

Attached are copies of the original filing and agreement referred to above.

Water location }
A. W. Hillotson }

To all whom this may concern I hereby and by these presents appropriate one half of the water of Yager Creek and all tributaries, a tributary of Marsh Creek in Bingham County Idaho Territory amounting to about 200 inches, said water so appropriated have been by me used heretofore ever since the 19th day of May 1876 on that certain tract of land lying and being about one half mile west of the Utah Northern Rail Road track where said R.R. crosses Yager Creek and running thence to within about 200 yards of Edward Tillotson's land. Said water hereby appropriated is to be used on the tract of land above described for agricultural irrigation and other useful purposes. said land being situated in Bingham County Idaho Territory.

Signed A. W. Hillotson

Recorded at the request
of A. W. Hillotson, Jan. 16 1889
at 9 o'clock A. M.

Geo. A. Robethan, Recorder
By Jos. B. Miller, Deputy.

Transcribed from Book A. of
Water locations Page 270 Records
of Bingham County Idaho.

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Transcribed from Book A. of
Water locations Page 270 Records
of Bingham County Idaho

AGREEMENT

This Agreement the 23rd day of November, 1928 Between Edwin Tilletson of Virginia County of Bannock State of Idaho, The party of the first part, and Orville Thompson of Virginia County of Bannock State of Idaho, The party of the second part, Witnesseth: That the said party of the ^{first} ~~second~~ part in consideration of the covenants on the part of the said party of the second part hereinafter contained, Hereby covenants with the said party of the second part that the said party of the first part will accept the following terms in the usage of the waters of the Yego Creek which is appropriated to the W. A. Tilletson homestead, in the year 1873, and is recorded in Book *Jan. 16, 1889 - 9:00 a.m.* 1-Page of water locations Bannock County records.

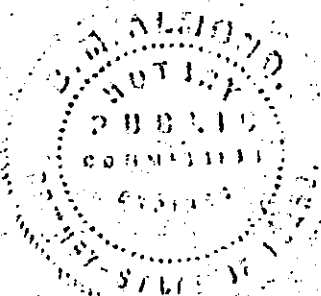
Party of the first part to use all of such water until April 15 each and every year. Party of the second part to use all of such water for a term of seven and one half days. (7½) Then party of the first part to have a term until May 1st. Party of the second part to have all of such water until May tenth. Party of the first part to have one 24 hour day out of every ten days thereafter until October 1. Then the water of such creek to be divided equally for the remainder of the season.

In witness whereof the said parties have hereunto set their hands the day and year above written.

Signed *Edwin Tilletson*

Edwin B. Tilletson *Orville Thompson*

Executed in presence of *[Signature]*



RECORDED

173768

RECORDED

CLERK OF COURT & RECORDER
BANNOCK COUNTY, IDAHO

OCT 20 1934 9:20 AM

(over)

in Book 9

Misc page 179

Records of Bannock County
State of Idaho

Grace K. Hall

Recorder.

Clara K. Mitchell

Deputy.

Fee 40¢

At Request of

W. E. Tilton

Downey Rt. # 1

Box 36

(over)

At Request of
W. E. Tilton

Fee 40¢

Deputy.

Recorder.

Records of Bannock County
State of Idaho

of Agreement page 183

in Book 10

Over
Recorded



S 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

NOVEMBER 19, 1979

O. THAYNE THOMPSON
DOWNEY

ID 83234

RE: Claim No. 29-4144

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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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

OCTOBER 25, 1979

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 NOVEMBER 19, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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29-4144

THOMPSON, O. THAYNE

DOWNEY, ID 83234

Source: YAGD CREEK tributary to MARSH CREEK

Priority Date: 05/19/1876

Amount: 4.00 CFS

Diversion Point: NWSE Sec 04 T 11S R 37E, BANNOCK Co.

Use: IRRIGATION (4.00 CFS) from 03/15 to 11/15

Place of Use: SWNW NESW NWSW SWSW SESW NESE NWSE SWSE Sec 04 T 11S R 37E
FOR 145 ACRES

Diversion Means: PRIVATE DITCH, PIPELINE

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, Boise, Idaho 83709.

C. STEPHEN ALLRED

Director

Published 11/01 & 11/08/79.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

RP

Right Number

29 4144

Applicant

THOMPSON

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

11/19/79

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Jmi

Date

11/26/79

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