

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 John William Hart &/or Jennie Hart
(Name of Claimant)
Rt. #2, Downey Idaho 83234 Telephone No. 897-5743
(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) October 29, 1912

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 Peck 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>0.5</u>	Use	<u>Irrigation</u>	Period of Use From <u>April 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	<u>0.5</u>	Use		Period of Use From	To

(4) 0.5 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 6 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. Earth fill dam and open ditch

(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>37E</u>	<u>6</u>			<u>7</u>											<u>10</u>			<u>17</u>

No. of acres 17

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

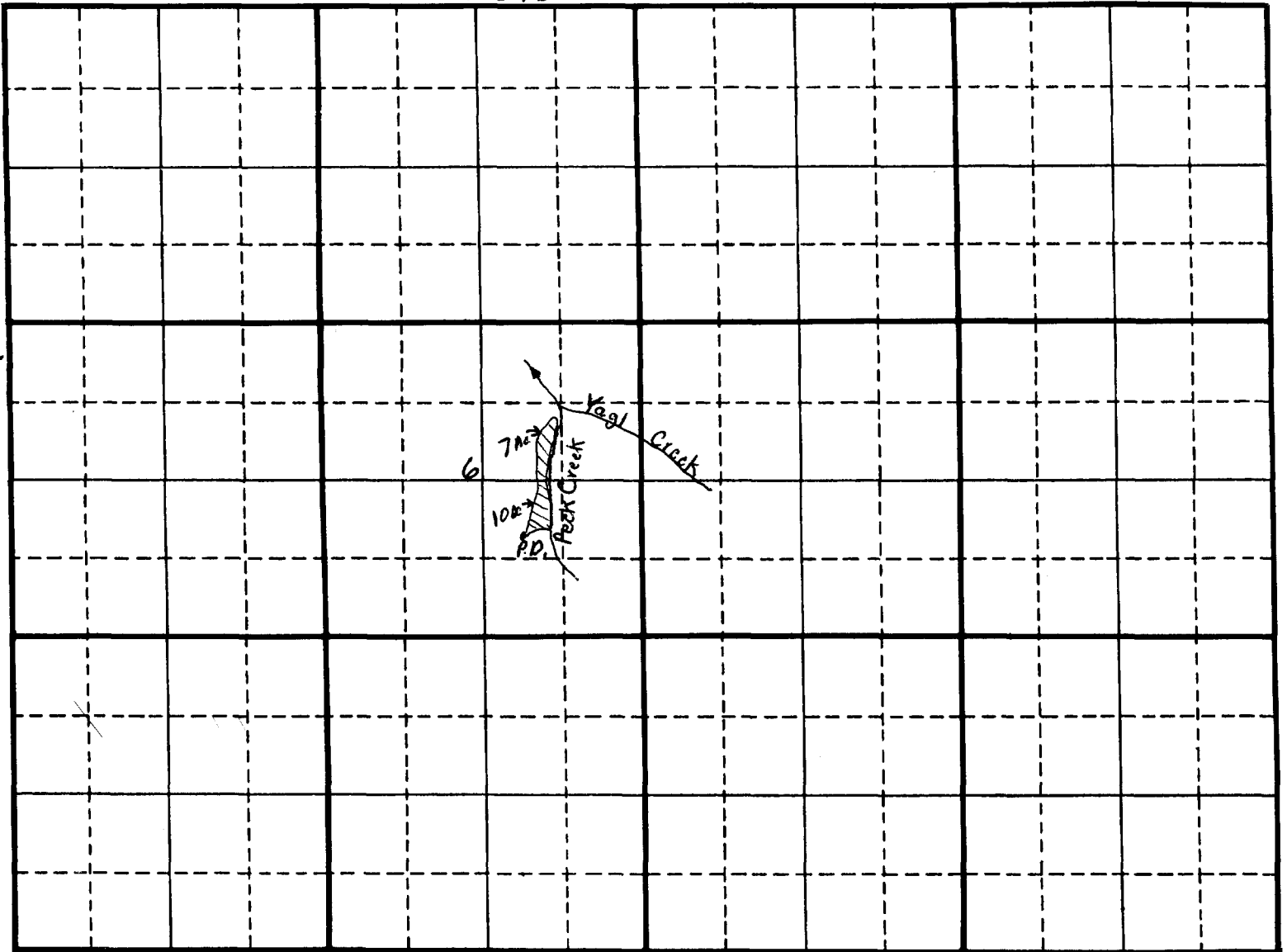
NOTE: Include here the type and number of stock watered: _____

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

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(8) Remarks _____

R 37E



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 17th day of August

John W Hart
(Claimant)
19 79
William Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>8-17-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>jc</u>	Date <u>4/15/80</u>	# <u>13934</u>	claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>8-17-79</u>	# <u>13666</u>		
Published in <u>Idaho State Journal</u>				
Dates <u>August 30 & Sept 6, 1979</u>				

29-2154
Jimm
Hend.
Permit No. 8869

Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that Thomas W. Bennett
of Virginia, County of Bannock, and State of
Idaho, the holder of Permit No. 8869, issued upon Application
No. 13337 bearing date of priority of October 22, 1912, authorizing the diversion of
four-fifths of one second foot of the waters of an unnamed spring

County of Bannock, State of Idaho, for irrigation and domestic
purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the
proof of completion of the works of diversion set out and described in said Permit; that said works are
adequate for diverting and conveying to the place of intended use one-half of one
second-foot of the waters of an unnamed spring;

that the point of diversion of said waters is at a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section
6 T. 11 S. R. 37 E. B. M.

and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6. Tp. 11 S. R. 37 E. B. M. containing 40 acres.

Witness my hand this 8th day of December, A. D. 1913.

[Signature]
State Engineer of the State of Idaho

RECORDED

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF CLAIMS OF 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:

29-4109
HART, JOHN WILLIAM &/or JENNIE
ROUTE 2, DOWNEY, ID 83234
Source: PECK CREEK tributary to MARSH CREEK
Priority Date: 06/30/1970
Amount: 0.80 CFS
Diversion Point: NENW Sec 06 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (0.80 CFS) from 04/01 to 11/01
Place of Use: NENW NWNW Sec 06 T 11S R 37E SWSW Sec 31 T 10S R 37E FOR 40 ACRES
Diversion Means: DITCH

29-4110
HART, JOHN WILLIAM &/or JENNIE
ROUTE 2, DOWNEY, ID 83234
Source: UNNAMED SPRINGS tributary to PECK CREEK
Priority Date: 07/30/1968
Amount: 0.94 CFS
Diversion Point: NENW Sec 06 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (0.90 CFS) from 04/01 to 11/01
DOMESTIC (0.04 CFS) from 01/01 to 12/31
Place of Use: NENW Sec 06 T 11S R 37E FOR 26 ACRES
Diversion Means: PUMP & DITCH

29-4111
HART, JOHN WILLIAM &/or JENNIE
ROUTE 2, DOWNEY, ID 83234
Source: UNNAMED SPRING tributary to PECK CREEK
Priority Date: 06/01/1930
Amount: 2.80 CFS
Diversion Point: NWSE Sec 06 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (2.80 CFS) from 04/01 to 11/01
Place of Use: NWNE NENW SWNW SENW NESW NWSW Sec 06 T 11S R 37E SWSW SESW Sec 31 T 10S R 37E FOR 134 ACRES
Diversion Means: DAM & DITCH

29-4112
HART, JOHN WILLIAM &/or JENNIE
ROUTE 2, DOWNEY, ID 83234
Source: UNNAMED SPRING tributary to PECK CREEK
Priority Date: 10/29/1912
Amount: 0.50 CFS
Diversion Point: NWSE Sec 06 T 11S R 37E, BANNOCK Co.
Use: IRRIGATION (0.50 CFS) from 04/01 to 11/01
Place of Use: SWNE NWSE Sec 06 T 11S R 37E FOR 17 ACRES
Diversion Means: DAM & DITCH

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 Alfred
Director
August 30, 1979
September 6, 1979
No. 754

Jeri Larsen

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:

August 30, 1979, 19.....
September 6, 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.

Jeri Larsen
Subscribed and sworn to before me this 6th day of September, 19 79

[Signature]
Notary Public, State of Idaho
Residence: Pocatello, Idaho

80-A

RECEIVED

SEP 7 1979

Department of Water Resources
Idaho District Office

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 15, 1980

RE: Claims to Water Rights Nos. 29-4109, 29-4110, 29-4111 & 29-4112

John William &/or Jennie Hart
Rt. #2
Downey, ID 83234

Dear Mr. and Mrs. Hart:

The Department has received the cashier's check for \$80.00 in payment of those claims filed 8/17/79 and is returning your personal check. With receipt of the above money we were able to complete processing of your claims, copies of which are also enclosed along with a standard letter discussing the claims filed.

Attached is Departmental Receipt No. 13934 in the amount of \$80.00 for your cashier's check.

Respectfully submitted,

Ernest Carlsen.

ERNEST CARLSEN
Sr. Resource Analyst

EC:kw
Enclosures

161



JOHN W. HART
JENNIE HART
ROUTE 1 897-5743
DOWNEY, IDAHO 83234

Pay to the order of Dept. of Water Resources \$80.⁰⁰
Eighty & no/100 Dollars

DOWNEY STATE BANK
DOWNEY, IDAHO 83234

For filing Water Claims
⑆124101584⑆ 30 245 85⑈

J W Hart
⑈0000008000⑈

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PROFILE CHECK

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

SEPTEMBER 17, 1979

JOHN WILLIAM HART
JENNIE HART
ROUTE 2
DOWNEY

ID 83234

RE: Claim No. 29-4112

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

MAILED
SEP 17 1979
FBI - IDAHO FALLS



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

December 7, 1979

RE: Filing fee for Claim Nos. 29-4109/29-4110/
29-4111/29-4112

John W. &/or Jennie Hart
Route #2
Downey, ID 83234

Dear Mr. and Mrs. Hart:

On September 6, 1979 the Department sent you a letter advising that your check for \$80.00 had been returned to us marked "insufficient funds", and it would be necessary to submit either cash or a money order in lieu of the check. This letter is to remind you that processing of the claims to water rights that you filed will be delayed until we are in receipt of this money.

Realizing the holidays are upon us and it may be difficult to obtain the required amount we would appreciate being advised of a date when we could expect to receive the filing fee.

Should you have any questions concerning this matter, please feel free to contact our eastern regional office.

Respectfully submitted,

ERNEST CARLSEN
Sr. Water Resource Analyst

EC:kw

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DEC 11 1979
EASTERN REGION



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

September 6, 1979

John William Hart
Jennie Hart
Route #2
Downey, Idaho 83234

Dear Mr. and Mrs. Hart:

Your personal check No. 161 in the amount of \$80.00 was returned to us marked "insufficient funds." Please submit either cash or a money order to us as soon as possible in lieu of this check. Processing of the claims to water rights you filed will be delayed until we are in receipt of this money.

Should you have any questions concerning this matter, please feel free to contact our eastern regional office.

Very truly,

DONNA HENRIQUES
Secretary

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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

AUGUST 24, 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 SEPTEMBER 17, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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22-4112

HART, JOHN WILLIAM &/or JENNIE

ROUTE 2, DOWNEY, ID 83234

Source: UNNAMED SPRING tributary to PECK CREEK

Priority Date: 10/29/1912

Amount: 0.50 CFS

Diversion Point: NWSE Sec 06 T 11S R 37E, BANNOCK Co.

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

Place of Use: SWNE NWSE Sec 06 T 11S R 37E FOR 17 ACRES

Diversion Means: DAM & DITCH

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 8/30 & 9/6.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ARK

Right Number 29 4112

Applicant John William Hart
&/or Jennie Hart

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 7/15/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jm Date 4/17/81

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