

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) June 30, 1970

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)
Peck Creek tributary to Marsh 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	0.80	Use	Irrigation	Period of Use From April 1	To Nov. 1
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) 0.80 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE ¼ NW 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. 7½ pump 6" main 3800' long and ½ mile 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	
11S	37E	6					18	2											
10S	37E	31											20						

No. of acres 40

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

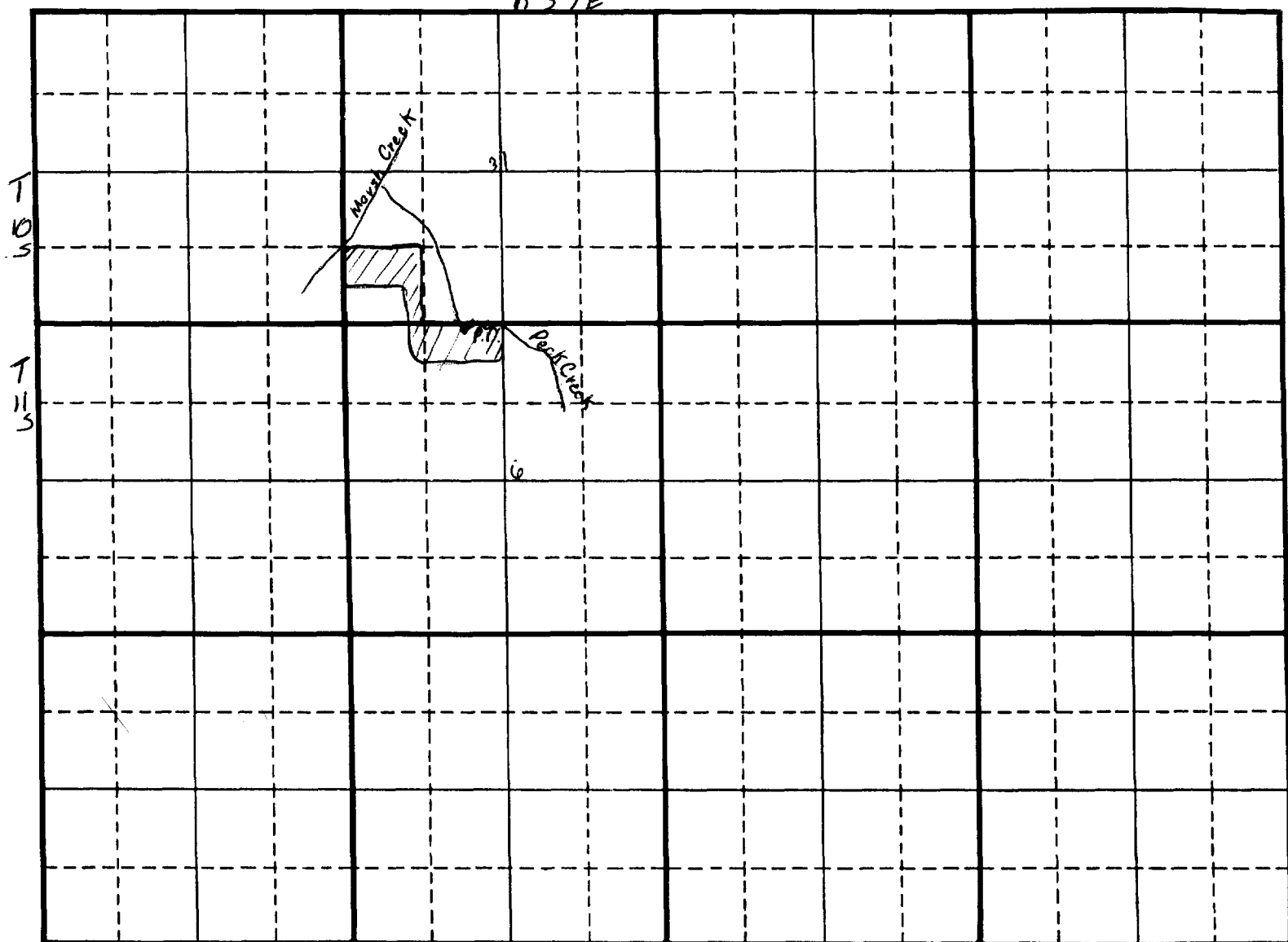
NOTE: Include here the type and number of stock watered:

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

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(8) Remarks _____

B 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 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 A. Gray
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>gc</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>				

BEFORE THE LOCAL GROUND-WATER BOARD FOR BANNOCK COUNTY

STATE OF IDAHO

RECEIVED

AUG 15 1979

Department of Water Resources
Eastern District Office

HERMAN REISNER, THELMA REISNER,
JOHN HART, FRED HART, KEITH BENNETT,
ALICE DENNY, AND JULIA BLANCHARD

Claimants

v.

REID STEWART

Respondent

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

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This matter came on regularly for hearing on January 29, 1969, before the Local Ground-Water Board for Bannock County, consisting of Mr. Jack A. Barnett, Deputy State Reclamation Engineer, Chairman; Mr. Marshall K. Corbett, a geologist appointed by the Judge of the District Court; and Mr. Boyd Gunter, a resident irrigation farmer of Bannock County, who was selected by the other two Board members.

Claimants were represented by their attorneys, Merrill K. Gee and Howard L. Armstrong. Respondent was represented by attorney R. D. Merrill. The hearing was held in the afternoon of January 29 and the morning of January 30. It was intended to continue with the hearing in the afternoon of January 30. However, during the noon recess, attorney R. D. Merrill was unexpectedly taken seriously ill. The remainder of the hearing was continued until March 28, 1969. Upon reconvening the hearing, the Board was informed that at this and future hearings, the respondent, Reid S. Stewart, would be represented by himself and his engineer, Frank W. Haws.

At the conclusion of the hearing on March 23, 1969, a request was made by claimants' counsel that the names Alice Denny and Julia Blanchard be added to the names of the claimants in this case. With the stipulation that the claimants' case would stand with the data and facts already submitted and additional testimony would not be required to represent the additional claimants' position, and hearing no objections, the two names were added to the list of claimants.

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Following the hearing, the Board found that the claimants and respondents had failed to provide the Board with enough facts and data to decide the case. With this in mind and following the urging of both parties, the Board requested by letter of April 4, 1969, that the Idaho Department of Reclamation conduct an investigation to determine the ground-water hydrology of the area and the use made of the spring waters and ground waters by the claimants and respondents. A subsequent hearing was held on December 16, 1969, for the Board to hear the results of the requested investigation.

Having heard and reviewed all the evidence presented to the Board and having consulted all of the County, State and Federal Government records that the Board felt necessary, as agreed to by the parties, and having reviewed the transcript of a previous court action on the matter which has been designated Civil No. 23583, as agreed to by the parties, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

A. WATER RIGHTS

The Ground-Water Board finds that there are three types of rights to water from the spring referred to in the hearing as the Reisner Spring. The first type (I) is surface flood irrigation rights; the second type (II) is domestic rights; and the third type (III) is pumped sprinkler irrigation rights. The Board also finds ground-water rights (IV) to pump from two wells.

I. Surface Flood Irrigation Rights

The Board finds that all of the surface flood irrigation using spring water was initiated in about 1930. The diversion of water is from the spring area that was referred to as the Reisner Springs at the Board's hearings, and is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E. The water is diverted from the natural spring stream channel in the above-described area near the spring issuance. The Board finds that all right holders to this type of right have an equal priority dating 1930. The Board also finds that individuals holding this type of right are entitled to as much as an inch to the acre for irrigation and additional waters for conveyance loss in the long canal used to deliver the water. Testimony was given that as much as another inch to the acre is required to deliver the water to the end of the two-mile-long canal. With this in mind, the Board finds that the individuals are

entitled to conveyance water in proportion to the distance down the canal from the springs that their diversion occurs. That is to say that an individual diverting one-half mile down the canal would be entitled to one-fourth inch per acre of additional conveyance water. The Board then finds that the rights to divert out of the Reisner Spring by gravity means with a 1930 priority are listed as follows in order of their diversion:

- a. T. Levere Juchao, c/o Keith Bennett, 7.1 acres of irrigation in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; 7.1 inches irrigation water plus 1.4 inches conveyance water make a total diversion at the spring of 8.5 inches (.16 c.f.s.).
- b. Etna E. Gilbert (not a party of the Ground-Water Board), 10.2 acres of irrigation in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; 10.2 inches irrigation water plus 3.0 inches of conveyance water make a total diversion at the spring of 13.2 inches (.26 c.f.s.).
- c. Herman Reisner, 20.4 acres of irrigation in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; 20.4 inches irrigation water plus 14.2 inches of conveyance water make a total diversion at the spring of 34.6 inches (.69 c.f.s.).
- d. H. Vance Polk, c/o Richard Butmester (not a party of the Ground-Water Board), 5.3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T. 10 S., R. 37 E.; 5.3 inches irrigation water plus 4.2 inches of conveyance water, making a total of 9.5 inches (.19 c.f.s.).
- e. Herman Reisner, 12.8 acres of irrigation in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T. 10 S., R. 37 E.; 12.8 inches irrigation water plus 12.8 inches of conveyance water, making a total of 25.6 inches (.51 c.f.s.).

Total surface flood irrigation rights: 1.81 c.f.s.

II. Domestic Rights

The Board finds that Thelma Reisner Ramey (widow of Wilford Reisner) is entitled to a total of .06 c.f.s. (25 gallons per minute) to be pumped from the head of the spring with a 1932 priority, to be used for a home

located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E. Said water is also to be used for incidental yard irrigation, including up to one-fourth acre of garden.

Total domestic rights: .06 c.f.s.

III. Sprinkler Irrigation

The Board finds that individuals have been using waters from the springs for pumping and sprinkler irrigation since 1953 and such rights have a priority as of that year. The Board finds that the pump diversion, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, is sufficiently close to the spring area that conveyance waters are not required, and the Board determines that irrigation practices require no more than .8 inches of water per acre. With this in mind, the Board finds the following rights:

- a. Herman Reisner, 35.7 acres of irrigation in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; total diversion of 28.6 inches (.47 c.f.s.).
- b. Herman Reisner, 15.6 acres of irrigation in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; total diversion of 12.5 inches (.25 c.f.s.).
- c. Thelma Reisner Ramey, 15.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; total diversion of 12.3 inches (.25 c.f.s.).
- d. Thelma Reisner Ramey, 20.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 11 S., R. 37 E.; total diversion of 16.0 inches (.30 c.f.s.).

Total pumped diversion: 1.27 c.f.s.

The Board therefore finds that there is a total right of 3.14 c.f.s. from the Reisner Springs.

IV. Ground-Water Rights

- a. The Board finds that the claimants Julia Blanchard and Alice Denny are entitled to the licensed right issued in the name of Edward Denny by virtue of their ownership of Lots 3 and 4 in Section 7, T. 11 S., R. 37 E. This licensed right has been designated by the number 23873 (29-2330) in the records of the Idaho Department of Reclamation. It has a priority of

February 27, 1953, to divert 1.2 c.f.s. from a well located in Lot 3 of said Section 7. The right is to irrigate up to 90 acres of ground in Lots 3 and 4 of the Section ($W\frac{1}{2}SW\frac{1}{4}$).

- b. The Ground-Water Board finds that Reid Stewart has a licensed right, which has been given the number 25728 (29-2366), to divert water from a well located in the $SE\frac{1}{4}NW\frac{1}{4}$ of Section 7, T. 11 S., R. 37 E., (referred to as Stewart Well #1). This right was originally in the name of Mark Dunford Weston and Lois L. Weston. Mr. Stewart has a right to use these waters by virtue of his ownership of the lands upon which the well is located and the lands that are irrigated from it. This licensed right has a priority of May 26, 1955, to irrigate 120 acres from the well. The lands to be irrigated are in the $E\frac{1}{2}NW\frac{1}{4}$ and $SE\frac{1}{4}NW\frac{1}{4}$ of said Section 7.
- c. The Board finds that Application No. 30723 (29-2466), filed with the Idaho Department of Reclamation to pump water from the well before-mentioned (Stewart Well #1) in Section 7, is in the name of Reid Stewart; that, in fact, a water right has been established to irrigate up to as much as 200 acres in the $NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and $E\frac{1}{2}SW\frac{1}{4}$ of Section 18, T. 11 S., R. 37 E. This established right is to divert up to as much as an additional 4.0 c.f.s. from this well. The license for this right has not been issued, pending the decision of the Ground-Water Board. The Board finds that this license, when issued, should be limited to the actual amount diverted and used prior to the time that the proof of beneficial use of the waters was submitted and the lands irrigated should likewise be limited. The priority date of this second right on the well, referred to in the Ground-Water Board hearing as the Reid Stewart Well #1, should be September 14, 1962.
- 20

B. GROUND-WATER HYDROLOGY

The Board finds that the ground water in the area of the Reisner Spring, the Alice Denny Well and the Stewart Well is of a common source. Hydrologic data, dye tests, and the testimony by scientists studying the occurrence and movement of the water has led the Board to conclude that this is a common source. The water is flowing from the southeast to the northwest, and the aquifers encountered in the Stewart Well and the Alice Denny Well, and other wells in the general area, are the same aquifers that carry the water that issues at the Reisner Springs. The Reisner Spring area represents a natural overflow to the ground-water system and the amount of discharge from the springs is very sensitive to small water-level changes in the aquifer.

The Ground-Water Board finds from evidence and testimony that the flow of the Reisner Springs has decreased over the years. The Ground-Water Board determines that the decrease in flow has been brought about by at least three factors:

I. The flow of the springs varies to a certain extent seasonally and from season to season, as precipitation varies. Precipitation is one of the sources of recharge to the aquifer and therefore to the springs.

II. The spring flow has decreased because of reduction in surface-water irrigations in the area, starting back at least as early as 1941 and continuing to the present. Most of the surface water irrigation on the bench lands above the spring level has been with waters imported into the area from the Portneuf River by the Portneuf-Marsh Valley Canal. Some of the water from this source percolated down to the aquifer and recharged the aquifer, hence adding to the flow of the spring. Stopping of this irrigation practice has thereby decreased the flow of the spring. Both the claimants and the respondents, as well as others in the area, have stopped their use of these surface waters over the years.

III. The Ground-Water Board finds that the pumping of the Stewart Well and several other wells in the immediate region has taken water from the aquifer and thereby reduced the discharge of the spring. The Board further finds, however, that there was not sufficient evidence introduced by the claimants in the case, nor was there sufficient evidence presented at a later date by the Idaho Department of Reclamation, for the Board to determine whether the effect of the Stewart Well alone was appreciable and could be measured.

The Ground-Water Board finds that the testimony given demonstrates that the pumping of the Stewart Well has, to some undetermined extent, lowered the water in the Alice Denny Well and thereby reduced the production of the well owned by claimants Alice Denny and Julia Blanchard. Both of these wells are diverting water from the same aquifer system. The Board further finds, however, that the construction of the well referred to as the Alice Denny Well is such that only the top few feet of water in this aquifer are available to the pump. Lowering of the water levels in the aquifer only a portion of a foot can affect this well, and minimum drawdown caused by pumping of the Alice Denny Well itself is significant to the production of the well.

CONCLUSIONS OF LAW

The Ground-Water Board finds that, in the case of the alleged interference of the Stewart Well with the Reisner Spring, the burden of proof of the interference must rest with the accusing party. The Ground-Water Board finds that, with the data submitted to it by the parties and the additional data supplied by the Idaho Department of Reclamation, it is not able to determine whether or not the damages alleged by the claimants are significant and real; therefore, the Board is not able to award any relief to the claimants. Because of this, the Board finds that the claimants have failed to make the showing to the Board that is required of them as accusing parties, if they are to prevail in the matter.

The Board also finds that the development of the well by the claimants Alice Denny and Julia Blanchard does not represent a reasonable effort to develop the ground-water resources of the aquifer. With respect to the claim of the well owners, the Board wishes to cite a portion of Section 42-226 of the Idaho Code:

"...and, while the doctrine of 'first in time is first in right' is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources, but early appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be established by the state reclamation engineer as herein provided."

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board enters herein its order as follows:

1. That the respondent Reid Stewart be allowed to continue to pump his well within the rights set forth in the Findings of Fact, without regard to interference with the Reisner Springs until such time as the right holders in the spring have conclusively demonstrated the extent of the alleged interference with their rights specified in these findings before a court of law or a Local Ground-Water Board, and/or until the claimants Julia Blanchard and Alice Denny have proceeded with reasonable diligence and effort to develop the ground-water resources under their property and demonstrated this before a court of law or a Local Ground-Water Board.

Amend
2. That the respondent Reid Stewart immediately proceed with the installation of a measuring device on his system that will allow the Idaho Department of Reclamation within the next 60 days to measure the total discharge of his well and observe the irrigation from this well. The water rights established under Water License No. 25728 and Application No. 30723 should be limited to the amount of water actually being produced, and that he should not be allowed to irrigate lands in addition to those described in his licensed right or in addition to land actually irrigated prior to the submission of proof under the pending license. The measuring device is to be accessible for inspection by the Idaho Department of Reclamation at any reasonable time.

3. That within 90 days the claimants, Herman Reisner, Thelma Reisner Ramey, John Hart, Fred Hart, and Keith Bennett, proceed to install a measuring device on the springs that is of a standard type to be approved by the Department of Reclamation, and which can measure the amount of water issuing from the springs. Said measuring device is to be accessible for inspection by the Idaho Department of Reclamation at any reasonable time.

4. That Alice Denny and Julia Blanchard be allowed to continue to pump their well in a manner that they see fit, within the rights set forth here, but should not be allowed to produce water from a deepened or improved well until such time as a measuring device approved by the Idaho Department of Reclamation is installed so that the actual production of their improved well can be monitored.

Dated this 1st day of July, 1970.

LOCAL GROUND-WATER BOARD FOR BANNOCK COUNTY

Jack A. Barnett
Jack A. Barnett

Marshall K. Corbett
Marshall K. Corbett

Boyd Gunter
Boyd Gunter

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

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 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.

Subscribed and sworn to before me this 6th

day of September, 1979

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

SEP 7 1979

Department of Water Resources
Eastern District Office

MICROFILMED

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

Jerri 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.

Jerri Larsen
Subscribed and sworn to before me this 6th day of September, 1979

Notary Public, State of Idaho
Residence: Pocatello, Idaho

SEP 7 1979
Idaho Department of Water Resources
District Office



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

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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 filings Water Claims

⑆124101584⑆ 30 245 85⑈

J W Hart
⑈0000008000⑈

PROFILE CHECK

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

SEPTEMBER 17, 1979

JOHN WILLIAM HART
JENNIE HART
ROUTE 2
DOWNEY

ID 83234

RE: Claim No. 29-4109

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

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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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 billings to this office before SEPTEMBER 17, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

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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

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 & 9/6/79.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: RP

Right Number 29 4109 Applicant 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 4/15/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jm Date 4/17/80

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