

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that J. Royal Cole
(name of claimant)
of Arimo, Idaho
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Peck Creek
_____, tributary to, Marsh Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|-------------|-----|-------------------|----------------|------|---------------|----|---------------|
| Amount | <u>3.06</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
- (cfs, gpm, etc.) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 3.06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) November 6, 1901

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NW 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. Dam in stream channel

- (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.

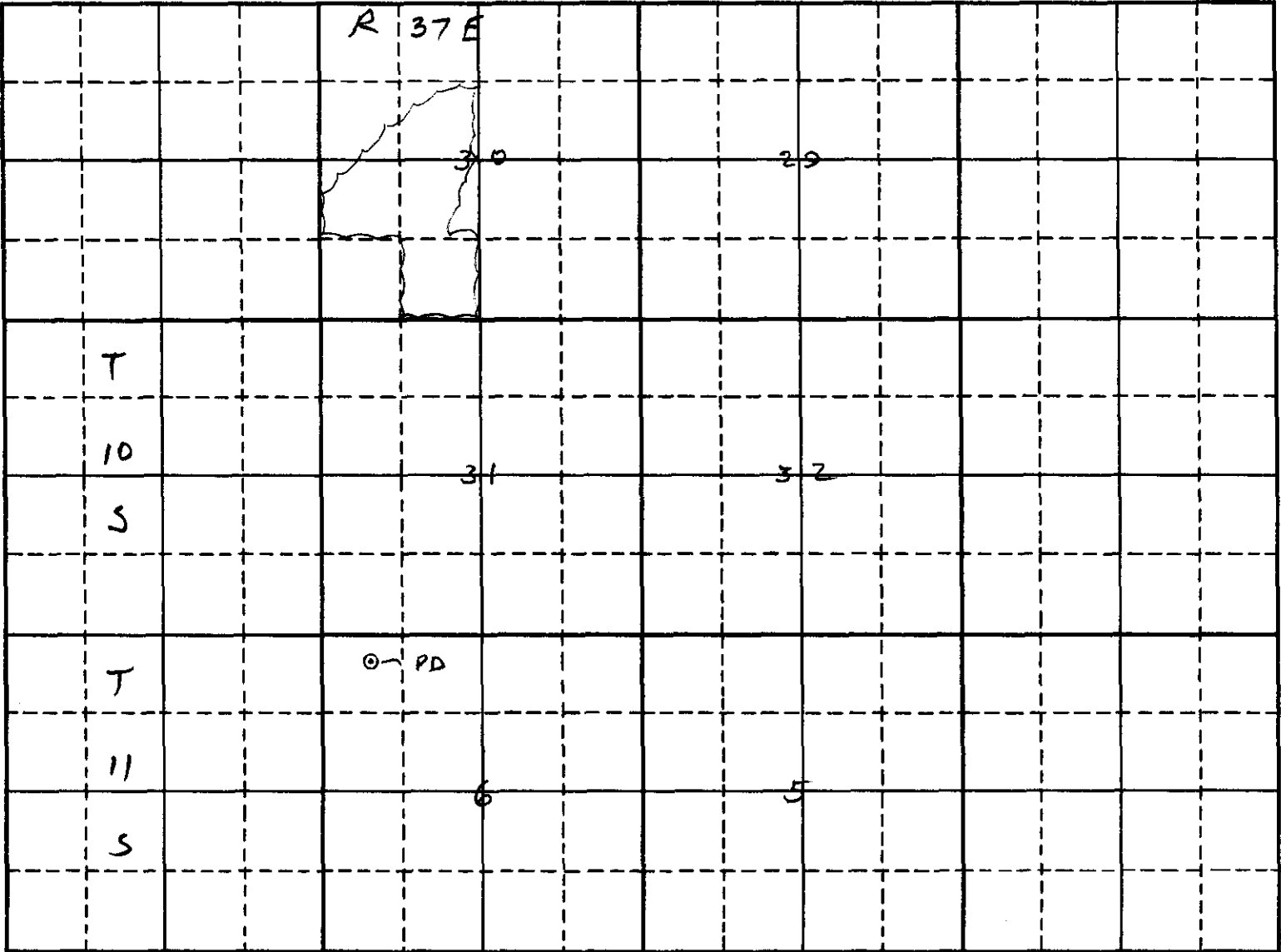
[illegible]

Total No. of acres 153

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

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

(8) Remarks _____



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)
) ss.
County of BONNEVILLE)

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 affiants knowledge.

Sworn to before me this 18th day of JUNE 1975.

J. Royall (Claimant)
Ronald D. Carlson Notary Public
Residing at FIRTH, IDAHO

My commission expires 2/19/78

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to	Date
<u>MB</u>	<u>6-18-75</u>			
Prelim. check by <u>RDC</u>	Date <u>6/18/75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>6-18-75</u>			
Approved for publication by <u>CU 709-75 #4294</u>				
Published in <u>Idaho State Journal</u>				
Dates <u>June 26 & July 3, 1975</u>				

RECEIVED

JUN 28 1975

Department of Water Resources
AFFIDAVIT Eastern District Office

538572

IN THE MATTER OF:

Water Rights

State of Idaho

County of Bannock

We, the undersigned

being first duly sworn,

deposes and says: ~~that we have certain knowledge that water~~ from Peck Creek
tributary to Marsh Creek and water from Marsh Creek tributary of Portneuf river
has been used for irrigation of 152 acres homesteaded by Robert Edwin Cole
and now owned by Royal and Ruth Cole. This property is located in section
30, T 10 S, R 37E. Bannock County. This water has been used on said property
each year from April 1 to November 1 since Robert E. Cole Homesteaded said
property in 1901. (This instrument to void prior instrement No. 526097
recorded in the records of Bannock County 7-30-74, Book 270.

Robert W Henderson

Louise Egan

Alex Peans

R. E. Cole

Al Morrison

(signature)

Subscribed and sworn to before me this 22 day of June 19 75.

NOTARY SEAL

Harvey H Cole
(notary public)

Residing at Bannock Co.

My commission expires 4/4/79

538572

NO. RECORDED AT REQUEST

J. Royal Cole

JUN 23 8 14 AM '75

278
BANNOCK COUNTY, IDAHO
TIM ECKELMAN, REC'D
FEE 1.00 DEPUTY MS

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

RECEIVED

JUL 9 1975

Department of Water Resources
Eastern District Office

Katherine Wanner

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:

June 26	19 75	19
July 3	19 75	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.

Katherine Wanner

Subscribed and sworn to before me this 3rd
day of July, 1975.

Debra L. Leadford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
JULY 1977

MICROFILMED

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

RECEIVED

JUL 9 1975

Department of Water Resources
Eastern District Office

**MB NOTICE OF CLAIM
A WATER RIGHT
NO. 29-4050**

Notice is hereby given that J. Royal Cole, Arimo, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.06 cubic feet per second of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 11S, R. 37E, B.M., Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 153 acres with a priority of November 6, 1901 the place of use is within the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 10S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director
June 26, July 3, 1975
No. 348

Catherine Warner

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:

June 26, 1975, 19
July 3, 1975, 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.

Catherine Warner

Subscribed and sworn to before me this 3rd day of July, 1975.

Robert L. Leonard

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Katherine Wanner

RECEIVED

JUL 9 1975

Department of Water Resources
Eastern District Office

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.....	19	 19

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publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this..... 3rd

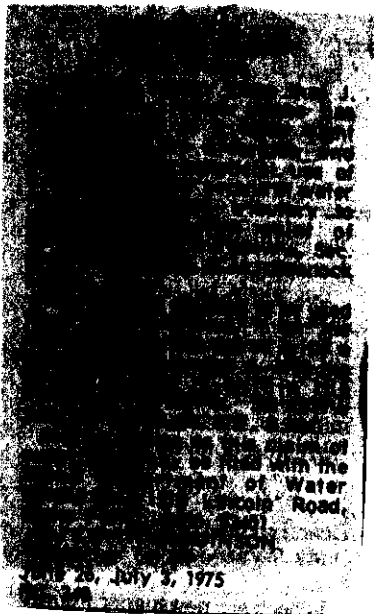
day of..... July, 1975.

Dale L. Lafford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977



PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Katherine Warner



JUN 26 1975

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM A WATER RIGHT NO. 29-4050

Notice is hereby given that J. Royal Cole, Arimo, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 3.06 cubic feet per second of water from Peck Creek tributary to Marsh Creek with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 11S, R. 37E, B.M., Bannock County.

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R. KEITH HIGGINSON
Director

June 26, July 3, 1975
No. 348

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	, 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.

Katherine Warner

Subscribed and sworn to before me this _____ day

of _____, 1975.

Della L. Sanford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Notary Public
No. 107

JDF
File

July 15, 1975

RE: Claim to a Water Right No. 29-4049 & 29-4050 J. ROYAL COLE

Mr. John W. Hart
Downey
Idaho 83234

Dear Mr. Hart:

On July 14, 1975, we returned your original protest against the granting of permits to Royal Cole. As I indicated, Mr. Cole has not applied for permits and, therefore, protests are not appropriate.

If you have any further questions, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

MICROFILMED

July 13, 1975

RECEIVED

JUL 15 1975

Department of Water
Eastern District

R. Keith Higgenson, Director
Idaho Department of Water Resources
145 Lincoln Road
Idaho Falls, Idaho 83401

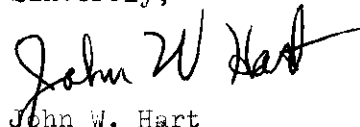
Dear Sir:

I sent a letter of protest against the issuance of a water permit to Royal Cole, Arimo Idaho Numbers 347 and 348. In that letter I did not give my reasons for my protest. I now give my reason for objecting as follows:

1. I feel that this water permit may be detrimental to my prior water rights.
2. I feel that Mr. Cloe's information is not correct in the following regard:
 - A. Date of prior right
 - B. Amount of land being irrigated
 - C. Amount of water claimed.

Thank you very much for your attention of this matter.

Sincerely,



John W. Hart
Downey, Idaho

MICROFILMED

July 14, 1975

RE: Claim to a Water Right No. 29-4049 & 29-4050 J. ROYAL COLE

Mr. John William Hart
Downey
Idaho 83234

Dear Mr. Hart:

Please find enclosed the protest which you submitted on July 10, 1975, against the issuance of permits on Peck and Marsh Creeks to Royal Cole. Mr. Cole has not applied to this Department for permits to appropriate water, but rather has filed claims to water rights to preserve evidence of rights he feels have been established on these creeks.

If you have evidence that the claims he has filed are in error, you may file exceptions to these claims. Any exceptions to these claims must be filed in affidavit form and signed in the presence of a notary public. Your exception would then become part of the official file. However, the Department does not take any action on either claims or exceptions, but merely keeps them in our files until such time as they may be required in a future court action. You may file an exception to a claim to a water right at any time. Thus, a 10 day protest period which is applicable to new appropriations does not apply.

If you have any questions in this matter, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

Enclosure

C
O
P
Y

RECORDED

July 10, 1975

RECEIVED

JUL 14 1975

Department of Water Resources
Eastern District Office

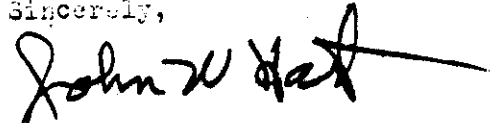
R. Keith Higginson, Director
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls 83401

Dear Sir,

I would like to protest the issuance of a permit to Royal Cole to use 1/72 cubic feet of water from Marsh Creek tributary to Fortneuf River, No. 347.

I would also like to protest the issuance of a permit to Royal Cole to use 3.06 cubic feet of water from Beck Creek, No. 348.

Sincerely,


John William Hart

MICROFILMED

July 14, 1975

RE: Claim to a Water Right No. 29-4049 and 29-4050

Mr. J. Royal Cole
Arimo
Idaho 83214

Dear Mr. Cole:

The Department of Water Resources has completed the processing of your claims to water rights and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claims do not, in themselves, guarantee you water rights; they only record and preserve the information and the evidence which you included in your claims.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have **included** in your claim file, you may have that information or evidence added at any time. Please refer to your claim numbers ~~when~~ corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enc: Copies of claims

June 20, 1975

RE: Claim to a Water Right No. 29-4049 - COLE
" " " No. 29-4050 - COLE

Idaho State Journal
Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Enc: Legal Notice (2)

Bill submitted 7-9-75 by MB

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4050

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has filed a claim to a water right established by diversion and application
to beneficial use of 3.06 cubic feet per second ~~acre feet per annum~~
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Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the
irrigation of 153 acres
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R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho
on June 26 and July 3, 1975



*aw-p
aw-A*