

Identification No. _____
Claim No. 29-4014
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Farrell and/or Hattie Rowell
post office address Lava Hot Springs
2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 5 Township 10 S
Range 38 E B.M. located on unnamed stream
(name of source)
tributary to _____ in Bannock County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
April 1937 amount: 0.1 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use stock water period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of composed of pipe from
spring to stock watering tank; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated_____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch _____ . The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____ up to 50 head of beef _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of Idaho

County of Ada } 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 affiants knowledge.

Sworn to before me this 20 day of Sept., 1971.

X Jamell Russell
Claimant

Donald W. Elton
Notary Public

Residing at Boise Idaho

My commission expires 2-18-1974

For Department Use Only

Received by [Signature] Date 9-20-71

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by De Date Sept 20 # 8285

Fee received by V.A. Date 9-20-71 Fee \$ 10.00

Approved for publication by NY

Published in Idaho State Journal Dates 10-7, 10-14-71

29 4014

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Ruth Brown

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:

October 7, 1971

19

October 11, 1971

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.

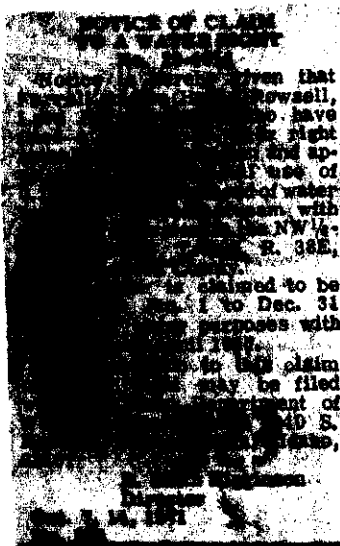
Ruth Brown

Subscribed and sworn to before me this 11th

day of October, 1971

Beverly W. Mortensen

Notary Public, State of Idaho
Residence: Pocatello, Idaho



PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

NOTICE OF CLAIM
TO A WATER RIGHT
No. 29-4014

Notice is hereby given that Farrell and-or Hattie Rowsell, Lava Hot Springs, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.1 cubic feet per second of water from an unnamed stream with point of diversion in the NW 1/4, NW 1/4, Sec. 5, T. 10S, R. 38E, B.M., Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock water purposes with a priority of April 1937.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 S. Holmes, Idaho Falls, Idaho, 83401

R. Keith Higginson
Director

Oct. 7, 14, 1971
No. 586

Auth. Brown

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.

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19....., 19.....
19....., 19.....
19....., 19.....

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Auth. Brown

Subscribed and sworn to before me this 14th day of October, 1971.

Dorothy M. Mortensen

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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STATE OF IDAHO
County of Bannock

ss.

Ruth Brown

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October 7, 1971, 1971
October 14, 1971, 1971
_____, 1971, 1971
_____, 1971, 1971
_____, 1971, 1971

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Ruth Brown

Subscribed and sworn to before me this 14th day of October, 1971.

Beverly M. Mortensen

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

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TO A WATER RIGHT
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Rich Brown

Subscribed and sworn to before me this 11th

day of October, 1971

Richard W. Mortensen

Notary Public, State of Idaho

Residence: Pocatello, Idaho

October 26, 1971

Re: Claim to a Water Right No. 29-4014

Farrell and/or Hattie Rowsell
Lava Hot Springs,
Idaho 83246

Dear Mr. & Mrs. Rowsell:

The Department of Water Administration has completed the processing of your claim to a water right and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim 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 claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB
Enclosure: Copy of Claim

29 4014

September 27, 1971

Re: Claim No. 29-4014 - Farrell &/or Hattie Rowse11

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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

Bill submitted to Boise Office 10-30-71 by CR

Norman C. Young
District Engineer

NCY:BJ
Enc: Legal notice

29 4014

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TO A WATER RIGHT
No. 29-4014

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The water is claimed to be used from Jan. 1 to Dec. 31 with a priority of April 1937.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. Keith Higginson
Director

Oct. 7, 14, 1971
No. 586

*For stockwater
purposes.*

Called 10-4-71;

*Correction already
made. "O.K."*

232-4161

NOTICE OF CLAIM TO A WATER RIGHT

No. 29-4014

Notice is hereby given that Farrell and/or Hattie Rowsell, Lava Hot
Springs, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.1 cubic feet per second ~~XXXXXX~~
of water from an unnamed stream
with point of diversion in the NW 1/4, Sec. 5, T. 10 S. R. 38 E. B.M.,
Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31
for stockwater purposes
with a priority of April 1937;
~~the place of use is within the~~

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal
on Oct. 7 and Oct. 14, 1971.