

Note:

The second point of diversion described in this claim (that for Quinn Creek) is platted in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T 8 S, R 36 E in order to comply with the location of Quinn Creek on the topographic map. Quinn Creek does not flow through Section 36.

Dick Link

11-24-96

Note:

The second point of diversion described in this claim (that for Quinn Creek) is platted in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T 8 S, R 36 E in order to comply with the location of Quinn Creek on the topographic map. Quinn Creek does not flow through Section 36.

Dick Link

11-24-96

Identification No. _____
Claim No. 29-4010
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 Mary S. Hough, Adm. estates of Nels & Sarah S. Larsen
post office address 362 North Main, Pocatello, Idaho 83201
2. The point of diversion is in N 1/2 of NW $\frac{1}{4}$ Section 36 Township 8 South
Range 36 E. B.M. located on unnamed spring & Quinn Creek
(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:

<u>1925</u>	inches
_____	amount: <u>10</u> ~~xxxxxxxxxxxxxx~~ feet
_____	amount: _____ c.f.s. or _____ acre feet
_____	amount: _____ c.f.s. or _____ acre feet
Total claimed <u>.20</u> 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:
purposes - stock and yard use - year round.
use household 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 _____
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known water piped from spring under pressure system. Pressure system installed in 1952.
 - b. Underground water diverting works: is well flowing or pumped spring; 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 _____

29-4010

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. 1st approximately 45 years ago.

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built none, if so, give dates and describe _____

[illegible]

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? Yes If yes, give the name of the ditch Quinn Creek. The other users and their respective interests in the ditch are (if known) Herman Larsen (exact interest is unknown)

6. Where water is used for stock watering, give number of each kind of stock watered any number

7. Where water is used for domestic or municipal purposes give number of families served one
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 in addition/claiming high water from Quinn Creek to spring water for irrigation purposes.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation Claim is primarily made for culinary water which has, since 1952, been piped to the house by a pressure system. Prior to 1952, and beginning in about 1925, this spring water was appropriated, but not piped.

State of Idaho }
County of Bannock } 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 31st day of July, 1970.

W. Harry S. Vaughn
Claimant

Ray H. LeRegnier
Notary Public

Residing at Pocatello

My commission expires June 9, 1971

For Department Use Only

Received by <u>KH</u>	Date <u>8-3-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>De</u>	Date <u>8-3-70</u>	<u>Herman D. Larsen</u>	<u>dr</u>	<u>9-9-70</u>
Fee received by <u>ej</u>	Date <u>8-5-70</u> Fee <u>\$10⁰⁰</u>			
Approved for publication by <u>D</u>				
Published in <u>Idaho State Journal</u>	Dates <u>8-20&8-27-70</u>			

29-4010

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:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
	Total claimed:		1.2 c.f.s. or	_____	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.

RECEIVED

SEP 1 1970

IN THE IDAHO DEPARTMENT OF WATER ADMINISTRATION ~~Department of Water Administration~~

IN THE MATTER OF THE CLAIM :
OF MARY S. HOUGH, AS : EXCEPTION TO CLAIM OF WATER RIGHT
ADMINISTRATOR OF THE ESTATES :
OF NELS AND SARAH S. LARSEN : NO. 29-4910
:

TO: The above named Mary S. Hough, administrator of the
Estate of Nels and Sarah S. Larsen:

NOTICE IS HEREBY GIVEN That Herman D. Larsen
takes exception to the above claim to the water right by
reason of the said water being prior appropriated to bene-
ficial use and appurtenant to certain real property owned
by him, located in Bannock County, State of Idaho, described
as follows:

The Southwest quarter, Section 25, township
8 South, Range 36, East Boise Meridian, ex-
cepting therefrom the following described
property, to-wit:

Beginning at the Southwest corner of Section
25, township 8 South, Range 36, East Boise
Meridian, thence East 174 feet, more or less,
thence North 934.8 feet, more or less, thence
West 174 feet, more or less, thence South
934.8 feet; more or less, to "Point of Begin-
ning," all lying and situated in Section 25,
township 8 South, Range 36 East Boise Meridian,
and containing 3.73 acres, more or less.

Together with all and singular the tenements,
hereditaments, and appurtenances thereunto
belonging or in anywise appertaining, includ-
ing water, water rights, ditches, and canals
used in connection with the above described
land or conveying the same to or upon the said
land.

That said waters were diverted and appropriated
to beneficial use, prior to 1925.

EXCEPTION TO CLAIM OF WATER RIGHT

29-4010

That the claimant and her predecessors have had a permissive right to use runoff water from the above described land for domestic purposes, only.

Dated and Signed this 29th day of August, 1970.

Herman D. Larsen
Herman D. Larsen

Subscribed and Sworn to before me this 29th day of August, 1970.

Richard B. Black
Notary Public

29-4010

PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO
County of Bannock

ss.

AUG 28 1970

Department of Water Administration
Sheila R. Burton

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 20	, 1970		, 19.....
August 27	, 1970		, 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.

Sheila R. Burton

Subscribed and sworn to before me this 27th
day of August, 1970.

Beverly W. Mortensen

Notary Public, State of Idaho
Residence: Pocatello, Idaho

29-4010

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

Charles H. Burton

being first duly sworn on oath deposes and says: That he
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:

NOTICE OF CLAIM
No. 29-4010
TO A WATER RIGHT

Notice is hereby given that
Mary S. Hough, Adm. estates of
Nels & Sarah S. Larsen, 362
North Main, Pocatello, Idaho has
filed a claim to a water right
established by diversion and ap-
plication to beneficial use of
0.20 cubic feet per second of
water from an unnamed spring
and Quinn Creek with point of
diversion in the N1/2NW1/4 Sec.
36, T. 8S, R. 36E, B.M., Ban-
nock County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic and stock water pur-
poses, with a priority of 1925;
the place of use is within the
N1/2NW1/4 Sec. 36, T. 8S, R.
36E, B.M.

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

R. KEITH HIGGINSON
Director

Aug. 20, 27, 1970
#502

August 20, 1970, 19____
August 27, 1970, 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.

Charles H. Burton

Subscribed and sworn to before me this 27th

day of August, 1970

Dorothy M. Hartman

Notary Public, State of Idaho

Residence: Pocatello, Idaho

29-4010

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Sheila R. Barton

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 20, 1970 _____, 19____
August 27, 1970 _____, 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.

Sheila R. Barton

Subscribed and sworn to before me this 27th
day of August, 1970

Dorothy W. Montanari

Notary Public, State of Idaho
Residence: Pocatello, Idaho

29-4010

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

Dorothy W. Mortimer

being first duly sworn on oath deposes and says: That _____
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:

NOTICE OF CLAIM
No. 29-4010
TO A WATER RIGHT

Notice is hereby given that
Mary S. Hough, Adm. estates of
Nels & Sarah S. Larsen, 362
North Main, Pocatello, Idaho has
filed a claim, to a water right
established by diversion and ap-
plication to beneficial use of
0.20 cubic feet per second of
water from an unnamed spring
and Quinn Creek with point of
diversion in the N1/2NW1/4 Sec.
36, T. 8S, R. 36E, B.M., Ban-
nock County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic and stock water pur-
poses, with a priority of 1925;
the place of use is within the
N1/2NW1/4 Sec. 36, T. 8S, R.
36E, B.M.

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

R. KEITH HIGGINSON
Director

Aug. 20, 27, 1970
#502

August 20, 1970, 19_____
August 27, 1970, 19_____
_____, 19_____, 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.

Dorothy W. Mortimer

Subscribed and sworn to before me this 27th
day of August, 1970

Dorothy W. Mortimer

Notary Public, State of Idaho
Residence: Pocatello, Idaho

29-4010

Note:

The second point of diversion described in this claim (that for Quinn Creek) is platted in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T 8 S, R 36 E in order to comply with the location of Quinn Creek on the topographic map. Quinn Creek does not flow through Section 36.

Dick Link

11-24-96

August 7, 1973

Re: Claim to a Water Right No. 29-4010

Mr. W. F. Merrill
Merrill & Merrill
P. O. Box 991
Pocatello, Idaho 83201

Dear Mr. Merrill:

We received your August 6th request concerning the status of Claim No. 29-4010.

The statutes, under which Claim No. 29-4010 was filed, do not provide for a determination by the Department, of the validity of the claim or the exception. Therefore, the claim, affidavits, and the exception have been made a part of our records and will be retained for use by the Court in a future adjudication.

Enclosed are copies of our September 9, 1970 letter, to Mr. Richard R. Black, who filed the exception and a copy of our latest letter to Mary S. Hough, the Claimant.

If you have further questions concerning this matter, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc
Enclosures

29 4010

A. L. MERRILL (1886-1961)
R. D. MERRILL
W. F. MERRILL
S. E. GARDNER
E. J. BERRETT

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

August 6th, 1973

RECEIVED
AUG 7 1973
Department of Water Administration
P.O. BOX 991
TELEPHONE
208-232-2286

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
State House- Annex 2
Boise, Idaho 83707

Re: Notice of Claim to Water Right No. 29-4010

Dear Mr. Higginson

We have before us a printed legal Notice of Claim given by Mary S. Hough, Administrator of the Estate of Nels and Sarah S. Larsen, together with an Exception to Claim of Water Right addressed to the same individual. Both the legal advertisement and the Exception purport to deal with the unnamed spring and Quinn Creek as set out in the Notice.

We also have a letter of transmittal indicating that the Exception to Claim was forwarded to the Department on August 31st, 1970. I am enclosing a copy of all of these documents for your consideration.

Would you be good enough to advise this office what determination was made relative to the Notice of Claim and to the Exception that was taken to it.

May we hear from you soon.

Sincerely yours,

MERRILL & MERRILL



By
W. F. Merrill

WFM/r
Encl.

29 4010

31 August 1970

R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse
Boise, Idaho

Dear Mr. Higginson:

Enclosed please find Exception to Claim of Water Right heretofore filed by Mary S. Hough, Administrator of the Estates of Nels and Sarah S. Larsen, a copy of which has been mailed to her at the address given in her Notice of Claim, 362 North Main Street, Pocatello, Idaho. Please file.

Very truly yours,

Richard R. Black

RRB:nh

cc: Mary S. Hough
Herman D. Larsen

29 4010

LEGAL ADVERTISEMENT

NOTICE OF CLAIM

No. 29-4010

TO A WATER RIGHT

Notice is hereby given that Mary S. Hough, Adm. estates of Nels & Sarah S. Larsen, 362 North Main, Pocatello, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.20 cubic feet per second of water from an unnamed spring and Quinn Creek with point of diversion in the N1/2NW1/4 Sec. 36, T. 8S, R. 36E, B.M., Sannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stock water purposes, with a priority of 1925; the place of use is within the N1/2NW1/4 Sec. 36, T. 8S, R. 36E, B.M.

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

R. KEITH HIGGINSON

Director

Aug. 20, 27, 1970

#502

29 4010

IN THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE CLAIM :
OF MARY S. HOUGH, AS : EXCEPTION TO CLAIM OF WATER RIGHT
ADMINISTRATOR OF THE ESTATES :
OF NELLS AND SARAH S. LARSEN : NO. 29-4910
:

TO: The above named Mary S. Hough, administrator of the
Estate of Nells and Sarah S. Larsen:

NOTICE IS HEREBY GIVEN That Herman D. Larsen
takes exception to the above claim to the water right by
reason of the said water being prior appropriated to bene-
ficial use and appurtenant to certain real property owned
by him, located in Bannock County, State of Idaho, described
as follows:

The Southwest quarter, Section 25, township
8 South, Range 36, East Boise Meridian, ex-
cepting therefrom the following described
property, to-wit:

Beginning at the Southwest corner of Section
25, township 8 South, Range 36, East Boise
Meridian, thence East 174 feet, more or less,
thence North 934.8 feet, more or less, thence
West 174 feet, more or less, thence South
934.8 feet; more or less, to "Point of Begin-
ning," all lying and situated in Section 25,
township 8 South, Range 36 East Boise Meridian,
and containing 3.73 acres, more or less.

Together with all and singular the tenements,
hereditaments, and appurtenances thereunto
belonging or in anywise appertaining, includ-
ing water, water rights, ditches, and canals
used in connection with the above described
land or conveying the same to or upon the said
land.

That said waters were diverted and appropriated
to beneficial use, prior to 1925.

29 4010

EXCEPTION TO CLAIM OF WATER RIGHT

That the claimant and her predecessors have had a
missive right to use runoff water from the above described
land for domestic purposes, only.

Dated and Signed this 28th day of August, 1970.

Herman D. Larsen

Subscribed and Sworn to before me this 28th day
of August, 1970.

Carl R. Blank
Notary Public

29-4010

RECEIVED

SEP 21 1970

LAW OFFICES
GEE AND HARGRAVES
746 EAST LANDER
P. O. BOX H
POCATELLO, IDAHO 83201

MERRILL K. GEE
GEORGE W. HARGRAVES

Department of Water Administration

AREA CODE 208
TELEPHONE 233-2044

September 18, 1970

Mr. Dorian Clay, Appropriation Examiner
Department of Water Administration
Statehouse, Annex 2
Boise, Idaho 83707

RE: Claim No. 29-4010

Dear Mr. Clay:

Please find enclosed four Affidavits in reference
to the above file.

Sincerely,

GEE & HARGRAVES

George W. Hargraves
George W. HARGRAVES

GWH: kw

Enc.

29-4010

RECEIVED

SEP 01 1970

A F F I D A V I T

STATE OF IDAHO)
)
County of Bannock) ss.

Department of Water Administration

MRS. A.H. WAGONER, Being first duly sworn, deposes and says:

That she is of full legal age, competent to testify and a resident of McCammon, Bannock County, Idaho.

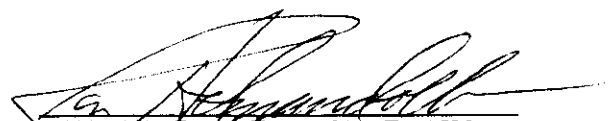
Affiant states that she is familiar with the Larsen ranch located in Section 36, Township 8 South, Range 36, E. B.M., and of her own knowledge knows that the owners and operators of this ranch have appropriated overflow or runoff water from Quinn Creek for use in irrigating parts of said ranch and that such appropriation has continued since atleast 1925 up to the present time.

Affiant also knows of her own knowledge that the owners and operators of the Larsen ranch have used a certain spring for culinary water and appropriated the waters of such spring for this use from atleast 1925 up to the present time.

Affiant further states that she was well acquainted with Nels and Sarah Larsen who owned the Larsen ranch during their lifetime and who lived on the same for a considerable number of years.


MRS. A.H. WAGONER

SUBSCRIBED AND SWORN TO Before me this 12 day of September, 1970.


NOTARY PUBLIC FOR IDAHO
Residing at Pocatello, Id.

(SEAL)

29-4010

A F F I D A V I T

STATE OF IDAHO)
) ss.
County of Bannock)

GLEN LARSEN, Being first duly sworn, deposes and says:

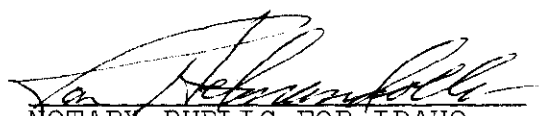
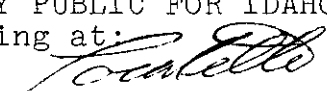
That he is of full legal age, competent to testify and a resident of McCammon, Bannock County, Idaho.

Affiant states that he is familiar with the Larsen ranch, being a son of the former owners thereof, to-wit: Nels and Sarah Larsen, said ranch being located in Section 36, Township 8 South, Range 36, E.B.M., and of his own knowledge knows that the owners and operators of this ranch have appropriated overflow or runoff water from Quinn Creek for use in irrigating parts of said ranch and that such appropriation has continued since at least 1925 up to the present time.

Affiant also knows of his own knowledge that the owners and operators of the Larsen ranch have used a certain spring for culinary water and appropriated the waters of such spring for this use from at least 1925 up to the present time.


GLEN LARSEN

SUBSCRIBED AND SWORN TO Before me this 17 day of September, 1970.


NOTARY PUBLIC FOR IDAHO
Residing at: 

(SEAL)

29-4010

RECEIVED

SEP 21 1970

A F F I D A V I T

Department of Water Resources

STATE OF IDAHO)
)
County of Bannock) ss.

RAYMOND A. LARSEN, Being first duly sworn, deposes and says:

That he is of full legal age, competent to testify and a resident of Inkom, Bannock County, Idaho.

Affiant states that he is familiar with the Larsen ranch located in Section 36, Township 8 South, Range 36 E.B.M., and of his own knowledge knows that the owners and operators of this ranch have appropriated overflow or runoff water from Quinn Creek for use in irrigating parts of said ranch and that such appropriation has continued since atleast 1925 up to the present time.

Affiant also knows of his own knowledge that the owners and operators of the Larsen ranch have used a certain spring for culinary water and appropriated the waters of such spring for this use from atleast 1925 up to the present time.

Affiant further states that he was well acquainted with Nels and Sarah Larsen who owned the Larsen ranch during their lifetime and who lived on the same for a considerable number of years.

Raymond A. Larsen

SUBSCRIBED AND SWORN TO Before me this 17th day of September, 1970.

Joseph L. Schmidt
NOTARY PUBLIC FOR IDAHO
Residing at: *Inkom, Idaho*
Comm. exp. 7/28/71

(SEAL)

29-4010

A F F I D A V I T

STATE OF IDAHO)
)
County of Bannock) ss.

WENDELL LARSEN, Being first duly sworn, deposes and says:

That he is of full legal age, competent to testify and
a resident of Pocatello, Bannock County, Idaho.

Affiant states that he is familiar with the Larsen
ranch, being a son of the former owners thereof, to-wit:
Nels and Sarah Larsen, said ranch being located in Section
36, Township 8 South, Range 36, E.B.M., and of his own know-
ledge knows that the owners and operators of this ranch have
appropriated overflow or runoff water from Quinn Creek for
use in irrigating parts of said ranch and that such appropria-
tion has continued since atleast 1925 up to the present time.

Affiant also knows of his own knowledge that the owners
and operators of the Larsen ranch have used a certain spring
for culinary water and appropriated the waters of such spring
for this use from atleast 1925 up to the present time.

Wendell B. Larsen
WENDELL LARSEN

SUBSCRIBED AND SWORN TO Before me this 17 day of September,
1970.

Delos A. Hale
NOTARY PUBLIC FOR IDAHO
Residing at:

(SEAL)

Comm expires 20 Feb 1973

29-4010

September 10, 1970

Re: Claim to a Water Right No. 29 4010

Ms. Mary S. Hough, Adm.
Estates of Nels & Sarah S. Larsen
362 North Main
Pocatello, Idaho 83201

Dear Ms. Hough:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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:dr
Enclosures: Copy of claim
Receipt No. 5011

29-4010

September 9, 1970

Re: Claim to a Water Right No. 29-4010
Estates of Nels & Sarah S. Larsen

Mary S. Hough
362 North Main
Pocatello, Idaho 83201

Dear Mrs. Hough:

Enclosed please find a copy of the exception filed by Richard R. Black in behalf of Herman D. Larsen in connection with the above referenced claim. The following is a quote from the provisions under which the claim has been filed (Section 42-225b, Idaho Code):

"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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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 final censorship or conformation of the described rights.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Copy of exception

29-4010

September 9, 1970

Re: Claim to a Water Right No. 29-4010 - Mary S. Hough, Adm.
Estates of Nels and Sarah S. Larsen

Mr. Richard R. Black
P.O. Box 470
Pocatello, Idaho 83201

Dear Mr. Black:

We are in receipt of the exception filed in behalf of Herman D. Larsen in connection with the above referenced claim. The following is a quote from the provisions under which this claim has been filed (Section 42-225b, Idaho Code):

"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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. 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 we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

29-4010

RECEIVED

SEP 1 1970

RICHARD R. BLACK
ATTORNEY-AT-LAW
619 NORTH ARTHUR
P. O. BOX 470
POCATELLO, IDAHO 83201
PHONE 232-8044
31 August 1970

Department of Water Administration

R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse
Boise, Idaho

Dear Mr. Higginson:

Enclosed please find Exception to Claim of Water Right heretofore filed by Mary S. Hough, Administrator of the Estates of Nels and Sarah S. Larsen, a copy of which has been mailed to her at the address given in her Notice of Claim, 362 North Main Street, Pocatello, Idaho. Please file.

Very truly yours,



Richard R. Black

RRB:nh

cc: Mary S. Hough
Herman D. Larsen

29-4010

August 31, 1970

Re: Claim No. 29-4010

GEE AND HARGRAVES

746 E. Lander

P.O. Box "H"

Pocatello, Idaho 83201

ATTENTION: George W. Hargraves

Dear Mr. Hargraves:

Please be advised that the form that Mary S. Hough submitted to this department on August 3, 1970 is our claim to a water right form, which we take no action on.

The filing of this claim does not confirm a water right, but serves for informa-

tional purposes only. This claim form is used to record an early priority of which may not have been recorded by the application, permit, and license procedure.

If we can be of any further assistance in this matter, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

29-4010

RECEIVED

AUG 24 1970

LAW OFFICES
GEE AND HARGRAVES
746 EAST LANDER
P. O. BOX H
POCATELLO, IDAHO 83201

MERRILL K. GEE
GEORGE W. HARGRAVES

Department of Water Administration
ALEX. LEONARD
TELEPHONE 233-2044

August 19, 1970

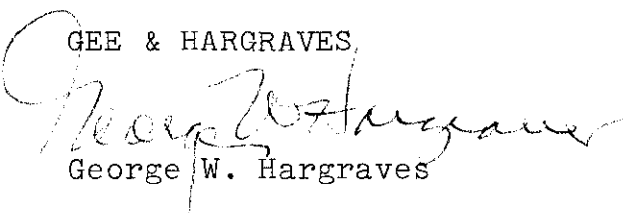
29-4010
Mr. R. Keith Higginson, Director
Idaho Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

During the month of July, we forwarded an Application for appropriation of water in reference to some property in Section 36, Township 8 South, Range 36 E.B.M. which had recently been probated and was formerly in the name of Nels and Sarah Larsen, deceased. The application was sent in the name of Mary S. Hough and was accompanied by her personal check. We would appreciate your advising if this application has been approved as Mrs. Hough is very anxious to have this matter settled.

Sincerely,

GEE & HARGRAVES


George W. Hargraves

GWH: kw

29-4010

CON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

August 12, 1970

Re: Claim to a Water Right No. 29-4010 - Mary S. Hough

The Idaho State Journal
P. O. 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 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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM
Enc: Legal Notice

*Bill submitted
9-9-70
ds*

29-4010

NOTICE OF CLAIM TO A WATER RIGHT

No. 29-4010

Notice is hereby given that Mary S. Hough, Adm. estates of Nels
& Sarah S. Larsen, 362 North Main, Pocatello, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.20 cubic feet per second ~~9999 fppf~~
of water from an unnamed spring and Quinn Creek
with point of diversion in the N4NW4 Sec. 36, T. 8S, R. 36E, B.M.,
Bannock County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic and stock water purposes,
with a priority of 1925;
the place of use is within the N4NW4 Sec. 36, T. 8S, R. 36E, B.M.

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, Pocatello, Idaho
on August 20 and August 27, 1970.

29-4010

LAW OFFICES
GEE AND HARGRAVES
746 EAST LANDER
P. O. BOX H
POCATELLO, IDAHO 83201



Handwritten: 10-10-70

Mr. Dorian CLAY, Appropriation Examiner
Department of Water Administration
Statehouse, Annex 2
Boise, Idaho 83707