

Idaho Reclamation No. 29-4005

Claim No. 29-4005

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 George R. Egley
post office address Box 312, Lava Hot Springs, Idaho 83246

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 24 Township 9 South
Range 38 E. B.M. located on springs
(name of source)
tributary to Fish Creek (see Remarks) 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: Prior to 1900 amount: 4 in. c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed .16 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 domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use agricultural period of use from May 1 to Sept. 20 (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 3 springs exist on the described land, one of which is boxed in to supply domestic water to claimant and to others using such water under his permission; remaining springs subirrigate adjacent agricultural pasture.

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 _____
not applicable -- springs

29-4005

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 160 ft feet; diameter of pipe line is 1 inches; type of pipe galvanized iron; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible No changes known to claimant. Spring used for domestic purposes has been boxed and pipe running from spring

to house at grade of about 1½ ft. drop in the 160 ft. run, with pump used in house to pressurize water. Remainder of water from springs is allowed to subirrigate over land, with portable pump being used to pump some water from springs on occasion to ridges of land involved and described.

- 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 _____

Not applicable -- no storage

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 _____, 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:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S	38 E.	24												X					2
9	38 E.	25					X												2

Total number of acres to be irrigated 4

Explain any significant increase in area irrigated since first use, give dates and acreages if known No increase except domestic and culinary as increased by reason of gardens.

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) No ditch used, subirrigation for agricultural purposes and pipe line for domestic and culinary use.

6. Where water is used for stock watering, give number of each kind of stock watered _____
not applicable

7. Where water is used for domestic or municipal purposes give number of families served 2
name of town supplied no 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 Not applicable

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
claimant obtained ownership of land involved in 1940 and has continuously used the water from the springs located on the lands above described for domestic and culinary use as well as subirrigation for pasture purposes since said date to present date. To claimant's knowledge the springs had been similarly used at all times by his predecessors continuously from 1910. During this time only one spring has been boxed for purposes of domestic and culinary use by claimant and his predecessors with the remaining springs being allowed to subirrigate the land surrounding. In 1968 one L. LeRoy Potter did enter claimant's land and caused to be boxed one of the three springs. Boxing of this spring was without authority of claimant and claimant recognizes no right on the part of L. LeRoy Potter to box such spring.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information and certifies that all statements are true and accurate to the best of his knowledge.

January 14, 1968
(Date)

State of Idaho }
County of Bannock } ss.

On this 14th day of January 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

George R. Egley
(Signature of Claimant)

Louis F. Racine, Jr.
Notary Public residing at Pocatello, Idaho

My commission expires April 15, 1970

2-17-69 For Department Use Only
Received by df Date 2-19-69 Exception filed by: _____ Forwarded to claimant by: _____ Date _____
Prelim. check by DM Date 2-21-69 _____
Fee received by ef Date 2-21-69 Fee \$ 10.00 _____
Approved for publication by W 3-3-69 (W) _____
Published in Ida Star Dates 3-3-69 _____

29-4005

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</u> c.f.s. or	<u> </u> acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	<u> </u> acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	<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.

STATE OF IDAHO)
) ss. A F F I D A V I T
County of Bannock) OF FRANCIS POTTER, WATERMASTER DIST.#17

FRANCIS POTTER, being first duly sworn upon oath,
deposes and states:

That he is personally acquainted with L. Leroy
Potter and George R. Egley of Lava Hot Springs, Idaho; and

That he was employed by George R. Egley in ap-
proximately the year 1950 to install in a ditch pipe running
to the home of George R. Egley and that at this time and at all
times relevant herein there is presently located a spring
approximately 10 feet to the west of the spring to which Affiant
installed a pipe located approximately 50 feet to the north of the
Northeast corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 25, Township 9
South, Range 38, E.B.M.; that the water from the spring in question
~~was used in a proprietary manner by George R. Egley and~~
~~his predecessors, but was used exclusively by Luther Potter, and~~
~~decree in interest of L. Leroy Potter, and that~~ to Affiant's
knowledge ~~the spring in question~~ was and is tributary to Fish Creek;
~~that the spring water referred to above and used exclusively by the~~
~~and~~ has .05 C.F.S.

SO SAITH AFFIANT.

Francis Potter
FRANCIS POTTER

SUBSCRIBED AND SWORN TO before me this 18 day of June 1969.

Samuel A. Hall
Notary Public for Idaho

STATE OF IDAHO

County of Bannock

)

) ss.

A F F I D A V I T

)

JOHN D. POTTER, being first duly sworn on oath,
deposes and states:

That Affiant is personally acquainted with L. Leroy
Potter and George R. Egley of Lava Hot Springs, Idaho; and

Affiant is personally acquainted with the location of
a spring located approximately 50 feet to the north of the Northeast
corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 25, Township 9 South, Range 38,
E.B.M.; that Affiant sometime after the year of 1948, was employed
by George R. Egley to dig a ditch from another spring located
approximately 10 feet to the east of the one referred to above and
~~that at this time the disputed spring was used exclusively by~~
~~Leroy Potter and his predecessors in interest and~~ that the spring
in question was and is, to Affiant's knowledge, tributary to
Fish Creek.

SO SAITH AFFIANT.

John D. Potter
JOHN D. POTTER

SUBSCRIBED AND SWORN TO before me this 10th day of June, 1969.

Emile Hall
NOTARY PUBLIC for Idaho
Residing at:
Lava Hot Springs, Idaho

29-4005

RECEIVED

Exception 29-4005

APR 2 1969

Department of Reclamation

Lava Hot Springs
March 30, 1969

Dear Mr. Higginson

We do not take the Idaho State Journal. My daughter from Coocatella brought up some papers today March 30.

I see Mr. George R. Egley has advertised for a claim to water rights to a spring tributary to Fish Creek.

Mr. Egley doesn't use this water. There is no way he can without using force. Water doesn't run up hill.

He claimed to a lawyer last summer that he was taking water out of Fish Creek because of this spring.

This spring has never been used any place but on the property that Roy Botter owns. We intend to go on using it.

Last summer Roy capped this spring so that we had it all coming to our land around the house instead of part in the pasture.

Mr George R. Egley dug it out so that all is running on our pasture. He has no way of getting good from this spring.

Enclosed is my protest. I realize today is ten days from the last advertisement. We would have protested quicker if we had known.

He took advantage of Roy working at Raft River.

Our abstract of title dates rights to the water to March 1st of 1894 as evidenced by decrees entered in volume 2 of judgments at page 113 and volume 11 of judgments at page 209 and 29⁴⁰⁰⁶ Equity case 478 in United States

District Court of Idaho, Eastern
Division Records of Bannock
County Idaho

Sincerely Yours
Mrs Roy Potter
Lava Hot Springs
Idaho 83246

29-4005

RECEIVED

APR 2 1969

Department of Reclamation

Lava Hot Springs
March 30, 1969

I hereby protest George R.
Egley, Box 313, Lava Hot Springs
Idaho claim to a water right.

George R. Egley claims beneficial
use of .16 cubic feet per second
from springs tributary to Fish
Creek with point of diversion
in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 24 T. 9 S R

38 E. B.M. Bannock County, Idaho

Mr Egley has never used
this water for Domestic use or
irrigation nor has any other predecessor.

Water does not run up hill
unless it is forced up. Mr Egley
has no way of forcing it.

Roy Potter has full use of
the water & ^{uses} ~~storing~~ it.

Please accept my protest 29.4/103

Sincerely yours
Mrs Roy Potter
Lava Hot Springs
Idaho 83246

29-400

RECEIVED

APR 23 1969

Department of Reclamation

A F F I D A V I T

TO WHOM IT MAY CONCERN:

I, L.M. Perkins, of Fruitland, Idaho, the undersigned, do hereby certify that I lived on the Lewis S. Wight farm on Fish Creek, three miles East of Lava Hot Springs, Idaho, from 1938 to 1943, and that to my certain knowledge culinary water was piped from one certain spring to the house located on the aforementioned Wight farm, and was constantly used for household purposes.

Witness my hand and seal this 21st day of April, 1969.

L.M. Perkins
L.M. Perkins

STATE OF IDAHO)
 (ss.
County of Payette)

Subscribed and sworn to before me this ^{21st} ~~21st~~ day of April, 1969.

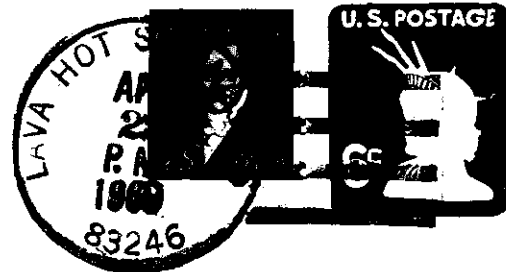
Kent W. Gist
Notary Public
Fruitland, Idaho

(SEAL)

My commission expires
August 6, 1970

29-4005

Roy Potter
PO Box 12
Lava Hot Springs, Id 83246



Return Receipt Requested
FEE PAID

CERTIFIED

No. 017564

MAIL

Mr Keith Higginson
Dept of Reclamation
State House
Boise, Id 83707

89-4005

A F F I D A V I T

TO WHOM IT MAY CONCERN:

I, Daniel H. Aslett of Lava Hot Springs, Idaho, the undersigned, do hereby certify that on or before 1916, I was employed by Lewis S. Wight on his farm on Fish Creek three miles East of Lava Hot Springs, Idaho, and that to my certain knowledge culinary water was piped from one certain spring to the house located on the Wight farm and was constantly used for household purposes.

Witness my hand and seal this 16th day of April, 1969.


Daniel H. Aslett

STATE OF IDAHO §
 § ss.
County of Bannock §

Subscribed and sworn to before me this 16th day of April, 1969.

(SEAL)

My commission expires
March 1, 1970


Notary Public

Lava Hot Springs, Idaho

29-41005

IN THE MATTER OF:)

Claim to a water right)

#29-4005)

By George R. Egley)

Box 312 Lava Hot Springs, Idaho)

State of Idaho)

County of _____)

AFFIDAVIT

FILED

~~I, L. LeRoy Potter~~ L. LeRoy Potter being first duly sworn,

deposes and says: That the spring water as described in the notice for
water right # 29-4005 published in the Pocatello State Journal March 13, 1969
has already been appropriated for my culinary and irrigation needs as described
in the Baum Decree of 1922 for Portneuf River. Right # 111 L. S. Wight. Dated
March 1st 1894 for .5c F. S. to irrigate land now owned by me and described in
the said Decree.

I am inclosing also photostat record of appropriated water for culinary use
as described in the abstract of Title held by me on the same described land.

I hereby protest the granting of claim for water right to use .16 c.F. S.
from springs tributary to Fish Creek because of Prior and continued use since 1894
by original and succeeding owners of the land, which I at present own and
operate.

All right to use of waters of Fish Creek and Portneuf River as evidenced by
decrees entered in Volume 2 of Judgments at page 112 Volume 11 of Judgments
at page 202, and Equity Case 478, in United States District Court for Idaho
Eastern Division records of Bannock County, Idaho.

L. LeRoy Potter
(Signature)

Subscribed and sworn to before me this 16th day of April, 1969

[Signature]
(Notary Public)

Residing at Lava Hot Springs, Idaho
My Commission Expires March 1, 1970

29-4005

LEGAL ADVERTISEMENT

NOTICE OF CLAIM TO A
WATER RIGHT

No. 29-4005

29-4005
Notice is hereby given that George R. Egley, Box 312, Lava Hot Springs, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .16 cubic feet per second of water from springs tributary of Fish Creek with point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 9 S, R. 38 E, B. M., Bannock County; the water is claimed to be used from January 1 to December 31 for domestic and from May 1 to September 20 for irrigation with a priority of 1900; the place of use in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 9 S, R. 38 E, B. M., Bannock County

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer.

No. 119 March 13, 20, 1969

WARRANTY DEED.

Grantor, -- Brady Stolpe and Amelia Stolpe, his wife.
 Grantee, -- Lewis S. Wight.
 Date, -- August 28, 1913.
 Consideration, -- Forty-five Hundred (\$4500.00) Dollars.
 Recorded, ---- September 5, 1913, 1:11 P. M. in Book "25" of Deeds, at page 244 of the Records of Bannock County, State of Idaho.
 Acknowledged, -- Brady Stolpe. Before Theo. Turner a Notary Public in and for Bannock County, State of Idaho, August 28, 1913. (Seal)
 Amelia Stolpe. Before Arthur M. Pullmer, a Notary Public in and for Bannock County, State of Idaho, August 30, 1913. (Seal)
 Witnesses, -- Theo. Turner, Mary Hamilton, John Bower, A. M. Pullmer.

DESCRIPTION AND REMARKS.

The west half of the northwest quarter and the north half of the southwest quarter of Section twenty-five (25), Township nine (9) South of Range thirty-eight (38) East of the Boise Meridian, in Idaho, containing one hundred sixty (160) acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General.

Also all water, water rights, privileges, or franchises belonging to or with, or used upon or in connection with the said lands or any part or parcel thereof, for the irrigation of the same, or for domestic or culinary purposes thereon; and all dams, ditches, flumes, reservoirs, aqueducts or other works used for the storage, diversion or distribution of such waters or in conveying the same to, upon or over the said lands, or any part or parcel thereof, and particularly a right to the use of twenty-five inches, or one half of a cubic foot per second of time of the waters of Fish Creek in said Bannock County, as decreed to A. E. Stolpe by the District Court of the Fifth Judicial District in and for the County of Bannock, State of Idaho, which said decree is fully set out in Judgment Book "2" at page 112 of the records of said Court.

Latnary

29-4005

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 1, 1969

Mrs. Roy Potter
Lava Hot Springs,
Idaho 83246

Dear Mrs. Potter:

Enclosed is an affidavit form for your use to file an exception to a claim.

The exception should include your points of exception and then a detailed explanation of the points of exception.

If you need further assistance, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

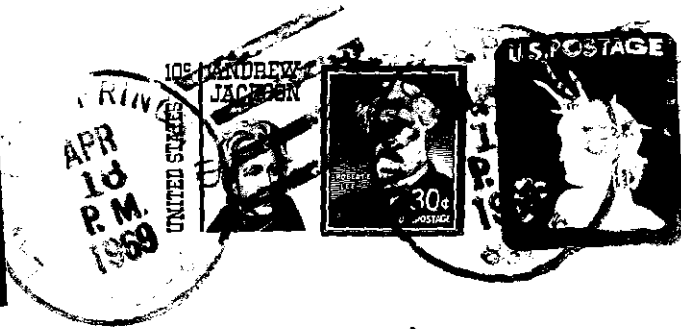
DWM;ks

enclosure: Affidavit form

29-4025

Pro letter
Lair Act/ps
Halo 83246

CERTIFIED
No. 017562
MAIL



Return Receipt Requested
FEE PAID

KIETH HIGGINSON
BUREAU OF RECLAMATION
STATE HOUSE, ANNEX II
BOISE, IDAHO 83707

Return Receipt Requested
FEE PAID

29-4005

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

Bette J. Mitchell

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:

March 13, 1969, 19____
March 20, 1969, 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.

Bette J. Mitchell

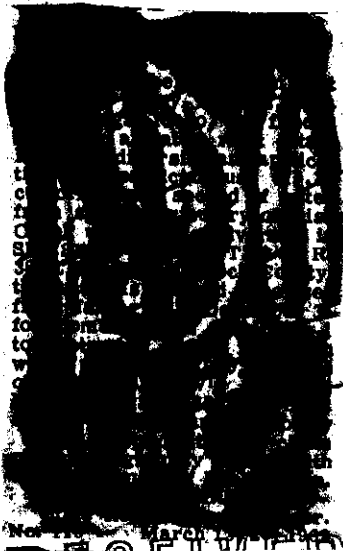
Subscribed and sworn to before me this 20th

day of March, 1969

Roberta E. Spradlin

Notary Public, State of Idaho

Residence: Pocatello, Idaho



MAR 21

Department of Revenue

29-4005

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

**NOTICE OF CLAIM TO A
WATER RIGHT**
No. 29-4005

Notice is hereby given that George R. Egley, Box 312, Lava Hot Springs, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of .16 cubic feet per second of water from springs tributary of Fish Creek with point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 9 S, R. 38 E, B. M., Bannock County; the water is claimed to be used from January 1 to December 31 for domestic and from May 1 to September 20 for irrigation with a priority of 1900; the place of use in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 9 S, R. 38 E, B. M., Bannock County. Any exception to this claim of water right may be filed with the Department of Reclamation. R. KEITH HIGGINSON
State Reclamation Engineer.
No. 119 March 13, 20, 1969

Bette J. Mitchell

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:

March 13, 1969

March 20, 1969

, 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.

Bette J. Mitchell

Subscribed and sworn to before me this 20th day of March, 1969

R. Keith Higginson

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Bette J. Mitchell

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:

March 13, 1969

19

March 20, 1969

19

19

19

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19

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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.

Bette J. Mitchell

Subscribed and sworn to before me this 20th

day of March, 1969

Roberta E. Spratlen

Notary Public, State of Idaho

Residence: Pocatello, Idaho

29-4005

March 20, 1969

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Statement of Your Account With

IDAHO STATE JOURNAL

P. O. Box 431, Pocatello, Idaho 83201

#119

Legal Advertising: 56 lines

Claim to Water Right - Egley

Published: March 13, 20, 1969

Amount Due: \$6.72

"I hereby certify that the foregoing is correct and just,
that the services were actually rendered as charged and
that we have not received payment therefor."

IDAHO STATE JOURNAL

Little D. Mitchell
Legal Clerk

PA-4065

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

.....clamation
.....-.....2
....., ... 3767

Statement of Your Account With
IDAHO STATE JOURNAL
P. O. Box 431, Pocatello, Idaho 83201

19

.....advertising: 50 liner
.....to Water Agent - Egley
.....13, 20, 1969
Amount Due: \$6.75

"I hereby certify that the foregoing is correct and just,
that the services were actually rendered as charged and
that we have not received payment therefor."

IDAHO STATE JOURNAL

Legal Clerk

29-4005

March 20

19 69

Department of Reclamation
Statements - Annex 2
Boise, Idaho 83707

RECEIVED

MAR 21 1969

Department of Reclamation

Statement of Your Account With

IDAHO STATE JOURNAL

P. O. Box 431, Pocatello, Idaho 83201

219

Legal Advertising: 56 lines

Claim to Water Right - Egley

Published: March 13, 20, 1969

Amount Due: \$6.72

"I hereby certify that the foregoing is correct and just,
that the services were actually rendered as charged and
that we have not received payment therefor."

IDAHO STATE JOURNAL

[Signature]
Legal Clerk

29-4005

February 8, 1983

George R. Egley
Box 312
Lava Hot Springs, ID 83246

Re: Claim No. 29-4005

Dear Mr. Egley:

Thank you for your letter dated January 12, 1983, in which you requested information on the status of the above-referenced claim.

Please be advised that your claim is validly recorded in our office to the extent of .6 cfs for domestic and agricultural purposes, and you need take no further action to record this right.

Thank you for your concern, and we are enclosing a brochure entitled "Keep Your Water!" for your records.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

RECEIVED

JAN 18 1983

Department of Water Resources

State of Idaho
Department of Reclamation
State House - annex 2
Boise Idaho

I'm writing in regards to a claimed water right on three springs on my place. Claim no. 29. 4005.

I heard that everyone was advised to write to State of Idaho - Department of Reclamation about this matter.

I trust that everything is all right, Because I have a letter and Receipt to that effect saying it's filed under section 42-325 of the Idaho Code. & Claim no- 29-4005.

If I need a Certificate with the State of Idaho Seal on it, please send me a Certificate. I would like to have this in case I even decide to sell. If there is a Charge I'll pay for the "Seal of

Idaho Certificate.

I hope to hear from you soon.

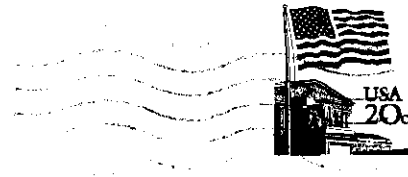
George R. Egley

Box 312

Lava Hot Springs

Idaho 83246

G. R. Egley
Box 512
Lava Hot Springs
Idaho 83246



Department of Reclamation
State House
Boise, Idaho 83709

July 16, 1969

C
O
P
Y

Mr. George R. Egley
Box 312
Lava Hot Springs, Idaho 83246

Re: Claim No. 29 4005

Dear Mr. Egley:

I appreciated the opportunity of visiting with you and Mr. Potter concerning the Claim to a Water Right No. 29 4005 which you filed with this office covering the waters of 3 springs.

I would hope that you and Mr. Potter could reach an understanding and agreement concerning the waters of these springs so that you would have no cause for future concern. As I indicated to you both, the filing to a claim to a water right does not in any way validate the right nor guarantee that this office or the courts will recognize it. Our office has no authority to determine the existence of water rights. This can only be done by a court. It would be unfortunate if you would find it necessary to seek relief in the court for a determination of a problem associate with such a small, although important, quantity of water.

You each appeared to indicate that you had no intention of interfering with the other's past and present uses of water from these sources. If that is the case, I see no reason for future problems. In order to put you on equal bases, it might be well for Mr. Potter to file a Claim covering the past use of the water from these sources on his property.

If we can be of any assistance to you in the future, please let me know.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/jlb
cc: Mr. LeRoy Potter

29-4005

July 8, 1969

C
O
P
Y

Mr. LeRoy Potter
Lava Hot Springs, Idaho 83246

Dear Mr. Potter:

On your recent visit to this office, you requested that I stop by your place on my next opportunity.

I will probably be in the Lava Hot Springs area on Thursday afternoon, July 10, and will contact you at that time. If you wish to have Francis Potter, the Portneuf River Watermaster, present also, please make arrangements with him.

I am sorry I cannot tell you the actual time, as it depends upon the conclusion of business in Pocatello, but it will probably be after 2:00 p.m.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/jib

29-4005

MAKE APPOINTMENT WITH LEROY POTTER
LOVE HOT SPRINGS
~~776-5374~~
776-5374

GEORGE F. ROCKY CLAIM

PORTRAIT RIVER DEER
SEE FRANCIS POTTER

May 26, 1969

C Re: Claim No. 29-4005
George R. Egley

Mrs. Roy B. Potter
Lava Hot Springs, Idaho 83246

O Dear Mrs. Potter:

P Enclosed please find forms for submitting a claim to a water right and
forms for submitting an exception to the above referenced claim. If the
Department may be of further assistance, please contact us.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

Y DWM:TG

Enc: claim forms
affidavits

29-4005

RECEIVED

MAY 6 1969

Department of Reclamation

Bureau of Reclamation
Boise, Idaho 83707

Letter
Lava Hot Spgs
May 5, 1969

Dear Sir

Please send me an affidavit
form so I can file a claim
against the claim to a water
right filed by George R. Egley

Yours truly
Mrs Roy Potter
Lava Hot Springs
Idaho 83346

67-1005

29-4005

April 29, 1969

Re: Claim to a Water Right 29-4005
George R. Egley

Mrs. Roy Potter
Lava Hot Springs, Idaho 83246

Dear Mr. Potter:

We have received your letter dated March 30, 1969, and have filed it with the above referenced claim to a water right. However, under the provisions of Section 42-225b of the Idaho Code, the exception to the claim which you wish to file should be filed with the Department of Reclamation in affidavit form setting forth in detail the reasons for your exception to this water right and should be filed in duplicate.

We, therefore, recommend that you redraft your exception to this claim and submit it in affidavit form which requires notarization and duplication. If you cannot submit it in duplicate, we will make a copy of your original affidavit and put the two copies in the file.

Please advise us if you do not intend to resubmit the exception, so that we can forward a copy of your original letter to the claimant.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: none

29-4005

April 8, 1969

Re: Claim No. 29-4005

Mr. George R. Egley
Box 312
Lava Hot Springs, Idaho 83246

Dear Mr. Egley:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 29-4005. Please refer to this number when adding or changing the information in your claim.

Enclosed is Receipt No. 2713 in the amount of \$10.00 which covers the filing fee for the claim.

You should be advised that the filing of this claim completes the processing procedure by the Department of Reclamation. No further action is authorized under Section 42-225a and b of the Idaho Code. Your claim will be filed and will remain of public record until such time as you or the court need the information.

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

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:ks

enclosure: Receipt No. 2713

29-4005

3/7/69

NOTICE OF CLAIM TO A
WATER RIGHT

No. 29-4005

Notice is hereby given that George B. Egley, Box 312, Lava Hot Springs, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 16 cubic feet per second of water from springs tributary of Fish Creek with point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 8 S, R. 38 E, B. M., Bannock County; the water is claimed to be used from January 1 to December 31 for domestic and from May 1 to September 20 for irrigation with a priority of 1900; the place of use in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 9 S, R. 38 E, B. M., Bannock County

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON

State Reclamation Engineer.

No. 119

March 13, 1969

29-4005

March 3, 1969

Re: Claim No. 29-4005-George R. Egley
Application no. 29-7027-Francis J. McCarty

Idaho State Journal
Pocatello, Idaho

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 same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: legal notices (2)

29-4005

NOTICE OF CLAIM TO A WATER RIGHT

No. 29-4005

Notice is hereby given that George R. Egley, Box 312, Lava Hot Springs, Idaho has filed a claim to a water right established by diversion and application to beneficial use of .16 cubic feet per second ~~gpm~~ of water from springs tributary of Fish Creek with point of diversion in SE1/4SW1/4, Sec. 24, T. 9 S, R. 38 E, B. M., Bannock County; the water is claimed to be used from January 1 to December 31 for domestic and from May 1 to September 20 for irrigation with a priority of 1900; the place of use is SE1/4SW1/4, Sec. 24; NE1/4NW1/4, Sec. 25, T. 9 S, R. 38 E, B. M., Bannock County.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho State Journal, Pocatello, Idaho
on March 13 and March 20, 1969.

29-4005

RECEIVED

FEB 19 1969

LAW OFFICES OF
RACINE, HUNTLEY, HERZOG, OLSON & ZENER

CENTER PLAZA - CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83201

TELEPHONE (208) 232-6101

LOUIS F. RACINE, JR.
ROBERT C. HUNTLEY, JR.
VERN E. HERZOG, JR.
WILLIAM D. OLSON
MILTON E. ZENER

Department of Reclamation

OFFICE AT KETCHUM, IDAHO

P. O. Box 315

TELEPHONE (208) 726-3301

February 18, 1969

Mr. Donald W. McEldowney
Appropriation Examiner
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Re: Claim to a Water Right
Mr. George R. Egley

Dear Mr. McEldowney:

Following the receipt of your letter of January 28, 1969,
we have again taken this matter up with Mr. George R. Egley.

Insofar as the springs being a tributary to any particular
source, this is a questionable matter. That is, the springs raise
on Mr. Egley's land and subirrigate pasture in the immediate area of
the springs. Thereafter, the springs would run into Fish Creek, but
they only run into Fish Creek after having risen on Mr. Egley's
land and naturally subirrigating the pasture before running into
Fish Creek. In other words, there is no clearly defined channel into
Fish Creek until after they have subirrigated Mr. Egley's pasture.
Accordingly, they would not become a tributary to Fish Creek until
after the subirrigation of Mr. Egley's pasture land which is the
entire purpose for which is is claiming the springs.

As to a specific day and month for a priority date, Mr.
Egley has only general information and would have to claim a specific
year, namely, 1900.

I believe we have otherwise corrected the application in
accordance with your suggestions. If you now find the claim to be
in order, would you kindly file it. The check of Mr. Egley is enclosed.

Very truly yours,


LOUIS F. RACINE, JR.

LFR/t
encl.
cc-Mr. George R. Egley

29-4005