

09-29-04

Robert W. Chewning
139 Pahsimeroi Road
Ellis, Idaho 83235

RECEIVED
OCT 05 2004
DEPARTMENT OF
WATER RESOURCES

Ref: Evidence of Priority Date
73-4079 & 73-4080
your ltr dated July 26, 2004

State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

ATTN: Roxanne Brown
Sr. Water Resource Agent

Dear Ms. Brown,

Please change the address the Department of Water Resources has for Virginia H. and Robert W. Chewning concerning water right information from Virginia to the above address. Although, the Virginia address is a valid one, our children failed to forward your reference letter until after the response deadline. By addressing matters concerning Idaho water rights to the Idaho address, I can be more confident in my ability to respond in a timely manner.

As for these water right claims, I am forwarding a copy of page 289 from the Water Rights Book A (discontinued) found in the Lemhi Courthouse (Enclosure 1). As you can see, the top entry was a claim filed in March of 1886 by Boise Ellis, William Weller and James M. Shoup. Enclosure 2 is a copy of the warranty deed showing the 20 acres we purchased from Jack and Nancy Furey in May 1968. At that time Jack Furey was growing alfalfa on the 20 acres, flood irrigated by the two ditches filed on in 73-4079 & 73-4080. Note that the property we purchased at that time lay in the North Half Northwest Quarter (N 1/2 NW 1/4) of Section Six (6) and South Half Southwest Quarter (S 1/2 SW 1/4) of Section Thirty-one (31). Enclosure 3 is a copy of a warranty deed, page 463 in Deed Record Book L located in the Lemhi Courthouse, showing that William H. Weller sold 40 acres lying in the South East Quarter of the North West Quarter Section Six (6) along with his 1/3 interest in the water right filed in Enclosure 1. Enclosure 4 is a U.S. Patent found on pages 584 & 585 in Deed Record Book J located in the Lemhi Courthouse, showing that James M. Shoup purchased from the United States public lands lying in Section thirty-six (36) and Section six (6), among others, recorded in April 1899, which included the land we purchased in 1968 (Enclosure 2). I believe the difference between the date

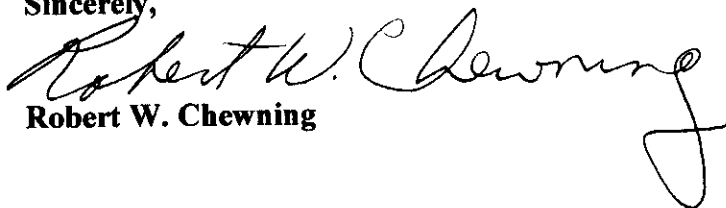
the water rights were claimed (Enclosure 1) and the date of James M. Shoup's U.S. Patent (Enclosure 4) can be attributed to his having occupied and irrigated the land before he could purchase it from the U.S. Government. This was the practice in this part of the country at the turn of the century. Clearly, there is good evidence that the land involved in our water right claims was being irrigated by a ditch with a claim dated 1886.

I have also enclosed copies of three letters we received from our attorney who originally filed our water right claims in 1983 (Enclosure 5 dated May 9, 1983; Enclosure 6 dated May 20, 1983; and Enclosure 7 dated June 29, 1983). At that time we owned only 55 acres of the 64 acres involved in our reference claims. In Enclosure 6 our attorney, John S. McKinney, addresses the issue of priority date. He mentions talking to a Mr. Claus Burstedt, who lived in this county since 1909, and was told that our irrigation took place at least before the turn of the century. Unfortunately there was no Affidavits obtained at the time, but if necessary, I could obtain the sworn statement of Mr. McKinney that this is what he was told.

In closing, I have talked to Joan and Bruce Beasley, who utilize the two ditches addressed in our reference claims. They are downstream from where we start irrigating from these ditches. Joan has told me that working through a local attorney, Jim Bennetts, she obtained an Affidavit from Jack Furey, a long time rancher and attorney in this immediate area, stating that he knew the ditches were there at least as early as 1948. Mr. Furey has offered to provide us a similar Affidavit; but in as much as you already have this Affidavit, hopefully you will not require a second one and that the information supplied in Enclosure 1 - 4 will be sufficient to establish an earlier date. I also talked to Preston Dixon, a local realtor and rancher, who utilizes the ditch involved in claim number 73-4080. He told me that he has forwarded to you information from the Lemhi Courthouse which is similar or identical to Enclosures 1 - 4 in support of his claim.

Thank you for your assistance in this matter. Please let me know if you require additional information.

Sincerely,


Robert W. Chewning

WARRANTY DEED

For Value Received

JACK B. FUREY and NANCY J. FUREY, husband and wife, of Challis, County of Custer, State of Idaho, the grantors, do hereby grant, bargain, sell and convey unto

ROBERT W. CHEWNING and VIRGINIA H. CHEWNING, husband and wife, of Idaho Falls, County of Bonneville, State of Idaho, the grantees, the following described premises, in Lemhi County Idaho, to wit:

A tract of land lying and being in the North Half Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Six (6), Township Fifteen (15) North, Range Twenty-one (21) East, Boise Meridian and the South Half Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-one (31), Township Sixteen (16) North, Range Twenty-one (21) East, Boise Meridian, more particularly described as follows, to-wit:

Commencing at the Southwest corner of said Section Thirty-one (31), run thence East 180.0 feet to a point in the center of the Pahsimeroi River and the point of beginning; thence meandering the center of the Pahsimeroi River in a Northerly direction 568.0 feet more or less, to a point which lies 560.0 feet North of the South boundary of Section Thirty-one (31); thence East 1237.0 feet, more or less, to a point on the Westerly Right-of-Way line of the Lemhi County Road; thence Southeasterly along said Right-of-Way line to a point which lies 85.0 feet South of the North boundary of Section Six (6); thence West 1380.0 feet to a point in the center of the Pahsimeroi River; thence meandering the center of the Pahsimeroi River in a northwesterly direction 300.0 feet, more or less, to the point of beginning, containing 20.0 acres, together with all ditch and water rights appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1968

Jack B. Furey
Nancy J. Furey

STATE OF IDAHO, COUNTY OF

On this 15th day of May, 1968 before me, a notary public in and for said State, personally appeared

JACK B. FUREY and NANCY J. FUREY, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Bernice M. Rood

Notary Public

Residing at Challis, Idaho
Comm. Expires 7-14-68

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of Lynn T. Stevenson

at 25 minutes past 1 o'clock P.M., this 7th day of June, 1968, in my office, and duly recorded in ~~Book~~ File of Deeds ~~XXXX~~

Eleanor Aldous

Ex-Officio Recorder

By *Opal Reddington* Deputy.

Fees \$ 2.00 Paid
Mail to: Cmdr. Robert W. Chewning
495 11th St. Idaho Falls, Idaho 83401

INSTRUMENT NO

Enclosure 2 1/1

Notice is hereby given that we the undersigned have this day located and claimed five hundred (500) inches of the Water of Trout Creek, to be taken out at a point about one half-mile from the Confluence of said Creek with the Pahsamenie in Lemhi County Idaho Territory, and to be conveyed by ditch of sufficient capacity to our respective Ranches for Agricultural and other purposes,
March 1st 1886.

Boise Ellis
William Weller
James M. Shoup,

This for record in this Office this 2nd day of March AD 1886 at 9 A.M. and duly recorded in Book A, of Water Rights page 289,
John Hogan,
County Recorder.

Notice, I the undersigned have on this 20th day of February AD 1886 located and claimed 500 inches of Water to be taken out of Spring Creek at this point, being about 1/4 of one half-mile south of Falls and O'Keefe House, said Water to be taken used for irrigating Milling and Agricultural purposes, and to be conducted in a ditch of sufficient capacity to carry the same on to land claimed by the undersigned about 1/4 of one and one half miles below where said Water is diverted
Pahsamenie Valley
February 20th 1886

James Hooper
This for record in this Office this 26th day of February AD 1886, at 10, A.M. and recorded in Book A, of Water Rights
John Hogan
Co. Recorder.

Notice, We the undersigned have this day located five hundred (500) inches of Water of four inch pressure for Agricultural and Ranch purposes, on the South side of Pattison Creek at a point about four miles East Falls & O'Keefe Ranch house
22nd February 1886,
Pahsamenie Valley Lemhi Co Idaho,

Falls & O'Keefe

This for record Feb^{ry} 26th AD 1886 at 10, A.M. and duly recorded in Book A, of Water Rights Page 289,
John Hogan,
County Recorder

Warranted Deed.

This Indenture, made this 17th day of September in the year of our Lord one thousand nine hundred and one between William H. Heller of Pahsemaro Valley of the County of Lemhi and State of Idaho, the party of the first part, and Benjamin Boyce of the County of Lemhi and the State of Idaho

the part of the second part, WITNESSETH, that the said part of the first part, for and in consideration of the sum of Five Hundred (\$500.00) Dollars, lawful money of the United States of America, to him in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, he GRANTED, BARGAINED and SOLD, and by these presents to GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said part of the second part, and to his heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the Counties of Lemhi & Lemhi and State of Idaho and bounded and described as follows, to-wit: The South East quarter of the North West quarter of Section six in Township fifteen North of Range twenty-one East of Boise Meridian in Idaho, containing forty acres. Also an undivided one third (1/3) interest of in and to that certain water right and irrigation ditch right as located and appropriated by James M. Shoup, Boise Ellis and William H. Heller said water right being of record in and among the record of Water Rights in the County of Lemhi and for a more perfect description of said water right reference to said record is hereby made. The intention of this conveyance being to convey the land known as the Desert Land Claim of William H. Heller and the water right as heretofore belonging to and used upon said Desert Land Claim to said party of the second part said water right consisting of a right to the use of the undivided 1/3 of 500 inches of the waters of Pahsemaro for the purpose of irrigation on said tract of land. There is a small portion of the above described tract of land situate in Lemhi County Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances, to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the part of the second part, and to his heirs and assigns forever. And the said part of the first part, and for his heirs, the said premises in the quiet and peaceable possession of the said part of the second part, his heirs and assigns, against the said part of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part of the first part had hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

William H. Heller (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO,

ss. I do hereby certify that:

County of Lemhi On this 17th day of September in the year 1901 before me, Geo. E. Keyes Clerk of the District Court in and for said County, personally appeared William H. Heller known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, and on this day of in the year 1901 before me, the officer above described, personally appeared known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Geo. E. Keyes
Clerk of District Court

Recorded this day of A. D. 1

Enclosure 3 1/1

Ex-officio Recorder.
Deputy Recorder.

in Record of Deeds Book L. page 463, Records of the County of Lemhi State of Idaho. W. C. Smith Recorder.

Desert Lands } The United States of America
 Certificate No. 339 } To all whom these presents shall come, Greeting:
 Whereas James M. Shoup, of Lemhi County, Idaho has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that full payment has been made by the said James M. Shoup according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," - and the acts supplemental thereto for the South East quarter of the North West quarter; the North East quarter of the South West quarter; the South half of the North East quarter and the South East quarter of Section thirty-six in Township sixteen North, and the Lots numbered one and two of Section one in Township fifteen North of Range twenty East and the Lots numbered three and four of Section six in Township fifteen North, and the Lot numbered two of Section thirty-one in Township sixteen North, of Range twentyone East of Boise Meridian in Idaho, containing five hundred and eleven acres, and twenty-hundredths of an acre, - according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said James M. Shoup

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said James M. Shoup and to his heirs, the said Tract above described: To Have and to Hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging unto the said James M. Shoup and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract or remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I, William McKinley, President of the

ENCLOSURE 4 1/2

Patent and the Seal of the General Land Office to be herunto affixed
Given under my hand at the City of Washington, the
twenty-seventh day of August in the year of our Lord one
thousand eight hundred and ninety-eight, and of the Independence
of the United States the one hundred and twenty-third

(Seal)

By the President - William McKinley

By F. M. McKean, Secretary.

C. W. Bush, Recorder of the General Land Office.

Recorded in Vol. 10 Page 16.

Recorded at the request of Wm H. Shoup, April 28th 1899 at
25 minutes past 11 O'clock A. M. in Book "J" of Deeds page 584.
Records of Lemhi County, Idaho.

J. P. Clough,

County Recorder

Warranty Deed.

This Indenture, Made this 21st day of April in the year of
our Lord one thousand eight hundred and ninety-nine. Between
Isaac M. Williams, and Julia A. Williams, (his wife) both of
Junction, Lemhi County, Idaho parties of the first part,
and Phil Phenow, of Salmon City, Idaho, the party of
the second part. Witnesseth, that the said parties of
the first part, for and in consideration of Two Hundred
and Fifty Dollars (\$250⁰⁰) lawful money of the United States
of America, to them in hand paid by the said party of
the second part, the receipt whereof is hereby acknowledged,
have granted, bargained and sold, and by these presents do grant,
bargain, sell, convey and confirm unto the said party of
the second part, and to his heirs and assigns forever, all
that certain lot, piece or parcel of land, situate, lying and
being in the Salmon City Townsite, County of Lemhi and
State of Idaho, and particularly described as follows, to wit:-
All the right, title and interest of the said party of the first
part, as his at law of Richard Williams, and Margaret Williams,
Deceased, of, in and to that certain lot, piece or parcel of land, sit-
uated within, upon and being a part of the Townsite of
Salmon City, in said Lemhi County, bounded and described
as follows, to wit: From the southeast corner of the
block of land bounded southerly by Main street, and easterly
by Center street, run north, 61° 30' west along the northerly

ENCLOSURE 4 $\frac{1}{2}$

John S. McKinney

ATTORNEY AT LAW
P.O. BOX 1442
SALMON, IDAHO 83467

East Main Street

May 9, 1983

area code 208
telephone: 756-4287

Admiral and Mrs. Chewning
"Litelfield"
Route 2, Box 377D
Heathville, Va 22473

Dear Admiral and Mrs:

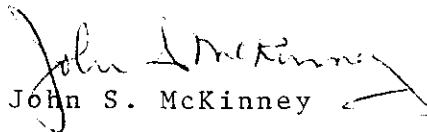
I am in the final process of completing your claim for water rights. The engineer, James Johnstone and I traveled to your property with Jack Furey so we could accurately locate the ditches, diversions, etc.

You have approximately 55 acres (54.67). The Idaho Code presumes 1 miner inch per acre. I believe that due to the sandy conditions you would require 2 inches per acre. I discussed the matter with the Soil Conservation Service representative in Salmon, Ralph Swift, and he suggested 1.75" to 2.00". You have two sources of water, (1) a ditch from the Pahsimeroi River (largest source) and (2) a ditch from a spring (smaller source). These two sources are for irrigation. You will also require a source for stock watering directly out of the Pahsimeroi. I believe we will claim 2.0 cfs (100 inches) or the large ditch from the Pahsimeroi River and .20 cfs (10 inches) from the spring for a period from April 15th through October 15th each year. I picked the figure of 30 for livestock use and the requirement of 0.02 cfs for this use (Water Resources advised this amount).

As soon as the engineer finishes the drawings and I am able to establish a date of priority, I will personally deliver and file the claims in Idaho Falls. Although it is more expensive, I believe it is the best procedure to assure proper filing. I'll send you my statement and the engineers as soon as we have the documents ready and filed.

Please call if you have any questions.

Very truly yours,


John S. McKinney

Enclosure 5 $\frac{1}{1}$

John S. McKinney

ATTORNEY AT LAW
P.O. BOX 1442
SALMON, IDAHO 83467

East Main Street

May 20, 1983

area code 208
telephone: 756-4287

Admiral and Mrs. Robert Chewning
"Litelfield" Rt. 2, Box 377D
Heathville, Va 22473

Dear Admiral and Mrs. Chewning:

I filed your claim for water rights on Thursday, May 19th. I personally went over those claims with the Director of the Eastern Idaho Office of Water Resources. We probably went into more specific detail than the average person filing those claims but I feel it necessary to do it right. I think we are quite accurate on the location of the land and the water sources. The problem was that the 55 acres lay in different sections which made it impossible for a layman to locate and called for the need of the engineer. The District Manager felt that we might have one of the only very accurate filings. As you will notice, I claimed 2.0 cubic feet which is 100 miners inches directly out of the river through a ditch. According to Mr. Furey and our view of the land, this ditch serves most of your property. I claimed .20 cfs out of the spring which would irrigate two acres or a minimal part of your land above the first ditch. I also claimed .02 cfs for the stock water directly out of the river.

The only problem area that I see is substantiating the April 1st, 1870 priority date. I was asked how we established that and I explained that others in the area within the same section are claiming it. I further advised the District Manager that I had talked to Mr. Claus Burstedt who had lived in the country since 1909 and who says that our irrigation took place at least before the turn of the century. The director suggested that we try to obtain Affidavits to support our claim. I feel it will be very difficult. Let me know what you think.

Enclosure b 1/2

John S. McKinney

ATTORNEY AT LAW
P.O. BOX 1442
SALMON, IDAHO 83467

East Main Street

June 29th, 1983

RECEIVED
OCT 05 2004
DEPARTMENT OF
WATER RESOURCES
Case 208
Telephone 756-4287

Admiral and Mrs. Robert Chewning
"Litelfield" Rt. 2, Box 377D
Heathville, Va 22473

Dear Admiral and Mrs. Chewning:

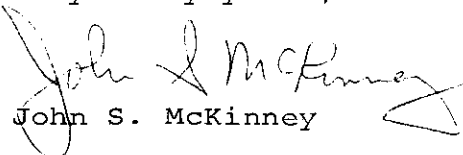
Find enclosed your water claims and a letter from the
Department of Water Resources.

I hope that you find everything in order and you are
satisfied with my services.

I am enclosing a copy of the statement previously sent
you. I would appreciate you remitting in full so that
I might cover my expenses.

Thank you for your consideration in this matter.

Very truly yours,


John S. McKinney

JSM:ng
enclosures
certified receipt requested

Enclosure 7 1/7

150 Shinn Ave., Suite 111
Idaho Falls, Idaho 83402
(208) 325-7151

ROBERT H. CHESTNUT
VICTORIA H. CHESTNUT
LITTLEFIELD
PT. 2, BOX 2770
HEATHVILLE

NY Claim No. 73-4079

The Department of Water Resources has completed the administration of your claim to a water right, and no further action is authorized under Section 42-242 and 42-244, IDPAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the matter right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Group: Levinsky

RONALD D. DARRSON
Eastern Region Supervisor

1001-1002

[illegible]

No. of acres 2

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
use total irrigated 54.67 acres

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

(7) If you are claiming water as a member of an organization, list name of organization: None

ENCLOSURE 7 2/7

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

"Litelfield" Rt. 2, Box 377D, Heathville, Va 22473 Telephone No. 804-580-2236
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1870

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to Pahsimeroi
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.20 cfs</u>	Use	Irrigation	Period of Use From <u>April 15</u> To <u>Oct. 15</u>
Quantity	_____	Use	_____	Period of Use From _____ To _____
Quantity	_____	Use	_____	Period of Use From _____ To _____
Quantity	_____	Use	_____	Period of Use From _____ To _____
Quantity	_____	Use	_____	Period of Use From _____ To _____
Quantity	<u>20 cfs</u>	Use	TOTAL QUANTITY USED:	Period of Use From _____ To _____

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8 Twp. 15 N Rge. 21 E B.M., County of LEMHI
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Runs directly into a 2½ mile ditch thru a headgate

- 6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 2

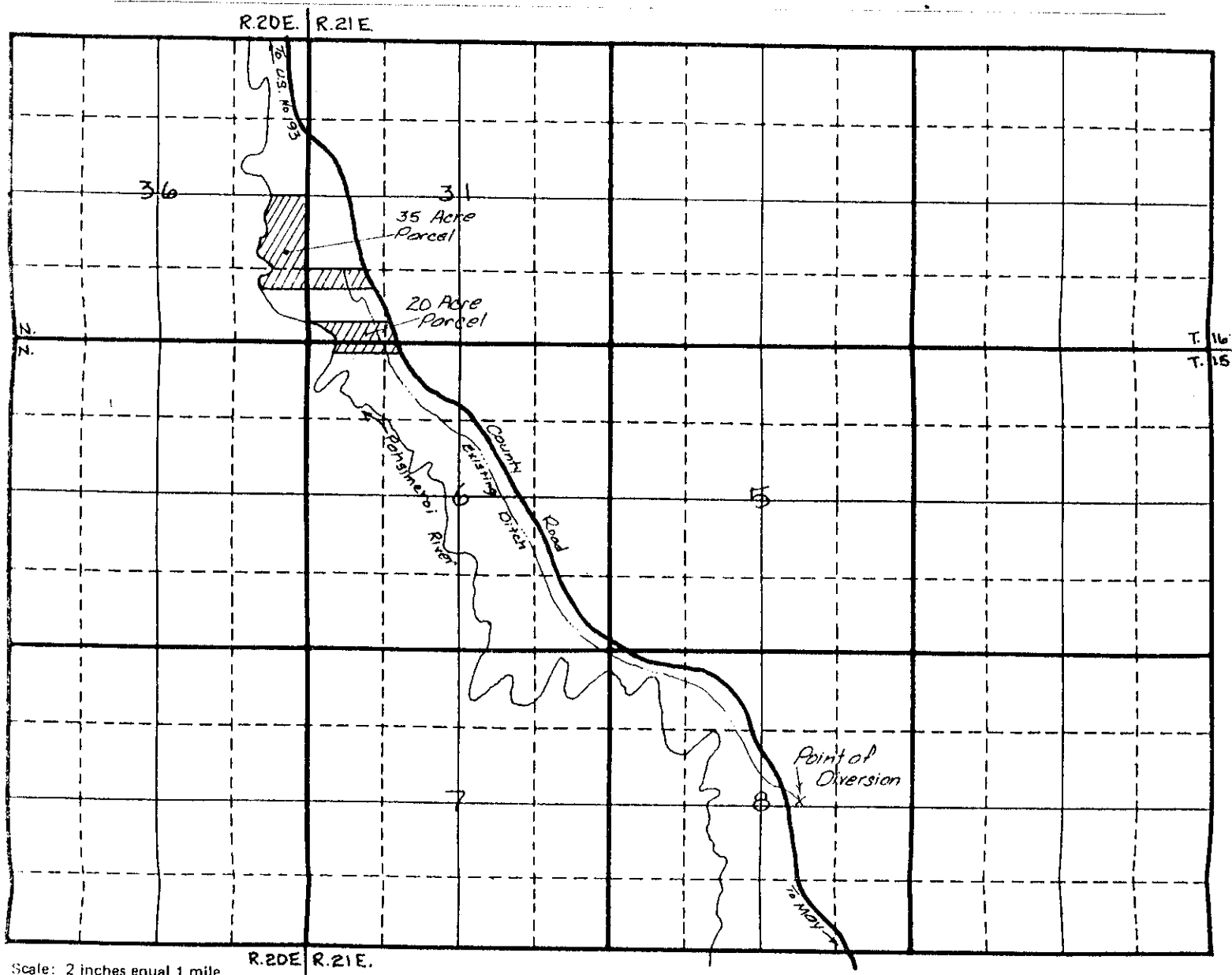
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
use total irrigated 54.67 acres

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

- 7) If you are claiming water as a member of an organization, list name of organization: None

ENCLOSURE 7 $\frac{3}{4}$

Remarks



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~XXXX~~ Hawaii)
County of Honolulu) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert W. Channing Virginia H. Channing
(Claimant)

Sworn to before me this 14th day of March, 19 83.

Assistant Judge Advocate, US Navy
Authority: 10 US Code 936

Maria R. Linn, CDR, JAGC, USN
~~XXXXXX~~ Assistant Judge Advocate, USN
Residing at Camp Smith, Hawaii

My commission expires Indefinite

FOR DEPARTMENT USE ONLY

Received by CU Date 5/19/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWS Date 5/20/83 claimant by: _____
\$20.00 fee received by CU Date 5/19/83
Published in Recorder Herald # 26241
Dates 6/2 - 6/19/83

Enclosure 7 4/7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 20, 1983

ROBERT W. CHEWNING
VIRGINIA H. CHEWNING
LITTLEFIELD
RT. 2, BOX 3770
HEATHVILLE VA 22473

EE Claim No. 73-4080

Dear Claimant:

The Department of Water Resources has completed the advertisement of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertisement of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

No. of acres 54

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Use total irrigated 54.67 acres

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

(7) If you are claiming water as a member of an organization, list name of organization: None

Enclosure 7 5/7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Robert W. Chewning and Virginia H. Chewning
(Name of Claimant)

"Litelfield" Rt. 2, Box 377D Heathville, Va 22473 Telephone No. 804-580-2236
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1870

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Pahsimeroi River tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity <u>2.0 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>April 15</u>	To <u>Oct. 15</u>
Quantity <u>0.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>Jan</u>	To <u>Dec</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 2.02 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ SE ¼, Sec. 6 Twp. 15N Rge. 21E B.M., County of LEMHI

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 1. Wooden headgate 1 3/4 mile ditch

2. Stock water from river itself

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15N	21E	6					1	2											3
16N	21E	31										25	2						27
16N	20E	36												18				5	23

No. of acres 54

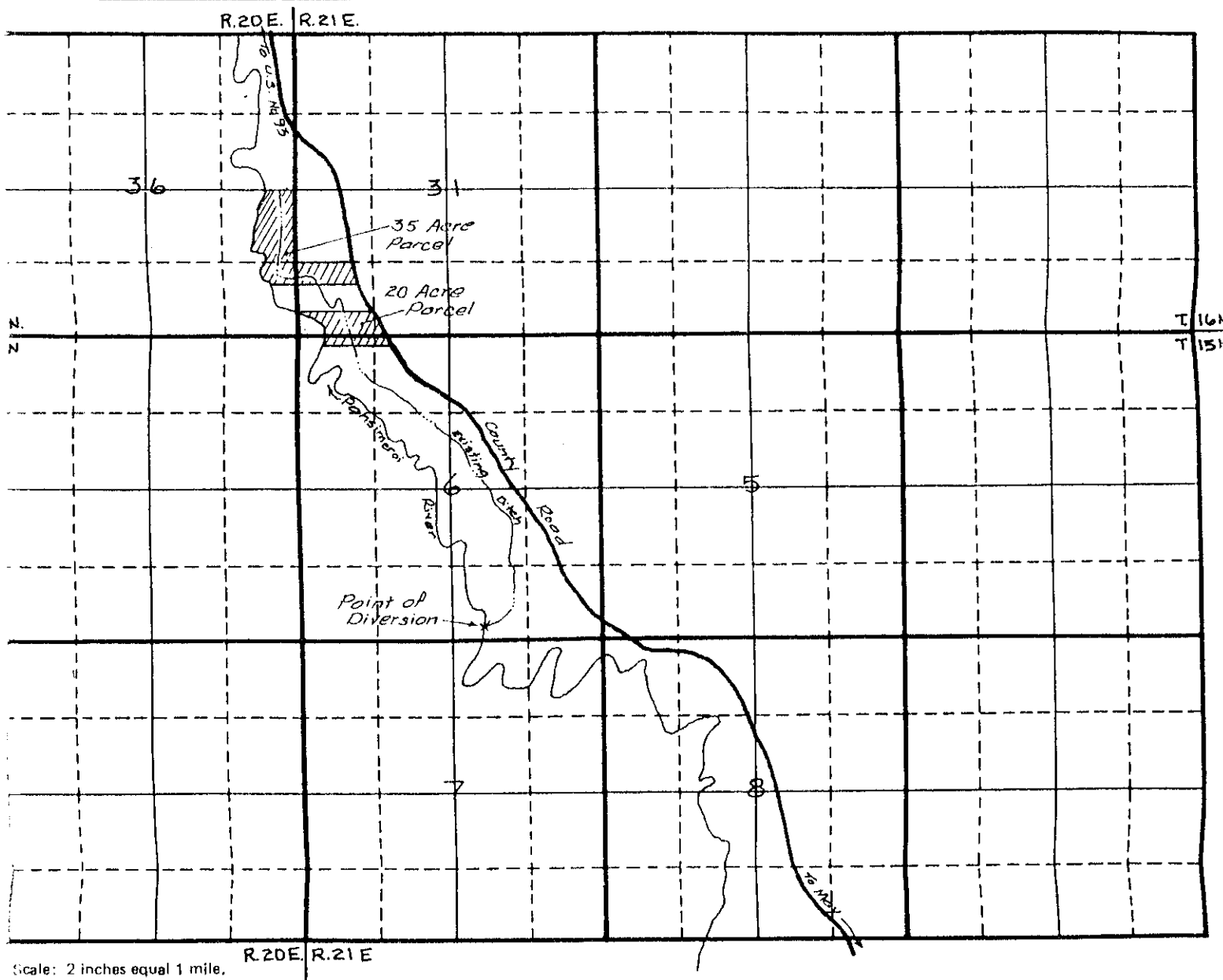
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Use total irrigated 54.67 acres

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

(7) If you are claiming water as a member of an organization, list name of organization: None

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(8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of ~~XXXX~~ Hawaii)
) ss.
County of Honolulu)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Rob. P.W. Canning *Virginia H. Canning*
(Claimant)

Sworn to before me this 14th day of March, 19 83.

Assistant Judge Advocate, US Navy
Authority: 10 US Code, 936

Mani S. Sinner, CDR, JAGC, USN
~~XXXXXX~~ Assistant Judge Advocate, USN
Residing at Camp Smith, Hawaii

My commission expires Indefinite

FOR DEPARTMENT USE ONLY

Received by <u>PW</u>	Date <u>5-19-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWS</u>	Date <u>5-20-83</u>		claimant by:	
\$20.00 fee received by <u>PW</u>	Date <u>5-19-83</u>			
Published in <u>Recorder Herald</u>	<u>#26246</u>			
Dates <u>6/3 - 6/9/83</u>				

ENCLOSURE 7 7/7