

A35-04049
JAY HUBBARTH
~~BETH HUBBARTH~~
1073 S. 7 2300 W.
STERLING

IN 63216



Measure
Acres

6.5 Acres

8/13/93

1068
1659

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 16 1998
Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 35-04049

BETH HOWARTH
JAY HOWARTH
1073 S 2200 W
STERLING ID 83210

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 12-11-98 SIGNATURE: Jay T. Howarth
Please print your name: Jay T. Howarth

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

1

RECEIVED

JUL 11 1991

Department of Water Resources
Eastern District Office

JAY & BETH HOWARTH

JULY 9, 1991

PROOF OF PRIORITY

NO. A35-04049

I verify that the water was first used from the artesian well
at sw 1/4 sw 1/4, sec 28 Twp 4s Rge 32E B.M. County of Bingham (also
described as block 4 of the Sterling Townsite) on March 20, 1963.

Signed: Kenneth L. Hall neighbor

Notarized this day July 9 1991

By Cheryl R. Thelin, Notary Public

My commission expires 10-21-1994

MICROFILMED

DEC 10 1992

17-Jun-1991

JAY & BETH HOWARTH
1073 S 2200 W
STERLING ID 83210

RE: **Evidence of Priority**
NO. A35-04049

Dear Claimant:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by JULY 15, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED

DEC 10 1992

JAY & BETH HOWARTH
A35-04049

page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

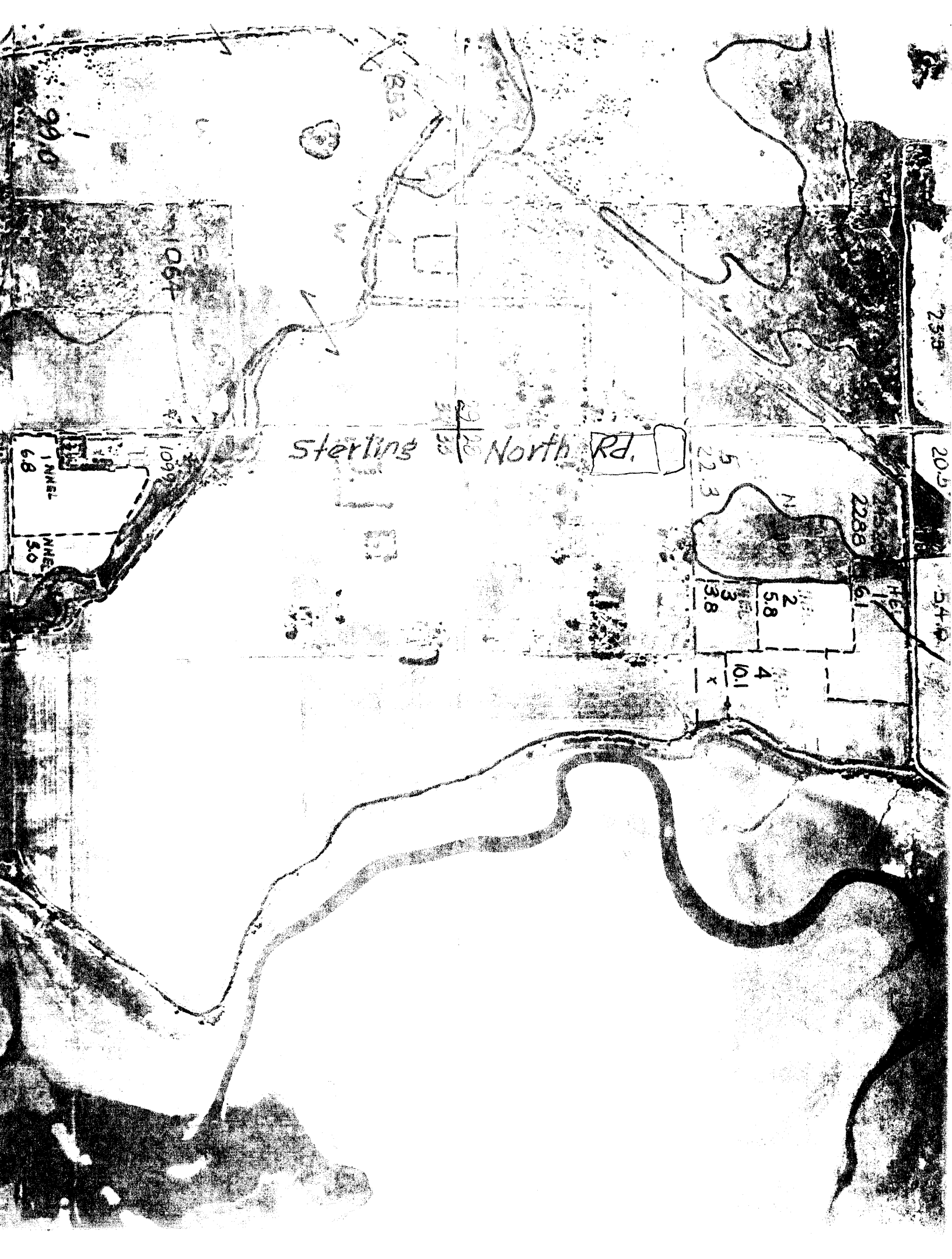
Eric Verner
Senior Water Agent

EV:rb

Enc. Brochure on "Evidence of Priority"
Proof Report

MICROFILMED

DEC 10 1992



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Notice is hereby given that Carl T. Hensen, Box 425
(name of claimant)

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>0.90</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | <u>0.04</u> | Use | <u>domestic</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri,
stock, etc.) | | | | | (both dates inclusive) |

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 28 Twp. 4S Rge. 32E B. M. County of Bingham
 Additional points of diversion: _____
also describe as block 4 of the Sterling Townsite
 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. 6" artesian well, 234' deep.

- [illegible]

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

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

STATE OF IDAHO

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Carl T. Hensen, Box 125
(name of claimant)
of Sterling, Idaho 23.279
(mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground Water (artesian), tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: _____

Amount	<u>0.90</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount	<u>0.04</u>	Use	<u>domestic</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri, stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.94 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) March 20, 1963
A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 28 Twp. 4S Rge. 32E B. M. County of Bingham
 Additional points of diversion: _____

also describe a block 4 of the Sterling Townsite

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. 6" artesian well, 234' deep.

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

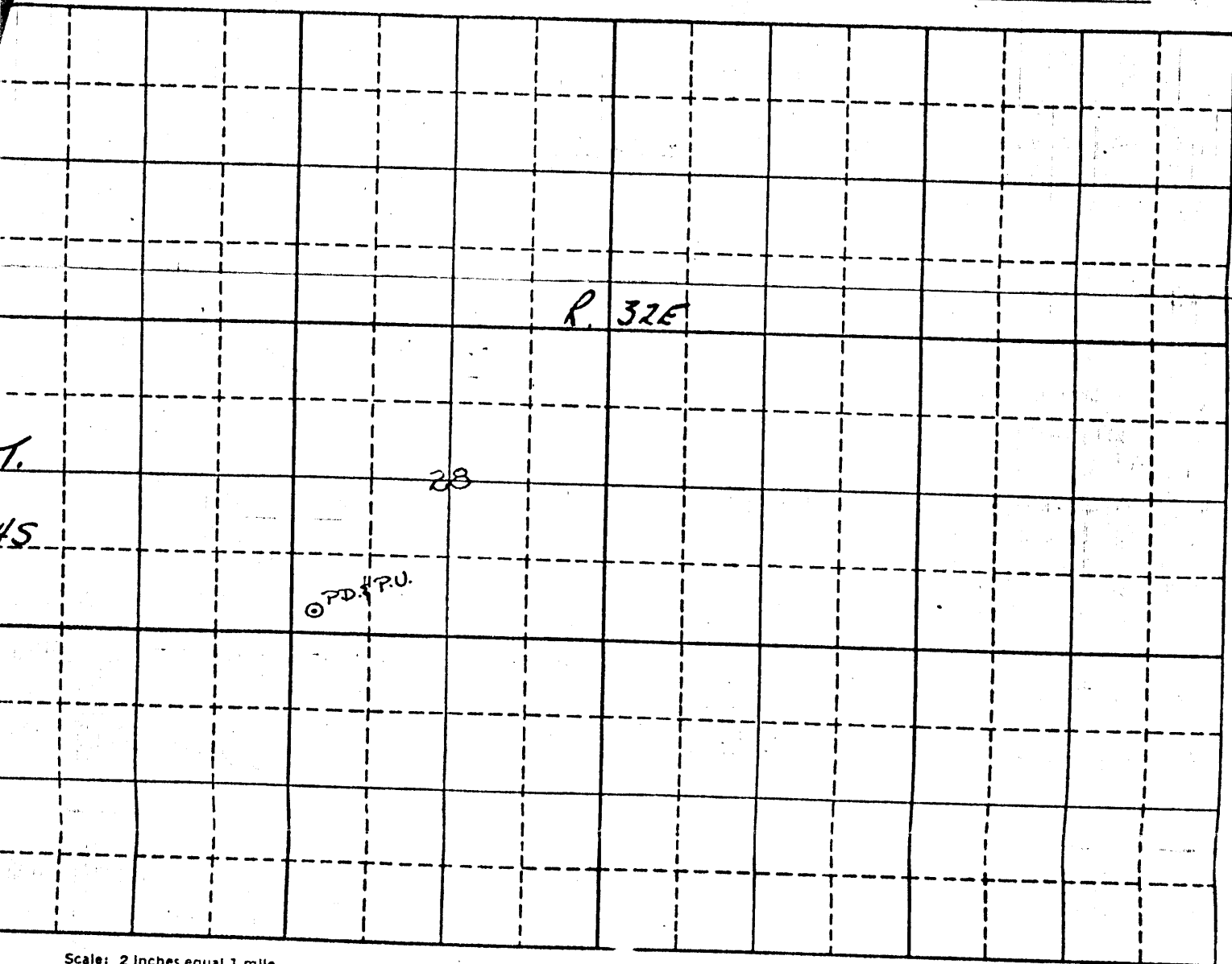
[illegible]

Total No. of acres 6.5

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

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

(8) Remarks A high rate of diversion is used for a short irrigation period.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Ada) ss.

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

Sworn to before me this 19th day of April, 19 76.

Carl E. Hansen
(Claimant)
Marcia K. Brown
Notary Public
Residing at Boise, Idaho

My commission expires 8-10-79

For Department Use Only

Received by <u>CW</u>	Date <u>4-26-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>FW</u>	Date <u>4-26-76</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>4-26-76</u>			
Approved for publication by <u>TR</u>	<u>5-14-76</u>	<u>#15776</u>		
Published in <u>Blackfoot Journal</u>				
<u>May 6 1976</u>				