

07/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 13-04283

NAME AND ADDRESS: CLAUDE RICHINS
KAYLE RICHINS
13659 S 1300 W
RIVERTON, UT 84065

SOURCE: ANDERSON SPRING TRIBUTARY: SINKS

QUANTITY: 0.9 CFS
148 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NOS. 13-02242 AND 13-07116 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 707 AF

USE OF THIS RIGHT WITH RIGHT NO. 13-02242 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 185.5 AF

PRIORITY DATE: 05/12/1885

POINT OF DIVERSION: T14S R38E S5 SENESW Within FRANKLIN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC 1 HOME	1-01 12-31	0.04 CFS
		0.6 AFY
STOCKWATER	1-01 12-31	0.02 CFS
		0.4 AFY
IRRIGATION	4-15 10-15	0.84 CFS
		147.0 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A DECREE IS ENTERED FOR THIS RIGHT.

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PLACE OF USE:

DOMESTIC Within FRANKLIN County					
T14S R38E S4	SWNW				
IRRIGATION Within FRANKLIN County					
T14S R38E S4	SWNE	40	T14S R38E S4	SWNW	36
T14S R38E S4	SENE	40	T14S R38E S4	NESW	10
T14S R38E S4	NWSW	27	T14S R38E S5	SWNE	12
T14S R38E S5	SENE	37			
202 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NOS. 13-02242 AND 13-07116 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 202 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NO. 13-02242 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE IRRIGATION SEASON

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 42 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS RIGHT MAY BE USED TO SUPPLY REPLACEMENT WATER FOR RIGHT NOS. 13-04110A, 13-04110C AND 13-04110D

RIGHT NO. 13-02242 IS SUPPLEMENTAL TO THIS RIGHT ON 23 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 192 RANGE CATTLE

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OCT 12 1987

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This Right has been Decreed in the Case: Peterson vs. Richins

*See Decree file for the Director's Report and Agreements.

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OCT 02 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4796
WATER RIGHT NOS. 13-02242 & 13-04283

This is to certify that: **CLAUDE RICHINS**
KAYLE RICHINS
13659 S 1300 W
RIVERTON UT 84065

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

RIGHT NO: 13-02242
Priority: 06/20/1961
SOURCE: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.63 CFS	119.0 AF
SUBTOTAL:		0.63 CFS	119.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 4, Township 14S, Range 38E
FRANKLIN County

RIGHT NO: 13-04283
Priority: 05/12/1885
SOURCE: ANDERSON SPRING
TRIBUTARY OF: SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 1.00 CFS	147.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
SUBTOTAL:		1.06 CFS	148.0 AF
TOTAL:		1.69 CFS	** 186.5 AF

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 5, Township 14S, Range 38E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14S	38E	4	SWNE 40	SWNW 36	SENE 40	
			NESW 10	NWSW 27		153
		5	SWNE 12	SENE 37		49

Total number of acres irrigated: *** 202

PLACE OF USE: STOCKWATER & DOMESTIC same as IRRIGATION use

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DEC 2 2004

TRANSFER NO. 4796
WATER RIGHT NOS. 13-02242 & 13-04283

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. That portion of groundwater Right No. 13-02242 appurtenant to 23.0 acres located in the SWNW, S04, T14S, R38E and irrigated under a portion of surface water Right No. 13-04283 shall not be used if the surface right is sold, transferred, leased, or used on any other place of use.
7. The right holder shall use the full allotment of appurtenant surface water under Right No. 13-04283 in conjunction with the overlapping portion of groundwater Right No. 13-02242. No supplemental groundwater shall be diverted on these 23.0 acres until such time as the spring water is not available.
- ** 8. Right Nos. 13-02242 and 13-04283 in combination shall not exceed
*** a total annual diversion volume of 185.5 af for the irrigation of 53.0 acres.
9. Right No. 13-02242 when combined with Right No. 13-07116 shall not exceed a total combined diversion rate of 2.83 cfs.
- ** 10. Right Nos. 13-02242 and 13-04283 when combined with Right No.
*** 13-07116 shall not exceed a total combined annual diversion volume of 707.0 af, nor the total combined irrigation of 202.0 acres.
- *** 11. Right No. 13-02242 is limited to the irrigation of 34.0 acres in the place of use described above in a single irrigation season.
- *** 12. Right No. 13-04283 is limited to the irrigation of 42.0 acres in the place of use described above in a single irrigation season.
- * 13. A portion of Right No. 13-04283, 0.16 cfs, is limited to use for conveyance losses in delivery of this right.
14. Approval of this transfer does not confirm Statutory Claim No. 13-04283.

Dated this 14th day of

January, 1997

J. Blum Saxton
Chief, Water Alloc. Bureau

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OCT 02 2007

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

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MAR 01 1996

Section 42-243, Idaho Code, authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. The filing of this claim does not confirm the water right claimed.

Notice is hereby given that Kayle or Claude Richins

(Name of Claimant)

13659 S. 1300 W., Riverton, Utah 84065

(Mailing Address)

Telephone No: (801) 254-4588

(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 the water was first applied to beneficial use) May 12, 1885

A claim is not acceptable on a surface water source with a priority later than May 20, 1971.

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

Anderson Springtributary to Sinks

RECEIVED

MAR 29 1996

3. Describe the purpose for which the water has been used and the time during the year when ~~Department of Water Resources~~ claimed:

(cfs, af)

(Domestic, Stock, Etc.)

(Both dates inclusive)
 (Mo., Day) (Mo., Day)

Quantity <u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u> to <u>12-31</u>
Quantity <u>0.02</u>	Use <u>Stockwater</u>	Period of Use From <u>1-1</u> to <u>12-31</u>
Quantity <u>1.00</u>	Use <u>Irrigation</u>	Period of Use From <u>4-15</u> to <u>10-15</u>

4. 1.06 TOTAL QUANTITY USED.

(cfs, af)

5. A) Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot
 Sec. 5 Township 14S Range 38E B.M. Franklin County; additional points of diversion
 if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Springbox, pipeline, ditches

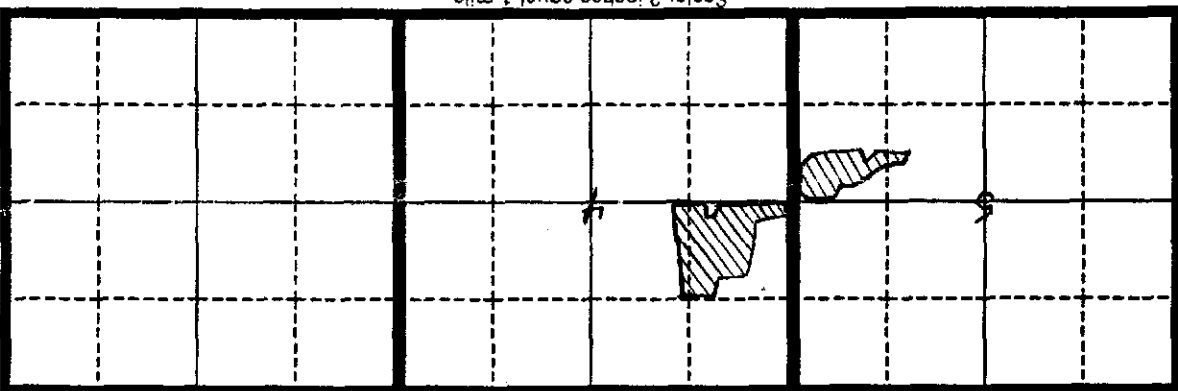
6. A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. D - domestic, S - stockwater, X - other

T	R	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
<u>14S</u>	<u>38E</u>	<u>4</u>							<u>S</u>										
		<u>4</u>							<u>23</u>	<u>7</u>									<u>30</u>
		<u>5</u>				<u>D&S</u>													
		<u>5</u>													<u>11.5</u>	<u>.5</u>			<u>12</u>

B) Fully describe the use, being as specific as possible: Domestic, 1 home; Stockwater and irrigation of 41.5 acres.

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

7. 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. Attach an aerial photograph of the place of use if available.

State of Idaho)
County of Salt Lake)
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.

Claimant's Signature (and title if claim is for an organization)
[Signature]
February 1, 1996

My commission expires: 2-1-98
Notary Public
Residing at: *[Address]*
STATE OF UTAH
NOTARY PUBLIC
My Commission Expires
February 1, 1998
MARSHA M. LANCASTER
1717 West 12600 South
Riverton, Utah 84065

FOR DEPARTMENT USE ONLY

Received by: *[Signature]*
Prelim. check by: *[Signature]*
\$100.00 received by: *[Signature]*
Receipt #: *[Signature]*
Exceptions filed by: *[Signature]*
Date: 3-9-96
Published in: *[Signature]*
Dates: *[Signature]*

MICROFILMED
OCT 2 1998

INTER-DEPARTMENT MEMO — 1

FROM Roberta

DATE 12-19-84

TO File 13-4282 and 13-4283

SUBJECT

Water right No. 13-4283 was erroneously issued No. 13-4282 for a short time.

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SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 10 1984

Department of Water Resources
Eastern District Office

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 Kayle or Claude Richins
(Name of Claimant)

Clifton, ID 83228
(Mailing Address)

Telephone No. 801-254-4503
(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) May 12, 1885

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)

Anderson Spring tributary to Sink

(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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>1.00</u>	Use <u>Irrigation</u>	Period of Use From <u>3-15</u>	To <u>11-15</u>
Quantity	<u>0.02</u>	Use <u>Stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
(4)	<u>1.06</u>	TOTAL QUANTITY USED.		

(cfs, af)

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

NE ¼ SW ¼, Sec. 5 Twp. 14S Rge. 38E B.M., County of Franklin

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. Water collection box, 2½ inch pipe from collection box to 1½ inch pipe which delivers water for domestic/stock/ and irrigation use.

(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	
14S	38E	4							X										
14S	38E	5				X													
14S	38E	5			X														
14S	38E	5			40	40													80

No. of acres 80

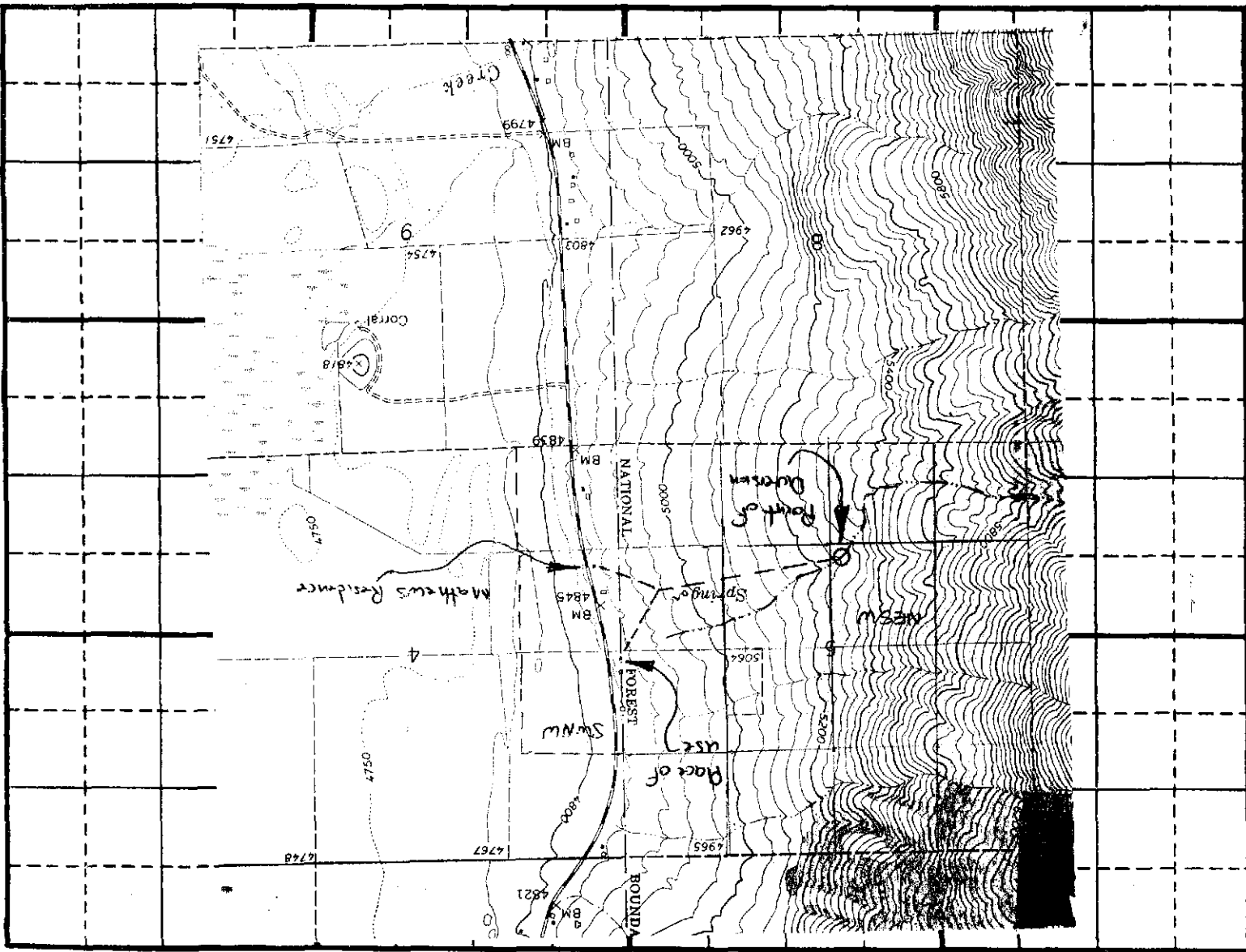
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Water will be used for culinary purposes of claimants household and to irrigate up to 50 acres. Also stock, and other farm animals.

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:

(8) Remarks Claimant acknowledges rights of Mr. Larry Don Matthews to use 1 1/2 inch line. Mr. Peterson has an interest in Mr. Matthews 1 1/2 inch line and not our 1 1/2 inch line. Water for domestic use on the 2 1/2 inch mainline in equal amounts.



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) ss.)
Just John)

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.

Sworn to before me this 22 day of May

(Claimant)
1984
Jay B. [Signature]
Notary Public
Residing at
[Signature]
[Signature]

My commission expires 2/10/85

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 4-27-84
Prelim. check by [Signature] Date 4-27-84
Published in [Signature] Date 4-27-84
Dates 6/17/84
#33539
Filed by: [Signature]
Forwarded to: [Signature]
Date: [Signature]

#875

JUN 25 1984

No 2123

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. Warten Ross

being duly sworn,

deposes and says:

That he is the Co - Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 7, 1984, and ending

with the issue of June 14, 1984.

Fee \$ 1500

Subscribed and sworn to before me this 30

of June, 1984.

Ken D. Allen

Notary Public, Residing at Preston, Idaho

My Commission Expires June 7, 1986

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JUL 5 1984

Department of State Resources
Eastern District OfficeNOTICE OF CLAIMS TO
WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

13-4282

RICHINS, KAYLE &/or CLAUDE
CLIFTON, ID 83228

Source: ANDERSON SPRING trib. to
SINK

Priority Date: 05/12/1885

Diversion Pt: NESW Sec 05 T 14S R
38E

Use: IRRIGATION (1.00 CFS)

Use: STOCKWATER (0.02 CFS)

Use: DOMESTIC (0.04 CFS)

In: SWNE SENE Sec 05 T 14S R 38E
FOR 80 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 6/7 & 6/14/84.

Legal No. 2123 -24L- Published
June 7, 14, 1984.

This
Right has been
Decreed in the
Case:
Peterson vs.
Richins

*See Decree file for the Director's Report and Agreements.

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OCT 02 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

January 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

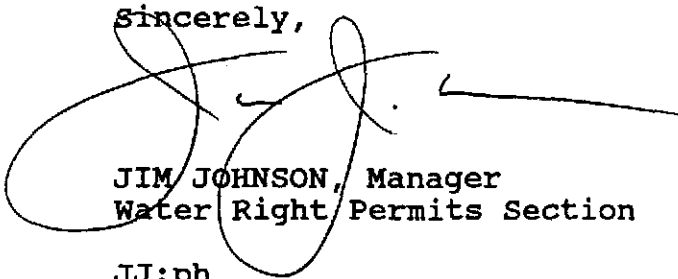
CLAUDE RICHINS
KAYLE RICHINS
13659 S 1300 W
RIVERTON UT 84065

RE: Water Right Nos. 13-02242 AND 13-04283
Transfer No. 4796

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4796). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

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OCT 07 2001

MEMORANDUM

TO: FILE NOS. 13-02242 & 13-04283

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSFER NO. 4796

DATE: July 17, 1996

=====

Transfer No. 4796 was filed to change the point of diversion and place of use under groundwater Right No. 13-02242 and surface water Right No. 13-04283. These rights are being used in combination with groundwater Right No. 13-07116 to irrigate a 202 acre permissible place of use. This transfer is to change these rights to reflect the way the water is currently being used and is the result of a private adjudication.

Season of use and diversion volume were adjusted to current standards. The rights as originally licensed and claimed reflect development of a portion of the groundwater for supplemental use on 23 acres where the rights overlap in the SWNW, S04, T14S, R38E. Conditions were included to describe the overlapping limits of these rights within the larger system.

Recommended conditions include combined limits, supplemental groundwater, measuring devices, future annual reporting, conveyance loss, permissible place of use limits, nonconfirmation of claim and standard transfer conditions.

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MEMORANDUM

TO: FILE 13-04283

FROM: PAM SKAGGS

RE: TRANSFER # 4796

DATE: 4-10-96

=====

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 13-02242.

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OCT 02 2001

3-11-96

State of Idaho
Department of Water Resources

Amended

CLAIM ANALYSIS SHEET

Amended

INITIAL REVIEW BY: HWT

Right Number 13-04283

Applicant Kyle Leckie

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

NO Advertising

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Claim published correctly.
- ☐ Exceptions processed.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By PC Date 4-10-96



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

September 18, 1984

Kayle and Claude Richins
Clifton, ID 83228

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OCT 1 1984

Dear Mr. and Mrs. Claude Richins,

Department of Water Resources

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department - Corrections
.....
.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 Water Administration (renamed Department of Water Resources July 1, 1974) 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 Resources. 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 of final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

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RDC/cz

Enclosure

13-4283
EXCEPTION TO CLAIM WATER RIGHTS

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SEP 13 1984

Department of Water Resources
Eastern District Office

LARRY MATTHEWS, being first duly sworn, deposes and says
as follows:

1. Your affiant objects to the claim of water right
filed by Kayle and/or Claude Richins, Claim No. 13-428³ on the
Anderson Spring, tributary to SINK.

2. The Richins have developed a new diversion from the
Anderson Spring by taking all overflow from the Spring and
transporting it to their property.

3. The diversion by the claimants impairs the prior
right of your affiant to stock watering privileges previously
subject to your affiant's beneficial use (more fully described in
Claim No. 13-4248 filed by your affiant on March 7, 1984, with a
priority date of May 12, 1885).

4. The complete diversion of all overflow from the
Anderson Spring by the Richins has completely cut off all natural
drainage through the property of your affiant thereby denying your
affiant the use thereof for the natural watering of grass, trees
and other vegetation which is used by your affiant for pasture,
stock watering and aesthetic purposes.

5. To your affiant's knowledge, claimants have not
established a beneficial use for irrigation by appropriate claim
or filing and their claim of an historical and beneficial use with
a priority date of May 12, 1885, for irrigation purposes is
improper and incorrect.

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OCT 1 1984

Department of Water Resources

6. Your affiant therefore takes exception to the proposed claim by Kayle Richins and/or Claudia Richins and request that this exception be filed pursuant to Idaho Code Section 42-244 and that a copy of said exception be forwarded to the claimant by the Department of Water Resources as provided in the said statute.

DATED This 8 day of August, 1984.

Larry Matthews
LARRY MATTHEWS

STATE OF IDAHO)
County of Franklin)

On this 8th day of August, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared LARRY MATTHEWS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

RECEIVED

OCT 1 1984

September 18, 1984

RE: Exception to Claim No. 13-428³₂

Department of Water Resources

Larry Mathews
Clifton, ID 83228

We have received the exception dated August 8, 1984, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department - Corrections
.....
.At any time after filing a claim under the provisions of this sections, 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 Water Administration (renamed Department of Water Resources, July 1, 1974) 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 Resources. 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 you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC/cz

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 25, 1984

KAYLE RICHINS
CLAUDE RICHINS
CLIFTON

ID 83228

RE: Claim No. 13-4282

Dear Claimant:

The Department of Water Resources has completed the advertising 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 advertising 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

MICROFILMED

July 5, 1984

RE: Claim to a Water Right No. 13-4282 RICHINS

Roy G. Peterson
Box 141
Clifton, Idaho 83228

Dear Mr. Peterson:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim can not be taken by this Department.

Your letter concerning claim to a water right No. 13-4282 in the name of Kayle or Claude Richins could not be processed as an exception because it was not notarized. To assist you in submitting an exception we are returning your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit make sure the document is notarized before sending it to the Department.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosures

RECEIVED
JUL 11 1984

June 25, 1984

RE: Claim to a Water Right No. 13-4282 RICHINS

Preston Citizen
P.O. Box 472
Preston, ID 83263

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on June 7 and 14, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED
JUN 27 1984

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWT

Right Number 13-4282 Applicant Richins

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- 6/25/84

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date July 7, 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 7/17/84

RECEIVED
JUL 17 1984

Department of Water Resources

May 1, 1984

Kayle Rickins
Clifton,
Idaho 83228

Dear Mr. Rickins:

Enclosed is a new claim based on the original you submitted. Since you claimed 50 acres of irrigation you must define how many acres there are in each quarter-quarter and put those figures on line 6. I also felt your home location should be the SWNW of Section 4. If you agree put an "X" in that quarter-quarter on line 6.

After you have completed and reviewed the claim, please sign and have it notarized before returning it to this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:jk

Enclosures

On our claim to water right sheet on the overflow for 50 acres will you
please fill in the right amount as I am not sure how you figure it, I
left it blank for irrigation and total water used. We figure the overflow
should take care of about 60 acres, more or less.

Thank you,

Capl H. Kayle
Kayle

RECEIVED

APR 20 1984

Department of Water Resources
Eastern District Office

00-111111

SE $\frac{1}{4}$ - NE $\frac{1}{4}$

Section 5 Township 19S

Range #38E of Bain
Meridian

East of Bain Meridian

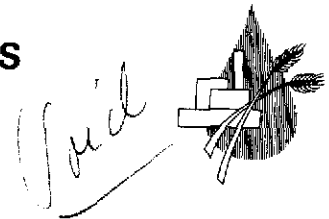
~~SE~~ - SW $\frac{1}{4}$ - NE $\frac{1}{4}$
100'

app ⁷⁰ ~~100~~ acres **ED**

We hope this is right
we obtained this from
the Government office
in Preston, Idaho

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 Kayle & Claude Richins

(Name of Claimant)

Clifton, Idaho 83228

(Mailing Address)

Telephone No. 801 254-4503

(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) May 12, 1885

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)

Anderson Spring tributary to Sink

- (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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>Domestic</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use <u>Irrigation 50 acres</u>	Period of Use From <u>Mar. 15</u>	To <u>Nov. 15</u>
Quantity	<u>.02</u>	Use <u>Stock</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use _____	Period of Use From _____	To _____
Quantity		Use _____	Period of Use From _____	To _____

- (4) TOTAL QUANTITY USED.

(cfs, af)

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

NE 1/4 SW 1/4, Sec. 5 Twp. 14 S Rge. 38 E B.M., County of Franklin

Additional points of diversion: Water collection box, 2 1/2 inch pipe from collection box to 1 1/2 inch pipe which delivers water for domestic/stock/irrigation use. Improvements accomplished in 1980.

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. Water collection box, 2 1/2 inch pipe from collection box to 1 1/2 inch pipe which delivers water for domestic/stock/irrigation use. Improvements accomplished in 1980.

- (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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14S	38E	4										X							

No. of acres _____

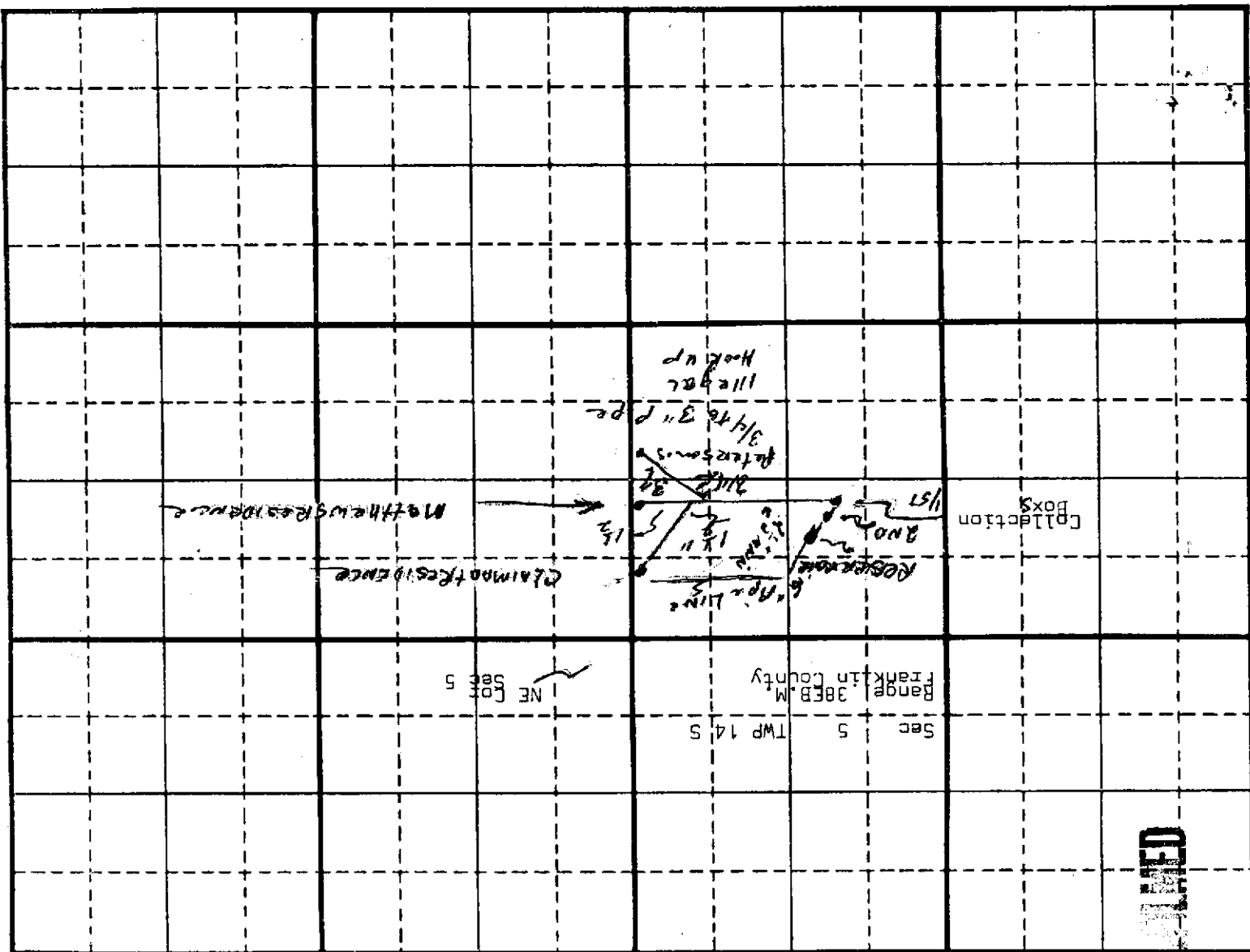
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Water to be used for culinary purposes of claimants household and to irrigate up to 50 acres. Also stock, and other farm animals.

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: _____

(8) Remarks Claimant acknowledges rights of Mr Larry Don Mathews to use 1 1/2 inch line, Mr Peterson has an interest in Mr Mathews 1 1/2 inch line & not our 1 1/2 inch line. Water for domestic use on the 2 1/2 inch main line in equal amounts.



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) ss.)
J. A. Lake

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.

Sworn to before me this 24 day of April, 1984
(Claimant)
Larry M. Mathews
Notary Public
Residing at
Kauai, Hawaii

My commission expires 2/10/85

FOR DEPARTMENT USE ONLY

Received by ML Date 4-26-84 Exception filed by: 4-26-84 Forwarded to 4-26-84 Date
Prelim. check by ML Date 4-27-84 #33529
Published in ML Date 4-27-84 Fee received by ML \$30.00
Dates

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

MAY 30, 1984

The Preston Citizen
P. O. Box 472
Preston, Idaho 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 25, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
MAY 31 1984

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 6/7 & 6/14/84.

RECEIVED
JUN 14 1984

13-4282

RICHINS, KAYLE &/or CLAUDE

CLIFTON, ID 83228

Source: ANDERSON SPRING trib. to SINK

Priority Date: 05/12/1885

Diversion Pt: NESN Sec 05 T 14S R 38E

Use: IRRIGATION	(1.00 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: SWNE SENE Sec 05 T 14S R 38E FOR 80 ACRES

Proofed by phone
4/5/84

RECEIVED