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Identification No. 13 4006

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

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 Calvin L. Bennett
post office address Thatcher, Idaho 83283

2. The point of diversion is in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 30 Township 11S
Range 41E B.M. located on Trout Creek
(name of source)

tributary to Bear River in Caribou 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:

January 13, 1965 amount: 1.6 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 1.6 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 irrigation period of use from May 1 to October 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works: Screening box; 30 hp electric pump & motor.

a. Surface water diversion dam and/or headgate: material is composed of concrete (screening box)
_____; length is 8 feet; height is 2 feet;
width at bottom is 3 feet; width at top is 3 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

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 _____

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 _____;

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

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 _____

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:

[illegible]

Total number of acres to be irrigated 80

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch unnamed. The other users and their respective interests in the ditch are (if known) Marvin Prescott, Clark Mickelson

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

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

State of Idaho }
County of Caribou } 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 June, 1973.

Calvin L. Prescott
Claimant

Deane P. Rice
Notary Public

Residing at Soda Springs, Idaho

My commission expires 7-25-73

For Department Use Only

Received by <u>mb</u> Date <u>6-20-73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>NCY</u> Date <u>6/20/73</u>	<u>N. A.</u>	_____	_____
Fee received by <u>mb</u> Date <u>6/30/73</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>NCY</u> <u>6/22/73</u>	_____	_____	_____
Published in <u>Caribou County Press</u> Dates <u>6/28 & 7/5/73</u>	_____	_____	_____
Publication app'd <u>NCY</u> <u>7/16/73</u>	_____	_____	_____

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

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

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to it 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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District
Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

V. E. Lansberry

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County, that said
newspaper has been pub-
lished in said County uninterru-
ptedly and continuously for
over seventy-eight consecutive
weeks, prior to the first publi-
cation of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for two successive weekly
issues thereof, the date of the
first publication being the

28th day of

June, 19 73

The date of the last publication

being the 5th day of

July, 19 73

V. E. Lansberry
Subscribed and sworn to be-

fore me this 6th day

of July, 19 73

Elaine S. Schaefer

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of November

19 74

NOTICE OF CLAIM TO A WATER RIGHT No. 13-4006

Notice is hereby given that
Calvin L. Bennett, Thatcher,
Idaho, has filed a claim to a
water right established by di-
version and application to bene-
ficial use of 1.6 cubic feet per
second of water from Trout
Creek tributary to Bear River
with point of diversion in the
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 11S, R.
41E, B.M., Caribou County.

The water is claimed to be
used from May 1 to Oct. 31 for
the irrigation of 80 acres, with
a priority of Jan. 13, 1965; the
place of use is within the
N $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 11S, R.
41E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, 240
South Holmes, Idaho Falls,
Idaho, 83401.

R. KETH HIGGINSON
Director

Published in the Caribou
County Sun, Soda Springs, Ida-
ho, on June 28 and July 5, 1973.

13 4006

July 16, 1973

Re: Claim to a Water Right No. 13-4006

Mr. Calvin L. Bennett
Thatcher,
Idaho 83283

Dear Mr. Bennett:

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

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

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

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enc: Copy of claim

13 4006

June 22, 1973

Re: Application for Permit No. 13-4006 - Calvin L. Bennett

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

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. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 7-10-73 by mb

NCY:mb

Enc: Legal notice

13 4006

mt **NOTICE OF CLAIM TO
A WATER RIGHT
No. 13-4006**

Notice is hereby given that Calvin L. Bennett, Thatcher, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 1.6 cubic feet per second of water from Trout Creek tributary to Bear River with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 11S, R. 41E, B.M., Caribou County.

The water is claimed to be used from May 1 to Oct. 31 for the irrigation of 80 acres; with a priority of Jan. 13, 1965; the place of use is within the N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 11S, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho, on June 28 and July 5, 1973.

13 4006

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4006

Notice is hereby given that Calvin L. Bennett

Thatcher, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.6 cubic feet per second ~~above the open bottom~~
of water from Trout Creek tributary to Bear River

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 11S, R. 41E, B.M.,
Caribou County,

The water is claimed to be used from May 1 to Oct. 31 for the
irrigation of 80 acres.

with a priority of Jan. 13, 1965;
the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 11S, R. 41E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho,
83401.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on June 28 and July 5, 1973.

June 26, 1973

Calvin L. Bennett
Thatcher,
Idaho 83283

Dear Mr. Bennett:

Attached herewith is departmental receipt No. 10237 in the amount of \$10.00 for your claim to a water right which was received in this office under the above date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Attachment

13 4006