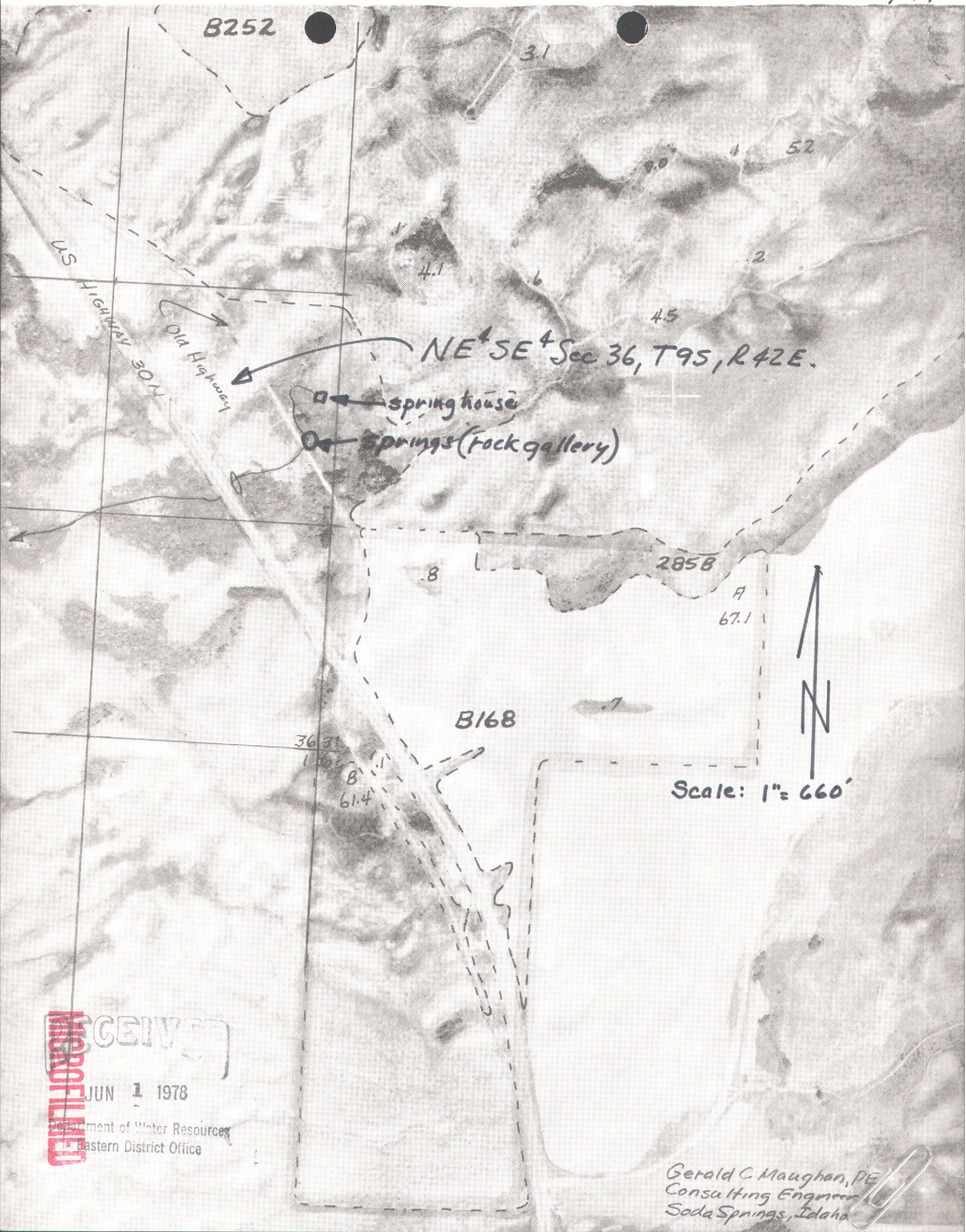




RECEIVED
JUN 1 1978
Department of Water Resources
Eastern District Office

Gerald C Maughan, PE
Consulting Engineer
Soda Springs, Idaho

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

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 H. W. Rhead and W. B. Mason, a partnership
(name of claimant)
of 320 West 2nd South, Soda Springs, ID, claims a right to the diversion and beneficial use of
(mailing address) 83276
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) unnamed spring to internal drainage, tributary to, sinks
- (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>0.05</u>	Use <u>domestic</u>	Period of Use:	From <u>Jan. 1</u>	To <u>Dec. 31</u>
Amount	<u>0.10</u>	Use <u>stock</u>	Period of Use:	From <u>Jan. 1</u>	To <u>Dec. 31</u>
Amount	<u> </u>	Use <u> </u>	Period of Use:	From <u> </u>	To <u> </u>
	(cfs, gpm or a/f)	(dom., irri., stock, etc.)		(both dates inclusive)	

- (3) Total quantity of water claimed: 0.15 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) January 25, 1900

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)
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36 Twp. 9 S. Rge. 42 E. B. M. County of Caribou
 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. Concrete springhouse, rock gallery, pump, pressure tank, pipeline, and ditches.

- (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]

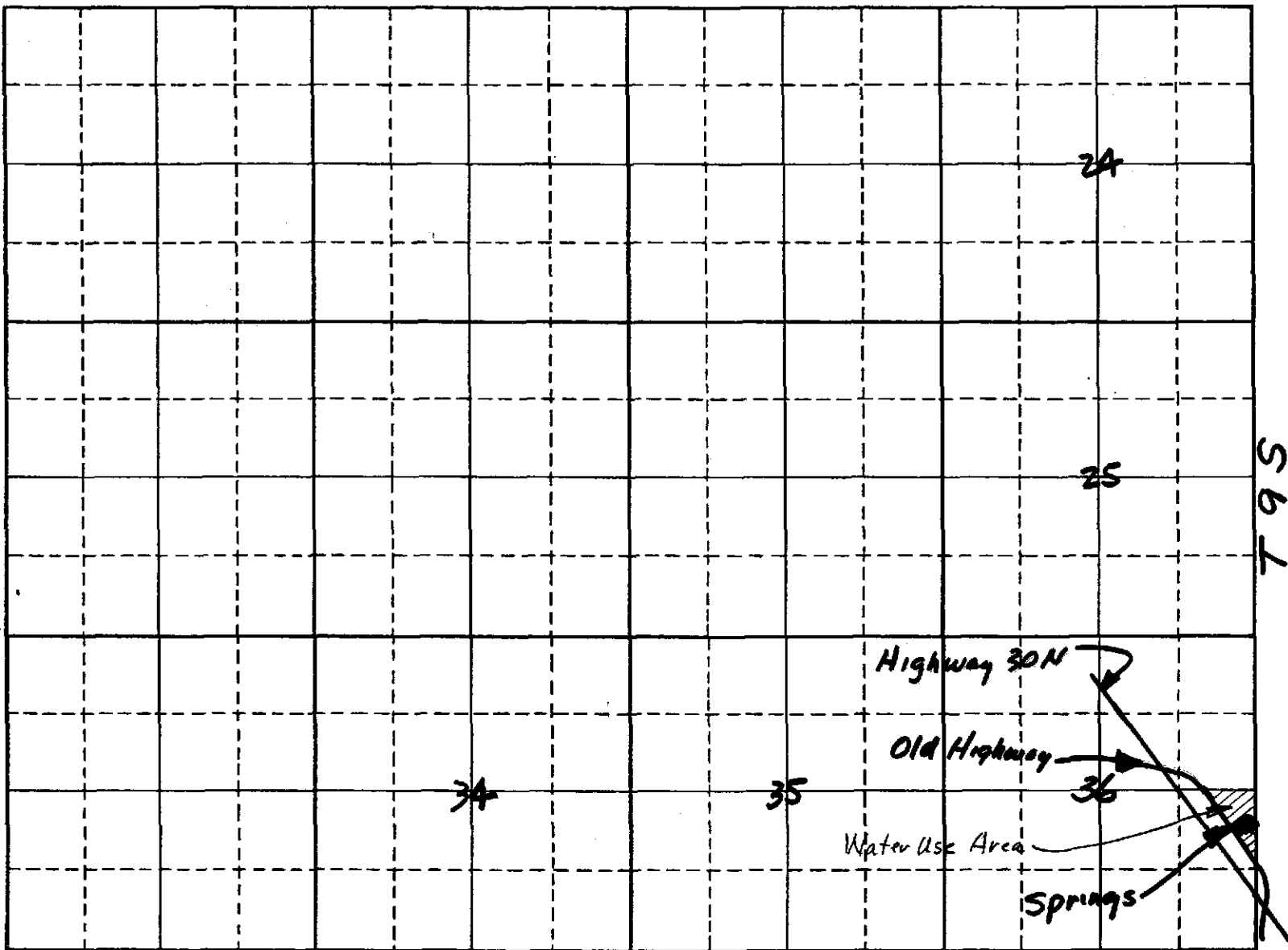
Total No. of acres

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

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

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(8) Remarks This claim is based upon a claim by Stark Brothers, January 25, 1900,
recorded January 26, 1900 in Book 1 of Water Locations, page 106, Transcribed
Records of Caribou County, the spring involved being one of those claimed
therein.



Scale: 2 inches equal 1 mile.

R 42 E

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 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 30th day of May

(Claimant)

, 19 78.

Nancy R. Hornum
Notary Public

Residing at Snake Springs, Idaho

My commission expires Lifetime

For Department Use Only

Received by <u>OW</u>	Date <u>6-01-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LDJ</u>	Date <u>6/01/78</u>		claimant by:	
\$10.00 fee received by <u>OW</u>	Date <u>6/01/78</u>			
Approved for publication by <u>OW</u>	<u>6-19-78</u>	<u>#9995</u>		
Published in <u>Caribou County Sun</u>				
Dates <u>June 8 & 15-1978</u>				

B252

31

52

2

45

NE SE 36, T9S, R42E.

spring house

Spring (rock gallery)

8

2858

67.1

B168

36

8

61.4



Scale: 1" = 660'

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JUN 1 1978

Department of Water Resources
Eastern District Office

Gerald C. Maughan, PE
Consulting Engineer
Soda Springs, Idaho

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JUN 17 1978

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 11-4068**

Notice is hereby given that H.W. Rhead and W.B. Mason, a partnership, Soda Springs, Idaho have filed a claim to a water right established by diversion and application to beneficial use of 0.15 cubic feet per second of water from unnamed spring tributary to sinks with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 9S, R. 42 E, B.M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and stockwatering purposes with a priority of Jan. 25, 1900 the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, T. 9S, R. 42E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Caribou County Sun, Soda Springs, Idaho on June 8 and June 15, 1978.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

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

for 2 successive weekly issues thereof, the date of the first publication being the

8th day of

June, 1978

The date of the last publication

being the 15th day of

June, 1978

Mark Steele
Subscribed and sworn to be-

fore me this 15th day

of June, 1978

Wendy D. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1980

01 WATER RIGHT NUMBER - 11-4068 02 OLD (D) NUMBER -

03001 - RHEAD LAST NAME 04001 - H. W. FIRST NAME 05001 - C ORIG. OWNER
03002 - MASON 04002 - W. B. 05002 - D

06 ADD LINE 1 - 320 W. 2ND S. 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - SODA SPRINGS 10 STATE - ID 11 ZIP - 83276

12 STAGE - S STATUTORY CLAIM 13 STATUS -

SOURCE 14001 - SPRING 15001 - SINKS TRIBUTARY OF

16 DIVERSION MEANS - 17 COUNTY - 29 CARIBOU

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - .150 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT DIVERSION POINTS STREAM INDEX FIELDS

22001 - NESE 23001 - 36 24001 - 09S 25001 - 42E 26001 - 27001 - 28001 - 0 100.0 151.0 0.0 0.0 0.0 0 0 1.4

29 NON-IRRIGATION USE -

USE CODE / USE TWN RNG PLACE OF USE SEC TRACT ACRES LOT

30001 - 04 STOCKWATER 31001 - 09S 32001 - 42E 33001 - 36 34001 - NESE 35001 - 36001 - TOTAL ACRES: 0

PERIOD FROM PERIOD TO USE CODE / USE WATER USE DIVERSION RATE DIVERSION VOLUME

37001 - 0101 38001 - 1231 39001 - 04 STOCKWATER 40001 - 0.100 41001 - 0.00
37002 - 0101 38002 - 1231 39002 - 43 DOMESTIC 40002 - 0.050 41002 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY DATES 55 LICENSE 63 TRANSFER/AMENDED
48 PROOF DUE 25-JAN-1900 56 APPL RECEIVED 64 DLE/CAREY ACT
49 PROOF MADE 57 FIELD EXAM MADE 65 FLAG_1
50 APPROVE/DENIED 58 DECREE 66 FLAG_2
51 PROTESTED 59 START WORK 67 FLAG_3
52 HEARING 60 ORDER SHOW CAUSE

WRR100
11-4068

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
53	VERIFIED	61	DATE_1		
54	LAST UPDATE	62	DATE_2		
	-				
	13-NOV-1981				

VERIFIED JKN
78/11/13

;

IDENT. NO. 11-4068

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>NE SE</u>	<u>36</u>	<u>99</u>	<u>42^E</u>		

from to for purposes. Amount

8. Use code: S

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P, R, F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

June 28, 1978

RE: Claim to a Water Right No. 11-4068

H . W. Rhead & W. B. Mason
A partnership
220 West 2nd Street South
Soda Spring, ID 83276

Gentlemen:

The Department of Water Resources 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,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:bp

Enclosure: Copy of Claim

RECEIVED

June 2, 1978

RE: Application for Transfer No. 11-0624 MICKELSON
Claim to a Water Right No. 11-4068 RHEAD

Caribou County Sun
Soda Springs, Idaho 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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enc: Legal Notice (2)

Bill submitted 6-19-78 by CW

June 5, 1978

RE: Claim to a Water Right No. 11-4068 RHEAD & MASON

Mr. Leonard O. Kingsford
Attorney at Law
Box 915
Soda Springs, Idaho 83276

Dear Mr. Kingsford:

Attached herewith is departmental receipt No. 9995 in the amount of \$10.00
for the above referenced claim.

Very truly yours,

COLLEEN WRAY
Senior Secretary

Attachment

MICROFILMED

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4068

Notice is hereby given that H. W. Rhead & W. B. Mason, a partnership,
Soda Springs, Idaho
have ~~/11/78~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.15 cubic feet per second ~~xxacres feet per annum~~
of water from unnamed spring tributary to sinks
with point of diversion in the NE~~1~~SE~~4~~, Sec. 36, T. 9S, R. 42E, B.M.,
Caribou County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
and stockwatering purposes
with a priority of Jan. 25, 1900;
the place of use is within the NE~~1~~SE~~4~~, Sec. 36, T. 9S, R. 42E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on June 8 and June 15, 1978

20-A
[Signature]

Memo

LEONARD O. KINGSFORD

ATTORNEY AT LAW

Box 915

SODA SPRINGS, IDAHO 83276

To: Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

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JUN 1 1978

DATE:

REGARDING:

Rhead - Mason Water Claim

Department of Water Resources
Eastern District Office

May 31, 1978

Gentlemen:

Enclosed is a Claim to a Water Right and a check in the amount of \$10.00 for the filing fee. Please address any correspondence in regard to this matter to this office.

Very truly yours,

Leonard O. Kingsford

LEONARD O. KINGSFORD

LOK:gmc
enclosures (2)

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JUN 1 1978

Gerald C Maughan, P.E.
Consulting Engineer
711 East Pioneer Drive
Soda Springs, Idaho 83276
May 27, 1978

RECEIVED

JUN 1 1978

Mr. Boyd Mason
320 West Second South
Soda Springs, Idaho 83276

Department of Water Resources
Eastern District Office

Dear Boyd,

At your request I have investigated the small stream on your property in Section 36, Township 9 South, Range 42 East. The stream originates on your property in two spring sources, in fractures in the Salt Lake Formation at an approximate elevation of 5960 feet above sea level.

The one source at the culinary spring house develops 25.7 gallons per minute and the other source, a number of small springs developed by use of a rock-gallery located just east of where the stream crosses the old highway, develops 38.5 gallons per minute for a total flow of 64.2 gallons per minute. These figures converted to cubic feet per second are: 25.7 gpm is 0.057 cfs, 38.5 gpm is 0.086 cfs, 64.2 gpm is 0.143 cfs.

At the present time the stream flows under the old highway, down through the pasture property west of the old road to a pond along the east side of the present highway 30N. The outflow from the pond crosses under Highway 30N and continues on through Section 36 to the flat meadowlands in the southwest corner of Section 36 and the northwest corner of Section 1, T 10 S, R 42 E. where it helps to maintain a marsh area. All along the stream, it is used only as stock water and some sub-irrigation of the marsh-meadow. There appears to be no developed irrigation system.

The historical use appears to be stock water and the developed culinary system. You will probably be able to determine dates of established uses for the priority on line 4 of the application from the party who previously owned the property.

Please note that the flow rates noted here were determined on May 24 and 25, 1978 and could fluctuate somewhat during the year and from year to year. The man living at the existing residence did not think that the flow changed during 1977, which was an abnormally dry year. The flow could be greater during a series of wet years.

Enclosed is a copy of an aerial photo showing the area of this report and a copy of the form "Claim to a Water Right" showing data that you might include on your application form.

If I may be of further assistance, please contact me.

Respectfully,

Gerald C Maughan