

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 Maxine Cutler
(name of claimant)
of 636 Williams, Montpelier, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
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) spring (no name), tributary to, none - water "subs out"
- (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>.30 cfs</u> | Use | <u>irrigate</u> | Period of Use: | From | <u>May 1</u> | To | <u>Sept. 30</u> |
| Amount | <u>.10 cfs</u> | Use | <u>water stock</u> | Period of Use: | From | <u>April 1</u> | To | <u>Oct. 31</u> |
| Amount | <u>.10 cfs</u> | Use | <u>cullinary</u> | Period of Use: | From | <u>April 1</u> | To | <u>Oct. 31</u> |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: .50 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) approx. 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)
SW ¼ NE ¼, Sec. 3 Twp. 12 S Rge. 43 E B.M. County of Bear Lake
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. dam, ditch
the beneficial use is within the immediate location of spring.

- (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	
12S	43E	3			X														40
12S	43E	3				X													10

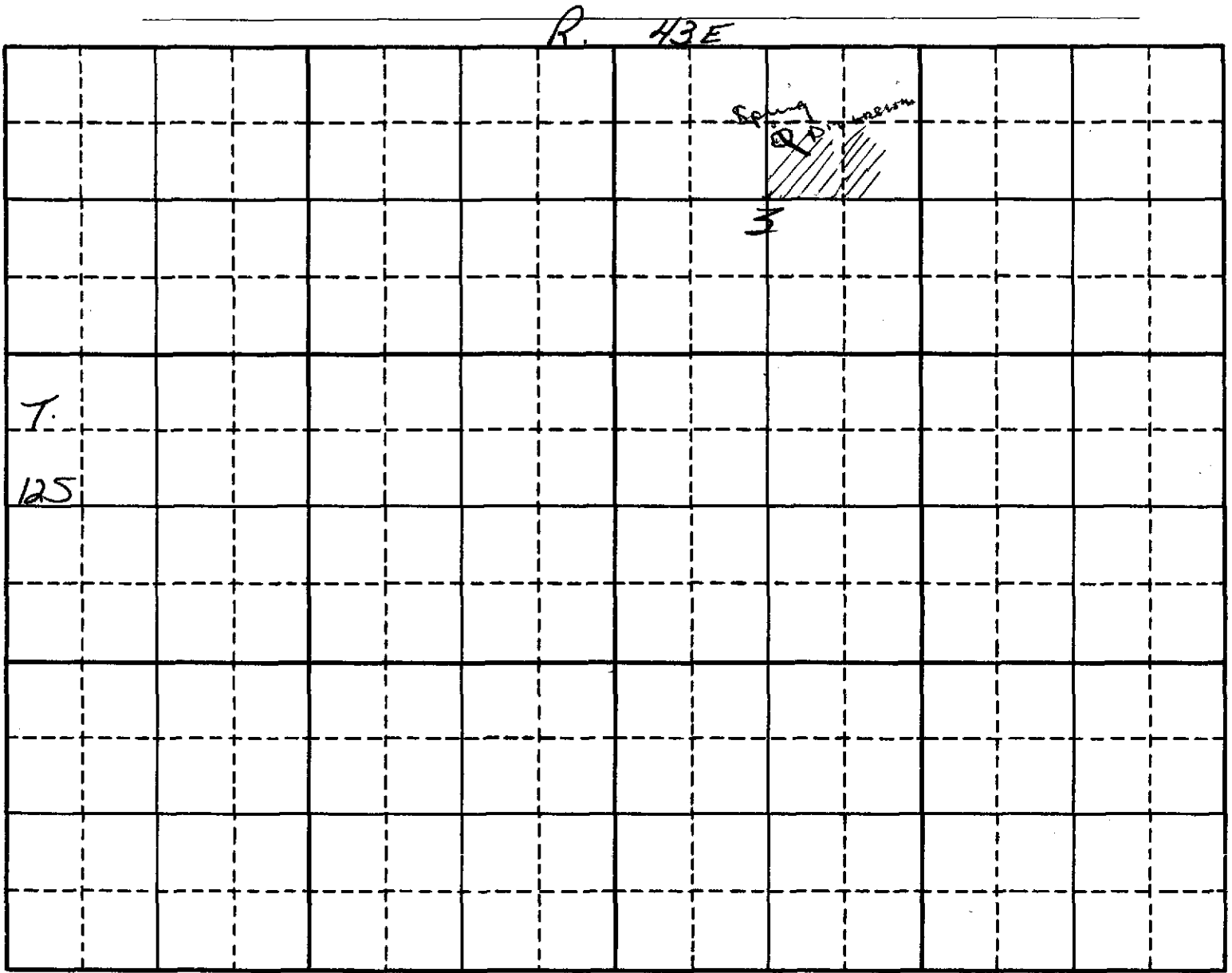
Total No. of acres 50

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
a. watering 30 head livestock b. cullinary for one family

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

NOTED

(8) Remarks _____



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 Bear 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 affiants knowledge.

Sworn to before me this 8th day of April, 1977.

Marlene Cutler
(Claimant)

Sharon Hotchkiss
Notary Public
Residing at Sharon, Idaho

My commission expires lifetime

For Department Use Only

Received by <u>SW</u>	Date <u>6-29-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SW</u>	Date <u>6-30-77</u>		claimant by:	
\$10.00 fee received by <u>SW</u>	Date <u>6-30-77</u>			
Approved for publication by <u>me</u>	Date <u>8-1-77</u>			
Published in <u>News Examiner</u>				
Dates <u>July 14, 1977</u>				

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Lois M. Thompson

being duly sworn,

deposes and says:

That he is the *publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *four* consecutive weeks in the regular and entire issue of said paper during the period and 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

July 7, 19*77*, and ending with the issue of *July 14*, 19*77*.

Lois M. Thompson
Fees, *15.02*

Subscribed and sworn to before me this *20* day of *July*, 19*77*.

Maude L. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*77*.

AUG 1 1977
Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4062

Notice is hereby given that Maxine Cutler, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.50 cubic feet per second of water from unnamed spring tributary to sinks with point of diversion in the SW¼NE¼, Sec 3, T. 12S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Apr. 1 to Oct. 31 for domestic purposes for one family and stockwatering purposes for 30 head livestock, and from May 1 to Sept. 30 for the irrigation of 50 acres with a priority of 1900; the place of use is within the S½, Sec. 3, T. 12S, R. 43E, 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 News-Examiner, Montpelier, Idaho on July 7 and July 14, 1977

Jy7-14

WRI100
11-4062

ICAD DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
19-MAR-1986 21:00:07

01 WATER RIGHT NUMBER - 11-4062

02 CLO (C) NUMBER -

03001 - CUTLER LAST NAME

04001 - MAXINE FIRST NAME

05001 - C ORIG. OWNER

06 ADD LINE 1 - 636 WILLIAMS

07 ADD LINE 2 -

08 ADD LINE 3 -

09 CITY - MONTPELIER

10 STATE - ID 11 ZIP - 832540000

12 STAGE - S STATUTORY CLAIM

13 STATUS -

14001 - SPRING SOURCE

15001 - SINKS TRIBUTARY OF

16 DIVERSION MEANS -

17 CCUNTY - 07 BEAR LAKE

18 LIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - .500

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SEC	TWN	RNG	LOT	RFLS	STREAM	INDEX	FIELDS
-------	-----	-----	-----	-----	------	--------	-------	--------

22001 -	SAME	23001 - 03	24001 - 125	25001 - 43E	26001 -	27001 -		
				28001 -	0	100.0	159.0	3.0
						0.0	0.0	0.0
						0.0	0.0	0.0
						0.0	0.0	2.5

29 NON-IRRIGATION USE - S/30 HEAD D/I HOME.

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

30001 - 01 IRRIGATION	31001 - 125	32001 - 43E	33001 - 03	34001 - SAME	35001 - 40	36001 -
30002 - 01 IRRIGATION	31002 - 125	32002 - 43E	33002 - 03	34002 - SENE	35002 - 10	36002 -

TOTAL ACRES: 50

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

37001 - 0501	38001 - 0930	39001 - 01 IRRIGATION		40001 -	0.500 41001 -
37002 - 0401	38002 - 1031	39002 - 04 STOCKWATER		40002 -	0.100 41002 -
37003 - 0401	38003 - 1031	39003 - 43 DOMESTIC		40003 -	0.100 41003 -
					0.00
					0.00
					0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY	DATE	55 LICENSE	DATE	63 TRANSFER/AMENDED
48 PROOF DUE	1-JUN-1900	56 APPL RECEIVED		64 OLE/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

WRR100
11-4062

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
19-MAR-1986 21:00:07

52 HEARING
53 VERIFIED
54 LAST UPDATE - 19-MAR-1986

60 ORDER SHOW CAUSE
61 DATE 1
62 DATE 2

98/52/c
VERIFIED JKN

3/79

IDENT. NO. 11-4062

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. / 11-40102
 OTd No. New No.

Record

1. Original Owner: Maxine Cutler

Present Owner:

2. Address: 636 Williams

3. City: Montpelier State: VT Zip:

4. A. Source of Water: spring

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1900

D. County: 07

E. Total Diversion Rate: .5

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SW NE</u>	<u>3</u>	<u>12 S</u>	<u>43 E</u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 9-30 for A purposes. Amount .5
 (cfs or AC-FT/yr)

from 4-1 to 10-31 for S purposes. Amount .1

from 4-1 to 10-31 for D purposes. Amount .1

from to for purposes. Amount

from to for purposes. Amount

from to for purposes. Amount

from to for purposes. Amount

8. Use code: H

[illegible]

9. A. Decree Name:
B. Decree Date:

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

11. Other Uses (Non-irrigation explanatory information): 2/30 Handwritten
D/1 Above

12. Other Rights for Same Use:

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):



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

July 25, 1977

RE: Claim to a Water Right NO. 11-4062 CUTLER

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

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

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

August 1, 1977

RE: Claim to a Water Right No. 11-4062

Maxine Cutler
636 Williams
Montpelier, Idaho 83254

Dear Ms. Cutler:

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,

ERNEST D. CARLSON
Supervisor
Western Region

ENC:CD

Enc: Copy of claim



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

July 25, 1977

RE: Claim to a Water Right NO. 11-4062 CUTLER

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

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

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

July 5, 1977

RE: Claim to a Water Right No. 11-4062

Ms. Maxine Cutler
636 Williams
Montpelier, Idaho 83254

Dear Ms. Cutler:

Attached herewith is departmental receipt No. 8228 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:TH

Attachment
cc: Ardee Helm, Attorney

July 1, 1977

RE: Claim to a Water Right No. 11-4062 CUTLER

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

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

Bill submitted _____ by _____

RDC:CM

Enc: Legal Notice (1)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4062

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Montpelier, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.50 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from unnamed spring tributary to sinks
with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 12S, R. 43E, B.M.,
Bear Lake County

The water is claimed to be used from Apr. 1 to Oct. 31 for domestic
purposes for one family and stockwatering purposes for 30 head livestock,
and from May 1 to Sept. 30 for the irrigation of 50 acres
with a priority of 1900 ;
the place of use is within the S $\frac{1}{2}$, Sec. 3, T. 12S, R. 43E, 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 News-Examiner, Montpelier, Idaho
on July 7 and July 14, 1977

*filed
in
the
file*

ARDEE HELM, JR.
ATTORNEY AT LAW
484 WASHINGTON STREET
MONTPELIER, IDAHO 83254

State of Idaho
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

