

DATE 12-16-66

SUBJECT:

SHEET NO. OF
JOB NO.

Revere Stock Property
T. 16 S. R. 43 E. B. 10.

RECEIVED

MAR 3 1976

Department of Water Resources
Eastern District Office



440
RECEIVED

CLAIM TO A WATER RIGHT

Notice is hereby given that De Vere C. Stock

(name of claimant)

(mailing address)

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------------------|----|-------------------|
| Amount | <u>0.01</u> | Use | <u>Stockwater</u> | Period of Use: | From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.01</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>Apr. 15</u> | To | <u>Oct. 15</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) | | |

- (4) Priority claimed: (the date water was first applied to beneficial use) Spring, 1946

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

Additional points of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 16S, R. 43E, B.M.

Rainbird to water small garden plot.

- [illegible]

Total No. of acres _____

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

[illegible]

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.

Sworn to before me this 9 day of March, 1976 (Claimant)

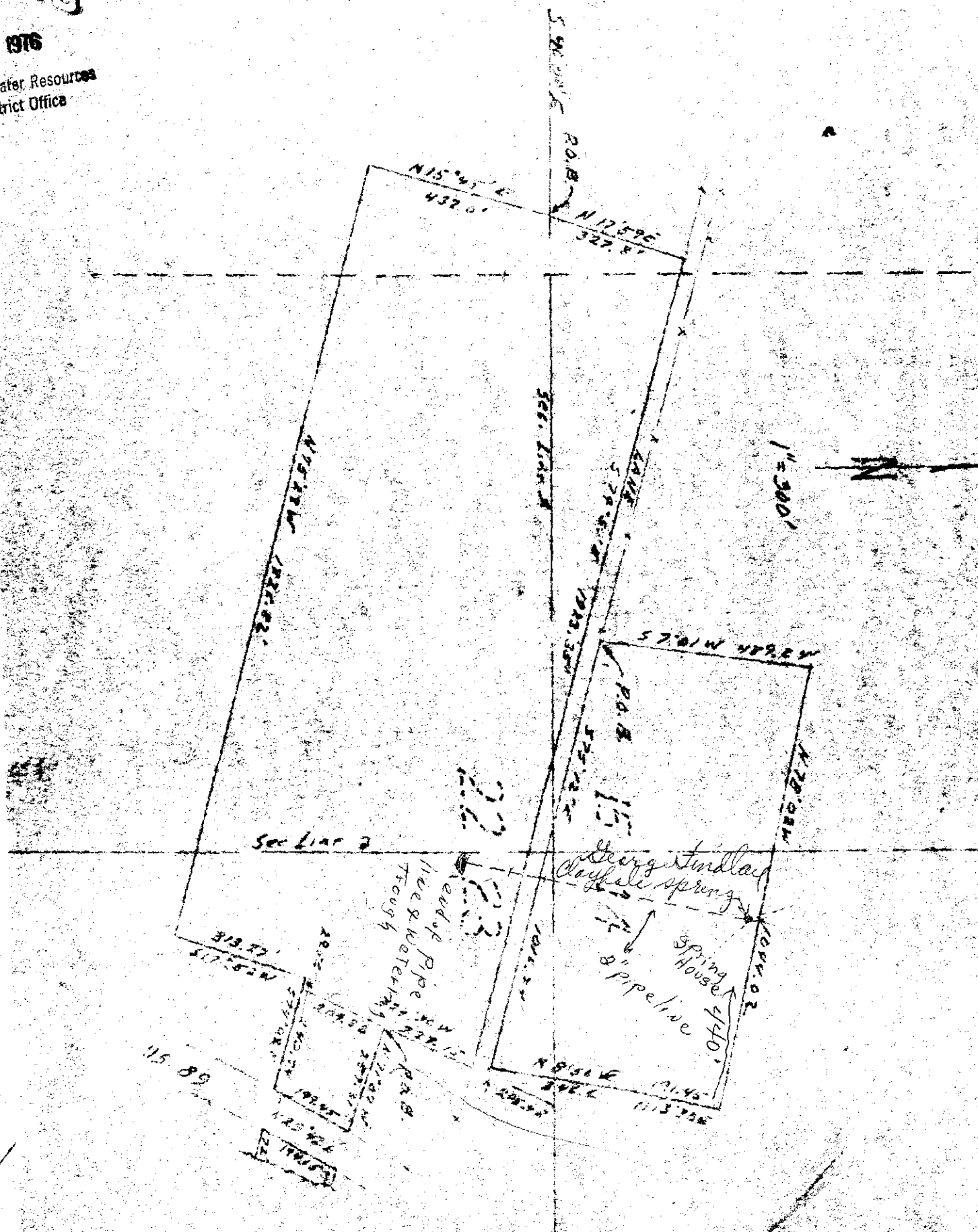
My commission expires May 13, 1977

Received by <u>Sci</u>	Date <u>3-23-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date _____		claimant by:	
\$10.00 fee received by <u>Sci</u>	Date <u>30-3-76</u>			
Approved for publication by <u>Sci</u>	<u>4/3/76</u> <u>#15657</u>			
Published in <u>New Examiner</u>				
Dates <u>March 11 + 18 1976</u>				

JOB NO

JOB NO

Department of Water Resources
Eastern District Office



RECEIVED

MAR 10 1976

IN THE MATTER OF:
DeVere C. Stock Claim to Water Right
No. 11-4046

AFFIDAVIT Department of Water Resources
Eastern District Office

Fish Haven
State of Idaho
County of Bear Lake

Lester Nelson Fish Haven, Idaho being first duly sworn,

deposes and says: I know of this spring which is designated as the George Findlay Clayhole Spring. I did assist in its development.

I also know of the date because on Saturday November third, 1945, I accompanied DeVere to his home for lunch where we were informed that Mrs. Stock had left for the Montpelier Hospital. There at three-fourty-five in the afternoon gave birth the a son. The following day, a Sunday we had our first big snow fall which prevented completion of the spring, which is stated here as being the George Findlay Clayhole Spring, until April of 1946.

Lester Nelson
(signature)

Subscribed and sworn to before me this 9 day of March 19 76.

Elaine W. Webb
(notary public)

Residing at Paris Idaho
My commission expires May 13, 1977

RECEIVED

MAR 10 1976

AFFIDAVIT Department of Water Resources
Eastern District Office

IN THE MATTER OF:)
DeVere C. Stock Claim to Water Right)
No. 11-4046)
Fish Haven)
State of Idaho)
County of Bear Lake)

Arthur Shirley

being first duly sworn,

deposes and says: I know of this spring which is designated as the George
Findlay Clayhole Spring. I did not assist in its development but I have had an
close association with DeVere Stock, as we were both born in the same town and
am very familiar with the area which surrounds this spring. I remember the time
when it was being developed, and often visited with the men during its progress.

I also know the spring wasn't completed until April 1946, when I lent a hand in the
final completion of the line--I remember it especially because of the number of
rocks which came up during the final rod.

Arthur C Shirley
(signature)

Subscribed and sworn to before me this 9 day of March 19 76.

E. W. Webb
(notary public)

Residing at Paris Idaho
My commission expires May 13, 1977.

RECEIVED

APR 8 1976

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Bear Lake

ss.

Loren W. 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 *two* 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

March 11, 19*76*, and ending

with the issue of *March 18*, 19*76*

Loren W. Thompson

Fees, *6.84*

Subscribed and sworn to before me this *30th* day

of *March*, 19*76*

Manda J. Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *March 13*, 19*79*

NOTICE OF CLAIM TO A
WATER RIGHT
NO. 11-4046

Notice is hereby given that DeVere C. Stock, Fish Haven, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from George Findlay Clay-hole Spring with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 16S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes and from Apr. 15 to Oct. 15 for the irrigation of one-half acre with a priority of spring, 1946; the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 16S, 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.

R. KEITH HIGGINSON
Director

Published in the News Examiner, Montpelier, Idaho on March 11 and March 18, 1976.

M11-48

WRR100
11-4046

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
18-MAR-1986 23:47:01

01 WATER RIGHT NUMBER - 11-4046 02 OLD (D) NUMBER -

03001 - STOCK LAST NAME FIRST NAME ORIG. OWNER
04001 - DE VERE C. 05001 - C

06 ADD LINE 1 - P.O. BOX 6 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - FISH HAVEN 10 STATE - ID 11 ZIP - 83261

12 STAGE - S STATUTORY CLAIM 13 STATUS -

SOURCE
14001 - GEORGE FINDLAY CLAYHOLE SPRING
15001 - BEAR LAKE
TRIBUTARY OF

16 DIVERSION MEANS - 17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - .010 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT	SFC	TWN	RNG	LOT	DIVERSION POINTS	RFLG	STREAM	INDEX	FIELDS
-------	-----	-----	-----	-----	------------------	------	--------	-------	--------

22001 - SWSW	23001 - 14	24001 - 16S	25001 - 43E	26001 -	27001 -				
--------------	------------	-------------	-------------	---------	---------	--	--	--	--

22002 - NWNW	23002 - 23	24002 - 16S	25002 - 43E	26002 -	27002 -				
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29 NON-IRRIGATION USE -

USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
----------------	-----	-----	-----	-------	-------	-----

30001 - 01 IRRIGATION	31001 - 16S	32001 - 43E	33001 - 23	34001 - NWNW	35001 -	36001 -
-----------------------	-------------	-------------	------------	--------------	---------	---------

TOTAL ACRES: 0

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

37001 - 0415	38001 - 1015	39001 - 01 IRRIGATION		40001 -	0.010 41001 -
--------------	--------------	-----------------------	--	---------	---------------

37002 - 0101	38002 - 1231	39002 - 04 STOCKWATER		40002 -	0.010 41002 -
--------------	--------------	-----------------------	--	---------	---------------

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

REMARKS

44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY	55 LICENSE	63 TRANSFER/AMENDED
48 PROOF DUE	56 APPL RECEIVED	64 DUE/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
11-4046

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
18-MAR-1986 23:47:01

	D A T E S		D A T E S		F L A G S	
52	HEARING	-	60	ORDER SHOW CAUSE	-	
53	VERIFIED	-	61	DATE_1	-	
54	LAST UPDATE	- 13-NOV-1981	62	DATE_2	-	

VERIFIED JKN
3/20/86

IDENT. NO. 11-4046

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 11-4046
OTd No. _____ New No. _____

Record

1. Original Owner: De Uene C. Stock

Present Owner: _____

2. Address: P.O. Box 63. City: Fish Haven State: Id Zip: 832614. A. Source of Water: George Findlay clayhole 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: 6-1-1946D. County: OTE. Total Diversion Rate: .01

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>SWSW</u>	<u>14</u>	<u>16S</u>	<u>43E</u>	_____	_____
	<u>NWNW</u>	<u>23</u>	<u>16S</u>	<u>43E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 4-15 to 10-15 for A purposes. Amount .01
(cfs or AC-FT/yr)from 1-1 to 12-31 for S purposes. Amount .01

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use code: A

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):

April 13, 1976

RE: Claim to a Water Right No. 11-4046

Mr. DeVere C. Stock
Box 6
Fish Haven, Idaho 83261

Dear Mr. Stock:

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 contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

March 29, 1976

RE: Claim to a Water Right No. 11-4046 STOCK

The 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 March 11 and March 18, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CM

bc: Darlene

CLAIM TO A WATER RIGHT

Notice is hereby given that Hebere C. Stock
(name of claimant)

The extent and nature of said claim is as follows:

- (4) Priority claimed: (the date water was first applied to beneficial use) Spring of 1946

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

Additional points of diversion: NW - NW 23 165 43E

See map enclosed

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. spring drops into a 4x6' head

B) Describe means of diversion of water. (pump and pipeline, well, diversion dam, reservoir, length of ditches and canals, etc.) Give sizes and capacities; be as specific as possible. upspring drops into a 44" head
house then into a 2 inch pipeline 12 hundred feet long
ending in watering trough - one pipe total cap. of one rain bird to

- (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.

Total No. of acres _____

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

water used for drinking and spot watering with one rain bird - never runs dry that is the difference - Feb 26 - inch is 2 gal per inch.

If you are claiming water as a member of an organization, list name of organization: no

- (7) If you are claiming water as a member of an organization, list name of organization: None

(8) Remarks The excess water is used with a garden hose
and one small rainbird - have raised small plot of
potatoes and Corn.

[illegible]

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.

County of Bear Lake ss.

De Vere C. Stock
(Claimant)

Flame Webb
Notary Public
Residing at Fair Oaks

Received by <u>AW</u>	Date <u>3-03-76</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>RDC</u>	Date <u>3-04-76</u>			
\$10.00 fee received by <u>AW</u>	Date <u>3-05-76</u>			
Approved for publication by _____	_____			
Published in <u>New Orleans Times</u>	_____	_____	_____	_____
Dates <u>March 11-13, 1976</u>	_____	_____	_____	_____

March 5, 1976

RE: Claim to a Water Right No. 11-4046

The 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

RDC:CW

Bill submitted 4-08-76 by CW

Enc: Legal Notice (1)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4046

Notice is hereby given that DeVere C. Stock,

Fish Haven, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.01 cubic feet per second ~~XXXXXX per second~~
of water from George Findlay Clayhole Spring

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 16S,
R. 43E, B.M., Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes and from Apr. 15 to Oct. 15 for the irrigation of one-half acre
with a priority of spring, 1946;
the place of use is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 16S, 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.

R. KEITH HIGGINSON

Director

Published in the News Examiner, Montpelier, Idaho

on March 11 and March 18, 1976

D. J. H. H. H.

March 5, 1976

RE: Claim to a Water Right No. 11-4046

Mr. DeVere C. Stock
Box 6
Fish Haven, Idaho 83261

Dear Mr. Stock:

The Department is in receipt of your claim to a water right and check No. 92-286 in the amount of \$10.00, departmental receipt No. 15659.

We find it necessary to return the letter you submitted in support of your claim because it lacks the necessary seal and signature of a notary public. We are also enclosing a typed copy of this claim which we have completed from the information you provided.

Please review this claim and if it is correct, sign in the presence of a notary and return to this office as soon as possible. If you wish to resubmit an affidavit from people having personal knowledge of your appropriations, you may wish to complete one of the enclosed affidavit forms and have their signatures witnessed by a notary public.

If you have any questions in this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosures

Attachment

February 25, 1976

Mr. DeVere C. Stock
Box 6
Fish Haven, Idaho 83261

Dear Mr. Stock:

It appears from your letter of February 16, 1976, that you may wish to file a claim to a water right to preserve evidence of a right that you have established through the diversion and beneficial use of water.

If you wish to complete the enclosed form stating to the best of your knowledge when your right began, the amount of water used, and the location of the place of use, then sign before a notary public and return it to this office with the statutory fee of \$10.00 we will commence the required processing.

If you need further assistance in completing this form, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

RECEIVED

FEB 23 1976

Department of Water Resources
Eastern District Office

Letter

Fish Haven, Idaho

Feb. 16, 1976

Dept. of Water Resources
State House
Boise, Idaho 83720

Gentlemen:

Please send me the necessary forms and instructions for filing of a natural spring on my property here in Fish Haven.

I have owned this property for fifty years and developed this spring thirty years ago. Now, I am informed I must make an application for ownership.

Would appreciate your help in this matter.

Yours truly,

DeVere C. Stock

DeVere C. Stock
Box 6
Fish Haven, Idaho 83261