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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 Marjorie W. Thatcher
 (name of claimant)
 of 92 North 100 West, Kaysville, Utah 84037, 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) Unnamed drain
Bear Lake, tributary to,
- (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>0.16</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 15</u> | To | <u>Oct. 15</u> |
| Amount | <u>1.0</u> | Use | <u>Marina</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, ~~gpm~~
~~gpm/d~~) | | (dom., irri.,
stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 1.0 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) April 26, 1969

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)
SE ¼ SE ¼, Sec. 2 Twp. 16S Rge. 43E 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. 400' Ditch, 4' deep using headgates and siphons.

- (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.

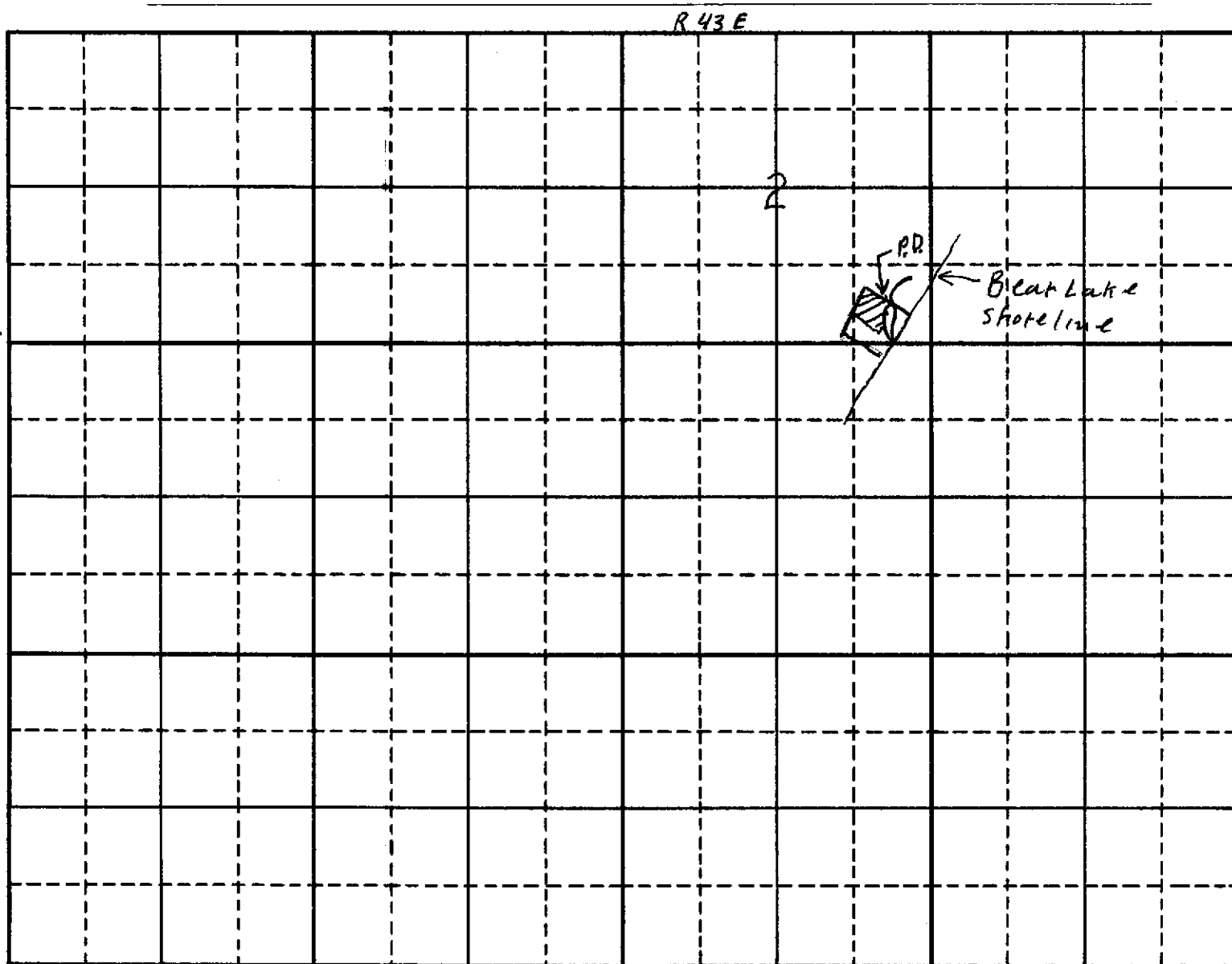
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	43E	2																8	8

Total No. of acres 8

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: The ditch supplies water to the Point Ponderosa Resort Marina Basin. Flow through the basin is vital to prevent stagnation.

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

- (8) Remarks The ditch was constructed in 1969 for the purpose of providing a fresh water supply to the marina basin and irrigation of approximately 8 acres. This recommendation was made by the Bear Lake Regional Commission at the time the marina was constructed.



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 Bonneville) 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.

Marjorie W Thatcher
(Claimant)

Sworn to before me this 22 day of November, 19 74.

Alous Doone
Notary Public
Residing at Idaho Falls, Idaho

My commission expires Sept 27, 1978

For Department Use Only

Received by <u>DW</u>	Date <u>11-22-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>LH</u>	Date <u>11-22-74</u>		claimant by:	
\$10.00 fee received by <u>DW</u>	Date <u>11-22-74</u>			
Approved for publication by <u>DW</u>	<u>11-22-74</u> # <u>13167</u>			
Published in <u>The News-Examiner</u>				
Dates <u>December 5 & 12, 1974</u>				

THE NEWS-EXAMINER
MONTPELIER, IDAHO

Dec. 12, 1974
Eloise Langston

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

L. W. Thompson

being first duly sworn, deposes and says he is
Publisher and Foreman of the News-
Examiner; that the said News-Examiner is a
weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of
general circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a
supplement, for Two

successive weeks, commencing with the issue
dated December 5, 19 74

and ending with the issue

dated December 12, 19 74

L. W. Thompson

Publisher and Foreman

LEGAL—*aw*

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 11-4043**

Notice is hereby given
that Marjorie W. Thatcher,
92 North 100 West, Kays-
ville, Utah has filed a claim
to a water right established
by diversion and application
to beneficial use of 1.0 cubic
feet per second of water
from an unnamed drain tribu-
tary to Bear Lake with
point of diversion in the SE-
1/4 SE 1/4, Sec. 2, T. 16S, R.
43E, B. M., Bear Lake Coun-
ty.

The water is claimed to
be used from Jan. 1 to Dec.
31 for marina purposes and
from Apr. 15 to Oct. 15 for
the irrigation of 8 acres
with a priority of April 26,
1969; the place of use is
within the SE 1/4 SE 1/4, Sec. 2,
T. 16S, R. 43E, B. M.

Any exception to this
claim of water right may be
filed with the Idaho Depart-
ment of Water Resources,
1515 Lincoln Road, Idaho
Falls, Idaho, 83410.

R. KEITH HIGGINSON
Director

Published in the News-Ex-
aminer, Montpelier, Idaho on
December 5 and December
12, 1974. d5-12 *jad*

Subscribed and sworn to before me this Twentieth day of December, 19 74

Eloise Langston

Notary Public.

Eloise Langston
Bloomington, Idaho 83223
Commission Expires, March 10, 1976

01 WATER RIGHT NUMBER - 11-4043 02 OLD (CD) NUMBER -

03001 - THATCHER LAST NAME 04001 - MARJORIE FIRST NAME 05001 - C ORIG. OWNER

06 ADD LINE 1 - 92 N. 100 W. 07 ADD LINE 2 -

08 ADD LINE 3 - 09 CITY - KAYSVILLE 10 STATE - UT 11 ZIP - 84037

12 STAGE - S STATUTORY CLAIM 13 STATUS -

14001 - UNNAMED DRAIN SOURCE 15001 - BEAR LAKE TRIBUTARY OF

16 DIVERSION MEANS - 17 COUNTY - 07 BEAR LAKE

18 DIVERSION CAPACITY - .000 19 TOTAL DIVERSION RATE - 1.000 20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

TRACT SEC TWN RNG LOT RFLG STREAM INDEX FIELDS

22001 - SESE 23001 - 02 24001 - 16S 25001 - 43E 26001 - 27001 - 28001 - 0 100.0 172.0 0.0 0.0 0.0 0 0 18.4

29 NON-IRRIGATION USE - C/MARINA.

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

30001 - 01 IRRIGATION 31001 - 16S 32001 - 43E 33001 - 02 34001 - SESE 35001 - 08 36001 - TOTAL ACRES: 8

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

37001 - 0415 38001 - 1015 39001 - 01 IRRIGATION 40001 - 0.160 41001 - 0.00
37002 - 0101 38002 - 1231 39002 - 10 COMMERCIAL 40002 - 1.000 41002 - 0.00

42 DECREE PLAINTIFF NAME - 43 DECREE DEFENDANT NAME -

44001 - REMARKS

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

47 PRIORITY DATES 55 LICENSE DATES 63 TRANSFER/AMENDED
48 PROOF DUE 26-APR-1969 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
53 VERIFIED 60 ORDER SHOW CAUSE
61 DATE_1

WRR100
11-4043

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
16-DEC-1985 10:39:24

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

98/11/16
VERIFIED JKN

IDENT. NO. 11-4043

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 111-4043
Old No. New No.

Record

1. Original Owner: Marjorie W. Thatcher

Present Owner: _____

2. Address: 92 N. 100 W.3. City: Kaysville State: UT Zip: 840374. A. Source of Water: unnamed drainB. Tributary of: Bear Lake5. 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: 4-26-1969D. County: 07E. Total Diversion Rate: 1.

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>SESE</u>	<u>2</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 .16
(cfs or AG-FT/yr)from 1-1 to 12-31 for C purposes. Amount 1.

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 _____

14. Diversion Means (brief narrative):

H. Conditions of Approval:

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

F. Proof Made (P or blank):

E. Old Number: :jaqwnn p10

D. Hearing Date:

C. Protested Date:

B. Date Permit Approved or Denied:

13. A. Proof Due Date:

12. Other Rights for Same Use:

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

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

B. Decree Date:

9. A. Decree Name:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	43E	2																	8

8. Use code: A

10-30-79

December 31, 1974

RE: Claim to a Water Right No. 11-4043

Ms. Marjorie W. Thatcher
92 North 100 West
Kaysville, Utah 84037

Dear Ms. Thatcher:

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
Acting District Engineer

RDC:CW

Enc: Copy of Claim

MICROFILMED

December 23, 1974

RE: Claim to a Water Right No. 11-4043 - Thatcher
Application for Permit No. 11-7075 - Thatcher
" " " No. 11-7076 - Robison

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 applications. The legal notice was to have been published on December 5 and 12, 1974.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:CW

MICROFILMED

December 20, 1974

Mr. Sherman B. Sheffield
1436 El Rey Street
Salt Lake City, Utah 84108

Dear Mr. Sheffield:

The Department is in receipt of your letter dated December 14, 1974, pursuant to your objection to Claim to a Water Right No. 11-4043 filed by Marjorie W. Thatcher. Because it is not appropriate to file a protest against a claim to a water right, we find it necessary to return your letter. A claim to a water right is evidence of a water right that has been developed through the diversion and beneficial use of water. The Department takes no action on a claim other than advertising and filing it for any future use by the court. Anyone who feels that a claim is incorrect and that the statements made by the claimant are false, may file an exception in affidavit form which will also be included in the file as adverse evidence. If you believe that Mrs. Thatcher's claim is not true and has not been used in the manner described since April 26, 1969, you may file an exception to her claim.

For your convenience, we have included two blank affidavit forms in case you wish to file an exception. If you have any questions, feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:CW

Enclosures

MICROFILMED

RECEIVED
DEC 20 1974

Department of Water Resources
Eastern District Office

1436 El Rey Street
Salt Lake City, Utah 84108
December 14, 1974

Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83410

Re: Protest water ditch rights
claimed by Marjorie Thatcher
#11-4043 Bear Lake County

Gentlemen:

I herewith submit my protest to the claim of water rights through an unnamed ditch as filed by Marjorie Thatcher #11-4043 as published in the Montpelier, Idaho News Examiner December 5 and December 12, 1974. Marjorie Thatcher (property identification) SE- $\frac{1}{4}$ SE $\frac{1}{4}$, SEC. 2, T.16S, R. 43 E, B.M. Bear Lake County claims this water through unnamed ditch which runs through my property, which lies immediately north of her property (described above).

This protest is based upon the fact that the water from this "unnamed ditch" has for many years been used for irrigation and grazing on the property I own (my property identification: T - 5266 Fr. SESE Sec. 2 T 16 S. R 43 E., Bear Lake County). This same claim and usage of water has continued since my acquisition of the above property since 1968.

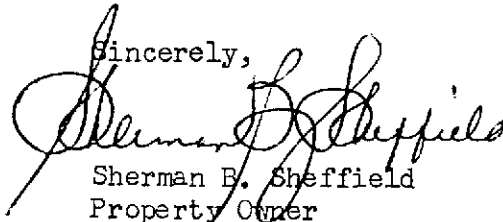
The above use and claim of this ditch and water by me on my property continues unabated as it has for many, many years prior to Thatcher's claim and usage.

I, thereby, earnest suggest to the Idaho Department of Water Resources that they do not recognize the claim of Marjorie Thatcher to "water rights through unnamed ditch."

I would appreciate being informed of the action and disposition of this claim.

Thank you for your consideration.

Sincerely,


Sherman B. Sheffield
Property Owner

P.S. Mr. Donovan Howell and Mr. Phillip Kunz who also own adjoining property likewise have equal claims to this ditch and water now claimed by Marjorie Thatcher. I'm sure they feel considerable concern on this matter as do I.

December 18, 1974

Mr. Phillip R. Kunz
3040 Navajo Lane
Provo, Utah 84601

Dear Mr. Kunz:

The Department is in receipt of your letter dated December 16, 1974, pursuant to your objection to Claim to a Water Right No. 11-4043 filed by Marjorie W. Thatcher. Because it is not appropriate to file a protest against a claim to a water right, we find it necessary to return your letter. A claim to a water right is evidence of a water right that has been developed through the diversion and beneficial use of water. The Department takes no action on a claim other than advertising and filing it for any future use by the court. Anyone who feels that a claim is incorrect and that the statements made by the claimant are false, may file an exception in affidavit form which will also be included in the file as adverse evidence. If you believe that Mrs. Thatcher's claim is not true and has not been used in the manner described since April 26, 1969, you may file an exception to her claim.

For your convenience, we have included two blank affidavit forms in case you wish to file an exception. If you have any questions, feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

Enclosures

MICROFILMED

RECEIVED

DEC 18 1974

Department of Water Resources
Eastern District Office

December 16, 1974

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83410

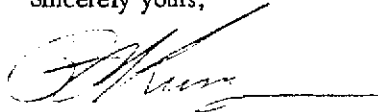
Sir:

It has just come to my attention that the December 12 issue of News Examiner in Montpelier, Idaho has a legal notice which may be of concern to me. On page 10 there is a report for a water claim made by Mrs. Marjorie W. Thatcher from Kaysville, Utah for water from an un-named drain tributary in SE 1/4 Sec. 2, T. 16S, R. 43E, B. M.

If this water is the water that enters her property from the North then I most strongly protest. The water begins on my property- 100 ft North of hers and moves by ditch through 100 ft of property belonging to Mr. Sherman Sheffield of Salt Lake City, Utah and then into Thatcher's property. I have owned this property since 1968, a year prior to Thatcher's claim and have used the water for irrigation, watering stock, and so on. I plan to claim a right to the water myself and therefore wish to protest a claim of Mrs. Thatcher on these grounds. In as much as the water originates on my property and has been used by me since 1968 I believe I have a prior right to the water.

I would be very happy if you would please keep me informed about the developments on this claim.

Sincerely yours,



Phillip R. Kunz
3040 Navajo Lane
Provo, Utah 84601

bah

XXXXXXXXXXXXXXXXXXXXXXXXX RESOURCES

November 29, 1974

RE: Application for Permit No. 11-7075 Thatcher
Claim to a Water Right No. 11-4043 "

The News-Examiner
P.O. Box 278
Montpelier, ID 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
Acting District Engineer

RDC:MB

Enc: Legal Notice (2)

Bill submitted 12-30-74 by Cal



NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4043

Notice is hereby given that Marjorie W. Thatcher,

92 North 100 West, Kaysville, Utah

has filed a claim to a water right established by diversion and application
to beneficial use of 1.0 cubic feet per second ~~XXXXXX~~

of water from an unnamed drain tributary to Bear Lake

with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 16S, R. 43E, B.M.,

Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for marina purposes
and from Apr. 15 to Oct. 15 for the irrigation of 8 acres

with a priority of April 26, 1969;

the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, 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 December 5 and December 12, 1974.

MICROFILMED

MB-L
CW-A