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In File

Identification No. _____

Claim No. 61-4012

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 Jean Barton
post office address 185 West 12th South, Mountain Home, Idaho

2. The point of diversion is in ²pts. NE ¼ of NW ¼ Section 26 Township 1 S.
Range 5 E. B.M. located on Groundwater

(name of source)

tributary to _____ in Elmore 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:

X 1926 amount: .04 c.f.s. or _____ acre feet
1958 amount: .04 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .08 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 Domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use Stockwater period of use from Feb. 1 to Dec. 31 (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:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____ ; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ 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 pumped ; depth of well is 75 feet; diameter of well is 6 inches; type of pump is gasoline 15 H.P.
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____ ;

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; 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 _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

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

d. If water is stored: name of reservoir _____;
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 _____

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? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 150 Head of Cattle

7. Where water is used for domestic or municipal purposes give number of families served One
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 Ada

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 16 day of March, 1973.

x Jean Bartore
Claimant

Gary J. Paul
Notary Public

Residing at Boise

My commission expires 7/29/1975

Rec'd # 13690
if 2-12-74 For Department Use Only
Received by FEB Date 16 MAR 73 Exception filed by: _____ Forwarded to claimant by: _____ Date _____
Prelim. check by FEB Date 16 MAR 73 _____
Fee received by if Date 2-12-74 Fee \$10.00 _____
Approved for publication by _____
Published in MT Home News Dates 2-21 & 2-28-74 _____

61 4012

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:	<u>May 18, 1871</u>	amount: <u>0.8 c.f.s.</u> or	_____	acre feet
	<u>June 1, 1901</u>	amount: <u>0.4 c.f.s.</u> or	_____	acre feet
	Total claimed:	<u>1.2 c.f.s.</u> 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 if 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

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

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

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

RECEIVED

March 1
FEB 28 1974

Department of Water Administration

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 61-4012**

Notice is hereby given that Jean Barton, 185 West 12th South, Mountain Home, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.08 cubic feet per second of water from a ground-water source with two points of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 26, T. 1 S., R. 5 E., B.M. Elmore County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use, & Feb. 1 to Dec. 31 for stockwater with a priority of 1926 for .04 c.f.s. & 1958 for .04 c.f.s.; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 26, T. 1 S., R. 5 E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON,
Director

Published in the Mountain Home News, Mountain Home, Idaho on Feb. 21, 1974 and Feb. 28, 1974.

OK'd
3-1-74

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Floyd S. Waters do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

...2... consecutive weeks, the first publica-

tion having been made on the ...21... day

of ...Feb..., 1974, and

the last publication having been made on the

...28... day of ...Feb...

19..74..; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Floyd S. Waters

Subscribed and sworn to me this ...28...

day of ...Feb..., 1974

Vincent M. Waters

Notary Public

61 4012

61-4012

January 30, 1973

Jean Barton, C.M.
185. W. 12th South
Mountain Home, Idaho 83647

Dear Ms. Barton:

Enclosed you will find the Department's Application for Permit forms, as well as our Claim to a Water Right form.

The Application for Permit form should be used to record all those groundwater rights established since March 25, 1963, and all surface water rights since May 20, 1971.

The Claim to a Water Right form should be used to record those water rights established prior to these two dates.

If you should have any questions in the completion of either of these forms, please do not hesitate to contact this Department.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

Enclosures

61 4012

185 W. 12th South
Mountain Home 83647
January 27, 1973

Statehouse Annex #1
Bureau Of Water Administration
Boise, Idaho

Dear Sir:

I would appreciate your sending the legal forms
necessary for registering two wells to the above address.

Sincerely,

Jean Barton, C.M.
Jean Barton

61 4012

March 11, 1974

Jean Barton
185 West 12th South
Mountain Home, Idaho 83647

Re: Claim to a Water Right No. 61-4012

Dear Ms. Barton:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 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.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosure

61 4012

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Inventory
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

February 15, 1974

Mountain Home News
P. O. Drawer 0
Mountain Home, ID 83647

Re: Claim to a Water Right No. 61-4012 - Jean Barton

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)

61 4012

Sincerely,

Bill submitted 3-1-74 by df

**NOTICE OF CLAIM TO A
WATER RIGHT
NO. 61-4012**

Notice is hereby given that **Jean Barton**, 185 West 12th South, Mountain Home, ID has filed a claim to a water right established by diversion and application to beneficial use of 0.08 cubic feet per second of water from a ground water source with two points of diversion in the NE $\frac{1}{2}$ NW $\frac{1}{4}$, S. 26, T. 1 S., R. 5 E., B.M. Elmore County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use, & Feb. 1 to Dec. 31 for stockwater with a priority of 1926 for .04 c.f.s. & 1958 for .04 c.f.s.; the place of use is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S. 26, T. 1 S., R. 5 E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mountain Home, Idaho on Feb. 21, 1974 and Feb. 28, 1974.

61-4012

NOTICE OF CLAIM TO A WATER RIGHT

No. 61-4012

Notice is hereby given that JEAN BARTON, 185 West 12th South, Mountain
Home, ID
has filed a claim to a water right established by diversion and application
to beneficial use of 0.08 cubic feet per second ~~from a~~ of water
from a groundwater source
two points
with ~~the point~~ of diversion in the NE 1/4, S. 26, T. 1 S., R. 5 E., B.M.
Elmore County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use,
& Feb. 1, to Dec. 31 for stockwater
with a priority of 1926 for .04 c.f.s. & 1958 for .04 c.f.s.
the place of use is within the NE 1/4, S. 26, T. 1 S., R. 5 E., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Mountain Home News, Mountain Home, Idaho
on Feb. 21, 1974 and Feb. 28, 1974

61 4012

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 12, 1974

Wilford Barton
185 West 12th South
Mountain Home, ID 83647

Re: Claim to a Water Right No. 61-4012 - Jean Barton

Dear Mr. Barton:

Enclosed is your Receipt No. 13690 in the amount of \$ 10.00 for

~~Claim to a Water Right No. 61-4012~~ which was received in this office
on ~~February 12, 1974~~.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

Enclosure

61 4012