

No Color

Documents

In File

61 4010



Platting of P.D. and land use not possible
at this time because this area has not been
surveyed; therefore, Quad sheets for platting
are not available.

Identification No. _____

Claim No. 61-4010

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 FRED L. HINES
post office address Box 542, Mountain Home, Idaho 83647

2. The point of diversion is in Lot 1 $\frac{1}{4}$ of $\frac{1}{4}$ Section 19 Township 3 S.
Range 7 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:

April, 1964 amount: .04 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .04 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 _____ period of use from _____ to _____ (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 155 feet; diameter of well is 8 inches; type of pump is Submersible, 1 h.p.
capacity of pump is _____ g.p.m.; name and address of well driller is Bill Gailey, Utah
_____;

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 1½ inches; type of pipe metal; 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 2½ acres

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? No 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 Approx. 200 head
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 22 day of Feb, 1973

Leslie J. Kinn
Claimant

Larry J. Page
Notary Public

Residing at Boise

My commission expires 7/29/1975

For Department Use Only

Received by LEB Date 22 Feb 73

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by LEB Date 22 Feb 73 # 9958

Fee received by LEB Date 2-22-73 Fee \$10.00

Approved for publication by _____

Published in Mountain Home News Dates 3-8-73
3-15-73

61 4010

I N S T R U C T I O N S

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:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. 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

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

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

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

Affidavit of Publication

NOTICE OF CLAIM TO A WATER RIGHT No. 61-4010

Notice is hereby given that FRED L. HINES, Box 542, Mountain Home, Ida., has filed a claim to a water right established by diversion and application to beneficial use of .04 cubic feet per second of water from a groundwater source with the point of diversion in Lot 1, Sec. 19, T. 3 S., R. 7 E., B.M., Elmore County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of April, 1964; the place of use is within Lots 1, 2, & 3, Sec. 19, T. 3 S., R. 7 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, Ida. on March 8, 1973 and March 15, 1973.

OK. lf
3-19-73

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd 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 publication having been made on the ...8... day of ...March..., 1973, and the last publication having been made on the ...15... day of ...March... 19.73...; 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.

Lloyd S. Waters

Subscribed and sworn to me this 15... day of ...March..., 1973

Vernon M. Waters
Notary Public

March 27, 1973

Re: Claim to a Water Right No. 61-4010

Fred L. Hines
Box 542
Mountain Home, Idaho 83647

Dear Mr. Hines:

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 4010

March 19, 1973

Re: Claim No. 61-4010 Fred L. Hines

Joseph W. Twitchell
Anita H. Twitchell

Dear Mr. & Mrs. Twitchell:

We are in receipt of your correspondence concerning the above referenced claim to a water right. The following is a quote from the provisions under which this claim has been filed (Idaho Code, Section 42-225b):

42-225b. Recording of claims by department--Corrections--
.....

"At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of reclamation (renamed department of water administration, July 1, 1970) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions concerning this matter, please contact us.

Sincerely,

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

KHF:def

61 4010

RECEIVED
Mar 19 1973
Department of Water Administration

EXCEPTION TO A CLAIM

We, the undersigned, wish to take exception to a claim to a water right number 61-4010 filed with the Department of Water Administration on February 22, 1973, by Mr. Fred L. Hines.

The legal description of this well is listed as Lot #1, of Section 19, Township 3 South, Range 7 East. This description is not correct. There was no well drilled on Lot 1 of Section 19 until 1972. Therefore, the priority date of Claim to a Water Right #61-4010 should not be April, 1964.

Joseph W. Twitchell
Joseph W. Twitchell

Anita H. Twitchell
Anita H. Twitchell

March 19, 1973

61 4010

NOTICE OF CLAIM TO A WATER RIGHT

No. 61-4010

Notice is hereby given that FRED L. HINES, Box 542, Mountain Home, Ida.

has filed a claim to a water right established by diversion and application
to beneficial use of .04 cubic feet per second ~~XXXXXX~~ of water
from a groundwater source

with the point of diversion in ~~XXXX~~ Lot 1, Sec. 19, T. 3 S., R. 7 E., B.M.,
Elmore County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes

with a priority of April, 1964 ;
the place of use is within ~~XXXX~~ Lots 1, 2, & 3, Sec. 19, T. 3 S., R. 7 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, Ida.
on March 8, 1973 and March 15, 1973

61 4010

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 Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

March 2, 1973

Re: Claim to a Water Right No. 61-4010 Fred L. Hines
Application for Permit No. 61-7145 Fred L. Hines
61-7146 C. R. &/or Marilyn Duncan
61-7147 Stuart &/or Mary Ivey

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

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.

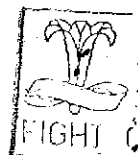
An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"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)

Sincerely,

61 4010



Mr Kenneth H. Fort P. E
Western District Engineer
Dept of Water Administration
614 State Street
Boise, Idaho

61 4010