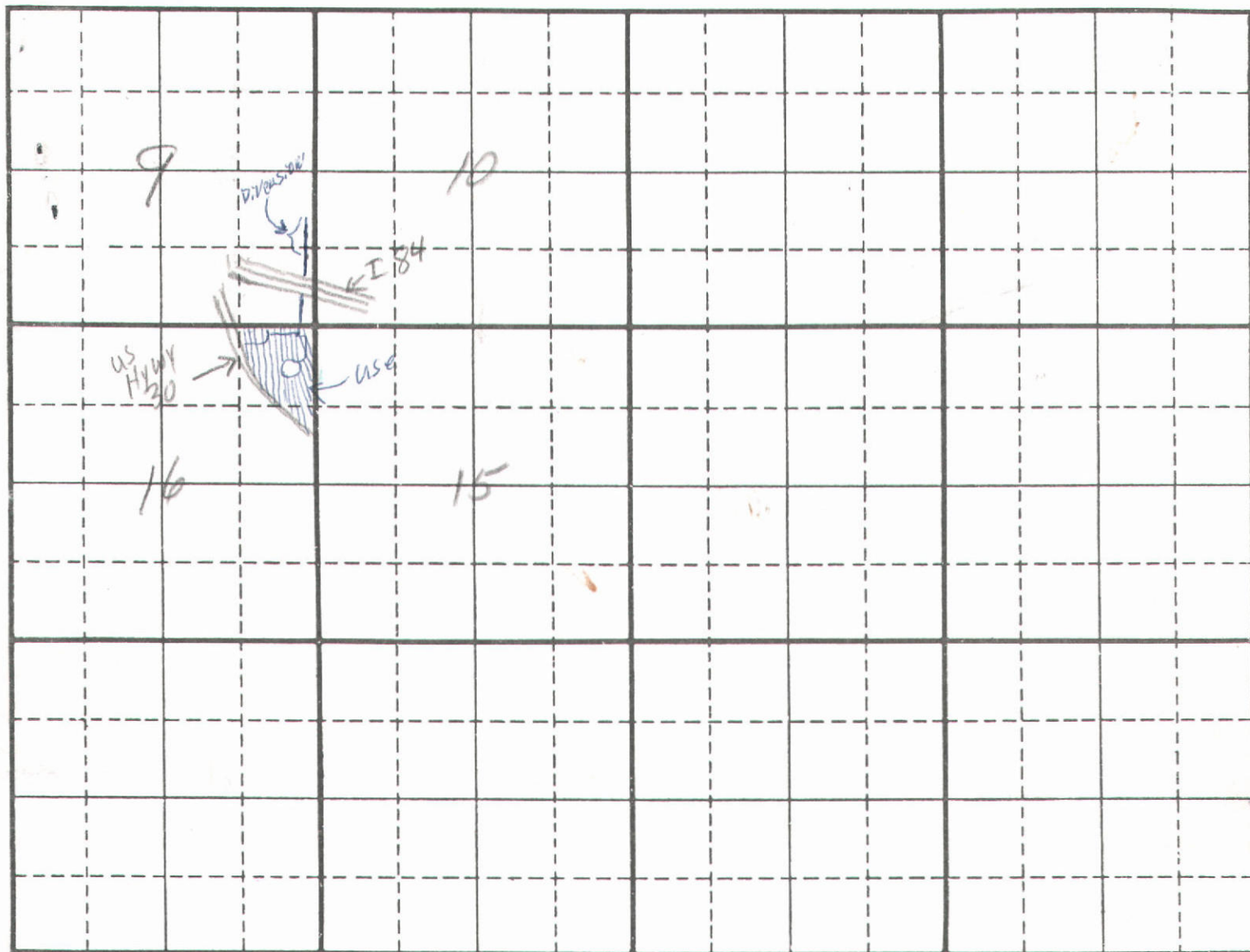


(8) Remarks _____

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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 Elmore) 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 affiant's knowledge.

Sworn to before me this 28th day of June 1983.

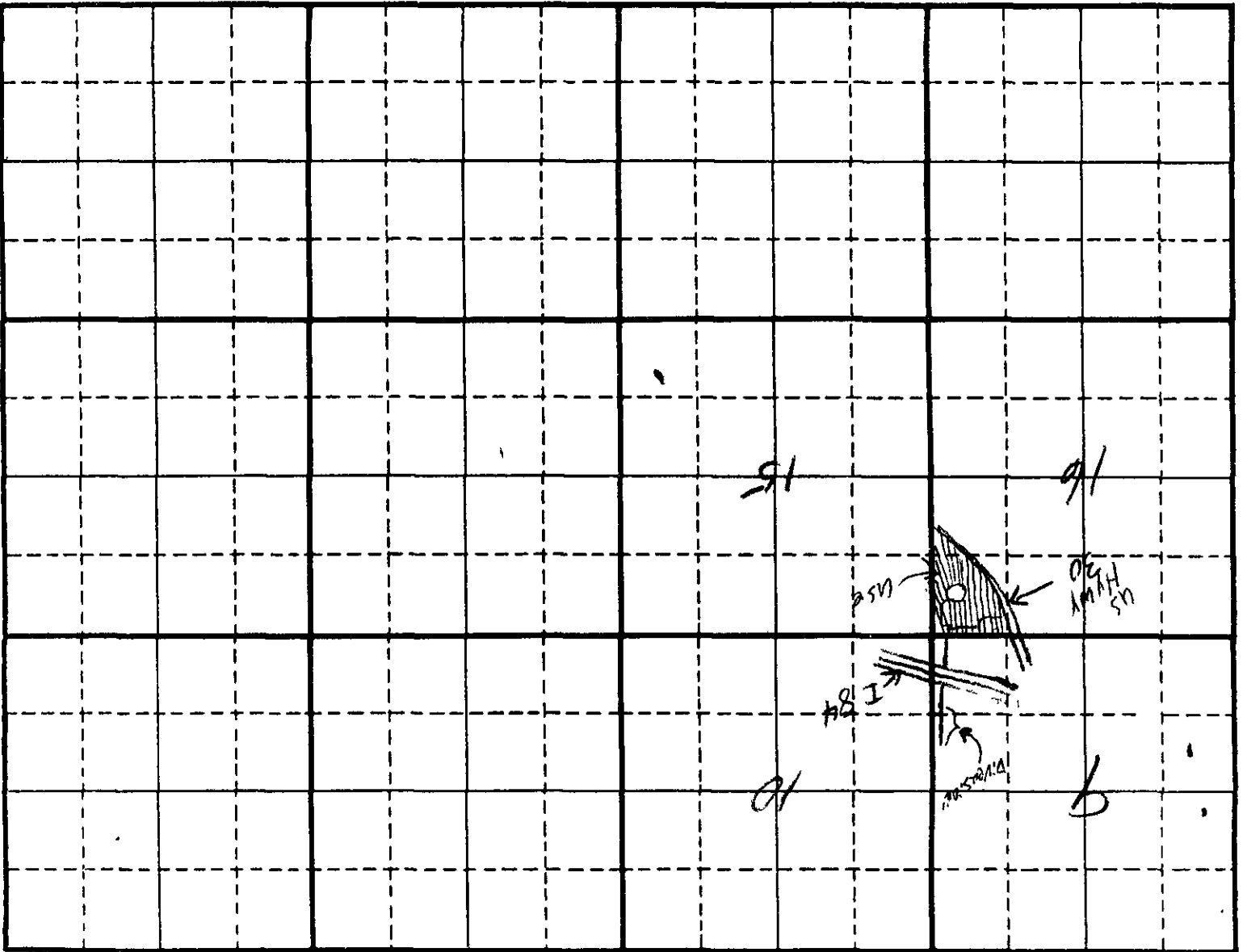
[Signature]
(Claimant)
Cynthia King
Notary Public
Residing at Mountain Home, Idaho

My commission expires 05-17-86

FOR DEPARTMENT USE ONLY

Received by <u>JP</u>	Date <u>6-29-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JP</u>	Date <u>10/2/84</u>		claimant by:	
\$30.00 fee received by <u>JP</u>	Date <u>6/29/83</u>	32247		
Published in <u>Mountain Home News</u>		Henry L. & Ron Leydet		11/5/84
Dates <u>10/25 & 11/1/84</u>				

MICROFILMED



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State of Idaho

County of Elmore

) ss.
)

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Sworn to before me this 28th day of June

(Claimant)

Notary Public
Residing at

My commission expires 05-17-86

FOR DEPARTMENT USE ONLY

Received by

Prelim. check by

\$30.00 fee received by

Published in Mountain Home News

Dates 10/25 & 11/1/84

Date

10/29/83

32267

Exception filed by

Forwarded to

claimant by

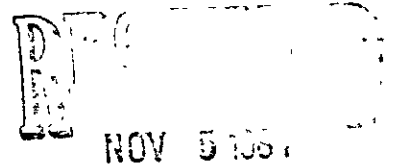
Date

11/5/84

Henry L. & Ron Leydet

10/31/84 08

DIRECTOR
DEPT. OF WATER RESOURCES
WESTERN REGION, STATEHOUSE
BOISE, IDAHO 83720



Department of Water Resources
Western Regional Office

EXCEPTION TO WATER RIGHT CLAIMS 61-4143 & 61-4142

DEAR SIR :

AS THE OWNER OF THE WATER RIGHT AND LAND THAT THE ABOVE WASTE WATER CLAIM TO RIGHTS HAS FILED AGAINST, I MUST STRONGLY PROTEST. FOR THE FOLLOWING REASONS;

1. IT IS MY INTENT TO PUT ALL WATER ENTERING AND LEAVING MY PROPERTY (LOCATED IN SEC. 9 & 10 OF T.35. R.6E.) TO FUTURE BENEFICIAL USE, PRIMARILY FOR THE PURPOSE OF IRRIGATION.
2. THE ABOVE CLAIM REFERENCE A 1950 PRIORITY DATE WITH USE OF IRRIGATION. THIS IS INCORRECT AS THE WASTE WATER HAS NEVER BEEN USED FOR IRRIGATION OTHER THAN AN BRIEF ATTEMPT DURING 1982 OR 1983 TO SPRINKLE LAWNS.

THANK YOU FOR YOUR CONSIDERATION ON THIS MATTER.

RESPECTFULLY,

HENRY L. LEYDET,

RON LEYDET

P.O. BOX 521

WYN. HOME, IDAHO

83647

MICROFILMED

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claims have been filed on water
rights created by diversion and beneficial use:

61-4143 JP

WELLS, PHILIP I.
P.O. BOX 83, MOUNTAIN HOME, ID
83647
Source: WASTER WATER trib. to POND
Priority Date: 03/15/1950
Diversion Pt: NESE SESE Sec 09 T 03S R
06E
Use: IRRIGATION (0.40 CFS)
In: NENE Sec 16 T 03S R 06E FOR 20
ACRES

61-4142

WELLS, PHILIP I.
P.O. BOX 83, MOUNTAIN HOME, ID
83647
Source: GROUNDWATER
Priority Date: 08/10/1956
Diversion Pt: NENE Sec 16 T 03S R 06E
Use: IRRIGATION (0.06 CFS)
In: NENE Sec 15 T 03S R 06E FOR 3
ACRES
Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, Western
Region, Statehouse, Boise, Idaho 83720.
KEN DUNN, Dir.
Published 10/25 & 10/31/84.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Marie 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 25... day
of October... , 1984, and
the last publication having been made on the
31... day of October.....
1984; 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 MOUN-
TAIN 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

Marie Waters
Subscribed and sworn to me this 21st...
day of October... , 1984
Abraham W. Swenson
Notary Public

RECEIVED
NOV 5 1984

Department of Water Resources
Western Regional Office

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Jan Power

Right Number 61-4143 Applicant Wells

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 11/5/84
- ☒ Claim published correctly. 30/32247
mtw Home. Received
- ☒ Exceptions processed. 10/25/84 11/1/84

By DBS Date 11/13/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 11/15/84

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RECEIVED
NOV 15 1984

Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

November 7, 1984

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

Henry L. Leydet
Ron Leydet
P. O. Box 521
Mountain Home, ID 83647

Re: Claims No. 61-4142 & 61-4143 in the Name of Philip I.
Wells

Gentlemen:

This office acknowledges receipt of your correspondence concerning the above referenced claims to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation or censure the right claimed, since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, 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 Water Resources 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 Resources."

If we can be of further assistance, please contact us.

Very truly yours,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

MICROFILMED

November 11, 1984

Phillip J. Wells
P. O. Box 83
Mountain Home, ID 83647

Re: Claim No. 61-4142 & 61-4143

Dear Mr. Wells:

Enclosed is a copy of an exception filed in connection with your above referenced claim to a water right. The Department will not schedule a hearing in this matter or evaluate for conformation or censure the right claimed since Section 42-244, Idaho Code, states in part the following:

"At anytime after the filing of a claim, 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 Water Resources 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 Resources."

If we can be of further assistance, please contact us.

Very truly yours,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp

Enc:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

NOVEMBER 3, 1984

PHILIP I. WELLS
P.O. BOX 83
MOUNTAIN HOME

ID 83647

RE: Claim No. 61-4143

Dear Claimant

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

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State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

August 22, 1984

Philip I. Wells
Box 83
Mountain Home, ID 83647

Dear Mr. Wells:

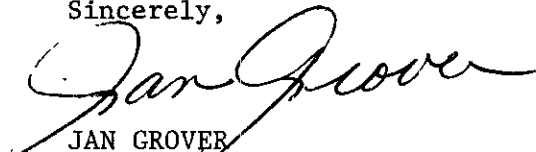
In researching our records on your water rights per my letter of February 21, 1984, I found only one application for permit filed for domestic, commercial and irrigation purposes. However, the fees you have submitted to date for the one application total \$105 and the fee for the application is only \$45.

At the time I wrote my letter in February I did not know another application had been filed. I returned your claim forms recommending an application for permit be filed on the commercial and domestic and the irrigation portion be left on the claim. The other claim filed for wastewater also needed more information per the copy of my letter enclosed.

If you do not wish to file any more water rights than the application for permit now holding pending the outcome of Idaho Power's lawsuit over Swan Falls, then please notify us and the \$60 fee previously submitted with the claims will be refunded to you. If you are going to file the two claims along with another application for permit covering the three acres mentioned in my last letter then an additional \$30 fee needs to be submitted with the completed form.

If we do not hear from you within three weeks, your \$60 fee will be refunded. Please contact us if you have any questions.

Sincerely,


JAN GROVER
Senior Water Resource Agent

JG:ls
Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V EVANS
Governor

A KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

February ²¹/₇, 1984

Philip I. Wells
Box 83
Mountain Home, ID 83647

Dear Mr. Wells:

We are now in the final processing of the claims received in our June, 1983 mandatory claims filing program. Before we can process your claims some additions and changes need to be made.

The claim for irrigation of 3 acres plus commercial use reflects that the commercial use in the store and restaurant began in 1975. Pursuant to the Idaho Code a claim cannot be filed for a groundwater source if the date of first use is later than March 25, 1963. Any later uses must file an application for permit even though the system is in and operating. The irrigation use of 3 acres can be left on the claim and processed with the 1956 priority date. However, the commercial use will have to be included on the enclosed application for permit form. I have completed this form for you and it now needs your signature on page 3. Please note on Item No. 7, I have put one year as your system is now completed.

Your use is within the drainage basin of the Snake River above Swan Falls which is now involved with our Department in a law suit over Idaho Power Company's water rights at Swan Falls. Therefore, we are holding all applications being filed until the law suit is resolved. You can establish a priority date by filing now. However, whether or not your application is approved depends on the outcome of the law suit mentioned above. There is a fee for filing an application for permit and it is based on the amount of water being filed on. The Department recommends certain amounts of water for commercial establishments. For a restaurant, store with restrooms and campground with restrooms and showers the Department allows 0.09 cubic feet per second. The fee for this is \$30 and is circled on the fee schedule on the back of the enclosed instruction sheet. Note that the claim form has been changed to indicate only the irrigation use. Please

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Philip I. Wells
February 7, 1984
Page 2

initial these changes asterisked and return the claim with the application.

Your other claim for wastewater also needs more information before processing can continue. Under Item No. 1, date of priority, it would be to your advantage to find the earliest date the water was put to the beneficial use claimed. If this date cannot be located we will have to list 1950 as the first date. Under Item No. 2, I have changed the source to just show wastewater. Please complete the tributary of this item, which would be the river or creek the wastewater flows into if not contained. On Item No. 3 we need an amount of water which would be the average amount. If this is unknown, then the usual amount recommended for irrigating one acre is one miner's inch of water. For 20 acres this would be 20 inches or 0.40 cubic feet per second. The period of use would be during the irrigation season for your area. Even though you may not use it for this entire season, it would include whatever portion of the time you did use the water. The irrigation season for your area is March 15 to November 15. Please make the necessary changes and initial each change.

If you have any questions concerning these filings, please do not hesitate to contact us.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG:ns

Enclosures

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61-4143

WELLS: PHILIP I.

P.O. BOX 83. MOUNTAIN HOME. ID 83647

Source. WASTER WATER trib. to POND

Priority Date. 03/15/1950

Diversion Pt: NESE SESE Sec 09 T 03S R 06E

Use: IRRIGATION (0.40 CFS)

In. NENE Sec 16 T 03S R 06E FOR 20 ACRES

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