

No Color  
Documents  
In File

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that John B. Chivers  
(Name of Claimant)  
H.C. 63, Box 1776, Challis, Ida., 83226 Telephone No. 879-2583  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Waste Water tributary to Phelps' Slough

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs, af) |                 | (Domestic, Irrigation, Stock, Etc.) |                   | (Both dates inclusive)        |                |
|-----------|-----------------|-------------------------------------|-------------------|-------------------------------|----------------|
|           |                 |                                     |                   | (Mo., Day)                    | (Mo., Day)     |
| Quantity  | <u>0.70 cfs</u> | Use                                 | <u>Irrigation</u> | Period of Use From <u>4/1</u> | To <u>11/1</u> |
| Quantity  |                 | Use                                 |                   | Period of Use From            | To             |
| Quantity  |                 | Use                                 |                   | Period of Use From            | To             |
| Quantity  |                 | Use                                 |                   | Period of Use From            | To             |
| Quantity  |                 | Use                                 |                   | Period of Use From            | To             |

(4) 0.70 cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ NE ¼, Sec. 22 Twp. 14 N. Rge. 19 E. B.M., County of Custer  
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. Describe any changes in the system and give the date of the change. Headgate & Gravity flow ditches.

(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      |          |
| <u>14N</u> | <u>19E</u> | <u>15</u> |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | <u>6</u> | <u>6</u> |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |
|            |            |           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |          |          |

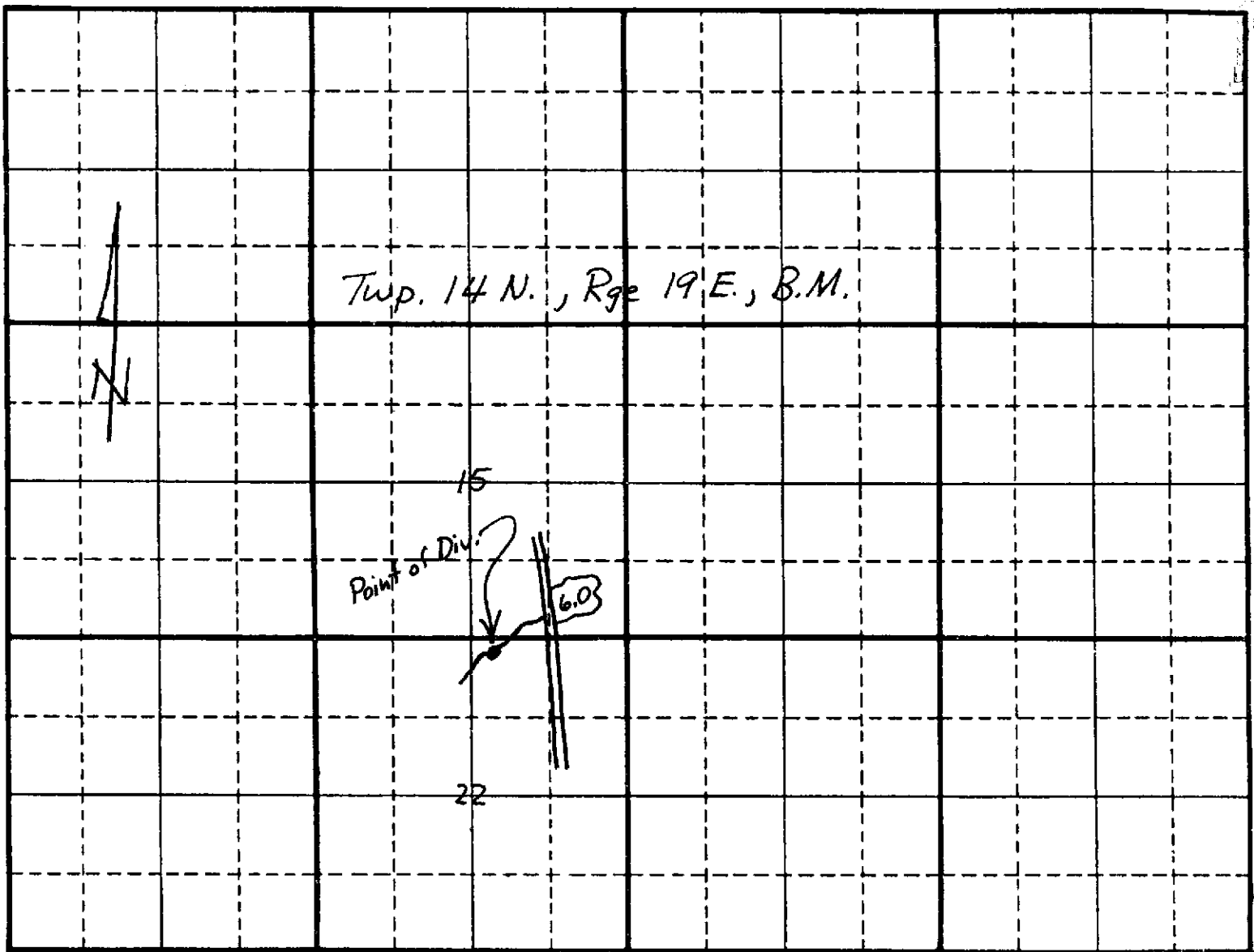
No. of acres 6

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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 Custer ) 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 26 day of April, 1983.

John B. Chivers  
(Claimant)

Loren O. Halmer  
Notary Public  
Residing at Twinn Falls

My commission expires Life

FOR DEPARTMENT USE ONLY

|                                               |                     |                     |              |      |
|-----------------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>ADM</u>                        | Date <u>4/26/83</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>JA</u>                    | Date <u>5-5-83</u>  |                     | claimant by: |      |
| <del>\$30.00 fee received by</del> <u>N/A</u> | Date                |                     |              |      |
| Published in <u>Challis Messenger</u>         |                     |                     |              |      |
| Dates <u>6/9 &amp; 6/16/83</u>                |                     |                     |              |      |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that John B. Chivers (Name of Claimant)  
H.C. 63 Bx 1776 Challis, IDA 83226 (Mailing Address) Telephone No. 819-2585 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) WASTEWATER tributary to ✓

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity                 | (cfs, gpd, AFA) | Use                   | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                |
|--------------------------|-----------------|-----------------------|-------------------------------------|-------------------------------|----------------|
|                          |                 |                       |                                     | (Mo., Day)                    | (Mo., Day)     |
| Quantity <u>0.70 cfs</u> |                 | Use <u>IRRIGATION</u> |                                     | Period of Use From <u>7-1</u> | To <u>11-1</u> |
| Quantity _____           |                 | Use _____             |                                     | Period of Use From _____      | To _____       |
| Quantity <u>5</u>        |                 | Use _____             |                                     | Period of Use From _____      | To _____       |
| Quantity _____           |                 | Use _____             |                                     | Period of Use From _____      | To _____       |
| Quantity _____           |                 | Use _____             |                                     | Period of Use From _____      | To _____       |

(4) 0.70 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW 1/4 D2 1/4, Sec. 22 Twp. 14N Rge. 19E B.M., County of Custer  
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. Describe any changes in the system and give the date of the change.  
Neau gate & Gravity Flow Ditch

(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. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|-----|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|     |     |      | 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 |       |
| 14N | 19E | 15   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 6      | 6     |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|     |     |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

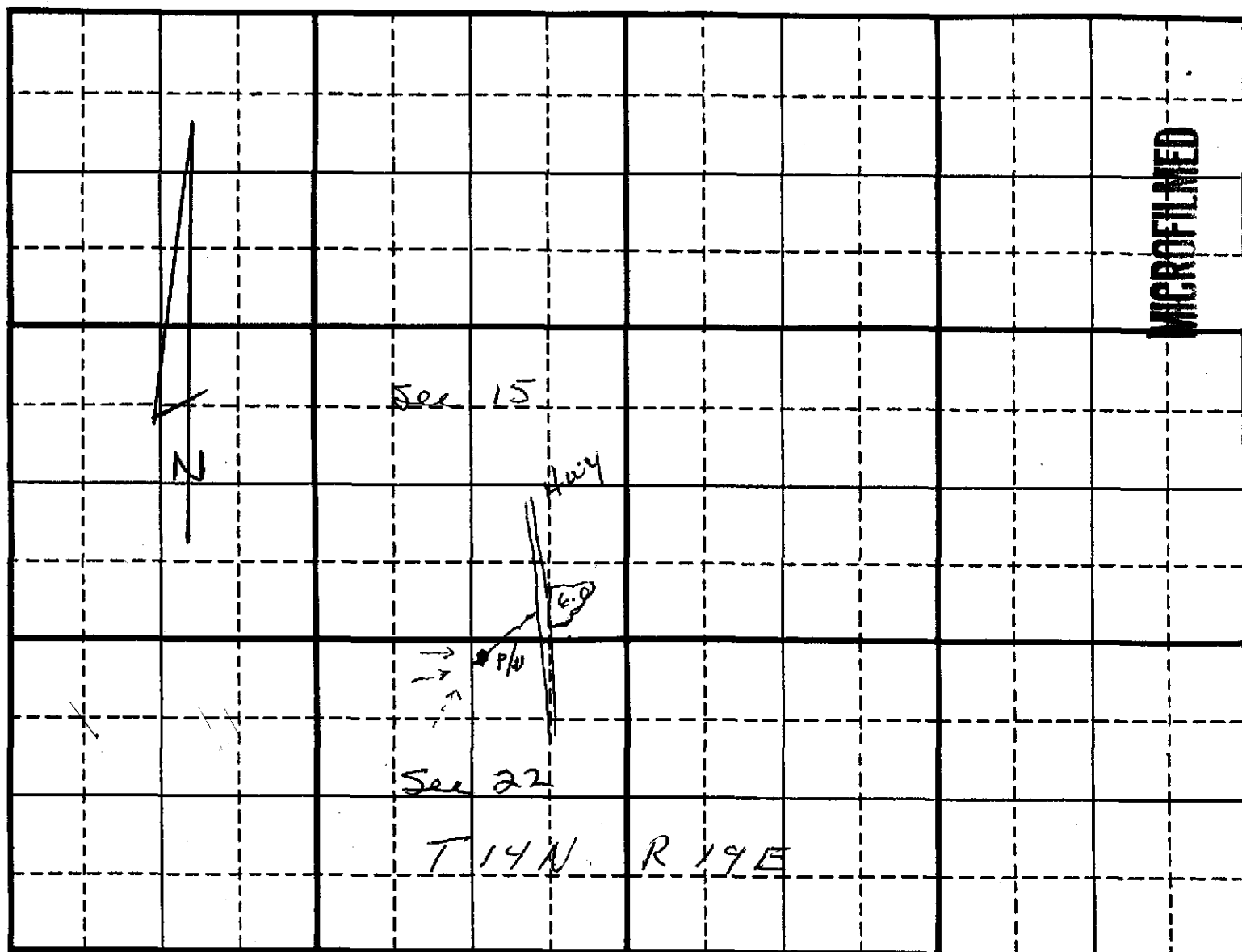
No. of acres 6

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

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

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

(8) Remarks \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**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 )  
 ) ss.  
County of Custer )

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.

John B. Chivers  
(Claimant)

Sworn to before me this 2 day of February, 1983.

\_\_\_\_\_  
Notary Public  
Residing at Twin Falls

My commission expires Life

11:00 AM FOR DEPARTMENT USE ONLY

Received by X.S.F. Date 2/2/1983 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by ADm Date 3/15/83 claimant by: \_\_\_\_\_  
\$30.00 fee received by same Date 2/14/83 23991  
Published in Custer Publishing \_\_\_\_\_  
Dates 4/14 & 4/20/83 \_\_\_\_\_

# AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS.....

Publisher of the Challis Messenger, a  
weekly newspaper, published at Challis,  
Idaho, do solemnly swear that the notice  
hereto attached and made a part hereof,  
was published in the regular and entire  
issue of the Challis Messenger for 2...

consecutive weeks, commencing with  
the issue dated APR 14.....

1983 and ending with the issue  
dated APR 21..... 1983

Margaret Parks.....

Subscribed and sworn to before  
this 22nd day of April.....

1983

Eckel M. Beck.....

Notary Public, residing at Challis,  
Idaho. My commission expires on

4/26/86.....

72-4140  
CHIVERS, JOHN B.  
HC #63, BOX 1776,  
CHALLIS, IDAHO 83226  
Source: WASTE WATER  
trib. to SINKS  
Priority Date: 04/01/1969  
Diversion Pt: NWNE Sec  
22T 14N R 19E  
Use: IRRIGATION (0.70  
CFS)  
In: SESE Sec 15 T 14N R  
19E FOR 6 ACRES

# AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated June 9, 1983 and ending with the issue dated June 16, 1983.

Margaret Parks

Subscribed and sworn to before this 17th day of June, 1983.

Ethel M. Beck

Notary Public, residing at Challis, Idaho. My commission expires on

Life

## NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 72-4140

Notice is hereby given that Claim to a Water Right No. 72-4140 in the name of John B. Chivers of Challis, Idaho was filed as follows:

Source: Waste water tributary to sinks

Priority Date: April 1, 1969

Amount: 0.70 cfs

Diversion Point: NW $\frac{1}{4}$ -NE $\frac{1}{4}$ , Sec. 22, T14N, R19E, B.M., Custer County

Use: Irrigation of 6 acres

Place of Use: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 15, T14N, R19E

Diversion Means: Headgate and gravity flow ditches

Claim No. 72-4140 is hereby amended by John Chivers as follows:

Source: Waste water tributary to Phelps' Slough

Priority Date: Same

Amount: Same

Diversion Point: Same

Use: Same

Place of Use: Same

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN  
Director

Published June 9 & 16, 1983.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Southern Region

1541 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3572

June 22,  
~~1983~~ 1983

JOHN B. CHIVERS  
HC #63, BOX 1775  
CHALLIS

ID 83326

RE: Claim No. 72-4140

Dear Claimant:

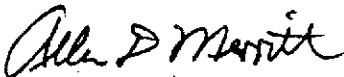
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

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,



ALLEN D. MERRITT  
Senior Water Resource Analyst

Enclosure

RECEIVED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 72-4140

Notice is hereby given that Claim to a Water Right No. 72-4140 in the name of John B. Chivers of Challis, Idaho was filed as follows:

Source: Waste water tributary to sinks.

Priority Date: April 1, 1969

Amount: 0.70 cfs

Diversion Point: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 22, T14N, R19E, B.M., Custer County

Use: Irrigation of 6 acres

Place of Use: SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 15, T14N, R19E

Diversion Means: Headgate & gravity flow ditches

Claim No. 72-4140 is hereby amended by John Chivers

as follows:

Source: Waste water tributary to Phelps Slough

Priority Date: Same

Amount: Same

Diversion Point: Same

Use: Same

Place of Use: Same

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301

A. KENNETH DUNN  
Director

Published in Challis Messenger

316  
A9-  
6/1/69

June 3, 1983

Custer Publishing Co.  
P. O. Box 405  
Challis, Idaho 83226

Re: Notice of Proposed Change of Water Right No. 72-0012C  
Notice of Amended Claim to a Water Right No. 72-4035; 72-4036; 72-4140;  
72-4154; 72-4096, 72-4139; 72-4138

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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary M. Heston  
SAC/Office Coord.

encl:

Bill submitted: \_\_\_\_\_

State of Idaho  
Department of Water Resources

AMENDED

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. F. Stanton

Right Number 72-4140 Amended Applicant CHIVERS, John B.

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.
- ☒ Claim published correctly.
- ☒ Exceptions processed. None

By ADN Date 6/22/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 6/28/83

RECEIVED  
JUN 28 1983  
Department of Water Resources

NOTICE OF CLAIMS TO WATER RIGHT

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Z2-4140

CHIVERS, JOHN B.

HC #63, BOX 1776, CHALLIS, ID 83326

Source: WASTE WATER trib. to SINKS

Priority Date: 04/01/1969

Diversion Pt: NWNE Sec 22 T 14N R 19E

Use: IRRIGATION (0.70 CFS)

In: SESE Sec 15 T 14N R 19E FOR 6 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 4/14 & 4/21/83.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

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1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

APRIL 6, 1983

Custer Publishing Company  
P. O. Box 405  
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 2, 1983.

Yours truly,

Mary A. Newby  
Secretary

Encl.

RECEIVED

State of Idaho  
Department of Water Resources

72-

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 72-4140 Applicant CHIVERS, John B.

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- ☒ Name and address.
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- ☒ Source.
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- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By \_\_\_\_\_ Date \_\_\_\_\_

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By \_\_\_\_\_ Date \_\_\_\_\_

