

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
H. C. #63, Box 1776 (Name of Claimant) 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, 1937

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>2.40 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) 2.40 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SE 1/4, Sec. 15 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. Headgate & Ditches. This water comes from fields irrigated above property being claimed.

(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	
<u>14N.</u>	<u>19E.</u>	<u>15</u>			<u>5</u>	<u>15</u>									<u>35</u>	<u>10</u>		<u>15</u>	<u>80</u>

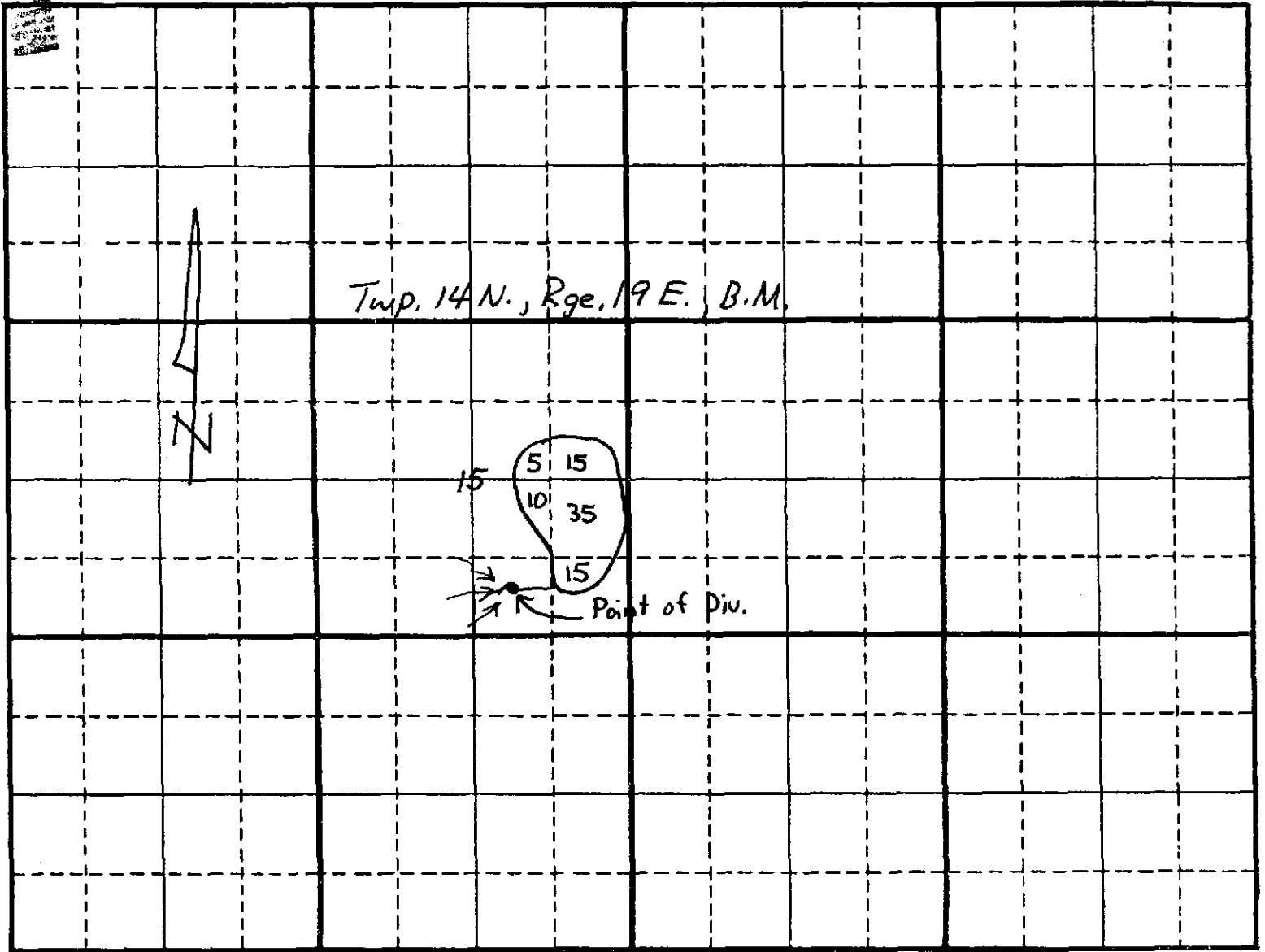
No. of acres 80

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, 19 83.

John B. Chivers
(Claimant)

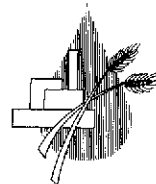
Loren O'Halloran
Notary Public
Residing at Twinn Falls

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by ADM Date 4/26/83 Exception filed by: _____ Fowarded to _____ Date _____
Prelim. check by B Date 5-5-83 claimant by: _____
~~\$30.00 fee received by~~ N/A Date _____
Published in Challis Messenger _____
Dates 6/9 & 6/16/83 _____

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. 874-2583
(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) 1937

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, AFD)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2.40 cfs</u>		Use <u>IRRIGATION</u>		Period of Use From <u>9-1</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) 2.40 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFD)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 SE 1/4, Sec. 15 Twp. 14N Rge. 19E B.M., County of Cassia
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.
HEADGATES & DITCHES, THIS WATER COMES FROM FIELDS IRRIGATED ABOVE PROPERTY, BEING CLAIMED

(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	
<u>14N</u>	<u>19E</u>	<u>15</u>			<u>5</u>	<u>15</u>									<u>35</u>	<u>10</u>		<u>15</u>	<u>80</u>

No. of acres 80

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

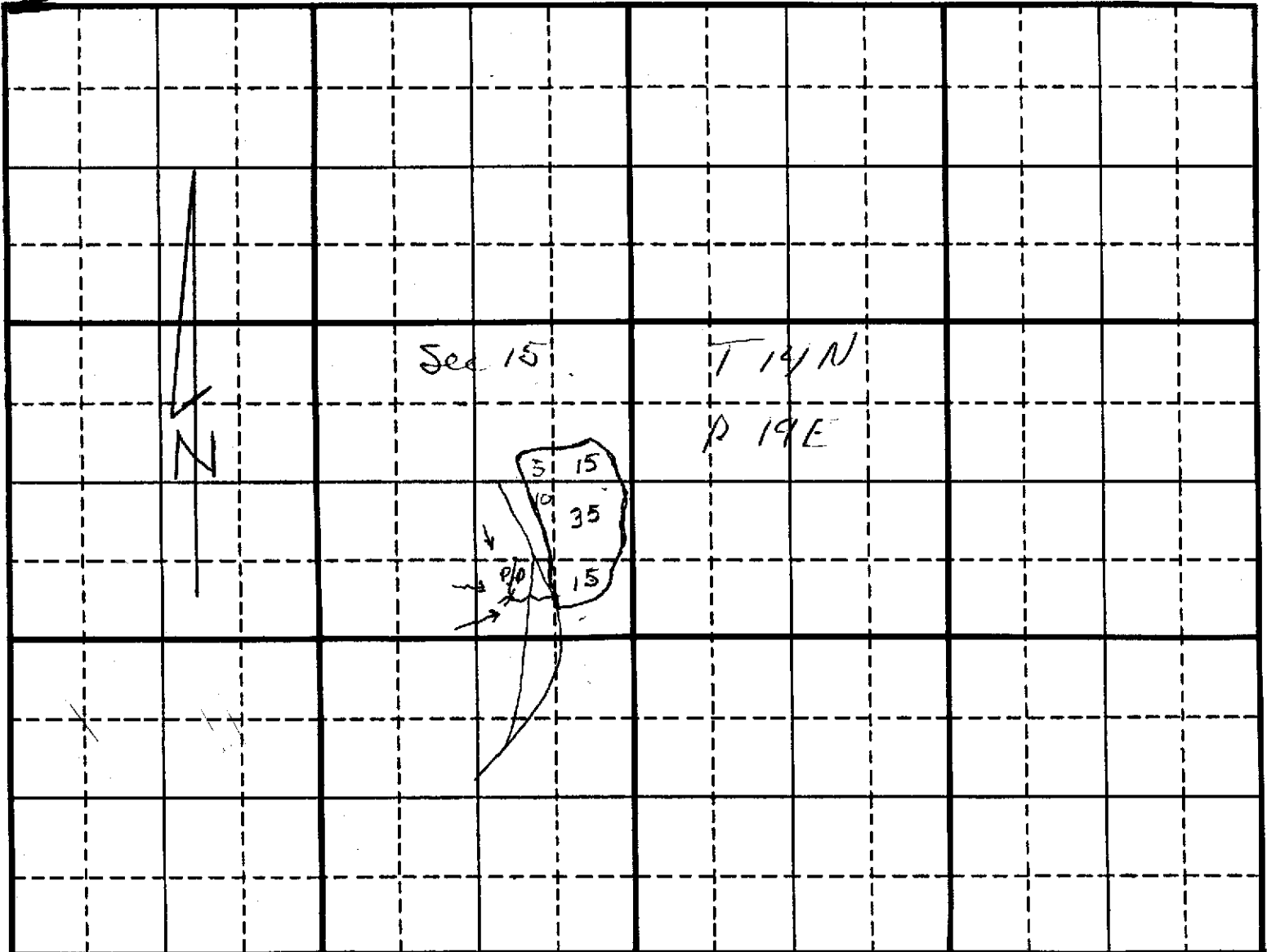
NOTE: Include here the type and number of stock watered: _____

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

RECEIVED

BACKUP FILED

(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.

John B. Chivers
(Claimant)

Sworn to before me this 2 day of February, 19 83.

Larry O. Halmer
Notary Public
Residing at Twin Falls

My commission expires Life

11:00 AM FOR DEPARTMENT USE ONLY

Received by ADA Date 2/2/83 Exception filed by: _____ Date _____
Prelim. check by ADA Date 3/15/83
\$30.00 fee received by ADA Date 2/14/83 23991
Published in Snake River Publishing Co
Dates 4/14 & 4/21/83

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 Ethel M. Peck

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

1/26/86

72-4139
CHIVERS, JOHN B.
HC #63, BOX 1776,
CHALLIS, ID 83226
Source: WASTE WATER
trib. to SINKS
Priority Date: 04/01/1937
Diversion Pt: SWSE Sec 15
T 14N R 19E
Use: IRRIGATION (2.40
CFS)
In: SWNE SENE NESE
NWSE SESE Sec 15T 14N R
19E FOR 80 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 17 day of June
1983

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

Life

**NOTICE OF AMENDED
CLAIM TO A WATER RIGHT
NO. 72-4139**

Notice is hereby given that
Claim to a Water Right No. 72-
4139 in the name of John B.
Chivers of Challis, Idaho was
filed as follows:

Source: Waste water
tributary to sinks

Priority Date: April 1, 1937

Amount: 2.40 cfs

Diversion Point: SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 15, T14N, R19E, B.M.,
County of Custer

Use: Irrigation of 80 acres

Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15,
T14N, R19E

Diversion Means: Headgate
and ditches

Claim No. 72-4139 is hereby
amended by John B. 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

1841 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-7578

June 22,
1983

JOHN B. CHIVERS
HOMER, BOX 1776,
CHALLIS

ID 83226

RE: Claim No. 72-4139

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

ENCLOSURE

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 72-4139

Notice is hereby given that Claim to a Water Right No. 72-4139 in the name of John B. Chivers of Challis, Idaho

was filed as follows:

Source: Waste water tributary to sinks

Priority Date: April 1, 1937

Amount: 2.40 cfs

Diversion Point: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T14N, R19E, B.M., County of Custer

Use: Irrigation of 80 acres

Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 15, T14N, R19E

Diversion Means: Headgate and ditches

Claim No. 72-4139 is hereby amended by John B. 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 Custer Publishing Co.

OK
AD
6/1/87

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 A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

Bill submitted: _____

State of Idaho
Department of Water Resources

AMENDED

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: J. J. Stanton

Right Number 72-4137 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.

By Adm 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:

72-4139

CHIVERS, JOHN B.

HC#63, BOX 1776, CHALLIS, ID 83226

Source: WASTE WATER trib. to SINKS

Priority Date: 04/01/1937

Diversion Pt: SWSE Sec 15 T 14N R 19E

Use: IRRIGATION (2.40 CFS)

In: SWNE SENE NESE NWSE SESE Sec 15 T 14N R 19E FOR 80 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.

RECORDED
INDEXED
APR 21 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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.

APR 10 1983

State of Idaho
Department of Water Resources

72-

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 72-4139 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.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

RECEIVED
JAN 17 1979