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Identification No. _____

Claim No. 43-4038²

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 Raft River Rural Electric Cooperative, Inc.
post office address P.O. Box 617 Malta, Idaho 83342
2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 1 Township 13 South
Range 26 East B.M. located on Well
(name of source)
tributary to _____ in Cassia 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:

August 1958 amount: .223 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet
Total claimed _____ 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 & Commercial 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 78 feet; diameter of well is 16 inches; type of pump is jet
capacity of pump is 100 g.p.m.; name and address of well driller is Dean Rogers
Box 323, Pima, Arizona;

43-4038

no _____; if so, give dates and explain

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000

_____ type of pipe _____ iron _____; grade of pipe per 1000 feet is _____.

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

_____ is reservoir on or off stream _____ explain _____

location of reservoir by 40-acre subdivisions

describe

[illegible][illegible]

Explain any significant increase in area irrigated since first use, give dates and acreages if known

43-4038

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 _____

7. Where water is used for domestic or municipal purposes give number of families served 2 To 3 families
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 Well has served two families and one implement company with a mechanic's shop.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Well was drilled about 1955(as near as we can determine) and was originally intended to be used for irrigation but that use did not develop. Subsequently (August 1958) it was commenced to be used for an implement Co. with mechanics shop and trailer homes that varied from one to three up until the present time.

The records for electrical services which we have in our office support the fact that the well was used continuously with exception of maybe a month or so between some tenants.

State of Idaho

County of Cassia } 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 21st day of April, 1971.

Gene Baxter
Notary Public

Residing at Malta, Idaho

My commission expires May 3, 1971

4-27-71 For Department Use Only

Received by <u>[initials]</u>	Date <u>4-22-71</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>DOF</u>	Date <u>4/27/71</u>			
Fee received by <u>[initials]</u>	Date <u>4/27/71</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>[initials]</u>				
Published in <u>South Idaho</u>	Dates <u>5-18 & 5-25, 1971</u>			
Press at Burley, Idaho				

43-4038

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:	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 it 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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Keith Chambers, being first

duly sworn, deposes and says that She is the

Bookkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2..... consecutive weeks, commencing with the issue

dated May 18 1971, and ending

with the issue dated May 25 1971.....

Keith Chambers

Subscribed and sworn to before me

this 25th day of May

1971...

Edith Raustadt Notary Public

Cost of Publication

Notary Fee

Total Cost

My commission expires October 23, 1971

71-146

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 43-4038

Notice is hereby given that Raft River Rural Electric Cooperative, Inc., P.O. Box 617, Malta, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 0.223 cubic feet per second of water from a ground water source with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 13S, R. 26E, B.M., Cassia County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic and commercial purposes with a priority of August, 1958; the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 13S, R. 26E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on May 18 and May 19, 1971.

43-4038

June 7, 1971

Re: Claim to a Water Right No. 43-4038

Raft River Rural Electric Cooperative, Inc.
P. O. Box 617
Malta, Idaho 83342

Attention: Edwin C. Schlender, Manager

Gentlemen:

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr

Enclosure: Copy of claim

43-4038

May 5, 1971

Re: Claim No. 43-4038 - Raft River Rural Electric Cooperative,
Inc.

South Idaho Press
Box 190
Burley, Idaho 83318

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 our 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 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. 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)

Very truly yours,

Donald W. McKelowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

*Bill submitted
5-27-71
DW*

43-4038

71-146

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 43-4038**

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

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho, on May 18 and May 25, 1971.

43-4038

NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4038

Notice is hereby given that Raft River Rural Electric Cooperative,
Inc., P.O. Box 112 617, Malta, Idaho,
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.223 cubic feet per second ~~xxxxxxx~~
of water from a ground water source
with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 13S, R. 26E, B.M.,
Cassia County.

The water is claimed to be used from Jan. 1 to Dec. 31 for
domestic and commercial purposes
with a priority of August, 1958;
the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 13S, R. 26E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho,
on May 18 and May 25, 1971.

43-4038

April 28, 1971

Raft River Rural Electric Cooperative, Inc.
P. O. Box 617
Malta, Idaho 83342

Gentlemen:

Returned herewith is your receipt No. 5939 in the amount of \$10.00
for your claim application,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

43-4038

April 22, 1971

RAFT RIVER ELECTRIC COOPERATIVE, INC.
Malta,
Idaho 83342

ATTENTION: Edwin C. Schlender, Manager

Dear Mr. Schlender:

We are returning your check #92-146, in the amount of \$10.00 and your claim to a water right. Before we can process this claim, we will require clarification of item #3b, as to the period of use. You have entered August of 1958, to April of 1971. What is required at this point is the period during each year in which your domestic or commercial beneficial use will be exercised. We would assume this period to be January 1 through December 31. If not, please enter the proper period of use and return your check and papers for processing.

Your prompt attention to this matter will be appreciated.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:cm

Enc: check #92-146
claim to a water right

43-4038



RAFT RIVER ELECTRIC COOPERATIVE, INC.

Phone 645-2405

Owned By Those We Serve

*MALTA

REGISTERED

April 21, 1971

Department of Water Administration

Mr. Dorian Clay
Appropriation Examiner
Idaho Department of Water Administration
State House, Annex 2
Boise, Idaho 83707

Dear Mr. Dorian:

Enclosed, please find executed claim to water right, as suggested in your letter of April 15, 1971.

Our records show that we have supplied electric service to the pump on this well since August 1958.

Sincerely yours,

Edwin C. Schlender

Edwin C. Schlender
Manager

ECS/lw

enclosure:

43-4038

LOG OF WELL
(FOR FIELD COPIES OF DRILLERS LOGS)

STATE Idaho COUNTY Cassia NUMBER _____
 LOCATION SE 1/4 SW 1/4 SEC. 1, T. 135 R. 26E
 DRILLER Dean Rogers ADDRESS Malta
 SOURCE OF DATA _____

(APPEND CASING RECORD AND ADDITIONAL DATA ON NOTE SHEET)

DRILLER'S DESCRIPTION	THICKNESS	DEPTH
Top Soil	10'	10'
Gravelly Clay	8'	18'
Good Gravel	4'	22'
Tight Gravel & Clay	20'	42'
Fair Gravel	4'	46'
Tight Gravel & Clay	4'	50'
Fair Gravel	4'	54'
Tight Gravel & Clay	2'	56'
Fair Gravel	3'	59'
Gravel with Some Clay	4'	63'
Fair Gravel	6'	69'
Clay & Gravel	3'	72'
Fair Gravel	6'	78'
78' of Casing		
Perforated with Touch Before installing in Well		
Test 65" from	55'	
50" "	35'	
On the W. Side of Well Across		

PAGE 1 OF 1 PAGES
 Road from Gen Mills Elevator

43 4039