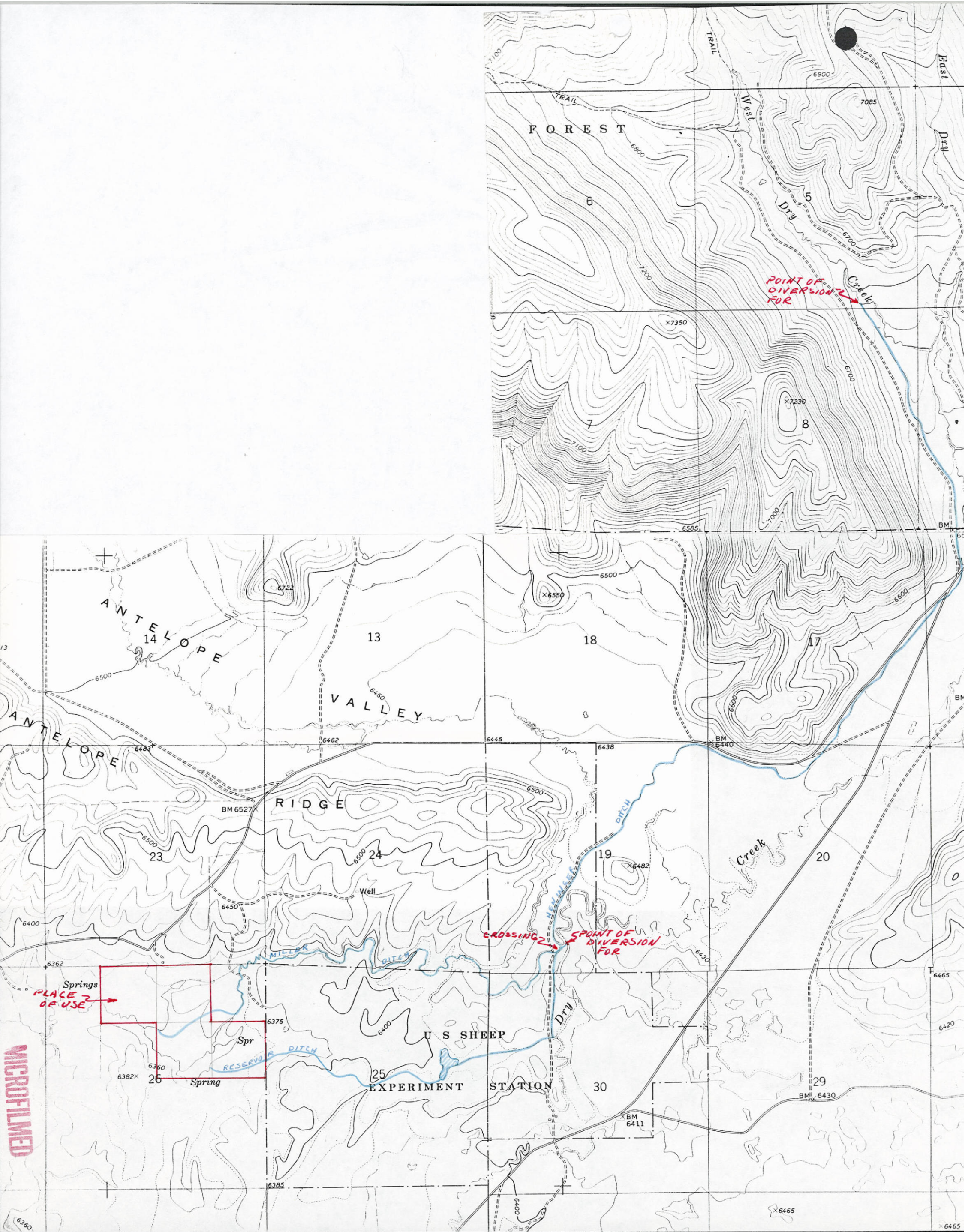




9/81
RECEIVED
1982

JUN 17 1983

Department of Water Resources
Eastern District Office

CLAIM TO A WATER RIGHT

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 **LARRY D. SINGLETON**

(Name of Claimant)

Route 1, Box 58, St. Anthony, Idaho

83445

Telephone No. 458-4416

(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) June 21, 1902

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)

Dry Creek tributary to Camas Creek

(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>2.5 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>April 1</u>	To <u>November 1</u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>
Quantity	<u> </u>	Use	<u> </u>	Period of Use From <u> </u>	To <u> </u>

(4) 2.5 cfs TOTAL QUANTITY USED.
(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ SW ¼, Sec. 19 Twp. 13N Rge. 40E B.M., County of Clark

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. Rock dam and headgate divert water into ditch which carries water in generally westerly direction to claimant's land.

(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.

[illegible]

No. of acres 160

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	See attachment:
-----	---------	-----------------

[illegible]

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 Bonneville) 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.

affiant's knowledge.

Sworn to before me this 15 day of June

Notary Public

Residing at IDAHO FALLS

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by Date 6-17-03
Prelim. check by Date 6-20-03
Exception filed by: Forwarded to Date
claimant by:

Received by	Date	6-17-83	Exc
Prefim. check by	Date	6-22-83	
\$30.00 fee received by	Date	6-22-83	
Published in	Date	6/20/83 #30945	
Dates	Standard Journal		
	8/11, 8/18/83		

Dates 8/11, 8/18/83

The right claimed is really identical to Right No. 31-0150. Mr. Burt H. Miller, the predecessor in interest of the claimant, constructed a ditch with its headworks on Dry Creek in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 19, T.13N, R. 40 E.B.M., in 1902. The ditch flows generally west about one and one-half (1 $\frac{1}{2}$) miles to the land irrigated thereby in Section 26 of the same Township and Range. The land was irrigated in this same manner until 1922.

In 1922, Mr. Elvin W. Heninger constructed a ditch which heads on Dry Creek or West Dry Creek in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 13N, R. 40 E.B.M. For some distance in the SW $\frac{1}{4}$ of Section 19, this ditch runs approximately parallel to Dry Creek and in places is only a few feet to the west of Dry Creek. Instead of constructing a crossing structure for the Miller Ditch, Heninger put in a dividing devise and for many years Heninger, who was also the Water Master of the Water District, measured out the Miller right from the Heninger ditch at the location of this dividing structure.

When the decree was entered in the case of Sauve v. Abbott, in 1930, this fact appears to have been ignored. Also, the points of diversion for the Heninger ditch appear to have been listed as being in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9 and in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30 in the same Township and Range.

Leo Singleton, the applicant's father (now deceased) purchased the property described as the place of use for the Miller right from Burt H. Miller. In about 1952 or 1953, some of the Heninger land was purchased by the United States government for use as a sheep experiment station. In about 1958, the United States government brought suit against Leo Singleton in Federal District Court. Singleton had conversations with the personnel at the experiment station at the time, but apparently understood the issue in the litigation involved some desire on

the part of the United States government to have Singleton divert through the old Miller heading and cross the Heninger ditch, rather than to continue to receive his water through the Heninger ditch. In any event, Singleton failed to defend the suit and the default judgment was entered, declaring the old Miller right abandoned, and awarding the United States a right, No. 31-0326, of 10 cfs in Dry Creek with a priority date of May 1, 1924.

Following the entry of the Judgment, the Water Master stopped assessing for the Miller right, but the Singletons, apparently unaware of the provisions of the Decree, and consistent with their understanding with personnel at the experiment station, continued using water exactly as before. When it was inconvenient to get water from the division structure on the Heninger ditch, they received it through an extension of that ditch called the "Reservoir Ditch", or "Lower Ditch".

Finally, in 1979, Larry Singleton, pursuant to an agreement with the personnel at the sheep experiment station, constructed a culvert under the Heninger ditch, at the approximate location of the old division structure and recommenced use of the old headworks for the Miller ditch on the west side of Dry Creek. The claimant has continued to receive water through this Miller ditch, as well as some water on occasion through the Lower or Reservoir Ditch each year since 1979.



**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s) have been filed on
water right(s) created by diversion and
beneficial use:

HALF CIRCLE CATTLE CO., INC
P.O. 129, IDAHO FALLS, ID 83402
Source: SPRING trib. to SINKS
Priority Date: 07/01/1880
Diversion Pt: SENE Sec 12 T 12N R 36E
Use: STOCKWATER (0.01 CFS)
In: SENE Sec 12 T 12N R 36E

**The REXBURG STANDARD and
The REXBURG JOURNAL**
REXBURG, IDAHO

25-4234
NELSON, DENNIS W. &/or RITA J.
RT. 3, BOX 314, REXBURG, ID 83440
Source: GROUNDWATER
Priority Date: 04/15/1957
Diversion Pt: SWSE Sec 31 T 05N R 40E
Use: STOCKWATER (0.02 CFS),
DOMESTIC (0.04 CFS)
In: SWSE Sec 31 T 05N R 40E

31-4102
HALF CIRCLE CATTLE CO., INC
P.O. 129, IDAHO FALLS, ID 83402
Source: GROUNDWATER
Priority Date: 06/01/1936
Diversion Pt: NWSE Sec 01 T 12N R 39E
Use: STOCKWATER (0.02 CFS)
In: NESW Sec 01 T 12N R 39E

Affidavit of Publication

22-4128
LDS CHURCH
HIBBARD 1ST & 2ND WARDS, 440 REED
ST., REXBURG, ID 83440
Source: GROUNDWATER
Priority Date: 06/15/1949
Diversion Pt: SESE Sec 10 T 06N R 39E
Use: IRRIGATION (0.04 CFS), DOMESTIC
(0.04 CFS)
In: SESE Sec 10 T 06N R 39E

31-4103
HALF CIRCLE CATTLE CO., INC
P.O. 129, IDAHO FALLS, ID 83402
Source: WASTEWATER
Priority Date: 06/01/1937
Diversion Pt: NENW Sec 04 T 12N R 39E
Use: IRRIGATION (0.80 CFS)
In: NENW NWNW SWNW Sec 04 T 12N
39E FOR 40 ACRES

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 15
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUN
Director

Publ. Aug. 11, 18, 1983S

Notice Of Claims To Water Rights

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for Two
consecutive issues, the first publication hav-

ing been made on Aug. 11, 1983
and the last publication having been made

on Aug. 18, 1983

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
ing a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

31-4095
SINGLETON, LARRY D.
RT. 1, BOX 58, ST. ANTHONY, ID 83445
Source: DRY CREEK trib. to CAMAS
CREEK

Priority Date: 06/21/1902
Diversion Pt: SESW Sec 19 T 13N R 40E
Use: IRRIGATION (2.50 CFS)
In: NWNE SWNE SENE NENW Sec 26 T
13N R 39E FOR 160 ACRES

31-4096
HALF CIRCLE CATTLE CO., INC
P.O. 129, IDAHO FALLS, ID 83402
Source: GROUNDWATER
Priority Date: 06/01/1936
Diversion Pt: SESW Sec 12 T 12N R 39E
Use: STOCKWATER (0.02 CFS)
In: SESW Sec 12 T 12N R 39E

31-4098
HALF CIRCLE CATTLE CO., INC
P.O. 129, IDAHO FALLS, ID 83402
Source: SPRING trib. to SINKS
Priority Date: 07/01/1880
Diversion Pt: NWNE Sec 24 T 12N R 36E
Use: STOCKWATER (0.02 CFS)
In: NWNE Sec 24 T 12N R 36E

31-4101
HALF CIRCLE CATTLE CO., INC
P.O. 129, IDAHO FALLS, ID 83402
Source: GROUNDWATER
Priority Date: 06/01/1936
Diversion Pt: NWNE Sec 17 T 12N R 40E
Use: STOCKWATER (0.02 CFS)
In: NWNE Sec 17 T 12N R 40E

31-4100

Subscribed to and sworn to before me
this Aug. 19, 1983

Jane Lerner
(SEAL) Notary Public.

My commission expires Life.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 1983

LARRY D. SINGLETON
RT. 1, BOX 58
ST. ANTHONY ID 83445

RE: Claim No. 31-4095

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,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn
Director

August 30, 1983

RE: Claim to a Water Right No. 22-4128 HIBBARD 1ST & 2ND WARDS
25-4234 NELSON
31-4095 SINGLETON
31-4096 HALF CIRCLE CATTLE
31-4098 "
31-4100 "
31-4102 "
31-4103 "

Standard Journal
P.O. Box 10
Rexburg, ID 83440

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on August 11 and 18, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

August 5, 1983

RE: Claim to a Water Right No. 31-4095 SINGLETON

Don Shenton, Watermaster
Water District No. 31
Dubois, ID 83423

Dear Don:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JEM

Right Number 31 4035

Applicant Larry J. Singleton

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.

Aug. 29, 1983

FINAL REGIONAL PROCESSING REVIEW:

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

By Ernest Carlson Date Sept. 20, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By J. V. V. Date 9-28-83

RECEIVED
SEP 28 1983
Department of Water Resources

OW

31-4095

SINGLETON, LARRY D.

RT. 1. BOX 58. ST. ANTHONY, ID 83445

Source: DRY CREEK trib. to CAMAS CREEK

Priority Date: 06/21/1902

Diversion Pt: SESW Sec 19 T 13N R 40E

Use: IRRIGATION (2.50 CFS)

In: NWNE SWNE SENE NENW Sec 26 T 13N R 39E FOR 160 ACRES

RECORDED