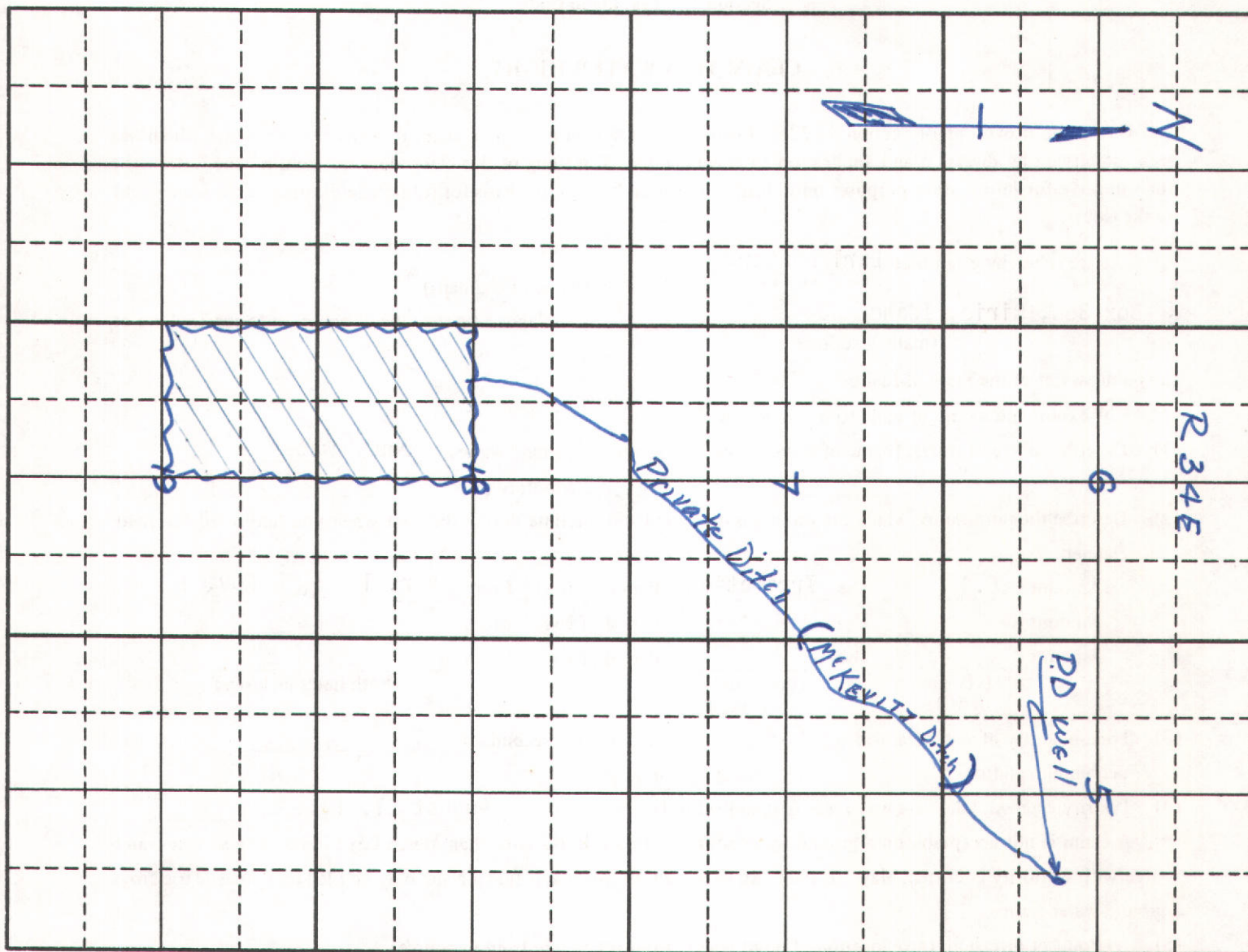


(8) Remarks Claim established by cancelled permit No. 31-2257



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 BONNEVILLE)

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 19th day of MARCH

Earl Hunter
(Claimant)

19 75.

Ronald D Carlson
Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>3-19-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jay</u>	Date <u>3/19/75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>3-19-75</u>			
Approved for publication by <u>aw 7-11-75 #4151</u>				
Published in <u>The High Star</u>				
Dates <u>March 27 to April 3, 1975</u>				

Affidavit of Publication

THE RIGBY STAR

RECEIVED

APR 11 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO, }
County of Jefferson } ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Two Consecutive issues thereof; first publication having been made on the

----- *27th* day of *March*, 19*75*-----

and the last publication on the

----- *3rd* day of *April*, 19*75*-----

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B. Jones

Subscribed in my presence and sworn to before me this *4th*

day of *Apr*, 19*75*.
(SEAL)

Thomas Shlager

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires *1 Sept*, 19*78*

Publication Fee: \$-----

NOTICE OF CLAIM TO A WATER RIGHT NO. 31-4012

Notice is hereby given that Earl Hunter, Ririe, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.4 cubic feet per second of water from a ground-water source with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 7N R. 34E B.M., Jefferson County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres with a priority of August 21, 1934. The place of use is within the SW $\frac{1}{4}$, Sec. 18, NW $\frac{1}{4}$, Sec. 19, T. 7N. R. 34E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director

Published in the Rigby Star, Rigby, Idaho on March 27 and April 3, 1975

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that Earl Hunter (name of claimant)
of Box 308, Ririe, Idaho 83443, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|----------------------|-----|-------------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>6.4</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 6.4 cubic feet per second, or _____ acre feet
per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) August 21, 1934

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ SE ¼, Sec. 5 Twp. 7N Rge. 34E B. M. County of Jefferson
 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. Well, pump, and private 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.

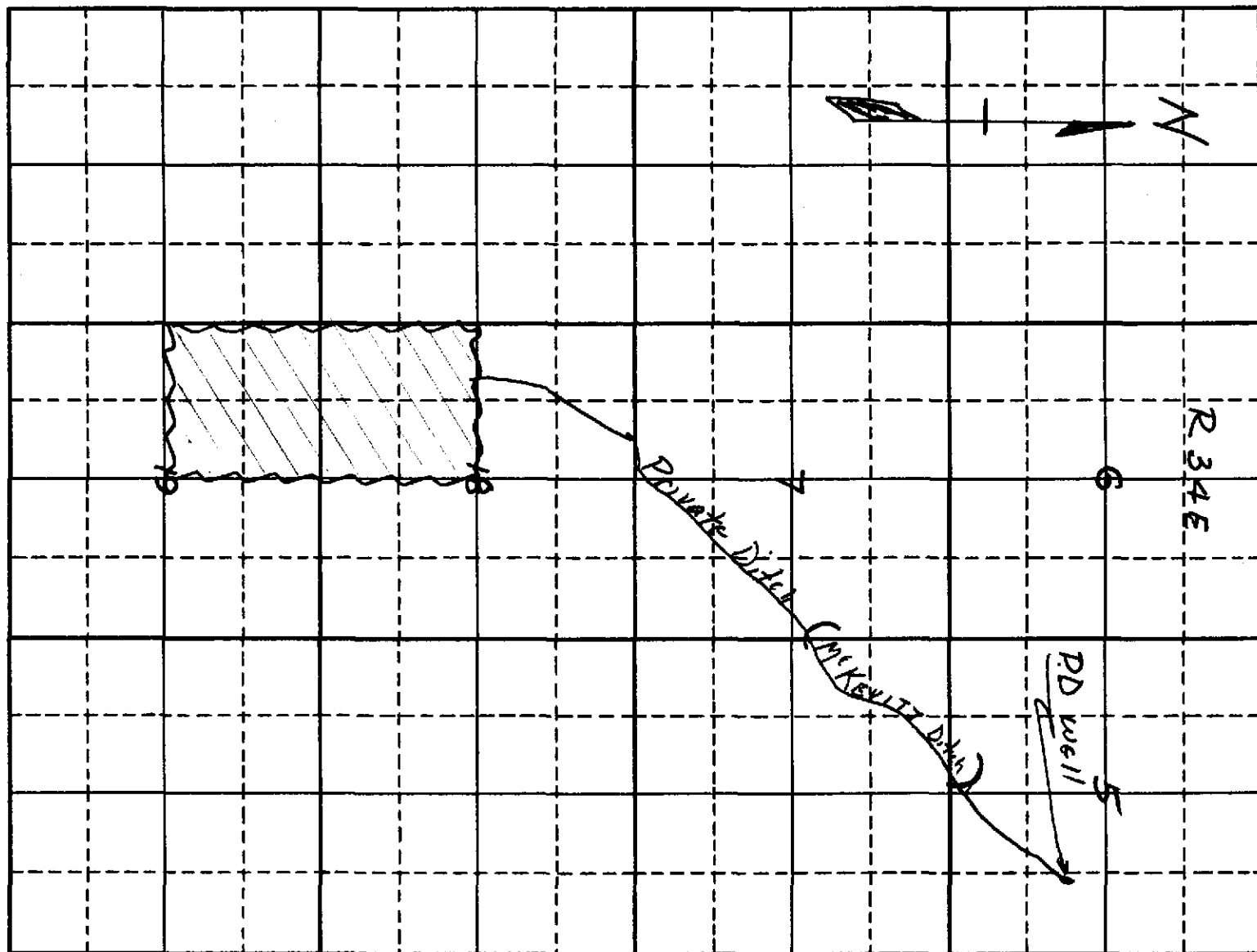
[illegible]

Total No. of acres 320

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

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

(8) Remarks Claim established by cancelled permit No. 31-2257



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 BONNEVILLE)

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 19th day of MARCH

Earl Sumter
(Claimant)

19 75

Ronald P. Carlson
Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/19/78

For Department Use Only

Received by <u>MB</u>	Date <u>3-17-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jay</u>	Date <u>3/19/75</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>3-19-75</u>			
Approved for publication by <u>OW 4-11-75 #4151</u>				
Published in <u>The High Flyer</u>				
Dates <u>March 27 to April 3, 1975</u>				

Affidavit of Publication

THE RIGBY STAR

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APR 12 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Jefferson

ss.

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27th day of March, 1975

and the last publication on the

3rd day of April, 1975

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B. Jones

Subscribed in my presence and sworn to before me this 4th

day of Apr, 1975.
(SEAL)

Thomas Hoag

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires 1 Sept, 1978

Publication Fee: \$-----

NOTICE OF CLAIM TO A WATER RIGHT NO. 31-4012

Notice is hereby given that Earl Hunter, Rigby, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.4 cubic feet per second of water from a ground-water source with point of diversion in the NE 1/4 Sec. 5, T. 7N. R. 34E B.M., Jefferson County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres with a priority of August 21, 1934. The place of use is within the SW 1/4, Sec. 18, NW 1/4, Sec. 19, T. 7N. R. 34E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH HIGGINSON
Director

Published in the Rigby Star, Rigby, Idaho March 27 and April 3, 1975

MEMORANDUM

TO: FILE 31-04012

FROM: VAULT

RE: TRANSFER # 69360

DATE: 10-1-01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 31-00160

MICROFILMED

APR 23 2002

H. H. H. H.
file
1515 Lincoln Road

May 8, 1975

RE: Claim to a Water Right No. 31-4012 HUNTER

BDF

Mr. Bruce Mitchell
Terreton
Idaho 83450

Dear Mr. Mitchell:

We have received the exception filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

cc: IDWR - State

MICROFILMED

1515 Lincoln Road

May 8, 1975

RE: Claim to a Water Right No. 31-4012

Mr. Earl Hunter
Box 308
Ririe, Idaho 83443

Dear Mr. Hunter:

Enclosed please find a copy of the exception filed by Bruce Mitchell in connection with your Claim No. 31-4012. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, 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 reclamation (renamed department of water administration, July 1, 1970) 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 administration. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enclosure
cc: IDWR - State

IN THE MATTER OF:)
)
)
)
)

Claim to a Water Right No. 31-4012)

State of Idaho)

County of Bonneville)

RECEIVED

AFFIDAVIT

MAY 8 1975

Department of Water Resources
Eastern District Office

I, Bruce Mitchell, being first duly sworn,

deposes and says: The date of August 21, 1934, is false because that well was not
drilled until 1939 or 1940. My brother, Tom Mitchell, had this well drilled by
Charles Cope. He cannot remember the exact date, but believes it was in 1939 or
1940. Tom and Sandy Mitchell had my well drilled in 1936 and they both say the
well that Mr. Hunter refers to was drilled 3 or 4 years later.

Bruce Mitchell
(signature)

Subscribed and sworn to before me this 8th day of MAY 1975.

Ronald D. Carson
(notary public)

Residing at FIRTH, IDAHO.

My commission expires 2/19/78.

April 14, 1975

RE: Claim to a Water Right No. 31-4012

Mr. Earl Hunter
Box 308
Ririe, Idaho 83443

Dear Mr. Hunter:

The Department of Water Resources 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,

RONALD D. CARLSON
District Engineer

RDC:MB

Enc: Copy of claim

RECORDED

March 21, 1975

RE: Application for Permit No. 31-7159 JOHNSON
Claim to a Water Right No. 31-4012 HUNTER

The Rigby Star
Box 37
Rigby, ID 83442

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 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.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 4-11-75 by MB

RDC:MB

Enc: Legal Notices (2)

RECEIVED
MARCH 21 1975

NOTICE OF CLAIM TO A WATER RIGHT

NO. 31-4012

Notice is hereby given that Earl Hunter,

Ririe, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 6.4 cubic feet per second ~~acres feet per annum~~
of water from a ground-water source

with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5, T. 7N, R. 34E, B.M.,
Jefferson County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the
irrigation of 320 acres
with a priority of August 21, 1934 ;
the place of use is within the SW $\frac{1}{4}$, Sec. 18, NW $\frac{1}{4}$, Sec. 19, T. 7N, R. 34E,
B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho
on March 27 and April 3, 1975.

MICROFILMED

CW-H.A.
CW-H.A.