

AFFIDAVIT OF PUBLICATION

State of Idaho, ss.
County of Teton

I, Louise L. Norton
being first duly sworn depose and say

that I am the publisher
of the Teton Valley News, a news-
paper as defined by Idaho Codes Anno-
tated, Section 58-106, as amended, and
that said newspaper is a weekly news-
paper printed and published at Driggs,
in Teton County, Idaho, having a gen-
eral circulation in said county, and that
said newspaper has been printed in
said county for more than 78 consecu-
tive weeks prior to the first publication
of the attached notice, advertisement
or publication of

Noticing Claim to a Water
Right no 22-4002

And affiant further says that said
attached notice, advertisement or pub-
lication, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof, and
not in any supplement issue thereof,

for 2 consecutive issues thereof;
first publication having been made on

the 23 day of November

19 71

and last publication on the 30

day of December, 19 71

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 seven-
teen and three-fourths inches deep.

Louise L. Norton

Subscribed in my presence and sworn

to before me this _____ day of

_____, 19 _____

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

_____, 19 _____

RECEIVED

JAN 3 1972

Department of Water Administration
Eastern District Office

PUBLIC NOTICE

NOTICE OF CLAIM TO A WATER RIGHT

No. 22-4002

Notice is hereby given that Albert
W. Ure, Victor, Idaho has filed
a claim to a water right estab-
lished by diversion and application
to beneficial use of 0.63 cubic feet
per second of water from Juanita
Creek, tributary to sinks with point
of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
31, T. 4N, R. 46E, B.M., Teton
County.

The water is claimed to be used
from Jan. 1 to Dec. 31 for stock-
water purposes for 100 head of beef
cattle and domestic purposes for
one family; and from May 1 to
Oct. 1 for the irrigation of 40
acres; the place of use is within
the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 30, T. 4N, R.
46E, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, 240 South Holmes,
Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Teton Valley
News, Driggs, Idaho on December
23 and December 30, 1971.

22 4002

Identification No. _____

Claim No. 22-4002 ^P

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 ALBERT W. URE
post office address Victor, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 31 Township 4N
Range 46E B.M. located on Juanita Creek
(name of source)
tributary to Sinks in Teton 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:

<u>Dec. 16, 1910</u>	amount: <u>0.5</u>	c.f.s. or	_____	acre feet	
<u>Dec. 16, 1910</u>	amount: <u>0.1</u>	c.f.s. or	_____	acre feet	
<u>Dec. 16, 1910</u>	amount: <u>0.03</u>	c.f.s. or	_____	acre feet	
Total claimed		<u>0.63</u>	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 <u>irrigation</u>	period of use from <u>May 1</u>	to <u>Oct. 1</u>	(both dates inclusive)
use <u>stockwater</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</u>	(both dates inclusive)
use <u>domestic</u>	period of use from <u>Jan. 1</u>	to <u>Dec. 31</u>	(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 earth
_____ ; length is 40 feet; height is 9 feet;
width at bottom is 20 feet; width at top is 5 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known Concrete headgate to divert water from diversion dam.

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 2000 feet; width of ditch at top is 3 feet; width of bottom of ditch is 2 feet; depth of water is 2 feet; grade of ditch per 1000 feet is 20 feet; material through which ditch passes is earth and rock; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Change to sprinkler Fall 1971. 1700 ft. of transite pipe laid parallel to old ditch. Sprinkler irrig. using 4" mainline with 33 Rainbird, 11/64 orifices.

d. If water is stored: name of reservoir N.A. ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 40

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

b. Do you get water through a ditch owned by several users? N.A. 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 100 head of beef
cattle

7. Where water is used for domestic or municipal purposes give number of families served 1 family
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 N.A.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Spring is located on B.L.M. ground. Claimant is now obtaining an easement for
the new pipeline from B.L.M. Claim is filed in connection with obtaining this
easement.

State of Idaho

County of Teton

} 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.

Albert W. Lee
Claimant

Sworn to before me this 9th day of December, 19 71.

Sydney S. Kearsley
Notary Public
Residing at Victor, Idaho

My commission expires Feb. 21, 1975

For Department Use Only

Received by Lj Date 12-10-71

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by _____ Date _____

#7244

Fee received by Lj Date 12-10-71 Fee \$10.00

Approved for publication by _____

Published in Teton Valley News Dates 12-23-70-71

22 4002

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:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	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 if 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.

AFFIDAVIT OF PUBLICATION

State of Idaho, ss.
County of Teton

I, Louise L. Norton
being first duly sworn depose and say

that I am the publisher
of the Teton Valley News, a news-
paper as defined by Idaho Codes Anno-
tated, Section 58-106, as amended, and
that said newspaper is a weekly news-
paper printed and published at Driggs,
in Teton County, Idaho, having a gen-
eral circulation in said county, and that
said newspaper has been printed in
said county for more than 78 consecu-
tive weeks prior to the first publication
of the attached notice, advertisement
or publication of

Notice of Claim to a Water
Right No 22-4002

And affiant further says that said
attached notice, advertisement or pub-
lication, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof, and
not in any supplement issue thereof,

for 2 consecutive issues thereof;
first publication having been made on

the 23 day of December

1971

and last publication on the 30

day of December, 1971

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 seven-
teen and three-fourths inches deep.

Louise L. Norton

Subscribed in my presence and sworn

to before me this _____ day of

_____, 19____

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

_____, 19____

RECEIVED

JAN 3 1972

Department of Water Administration
Eastern District Office

PUBLIC NOTICE

NOTICE OF CLAIM
TO A WATER RIGHT

No 22-4002

Notice is hereby given that Albert
W. Ure, Victor, Idaho has filed
a claim to a water right estab-
lished by diversion and application
to beneficial use of 0.63 cubic feet
per second of water from Juanita
Creek, tributary to sinks with point
of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
31, T. 4N, R. 46E, B.M., Teton
County.

The water is claimed to be used
from Jan. 1 to Dec. 31 for stock-
water purposes for 100 head of beef
cattle and domestic purposes for
one family; and from May 1 to
Oct. 1 for the irrigation of 40
acres; the place of use is within
the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 30, T. 4N, R.
46E, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration, 240 South Holmes,
Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Teton Valley
News, Driggs, Idaho on December
23 and December 30, 1971.

22 4002

January 13, 1972

Re: Claim to a Water Right No. 22-4002

Albert W. Ure
Victor, Idaho 83455

Dear Mr. Ure:

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:bb

Enclosure: Copy of claim

22 4002

RECEIVED

DEC 17 1971

Department of Water Administration

December 16, 1971

Mr. Albert W. Ure
Victor
Idaho 83455

Dear Mr. Ure:

It has come to our attention that your Claim No. 22-7053 was misnumbered.
The new number which has been assigned to your Claim is No. 22-4002.

Please forgive any inconvenience we may have caused you by this error.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BJ

22 4002

RECEIVED
DEC 17 1971
Department of Water Administration

December 16, 1971

C
Teton Valley News
Driggs
Idaho 83422

O
Gentlemen:

On December 13 we sent you a legal notice, Claim No. 22@7053 - Albert W. Ure, to be published in your paper on December 23 and 30.

P
It has come to our attention that the claim was misnumbered, and the correct number should be 22-4002.

Will you please make this correction and proceed with advertising.

Thank you.

Very truly yours,

Y
NORMAN C. YOUNG
District Engineer

NCY:BJ

22 4002

December 13, 1971

22-4002
Re: Claim No. ~~22-7053~~ - Albert W. Ure

Teton Valley News
Driggs,
Idaho 83422

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,

NCY:BJ
Enc: Legal notice

Bill submitted 1-5-72 By CR

22 4002

NOTICE OF CLAIM TO A WATER RIGHT

No. 22-7053 22-4002

Notice is hereby given that Albert W. Ure, Victor, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.63 cubic feet per second ~~acres/feet~~ of water from Juanita Creek, tributary to Sinks with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, T. 4N, R. 46E, B.M., Teton County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwater purposes for 100 head of beef cattle and domestic purposes for one family; and from with a priority of ~~XXXXXXXXXXXXXXXXXXXX~~ May 1 to Oct. 1 for the irrigation of 40 acres; the place of use is within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 30, T. 4N, R. 46 E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration., 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Teton Valley News, Driggs, Idaho on December 23 and December 30, 1971.

December 10, 1971

C
Alice K. Ure
Box 185
Victor, Idaho 83455

O
Dear Mrs. Ure:

Attached herewith is your receipt No. 7244 in the amount of \$10.00 for your
Claim No. 22-7053.

P
Very truly yours,

NORMAN C. YOUNG
District Engineer

Y
NCY:BJ

Attachment

Dept. of Water Admin.

RECEIVED

Dec. 9-71

DEC 10 1971

Department of Water Administration
Eastern District Office

1- This water was used for irrigation purposes even before after it was filed upon in 1910.

However this would be a good date to begin as it was used for cattle & domestic purposes since that time too. There has been various water systems devised & in diff. spots for domestic purposes. The present water system for the house was put in in 1945 but there was a lesser makeshift before then.

Mrs Ballard is in California again. We will get her to write a paper on this as soon as we can. However can we get this thru & send you her paper later

Sincerely,

2- Domestic 1910

3- Cattle 1910

22 4002

Albert Lee

22-4002

November 26, 1971

Mr. Albert W. Ure
Victor,
Idaho 83455

Dear Mr. Ure:

Pursuant to your letter of November 19, 1971, we are enclosing a copy of this Department's claim to a water right form. There is a \$10.00 filing fee on all claims.

Your easement over the Bureau of Land Management Land must be handled through the Bureau of Land Management, as we have no authority to grant easements or right-of-ways in these matters.

You have a decreed right in the case of Rexburg Irrigation Company vs. Teton Canal Company. The decreed amount is 15 inches from Juanita Creek. The date of the decree was December 16, 1970. There is no priority date listed. Perhaps you should contact a competent attorney concerning adjudication of Juanita Springs. There are no other rights recorded on Juanita Springs.

If we can be of further assistance to you in this, or any other matter, please contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enclosure

22 4002

Nov 19-71

Victor, Idaho

RECEIVED

NOV 22 1971

Department of Water Administration

Dep. of Ida. Dept. of Water Administration
 Boise, Idaho 83707

Dear Mr. Brooker,

In Ans. to your letter of Nov. 18, 1971.
You speak of us filing a "Claim to a water
right" on an enclosed Claim form. You did
not send the form with the letter. We would
appreciate ^{having} you send us one of the forms
by return mail. We cannot understand
why there is no record of the filings on
Janita Springs with the State. There is
an old decree for 15 in. of water filed in the
Teton County Court House. Evidence
of which has been sent to the B.L.M.
office in Idaho Falls. We felt it was only
an estimate yrs ago. I would like to fill
for a little more of the water, simply to
secure it. There is no question about
having established a right by use of the
water it just naturally runs onto &
thru our ranch.

22 4002

Would it be possible to get the
easement to run thru 1700 ft. of pipe line
on the B.L.M. before this lengthy process

of this thing etc. is finished. This is
\$5900.00 piece of work. The loan has
been approved by the I H A & the men
are ready to work. We cannot start
until the easement arrives (I H A Regulation)
If we don't get this in the next few
days — before more winter comes to us
it can't be done until after high-water, in
the summer. We are working right with
the SCS & ASCS. The pipe line will
come right off the B L M ground directly
onto our private ground — no ditches, canals
etc. on B L M. land. only the trench for the
line. We have a licensed engineer working
on the drawings & will submit them very soon

Sincerely
Mrs Robert W. Ure
Victor, Idaho

Albert W. We
Victor, Idaho
83455



State of Idaho 834002
Dept. of Water Administration
State House - Annex 2
Boise, Idaho 83707

November 18, 1971

Mr. Albert W. Ure
Victor,
Idaho 83455

Dear Mr. Ure:

We are returning your application for permit and check #92-239, in the amount of \$25.00. We have taken the liberty of re-typing your application for clarification. As we mentioned in our letter of November 10, 1971, it was necessary that you indicate the 40 acre tracts that you use the water in for other than irrigation purposes under item #8a.

You indicate that you have used this water for a number of years. If this is not a new appropriation of water, you should file a claim to a water right form with this office to record your historic use of the water. We have re-searched our records and cannot find any filings or decrees from Juanita Springs, covering your property. If you feel that you have established a right by use to this water, fill out the enclosed claim form.

Your application for permit should cover any new appropriation of water that you intend to use.

If you require any further assistance in this matter, you may contact our office here, or you may contact the District Office in Idaho Falls, at 240 South Holmes, Idaho Falls, Idaho 83401

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enc: check #92-239 (\$25.00)
application for permit
re-typed application

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 10, 1971

Mr. Albert W. Ure
Victor,
Idaho 83455

Dear Mr. Ure:

We are returning your application for permit form. After checking your application form, we have found a few questions that you should complete. It is also necessary that you include the proper filing fee before we can continue processing of your permit. The correct fee for 0.6 cubic feet per second of water will be \$25.00.

It is necessary in the case of livestock watering, to fill in item #8a,1 and #8a,3 on the form. Item #8b indicates a total of 60 acres irrigated, but your total is 40 acres. Can you make this clarification?

Because the Bureau of Land Management owns the land that the water is diverted from, it is necessary for you to explain in item #9a, any arrangement you have with them, such as an easement or special use permit.

If we can be of further assistance in this matter, please contact this Department at your earliest convenience.

Very truly yours,

James Booker

James Booker
Appropriation Examiner

*We have ^{at least} 15" of water
diverted to the ranch from an
old decree. Also this of no value
we pay range
\$25.00 more
decree for as a result of
this water is on*

RECEIVED
NOV 16 1971

Enc: application permit form

Department of Water Administration

*We have an application for an
easement connected with this with
Mr. Ladin. We called him on the
telephone.*

22 4002

November 10, 1971

Mr. Albert W. Ure
Victor,
Idaho 83455

Dear Mr. Ure:

We are returning your application for permit form. After checking your application form, we have found a few questions that you should complete. It is also necessary that you include the proper filing fee before we can continue processing of your permit. The correct fee for 0.6 cubic feet per second of water will be \$25.00.

It is necessary in the case of livestock watering, to fill in item #8a,1 and #8a,3 on the form. Item #8b indicates a total of 60 acres irrigated, but your total is 40 acres. Can you make this clarification?

Because the Bureau of Land Management owns the land that the water is diverted from, it is necessary for you to explain in item #9a, any arrangement you have with them, such as an easement or special use permit.

If we can be of further assistance in this matter, please contact this Department at your earliest convenience.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enc: application for permit form

22 4002

Victor Idaho
Nov 3. 1972

RECEIVED

NOV 4 1971

Department of Water Administration

State of Idaho
Dept. of Water Adm.

Dear Sir,

I enclose find application for permit
We had the Soil Conservation feel
this out with us. We hope that it
is acceptable. Will be glad to furnish
any other information you might need.

We would like to know if there
is any other filings on Javinta Springs.
We were told when we bought the
ranch that 90 in. of water was
decreed to it from these springs, even
tho that much does not run the year
around

Yours truly

Albert W. Use

Javinta Springs

Located Sec 31 T⁴ R 46 E² R² M

22 4002