

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 Bureau of Land Management
(Name of Claimant)
940 Lincoln Road Idaho Falls, Idaho 83401 Telephone No. 529-1020
(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) 4/70

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)
Snow runoff tributary to Sinks

(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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>2 AFA</u>	Use	<u>Stock water</u>	Period of Use From <u>4/1</u>	To <u>10/30</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) TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 1 Twp. 10N Rge. 41E B.M., County of Fremont
Additional points of diversion: None.

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. Reservoir

(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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10N	41E	1								X									

1130071-1130071

No. of acres

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

NOTE: Include here the type and number of stock watered: Less than 1,000 head cattle, wildlife

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

Application No.: 21-4064

Applicant: U.S. DEPT. OF INTERIOR,
BUREAU OF LAND MGMT., 230 COLLINS
RD., BOISE, ID 83702

Source: UNNAMED STREAM tributary to
SINKS

Priority Date: 04/01/1970

Amount: 2.0 AC-FT

Diversion Point: SENW Sec 01. T 10N R
41E, FREMONT Co.

Use: STOCKWATER (2.0 AC-FT) from
04/01 to 10/30

Place of Use: SENW Sec 01 T 10N R 41E

Diversion Means: RESERVOIR.

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

C. STEPHEN ALLRED
Director

Publ. Sept. 4 and 11, 1980AH

Sept 1980

to whom it may concern

Regarding Application no 21-4064
Applicant U.S. Dept of Interior BLM.

Source unnamed stream trib to sink
We the Arcadia Canal Co. have filed & ^{on} used
the water which flows through the sink
since 1890. The stream in application
is merely a high water outlet usually runs
only in mar to may or June - we must
herby file objection to claiming use
any time later than June 1st in any
year. Officers of the Arcadia Canal Co In

President
Merlin Jenkins
Sec. & Treasurer
Guy Thoburn

STATE OF IDAHO
COUNTY OF FREMONT

Subscribed to before me on this
19 day of Sep 1980

by Merlin Jenkins

Notary Public
Residing at St. Anthony, Idaho

My Commission Expires

Sept 1981

RECEIVED
SEP 22 1980

Department of Water Resources
Eastern District Office

RECEIVED

AFFIDAVIT OF
PUBLICATION

State of Idaho

ss.

County of Fremont

Carol Bessey

being first duly sworn, upon ^{he}his
oath, deposes and says:

That she is the editor
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont 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, advertisement or publica-
tion of notice.

Claims to Water
Rights # 21-4063
& 21-4064

And affiant further says that said
notice, advertisement of publica-
tion, 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 4

day of September, 1980,

and the last publication on the

11 day of September
1980.

And affiant further says that at the
times herein mentioned said news-
paper 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 deep.

Carol Bessey
Subscribed in my presence and

sworn to before me this 16

day of Sept,

1980.

Linda Sheldon

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following
claim(s) to water right(s) have been
established by diversion and application to
beneficial use:

Application No.: 21-4063
Applicant: BLANCHARD, VIRGIL A., BOX
115, CHESTER, ID 83421
Source: FALL RIVER tributary to SNAKE
RIVER
Priority Date: 06/01/1888
Amount: 4.00 CFS
Diversion Point: NWSW Section 20 T 08N
R 42E, FREMONT Co.
Use: STOCKWATER (4.00 CFS) from
11/01 to 03/01
Place of Use: SESE Sec 14 T 08N R 41E
NENE NWNE Sec 23 T 08N R 41E NWNW
Sec 24 T 08N R 41E
Diversion Means: CURR CANAL

Application No.: 21-4064
Applicant: U.S. DEPT. OF INTERIOR,
BUREAU OF LAND MGMT., 230 COLLINS
RD., BOISE, ID 83702
Source: UNNAMED STREAM tributary to
SINKS
Priority Date: 04/01/1970
Amount: 2.0 AC-FT
Diversion Point: SENW Sec 01 T 10N R
41E, FREMONT Co.
Use: STOCKWATER (2.0 AC-FT) from
04/01 to 10/30
Place of Use: SENW Sec 01 T 10N R 41E
Diversion Means: RESERVOIR

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

C. STEPHEN ALLRED
Director

Publ. Sept. 4 and 11, 1980AM

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SEP 16 1980

Department of Water Resources
Eastern District Office

RECEIVED

LINDA

PLEASE put this in

File 21-4064



United States Department of the Interior

IN REPLY REFER TO

7250.1

BUREAU OF LAND MANAGEMENT

Idaho Falls District
940 Lincoln Road
Idaho Falls, Idaho 83401

November 13, 1980

Ronald D. Carlson
Eastern Regional Supervisor
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED

NOV 18 1980

Re: Claim to a Water Right No. 21-4064

Department of Water Resources
Eastern District Office

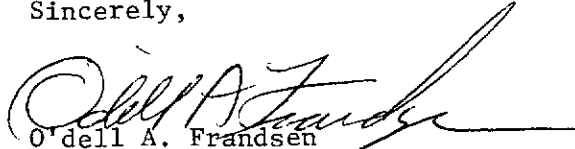
Dear Mr. Carlson:

With regard to the exception that was filed against the above referenced claim, I feel that a few points need clarifying. The claim is related to a catchment basin known as July Canyon Reservoir, which was completed in May of 1970. Its main purpose was to restrict snow runoff in the spring so that the water would be available for livestock throughout the summer. Because this project is supplying water to less than 1,000 head of stock and was constructed before May 20, 1971, there was really no need to apply for water rights. However, because the project is a recognized project on public land, we took the option to file a claim. This was in accordance with Idaho Code 42-243.

It appears there might be a misunderstanding about the water "source". Our application was written for a draw above the reservoir. Without the reservoir, the water would eventually sink into the ground in no specific area. The exception quotes a specific "sinks" area on which the Arcadia Canal Company has filed and used since 1890. The exception also says the "stream in application is merely a highwater outlet" when in fact, the draw in our application would be an inlet to this "sinks" area. It is not our intention to tap into water leaving this "sinks" area. We are only claiming the water stored behind the catchment which was constructed by the grazing permittees 10 years ago. We received no complaints from the canal company when the project was constructed.

For these stated reasons, I request that our claim be processed as is and this letter be made a part of our file.

Sincerely,


O'dell A. Frandsen
District Manager

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: jc

Right Number 21 4064 Applicant BLM

NOTE: 21-4064
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 Ernest Carlson Date 10-02-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maurice Date 10/3/80

10/3/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

SEPTEMBER 22, 1980

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
230 COLLINS RD.
BOISE

ID 83702

RE: Claim No. 21-4064

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

MICROFILMED

September 25, 1980

RE: Claim to a Water Right No. 21-4064 BLM

Merlin Jenkins, President
Arcadia Canal Company
Rt. #1, Box 79
Ashton, Idaho 83420

Dear Mr. Jenkins:

We have received the exception dated September 19, 1980, 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 Water Administration (renamed Department of Water Resources, July 1, 1974) 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 Resources. 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
Eastern Regional Supervisor

RDC:cw:kw

RECEIVED
SEP 27 1980
BLM

September 25, 1980

RE: Claim to a Water Right No. 21-4064

Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

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Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

RECEIVED
SEP 26 1980
BUREAU OF LAND MANAGEMENT

NOTICE OF CLAIMS TO WATER RIGHTS

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

C. STEPHEN ALLRED

Director

Published 9/04 & 9/11/80.

MICROFILMED

21-4064-

U.S. DEPT. OF INTERIOR

BUREAU OF LAND MGMT., 230 COLLINS RD., BOISE, ID 83702

Source: UNNAMED STREAM tributary to SINKS

Priority Date: 04/01/1970

Amount: 2.0 AC-FT

Diversion Point: SENW Sec 01 T 10N R 41E, FREMONT Co.

Use: STOCKWATER (2.0 AC-FT) from 04/01 to 10/30

Place of Use: SENW Sec 01 T 10N R 41E

Diversion Means: RESERVOIR.

MICROFILMED